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CONGRESSIONAL RECORD,

SIXTY-FIRST CONGRESS, THIRD SESSION.

SENATE.

TUESDAY, *February 21, 1911.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CULBERSON, and by unanimous consent, the further reading was dispensed with and the Journal was approved.

ABANDONMENT OF NAVY YARDS AND NAVAL STATIONS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Navy, transmitting, in response to a resolution of the 25th ultimo, detailed information relative to the number and character of buildings, their original cost, etc., at the navy yards and naval stations at New Orleans, Pensacola, Port Royal, and New London (S. Doc. No. 830), which was referred to the Committee on Naval Affairs and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House, by W. J. Browning, its Chief Clerk, announced that the House had passed the following bills and resolutions:

S. 10404. An act to authorize the Secretary of War to grant a right of way through lands of the United States to the Buckhannon & Northern Railroad Co.;

S. 10431. An act to authorize the Argenta Railway Co. to construct a bridge across the Arkansas River, between the cities of Little Rock and Argenta, Ark.;

S. J. Res. 131. Joint resolution authorizing the Secretary of War to receive, for instruction at the Military Academy at West Point, two Chinese subjects to be designated hereafter by the Government of China; and

S. J. Res. 139. Joint resolution authorizing the printing of the message of the President, together with the report of the agent of the United States in the North Atlantic Coast Fisheries Arbitration at The Hague.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 18512. An act for the relief of S. H. Robinson, of Allegheny County, Pa.;

H. R. 31987. An act providing for the releasing of the claim of the United States Government to arpent lot No. 44, in the old city of Pensacola, Fla.; and

H. R. 32767. An act for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 26150) to authorize the cities of Boston and Cambridge, Mass., to construct a drawless bridge across the Charles River between the cities of Cambridge and Boston.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 10574. An act to amend an act entitled "An act providing for the withdrawal from public entry of lands needed for townsite purposes in connection with irrigation projects under the reclamation act of June 17, 1902, and for other purposes," approved April 16, 1906; and

S. 10836. An act to authorize the Minnesota River Improvement & Power Co. to construct dams across the Minnesota River.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a concurrent resolution of the Legislature of the State of Oregon, which was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

House concurrent resolution No. 19.

Be it resolved by the house (the senate concurring):

Whereas the United States Government has found it necessary to secure a location for the maneuvers of the Regular Army and National Guards; and

Whereas such maneuvers are necessary for the drill and practice of National and State troops, if they are to excel in military skill; and

Whereas the difficulties in the way of securing a suitable location are of such magnitude as to threaten the efficiency of the Army and militia; and

Whereas there is a vast tract of unoccupied land in Klamath County, Oreg., embraced in the Klamath Indian Reservation and the Crater National Forest, the disposition of which rests with the United States Government: Therefore

Your memorialists do earnestly pray the President and Congress to set aside and appropriate 30,000 acres of land within the Klamath Indian Reservation and the Crater National Forest, for the use of the United States Army and the National Guards of the several States, subject to such rules and regulations as may from time to time be promulgated by the Secretary of War.

Adopted by the house January 26, 1911.
JOHN P. RUSK, *Speaker of the House.*

Concurred in by the senate February 6, 1911.
BEN SELLING, *President of the Senate.*

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UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon, and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of house concurrent resolution No. 19 with the original thereof, which was adopted by the house January 26, 1911, and concurred in by the senate February 6, 1911, and that it is a correct transcript therefrom and of the whole of such original.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 15th day of February, A. D. 1911.

[SEAL.] F. W. BENSON, *Secretary of State.*

The VICE PRESIDENT presented a memorial of the Legislature of the State of Oregon, which was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

Joint memorial No. 9.

Be it enacted by the Legislative Assembly of the State of Oregon:

Whereas the Persian walnut industry—commonly called the English walnut—of the State of Oregon, is of vast importance to the State and Nation, and inasmuch as there are approximately 250,000 acres of the choicest land in the United States adapted to walnut culture, lying in western Oregon, that can be made to produce from $6,000,000 to $10,000,000 worth of the finest walnuts in the world, within 20 years, by well-directed effort; and

Whereas there is urgent need of investigation and experiment relating to the walnut industry of this section, and as McMinnville, in Yamhill County, in this State, is the active center of this industry: Therefore be it

Resolved, That we, the senate and house of representatives of the State of Oregon, respectfully memoralize the Congress of the United States, to establish and maintain at McMinnville, Oreg., an experiment station, devoted to walnut culture investigation, under the direction of the United States Department of Agriculture.

Adopted by the house February 8, 1911.
JOHN P. RUSK, *Speaker of the House.*

Concurred in by the senate February 10, 1911.
BEN SELLING, *President of the Senate.*

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UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of house joint memorial No. 9 with the original thereof, which was adopted by the house February 8, 1911, and concurred in by the senate February 10, 1911, and that it is a correct transcript therefrom and of the whole of such original.

In testimony whereof, I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 15th day of February, A. D. 1911.

[SEAL.] F. W. BENSON, *Secretary of State.*

The VICE PRESIDENT presented a communication from the secretary of state of the State of Washington, transmitting a copy of house bill 207, passed by the Legislature of that State, which, with the accompanying paper, was ordered to lie on the table and to be printed in the RECORD, as follows:

An act making application to the Congress of the United States of America to call a convention for proposing amendments to the Constitution of the United States of America, as authorized by Article V of the Constitution of the United States of America.

Whereas the present method of electing a United States Senator is expensive, and conducive of unnecessary delay in the passage of useful legislation; and

Whereas the will of the people can best be ascertained by direct vote of the people: Therefore

Be it enacted by the Legislature of the State of Washington:

SECTION 1. That application be, and the same is hereby, made to the Congress of the United States of America to call a convention for proposing amendments to the Constitution of the United States of America as authorized by Article V of the Constitution of the United States of America.

SEC. 2. That a duly certified copy of this act be immediately transmitted to the presiding officer of each legislative body of each of the several States of the United States of America, through the governor of each of the several States, with a request that each of such legislatures pass an act of like import as this act.

Passed the house February 19, 1903.
Passed the senate March 7, 1903.
Approved by the governor March 12, 1903.

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THE STATE OF WASHINGTON,
DEPARTMENT OF STATE.

To all to whom these presents shall come:

I, I. M. Howell, secretary of state of the State of Washington and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of House bill No. 207, approved March 12, 1903, an act relative to election of United States Senators, the same

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being chapter 61 of the Laws of State of Washington of 1903, with the original copy of said law as enrolled, now on file in this office, and find the same to be a full, true, and correct copy of said original, and of the whole thereof, together with all official indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Washington.

Done at the capitol, at Olympia, this 15th day of February, A. D. 1911.

[SEAL.] I. M. HOWELL, *Secretary of State.*

Mr. BURNHAM presented memorials of Mountain View Grange, Patrons of Husbandry, of East Conway; of George R. Drake, secretary of the New Hampshire State Grange; of Wesley Adams, overseer of the New Hampshire State Grange; of John Flynn and L. A. Dresser, of Berlin; and of the Berlin Dry Goods Co., all in the State of New Hampshire, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. GUGGENHEIM presented a memorial of sundry agriculturists of northern Colorado, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a petition of the Weld County Farmers' Club, of Colorado, praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

Mr. BURKETT. I present a resolution adopted by the Legislature of the State of Nebraska, which I ask may be printed in the RECORD and referred to the Committee on Irrigation and Reclamation of Arid Lands.

There being no objection, the resolution was referred to the Committee on Irrigation and Reclamation of Arid Lands and ordered to be printed in the RECORD, as follows:

Whereas there is now pending in our National Congress H. R. 30799, by Mr. KINKAID of Nebraska, providing for graduated payments and a longer time than 10 years in which to repay the construction charges under Government irrigation projects as now provided by law; and

Whereas it appears that the desert lands irrigated by the interstate canal in Nebraska can not be immediately depended upon to provide a living for the settler and his family and make so large a yearly payment as the reclamation act and the regulations of the Interior Department now require; and

Whereas it has been actually demonstrated that these lands will not produce more than one good crop until alfalfa has been grown for two or three years; and

Whereas the abundant productiveness of valuable crops under the other canals have positively proven that it is only a matter of time for development when these lands will fulfill the most sanguine expectations; and

Whereas the season of 1910 has been most unfavorable for agriculture in that territory and that the settlers under said interstate canal are now in distressed circumstances, and there is pressing need for immediate action on the part of Congress to enact into law a more suitable system of payments making the same light during the first years and heavier later when the lands have been developed; and

Whereas we believe the homestead laws should be and were intended for the poor man's benefit, and that under the law returning all payments within 10 years, the poor man is positively barred from completing his payments and gaining title to the lands he may have entered under said reclamation act: Therefore be it

Resolved, The State Senate of Nebraska in regular session assembled heartily indorse H. R. 30799 and any similar legislation along said lines and ask our Senators and Representatives in the National Congress to give same their active support; and be it further

Resolved, That copies of this resolution be forwarded to our Senators and Representatives in Washington and to the honorable Secretary of the Interior.

Mr. BURKETT presented a memorial of Local Typographical Union No. 190, of Omaha, Nebr., remonstrating against any increase being made in the rate of postage on periodicals and magazines, which was ordered to lie on the table.

He also presented a petition of sundry veterans of the Civil War, of Inman, Nebr., praying for the passage of the so-called old-age pension bill, which was ordered to lie on the table.

Mr. SCOTT presented a memorial of Friendship Grange, No. 26, Patrons of Husbandry, of Monongalia County, W. Va., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

Mr. KEAN presented petitions of W. S. Davis, Lewis D. Sabagh, Abram P. Demarest, W. E. Murphy, Frank Vreeland, Le Roy D. Bogert, R. Van Keuren, A. E. Cooper, R. H. Lozier, J. H. Bennit, C. De Witt Gilbert, Clarence M. Green, Clarence J. Voorhis, H. L. Coburn, Conrad Lachmand, jr., and E. B. Terhune, of Hackensack, all in the State of New Jersey, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented memorials of Mickleton Grange, No. 111; Thoroughfare Grange, No. 59; Medford Grange, No. 36; Swedesboro Grange, No. 5; Woodstown Grange, No. 9; Kingwood Grange, No. 106; Pequest Grange, No. 178, of Tranquility; and of Cologne Grange, No. 191, of Egg Harbor City, of the Patrons of Husbandry, and of sundry citizens of Rutherford and Dover, all in the State of New Jersey, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented memorials of Rev. N. P. Crouse, of Stanhope; Charles J. Hely, of Newark; and of Henry Schroth, of West Hoboken; and of Typographical Union No. 424, of Orange, all in the State of New Jersey, remonstrating against any change being made in the rate of postage on periodicals and magazines, which were ordered to lie on the table.

He also presented a petition of sundry citizens of New Jersey, praying for the construction of the battleship *New York* in a Government navy yard, which was referred to the Committee on Naval Affairs.

Mr. BURROWS presented petitions of the Woman's Home Missionary Society of Pickford, of sundry citizens of North Adams and Vicksburg, and of the Woman's Christian Temperance Unions of Pickford, Cassopolis, Waldron, Bancroft, Dutton, Ionia, and of Kalamazoo County, all in the State of Michigan, praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors into prohibition districts, which were referred to the Committee on the Judiciary.

He also presented a petition of Local Hive, Ladies of the Modern Maccabees, of Lapeer, Mich., praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Liberty Grange, Patrons of Husbandry, of Ithaca, Mich., and a petition of sundry citizens of Sanilac County, Mich., praying for the passage of the so-called parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Stanton, Mich., remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. DILLINGHAM presented memorials of Riverside Grange, of Wheelock; Caledonia Grange, of East Warwick; Local Grange of Shoreham; and of Walcott Grange, all of the Patrons of Husbandry, in the State of Vermont, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. CURTIS. I present a telegram in the nature of a memorial from Maurice McAuliffe, president of the State Farmers' Union, of Salina, Kans., which I ask may be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the telegram was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

SALINA, KANS., *February 16, 1911.*

Hon. CHARLES CURTIS,
United States Senator, Washington, D. C.:

The Farmers' Union of Kansas, an organization representing several thousand farmers, directs me to communicate following to you:

Resolved by the Farmers' Union of Kansas in annual convention assembled here this day, That we believe that the proposed treaty with Canada would be injurious to the agricultural interests of our State. We therefore respectfully request our Senators to vote against the adoption of the proposed treaty.

MAURICE MCAULIFFE,
President State Farmers' Union.

Mr. GALLINGER presented memorials of Advance Grange, No. 20, of Wilton, of Local Grange, of Strafford; of Local Grange No. 104, of Bartlette, of the State Grange, Patrons of Husbandry, and of sundry citizens of Berlin, all in the State of New Hampshire, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a memorial of the Garfield Citizens' Association and sundry citizens of Washington, D. C., remonstrating against any change being made in the present board of education, which was referred to the Committee on the District of Columbia.

Mr. PENROSE presented a petition of Uniontown Council, No. 157, Junior Order United American Mechanics, of Cincinnati, Ohio, praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. STONE presented telegrams in the nature of memorials from George W. Mathews, of Canton; S. W. Durett, secretary of the Real Estate & Commercial Co., of Canton; E. O. Sutton, farmer, of Canton; George W. Vaughn, farmer, of Canton; P. W. Sublett, of Lagrange; John Garnett, farmer, of Canton; and John Ellis, farmer, of Canton, all in the State of Missouri, remonstrating against the ratification of the proposed reciprocal

agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented telegrams in the nature of petitions from William Rienhoff, of Springfield; T. J. Seehorn, J. E. Guinotte, J. J. Swofford, James Pendergast, R. L. Gregory, Mike Ross, Fred. W. Fleming, of Kansas City; John A. Duncan, William E. Stringfellow, Louis and William Huggins, Brown & Dollman, Walter H. Robinson, and Jamison Machine, of St. Joseph, all in the State of Missouri, praying that an increase be made in the rate of postage on periodicals and magazines, which were ordered to lie on the table.

Mr. WARREN. I present a resolution adopted by the executive committee of the National Association of Wool Manufacturers, recommending that action be not taken by the United States Senate on the Canadian reciprocity agreement until there has been a thorough examination of its details and time for its mature consideration by the American people. I ask that the resolution be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the resolution was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF WOOL MANUFACTURERS,
OFFICE, 683 ATLANTIC AVENUE,
Boston, Mass., February 16, 1911.

Resolved by the executive committee of the National Association of Wool Manufacturers, That it is the sense of this committee that no action should be taken by the United States Senate on the Canadian reciprocity agreement until there have been not only a thorough examination of the details of the agreement, but a mature consideration by the American people of the probable effect upon our farming and fishing interests, our commercial relations under treaty with other countries, and the American system of protection.

Mr. WARREN presented a memorial of the American Paper & Pulp Association, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a petition of C. H. Manning, of Sheridan, Wyo., praying that an investigation be made of the affairs of all wireless telegraph companies of the country, which was referred to the Committee on Commerce.

He also presented a petition of the American League of Associations for Home Advancement, Town and Village Improvement, and Home Trade Protection and Development, of Chicago, Ill., praying for the passage of the so-called rural parcels-post bill and requesting that a full and complete hearing be given on this matter, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Lodge No. 89, International Association of Machinists, of Cheyenne, Wyo., praying for the enactment of legislation providing that all United States battleships be built in Government navy yards, which was referred to the Committee on Naval Affairs.

He also presented a petition of the Macmillan Publishing Co., of New York City, N. Y., praying that an increase be made in the rate of postage on periodicals and magazines, which was ordered to lie on the table.

Mr. DICK presented a petition of the National Board of Trade, praying that an appropriation be made providing for irrigation of the forests of the country and the conservation of the national resources, which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also presented a petition of the National Board of Trade, praying for the establishment of a central banking system, which was referred to the Committee on Finance.

He also presented resolutions adopted by the National Board of Trade, favoring a continuance of the present Tariff Board and also for the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a memorial of the National Board of Trade, remonstrating against the enactment of legislation providing for Federal inspection of grain and the present facilities for marketing agricultural products, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the National Board of Trade, praying for the enactment of legislation looking toward the re-creation of the American merchant marine, which was referred to the Committee on Commerce.

He also presented a petition of the National Board of Trade, praying for the establishment of a United States board of patent appeals, which was referred to the Committee on the Judiciary.

He also presented a petition of the National Board of Trade, praying for the adoption of a 1-cent letter postage, etc., which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the National Board of Trade, praying for the establishment of additional stations for immigrants at one or more of the South Atlantic or Gulf ports, which was referred to the Committee on Immigration.

He also presented resolutions adopted by the National Board of Trade, indorsing the national pure-food law, which was referred to the Committee on Manufactures.

He also presented a petition of the National Board of Trade, praying for the repeal of the present bankruptcy law, which was ordered to lie on the table.

He also presented a petition of the National Board of Trade, praying for the establishment of a court of arbitral justice and commercial education and for the reorganization of the Diplomatic and Consular Service, which was referred to the Committee on Foreign Relations.

He also presented a petition of the National Board of Trade, praying for the compilation and adoption of a uniform classification of freights, which was referred to the Committee on Interstate Commerce.

He also presented resolutions adopted by the National Board of Trade, favoring certain river and harbor improvements, more adequate dock facilities for the prevention of floods, for the improvement of inland waterways and continuous waterways, for the municipal ownership of terminal facilities, and for the development and regulation of waterways, which were referred to the Committee on Commerce.

Mr. BRISTOW presented a memorial of sundry citizens of Kansas, remonstrating against the passage of the so-called rural parcels-post bill, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Kansas, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Kansas, praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors into prohibition districts, which was referred to the Committee on the Judiciary.

Mr. BRIGGS presented petitions of Washington Camps Nos. 62, of Woodbury, and 116, of Elberon, of the Patriotic Sons of America; of Local Union No. 121, of Bridgeton, and of Local Union No. 265, of Hackensack, of the United Brotherhood of Carpenters and Joiners of America; and of the Central Labor Union of Camden, all in the State of New Jersey, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented the petitions of Henry H. Croft, of Blue Anchor; of I. D. Lurn, of Madison; of Adam Aberle, of Union; and of A. R. Louden, of Trenton, all in the State of New Jersey, praying for the passage of the so-called old-age pension bill, which were ordered to lie on the table.

He also presented the petition of William D. Sargent, of West Orange, N. J., praying that an appropriation be made for the construction of a Lincoln memorial road from Washington, D. C., to Gettysburg, Pa., which was referred to the Committee on Appropriations.

He also presented the petition of Benjamin F. Whitecar, of Haddonfield, N. J., praying for the enactment of legislation providing for the inspection of egg products by the Government, which was referred to the Committee on Agriculture and Forestry.

He also presented memorials of the Local Granges of Cologne, Medford, and Woodstown; of Pequest Grange, of Tranquility, of the Patrons of Husbandry; and of the Burlington County Board of Agriculture, all in the State of New Jersey, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a petition of sundry citizens of Trenton, N. J., praying for the construction of the United States battleship *New York* in a Government navy yard, which was referred to the Committee on Naval Affairs.

Mr. PAGE presented a petition of Local Council, Junior Order United American Mechanics, of Fairfax, Vt., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. PERKINS presented a memorial of the Merchants' Exchange, of San Francisco, Cal.; and a memorial of the City Club, of Berkeley, Cal., remonstrating against the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which were referred to the Committee on Post Offices and Post Roads.

Mr. PILES presented a memorial of Fern Bluff Grange, No. 267, Patrons of Husbandry, of Sultan, Wash., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a petition of Local Council No. 2, Junior Order United American Mechanics, of Seattle, Wash., praying

for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. SMITH of South Carolina presented telegrams in the nature of memorials from Rodgers, McCabe & Co., E. P. Grice, of Charleston; Charles Crosland, of Bennettsville; J. W. Dillon, Carpenter, Baggott & Co., Wade Stackhouse, and W. T. Betsbea, of Dillon; Joseph Wylie & Co., G. D. Heath, and H. Samuels, of Chester; the Abbeville Cotton Mills & Manufacturing Co., of Abbeville; LeRoy Springs, of Lancaster; T. A. Earle, of Greenville; P. T. Hayne, of Greenville; H. W. Crouch, of Johnston; W. S. Bailey, W. J. Dendy, G. C. Young, John D. Davis, the Clinton Cotton Mill, the Banna Manufacturing Co., of Clinton; and the Laurens Chamber of Commerce, of Laurens, all in the State of South Carolina; of Thomas Barrett, jr., and A. J. Salinas, of Augusta, Ga., remonstrating against the passage of the so-called Scott anti-option bill relative to dealing in cotton futures, etc., which were ordered to lie on the table.

He also presented petitions of Broad River Council, No. 60, of Cherokee Falls; of Bethany Council, No. 65, of Clover; of Brookland Council, No. 35, of New Brookland; and of Limestone Council, No. 17, of Gaffney, all of the Junior Order United American Mechanics, in the State of South Carolina; and of Washington Camp, No. 1, of Rock Hill; and Washington Camp, No. 2, of Greenwood, Patriotic Order Sons of America, of South Carolina, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. DEPEW presented memorials of Chazy Grange, No. 981; Erie Pomona Grange, of Akron; Schuyler Grange, No. 30; Hamilton Grange, No. 648; Seeber's Lane Grange, No. 1193; Aurelius Grange, No. 1196; Perry Grange, No. 1163; Castle Grange, No. 1017; Montgomery Pomona Grange; Sherwood Grange, No. 1034; Bullville Grange, No. 1002; Olean Grange, No. 791; Hopewell Grange, No. 472; Saratoga Grange, No. 1209; Lake Placid Grange; South Rutland Valley Grange; Battle Hill Grange, No. 861; and Livonia Grange, No. 1180, all of the Patrons of Husbandry; of Stationary Firemen's Local Union No. 17, of Syracuse; of Stationary Firemen's Local Union No. 11, of Buffalo; of the American Paper and Pulp Association; and of sundry citizens of Gouverneur, Niagara Falls, Lima, Ransomville, Kirkville, Herkimer, Palmer, Livonia Center, and Canandaigua, all in the State of New York, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a petition of Lafayette Post, No. 140, Department of New York, Grand Army of the Republic, of New York City, N. Y., praying for the passage of the so-called old-age pension bill, which was ordered to lie on the table.

He also presented a petition of the Unity Republican Club, of Brooklyn, N. Y., praying that an increase be made in the rate of postage on periodicals and magazines, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Batavia, Medina, Niagara Falls, Buffalo, Auburn, Avon, Syracuse, New York City, Fulton, Lockport, Tonawanda, and North Tonawanda, all in the State of New York, remonstrating against the enactment of legislation providing for the control and regulation of the waters of Niagara Falls, which were referred to the Committee on Foreign Relations.

Mr. OVERMAN presented petitions of Local Council of Winston Salem; Local Council of Altamont; Local Council No. 284, of Highlands; Local Council No. 307, of Trinity; Local Council No. 29, of High Point; Local Union No. 158, of Franklin; and Local Council of Winterville, Junior Order United American Mechanics, all in the State of North Carolina, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a memorial of sundry citizens of North Carolina, remonstrating against the proposed donation of 300,000 acres of Government land to the Archbishop of Santa Fe, N. Mex., for the establishment of a Roman Catholic training school, which was referred to the Committee on Territories.

Mr. STEPHENSON presented a petition of sundry citizens of Kaukauna, Wis., praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the State Synod of the Presbyterian Church of Wisconsin, praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors into prohibition territory, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of Local Grange No. 566, Patrons of Husbandry, of Abrams, Wis., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a petition of the Board of Trade of La Crosse, Wis., praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

Mr. McCUMBER presented memorials of sundry citizens of Great Bend and St. Thomas, N. Dak., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. SMITH of South Carolina presented memorials of the Southern Periodical Publishing Association, of Atlanta, Ga.; the Farm Journal, of Philadelphia, Pa.; the Priscilla Publishing Co., of Boston, Mass.; of the Chamber of Commerce of Charleston; and of sundry citizens of Blackstock and Denmark, in the State of South Carolina, remonstrating against any change being made in the rate of postage on periodicals and magazines, which were ordered to lie on the table.

Mr. CLARKE of Arkansas. I present a memorial from the National Society of Colonial Dames of America in Arkansas, which I ask may be printed in the RECORD and referred to the Committee on the District of Columbia.

There being no objection, the memorial was referred to the Committee on the District of Columbia and ordered to be printed in the RECORD, as follows:

To the honorable Senate of the United States in Congress assembled:

The National Society of Colonial Dames of America in Arkansas memorialize your honorable body, and respectfully and urgently protest against the establishment of a criminal reformatory for the District of Columbia on what is known as the Belvoir or White House tract in Virginia, in the near vicinity of the home and grave of George Washington.

The tract of land thus far chosen for the purpose is 3½ miles from Mount Vernon, and forms a part of the peninsula extending within 2½ miles of Mount Vernon, the whole of which peninsula, this society has been informed, it is contemplated ultimately to acquire for the reformatory. The home of Nellie Custis is within about one-half mile of the Belvoir tract, while the house of George Mason is within about 1 mile or less.

This society submits that there can be neither necessity nor propriety in the location of such an institution in the setting of these historic homes so closely associated with the independence of our country, and especially that it would be a national discredit to place a penal criminal institution in the immediate vicinity of the home and burial place of Washington.

A protest was submitted to the Commissioners of the District of Columbia with promptness, when the matter was first brought to the attention of the regents of the Mount Vernon Association, and we join with that association and appeal to this honorable body, because of the firm conviction that it will arouse the sentimental interest of every patriotic citizen of the United States, and this society submits the matter to the Congress of the United States and invokes its portection.

Respectfully submitted.

Done by the National Society of Colonial Dames of America in Arkansas, at Little Rock, Ark., this 9th day of February, 1911.

FRANCES ASHLEY JOHNSON,
President of the Society in Arkansas.

[SEAL.]

LAURA LEWIS BUNCH,
Secretary of the Society in Arkansas.

Mr. HEYBURN. I present joint memorial No. 6, adopted by the Legislature of the State of Idaho, relative to the abolishment of all rules of the Forest Service governing the removal of dead timber by the settlers. I ask that the joint memorial be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the joint memorial was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

House joint memorial No. 6.

Be it resolved by the house of representatives of the State of Idaho (the senate concurring), That the Congress of the United States be memorialized as follows:

Whereas under the present rules formulated by the national forestry officials governing and controlling the use of the national forests with reference to removing therefrom dead timber, it is very inconvenient and hard for the settlers who desire to use this dead timber to obtain the same, because the procedure necessary to go through is very lengthy, undesirable, and costly to users thereof; and

Whereas said dry timber, by laying in the national forests, exposes the growing timber to the danger of fire and thereby is a menace to the national forest and should be removed: Now therefore be it

Resolved, That the Congress of the United States is hereby requested to abolish all rules of the Forest Service governing the removal of dead timber by the settlers, so as to make it as convenient as possible to remove the same from the national forest for use by the settlers and thereby favor not only the settlers but promote the welfare and protection of the national forest of the United States.

This memorial passed the house of representatives on the 6th day of February, 1911.

CHARLES D. STOREY,
Speaker of the House of Representatives.

This memorial passed the senate on the 15th day of February, 1911.

L. H. SWEETSER,
President of the Senate.

I hereby certify that the within house joint memorial No. 6 originated in the house of representatives of the Legislature of the State of Idaho, during the eleventh session.

JAMES H. WALLIS,
Chief Clerk of the House of Representatives.

STATE OF IDAHO,
DEPARTMENT OF STATE.

I, Wilfred L. Gifford, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of house joint memorial No. 6, by Hall and Pincock, relating to the abolishing of all rules of the Forest Service governing the removal of dead timber by the settlers (passed the house Feb. 6, 1911; passed the senate Feb. 15, 1911), which was filed in this office the 17th day of February, A. D. 1911, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State.

Done at Boise City, the capital of Idaho, this 17th day of February, in the year of our Lord one thousand nine hundred and eleven and of the Independence of the United States of America the one hundred and thirty-fifth.

[SEAL.] WILFRED L. GIFFORD, *Secretary of State.*

Mr. BOURNE. I present a joint memorial of the Legislature of the State of Oregon, which I ask may be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the joint memorial was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

House joint memorial No. 10.

Whereas the Canadian reciprocal agreement proposing the removal of duties upon farm and timber products is now under consideration by Congress; and

Whereas the removal of these existing tariffs upon its products will work inestimable damage to the welfare of the State; and

Whereas by reason of the shipping laws of the United States foreign vessels can not be used between domestic ports, while vessels under any flag can be used between Canadian ports and those of the United States, thereby securing very much lower rates and making the competition more difficult to meet; and

Whereas a tariff commission has been appointed by the President of the United States to examine into and report on the necessity of changes in our present tariffs on all commodities, both raw and manufactured: Therefore be it

Resolved, That the Legislature of the State of Oregon requests its Senators and Representatives in Congress to oppose the ratification or consent of or to said Canadian reciprocal agreement at this time, and until said tariff commission has reported and the country is more fully advised as to the effect such agreement will have upon the industries and development of the United States.

Adopted by the house February 9, 1911.

JOHN P. RUSK, *Speaker of the House.*

Concurred in by the senate February 14, 1911.

BEN SELLING, *President of the Senate.*

UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of house joint memorial No. 10 with the original thereof, which was adopted by the house February 9, 1911, and concurred in by the senate February 14, 1911, and that it is a correct transcript therefrom and of the whole of such original.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 16th day of February, A. D. 1911.

[SEAL.] F. W. BENSON, *Secretary of State.*

Mr. BOURNE. I present a joint memorial of the Legislature of the State of Oregon, which I ask may be printed in the RECORD and referred to the Committee on Pensions.

There being no objection, the joint memorial was referred to the Committee on Pensions and ordered to be printed in the RECORD, as follows:

Senate joint memorial No. 8.

To the honorable Senate and House of Representatives, Congress of the United States, gentlemen:

Your memorialists, the Legislative Assembly of the State of Oregon, would respectfully and earnestly represent to your honorable body that the pension granted to the veterans of the Oregon Indian wars of 1847, 1848, 1855, and 1856, to wit, $8 per month, is inadequate to the deserts and needs of the few of these old veterans who remain with us as living evidence of the patriotic work performed by them.

That the claims of these men to national recognition and gratitude have been already acknowledged by State and Nation, but in fixing their reward the spirit of economy was largely the controlling influence, and the pensions allowed them are entirely too small.

We therefore urge your honorable body to pass a bill granting to the veterans of the Indian wars above mentioned an increase of pensions, thus placing the veterans of all these wars upon the same footing as the veterans of the Civil War. The number of the survivors of all Indian war veterans is now small; they are old and decrepit, and their ranks are fast becoming depleted, and we feel that their services to State and Nation have been sufficient to warrant the payment to them of a pension equivalent to that paid to the survivors of the Civil War.

It is hereby directed that a copy of this memorial, duly signed by the president of the senate and the speaker of the house, and attested by the chief clerks of the two houses, be forthwith forwarded to each of Oregon's Senators and Representatives in Congress.

Adopted by the Senate February 10, 1911.

BEN SELLING, *President of the Senate.*

Attest:

E. H. FLAGG, *Chief Clerk of the Senate.*

Adopted by the house February 13, 1911.

JOHN P. RUSK, *Speaker of the House.*

Attest:

W. F. DRAGER, *Chief Clerk of the House.*

UNITED STATES OF AMERICA,
OFFICE OF THE SECRETARY OF STATE.
STATE OF OREGON.

I, F. W. Benson, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of senate joint memorial No. 8 with the original thereof, which was adopted by the senate February 10, 1911, and adopted by the house February 13, 1911, and that it is a correct transcript therefrom and of the whole of such original.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 16th day of February, A. D. 1911.

[SEAL.] F. W. BENSON, *Secretary of State.*

Mr. BOURNE. I present a joint memorial of the Legislature of the State of Oregon, which I ask may be printed in the RECORD and referred the Committee on Education and Labor.

There being no objection, the joint memorial was referred to the Committee on Education and Labor and ordered to be printed in the RECORD, as follows:

House joint memorial No. 5.

A memorial to Congress for adoption by the House of Representatives and Senate, now in session, pertaining to protection of manufacturing industries in States in which the interstate-commerce laws at this time render ineffective protection to said manufacturing industries.

Whereas the manufacturers of Oregon and the home industries of this State are made to suffer through the lack of protection afforded on account of the rulings of the courts in reference to the interstate-commerce laws; and

Whereas the State of Oregon is being flooded with goods and with merchandise which, being made in any penitentiary, prison, reformatory, or other like institutions, are proving to be the detriment of the home industries of this State: Therefore be it

Resolved, That the State senate and the house of representatives now assembled do present this, a memorial, to Congress, requesting that Congress do protect the various States' industries by providing a law that all such penitentiary and penal made goods be stamped, labeled, or marked by the institution making such goods with the name of the institution, the date of manufacture, and that such goods or merchandise be so stamped, labeled, or marked before leaving such institution for interstate shipment; and be it further

Resolved, That a copy of these resolutions be forwarded to Oregon's United States Senators and Representatives.

Adopted by the house February 6, 1911.

JOHN P. RUSK, *Speaker of the House.*

Concurred in by the senate February 14, 1911.

BEN SELLING, *President of the Senate.*

UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of house joint memorial No. 5 with the original thereof, which was adopted by the house February 6, 1911, and concurred in by the senate February 14, 1911, and that it is a correct transcript therefrom and of the whole of such original.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 16th day of February, A. D. 1911.

[SEAL.] F. W. BENSON, *Secretary of State.*

Mr. BOURNE. I present a joint memorial of the Legislature of the State of Oregon, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the joint memorial was ordered to lie on the table and to be printed in the RECORD, as follows:

House joint memorial No. 13.

To the honorable Senate and House of Representatives, Congress of the United States:

GENTLEMEN: Your memorialists, the Legislative Assembly of the State of Oregon, would respectfully and earnestly represent to your honorable body that the pensions now granted under existing laws to the veterans of the Civil War are, by reason of advancing age and increasing infirmities, inadequate to the deserts and needs of these old soldiers who are so rapidly passing away.

We therefore urge upon your honorable body the passage of House bill 29346—the Sulloway bill—granting increased pensions to the survivors of the Civil War commensurate with their increasing age and infirmities.

The number of survivors of the Civil War is rapidly growing smaller and their ranks are fast becoming depleted, and we feel that their services to the Nation have been sufficient to warrant the payment to them of the pension provided for in this bill.

It is hereby directed that a copy of this memorial, duly signed by the president of the senate and the speaker of the house, and attested by the chief clerks of the two houses, be immediately forwarded to each of the Oregon Senators and Representatives in Congress.

Adopted by the house February 13, 1911.

JOHN P. RUSK, *Speaker of the House.*

Attest:

W. F. DRAGER, *Chief Clerk of the House.*

Adopted by the senate February 14, 1911.

BEN SELLING, *President of the Senate.*

Attest:

E. H. FLAGG, *Chief Clerk of the Senate.*

UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully

inal thereof, which was adopted by the house February 13, 1911, and compared the annexed copy of house joint memorial No. 13, with the orig- adopted by the senate February 14, 1911, and that it is a correct transcript therefrom and of the whole of such original.

In testimony whereof, I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 16th day of February, A. D. 1911.

[SEAL.] F. W. BENSON, *Secretary of State.*

Mr. BOURNE. I present a joint memorial of the Legislature of the State of Oregon, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the joint memorial was ordered to lie on the table and to be printed in the RECORD, as follows:

House joint memorial No. 8.

To the Congress of the United States, greeting:

Whereas numerous Volunteer regiments who enlisted for the War with Spain in 1898 that were sent to the Philippine Islands and did valiant service there in suppressing the Philippine insurrection after the treaty of peace with Spain was signed were returned to the United States and mustered out without being paid the customary travel pay allowed soldiers under similar conditions:

Therefore we, your memorialists, the Legislative Assembly of the State of Oregon, earnestly pray your honorable body to enact into law a bill for the purpose of giving travel pay to all Volunteer soldiers who remained in the Philippine Islands doing service after the treaty of peace with Spain was signed and who have not heretofore obtained the same.

Adopted by the house February 6, 1911.

JOHN P. RUSK, *Speaker of the House.*

Concurred in by the senate February 14, 1911.

BEN SELLING, *President of the Senate.*

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UNITED STATES OF AMERICA,
STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of house joint memorial No. 8 with the original thereof, which was adopted by the house February 6, 1911, and concurred in by the senate February 14, 1911, and that it is a correct transcript therefrom and of the whole of such original.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 16th day of February, A. D. 1911.

[SEAL.] F. W. BENSON, *Secretary of State.*

RECIPROCITY WITH CANADA.

Mr. GRONNA. I have received a letter from R. T. Kingman, of the Kingman Farm, Hillsboro, Traill County, N. Dak., dated February 16, 1911, with reference to reciprocity with Canada. I ask that the letter may be read.

The VICE PRESIDENT. Without objection, the letter presented by the Senator from North Dakota will be read.

The Secretary proceeded to read the letter.

Mr. HEYBURN. Mr. President, a question of privilege. Where did this document come from?

The VICE PRESIDENT. It was presented by the Senator from North Dakota [Mr. GRONNA], who asked unanimous consent that it be read.

Mr. HEYBURN. It is a most unusual thing to read into the RECORD.

Mr. GRONNA. I will say to the Senator from Idaho that I believe after the reading of the remainder of the letter he will be perfectly willing that it shall be printed in the RECORD.

Mr. HEYBURN. Of course I do not arrogate to myself the right to criticize the judgment of another Senator in asking that matter be printed in the RECORD, but——

Mr. LODGE. Is it a petition?

Mr. HEYBURN. No; it is not a petition, I understand.

The VICE PRESIDENT. It is a letter from an individual, the Chair understands.

Mr. HEYBURN. Yes; and it is a most unusual letter, and not at all within the character of letters which we are accustomed to admit into our records.

The VICE PRESIDENT. It is being read by unanimous consent. If there is no objection, the Secretary will proceed with the reading.

Mr. LODGE. How long is it? We have not a great deal of time.

The VICE PRESIDENT. The Secretary informs the Chair that it consists of six typewritten pages. The Secretary will proceed with the reading, if there be no objection.

The Secretary resumed the reading.

Mr. STONE. Mr. President, sufficient of that document has been read for the Senate to understand the argument it contains against the reciprocity agreement. I think I will object to its further reading.

The VICE PRESIDENT. The question is, Will the Senate permit the document to be read? [Putting the question.] The ayes appear to have it. The ayes have it, and the Secretary will continue the reading.

The Secretary resumed the reading.

Mr. STONE. Mr. President, I rise to a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Missouri will state it.

Mr. STONE. I ask whether a further objection can be entertained to the reading of the document?

The VICE PRESIDENT. Whenever the reading of a document is objected to the question is decided by a vote of the Senate, under the rules of the Senate. The Senator from Missouri objected, the Chair put it to a vote, and the Senate voted that the document should be read. The Secretary will proceed with the reading.

The Secretary resumed and concluded the reading of the letter, which is as follows:

THE KINGMAN FARM,
Hillsboro, N. Dak., February 16, 1911.

Hon. A. J. GRONNA,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Knowing from the newspapers your position in reference to this matter of reciprocity with Canada, knowing also that you must be overwhelmed with communications from others on this same subject, it seems useless for me to add my mite; but after reading Mr. Hill's speech delivered in Chicago I am so stirred up I can not help but express my resentment at his tirade and his unjust and unfair statements.

As one of those "ignorant farmers," with no reasoning power of my own, having been imposed upon by those "despicable, scheming demagogues," would like to ask Mr. Hill—

Why is he so ardently interested in the consummation of this agreement? Has he no "selfish axes to grind?"

Why Mr. Hill's visit to Washington at the time when negotiations were pending?

Why, the day after the vote in the House, did Great Northern stock advance on the New York Stock Exchange from $1.29½ to $1.36½?

Why this sudden announcement of his decision to build a $2,000,000 depot in the city of Winnipeg?

Why all this childish, crazed interest all of a sudden in the welfare of the dear people?

There is a reason.

Let any fair-minded man take a Great Northern folder, inspect the map therein, and he will see the reason. He will find 12 separate Great Northern lines, or branches, running to the Canadian boundary line, five of them already penetrating into Canada, each of them merging with the three main lines from Minneapolis and Duluth, all built and in operation, ready to haul 50,000,000 or possibly 100,000,000 bushels of Canadian wheat into the already well-supplied markets of Duluth and Minneapolis—markets that always have been and can always be well supplied from the northwestern farms within the borders of the United States.

Is it a wonder that Mr. Hill is interested, exerting every possible influence within his great power to bring about the consummation of this pact? During the years of 50-cent and 60-cent wheat and those big visibles he urged us to "hold on," telling us that in a few years increased consumption would go abreast of production and that we would then be independent of Liverpool and get fair prices for our wheat. Mr. Hill, with his new purposes, has evidently forgotten this, while now that we are within reach of that goal, with prospect for fair prices for our wheat, the floodgates of Canada are to be opened and the larger portion of her $200,000,000 wheat crop dumped upon us, and he tells us now that it will be a good thing for us. * * *

Since the agreement was announced on the 26th of January wheat has fallen 11⅛ cents in Duluth and only 4 cents, or, to be exact, 3⅞ cents, at Winnipeg. To be exact:

	Duluth.	Winnipeg.
Jan. 26	$1.05⅞	$0.94⅛
Feb. 15	.94¾	.90⅛
Depreciation	.11⅛	.04

The commission houses make no bones about the fact that it is a result of this measure, which they all agree must pass.

The membership price on the Minneapolis board has advanced $750 in the last two weeks. All winter long the Minneapolis and Liverpool markets have been practically at the same level. Did Liverpool make the Minneapolis price?

A neighbor of mine who recently sold his farm just across the line from Portal tells me this morning that early in November, 1910, the elevator price of wheat at Estavan, his Canadian town, was 55 cents, while at Portal, on our side, the elevator price was 75 cents. He also tells me that farm land on our side was selling from $25 to $30 per acre, while just across the line the price was from $15 to $20. He sold his for $18. I believe this statement to be true. Jim Hill might explain the difference in the price of wheat between the two towns; he might also explain why, at the same time, the elevator price in the Red River Valley was 95 cents and only 75 cents at Portal, 250 miles west; but of course the Great Northern dividend must be paid.

Take down the bars, flood our country with 100,000,000 bushels of Canadian wheat, or even 50,000,000 bushels, and see the result. Our farm price will then be the Liverpool price less the freight, commissions, and the loss from State dockages and mixing houses on the way.

As I understand it, the President is chiefly interested in lowering the cost of living. I do not know what per cent of the common people in the cities buy their bread of the bakers, but I feel sure it is a very large class. Will the lowering of the price of flour 25 cents, 50 cents, or even $1 per barrel make any difference in the price of a loaf of bread? Will the lowering of the price of barley make any difference in the cost of a glass of beer? No doubt the big millers, the big commission houses of Minneapolis, Duluth, and Chicago, the railroads, and the big packers will be benefited. If the President is so anxious to lower the cost of living, why retain the duty on flour and the beef products? Do the big millers and the big packers need this protection?

Must the farmer make all the sacrifice? And, in this connection, are the producers of beef, pork, and mutton getting too much for their stuff? Take the Chicago live-stock quotations of February 15 and you will find beeves quoted from $5 to $6.80 per hundredweight; western steers, $4.40 to $5.60; cows and heifers, $2.60 to $5.70; hogs, $6.75 to $7.30; sheep ewes and wethers, $2.75 to $4.50; lambs, $4.50 to $6.25. Deducting from these prices 50 cents to $1 per hundredweight for freight, shrinkage, and commission to get the net prices the farmer receives, it is a fair statement to say that the average price received by the farmers in the Mississippi Basin would not exceed 5 cents for their beef, 6 cents to 6½ cents for their hogs, and 3½ cents for their mutton. Is this too much? Are the farmers making more than a fair profit at these prices? Even the big packers are making a wholesale price on meats that is fair. From the Breeders' Gazette, of February 1, the last issue of which I have at hand, I find the following market price for beef cuts on the South Water Street Market, Chicago. This includes, mind you, the packers' profit and the South Water Street commission man's profit:

	No. 1.	No. 2.	No. 3.
	Cents.	*Cents.*	*Cents.*
Ribs	12	11½	8½
Loins	14	13	10
Rounds	9	8½	8
Chucks	8	7½	6½
Plates	7	6½	5½

The same periodical tells me that the cold-storage plants are filled with mutton carcasses, which they find hard work to dispose of at from 5 cents to 8 cents dressed. Are these prices too high? No; 'tis the middle man who is causing the present high cost of living, and there you should look for relief. Pass this measure and you will not lower the cost of living to the consumer 10 cents a week. You will rob the farmer of millions, putting into the pocket of the middle man. You will lower the standard of farms, farm methods, and farm life, put one-fourth of our population back 25 years on the road of progress, open an avenue for millions of our accumulations in the development and upbuilding of a field in another land at the expense of our own, and when you are through you will find that one-third of our people have been robbed of their purchase power to buy the manufactured products of our land. But I fear the hand of Democracy is upon us! The Republican Party and its time-honored principles has been betrayed in the house of its friends. It seems incredible to us that 78 Republicans should have voted for this measure in the House. I am glad there are 88 left. I would like to grasp each one by the hand and congratulate him; and, sir, when free trade shall come equally to all of us, we will not complain, and when it does the other fellow may have time to reflect.

Jim Hill's speech in Chicago has stirred our people to the core. In my honest opinion, there is not a legitimate farmer in this State in favor of this measure. Our people appreciate the position you have taken and expect you and Senator McCUMBER to do your utmost in its defeat.

Sincerely, yours, R. T. KINGMAN.

The VICE PRESIDENT. The letter will be referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. BROWN, from the Committee on Indian Affairs, to which was referred the bill (H. R. 32264) for the relief of Frances Coburn, Charles Coburn, and the heirs of Mary Morrisette, deceased, reported it without amendment and submitted a report (No. 1207) thereon.

Mr. OVERMAN, from the Committee on Claims, to which was referred the bill (S. 10397) for the relief of the Atlantic Coast Line Railroad Co., reported it without amendment and submitted a report (No. 1208) thereon.

Mr. CURTIS, from the Committee on Pensions, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

A bill (H. R. 32674) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors (Rept. No. 1209); and

A bill (H. R. 32435) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors (Rept. No. 1210).

Mr. GUGGENHEIM, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 9915) to enable the Secretary of Agriculture to more effectually suppress and prevent the spread of diseases of potatoes known as black scab and wart disease, and for other purposes, reported it without amendment and submitted a report (No. 1211) thereon.

Mr. OLIVER, from the Committee on Claims, to which was referred the bill (H. R. 4107) for the relief of the legal representatives of Samuel Schiffer, reported it without amendment and submitted a report (No. 1212) thereon.

He also, from the same committee, to which was referred the bill (S. 1648) for the relief of Catherine Ratchford, reported it with an amendment and submitted a report (No. 1213) thereon.

Mr. McCUMBER, from the Committee on Pensions, to which was refered the bill (H. R. 29157) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1912, and for other purposes, reported it with an amendment and submitted a report (No. 1214) thereon.

Mr. WARNER, from the Committee on Military Affairs, to which was referred the bill (S. 4183) to create in the War Department and the Navy Department, respectively, a roll designated as "the Civil War volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes, reported it with an amendment and submitted a report (No. 1216) thereon.

Mr. BRISTOW, from the Committee on Claims, to which was referred the bill (S. 9669) for the relief of Herbert Thompson, reported it with an amendment and submitted a report (No. 1217) thereon.

Mr. WARREN, from the Committee on Military Affairs, to which was referred the amendment submitted by himself on the 16th instant, relative to the conveyance by the United States to the Government of Porto Rico of all the rights and title to the buildings and grounds of the insane asylum, known as the "Beneficencia Building," and the buildings and grounds known as the "San Juan Military Hospital," in San Juan, P. R., etc., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be printed and, with the accompanying papers, referred to the Committee on Appropriations, which was agreed to.

He also, from the same committee, to which was referred the bill (S. 7746) to provide for the erection of a monument on the battle field of Gettysburg to commemorate the services of the United States Signal Corps during the War of the Rebellion, reported it without amendment and submitted a report (No. 1218) thereon.

He also, from the same committee, to which was referred the bill (S. 6479) granting an honorable discharge to Matthew Logan, reported it with amendments and submitted a report (No. 1219) thereon.

GATE OF HEAVEN CHURCH, BOSTON, MASS.

Mr. LODGE. From the Committee on Finance I report back favorably without amendment the bill (S. 9874) to refund to the Gate of Heaven Church, South Boston, Mass., the duty collected on stained-glass windows, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to refund to the Gate of Heaven Church, South Boston, Mass., $3,8[illegible]2.59, collected as duty on stained-glass windows.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. LODGE. I ask that the letter from the Secretary of the Treasury accompanying the report be printed in the RECORD.

The VICE PRESIDENT. In the absence of objection, it is so ordered.

The letter is as follows:

TREASURY DEPARTMENT,
Washington, February 14, 1911.

CHAIRMAN COMMITTEE ON FINANCE, UNITED STATES SENATE,
Washington, D. C.

SIR: I have the honor to acknowledge the receipt of a letter from your committee, dated the 9th instant, inclosing copies of Senate bill 9874, authorizing the refund to the Gate of Heaven Church, South Boston, Mass., of duty collected on certain stained-glass windows.

The facts in this case, as appear from the records of this department, are as follows:

The windows in question arrived in four consignments and were covered by four different entries, dated March 3, March 30, April 6, and April 12, 1909, respectively. They were described upon the invoices as follows:

"One painted glass window," "portion of a painted glass window," "20 pieces of pictorial glass," and "part of a pictorial glass window," respectively, and were entered as pictorial opalescent glass windows.

The merchandise was consigned to Messrs. Clough & Wardner, and upon the face of each entry there was a statement reading substantially as follows: "Works of art, gift to Gate of Heaven Church, and not suitable for use as windows, and not commercially known as painted or stained-glass windows, and not for use as such."

Upon examination by the appraiser at Boston the merchandise was described either as painted-glass windows or parts thereof, with the advisory classification dutiable at 45 per cent ad valorem under the provisions of paragraph 112 of the tariff act of 1897.

After the windows were placed in position the collector and naval officer at Boston inspected them, and believing that they were entitled to free entry as pictorial paintings on glass under paragraph 703 of the tariff act of 1897, the entries were ordered by the collector to be liquidated free of duty, and they were so liquidated, one on March 30, two on April 13, and one on April 26, 1909, respectively.

Subsequently on further consideration, and in view of the decision of the United States Supreme Court in the case of United States v. Perry (146 U. S., 71), the collector, with the concurrence of the naval officer, ordered the reliquidation of the entries, and assessed duty thereon at the rate of 45 per cent ad valorem under paragraph 112 of the tariff act of 1897. This action was approved by the department December 23, 1909. (T. D. 30221.)

Against the reliquidation of the entries the importers filed protests, which protests are now pending before the Board of United States General Appraisers.

The claim for refund of duties is based upon information from the collector of customs at Boston, furnished prior to importation to Mr. Clough, one of the architects of the said church, to the effect that the said windows would be admitted free of duty.

Upon this point the collector of customs at Boston reports as follows: "Early in the year 1909 Mr. Clough, of the firm of Clough & Wardner, architects, called at this office with illustrations of windows and, after the matter had been thoroughly discussed, in view of his statement that said windows were not commercially known as painted or stained-glass windows, and were not intended for use as windows and not suitable for such use, my predecessor, Mr. Lyman, expressed the opinion that such windows should be admitted free of duty under paragraph 703 of the tariff act of July 24, 1897."

In the case of The United States v. Perry (146 U. S., 71) the court held that certain painted-glass windows "consisting of pieces of variously colored glass, cut into regular shapes and fastened together by strips of lead, and intended to be used for decorative purposes in churches * * *, placed upon the interior of the window frame and backed by an outer window of ordinary white glass," which were executed by artists of superior merit, were imported in fragments, and were commercially known as painted or stained-glass windows, were not entitled to free entry under the provisions of paragraph 757 of the act of 1890, which were identical with those of paragraph 703 of the act of 1897.

To the same effect are the decisions of the Board of United States General Appraisers in Treasury decision 10903 of March 7, 1891; Treasury decision 11711 of August 13, 1891; Treasury decision 13617 of December 9, 1892; and Treasury decision 28690 of January 15, 1908.

If, upon this state of facts, Congress sees fit to grant relief, this department perceives no objection thereto.

Respectfully, FRANKLIN MACVEAGH, *Secretary.*

PUBLIC BUILDING AT GILMER, TEX.

Mr. CULBERSON. From the Committee on Public Buildings and Grounds I report back with an amendment the bill (S. 10095) to provide for the acquisition of a site on which to erect a public building at Gilmer, Tex., and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on Public Buildings and Grounds with an amendment in line 9, before the word "thousand," to strike out "ten" and insert "six," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site on which to erect a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, complete, for the use and accommodation of the United States post office in Gilmer, Tex., at a cost not to exceed the sum of $6,000.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MICHAEL B. RYAN.

Mr. OVERMAN. From the Committee on Claims I report favorably without amendment the bill (H. R. 19756) for the relief of Michael B. Ryan, son and administrator de bonis non of John S. Ryan, deceased, and I submit a report (No. 1206) thereon. I call the attention of the senior Senator from South Carolina to the report.

Mr. TILLMAN. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay Michael B. Ryan, son and administrator de bonis non of John S. Ryan, deceased, late of Charleston, S. C., or to his legal representatives, $14,582.04, to be taken and accepted as a full and final release and discharge of his claim against the United States as found by the Court of Claims under the act approved March 12, 1863.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLEMENT A. LOUNSBERRY.

Mr. DIXON. From the Committee on Military Affairs I report back with an amendment the bill (S. 8047) authorizing and directing the Secretary of War to muster Clement A. Lounsberry as colonel of the Twentieth Regiment Michigan Volunteer Infantry, and I submit a report (No. 1205) thereon.

Mr. BURROWS. I ask unanimous consent for the present consideration of the bill. It simply gives the beneficiary the rank without emoluments.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs, with an amendment to strike out all after the enacting clause and insert:

That the fact that the Twentieth Michigan Volunteer Infantry remained continuously from a date prior to March 11, 1865, to May 30, 1865, below the minimum number fixed by law to entitle it to a colonel, and that a commission of that grade and organization was not issued to Clement A. Lounsberry until June 8, 1865, shall be no bar to the application in the case of said Lounsberry, or of anyone claiming under him, of the provisions of the act of Congress approved February 4, 1897, entitled "An act to provide for the relief of certain officers and enlisted men of the Volunteer forces."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Clement A. Lounsberry."

JAMES JONES.

Mr. DIXON. From the Committee on Military Affairs I report back favorably without amendment the bill (H. R. 9221) for the relief of James Jones, and I submit a report (No. 1204) thereon. I call the attention of the senior Senator from Pennsylvania to the report.

Mr. PENROSE. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, James Jones shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company E, Thirty-third Regiment New York Veteran Volunteers, on the 2d day of May, 1863, but no pension shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISTRICT TEACHERS' RETIREMENT FUND.

Mr. BURKETT. I am directed by the Committee on the District of Columbia, to which was referred the bill (S. 5912) to establish and disburse a public-school teachers' retirement fund for the District of Columbia, to report it with amendments, and I submit a report (No. 1215) thereon. I wish to state that at the earliest moment—to-morrow, perhaps, if I can get recognition—I shall call up the bill for consideration and passage.

The VICE PRESIDENT. The bill will be placed on the calendar.

AGRICULTURAL APPROPRIATION BILL.

Mr. WARREN. From the Committee on Agriculture and Forestry I report back with amendments the bill (H. R. 31596) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1912, and I submit a report (No. 1220) thereon. I give notice that I shall endeavor to call up the bill to-morrow or at the first opportunity thereafter for consideration.

The VICE PRESIDENT. The bill will be placed on the calendar.

MOBILE RIVER BRIDGE.

Mr. BANKHEAD. Mr. President, a few days ago the Senate passed the bill (H. R. 31538) to authorize the Pensacola, Mobile & New Orleans Railroad Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels on a line opposite the city of Mobile, Ala. The bill was returned to the House of Representatives for the signature of the Speaker; but it was discovered that a serious mistake had been made and that it was necessary to recall it in order that it might be amended. Therefore the votes by which the bill was read the third time and passed by the Senate were reconsidered. The bill is now on the table, and I ask unanimous consent that it be taken up in order that I may offer an amendment to it and that it may be passed.

The VICE PRESIDENT. The votes by which the bill was read the third time and passed have been reconsidered. The Senator from Alabama asks unanimous consent that the bill may be considered. Is there objection?

There being no objection, the Senate resumed the consideration of the bill.

Mr. BANKHEAD. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to strike out all after the enacting clause and insert:

That the Pensacola, Mobile & New Orleans Railway Co., a corporation existing under the laws of the State of Alabama, be, and is hereby, authorized to construct, operate, and maintain a drawbridge and its

approaches thereto, across the Mobile River, at a point in the county of Mobile suitable to the interests of navigation not farther south than the north bank of the Chickasaw Creek at its mouth; to be approved by the Secretary of War in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the act of Congress approved March 26, 1908, entitled "An act to authorize the Pensacola, Mobile & New Orleans Railway Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels on a line approximately east of the north boundary line of the city of Mobile, Ala.," is hereby repealed.

SEC. 3. That the right to alter, amend, and repeal this act is hereby expressly reserved.

The amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Amend the title so as to read: "An act to authorize the Pensacola, Mobile & New Orleans Railway Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels above the city of Mobile, Ala."

RECIPROCITY WITH CANADA.

Mr. SMOOT. On the 13th instant, the Senator from Delaware [Mr. DU PONT] presented a letter from the Secretary of Agriculture to the legislative committee of the National Grange, of Concord, N. H., relative to the proposed Canadian reciprocal agreement, and the letter was referred to the Committee on Printing for action. I report from that committee the letter and move that it be printed as a Senate document (S. Doc. No. 829).

The motion was agreed to.

Mr. SMOOT. On the 14th instant the Senator from New Hampshire [Mr. GALLINGER] presented a letter signed by ex-Gov. Bachelder, of New Hampshire, and requested that it be printed as a Senate document, and it was referred to the Committee on Printing for action. I report from that committee the letter and move that it be printed as a Senate document (S. Doc. No. 828).

The motion was agreed to.

POLICEMEN AND FIREMEN'S RELIEF FUND.

Mr. GALLINGER. I desire to enter a motion to reconsider the vote by which the Senate ordered to a third reading and passed the bill (S. 288) for the creation of the police and firemen's relief fund, to provide for the retirement of members of the police and fire departments, to establish a method of procedure for such retirement, and for other purposes. I ask that the House of Representatives be requested to return to the Senate the bill.

The VICE PRESIDENT. The motion to reconsider will be entered, and the request for the return of the bill from the House of Representatives will be agreed to, in the absence of objection.

CLAIM OF WILLIAM D. GRAHAM AND OTHERS.

Mr. BURNHAM, from the Committee on Claims, reported the following resolution (S. Res. 361), which was considered by unanimous consent and agreed to:

Resolved, That the claims of William D. Graham (S. 88); the heirs of Harmon Snyder, deceased (S. 98); George A. Davis, administrator of Mrs. Martha N. Davis, deceased (S. 100); George A. Davis, administrator of Patrick Brady, deceased (S. 102); the estate of Joseph Brannon, deceased (S. 1096); George L. Whitmore (S. 1107); the estate of F. C. Blackmer, deceased (S. 1391); Sarah R. Bexley, administratrix of the estate of the late Augustus R. Bexley (S. 1392); the estate of Victor Faisons, deceased (S. 1465); the estate of Frederick Arbour, deceased (S. 1466); Mrs. C. A. Grose (S. 1508); William Hayes (S. 1651); the county court of Owen County, Ky. (S. 2007); Charles E. Currier (S. 2011); the estate of Matthew A. McCain (S. 2473); the estate of Richard White (S. 2474); Julien Semere (S. 2585); the heirs or estate of Louis Vuagnat, deceased (S. 2595); Jacob W. Brower and John M. Brower, heirs of Thomas M. Brower, deceased (S. 2671); the legal representatives of the estate of Thomas A. Hendricks, deceased (S. 2689); K. H. Lewis and W. F. Lewis (S. 2692); the estate of Stephen Herren (S. 2951); the heirs of Amasa Ezell, deceased (S. 3064); the heirs or estate of J. J. Brison, deceased (S. 3074); H. J. Brewer (S. 3076); John T. Spence or his legal representatives (S. 3565); the heirs of Ambrose Hord, deceased (S. 3581); Miss Pattie J. Daffan (S. 3585); heirs or estate of Thornton Martin, deceased (S. 3613); heirs or estate of John Sanford, deceased (S. 3683); the heirs of John G. Freeman, deceased (S. 3738); the heirs of John J. Johnson, deceased (S. 3741); the estate of John Diehl, deceased (S. 3742); the heirs of Peter Pope, deceased (S. 3743); the heirs or estate of Andre N. Robin, deceased (S. 4043); heirs or estate of Louis Lalonde, deceased (S. 4045); heirs or estate of Alexandre Carsayo, deceased (S. 4061); heirs or estate of Chevalier Thibodeaux, deceased (S. 4070); heirs or estate of Don Louis Thibodeaux, deceased (S. 4072); heirs or estate of Pierre Meaux, deceased (S. 4074); heirs or estates of Sarah E. Wedelstedt and Nimrod Berk, deceased (S. 4345); Kate Oakes Smith (S. 4470); Fredericca Kimmerling (S. 4559); Christian Christensen (S. 4688); the heirs of Mrs. C. M. J. Williamson (S. 4944); the heirs of Benjamin Whitehead (S. 4945); the heirs of Nannette Switzer (S. 4953); the heirs of Louis Cato, deceased (S. 4957); W. C. Bradley (S. 5005); Abraham Currance (S. 5120); Capt. William Hill (S. 5380); the heirs of Anderson Couch (S. 5381); the estate of John D. Johnston, deceased (S. 5392); the estate of August Landry, sr., deceased (S. 5859); Francis M. Price (S. 6358); William W. Hearne (S. 6394); C. B. Kinnett (S. 6396); the estate of Oliver Frazer, deceased (S. 6399); the estate of Thomas K. Ball, deceased (S. 6411); the estate of J. Milton Best, deceased (S. 6413); the estate of Solomon Jones, deceased (S. 6414); the estate of John H. Seebolt, deceased (S. 6416); J. R. Clifford (S. 6426); the heirs of J. H. Peeples (S. 6498); the widow and heirs of David Phillips, deceased (S. 6545); Sergt. James W. Kingon (S. 6625); Thomas J. Lloyd (S. 6714); the heirs of Thomas Jones, deceased, and others (S. 6730); Elizabeth A. Pendleton, administratrix of the estate of William Bailey, deceased (S. 7156); George W. Lackey, surviving partner of the firm of William Lackey & Sons (S. 7237); the heirs or estate of Hypolite Mallet, deceased (S. 7456); the heirs or estate of Adelaide E. Lanclos, deceased (S. 7458); Gabriel Sam (S. 7463); the heirs or estate of John Tullis, deceased (S. 7464); the heirs or estate of Francois Poupon, deceased (S. 7468); the heirs or estate of Alexander Nezat, deceased (S. 7472); the heirs of Sarah Quick, deceased (S. 7889); Columbus Doom and the estate of Ben Doom, deceased (S. 7915); the estate of John McCauley, deceased (S. 8010); the heirs of C. T. Clatterbuck, deceased (S. 8244); heirs or estate of James C. Hoover, deceased (S. 8329); the estate of James M. Alexander, deceased (S. 8537); the estate of George W. Yancey, deceased (S. 8573); the estate of Samuel G. Mason, deceased (S. 8579); the estate of Marcus M. Walker, deceased (S. 8580); William Beans (S. 8614); heirs or estate of Charles Lesseps, deceased (S. 8705); John D. Olivier and the estates of Adelaide and Prosper Olivier, deceased (S. 8708); heirs or estate of Daniel Holliday, deceased (S. 8709); heirs or estate of Paul Pitre, deceased (S. 8711); the International Telefire Co., of Boston, Mass. (S. 8760); the estate of John H. Hanly, deceased (S. 8807); owners of property at Popham Beach, Me., on account of depreciation in value of same by reason of the location of heavy guns at Fort Baldwin and the firing thereof (S. 9158); the estate of Dr. Samuel Jack, deceased (S. 9615); the African Methodist Episcopal Church of Gallipolis, Ohio (S. 9644); William Haycraft and others (S. 9668); A. M. Randolph and the other children and heirs of Robert Lee Randolph, deceased (S. 9757); William Crosby (S. 9907); the estate of the late John W. Clous (S. 9968); James D. Gilman (S. 10033); John E. Hillyard and Ada Walker, formerly Hillyard (S. 10034); Herbert H. Russell (S. 10133); the heirs of David Tuckwiller, deceased (S. 10139); the heirs of James H. Williams, deceased (S. 10153); the heirs of J. W. Porter, deceased (S. 10154); the heirs of Etienne Chappuis, deceased (S. 10169); William Icler and others (S. 10173); the Associate Reformed Presbyterian Church, near Winnsboro, S. C. (S. 10270); the trustees of Wesley Chapel Methodist Episcopal Church South, of Warren County, Miss. (S. 10294); George T. Read (S. 10449); the First Baptist Church, La Fayette, Ga. (S. 10464); heirs or estate of Samuel Bradford, deceased (S. 10485); the Methodist Episcopal Church South, of Trinity, Ala. (S. 10488); Hyland C. Kirk and others, assignees of Addison C. Fletcher (S. 10502); C. C. Tolson, his heirs or legal representatives (S. 10513); the heirs of Moses Crow (S. 10514); the executors or administrators of Columbus D. Smith, deceased (S. 10532); the heirs at law of Louisa G. Zollicoffer, deceased (S. 10534); Elias E. Barnes (S. 10537); J. M. Connors and George D. Wright, for amount expended in building wagon roads and bridges in the United States forest reserve on the North Fork of the Boise River, Idaho (S. 10597); James D. Evans (S. 10604); William F. Norris (S. 10614); the Catholic Church at Dalton, Ga. (S. 10622); the late Harrison S. Weeks (S. 10628); James D. White (S. 10637); the Commercial Pacific Cable Co. (S. 10684); the Sanford & Brooks Co. (S. 10685); Loren B. Sylvester (S. 10704); the heirs or estate of Pierre Cormier, deceased (S. 10737); Theophile Pann (S. 10739); John L. Smith and others (S. 10748); Clara D. Miller (S. 10755); the owners of the steamers Harry Brown and Stella Moren (S. 10802); Christopher H. McNally and certain other Army officers and their heirs or legal representatives (S. 10806); the heirs of Philippe Francois Renaut (S. 10810); the legal representatives of George Neltzey, deceased, surviving partner of Neltzey & Acker (S. 10826); S. and W. Welch and others (S. 10828); the Pawnee Tribe of Indians against the United States (S. 10830); A. M. Williams, jr., administrator of Edward Cleve (S. 10832); Fred Stitzel, surviving partner of the firm of Stitzel Bros. (S. 10834); the estate of William W. Parrish, deceased (S. 10835); John W. Stockett (S. 10838); Frank J. Boudinot (S. 10841); Victor Beaulac and others (S. 10842); John H. Baker and others (S. 10844); the trustees of the Christian Church of Cadiz, Ky. (S. 10848); Daniel Robinson, major, United States Army, retired (S. 10861); and the trustees of Grace Protestant Episcopal Church of Yorktown, Va. (S. 10871), now pending in the Senate, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, and commonly known as the Tucker Act. And the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ROOT:

A bill (S. 10862) to alter the regulations respecting the manner of holding elections for Senators; to the Committee on Privileges and Elections.

By Mr. JONES:

A bill (S. 10863) to give the consent of Congress to the building of a bridge by the city of Northport, Wash., over the Columbia River at Northport; to the Committee on Commerce.

By Mr. YOUNG:

A bill (S. 10864) granting an increase of pension to Minnie A. Curtis; to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 10865) to transfer the Alaskan Cable & Telegraph System to the Post Office Department; and

A bill (S. 10866) authorizing the sale of lands within the Fort D. A. Russell Military Reservation, State of Wyoming, to the Diocese of Cheyenne, Wyo.; to the Committee on Military Affairs.

By Mr. SMOOT:

A bill (S. 10867) granting an increase of pension to Lewis J. Hinkley (with accompanying paper); to the Committee on Pensions.

By Mr. GUGGENHEIM:

A bill (S. 10868) granting an increase of pension to Ellen C. Welch (with accompanying paper); to the Committee on Pensions.

A bill (S. 10869) for the relief of the White River Utes, the Southern Utes, the Uncompahgre Utes, the Tabeguache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uinta bands of Ute Indians, known also as the Confederated Bands of Ute Indians of Colorado; to the Committee on Indian Affairs.

By Mr. BORAH:

A bill (S. 10870) to establish the United States university; to the Committee on Education and Labor.

By Mr. MARTIN:

A bill (S. 10871) for the relief of the trustees of Grace Protestant Episcopal Church, Yorktown, Va. (with accompanying papers); to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. McCUMBER sumbitted an amendment relative to the rank of petty officers, noncommissioned officers, and enlisted men of the United States Navy and Marine Corps on the retired list, etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. CARTER submitted an amendment proposing to appropriate $462.79 to pay the United States Fidelity & Guaranty Co., of Baltimore, Md., surety on survey, for advances made by that company for completion of survey contract No. 503, Montana, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. PENROSE submitted an amendment authorizing the Secretary of War to convey the outstanding legal title of the United States to certain land in the city of Washington, D. C., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to extend the limit of cost of the immigration station, Philadelphia, Pa., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

RECIPROCITY WITH CANADA.

Mr. CRAWFORD submitted an amendment intended to be proposed by him to the bill (H. R. 32216) to promote reciprocal trade relations with Canada, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

WITHDRAWAL OF PAPERS—ETIENNE CHAPPUIS, DECEASED.

On motion of Mr. BURNHAM, it was

Ordered, That there be withdrawn from the files of the Senate the papers accompanying S. 5553, a bill for the relief of the heirs at law of Etienne Chappuis, deceased, and S. 7616, a bill referring the claim of the owners of the steamers Harry Brown and Stella Moren to the Court of Claims, both of the Sixty-first Congress, no adverse reports having been made thereon.

WITHDRAWAL OF PAPERS—EMMA C. YOUNG.

On motion of Mr. PENROSE, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the case of Emma C. Young, accompanying Senate bill 8287, Sixty-first Congress, second session, subject to the provision of clause 2 of Rule XXX.

THE THIRD DEGREE.

Mr. BRANDEGEE submitted the following resolution (S. Res. 362), which was considered by unanimous consent and agreed to:

Resolved, That the select committee of the Senate appointed by the Vice President under authority of a resolution of the Senate adopted on April 30, 1910, to inquire into and report to the Senate the facts as to the alleged practice of administering what is known as the "third degree" ordeal by officers or employees of the United States for the purpose of extorting from those charged with crime statements and confessions, and also as to any other practices tending to prevent or impair the fair and impartial administration of the criminal law, is hereby continued after the 4th of March, 1911, and during the next session of Congress, with the same powers and duties as described in said resolution.

ELK IN WYOMING.

Mr. CURTIS. I present an article relative to the condition of the elk in the State of Wyoming. I ask that the article be printed in the RECORD and referred to the Committee on Forest Reservations and the Protection of Game.

There being no objection, the article was referred to the Committee on Forest Reservations and the Protection of Game and ordered to be printed in the RECORD, as follows:

A MILE OF STARVING ELK.

Out of the West there comes from the famous Jacksons Hole country a plain, unvarnished tale of truth told by a plain, unvarnished man of the mountains, in which it is made apparent that all of these things have happened and are happening now in Wyoming. And to back up that story, this man brings the evidence of the camera.

Thirty thousand elk are wintering in the Jacksons Hole country in Wyoming. They are not wary or timorous, these elk. They do not shun the haunts of man. On the contrary, they come up to his doors. For they are starving, and the State of Wyoming is feeding them $5,000 worth of hay in an effort to keep them alive until the snow is gone and the growths of springtime will furnish them with the natural food which a hard winter has taken from them.

Thirty thousand starving elk!

It sounds like one of the tall stories that westerners reserve for eastern consumption, but it isn't. The camera doesn't lie unless it is tampered with, and Ben Sheffield, of Moran, Wyo., who made the eloquent pictures on this page, did nothing to his instrument that a good photographer should not do. He just went down to Jackson, smuggled himself down in a load of hay, and drove out into the valley around the town.

The elk came trotting around the load. Thousands of them came, until the wagon was the center of an ocean of brown bodies and tossing heads. Then Sheffield turned loose his films, and the pictures are the result. After the picture taking the hay was pitched off to the waiting animals, which struggled and fought for a mouthful much like the ordinary Holstein cows of local fame.

Aside from the deplorable circumstances of inevitable starvation for a large number of the elk, the mere figures which develop in telling the tale of the Jacksons Hole elk are such as to startle the average American in whose ears is constantly dinned the song that all big game is going the way of the buffalo, and that the deer, the moose, the mountain sheep, and the elk, the largest species of American wild game, soon will have vanished from the face of the earth and become, like the buffalo, a subject for lamentation and national shame.

Whatever may have happened to the elk in other portions of the country, it is evident that in Wyoming it is far from the possibility of immediate extinction. A glance at the figures incident to the situation as it exists at present will show that the elk still is with us in numbers to satisfy even the most hoggish sportsman:

Sixty thousand elk are wintering in Jacksons Hole.

Thirty thousand of them are being fed by the State.

Twenty-five thousand of these 30,000 would starve but for this aid from man.

Five thousand of them will starve in spite of it.

Twenty-five thousand of them will be saved by feeding.

Fifty-five thousand elk will be alive in Jacksons Hole when the snow leaves.

Unless an epidemic of disease should break out among the herds and carry them away by thousands, Wyoming next fall will continue to be a paradise for the hunter of big game.

The conditions as they exist near Jackson this last winter are without precedent. It is doubtful if the eyes of white men ever beheld as many elk herded together in one locality. Possibly at some long past time, when elk and buffalo roamed the prairie without fear of smokeless powder or telescope sights, Indians may have seen as many or more, but since civilization set up its tepee near Jacksons Lake it is certain that no such numbers ever congregated at a single time for man's inspection.

The elk, unlike the departed buffalo, does not love to live together in countless multitudes. Although, like all members of the deer family, it is possessed of the herding instinct, it prefers to dwell in regiments rather than in great armies. Under normal conditions the elk finds a couple of thousands of its numbers about right for a community, and this number forms a band which picks its feeding ground and lives contentedly by itself. But when a hard winter sets in all bands set forth for the regions where the snow is light and the feed plentiful, and in Wyoming this happens to be in the Jacksons Hole country along Flat Creek.

Jacksons Hole is a valley 60 miles long and 10 miles wide, which lies about 60 miles south of Yellowstone National Park. Completely surrounded by the Teton, Big Horn, and Gros Ventre mountain ranges, it is the one section in that region which is well protected against the killing weather of a Wyoming winter. Particularly is it protected in the southern end along Flat Creek. The temperature is higher there and the snowfall lighter than in any other section of the State. As a result the country has become the natural wintering ground of the elk.

This winter was one of the hardest that Wyoming ever has had, and that is saying much. All over the State the snow lay 4 feet deep, save in the southern end of Jacksons Hole, where a foot or 18 inches was the average. The cold and the snow driving them from their chosen feeding grounds in the mountains to the north and west, the various big bands of elk one by one gave up the fight to remain in their old winter homes and struck out to the southward, toward the protected hay country along Flat Creek.

Over the long, cold trails, breaking through breast-deep snow in the foothills, dying by scores in prairie blizzards, they came by the thousands, all heading for the same destination. Through the snow-choked mountain passes leading into the valley they fought their way, thin, weak, and starving, panting for a sight of the valley below. Nearing the valley their trails converged; one band joined another, which in time drew to it other recruits until in the end there was a continual stream of starving elk pouring over the mountains, hurrying desperately southward to where they would find food and protection.

Then nature played one of those ironical little jokes with which it loves to remind its children, animal or human, of their helplessness and dependence. The snow was light in Jacksons Hole, sure enough. But at the beginning of the winter a few warm days had been followed by a sudden killing spell of cold. The first 6 inches of snow melting under the sun of the warm days, had immediately been frozen by the sudden cold. On top of this fell about a foot of soft, white snow. The starving creatures, rushing on to the feeding ground, where before there always had been food in plenty, scraped through the top snow and struck their sharp hoofs against a 6-inch layer of solid ice.

Beneath the ice there was grass in plenty. It might as well have not been there at all. The elk could not reach it. They pawed vainly at the hard surface, then wandered about, frantically searching for willows or other shrubs or dropping in their tracks according entirely to their condition.

Sixty thousand of them came rushing into the valley. Thirty thousand of them remained scattered in small herds along the northern end and were found along the rivers and in the surrounding mountains. Thirty thousand rushed to the valley's southern end, stripped the willows along Flat Creek to the ground in a few days, and then looked

dumbly around, with starvation for nine-tenths of their number staring them in the face. Majestic antlered bulls bellowed their final pang of hunger and fell helpless into the snow beside the weak cow or calf. The white face of the valley became dotted here and there with little brown heaps. Flat Creek became choked with lumps of similar description.

From far away these lumps looked like rocks; on closer inspection they became dead elk with the bones sticking through the hide. There were hundreds of them within a few days. There would have been thousands in a few weeks. Then the hand of man took a part in the unequal combat against nature.

In the middle of February the settlers in Jacksons Hole became alarmed at the terrible fate awaiting 25,000 of the noblest game animals of the West. It was certain that this number would perish unless they were fed and fed at once. Seven hundred dollars was raised among the settlers for the purchase of hay, and an appeal made to the legislature for help for the starving elk. One week later State Game Warden Nowlan came into the town of Jackson with the news that $5,000 had been appropriated by the State for the care of the elk during the winter. The legislature had acted promptly, and the elk were saved.

In their semidomestication the animals roam to within easy gunshot of town, and on March 17, the day during which Mr. Sheffield made the pictures, an excited citizen of Jackson came running to the hotel with a demand for the "fellow with the camera."

"Come on with me," he cried when Sheffield appeared. "I'll show you a chance for a picture that will beat them all."

Hurriedly he led the way to the rear of a grocery store. A noble bull elk was nosing around among a pile of tin cans, searching for a stray morsel of canned corn or tomato.

Sheffield set up his camera. Then he took it down without making exposure.

"What's the matter?" queried the guide. "Can't you get him?"

"Yes," said Sheffield, "but if I took that picture and showed it for a wild elk, every man who saw it would call me a liar. So what's the use?"

Thus the world lost a pictorial record of one feature of a condition which never existed before in the wild animal world, and which probably never will exist again. For even Jackson, Wyo., will hardly ever have another 30,000 elk coming to its doors and begging to be fed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had passed the following bills and joint resolution:

S. 8736. An act providing for the releasing of the claim of the United States Government to arpent lot No. 44, in the old city of Pensacola, Fla.;

S. 10690. An act providing for aids to navigation along the Livingstone Channel, Detroit River, Mich.;

S. 10757. An act to amend an act entitled "An act permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minn.," approved February 26, 1904; and

S. J. Res. 140. Joint resolution authorizing the Secretary of War to loan certain tents for the use of the Confederate Veterans' Reunion, to be held at Little Rock, Ark., in May, 1911.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following bills, and they were thereupon signed by the Vice President:

H. R. 21613. An act for the relief of Francis E. Rosier; and

H. R. 23695. An act to provide for sittings of the United States circuit and district courts of the northern district of Mississippi at the city of Clarksdale, in said district.

LAND IN PENSACOLA, FLA.

Mr. FLETCHER. A few days ago the Senate passed a bill providing for the releasing of the claim of the United States Government to a certain lot in the old city of Pensacola, Fla. The House has passed a similar bill and it is now before the Senate. It is the bill (H. R. 31987) providing for the releasing of the claim of the United States Government to arpent lot No. 44, in the old city of Pensacola, Fla. I ask the Chair to lay the bill before the Senate, with a view to its present consideration.

The VICE PRESIDENT. The Chair lays before the Senate the bill indicated, for which the Senator from Florida asks present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS SEALS.

Mr. SCOTT. I desire to ask unanimous consent to call up a House bill to correct the record of a soldier, and the reason I ask it at this crowded time is because there is a bill pending in the House, and we have to correct his record here before the bill can be acted on there. It is the bill (H. R. 16268) for the relief of Thomas Seals.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment to add at the end of the bill the following proviso:

Provided, That no pension shall accrue from the date the name of said Thomas Seals was dropped from the pension rolls to the date of the approval of this act.

So as to make the bill read:

Be it enacted, etc., That in the administration of the pension laws Thomas Seals shall hereafter be held and considered to have been honorably discharged from the military service of the United States as private in Company I, Thirteenth Regiment Ohio Volunteer Infantry, on the 6th day of August, 1862: *Provided*, That no pension shall accrue from the date the name of said Thomas Seals was dropped from the pension rolls to the date of the approval of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

EXPENSES OF UNITED STATES JUDGES.

Mr. SUTHERLAND. I ask unanimous consent for the present consideration of the bill (S. 9693) to provide for the payment of the traveling and other expenses of United States circuit and district judges when holding court at places other than where they reside.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment, on page 1, line 6, after the word "their," to strike out "actual and necessary expenses of travel and maintenance" and insert "necessary expenses of travel, and their reasonable expenses, not to exceed $10 per day, actually incurred for maintenance," so as to read:

That hereafter the circuit and district judges of the United States, and the judges of the district courts of the United States in Alaska, Hawaii, and Porto Rico, shall be allowed and paid their necessary expenses of travel, and their reasonable expenses, not to exceed $10 per day, actually incurred for maintenance, consequent upon their attending court in pursuance of law at any place other than their official place of residence.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PASSED ASST. PAYMASTER EDWIN M. HACKER.

Mr. TAYLOR. I ask unanimous consent for the present consideration of the bill (S. 10476) for the relief of Passed Asst. Paymaster Edwin M. Hacker.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Naval Affairs with an amendment in line 7, after the word "Navy," to strike out the remainder of the bill.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COMPANIES B, C, AND D, TWENTY-FIFTH UNITED STATES INFANTRY.

The VICE PRESIDENT laid before the Senate the resolution (S. Res. 358) submitted by Mr. BULKELEY yesterday, which was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of War be requested to transmit to the Senate a list of names of soldiers of Companies B, C, and D, of the Twenty-fifth Infantry, recommended as eligible for reenlistment by the "court of inquiry relative to the affray at Brownsville, Tex.," who have applied for reenlistment or have reenlisted under the provisions of the act of Congress approved March 3, 1909, and special orders of the War Department, numbered Special Order 79, April 7, 1909, convening court of inquiry.

SENATOR FROM ILLINOIS.

Mr. BURROWS. I notice on the Calendar of Business that—

it is agreed by unanimous consent, and upon the request of the Senator from Illinois [Mr. LORIMER], that on Wednesday—

To-morrow—

immediately upon the conclusion of the routine morning business, he may address the Senate upon the question of his election thereto.

I desire to state to the Senate that after that address and the remarks of any other Senator who may desire to address the Senate it is my purpose to call for a vote upon the question involved.

Mr. BEVERIDGE. Before adjournment?

Mr. PENROSE. Before adjournment?

Mr. BEVERIDGE. I am glad to hear that, Mr. President.

The Senate resumed the consideration of the report of the Committee on Privileges and Elections relative to certain charges relating to the election of WILLIAM LORIMER, a Senator from the State of Illinois, by the Legislature of that State, made in obedience to Senate resolution 264.

Mr. BEVERIDGE addressed the Senate. After having spoken for some time,

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A joint resolution (S. J. Res. 134) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. BORAH. I ask unanimous consent that the unfinished business may be temporarily laid aside.

The VICE PRESIDENT. The Senator from Idaho asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none. The Senator from Indiana will proceed.

Mr. BEVERIDGE resumed his speech. After having spoken in all about four hours and a half, with interruptions,

Mr. GALLINGER. Mr. President, I will inquire of the Senator from Indiana whether he feels like continuing this evening. He has been speaking for a long time. I know the Senator must be very much exhausted.

Mr. BEVERIDGE. I feel perfectly strong, but I doubt very much whether at this time of the night, with what I have before me, there having been a good deal of interruption, I can conclude. If satisfactory, I can go on after the unanimous consent to-morrow.

Mr. GALLINGER. What would be the Senator's preference in regard to the matter?

Mr. BEVERIDGE. I think, with the testimony remaining, and the law also, as I have finished with only two witnesses and gotten into a third, and there are many others, it is probably impossible at this late hour to conclude to-night, and I can go on after the unanimous consent to-morrow.

[For Mr. BEVERIDGE's entire speech see Senate proceedings of Friday, February 24.]

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

Mr. BEVERIDGE. I ask the Senator to withhold that motion for a moment. I yield the floor now with the understanding, of course, that I shall conclude my remarks to-morrow after the unanimous consent, of which notice has been given.

Mr. KEAN. I do not understand the Senator. After the morning business?

Mr. GALLINGER. I think it would be better for the Senator from Indiana to conclude after the morning business.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from New Hampshire renew his motion?

Mr. GALLINGER. I renew my motion.

The PRESIDING OFFICER. The Senator from New Hampshire moves that the Senate proceed to the consideration of executive business.

Mr. LA FOLLETTE. If the Senator will withhold the motion for a moment——

Mr. GALLINGER. I withhold the motion.

Mr. LA FOLLETTE. I should like to know if unanimous consent has been given to the Senator from Indiana [Mr. BEVERIDGE] to proceed to-morrow after the time consumed under the other unanimous-consent agreement which was made?

The PRESIDING OFFICER. No request for unanimous consent has been placed before the Senate.

Mr. LA FOLLETTE. Then, Mr. President, I will ask unanimous consent, with the acquiescence of the Senator from Indiana, that he be permitted to conclude his remarks to-morrow after the time has been consumed under the unanimous consent previously granted by the Senate.

The PRESIDING OFFICER. Does the Senator from New Hampshire withhold his motion?

Mr. GALLINGER. I will withhold my motion, Mr. President. I will, however, make the suggestion that I do not think it would be quite the fair thing for the Senator from Indiana to close the discussion. I hope that there will be an opportunity after the morning hour for the Senator to conclude. I think we can arrange that.

Mr. BEVERIDGE. The only trouble about it, Mr. President—and that is why I was trying to conclude to-day—is that the very unusual thing was done the other day by the sitting Member of getting unanimous consent to address the Senate immediately after the morning business. As we all know, a unanimous-cousent agreement can not be set aside by a subsequent unanimous-consent agreement.

Mr. GALLINGER. No.

Mr. BEVERIDGE. So that if I go on at all to-morrow, I suppose that I can not help going on after one unanimous consent has been exhausted. I regret that, and was surprised at it.

Mr. LA FOLLETTE. Then, Mr. President, I wish to say, if I understood the Senator from New Hampshire correctly with reference to the suggestion that the sitting Member should close the debate, that I do not understand that that unanimous consent was granted to cover that proposition.

Mr. GALLINGER and Mr. BEVERIDGE. Oh, no.

Mr. LA FOLLETTE. Had it been, I should have certainly objected. I wish to say on that point, Mr. President, that since the sitting Member has not seen fit to offer his testimony in this case as a witness before the investigating committee it seems to me that he ought not to be permitted—and I for one should object to his being permitted—to offer his testimony, as it were, in writing by giving him the opportunity to conclude this debate, without the chance being given to the Senate or to some Member of the Senate of thoroughly reviewing what he may submit.

The PRESIDING OFFICER. The Chair is informed that other Senators desire to speak.

Mr. BEVERIDGE. Mr. President, I will say for the information of the Senator from Wisconsin—who is entirely right in his position—that the request for unanimous consent, of course, did not involve closing the debate or otherwise; but merely that the Senator from Illinois should address the Senate immediately after the routine morning business. That unanimous-consent agreement, like all unanimous-consent agreements, unfortunately, can not be changed, even if we were to try to change it, even by unanimous consent. Thereafter, Mr. President, I have no doubt at least that there are many Senators who will ask that a vote shall be taken before adjournment on that day or at some convenient time. So the only thing that remains for me is to go on to-morrow, after the unanimous consent already given has been exhausted; and it was for that I understood the Senator from Wisconsin asked unanimous consent for me. Then any Senator will have an opportunity, which nobody can cut off, of saying what he pleases.

Mr. GALLINGER. Mr. President, this matter——

The PRESIDING OFFICER. The Senator from Wisconsin has asked unanimous consent that the Senator from Indiana be allowed to proceed to conclude his remarks to-morrow upon the termination of the existing unanimous-consent agreement already entered on the calendar.

Mr. GALLINGER. Mr. President, it seems to me it is unnecessary to give unanimous consent. The Senator from Indiana can do that, and we could not foreclose him if we tried.

Mr. BEVERIDGE. I think that is true; but I was rather surprised at the unanimous consent.

Mr. GALLINGER. I have given notice that I may occupy a few minutes; but I will take my chances to-morrow or on some other day. I will not be in the way of the Senator from Indiana, I will say to him.

Mr. BEVERIDGE. I am sure of that.

Mr. GALLINGER. So, I think, Mr. President, that I will renew my motion.

Mr. BEVERIDGE. Then, I take it for granted, if the Senator will withhold his motion for a moment, that there is no unanimous consent going to be granted, although having been granted to the sitting Member I do not see why it should not be granted to a member of the committee.

Mr. GALLINGER. I might ask it for myself, then.

Mr. BEVERIDGE. That is true. I take it, then, that it is understood, at least there is an agreement among us—a gentlemen's agreement—that after the expiration of the unanimous consent to-morrow—that is, after the address of the sitting Member—I shall be permitted to conclude my remarks.

EXECUTIVE SESSION.

Mr. GALLINGER. Certainly; we can not prevent the Senator from doing that. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had passed the bill (S. 574) to authorize J. W. Vance, L. L. Allen, C. F. Helwig, and H. V. Worley, of Pierce City, Mo., to construct a dam across the James River in Stone County, Mo., and to divert a portion of its waters through a tunnel into the said river to create electric power, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 10430. An act to authorize the establishment of a marine biological station on the Gulf coast of the State of Florida;

H. R. 18696. An act to provide for a suitable memorial to the memory of the North American Indian;

H. R. 18893. An act relating to the title of lands inherited by minor heirs of Indian allottees, and sold by order of court, and for other purposes;

H. R. 31651. An act providing for adjustment of conflict between placer and lode locators of phosphate lands;

H. R. 31652. An act to authorize the Central Vermont Railway Co. to construct a bridge across the arm of Lake Champlain between the towns of Alburg and Swanton, Vt.;

H. R. 32170. An act for the protection of game in the Territory of Alaska; and

H. R. 32220. An act to authorize the Board of Supervisors of the town of High Landing, Red Lake County, Minn., to construct a bridge across the Red Lake River.

The message further announced that the House had passed a concurrent resolution requesting the President of the United States to return to the House the bill (H. R. 25081) for the relief of Helen S. Hogan, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution providing for the printing and binding, in the form of eulogies, of 17,100 copies of the proceedings upon the unveiling of the statue of Baron von Steuben in Washington, December 7, 1910, etc., in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions, and they were thereupon signed by the Vice President:

H. R. 26150. An act to authorize the construction of drawless bridges across a certain portion of the Charles River in the State of Massachusetts;

H. J. Res. 146. Joint resolution creating a commission to investigate and report on the advisability of the establishment of permanent maneuvering grounds, camp of inspection, rifle and artillery ranges for troops of the United States at or near the Chickamauga and Chattanooga Military Park, and to likewise report as to certain lands in the State of Tennessee proposed to be donated to the United States for said purposes;

S. 10757. An act to amend an act entitled "An act permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minn.," approved February 26, 1904;

S. 8736. An act providing for the releasing of the claim of the United States Government to arpent lot No. 44, in the old city of Pensacola, Fla.;

S. 10690. An act providing for aids to navigation along the Livingstone Channel, Detroit River, Mich.;

S. J. Res. 140. Joint resolution authorizing the Secretary of War to loan certain tents for the use of the Confederate Veterans' Reunion, to be held at Little Rock, Ark., in May, 1911;

S. J. Res. 139. Joint resolution authorizing the printing of the message of the President, together with the report of the agent of the United States, in the North Atlantic Coast Fisheries Arbitration at The Hague; and

S. [illegible]. An act to authorize the Argenta Railway Co. to construct a bridge across the Arkansas River between the cities of Little Rock and Argenta, Ark.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 31652. An act to authorize the Central Vermont Railway Co. to construct a bridge across the arm of Lake Champlain between the towns of Alburg and Swanton, Vt.; and

H. R. 32220. An act to authorize the board of supervisors of the town of High Landing, Red Lake County, Minn., to construct a bridge across the Red Lake River.

H. R. 10430. An act to authorize the establishment of a marine biological station on the Gulf coast of the State of Florida, was read twice by its title and referred to the Committee on Fisheries.

H. R. 18696. An act to provide a suitable memorial to the memory of the North American Indian, was read twice by its title and referred to the Committee on the Library.

H. R. 18893. An act relating to the title of lands inherited by minor heirs of Indian allottees and sold by order of court, and for other purposes, was read twice by its title and referred to the Committee on Indian Affairs.

H. R. 31651. An act providing for adjustment of conflict between placer and lode locators of phosphate lands, was read twice by its title and referred to the Committee on Public Lands.

H. R. 32170. An act for the protection of game in the Territory of Alaska, was read twice by its title and referred to the Committee on Territories.

HELEN S. HOGAN.

The VICE PRESIDENT laid before the Senate the following concurrent resolution (H. Con. Res. 61) of the House of Representatives, which was considered by unanimous consent and agreed to:

Resolved by the House of Representatives (the Senate concurring), That the President of the United States be, and is hereby, requested to return to the House the bill (H. R. 25081) for the relief of Helen S. Hogan.

STATUE OF BARON VON STEUBEN.

The VICE PRESIDENT laid before the Senate the following concurrent resolution (H. Con. Res. 58) of the House of Representatives, which was read and referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there shall be printed and bound in the form of eulogies, with accompanying illustrations, 17,100 copies of the proceedings upon the unveiling of the statue of Baron von Steuben in Washington, December 7, 1910, of which 5,000 shall be for the use of the Senate, 10,000 for the use of the House of Representatives, 2,000 to be delivered to the National German-American Alliance for such distribution as said alliance may desire to make, and the remaining 100 copies shall be bound in full morocco and distributed through the Department of State to the descendants of Baron von Steuben and the speakers who took part in said celebration.

DEATH OF REPRESENTATIVE AMOS L. ALLEN.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). The Chair lays before the Senate resolutions from the House of Representatives, which the Secretary will read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES,
February 17, 1911.

Resolved, That the House has heard with profound sorrow of the death of Hon. AMOS L. ALLEN, a Representative from the State of Maine.

Resolved, That a committee of eight Members of the House (with such Members of the Senate as may be joined) be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions, and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Mr. HALE. Mr. President, I offer the resolutions which I send to the desk, and ask for their immediate consideration.

The PRESIDING OFFICER. The resolutions submitted by the Senator from Maine will be read.

The resolutions (S. Res. 363) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. AMOS L. ALLEN, late a Representative from the State of Maine.

Resolved, That a committee of seven Senators be appointed by the Vice President to join a committee appointed on the part of the House of Representatives to take order for superintending the funeral of the deceased.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Mr. HALE. Mr. President, as a further mark of respect, I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, February 22, 1911, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 21, 1911.

COLLECTOR OF INTERNAL REVENUE.

Frank L. Gilbert, of Wisconsin, to be collector of internal revenue for the second district of Wisconsin, in place of Frank R. Bentley, resigned; this appointment to take effect not earlier than April 30, 1911.

UNITED STATES DISTRICT JUDGE.

Charles B. Witmer, of Pennsylvania, to be United States district judge, middle district of Penusylvania, vice Robert W. Archbald, appointed circuit judge.

RECEIVER OF PUBLIC MONEYS.

Maurice M. Kaighn, of Utah, to be receiver of public moneys at Salt Lake City, his term expiring February 25, 1911. (Reappointment.)

REGISTER OF LAND OFFICE.

Ernest D. R. Thompson, of Utah, to be register of the land office at Salt Lake City, his term expiring February 25, 1911. (Reappointment.)

APPOINTMENTS IN THE ARMY.

GENERAL OFFICERS.

To be major general.

Brig. Gen. Arthur Murray, Chief of Coast Artillery, to be major general, with rank from March 14, 1911, vice Maj. Gen.

Charles L. Hodges, to be retired from active service by operation of law March 13, 1911.

To be brigadier general.

Col. George S. Anderson, Ninth Cavalry, to be brigadier general, with rank from March 20, 1911, vice Brig. Gen. Frederick K. Ward, to be retired from active service by operation of law March 19, 1911.

CHAPLAINS.

Rev. Alexander P. Landry, of New York, to be chaplain, with the rank of first lieutenant, from February 20, 1911, vice Chaplain Neil P. Brennan, Eighth Cavalry, resigned May 1, 1910.

Rev. Edward F. Brophy, of New York, to be chaplain, with the rank of first lieutenant, from February 20, 1911, vice Chaplain John Rivera, Porto Rico Regiment of Infantry, resigned August 31, 1910.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from February 16, 1911.

Charles Adams, of Illinois.
Frank Allport, of Illinois.
Walter H. Allport, of Illinois.
Frank Taylor Andrews, of Illinois.
E. Wyllys Andrews, of Illinois.
Lewis Wine Bremerman, of Illinois.
Edward Vail Lapham Brown, of Illinois.
James Burry, of Illinois.
William Joseph Butler, of Illinois.
Henry T. Byford, of Illinois.
Joseph A. Capps, of Illinois.
Edmund Janes Doering, of Illinois.
John Milton Dodson, of Illinois.
Emilius Clark Dudley, of Illinois.
Frank B. Earle, of Illinois.
Alexander Hugh Ferguson, of Illinois.
Gustav Alexander Fütterer, of Illinois.
Ludwig Hektoen, of Illinois.
Maximilian Herzog, of Illinois.
Julius Henry Hoelscher, of Illinois.
John Allan Hornsby, of Illinois.
Ephraim Fletcher Ingals, of Illinois.
Frank Seward Johnson, of Illinois.
Albert Belcham Keyes, of Illinois.
Ward J. MacNeal, of Illinois.
George P. Marquis, of Illinois.
Franklin Henry Martin, of Illinois.
Frederick Menge, of Illinois.
Joseph Leggett Miller, of Illinois.
Harold Nicholas Moyer, of Illinois.
John Stephen Nagel, of Illinois.
Thomas James O'Malley, of Illinois.
John Rawson Pennington, of Illinois.
Norval Harvey Pierce, of Illinois.
Samuel C. Plummer, of Illinois.
Robert Bruce Preble, of Illinois.
James Frederick Presnell, of Illinois.
Arthur Rowley Reynolds, of Illinois.
John Edwin Rhoades, of Illinois.
John Ridlon, of Illinois.
Charles Moore Robertson, of Illinois.
John Albert Robison, of Illinois.
Buell Sumner Rogers, of Illinois.
Cassius Clay Rogers, of Illinois.
Daniel Weston Rogers, of Illinois.
Edwin Warner Ryerson, of Illinois.
Louis Earnst Schmidt, of Illinois.
George Elmer Shambaugh, of Illinois.
Arthur Atwell Small, of Illinois.
Heman Spalding, of Illinois.
Daniel A. K. Steele, of Illinois.
George Francis Suker, of Illinois.
Thomas John Sullivan, of Illinois.
Homer Merrick Thomas, of Illinois.
Charles Bruce Walls, of Illinois.
Frank X. Walls, of Illinois.
Thomas James Watkins, of Illinois.
George W. Webster, of Illinois.
Ralph Waldo Webster, of Illinois.
Edward F. Wells, of Illinois.
Cassius D. Wescott, of Illinois.
Clarence Lloyd Wheaton, of Illinois.
William Hamlin Wilder, of Illinois.
Casey Albert Wood, of Illinois.
Thomas Adams Woodruff, of Illinois.
Plumer M. Woodworth, of Illinois.
Frederick Robert Zeit, of Illinois.

PROMOTIONS IN THE NAVY.

The following-named assistant paymasters in the Navy, with the rank of ensign, to be assistant paymasters in the Navy, with the rank of lieutenant (junior grade), from the 30th day of July, 1908:

Ellsworth H. Van Patten,
Joseph E. McDonald,
Everett G. Morsell,
Thomas P. Ballenger,
Frank T. Foxwell, and
Richard H. Johnston.

Naval Constructor John E. Bailey, with the rank of lieutenant, to be a naval constructor in the Navy, with the rank of lieutenant commander, from the 18th day of February, 1911.

Frederic W. Olcott, late a passed assistant surgeon in the Navy of the United States, to be a passed assistant surgeon in the Navy from the 13th day of February, 1911, in accordance with the provisions of an act of Congress approved on that date.

Edward F. Greene, late a lieutenant in the Navy of the United States, to be a lieutenant in the Navy from the 13th day of February, 1911, in accordance with the provisions of an act of Congress approved on that date.

John M. Blankenship to be an ensign in the United States Navy on the retired list from the 13th day of February, 1911, in accordance with the provisions of an act of Congress approved on that date.

POSTMASTERS.

CALIFORNIA.

Richard Stephens to be postmaster at Fillmore, Cal. Office became presidential October 1, 1910.

COLORADO.

Francis M. Tague to be postmaster at Las Animas, Colo., in place of Francis M. Tague. Incumbent's commission expired January 30, 1911.

Jessie L. Thurston to be postmaster at Carbondale, Colo. Office became presidential January 1, 1911.

Robert W. Wren to be postmaster at Seibert, Colo. Office became presidential October 1, 1910.

CONNECTICUT.

Walter B. Cheney to be postmaster at South Manchester, Conn., in place of Walter B. Cheney. Incumbent's commission expires March 2, 1911.

Charles C. Georgia to be postmaster at Unionville, Conn., in place of Charles C. Georgia. Incumbent's commission expires February 28, 1911.

Edward J. Stuart to be postmaster at Lakeville, Conn., in place of Edward J. Stuart. Incumbent's commission expired January 31, 1911.

GEORGIA.

Pet L. Cooke to be postmaster at Doerun, Ga. Office became presidential January 1, 1911.

T. E. Dixon to be postmaster at Pavo, Ga. Office became presidential October 1, 1910.

IDAHO.

Lee J. Snelson to be postmaster at Filer, Idaho. Office became presidential January 1, 1911.

ILLINOIS.

M. Spencer Brown to be postmaster at Brighton, Ill.. Office became presidential January 1, 1911.

Frank J. Hooker to be postmaster at Batavia, Ill., in place of Cornell H. Brown, resigned.

George F. Jordan to be postmaster at Carlinville, Ill., in place of George F. Jordan. Incumbent's commission expires February 28, 1911.

Mark L. Kennedy to be postmaster at Mounds, Ill., in place of Mark L. Kennedy. Incumbent's commission expires February 28, 1911.

INDIANA.

John Bennett to be postmaster at Morristown, Ind. Office became presidential April 1, 1910.

Andrew Morrissey to be postmaster at Notre Dame, Ind., in place of Andrew Morrissey. Incumbent's commission expired December 13, 1910.

Effie E. Smith to be postmaster at Centerville, Ind. Office became presidential October 1, 1910.

Stanley S. Tull to be postmaster at Monon, Ind., in place of Stanley S. Tull. Incumbent's commission expired January 10, 1911.

IOWA.

Ross Grier to be postmaster at Deep River, Iowa. Office became presidential January 1, 1911.

KANSAS.

Albert P. Myers to be postmaster at Emporia, Kans., in place of Robert M. Hamer. Incumbent's commission expired June 28, 1910.

Frank E. Shoemaker to be postmaster at Neodesha, Kans., in place of Frank E. Shoemaker. Incumbent's commission expired May 7, 1910.

MASSACHUSETTS.

William S. Curtis to be postmaster at Hanover, Mass. Office became presidential October 1, 1910.

Kate E. Hazen to be postmaster at Shirley, Mass., in place of Kate E. Hazen. Incumbent's commission expired February 7, 1911.

Charles A. Perley to be postmaster at Baldwinsville, Mass., in place of Charles A. Perley. Incumbent's commission expired February 18, 1911.

William H. Twiss to be postmaster at Ashland, Mass., in place of William H. Twiss. Incumbent's commission expires February 28, 1911.

MICHIGAN.

George A. Lacure to be postmaster at Clio, Mich., in place of Roland Franklin, deceased.

MINNESOTA.

Stella M. Owen to be postmaster at Osseo, Minn., in place of Elmer Owen, deceased.

MISSOURI.

Troy L. Crane to be postmaster at Lees Summit, Mo., in place of Troy L. Crane. Incumbent's commission expired February 12, 1911.

George W. Martin to be postmaster at Brookfield, Mo., in place of Jerome W. Jones. Incumbent's commission expired February 12, 1911.

James H. Turner to be postmaster at Weston, Mo., in place of James H. Turner. Incumbent's commission expires March 2, 1911.

NEW JERSEY.

Joseph O. Kirk to be postmaster at Westville, N. J. Office became presidential January 1, 1911.

NORTH DAKOTA.

Joseph F. Christen to be postmaster at Taylor, N. Dak. Office became presidential January 1, 1911.

OHIO.

Edward P. Flynn to be postmaster at South Charleston, Ohio, in place of Edward P. Flynn. Incumbent's commission expired January 29, 1911.

Albert A. White to be postmaster at Middlefield, Ohio, in place of Wesley J. Grant. Incumbent's commission expired February 4, 1911.

OKLAHOMA.

Robert E. L. McLain to be postmaster at Blanchard, Okla. Office became presidential January 1, 1911.

Ulysses S. Markham to be postmaster at Caddo, Okla., in place of Ulysses S. Markham. Incumbent's commission expired June 22, 1910.

Joseph R. Sequichie to be postmaster at Chelsea, Okla., in place of Joseph R. Sequichie. Incumbent's commission expired February 13, 1911.

OREGON.

William B. Curtis to be postmaster at Marshfield, Oreg., in place of William B. Curtis. Incumbent's commission expired February 20, 1911.

PENNSYLVANIA.

George C. Burrows to be postmaster at Montoursville, Pa., in place of Byron A. Weaver, removed.

William H. Emmert to be postmaster at New Oxford, Pa., in place of William H. Emmert. Incumbent's commission expired February 15, 1911.

William R. Flad to be postmaster at Freeland, Pa., in place of William R. Flad. Incumbent's commission expires February 28, 1911.

John H. Mailey to be postmaster at Northumberland, Pa., in place of John H. Mailey. Incumbent's commission expired February 18, 1911.

Alice A. Mullin to be postmaster at Mount Holly Springs, Pa., in place of Harry A. Buttorff. Incumbent's commission expired March 20, 1910.

Frank P. Oberlin to be postmaster at Midland, Pa. Office became presidential January 1, 1911.

Elsie Shrodes to be postmaster at Oakdale, Pa., in place of Elsie Shrodes. Incumbent's commission expired February 18, 1911.

SOUTH DAKOTA.

George C. Lohr to be postmaster at Estelline, S. Dak. Office became presidential January 1, 1911.

John B. Long to be postmaster at Kimball, S. Dak., in place of John B. Long. Incumbent's commission expired February 18, 1911.

TENNESSEE.

William D. Brooks to be postmaster at Mountpleasant, Tenn., in place of Sarah E. Gregory, resigned.

TEXAS.

Henry O. Wilson to be postmaster at Marshall, Tex., in place of Henry O. Wilson. Incumbent's commission expired June 28, 1910.

WISCONSIN.

John F. Shaw to be postmaster at Ellsworth, Wis., in place of Eldon D. Woodworth. Incumbent's commission expires February 28, 1911.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 21, 1911.

COLLECTOR OF CUSTOMS.

Floyd Hughes to be collector of customs for the district of Norfolk and Portsmouth, in the State of Virginia.

POSTMASTER.

Thomas A. Ellis to be postmaster at Burlingame, Kans.

WITHDRAWAL.

Executive nomination withdrawn February 21, 1911.

Everett Martin Balcom, of New Hampshire, late second lieutenant in the Coast Artillery Corps, United States Army, to be second lieutenant of Infantry from January 27, 1911, which was submitted to the Senate January 31, 1911.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 21, 1911.*

The House met at 10 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who has made us and crowned us with glory and honor, filling us with an immortal soul to spring over the abyss of death, and bade it wear the garment of eternal day, we bless Thee for the endearing ties of love and friendship that time nor space can sever, but when death comes and takes from us one of our dear ones the heart is bowed in sorrow and grief. But we bless Thee for the angels of faith and hope which come whispering to the soul—

> Be still, sad heart, and cease repining,
> For behind the clouds is the sun still shining;
> Thy fate is the common fate of all,
> Into each life some rain must fall,
> Some days must be dark and dreary.

Once more our hearts are touched in the removal yb death of one of the Members of this House, who, though a modest, unobtrusive man, yet with single fidelity to duty he filled acceptably all trusts and has passed on. Bless his colleagues, friends, and those who are bound to him by the ties of kinship, and help them to look forward with faith in the eternal verities in Thy Fatheriy love and care. And all praise we will give to Thee. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of Friday, February 17, was read and approved.

HELEN S. HOGAN.

Mr. CANTRILL. Mr. Speaker, I ask unanimous consent for the adoption of the resolution (H. Con. Res. 61), which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the President of the United States be and is hereby requested to return to the House the bill (H. R. 25081) for the relief of Helen S. Hogan.

The question was taken and the resolution was agreed to.

EXTENSION OF REMARKS.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

TAX UPON WHITE PHOSPHORUS MATCHES, ETC.

Mr. DALZELL. Mr. Speaker, I am instructed by the Committee on Ways and Means to submit a privileged report on the bill H. R. 30022.

The SPEAKER. The gentleman from Pennsylvania submits a privileged report. The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (H. R. 30022) to provide for a tax upon white phosphorus matches, and for other purposes.

The SPEAKER. Referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

The SPEAKER. The Clerk will call the first bill on the Unanimous Consent Calendar.

PROTECTION OF GAME IN ALASKA.

The first business on the Calendar for Unanimous Consent was the bill (H. R. 32170) for the protection of game in the Territory of Alaska.

The Clerk read as follows:

Be it enacted, etc., That from and after the passage of this act it shall be lawful to kill grouse, ptarmigan, shore birds, and waterfowl from September 1 to March 1, both inclusive, anywhere in the Territory of Alaska.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I think there should be some amendment to conform to the original enactment pertaining to the time when these grouse and waterfowl can be killed.

Mr. MANN. It does. It is from September 1 to March 1.

Mr. HUMPHREY of Washington. It does.

Mr. STAFFORD. Then I have no objection, Mr. Speaker.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 21613. An act for the relief of Francis E. Rosier; and

H. R. 23695. An act to provide for sittings of the United States circuit and district courts of the northern district of Mississippi at the city of Clarksdale, in said district.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 10574. An act to amend an act entitled "An act providing for the withdrawal from public entry of lands needed for townsite purposes in connection with irrigation projects under the reclamation act of June 17, 1902, and for other purposes," approved April 16, 1906.

MEMORIAL TO THE NORTH AMERICAN INDIAN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 18696) to provide a suitable memorial to the memory of the North American Indian.

The Clerk read as follows:

Be it enacted, etc., That there shall be erected, without expense to the United States Government, by Mr. Rodman Wanamaker, of New York City, and others, on a United States reservation in the harbor of New York, in the State of New York, a suitable memorial to the memory of the North American Indian.

SEC. 2. That for the purpose of carrying out the provisions of this act a commission consisting of the chairman of the Committee on the Library of the United States Senate for the Sixty-first Congress, the chairman of the Committee on the Library of the House of Representatives for the Sixty-first Congress, the Secretary of the Department of State, the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Attorney General of the United States, and Mr. Robert C. Ogden, of the city of New York, shall be created, with full authority to select a site in the harbor of New York, and a suitable design, and to contract for and superintend the construction of the said memorial.

The following committee amendments were read:

Strike out the word "shall," in line 3, section 1 of the bill, and insert in lieu thereof the word "may."

After the words "harbor of New York, in the State of New York," in line 6 of said section 1 of the bill, insert the words "upon a site to be selected by the Secretary of War and the Secretary of the Navy."

In line 11 of section 2 of the bill strike out the words "for the Sixty-first Congress."

In lines 12 and 13 of section 2 of the bill strike out the words "for the Sixty-first Congress, the Secretary of the Department of State."

In lines 14 and 15 of section 2 of the bill, on page 1, and line 1 on page 2, strike out the words "the Secretary of the Interior, the Attorney General of the United States."

In lines 2 and 3 of section 2 of the bill, page 2, strike out the words "a site in the harbor of New York and," so that the bill as amended will read as follows.

The SPEAKER. Is there objection?

Mr. DWIGHT. Mr. Speaker, reserving the right to object, I would like to ask if that carries an appropriation.

Mr. HAWLEY. It does not.

Mr. GOULDEN. It does not carry any appropriation, and I have a letter from Mr. Wanamaker to the effect that he does not expect it and never will ask it.

The SPEAKER. Is there objection?

There was no objection.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third, was read the third time, and passed.

CHINESE STUDENTS AT WEST POINT.

The next business on the Calendar for Unanimous Consent was Senate joint resolution 131, authorizing the Secretary of War to receive for instruction at the Military Academy at West Point two Chinese subjects, to be designated hereafter by the Government of China.

The Clerk read as follows:

Resolved, etc., That the Secretary of War be, and he hereby is, authorized to permit two Chinese subjects, to be designated hereafter by the Government of China, to receive instruction at the Military Academy at West Point: *Provided*, That no expense shall be caused to the United States thereby, and that the said Chinese subjects shall agree to comply with all regulations for the police and discipline of the academy, to be studious, and to give their utmost efforts to accomplish the courses in the various departments of instruction: *And provided further*, That in the case of the said Chinese subjects the provisions of sections 1320 and 1321 shall be suspended.

The SPEAKER. Is there objection?

Mr. HULL of Iowa. Mr. Speaker, I ask that the resolution be passed.

Mr. BARTLETT of Georgia. Mr. Speaker, reserving the right to object, I desire just for a minute to make an inquiry in reference to this resolution. I know that it has been usual, since I have been a Member of Congress, in some instances, to grant this privilege to foreign nations, but I have never thought the policy was a good one. We, by our own statutes, limit the number of cadets at our Military Academy which can be educated there. I know many American citizens would be glad of the opportunity to pay for that privilege, as foreign nations are permitted to pay, and it can not be done. The only way it can be done now is by the designation of Senators, or Representatives, or by the President. Now, the Members of this House, and Senators, have not enough appointments at their disposal to satisfy the demands of our people to have their sons educated in this academy. I repeat that I know of men with abundant means who would be glad to have their sons educated there and to pay for it. They are not permitted to do it. Still, I am not disposed to interfere with any policy of the Government on this line. I merely want to call attention to it. As far as I am concerned, I do not agree with that policy which permits a foreign nation to enjoy this right and privilege which is not accorded to our own citizens.

Mr. MACON. Mr. Speaker, I reserve the right to object. The resolution states there shall be no expense incurred by this Government by reason of the admission of these two cadets, but the Government will be called upon to supply quarters; and if we allow every nation of the world to send two cadets to our Military Academy we will have to extend our quarters, and the Government will have to pay the expense of doing that. Hence it looks to me like, indirectly, if not directly, it will necessarily entail an extra expense upon the Government if these cadets are allowed entrance into the academy.

Mr. HULL of Iowa. Mr. Speaker, the gentleman will remember that Congress would always have the right to draw the line whenever it became a burden to the Government to provide quarters. The Secretary of War and the Secretary of State are both exceedingly anxious that this resolution shall pass, for reasons which I am sure the gentleman from Arkansas [Mr. MACON] will appreciate when he stops to think. It does not entail any expense to the Government of the United States.

Mr. MACON. Except in the indirect manner which I have mentioned.

Mr. HULL of Iowa. We have adopted the rule almost always of granting to any nation requesting it, especially the South and Central American Republics, the right to send cadets to West Point to be educated at the expense of their Government, but using the facilities at West Point without in any way interfering with the proper and legitimate operation of that great school to educate officers for the service of the Nation.

It is an act of comity just now, especially in view of our present relation with China. That Government is exceedingly anxious to be accorded this privilege, and the executive departments, especially the Secretary of War and the Secretary of State, believe that this measure should pass at once in order to show our friendship toward that nation. I can see no harm that can come from it. It is an act of friendship to a friendly nation. It is something that has never been denied to any nation up to this time, and to deny it now to China would be virtually a statement or notice of hostility to that nation. It seems to me that when it is considered that they pay all the expense, and that it is a place that we can not fill under our law, there should be no objection. We would have to change our entire law in order to fill up our present facilities there, as sug-

gested, by letting our sons go there at personal expense. At present we have one cadet from each congressional district in the United States and one from each Territory and the District of Columbia, and——

Mr. MONDELL. And one appointed by each Senator.

Mr. HULL of Iowa. Yes; and 40 from the Nation at large, appointed by the President of the United States. I do not see how we could extend the number of cadets beyond what we have at present without giving more to the President. It would not be possible to allow citizens to send their children there to be educated, because it would require buildings of 100 times the capacity we have at the institution now, and of course that would not do. Congress here gives specific authority only when the State Department and the War Department unite in requesting that that be done. I call for a vote, Mr. Speaker.

Mr. MACON. Mr. Speaker, I want it distinctly understood that if I should object it would not be because of any hostile feeling that I have for China, because I have none. It would be purely in the interest of an economic administration of the affairs of this Government to put a limit to matters of this kind. But, under the circumstances, Mr. Speaker, the gentleman thinking it might be considered by China an act of hostility toward her if this Government were to refuse the admittance of these cadets into the academy, I will not object.

The SPEAKER. Is there objection to the consideration of this resolution?

There was no objection.

The resolution was read a third time and passed.

MINOR HEIRS OF INDIAN ALLOTTEES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 18893) relating to the title of lands inherited by minor heirs of Indian allottees and sold by order of court, and for other purposes.

The Clerk read as follows:

Be it enacted, etc., That in all cases where inherited lands of minor heirs of Indian allottees in Oklahoma have been sold and conveyed at guardian's sale, or by any Indian agent of the United States, assuming to act as guardian of such minor heir, for the proportion of the appraised value required by the laws of the said Territory or State, and such conveyance has been approved by a court of said Territory or State having jurisdiction under the laws thereof to appoint guardians for minors; and the conveyance thereof, in pursuance of such sale, has been approved by the Secretary of the Interior, and payments for said lands, in accordance with the terms of such sale, has been made, such sale and conveyance shall be valid, notwithstanding any defect or irregularity in the court proceedings authorizing, directing, or approving such sale.

The committee amendments were read, as follows:

Insert after the word "allottees," in line 4, the words "of the Cheyenne and Arapahoe and Kiowa Reservations."

Insert after the word "have," in line 4, the word "heretofore."

Strike out in line 5 the words "or by any" and insert in lieu thereof the words "by an Army officer as."

Add at the end of the bill, after the last word, "sale," the following: "Where such defect or irregularity is due solely to the fact that an Army officer as Indian agent was assuming to act as guardian of the minor heir or heirs."

The bill as amended will read as follows:

"That in all cases where inherited lands of minor heirs of Indian allottees of the Cheyenne and Arapahoe and Kiowa Reservations in Oklahoma have heretofore been sold and conveyed at guardian's sale by an Army officer as Indian agent of the United States, assuming to act as guardian of such minor heir, for the proportion of the appraised value required by the laws of said Territory or State, and such conveyance has been approved by a court of said Territory or State having jurisdiction under the laws thereof to appoint guardians for minors; and the conveyance thereof, in pursuance of such sale, has been approved by the Secretary of the Interior, and payment for said lands, in accordance with the terms of such sale, has been made, such sale and conveyance shall be valid, notwithstanding any defect or irregularity in the court proceedings authorizing, directing, or approving such sale, where such defect or irregularity is due solely to the fact that an Army officer as Indian agent was assuming to act as guardian of the minor heir or heirs."

The SPEAKER. Is there objection?

There was no objection.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

MARINE BIOLOGICAL STATION ON GULF COAST, FLORIDA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 10430) to authorize the establishment of a marine biological station on the Gulf coast of the State of Florida.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of Commerce and Labor be, and he is hereby, authorized, empowered, and directed to establish a marine biological station on the Gulf of Mexico at a point on the coast of the State of Florida, to be selected by him in said State: *Provided*, That the State of Florida donates and transfers, free of cost, to the Government of the United States necessary land and water rights upon which may be erected such buildings, wharves, and other structures as may be necessary for the proper equipment of said station, such biological station, buildings, wharves, and other structures not to cost exceeding $50,000.

SEC. 2. That the professors, instructors, and students of the several land-grant, agricultural, and mechanical colleges of the United States shall be admitted to said station to pursue such investigation in fish culture and biology as may be practicable, without cost to the Government, under such rules and regulations as may be from time to time prescribed by the Secretary of Commerce and Labor.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

REMISSION OF CHINESE INDEMNITY.

The next business on the Calendar for Unanimous Consent was a joint resolution (S. J. Res. 102) to amend the resolution of May 25, 1908, providing for the remission of a portion of the Chinese indemnity.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

MONUMENT ON BATTLEFIELD OF GETTYSBURG.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 23530) to provide for the erection of a monument on the battlefield of Gettysburg to commemorate the services of the United States Signal Corps during the War of the Rebellion.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

PURCHASE OF OLDROYD COLLECTION OF LINCOLN RELICS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 28985) for the purchase of the Oldroyd collection of Lincoln relics, and for other purposes.

The SPEAKER. Is there objection?

Mr. STAFFORD. I object.

REAPPRAISEMENT AND SALE OF CERTAIN LANDS AT PORT ANGELES, WASH.

The next business on the Calendar for Unanimous Consent was the bill (S. 8241) providing for the reappraisement and sale of certain lands in the town site of Port Angeles, Wash., and for other purposes.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

PROOF OF DESERT-LAND ENTRIES.

The next business on the Calendar for Unanimous Consent was the bill (S. 10318) authorizing the Commissioner of the General Land Office to grant further extensions of time within which to make proof of desert-land entries.

The SPEAKER. If there be no objection, the Clerk will report the substitute in lieu of the original bill.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of the Interior may, in his discretion, grant to the entryman under the desert-land laws in the counties of Benton, Yakima, and Klickitat, in the State of Washington, a further extension of the time within which they are required to make final proof, provided such entryman shall, by his corroborated affidavit, filed in the land office of the district where such land is located, show to the satisfaction of the Secretary that because of unavoidable delay in the construction of irrigation works intended to convey water to the land embraced in his entry, he is, without fault on his part, the time limited therefor; but such extension shall not be granted for a period of more than three years, and this act shall not affect contests initiated for a valid existing reason.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. I call the attention of the gentleman to the fact that at the bottom of page 2, after the word "part," there is an omission of two lines, and there ought to be inserted the language which is found on lines 8 and 9 on page 2:

Unable to make proof of the reclamation and cultivation of said lands as required by law within.

In printing the bill there was evidently an omission of two lines.

The CHAIRMAN. The Clerk will report the proposed amendment.

The Clerk read as follows:

Insert at the end of line 21 the following:

"Unable to make proof of the reclamation and cultivation of said lands as required by law within."

Mr. MONDELL. There is no objection to that amendment.

The amendment was agreed to.

The substitute as amended was agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time and passed.

Mr. MANN. There should be an amendment to the amended title by adding at the end of the new title the words "in the counties of Benton, Yakima, and Klickitat, Wash."

By unanimous consent, the title was amended so as to read: "An act authorizing the Secretary of the Interior to grant further extensions of time within which to make proof on desert-

land entries in the counties of Benton, Yakima, and Klickitat, Wash."

MILITARY RECORDS OF CERTAIN SOLDIERS AND SAILORS.

The next business on the Calendar for Unanimous Consent was the joint resolution (H. J. Res. 276) modifying certain laws relating to the military records of certain soldiers and sailors.

The joint resolution was read, as follows:

Resolved, etc., That in all laws approved during the year 1910, and having for their object the removal of disabilities accruing from defective records in the military or naval service of the United States, the words "*Provided*, That, other than as above set forth, no bounty, pay, pension, or other emolument shall accrue prior to or by reason of the passage of this act" shall not prohibit or prevent the granting of a pension on an application made after the approval of this act, and accruing only from the date of said application.

The SPEAKER. Is there objection?

Mr. AUSTIN. I reserve the right to object.

Mr. DOUGLAS. Reserving the right to object, I should like to ask the gentleman in charge of the bill what is the effect of that change.

Mr. STEVENS of Minnesota. That proviso was drafted originally to apply to a land case, where the soldier only wished to prove up a homestead, with no idea of getting a pension.

The Committee on Military Affairs has placed all the restrictions possible about the correction of military records, desiring to give no larger scope or possibility of getting anything out of the Treasury. In certain cases the committee believed that the men were entitled to pensions, but the Pension Office have held that the proviso referred to would prevent a pension being granted. There are only 20 or 30 cases of that sort. They were all carefully considered before the bills became laws, and the committee believe it to be only fair and just that this joint resolution should pass.

The SPEAKER. Is there objection?

There was no objection.

The House joint resolution was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

BRIDGE ACROSS ARKANSAS RIVER, ARGENTA, ARK.

The next business on the Calendar for Unanimous Consent was the bill (S. 10431) to authorize the Argenta Railway Co. to construct a bridge across the Arkansas River between the cities of Little Rock and Argenta, Ark.

The bill was read, as follows:

Be it enacted, etc., That the Argenta Railway Co., a corporation organized under the laws of the State of Arkansas, its successors and assigns, be, and it is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Arkansas River from a point in the city of Little Rock, Ark., suitable to the interests of navigation, to some point in the city of Argenta, on the north bank of said river, in the county of Pulaski, State of Arkansas, said bridge to be for the purpose of the passage of the street car traffic carried on by said company or under its authority, and also, at the option of said company, its successors and assigns, to be used for the passage of wagons, vehicles, interurban cars, animals, and persons on foot and in vehicles, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, except as to section 3 of said act.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

BRIDGE ACROSS LAKE CHAMPLAIN, ALBURG, VT.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 31652) to authorize the Central Vermont Railway Co. to construct a bridge across the arm of Lake Champlain between the towns of Alburg and Swanton, Vt.

The bill was read, as follows:

Be it enacted, etc., That the Central Vermont Railway Co., a corporation organized under the laws of the State of Vermont, is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the arm of Lake Champlain between the towns of Alburg and Swanton, in the State of Vermont, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

In line 6 strike out the word "the" and insert in lieu thereof the words "Missisquoi Bay, an."

In line 7, after the word "Champlain," insert the words "at a point suitable to the interests of navigation."

Mr. SULZER. Mr. Speaker, just an inquiry for information. I should like to know if this bill has been approved by the War Department.

Mr. MANN. It has been approved by the War Department, and certain amendments inserted which the War Department recommended.

Mr. SULZER. And this does not interfere with navigation in any way?

Mr. MANN. The War Department reports that it will not interfere with navigation.

Mr. COOPER of Wisconsin. Is 1906 the last bridge act?

Mr. MANN. It is the last bridge act.

Mr. COOPER of Wisconsin. There has been no act subsequent to 1906?

Mr. MANN. No.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

DAM ACROSS JAMES RIVER, MO.

The next bill on the Unanimous Consent Calendar was the bill (S. 574) to authorize J. W. Vance, L. L. Allen, C. F. Helwig, and H. V. Worley, of Pierce City, Mo.; A. B. Durnil, D. H. Kemp, Sig Soloman, J. J. Davis, S. A. Chappell, and W. M. West, of Monett, Mo.; M. L. Coleman, M. T. Davis, Jared R. Woodfill, jr., J. H. Jarrett, and William H. Standish, of Aurora, Lawrence County, Mo.; and L. S. Meyer, F. S. Heffernan, Robert A. Moore, William H. Johnson, J. P. McCammon, M. W. Colbaugh, and W. H. Schreiber, of Springfield, Greene County, Mo., to construct a dam across the James River, in Stone County, Mo., and to divert a portion of its waters through a tunnel into the said river again to create electric power.

The Clerk read the bill, as follows:

Be it enacted, etc., That J. W. Vance, L. L. Allen, C. F. Helwig, and H. V. Worley, of Pierce City, Mo.; A. B. Durnil, D. H. Kemp, Sig Soloman, J. J. Davis, S. A. Chappell, and W. M. West, of Monett, Mo.; M. L. Coleman, M. T. Davis, Jared R. Woodfill, jr., J. H. Jarrett, and William H. Standish, of Aurora, Lawrence County, Mo.; and L. S. Meyer, F. S. Heffernan, Robert A. Moore, William H. Johnson, J. P. McCammon, M. W. Colbaugh, and W. H. Schreiber, of Springfield, Greene County, Mo., their heirs or assigns, be, and they are hereby, authorized to construct, maintain, and operate a dam in the Big Bend of the James River, in section 22, township 23 north, range 24 west, in the county of Stone and State of Missouri, across the said James River at said point, and to impound thereat in what is known as the Lower Narrows of the Big Bend of the said James River the waters of said river, and by canal and tunnel to divert and conduct across said narrows such portion of the water of said river, through said tunnel into said river again, as may be necessary for electric-power purposes. The construction, maintenance, and operation of the dam herein authorized, as well as the determination of the rights and obligations under the permission granted hereby, shall be in all respects in accordance with and subject to the provisions of the act approved June 23, 1910, entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906."

SEC. 2. That the right to alter, amend, or repeal this act in whole or in part is hereby expressly reserved.

The SPEAKER. Is there objection?

Mr. COOPER of Wisconsin. Reserving the right to object, Mr. Speaker, I would like to ask a question. If I heard section 2 aright, it reserved the right to repeal, but I did not hear the Clerk read that it reserved the right to alter or amend.

Mr. MANN. That is in the bill. Section 2 says that the right to alter, amend, or repeal this act in whole or in part is hereby expressly reserved.

Mr. COOPER of Wisconsin. I would like to hear it read.

The Clerk read as follows:

SEC. 2. That the right to alter, amend, or repeal this act in whole or in part is hereby expressly reserved.

The SPEAKER. Is there objection?

Mr. COOPER of Wisconsin. Reserving the right to object, I would like to have a statement about this bill.

Mr. MANN. Mr. Speaker, a number of local people on James River desire to construct a dam there for power purposes. This bill has been gone over both by the committee of the House and the committee of the Senate and the War Department and materially changed from the way the original bill read when it was introduced. The bill in its present form has the absolute approval of the War Department. In fact, it was practically prepared by the War Department. We are assured that it will absolutely protect the Government, and that the dam and all the work will be constructed under the general dam act. I think the interests of the Government are absolutely protected. Of course, it is limited to 50 years, which is the limit under the general dam act.

Mr. COOPER of Wisconsin. I would like to ask if the Government should alter, amend, or repeal would it be obliged to pay any expenses that it would be put to.

Mr. MANN. No; under the provisions of the general dam act the right to alter, amend, or repeal is reserved to the Government without any liability on the part of the Government for making or requiring any changes to be made in reference to the dam. There would be no liability on the part of the Government if it required the dam to be removed.

Mr. COOPER of Wisconsin. Who would pay the expense?

Mr. MANN. The parties interested, and if they did not the Government is authorized to do it and compel them to pay it.

Mr. COOPER of Wisconsin. They might not be financially responsible. It occurs to me that there will not be a place in the United States where a dam could be erected and water

power furnished for electrical energy which will not be covered by legislation at this session of Congress.

Mr. MANN. I will say to the gentleman that we have not reported near all of the dam bills presented to us.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

PLACER LODE LOCATORS OF PHOSPHATE LANDS.

The next bill on the Unanimous Consent Calendar was the bill (H. R. 31651) providing for adjustment of conflict between placer and lode locators of phosphate lands.

The Clerk read the bill, as follows:

Be it enacted, etc., That in case of any conflict between locators under the placer laws and the mineral-lode laws on locations heretofore made of lands containing valuable deposits of phosphate or phosphate rock the respective claims of the locators shall be determined as though location of said lands under either of the above laws was valid at the time said locations were made.

The SPEAKER. Is there objection?

Mr. MICHAEL E. DRISCOLL. Reserving the right to object, I would like some explanation of this.

Mr. MONDELL. This is for the purpose of adjusting conflicts that may arise between placer and lode locators of phosphate lands. Most of the locations of phosphate lands were made under the placer laws. Later locations were made under the lode law, and this bill provides that the original locator, whether he be a lode or a placer locator, shall be held as having made a legal location. The department is somewhat embarrassed in that if they hold that the placer location is the proper location they are urged to hold that nothing but placer locations can be made; but this provides that whether the first location is a placer location or a lode location, if it is in every other way regular, it shall be held to be a legal location.

Mr. DOUGLAS. I would like to ask the gentleman a question. Is not this a matter that relates to mining entirely?

Mr. MONDELL. No; it is a matter that relates entirely to the acquisition of public lands.

Mr. DOUGLAS. Why so?

Mr. MONDELL. Because it provides for the disposition of public lands.

Mr. DOUGLAS. It is reported by the Public Lands Committee, but my opinion is that it ought to have gone to the Committee on Mines and Mining.

Mr. MONDELL. It is undoubtedly within the jurisdiction of the Public Lands Committee.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

FISH-CULTURAL STATION IN WYOMING.

The next business was the bill H. R. 28623, to establish a fish-cultural station in the State of Wyoming.

The Clerk read the bill.

The SPEAKER. Is there objection?

Mr. FOSTER of Illinois. Mr. Speaker, I object.

Mr. MONDELL. Mr. Speaker, we have 100,000 square miles of trout streams in the State of Wyoming. We have just established a hatchery in Florida, and I hope the gentleman will not object.

Mr. FOSTER of Illinois. I object, Mr. Speaker.

COMPENSATION OF SUPERINTENDENT, ARLINGTON NATIONAL CEMETERY.

The next business was the bill H. R. 24212, to amend section 4875 of the Revised Statutes to provide a compensation of $100 per month with fuel and quarters for the superintendent of the Arlington (Va.) National Cemetery.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 4875 of the Revised Statutes, which is now as follows: "The superintendent of the national cemeteries shall receive for their compensation from $60 to $75 a month each, according to the extent and importance of the cemeteries to which they may be respectively assigned, to be determined by the Secretary of War, and they shall also be furnished with quarters and fuel at the several cemeteries," be amended to read as follows:

"SEC. 4875. The superintendents of the national cemeteries shall receive for their compensation from $60 to $75 a month each, according to the extent and importance of the cemeteries to which they may be respectively assigned, to be determined by the Secretary of War, except the superintendent of the Arlington (Va.) Cemetery, whose compensation may be $100 per month, at the discretion of the Secretary of War; and they shall also be furnished with quarters and fuel at the several cemeteries."

With the following amendment:

Strike out all after the word "statutes," in line 4, down to and including the word "cemetery," in line 10.

The SPEAKER. Is there objection?

Mr. MACON. Mr. Speaker, reserving the right to object, I would like to know the reason for the passage of so important a bill as this on the Unanimous Consent Calendar. It seems to carry a right sharp appropriation.

Mr. GOULDEN. Mr. Speaker, in answer to my distinguished friend from Arkansas, I will state that in 1864, when there were but 200 acres in the national cemetery at Arlington, the compensation of the superintendent was fixed at $75 per month. Since then there have been added to it, so that to-day there are in the inclosure 408 acres and outside of the inclosure 48 acres, making a total of 456 acres which are now under his direct supervision. He is responsible for the payment of about $30,000 in wages yearly. There are a number of men under him, upward of 100, who receive from $50 to $75 per month. Then he has 600 interments yearly to look after. All in all, this gives him only $100 per month, an increase of $25. It is a meritorious case, and should become a law.

Mr. MACON. Is that the only increase in the bill?

Mr. GOULDEN. That is the only increase, from $75 to $100.

Mr. MACON. Is that the only change?

Mr. GOULDEN. The only change. The superintendent, Mr. Magoon, now in charge, is a first-class man in every particular.

Mr. MACON. Then I withdraw the objection.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time, was read the third time, and passed.

BRIDGE ACROSS RED LAKE RIVER, MINN.

The next business was the bill (H. R. 32220) to authorize the board of supervisors of the town of High Landing, Red Lake County, Minn., to construct a bridge across the Red Lake River.

The Clerk read the bill, as follows:

Be it enacted, etc., That the board of supervisors of the town of High Landing, Red Lake County, Minn., be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Red Lake River at a point suitable to the interests of navigation, at or near section line between sections 28 and 29, township 153 north, range 40 west, in the county of Red Lake, in the State of Minnesota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on engrossing and the third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

NATURALIZATION OF WIVES AND CHILDREN OF INSANE ALIENS.

The next business was the bill (S. 9443) providing for the naturalization of the wife and minor children of insane aliens making homestead entries under the land laws of the United States.

The Clerk read the bill, as follows:

Be it enacted, etc., That when any alien, who has declared his intention to become a citizen of the United States, becomes insane before he is actually naturalized, and his wife shall thereafter make a homestead entry under the land laws of the United States, she and their minor children may, by complying with the provisions of the naturalization laws be naturalized without making any declaration of intention.

With the following amendment:

Line 8, before the word "provisions," insert the word "other."

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

RAILROAD AND COUNTY-ROAD RIGHTS OF WAY, FORT RUSSELL MILITARY RESERVATION, WYO.

The next business was the bill (S. 9904) granting certain rights of way on the Fort D. A. Russell Military Reservation, at Cheyenne, Wyo., for railroad and county-road purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Colorado Railroad Co., a corporation created by and organized under the laws of the State of Colorado, and authorized to do business in the States of Colorado and Wyoming, is hereby authorized to build its line of railroad on the following-described portion of the Fort D. A. Russell Military Reservation, to wit:

Beginning at a point on the east boundary line of the military reservation, said point being the northeast corner of the northwest quarter of section 1, township 13 north, range 67 west; thence south along the east boundary line of military reservation 2,390 feet to a point; thence north 9 degrees, 21 minutes west, 344.3 feet to a point which is 56 feet west of the east line of said military reservation; thence north 1 degree, 4 minutes east, 2,055 feet to the place of beginning.

SEC. 2. That a right of way for a county road for use of the public is hereby granted to the county of Laramie, a municipal corporation of the State of Wyoming, upon the following portion of the Fort D. A. Russell

Military Reservation at Cheyenne, Wyo., more particularly described as follows:

Commencing at a point on the east line of said military reservation, said point being the northeast corner of the northwest quarter of section 1, township 13 north, range 67 west of the sixth principal meridian; thence south along the said east line of said military reservation to the southeast corner thereof; thence northwesterly on the southwesterly boundary line of said military reservation to a point which is 150 feet west of the east line of said reservation when measured at right angles thereto; thence north on a line 150 feet west of and parallel with the easterly boundary line of said reservation to the north line of the northwest quarter of said section 1; thence east 150 feet along the north line of said section 1, to the place of beginning, said strip of land being 150 feet in width on the east side of that portion of said reservation situated in section 1, township 13 north, range 67 west, as aforesaid; saving and excepting therefrom that portion of said strip of land hereinabove, in section 1 of this act, described as granted to the Colorado Railroad Co. for the purpose of its railroad.

With the following amendment:

Line 10, page 3, after the word "railroad," insert "*Provided*, That it shall be in the power of the Secretary of War at any time to revoke the license granted in this act."

The SPEAKER. Is there objection?

Mr. COOPER of Wisconsin. Mr. Speaker, reserving the right to object, I desire to call attention to some of the language of the bill and to ask for an explanation. First, on page 1, line 6, I observe that the railroad company is "authorized to build its line," and that by the proviso on page 3, at the end of the bill, the Secretary of War is to have the power "at any time to revoke the license granted in this act." Thus it appears that, according to the proviso, the bill is to be construed as simply conferring a license.

But the bill would do far more than confer a license. I call attention to the fact that by section 2, pages 2 and 3—

A right of way for a county road for use of the public is hereby granted to the county of Laramie, * * * said strip of land being 150 feet in width.

That is not a license to the county. A right of way is granted.

I call attention also to the very significant language on page 3, beginning with line 7:

Saving and excepting therefrom that portion of said strip of land hereinbefore, in section 1 of this act, described as granted to the Colorado Railroad Co. for the purposes of its railroad.

Thus, by this language, the very bill itself declares not that it confers a license but that it makes a grant to the railroad company. Therefore the proviso authorizing the Secretary of War to "revoke the license," and so forth, is not applicable to anything in the bill, because there is no license about it.

There is a grant to the county of Laramie and another grant to the railroad company.

Mr. MONDELL. Mr. Speaker, I have no objection to an amendment striking out the word "license" and inserting the word "right," but it seems to me that the right to revoke whatever we grant here is very clear. It seems to me there is not much difference whether we grant or license, but whether it be a grant or license it is revocable under the terms of the amendment made by the Committee on Military Affairs.

Mr. COOPER of Wisconsin. Mr. Speaker, I shall object to the bill in its present form.

Mr. HULL of Iowa. I suggest to the gentleman if there is any reasonable amendment he desires to offer we would like to hear it. The bill has been recommended by the War Department and work has been stopped that the people there are very much interested in. It only conveys to the railroad company less than 1 acre altogether.

Mr. COOPER of Wisconsin. If this is simply conferring a license upon a railroad company to use certain land belonging to a military reservation, there ought to be reserved the right to amend, alter, or repeal.

Mr. HULL of Iowa. The committee would be willing to accept the amendment in lieu of the present one, but I think, in justice to the people there, this question ought to be settled.

Mr. COOPER of Wisconsin. I propose an amendment by adding at the end of the bill that the right to amend, alter, or repeal is hereby expressly reserved.

Mr. HULL of Iowa. I am willing to accept that. We simply took the amendment of the War Department.

Mr. COOPER of Wisconsin. I move an amendment to add a third section by inserting the words "the right is hereby expressly reserved to alter, amend, or repeal this act."

Mr. MONDELL. Mr. Speaker, I accept that amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Insert as a third section:
"The right to alter, amend, or repeal is hereby expressly reserved."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

FORT MACKENZIE MILITARY RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (S. 9903) to authorize the Sheridan Railway & Light Co. to construct and operate railway, telegraph, telephone, electric power, and trolley lines through the Fort Mackenzie Military Reservation, and for other purposes.

The Clerk read as follows:

Be it enacted, etc., That the Sheridan Railway & Light Co., a corporation created under and by virtue of the laws of the State of Wyoming, be, and the same is hereby, empowered to survey, locate, construct, maintain, and operate railway, telegraph, telephone, electric power, and trolley lines through the Fort Mackenzie Military Reservation, in Sheridan County, State of Wyoming, upon such terms and in such location as may be determined and approved by the Secretary of War.

SEC. 2. That said corporation is authorized to occupy and use for all purposes of railway, telegraph, telephone, electric power, and trolley lines, and for no other purpose, a right of way 50 feet in width through said Fort Mackenzie Military Reservation, with the right to use such additional ground where cuts and fills may be necessary for the construction and maintenance of the roadbed, not exceeding 100 feet in width, or as much thereof as may be included in said cut or fill: *Provided*, That no part of the land herein authorized to be occupied shall be used except in such manner and for such purposes as shall be necessary for the construction and convenient operation of said railway, telegraph, telephone, electric power, and trolley lines; and when any portion thereof shall cease to be so used such portion shall revert to the United States: *Provided further*, That before the said railway company shall be permitted to enter upon any part of said military reservation a description by metes and bounds of the land herein authorized to be occupied or used shall be approved by the Secretary of War: *Provided further*, That the said railway company shall comply with such other regulations and conditions in the maintenance and operation of said road as may from time to time be prescribed by the Secretary of War.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I move to amend by adding—

SEC. 3. The right to amend, alter, or repeal this act is hereby expressly reserved.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Add as section 3:
"The right to alter, amend, or repeal this act is hereby expressly reserved."

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

CONSOLIDATING CERTAIN FOREST LANDS IN THE KANSAS NATIONAL FOREST.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 32571) to consolidate certain forest lands in the Kansas National Forest.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior, for the purpose of consolidating the forest lands belonging to the United States within the Kansas National Forest, be, and he hereby is, authorized and empowered, upon the recommendation of the Secretary of Agriculture, to exchange lands belonging to the United States which are part of the Kansas National Forest for privately owned lands lying within the exterior limits of the said national forest: *Provided*, That the lands so exchanged shall be equal in area and substantially equal in value: *And provided further*, That upon the consummation of such exchange the land deeded to the United States thereunder shall forthwith become, and thereafter continue to be, national forest lands to all intents and purposes, as if such land had been duly withdrawn by the proclamation which placed the contiguous land under the jurisdiction of the Secretary of Agriculture for forest purposes.

The committee amendment was read as follows:

Page 2, line 3, after the word "shall," strike out the rest of the bill and insert the words "become a part of the Kansas National Forest."

The SPEAKER. Is there objection?

Mr. HAMLIN. Mr. Speaker, reserving the right to object, I would like to inquire what is the necessity of making this exchange of land.

Mr. MADISON. Mr. Speaker, I want to say to the gentleman it is in order to block up the lands that are owned by the Government in this forest. Privately owned lands are scattered throughout the Government lands, and parties who own these lands scattered through the Government lands have lands on the outskirts of the Government lands, and the Government wants to acquire the land that is scattered through its lands by exchanging other land for it contiguous to ranches or farms owned by private parties.

Mr. HAMLIN. Suppose some of these private owners refuse to make an exchange; then the purpose would not be accomplished.

Mr. MADISON. Then it can not be made.

Mr. HAMLIN. There is no provision to compel them in any way by condemnation?

Mr. MADISON. Oh, not at all; this is simply a matter of exchange where the Government and the parties who own privately owned land find it to their mutual advantage.

Mr. FOSTER of Illinois. Does it let them go into other States, or is it confined to the State of Kansas?

Mr. MADISON. Absolutely.

Mr. HAMLIN. Mr. Speaker, I do not object.

Mr. JOHNSON of South Carolina. Mr. Speaker, I was trying to ask a question about the bill. I notice that the language of the bill is that the Government exchange lands of "substantially" the same value. Why not leave out the word "substantially" and have it "of equal value?"

Mr. MADISON. Well, because it would probably be impossible to find two tracts of land that would be of exactly the same value. Now, if the gentleman will read the bill he will see that it provides that no exchange shall be made except it be made by the Secretary of the Interior upon the recommendation of the Secretary of the Department of Agriculture, so that these two officials must concur in the exchange. They must both believe that the exchange that is being made by the Government is an absolutely fair one and one that protects the rights and interests of the Government; and an actual examination is required before any exchange can be made.

The SPEAKER. Is there objection?

There was no objection.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

BRONZE CANNON FOR UNITED SPANISH WAR VETERANS.

The next business on the Calendar for Unanimous Consent was Senate joint resolution 132, authorizing the delivery to the commander in chief of the United Spanish War Veterans of one or two dismounted bronze cannon.

The Clerk read as follows:

Resolved, etc., That the Secretary of War is hereby authorized to deliver to the order of the commander in chief of the United Spanish War Veterans one or two dismounted bronze cannon captured during the late War with Spain or during the Philippine insurrection, to be used by the said United Spanish War Veterans for the purpose of furnishing official badges of the order: *Provided*, That no expense shall be caused to the United States through the delivery of said cannon.

The SPEAKER. Is there objection?

Mr. MICHAEL E. DRISCOLL. Mr. Speaker, reserving the right to object, I shall object to it unless the gentleman in charge of the bill is willing to strike out in the sixth and seventh lines the words "or during the Philippine insurrection."

Mr. HULL of Iowa. I hope the gentleman will not raise that objection, for the reason that there were cannon that the Spanish Government left there during the Philippine insurrection.

Mr. MANN. Either accept the amendment or let it go.

Mr. HULL of Iowa. I do not care anything about it. I hope, however, the gentleman will not raise it.

Mr. MICHAEL E. DRISCOLL. I do not think there is any sentiment in the Spanish War veterans getting any old bronze cannon from the Philippine War and melting them into badges. I object unless the gentleman accepts that amendment.

Mr. HULL of Iowa. I accept the amendment.

Mr. MICHAEL E. DRISCOLL. Mr. Speaker, then I move to strike out of lines 6 and 7 the following words:

Or during the Philippine insurrection.

The SPEAKER. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out, in lines 6 and 7, "or during the Philippine insurrection."

The SPEAKER. Is there objection?

There was no objection.

The amendment was agreed to.

The Senate joint resolution was ordered to be read a third time, was read a third time, and passed.

PROCEEDINGS AT UNVEILING OF THE STEUBEN STATUE.

The next business on the Calendar for Unanimous Consent was House concurrent resolution 58.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That there shall be printed and bound in the form of eulogies, with accompanying illustrations, 17,100 copies of the proceedings upon the unveiling of the statue of Baron von Steuben in Washington, December 7, 1910, of which 5,000 shall be for the use of the Senate, 10,000 for the use of the House of Representatives, 2,000 to be delivered to the National German-American Alliance for such distribution as said alliance may desire to make, and the remaining 100 copies shall be bound in full morocco and distributed through the Department of State to the descendants of Baron von Steuben and the speakers who took part in said celebration.

The SPEAKER. Is there objection?

Mr. COX of Indiana. Mr. Speaker, reserving the right to object, I would like to ask if these reports will be put through the folding room.

Mr. BARTHOLDT. Yes, sir.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

EXCHANGE OF DESERT AND NATIONAL FOREST LANDS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 30280) authorizing the Secretary of the Interior to exchange certain desert lands for lands within national forests in Oregon.

The Clerk read as follows:

Be it enacted, etc., That the State of Oregon is hereby authorized to relinquish its selection heretofore made under the terms of the act of August 18, 1884 (28 Stats., p. 372), and acts amendatory and supplemental thereto of the following lands:

Sec. 3; E. ½, E. ½ of W. ½, SW. ¼ of SW. ¼ of sec. 4; SW. ¼, W. ½ of SE. ¼, SE. ¼ of SE. ¼ of sec. 5; S. ½ of sec. 6; all of secs. 7, 8, 9, 10, 15, 17, 18, 19, 20, 21, and 22 of T. 24 S., R. 33 E., Willamette meridian, containing 8,793.47 acres; and the Secretary of the Interior, upon recommendation of the Secretary of Agriculture, may issue patent to said lands in exchange for and upon reconveyance to the United States of the following lands within national forests in the State of Oregon:

All of fractional sec. 36, T. 21 S., R. 12 E.; all of sec. 16, T. 21 S., R. 12 E.; the SE. ¼ of sec. 36, T. 20 S., R. 14 E.; all of sec. 16, T. 23 S., R. 16 E.; the S. ½ of NW. ¼, the NW. ¼ of NW. ¼, the NE. ¼ of NE. ¼, the S. ½ of sec. 16, T. 28 S., R. 10 E.; S. ½ of N. ½ of sec. 16, T. 15 S., R. 31 E.; NW. ¼ of NW. ¼ of sec. 16, T. 17 S., R. 32 E.; all of sec. 36, T. 3 S., R. 47 E.; all of sec 16, T. 19 S., R. 31 E.; SE. ¼ of SE. ¼ of sec. 16, E. ½ of NE. ¼, W. ½ of NW. ¼ of sec. 36, T. 20 S., R. 33 E.; all of sec. 16, T. 3 S., R. 31 E.; S. ½ and NW. ¼ of sec. 36, T. 19 S., R. 32 E.; N. ½ of sec. 16, T. 14 S., R. 33 E.; all of secs. 16 and 36, T. 7 S., R. 34 E.; sec. 16, T. 8 S., R. 32 E.; all of sec. 36, T. 14 S., R. 35½ E.; all of sec. 36, T. 2 S., R. 40 E., Willamette meridian.

Provided, That the timber or undergrowth shall not have been removed from said forest lands.

Also the following committee amendments were read:

On line 5, page 1, strike out the word "eighty" and insert in lieu thereof the word "ninety."

On line 1, page 3, strike out the word "thirty" and insert in lieu thereof the word "forty."

At the end of the bill add the following: "*Provided further*, That upon reconveyance to the United States the lands shall become parts of the national forests in which they are situated."

The SPEAKER. Is there objection?

Mr. COOPER of Wisconsin. Mr. Speaker, reserving the right to object, I would like to have the gentleman from Oregon state the character of this bill. It seems to be an exchange of a great amount of land.

Mr. MONDELL. The gentleman from Oregon [Mr. ELLIS], who introduced the bill, is not here. I will make a brief statement if the gentleman desires. As the House will note from the report, it is proposed that the Government shall grant 8,793 acres of desert land for 9,401 acres of land within a forest reserve. The exchange of land gives the Government some 601 acres more than it surrenders, and it gives the Government the ownership of that amount of land within the boundaries of a reserve which has forests on it. These lands which are to be exchanged are desert in character, and can only be made habitable by irrigation.

Mr. COOPER of Wisconsin. What particular value has this desert land that the State of Oregon should be willing to give forest land in exchange for it?

Mr. MONDELL. The parties who desire to irrigate are the owners of the land in the forest reserve. They desire to make the exchange, and the Secretary of the Interior and the Secretary of Agriculture think the exchange would be a most excellent one for the Government.

Mr. COX of Indiana. What is the character of the timber?

Mr. MONDELL. It is not heavily timbered land, but there is some timber on it, and it is in a reserve. The Secretary of Agriculture says the land has some value for timber.

Mr. COOPER of Wisconsin. Mr. Speaker, I observe that in his letter the Secretary of the Interior, Mr. Ballinger, says:

The bill under consideration does not name the present owner of the school sections, nor whether they are to be conveyed by the State or some private corporation or individual claiming through or under the State. Neither does it name the proposed patentee of the lands to be received in exchange, whether the State, a private corporation, or individual. It is presumed, however, that the Portland Co. is the beneficiary of the bill; that it proposes to reconvey the school sections to the United States and will take title to the lands received in lieu thereof.

Mr. MONDELL. There is no question about that, Mr. Speaker. The committee was fully informed on that subject, and it is so stated in the report. The company that proposes to irrigate the desert lands are the owners of the lands in the forest reserve, and in order to enable them to irrigate that land we are proposing to give them the opportunity to exchange.

Mr. COX of Indiana. Is this corporation a corporation or a company composed of private individuals?

Mr. MONDELL. I believe it is a corporation organized for the purpose of irrigating these lands.

Mr. COOPER of Wisconsin. I object.

HOMESTEAD ENTRIES IN SILETZ INDIAN RESERVATION, OREG.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 27298) relating to homestead entries in the former Siletz Indian Reservation in the State of Oregon.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That all pending homestead entries heretofore made within the former Siletz Indian Reservation in Oregon upon which proofs were made prior to December 31, 1906, shall be passed to patent in all cases where it shall appear to the satisfaction of the Secretary of the Interior that the entry was made for the exclusive use and benefit of the entryman, and that the entryman built a house on the land entered and otherwise improved the same, and actually entered into the occupation thereof and cultivated a portion of said land for the period required by law, and that no part of the land entered has been sold or conveyed, or contracted to be sold or conveyed, by the entryman, and where no contest or other adverse proceeding was commenced against the entry and notice thereof served upon the entryman prior to the date of submission of proof thereon, or within two years thereafter, and where any such entry has heretofore been canceled the same may be reinstated upon application filed within six months from the passage of this act where at the date of the filing of such application for reinstatement no other entry is of record covering such land: *Provided*, That nothing herein contained shall prevent or forestall any adverse proceedings against any entry upon any charge of fraud: *And provided further*, That any entryman who may make application for patent under the provisions of this act shall, as an additional condition precedent to the issuance of such patent, be required to pay to the United States the sum of $2.50 per acre for the land so applied for; and the Secretary of the Interior is hereby authorized to issue such regulations as may be necessary for carrying this act into effect.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

FISH HATCHERY AT PARIS, TEX.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 2130) for the establishment of a fish hatchery at Paris, Tex.

The SPEAKER. Is there objection?

Mr. MANN. I object to that, as well as to all these other fish-cultural bills.

AN ACT PROVIDING FOR THE RETIREMENT OF CERTAIN MEDICAL OFFICERS OF THE ARMY.

The next business on the Calendar for Unanimous Consent was the bill (S. 9351) to amend an act entitled "An act providing for the retirement of certain medical officers of the Army," approved June 22, 1910.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

Mr. STEVENS of Minnesota. Mr. Speaker, I hope the gentleman will withhold his objection for a moment.

Mr. MANN. Does the gentleman from Minnesota think this bill should pass?

Mr. STEVENS of Minnesota. I do.

Mr. MANN. Then, Mr. Speaker, I withdraw my objection.

The Clerk read as follows:

Be it enacted, etc., That the act approved June 22, 1910, entitled "An act providing for the retirement of certain medical officers of the Army," be, and the same is hereby, amended as follows:

Strike out the words "in the War of the Rebellion," following the words "enlisted man," in said act, so that the act as amended will read:

"*Be it enacted, etc.*, That any officer of the Medical Reserve Corps who shall have reached the age of 70 years, and whose total active service in the Army of the United States, Regular or Volunteer, as such officer, and as contract or acting assistant surgeon, and as an enlisted man, shall equal 40 years, may thereupon, in the discretion of the President, be placed upon the retired list of the Army with the rank, pay, and allowances of a first lieutenant."

The SPEAKER. Is there objection?

Mr. SISSON. I object.

ESTABLISHMENT OF FISH-CULTURAL STATION, UTAH.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 3661) to establish a fish-cultural station in the State of Utah.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The Clerk will report the next bill.

Mr. HOWELL of Utah. Mr. Speaker, I would call the attention of the gentleman to the fact that this matter of the production of food fish is of such importance that the Government has already established 36 fish-cultural stations in various other parts of the Union.

Mr. FOSTER of Illinois. Mr. Speaker, I object.

RESTORATION OF CERTAIN PUBLIC LANDS IN MILLARD COUNTY, UTAH.

The next business on the Calendar for Unanimous Consent was the bill (S. 8457) to restore to the public domain certain lands withdrawn for reservoir purposes in Millard County, Utah.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to restore to the public domain, subject to entry under the public-land laws of the United States, such portions of the lands withdrawn under the act of October 2, 1888, for a United States reservoir site, in Millard County, Utah, not necessary for reservoir purposes, as he may designate.

The Clerk read the committee amendment, as follows:

Strike out all after the enacting clause down to the word "restore," in line 4, page 1, and insert in lieu thereof "That the President may, in his discretion."

The SPEAKER. Is there objection?

Mr. COOPER of Wisconsin. Mr. Speaker, I reserve the right to object.

Mr. HOWELL of Utah. Mr. Speaker, in 1894, under the act of October 2, 1888, certain lands were withdrawn for reservoir purposes in the county of Millard, Utah. Nothing has been done since that time with this tract and there is no Government irrigation system now in contemplation. This withdrawal stands in the way of a Carey Act project to reclaim this land. This bill simply authorizes the President, in his discretion, to restore these lands to the public domain. Under the existing law the President has the right to restore the land, but without this act the land would be subject to entry only under the homestead law. The purpose of the bill is to restore the lands to the precise status that they were in when they were withdrawn, so that they will be subject to the Carey Act proposition or acquisition under general public-land laws.

Mr. FOSTER of Illinois. Is there anyone living on this land?

Mr. HOWELL of Utah. No; it is vacant land.

Mr. COX of Indiana. How much land is involved in this?

Mr. HOWELL of Utah. Four or five thousand acres.

Mr. COX of Indiana. How much is it worth?

Mr. HOWELL of Utah. It is not worth anything. It is as much a desert as Sahara.

Mr. COOPER of Wisconsin. I observe that it was withdrawn 23 years ago, in 1888.

Mr. HOWELL of Utah. It was withdrawn under the act of 1888; but it was withdrawn in 1894.

Mr. COOPER of Wisconsin. Seventeen years ago.

Mr. HOWELL of Utah. Seventeen years ago, and this act puts it wholly within the discretion of the President.

Mr. COOPER of Wisconsin. But the President will not go out there to look at the land. He will rely upon the judgment of other people, and there will be tremendous pressure on him one way or the other. I would like to know what it was reserved for.

Mr. MONDELL. This is one of the old reservations under the law of 1888. The President on application could restore these lands now, but if they were restored under existing law they could only be restored for homestead entry. These people want to enter them under the Carey Act, another form of homestead. They desire to have them irrigated under the Carey Act. This gives the President discretion to restore them under any of the land laws.

Mr. COOPER of Wisconsin. They were reserved for the purposes of a reservoir, for the storage of water, were they not?

Mr. MONDELL. The original withdrawals covered vast areas, which from time to time have been reduced by presidential proclamation, as it is found that the lands are not needed for reservoir purposes.

Mr. COOPER of Wisconsin. I only want to get at the facts. The original reservation was for the purpose of storing water.

Mr. MONDELL. Yes.

Mr. COOPER of Wisconsin. And that water was supposed to be used for irrigation purposes.

Mr. MONDELL. The reservations were made very large, including vast areas that were not needed for reservoir purposes in many cases, and this is one of them.

Mr. MANN. The original reservation was to permit the Government to use the land for reservoir purposes, and the purpose of this is to permit the State to do it under the Carey Act.

Mr. MONDELL. No; this land is now subject to the right-of-way act. A private individual could use this land now for a reservoir.

Mr. MANN. I understand.

Mr. MONDELL. But that is not what is wanted. They want to irrigate the land.

Mr. MANN. That is what I say.

Mr. MONDELL. They want to reclaim it. The President can restore the land, but he can not restore it to any entry except homestead entry under the present law.

Mr. COOPER of Wisconsin. Will the gentleman permit a suggestion right there?

Mr. MONDELL. Certainly.

Mr. COOPER of Wisconsin. This land was reserved for reservoir purposes, and now it is proposed to irrigate the very land which was to be submerged.

Mr. MONDELL. The gentleman knows that sometimes more land was reserved than was actually needed for the reservoir site.

Mr. COOPER of Wisconsin. Where are they going to get the water to irrigate this?

Mr. HOWELL of Utah. I will say in answer to that that when this land was withdrawn it was a kind of blanket withdrawal, and the lands now desired to be restored to the public domain do not include the site of the depression in which the water could be stored. These are simply lands that can not be used for reservoir purposes at all.

Mr. COOPER of Wisconsin. Has there been a report on this from any Government official?

Mr. HOWELL of Utah. Oh, yes; the Secretary of the Interior has no objection to it—he recommends it.

Mr. COOPER of Wisconsin. He has no objection to it, but does he know anything about it?

Mr. HOWELL of Utah. Only as he has been advised by his subordinates. There is no possible harm in this bill.

Mr. COOPER of Wisconsin. I shall not object to the bill, but I want to say just one word. A law has been passed—I do not know how or when—which permits the printing of only 100 private bills at a time. We put private bills through under suspension of the rules, and only 100 copies of a private bill are printed for a membership of 391 in this House. Why such a law as that was ever passed I can not understand. We ought to have a bill, or two bills if necessary, with the report, for each Member.

Mr. HOWELL of Utah. This is not a private bill; this is a public bill.

Mr. COOPER of Wisconsin. I do not object.

The SPEAKER. Is there objection?

There was no objection.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

RIGHT OF WAY TO THE BUCKHANNON & NORTHERN RAILROAD CO.

The next bill on the Unanimous Consent Calendar was the bill (S. 10404) to authorize the Secretary of War to grant a right of way through lands of the United States to the Buckhannon & Northern Railroad Co.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized, in his discretion, to grant the Buckhannon & Northern Railroad Co. a right of way through lands of the United States, on the western bank of the Monongahela River, in the State of West Virginia, adjacent to Locks Nos. 10, 11, 12, 13, and 14, at such price, and on such terms and conditions, as he may consider just, equitable, and expedient.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

BRIDGE ACROSS THE MISSISSIPPI RIVER, MINN.

The next business on the Unanimous Consent Calendar was the bill (H. R. 32341) to authorize the St. Paul Railway Promotion Co., a corporation, to construct a bridge across the Mississippi River near Nininger, Minn.

The Clerk read the bill, as follows:

Be it enacted, etc., That the St. Paul Railway Promotion Co., a corporation organized under the laws of Minnesota, its successors and assigns, are hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, at or near Nininger, in the county of Dakota, in the State of Minnesota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

BRIDGE ACROSS THE PISCATAQUA RIVER, N. H.

The next business on the Unanimous Consent Calendar was the bill (H. R. 32213) to authorize the city of Portsmouth, N. H., to construct a bridge across the Piscataqua River.

The Clerk read the bill, as follows:

Be it enacted, etc., That authority is hereby given the city of Portsmouth, N. H., or its assigns, a corporation organized under the laws of the State of New Hampshire, to construct, maintain, and operate a bridge and approaches thereto across the Piscataqua River at a point suitable to the interests of navigation, at or near Portsmouth, in the county of Rockingham, in the State of New Hampshire, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

HOT SPRINGS MOUNTAIN RESERVATION.

The next business on the Unanimous Consent Calendar was the bill (H. R. 31806) to amend an act entitled "An act conferring jurisdiction upon United States commissioners over offenses committed on a portion of the permanent Hot Springs Mountain Reservation," approved April 20, 1904.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 1 of the act approved March 2, 1907 (34 Stat., 1218), is amended so as to read as follows:

"That any United States commissioner duly appointed by the United States district court for the eastern district of Arkansas, and residing in said district, shall have power and jurisdiction to hear and act upon all complaints made of any and all violations of said act of Congress approved April 20, 1904."

Amend the title so as to read: "A bill to amend section 1 of the act approved March 2, 1907, being an act to amend an act entitled 'An act conferring jurisdiction upon United States commissioners over offenses committed on a portion of the permanent Hot Springs Mountain Reservation, Ark.'"

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

ORGANIZED MILITIA.

The next bill on the Unanimous Consent Calendar was the bill (H. R. 28436) to further increase the efficiency of the Organized Militia, and for other purposes.

The Clerk read the title to the bill.

Mr. MANN. Mr. Speaker, I think this bill is too important to be taken up under unanimous consent, and I object.

MESSAGE AND REPORT OF NORTH ATLANTIC COAST FISHERIES ARBITRATION AT THE HAGUE.

The next bill on the Unanimous Consent Calendar was the Senate joint resolution 139, authorizing the printing of the message of the President, together with the report of the agent of the United States in the North Atlantic Coast Fisheries Arbitration at The Hague.

The Clerk read the resolution, as follows:

Resolved, etc., That the President's message of February 1, 1911, together with the report of the agent of the United States in the North Atlantic Coast Fisheries Arbitration at The Hague, transmitted therewith, and the appendices to the report, be printed as a public document, together with an additional 500 copies for the Department of State, the cost thereof to be defrayed out of the appropriation for printing and binding for Congress.

The SPEAKER. Is there objection?

There was no objection.

The resolution was ordered to be read a third time, was read the third time, and passed.

INVESTIGATION OF EXPLOSION AT COMMUNIPAW, N. J.

The next bill on the Unanimous Consent Calendar was House joint resolution 282, to investigate the causes of the explosion at Communipaw, N. J., and to report the results of such investigation with recommendations regarding such legislation as will tend to prevent a recurrence of same.

The Clerk read the title to the resolution.

Mr. FITZGERALD. Mr. Speaker, I object.

LIGHT AND FOG-SIGNAL STATION, SAN PEDRO BREAKWATER, CAL.

The next business was the bill (S. 10011) for establishing a light and fog-signal station on the San Pedro Breakwater, Cal.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of Commerce and Labor be, and he is hereby, authorized to establish a light and fog-signal station on the San Pedro Breakwater, Cal., at a cost not to exceed $36,000."

The SPEAKER. Is there objection?

There was no objection.

The amendment was agreed to, and the bill as amended was ordered to be read a third time, was read the third time, and passed.

LIGHT AND FOG SIGNAL, LINCOLN ROCK, ALASKA.

The next business was the bill (S. 10015) for rebuilding and improving the present light and fog signal at Lincoln Rock, Alaska, or for building another light and fog-signal station upon a different site near by.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of Commerce and Labor be, and he is hereby, authorized to rebuild and improve the present light and fog signal at Lincoln Rock, Alaska, or establish a light and fog-signal station upon a different site near by, at a cost not to exceed $25,000."

The SPEAKER. Is there objection?

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, I understand that this present light is on a rock in a channel in Alaska, and the new head of the Lighthouse Service stated that he wanted to replace that light or place it on a new sight near by.

Mr. MANN. The present lighthouse, owing to too severe storms, is ready to fall down, and there has been a question as to whether it would be more economical to put underpinning under it or to reconstruct it or build a new light near to it.

Mr. FITZGERALD. How near does the gentleman from Illinois believe the department contemplates building the light, if it builds it near by the site, which is now a submerged rock in the channel?

Mr. MANN. I do not know how near by, but I suppose right adjoining.

Mr. FITZGERALD. But the gentleman is mistaken.

Mr. MANN. That may be.

Mr. FITZGERALD. The head of the department stated some place within 5 miles. I think I shall object to this, Mr. Speaker.

Mr. MANN. Oh, I think the gentleman will make a mistake if he does. This light is necessary, and it is liable to fall down. I will say to the gentleman we have a great many requests for new lights——

Mr. FITZGERALD. If it is necessary at this point, it should be built nearer than 5 miles from it.

Mr. MANN. But a light even within 5 miles might be sufficient. Lights are not very common in that locality.

Mr. FITZGERALD. No; but this is on a submerged rock in the channel, placed there to mark that channel and to prevent ships striking the rock. How valuable it would be 5 miles away is difficult to tell.

Mr. MANN. It might be very valuable 4 or 5 miles away.

Mr. HUMPHREY of Washington. Mr. Speaker, I have seen that rock. The lighthouse is not placed there for the purpose of preventing vessels running on that rock. That rock is itself out of the water a great portion of the time. It is not under the water all of the time. I have seen it when not under the water.

Mr. FITZGERALD. If it be not a submerged rock, I shall not object.

Mr. MANN. The gentleman is mistaken about his facts. I trust he will not object.

Mr. FITZGERALD. I am not mistaken about the facts. I state what the head of the Lighthouse Service has testified to.

Mr. MANN. The gentleman understands that the appropriation is left to the Committee on Appropriations.

Mr. FITZGERALD. If the gentleman thinks this is very important, I shall not object.

The SPEAKER. The Chair hears no objection. The question is on agreeing to the amendment.

The amendment was agreed to, and the bill as amended was ordered to be read a third time, was read the third time, and passed.

ADDITIONAL AID TO NAVIGATION.

The next business was the bill (S. 10177) to authorize additional aids to navigation in the Lighthouse Establishment, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Commerce and Labor be, and he is hereby, authorized to establish and provide the following additional aids to navigation in the Lighthouse Establishment, under the Lighthouse Service, in accordance with the respective limits of cost respectively set forth, which shall in no case be exceeded:

To construct a power house and foundry and complete the equipment, wiring, etc., of the power plant at the general lighthouse depot, Staten Island, N. Y., at a cost not to exceed $30,000.

To rebuild and improve the present light and fog-signal station, or construct a new light and fog-signal station, at Brandywine Shoal, Delaware Bay, Del., at a cost not to exceed $75,000.

To rebuild and improve the Buffalo Breakwater North End Light Station, N. Y., at a cost not to exceed $60,000.

To complete the lighting of the breakwater and piers at Superior Entry, Wis., at a cost not to exceed $25,000.

To establish a lighthouse depot on the site belonging to the War Department on Governors Island, Boston Harbor, Mass., or on the site belonging to the Marine-Hospital Service, Treasury Department, on Chelsea Creek, Boston Harbor, Mass., and authority is hereby granted for the transfer of the site authorized from the proper department to the Department of Commerce and Labor—

With the following amendments:

Page 2, line 12, strike out the word "Governors" and insert the word "Castle."

Line 17, page 2, after the word "labor," insert:

"And when the Department of Commerce and Labor shall have acquired such site, as herein authorized, the lighthouse depot now located on Lovells Island shall be moved to the site thus acquired."

The SPEAKER. Is there objection?

Mr. MORSE. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Illinois how it is that the title of this site is in the War Department, and is then to be transferred to the Department of Commerce and Labor. Why is not the title in the General Government?

Mr. MANN. Well, the title to property of this sort is in different departments.

Mr. MORSE. Is that true with lighthouse sites?

Mr. MANN. Yes; it is true of lighthouse sites; also true of military reservations, and with those reservations it is in the War Department. There is one title in the War Department, one in the Treasury Department, and we want permission to put title in the Department of Commerce and Labor.

Mr. MACON. Mr. Speaker, reserving the right to object, I would like to ask the gentleman in charge of the bill the necessity for the passage of a bill carrying so many dollars in this way by unanimous consent. We ought to understand something about a bill carrying $204,000.

Mr. MANN. I will say to the gentleman in reference to that, each one of the items in this bill has been gone over very carefully. The bill was prepared at the request of the Department of Commerce and Labor on letters, both here and in the Senate, from the new commissioner after considerable investigation showing that there is an absolute actual necessity for the authorization carried in this bill. We have requests for many authorizations which have not been carried.

Now, in regard to the power house, the Comptroller of the Treasury has decided that under the authorization heretofore made they can not construct the power house. The Brandywine Shoal light is in a bad condition; the Buffalo Breakwater Shoal is in the same condition; and at Superior Entry, Wis., the Government has extended its breakwater and piers out so that it is absolutely necessary to put a light there; and the lighthouse depot in Boston Harbor it is necessary to change in order to get access to it and for economical administration. Of course, that involves the extra expense.

Mr. MOORE of Pennsylvania. Mr. Speaker, in the estimates presented by the department there are——

Mr. MANN. I will say to the gentleman I will not consent to any amendment inserting any other item.

Mr. MOORE of Pennsylvania. I do not seek to insert any other item at this time, but I think the gentleman might give me some information as to other items which are found under the head of "Special work," as urged by the Department of Commerce and Labor.

Mr. MANN. I hope the gentleman appreciates we are occupying time by courtesy of the Committee on Naval Affairs.

Mr. MOORE of Pennsylvania. I realize that, but I hoped the gentleman would extend me the courtesy of answering a question or two.

Mr. MANN. I would if nobody would object, but I am afraid somebody will object on account of our occupying the time.

Mr. MOORE of Pennsylvania. If this is the conclusion of legislation that is to come from the Committee on Interstate and Foreign Commerce regarding aids to navigation, that would settle the question; but I am hopeful there may be some information in regard to recommendations from the department, on which up to this time apparently Congress has not acted.

Mr. MANN. I would say to the gentleman who introduced a bill in reference to aids to navigation, part of which was already provided for——

Mr. MOORE of Pennsylvania. I did that with the idea of bringing the entire matter to the attention of the committee, so that they would understand what we needed along the Delaware.

Mr. MANN. We have covered in these bills on the calendar every one which in the opinion of the commissioner of lighthouses, after a thorough explanation, are absolutely necessary, and I think there will be no other bills reported from the committee.

Mr. MOORE of Pennsylvania. In view of that statement, will the gentleman tell us something about the condition of the lighthouse station at Edgemoor, on the Delaware River? As a matter of fact, it is tumbling down and is unfit for the purpose for which it was intended.

Mr. MANN. We made some provision for Edgemoor in the last omnibus bill, and the commissioner informs us they have all the authority they need.

Mr. MOORE of Pennsylvania. I think the gentleman will bear me out that the authority given in the last bill has not

been exercised and the condition has grown worse than it was last year.

Mr. MANN. It has not been exercised; but so far as my committee is concerned, it has been exercised, and it now rests with the Committee on Appropriations.

Mr. MOORE of Pennsylvania. Then the gentleman is not to be held accountable for the fact that the lighthouse station at Edgemoor is tumbling down.

Mr. MANN. Not at all. That rests with the Committee on Appropriations.

Mr. KELIHER. I would like to ask the gentleman why Castle Island, in Boston Harbor, rather than Governors Island, has been selected for the placing of this light.

Mr. MANN. Last year in the bill we authorized the provision as to Governors Island. The Lighthouse Board desires Castle Island. If there is no objection, I propose to offer an amendment, which will be in the language of the Senate bill, so as to throw that whole matter into conference.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I offer the following amendment, which is the language printed in the bill, to strike out lines 11 to 21, in the last paragraph, so as to throw that whole paragraph into conference.

The SPEAKER. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by striking out on page 2, lines 11 to 21, both inclusive, and inserting in lieu thereof the following:

"To establish a lighthouse depot on the site belonging to the War Department on Castle Island, Boston Harbor, Mass., or on the site belonging to the Marine-Hospital Service, Treasury Department, or Chelsea Creek, Boston Harbor, Mass., and authority is hereby granted for the transfer of the site authorized from the Treasury Department to the Department of Commerce and Labor; and when the Department of Commerce and Labor shall have acquired such site as herein authorized the lighthouse depot now located on Lovells Island shall be moved to the site thus acquired."

Mr. COOPER of Wisconsin. I would like to ask the gentleman from Illinois [Mr. MANN] a question. The information developed by my colleague [Mr. MORSE] was very interesting to me. I confess my ignorance. I did not know that the Marine-Hospital Service owned the site to a lighthouse depot.

Mr. MANN. The Marine Hospital Service is part of the Treasury Department, and the Treasury Department owns the site.

Mr. COOPER of Wisconsin. The bill says "on the site belonging to the Marine-Hospital Service," which means the Marine-Hospital Service of the Treasury Department. Now, then, does the gentleman say that the fees to these sites, the real estate upon which these lighthouse depots are located, are in the respective Government departments?

Mr. MANN. They are in the United States, but the department can not permit the use by any other department except by authorization.

Mr. COOPER of Wisconsin. Then they do belong to the Government?

Mr. MANN. It belongs to the Government.

Mr. COOPER of Wisconsin. Is it then technically an accurate use of language to speak of real estate which is Government real estate as belonging to a department of the Government?

Mr. MANN. The site belongs to that department.

Mr. COOPER of Wisconsin. If the site is in fee in the department, then it is subject——

Mr. MANN. It may not be the most acourate language. I do not undertake to say.

Mr. COOPER of Wisconsin. The most accurate? It is not accurate at all.

Mr. MANN. We did not undertake the review of the language of the Senate, although this item was prepared by the department.

Mr. COOPER of Wisconsin. It may have been prepared by the department, but this does not——

Mr. MANN. We frequently transfer sites from one department to another.

Mr. COOPER of Wisconsin. The gentleman has a deservedly excellent reputation as a lawyer, and does he want to approve in the legislation of the United States a palpable misstatement of the law to the effect that the title to real estate is in a department of the Government when it is not in a department at all?

Mr. MANN. The title is in the Government, but I think the site does belong to the Marine-Hospital Service.

Mr. DALZELL. Will the gentleman allow me to suggest right there? I got an appropriation for the marine hospital out at Pittsburg, and the parties who went out to inspect sites finally decided that the best site for the hospital would be a portion of the arsenal property not being used. I had to have an act passed to authorize the Secretary of War to make a deed to the Secretary of the Treasury for that marine-hospital site.

Mr. COOPER of Wisconsin. He makes it to the Secretary of the Treasury for the United States Government. He does not give Franklin MacVeagh a deed to this land?

Mr. MANN. No.

Mr. DALZELL. Certainly not.

Mr. COOPER of Wisconsin. The fee is in the Government.

Mr. MANN. The fee is in the Government.

Mr. COOPER of Wisconsin. He gives it to him as United States Treasurer, but it does not belong to the Treasury Department.

Mr. HULL of Iowa. The control of it does.

Mr. MANN. The title of course is in the Government.

Mr. DALZELL. The real title is in the Government, of course.

Mr. COOPER of Wisconsin. Then, the land belongs to the Government; but this bill speaks of a site belonging to the War Department.

Mr. MANN. I have offered an amendment to throw this entire paragraph into conference, so that anything of that sort will be corrected. That is the purpose of it.

Mr. COOPER of Wisconsin. I hope it will be corrected. As it stands it is not a correct statement of the law.

Mr. MOORE of Pennsylvania. Mr. Speaker, I reserve the right of amendment.

The SPEAKER. The question of consideration has been waived, and the question now is on the amendment.

Mr. MOORE of Pennsylvania. May I have an opportunity to refer to the amendment? I understood the gentleman from Massachusetts [Mr. KELIHER] offered an amendment as to a change of site.

Mr. MANN. No; I offered the amendment.

Mr. MOORE of Pennsylvania. Then I withdraw my objection.

The SPEAKER. The question is on the amendment. Is there objection?

There was no objection, and the amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

AIDS TO NAVIGATION, DETROIT RIVER, MICH.

The next business on the Calendar for Unanimous Consent was the bill (S. 10630) providing for aids to navigation along the Livingstone Channel, Detroit River, Mich.

The SPEAKER. Is there objection?

Mr. MACON. Mr. Speaker, I object to that bill.

Mr. MANN. I hope the gentleman will reserve his objection for just a moment.

Mr. MACON. I will reserve it, of course.

Mr. MANN. Mr. Speaker, the Government is now constructing the Livingstone Channel in the Detroit River, where all the commerce of the Detroit River will pass. There is now a cofferdam there, so that this work is in the dry. This channel will probably be opened next year, the year 1912. That is what the Army engineers now report. The channel can not be utilized without lights along the channel, and we are informed that if we put in the foundation for these lights in the dry, in the cofferdam, they will be far less expensive than they would be if we put them in the wet, after the cofferdam is removed and the water is in the channel. The channel has cost the Government probably $5,000,000 or $6,000,000.

Mr. MACON. How did the Government happen to dig the channel?

Mr. MANN. It is part of the river and harbor improvement. It is the Detroit River, and all that commerce in the Detroit River will pass through this channel when completed.

Mr. MACON. That, of course, passes the traffic from one lake to the other?

Mr. MANN. Yes.

Mr. MACON. Then I realize the importance of it.

Mr. SISSON. Mr. Speaker, I object.

Mr. MANN. Will the gentleman reserve his objection?

Mr. SISSON. I withdraw the objection.

The SPEAKER. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of Commerce and Labor be, and he is hereby, authorized to establish and provide such lights and buoys as may, in his judgment, be necessary to properly mark the Livingstone Channel in the Detroit River, Mich., at an expense not to exceed $210,000.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrosed for a third reading, was read the third time, and passed.

BRIDGE ACROSS THE DELAWARE RIVER.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 32400) to authorize the North Pennsylvania Railroad Co. and the Delaware & Bound Brook Railroad Co. to construct a bridge across the Delaware River from Lower Makefield Township, Bucks County, Pa., to Ewing Township, Mercer County, N. J.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the North Pennsylvania Railroad Co. and the Delaware & Bound Brook Railroad Co., their lessees, successors, and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto, across the Delaware River at a point suitable to the interests of navigation, from the township of Lower Makefield, county of Bucks, State of Pennsylvania, at or near the southeastern boundary of the borough of Yardley to a point at or near 10 feet south of the existing bridge in the township of Ewing, in the county of Mercer, in the State of New Jersey, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

BRIDGE ACROSS SOUTH BRANCH OF THE MISSISSIPPI RIVER.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 32440) authorizing the Moline, East Moline & Watertown Railway Co. to construct, maintain, and operate a bridge and approaches thereto across the south branch of the Mississippi River from a point in the village of Watertown, Rock Island County, Ill., to the island known as Campbells Island.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the Moline, East Moline & Watertown Railway Co., a corporation organized under the laws of the State of Illinois, is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the south branch of the Mississippi River from a point in the village of Watertown, in the county of Rock Island and State of Illinois, to the island known as Campbells Island, in said county of Rock Island, said bridge to be a wagon and street railway bridge, whose use is to be free to the public, the same to be built in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The Clerk also read the amendment, as follows:

In line 7, page 1, after the word "point," insert the words "suitable to the interests of navigation."

The SPEAKER. Is there objection to the amendment?

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading, was read the third time, and passed.

DAM ACROSS OUTLET OF NAMAKAN LAKE AT KETTLE FALLS, MINN.

The next business on the Calendar for Unanimous Consent was the bill (S. 10596) to authorize the Rainy River Improvement Co. to construct a dam across the outlet of Namakan Lake at Kettle Falls, in St. Louis County, Minn.

The bill was read, as follows:

Be it enacted, etc., That the Rainy River Improvement Co., a corporation organized under the laws of the State of Minnesota, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a dam across the outlet of Lake Namakan at Kettle Falls, in St. Louis County, Minn., in accordance with the provisions of the act approved June 23, 1910, entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906."

SEC. 2 That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

In line 8, after the word "Minnesota," insert the words "at a point suitable to the interests of navigation."

The SPEAKER. Is there objection?

Mr. POINDEXTER. I object.

Subsequently,

Mr. MILLER of Minnesota. Mr. Speaker, I move to suspend the rules and pass the bill (S. 10596) to authorize the Rainy River Improvement Co. to construct a dam across the outlet of Namakan Lake at Kettle Falls, in St. Louis County, Minn.

The SPEAKER. The Chair is informed by the gentleman from Minnesota [Mr. MILLER] that the gentleman from Washington [Mr. POINDEXTER] withdraws his objection to this bill.

Mr. POINDEXTER. That is correct, Mr. Speaker. In view of the explanation made by the gentleman from Minnesota, I withdraw the objection.

Mr. COOPER of Wisconsin. I will inquire if that is not in violation of the rule.

The SPEAKER. Well, the Chair supposes it is; but still, under these conditions, if there is no objection to it, by unanimous consent all rules can be suspended and this bill passed, as this is suspension day. That would avoid the technical trouble.

Mr. COOPER of Wisconsin. Yes; but there are many Members who will have bills objected to who can not move to suspend the rules.

Mr. MANN. We have done this several times.

Mr. COOPER of Wisconsin. I do not object.

The SPEAKER. If there be no objection, the rules will be suspended and the bill, with the amendment, will be passed.

There was no objection.

Accordingly the rules were suspended, and the bill as amended was passed.

DAM ACROSS MISSISSIPPI RIVER, SAUK RAPIDS, MINN.

The next business on the Unanimous Consent Calendar was the bill (S. 10757) to amend an act entitled "An act permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minn.," approved February 26, 1904.

The bill was read, as follows:

Be it enacted, etc., That section 3 of an act entitled "An act permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minn.," approved February 26, 1904, be, and the same is hereby, amended so as to read as follows:

"SEC. 3. That this act shall be null and void and all rights acquired under the same forfeited unless the construction of the dam herein authorized be commenced on or before the 1st day of July, A. D. 1911, and such construction continued with and the dam completed within two years from the date last mentioned.

The SPEAKER. Is there objection?

Mr. COOPER of Wisconsin. Reserving the right to object, I wish to ask the gentleman from Minnesota a question. The bill provides—

That section 3 of an act entitled "An act permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minn.," approved February 26, 1904, be, and the same is hereby, amended so as to read as follows:

"SEC. 3. That this act shall be null and void and all rights acquired under the same forfeited unless the construction of the dam herein authorized be commenced on or before the 1st day of July, A. D. 1911, and such construction continued with and the dam completed within two years from the date last mentioned."

That is all of it. There is no statement of the old law of 1904, nor any statement as to how the old law is to be changed by the amendment proposed in this bill.

Now, I take it from the phraseology of the bill that the rights of these parties under the original law—the law of February 26, 1904—have expired. Is that so?

Mr. STEVENS of Minnesota. Yes. The construction was required to be begun within one year and finished within three years from the date of the passage of the original act. The concern spent some money there, the exact amount of which I do not know, but which can be stated by my colleague [Mr. LINDBERGH].

Mr. LINDBERGH. About $2,500.

Mr. STEVENS of Minnesota. But the work was not completed within that time. So we passed an act providing that construction should commence on or before the 1st day of July, 1910. That was withdrawn and changed to 1911, and this makes the change. The company have gone ahead in good faith and spent their money, and this is a legitimate enterprise.

Mr. MANN. If the gentleman will permit, we reported a bill a short time ago from our committee which was just like this. Meanwhile a bill came over from the Senate providing for the 1st of July, 1910, instead of the 1st of July, 1911. I informed the Speaker that it was like a substantially similar bill on the House Calendar which we had reported, the only distinction being between 1910 and 1911. I admit my error. I did not catch the difference. That bill passed. Now, it ought to be passed in this form, because this is the only way in which it will do any good.

Mr. COOPER of Wisconsin. There is a suggestion concerning the form of this bill which occurs to me and which I desire briefly to present. The proposed amendment to the law of 1904 is not itself specifically set forth. The bill simply provides that a single section of a law enacted in 1904, about which we do not remember anything and which we have not here to read, shall "be amended so as to read as follows," and then proceeds to set forth only the proposed new amended section. From this bill we can not tell just what change is to be made in the old law. This ought not to be so.

Some legislatures require that an amendment to a law shall first be set forth in full in connection with the particular provision of the old law which it is proposed to amend and then

followed by that provision as it will appear when amended. Only in that way is it possible from a mere reading of a bill to understand what would be the effect of a proposed amendment to a law. Congress ought by law to make such a requirement as to all proposed amendments to Federal statutes.

Mr. MANN. I can tell the gentleman about that. In the form in which we report these bills we have invariably provided the time when work should be commenced and the time within which it must be completed. This simply amends that section, changing the time.

Mr. COOPER of Wisconsin. I withdraw the objection.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

DAM ACROSS ST. CROIX RIVER.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 25502) to authorize James D. Markham and Chauncey A. Kelsey and others to construct a dam across the St. Croix River between Minnesota and Wisconsin.

The Clerk read the title of the bill.

Mr. LENROOT. Mr. Speaker, I object.

CONFEDERATE VETERANS' REUNION, LITTLE ROCK, ARK.

The next business on the Calendar for Unanimous Consent was the joint resolution (S. J. Res. 140) authorizing the Secretary of War to loan certain tents for the use of the Confederate Veterans' Reunion, to be held at Little Rock, Ark., in May, 1911.

The joint resolution was read, as follows:

Resolved, etc., That the Secretary of War be, and is hereby, authorized to loan, at his discretion, to the executive committee of the Confederate Veterans' Reunion, to be held at Little Rock, Ark., in the month of May, 1911, such tents, with necessary poles, ridges, and pins, as may be required at said reunion: *Provided*, That no expense shall be caused the United States Government by the delivery and return of said property, the same to be delivered to said committee designated at such time prior to the holding of said reunion as may be agreed upon by the Secretary of War and William M. Kavanaugh, general chairman of said executive committee: *And provided further*, That the Secretary of War shall, before delivering such property, take from said William M. Kavanaugh a good and sufficient bond for the safe return of said property in good order and condition, and the whole without expense to the United States.

The SPEAKER. Is there objection?

There was no objection.

The joint resolution was ordered to a third reading, and was accordingly read the third time and passed.

Mr. MONDELL rose.

The SPEAKER. For what purpose does the gentleman rise?

Mr. MONDELL. To make a motion to suspend the rules and pass the bill (H. R. 28623) to establish a fish hatchery in the State of Wyoming.

ARPENT LOT, PENSACOLA, FLA.

The SPEAKER. The gentleman from Illinois.

Mr. MANN. Mr. Speaker, yesterday the House passed a House bill, H. R. 31987, providing that "the United States hereby remises, releases, and quitclaims under the heirs of Charles J. Heinberg, deceased, and Bertha Heinberg, his widow, and their assigns, all of arpent lot No. 44, in the old city of Pensacola, Fla.," but there was a Senate bill on the calendar to the same effect which should have been passed, and I ask unanimous consent to reconsider the vote by which the House bill was passed and substitute the Senate bill for the House bill.

The SPEAKER. The gentleman from Illinois asks that the bill S. 8736, in precisely the same language as the bill referred to, which was passed by the House, be substituted for the House bill, and that the House bill lie on the table. Is there objection?

There was no objection.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The bill H. R. 31987 was ordered to lie on the table.

WITHDRAWAL OF PAPERS.

Mr. WILSON of Illinois asked leave to withdraw the report to establish a fish hatchery in Tennessee.

Mr. PADGETT. Mr. Speaker, I reserve the right to object, and would like to hear from the gentleman from Illinois.

The SPEAKER. The gentleman from Illinois [Mr. WILSON] saw the Speaker about it and said there was some mistake in the report and wished to withdraw it. The Chair knows nothing about it, but suggested that he leave the request on the Speaker's table.

Mr. PADGETT. I ask that that be postponed until I can see the gentleman from Illinois [Mr. WILSON].

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill (H. R. 32212).

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. CURRIER in the chair.

Mr. FOSS. Mr. Chairman, I desire to turn back to a few matters which were passed yesterday without prejudice. The first is on page 50, in relation to the appropriation for the crypt for John Paul Jones. That was passed without prejudice, and I think a point of order was pending against it.

Mr. MANN. I understand that the gentleman will offer an amendment, and I make a point of order to the paragraph, so that they may offer it.

The CHAIRMAN. Does the Chair understand the gentleman from Illinois to make the point of order?

Mr. MANN. If they have the right to offer an amendment, I will make the point of order.

Mr. LOUD. I move to strike out the paragraph and insert——

Mr. MANN. I will withdraw the point of order so that the gentleman may offer his amendment.

Mr. MACON. Mr. Chairman, I make the point of order. The paragraph can go out, and then the gentleman can offer his amendment.

The CHAIRMAN. The gentleman from Arkansas makes the point of order.

Mr. MACON. I will withdraw the point of order.

Mr. LOUD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 50 substitute for the paragraph beginning on line 3 and ending on line 15 the following:

"The Secretary of the Navy shall have plans and specifications and estimates prepared for the cost of the completion of the crypt at the United States Naval Academy, Annapolis, Md., as a permanent resting place for the body of John Paul Jones, and shall report the same to the next session of Congress."

Mr. BARTLETT of Georgia. Mr. Chairman, I understand the motion is to strike out the paragraph and insert that which has been offered.

The CHAIRMAN. That is the understanding of the Chair.

Mr. LOUD. I submit this as a part of my remarks:

[House report No. 2114, Sixty-first Congress, third session.]

JOHN PAUL JONES.

Mr. LOUD, from the Committee on Naval Affairs, submitted the following report, to accompany S. 8868:

The Committee on Naval Affairs, to whom was referred the bill (S. 8868) providing for a permanent resting place for the body of John Paul Jones, having had the same under consideration, report thereon with the recommendation that it pass with the following amendment:

Section 2, line 13, strike out the words "one hundred and thirty-five" and insert in lieu thereof "seventy-five."

This bill has the approval of the President of the United States, as will appear by the following extract from his annual message at the opening of the present session of Congress, in which he states:

"I unite with the Secretary (of the Navy) in the recommendation that an appropriation be made to construct a suitable crypt at Annapolis for the custody of the remains of John Paul Jones."

This bill has the approval of the Navy Department, as will appear from the following extract from the annual report of the Secretary of the Navy:

"The department renews its recommendations that $135,000 be appropriated to provide an appropriate resting place for the remains of John Paul Jones."

Similar legislation has been recommended by previous Secretaries of the Navy, as will appear from the following letters:

NAVY DEPARTMENT,
Washington, April 26, 1906.

SIR: The crypt of the chapel at the Naval Academy, Annapolis, having been selected as the place of final deposit of the body of John Paul Jones, I have the honor to recommend that suitable provision be made for finishing this part of the building in a manner appropriate to such purpose.

Under existing contracts the crypt of the chapel will be left in the rough, with exposed concrete and brickwork. The department has been in correspondence with the architect of the building, Mr. Ernest Flagg, and has received from him an estimate and tentative plans for the finishing of the crypt. A copy of the letter of the architect is inclosed for the information of the committee. It will be seen that Mr. Flagg's suggestions are based upon a substantial, though not the more costly, style of finish and decoration.

Inasmuch as the appropriations heretofore made for the erection of buildings at the Naval Academy are not sufficient to cover the finishing of the crypt in the manner herein suggested, even if such action could appropriately be taken without the special sanction of Congress, the draft of a measure authorizing the work and providing an appropriation of $135,000 therefor is inclosed.

Learning that, in the preliminary steps connected with this matter before it was taken up by the Government, Gen. Horace Porter, ambassador of the United States at Paris, had expended from his private purse the sum of $35,000, this department was prepared to recommend that he be reimbursed therefor; but he has most generously and patriotically declined to accept such reimbursement, suggesting that, instead, the sum originally proposed for the finishing of the crypt, $100,000, and

which, it was feared, would be inadequate to do so appropriately, be increased by the amount of any reimbursement to which he might be supposed to be entitled. In view of this public-spirited suggestion by Gen. Porter, the sum named in the estimate for the finishing and decoration of the crypt is made $135,000. This sum, it is believed, is barely sufficient to complete the work in a simple but suitable and substantial manner.

Very respectfully, CHARLES J. BONAPARTE, *Secretary.*

Hon. EUGENE HALE,
Chairman Committee on Naval Affairs, United States Senate.

NAVY DEPARTMENT,
Washington, January 11, 1908.

SIR: Under date of April 26, 1906, my predecessor addressed a letter to you, inviting attention to the crude and unfinished condition of the crypt of the chapel at the Naval Academy, which had been selected as the place of final deposit of the body of John Paul Jones, and recommending that suitable provision be made for completing this part of the building in an appropriate manner.

Under existing contracts the crypt of the chapel has been left in the rough, with exposed concrete and brick, and appropriations heretofore made for buildings at the Naval Academy are not sufficient to cover the finishing of the crypt in the manner desired, even if such action could properly be taken without the special sanction of Congress.

Before submitting its letter above mentioned the department obtained an estimate and tentative plan for the completing of the crypt in a substantial, though not expensive, style of finish and decoration, at a proposed cost of $135,000.

Believing that from all considerations the crypt of the chapel at the Naval Academy should not be left in its present condition, I have the honor to submit a draft of a bill making provision for its proper completion, concurring in and renewing the recommendation made by my predecessor that the matter receive your favorable consideration and that of the committee. The amount to be appropriated for this purpose is, in the draft submitted, left blank.

Very respectfully, V. H. METCALF, *Secretary.*

Hon. EUGENE HALE,
Chairman Committee on Naval Affairs, United States Senate.

NAVY DEPARTMENT,
Washington, December 4, 1908.

SIR: The department has the honor to inform the chairman of the Committee on Naval Affairs, House of Representatives, that the crypt of the chapel at the United States Naval Academy, selected as a permanent resting place for the body of John Paul Jones, has been left with only the foundation prepared. Appropriations heretofore made for buildings at the Naval Academy are not available for further preparing this crypt.

In the search for the body of John Paul Jones, Gen. Horace Porter, ambassador of the United States to France, expended from his private purse the sum of $35,000, and patriotically declined reimbursement for the same, generously suggesting that the amount be added to the sum of $100,000 originally proposed for the crypt, but thought to be inadequate.

In view of this public-spirited suggestion by Gen. Porter, the department recommends that there be inserted in the estimates for naval appropriation for the fiscal year ending June 30, 1910, an item of $135,000 for completing and finishing in every respect the crypt of the chapel of the United States Naval Academy in accordance with plans obtained by the department.

Very respectfully, TRUMAN H. NEWBERRY, *Secretary.*

CHAIRMAN OF THE COMMITTEE ON NAVAL AFFAIRS,
House of Representatives, Washington, D. C.

The following letter was received from Gen. Horace Porter, through whose patriotic efforts the body of John Paul Jones was returned to the United States for proper interment:

277 MADISON AVENUE,
New York, December 3, 1910.

DEAR SIR: The inclosed printed reports will show that this appropriation of $135,000 passed the Senate without opposition in 1908 and was favorably reported by the Naval Committee of the House in 1909, but has never been presented to the House for its action. It has been urged by your predecessor, by Secretaries Bonaparte, Metcalf, Newberry, and Meyer, by The Navy League, Paul Jones clubs, patriotic societies, the press, and hosts of public-spirited citizens.

All appeals to Congress thus far, however, have been without avail. For 113 years the body of this great central figure in our naval history was allowed to lie neglected in a sort of dumping ground in a distant land, and when brought back to the country he so eminently served it has lain for five years equally neglected, stowed away like old lumber in a building at Annapolis with every effort defeated to have it put at least in consecrated ground.

The body was taken by the Government to Annapolis, believing that the memories it would awake would be an inspiration to the midshipmen at the academy. Instead of that it remains only as a reminder of a nation's humiliating neglect of its historic defenders and is a sad example to young men about to enter the naval service.

The question is not the erection of a monument to a hero's memory or the conferring of any title or distinction, but the poor privilege of providing for his remains a decent burial in consecrated ground.

If England were guilty of dishonoring the body and memory of Nelson in such a manner she would justly incur the contempt of every civilized nation.

A number of patriotic gentlemen are willing to provide the means for taking the body for burial, if permitted, to a lot in a city cemetery, if this session of Congress refuses it a sepulcher, so that the remains may rest at least in consecrated ground; but when it is remembered that Paul Jones was buried in Paris by charity, the expenses having been borne by a humble commissary of police, it would constitute a further national disgrace to leave his remains to be buried in his own country again by the cold hand of charity.

President Taft is very earnest in this matter and you will find in his message to Congress recommendation of an appropriation.

Senators DEPEW and ROOT will interest themselves in the Senate, and among those in the House who are in favor of the appropriation are OLCOTT, OLMSTED, DWIGHT, RAINEY, and, I think, Speaker CANNON, who has a letter from me on the subject.

Your well-drawn bill seems to cover all the points. Perhaps it might facilitate progress if you introduced the bill identical with the bill that passed the Senate and was approved by the Naval Committee and the House, copy of which is inclosed.

Nineteen patriotic societies of the country and all patriotic people will all deeply appreciate the effort you are to make with this Congress.

If the appropriation is not secured this session it will probably never be secured.

Yours, very sincerely, HORACE PORTER.

Hon. GEORGE A. LOUD,
Member of Congress, Washington, D. C.

In another letter, under date of May 28, 1910, Gen. Horace Porter states, in part, as follows:

Many promises were made by the Government that the body of Paul Jones should be given a decent sepulcher, but notwithstanding the urging of our Presidents, Secretaries of the Navy, 19 patriotic societies, Paul Jones clubs, and public press, etc., there has been no step taken even to place it in some consecrated place. It still lies on a few trestles, stowed away like old lumber in one of the Annapolis buildings. His poor body was probably better off during the 113 years of neglect in Paris, for there at least it reposed in consecrated ground.

The promise was to have the crypt of the chapel at Annapolis fixed so as to serve as a mausoleum for the remains of this illustrious patriot, but all efforts for an appropriation to carry this out have entirely failed.

The question was taken, and the amendment was agreed to.

Mr. ROBERTS. Mr. Chairman, I ask unanimous consent to return to page 25 of the bill, lines 11 to 13, against which a point of order was made yesterday.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to return to page 25, to that part of the paragraph which relates to the 150-ton floating crane.

Mr. COX of Indiana. Mr. Chairman, I made the point of order on that paragraph yesterday because I was not convinced at the time that it was an absolute necessity, but since the convening of the session this morning I have become convinced that in all human probability that crane will be a necessity for proper work in that yard. I therefore withdraw the point of order.

Mr. STAFFORD. Mr. Chairman, I renew the point of order to ascertain some information. Will the gentleman from Massachusetts inform the committee as to the need of this crane at this yard? Is there any crane of like capacity existing there at the present time?

Mr. ROBERTS. Mr. Chairman, I will say for the information of the gentleman that there is no crane of this size anywhere in the world. There is no floating crane at the Boston yard of any sort at present, with the possible exception of one which was sunk, a small crane, last summer. The need of the Navy to-day is for cranes of at least 150 tons capacity. There is urgent need for such a crane at the Boston yard.

Mr. STAFFORD. Do I understand the gentleman to say there is no existing crane at the Boston Navy Yard?

Mr. ROBERTS. There is a smaller crane, which sunk last summer, and has not yet been put into condition for use, a crane of about 50 tons.

Mr. STAFFORD. Is this for a floating crane or a stationary crane?

Mr. ROBERTS. I am speaking of floating cranes entirely.

Mr. STAFFORD. What yards in the country are now equipped with floating cranes?

Mr. ROBERTS. The New York yard has a floating crane under process of construction, possibly about completed, of 100 or 110 tons capacity. There is a crane at Puget Sound yard under process of construction of about 110 tons. There is a crane authorized for Pearl Harbor. The authorization last year was for 110 tons, and this bill has changed that authorization to 150 tons.

Mr. STAFFORD. Those are the three instances that have floating cranes?

Mr. ROBERTS. Yes.

Mr. STAFFORD. Is there any provision made for a floating crane at the League Island yard, Philadelphia?

Mr. ROBERTS. Not at present, but it is the intention of the department to ask for these cranes at all of the important yards, because of the necessity for such a piece of apparatus to handle the heavy weights that are now called upon to be handled by these cranes.

Mr. STAFFORD. I recall the discussion a year ago when this subject was under consideration. At that time I did not think the discussion satisfied me clearly that there was need of having a floating crane at every yard. I can see where at New York, Puget Sound, and Pearl Harbor there might be need of having a floating crane, but to equip every yard with a floating crane for temporary use might not be necessary.

Mr. ROBERTS. All of the important yards of the country now have assigned to them a definite number of battleships for repairs, instead of sending a great number of battleships into one yard. The fleet is thus divided and four or five battleships are assigned to each of the important yards, so that the repairs may go on simultaneously on the fleet in all these yards, and not only go on at once but be expeditiously done. For that reason it is necessary that we have the apparatus in the yards to handle these weights.

Mr. STAFFORD. Can the gentleman inform us how much of the time of the year one of these floating cranes would be utilized in such a yard as the Boston yard, considering the work that yard has had in the past several years?

Mr. ROBERTS. That would be impossible to accurately determine.

Mr. STAFFORD. Well, approximately.

Mr. ROBERTS. It would depend entirely on the nature of the repairs that were required. For instance, if anything is needed about the guns or the turrets, the crane is indispensable. If anything is needed in the way of installation of new boilers, the crane is indispensable. It is impossible to say when a particular ship will require those repairs to the turrets, to the guns, or the boilers. That may come at any time. An explosion in the boilers may necessitate the taking out of the boilers and the putting in of new ones. It is then absolutely necessary even in time of peace to have a machine that can do that work, and in time of war it would be suicide almost not to have such machines.

Mr. STAFFORD. The gentleman has not answered my question as to the approximate time they will be engaged in a year.

Mr. ROBERTS. It is impossible to answer that question.

Mr. STAFFORD. There is no use of appropriating $350,000 for a floating crane that may be used for only one month in a year.

Mr. ROBERTS. It is impossible to answer the gentleman's question just as much as it is to tell the gentleman how much of the year a dry dock is occupied. It is not that it should be continuously occupied, but that we should have it there when needed.

Mr. STAFFORD. If there is another floating crane at New York to perform that work, there is no necessity for having one at Boston.

Mr. ROBERTS. These cranes under the law can not be removed without legislation from one yard to the other.

Mr. STAFFORD. If the gentleman can not give any more definite information as to the need of it I will feel compelled to make the point of order.

Mr. ROBERTS. The crane at New York is not large enough to do the work that is required of it, either in the New York yard or elsewhere. That is the point of it.

Mr. STAFFORD. Mr. Chairman, I make the point of order.

The CHAIRMAN. Does the Chair understand that the gentleman makes the point of order?

Mr. STAFFORD. I make the point of order.

The CHAIRMAN. The gentleman does not need to make the point of order since the provision is not in the bill.

Mr. FOSS. Mr. Chairman, on page 26, "Navy yard, Washington," we passed over an amendment, to which a point of order has been made, and the point of order was made, I think, by the gentleman from Tennessee.

Mr. SIMS. It was reserved by the gentleman from Indiana [Mr. Cox].

Mr. FOSS. I would ask the gentleman from Indiana [Mr. Cox] whether he intends to insist on his point of order.

Mr. COX of Indiana. Mr. Chairman, I reserved the point of order on this proposition last night more for the purpose of getting information than anything else. It contains so much legislation, and I am very much afraid if it becomes a part of this bill that it will tend to delay and postpone the proceedings instead of expediting them. If the gentleman has any information on that line, I would like to hear it. In other words, is it absolutely necessary now that legislation of this or similar kinds become law before the Government can do the business it contemplates doing?

Mr. FOSS. The department has so advised us in the letter which I inserted in the RECORD, on page 3021. This whole matter has been submitted to the Attorney General, and he says that under the law he is unable to secure a clear title for right of way upon which to build this track into the Washington Navy Yard. And if the gentleman will note that letter he will see it is stated—

> The Department of Justice finds no provision of law under which the necessary legal proceedings can now be taken to clear the Government's title to the lands in question.

Mr. COX of Indiana. On which page is the gentleman reading?

Mr. FOSS. On page 3021 of yesterday's RECORD.

Mr. SIMS. Mr. Chairman——

The CHAIRMAN. Will the gentleman yield to the gentleman from Tennessee?

Mr. FOSS. Yes; although I am yielding in the time of the gentleman from Indiana [Mr. Cox].

Mr. COX of Indiana. I want to call the chairman's attention to this language in the bill and see what he thinks of it:

> That it shall be the duty of the Attorney General of the United States at the request of the Secretary of the Navy, etc.

What do you leave the discretion there in the Secretary of the Navy for—to give him the right to request the Attorney General to begin these proceedings if it is absolutely necessary on the part of the Government that it have legislation of this kind? Why not make it immediately mandatory upon the Attorney General that he shall begin these proceedings?

Mr. FOSS. I have no objection to it so far as that is concerned, only the Attorney General will move upon the request of the Secretary of the Navy, because the Secretary of the Navy has charge of all of these things. It is under his department. As far as that is concerned there is no disposition on the part of the department to delay this matter one day.

Mr. COX of Indiana. Now, as I recollect, we passed some legislation relating to this some time ago.

Mr. FOSS. We did, and we got a very satisfactory solution of the whole difficulty.

Mr. COX of Indiana. Under that law, passed last year, is it not up to the Attorney General or the Government to move in this matter at once?

Mr. FOSS. I thought we would have the right to move at once. I was surprised when this proposition came to the committee. It seems that, under the decision of the Attorney General, he does not feel that he can go ahead. Now, I say, let us give him the legislation.

Mr. SIMS. That is what I wanted to ask the gentleman.

Mr. COX of Indiana. Is that because of the fact now that it requires, first, the request of the Secretary of the Navy before the Attorney General can act?

Mr. FOSS. No; the Secretary has already requested the Attorney General.

Mr. SIMS. In other words, the construction of the law, as it now exists, by the Attorney General, is that it does not authorize him to proceed.

Mr. FOSS. I am willing to strike out those words:

> At the request of the Secretary of the Navy.

Mr. SIMS. I am trying to get at the gentleman's contention in the matter, whether or not the law as it now exists authorizes the Attorney General to proceed, or whether it must be supplemented by additional legislation.

Does the Attorney General claim that, under the provisions of the act passed in 1910, which expressly authorized condemnation proceedings, he can not move condemnation proceedings to acquire the land? The act includes condemnation and the law of condemnation in this District is very clear and specific, and here is an amendment proposing to change the whole law of condemnation and to have a lawsuit to settle the title of every claimant, whether in good faith or not, and give the United States and every claimant an appeal to the Supreme Court and delay the matter perhaps for 20 years and allow these tracts to remain on K and Canal Streets. Now, does the Attorney General of the United States claim, and is the gentleman warranted in saying, that under that act we have not authorized him to proceed by condemnation? Why do we have to acquire title before we can condemn? You can always condemn and let the parties litigate over the proceeds where there is any question about the title to any specific piece of land.

Mr. FOSS. I will state to the gentleman that I am just as anxious to see the construction of this track into that yard as the gentleman is. Last year, as I said a moment ago, we arrived at a very satisfactory solution of this question with the railroad company, and we passed a law giving the Attorney General the right to institute condemnation proceedings to acquire title to this property on which to build the tracks. Now, that law that we passed last year was submitted to the Attorney General, and he says that he has not sufficient authority under it to institute the necessary legal proceedings that will enable the Government to acquire clear title to that property, and in this letter that the Secretary of the Navy sends here he says that the Department of Justice has drafted a provision that would give the Attorney General the necessary authority in the premises.

Mr. SIMS. To do what? Not to condemn.

Mr. FOSS. To clear the Government title to the land in question.

Mr. SIMS. Before commencing condemnation proceedings? Now, why should that be the case?

Mr. PADGETT. We simply have this statement before us: The Department of Justice finds no provision of law under which the necessary legal proceedings can now be taken to clear the Government title to the land in question.

Mr. SIMS. Oh, yes; to clear the Government title. But you can condemn when there is any question about the title. Are you going to have condemnation proceedings instituted to clear the title before the Government starts to institute that improvement? You do not have to have a clear title to institute the proceedings.

Mr. PADGETT. Where the Government claims to own the land itself, and there is a dispute as to its title, why, it would be a queer thing for the Government to condemn its own title.

Mr. SIMS. It could condemn the land on this right of way. The Government can condemn, and the right to the proceeds, as well as the land itself out of which the proceeds arise, may be determined by subsequent litigation.

Mr. PADGETT. The Department of Justice says that it can not proceed and wants further authority. The Navy Department has submitted a provision, asking us to put it in the bill to expedite the matter.

Mr. SIMS. To clear the title?

Mr. PADGETT. We are trying to comply with the request of the Department of Justice and expedite the matter. We leave it to the House. If you block it, we can not help it.

Mr. SIMS. The object and purpose of this is interminable delay. This railroad company has occupied public property here for 40 years without compensation, and it is to be the beneficiary in this case.

Mr. PADGETT. The Department of Justice has acted in good faith and has submitted to us a proposition to the effect that they can not proceed without this legislation. We are trying to get the legislation, so that the department will have no further excuse for delay.

Mr. SIMS. A year ago, when I offered an amendment here to have the United States Government acquire this land and build this track, the railroad company was powerful enough to throttle the amendment and keep its tracks on K and Canal Streets, and thus serve private interests without even paying taxes on the roadbed.

Mr. PADGETT. I know nothing about the railroad company, and I care nothing about it.

Mr. SIMS. I can offer an amendment here now authorizing the Government to construct, own, and operate this road, but a point of order will be promptly made against it.

Mr. PADGETT. Last year, when we authorized the railroad company to pay a portion of this expense, we directed the department to proceed in condemnation proceedings. Now the Department of Justice says that under the provision as enacted it is incapable of proceeding and needs further legislation. In this we are simply trying to comply with the request of the Department of Justice.

Mr. SIMS. There is not a line in the letter of the Secretary of the Navy to the effect that they have not the power of condemnation now as the law stands.

Mr. PADGETT. The Secretary of the Navy says that the Department of Justice finds no provision of law under which the necessary legal proceedings can be had.

Mr. SIMS. For what?

Mr. PADGETT. The necessary legal proceedings to be taken to clear the Government title to the land in question. Now, Congress provided last year that this road should be placed on the Government land, and if the Department of Justice is powerless to proceed, I am in favor of giving it all necessary power to proceed, in order that the Department of Justice may have no further excuse or justification for delay.

Mr. COX of Indiana. Will the gentleman yield for a question?

Mr. PADGETT. Yes.

Mr. COX of Indiana. Did your committee have the Attorney General before them?

Mr. PADGETT. We did not.

Mr. COX of Indiana. Did you have any of his decisions?

Mr. PADGETT. We did not have anything before us. This is a matter that has come up since we reported the bill, and has been sent to us, and we are introducing it here by way of amendment. We have had no hearings whatever.

Mr. COX of Indiana. Is this the only information which the gentleman's committee has, coming from the Secretary of the Navy in the shape of this letter——

Mr. PADGETT. That is all I have.

Mr. COX of Indiana (continuing). In which the Secretary of the Navy states the opinion of the department?

Mr. PADGETT. That is all I have.

Mr. COX of Indiana. It looks to me as though this Committee of the Whole ought to have some more information than that.

Mr. PADGETT. I have given the gentleman all I have, and I have said that our purpose was to expedite the matter and to remove any possible excuse for further delay.

Mr. COX of Indiana. That is what I had reference to.

Mr. PADGETT. And this legislation will accomplish it.

Mr. SIMS. I will cut this short by making the point of order and letting it be ruled on.

Mr. FOSS. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. FOSS. Now, Mr. Chairman, I should like to return to page 22, Bureau of Equipment.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to return to page 22.

Mr. SIMS. Let me offer this amendment in lieu of the portion stricken out.

Mr. FOSS. I shall make a point of order against it.

Mr. SIMS. The gentleman of course can do that.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

From and after the passage of this act the Philadelphia, Baltimore & Washington Railroad Co. shall not carry nor deliver freight or passengers to any point, except to the Washington Navy Yard, over its present tracks on K and Canal Streets SE., being the navy-yard connection.

Mr. FOSS. I make a point of order against that. This does not relieve the situation at all.

Mr. SIMS. It would relieve the situation if the gentleman would let it go in. Why does the gentleman want this company to deliver to private individuals——

The CHAIRMAN. The point of order is sustained.

Mr. FOSS. I ask to return to page 22, Bureau of Equipment. The gentleman from New York [Mr. FITZGERALD] reserved a point of order upon that.

Mr. FITZGERALD. Mr. Chairman, it had been my intention to insist upon this point of order, but as the Secretary of the Navy has the power to distribute the duties of the different bureaus among other bureaus, and as the purpose of this is merely to permit the utilization of the appropriations for one year in accordance with his desire to distribute these duties, I shall not at this time insist on the point of order; but I wish to say to the gentleman from Illinois that if he is in favor of this so-called Meyer's system he need not be encouraged in the hope that this will aid in having it permanently fixed upon the service. I withdraw this point of order in the hope that in the next Congress a reorganization will be effected which will put these naval establishments in control of men fitted to conduct great industrial enterprises and take them from under the control of men who are educated and prepared to fight and to handle great ships but who are not fitted to conduct industrial operations. I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn.

Mr. FOSS. Now I desire to return to page 21, "Coal and transportation." That paragraph was passed over yesterday at the request of the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert on page 21, line 10, after the word "dollars," the following: "*Provided*, That no part of this appropriation shall be used to transport coal from the Atlantic to the Pacific Ocean."

Mr. STAFFORD. Mr. Chairman, I reserve a point of order.

Mr. HUMPHREY of Washington. I do not think it is subject to a point of order.

Mr. MADDEN. Does the gentleman want to develop the Alaskan coal fields?

Mr. HUMPHREY of Washington. Mr. Chairman, I want to say for the benefit of the committee that I did not offer this amendment as a matter of form. It is an amendment to prevent the Navy from taking coal from the Atlantic to the Pacific Ocean. This question came up before the committee last year, and it was defeated by only one vote. At that time I did not urge it, because I was afraid it might embarrass the department if it was done without notice to them. But during the year, notwithstanding the fact that the committee refused that amendment by only one vote, the Navy Department has not made any particular effort to investigate as to the coal on the Pacific coast until recently. This report could easily have been ready now for Congress.

Mr. FOSS. Will the gentleman yield for a question?

Mr. HUMPHREY of Washington. Yes.

Mr. FOSS. Is not the gentleman aware of the fact that to-day we are using or testing out the Washington coal on the *Maryland* and also on the *West Virginia*?

Mr. HUMPHREY of Washington. I am well aware of the fact, and I am aware that they did not test it until it was too late to get a report to the committee when this bill was up for consideration. I have an unofficial report of the test, and it shows that the *Maryland* with Pacific coast coal maintained a sustained speed of 15 knots for 24 hours, and during that 24 hours she consumed only 215 tons of coal. I doubt whether that record has ever been surpassed even by Pocahontas coal, that we now send around to the Pacific coast. I want to call the attention of the House to the fact that the Navy Department always used this coal until 1904.

Mr. MADDEN. What is the relative price of the coal from the East and the Washington coal?

Mr. HUMPHREY of Washington. It costs about one-half as much for the Pacific coast coal as it does to take around the Atlantic coal to the Pacific, and the difference between the two coals in efficiency is about 6 per cent. In some respects, perhaps more, but in other particulars less.

Mr. MADDEN. The gentleman means that the eastern coal is 6 per cent more efficient than the western coal?

Mr. HUMPHREY of Washington. Yes; and it costs from two to three times as much. I want to call attention to the fact that the *Oregon* when it made its famous trip from the Atlantic to the Pacific Ocean made its best record of that entire trip when it was using Pacific coast coal, the very coal that the Navy now refuses to use in time of peace.

Mr. MADDEN. What eastern coal is the gentleman comparing the western coal to?

Mr. HUMPHREY of Washington. I am comparing the western coal with the Pocahontas coal, the only coal that the Navy uses, so far as I know, on our coast.

Mr. MADDEN. That is the best steam coal in the United States.

Mr. HUMPHREY of Washington. Yes; probably.

Mr. KITCHIN. And the gentleman says the eastern coal costs three times as much?

Mr. HUMPHREY of Washington. Well, it costs 50 to 100 per cent more. I received a statement from a coal man yesterday, who said it cost three or four times as much, but I think he is in error. I think the price of the Atlantic coal is $7.50 delivered at the navy yard, and the Washington coal is about $3.50 delivered at the navy yard.

Mr. MADDEN. Suppose the gentleman's amendment should be enacted into law, would the people who own the coal mines in Washington raise the price when there was no competition?

Mr. HUMPHREY of Washington. I am not informed what they are going to do, and I can not anticipate what they are going to do. If the Washington coal dealers should undertake to do that, the Government could go into British Columbia and get the coal there, which is equal, practically, to Pocahontas coal, and they could get it for what the freight would be to take Pocahontas coal to the Pacific.

Mr. MADDEN. Does the gentleman approve of reciprocity?

Mr. HUMPHREY of Washington. I do to that extent. A reciprocity that would never be tried.

The CHAIRMAN. The time of the gentleman from Washington has expired.

By unanimous consent the time of Mr. HUMPHREY of Washington was extended five minutes.

Mr. HUMPHREY of Washington. I wish to call the committee's attention to this fact, that while I am not advocating the use of British Columbia coal, it is admitted that that coal is equal to the Pocahontas coal.

Mr. PEARRE. Mr. Chairman, I make the point of order against this gentleman's amendment.

Mr. HUMPHREY of Washington. It is clearly in order. This same amendment was offered a year ago to the same paragraph in the same identical language, and the point of order was overruled.

The CHAIRMAN (Mr. DIEKEMA). The Chair is ready to rule. The amendment offered by the gentleman from Washington is, in the opinion of the Chair, clearly a limitation, and not new legislation. The point of order is overruled.

Mr. HUMPHREY of Washington. I hope that this discussion on the point of order will not be taken out of my time.

The CHAIRMAN. It will not. The gentleman's time has been extended for five minutes.

Mr. HUMPHREY of Washington. Mr. Chairman, I want the committee to know the fact that this means a saving of almost $1,000,000 a year to the Navy Department, and it is a question we ought not to pass by lightly. As I started to say, when interrupted, I am not in favor of using British Columbia coal, but I would rather see British Columbia coal used by the navy yard on the Pacific coast, when it costs not more than half as much as Pocahontas coal, and is equally as good, than to send Pocahontas coal around to the Pacific coast in foreign ships, operated by Chinese coolies, when you can get the coal from British Columbia and lay it down in the yards upon the Pacific coast for the same money that you pay the foreign ships to carry this Pocahontas coal to the Pacific coast.

Mr. KITCHIN. After paying the tariff upon it?

Mr. HUMPHREY of Washington. Yes.

Mr. STAFFORD. Will the gentleman explain the incentive or inducement for the Navy Department to follow that practice if it is to the benefit of the Government to purchase Pacific coast coal at a much lower price? The department must have some reason for transporting the Atlantic coast coal to the Pacific coast.

Mr. HUMPHREY of Washington. I will be mighty glad to answer that question.

Mr. STAFFORD. Can we not trust the Navy Department officials in this matter to determine what is the best thing to do, or does the gentleman's argument lead the conviction that they are purposely purchasing a much higher priced article——

Mr. HAMER. They never made a test of the coal until lately, and how could they know?

Mr. STAFFORD. If they never made a test, now that it has been made why can not the Secretary of the Navy purchase the cheaper priced coal, if it is as efficient?

Mr. HUMPHREY of Washington. I want to answer the gentleman's question by calling his attention to a fact that occurred while I was insisting on having this coal tested. Last September I insisted that the test be made, as I had been insisting ever since the committee, by one vote, refused to insert this amendment a year ago. I got a dispatch from Washington City, when I asked that the proper grates be inserted so that the test might be fair. Here is the dispatch:

> Cost herringbone grate bars of boiler, *Maryland*, $2,800; one-half boilers, $1,550. Not recommended.

That was from the commandant down at the Mare Island Navy Yard. Here was an item of a million dollars a year involved, and yet he refused to put in a proper grate to make the test because it would cost $2,800. I say that it was not only absurd, it was worse than that; it was stupid incompetence. As I said to the department at that time, I say it absolutely demonstrated that the commandant at the Mare Island Navy Yard and the men who had this matter in charge did not want to make a fair test. This action so demonstrated conclusively. Let me say that since that time they have made the test and that the coal has been found to be efficient, even without proper grates. The *Oregon*, as I have said, used this coal when she made the best portion of her record, and when the French fleet came into the port of Seattle they used this coal, and they found it efficient. Our Navy used it until 1904, and they found it efficient; the Revenue-Cutter Service uses it and finds it efficient, and all the merchant vessels use it and find it efficient. The Navy Department alone objects to it. Their great objection is that it makes so much smoke. But who is going to see the smoke in time of peace? What difference does it make then?

Mr. KITCHIN. Do the marine vessels on the coast use this western coal?

Mr. HUMPHREY of Washington. They not only use it, but foreign naval vessels upon that coast use it.

Mr. KITCHIN. Do the vessels engaged in foreign commerce use this coal?

Mr. HUMPHREY of Washington. They do. The highest and best class of vessels we have on the Pacific use it. And, another thing, I want to call the attention of the committee to this fact, that in case of war we would be compelled to use this coal. Now, why should we continue to spend a million dollars a year for Atlantic coal to use in time of peace when we would have to use Pacific coast coal in time of war?

The CHAIRMAN. The time of the gentleman has again expired.

Mr. STANLEY. I ask that his time be extended.

Mr. FOSS. Mr. Chairman, I desire to limit the debate upon this proposition.

Mr. UNDERWOOD. I hope the gentleman from Illinois [Mr. Foss] will not attempt to limit this debate right now.

Mr. HUMPHREY of Washington. I think the gentleman will not save any time by insisting on closing this debate now.

Mr. FOSS. Not at this time.

Mr. HUMPHREY of Washington. I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PEARRE. Do I understand the purpose of the gentleman's amendment to be for the United States to use the coal that is found in the State of Washington?

Mr. HUMPHREY of Washington. No, sir; it is not.

Mr. PEARRE. What is the purpose?

Mr. HUMPHREY of Washington. The purpose of my amendment is to keep the Navy Department from taking coal from the Atlantic to the Pacific Ocean for naval purposes.

Mr. PEARRE. And thereby compelling the Navy Department to use the coal of the Pacific coast?

Mr. HUMPHREY of Washington. If the gentleman wants to know, I want to prohibit the Navy Department from sending around to the Pacific coast the Pocahontas or any other Atlantic coals. They do not use any other coal from the Atlantic coast, however, so far as I know.

Mr. PEARRE. Does not the gentleman think it is better to leave that in the discretion of the officials of the Navy?

Mr. HUMPHREY of Washington. We have left it in the discretion of the Navy for years, and we have not been able even to get an efficient test. They have not yet made a report on this coal; the only report I have is an unofficial report. When are they going to do it? How long are we going to wait? We have waited for years. They have had since the last naval bill was passed until now, and they have given us no information.

Mr. PEARRE. Then the gentleman practically admits the purpose of the amendment is to compel the use of the Pacific coast coal and to prevent the transportation across the continent of any of the eastern coal?

Mr. HUMPHREY of Washington. Yes, sir.

Mr. COX of Indiana. Will the gentleman yield?

Mr. HUMPHREY of Washington. I yield.

Mr. COX of Indiana. Have you any data to show how much it would save the Government in case the Navy was compelled to buy western slope coal?

Mr. HUMPHREY of Washington. It would save between $900,000 and $1,000,000 annually. It would be more if they would send more vessels around there. They have all the vessels on this side, and never permit one on the Pacific to go any higher than San Francisco.

Mr. KAHN. I would suggest that the battleship fleet is in the Atlantic and the cruiser fleet is in the Pacific.

Mr. HUMPHREY of Washington. The cruiser fleet and all the naval vessels are now down in the Southern Pacific. I have a statement here now from the Secretary of the Navy, and there is but one vessel to-day in active commission north of San Francisco.

Mr. COOPER of Wisconsin. I would like to ask this question—it seems to be a matter of importance: What reason has been given, as the result of these tests, and there have been reasons given after tests, for not using that coal? What do the naval officers say?

Mr. HUMPHREY of Washington. I will say to the gentleman that they have said it was not efficient, but have made no tests. We have never been able to get a test until the one they are making now. I served notice on them, and the action of this committee was sufficient notice to them a year ago, that Congress was not going longer to permit the use of Atlantic coal on the Pacific unless they would by test demonstrate the necessity for so doing.

Mr. COOPER of Wisconsin. Is the excessive amount of smoke the only objection?

Mr. HUMPHREY of Washington. That is not the only objection, but the main objection. I have here, as I say, an unofficial report, which was sent to me in confidence. I am not going to give the name of the man who sent it to me. I have not been able to get the official report, although I hoped I would by this time.

He says in this report, which I have here, that practically the only objection the naval officers made to him was the smoke. That statement comes not from the Navy Department but from the gentleman who wrote me.

Mr. STANLEY. May I ask the gentleman, Do your western coal people belong to the Coal Trust?

Mr. HUMPHREY of Washington. I am not in the coal business, nor the trust business, and I do not know.

Mr. STANLEY. I presume, from the hard time they have, that they are not in it.

Mr. HUMPHREY of Washington. I do not think they are.

Mr. STANLEY. There is a close system of interlocking directors between the eastern coal fields—a great many of them—and the United States Steel Corporation, and it seems they are kissing each other. [Laughter.]

Mr. HUMPHREY of Washington. I can not yield further. I want to make just one more statement, and then I shall be through. I want to show to the House a photograph that demonstrates another result of carrying this coal around the Pacific coast—the result not on the cost to the Navy but on the merchant marine.

I hold in my hand a photograph showing 17 merchant vessels rotting at anchor, placed in that position by foreign vessels which our Government permits to violate the coastwise laws of the country. That is only incidental to this naval question; but here are the pictures to show what they are doing along that line.

Mr. PEARRE. Then I understand that the gentleman's charge is that there is collusion practically between the Navy Department and the eastern coal operators.

Mr. HUMPHREY of Washington. I do not say who is responsible, but I am just giving the facts. I say there is no excuse for the action of the Navy in spending from $900,000 to $1,000,000 a year in bringing coal around from the Atlantic coast to the Pacific coast for the use of the Navy in time of peace. I assert that it is worse than a waste of public funds, for, in addition to wasting it, it does incalculable harm to American shipping.

Mr. KITCHIN. The gentleman means to imply that in time of war they would have to use the western coal?

Mr. HUMPHREY of Washington. Yes; in case of war on the Pacific. So if this coal is to be used in war, it seems to me of highest importance that they become accustomed to its use in time of peace.

Mr. UNDERWOOD. Mr. Chairman, I agree thoroughly with the proposition advanced by the gentleman from Washington. The closest corporation in this country is the combination between the Pocahontas coal people and the Navy Department, and it has been so for 20 years. I know that during the Spanish-American War, when Alabama coals that were perfectly good for steaming purposes were offered to the Navy Department for $3.25 a ton over the ship's rail at Mobile, only a night's sail from Tampa, the Navy Department bought Pocahontas coal and shipped it by rail to Tampa at an expense of $9.60, and that proposition has been kept up ever since.

Now, what control these particular people have over the Navy Department I do not know. But I do know this, that there is no other coal field in America that can sell coal to the Navy Department. The supply of the Navy is confined to this one field only.

Mr. CARY. Is it not a fact that the railroads and the coal companies are one and the same, and is not that the reason for the long hauls?

Mr. UNDERWOOD. I do not know about that. But I know this, that they have drawn millions of dollars out of the Federal Treasury on this coal question. There is no reason in time of peace why these Pacific coals could not be used for our Navy. They are absolutely as good steaming coals as the Pocahontas coal. They are the same class of coals as the Alabama grades of coal, and 20 years ago, when Mr. Herbert was Secretary of the Navy, he sent out the battleships *Montgomery* and *Mobile* to test the Alabama coals, and the only difference between them and the Pocahontas coal was not that they did not produce as much steam power or that they did not have as great a steaming radius per ton per mile as the Pocahontas coal, but that they produced a little more smoke and clogged the flues a little sooner, a few hours sooner in a 40-hour trial. Now, what have these men got to do but clean the flues?

Why should the Government of the United States spend millions of dollars in time of peace to relieve a captain and crew from the necessity of cleaning flues one or two hours less in 40 hours' time?

Mr. COX of Indiana. Will the gentleman permit a question?

Mr. UNDERWOOD. Certainly.

Mr. COX of Indiana. Was there anything found in that experiment as to the relative effect of the use of the coal on the life of ships? In other words, would a ship using Alabama coal last just as long as if its fires were kept up with the other coal?

Mr. UNDERWOOD. I do not think there was anything said in that report on the subject. The whole proposition is this: California coals and Alabama coals have a little more volatile matter in them and a little less fixed carbon than the Pocahontas coal. That is the only difference. They produce just as much steam power, and some of them produce more steam power, than the Pocahontas coal. They do produce more smoke and more dirt; but why should we ship coal at an immense expense around the Horn and across the continent to enable a few captains and ships' crews to do a little less work in handling their fuel? More than that, it is an injustice to the people. This business of making the Navy Department a close corporation, bound in here between the Allegheny Mountains and the Potomac River, has got to stop, or you will raise a prejudice against the Navy in this country that will bring more injury to it than anything else you can do. You want to build all your battleships on the eastern coast line. You want to buy

all your supplies on the eastern coast line. You want all the navy yards there. You do not want the people of the United States to have any share in this Navy except in a few States. You might as well make up your minds, if you want a big navy and a navy that will be popular with the people of the United States, you have got to stop this, and you had better stop it right now by voting for the amendment of the gentleman from Washington.

Mr. HOBSON, Mr. SULZER, and several other Members rose.

The CHAIRMAN. The Chair will first recognize the gentleman from Alabama [Mr. HOBSON], a member of the committee, as he was first on his feet.

Mr. FOSS. Mr. Chairman, I desire to move to close debate on this proposition in 15 minutes.

The CHAIRMAN. The Chair will then recognize the chairman of the committee, the gentleman from Illinois [Mr. Foss], who moves that all debate on this paragraph and all amendments thereto close in 15 minutes.

Mr. MONDELL. I move to amend by making it 30 minutes.

The CHAIRMAN. The gentleman from Wyoming moves to amend by making it 30 minutes. The question is on the amendment.

The amendment was agreed to.

The motion of Mr. Foss, as amended, was agreed to.

Mr. HOBSON. Mr. Chairman, I do not expect to take my full five minutes. It is not necessary in order to make the short statement I wish to make.

It is true that while in the testing of coal the Navy Department has found the Pocahontas coal always the superior coal of those tested, yet it is also true——

Mr. STANLEY. Will the gentleman permit an interruption for information, because I know he is informed about this subject?

Mr. HOBSON. Certainly.

Mr. STANLEY. Does the gentleman know whether or not the Navy Department has made any tests of the Alaskan coal?

Mr. HOBSON. I am just about to bring up that point and various other points. I wish to register here a complaint that the Navy Department is not encouraging the development of appliances so that it can use the other coals. When it found, for instance, that the coal in Alabama approximated to the needs of the Navy it would have been in the line of economy and the best interests of the Government to have undertaken to develop smoke-consuming devices and other devices, so that the department could then use Alabama coal.

The same applies to the Pacific coast coal, not only that mined on the mainland but that in Alaska, and the Navy Department has not shown great interest in developing additional sources of supply that would prove of great, if not vital, importance in time of war, and we are put to millions of dollars of expense, perhaps, unnecessarily. I will not say unnecessarily, but perhaps.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. HOBSON. Certainly.

Mr. COOPER of Wisconsin. What bureau buys this coal?

Mr. HOBSON. The Bureau of Supplies and Accounts, formerly the Bureau of Equipment.

Mr. COOPER of Wisconsin. What does the gentleman think of the remedy of changing the officials of this bureau more often than they are changed?

Mr. HOBSON. That is a difficult question to answer, but I do think that the Navy Department itself, when it can see a possible inducement to save the Government a great deal of money to give it new supplies of coal, ought to encourage experiments instead of discouraging them.

The statement of the gentleman from California as to the reason they declined to take up further experiments with coal on the Pacific coast is in line with the reasons for not making experiments in general for improving the matériel of the Navy, the adverse report of an officer sufficing to cut off experiment. It would have cost $1,500 to change the grate bars! Therefore the officer there, who perhaps did not wish his own account to be made higher and wishing to make a record for economy, disapproved, and the Navy Department accepted his disapproval as final.

Mr. HUMPHREY of Washington. If the gentleman will allow me, I want to say that the test that I referred to was made with the old grate bars. According to the testimony of experts, if it had been made with changed grate bars it would have been more effective, but notwithstanding that it comes within 6 per cent of the efficiency of eastern coal.

Mr. HOBSON. I remember the instance. They used the old grate bars; they did not go into it with the earnest purpose of trying to find out the full value of the coal to see if they could not improve or adopt the grate bars and other burning appliances so that the Pacific coast coal could be generally used. I wish to point out at this time the steadfast inertia and impediment of the Navy Department in the general development of matériel in the Navy, lo, these many years. We can not hope for better things from the department unless Congress takes an interest in improvements and developments. I hope the amendment will be adopted.

Mr. STANLEY rose.

The CHAIRMAN. The Chair will recognize some one who is opposed to the amendment.

Mr. PEARRE. Mr. Chairman, I am opposed to the amendment, because I think it is very bad and an entirely mistaken policy to put a limitation on this provision which practically amounts to a prohibition upon the Navy Department of the United States to transport coal from the Atlantic to the Pacific, no matter what the conditions or circumstances may be.

It seems to me, Mr. Chairman, that this is not the part of cautious statesmanship to put such a prohibition upon any great department of the Government of the United States. Now, Mr. Chairman, the gentleman from Alabama, my distinguished friend, Mr. UNDERWOOD, is a little franker than the distinguished gentleman from Washington, because the gentleman from Alabama does make practically an open accusation against the Navy Department as to its conduct with reference to the selection of the coal which it uses or should use in the battleships and ships of the Navy.

Mr. Chairman, I agree with the gentleman from Alabama [Mr. HOBSON], who has just taken his seat, that it should be the purpose of the Navy Department—and in the absence of any proof to the contrary I think it is the business of the Congress of the United States to assume that it is the honest purpose of the Navy Department—to so administer the affairs of that great department as that the natural resources of the United States should be utilized for all governmental purposes whenever they can be, and whenever it is in the interest of economy, and therefore to the interest of the Government of the United States that they should be.

I furthermore agree with the gentleman from Alabama, who has had a distinguished naval career and who is thoroughly familiar with matters connected with the Navy and therefore speaks with more authority than a great many others in the House, that the Navy Department should so adjust its appliances and machinery and look after new appliances that the Navy is to use, not only the coal of the Pocahontas region but the coal of the Pacific coast and the coal of Alabama.

Mr. Chairman, I am not informed whether there is collusion, as has been said here, between the Secretary of the Navy or the Navy Department in any of its officials and the operators of the West Virginia coal region.

If gentlemen undertake to insinuate that, and that has been seriously insinuated here, then it is a matter which should be investigated by the Congress of the United States. Mr. Chairman, I think we are all compelled to assume, in the absence of any proof to the contrary, that the Navy Department is being administered honestly and fairly. I hold no brief for the West Virginia coals. On the contrary, I may say that the best steaming coal in the world comes from a section of the country in which I live and whose people I have the honor to represent in this Hall—the Georges Creek coal of Maryland—the coal par excellence, the best steaming coal in the world. [Applause.]

Mr. WILSON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. PEARRE. For a question.

Mr. WILSON of Pennsylvania. Mr. Chairman, I pretty thoroughly agree with the gentleman, that the Cumberland coal is one of the best, if not the best, steaming coal in the world, and yet Cumberland has been practically excluded by the Navy Department and Pocahontas coal has superseded it. Now, why? Not because Pocahontas coal is a better steaming coal than Cumberland. Why the change?

Mr. PEARRE. Mr. Chairman, I entirely agree with the gentleman, who is familiar with coal, and I am glad to have his confirmation of my statement that the Georges Creek coal is one of the best steaming coals in the world. As I said before, I hold no brief for the Pocahontas coal, and I say and reiterate that the Navy Department should be so administered as to open these contracts for coal to bids upon the part of all operators in all sections of the country. But that will not justify the gentleman from Washington in passing a law here which will practically create a monopoly, as far as the Pacific coast coals are concerned, to the extent that it will prohibit the use of any part of this appropriation for the transportation of

coal from the Atlantic to the Pacific coast. I oppose the amendment, therefore.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MONDELL. Mr. Chairman, perhaps the best steaming coal in the world is the coal that comes from the regions in West Virginia and Maryland known locally as the Georges Creek, Clear Creek, New River, and Pocahontas fields, and that being the case, the Navy Department can find a sort of excuse for declining to use other coals, because the highest test of the very best of the coals of that region is higher than the best test of the best coals found anywhere else, just a trifle, in British thermal units. It runs, I think, less than a hundred above that of the best Pacific coast coal. It is a little lower in ash, a little higher in fixed carbon, by some two or three points lower in moisture; and so if you are selecting absolutely the best steaming coal on earth, the best of the coal of the region we have referred to is that best coal. But the difference between those coals and the coals of the Pacific coast is so small, is so immaterial, that there is no excuse for excluding these western coals, at least in time of peace. In time of war it may be best that we have the greatest efficiency in British thermal units in our battleships, when they are cargoed with coal; but in time of peace there is no such argument, and in the matter of economy, at least $1,000,000 a year could, I am told, have been saved the past three or four years by the use of those coals.

Furthermore, beyond the fact that we produce some 5,000,000 tons of coal on that coast, we produce some 47,000,000 barrels of oil per year, equivalent to some 14,000,000 tons of coal.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. MONDELL. I have only five minutes and I can not yield. The entire fleet on the Pacific could be readily equipped with oil burners, and a number of the vessels of the Navy have been so equipped, so that oil, the best and cheapest fuel on the Pacific coast, could be used. Yet, in spite of that fact, in spite of the fact that the difference in British thermal units, in moisture, in fixed carbon, in ash, between the two coals is trifling; in spite of the fact that California oil is the cheapest and best fuel for ships in the world, they are sending eastern coal clear around the Horn. Another thing, Mr. Chairman, as good steaming coal as there is in the world, and not barring the West Virginia and Maryland coals, is to be found in Alaska.

There is a bill on the calendar of this House proposing to open those Alaskan coal fields. There is coal just as good as the best of the Georges Creek coal and the best of the Pocahontas coal entirely tied up, and if we were to have a war to-day our Navy would be useless on the Pacific, because there is not enough fuel there for the use of the Navy, and it would take from six to seven weeks to bring cargoes around the Horn to supply the Navy. So this amendment, I hope, would have two effects—first, it would compel the Navy to use those western coals, and I hope it would have some effect in helping to open the great coal fields of Alaska. There are coals there in plenty, and no additional appliances in the way of grates are necessary to burn them. Some one somewhere in the navy yard may have imagined a different grate was necessary to burn western coals, but no change of grates is needed to burn the bituminous coal of the Pacific coast. If they attempted to use the lignites of Utah and Wyoming, and they can be used for naval purposes, it would perhaps require a different grate, but no different grate is needed, and no different grate would be used in the burning of the Pacific coast bituminous coal than is necessary in the use of the coals on the Atlantic coast.

The CHAIRMAN. The gentleman's time has expired. The gentleman from New York [Mr. SULZER] is recognized.

Mr. SULZER. Mr. Chairman, with all that has been said relating to this coal proposition I want to make this commentary: There is more coal and better coal on the Pacific belonging to the United States than there is on the Atlantic. Then why, I ask, should the Government spend hundreds of thousands of dollars, aye, millions of dollars, every year to transport coal in foreign bottoms, under foreign flags, from the Atlantic to the Pacific in order to coal our fleet? It seems to me to be an absurdity. Not only that, but it is poor governmental economy and bad business administration of public affairs.

Here is an opportunity to save the taxpayers of the country several millions of dollars every year, and all the Government has to do is to utilize its own coal product. All that the gentleman from Wyoming has said about the coal fields of Alaska is absolutely true. The Government is in possession of reports regarding these coal fields which prove conclusively that the Pacific coast coal is better for steam purposes than the Atlantic coal, and hence I can not understand why every year we are compelled to discuss this question and submit to the imposition. For the past 10 years, whenever this proposition has been before the House, I have stated the facts. All the Government has to do is to mine and produce its own coal on the Pacific coast and save the taxpayers of the country annually millions of dollars. Why is it not done? There is a reason, and the people are thinking about it, and they want to know. It is about time for us, the representatives of the people, to finally vote right on this question, and for that reason I shall vote again, as in the past, for the amendment offered by the gentleman from Washington [Mr. HUMPHREY].

Mr. PRINCE. Will the gentleman yield?

Mr. SULZER. Certainly.

Mr. PRINCE. The gentleman says the people are thinking and want to know the reason. Will he state the reason why they do not do this?

Mr. SULZER. If I had the time I could give all the facts.

Mr. PRINCE. In two or three words.

Mr. SULZER. If I had time I could give the reason, but the gentleman is a very intelligent man and knows the reason just as well as I do. [Laughter.]

Mr. PRINCE. I am frank to say to my colleague I do not.

Mr. SULZER. Then, if the gentleman does not, it is about time he studied the proposition, and found out. [Laughter.]

Mr. PRINCE. I wanted to get the information from one who knew.

Mr. SULZER. Yes; I know, and everybody here knows, or ought to know. It has been strongly intimated by several of the speakers who have preceded me. It is about time the Government stopped transporting ship coal for its fleet from the Atlantic to the Pacific.

Mr. ANTHONY. Will the gentleman permit an interruption?

Mr. SULZER. Yes.

Mr. ANTHONY. There are a lot of us here who really do not know about that. If the gentleman knows it, he owes it to the House to elaborate it a little for our information. What is the reason assigned by the gentleman for the fact that the Navy does not use the Pacific coast coal?

Mr. SULZER. The gentleman who asks this inquiry, I may say, is a distinguished editor, and sometimes I get a copy of his paper, read it, and some of the editorials, doubtless written by the gentleman, have given me some of the information I possess regarding this coal imposition on the Government. [Laughter.]

Now, Mr. Chairman, as I was saying, the greatest coal fields that have ever been discovered are in Alaska and belong to the Government; and the Government can get all the coal it needs for the cost of production and transportation. Why should the Government stand in its own way? Why should the Government stand in its own light and deprive itself of millions of dollars' worth of coal every year, but also deprive the patriotic people of the Pacific coast of this great boon? It is beyond my ken and I say it should cease. I trust the amendment will prevail.

Mr. FOSS. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 10 minutes remaining.

Mr. FOSS. Now, Mr. Chairman, I would like to be recognized.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois.

Mr. FOSS. Now, Mr. Chairman, that we have transformed ourselves here in the committee into a body of coal experts, I want to say that we, too, produce coal out in the State of Illinois [laughter], and I think an amendment ought to be offered here providing that the Navy shall use coal from every coal-producing State in this country. [Laughter.]

It would be a very sensible proposition to provide such an amendment as that, and not leave it to the American Navy and its officers to say what kind of coal shall be used by our ships. It is a very important question that we have before us. We appropriate here $10,000,000 or $12,000,000 for a great battleship, and the proper coal is one of the great essential elements in the running of that great ship. There is no more important duty imposed upon our steam engineering department in connection with the Navy than the duty of selecting coal of the greatest efficiency, so that our ships may always be kept in a proper condition, ready in time of war.

Mr. HUMPHREY of Washington. Will the gentleman yield?

Mr. FOSS. Yes.

Mr. HUMPHREY of Washington. I would like to remind the gentleman that there are no battleships on the Pacific to use this coal.

Mr. FOSS. That is all right. There were a good many of them there not long ago. We had the whole fleet out there. I

suppose the gentleman would like to have the whole American Navy in Puget Sound 12 months in every year. [Laughter.] I do not doubt it. We have officers in the Navy who have made this question a life study. Are we going to accept their statements, or are we going to make ourselves experts on this floor and say what coal shall be used? We are using western coal to-day in our navy yards to run our power plants, and the reason why they are not using the Washington coals on the ships is because the Washington coals are 25 per cent less efficient than the coal we are using.

Mr. HUMPHREY of Washington. What coal are you using?

Mr. FOSS. We use three kinds; not from one State alone in the American Union, but from three States. We use Pocahontas coal, Georges Creek coal, and New River coal. The idea that anybody should stand upon this floor and make insinuations against the Navy Department or denounce it because it uses these three different kinds of coal from three different States in the Union, for no other purpose than to try to get their own coal into the bins and bunkers of our battleships, is ridiculous and absurd. Have there been tests of this coal and Alaska coal? Yes; any number of tests.

All previous tests and examinations of coals mined in the States bordering the Pacific Ocean indicate that the western coals were not suitable for use in the Navy.

That is the statement of the department.

In the fall of 1909 arrangements were made with the Director of the Geological Survey to send to the Pacific coast a number of expert mine investigators to make a thorough and exhaustive investigation of every known mine of importance, particularly in Washington and British Columbia, the facilities of each mine, quantity and quality of output, etc., so that more definite and reliable data could be obtained.

The statement shows that the British Columbia coals are somewhat better than the State of Washington coals, but neither equal the straight run of mine of Pocahontas or New River coals obtained in the Eastern States. The volatile matter and ash are excessively high and the fixed carbon and heating values excessively low.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FOSS. I ask two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FOSS. The Navy Department are as desirous of using these coals, if they are proper, as any coal mined anywhere in the country, and in the hope that some Pacific coast coal may be found which will avoid the necessity of shipping eastern coal to coal depots in the Pacific the department has arranged for an exhaustive test under actual steaming conditions of a number of the State of Washington coals—

and for this purpose has designated one of the large armored cruisers of the Pacific Fleet—the U. S. S. *Maryland*—to make the tests. That vessel will use the Pacific coast coals, and at the same time the U. S. S. *West Virginia* will use the eastern coals in order that a direct comparison as to the relative value of the two coals can be obtained.

Mr. Chairman, that is the situation.

Mr. COX of Indiana. Will the gentleman yield for a question?

Mr. FOSS. I do not want to consume all the time, because I want the gentleman from West Virginia and other gentlemen to have an opportunity to be heard.

Mr. COX of Indiana. I want to ask the gentleman a question in regard to the argument made——

The CHAIRMAN. Does the gentleman from Illinois yield?

Mr. FOSS. How much time is there remaining?

The CHAIRMAN. Three minutes and a half.

Mr. FOSS. I can not yield.

Mr. BUTLER, Mr. BURKE of Pennsylvania, and Mr. PEARRE rose.

The CHAIRMAN. The Chair will recognize the gentleman from Pennsylvania [Mr. BUTLER], who is a member of the committee.

Mr. BUTLER. Mr. Chairman, perhaps it is not so important for us to determine here at this time the character of coal that should be used in these great ships of war as it is to determine whether there is any combination between the Navy Department and these coal sellers. Let me give you here a bit of my own personal experience.

I wandered away from the fields of Pennsylvania to go to Virginia and West Virginia in search of gold in a coal mine. With an honorable end in view. I bought a very small and insignificant bit of stock in a coal company doing business in West Virginia, in the New River field, where coal is found good enough to eat for dessert on the finest table in the land. I made an inquiry of the Navy Department concerning the price the Government was paying for New River coal. I knew very well that I could not be interested in a contract with the Government and did not intend to sell, but I was desirous of obtaining the information; and I discovered that the coal mined in this district of West Virginia, where men crawl upon their bellies to get it, we could sell anywhere, to even a poor man, for 50 cents a ton more on the average than the Navy Department would give for it. We ought to be fair toward these men, honorable in their administration of the affairs of our Government, not one of whom can stand here to defend himself.

Mr. PEARRE. Will the gentleman please state how this coal is purchased by the Government, whether by bids?

Mr. BUTLER. By bids.

Mr. PEARRE. Open to any bidder?

Mr. BUTLER. Open bids, and there are often, I understand, ten or a dozen bidders.

Mr. HUMPHREY of Washington. The gentleman does not mean to say that the Pacific coast has an opportunity to submit bids?

Mr. BUTLER. I know nothing about that. I do not know where the department buys its coal.

Mr. POINDEXTER. Will the gentleman yield?

Mr. BUTLER. One minute. I have a great desire that injustice shall not be done to these officials, who, I know, are endeavoring to save the money of the Government.

Mr. SULZER. The gentleman has no objection to injustice being done the taxpayer.

Mr. BUTLER. Oh, yes; I want to look out for the taxpayer, too. Now I will yield to the gentleman from Washington.

Mr. POINDEXTER. I understand the gentleman from Pennsylvania to say that the Pocahontas coal operators sell their coal to the Government for 50 cents a ton less than they can get for it from private parties.

Mr. BUTLER. I am giving the gentleman my own experience in a little mine in West Virginia in which I was and am interested, from which we could always sell the coal for 30, 50, or 60 cents more a ton, on the average, than we could have obtained from the Government.

Mr. POINDEXTER. The coal operators, then, are great public philanthropists.

The CHAIRMAN. The time of the gentleman has expired. All time has expired, and the question is on the amendment offered by the gentleman from Washington.

Mr. PADGETT. Mr. Chairman, I desire to offer an amendment to the amendment.

Mr. HUMPHREY of Washington. Is it not too late to offer an amendment, Mr. Chairman?

The CHAIRMAN. No; amendment is in order. The Clerk will report the amendment.

The Clerk read as follows:

Add to the amendment of the gentleman from Washington the words: "*And provided further*, That in the event of the coal companies on the Pacific coast improperly and unduly raising the price of coal the Secretary of the Navy is authorized to purchase coal from British Columbia, or such other place where a proper price can be obtained."

Mr. BURKE of Pennsylvania. Mr. Chairman, I desire to speak in opposition to the amendment.

The CHAIRMAN. No debate on the paragraph or amendments is in order. The question is on the amendment offered by the gentleman from Tennessee to the amendment offered by the gentleman from Washington.

The question was taken, and the amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington as amended.

The question was taken; and on a division (demanded by Mr. Foss) there were 72 ayes and 28 noes.

So the amendment as amended was agreed to.

Mr. PADGETT. Mr. Chairman, I want to ask unanimous consent for 15 minutes to make some remarks on the naval bill.

Mr. HOBSON. Before the gentleman does that, will he permit me to ask unanimous consent to return to page 15, that we went over yesterday?

Mr. PADGETT. I will withhold my request.

Mr. HOBSON. Then, Mr. Chairman, I ask unanimous consent to return to page 15 in connection with an amendment that I will offer.

Mr. STAFFORD. Mr. Chairman, reserving the right to object, I would like to hear what the gentleman's amendment is before I grant consent.

Mr. HOBSON. I wish to recur for the purpose of adding an amendment to the end of the paragraph.

Mr. STAFFORD. Was not this same subject under consideration yesterday, and did not the gentleman propose an amendment to which the gentleman from Illinois [Mr. MANN] objected?

Mr. HOBSON. He made a point of order against the amendment I then proposed, but this that I am going to offer is a different proposition.

Mr. STAFFORD. The gentleman from Illinois is temporarily absent from the Chamber, and therefore I object.

Mr. HOBSON. I did not intend to raise it while the gentleman from Illinois was absent, and I will withdraw my request.

The CHAIRMAN. The gentleman from Tennessee asks unanimous consent to proceed for 15 minutes. Is there objection?

There was no objection.

Mr. PADGETT. Mr. Chairman, when the Secretary of the Navy submitted his annual report, I found in it the statement:

The Navy Department estimates for the expense of the naval establishment for the next fiscal year shows a saving of about $5,000,000 compared with the amount appropriated last year.

I also found this statement:

The inauguration of the steaming competition awakes a lively interest in the engineering matters throughout the service. This interest has brought about increased efficiency and economy of expenditure. During the fiscal year ending June 30, 1910, the horsepower of the machinery of the fleet has been increased 15 per cent and the average cruising speed has been increased about 15 per cent, yet the total cost of fuel used on vessels in the Navy has decreased over $2,000,000.

Noticing that, I was impressed with it, and when the hearings came on Admiral Cone was before the committee, and I asked the admiral about the matter.

Admiral Cone, on page 262 of the hearings before the Naval Committee, stated:

The decrease in cost of fuel used in vessels of the Navy has amounted to $2,000,000 during the past year. About $750,000 of this amount is due to increased efficiency, the balance to decreased cruising.

That raised an interesting question. The opinion gathered from the statement of the Secretary of the Navy was that efficiency and economy had saved $2,000,000, and when we come to analyze this we found that the Chief of the Bureau of Steam Engineering stated that of the supposed $2,000,000 only $750,000 was due to the increased efficiency and that $1,250,000 was due to reduced cruising. I got a little more interested in the matter and began to investigate further, and I have here a statement, which I will insert in the RECORD, showing the distance steamed by the United States battleships during the fiscal years 1908, 1909, and 1910, giving the steaming distance of each ship for each year separately. I shall give only the total now.

The total distance steamed in 1908 was 286,820 miles, the total distance steamed in 1909 was 568,229 miles, and the total distance steamed in 1910 was 108,213 miles. The number of battleships engaged in the cruising in 1908 was 22, in 1909 was 22, and in 1910, 21. The average per ship—and that gives the test of the matter—in 1908 was 13,037.3 miles; in 1909 the average for each ship was 24,828 miles, and in 1910 it was 5,153 miles. So that the cruising per battleship in 1909 was substantially five times as much as the cruising per battleship in 1910. It will be seen, therefore, that we have to take the statement of the Secretary with reference to the saving of $2,000,000 on account of increased efficiency with reference to the foregoing facts.

I wish also to call attention to another matter. It was stated in the first part of the report that there had been a saving of $5,000,000 in the estimates submitted for the next fiscal year, as compared with the amounts appropriated for the last year. I wish to call attention to the fact that while the amount carried in this bill is $5,929,314.14 less than the appropriations of last year, there is one fact that I wish to emphasize, and in doing that I want to call attention to the statement of Admiral Mason on page 60 of the hearing:

Mr. PADGETT. May I ask this question? I saw a statement in the paper the other day that there had been a saving of $5,000,000, comparing the estimates of this year and the appropriations of last year. One million eight hundred thousand dollars of it is made up of this amount that you have cut out of your estimate there because of the fact that you have not let the contracts for the ships, is it not, Admiral?

Admiral MASON. I don't know on what that report of saving was based. This $1,800,000 is not a saving; it is a delayed payment.

The CHAIRMAN. That really is not a saving, is it? That is to say, it simply means postponing the day of judgment?

Admiral MASON. Well, I have not reported any savings.

In other words, because the contract for the building of the battleship *New York* is held up in New York Navy Yard and has not been awarded, they have withheld submitting in the estimates $1,800,000 that would have been submitted if that contract had been let. So that whenever the building of the ship *New York* is begun this will have to be appropriated, and it is merely a postponement and not an economy.

I wish to call attention to a further fact. The total appropriations carried for increase of the Navy in the present bill this year are $25,755,547.67, and the sum total for the increase of the Navy in last year's appropriation was $33,770,346, or a difference of $8,014,798.33 omitted from the present bill under the item increase of the Navy. Therefore, if you add to that the $1,800,000 deferred on account of the battleship *New York*, you have $9,814,798.33, and then if you deduct from that the difference between the present year bill and these amounts, the $5,929,316.14, you have an excess or an increase this year of $3,885,482.92. In other words, last year we appropriated to meet the authorization, and because the authorizations of last year have not been fully carried out in contract, and because of the accumulations, as shown by the testimony of the constructor, there is an unexpended balance of about $6,000,000 they are withholding, and not asking for and submitting estimates to come into the present bill and which must come in the next year's bill or in the succeeding year's bill.

I do not wish the House to be misled by these estimates and provisions in the bill. There is no reduction. The fact is that the naval program for the increase of the Navy is larger in this bill than it was in last year's bill. Yet last year they asked appropriations and received appropriations of $33,000,000, and this year they are only asking for $25,000,000. It is simply, if you please, postponing——

Mr. ROBERTS. Will the gentleman yield for a question?

Mr. PADGETT. Yes, sir.

Mr. ROBERTS. The report of the Secretary of the Navy and his comparison of the amount to be called for in this year's bill, with the amount appropriated last year, was based on his recommendation for increase, was it not, and the figures that the gentleman is giving are based on what the committee actually voted for increase, which was six or seven million dollars more than the Secretary recommended? So that all his comparisons go for naught when you take into consideration the changed condition from the time the Secretary made his estimates and the conditions as they exist at this moment.

Mr. PADGETT. I have given both, and I have called attention to the fact that while last year for a smaller program we appropriated $33,000,000, this year, for a larger program, we are only appropriating $25,000,000. So that there must of necessity be carried to future appropriations a larger amount in the years to come.

The CHAIRMAN (Mr. BENNET of New York). The gentleman's time has expired.

Mr. PADGETT. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. ROBERTS. Let me ask a further question. In the authorization for increase last year there were included moneys not only for the vessels authorized that year, but payments on vessels prior to that time?

Mr. PADGETT. And the same the present year.

Mr. ROBERTS. And the increase last year was due to the rapid advance of the work authorized before last year, which has not taken place in the current or last fiscal year, and that amount of increase will fluctuate from year to year in proportion as the contracts are let and the contractors rapidly or slowly execute the contracts and call for payments under those contracts?

Mr. PADGETT. Well, I was simply calling attention to the difference in the actual appropriations of this year and the actual appropriations last year, showing that the department has not asked for the usual and ordinary appropriations this year. And that is shown by the testimony of Admiral Watt, as it appears on page 221, where he shows that, having unexpended balances of $6,000,000, he is proposing to use that continuing appropriation instead of asking for the appropriations this year.

I find, Mr. Chairman, that my voice is in such condition that it is practically impossible for me to proceed. I have here a statement, which I shall insert as a part of my remarks in the RECORD, that takes up in detail the different statements submitted by the bureaus and analyzes them, and they show that instead of being decreases in the administration there have been increases, and that this apparent decrease is due not to an actual reduction, but simply to a postponement and deferring to future years of appropriations for works that are called for in the present bill. Let us not deceive ourselves. If we carry out this program, the money must be appropriated in the bills to come next year.

Following is the statement referred to:

MEMORANDUM ON ECONOMIES.

On page 325 of the hearings before the committee, paragraph 4, of the statement by Paymaster General Cowie, the following is found:

"In 1909 the improvements, renewals, maintenance, costs of yards (navy), including amounts paid for leave, holidays, and disabilities, were $23,610,887.59, and in 1910 these expenditures are but $22,088,377.28."

In order to ascertain whether or not there is really a decrease in the maintenance of yards and stations, it is necessary to compare the figures given for maintenance in 1909 and 1910. The cost of main-

tenance of the following principal items for 1909 will be found in Statement B, Table 8, Paymaster General's Report, 1909, as follows:

Buildings	$583,202.66
Yard appliances	198,870.08
Yard craft	589,609.45
Machinery plant	555,951.07
Office force	1,498,917.34
Heat, light, fuel, water	771,685.31
Hand tools and repairs of same	353,252.96
Handling stores	929,875.66
Power plant	366,260.03
Total	5,847,624.56

The maintenance for the same items for 1910 are found in Statement B, Table 8, following page 73, Paymaster General's Report, 1910, as follows:

Buildings	$250,071.07
Yard appliances	50,388.34
Yard craft	297,426.21
Machinery plant	185,401.06
Office force	474,442.30
Heat, light, fuel, water	247,855.51
Hand tools and repairs of same	25,355.44
Handling stores	277,316.56
Power plant	102,021.99
Total	1,910,278.58

A comparison of these items shows such striking differences that it must be conceded that such a saving in one year in maintenance alone is impossible, and the differences must be accounted for in some other way than by a saving.

It must be remembered that 1910 was the first year in which there were any indirect charges made that were worth taking into account, and most, if not all, of the above differences would be absorbed in the cost of work as a part of the indirect charges, and would not appear in any table from which these figures were taken. This is strikingly indicated by a comparison of the two items for "Office force" and "Power plant."

A comparison of the figures for maintenance for 1909 and 1910, as shown in the Paymaster General's report, "Statement B," page 81, 1909, and "Statement B," page 73, 1910, shows a difference between $10,408,729.54 in 1909, and $5,434,325.24 in 1910, although these charges were apparently for identical items. It therefore is apparent that the indirect charges amounting to $3,692,777.59 have not been included, although as much of the maintenance charges of yards and stations as any other item. The amount of indirect charges for 1910 are found in the Paymaster General's report, "Statement B," page 14, being the sum of $3,012,252.47, plus $680,525.12; total, $3,692,777.59.

The sum of $10,408,729.54 for 1909 includes military expenditures of yards, while in 1910 they were kept separately; and in the total of $5,434,325.24 these military charges, amounting to $4,848,676.05, have not been included and for purposes of comparison, at least, should properly be added. These military charges are shown in the Paymaster General's report, "Statement B," page 84, 1910, being totals for pay and allowances of officers at shore stations entitled "S," "T," and "R."

Therefore to the total of $5,434,325.24 should be added the indirect charges of $3,692,777.59 and the military charges of $4,848,676.05, making a total of $13,975,778.88.

It therefore seems apparent that instead of being a reduction in maintenance charges on shore for 1910 over 1909, as claimed by a comparison of the two tables, there has been an actual increase of $3,567,049.34.

Continuing in the same paragraph of Paymaster General Cowie's statement, the following is found:

"These figures include the pay of all officers and enlisted men at shore stations as well as all military costs incident to the management of the navy yard. The latter expenses are not separated, however, from the general or industrial costs of navy yards operating in 1909, whereas in 1910 the military expenditures amounted to $4,848,676.05, which were separated, but which are included in the $22,688,377.28 above. The decrease in the cost of maintenance appears to have been due to reduced expenditures for power plant, machinery plant, handling stores, heat, fuel, and light, whereas many expenditures on account of permanent improvements were increased because of the cost of quay walls and piers, dry-docks, yard appliances, and fire apparatus."

Paragraph 5 of the same statement is as follows:

"In considering navy yards as industrial plants, it is assumed, for comparison only, that the costs of yard maintenance are the gross costs, both civil and military, and that the productive work is limited to that done for the fleet and for other departments of the Government. Upon this hypothesis the productive work at navy yards was as follows:

	1909	1910
New construction (labor and material)	$3,743,743.42	$4,466,019.27
Repairs to hull and machinery	7,140,399.24	8,203,841.52
Repairs to equipage	216,349.19	277,908.43
Labor on manufactured articles	4,408,361.34	4,379,061.01
Work for outside parties	58,382.29	52,178.34
Work for other departments of the Government	577,435.73	299,929.03
	16,144,671.21	17,678,937.60
Gross yard improvements, renewals, and maintenance charges (see par. 4)	23,610,887.50	22,688,377.28

Paragraph 6 is as follows:

"If there had been no improvements in the economy of navy-yard administration and operation in 1910, i. e., if these gross charges had borne the same ratio to the productive work in 1910 as in 1909, then the gross charges would have been $25,854,684.54, indicating a decrease in cost of operating navy yards amounting to $3,166,307.26."

Since it is evident that the indirect charges have been omitted from the total of $22,688,377.28 for 1910, that total should be increased by $3,692,779.59, making a total of $26,381,154.87 as the cost of the maintenance of the navy yards and stations, while the same expense for 1909 amounted to $23,610,887.59, a difference of $2,770,267.28. It will be seen, therefore, that these final figures are far from indicating that improvements in administration methods have resulted in decreased expenditures. The contrary seems to represent the facts, and the cost of the upkeep of the yards and stations was $2,770,267.28 more in 1910 than in 1909.

Paragraphs 7 and 8 of Paymaster General Cowie's statement are as follows:

"7. In the reports of the Paymaster General for the fiscal years 1909 and 1910 there appear for 1909, 196 vessels in commission and for 1910, 212 vessels, an increase of about 8 per cent in the number of vessels in commission during the latter year. When consideration is given to the fact that a number of vessels were not in commission throughout the entire year, the increase of 1910 over 1909 is estimated at 11 per cent. Therefore in comparing the costs of commission of naval vessels it is only fair to consider that the average fleet in being was about 11 per cent greater in 1910 than in 1909.

"8. Exclusive of the costs of repairs effected at navy yards, which costs have been included in comparing the efficiency of shore plants, the total costs of commission for the two years was as follows: 1909, $37,744,126.10; 1910, $37,783,658.27."

This calculation is made by treating every vessel as a unit. The number of months in commission and the class of vessels are ignored. As a matter of fact, eight of the increase of 16 were submarines. There were 23 battleships in commission in 1909 and 28 during 1910, but all of the 1909 battleships were in commission for a year except one, and that for one month only; but in 1910 only 16 battleships were in commission for 12 months, and the remaining 12 were in commission varying from one to six months, the total number of months of commission for the 12 being only 34 months. In 1910, *Alabama*, one month; *Delaware*, three months; *Illinois*, one month; *Iowa*, two months; *Kearsarge*, two months; *Kentucky*, two months; *Maine*, two months; *Massachusetts*, two months; *Michigan*, six months; *North Dakota*, three months; *Ohio*, three months; *South Carolina*, four months.

The calculation ignores the charges for repairs to hull, machinery, and equipage, which are just as much a part of the cost of the fleet as is the coal that is consumed, although the repairs in 1910 were $990,230.34 more than in 1909. This is deducted from the Paymaster General's reports 1909, page 101, and in 1910, page 103.

Cost of repairs to hull, machinery, and equipage.

1909	$6,040,527.37
1910	7,030,757.71
Excess in 1910	990,230.34

The fact that a comparison shows the cost of commission of the fleet for 1909 and 1910, not including repairs, to be nearly the same leads to incorrect deductions, because an examination of the Paymaster General's reports for these two years shows that reductions have been made in some expenditures and increases in others. The pay of officers and men in 1910 was nearly $900,000 more than in 1909, while the cost of the steam engineering department was about one and one-half millions less, but the fleet steamed a great many more miles in 1909 than in 1910. The pay of marine officers afloat in 1909 was $654,000 and in 1910 $705,000, but the marines were not serving on board ship during the entire year of 1909. Target practice cost very much more in 1910 than in 1909, as the ordnance expenditures were $800,000 less in the latter year. It cost $100,000 more to feed the fleet in 1910 than in 1909 and nearly $1,000,000 more to repair it, and although there were more vessels of all kinds in commission in 1910, they were, in many cases, in commission for shorter periods, as heretofore noted.

The more accurate way to arrive at a comparison would be to take the cost of maintenance of the 12 battleships in the Atlantic Fleet that have been continuously in commission since July 1, 1908—that is, for the two fiscal years 1909 and 1910—using the vessels that performed the same duty during all that period. The costs of the upkeep of the following 12 battleships, including repairs, for 1909 and 1910 are found in the Paymaster General's reports for 1909 and 1910, page 95, as follows:

	1909	1910
Connecticut	$988,674.82	$1,101,881.89
Georgia	821,620.22	837,418.88
Idaho	549,160.12	708,241.53
Kansas	804,907.53	838,416.80
Louisiana	845,060.60	920,026.99
Minnesota	813,349.48	880,108.86
Mississippi	567,918.69	741,520.03
Nebraska	826,350.26	864,685.25
New Hampshire	671,555.15	883,287.54
Rhode Island	878,928.59	875,423.21
Vermont	895,210.40	911,925.81
Virginia	846,780.85	854,556.17
Total	9,509,516.71	10,417,493.86

A comparison of these two totals, which include repairs (a proper item for consideration in these figures), shows that the maintenance of these ships cost over $900,000 more in 1910 than in 1909, and the same vessels, not including repairs, cost nearly a half million dollars more in 1910 than in 1909.

It has been stated that there were 23 battleships in commission in 1909 and 28 in 1910, but the Paymaster General's report for 1909, page 95, shows that the total number of months of battleship commission was 265 and only 226 months for 1910. If the total months of battleship commission is divided by the cost of upkeep, as shown by the Paymaster General's report, a true comparison of the cost may be arrived at. Such a calculation shows that the average cost per month to maintain one battleship, not including repairs, in 1909 was $49,187.76, and the same, including repairs, was $52,112.43; while in 1910 the cost, not including repairs, was $58,844.97, and, including repairs, was $65,629.98. These figures show that the average cost per month of a battleship was $3,000 a month more in 1910 than in 1909, not including repairs, and $6,800 more per month, including repairs, in 1910.

The same comparison might be made for the 12 armored cruisers under the same conditions, and it will be found that the cost of maintenance for 1910 was within $2,500 of a million more than in 1909.

Distance steamed by United States battleships, as shown by reports of the Bureau of Navigation.

Name of ship.	Fiscal years.		
	1908	1909	1910
	Knots.	*Knots.*	*Knots.*
Alabama	15,900	13,109	
Connecticut	18,072	30,541	4,677
Georgia	20,089	56,967	2,451
Idaho	5,250	7,238	4,891
Illinois	14,712	30,539	
Indiana	247		3,910
Iowa			6,386
Kansas	16,046	30,470	5,787
Kearsarge	15,493	28,996	
Kentucky	19,794	28,077	
Louisiana	16,251	29,680	7,473
Maine	15,000	25,340	123
Massachusetts			3,785
Minnesota	17,696	29,299	5,880
Michigan			6,323
Mississippi	2,735	13,489	9,937
Missouri	15,574	26,182	6,144
Nebraska	9,208	29,129	4,967
New Hampshire	2,257	11,610	5,864
New Jersey	17,582	30,825	4,977
Ohio	14,217	30,132	1,024
Rhode Island	16,578	28,784	5,563
South Carolina			6,330
Texas		410	
Vermont	16,260	30,455	7,531
Virginia	15,425	28,764	4,190
Wisconsin	2,434	28,193	
Total distance steamed	286,820	568,229	108,213
Number of battleships	22	22	21
Average per ship	13,037.3	24,828	5,153

The Clerk read as follows:

INCREASE OF THE NAVY.

That, for the purpose of further increasing the Naval Establishment of the United States, the President is hereby authorized to have constructed two first-class battleships, each carrying as heavy armor and as powerful armament as any known vessel of its class, to have the highest practicable speed and the greatest practicable radius of action, and to cost, exclusive of armor and armament, not to exceed $6,000,000 each.

Mr. SULZER, Mr. PADGETT, and Mr. FOSS rose.

The CHAIRMAN. The gentleman from Illinois [Mr. Foss], the chairman of the committee, is recognized.

Mr. PADGETT. Mr. Chairman, I wish to offer an amendment.

Mr. SULZER. Mr. Chairman, I have an amendment which I offer.

The CHAIRMAN. The gentleman from Tennessee [Mr. PADGETT] is a member of the committee. The gentleman from Tennessee offers an amendment, which the Clerk will report.

Mr. PADGETT. I wish to amend, on page 59, line 23, by striking out the word "two" and inserting the word "one," and strike off the letter "s" at the end of "battleships," so that it will read:

To have constructed one first-class battleship.

Mr. HUGHES of New Jersey. Now, Mr. Chairman——

Mr. SULZER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Tennessee.

The Clerk read as follows:

Page 59, line 23, strike out the word "two" and insert the word "one," and also strike out the final "s" in the word "battleships," so that it will read "one first-class battleship."

Mr. PADGETT. Also, in line 24, strike out the word "each."

The Clerk read as follows:

Line 24, strike out the word "each."

Mr. HUGHES of New Jersey. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN (Mr. CURRIER). The gentleman will state it.

Mr. HUGHES of New Jersey. I simply want to inquire if all this language does not constitute one paragraph, because it is quite evident that the language at the bottom, starting with line 15, and commencing with the words "Secretary of the Navy," is intended to apply to all of the succeeding sections. I wondered if that could not all be considered as one paragraph.

The CHAIRMAN. Does the gentleman from New Jersey inquire where the paragraph closes?

Mr. HUGHES of New Jersey. Yes, sir.

The CHAIRMAN. The paragraph closes on line 3 of page 60.

Mr. PADGETT. Strike out the word "each," in line 3, page 60.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 60, line 3, strike out the word "each."

Mr. PARKER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PARKER. Mr. Chairman, the amendment now proposed relates to the number of battleships. The amendment which I propose, and of which I gave notice last night, relates to the speed of battleships, and the suggestion I make, whether by point of order or by suggestion to the member of the committee, is that it is advisable first to determine what sort of battleship is wanted before settling their number, just as you would decide what kind of cloth you want before you determine the number of yards. I would like very much, therefore, to offer my own amendment first as a matter of parliamentary order, the amendment being simply to insert, after the word "speed," the words "at least equal to that of any known battleship." I ask that as a matter of parliamentary privilege, though I believe Members who are not on the committee do come last.

The CHAIRMAN. Amendments are not now in order.

Mr. HOBSON. Mr. Chairman, I wish to give notice that in due time I shall offer a substitute for the amendment offered by the gentleman from Tennessee [Mr. PADGETT].

Mr. PARKER. Is it in order, Mr. Chairman, for me to offer my amendment now, or should I wait until the amendment offered by the gentleman is disposed of?

The CHAIRMAN. The Chair thinks the gentleman from New Jersey should wait until this amendment is disposed of.

Mr. FOSS. Mr. Chairman, I would suggest that all amendments relating to the number of battleships be submitted now, and then I will ask unanimous consent that we shall have a debate for a short period of time on the battleship provision, and then take a vote. And I would suggest that the gentleman from Alabama [Mr. HOBSON] offer his amendment at this time, if he has one relating to the number of ships.

The CHAIRMAN. The amendment of the gentleman from Alabama can be read for the information of the House.

Mr. HOBSON. The amendment will be in the nature of a substitute for the amendment offered by the gentleman from Tennessee [Mr. PADGETT] striking out the word "one" in his amendment and inserting the word "three," and restoring the letter "s" where the plural occurs.

The CHAIRMAN. The substitute of the gentleman from Alabama can be offered now.

Mr. HOBSON. I offer it now, Mr. Chairman. Strike out the word "one" in the amendment offered by the gentleman from Tennessee and insert in lieu thereof the word "three," and restore the letter "s" where the plural occurs.

Mr. MOORE of Pennsylvania. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. Is a request for unanimous consent now pending?

The CHAIRMAN. Yes. This is simply carrying out the purpose that was sought to be attained by unanimous consent. The Chair will state that question of unanimous consent as soon as the substitute offered by the gentleman from Alabama is reported.

Mr. RUCKER of Colorado. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MOORE of Pennsylvania. Mr. Chairman, reserving the right to object, I desire to know whether I shall lose my right to move an amendment by acceding to the request of the gentleman from Illinois.

Mr. RUCKER of Colorado. Mr. Chairman, I desire at the proper time to ask the Chair when it will be in order to strike out all amendments that may be offered to this paragraph, as well as the paragraph itself.

The CHAIRMAN. On a point of order?

Mr. RUCKER of Colorado. As an amendment.

The CHAIRMAN. The gentleman can make that motion later. It can not be acted upon until the paragraph is perfected.

Mr. SULZER. Now, Mr. Chairman, I ask to have my amendment reported.

The CHAIRMAN. In a moment, as soon as the substitute is reported. The Clerk will report the substitute of the gentleman from Alabama [Mr. HOBSON].

The Clerk read as follows:

On page 59, line 23, strike out "two" and insert "three."

The CHAIRMAN. Now, the gentleman from Illinois [Mr. Foss] asks unanimous consent that all amendments relating to the number of battleships be now offered and read for the information of the House.

Mr. FOSS. No; not read for information, but to be considered as pending.

The CHAIRMAN. To be considered as pending.

Mr. MOORE of Pennsylvania. Reserving the right to object, that does not prejudice the offering of other amendments to the paragraph?

The CHAIRMAN. Not at all. Does the gentleman from Illinois desire to make a motion as to closing debate?

Mr. PADGETT. Let us agree on it.

Mr. FOSS. I suggest that we have one hour's debate, 30 minutes on a side, to be controlled by the gentleman from Tennessee [Mr. PADGETT] on his side and the chairman of the committee on this side.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that debate on this paragraph and all amendments thereto be limited to one hour——

Mr. PARKER. Debate on the paragraph and amendments relating to number of battleships. I have another amendment here, of which I gave notice last night, as to speed.

The CHAIRMAN. Does the gentleman modify his request?

Mr. FOSS. Yes; relating to the number.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that debate on the paragraph and all amendments relating to the number of battleships be limited to one hour, one-half to be controlled by himself and one-half by the gentleman from Tennessee [Mr. PADGETT].

Mr. PARKER. Mr. Chairman, does that agreement relate to all amendments?

The CHAIRMAN. Amendments relating to the number of battleships. Is there objection?

Mr. MOORE of Pennsylvania. Relating to the number of battleships only, without prejudice to the right to offer other amendments.

Mr. FOSS. That is what I mean.

Mr. MANN. That is what the gentleman said.

Mr. BENNET of New York. I wish to know if the gentleman from Illinois [Mr. Foss] and the gentleman from Tennessee are on different sides of that question.

Mr. PADGETT. We are on very different sides.

Mr. FOSS. We are in open hostility on that question.

The CHAIRMAN. The gentleman from New York [Mr. SULZER] asks unanimous consent that the amendment proposed by him may be read for the information of the committee. Is there objection?

Mr. MOORE of Pennsylvania. There is objection, unless I can have my amendment offered, too.

The CHAIRMAN. Is there objection?

Mr. MOORE of Pennsylvania. I reserve the right to object, and I offer my amendment to be read also.

The CHAIRMAN. Is there objection to the reading of the amendment offered by the gentleman from New York [Mr. SULZER] and the amendment offered by the gentleman from Pennsylvania [Mr. MOORE] for information?

Mr. ROBERTS. I reserve points of order on all amendments that are read.

Mr. MANN. They are only read for information.

The CHAIRMAN. They are only to be read for information. If there be no objection, the amendments will be read. The amendment offered by the gentleman from New York [Mr. SULZER] will first be read.

The Clerk read as follows:

At the end of line 3, on page 60, amend as follows:
"*Provided always*, That one of the battleships herein authorized shall be constructed in one of the navy yards."

The CHAIRMAN. The amendment of the gentleman from Pennsylvania [Mr. MOORE] will be read.

The Clerk read as follows:

Line 3, page 60, at the end of the paragraph, insert:
"*Provided*, The draft of such battleship shall not exceed 30 feet."

The CHAIRMAN. Now, the gentleman from New Jersey [Mr. PARKER] asks unanimous consent to have his amendment read for the information of the House.

The Clerk read as follows:

Insert in the first line of page 60, after the word "speed," the words "at least equal to that of any known battleship."

Mr. MANN. Has an agreement been reached as to time?

The CHAIRMAN. The time has been agreed upon.

Mr. PADGETT. Mr. Chairman, I yield 10 minutes to the gentleman from Missouri [Mr. BARTHOLDT].

Mr. BARTHOLDT. Mr. Chairman, I shall vote, as I have consistently done during the last three or four Congresses, for one new battleship to take the place of the one which, according to naval experts, goes out of commission annually. I shall vote, therefore, for the maintenance of the Navy at its present strength, which, in the judgment of all reasonable American citizens, is amply adequate for purposes of defense.

As was again demonstrated by the speech of the gentleman from Alabama on yesterday, the present system of armaments requires for its maintenance or enlargement the constant precipitation of war scares. The advocates of these unnecessary increases of the war machinery in this and other countries, in other words, are compelled to constantly play upon the fears of the people, that same human weakness from which results this whole unfortunate rivalry of the nations in the exhaustion of their resources for new battleships and armaments.

We have it from the State Department and from the higher authority of the President of the United States that there is absolutely no cause for alarm, and that there is no danger from any quarter, either on the Atlantic or the Pacific side, threatening the peace and tranquillity of the United States. In the light of these assurances, it seems to me, there would be ample justification in characterizing the alarmist as an enemy of the peace of his country, and in providing by law against the precipitators of such needless alarms; but, fortunately, such a measure is unnecessary, because the good common sense of the people usually forms the stone wall against which the efforts of the war monger, the jingo, and the alarmist are vainly spent.

I wonder, Mr. Chairman, if we fully realize all the conditions to be considered in determining the question of still further enlarging our Navy. Surely these conditions are not what they were 10, or five, or even three years ago. There are some things which all will understand the moment they occur. When, for instance, the war drum is beaten there is immediate excitement, and when victory is proclaimed there is a paroxysm of joy. Events such as these appeal to the senses, not to say the animal instincts, of man. But there are other occurrences the real significance of which is considerably slower in dawning upon the people's minds, for the reason that they can be absorbed only through the intellect. Bearing on the question of peace, which we all wish to see maintained, one side by force and the other by law, a revelation of totally changed conditions has come to the people only within the last few years. [Applause.] The world is only now beginning to realize what has really been accomplished at The Hague, namely, that a court has been established to settle all disputes between nations; not only questions specified in treaties, but all questions which governments see fit to submit. From this the simplest mind will readily infer that a general use of that court will soon result in relegating the battleships to the scrap heap, except such as may be needed to police the oceans. Furthermore, it is only a short time since that the people generally have grasped the full meaning of President Roosevelt's mediation in the Russian-Japanese war, namely, that that war, with all its atrocities and horrors, might have been wholly averted by the same method by which it was ended. The people also perceive, to their great surprise, that the rulers of Europe, though armed to their teeth, are suddenly showing an aversion to hostilities and war, so that controversies which formerly would have fairly bathed that continent in blood have been peaceably adjusted, and that with an eagerness fairly startling to the observer.

Certainly these are new conditions. But that is not all, Mr. Chairman. In place of the former independence of the several nations we find a growing commercial and economic interdependence, and, by the way, this is, more even than the losses by wars, the true sanction of international arbitration. To-day, whatever steps are taken, whatever measures are considered by the cabinets and legislative bodies, our own included, it is done, not with an eye solely to the effect at home, but with anxious regard for the opinion of the world. In other words, we notice the governments to be no longer exclusively controlled in important matters by merely local or national influences, but to be largely swayed by international considerations.

Who will deny that these revelations have wrought a most decided change of public opinion with regard to the necessity of more battleships? Are we to respect that growing sentiment which from these considerations regards all further naval expansion as a waste of money?

Mr. Chairman, I am not dreaming the chimerical dream of the idealist who sees in The Hague court an agency for the immediate attainment of universal peace. But neither will I be driven by or take counsel of fear. The United States has less cause for fear than any other country on earth, and this is due, not to our 33 ironclads, but to our own greatness and to the good sense of other nations. [Applause.] What nation would be willing to commit suicide by attacking us? All need our breadstuffs, our

oil, and our cotton; and remember, also, that the will of the rulers is no longer as arbitrary as it once has been, because it is now circumscribed by the public conscience, the same enlightened sentiment which has prevented a European war for more than a generation and compelled the rulers in every more recent case of trouble to seek a peaceable solution.

As I have said before, America now has the opportunity to lead the world to either peace or war. It depends upon our vote to-day. Arrest armaments and the whole civilized world will heave a sigh of relief. It will be the beginning of the end of what has rightfully been called the "folly of nations." If we stop, the others will stop, or will be forced to stop by their suffering people. Sweet words and good resolutions will not do; it is the deed, the actual example of our Nation, which alone can afford the relief the world is longing for. And there is not a nation on God's footstool which is in a better position to set that example than is the United States. Do you realize that we have an interest far beyond our own military burdens in the exhaustion and despair of the millions elsewhere? Are they not our customers, and therefore is not a rise or decline of their purchasing power a matter of vital concern to us? Militarism is now consuming, aye devouring, the natural resources of the earth at the rate of $2,000,000,000 a year; hence is impoverishing the people. America suffers under these burdens with the rest, the same as a relief from them would benefit her with the rest. But there is a higher reason which should impel us to lead in this holy cause. We should do the good for the sake of the good, and remain true to America's mission as the champion of liberty, justice, and peace, and true to the motto, "Above all the nations is humanity." [Loud applause.]

Mr. FOSS. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. OLCOTT].

Mr. OLCOTT. Mr. Chairman, I have no desire to make any extended speech or to repeat what has been said pro and con on this subject ever since I have been here, but I do wish to state that I am in entire accord with the report of the majority of this committee, and believe that we should have two battleships. No one wishes for universal peace more than I do, but I do not believe that the way to obtain universal peace is for us to delude ourselves with the idea that we are immune against attack.

Some years ago we started to build two battleships every year, and, in spite of what the gentleman from Missouri has said, that is the only way that we can keep up the efficiency of our present Navy, and the present Navy has certainly no more than is needed to protect this great country of ours. Sometimes I have thought that we should have two fleets as large as the one we have now—one on the Atlantic and the other on the Pacific—but in view of the fact that the Panama Canal is soon to be completed I am inclined to think that we can get along with a fleet as efficient as that we now have.

The life of a battleship is not long. Not many years pass after its construction before it becomes inadequate, and we can not safely do with less than the number of ships we have now, and we can not maintain the number of ships we have at their best point of efficiency without building two of these great ships a year.

The gentleman spoke of President Roosevelt's interposition to stop the war between Russia and Japan and spoke of the great example set the entire world, and yet he will remember that notwithstanding that President Roosevelt will probably go down to history with his greatest reputation as a peacemaker, yet he never hesitated to insist that we should maintain the Navy so that its efficiency would be commensurate with the size and dignity of our country.

This question of disarmament is immensely attractive. We hear every year the amount of expenditure that we make for future wars and for past wars, but nevertheless do not let us begin to disarm until our trade competitors go hand in hand with us. The greatest security to peace is to be prepared for war. We might just as well take the locks off our doors and to trust to the honesty that the great majority of people have not to rob us as to say that we will fail to fortify our shores and fail to build battleships, because there is little probability of some of the nations of the world attacking us and will not come and seek to capture any of our possessions. There might at some time be one nation that would seek to imperil our safety and would give us trouble and difficulty unless we are prepared. Therefore let us uphold our Navy and keep it in at least its present state of efficiency. I hope that this House will adopt the report of the naval program. I have not time to talk about the auxiliary vessels. They are of equal importance, and I believe that we have got down to the bedrock of our necessities when we present the entirely modest program that appears in this bill. [Applause.]

Mr. PADGETT. Mr. Chairman, I yield 10 minutes to the gentleman from Alabama [Mr. HOBSON].

Mr. HOBSON. Mr. Chairman, I have listened with great interest to the edifying remarks of the gentleman from Missouri [Mr. BARTHOLDT], who always speaks with great interest when the question of international peace is up. It is true he used words like "war mongers" and "alarmists," and so on; but I do not believe any offense should be taken to such terms. I frequently, on my part, use the words "peace dreamers," and no one should take offense. I know that the gentleman from Missouri, however, is too true a patriot to wish at this juncture to leave the vital interests of his country to hang upon international arbitration, because I know that the gentleman knows that the best arbitration treaty ever yet negotiated between any two nations specifically eliminates all vital questions from those that are to be treated by arbitration.

He also is aware, I dare say, of the fact that, even though America is the greatest peace Nation in the world and the chief exponent of the resort to arbitration, our own country, when the Republic of Colombia asked us to refer the seizure of the Panama strip to arbitration, and agreed to eliminate every question involving honor, we refused to resort to The Hague tribunal or to arbitrate at all.

It is well to do all we can to extend the scope of The Hague tribunal, but no patriot at this juncture, at the present development or lack of development of arbitration, ought to try to develop it at the expense of the vital interests of the country. And, least of all, should America do it. It is the utmost folly to say that if we began to put a limit upon armament the other nations would follow us. The other nations have never followed us. We have always been behind them. They have gone ahead farther and farther, and to-day they are building twice as fast as we are; three times as fast as we are. It is idleness to say that if we slow down they would slow down.

Now, then, the gentleman from Tennessee [Mr. PADGETT], who offered the original amendment, is a most careful, conscientious, painstaking, and wise Member of this House and the ranking minority member of the Committee on Naval Affairs. Each year it comes to me as a great surprise that the gentleman can make an amendment providing for only one battleship. It shows that the gentleman has not worked out any policy at all. You take the Democratic platform and it specifically provides substantially as follows:

> We believe that the clause in the Constitution that authorizes Congress to provide and maintain a Navy "means an adequate Navy."

It proceeds to develop what is the simplest form of an adequate navy, namely, one sufficient to protect both our coasts; and they are so far apart that, even with the Panama Canal, a fleet in one ocean can not give protection in the other. That means a two-ocean basis for our Navy. And, further, that platform adds:

> And the interests of our citizens wherever exposed.

That means that if the question of our tranquillity became involved under the Monroe doctrine and its operation in South America, the Navy ought to be adequate to maintain that doctrine. That means on the question of an open-door policy in Manchuria and for the trade of China, a question vital to the interests of our citizens in the future, that our Navy should be adequate to guarantee us our rights there, so that when protests are made, as they have been made from time to time, they would be duly respected.

To show concretely what this means to adopt a one-battleship-a-year program, I will give the members of this committee a statement of what position that will leave us in from year to year. The question of the size of our Navy is largely a relative one. If we did not find great armaments in Europe, we would not have to have many battleships in the Atlantic. If we did not find great armaments in Asia, we would not have to have many battleships in the Pacific. But we do find those great standing armies, those modern engines that must be met either by similar engines or else by controlling the arm of the sea over which they may not pass. That is the condition in which we find ourselves.

What will a one-battleship-a-year program lead us to? I will give you the statement of the Bureau of Naval Intelligence, dated January 19, 1911, a table giving the strength of the fleets in the first line of the United States, Germany, and Japan on July 1 of each year from 1911 to 1920.

First, take the result of a two-battleship program. The program for Japan does not go further than 1914. The program for Germany goes through; and then on the assumption

that we have a two-battleships-a-year program, as provided for in this bill, the following will be the status—Dreadnoughts are the backbone of the fleets and I read the number of Dreadnoughts; while we still keep the older battleships in the first line of battle, because the fleets have not sufficient Dreadnoughts and other nations are doing the same, yet the first line of battle is really founded on the Dreadnoughts and will soon comprise only Dreadnoughts: In 1911, on July 1, the United States will have 6 Dreadnoughts, Germany will have 8 Dreadnoughts, Japan will have 4 Dreadnoughts. In the year 1912, on the two-battleships-a-year program, the United States will have 8 Dreadnoughts, Germany will have 13 Dreadnoughts, Japan will have 6 Dreadnoughts. In the year 1913 the United States will have 10 Dreadnoughts, Germany will have 17 Dreadnoughts, and Japan will have 7 Dreadnoughts. In the year 1914 the United States will have 12 Dreadnoughts, Germany will have 21 Dreadnoughts, Japan will have 9 Dreadnoughts. Thus, on a two-ocean basis, we find ourselves, even with the two-battleships-a-year program, in the year 1914, which is not far off, with 12 Dreadnoughts compared with 21 that Germany will have in the Atlantic, and not a single Dreadnought against Japan's 9 Dreadnoughts in the Pacific.

Mr. Chairman, even the two-battleships-a-year program is so inadequate we can not look upon it as establishing any real naval policy adequate for the purposes for which a navy exists. What can we say, then, of a program of one battleship a year, as advocated by the gentleman from Tennessee? Let us see where it will lead us. In 1913 America will have 9, Germany will have 17 and Japan 7 Dreadnoughts. In 1914 America will have 10, less than half the strength of Germany, which will have 21, and scarcely more than Japan, which will have 9, and so it goes down the list. We simply drop out of the class of nations that undertake to maintain a naval policy; and with no standing army in our midst, that is the only policy upon which we can defend our Nation. The truth is we ought not to be satisfied with simply a balance of power in an ocean when there is a standing army on the other side, because if we should lose the battle, that great standing army could strike our mainland; and if they should lose the sea battle we could not strike them. We ought to have a safe margin of superiority.

Mr. BURKE of Pennsylvania. Will the gentleman yield?

The CHAIRMAN (Mr. KENDALL). Does the gentleman from Alabama yield to the gentleman from Pennsylvania?

Mr. HOBSON. For a question.

Mr. BURKE of Pennsylvania. How would the gentleman get the Atlantic Fleet to the Pacific Ocean under the amendment he voted for here within the past hour? I ask that in good faith as a practical question, and I would like to know.

Mr. HOBSON. How would he get it?

Mr. BURKE of Pennsylvania. Yes; how would the gentleman get the Atlantic Fleet to the Pacific Ocean in case of emergency, under the amendment adopted here this morning, which forbids the Navy Department to pay for coal going from the Atlantic to the Pacific?

Mr. HOBSON. Mr. Chairman, I do not propose to open up that question when I am discussing in 10 minutes a naval policy of the United States—the question of the shipment of coal across the continent.

The CHAIRMAN. The gentleman declines to yield, and the gentleman's time has expired.

Mr. HOBSON. I am sorry, but I can not yield any longer.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. HOBSON. I will ask the gentleman from Illinois to grant me a little more time.

Mr. FOSS. I am very sorry, but my time is already promised, I will say to my colleague. Otherwise I would be willing to yield to him.

Mr. KITCHIN. Yield to him for one minute, that I may ask him a question.

Mr. FOSS. I am sorry that I can not do it. I yield five minutes to the gentleman from Pennsylvania [Mr. BURKE].

Mr. BURKE of Pennsylvania. Mr. Chairman, I do not care to occupy the time.

Mr. FOSS. Then I yield to the gentleman from Alabama three minutes.

Mr. HOBSON. Mr. Chairman——

Mr. BURKE of Pennsylvania rose.

Mr. HOBSON. Was it yielded to me for the purpose of answering a question?

Mr. FOSS. No; the gentleman may use it as he sees fit.

Mr. HOBSON. I am sorry that with so little time I can not answer the gentleman's question. Thus far I have dealt with the question of an adequate naval policy, when considered from a relative standpoint.

Now, from an absolute standpoint, we can not with only two battleships a year maintain one fleet. It will not make up the rot that occurs every year, and even under the two-battleships-a-year program, including all of the older battleships now in the first battle line, our total fleet will go down from 21 in number, where it is to-day, to 17 in number in the year 1916.

The smallest complete fleet you can have now is 21 battleships, one for the flagship and five for each of four squadrons, the fifth vessel being off for repairs while the four are on the battle line. We can not maintain even one fleet on the two-battleships-a-year program, much less with a one-battleship-a-year program. With two a year we get down in the year 1916 to a position where the total number is only 17 ships. In the year 1914, in spite of the program, the number falls three, and in 1915 it falls to 17. It is simply ridiculous to attempt to establish a policy on any such program. I hope gentlemen will undertake to look into the question of what kind of a policy will be the outcome if we should cut down the increase to only one a year. We might as well give up. By 1920 we should have but half of one fleet, less than a third of the strength of the fleets of Europe, with nothing for the fleets of Asia.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSS. Mr. Chairman, I yield three minutes to the gentleman from Pennsylvania [Mr. BURKE].

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BURKE] is recognized for three minutes.

Mr. BURKE of Pennsylvania. Mr. Chairman, in view of the unwillingness of the world's greatest naval expert to answer a single question regarding a matter of interest, and one affecting this discussion, I am compelled to direct attention to the fact that in his enthusiasm, but not in his wisdom, he has just voted, under a rule shutting off debate, for a measure that, if it were signed by the President, would hopelessly cripple our Navy and has already put this House in a ridiculous position before the world.

The last item we passed, appropriating $4,000,000 for the purchase, transportation, and storage of coal for the use of our Navy, was amended by a gentleman from the Pacific slope as follows:

Provided, That no part of this sum shall be used for the transportation of any coal from the Atlantic to the Pacific.

Think of such an amendment, fathered by one from the Pacific slope and supported by the naval enthusiast from Alabama, and all in prejudice of Atlantic-coast coal!

In the first place, the coal companies can evade this amendment by shipping by rail direct from the mine to the Pacific without ever touching the Atlantic Ocean. But think of the ridiculous result if war were to break out to-morrow, or for any reason the Navy Department wished to transport the Atlantic fleet to the Pacific! Coal would have to be shipped in colliers and probably in hired vessels to accompany our fleet on its 16,000-mile journey. The moment they landed at Cape Horn they must halt, because the department is forbidden to pay a single dollar to transport that coal into or over Pacific waters. Therefore the fleet must wait until other colliers come from Puget Sound or elsewhere in the Northwest to feed our fleet with fuel on its journey to the Golden Gate.

In the first place, the additional colliers could not be secured, and, in the second place, if they could they would be blown from the seas before they reached the fleet; and, in addition, the Pacific coast would be at the mercy of any enemy, while our great American Navy rested at anchor in the dismal distant district of Cape Horn.

It seems to me more thought and less enthusiasm in these matters would yield profitable fruit to the American people.

Mr. MANN. Under the same amendment the battleships would have to stop there as well as the colliers?

Mr. BURKE of Pennsylvania. Yes; they will all have to stop under the prohibition.

Mr. MANN. Then, I think it is a good amendment.

Mr. FOSS. I yield to the gentleman from Ohio [Mr. COLE] three minutes.

Mr. COLE. Mr. Chairman, I am a man of peace. I am opposed to war. I have listened to the story of conflict and carnage from the lips of men who have endured the baptism of fire, and, furthermore, I am a major in the National Guard of Ohio. [Applause.] If the United States were to engage in a war, I would be compelled to go and fight. I might be killed. You gentlemen would sit here in the Halls of Congress making appropriations to buy bullets and munitions of war with which the rest of us would slay one another. Mr. Chairman, if this Congress wants to adopt a remedy that will effectually prevent war, let it provide that every Member of Congress must enlist as a private and go out first on the firing line. [Laughter.]

Mr. MANN. Some of them are going out all right.

Mr. COLE. But not on the firing line.

Mr. HUGHES of New Jersey. On the bread line. [Laughter.]

Mr. COLE. Mr. Chairman, I am in favor of the two-battleship policy. Ever since the young gentleman from Alabama came to this Congress he has been electrifying not only this body but the entire Nation with his eloquence. I remember that history records an ancient Roman who every time he rose to address the Roman Senate would exclaim, "Cathago delenda est!" (Carthage must be destroyed). When the young gentleman from Alabama, who so frequently charms this body with his eloquence, tells us with repeated regularity that war is imminent, I am inclined to think he, like the Roman Senator of old, is a sentinel on the mountain top, and has wider vision than we who dwell in the shadows of the valley. His vast experience in naval affairs has qualified him for counsel. He is destined to live in our history as one of the great sea captains of the centuries. [Applause.]

My friends, the cause of war on the Atlantic Ocean has been removed. From time immemorial the great cause of international conflicts has been disputed territory. Every particle of territory on the Atlantic has been removed from the realms of controversy; but yonder in the Pacific, there is where the dispute will arise in the coming century. The light of civilization has encircled the globe until it reillumines the land of its birth, and upon the waters of the Pacific are destined to occur the great international events of the future. The new civilization has met the old; a conflict is inevitable. I trust it may not be a contest of arms, but rivalry in peace. But whatever it may be, let America take her stand, be prepared to meet all comers, and be master of the Pacific. [Applause.]

Mr. FOSS. I suggest to the gentleman from Tennessee that he use his time.

Mr. PADGETT. How much time have I?

The CHAIRMAN. The gentleman from Tennessee has 10 minutes remaining.

Mr. FOSS. How much have I?

The CHAIRMAN. The gentleman has 16 minutes.

Mr. FOSS. I intended to yield five minutes to the gentleman from Tennessee for the gentleman from Alabama [Mr. HOBSON].

The CHAIRMAN. Then the gentleman from Tennessee has 15 minutes remaining, and the gentleman from Illinois 11 minutes.

Mr. PADGETT. I yield five minutes to the gentleman from Colorado [Mr. RUCKER].

Mr. RUCKER of Colorado. Mr. Chairman, we have heard here the prediction that war is imminent; in other words, it means that a nation of 6,000,000 people, occupying an area scarcely larger than the State of Colorado, from which I come, and having only 12 per cent of its land under cultivation, the soil of the balance having long since gone to the sea, is coming to this country to conquer, subdue, and enslave a people of 90,000,000, representing the highest state of civilization the world has ever known. Yesterday I sought to get the attention of the dean of the House, the reader of the palms of the mailed fists of the great god of war. I wished to call his attention to the fact that but a few weeks ago there was laid upon the Speaker's table a confidential letter from the Secretary of War. I wondered if the gentleman who predicted that without any doubt a war with Japan would occur within 10 months had seen the inside of that document. I wondered if he had listened to the address made by the Major General of the Army on the 1st day of this month before the National Press Club, when he said there was not a speck or a cloud on the horizon in the world to-day that indicated war with any power. I wondered if he remembered what the Secretary of the Navy said in New York but a few days ago, that after the Panama Canal was completed the whole of the Navy of the Atlantic would rest upon the bosom of the Pacific; and I wondered why that could not be done now; for with the expenditure of less than $1,000,000 for dry-docks upon the Pacific, with what dry-docks we have now there, we could make there a base of supplies such as the gentleman from Alabama said this country would need there if we had to go around the Horn. I call his attention to the fact that we would be within three days of our base of supplies by means of our great trans-Atlantic railroads if our fleet was in the Pacific, whereas through the Panama Canal we would be 10 or 12 days away.

Why, Mr. Chairman, it occurs to me that a nation that it costs its citizens 57 cents upon every gross dollar they make to pay their war debt, and whose creditor nation is our kinsman, England, that if there is to be a war with Japan it must be that England is its ally, and therefore we must fight on the Atlantic as well as on the Pacific a common enemy.

I say, Mr. Chairman, out upon this nonsense that comes around yearly when we are asking to build two battleships! I recorded myself with 17 others of this Assembly at the last session in voting against either, and I propose at the proper time to ask, however this may be amended, whether it be one, two, or three battleships, to strike out the entire provision, so that there shall be no more of these battleships saddled upon the overburdened taxpaying people of this country. [Applause.] Mr. Chairman, I yield back the balance of my time.

Mr. PADGETT. Mr. Chairman, I yield to the gentleman from Minnesota [Mr. TAWNEY].

Mr. TAWNEY. Mr. Chairman, I did not intend when I came on the floor from the committee room to say anything on the question that is now pending before the committee. But the gentleman from Alabama made a very remarkable statement, a statement that should challenge the attention of the House as well as of the entire country, when he said to us that to pursue the policy of two battleships a year will in six years leave us with a less efficient Navy than we now have. If this is true, then I submit that it is time for us to pause and consider where we are going in the expenditure of the people's money in building what he and other militarists claim would be an efficient Navy, or, as I claim, in spending their money only for the purpose of competing with the nations of the world in this mad, international armament race. At the present cost of construction of a single Dreadnought, we will have to spend $40,000,000 a year for new ships alone in order to maintain the policy of building and equipping two battleships each year.

And yet we are told by the high priest of war on the floor of this House, that after spending that sum each year for six years more, we will have then a less efficient Navy than we have at the present time.

Men talk about the necessity of this expenditure out of fear of Japan. Why, $40,000,000 spent a year in this country is as much as Japan proposes to expend in the next six years on her navy. In a recent speech the premier of Japan, Mr. Katsura, outlined the policy of his Government with respect to naval expenditures. From his remarks it will be seen that the annual expenditure which it is proposed to undertake during the coming six years is only sufficient to replace such vessels in her navy as become worthless from usage. This is a conclusive answer to the arguments of the jingoes of this country, who contend that we should greatly increase the size and number of our own battleships in order to keep up the pace being set by Japan and other great nations of the world. Mr. Katsura said:

> In order to meet the national expenditure, which had greatly swollen during and after the late war, the public debts of the country at that time also rapidly increased to an enormous amount, while increase upon increase had to be made in the national taxes.
>
> The result of this was the growth of a feeling of uncertainty about the financial stability of the country, which condition of things in its turn led to a depreciation of our public bonds both in the markets at home and abroad, affecting domestic economic circles generally.
>
> This turn of affairs taking place concomitantly with the upheavals then overtaking the economic world at nome and abroad was additionally far-reaching in its effect. It was a time when our economic world was beset with troubles and difficulties.
>
> For my part, in view of the present condition of the Empire, and that of its late warlike experiences, I feel especially deeply the *need of preserving peace*, and since my return to office I have given my best attention to the development of *all peaceful measures*, thereby to promote the general welfare of the nation.
>
> This country feels no necessity for any sudden increment in its naval strength, the condition of things surrounding being such as it is; but in order to keep up the strength of our navy to such a point as is necessary for the defense of the country, it has been deemed unavoidable to introduce some adequate changes in the building of warships to follow suit in the changes adopted by other powers.
>
> And we have resolved on spending 80,000,000 yen ($40,000,000) spread over six years; the outlay being met by funds out of the ordinary revenue, within the limit of maintaining harmony between the plans of national defense and those of national finances. The amount will be added to the naval estimates.

Those who are constantly seeking to compel this Government to continue its extravagant expenditures on account of the Navy have endeavored to make it appear that public sentiment in Japan is anti-American and that every citizen of Nippon would welcome the opportunity to try his steel against so formidable an adversary as the United States. They draw their conclusions in this regard from the belligerent utterances of the yellow journals, which unfortunately have their influence in that country as in this. It is therefore interesting to note the opinion of one of the most trustworthy writers on Japanese affairs, the editor of the Japan Mail, who was formerly a captain in the British Army and who has been a resident of Japan for about 40 years. He is also the accredited correspondent of the London Times and the author of one of the most extensive and valuable historical works on Japan that has yet been published. These are his words:

> If one were deliberately to set oneself to the task of finding some evidence of Japanese designs against the Philippines, one would cer-

tainly arrive at the conclusion that there is a total absence of any testimony of the kind.

We believe, for our own part, that if the Philippines were offered to Japan as a free gift to-morrow, she would hesitate to accept them, and if they were offered to her at the cost of American friendship she would treat the notion as absolutely ridiculous.

Japan's resources are already sufficiently taxed in developing Saghalien, Chosen, Formosa, and Kwantung, and it is not always remembered that these additions to the Empire or to her sphere of influence necessitate a corresponding dispersal of her forces. This is especially true of the Philippines. Their inclusion in the Japanese Empire would greatly increase the latter's responsibility without any corresponding access of wealth.

The fact is that a more unsubstantial bugbear has never occupied the attention of intelligent people than this Philippine specter and its California audience. But, unhappily, reality can be created out of fiction.

If the anti-Japanese agitators of California din their fears into their own ears with sufficient persistence they will become, in the end, persuaded of their reality and they will also succeed in creating in Japan an exaggerated estimate of the anti-Japanese sentiment in the United States.

In confirmation of this opinion I will quote the words of Count Okuma, the founder and head of the Liberal Party in Japan:

All future expansion must be of a peaceful kind. Seizure of territory belonging to other countries, on whatever pretext it may be done, is condemned by public opinion and is calculated to arouse hostility throughout the civilized world.

In writing on the subject of the "American-Japanese Relations," a writer in The Far Eastern Review says:

The greatest intrigue of the last decade seems to have for its purpose the undermining of the friendship existing between Japan and America. This propaganda is given publicity in the yellow press of the United States and Japan, and is egged on by a few irresponsible European writers. Little by little there has been created the impression that the interests of Japan and America were bound to clash. Now, there is hardly a European writer who takes it upon himself to solve all the troubles that the Far East is heir to who does not declare that it will all end by conflict between Japan and America. While we are reading how France, England, and Russia love Japan and are united together to preserve the world's peace, we find a few public men in each of these peace-loving nations declaring how unfortunate it is that America and Japan must proceed to destroy each other. Japan's pride is hurt by misquotations from speeches of prominent Americans, and America's pride is touched by lying reports from the yellow press of Japan.

Japan must not permit herself to be misled, and if we are not mistaken the leaders of thought of the Empire are not so obtuse. It would be well if the citizens of America would seek the motive behind all this vicious and lying propaganda. It may serve the yellow press of America with a sensation once in a while, but it could not serve so continuously unless there were a purpose behind it. We do not believe that the lying reports of the speeches could have been made unless those who transmitted them were either by nature vicious or of that low order of creatures who so lack principle that they will lend themselves to the services of an organized campaign on the part of interests outside of the United States and Japan to precipitate troubles.

It behooves the intelligent among the citizens of both nations to maintain great reserve in the reception of reports that serve to create a feeling of antagonism between the two peoples. It is certain that neither Tokyo nor Washington desire a conflict, and, so far as we can see, there is no motive for any change in that attitude.

I am informed that the International Press Association, which includes every representative in Tokyo of American and European journals, at a meeting held in that city recently, adopted a resolution declaring that newspaper men in Japan are unable to discover any basis in the circumstances or sentiment in Japan warranting the disquieting speeches now being made in this country in regard to the alleged warlike attitude of Japan. These newspaper men may be regarded as having voiced the feeling of the general Japanese public. Moreover, Count Komura, the Japanese minister of foreign affairs, has expressed the opinion that war with the United States is inconceivable, and that "it would be a crime without excuse or palliation."

In view of the statements which have been made concerning the activity of Japan in building and maintaining a great navy, it is interesting to note the conditions of financial distress which prevail in that country. The recent loss of property through floods has been estimated at from fifty to seventy-five millions, and it will cost many millions to construct embankments which are necessary to prevent a repetition of this disaster. One of Japan's leading statesmen, Mr. Matsuda, recently said:

The people are groaning under the heavy burden of taxation, and the slightest addition will be enough to crush them. The Government's first duty is to lessen the burden.

While one of the Tokyo papers, in commenting recently on the causes of dullness in business, said:

It is the heavy taxation borne by the people during and since the war that is robbing the people of their purchasing power, and producing depression in the commerce and industries of the country.

Mr. Chairman, there are a great many people in this country who have had the fear of war with Japan dinged into their ears year after year for the past 10 years until they rarely ever sleep at night without their slumbers being disturbed by a Japanese nightmare. [Laughter.] It is astounding when we stop to think of the extent to which we have gone in preparing to defend ourselves against imaginary enemies.

I remember, as does the gentleman from Alabama, that it was only five years ago that the world first heard the word Dreadnought. That was in November, 1906, when England launched her first Dreadnought. At that time the estimate of the Navy Department for the increase of the Navy had been submitted to the Secretary of the Treasury for transmission to Congress. It did not include an estimate for a Dreadnought, but at that session of Congress, in order to compete with Great Britain, an attempt was made in this House to authorize the construction of a Dreadnought. The authorization was not secured, however, until the succeeding Congress. Since then we have been constructing two of these great battleships each year. I trust, Mr. Chairman, that the amendment of the gentleman from Tennessee, providing that but one Dreadnought be authorized, will prevail. [Applause.]

Mr. Chairman, as my time is very limited and I am, therefore, unable to express myself as fully as the importance of this question would otherwise prompt me to do, I will print with my remarks an address which I delivered in Cooper Union, New York, on the 13th of January last. I will also print an article written by Col. William Hoynes, dean of the law department of the University of Notre Dame, Notre Dame, Ind., entitled "War Preparations as Price of Peace," in which he refutes the contentions of the militarists that we are unprepared for war. This article is the more interesting and instructive when it is known that Col. Hoynes served with distinction in a regiment of Wisconsin Volunteers during the Civil War, and that he was under fire many times and was severely wounded in battle.

THE COST OF ARMED PEACE, UNNECESSARY AND PROHIBITIVE.

The Governments of the world are slowly coming to realize the difference between the modern nation and the ancient empire. Owing to the invention of printing and of the telegraph and telephone, far-distant nations have become near and familiar; and they understand each other to-day almost as thoroughly as they understand themselves. The steel rails and connecting steamship lines that gird and unite both hemispheres afford the opportunity for that vast international travel and create that fine cosmopolitanism that to-day characterizes all the great nations of the earth. So that we feel ourselves citizens of many nations and of the whole world as never before in the history of mankind. Different nations realize to-day that their life is one life and that their more important problems are identical; that all must suffer from the ignorance and inefficiency of each and of all, and that all are benefited by that which promotes the material interests and welfare of each nation.

Owing to the vast extension of the activities of modern commerce, industry, and finance, industrial and commercial empires more comprehensive in their scope than any nation have sprung up, as it were, in the night. These newly created world spheres know no international boundaries and are rapidly combining peoples and nations together with chains of gold that render belligerency between governments suicidal. In breaking the peace of the world the modern nation inevitably declares war on herself. She attacks her own economic and social interests. She plunges a knife into the hearts of her own people.

Silently, and in obedience to laws that are more fundamental and far more in keeping with the needs of modern civilization than many parliamentary enactments, these great institutions have followed the railroad and the steamship to the ends of the earth. They have extended their boundaries until, from an industrial and an economic point of view, the world is almost like a single nation.

American reapers harvest the golden grain of India and Australia; American locomotives climb the Andes and thread the mountain passes of Africa and Asia; American machinery launders the clothes of the Chinaman and brews the beer of the German. Our large manufacturing establishments and commercial houses have offices and agents in every great center of trade in the world. You can buy American shoes and meats in the stores of Bombay and Moscow, and I need only remind you of the labels on hundreds of articles of merchandise in our own stores to prove that we prize many things "made in Germany," "made in England," "made in Japan," or "made in Persia." The furniture, the clothing, many of the personal belongings, and even part of the food in the home of almost every well-to-do American prove that not only the great nations, but even the islands of the seven seas contribute to the comfort and well-being of American citizens.

Economically the problems of all nations are the same. Socially we are coming more and more to live a common life, and industrially we are bound by a vast confederation of interests which render war between nations not only wholly improbable, but prohibitive.

There was a time, not more than a century and a half ago, when it was commonly believed that there could be but one great nation in the world at one time, and that a nation could become great only by conquering the wealth and enslaving the peoples of other nations. Then nations went to war for slight cause, and in some cases, without any cause whatever, except for territorial acquisition or the personal aggrandizement of kings and princes. The greatness of nations rested then upon conquered wealth and the bent backs of enslaved peoples; hence no nation could hope to remain in the ascendant or keep its place of supremacy for any great length of time. Foreign foes and internal decay soon threatened it and as a rule its dominance soon came to an end. Think of the long line of ancient thrones that have one after the other ruled the world—Babylon, Nineveh, then Babylon again, Persia, Greece, Macedonia, and Rome.

How all this has changed! At the opening of the twentieth century there is no reason inherent in the relations of nations to each other why any great nation must fall. On the contrary, there is every reason found in the existing relations between the nations of the world why all great nations should endure and grow greater side by side. The world knows now that the greatness of a nation does not depend upon war and conquest, but rather upon the thrift, the industry, the courage, and the culture of its citizens. The real wealth and strength of a nation lies not in fleets and armies, but in the bone and brain of its men, in the resources of its soil, and in the pure red blood of its mothers.

The main reasons for the existence of different nations are geographical, climatic, and ethnical. It is entirely possible that all international disputes as to boundaries, as to trade and commerce, or spheres of influence, can be settled by an arbitral court of justice such as that recommended by The Hague conference, in the creation of which our Government is now endeavoring to secure assistance from other nations, or by utilizing existing international agencies for that purpose. Consequently, my friends, there is but one cause that may provoke war between great nations, and that is irrational impulse or frenzied passion, excited by sudden insult or accident, betraying whole peoples into a mob condition which is not responsive to considerations of prudence or humanity.

It will be well for the advocates of armed peace to consider that the operation of this crowd passion or mob spirit in causing war is wonderfully favored and facilitated by the existence of large armies and navies. The possession of irresponsible power is always a temptation to its irresponsible use. Individual citizens are not permitted in times of peace to go armed among their fellowmen because of the temptation to use arms for slight cause in such moments of passion and excitement as every man is liable to in the course of his daily experience. It is with nations as with individuals; there is always the possibility that if nations know themselves to be dangerously armed and fully equipped, they will be more apt to declare war on slight provocation than they otherwise would be.

Instead of being a guaranty of peace, therefore, great armaments are a continual menace to peace. They tend to hasten the event which it is claimed elaborate preparation for war is intended to prevent. Great and costly armaments should not be relied upon to preserve peace for at least three principal reasons: First, they are a continual temptation to war; second, they are wholly unnecessary in our day, because the great preventive of war is the common life which the nations of the world live together and make possible for each other. The world has shrunk, as it were, into a neighborhood in which each nation is in constant touch with all. The world's annual commerce exceeds $28,000,000,000. All civilized nations are therefore interested in preventing any two nations from disturbing the world's peace. A strong and sane public opinion, the real executive power of all Governments, is against war; and powerful interests all over the world are ready to oppose it whenever it may be necessary to do so. And, third, armaments can not be relied upon to prevent war or maintain international peace, for the reason that their cost is rapidly becoming prohibitive, and would now be prohibitive if the policy of an armed peace was consistently carried out by the principal nations of the world.

At the present time, in our own country, we are confronted with the appalling fact that about 71 per cent of our total national revenue is being expended annually on account of wars past and to prevent future wars, or, to maintain armed peace. It is true that 32 per cent of these revenues is expended on account of past wars, but this is as much a war expenditure as is the 39 per cent expended annually in preparation for war. It should be stated, however, that this is exclusive of our postal receipts, because our postal receipts and expenditures are so nearly equal that they are treated by the Treasury Department as a balanced account.

But when we say that the annual cost of our policy of preparing for war to the end that we may have peace equals 39 per cent of all our Federal revenue it does not convey to the average mind any idea of the magnitude of that expenditure. When stated in dollars and cents we find that, including the current fiscal year, we have appropriated and expended during the last 10 years on account of preparation for war alone $2,192,036,585.20! These figures denote a sum so vast that the average mind can not grasp it. The bonded debt of the United States on August 31, 1865, at the close of the Civil War, was $2,674,815,856.76. Our expenditure in preparation for war the last 10 years was, therefore, only $482,779,271.56 less than the bonded debt incurred by our Government in carrying on our four years' war to preserve the Union.

Some idea of the magnitude of this vast sum expended during the past decade on account of preparation for war may also be obtained by contrasting the aggregate of that expenditure with the aggregate loss of property sustained by the people of the United States and Canada on account of fire between the years 1820 and 1905. According to the official report of the underwriters' association, the losses sustained in consequence of all the great fires, such as the Chicago fire in 1871, Jacksonville in 1901, and Baltimore in 1904, between the years mentioned, or in 85 years, were $539,850,000. This is only a little more than one-fourth of the amount expended from our Federal Treasury in the last 10 years on account of preparation for war, or to maintain the policy of armed peace. This vast sum expended in preparation for war, which, as I have said, is almost equal to the bonded cost of the Civil War, was expended, too, in a time of profound peace.

But lest these comparisons fail to impress our people with the magnitude of our expenditures in preparation for war, let me add that with the two billion dollars spent for this purpose during the past 10 years, we could have built more than five Panama Canals at the highest estimated cost of the completion of that great enterprise—the greatest undertaking any nation in the history of the world has ever embarked upon.

If this expenditure approximately measured the cost of maintaining this policy, or if its expenditure had placed us as a nation in a condition to successfully resist the force of any other nation, then the cost of armed peace might not be prohibitive, for the American people, so long as their present prosperity continues, can maintain their present Military Establishment without jeopardizing their national credit or weakening their financial resources. But according to the judgment of our enthusiastic militarists, this vast expenditure during the past 10 years finds us in a deplorable condition from the standpoint of our national defense.

We are told in official reports that after spending two and a quarter billion dollars in preparation for war in 10 years, almost any European or Oriental power could cross either of the two oceans which separate us from the rest of the world and successfully invade continental United States, destroy our railroads, blow up our mountain passes, paralyze our industry, and reduce to ashes the magnificent cities that sit queen-like on our Atlantic and Pacific coasts. These advocates of armed peace maintain that in order to put our Nation in a state of preparedness for war it is necessary for us to have a standing army of 400,000 men and also to fortify every place on our 7,000 miles of coast line where it would be possible for an enemy to anchor a vessel and land an army. To carry out their theories would necessitate an enormous increase in our war expenditures. This, then, would be the logical end of the policy of maintaining our country on a peace basis by being prepared at all times to meet the most remote contingencies which might arise in the event that we should go to war with the strongest nation.

If the expenditure of two and a quarter billions in 10 years for the purpose of providing for our national defense finds us in the helpless condition the advocates of militarism would have us believe, then what would be the sum total of our expenditures for this purpose, or for the purpose of deterring any nation from declaring war against us or provoking such a declaration from us against any other nation, if we were to adopt and carry out their theories? If, as we are now told, the expenditure of so vast a sum is not even perceptible, can anyone estimate the amount which would be necessary? Can anyone comprehend that sum?

My friends, the total cost of such an undertaking would amount to figures which would baffle the imagination. Think of the vast internal improvements which could be effected with the expenditure of half the amount we expend annually in preparation for war! Think of the vast and varied interests of our 92,000,000 people which could be materially advanced by the expenditure of one-third of our present annual expenditure in preparation for war! In the year 1908 the United States, England, Germany, and France spent upon their armies and navies, or in preparation for war, more than one thousand million dollars! Let anyone try to comprehend this vast sum and then tell me that the cost of armed peace is not prohibitive.

One of the saddest phases of our extravagant war expenditure is the fact that millions of people are indifferent to the effect of the wasteful policy of modern nations in constructing and maintaining expensive armaments. They feel that governmental extravagance in this and other directions, even when it subserves no other good, is a benefit to the industrial world. I wish I might bring home to the hearts of all who hear me, and of this entire country, the fact that such policies exhaust the real wealth of the Nation, dissipate our most precious economic resources, and deprive us of the productive energy of thousands of able-bodied men.

There is another phase of this question that deserves the sober thought of all men throughout the world who are charged with the responsibility of government.

These vast armaments tend to promote a spirit of rivalry among nations to excel each other. This tendency has grown for the last decade so rapidly that it now amounts to an international race for supremacy in war preparation; and that, too, at a time when there is no cloud on the international horizon to threaten the existing peaceful relations between all nations of the world.

I think perhaps our Nation was the last of the great nations to join in this mad international armament race. It was in November, 1906, that England launched her first *Dreadnought*. The estimates for the increase of our Navy were then in the hands of the Secretary of the Treasury for transmission to Congress. They did not include an estimate for a Dreadnought, or a "scared-at-nothing" battleship, as Congressman Williams, of Mississippi, then said. But when it was heralded all over the world that England had launched a battleship of 18,000 tons displacement, some 3,000 tons in excess of our largest battleships, it was deemed advisable to submit to Congress a supplemental estimate for a 20,000-ton battleship, and as a conclusive argument in support of the authorization of such a ship our Chief Executive at that time said to me, "I want to be able to say, when I go out of this office, that I have authorized the construction of the biggest battleship the world has ever seen."

Although Congress at that session did nothing more than authorize the preparation of plans for a battleship of that size, at its next session, under pressure of a manufactured Japanese war scare, it authorized two 20,000-ton battleships. But before the adjournment of Congress on March 4, 1909, England had laid the keel of two Dreadnoughts of 23,000 tons displacement, and in order to gratify a personal and national ambition to excel England, as well as all other nations of the earth, in the construction of great battleships, Congress authorized the construction of two battleships of 26,000 tons displacement.

Thus we see how the policy of an armed peace leads to unnecessary and extravagant war expenditures. If we can insure international peace only by the comparative size and extent of our armaments, then the same is true of all other nations, and each must ultimately exhaust its resources and those of its people in order to insure itself against successful attack by any other power. For this reason I maintain that the cost of an armed peace is so great and the effect upon national credit so disastrous that international peace can not be maintained, and the cost is therefore prohibitive.

The truth is, my friends, that the social and economic organization of the world has advanced beyond its political organization. Industrially, commercially, and educationally we dwell in a new world—the world of the twentieth century. Politically we cling to the institutions of the eighteenth century. Armies and navies will always be necessary for the discharge of the police functions of government, but elaborate armaments, built at enormous cost for the purpose of insuring international peace, are rapidly becoming, if they have not already become, an anachronism in the world.

In view of the fact that within the last six years at least 80 treaties of obligatory arbitration have been concluded between the nations, our own Nation being a party to 23 of them, the world may confidently hope that ere long the dream of the poet will be realized of a time

When the war drums beat no longer,
And the battle flags are furled
In the parliament of Nations,
The federation of the world.

A SORRY SCARECROW—WAR PREPARATIONS AS PRICE OF PEACE—ASSUMPTIONS OF IGNORANCE REGARDING THE SOLDIERY OF THE CIVIL WAR.

[By Col. William Hoynes, Notre Dame, Ind.]

Some one named Gen. Homer Lea has of late been busier with the pen than he ever was or is likely to be with the sword. His book entitled "The Valor of Ignorance" has been industriously circulated and persistently brought to the notice of the press.

The comments it has elicited betray in some places a sense of alarm and in others a feeling akin to terror at our alleged unpreparedness for war. He maintains with Hobson-like sensationalism and garrulity that any of the great nations could with comparative impunity bombard our seaport cities, land armies, defeat us in battle, and obtain a victory which might place us for years under the domination of a foreign foe. All these evils are predicated on our not having a bigger Navy and larger standing Army.

This lugubrious jeremiad is not, however, an original fancy of Gen. Homer Lea. It is old and stale, although again exploited without reference to its triteness. It has served for ages as a means of adding war vessels to the navies and new levies to the armies of empires and kingdoms. There is hardly any limit to it, except an empty exchequer, to which it inevitably leads.

RUNG ON ALL THE CHANGES.

In our own country this doleful tune has been intermittently piped for more than half a century. It has been rung on all the changes of defenseless coasts, inadequate standing army, unserviceable militia, unfitness for war, and national humiliation in our alleged military and naval inferiority.

The less danger the more ominous appears to be the screeching of the ill-omened owls that see foreign fleets in the clouds and hostile armies in the storms that sweep the sky.

This valiant knight of peace, who seeks fame through his goose quill, is evidently an authority on "ignorance," if not on "valor," and may fittingly appropriate the word in the title of his book. The evident sensationalism and dogmatism characterizing it awaken surprise in some degree and challenge controversy.

Nevertheless, it might pass without comment or mention on my part, at least, were it not for the ignorance it betrays in referring to the citizen soldiery of the Civil War. The statement that there were 200,000 desertions from the Army during that momentous struggle is so unfair and gratuitous that it becomes hardly less than a duty to squelch it as a venomous copperhead in the grass. To avoid digression, however, this phase of the matter may be deferred.

The cry of alarm in regard to the alleged weakness of our Army and Navy is almost an echo of what one hears in England, Germany, France, Russia, Italy, and other nations—nations that by reason of geographical situation, environments, and conflicting interests are keenly vigilant and distrustful of one another, as indicated by their rigorous conscription laws and intensive maintenance on a war footing. The admonitions and appeals in the same line which have recently become so common in our own country seem mainly to originate among the war-seeking and promotion-aspiring elements of the military and naval service.

A FORMAL AND SIGNIFICANT REPORT.

But to show how decrepit and senile is the theme let me quote from an authority at hand. It is the report of Commissioner Richard Delafield, major of engineers, to Jefferson Davis, then Secretary of War, and later president of the Confederate States—the Southern Confederacy.

The commission comprised Maj. Delafield, Maj. A. Mordecai, and Capt. George B. McClellan. It was authorized by the Government to go abroad and study the art of war in the Crimean campaign and Europe generally. Its observations covered the years 1854, 1855, and 1856, the period reminiscently and longingly referred to by ship-subsidy people and others as that in which our argosies of commerce covered all the seas and the ubiquity of our flag bore undeniable evidence to the diffusion of American trade throughout the world. And it may be as well to remark in passing that ship subsidies had not even been suggested at that time, although the navigation laws were more liberal and consonant with common sense. But to quote from the report, which is dated at West Point, May 7, 1858:

"We possess a nucleus of military knowledge in the country, barely sufficient for the wants of our Army in time of peace. * * * The auxiliary branches are not provided for. Our seacoast defenses are not conducted with as much energy as an individual bestows in building a residence for his family.

"It is undeniable that of the number of guns needed for the defense of our seacoast the Nation does not contain, including the whole standing Army, men enough that know how to fire hot and hollow shot to provide a single man for a sixth part of the guns. In this unprecedented state on our part several of the powers of Europe have steam transports and munitions, with fleets superior to our own, ready at any moment to throw on our coasts disciplined armies that could land in six hours after anchoring.

"Yet, with blind indifference, professing at the same time to be all powerful, our people neglect the many calls and statements of those they appoint to study this subject, leaving us at the mercy in the first years of conflict of either of the naval and military powers of the old world."

UNFOUNDED THEORY IN FACE OF FACTS.

In perusing these alarming excerpts from the official report, published over half a century ago, one might abstractedly fancy himself deep in the lucubrations of Gen. Homer Lea or in the familiar and fear-inspiring messages of a former occupant of the White House. Oh, for a greater Army and a bigger Navy and more battleships and new cruisers and improved torpedo boats and generous ship subsidies and additional fortifications on our home and insular coasts to protect our alleged merchant shipping!

Notwithstanding that terrifying report the people did not become frightened. On the contrary, it made no impression, and they continued to move forward in the customary tenor of daily routine. They remained steadfast and unapprehensive until the tocsin was sounded and the War of the Rebellion broke out and became flagrant in the land. This was the most sanguinary and fiercely contested war of modern times, and the participants were composed almost entirely of volunteers. Men and boys from the farm, the workshop, the office, and the schoolroom comprised the rank and file of both armies. And no armies in the world, no matter how carefully trained or skilled in warfare, ever fought with greater courage and fortitude.

According to the report of Maj. Delafield and his associate commissioners, the country was unprepared for war and practically defenseless as against foreign powers, and yet the Union Army courageously met a most formidable foe. It fought valiantly and despaired not in temporary reverses and defeats. With fortitude it stood at bay, and returned to battle with the dash and enthusiasm of victory. At the same time it defied both England and France in their machinations in behalf of the South. It was well known that their pronounced sympathy was with that section and that they had made tentative movements toward active cooperation with it, but the apparent indifference and defiant attitude of "the boys in blue" frightened them into a professed neutrality.

According to the report either of them could have come over alone and made a successful attack on the entire country, undivided as it was before the war. According to the fact both of them were defied and taught the folly of intervention by the North alone while engaged in a desperate struggle with fearless foemen—the valiant armies of the Confederacy.

Moreover, when the bloody contest was closing and troops began to march toward the Rio Grande, France saw fit to withdraw her army from Mexico. And later, when the carnage ceased and the war was ended, a message to England suggested the advisability of her paying the claims arising from the depredations of the Confederate cruiser *Alabama*, and with many a protest and grimace she handed over through arbitration nearly $15,000,000.

The citizen soldiery of that most sanguinary war returned to the peaceful pursuits of life as quietly as they had flocked to the "colors" when called on by President Lincoln to save the Union. They afforded a patriotic illustration of what freemen can do and what a just sense of duty prompts them to do in defense of their country.

THE WELCOME IN STORE FOR INVADING ARMIES.

An invading army on our shores would invite the fate of the British veterans at New Orleans, where their losses were in the approximate ratio of 150 to each one of the militia and hastily recruited citizen soldiery that Jackson led into the fray.

Even if a hostile army should succeed in landing at any point on our coast it could not move beyond the cannon range of its war vessels. Nor could it long remain even there. In a few weeks it would be pushed back to the water's edge, crushed in the tightening lines around it, compelled to surrender, or forced to reembark under the guns of its fleet.

Moreover, there is no occasion, save in the assumption of ignorance, for apprehending danger of seacoast attacks by hostile navies.

The siege of Vicksburg offers a suggestive and practical object lesson in that respect. The heaviest battering by siege guns and mortars, and all kinds of ordnance and implements of war that ever took place on this continent was at Vicksburg. It lasted from about the middle of May until the 3d of July, 1863, the hour that the battle of Gettysburg was decided by the repulse of Pickett's charge. Vicksburg became ours by surrender that evening, and we entered it on the 4th. Pemberton and his staff, with an army exceeding 30,000 men, met us with friendly salutations. Tons of iron and lead had been thrown into the city during the siege, and the ground was literally covered with the débris of war. Yet Vicksburg stood almost intact. Only four buildings near the landing place on the river appeared to have been irreparably damaged. Even the courthouse cupola and clock, which had been a favorite target for aspiring artillerists throughout the siege, still stood out bold and defiant.

All the hostile fleets of the world could hardly have delivered a fire so terrific, continuous, and well directed. It was maintained almost incessantly for weeks, and yet the physical evidences of the damage appeared to be comparatively unimportant. It seemed to me that the visible damage could be repaired in a month or two by a few hundred carpenters and masons.

Nor was Petersburg much damaged by its memorable siege, which lasted for several months. It must be admitted, however, that there the fire from the siege guns and mortars was directed in the main toward the railroad station and boat-landing on the Appomattox, and was not so searching, constant, and heavy in volume as at Vicksburg.

How insignificant must seem a temporary and sporadic attack of war vessels, with aim as unsteady as that of mounted cavalrymen, in comparison with the steady and concentrated fire of siege guns, mortars, artillery, and rifles! And yet a yellow streak develops and timidity becomes manifest in some quarters on mentioning the alleged danger of attacks by foreign fleets on our pretendedly defenseless, but in reality exceptionally well-fortified, seaport cities.

From this point of view one can afford to make light of the puerile cry of alarm heard now, as well as heretofore, in reference to the inferiority of our military establishment, the weakness of our Navy, the defenselessness of our coasts, the unavailableness of our Militia, the unreliability of a civilian soldiery, our helplessness in apprehended war, and our low martial standing in the estimation of world powers. There is an air about all this that suggests the obsolete "hot shot," referred to in Maj. Delafield's report. The author's shako might serve as a coehorn for its discharge.

VINDICATION OF THE VOLUNTEERS OF THE CIVIL WAR.

But little heed, however, is bestowed upon such vaporing. What I specially resent is the unfair and misleading reference to the Union Army in the Civil War. There is an imputation of cowardice and commercialism, rather than patriotism, in the irrelevant, if not irrational, accusation that there were 200,000 desertions from it during that gloomy period of the Nation's stress and peril. This seems hardly less than a desecration to one who faced the varying phases of the war. It argues stupidity, bumptiousness, crass ignorance, or malicious vindictiveness in the accuser.

It was my own fate at the time to be numbered among the volunteers or civilian soldiers thus inferentially misrepresented and aspersed. I was with them in the days of their youthful vigor, buoyant hopefulness, undaunted courage, and devoted patriotism. With them on the march, in the bivouac, and in battle—with the dead and wounded on the field, in the ambulance, in the hospital—it was my privilege to know thoroughly and intimately the men and the class of men composing the Union Army. I know them to have been the best and bravest in the land. They were the pride of Columbia, the hope of the Nation, the saviors of the Union.

A NEW LIGHT ON DESERTIONS.

As to desertions from the Army, I call to mind but one or two instances of the kind, and these took place toward the close of the war. It is undoubtedly true that when the war closed many left for their homes without waiting to be formally and regularly discharged. They had not seen their homes, nor spoken with relatives, nor been at the interment of their dead, nor attended personally to their business affairs, nor been able to respond to urgent calls affecting their interests at home for three or four years, and it is not so very surprising that some of these hastened back informally and prematurely when the war ended. Of course they were charged with desertion, and technically they did wrong and were deserters. But as they held out to the end and did not leave in the face of the enemy they hardly deserved to be condemned for desertion. In view of the extenuating circumstances a milder term would be more applicable to their offense.

It must be admitted, however, that in the larger cities many lawless adventurers, actuated by pecuniary enticements, made a business of enlisting and deserting. Some of them did so scores and scores of times. Familiar with the disguises of criminals, they passed from place to place, going under false names, and repeatedly enlisting and deserting.

Wretches of that class, needless to state, were hardly ever seen at the front. Never in any proper sense did they become soldiers. What well-informed and fair-minded man could indiscriminately charge the volunteer soldiers of the Union with the craven conduct and criminal deeds of those contemptible scoundrels?

In dealing further with this subject let it be remembered that there was hardly a notable battle during the war that did not have its quota of unidentified dead. This was especially the case where different commands passed under fire successively over the same ground, or where the enemy prevailed and held the field, possibly covered with dead and wounded.

Moreover, in many instances the dead of the victorious army can not be recognized even by their comrades. With features changed in death agonies; faces blanched and shrunken or black and swollen; a strange, wild and unnatural expression substituted for that of life; limbs and forms strained and rigid in unusual poses or bloated and offensive in premature decay, they often pass without identification, unless their names appear on letters or cards found on their persons.

Thousands of these nameless heroes were disinterred from the battlefield trenches and decently buried in the national cemeteries. "Unknown" is chiseled on the little headstones that mark their graves. In some places, as at Fredericksburg, the remains of five or six of them are often interred in the same tomb. It is not unusual to find wording such as this on the grave markers: "John Smith, Co. A, 2d Wis., and five unknown."

There is no doubt that hundreds or thousands of these "unknown" are still carried on the Army rolls as deserters.

And who can tell how many hundreds and thousands of brave fellows died nameless, so far as we know, in southern prisons? Captured in battle, lost suddenly to the view of their comrades, sent to Andersonville or other Confederate prisons and held there until death relieved them from their sufferings, the records of their names, companies, regiments, and when they died often failed to reach us, and sometimes were not preserved or even written out for use by the enemy. We can better imagine how numerous these must have been and how many thousands of them may still be carried on the Army rolls as deserters when we recall the fact that as many as 30,000 prisoners were at one time confined in the stockade at Andersonville.

HOW TO MAINTAIN PEACE.

If Gen. Homer Lee had in fairness taken account of facts such as these, he would hardly have betrayed the ignorance or mental obliquity he exhibits in referring to desertions from the Army during the Civil War, nor would he have ventured to equivocate in respect to the intrepidity and fighting qualities of our citizen soldiery. He seems to think that a militia or volunteer army counts for little in the national defense, and that the safety of the Nation lies in an immense standing army and sea-covering navy.

The truth is that the safety of the Nation consists in minding its own business and not interfering wantonly or braggartly with the affairs of other countries. As a self-respecting nation, adhering to lines of gentlemanly deportment, we might go on till doomsday without a foreign war, and so though our standing army were no greater than that of Switzerland, Luxemburg, or San Marino.

Mr. FOSS. Mr. Chairman, I yield six minutes to the gentleman from Massachusetts [Mr. WEEKS].

Mr. WEEKS. Mr. Chairman, I doubt if there is a Member of this House who is any more solicitous than I am that we should provide for a sufficient and efficient Navy, and while we have war specialists and peace theorists in this House, as well as in the country at large, it has seemed to me in the past that the policy which the department has recommended and the Naval Committee has adopted of building two battleships a year would substantially keep us in the same relative position in regard to other navies of the world that we are in to-day. If we are going to have a Navy at all, we should have a Navy sufficiently powerful to cope with any nation with which we may be brought in contact, and I have believed, and I still believe, that the Navy which we have is sufficient for that purpose and that if we maintain——

Mr. HOBSON. Will the gentleman yield for a question?

Mr. WEEKS. I yield for a question.

Mr. HOBSON. Merely whether the gentleman is conversant with the program of Germany that is now a law, under which four Dreadnoughts are built every year and will continue to be built?

Mr. WEEKS. I am familiar with the figures that have been submitted to the public by various naval authorities and by the Secretary of the Navy in his report, and I still think I am right in the conclusion to which I have come. Therefore, if we maintain substantially our present policy as to building battleships, it is my opinion we will retain our relative position among the nations of the earth.

But I should not take the time of the House to say this if I did not wish also to call to the attention of the House the necessity which we have for a homogeneous naval force, and for that I believe we are not providing. We must not only have battleships, but we must have officers and men, and sufficient auxiliaries to make the battleship fleet effective. We have provided by increasing the number of appointments to the Naval Academy for sufficient officers eventually for our present fleet, but we have a limitation of 45,000 men for all purposes, including manning the fleet, while if we engaged in war it would require something like 60,000 men to man the fleet which we actually have in commission or could put in commission at this time—15,000 more men than we have. The only possible place where we can get these men is by picking up such men as have served in the Navy recently and to make available the 6,500 men in the Naval Militia, not enough under any circumstances to provide sufficient men to man our fleet. But in the lack of auxiliaries we are in even a worse plight than in the case of officers and men. We must have additional auxiliaries or it is folly for us to continue to build battleships, and I want to say now that unless Congress in its wisdom provides through the upbuilding of the merchant marine or by naval appropriations for additional auxiliaries for our fleet it is my purpose hereafter to vote against even the modest policy which has obtained in the past for the building of battleships. Let us consider our condition as it is. Assuming we have 32 battleships, 10 armored cruisers, 13 scouts, 4 cruisers of the third class, 20 destroyers, and 28 torpedo boats, it would be necessary in order to furnish auxiliaries for a fleet of that size to provide 19 additional scouts, 4 additional repair ships, 6 additional supply ships, 4 hospital ships, 2 tenders for destroyers, 3 tenders for submarines, 2 transports, and 19 colliers, and that would only supply sufficient colliers to provide coal for our fleet if the fleet were operating 2,000 miles or less from its base.

If the fleet were operating 3,000 miles from its base, instead of requiring 29 colliers it would be necessary to have 41, and if operating 4,000 miles from its base we would have to have 55 colliers instead of 29, and if operating 5,000 miles from its base it would be necessary for us to have 74 colliers to properly supply the fleet from its base, to say nothing of the colliers that would be necessary to supply the base with coal, unless we have previously provided coal at our coaling stations throughout the world.

This is a condition that will make our fleet absolutely helpless in time of need. We all know when the battleship fleet went around the world we had to use foreign bottoms to provide the fleet with coal. We would have to do it to-day; we will have to do it a year from to-day, or two years from to-day, unless we make proper provisions to supply this absolute necessity; and I submit to this House it is futile for us to go ahead and provide additional battleships unless we are going to provide the means for making them effective.

Mr. PADGETT. Mr. Chairman, I have been contending all the while that our Navy is top-heavy in battleships and deficient in auxiliaries. It has been my contention and my policy to supply the auxiliaries and to cut down the overheavy battleships.

In 1905 the Secretary of the Navy and President Roosevelt stated in their official reports to Congress that one battleship a year was all that was needed. That recommendation was renewed in 1906. It is hardly necessary for me to say that Mr. Roosevelt was an enthusiast on the Navy. And yet the policy has been changed. And to show how we are drifting, President Taft announced not long since that we should continue the two-battleship-a-year program until 1915, when the Panama Canal should be completed; and yet, in the present year, the Secretary of the Navy says that it is necessary to continue indefinitely with two battleships a year in order to maintain and support the private navy shipbuilding yards of the country. How we are progressing! President Roosevelt and his Secretary said that one a year was sufficient, and President Taft has said two a year.

Mr. HOBSON. Will the gentleman yield?

Mr. PADGETT. No; I can not. I have given the gentleman 50 minutes of my time and have taken 6 myself.

President Taft said when we complete the canal we could end the two-ship-a-year program, and yet the following is solemnly proclaimed to us in this report of the Secretary for the present year:

> In addition to this, however, it is important to lay special emphasis upon the effect of any break in this policy upon the shipyards of the country. The Navy must be to a certain extent dependent for its material and to some extent for its repair facilities in war time on these establishments. Their preservation and continuance in business are necessary to the national safety. It is in this light that the need of the regular system of naval appropriation becomes of additional importance. Two battleships a year, with minor construction, is about as little as will suffice to obtain the result.

Now, that is as strong as it could be printed; and then, further on in his report, he says that even after 1912 we must enlarge the program to more than two battleships a year.

Now, I want to call the attention of the House to another thing. We have adopted a policy in the last two years. We never heard of it before two years ago. Now they say we must have a first line and a second line. Heretofore it has always been proclaimed that a battleship was good for not less than 20 years, but in order to stimulate this big process——

The CHAIRMAN. The gentleman's time has expired.

Mr. PADGETT. May I have one minute more?

Mr. FOSS. I yield the gentleman one minute more.

Mr. PADGETT. In order to stimulate this building they are dividing up and creating this artificial condition of a first line of 10 years and a second line of 20 years.

I want to call attention to this: I have here a statement of the expenditures of the last fiscal year for different nations. Great Britain expended $193,333,982, the United States expended $133,005,552, Germany expended $103,202,537, and Japan expended $36,889,158.

Now, then, we are having every year, alternately, threats of impending war. Last year we had the threat of an impending horror of Germany. This year it is Japan. The year before

last it was Japan, and the year before that it was Germany. These are used every year to try to frighten the American people. Let us stand on our manhood and on our honor and refuse to be frightened by any such bugbears, and stand for a sensible policy of one battleship. [Applause.]

Mr. FOSS. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. Four minutes.

Mr. FOSS. Mr. Chairman, I desire the attention of the committee briefly for a moment, and in the first place I desire to say that the committee has not been moved by threats of war or by the popular sentiment or agitation of the hour in the recommendation of this program or in the recommendation of previous programs in naval appropriation acts. The policy of the Committee on Naval Affairs, ever since I have had the honor of being chairman, and that has been for 11 years, has been to present to this House a consistent course and plan for increasing the American Navy, and it made no difference whether Executive pressure came swiftly and pressed heavily on us or not, the Naval Committee, through it all, maintained a consistent position and recommended what it believed to be a reasonable program.

I well remember a few years ago when the President of the United States desired four battleships. Notwithstanding the President's desire, the Naval Committee brought in the old program of two battleships, and it was carried through the House.

Now, the general board, consisting of some of our ablest officers, has recommended four battleships this year, but we recommend only two in this bill. We are not engaged in rivalry with any nation on the face of the globe. England is building five great Dreadnoughts this year; Germany, as has been stated, is building four. But these things do not influence us. We come here with the same consistent, reasonable program that we have always maintained for a number of years. [Applause.]

Now, Mr. Chairman, gentlemen say we are at peace to-day. We are, thank God! I hope we will always be at peace with every nation on the face of the globe. But you know and I know that there has not been a great nation anywhere that has not been at war with somebody during the last 12 years—Russia, England, France, Japan, China, ourselves even, 12 years ago in the Spanish-American War. Gentlemen may talk peace on this floor, but when war comes you must have a navy. Can you build it then? No; because it takes three years to build your battleships. Where are your men then? It takes three years to train them. Your Navy must be ready, and popular indignation from every part of the country would fall upon the American Navy and upon the Government unless we were prepared when that great emergency came upon us. Let us never forget that.

And, then, Mr. Chairman, there are other considerations. We have great interests to protect, defending the lives of the people and the property of the United States. We are building a great Panama Canal; we are extending the coast line of our country; we are bringing the two great oceans into everlasting fellowship by cutting the narrow Isthmus of Panama, and we will need a navy to defend that canal some day. [Applause.]

The CHAIRMAN. The gentleman's time has expired. All the time has expired. The question is on agreeing to the amendment of the gentleman from Alabama [Mr. HOBSON] to the amendment of the gentleman from Tennessee [Mr. PADGETT].

Mr. FOSS. Mr. Chairman, I call for the reading of that amendment first.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Tennessee [Mr. PADGETT] will be reported, as will also the amendment to that amendment offered by the gentleman from Alabama [Mr. HOBSON]. The Clerk will read.

The Clerk read the amendment offered by Mr. PADGETT, as follows:

On page 59, line 23, strike out "two" and insert "one."
Also strike out the letter "s" in the word "battleships."
Also strike out, in line 24, the word "each."
Also strike out, in line 3, page 60, the word "each."

The Clerk read the substitute offered by Mr. HOBSON, as follows:

On page 59, line 23, strike out "two" and insert "three."

The CHAIRMAN. The question is on agreeing to the substitute.

The question was taken; and on a division (demanded by Mr. HOBSON) there were—ayes 9, noes 116.

So the substitute was rejected.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee [Mr. PADGETT].

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. PADGETT and Mr. BARTHOLDT demanded a division.

The committee divided; and there were—ayes 105, noes 116.

Mr. PADGETT, Mr. BARTHOLDT, and Mr. MACON demanded tellers.

Tellers were ordered, and the Chairman appointed Mr. FOSS and Mr. PADGETT.

The committee again divided; and the tellers reported—ayes 114, noes 139.

Accordingly the amendment was rejected.

The announcement of the result of the vote was received with applause.

Mr. PARKER. Mr. Chairman, I call for the reading of my amendment, which has already been read for information.

The CHAIRMAN. The gentleman from New Jersey offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 60, in line 1, after the word "speed," insert "at least equal to that of any known battleship."

Mr. FOSS. I have no objection to that amendment, Mr. Chairman.

The question being taken, the amendment was agreed to.

Mr. HOBSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Alabama offers an amendment which the Clerk will report.

The Clerk read as follows:

On page 60, after line 3, add a new paragraph——

Mr. FITZGERALD. Amendments to the paragraph are in order before new paragraphs.

The CHAIRMAN. The Chair did not understand. Is the gentleman's amendment a new paragraph?

Mr. HOBSON. Yes.

The CHAIRMAN. The Chair will first recognize amendments to perfect the paragraph.

Mr. SULZER. I now offer my amendment.

The CHAIRMAN. The gentleman from New York offers an amendment which the Clerk will report.

The Clerk read as follows:

At the end of line 3, page 60, amend as follows:
"*Provided always*, That one of the battleships herein authorized shall be constructed in one of the navy yards."

Mr. FOSS. Mr. Chairman, I make the point of order against that. In the first place, it is not germane to this paragraph. In the second place, it is new legislation.

Mr. SULZER. I take issue with my friend on that.

Mr. FITZGERALD. I submit that the amendment is germane.

The CHAIRMAN. The Chair thinks it is not germane to this particular paragraph, at least. The Chair would be glad to hear from the gentleman from New York.

Mr. FITZGERALD. I do not care to discuss it. The paragraph authorizes the construction of battleships. So far as the germaneness of this amendment is concerned, I can not see any room for doubt.

Mr. FOSS. I hope I have made my point of order clear, that it is not germane, and also that it is new legislation.

Mr. SULZER. Mr. Chairman, I am content to take a ruling now.

The CHAIRMAN. The gentleman from Illinois makes the point of order against this paragraph, and in accordance with the precedent established when this bill was under consideration in the last Congress——

Mr. FITZGERALD. I submit to the Chair that a decision made on another occasion does not necessarily determine this question.

The CHAIRMAN. The Chair will follow the precedent made in recent years, and will sustain the point of order.

Mr. MOORE of Pennsylvania. I call for the reading of the amendment which I have offered.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Line 3, page 60, at the end of the paragraph, add:
"*Provided*, That the draft of such battleships shall not exceed 30 feet."

Mr. FOSS. I make a point of order against that.

Mr. MOORE of Pennsylvania. Will the gentleman reserve the point of order?

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. MOORE of Pennsylvania. Mr. Chairman, the paragraph proposes to construct battleships, and the amendment proposes to limit the draft of the battleships so constructed. It seems to me it is entirely germane to the paragraph.

The CHAIRMAN. The Chair would be glad to hear the gentleman from Illinois on the point of order.

Mr. FOSS. This provision simply treats of battleships.

The CHAIRMAN. But it relates to speed and radius of action.

Mr. FOSS. Yes; it says the highest practicable speed. This is a limitation on the discretion of the Secretary.

The CHAIRMAN. It seems to the Chair that an amendment which appeals to speed, radius of action, and so forth, might be amended by an amendment that related to draft, and the Chair overrules the point of order. The question is on agreeing to the amendment.

Mr. MOORE of Pennsylvania. Mr. Chairman, there is involved here a serious question; one that some day must be taken up by other nations as well as our own. It is a question of limiting the depth of the artificial harbors of the world, along with the draft of vessels using them. The country is making a vast expenditure through its river and harbor appropriations for the dredging of channels to accommodate not only naval vessels but great commercial vessels constructed in foreign shipyards, and which some of our rivers and harbors are unable to accommodate. Many of the nations of the Old World that assume to be naval powers are necessarily considering a limitation upon the size of vessels to be constructed.

I have before me a brief list of the drafts which hold with regard to naval vessels constructed by some of the leading maritime powers. We have gone as far as any of them in the construction of our battleships with the single exception of Great Britain, which has now attained to a draft for battleships of 31 feet. Germany is limited in the construction of battleships to a draft of less than 27½ feet because of the Kiel Canal. There is no vessel in the German Navy, so far as I am informed, with a draft of more than 27 feet. Japan, the naval power to which reference has been made this afternoon, has vessels that do not draw in excess of 28 feet. Austro-Hungary and Russia are in exactly the same position. England is said to be reducing the draft of her battleships.

Mr. Chairman, some time ago I introduced into this House, and it is now before the Committee on Foreign Affairs, a joint resolution which proposed that the maritime nations of the world should be invited to an international conference to consider a limitation of the depths of artificial channels. This would be of great importance to this country, and to all others, in the matter of revenue. It would help to standardize the construction of war vessels and merchantmen, so that we could keep them within limits that might be agreed upon, and by a limitation of the depth of channels save expense the different nations now incur in maintaining artificial channels.

It seems to be a matter of much consequence to this Nation that we should be called upon year after year to make increased appropriations for deeper harbors along the seacoast, either on the Pacific or the Atlantic, for the accommodation of one or two great leviathans of the ocean, constructed on the other side of the water. The Cunard Line proposes to build a vessel that draws 30 feet or upward, and then the Congress of the United States is expected to make an expenditure for deepening a harbor or harbors to accommodate that single foreign-built vessel. As as matter of eternal economy we will eventually have to draw the line somewhere.

We have by the Panama Canal limited the depth of international commerce to 45 feet; that is the limit which may be used by vessels that propose to go through that canal, and it is to be hoped we shall never reach that limit. Germany, even in the matter of war vessels, is not so favored, since she is limited by the depth of the Kiel Canal, which is substantially 27½ feet. If gentlemen want to improve the peace relations of the world and extend the commercial relations of the world and save money to their Governments, they will not hesitate to bring about an international agreement that will mean standardization of the draft of vessels throughout the world. [Applause.]

Mr. FOSS. Mr. Chairman, I call for a vote.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. RUCKER of Colorado. Mr. Chairman, I have an amendment, which I wish to offer to the paragraph.

The CHAIRMAN. The Chair will recognize the gentleman from Colorado to offer an amendment, which the Clerk will report.

The Clerk read as follows:

Page 59, beginning with line 21, strike out the remainder of the page, and lines 1, 2, and 3 on page 60.

Mr. RUCKER of Colorado. Mr. Chairman, I only desire to say that at the last Congress this amendment was offered, and I was one among 17 who voted for it. I propose at the end of the tenth month to ascertain how many Congressmen I can enlist in a company armed with an old double-barrel shotgun to meet the enemy upon the Pacific coast.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. RUCKER of Colorado) there were—ayes 10, noes 55.

So the amendment was rejected.

Mr. HOBSON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 60, after line 3, add a new paragraph:

"One first-class armored cruiser of as high speed as any known vessel of its class, carrying as heavy armor and as powerful armament and having as great a radius of action as practicable, and to cost not to exceed $7,000,000, exclusive of armor and armament."

Mr. HOBSON. Mr. Chairman, this amendment is for the purpose of beginning to make our Navy homogeneous. The gentlemen who have spoken before, including the gentleman from Tennessee [Mr. PADGETT], have many of them expressed a desire to make the Navy homogeneous. If they will look at the table of vessels of modern construction, they will find that the other nations are building what may be termed Dreadnought cruisers, or battleship cruisers, or plain armored cruisers, of a new type. In the official records and reports they are termed armored cruisers of the Invincible type; that is, an armored cruiser that will carry the same caliber of guns as the battleship, an armored cruiser that will have about 3, 4, and now even 5 and 6 knots superior speed to the battleships, and will carry armor that will give them reasonable protection within moderate and short ranges, and give them good protection beyond the range of the penetrating power of the armor-piercing projectile.

Using high-explosive projectiles, they will then be on an equal fighting basis with the Dreadnoughts themselves, and with their superior speed, as in the olden days, will be able to cap the Dreadnought fleet and rake it, and be subject only to the bow guns of one battleship and not the broadside of the fleet. In the British navy they are going at the rate I should say roughly of a little less than three Dreadnoughts to one of those cruisers. They now are building five such cruisers and have built three, making eight altogether. Germany is building three such cruisers, and one is already in commission. Japan is building three such cruisers. America has none. This means that when our fleet goes out to meet a foreign fleet, even though the battleships proper be equal in number, they would not have what they call the "fast wings." These fast battleships or cruisers, that can go out and scout and even harrass the other fleet, even a battleship fleet, by capping it, and getting it where they could do great damage and receive very little in return. It becomes a very serious practical factor in battle.

Again, until war and disaster open our eyes we are doomed to have no fleet in one ocean, because we have but one fleet for two oceans. The enemy, having the choice of time, will bring on war when the fleet is in the other ocean. There will be nothing there to prevent the opposing power from launching its great army to strike us. But if we have only two such Dreadnought cruisers in the deserted ocean, which could not be captured by the battleships of the enemy, then the enemy would not dare to embark his troops and start over sea with his great standing army. Two such Dreadnought cruisers could well postpone the invasion of our territory, and even gain time enough for our fleet to arrive and change the very issue of the war.

I have pointed out again and again that America is confronted with this situation, that across the Atlantic and across the Pacific there are great standing armies that we must protect ourselves against because we have no standing armies of our own. We ought to put ships between us and those armies; we ought to have great battleship fleets constantly in both oceans. But we do not have them, and the two-battleships-a-year program is going to confine us to one fleet, and a decreasing fleet, relatively, until it will go down from 23 to 17 ships in the first line of battle. The least we can do to give some protection in the other ocean is to be able to turn loose there at least two of these great Dreadnought cruisers. I hope I shall be sustained in this effort, irrespective of the naval policy Members may individually approve. We have established our policy. This amendment is to increase the homogeneity and efficiency of the fleet. [Cries of "Vote!"]

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. MONDELL. I offer the following amendment as a new paragraph.

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert as a new paragraph:
"Two transports of not less than 21 knots trial speed, and to cost not more than $2,000,000 each."

Mr. MANN. I make the point of order on the amendment.

The CHAIRMAN. Does the gentleman from Illinois [Mr. MANN] make the point of order?

Mr. MANN. I make the point of order.

The CHAIRMAN. What is the gentleman's point of order?

Mr. MANN. That it is not authorized, and the transports do not come within the rule.

The CHAIRMAN. The Chair will hear the gentleman from Wyoming [Mr. MONDELL] on the matter.

Mr. MONDELL. Mr. Chairman, this is the naval bill, and this is the paragraph in the bill providing for naval vessels, and I am proposing two naval transports. Transports are just as important a part of a navy as a line of battleships. In fact, just at this time we are informed that our Navy is lacking in efficiency, or would be in time of war, because we have not and would not obtain the necessary transports.

Mr. MANN. Mr. Chairman, while I appreciate the anxiety of the gentleman from Wyoming [Mr. MONDELL] to have transports to get troops and supplies sent from Wyoming across the Rocky Mountains, still I think he will have to cross a mountain to get his amendment in.

Mr. MONDELL. I may be different from the gentleman from Illinois in this, that I do not always think of Wyoming as he may think of Illinois when I offer an amendment to the bill.

Mr. MANN. I always think of Illinois at all times, no matter what I am doing.

Mr. BUTLER. I trust this will not take up much time. I am afraid to go home in the dark. [Laughter.]

Mr. MANN. The rule is well settled. It only relates to the fleet of war vessels.

The CHAIRMAN. The Chair is looking for a ruling of that character.

Mr. MANN. If the Chair should happen to have at hand the rulings on the last two or three naval bills he will find a number to that effect.

The CHAIRMAN. May the Chair ask the gentleman from Wyoming [Mr. MONDELL] whether the transports are to be used in transporting men of the Army—soldiers?

Mr. MONDELL. They are to be used for transporting supplies in the Navy, as provided in the naval appropriation bill, and are necessarily naval transports.

Mr. HOBSON. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman from Alabama.

Mr. HOBSON. The gentleman from Wyoming [Mr. MONDELL], in my judgment, is clearly correct. We have used transports in the Navy practically since the Navy was founded. In the time of the Spanish War we had transports carrying the marines from the mainland to insular possessions. We have had transports in the Navy for the service of the marines continually. They have been recommended in programs year after year. I can not understand how the idea could ever enter a Member's mind that the Navy may not have transports as well as the Army, because they must have a transportation of supplies and of men. It is clearly a naval vessel, if it was put in the amendment, and I do not believe the point of order should lie.

The CHAIRMAN. Does the Chair understand the gentleman from Alabama to say that there are naval transports now, so far as the naval establishment is concerned?

Mr. HOBSON. Yes, sir.

The CHAIRMAN. When the naval bill was under consideration in the last Congress an amendment was offered providing for five torpedo-boat destroyers, and so forth. The gentleman from Wisconsin [Mr. STAFFORD] made a point of order against that on the ground that the appropriation was not authorized by law. The gentleman from Illinois [Mr. MANN], the Chairman of the committee, held:

The amendment offered by the gentleman from Alabama is for the construction of additional vessels of a type now in use in the Navy—war vessels.

As the Chair understands, the pending amendment is in order, and the Chair overrules the point of order. The question is on agreeing to the amendment.

Mr. MONDELL. Mr. Chairman, the gentleman from Alabama offered an amendment which he believed would increase the efficiency of the Navy. I am rather inclined to agree with him, but I offer an amendment which, in my opinion, would increase the efficiency of our Navy more than anything else that we can do. It is a fact that if war were to be declared to-day or to-morrow, or at any time in the future, without some opportunity for the purchase of ships, it would be utterly impossible for us to supply our Navy, wherever located, with the necessary munitions of war. We have not enough merchant ships flying the American flag, if we could buy them all, to supply munitions of war and furnish supplies for our Navy if it were located in the Pacific, and I doubt if we could do so if the seat of war were in the Atlantic. Certainly not if it were in the western ocean.

We have failed to provide legislation to build up the American merchant marine. So long as we decline to do that we must supply these troopships, these supply ships, these transports. It is utterly useless to go on building these leviathans of war and launching them and sending them abroad when we have not and can not possibly obtain the ships necessary to furnish them with supplies and munitions of war, and can not furnish them with the men necessary to take care of our Navy in time of war. Even if we had a month of preparation before the outbreak of a war, it would be difficult for us to purchase ships carrying the American flag in sufficient numbers to supply the needs of our Navy. But if war were declared without any warning—and that is the way war ordinarily comes upon us—it would be impossible for us to buy ships carrying neutral flags, and we would be compelled to depend upon the few ships which now carry the American flag—clearly not enough to supply the needs of our Navy. And we would have the spectacle of the finest Navy in the world in a condition absolutely helpless, because we could not furnish the necessary supplies.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Two fleet colliers, of 14 knots trial speed when carrying not less than 12,500 tons of cargo and bunker coal, to cost not to exceed $1,000,000 each.

Mr. SULZER. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk and ask to have read.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

Insert so as to read "five fleet colliers, to have the highest practicable speed when carrying not less than 12,500 tons of cargo and bunker coal, to cost not to exceed $1,000,000 each."

Mr. SULZER. Mr. Chairman, just a word. We are building two battleships a year. What is needed are more colliers. The spectacle presented to the world when the battleship fleet went around the seas was something most deplorable and enough to make every American blush for shame. The fleet had to be convoyed by foreign colliers. In case of a war, during that period, those battleships would have been as helpless and as idle as "painted ships upon a painted ocean." They could not have relied upon those foreign colliers. The whole thing demonstrated the absurdity of our present naval policy. More colliers should be the order of the day. More swift transport steamers should be built, so that we will not have to charter foreign ships to carry the coal, the food, and the supplies for our battleships wherever they go.

Hence, it seems to me, as a matter of common sense, that if we really desire to do something for the efficiency of the Navy we should begin to increase the number of colliers to keep pace with the increase in the number of battleships. To do otherwise is ridiculous in view of past experience. We have very few colliers. It will do no harm and much good, in my judgment, to have at least three more provided for in this bill, and I hope the amendment will be adopted.

Mr. HOBSON. What is the gentleman's amendment?

Mr. SULZER. My amendment will increase the number of colliers herein authorized from two to five. It should be adopted. We should have more colliers, at least two for every battleship and cruiser. Common sense dictates it.

Mr. FOSS. Mr. Chairman, I hope this proposition will be voted down. We have already three colliers authorized by Congress which we are not able to build at the present time by reason of the legislative restrictions which have been placed upon them.

Two years ago we provided that a collier should be built in the Mare Island Navy Yard, and put a limit of cost upon it of $1,000,000. The estimates for the building of that collier were $1,400,000, or $500,000 more than we are paying for the building of a similar collier by the Maryland Steel Co. to-day. This House insisted that we should build this collier in that navy yard, when it would cost 50 per cent more than to build it in a private yard. Not only that, but last year we authorized the

building of two fleet colliers, and we put in a provision requiring that they should be built under the eight-hour law, which means an increase of cost in the building of each collier of at least $250,000, and for the two colliers it means $500,000. So if this House would remove the legislative restrictions which have been put upon these three colliers which we are unable to build to-day we would save $1,000,000, which would be the cost of a collier built in a private shipyard. I call for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SULZER].

The question being taken, the amendment was rejected.

The Clerk read as follows:

Four submarine torpedo boats, in an amount not exceeding in the aggregate $2,000,000, and the sum of $800,000 is hereby appropriated for said purpose.

Mr. HUMPHREY of Washington. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Washington offers an amendment, which the Clerk will report.

The Clerk read as follows:

In line 11, page 60, strike out the word "four" and insert the word "six," so as to read "six submarine torpedo boats."

The CHAIRMAN. The question is on agreeing to the amendment.

The question being taken, the amendment was rejected.

Mr. HUMPHREY of Washington. Mr. Chairman, I move to strike out the last word. I wanted to have an opportunity to talk on that amendment.

The CHAIRMAN. The gentleman is too late. The gentleman from New Jersey [Mr. HUGHES] offers an amendment, which the Clerk will report.

The Clerk read as follows:

After the word "purpose," in line 14, strike out the period and insert a semicolon, and add:

"*Provided*, That no part of this appropriation shall be expended for the construction of any boat by any person, firm, or corporation which has not at the time of the commencement and construction of said vessel established an eight-hour workday for all employees, laborers, and mechanics engaged or to be engaged in the construction of the vessels named herein."

Mr. FOSS. I make the point of order against that.

The CHAIRMAN. The Chair will hear the gentleman from New Jersey.

Mr. HUGHES of New Jersey. Mr. Chairman, this is an attempt to limit an appropriation. I call the attention of the Chair to the fact that the attempt is here made to appropriate this money. My purpose is to limit that appropriation so that no part of it can be paid except to persons, firms, or corporations having certain qualifications. I do not think the Chair will have any difficulty in determining that the amendment is in order.

Mr. ROBERTS. Will the gentleman yield for a question?

Mr. HUGHES of New Jersey. Yes.

Mr. ROBERTS. Is it the purpose of the gentleman's amendment to apply only to the four submarine torpedo boats, or to all the craft that have been authorized in the paragraph?

Mr. HUGHES of New Jersey. Just at present to the four submarines.

Mr. MANN. Oh, no.

Mr. HUGHES of New Jersey. Oh, yes.

Mr. MANN. I heard the amendment read.

Mr. HUGHES of New Jersey. The reason I offer that at this time, and attempt to apply it to this particular item, is because the attempt is made in this item to appropriate the money right at this place. It has been held frequently, and I can cite the Chair to a number of decisions that it is possible in this manner to limit appropriations. I call the Chair's attention to this precedent, volume 4, page 261, of Hinds' Precedents, section 3926:

On March 24, 1904, the post-office appropriation bill was under consideration in Committee of the Whole House on the state of the Union, when the Clerk read:

"For compensation to 25 rural agents, at $1,600 each; 15 rural agents, at $1,500 each; 15 rural agents, at $1,400 each; 65 rural agents, at $1,200 each; and 10 rural agents, at $1,000 each, $196,200."

To this Mr. WILLIAM W. KITCHIN of North Carolina, offered the following as an amendment:

"Insert, in line 18, page 24, after the word 'dollars,' '*Provided*, That no part of this appropriation shall be paid to any rural agent, who after the 1st day of July, 1904, shall make a recommendation against the establishment of any route on account of the condition of the road over which said route extends or is proposed to extend.'"

Mr. Overstreet, of Indiana, made a point of order against the amendment.

After debate, the Chairman held:

"The Chair has not been referred to any law prescribing the duties of these agents or to any law directing the Postmaster General to designate the duties of these agents so employed. The Chair can only consider the general law conferring upon the Postmaster General the power to distribute the duties of his department where these duties are not distributed by law, and this amendment * * * although vague in its terms and although it might seem to contain provisions which in the mind of the Chair would be difficult of enforcement, still, as the Chair understands those questions they should be submitted to the discretion of the committee, the Chair can not see that this amendment is anything else but an appropriation for certain agents, omitting others, a discrimination which Congress has of course the right to make, and the Chair, therefore, is constrained to overrule the point of order."

Mr. Chairman, if this amendment goes on the bill the effect it will have will be to so arrange matters that no part of this money can be expended with a person, firm, or corporation which is not doing business in a certain way. The Government spending its own money has a right to say, and we have a right to say, what qualifications the persons or corporations with whom we spend this money shall have.

It would be perfectly legitimate for us to say that this money should not be expended for work to be done in any establishment which had not proper sanitary arrangements, where they were overcrowded, or where it was unsafe or dangerous for them to carry on their employment. As there is quite a distinct line of demarcation existing now between plants as to the number of hours they work, these plants would fall into a natural classification right on the point of the number of hours work. This simply means that the Government shall spend this money with the manufacturers having eight-hour plants.

The CHAIRMAN. Did the gentleman from New Jersey call the attention of the Chair to the ruling on an amendment identical with this?

Mr. HUGHES of New Jersey. No, sir. There was an erroneous ruling at one time on an amendment which the Chair might think was similar to this.

The CHAIRMAN. Can the gentleman tell the Chair when that ruling was made?

Mr. HUGHES of New Jersey. I could not do that, as much as I would like to help the Chair. [Laughter.]

Mr. FITZGERALD. Mr. Chairman, it seems clear that this amendment is in order. I call the attention of the Chair to paragraph 3940, volume 4, where an amendment was held to be a limitation, which read as follows:

No part of any money appropriated by this act for charities or charitable institutions shall be paid to any institution named in this act until the charter or articles of incorporation thereof shall be so amended as to accord to the Commissioners of the District of Columbia, or to their designated agents, authority to visit and inspect such institutions, and to control and supervise the expenditure therein of all public funds paid out of appropriations made by Congress.

That ruling is clearly analagous to the ruling which should be made here.

Here was a provision withholding appropriations from institutions which did not change their charters so as to confer certain powers upon the Commissioners of the District of Columbia. The proposed amendment is that no money shall be paid to any person, firm, or corporation which has not established an eight-hour day for its employees and mechanics. It imposes certain limitations and obligations upon the parties who are to be the recipients of the money, and the two cases are identical. The Chair, in making that decision, held:

This amendment simply provides that "no part of any money appropriated by this act for charities or charitable institutions shall be paid to any institution named in this act until the charter or articles of incorporation thereof shall be so amended," and so forth. It does not purport to amend any charter, but simply provides that the money here appropriated shall not be paid to any institution until its charter is amended as specified here. The amendment is simply a limitation upon the appropriation. The Chair overrules the point of order.

In paragraph 3941 of volume 4 is contained the well-known limitation regarding so-called sectarian schools:

On February 24, 1896, the Committee of the Whole House on the state of the Union was considering a paragraph of the Indian appropriation bill, providing for the support of Indian schools, when Mr. William S. Linton, of Michigan, offered this amendment:

"And it is hereby declared that it is the intention of this act that no money herein appropriated shall be paid for education in sectarian schools; and the Secretary of the Interior is hereby charged with the duty of so using and administering this appropriation as to carry out said object; and he is hereby authorized and required to make all needful rules and regulations necessary to prevent the use of any of said fund for education in sectarian schools."

The Chair held such an amendment declaring the policy of Congress regarding the expenditure of an appropriation to be clearly a limitation upon the appropriation. What does the amendment offered by the gentleman from New Jersey propose that is different from that proposed by Mr. Linton, of Michigan? It is impossible to differentiate these amendments. Suppose the amendment of the gentleman from New Jersey read—

It is hereby declared to be the intention of this act that no money herein appropriated shall be paid for work upon these vessels in establishments where a workday longer than eight hours prevails, and the Secretary of the Navy is hereby charged with the duty of so using and administering said appropriation as to carry out that object, and he is hereby authorized and required to make all needful rules and regulations necessary to prevent the use of any part of the said fund for work done in establishments having a workday of more than eight hours.

It would be identical with the decision just cited.

The pending amendment is clearly within the rulings heretofore made in the House as to what constitutes a limitation.

In paragraph 3942, of volume 4, an amendment, as follows, was offered:

Provided, That no part of the appropriation shall be available for the Agricultural College of Utah until the Secretary of Agriculture shall be satisfied and shall so certify to the Secretary of the Treasury that no trustee, officer, instructor, or employee of said college is engaged in the practice of polygamy or polygamous relations.

That amendment was held to be in order, because it was a limitation. It is incredible, Mr. Chairman, that it is possible under the rules of this House to withhold payments of money to persons who do not possess qualifications of the most varying character, unless it should be some qualification which affects the right of men to work, and the opportunities to give them a reasonable workday in their avocations. I have some other decisions, but they are all so much of the same tenor and so clearly control the amendment offered by the gentleman from New Jersey that I shall not read them unless the Chair desires.

Mr. FOSS. Mr. Chairman, I think this same point was decided last year and the decision rendered by the Chair at that time.

The CHAIRMAN. When the naval bill was under consideration a year ago, April 18, 1910, this precise question was raised, and under precisely the same circumstances. The amendment is offered to the paragraph relating to the construction of torpedo boats. When that paragraph was read last year this same amendment was then offered to this same paragraph.

Mr. HUGHES of New Jersey. Not the same.

The CHAIRMAN. The Chair would like to know in what respect it differs.

Mr. HUGHES of New Jersey. It differs quite materially.

The CHAIRMAN. In only two or three words at the end, which in no way controls the meaning, it seems to the Chair. The Chair will cause to be read the amendment offered by the gentleman from New Jersey, and the amendment which he offered last year.

The Clerk read as follows:

After the word "purpose," in line 14, strike out the period and insert a semicolon, and add:

"*Provided*, That no part of the appropriation shall be expended for the construction of any boat by any person, firm, or corporation which has not at the time of the commencement and construction of said vessels established an eight-hour workday for all employees, laborers, and mechanics engaged or to be engaged in the construction of the vessels named herein."

The CHAIRMAN. The Clerk will now read the amendment offered last year.

The Clerk read as follows:

Provided, That no part of the money shall be paid to any person, firm, or corporation which has not at the commencement of and during the construction of the work for which this appropriation is made, established an eight-hour workday for all employees, laborers, and mechanics engaged in doing the work for which this money is appropriated. Nothing herein shall affect any existing contract.

The CHAIRMAN. The occupant of the chair at that time was one of the ablest parliamentarians in public life, the gentleman from Illinois [Mr. MANN], and at that time he sustained the point of order, and the Chair follows that precedent and sustains the point of order now.

Mr. HUGHES of New Jersey. Mr. Chairman, I desire to appeal from the decision of the Chair, and I would like to state the reason for so doing.

The CHAIRMAN. After the Chair states the question the Chair will recognize the gentleman. The gentleman from New Jersey [Mr. HUGHES] appeals from the decision of the Chair, and the question is, Shall the decision of the Chair stand as the judgment of the committee? The gentleman from New Jersey [Mr. HUGHES] is recognized.

Mr. HUGHES of New Jersey. Mr. Chairman, of course I want it definitely understood that I have the highest respect for the ability of the present Chairman, as I have for the gentlemen upon whose decision the Chair is now relying, but I want to carry the Members back to this time last year and have them remember the circumstances under which this ruling was made.

There had been put into the naval bill the eight-hour provision that the proponents of that measure desired, and other legislation which they favored had been written into the measure before any effort was made to apply the provision of the eight-hour law by way of limitation. The hour was late; the House was, if I am any judge, a little bit out of temper. Everybody was anxious to get home, and the gentlemen who were with me and my friend from New York in that fight regarded it as over for that occasion, believing that we had obtained everything that we wanted.

I offered the amendment at that time, because I expected to get a favorable ruling upon it. It was not argued. It was simply offered, and, at that, the gentleman from Illinois [Mr. MANN] took five or six minutes considering it before he, in what I regarded as a very doubtful manner, decided it was legislation and not a limitation.

Now, Hinds' Precedents are simply alive with limitations of that character. Limitations have been put on appropriation bills of every known and conceivable kind. The House has availed itself of this method of controlling the money that it spends, and there has grown up a line of legislation of this character which has been very effective and very useful to Members of the House. Oftentimes bills are introduced and go to committees; Members have no way of getting them out, no way, sometimes in the press of business, in the turmoil of the closing hours of a session, of even getting a hearing, but sometimes, when the money is being appropriated for the objects with which the legislation in which the Member is interested deals, an opportunity is presented in a sort of a way to test the temper of the House and to see how far it is willing to go along that particular line. This has happened over and over again in the memory of every man in the House now.

As I say, the books are simply full of precedents and of language of this kind which has been held over and over again to be merely a limitation.

Now, after all, what does this amendment propose to do? It simply says that persons, firms, or corporations lacking certain qualifications shall not be considered when this money is to be spent.

There is no direction to the Secretary of the Navy telling him to go to some person, firm, or corporation having certain qualifications; no attempt to control his discretion in any way affirmatively; it simply says what we have said a hundred times upon a hundred other propositions, namely, that this money shall not be spent with any person, firm, or corporation lacking certain qualifications. And in this case we say this money shall not be spent with a corporation, a firm, or person who has not established an eight-hour day at his yard for the purpose of doing this work. There is no attempt to control him any further than that. It is for these reasons, and in the belief that this is a limitation, that it is not legislation, and in the hope that I can prevent this House from taking the stand that they will be liberal in the matter of limitations, so far as the countless subjects with which this House deals is concerned, but shall only narrow their consideration when it comes to dealing with the laboring men of this country who have been denied that which the statute law of this country has been supposed to give them—it is in the hope that I may be able to prevent that that I most respectfully appeal from the decision of the Chair.

Mr. MANN. I was in the chair when the ruling was made last year on which the present occupant of the chair relies. I think no one will charge the occupant of the chair at that time with having ruled unfairly upon the proposition submitted by the gentleman from New Jersey [Mr. HUGHES] relating to eight-hour labor, because the parts of the proposition which he presented which were in order were held to be in order. What is the proposition now? It is so plain that the gentleman from New Jersey himself, when he gets away from the prejudices of the moment, will admit that the ruling last year and the present ruling are correct.

What is the proposition? Here is a provision for the construction of four submarine torpedo boats. If that appropriation be made in the way proposed, the Secretary of the Navy may invite proposals for the construction of those vessels, but under existing law he has no authority to say that no one can bid that has not eight-hour labor in his yard. He has no authority under the existing law to limit the bidders to those yards only which employ eight-hour labor.

What is the proposition that the gentleman from New Jersey proposes? Under the guise of a limitation he proposes that the Secretary of the Navy can not spend this money unless the bids be limited to those yards which have eight-hour labor.

What is the result? Either that the money can not be expended or that the Secretary of the Navy construes this as a change of existing law; and when he finds this provision is in the law he can not say that Congress has written in the law that which means nothing, that they had given an appropriation and forbade its expenditure, and hence he must hold that the so-called limitation is a change of law. And whereas now he can not confine bidders to those employing eight-hour labor, if this provision goes in, the law has been changed by legislation, so that he must confine the bidders to those employing eight-hour labor.

Mr. FITZGERALD. Will the gentleman yield?

Mr. MANN. Yes.

Mr. FITZGERALD. The gentleman remembers the amendment which was offered to the sundry civil bill providing that no part of the appropriation should be apportioned to any National Home for Disabled Volunteer Soldiers which maintained a canteen. If the reasoning of the gentleman now is correct, the official who administered that law had reason to withhold the appropriation entirely because of the existence of the

canteen at all of these homes, or else to construe it as a change of law which permitted at that time the maintenance of the canteen.

Mr. MANN. Not at all.

Mr. FITZGERALD. How does the gentleman differentiate between the two?

Mr. MANN. The difference is so plain that the gentleman from New York perfectly appreciates it.

Mr. FITZGERALD. I do not. I have never been able to appreciate the peculiar logic of the gentleman from Illinois since he made that ruling, and I have discussed it with him frequently. Let the gentleman show how the ruling referred to in connection with the canteen in the National Homes for Disabled Volunteer Soldiers differs in character or effect from the present amendment of the gentleman from New Jersey.

Mr. MANN. I do not object to arguing on either of those rulings. The canteen proposition was that you might or might not, under the existing law, maintain a canteen. There was no law requiring the maintenance of a canteen. The Secretary could maintain a canteen or not, as he chose, and when we made the limitation we said he must exercise the discretion he had—not to maintain the canteen if he wished to use the money. But here you change the law. He must construe it as a change of law or else he can not expend the money.

Mr. HUGHES of New Jersey. I just want to call the attention of the gentleman to the fact that the Secretary of the Navy may or may not have this work done in an eight-hour yard under the law now.

Mr. MANN. The Secretary of the Navy may say that Congress has made an appropriation and in the appropriation has forbade him to expend it; but if he does, he will say that Congress is a dunce, and the Secretary of the Navy has no right to say that of Congress.

Mr. JAMES. Why not? [Laughter.]

Mr. MANN. It may be the fact, but he has no right to say it. He must construe the provision in the law as meaning something, and this means nothing unless it means a change of legislation.

Mr. DOUGLAS. Mr. Chairman, what is the limit of the debate on this question?

The CHAIRMAN. No limit has been fixed.

Mr. KENDALL. Mr. Chairman, I think all the membership of this House agree that the present occupant of the Chair is always just and fair in his rulings; but we are confronted here this afternoon by a situation in which we can not be influenced by any consideration except our own conviction of duty. This bill provides for the construction of four submarine torpedo boats. The amendment proposed by the gentleman from New Jersey [Mr. HUGHES] undertakes to limit that construction to persons, firms, or corporations who have recognized the principle of the eight-hour day in their operations. Now, we who believe that that is a proper limitation upon this appropriation bill are restricted to one of two alternatives to be pursued. Either we must vote to sustain the Chair, who has bottomed his opinion upon a precedent established last year, or we must vote to overrule the Chair, and thus afford the House the opportunity to record its own opinion upon the policy of an eight-hour day in the construction of Government ships.

I know there is no man on this side of the House who entertains a more sincere affection for the present occupant of the chair than I do, but I am not to be controlled in my vote here by my esteem for him. I read in the message sent to this Congress by President Taft last December these words as respects the eight-hour day:

> Since 1868 it has been the declared purpose of this Government to favor the movement for an eight-hour day by a provision of law that none of the employees employed by or on behalf of the Government should work longer than eight hours in every 24.

Then he discusses somewhat the provisions of that law and says further:

> Thereafter, in 1892, the present eight-hour law was passed, which provides that the services and employment of all laborers and mechanics who are now, or may hereafter be, employed by the Government of the United States, by the District of Columbia, or by any contractor or subcontractor on any of the public works of the United States and of the said District of Columbia is hereby restricted to eight hours in any one calendar day. This law has been construed to limit the application of the requirement to those who are directly employed by the Government, or to those who are employed upon public works situate upon land owned by the United States. This construction prevented its application to Government battleships and other vessels built in private shipyards, and to heavy guns and armor plate contracted for and made at private establishments.
>
> The proposed act provides that no laborer or mechanic doing any part of the work contemplated by a contract with the United States, in the employ of the contractor or any subcontractor, shall be required or permitted to work more than eight hours a day in any one calendar day.

This message relates to an act which is referred to in it. The President continues:

> It seems to me from the past history that the Government has been committed to a policy of encouraging the limitation of the day's work to eight hours in all works of construction initiated by itself, and it seems to me illogical to maintain a difference between Government work done on Government soil and Government work done in a private establishment, when the work is of such large dimensions and involves the expenditure of much labor for a considerable period, so that the private manufacturer may adjust himself and his establishment to the special terms of employment that he must make with his workmen for this particular job.

Then the President disavows any intention of extending this provision to include small contracts, which would be difficult. He says:

> I recommend that instead of enacting the proposed bill, the meaning of which is not clear and definite and might be given a construction embarrassing to the public interest, the present act be enlarged by providing that public works shall be construed to include not only buildings and work upon public grounds, but also ships, armor, and large guns manufactured in private yards or factories.

There we have the authority of the President of the United States earnestly insisting to this Congress in its legislative capacity that the eight-hour day ought to be recognized and enforced in the construction of battleships in private institutions in this country. The recommendations of the Chief Executive are only in harmony with the universal movement which is advancing everywhere for a reduction of the hours of toil for those who are performing the manual labor of the world. The eight-hour day is a fixed principle in our social economy. Private enterprise has largely adopted it, and it ought to be applied by the Government wherever possible. The departure always has justified itself in its results. The shorter workday secures leisure for culture, for enlightenment, for improvement. It makes for a higher standard of living and for a more intelligent citizenship. It has always been accompanied by an increased measure of contentment and happiness. We can not at this moment establish the principle generally, but we can reassert our allegiance to it by supporting the pending amendment. Therefore, much as I regret to disagree with the parliamentary conclusions of the Chair, because of the persuasive reasons I have suggested, I shall vote without hesitation to overrule its decision in this instance.

Mr. FITZGERALD. Mr. Chairman, I wish to call the attention of the House to some statements made at another time. I asked the gentleman from Illinois [Mr. MANN] whether he could differentiate the amendment offered limiting the expenditure of money in national homes for disabled soldiers from the amendment now under consideration offered by the gentleman from New Jersey. He said the difference was as clear as day, and that I could see it as well as himself.

The canteen amendment was offered February 23, 1907. The gentleman from Missouri [Mr. BARTHOLDT] made a point of order against it. The gentleman from Illinois spoke in support of the point of order and practically made a speech identical with the one which he makes in support of the point of order upon this amendment, and apparently he stated everything possible that could be stated in favor of that point of order, because it has been printed in Hinds' Precedents, so that the House might see the reasons urged in support of the point of order and the action taken by the Chair. This is what the gentleman from Illinois [Mr. MANN] said in the course of the debate:

> Here is a situation now proposed where Congress by law is creating soldiers' homes. It has by law provided for the government of soldiers' homes. At soldiers' homes it has vested the government in a board of managers in accordance with the provisions of the statute. It is true that Congress can refuse to appropriate, but, Mr. Chairman, it is also true that the Chair has frequently ruled that Congress can not, against a point of order, by limitation change the organic law. Here is a provision that, although Congress has created these soldiers' homes by an organic law, although it has provided for the government of the soldiers' homes by a board of managers, a proposition through the form of a limitation to take away the control of the board of managers and by affirmative legislation in the guise of a limitation to change the statute upon that subject. While limitations are usually favored by the Chair, properly, still it is true that the Chair might well rule, it seems to me, that a limitation in this guise, changing the law, giving the board of managers the discretion over the management of the homes, is positive, affirmative legislation, as it undoubtedly would be construed by the Comptroller of the Treasury, and therefore subject to a point of order. It is perfectly manifest that an item of this kind in the bill is construed by the Comptroller of the Treasury as positive legislation, although it be in the form of a limitation.

Now, the amendment under consideration at that time was as follows:

> *Provided further*, That no part of this appropriation shall be apportioned to any National Home for Disabled Volunteers that contains a bar or canteen where intoxicating liquors are sold.

Without quoting the opinion of the Chair at that time—but I will do so, if the gentleman from Illinois thinks I have done him an injustice——

Mr. MANN. No; I think the gentleman has added materially to the value of his speech by quoting thus far.

Mr. FITZGERALD. The Chair overruled the point of order. I call the attention of the Chair to another decision.

A provision in the District appropriation bill was under consideration for the repair of the Anacostia Bridge under the direction of the Commissioners of the District of Columbia, $100,000, and authorized the commissioners to enter into a contract or contracts for the repair of the bridge.

With this proviso:

That before any part of this sum shall be used, the Anacostia & Potomac River Railroad Co. shall pay to the collector of taxes of the District of Columbia the entire cost of the pavement lying between the exterior rails of the tracks and for a distance of 2 feet from the said exterior rails of said tracks on each side thereof and the entire floor system supporting said pavement, and said collector shall deposit one-half of same in the United States Treasury to the credit of the District of Columbia and one-half to the credit of the United States, nor shall said appropriation be available until said railroad company shall agree to assume one-half the cost of maintenance and repair of said new bridge, to be collected in the same manner as the cost of laying pavements between the rails and tracks of street railways, as provided for in section 5 of "An act providing a permanent form of government for the District of Columbia," approved June 11, 1878: *Provided further*, That this appropriation shall not be available until the Anacostia & Potomac River Railroad Co. shall agree that any other railroad company now or hereafter authorized by Congress to use said bridge shall have the right to use the tracks of the Anacostia & Potomac River Railroad Co. thereon upon such reciprocal trackage and such compensation as may be mutually agreed upon, and in case of failure to reach such an agreement that the supreme court of the District of Columbia shall, upon petition filed by either party, fix and determine the same.

The point of order was made on the proviso, and the Chair, in delivering his opinion, said:

The amendment provides that the appropriation shall be withheld unless certain conditions are complied with. All the provisos are distinct limitations upon this appropriation. The Chair will overrule the point of order.

It seems to me, in view of the long line of decisions about which there never has been any controversy, that the amendment of the gentleman from New Jersey clearly comes within the rule. I recall the time the gentleman from Illinois [Mr. MANN] was in the chair in the last session and made the ruling cited by the Chair. It was after a day of very strenuous debate and discussion that the amendment was offered and the decision was made hurriedly and without any discussion. I have never yet agreed that the gentleman from Illinois did not at that time make a mistake, because I am convinced if he had examined the precedents at the time he would not have ruled in the way in which he did.

Mr. COOPER of Wisconsin. Can the gentleman from New York tell us what distinction has been made in conversation with the gentleman from Illinois between those two precedents which the gentleman has just cited?

Mr. FITZGERALD. I will be very frank. I have discussed the ruling with the gentleman from Illinois on several occasions, and he has made the statement that he made to-day on the floor that there was a clear distinction between the two propositions.

Mr. COOPER of Wisconsin. What is it?

Mr. FITZGERALD. I have never been able to see the distinction. The gentleman from Illinois and myself have never been able to reconcile our views on that question, and it seems to me——

Mr. MANN. Mr. Chairman, I have no recollection of ever having discussed this with the gentleman, and I do not think it is a very safe thing to undertake to narrate private conversations.

Mr. FITZGERALD. I have not said anything to the discredit of the gentleman.

Mr. MANN. I am not criticizing anything that the gentleman has said.

Mr. FITZGERALD. I would not do so. I simply made this statement, that I had discussed this ruling with the gentleman on several occasions, and I have advanced my theories and he has with consistency and a good deal of power argued that the position that he took at that time was correct. He may not recall the discussions——

Mr. MANN. I would not question what the gentleman said.

Mr. FITZGERALD. I have not said anything in any way to impugn his action in making the ruling, or to indicate that he has ruled in any manner that he did not believe to be correct. Indeed, I believe that he ruled conscientiously and as he believed to be the proper ruling. I have simply stated that I have never been able to see the distinction which the gentleman from Illinois claims to exist. It seems to me that the rulings have been uniformly one way and that we have the power under the rules to withhold expenditures of money to persons or corporations, unless they comply with certain conditions, or unless certain conditions exist surrounding them at the time the money is to be paid.

Mr. POINDEXTER. Mr. Chairman, I would like to call the attention of the Chair to the precedent made to-day by the present occupant of the chair which, it seems to me, is directly in point. When the appropriation of $500,000 to purchase coal for the Navy was proposed to be amended by the gentleman from Washington [Mr. HUMPHREY] by an amendment which forbade the Secretary of the Navy from carrying coal for that purpose from the Atlantic coast to the Pacific coast, the point of order was made against that amendment, and after a careful consideration the present distinguished occupant of the chair overruled the point of order. I submit to the Chair that there is no possible distinction in principle between that parliamentary question and the one which is now before the committee. The chairman of the Committee on Naval Affairs called attention to another precedent a few moments ago in regard to colliers, when a limitation was placed by way of amendment regarding one of the colliers for which appropriations were made last year, to be constructed in the Mare Island Navy Yard in California.

That was a limitation upon the so-called discretion of the Secretary of the Navy, exactly similar to the limitation which is proposed here. Also the limitation was adopted by the House at the last session of Congress in regard to battleships, requiring that one of the battleships should be constructed in a Government navy yard, and is a precedent which is directly applicable in principle to the one which is now before the committee.

Now, as I understand it, Mr. Chairman, the proposition upon which this point of order is made and urged is that it limits the authority of the Secretary of the Navy.

Now, I submit to the committee that the Secretary of the Navy has no authority to limit in regard to the construction of these torpedo boats, except such authority as is given to him in this bill. If the situation were such that under the general law the Secretary of the Navy had authority to construct a certain number of battleships each year, a certain number of torpedo boats each year, and it was entirely in his discretion as to the terms upon which he should secure their construction, then there would be some logic in the statement that this limitation would be on the authority of the Secretary of the Navy. But he has no such power, no authority to construct any one of these torpedo boats, unless it is given to him by this act.

Now, I submit that when the House is creating this authority and is conferring it upon some official of the Government, it is within the power of Congress not only to limit the discretion of the Secretary of the Navy but to refuse to give him any discretion in the matter. The Congress, if it sees fit, could put the supervision of the construction of these torpedo boats in the hands of a commission entirely separate and distinct from the Secretary of the Navy, like putting it in the hands of a board of admirals or putting it in the hands of a special commission created for that purpose. That would be, according to the argument that is made against this amendment, a limitation upon the discretion of the Secretary of the Navy. Yet I apprehend no one would dispute when Congress is appropriating money, as this section is appropriating money, to construct torpedo boats, that Congress has the power to specify under whose direction and whose authority they shall be constructed. So I say the Secretary has no discretion, and not having any discretion it can not be limited. When an appropriation is made it is perfectly germane and proper and not unfair to say how many torpedo boats shall be constructed, at what price they shall be constructed, in what navy yard they shall be constructed, and under what conditions the work shall be pursued in those navy yards.

Now, a precedent is presented here that was made last year. I apprehend that when the question was before the House that the House was actuated, in part at least, in its ruling upon the point of order, by its opinion on the merits of the question. It is always so.

The CHAIRMAN. The time of the gentleman has expired. The Chair wishes to state that the Chair has no pride of opinion about this matter, and does not care to take part in the discussion further than to say that the gentleman from Washington [Mr. POINDEXTER] is mistaken when he says that the ruling of the Chair in the early part of the afternoon in reference to the coal proposition was similar to this. That limitation was purely negative in its character. The present proposition is an affirmative direction to executive officers.

The gentleman is mistaken further in suggesting that the ruling last year with reference to building colliers or battleships in navy yards presents this precise question. Those amendments were offered to a very different sort of a paragraph, and they are not precedents at all on this particular question.

The gentleman from Illinois [Mr. Foss] is recognized.

Mr. FOSS. Mr. Chairman, I move to close debate on this question.

The CHAIRMAN. The gentleman from Illinois [Mr. Foss] moves that all debate be now closed on the point of order.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken, and the Chairman announced that the Chair was in doubt.

Mr. HUGHES of New Jersey. Tellers, Mr. Chairman.

Tellers were ordered.

Mr. Foss and Mr. HUGHES of New Jersey were appointed to act as tellers.

The committee again divided; and the tellers reported—ayes 96, noes 111.

So the decision of the Chair was overruled.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The Secretary of the Navy may build any or all of the vessels authorized in this act in such navy yards as he may designate, and shall build any of the vessels herein authorized in such navy yards as he may designate, should it reasonably appear that the persons, firms, or corporations, or the agents thereof, bidding for the construction of any of said vessels, have entered into any combination, agreement, or understanding, the effect, object, or purpose of which is to deprive the Government of fair, open, and unrestricted competition in letting contracts for the construction of any of said vessels.

Mr. MANN. Mr. Chairman, I make the point of order against the paragraph.

Mr. SULZER. Mr. Chairman, I offer the following amendment.

Mr. MANN. My point of order is that it is new legislation.

The CHAIRMAN. The point of order is sustained.

Mr. FITZGERALD. Mr. Chairman, I offer an amendment to the paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert as a new paragraph the following:

"And the contract for the construction of such vessels shall be awarded by the Secretary of the Navy to the lowest and best responsible bidder, having in view the best results and the most expeditious delivery; and in the construction of all said vessels the provisions of the act of August 3, 1886, entitled 'An act to increase the Naval Establishment,' as to the materials for said vessels, their engines, boilers, and machinery, the contracts under which they are built, the notice of any proposals for the same; the plans, drawings, and specifications therefor, and the methods of executing such contracts shall be observed and followed and subject to the provisions of this act; all said vessels shall be built in compliance with the terms of said act, and in all their parts shall be of domestic manufacture; and the steel material shall be of domestic manufacture and of the quality and characteristics best adapted to the various purposes for which it may be used, in accordance with specifications approved by the Secretary of the Navy, provided contracts for furnishing the same in a reasonable time, at a reasonable price, and of the required quality can be made with responsible parties."

Mr. MANN. I make the point of order, Mr. Chairman, against the amendment that it is legislation.

Mr. FITZGERALD. Will the gentleman allow me to explain what it is? This is offered in good faith.

Mr. MANN. I will reserve the point of order.

Mr. FITZGERALD. By the act of August 3, 1886, the first two vessels of the new Navy were authorized. That act contained the only law upon the question of the control of the Secretary of the Navy in the letting of contracts for naval vessels. It requires certain provisions for plans and specifications and provisions for the materials and the character of materials and the limitations upon the power of the Secretary of the Navy to make the contracts for the vessels. Ever since 1886 the provision which I submit as an amendment has been carried in every appropriation bill whenever a new ship has been authorized. At the time this act of 1886 was prepared with the utmost care, in order that there might be adopted fitting regulations to control the action of the Secretary of the Navy in the letting of the contracts. If this amendment be not adopted there is nothing to control the action of the Secretary.

The act of 1886 contained a paragraph requiring certain of the vessels to be built in navy yards. This amendment does not contain that provision. It follows the act of 1886 only in so far as it applies to the materials to be used in the construction of the vessel and the other requirements heretofore deemed imperative. Without this provision the Secretary of the Navy, if he invites bids for armor and armor plate, or for the construction of these vessels, has no authority to reject bids which may be submitted by foreign bidders. The act of 1886 is the only one which has ever limited the power of the Secretary of the Navy to domestic materials or materials of domestic manufacture. It seems to me that, in the absence of other provisions or regulations, this bill should carry the provision which has been carried since 1886 regulating the making of the contracts for materials to enter into these ships.

No explanation has been given by the Naval Committee for its failure to incorporate this provision or for its failure to insert some other provision in the place of it. It seems to me the committee should have these facts, so that they may act intelligently upon them.

The provision is clearly subject to the point of order, but because of the peculiar condition affecting the naval appropriation bill and the necessity for some legislation with each batch of ships authorized the point of order has never been made against this provision in the 25 years in which it has been carried in the naval appropriation act.

Mr. KENDALL. It is difficult for us here to gather the full significance of the amendment, but I want to inquire of the gentleman if it is substantially the provision that appeared in the bill last year, on page 26 of that bill.

Mr. FITZGERALD. No; it is not the same as appeared in the bill of last year. It is the same as appeared in the bill every year up to last year.

Mr. KENDALL. I mean the amendment of the gentleman.

Mr. FITZGERALD. I offered the amendment without the provision that I thought, perhaps, might be held to be an obnoxious one.

Mr. MANN. I make a point of order against the amendment.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SULZER. I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

Mr. SULZER. To be inserted as a new paragraph.

The Clerk read as follows:

Insert as a new paragraph the following:

"The Secretary of the Navy shall build one of the first-class battleships authorized in this act in such navy yard as he may designate, and may build any of the vessels herein authorized in such navy yards as he shall designate, should it reasonably appear that the persons, firms, or corporations, or the agents thereof, bidding for the construction of any of said vessels have entered into any combination, agreement, or understanding, the effect, object, or purpose of which is to deprive the Government of fair, open, and unrestricted competition in letting contracts for the construction of any of said vessels."

Mr. FOSS. I make a point of order against the amendment.

Mr. SULZER. Just a word.

The CHAIRMAN. Does the gentleman from Illinois reserve the point of order?

Mr. FOSS. I make it.

The CHAIRMAN. The Chair will hear the gentleman from New York on the point of order.

Mr. SULZER. Mr. Chairman, of course I realize that this new paragraph offered by me is subject to a point of order——

The CHAIRMAN. The Chair can not hear the gentleman further, then. The point of order is made, and the merits can not be discussed.

Mr. SULZER. But I want to say that, in my judgment, if this is allowed to go into the bill it will materially help the gentleman to pass the bill.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MOORE of Pennsylvania. Mr. Chairman, I offer the following new paragraph.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert as a new paragraph:

"That no battleship shall hereafter be constructed in any navy yard until at least two navy yards are fully equipped to enter upon and complete such construction."

Mr. SULZER. I make the point of order against that.

Mr. FOSS. I make the point of order against that amendment.

Mr. CHAIRMAN. The Chair sustains the point of order.

Mr. MOORE of Pennsylvania. May I say a word on the point of order?

The CHAIRMAN. There is nothing before the committee. The Clerk will read.

The Clerk read as follows:

Construction and machinery: On account of hulls and outfits of vessels and steam machinery of vessels heretofore and herein authorized, $13,531,785.79: *Provided*, That no part of the above appropriation shall be used for the payment of the construction of any collier the total cost of which shall exceed $1,000,000.

Mr. CLARK of Florida. Mr. Chairman, I move to strike out the last word. I make that motion simply to reply to the distinguished gentleman from Missouri [Mr. BARTHOLDT] and other gentlemen who have deprecated the idea that there may be a war. Admiral Hobson predicts war. My friend from Missouri and others belittle the prediction. Let them beware. Admiral Noah some years ago made a prediction in reference to certain

things, and I want to call the attention of the House to some lines in reference to that prediction:

"Dar's gwine to be a'oberflow," said Noah, lookin' solemn—
Fur Noah tuk the Herald, an' he read de ribber column;
An' so he sot his hands to wuk a-cl'arin' timber patches,
An' 'lowed he's gwine to build a boat to beat the steamah *Natchez*.
Ol' Noah kep' a-nailin' an' a-chippin' an' a-sawin',
An' all de wicked neighbors kep' a-laughin' an' a-pshawin';
But Noah didn't min' 'em, knowin' whut wuz gwine to happen,
An' 40 days an' 40 nights de rain it kep' a-drappin'.

[Laughter.]

Mr. KNOWLAND. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend, on page 61, line 7, by striking out all after the word "which" and add the following: "exclusive of indirect labor, shall exceed $1,000,000."

Mr. FOSS. Mr. Chairman, I make a point of order against that amendment.

The CHAIRMAN. The Chair overrules the point of order. The question is on agreeing to the amendment.

Mr. KNOWLAND. Mr. Chairman, in explanation of the amendment I have just offered will state that it does not increase the million-dollar limitation but adds to the proviso the words "exclusive of indirect labor," so that, as amended, it reads:

Provided, That no part of the appropriation shall be used for the payment of the construction of any collier the total cost of which, exclusive of indirect labor, shall exceed $1,000,000.

In connection with this amendment I want to call the attention of the House to certain facts relating to the collier which Congress authorized to be built at the Mare Island Navy Yard. These facts are important to the House and should be fully and frankly stated. The naval appropriation bill of 1908 provided for the construction of two fleet colliers with a speed of 14 knots and with a carrying capacity of 12,500 tons of cargo and bunker coal, and the limit of cost on each was $1,800,000. In other words, when it was thought that these colliers were to be constructed in private yards the limit of cost on each was fixed at $1,800,000. No voice was raised on this floor in protest against the cost; no member of the Naval Committee was heard in opposition to the price of $1,800,000 for each of these colliers. But an amendment was offered on the floor of the House providing that one of these colliers should be constructed in a navy yard on the Pacific coast. The Secretary of the Navy refused to carry out the will of Congress. Immediately after Congress adjourned the private ship firms evidently got together and submitted bids, and the lowest was $822,500. These bids were nearly all alike, and while I do not charge that there was collusion between the bidders the fact remains that the bids were practically identical, and I have them on my desk at the present moment. In view of the low private bids the Secretary of the Navy did not begin at Mare Island Navy Yard the construction of the collier authorized. One of the colliers was let to a private firm. It was evidently taken at a loss and the loss shared by others.

Bear this fact in mind, that prior to this contract the price fixed for colliers to be constructed at private yards was $1,800,000 apiece. In the naval appropriation bill the next year an amendment was inserted providing that the Secretary of the Navy could take the collier from the navy yard and give it to a private shipbuilding firm. I made a point of order against that paragraph and it went out. Then what do we find? The next limitation placed in the bill for colliers was $900,000. Private contractors, after they thought they had deprived the navy yard of the work, raised their bids. The next year it was increased to $1,000,000, and this year the limitation is again $1,000,000. The Navy Department received but a single bid from private contractors last year for these colliers, and that bid was for $1,596,500, $128,900 more than the price at which the collier can be constructed at the Mare Island Navy Yard. I have before me a letter from the Secretary of the Navy in which he states that to build a collier at the Mare Island Navy Yard will cost a little over $1,400,000.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOPER of Wisconsin. I ask unanimous consent that he may be permitted to continue for three minutes.

There was no objection.

Mr. KNOWLAND. Mr. Chairman, in the letter of the Secretary of the Navy he states that of the $800,000 charged for labor, 50 per cent of that is for indirect labor, that is, labor expenses that would go on just the same, regardless of whether the collier was constructed at the Mare Island Navy Yard or not, and eliminating that 50 per cent for indirect labor it would bring the price of the collier down to practically $1,000,000. My amendment provides that in estimating these charges that indirect labor shall not be charged against the collier.

Mr. FOSS. Mr. Chairman, as I understand this amendment, it provides that there shall be no indirect charge made against this collier in the course of its construction. That is to say, the light, heat, and power plants of the navy yard may be used for the construction of this collier without one penny being charged up against the collier. That was true of the old system of organization in the navy yards, and the estimate which the navy yard made some years ago for building this collier was $1,400,000, and that excluded all indirect charges of every kind. Now, the gentleman proposes in this amendment to exclude those indirect charges. I do not see how he can build his collier for $1,000,000, even though the indirect charges be excluded.

Mr. KNOWLAND. According to the Secretary's letter and the estimate, it could be done.

Mr. FOSS. I doubt very much whether it can be done.

Mr. KNOWLAND. I have the blueprint estimate here.

Mr. FOSS. In any event it seems to me proper, if we are ever going to get these navy yards upon a basis where we can compare Government work with work outside in commercial concerns, that we should not adopt this amendment which provides that indirect charges, which are properly charged against the work constructed in the navy yards, shall not be charged against this, and that is all that means. It simply means to upset any method of cost accounting in our navy yards to-day.

Mr. PADGETT. Will the gentleman permit a suggestion?

Mr. FOSS. Yes.

Mr. PADGETT. The effect of it is to increase the limit of cost from $1,000,000 as provided to $1,400,000 for all these colliers, and there being five of them that means $2,000,000 increase.

Mr. KNOWLAND. But only one is to be constructed in the navy yard.

Mr. FOSS. When the gentleman says that this labor will be employed there if we did not construct the collier, that is not true, and when the gentleman goes further, as gentlemen sometimes do, and says that we have the labor there and we can just as well build the battleship and therefore we ought to employ that labor, that is not true. Whenever we build a collier we add a large number of laborers to the yards, and whenever we build a battleship we add a larger number to the employed force of the yard, and these indirect charges would be a great deal less if we did not build this collier, and the maintenance of the yard would be a great deal less if we did not build the collier or a battleship.

Mr. COOPER of Wisconsin. If we continue the navy yards and construct battleships and colliers, it may be true that we would hire some additional help occasionally when the ship was under construction; but is it not nevertheless true that we would constantly retain in the navy yard the great body of skilled mechanics? Is not that the only way the Government can maintain in its employ skilled mechanics in the navy yards to do some of this construction?

Mr. PADGETT. I want to say to the gentleman at that point that it developed in the hearings that it necessitated the keeping of these high-skilled mechanics all of the time to do job work that in private yards was given to unskilled labor and cheap labor, and the cost of the navy yard was thereby increased 58 per cent over outside contract work.

Mr. COOPER of Wisconsin. I have no doubt that the illustration given by the gentleman from California [Mr. KNOWLAND] furnishes the most potent argument for building some of these vessels in the navy yards that can possibly be given. He said there never was a less sum suggested than about a million seven or eight hundred thousand dollars for a collier, and then the Secretary of the Navy asked that they be built by private contract.

And then he says a lot of private contractors submitted substantially the same bid. He did not want to charge collusion, but it is most remarkable that they should have run down the price several hundred thousand dollars and put in substantially the same bid.

Mr. FOSS. That was on a different basis. That was on the basis of the eight-hour provision which was put in the bill last year——

The CHAIRMAN. The gentleman's time has expired.

Mr. FOSS (continuing). Which had been built by the Maryland Steel Co. and by Cramps, and were less than $800,000. Those were built without any restriction whatever.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. FOSS. I would like a couple of minutes more.

The CHAIRMAN. Without objection, the gentleman will be recognized for two minutes more.

There was no objection.

Mr. FOSS. All that this does is simply to add to the cost of this collier. If you took out the indirect charges you would simply add to the cost of it. The collier will cost just as much. We insist that when we are spending so much money here upon the Navy that we should appropriate it in a way where every dollar will go the furthest, and if gentlemen insist upon building ships in the navy yards it means in the case of a collier 50 per cent more.

Mr. MOORE of Pennsylvania. Will the gentleman permit me to ask him one question?

Mr. FOSS. Yes.

Mr. MOORE of Pennsylvania. Is there any navy yard in this country, save one, equipped to build a battleship?

Mr. FOSS. Only one, and that is New York.

Mr. MOORE of Pennsylvania. The only one in which this work must concentrate.

Mr. FOSS. Now, it is not necessary for us to build ships to keep the working force in our yards. We have enough work from the repairs of ships to keep up the working force in the yards, and when you build a ship in a navy yard and draw hundreds of men into that yard to build that ship, and when you are through the ship they go out, because we do not need them, you are doing an injustice, by building ships in a navy yard, to the laboring people of the country, unless you propose to continue the policy of building ships right along in the navy yards of the country. The repairs upon our ships are sufficient to keep our laboring men employed in all these yards, and it is not necessary to build even a little ship, a gunboat, or torpedo boat in order to do it.

Mr. HOBSON. Mr. Chairman, the amendment ought to be clearly understood. If the amendment is defeated, the collier is taken away from Mare Island, where a certain amount of expense has already been incurred. If the amendment prevails, Mare Island will try to build the collier at what will be a very reduced price for a navy yard.

I believe that the amendment ought to prevail. For the Mare Island Navy Yard a collier is as large a piece of work as the battleship is for the navy yard at New York. I am strongly in favor of maintaining our navy yards on a substantial basis, where they could meet the requirements of expansion when war comes. If we simply carry them on on the basis of repairs in time of peace, neither the equipment nor the personnel will be prepared or trained to meet the expanded requirements for ships damaged in time of war. Of course, the question of the cost should be taken into careful account. Mare Island ought not to be allowed to build a collier at $1,800,000, but I do believe that at this juncture, when the question of overhead charges is not settled, when the question of cost accounting is still in the air and unfixed, that we ought not to permit the heavy overhead charges to be put on this particular collier and cut out the building of it at Mare Island.

The Navy Department, I am informed by the gentleman from California, approves the proposition. Leaving off the overhead charges will simply be following the custom that has prevailed heretofore. It is but a fair and reasonable proposition. It is to be regretted that this collier has been held up all these years. Mare Island ought to be allowed to go on and build it. From time to time we ought to authorize the navy yard at Norfolk, the one at Mare Island, and all the navy yards that are to be given serious work in time of war to build a collier or other auxiliary, provided they can do it within a reasonable increase of cost.

The chairman of the Naval Committee has been maintaining that the cost of work in navy yards is greater than in private yards, and so it is. He ought not, therefore, to find objection when they are willing to try to build it at Mare Island with only the difference of the overhead charges.

The adoption of this amendment will fulfill the requirements of economy and promote the general efficiency of the navy yard at Mare Island, and is in line with sound policy for the Navy. [Cries of "Vote!"]

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. Foss) there were—ayes 79, noes 37.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

Mr. HUGHES of New Jersey. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read the amendment, as follows:

After the word "dollars," in line 8, page 61, insert the following:
"*Provided*, That no part of this appropriation shall be expended for the construction of any boat by any person, firm, or corporation which has not at the time of the commencement and during the construction of said vessels established an eight-hour workday for all employees, laborers, and mechanics engaged, or to be engaged, in the construction of the vessels named herein."

The CHAIRMAN. The Chair understands that the amendment which the gentleman from New Jersey [Mr. HUGHES] has sent up has already been agreed to.

Mr. HUGHES of New Jersey. It is in the next paragraph.

The Clerk again read the amendment.

Mr. FOSS. Mr. Chairman, I make a point of order against it.

Mr. HUGHES of New Jersey. Mr. Chairman, I want that to go in after line 5, after the word "cents," on page 61.

Mr. FOSS. We have passed that, Mr. Chairman.

The CHAIRMAN. The gentleman from New Jersey [Mr. HUGHES] now offers his amendment in line 5 instead of line 8. It is the same amendment?

Mr. HUGHES of New Jersey. It is the same amendment with an addition, which makes it structurally the same as the last amendment.

The CHAIRMAN. Is this in lieu of the first amendment or in addition to it?

Mr. HUGHES of New Jersey. It is in addition to it.

The CHAIRMAN. The Clerk will read it.

The Clerk read the amendment, modified, as follows:

After the word "cents," in line 5, page 61, insert the following:
"*Provided*, That no part of this appropriation shall be expended for the construction of any boat by any person, firm, or corporation which has not at the time of the commencement and during the construction of said vessels established an eight-hour workday for all employees, laborers, and mechanics engaged, or to be engaged, in the construction of the vessels named herein.
"*Provided*, That this limitation shall not apply to payments to be made under contracts made prior to the approval of this act."

Mr. FOSS. Mr. Chairman, I make the point of order against that. It is a change of law.

The CHAIRMAN. This seems to be to the Chair very similar to the amendment that the House has just voted on, to which a point of order was made and upon which the decision of the Chair was overruled; and in accordance with that decision of the House, the Chair overrules the point of order against this amendment.

Mr. ADAMSON. Mr. Chairman, the gentleman from Alabama [Mr. HOBSON] has kept me so perturbed and nervous with his annual direful prognostications of invasion and destruction by Japan that I have been unable to compose my mind and feelings sufficiently to prepare a speech on this bill. It is my opinion, however, entertained constantly during the 11 months each year when he does not try to keep us scared to death, that Japan can not whip the United States, that she knows she can not, and that she will never try. If that island empire should ever be misled by the hysterical statements of the gentleman from Alabama into making war upon us under the delusion that she stood any chance of success, it would be hard on the gentleman from Alabama, after we had thrashed her to a finish. Her frazzled and dismembered remains would reproach the gentleman from Alabama all his days for deceiving and deluding her into the belief that she could stand any show in a war against us. It is generally recognized by everybody except the gentleman from Alabama that when the Southern Confederacy, after having put up the most stubborn war the world ever saw, with more actual fighting than the world had seen in a thousand years or will see in the next thousand years, had failed to vanquish the United States, there was no use for any other nation to try conclusions with her. That contest, unexampled in history, leaving the United States the victor, also established her as preeminent and invincible among all the nations, and all the nations know it.

No nation will levy war against her unless driven into it by our own misconduct and unfair treatment, and then only in the last resort. We ought to follow the advice of our forefathers—behave ourselves, treat other nations fairly, cultivate peace and commerce with all countries, not failing to devote all periods of peace and prosperity to developing greater strength and prestige, which we can easily and rapidly mobilize and utilize when necessity arises. I shall not consent to the demands of the gentleman from Alabama as to the rapid increase of our Navy. If I believed what he claims, I would admit that we need 300 battleships instead of 3, but if devastating war is to come in nine months we could not possibly finish any of them in time for our defense, for the keels of three will hardly be laid in nine months. If red-handed war does come, we will have to trust under Providence in our devices, ingenuity, courage, and patriotism, which have never yet failed and which will put to ruin any nation which dares arouse us to resentment. The ancient tale of Archimedes sustaining the prolonged defense of Syracuse against the Roman legions for so long a time is not more wonderful than the genius and inventive and creative power displayed by the Americans on both sides during the Civil War, which presented instances and spectacles not only of invention and development, but also of skill, daring, generalship, and statesmanship unequaled in the an-

nals of history and not likely to be surpassed until time shall be no more.

I am opposed to building battleships fast enough to take the entire output of the Steel Trust. I would rather leave some margin for competition to play on in the hope of some slight reduction in cost. In fact, I religiously believe that the Steel Trust is a much more powerful and a much more dangerous enemy to the American people than is Japan.

Reverting again to my suggestion about trade and friendship with all mankind, I am reminded that of late a great deal has been said here and elsewhere, wise and otherwise, about a tariff commission and a reciprocity treaty with Canada. As the subjects are kindred and the latitude of general debate liberal, I wish to submit a few observations about them.

I voted against the tariff commission. The Republican Party for 50 years has robbed the people of the United States, set a bad example to the balance of the world, and restricted the general circulation of trade currents by what they call the protective tariff. The terms of the treaty with Panama permitting the Government to bring in free of duty materials for construction afforded an object lesson of the difference in cost to the consumer made by the duty upon imports. The Democrats had argued the facts to the people ever since the Republicans had come into power, but the people of the Middle West and the North and East were deluded by the contention that Democratic sources were not reliable, and they had continued to believe and support the Republican Party, but the Panama object lesson could not be disregarded.

It opened their eyes. It was unfolded by a Republican President and Secretary of War. Its effects upon the debates pending the Payne-Aldrich-Smoot tariff bill were far-reaching. When the truth was told by Dolliver and CUMMINS and LA FOLLETTE and many other lifelong Republicans it was accepted by long-time Republican communities, the revolution of 1910 followed, the Republican Party was discredited and overturned. That party had never admitted any lack of information on the tariff question. They had professed omniscience, and had passed protective bill after protective bill, never seeking any information except to call in the representatives of the favored interests to state on so-called hearings whether they had sufficient protection, and whether any changes in their business or new inventions or devices demanded protection. After their defeat, however, when the people had instructed Congress, by unmistakable orders, to revise the tariff downward the standpatters, who had never before desired a tariff commission, at once concluded to prolong their control of the subject, if possible, by securing during the life of the present Republican Congress a Republican tariff board which would project their doctrines into future legislation. That was contrary to the wishes of the people, a palpable effort to defeat the results of the election; in my judgment an insult to the intelligence of the American people. Having been conceived for that purpose, of course it was so planned as to suggest nothing but information to support a protective tariff. No provision nor word in it looks to securing information bearing upon the only kind of a tariff which Congress has the right to levy.

The people have now instructed Congress to revise the tariff downward in the direction of a tariff for revenue only—the only one countenanced and recognized by the Constitution. I believe the Democrats are now prepared to frame legislation on that line. If they needed information, the inquiries should be only two, neither of which is in the act providing for a tariff commission, to wit:

First. What is the best or approximately best revenue-raising rate on any article of import?

Second. Will the expenditures of the Government render it necessary to impose on each item the full rate that would raise the most revenue?

The inquiry in making a Democratic constitutional tariff for revenue is limited in range from that rate which would raise the most revenue down to nothing. The doctrine of the Democrats is the constitutional doctrine, that any rate above the best revenue-raising rate would curtail imports while reducing the revenue, lessen competition, increase domestic prices, and enable domestic manufacturers and producers to rob their neighbors. The doctrine is plain that within the range defined we should begin by taxing luxuries at the highest rate imposed, making the rates lower for necessaries, and if the state of the revenues will permit remit the tax entirely and place upon the free list articles of general use and prime necessity. Having made provision to collect sufficient revenue from articles of luxury and other articles not of such general use and prime necessity, the Treasury could spare the revenue on the last-named articles. For the reason just stated, I am proud to say that I voted against the creation of a tariff board, and I hope it will yet be defeated. There is no danger of that defeat verifying the bluff and bugaboo of an extra session, for an extra session of the next Congress would certainly not consent to that sort of a tariff board.

The other matter, Canadian reciprocity, I did vote for, not because it was ideal, nor what Democrats would have drafted. It was a Republican trick, worked up by a Republican President, I confess, in the hope of forestalling and discounting Democratic action by the next Congress and with the hope of claiming for the dying Republican Party some credit for effort in a direction which this country has long desired to travel. In my judgment, our relations with Canada ought to be considered on a different basis and entirely apart from general tariff legislation. Canada is our neighbor, as compactly associated and joined with us geographically as the States are joined one to another. Our States and Territories, enjoying free intercourse and liberal trade relations, have developed the prosperity, education, and happiness of our people beyond all the balance of the world, giving us more educated citizens than any other country ever had, making us the richest country the world ever saw, and making our domestic trade many times greater than the commerce of all the balance of the world, and all this in spite of the wall of protection erected all around us to exclude the balance of the world from competition and enabling favored classes to ravage the fields and levy tribute on the earnings of the masses. The extension of those conditions to embrace Canada would enlarge our sphere of trade and usefulness, to the mutual benefit of both countries, and in time cultivate, cement, and perfect indissoluble friendship between the two countries. It is not necessary to have annexation.

We need not have both countries under the same government. That is simply a theory and a dream, cultivated by some and dreaded by others. It ought not to have any effect on the question. It is not necessary for so many people and such large stretches of territory to enjoy one single government. It is hoped that government is improving throughout the world and that some glad day many good countries throughout the earth will enjoy good government in separate and independent autonomy. We should have a treaty arrangement with Canada by which a common system of tariff rates applicable to the balance of the world should be adopted by both countries, and then remove all duties on products of either country entering the other. The exceptional situation of the two countries would justify that and remove all difficulty about the favored-nation doctrine. There is some similarity in the condition of the countries to the south of us as related to the United States, but not in all particulars, and they may not yet be ripe for the consummation of such a relationship. But there is a way to treat them so fairly in our tariff laws as to invite their trade and friendship and bring them gradually to a relationship more or less like that existing between us and Canada.

The treaty recently adopted by the House was drawn by protectionists and intended to benefit the protected interests of this country, which, true to their doctrine, want to buy cheaply what they need and sell under high protection what they produce. The free trade provided for in that bill is in accordance with the free-trade device of the protectionist, who always uses the free list to help build up protection. The same remark is true about reciprocity. Reciprocity in its general signification means mutual fair treatment, but reciprocity in the technical sense held by the protectionist means that reservation of mind and law which permits a variation to be made wherever lowering particular duties on particular articles from particular countries will inure to the benefit of the protected industries in this country. Neither of these statements can be denied. Every instance in which protective tariff legislation has resorted to or provided for either reciprocity or a free list proves the truth of these statements. But I voted for that treaty because it was a step in the direction of an understanding with Canada, and can be improved by subsequent negotiations and legislation. I also voted for it because the Republican Party has for 40 years deceived the farmers of the country, falsely pretending to be their friends and insisting that they were benefited by protection. When the President submitted that treaty to Congress he either admitted the sham and falsity of that pretense or ruthlessly betrayed the interest of the farmer by negotiating away the only protective duties that it was ever pretended operated in favor of the farmer.

The fact that all the high priests of protection so bitterly fought that treaty was also a pretty good argument in its favor. If it had not possessed some good they would not have fought it so bitterly. In their dying throes they pretended to desire to place, by amendment, on the free list articles which they themselves had protected in the last and all tariff bills, knowing that if amended the treaty could not become a law at this session. They could at any time have introduced bills putting all those articles on the free list and secured every Democratic

vote in this House. Their trick was too transparent to deceive the people. Whether the reciprocity treaty will finally be adopted or not I do not know, but the bluff of the President that he will call an extra session of Congress unless it is done is too silly to fool anybody. We Democrats were willing to vote for that treaty at this session, because it came up at this session. We did not feel called upon to press it nor champion it, but it was the best we could do at this session—to take advantage of the opportunity to make a starter by voting for that—but the President certainly has intelligence enough to know that a Democratic House would not fritter away time trifling with that production. When the Sixty-second Congress meets it will be prepared to go ahead on proper lines, and if during the next two years it can not induce a Republican President to negotiate a better and more desirable treaty with Canada we can at least proceed to reduce the tariff duties on products coming in from Canada, and no man need doubt that Canada would sooner or later reciprocate most heartily in response to such friendly legislation.

There is one observation, however, that I feel constrained to make. Neither our press nor our statesmen have called the attention of the public to the fact that the Democrats have not yet secured full control of the Government. The Republicans will have the Senate and the President for two more years. The people should not be led to expect immediate and full relief. Yet the subject has been discussed as though we were expected to repeal at once all the iniquitous legislation of the Republican Party, and restore the people to the paths of peace, equality, and prosperity. That will be impossible. The Democratic House of Representatives may pass an ideal revenue tariff bill, but it would be defeated or mutilated in the other House, and if it passed in any form and contained any good at all, a Republican President would be liable to veto it. Of course, it would operate to our political advantage in the next campaign by showing that we did our part but were blocked and our purposes defeated by Republicans elsewhere. It may be possible to accomplish some practical good in one way only. There are two bands of Republicans in the other body, who, while all professing to believe in the iniquity of protection, yet differ in detail as the interest of themselves and their sections seem to differ.

If we can discover what articles of consumption among the people can command for a reduction of duties on them the support of a sufficient number of Republicans in the other House to afford sufficient help to enable the Democrats to pass those bills we could draw and pass in this House bills for that purpose, and we might pass some which the President would approve, but we would as well look the truth in the face and let the people know it now, that our only hope of securing any relief by tariff legislation in the Sixty-second Congress is to find patriots enough in the other House professing allegiance to the Republican Party to help the Democrats there pass such measures of relief as may go through the House with the further condition that the President signs the bills.

In closing, I wish to call attention to the figures given to the House a few minutes ago by the gentleman from Massachusetts [Mr. ROBERTS], showing that our Government is now buying steel plate cheaper than any other government. If those figures prove anything, it is that the Steel Trust needs no further protection. The day will come with greater enlightenment and greater distance in point of time from the passions and prejudices of the cruel war, which alone enabled the Republican Party to foist the protective system on us, when all our people will denounce the protective system as unnecessary and dishonest, and all will recognize that the incidental protection afforded to domestic industries by a tariff for revenue only affords as much advantage over his neighbor as any honest man could ask.

Mr. HUGHES of New Jersey. Mr. Chairman——

The CHAIRMAN. The gentleman from New Jersey is recognized to discuss the proposition.

Mr. HUGHES of New Jersey. Mr. Chairman, this is a proposition similar to the one advanced on the last paragraph. This is intended to apply the provisions of the eight-hour law to the work appropriated for in this paragraph. It proposes to do what everybody supposed the eight-hour law of 1892 would compel to be done. It is the same proposition to which this House agreed last year, and the same proposition to which this House has agreed every time it has had an opportunity since I have been here and at many times before I had the good fortune to arrive.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. CALDER. Mr. Chairman, I desire to offer the following amendment:

At the end of the paragraph strike out the period and insert a semicolon—that is, in the paragraph just finished—that is, after the word "dollars."

The CHAIRMAN. The Clerk will read the amendment:

The Clerk read the amendment, as follows:

On page 61, line 8, after the word "dollars," strike out the period and insert a semicolon, and then insert the following:

"And the limit of cost, exclusive of armor and armament, of the battleship authorized and directed by the naval appropriation act, approved June 24, 1910, to be constructed in one of the navy yards, is hereby increased to $6,310,000, on the basis of the actual cost of labor and materials."

Mr. PADGETT. I make a point of order against that. It is legislation, and changes the provision in the bill of last year.

The CHAIRMAN. The gentleman from Tennessee makes a point of order against the amendment, and the Chair sustains the point of order.

The Clerk read as follows:

Increase of the Navy; torpedo boats: On account of submarine torpedo boats and subsurface destroyers, heretofore authorized, $890,833.88.

Mr. HOBSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

Provided, That the unexpended balance of the sum of $445,000 appropriated on account of torpedo boats whose vitals are located below the normal load water line by the naval appropriation act approved June 24, 1910, is hereby reappropriated and made available for the construction of five torpedo boats of said type, about 65 feet in length, to have a speed exceeding 24 knots, for which the Secretary of the Navy is hereby authorized to contract in the usual way.

Mr. ROBERTS. A point of order against that amendment.

Mr. STAFFORD. A point of order.

The CHAIRMAN. Does the gentleman from Alabama desire to be heard on the point of order?

Mr. HOBSON. Yes.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. HOBSON. The Chairman will notice that this is merely a question of reappropriation.

Mr. ROBERTS. It is purely legislation.

Mr. HOBSON. It is a reappropriation of an appropriation already made under existing law. The subsurface boats have been authorized, and last year Congress in the appropriation bill authorized a reappropriation of the money in order to permit the utilization of the money for vessels which will have improvements. This amendment makes the same money, already appropriated, available to improve the type still further, and this is merely a reappropriation of the same amount, to run through the coming year, permitting an additional improvement of type. So that it is not a question of new legislation.

The CHAIRMAN. The Chair overrules the point of order. The question is on agreeing to the amendment.

Mr. HOBSON. I do not wish to discuss this at length. I believe we are prepared to vote on it.

The question being taken, the Chairman announced that the ayes appear to have it, that the ayes have it, and that the amendment is agreed to.

Mr. PADGETT. Division, Mr. Chairman, division.

Mr. HUGHES of New Jersey. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from New Jersey offers an amendment, which the Clerk will report.

The Clerk began the reading of the amendment.

Mr. ROBERTS. Mr. Chairman, a point of order. A division was demanded on that last vote.

The CHAIRMAN. The Chair did not hear any gentleman call for a division.

Mr. ROBERTS. The gentleman from Tennessee was on his feet demanding recognition.

Mr. HOBSON. I insist that it is too late.

The CHAIRMAN. Was any gentleman on his feet demanding recognition?

Mr. PADGETT. I was not only on my feet, but I was shouting as loudly as I could.

The CHAIRMAN. If the gentleman from Tennessee rose to his feet to demand a division, the Chair will have a division taken. The question is on agreeing to the amendment offered by the gentleman from Alabama [Mr. HOBSON], on which a division is called for.

Mr. HOBSON. It is the same amount that we appropriated before.

Mr. ROBERTS. A point of order. It is not in order to debate while a vote is being taken.

The committee divided; and there were—ayes 39, noes 70.

Accordingly the amendment was rejected.

The CHAIRMAN. The gentleman from New Jersey offers an amendment, which the Clerk will report.

The Clerk read as follows:

After the word "cents," in line 12, page 61, strike out the period and insert a semicolon and add:

"*Provided*, That no part of this appropriation shall be expended for the construction of any boat by any person, firm, or corporation which has not at the time of the commencement and during the construction of said vessels established an eight-hour workday for all employees, laborers, and mechanics engaged in doing the work for which this appropriation is made: *Provided*, That this limitation shall not apply to payments to be made upon contracts made prior to the approval of this act."

Mr. ROBERTS. Mr. Chairman, I make a point of order on that amendment.

The CHAIRMAN. The Chair overrules the point of order.

Mr. ROBERTS. If the Chair will pardon me, this is entirely different. The paragraph that this relates to is for vessels heretofore authorized, not herein authorized. It is a violation of the contracts already made and clearly unconstitutional.

Mr. FITZGERALD. It excludes contracts already made.

Mr. ROBERTS. Then it has no relation to the paragraph under the language of the paragraph.

Mr. HUGHES of New Jersey. Well, it can not do any hurt.

Mr. ROBERTS. Then it is not germane.

Mr. FITZGERALD. Mr. Chairman, it depends upon whether contracts have been made for these vessels.

Mr. MANN. And then the contracts might be broken and new contracts made.

Mr. FITZGERALD. Yes; some of these shipbuilding firms may bust up on these contracts, as they have in the past when they have not been sufficiently remunerated.

The CHAIRMAN. The simple authorization has no reference whatever to contract, and the Chair, in view of the recent decision by the committee on a similar question, overrules the point of order. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. Mr. Chairman, a few moments ago an amendment was adopted prohibiting the transportation of coal from the Atlantic to the Pacific Ocean, a very wise provision. There is now on the Union Calendar a bill (H. R. 32080) providing for the leasing of coal lands in Alaska, which, if it becomes a law, will, it is hoped and believed, provide for the early opening of mines in Alaska and the production of a very high grade of coal, which can be used for naval purposes, and in that bill is the following very important provision from the standpoint of the Navy:

Said leases shall also be upon the condition that the United States shall at all times have a preference right to take, wherever found, so much of the product of any mine or mines opened upon the leased land as may be necessary for the use of the Army or Navy or Revenue-Cutter Service, and pay such reasonable and remunerative price therefor as may be fixed by the President, but the owner of any coal so taken who may be dissatisfied with the price thus fixed shall have the right to prosecute suits against the United States in the United States district court for division No. 1, District of Alaska, for the recovery of any additional sum or sums claimed to be justly due upon the coal so taken.

Mr. Chairman, some of the coal of southwestern Alaska is a very high grade coal, as fine as any bituminous coal found in the country, and suitable for naval purposes. This provision will make it possible for the Government to obtain the coal from the mines opened on these lands at a price to be fixed by the President, at a reasonable price, and will prevent any combination in coal in that region. I hope this bill will be enacted into law, and, together with the amendment already adopted, it will give us cheap naval coal on the Pacific.

The Clerk read as follows:

Armor and armament: Toward the armor and armament of domestic manufacture for vessels authorized, $10,532,928: *Provided*, That no part of this appropriation shall be expended for armor for vessels except upon contracts for such armor when awarded by the Secretary of the Navy to the lowest responsible bidders, having in view the best results and most expeditious delivery.

Mr. STANLEY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 61, after line 20, insert the following:

"*Provided further*, That no part of this appropriation shall be expended for the purchase of armor or armament from any persons, firms, or corporations that have entered into any combination, agreement, conspiracy, or understanding the effect, object, or purpose of which is to deprive the Government of a fair, open, and unrestricted competition in letting contracts for the furnishing of any of said armor and armament, and no purchase of armor or armament shall be made at a price in excess of 100 per cent above the actual cost of manufacture."

Mr. STANLEY. Mr. Chairman, it is a fact that this Government has been for 20 years and is now fostering and maintaining a hungry lawless monopoly in the manufacture of its armor plate and armament. It is absolutely absurd that we should drag one trust into the courts of justice and then build and maintain and support another whose guilt is universally admitted. In 1896 a resolution was offered in the House and the Senate to investigate this very question as to whether or not a combination in restraint of trade, a trust and monopoly, existed in the furnishing of armor plate to the United States. In that investigation it was shown both by the findings of the committee and by the report of Secretary Herbert that armor for which we were paying $600 a ton could be manufactured for half that sum. I will insert in the RECORD the statements of armor experts and other experts, who, having no interest in the matter, investigated and filed different reports, all of them agreeing that this armor could be made for less than $300 a ton.

The Secretary sets forth at great length the methods and results of his investigation, which was conducted by himself personally, with Capt. W. T. Sampson, Chief of the Bureau of Ordnance, and Chief Constructor Philip Hichborn, Chief of the Bureau of Construction and Repair, as advisers. Immediately after the passage of the act the Secretary called on the two contracting companies, the Bethlehem Iron Co., of South Bethlehem, Pa., and the Carnegie Steel Co. (Ltd.), of Pittsburg, Pa., requesting them to aid him with the necessary information to enable him to perform the duties imposed upon him by the Congress. The two companies declined to give information upon the ground that it was very unusual for Congress to inquire into the business of private corporations. They, however, in October, made statements as to the cost of their plants, and furnished suggestions to the Secretary as to the methods which should be adopted by him in estimating the cost of armor and of their investments in the armor plants.

The Secretary called together a board composed of Lieuts. Karl Rohrer, Kossuth Niles, and A. A. Ackerman, two of whom had been inspectors of armor at the Bethlehem Co.'s iron works. The other, Lieut. Ackerman, had been connected with the manufacture and use of steel in its different forms for a number of years, and had been on duty in the Bureau of Ordnance, during which time he had spent several months at both the Bethlehem and Carnegie works. These gentlemen made an exhaustive report upon the cost of labor and material entering into a ton of armor, showing in detail every little item, beginning with the cost of the several ingredients charged into the furnace for casting the ingot preparatory to the forging process and ending with the work on the finished plate. The result of their calculations was that the cost of the labor and material in a ton of single-forged harveyized nickle-steel armor, the Government supplying the nickel, was $167.30.

Lieut. Commander Rodgers, who had been an inspector at the Bethlehem Iron Works, was also called upon to make an estimate of the cost of manufacturing armor, and his report, based upon observations in the manufacture of armor, makes the cost of labor and material in a ton of single-forged harveyized nickel-steel armor $178.59.

The inspector of ordnance at the Carnegie Steel Co., Ensign C. B. McVay, was also called upon for an estimate, and his report, though made separately without consultation with the other officers, is that the labor and material in a ton of single-forged harveyized nickel armor is $161.54.

Adding 10 per cent to each of these estimates for loss due to rejection makes the estimate of the board $184, the estimate of Lieut. Commander Rodgers $196.45, and of Ensign McVay $177.69. For reforged nickel-steel harveyized armor the estimate of Lieut. Commander Rodgers is $208.85, and of Ensign McVay $190.09.

The Secretary, in making his calculations, says, in order "to be just to both the manufacturers and the Government," he took an average of the estimates, which is $185.38 for single forged and $197.78 for reforged armor, in making the calculations contained in the report.

As a result of that investigation these various concerns immediately dropped the price on a ton of armor plate in the United States about $200.

Prior to the congressional and departmental investigation of the Armor Trust in 1896 and 1897 the price of armor plate ranged from the lowest price, $547.96, to $671 per ton. After the investigation the price of armor plate has ranged from $345 to $453 per ton. The Carnegie Co. has since sold 49,516 tons to the United States Government, which, at an average of $200 per ton less than the price paid prior to this congressional and departmental investigation, amounts to $9,903,200; the Bethlehem Co. has since sold 53,326 tons, amounting to $10,663,200; the Midvale Co. has since sold 20,055 tons, amounting to $4,011,000; total saved since previous investigation, $24,579,400. (S. Doc. No. 666, Navy Yearbook, pp. 729, 730, 731.)

At the very time, in 1895, that the Bethlehem Steel Co. and the Carnegie Steel Co. were selling armor to the United States at between $500 and $600 a ton they were selling that same

armor to the Russian Government for $249 a ton, according to the report of Secretary Herbert. (Report Secretary Herbert, Jan. 5, 1897, H. Doc. No. 48, p. 21.)

In 1895 Russia was in the market for harveyized nickel armor. The Bethlehem and Carnegie companies, in the United States, were then both well established, and neither had sufficient orders from this Government to employ its plant continuously. There was sharp competition for the order from Russia, and the Bethlehem Co. secured the contract for manufacturing armor for one ship at the very low price of $249 per ton, this armor to be both nickeled and harveyized and to be delivered in Russia, the company agreeing at the same time to manufacture the armor for two other ships, if required, at the same price. The Russian Government afterwards did require for the other two ships, and taken altogether the armor for the three amounted to about 1,400 tons.

In addition to that, Mr. Chairman, 11 years afterwards, on the floor of this House, the chairman of this committee [Mr. Foss] admitted that they were still buying armor plate from manufacturers in a known combination, and that they were still receiving "fixed" bids. On March 2, 1905, Mr. Vandiver, in discussing this very combination which, notwithstanding its exposure in 1896, was still fleecing the Government in the same old way, said:

I say that we ought to know the truth about it. Every Secretary of the Navy for the last 10 years, who has been questioned about it, has conceded that there was an evident combination. Secretary Herbert, in his last report, said the combination was not denied; Secretary Long admitted it; Secretary Moody openly asserted that it appeared to be so, and now Secretary Morton has conceded it.

Secretary Morton, in his hearings before our committee, on the 26th of January (I read from page 564 of the hearings), stated if the Bethlehem bids for the bolts and nuts should be added to the Carnegie bids the two bids would be identical.

Now, Mr. Speaker, we have had the same experience for years: One company will underbid the other on one-half of the contract and the other on the other half, and so we have the combination here which seeks to control the price of armor plate to the Government, and has done so for years.

* * * * * * *

Mr. VANDIVER. Can the gentleman explain it in any other way than by the fact that there is a combination?

Mr. FOSS. I do not know. So far as that is concerned, I do not know whether there is a combination at all, but all the indications point that way. I will say to the gentleman. (Ex. "C," vol. 39, part 4, pp. 3880–3881.)

It is here established by every Secretary of the Navy for 20 years, by Secretaries Herbert and Long, Moody and Morton, that this illicit, illegal combination existed.

Is there any evidence that this trust is not doing business at the same old stand? Has there been anything in the conduct of the United States Steel Corporation or of the various combinations that sell armor and armament to the United States to indicate that they are more obedient to the law or more patriotic than they were at the time of Secretary Herbert's investigation, or at the time of the admission of the chairman of this committee that we were purchasing armor or armament from a combination and a trust? Since these investigations competition has not only ceased between makers of armor plate, builders of guns, and other munitions of war, but it has ceased altogether. We not only have one trust selling armor, another trust selling beams and bolts and girders, but we have one huge combination throttling competition, not only between the makers of similar materials, but among all manufacturers of iron in every shape, form, and fashion in the United States.

Mr. Chairman, we have improved the methods of the manufacture of armor plate. We have cheapened the processes. These royalties about which they talk so much, many of them have expired. There is no reason to-day why armor plate should not be purchased at from $280 to $300 a ton, and yet the price of armor plate to-day to the Government is four hundred and twenty-odd dollars a ton, according to the last report of the Navy Yearbook.

The greatest danger to this Government, Mr. Chairman, is not from foreign foes. It is from internal combinations, and it is absurd, it is a travesty on justice to have this Government drag the Oil Trust and the Tobacco Trust into one end of the Capitol while we feed another trust out of our hands in the other end, and it is time this Government, who can make its own armor plate and who should make it, if necessary, shall say that it will not become not only the principal purchaser, but the maintainer of an illicit, illegal, and lawless combination in restraint of trade. [Applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. PRINCE having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 19756. An act for the relief of Michael B. Ryan, son and administrator de bonis non of John S. Ryan, deceased; and

H. R. 9221. An act for the relief of James Jones.

The message also announced that the Senate had passed the following resolutions:

Senate resolution 300.

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. SAMUEL DOUGLAS MCENERY, late a Senator from the State of Louisiana.

Resolved, That as a mark of respect to the memory of the deceased Senator the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of Mr. MCENERY and Mr. DANIEL the Senate do now adjourn.

Senate resolution 359.

Resolved, That the Senate has heard with profound sorrow of the death of the Hon. JOHN WARWICK DANIEL, late a Senator from the State of Virginia.

Resolved, That as a mark of respect to the memory of the deceased the business of the Senate be now suspended to enable his associates to pay proper tribute to his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of Mr. DANIEL and Mr. MCENERY the Senate do now adjourn.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 10476. An act for the relief of Passed Asst. Paymaster Edwin M. Hacker.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 288) for the creation of the police and firemen's relief fund, to provide for the retirement of members of the police and fire departments, to establish a method of procedure for such retirement, and for other purposes.

NAVAL APPROPRIATION BILL.

The committee resumed its session.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. RAINEY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Line 14, page 61, strike out the words "of domestic manufacture."

Mr. RAINEY. Mr. Chairman, I have offered an amendment to strike out of this paragraph the words "of domestic manufacture." The effect of this paragraph, if the amendment I make is adopted, will be this: The Secretary will be required to submit for competitive bidding all propositions for armor and armament. My amendment will take down the bars, and armor and armament can be purchased in the cheapest market in the world, either at home or abroad. We will get better armor and armament, I believe; at any rate we will get cheaper armor and armament; and I desire now to discuss at some length the amendment I propose.

WORLD-WIDE PREPARATION FOR WAR.

In all the nations of the world earnest men and women are at work preaching the doctrine of peace—trying to put an end to the awful arbitrament of the sword. But the preparations for war go on here and throughout the world with unprecedented vigor. The burdens of navies and great standing armies weigh heavier now upon the real wealth producers of the great nations of the world than ever before in all the centuries of recorded history. England, Germany, and Japan all are engaged in a bitter contest to see which nation can squander the most money in the shortest time on armies and navies. Great armadas are being created this year which in less than five years will be out of date and useless. Great warships, costing millions of dollars, have been built in recent years which were out of date and useless before they were launched.

OUR ISOLATED POSITION OUR BEST DEFENSE.

In this country the strange, inexplicable fever of preparation for war prevails to the same degree as in the great nations of the Old World. The position we take on this question, in the light of the experience of history, is almost inexplicable. We occupy an isolated territory, separated by great oceans from any possible enemy. The territory of continental United States lies within the grandest, the most perfect natural boundaries any nation ever had in all the history of the world. No nation

was ever able to send armies and navies across 2,000 miles of ocean and to carry on a successful war for conquest, even against an inferior enemy. No nation ever fought successfully for any considerable period of time 2,000 miles from its base of supplies.

England has been compelled repeatedly to withdraw splendidly equipped armies from the interior of Africa where they were engaged in fighting native tribes armed principally with spears and bows and arrows; but England was fighting 1,000 miles from her base of supplies. Our splendid isolation is our best defense. Our extensive preparations for war are as absurd, as foolish, and as criminal as was the children's crusade for the recovery of the Holy Land.

OUR EVER-INCREASING WAR EXPENDITURES.

This bill carries $125,000,000. Last year it carried $130,000,000. Our war expenditures of the past fade into insignificance when compared with the enormous sums we expend now. During the eight years of Washington's administration we expended on our Army and Navy $11,000,000. We expend that much now for a single battleship. Three hundred and fifty-nine thousand men were killed or died from diseases in the Northern Armies alone during the Civil War, but when the war was over the Gray Armies and the Blue Armies marched home and were disbanded and we retained only a skeleton Army of less than 25,000 men. During the 10 years which preceded the Spanish-American War the expenses of our Army and Navy together amounted to $507,000,000. During that war the number killed in action amounted to only 218, but as the result of this insignificant struggle, in some inexplicable way, a war spirit was developed in this country, and for the 10 years immediately following the Spanish War, in a time of profound peace, the expense of maintaining the Army and Navy was $1,626,000,000, over a thousand million dollars more than in the previous 10 years, an amount sufficient to have paid the entire public debt and to have contributed something to the building of the Panama Canal. Our program for the future contemplates still larger expenditures of money.

On this side of the sea those men who are loudest in proclaiming an intense desire for peace are also beating the war drums and sending broadcast wild alarms. In this country a great steel magnate professes a willingness to contribute millions for the purpose of ending wars, and at the same time, louder than anyone else, he proclaims his desire that millions of dollars be expended for guns to be mounted on the Isthmus of Panama. Weird stories of Japanese spies here and in our island possessions, and discoveries of secret Japanese wireless stations in the Philippines, are industriously circulated about the time each year when the Army and Navy bills are being prepared. After both these bills safely pass and the burden is fixed for that year at two hundred or two hundred and fifty million dollars, the war scares subside and people are permitted to pay some attention to peaceful avocations. But when the time for the preparation and passage of these bills comes around again a new batch of war stories finds its way into the news columns of our metropolitan papers.

BUSINESS OF PREPARATION FOR WAR PROFITABLE TO STEEL COMPANIES.

As a matter of fact the business of preparation for war is immensely profitable to the steel companies of the country, and if it were possible to trace these war alarms to their real source we would find the steel companies and their agents and advertisers responsible for most of them. They promote the business of preparation for war in order that they may, at their own price, furnish the implements of war. Inasmuch as Andrew Carnegie is at the present time the world's most prominent advocate of international peace and is also at the present time the most prominent supporter of the scheme to expend millions for guns to be mounted on the Isthmus of Panama in preparation for war, he is entitled to some consideration here to-day.

ANDREW CARNEGIE'S IDEA OF DUTY.

On the 7th day of last month Andrew Carnegie addressed the Republican Club in New York City. Whenever this distinguished philanthropist addresses any political organization it is sure to be an organization which exists for the purpose of perpetuating Republican theories. The Republican Party has been a source of tremendous profit to Andrew Carnegie and to all those gentlemen who have accumulated millions out of steel. In this particular address Mr. Carnegie expounded his idea of civic duty in connection with the manufacture of steel.

I was coaching in Scotland—

He said—

when I got a cablegram from Secretary Tracy, saying in effect, "the President says he understands it to be your duty to enter into the manufacture of armor and save the ships from waiting on the stocks for want of it."

Mr. Carnegie proceeded then to say:

That telegram settled it, for whenever the public calls on me for anything I can do, unless I fall dead, it is my glory to respond.

He then proceeded to relate a story of tremendous activity in assembling tools and creating an armor plant, and concluded the discussion by saying:

That is what I did, because the President asked me to do it, and if the President thinks it is my duty to do anything or to go anywhere for my country, I consider it the voice of God.

Newspaper reporters writing up this part of Mr. Carnegie's speech described vividly his pathos of voice and the intensity of his feeling when he uttered this splendid sentiment. At a later date, on the 10th day of the present month, Andrew Carnegie addressed some working girls in New York City, and with considerable pride, according to the newspapers, advised them that in his steel operations he had succeeded in creating 42 or 43 millionaires as a sort of by-product. Not long ago Mr. Carnegie admitted that his profits from his steel investments alone exceeded each year the sum of $16,000,000.

We are driven to the conclusion from the evidence Mr. Carnegie himself has furnished that his operations in steel have been profitable; in fact, his success in accumulating money has never been equaled by any other man in the field of industry. In his address to the members of the Republican Club in New York last month he told a story of wonderful activity on his part. In response to the request of the President of the United States he assembled tools in Europe, employed skilled workmen, created at his plant in Pennsylvania the greatest and most powerful factory for the manufacture of armor plate the world had ever seen. He told the same story years ago before the investigating committee of the House of Representatives.

DID MR. CARNEGIE RESPOND TO THE "VOICE OF GOD?"

In order to determine whether Mr. Carnegie's conclusion that he responded to the "voice of God" on that occasion is correct or not, I want to examine briefly the history of armor-plate making in this country. In 1887 the Bethlehem Iron Co. was awarded a contract for armor plate at from $510 to $600 per ton. On November 30, 1890, after Mr. Carnegie heard the "voice of God" in such a startling manner, his firm, the firm of Carnegie, Phipps & Co. (now the Carnegie Steel Co.) entered into a contract for furnishing 6,000 tons of armor at exactly the same prices made by the Bethlehem Co. Mr. Carnegie's contention always has been that the manufacture of armor plate was not particularly profitable. An investigation made by a committee of the House of Representatives showed conclusively that in 1894, when both the Carnegie Co. and the Bethlehem Co. were making the various grades of armor plate for this Government, and were being paid from $517 to $725 per ton for making the same, the Bethlehem Co. made a contract with the Russian Government to furnish to that Government at least 1,500 tons of armor plate of the same character as the plate then being made by them for the United States Government for $249 per ton.

We may assume that the Bethlehem Co. did not lose anything on their contract with the Russian Government. In this country very recently a board of competent engineers reached the conclusion that class A armor plate could be manufactured by this Government at $295.89 per ton and that class B armor plate could be manufactured by the Government at $273.38 per ton. The available evidence therefore shows that upon the first contract made by Mr. Carnegie with this Government for 6,000 tons immediately after he responded to the "voice of God," in addition to what ought to have been a reasonable profit, he made for his company considerably more than $2,000,000. His contracts with this Government immediately afterwards were for still larger amounts per ton. As a result of the publicity given the Russian contract, and also on account of charges affecting the honesty with which Mr. Carnegie executed his contracts with the Government, there was an investigation into the price of armor plate in this country and there was also an investigation into the charges of fraud made in connection with the operations of Mr. Carnegie's company. The Carnegie Co., as well as the Bethlehem and the Midvale companies, all engaged at that time in making armor plate for this Government, refused to furnish the board making the investigation with the slightest information as to the cost of armor production. The board, however, reached the conclusion that a Government factory for the manufacture of armor plate would cost $3,747,972. This report was made by the armor factory board appointed by the Secretary for the purpose of making this investigation. We can not help wondering whether Mr. Carnegie was still listening to the "voice of God" when he declined to permit his company to give out any information as to the cost of making armor plate.

COLLUSION IN BIDDING.

In 1906, by a remarkable coincidence, the Carnegie, Bethlehem, and Midvale companies submitted competitive bids for the manufacture of armor plate. The Bethlehem Co. bid 6 cents per ton more than the Midvale Co. and the Carnegie Co. bid 11 cents per ton more than the Bethlehem Co. I would not care to insinuate that the distinguished patriots controlling the affairs of these companies were in collusion when these bids were submitted. It is, however, remarkable that competitive bids involving millions of dollars should be submitted and they should differ only by a few cents. This remarkable difference is perhaps due to the fact that Andrew Carnegie was still listening, when these bids were made, to what he now believes to have been the "voice of God."

In 1897, in response to a limitation fixed in the appropriation bill for that year, the department was compelled to issue a circular calling for bids for the delivery of 8,000 tons of nickel steel face-hardened armor at not more than $300 per ton. At that time the Carnegie and the Bethlehem companies, who were alone equipped to manufacture armor plate, declined to submit any bid. The Illinois Steel Co., however, submitted to the department a proposition—not in the form of a bid—to supply the 8,000 tons called for at $300 per ton. Their proposition, however, was conditioned upon Congress awarding to that company a contract for the wants of the Government for 20 years for all armor plate at an average price of $240 per ton, the Government to guarantee that the average tonnage every year of armor plate would not be less than 6,000 nor more than 12,000 tons. The department, however, did not consider itself authorized to consider this proposition, but referred it to Congress. This was in 1897, after the real supremacy of the Republican Party commenced, and no action has ever been taken by this body. At that time the Illinois Steel Co. was not connected with the other steel companies, but was believed to be a competing company.

The price they made may be considered to be at that time a fair price for armor plate in this country. It has never been intimated, however, that in making this price of $240 per ton the Illinois Steel Co. listened to the "voice of God." They simply figured up in a practical way the price they could make to the Government for armor plate, and the price they made at that time probably left them with an ample profit.

By a singular coincidence in August, 1900, the Carnegie Co. and the Bethlehem Co. submitted bids for the various classes of armor, and the bids were identical. The contract was divided between them, and in 1906, at the prices I have mentioned, the contract was divided between the three companies equipped for the manufacture of armor plate. In 1894 we had an investigation into the frauds perpetrated upon this Government by Mr. Carnegie's company while Mr. Carnegie was operating under his high ideals of duty to this Government. I do not propose to go into a discussion of the evidence produced on that occasion. I think, however, I might with propriety call attention to the admissions made by Mr. Carnegie's superintendents. I can not be charged with unfairness if I simply call attention to those frauds perpetrated by Mr. Carnegie's company, which were admitted by his representatives, some of whom are now among the 43 Carnegie-made millionaires. The document which contains all this evidence is easily accessible. It is House of Representatives Report No. 1468, Fifty-third Congress, second session.

FRAUDS PERPETRATED BY MR. CARNEGIE'S COMPANY.

The investigation was commenced in 1894. At the same time a similar investigation was made by a Senate committee. C. M. Schwab, who was at that time a stockholder in the Carnegie Co., and who was the superintendent of the company, and who is now the president of the Bethlehem Steel Co., admitted that armor plates manufactured by the Carnegie Co. did not receive the "uniform" treatment required by the contract of the company with the Government.

Another one of Mr. Carnegie's superintendents, Mr. W. A. Cline, admitted that almost invariably after the day's work was over he changed the figures so that false reports of the treatment of the plates were systematically made to the Government inspectors. This superintendent also admitted that he discharged workmen in the Carnegie factory for the reason that they told the truth about the fraudulent work done in this plant. Supt. Corey, of the Carnegie Co., also admitted that specimens which were taken from the plates to ascertain the tensile strength of the plates were stretched so as to increase their apparent tensile strength without the knowledge of the Government inspectors. Upon the stand Mr. Schwab admitted that he knew of this fraudulent method of stretching the specimens. Mr. Corey admitted that he knew that false specimens taken from good plates were substituted for specimens selected by the Government inspectors from plates of doubtful character, so that in reality the inspectors were not testing the plates they thought they were testing. Mr. Corey, however, testified that he considered this to be a matter of small importance. The evidence disclosed that specimens taken for physical tests were re-treated without the knowledge of the Government inspectors and before the Government inspectors made the tests required by the contracts. Supt. Corey admitted that plates selected by the Government inspector for the ballistic tests were re-treated before the tests were made by the company without the knowledge of the inspector. Supts. Corey and Schwab both admitted that large blowholes or shrinking cavities were plugged by the contractors in order that these defects might be concealed from the Government inspectors.

I have so far called attention to the admissions of Mr. Carnegie's executive officers. The testimony, however, of employees was particularly damaging. T. F. Farley testified that he had seen blowholes large enough for a person to run three fingers in plugged by taking cuttings from the same plate, which were driven into the blowholes with hammers; he also testified that he himself had run flexible wires into blowholes to the depth of 18 inches. These blowholes were afterwards plugged up on the surface. The blowholes might, according to his testimony, have extended into the plates a much greater distance than this. These blowholes, it appears from the testimony, follow a sinuous course so as to make it difficult to ascertain the extent of them, even by inserting flexible wires. J. W. Kountz, another employee, testified that he had known holes from 4 to 6 inches in diameter plugged in order to deceive Government inspectors. Samuel Sheriff, another employee, testified that the plugging and doctoring of plates was done at night when no inspectors were about, but he testified that he had seen one fixed up at noon. T. F. Farley also testified that the plates were frequently imperfect, full of blowholes and defects. He also testified that they were frequently taken off the planer and hidden until night so that they could not be seen by the inspectors. They were then worked upon at night when the inspectors were gone.

In discussing this matter I have kept well within the record and have been conservative. I have principally called attention only to the admissions of fraud brazenly made by Mr. Carnegie's executive officers. It is only fair to them to say, however, that the admissions were made in the face of overpowering evidence as to the truth of all these charges. Many things were proven by the evidence more damaging than I have called attention to, which, however, were not admitted by Mr. Carnegie's superintendents.

The wonderful executive ability and attention to details on the part of Mr. Carnegie, which he himself with great pride described the other night in New York and on other occasions, and which enabled him in such a remarkably short space of time to equip the greatest armor-plate factory in the world, absolutely compels us to believe that Mr. Carnegie knew of these frauds committed by his company. In all the years which have passed since then he has never on any occasion denied that he himself had full knowledge of the frauds perpetrated upon the Government by his company. Under the admitted facts I think therefore we may safely conclude that Mr. Carnegie was mistaken in 1890 when he thought he heard the "voice of God" commanding him to manufacture armor plate for his Government. I am inclined to the opinion that any fair-minded man who cares to resurrect the evidence taken in the nineties will be compelled to believe that Mr. Carnegie did not respond at that time to the demands of patriotism but rather responded to those inclinations, prompted by avarice and greed, which enabled him out of these contracts to accumulate a part of his millions. He does not seem to have been prompted at that time to any considerable degree by the desire to honestly serve his Government.

WHY WAS THE MATTER PERMITTED TO DROP OUT OF SIGHT?

If any Member of this House or if any patriotic citizen should now read again the evidence in these investigations, the query will at once present itself to him, Why was the matter permitted to drop by Congress? Is it possible that these fraudulent methods still prevail at these factories? The explanation is easy. These investigations were concluded about the time the new issues of 1896 were presented to the country; about the time when great questions affecting our circulating medium occupied the attention of the public mind. These investigations were hardly completed when the interests in this country commenced to contribute to a campaign fund which astounded the world.

Sugar trust thieves, steel magnates, and dishonest life insurance officials who robbed policy holders, all united in contribut-

ing to a Republican campaign fund of $20,000,000 with which the electorate was corrupted, with which the real supremacy of the Republican Party was purchased. From sea to sea men were intimidated and bribed. The result was the stifling for a time of the public conscience of the country; the result was that supremacy of the Republican Party in national affairs, which continued until the elections last November. During all that period of Republican supremacy, through all the years that have passed since 1896 until now, no action has been taken on account of the disclosures in the steel investigations conducted by both Houses of the Congress. Since that time, under the fostering care of the party in power, the steel companies have been permitted to consolidate and to grow stronger and stronger. By Executive usurpation unparalleled in the history of this Government the civil and the criminal laws of the country were suspended, and competing steel corporations were permitted to merge, until now in absolute harmony these great companies proceed under one control. The evidence is indisputable that they are still perpetrating the old frauds with absolute impunity on perhaps a larger scale than ever.

THESE FRAUDS CONTINUED TO PRESENT TIME.

The fact of the continuance of these frauds is evidenced by the frequency with which guns explode on our battleships and on land killing and maiming men, by the frequency with which boilers on our ships blow up with such awful results to human life.

Guns, while being tested by other great nations of the world, do not explode with disastrous results. We do not read in the papers that boilers frequently explode on the war vessels of England or Germany or any other nation. The very large number of these accidents in our own Navy and in tests made by our Army officers leads to the irresistible conclusion that there are defects in the castings of the guns, and in the castings for the steel tubes and boilers furnished by our steel companies. Castings for guns are not made by the Government. They are made at Bethlehem, at Midvale, at the plant of the Carnegie Co., and some of the smaller castings are made by companies not so large as the companies I have mentioned. In our Government arsenals here at Washington and up at Watervliet we simply assemble these castings. I desire to insert here in my speech a chronological record of the more important accidents of this character as recorded in the news items of our metropolitan papers.

DISASTERS CAUSED BY EXPLOSIONS, BURSTING GUNS, FAULTY BREECH-BLOCKS, ETC.

1902, February 2. Battleship *Kearsarge*, West Indian waters; gun burst, killing 5.

1903, January 17. Battleship *Massachusetts;* gun explosion off Culebra Island; 6 killed.

1903, April 9. Battleship *Iowa;* explosion of gun; 3 killed, 5 wounded.

1904, April 13. Battleship *Missouri*, off Pensacola, Fla.; explosion; 32 killed.

1904, December 14. Battleship *Massachusetts*, at Philadelphia; explosion in firerooms; 3 killed, 4 scalded.

1905, July 21. Gunboat *Bennington*, San Diego, Cal.; boiler explosion; 34 killed, 66 injured.

1906, January 10. Battleship *Massachusetts;* gun explosion; 9 killed.

1906, April 13. Battleship *Kearsarge*, in Caribbean Sea; explosion; 6 killed.

1907, July 15. Battleship *Georgia*, Massachusetts Bay; explosion; 6 killed, 15 injured.

1908, June 5. In California waters, cruiser *Tennessee;* bursting of boiler tube; 6 killed.

——— ———. Torpedo-boat destroyer *Hopkins*, California waters; exploding boiler; 1 killed, 5 wounded.

1910, March 28. Cruiser *Charleston*, in Philippine waters; gun explosion, alleged faulty breech block; 8 killed, 7 or 8 wounded.

1910, July 21. Explosion of gun, Fort Monroe; 12 killed.

1910, September 9. Battleship *North Dakota;* explosion, Hampton Roads; 3 killed.

1910, November 19. Explosion of gun, Indianhead; 4 killed.

1911, January 13. Cruiser *Washington;* cylinder head blown out. Also about this time 3 similar accidents to vessels in Admiral Schroeder's fleet; no one killed.

1911, January 17. Battleship *Delaware;* boilers exploded; 9 killed; just outside Hampton Roads.

Total killed in nine years, 147.

Total maimed in nine years, 102.

As a result of the accidents I have enumerated, and there have been others, in nine years 147 men have been killed and 162 maimed for life. In other words, by these accidents, in nine years of profound peace, we have killed or maimed for life more of our men than were killed in action in the Spanish-American War.

Recently a great ocean liner made a record-breaking trip across the Atlantic, and without allowing any time for repairs or for even oiling up the machinery returned again across the Atlantic in record-breaking time. There were no explosions of boiler tubes, no cylinder heads were blown out, the machinery did not break, and yet the machinery of this great ship was subjected to a more severe test than the machinery of any of our battleships or cruisers has been subjected to since the Spanish-American War. This record-breaking trip across the Atlantic and back again, with all its accompanying terrific strain on machinery, did not result in this great ship being laid up a day for repairs.

THE VOYAGE OF THE BATTLESHIP FLEET INDICATES DEFECTIVE MATERIAL FURNISHED BY STEEL COMPANIES.

In December, 1907, by Executive order, 16 of our great battleships were ordered to make a useless voyage around the world. They proceeded leisurely. It was not a trip around the world in 80 days. It took 14 months to make it; and finally, on February 22, 1909, when these vessels reached again our ports, according to the figures issued by the department, this trip around the world had cost $13,460,512. This was not the entire cost to the Government connected with this useless voyage. Since the return of the ships, on account of failing machinery, due to this leisurely journey around the world, Congress has appropriated for repairs on the—

New Jersey	$810,000.00
Rhode Island	810,000.00
Ohio	125,426.00
Illinois	592,391.00
Kearsarge	602,812.46
Kentucky	598,718.00
Ajax, one of the four auxiliary vessels which made the entire trip	66,476.00
Total	3,605,823.46

The bill we are now considering authorizes the following repairs on the—

Georgia	$500,000
Virginia	500,000
Arethusa	125,000
Total	1,125,000

The *Arethusa* was also one of the four auxiliary vessels which made the entire trip around the world. The situation, therefore, is this: When this bill has passed both Houses of Congress, as it will pass, we will have authorized repairs on eight of these battleships, just one-half of the battleship fleet which went around the world, to the amount of $4,539,347.46. We will have authorized repairs on two of the four auxiliary vessels which made the entire trip around the world to the amount of $191,476, making in all a grand total of $4,730,823.46 to be expended upon half the fleet which went around the world in order to repair the damages occasioned by this particularly leisurely tour. If a leisurely sea voyage, with no strain on machinery, brings with it such appalling results, there are many of us who wonder what effect actual warfare and rapid steaming would have upon the machinery and equipment furnished by the steel companies to this Government.

The naval bill last year, in addition to these provisions, carried an item for the completion and repair of boilers to the amount of $4,250,000. How much of this sum went for the purpose of repairing boilers on the vessels which went around the world on this excursion it is not possible for me to say.

A year ago we had 349 vessels in our Navy and 80 of them at that time were out of commission, tied up at our wharves, and on them we were making repairs to the amount of nearly $7,000,000. The enormous repair bills for the vessels which went around the world and the other war vessels can be accounted for only upon the theory that defective work, criminally defective work, is still being done by these steel companies for this Government on a larger scale than ever.

We are absolutely helpless in matters of this kind so long as the officials of our Government authorized to place contracts for armor and for armament of various kinds and for castings for guns are in partnership with the steel companies doing work for the Government.

OUR OFFICIALS IN PARTNERSHIP WITH STEEL COMPANIES.

Commander Folger, while Chief of the Bureau of Ordnance, negotiated a contract in his official capacity with Mr. Harvey, of the Harvey Steel Co., by which Harvey was paid by this Government for the use of his process in hardening steel a royalty of $50 per ton, and after negotiating a contract contemplating the payment of tremendous sums of money to Mr. Harvey by this Government, Commander Folger became an employee of the Harvey Steel Co.

Millions of dollars were expended by the Government on the Buffington-Crozier disappearing gun carriage while Buffington was Chief of Ordnance and while Crozier was a member of the Board of Ordnance. These officers, as a result of experimenting with Government money, were finally enabled to take out a patent on the disappearing gun carriage now in use in this country. The patent was taken out at the suggestion of the Bethlehem Iron Co., as Mr. Crozier admitted. These two officers sold all the rights to the Bethlehem Iron Co., as Mr. Crozier also admitted, for $10,000, and the Bethlehem Iron Co. agreed to pay to Gen. Buffington and to Gen. Crozier, in addition to that amount, royalties on each carriage built for Governments other than the United States until on this account there had been paid to these officers in royalties the sum of $50,000.

A MAN CAN NOT SERVE TWO MASTERS.

These officers, therefore, charged with protecting the contracts, made by this Government with the steel companies, against fraud on the part of the steel companies, charged also with placing orders for armor plate and for castings for guns with steel companies, entered into this partnership with the Bethlehem Steel Co. "A man can not serve two masters," and the inferior character of work done for the Government by these companies, as evidenced by accidents to machinery and explosions of guns, followed as a matter of course.

While an officer of the department, Gen. Crozier invented, as a result of his experiments with money contributed by the Government, a wire-wound gun and took out a patent on it. This was invented at a time when the nations of the world were adopting wire-wound guns. Evidently having in mind the invention of Gen. Crozier while occupying this official position, Gen. Buffington, interested with him in the Crozier-Buffington disappearing gun carriage, recommended, while Chief of Ordnance, in the estimates of the War Department for the fiscal year 1903, an expenditure of a sum of money less than $998,000 for the purchase of material for steel-wire seacoast guns. The act of March 1, 1901, as a result of the efforts of these officers, provided that a sum of money less than $76,000 could be used in the discretion of the Secretary of War—which meant, of course, in the discretion of these officers—for this purpose.

Prior to that time there was but one gun in this country competing with the Crozier steel wire-wound gun, to wit, the Brown segmental wire-tube gun. In 1894 this gun was turned over to a board, of which Capt. William Crozier was a member. It was tested by that board and found to be deficient by the board, and Capt. Crozier was one of the two members of the board who signed the report of the test of the Brown segmental wire-tube gun, and who in their report killed the only competitor the Crozier gun had.

A few months later the same board, Capt. Crozier still being one of its members, tested his own invention, and a favorable report was made. The report of the Chief of Ordnance, made in 1896, on page 321 of that report, contains the following note:

By authority of the Chief of Ordnance Capt. Crozier was, at his own request, relieved from duty in joining in the above report.

He was not, however, relieved from duty in testing his own gun, but was relieved from duty in signing the report which followed. I might call attention also to other officials charged with the duty of protecting the interests of this country, who were interested in inventions made by them as the result of information gathered while experimenting with Government money and while accepting salaries from the Government, and who have been financially interested in the inventions they themselves have compelled this Government to purchase. The answer may be made that the patent taken out on the Buffington-Crozier disappearing gun carriage provides that no royalties are to be paid for carriages of this character made for the United States Government. However, the principle remains the same; the royalties are to be paid to these inventors by the Bethlehem Steel Co. on the carriages made for other governments, and the Bethlehem Steel Co. has taken out patents on this carriage in England and perhaps in other places. These officers were instrumental in bringing about the sale of disappearing gun carriages of this type to this Government, and I understand each one of them costs about $150,000; and this Government has already officially recommended to the world this particular carriage, and Gen. Crozier, on account of the official position he now holds, can in this way promote the sale of his invention abroad and reap thereby large financial gains. Up to the present time, however, no sales of this gun carriage have been made by the Bethlehem company to foreign governments. But attempts are being made to sell it abroad, and when sales are made Gen. Crozier's connection with the Bethlehem company will become profitable. Gen. Crozier is now Chief of the Bureau of Ordnance of the Army, and under the rules his duties are as follows:

The Chief of Ordnance commands the Ordnance Department, the duties of which consist in providing, preserving, distributing, and accounting for every description of artillery, small arms, and all the munitions of war which may be required for the fortresses of the country, the armies in the field, and for the whole body of the militia of the Union. In these duties are comprised that of determining the general principles of construction and of prescribing in detail the models and forms of all military weapons employed in war. They comprise also the duty of prescribing the regulations for the proof and inspection of all these weapons, for maintaining uniformity and economy in their fabrication, for insuring their good quality, and for their preservation and distribution.

Under these conditions—and I might continue the discussion along these lines at much greater length—is it any wonder that inferior work is being done in the factories furnishing these castings for the use of the Government? In this connection I desire now to read some affidavits made by employees of the Bethlehem Steel Co. as to the methods employed in doing work at the present time for the Government by that company.

There is no longer any competition in this country, as the gentleman from Kentucky [Mr. STANLEY] has so well stated, in the manufacture of armor or armament for vessels.

In the old investigation practically only the superintendents of the Carnegie Co. were called upon to testify. In order to show that the frauds continue to this day, I have original affidavits, made within the last few months up here at Bethlehem, and I send them to the Clerk's desk and ask that they be read now in my time.

Mr. CAMPBELL. Will the gentleman from Illinois [Mr. RAINEY] yield to a question?

Mr. RAINEY. After they get through reading I will, if possible.

The Clerk proceeded with the reading of the affidavits.

During the reading of the affidavits the following colloquy occurred:

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAINEY. Mr. Chairman, I ask for three minutes more in which to read the affidavits.

The CHAIRMAN. Is there objection?

A MEMBER. I object.

Mr. JAMES. Mr. Chairman, I make the point of order that no gentleman arose from his seat and objected. Some gentleman sat back and did so. Let him rise.

The CHAIRMAN. The Chairman saw one gentleman rise in his place and object.

Mr. RAINEY. Who made the objection, Mr. Chairman?

The CHAIRMAN. The gentleman from Massachusetts [Mr. ROBERTS].

Mr. ROBERTS. Oh, no, Mr. Chairman; I did not make the objection.

Mr. RAINEY. Mr. Chairman, I renew my request for three minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. [Applause on the Democratic side.]

The Clerk resumed the reading of the affidavits.

During the reading,

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAINEY. Mr. Chairman, I ask for three minutes more.

Mr. FOSS. I object.

Mr. RAINEY. We are practically through with this bill, Mr. Chairman. I hope my colleague will not object to this.

Mr. FOSS. I have no objection to having the affidavits printed in the RECORD.

Mr. STAFFORD. Regular order!

Mr. RAINEY. We are practically through with the bill now, and it will not take two minutes to read the balance of the affidavits.

Mr. FOSS. There are practically two pages left.

Mr. RAINEY. There is not over a page and a half left. Mr. Chairman, I ask unanimous consent that the Clerk may finish the reading of the affidavits.

Mr. FOSS. How long will it take to finish the reading?

Mr. RAINEY. Not over two minutes.

Mr. BUTLER. Mr. Chairman, I object.

Mr. RAINEY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection? [After a pause.] There is no objection. [Applause on the Democratic side.]

The following are the affidavits referred to:

SOUTH BETHLEHEM, PA., *April 26, 1910.*

I, the undersigned, do hereby certify that the following information is an absolute fact, as I have been an employee of the Bethlehem Steel Co. in the treatment department for a period of one and one-half years.

After official tests on 12-inch liners, tubes, and long propeller shafts for U. S. S. *Florida* there was a heat treatment given above forgings while the inspectors were at home at night; for instance, if a tube,

liner, or shaft passes test to-day, instead of shipping same forging into the machine shop for machining, they put forging into a wood furnace and heat it at 860°, which is equal to 1,000° or more in oil furnace, thereby softening the forging, and the following morning have same piece ready for machine shop after straightening (which should have been done before official test bars were taken). This was not, of course, done with all tubes, liners, and shafts, but it was done in cases where the company needed any individual forging to complete a set of gun forgings in order to get out a certain amount of work to reach their tonnage basis, so as to make their annual bonus. One of the most prominent features of the superintendents and overseers of the company is to produce as much tonnage as possible, regardless of whether or not work is accomplished in a manner which gave the Government an inferior product.

The United States Government specifications require all treatment reports to be forwarded to the Army and Navy office at works were work is being done, but this rule was not lived up to on the part of the company, as I myself was instructed by the superintendent to withhold the report of tubes, liners, and shafts from the Army and Navy office; therefore the inspectors never knew about the treatment that was given after the official test.

I also wish to state that during the month of December, 1909, there was more of this defective work done than any month previous, to the best of my knowledge.

The records that were supposed to be open for public inspection were always so fixed that they would not show the fraudulent treatments that were given forgings, and the reports that I got about treatments on tubes, liners, and shafts were withheld from the public records that were supposed to be open for scrutiny of Army and Navy inspectors.

WILLIAM JULIAN.

Sworn and subscribed to before me this 26th day of April, 1910.
[SEAL.] JOSEPH H. McGEE,
Justice of the Peace.

My commision expires first Monday in May, 1912.

SOUTH BETHLEHEM, PA., *April 29, 1910.*

This is to certify that I know there was work done in No. 2 machine shop for the United States Government that was not up to specifications. I myself have deceived the inspector many a time.

On the last lot of 5-inch mounts that were made here a number of patches were placed on the brackets, to cover up a mistake in machining. These were put on in such a way so that under ordinary inspection they could not be detected.

I know of a slide for a 12-inch gun that was being machined when a blowhole was discovered. The yoke was taken off the machine and at night the hole was filled up with metal and the yoke put back on the machine, the inspector not discovering the trick. I know of a track for a 12-inch turret which, while being machined, was found to be cracked.

I closed the crack by hammering the crack shut and finished machining it.

FRANCIS J. GILLESPIE.

COUNTY OF NORTHAMPTON, *State of Pennsylvania, ss:*

Francis J. Gillespie, the subscriber, being duly sworn according to law, deposes and says that the foregoing statement is true and correct as he verily believes.

Sworn and subscribed to before me this 29th day of April, 1910.
[SEAL.] JOSEPH H. McGEE,
Justice of the Peace.

My commission expires first Monday in May, 1912.

SOUTH BETHLEHEM, *April 29, 1910.*

In a brief submitted to President Taft on April 6 by the committee of striking employees of the Bethlehem Steel Co. we charged that during the night, when Government inspectors were not present, workmen were compelled to treat, patch, and weld inferior work so that work could be forced to be accepted by the Government.

In a letter from Mr. G. v. L. Meyer, Secretary of the Navy, to the President, under date of April 21, 1910, of which I have a copy, he states that our charge has been investigated. In his letter he states that "it appears that no evidence in support of this can be obtained, and the inspectors claim that should defective work be treated in this manner it would subsequently be detected on inspection and test, and reports indicate that the Government is fully safeguarded by the daily routine inspection."

He also states: "In general, it is believed that the character of the work accepted upon inspection by the Government fully meets the requirements of the Government, and through the system of inspection now in vogue the interests of the Government are well protected."

Regardless of this report, work was treated at night, and men were not allowed to tell the inspector, and after the work was treated if there was any chance of the inspector being deceived into accepting the work as being up to specifications, it was submitted to him. I know that on an order of 5-inch sights for the Navy, about three years ago, that some of these sights were found out of alignment during the company shop test, and that the steel castings were hammered with a sledge to bend them so they would line up. The recoil of the guns, when these sights were used, must have sprung these castings back to their old shape, and thereby made it impossible for our sailors to shoot straight. I offer as witnesses Horace Klinesmith and Robert Johnson, former employees of No. 4 machine shop.

During the building of the 12-inch ammunition hoists for the battleships *North Dakota* and *Delaware* a number of buffers, to be used as cushions to take the weight off the lower cars, were found to be not strong enough. The inspector (J. C. Farrall) refused to accept them on the ground that the springs were not firm enough. The foreman (Harry Lynn) promised to put new springs in. The real trouble was that the bore was out of round in the bottom of the castings, and when inspector was home to dinner these buffers were taken apart and filled with thick vaseline, which stopped up the leak and made it appear as though new springs had been put in, and were accepted by the inspector.

I was working as assistant to the inspector, and know this to be a fact. On the same job there were several levers welded by electricity to fill up dirt holes, and were in bad shape, and I put the inspector next to it, and was asked by Foreman George Meyer, of the second floor: "Who the hell told him that?" These levers were thrown out by Inspector Farrall. At the present time there are under construction twenty-four 6-inch howitzer gun carriages and twenty-four 6-inch howitzer limbers upon which much inferior work was done, and up to the time of strike was hid from the inspector. Parts have been broken in flanging, and welded with acetylene gas; axles have been machined wrong, and patched; other parts machined wrong, and doctored up to make it pass inspection. In fact, the idea in the shop is to make the work "appear" as though it is up to specifications, or, in other words, get it past the inspector by fair or foul means. I offer as witnesses Horace Klinesmith, George Stegmair, George Miller, Robert Johnson, Ralph Otto, John Wendling, Henry Doyle, and William Everett. Also, on shells for the Navy, if the center has been drilled too deep, leaving a hole in the nose of the shell instead of a point, the hole is drilled deeper and a pointed plug put in. As this was done when inspector was home, I am sure it was not allowed by inspector. This shell job was kept very secret in shop, and should be thoroughly investigated, as there was a large bonus paid for getting these shells out in a certain time, which acted as an incentive for the men to deceive the inspector. In fact, in No. 4 machine shop the practice of treating inferior workmanship was so common that nothing was thought of it. An investigation where men could be placed on oath would bring to light a great many things which I haven't mentioned. I do not blame the inspectors for this, as it would be impossible for an inspector to detect some of these operations. When it is known that Mr. Everett, a skilled jeweler, is used on some of this work, the impossibility of detecting these things by ordinary inspection is apparent.

DAVID WILLIAMS.

COUNTY OF NORTHAMPTON, *State of Pennsylvania, ss:*

Personally appeared before me, a justice of the peace in and for the aforesaid county, David Williams, who, being duly sworn, deposes and says that the foregoing statements are true and correct, as he verily believes.

Sworn to before me this 29th day of April, A. D. 1910.
[SEAL.] JOSEPH H. McGEE.
Justice of the Peace.

My commission expires first Monday in May, 1912.

Mr. RAINEY. I do not desire to comment on these affidavits at this time. They speak for themselves. The Bethlehem Co. has been specially favored with Government contracts, receiving in recent years more than its share of these contracts. I think, however, I might mention that George R. Sheldon, treasurer of the national Republican central committee, is a director in this company, and an investigation may show among the stockholders other names more prominent at the present time in national affairs than that of Mr. Sheldon.

I understand that the resolution presented by my friend from Kentucky [Mr. STANLEY] for the investigation of the Steel Trust in this country will not be pressed by him during the present sesssion. Only a few more days remain of Republican supremacy in this House. Attempts to investigate frauds against this Government perpetrated by Sugar Trust thieves and by steel companies have not met with enthusiastic support on the other side of this House, but when the Sixty-second Congress convenes it will convene with a Democratic majority of 64, with a Democratic Speaker presiding over it, with the majority of all the committees composed of Democrats, and I promise at that time to ask my friend from Kentucky [Mr. STANLEY] to make his resolution for the investigation of the Steel Trust broad enough to include a searching investigation into the question of frauds perpetrated by the steel companies upon this Government. I have every reason to believe that under a Democratic House there will be other investigations which will lead two years from now to a more complete and thorough and overwhelming repudiation of the Republican Party at the polls than the repudiation of November last. [Applause.]

The question was taken; and on a division (demanded by Mr. RAINEY) there were—ayes 90, noes 69.

So the amendment was agreed to.

Mr. ROBERTS. Mr. Chairman, the impression has been given that the United States Government is paying an exorbitant price for its armor, and the gentleman from Illinois [Mr. RAINEY], who has just taken his seat, holds out the hope that by throwing open the doors we may get cheaper armor from abroad.

Mr. RAINEY. And better armor.

Mr. ROBERTS. And now, as an answer to both of those statements, I want to give to the committee the prices that foreign Governments are paying for armor as compared with the prices we pay. The first figures I shall read are for the average of all armor and the second figures the price paid for Krupp armor in each of the countries named.

These are the latest prices paid by naval powers, as given in the Navy Year Book of 1910. Japan pays $400 per ton on an average for all armor and $400 for Krupp armor, Austria pays $440 for all and $557 for Krupp, Italy pays $521 for all and $550 for Krupp, Germany pays $450 for all and $450 for Krupp, France pays $569 for all and $572 for Krupp, England pays $525 for all and $525 for Krupp.

Now, gentlemen will note the extravagant price paid by the United States for its armor! The average of all armor purchased by the United States is $430 a ton. The lowest price paid by any nation for Krupp armor is $400 a ton, and that nation is Japan. Only one nation, only one maritime power, is getting armor cheaper than the United States. [Applause.]

Mr. RAINEY. Mr. Chairman, may I interrupt the gentleman? [Cries of "Vote!" "Vote!"]

The CHAIRMAN (Mr. THOMAS of Ohio). The question is on the amendment of the gentleman from Illinois [Mr. RAINEY].

Mr. HARDY. Mr. Chairman, I wish to make just one or two observations with reference to this amendment. What I wish to say is simply this: If the gentleman who last addressed the House is correct, and our steel manufacturers give us the cheapest steel armor in the world, then it can do no harm to give the United States the right to get cheaper armor if it is possible. In fact, if this argument shows that it can not be gotten cheaper elsewhere, why do gentlemen desire to put in a restriction there that would prevent us from getting it cheaper in case it could be gotten cheaper abroad? It may be that the Steel Trust has the exclusive privilege of making that profit out of the United States Government. If we can get the armor cheaper elsewhere it will do no harm to let us try. If we can get it cheaper elsewhere, the friends of the Government ought to insist that we should get it.

The amendment offered by the gentleman from Illinois is one of the most important amendments offered during the consideration of this bill. The question is whether we shall be left bound in the meshes of the United States Steel Trust in such a position that it can say, "Here is the victim; take what you will," or whether we shall be allowed to buy more cheaply our needed supplies of armor. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. RAINEY].

The question was taken; and on a division (demanded by Mr. RAINEY) there were—ayes 90, noes 69.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

The limit of cost, exclusive of armor and armament, of the battleship Florida, authorized by the naval appropriation act approved May 13, 1908, to be built in a Government navy yard, is hereby increased from $6,000,000 to $6,400,000.

Mr. MANN. Mr. Chairman, I make the point of order on the paragraph.

Mr. CALDER. Mr. Chairman, I offer an amendment to that paragraph.

The CHAIRMAN. The gentleman from Illinois makes the point of order on the paragraph, so that an amendment is not now in order.

Mr. MANN. The Chair will notice that there is a limit of cost fixed upon this, and this paragraph proposes to increase the limit, which is new legislation.

The CHAIRMAN. The limit of cost was fixed in the last appropriation bill at $6,000,000?

Mr. FOSS. It was.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

That part of the naval appropriation act approved June 24, 1910, under "Increase of the Navy," which reads as follows: "and the contract for the construction of said vessels shall contain a provision requiring said vessels to be built in accordance with the provisions of an act entitled 'An act relating to the limitation of hours for daily service of laborers and mechanics employed on public works for the United States and the District of Columbia, approved August 1, 1892,'" is hereby repealed.

Mr. FITZGERALD. Mr. Chairman, I make the point of order on the paragraph.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

That part of the naval appropriation act of June 24, 1910, under "Increase of the Navy," which reads as follows: "*Provided always*, That one of the battleships herein authorized shall be constructed in one of the navy yards," is hereby repealed.

Mr. FITZGERALD. Mr. Chairman, I make a point of order on that paragraph.

Mr. CALDER. Mr. Chairman, I make a point of order on that.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] was on his feet to make the point of order before the gentleman from New York [Mr. CALDER] rose, so the Chair recognizes the gentleman from New York [Mr. FITZGERALD].

Mr. FOSS. I admit the point of order.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will report the next paragraph of the bill.

The Clerk read as follows:

That part of the naval appropriation act of June 24, 1910, under "Increase of the Navy," which reads as follows: "*Provided*, That not more than one of the battleships provided for in this act shall be built by the same contracting party," is hereby repealed.

Mr. CALDER. Mr. Chairman, I make a point of order against that paragraph.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Provided, That the Secretary of the Navy is hereby authorized to cause to be constructed by private contract at a cost not to exceed $1,000,000 the one fleet collier authorized by the naval appropriation act approved May 13, 1908, designated to be built in such Government yard on the Pacific coast as the Secretary of the Navy shall direct.

Mr. KNOWLAND. Mr. Chairman, I make a point of order against that paragraph.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk completed the reading of the bill.

Mr. FOSS. Mr. Chairman, I move——

Mr. HOBSON. I desire to offer an amendment.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

Mr. HOBSON. To come in at the end as a new paragraph.

The Clerk read as follows:

On page 63, after line 19, add a new paragraph, as follows:

"No part of any sum appropriated by this act shall be used for the purchase of projectiles until $350,000 of the amount available for the purchase of projectiles is used for the purchase or manufacture of shell of such proven design as will carry under tested gun pressures of not less than 30,000 pounds per square inch explosive charges of not less than 150 pounds weight, of either the explosives now in use, in the naval service, or of explosive gelatin."

Mr. MANN. Mr. Chairman, I make a point of order on that amendment.

The CHAIRMAN. The amendment seems to direct the Secretary of the Navy to make a specific expenditure of money for a certain purpose. The Chair thinks it is legislation and sustains the point of order.

Mr. HOBSON. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. The gentleman from Alabama offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 63, after line 19, add a new paragraph, as follows:

"High-explosive shell, capable of carrying explosive gelatin under usual gun pressure, in charges of not less than 150 pounds, $350,000."

Mr. STAFFORD. I make a point of order against that amendment.

Mr. HOBSON. I wish to discuss that point of order.

The CHAIRMAN. What is the point of order that the gentleman makes?

Mr. STAFFORD. The point of order is that it is not germane to this part of the bill. There is a provision of the bill that has already been passed relating to projectiles, and it is out of order in this portion of the bill. If any member of the committee has the privilege of offering additional amendments at the close of the bill to that which has been covered in prior parts of the bill, there will be no limit at all to the consideration of appropriation bills.

Mr. HOBSON. Mr. Chairman, if the gentleman will look at the bill he will see that at various places in it there are provisions relating to the question of armor and ammunition, and there are various appropriations at various places for the same bureau. This simply, at the end of the bill, makes an appropriation for high-explosive projectiles, that is all; just like smokeless powder, or anything of that kind.

Mr. STAFFORD. I direct the attention of the Chair to page 15, to the provision for ordnance and ordnance stores.

Mr. MANN. Under the head of Bureau of Ordnance.

Mr. HOBSON. If the gentleman will look at page 17 he will find another provision there. He will find further on, in various parts of the bill, appropriations for various materials and works under each particular bureau.

Mr. MANN. Mr. Chairman, the Chair will see by an examination of the bill that from line 5, page 15, down to line 6 on page 19 are the provisions under the Bureau of Ordnance which cover all the ordnance material, and the only place where this amendment would have been in order is under the head of Bureau of Ordnance covering various provisions in relation to the ordnance experiments with ordnance and the equipment of the naval militia.

The CHAIRMAN. The Chair asks the gentleman from Illinois if he thinks this amendment could have been offered to paragraph on page 61, armor and armament.

Mr. MANN. I think not; this is ordnance.

Mr. HOBSON. So is armor and armament. The armor must meet certain ordnance tests.

Mr. MANN. So must a battleship; but it does not make a battleship ordnance.

The CHAIRMAN. The Chair will hear the gentleman from Alabama.

Mr. MANN. The funnel of a battleship has to meet certain requirements, but it is not ordnance.

Mr. HOBSON. Mr. Chairman, we are now authorizing for new construction in the Navy ships of various types. In the building of these ships we require various material—armor

and armament, equipment, ammunition, and other things. We have appropriations for armor and armament, and it is perfectly germane to make appropriation there for the high-explosive projectiles comprised in the ammunition. I do not say that it is usual. I intended and, in fact, I did introduce the amendment in another form on page 15. I recognize that. But it was ruled out on a point of order.

Now, then, I have offered it where I do not think it would be subject to a point of order, and I put it in in connection with the new construction, because it will be used with the new construction. It will be part of the ammunition that goes on the ships which are provided for in the increase of the Navy. I do not maintain that it is usual to put it on at this time, but I maintain that it is germane. There is no reason under the practice or the rules of the House why it may not be put on at this place, because it will be used just as much as the armor and armament here provided will be used on these new ships.

The CHAIRMAN. The gentleman from Alabama is familiar with the rule that an amendment inserted as an additional clause or paragraph must be germane to the portion of the bill where it is offered.

Mr. HOBSON. Will the Chair hear me? I do not think the Chairman heard the last part of my discussion.

The CHAIRMAN. The Chair thinks that the amendment which has been offered to the provision, beginning on page 15, is not germane, and the Chair sustains the point of order.

Mr. STANLEY. Mr. Chairman, I offer an amendment, to follow line 15.

The CHAIRMAN. Line 15, page 63, has been passed, and unless the gentleman obtains unanimous consent the amendment can not be offered.

Mr. STANLEY. I understood that that paragraph had just been read.

The CHAIRMAN. The last paragraph has been read.

Mr. STANLEY. Then I will offer the amendment after line 19.

The Clerk read as follows:

After line 19, page 63, insert:

"*Provided*, That no part of any sum herein appropriated shall be expended for the purchase of structural steel, ship plates, armor, armament, or machinery from any persons, firms, or corporations who have combined or conspired to monopolize the interstate or foreign commerce of the United States, or the commerce between the States and any Territory, or the District of Columbia, in any of the articles aforesaid, and no purchase of structural steel, ship plates, or machinery shall be made at a price in excess of a reasonable profit above the actual cost of manufacture; and no purchase of armor or armament shall be made at a price in excess of 100 per cent above the actual cost of manufacture."

Mr. FOSS. Mr. Chairman, I make a point of order against that.

Mr. STANLEY. Mr. Chairman, I wish to be heard on the point or order.

The CHAIRMAN. The Chair will hear the gentleman from Kentucky on the point of order.

Mr. STANLEY. Mr. Chairman, this is plainly a limitation upon the sum provided to be expended in this bill, and is germane to the paragraph beginning on line 16—

That no part of any sum appropriated by this act shall be used for any expense of the Navy Department at Washington unless specific authority is given by law for such expenditure.

This matter has been repeatedly ruled on before. Will the Chair kindly indicate what part of that amendment he thinks is not germane, and I shall direct my remarks to that.

The CHAIRMAN. The Chair would say that it seems to the Chair that this affects existing contracts and everything of that kind as drawn.

Mr. STANLEY. Then I will ask unanimous consent to amend the amendment so as to provide against that. I will amend the amendment, if I may be permitted to do so, in that respect.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to amend his amendment in the manner indicated, which the Clerk will read.

The Clerk read as follows:

Add at the end of the amendment: "But the limitation shall in no case apply to any existing contract," so that it will read:

"After line 19, page 63, insert:

"'*Provided*, That no part of any sum herein appropriated shall be expended for the purchase of structural steel, ship plates, armor, armament, or machinery from any persons, firms, or corporations who have combined or conspired to monopolize the interstate or foreign commerce of the United States, or the commerce between the States and any Territory or the District of Columbia, in any of the articles aforesaid, and no purchase of structural steel, ship plates, or machinery shall be made at a price in excess of a reasonable profit above the actual cost of manufacture. And no purchase of armor or armament shall be made at a price in excess of 100 per cent above the actual cost of manufacture. But this limitation shall in no case apply to any existing contract.'"

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. The Chair overrules the point of order. The question is on agreeing to the amendment.

The question was taken and the amendment was agreed to.

Mr. STANLEY. Mr. Chairman, I offer the following amendment to go in at the end of the bill, which I send to the desk and ask to have read.

The Clerk proceeded to read the amendment.

Mr. MANN (interrupting the reading). Mr. Chairman, I make the point of order on the amendment. It has been read far enough to indicate what it is.

The CHAIRMAN. The Chair sustains the point of order.

Mr. STANLEY. Mr. Chairman, I ask unanimous consent to have the amendment printed in the RECORD and to extend my remarks upon it.

The CHAIRMAN. Is there objection?

There was no objection.

The amendment is as follows:

After the last paragraph, on page 63, add the following:

"That a joint committee is hereby created, to be called the 'Committee on Iron and Steel Combinations and Monopolies,' to be composed of nine Members of the House of Representatives and nine Members of the Senate of the United States, five members from the majority and four members from the minority of each House, and to be elected by ballot of each House.

"That it shall be the duty of said committee, and it is hereby directed, to make an investigation and inquiry of the Secretary of the Navy, the Secretary of Commerce and Labor, the Attorney General, and any other persons for the purpose of ascertaining whether, since the year of 1897, there have occurred violations of the antitrust act of July 2, 1890, the various interstate-commerce acts, by individuals or corporations engaged in the iron and steel business, which violations have not been prosecuted, dealt with, or lawfully disposed of by the executive officers of the Government; and if any such violations are disclosed, said committee is directed to report the facts and circumstances to the House, with bills requiring appropriate action to be taken by such executive officers; and said committee shall also report any further legislation which it may consider advisable for reenforcing the acts of Congress aforesaid and more effectually punishing future violations thereof. Said committee is hereby specially directed to investigate the United States Steel Corporation, its organization and operations, and if in connection therewith violations of law as aforesaid are disclosed, to report the same and a bill requiring action to be taken thereon.

"Said committee shall inquire whether said Steel Corporation has had any relations or affiliations tending toward violations of law with the Pennsylvania Steel Co., the Cambria Steel Co., the Lackawanna Steel Co., or any other iron or steel company nominally independent, and whether through any such agencies said Steel Corporation is engaged under contract in furnishing to the Government armor for vessels of the Navy, and if so, to what extent, and whether the prices paid have been fixed under any competition, and whether the prices are fair and reasonable or are exorbitant.

"The committee is authorized to sit during the sessions or recess of Congress, at such times and places as they may deem desirable, to send for persons and papers, to administer oaths, to summons and compel the attendance of witnesses, and to employ a disbursing officer and such secretaries, experts, stenographers, messengers, and other assistants as shall be necessary to carry out the purposes for which said committee was created. The committee shall have the power, through subcommittee or otherwise, to examine witnesses and to make such investigations and examinations, in this or other countries, of the subjects committed to their charge as they shall deem necessary, and shall report to the first session of the Sixty-second Congress at the earliest date practicable.

"That a sum sufficient to carry out the purposes of this amendment and to pay the necessary expenses of the committee and its members is hereby appropriated out of any money in the Treasury not otherwise appropriated. Said appropriation shall be immediately available and shall be paid out on the audit and order of the chairman or acting chairman of said committee, which audit and order shall be conclusive and binding upon all departments as to the correctness of the accounts of such committee."

Mr. PADGETT. Mr. Chairman, I desire now, if I may be permitted, to express the thought that by reason of the action taken this afternoon on the various amendments it is my opinion that the effect will be to cause an additional appropriation next year of between eight and nine millions of dollars to carry out the program of the past year and of this present bill. I want simply to make that statement, in order that additional appropriations shall not be charged up to the next Congress.

Mr. MANN. Why not? It is charged up to the Members of the next Congress on the Democratic side.

Mr. FOSS. Mr. Chairman, I wish to add to the statement which has just been made by the gentleman from Tennessee by saying that in my judgment the Committee of the Whole House, in perfecting the legislation recommended to this committee by the Naval Committee has added between eight and ten millions of dollars to the construction of ships, authorized in this bill and heretofore authorized.

Mr. Chairman, I move that the committee do now rise and report the bill and amendments with a favorable recommendation.

The motion was agreed to.

Accordingly, the committee rose; and the Speaker having resumed the chair, Mr. CURRIER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 32212, the naval appropriation bill, and had directed him to report the same back with sundry amendments, with the recommendation

that the amendments be agreed to, and that the bill as amended do pass.

Mr. FOSS. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote asked on any amendment? [After a pause.] The Chair hears no request.

Mr. FOSS. Mr. Speaker, I move that the House do now adjourn.

Mr. UNDERWOOD. Mr. Speaker, I ask that the gentleman withhold his motion.

Mr. FOSS. The gentleman from Tennessee [Mr. PADGETT] and myself desire that we should not take a vote upon the bill this evening.

The SPEAKER. Will the gentleman withhold his motion for a moment?

Mr. FOSS. I will.

BIRMINGHAM, ALA., AS SUBPORT OF ENTRY.

Mr. UNDERWOOD, from the Committee on Ways and Means, submitted a privileged report (No. 2211) from the Committee on Ways and Means on the bill (H. R. 29708) to constitute Birmingham, in the State of Alabama, a subport of entry, which was referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

LEAVE OF ABSENCE.

Mr. SMALL, by unanimous consent, was granted leave of absence for an indefinite period on account of sickness in family.

DAM ACROSS NAMAKAN LAKE AT KETTLE FALLS, MINN.

The bill (H. R. 32340) to authorize the Rainy River Improvement Co. to construct a dam across the outlet of Namakan Lake at Kettle Falls, St. Louis County, Minn., by unanimous consent was ordered laid on the table.

REQUEST FROM THE SENATE.

The SPEAKER. The Chair lays before the House the following request from the Senate:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 288) for the creation of police and firemen's relief fund, to provide for the retirement of members of the police and fire department, to establish a method of procedure for such retirement, and for other purposes.

The SPEAKER. Without objection, the request is granted.

There was no objection.

SPECIAL REPORT ON THE DISEASES OF THE HORSE.

Mr. COOPER of Pennsylvania. Mr. Speaker, I report back House joint resolution 286, from the Committee on Printing.

The SPEAKER. The Clerk will report the resolution (H. Rept. No. 2212).

The Clerk read as follows:

Resolved, etc., That there be printed and bound in cloth 100,000 copies of the Special Report on the Diseases of the Horse, the same to be first revised and brought to date under the supervision of the Secretary of Agriculture; 70,000 copies for use of the House of Representatives, 30,000 copies for use of the Senate.

The SPEAKER. The question is on engrossment and third reading of the resolution.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill and joint resolution of the following titles, when the Speaker signed the same:

H. R. 26150. An act to authorize the construction of drawless bridges across a certain portion of the Charles River in the State of Massachusetts; and

H. J. Res. 146. Joint resolution creating a commission to investigate and report on the advisability of the establishment of permanent maneuvering grounds, camp of inspection, rifle and artillery ranges for troops of the United States at or near the Chickamauga and Chattanooga Military Park, and to likewise report as to certain lands in the State of Tennessee proposed to be donated to the United States for said purpose.

The SPEAKER announced his signature to enrolled bills and joint resolutions of the following titles:

S. 10757. An act to amend an act entitled "An act permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minn.," approved February 26, 1904;

S. 8736. An act providing for the releasing of the claim of the United States Government to Arpent lot No. 44, in the old city of Pensacola, Fla.;

S. 10690. An act providing for aids to navigation along the Livingstone Channel, Detroit River, Mich.;

S. J. Res. 140. Joint resolution authorizing the Secretary of War to loan certain tents for the use of the Confederate Veterans' Reunion, to be held at Little Rock, Ark., in May, 1911;

S. J. Res. 139. Joint resolution authorizing the printing of the message of the President, together with the report of the agent of the United States, in the North Atlantic Coast Fisheries Arbitration at The Hague; and

S. 10431. An act to authorize the Argenta Railway Co. to construct a bridge across the Arkansas River between the cities of Little Rock and Argenta, Ark.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 10476. An act for the relief of Passed Asst. Paymaster Edwin M. Hacker; to the Committee on Naval Affairs.

SPECIAL REPORT ON DISEASES OF CATTLE.

Mr. COOPER of Pennsylvania. Mr. Speaker, I also report back House joint resolution 287 from the Committee on Printing.

The SPEAKER. The Clerk will report the resolution (H. Rept. No. 2213).

The Clerk read as follows:

Resolved, etc., That there be printed and bound in cloth 100,000 copies of the Special Report on the Diseases of Cattle, the same to be first revised and brought to date, under the supervision of the Secretary of Agriculture, 70,000 copies for use of the House of Representatives and 30,000 copies for use of the Senate.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

EXTENSION OF REMARKS.

Mr. FOSS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT.

The SPEAKER. The question is on the motion of the gentleman from Illinois [Mr. Foss] that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 50 minutes p. m.) the House adjourned until 11 o'clock a. m., Wednesday, February 22, 1911.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting an estimate of appropriation for post office and courthouse at Dayton, Ohio (H. Doc. No. 1396); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of Agriculture, transmitting a report of documents received and distributed during the year 1910 (H. Doc. No. 1398); to the Committee on Printing and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting a copy of an act approved February 13, 1911, for relief of Charles F. Atwood and Ziba H. Nickerson, with a communication as to its phraseology (H. Doc. No. 1397); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Acting Secretary of War, transmitting the sixth annual report of the American National Red Cross (H. Doc. No. 1399); to the Committee on Foreign Affairs and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. DALZELL, from the Committee on Ways and Means, to which was referred House bills 26540, 29469, and 30022, reported in lieu thereof the resolution (H. J. Res. 290) to provide for a tax upon white-phosphorus matches, and for other purposes, reported the same without amendment, accompanied by a report (No. 2202), which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WILSON of Illinois, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 30794) to establish a fish-cultural station in the State of Pennsylvania, reported the same without amendment, accompanied by a report (No. 2203), which said bill and

report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 8875) to authorize the establishment of fish-cultural stations on the Columbia River or its tributaries in the State of Oregon, reported the same without amendment, accompanied by a report (No. 2206), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McGUIRE of Oklahoma, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 32348) supplementary to and amendatory of the act entitled "An act for the division of the lands and funds of the Osage Nation of Indians in Oklahoma," approved June 28, 1906, and for other purposes, reported the same with amendment, accompanied by a report (No. 2209), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SULZER, from the Committee on Military Affairs, to which was referred the resolution of the House (H. Res. 355) directing the Board of Managers for the National Home for Disabled Volunteer Soldiers, to furnish to the House of Representatives a report of receipt and disbursement of certain moneys, reported the same without amendment, accompanied by a report (No. 2210), which said resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. BUTLER, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 30940) for the relief of Passed Asst. Paymaster Edwin M. Hacker, reported the same with amendment, accompanied by a report (No. 2204), which said bill and report were referred to the Private Calendar.

Mr. KENDALL, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 32251) authorizing the sale of the allotments of Nek-quel-e-kin, or Wapato, John, and Que-til-qua-soon, or Peter, Moses agreement allottees, reported the same with amendment, accompanied by a report (No. 2208), which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred sundry bills of the Senate, reported in lieu thereof the bill (S. 10818) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 2205), which said bill and report were referred to the Private Calendar.

Mr. LOUDENSLAGER, from the Committee on Pensions, to which was referred sundry bills of the Senate, reported in lieu thereof the bill (S. 10817) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, accompanied by a report (No. 2207), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. TALBOTT: A bill (H. R. 32881) to amend existing laws and equalize pay for mail service on railroad lines; to the Committee on the Post Office and Post Roads.

By Mr. MARTIN of Colorado: A bill (H. R. 32882) for the relief of the White River Utes, the Southern Utes, the Uncompahgre Utes, the Tabeguache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uinta Bands of Ute Indians, known also as the Confederated Bands of Ute Indians of Colorado; to the Committee on Indian Affairs.

By Mr. GARNER of Texas: A bill (H. R. 32883) to extend the time for the completion of a bridge across the Morris and Cummings Channel at a point near Aransas Pass, Tex., by the Aransas Harbor Terminal Railway Co.; to the Committee on Interstate and Foreign Commerce.

By Mr. ELLIS: Memorial of the Legislature of Oregon, asking that the veterans of the Indian wars be placed upon the same footing as veterans of the Civil War in the matter of pensions; to the Committee on Pensions.

Also, memorial of the Oregon Legislature, asking for the passage of the Federal law requiring penal-made goods to be stamped as such before being admitted to interstate shipment; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Oregon Legislative Assembly, opposing the Canadian reciprocity treaty until after the Tariff Commission has reported; to the Committee on Ways and Means.

Also, memorial of the Oregon Legislative Assembly, in favor of the passage of the Sulloway pension bill; to the Committee on Invalid Pensions.

Also, memorial of the Oregon Legislative Assembly, in favor of a law giving travel pay to all volunteer soldiers who remained in the Philippines and performed service after the treaty with Spain; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 32884) granting an increase of pension to William N. England; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32885) granting an increase of pension to Napoleon B. Peterman; to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 32886) granting a pension to Augustus Ranco; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32887) granting an increase of pension to Charles Thurston; to the Committee on Invalid Pensions.

By Mr. HAMER: A bill (H. R. 32888) granting a pension to John F. Keeton; to the Committee on Invalid Pensions.

By Mr. HAMILL: A bill (H. R. 32889) granting a pension to Euna Wells Sears; to the Committee on Invalid Pensions.

By Mr. OLCOTT: A bill (H. R. 32890) granting an increase of pension to Laura Shelby Converse; to the Committee on Pensions.

By Mr. RAUCH: A bill (H. R. 32891) granting an increase of pension to James W. Curtis; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 32892) granting a pension to Henry Mink; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON: Petition of St. Louis Advertising Men's League, against increase of postal rates; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Petition of Trades and Labor Assembly of Coshocton, Ohio, protesting decisions of Federal judges relative to organized labor; to the Committee on Labor.

Also, petition of the American Pulp and Paper Association, against increase in postage rates on second-class matter; to the Committee on the Post Office and Post Roads.

Also, petition of the White Co., of Cleveland, Ohio, favoring the passage of House bill 32570; to the Committee on Interstate and Foreign Commerce.

By Mr. BORLAND: Petition of Kansas City Branch of American Women's League, against increase of postage on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. BURKE of Pennsylvania: Petition of United Brotherhood of Carpenters and Joiners of America, Local 890, located at Pittsburg, for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of citizens of Pennsylvania, for the construction of the battleship *New York* in a Government navy yard; to the Committee on Naval Affairs.

By Mr. BURLEIGH: Petition of Sebasticook Grange, No. 90; Somerset Pomona Grange; and Northern Light Grange, of Winterport, Me., against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. BUTLER: Petition of Coatesville Council, Junior Order United American Mechanics, for restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of Rogersford and Spruce City Trades Council, for repeal of the tax on oleomargarine; to the Committee on Agriculture.

By Mr. CARY: Petition of citizens of Tombstone, Ariz., protesting against the proposed change of the county seat from Tombstone; to the Committee on the Territories.

Also, memorial of American Paper and Pulp Association, against the proposed increase of postal rates on magazines; to the Committee on the Post Office and Post Roads.

By Mr. COOPER of Wisconsin: Petition of Charles Bisno, of Kenosha, Wis., against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. COX of Ohio: Petition of house of representatives of the Assembly of the State of Ohio, favoring choice of Senators by direct vote of the people; to the Committee on the Judiciary.

Also, petition of the Hamilton Retail Grocers and Butchers' Association, of Hamilton, Ohio, favoring reciprocity; to the Committee on Ways and Means.

By Mr. DALZELL: Petitions of Council No. 148, Freeport; Hillsdale Council, No. 235, North Side Pittsburg; Crystal Council, No. 300, Jeannette; Spring City Council, No. 900, Spring City; Aliquippa Council, No. 567, Aliquippa; Newtown Council; Local Council No. 602, Edinboro; Local Council No. 907, Nicolay; Justice Council, Glenlyon; America's Pride Council, Export; Council No. 542, Tidal; and Coatesville Council, Junior Order United American Mechanics, all in the State of Pennsylvania, and H. H. Kern, president of the Pittsburg Council; also Washington Camp No. 73, Cressona; Carlisle Camp; Mount Nebo Camp; Council No. 651, Philadelphia; Local Council No. 731, Tunkhannock; Washington Camp No. 82, Glen Riddle, Patriotic Order Sons of America, all in the State of Pennsylvania; and Council No. 406, Brotherhood of Carpenters and Joiners, Bethlehem, Pa., for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. DIEKEMA: Petition of Charles Marting and others, insisting that the battleship *New York* be built in a Government navy yard, in compliance with the law of 1910, and for eight-hour clause of naval appropriation bill; to the Committee on Naval Affairs.

By Mr. DODDS: Petition of County Line Farmers' Club, favoring a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. ELLIS: Petition of Society of Friends of Newberg, Oreg., for neutralization of the canal; to the Committee on Military Affairs.

Also, petition of C. M. Young and 12 others, of Portland, Oreg., against the establishment of a local rural parcels-post service; to the Committee on the Post Office and Post Roads.

Also, petition of Astoria Lodge, No. 180, B. P. O. E., for Senate bill 5629; to the Committee on the Public Lands.

By Mr. ESCH: Petition of American Paper and Pulp Association of New York, against increase in postage on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. FORNES: Petition of the Art Color Printing Co., against increase of postage on magazines; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of Milk Producers' Association of Illinois, against Canadian reciprocity treaty; to the Committee on Ways and Means.

Also, petition of Chicago Examiner, against increase of postage on magazines; to the Committee on the Post Office and Post Roads.

Also, petition of Ed. Lacher, of Peru, Ill., concerning claim of E. G. Lewis; to the Committee on Claims.

By Mr. GILL of Maryland: Petition of 41 members of the Society of Friends, Baltimore, Md., against the expenditure of public funds for warlike preparations, and especially against fortifying the Panama Canal; to the Committee on Military Affairs.

By Mr. GRIEST: Petition of Huntzberger-Winters Co., Elizabethtown, Pa., against a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of the Cigar Makers' Local Union No. 301, Akron, Pa., against repeal of the act for printing notes, checks, and bonds of the United States by hand presses; to the Committee on Printing.

By Mr. HAMER: Papers to accompany House bill granting a pension to John F. Keeton; to the Committee on Invalid Pensions.

By Mr. HAMILL: Petition of Valdez, Marshall Pass & Northern Railway, in Alaska, for House bill 32318 and Senate bill 10436; to the Committee on the Territories.

Also, petition of National Wholesale Dry Goods Association, for a permanent tariff commission; to the Committee on Ways and Means.

By Mr. HANNA: Petition of citizens on rural delivery routes in North Dakota, for increase of salaries of rural deliverers; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of North Dakota, against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. HAWLEY: Memorial of Oregon Legislature, for appropriation of 30,000 acres of land for use of the United States Army within the Klamath Indian Reservation; to the Committee on the Public Lands.

Also, memorial of Oregon Legislature, to establish at McMinnville an experiment station for walnut culture; to the Committee on Agriculture.

Also, memorial of the Legislative Assembly of the State of Oregon, for legislation beneficial to those interested in desert claims of land within Government irrigation projects; to the Committee on the Public Lands.

Also, petition of the Newberg Quarterly Meeting of Friends, against fortifying the canal; to the Committee on Military Affairs.

By Mr. HIGGINS: Petition of Norwich (Conn.) Grange, Patrons of Husbandry, in relation to the parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. HOLLINGSWORTH: Petition of Oliver G. Cape and 38 others, members of the Society of Friends, of Cadiz, Ohio, against the expenditure of public funds to fortify the canal and in warlike preparations; to the Committee on Military Affairs.

By Mr. KINKEAD of New Jersey: Petition of citizens of New Jersey, protesting against the proposed measure to have battleships built by private contractors; to the Committee on Naval Affairs.

Also, petition of Camden Central Labor Union and Washington Camp No. 36, Patriotic Order Sons of America, South Amboy, for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of the Allied Printing Trades Council, against increase of postal rates on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. LATTA: Petitions of William Corlidge and others, of Rosalie; Diers Bros. and others, of Madison; C. G. Bowen and others, of Orchard; E. Rohde and others, of Decatur, Joseph P. Kuehn and others, of Crafton; Adolph Tillipi and others, of Clarkson; S. A. Brannan and others, of Jackson; S. C. Hagen and others, of Concord; N. K. Harmon and others, of Loretto; Calvin B. Ney and others, of Plainview; R. G. Rohrke, F. S. Bensen, and others, of Hoskins; T. Koester and others, of Battle Creek; Werner H. Burbach and others, of Hartington; O. J. Goldsmith and others, of Orchard; F. Opocensky and others, of Niobrara; E. M. Spear and others, of Genoa; Phil Stine and others, of Plainview; Charles McWilliams and others, of Monroe, all in the State of Nebraska, against a parcels-post service; to the Committee on the Post Office and Post Roads.

By Mr. LONGWORTH: Petition of Liberty Bell Council, Junior Order United American Mechanics, of Cincinnati, Ohio, favoring legislation for the restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. McCREDIE: Petition of Journeymen Barbers' International Union of America, Local 158, against printing Government notes, checks, and bonds by machine presses; to the Committee on Printing.

Also, senate joint memorial of Washington, for an appropriation in behalf of Rainier National Park; to the Committee on the Public Lands.

Also, petition of Columbia Pomona Grange, against Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of Spokane Council, No. 17, Junior Order United American Mechanics, for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. McMORRAN: Petition of Hirshfield & Rosenburg and 6 other business firms of Owendale, Mich., against the establishment of a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. McDERMOTT: Petition of Boot and Shoe Workers' Union, No. 133, of Chicago, Ill., insisting that the battleship *New York* be built in a Government navy yard in compliance with the law of 1910; to the Committee on Naval Affairs.

By Mr. McHENRY: Memorial of Shamokin Commandery, No. 13, Patriotic Order Sons of America, of Shamokin, Pa., urging the passage of House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. MOORE of Pennsylvania: Petition of Washington Camps, Nos. 469, 187, 114, 423, 615, and 334, Patriotic Order Sons of America, urging enactment of the illiteracy test; to the Committee on Immigration and Naturalization.

Also, petition of St. Louis Advertising Men's League and National Association of Merchant Tailors of America, against increase of postage on magazines; to the Committee on the Post Office and Post Roads.

Also, petition of Fred S. Hall and others, for a children's Federal bureau; to the Committee on Interstate and Foreign Commerce.

By Mr. NYE: Petition of Minneapolis Plumbers' Union, No. 15, for building of battleship *New York* in a Government navy yard; to the Committee on Naval Affairs.

By Mr. A. MITCHELL PALMER: Memorials of Justice Council, Junior Order United American Mechanics, of Glenlyon, Pa., and Local Union No. 2034, United Mine Workers of America, in favor of House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. SHEFFIELD: Petition of Thomas P. Pickham and 42 other citizens, of Rhode Island, for a children's Federal bureau; to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS of Texas: Petition of the Cherokee Nation of Indians, against the claim of the heirs of John W. West; to the Committee on Indian Affairs.

By Mr. SULZER: Petition of National Association of Merchant Tailors in America, against reduction of postal rates on second-class matter; to the Committee on the Post Office and Post Roads.

Also, petition of the American Paper and Pulp Association of New York, against increase of postal rates on second-class matter; to the Committee on the Post Office and Post Roads.

Also, petition of St. Louis Advertising Men's League, the Christian Herald, Irving Kessler, the American Exporter, the Allied Printing Trades Council of the United States, the J. H. Simmons Publishing Co., and the Central Federated Union of Greater New York and vicinity, against increase of postage on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. TILSON: Petition of Mattabessett Grange, No. 42, Middleton, Conn.; Unity Grange, No. 9; Norwich Grange, No. 172; Chester Grange, No. 2; Hallenbeck Grange; and Mystic Grange, for a general parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. VOLSTEAD: Petition of citizens of Minnesota, against reduction of duty on barley; to the Committee on Ways and Means.

Also, petition of citizens of Elbow Lake and vicinity; citizens of Redwood County; residents of Redwood, Yellow Medicine, and Renville Counties; Alfred Frost and others, of Dawson; citizens of Wendell; Valentine Kelzer and others, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. WANGER: Resolutions of Royersford and Spring City (Pa.) Trades Council, respecting tax on oleomargarine; to the Committee on Agriculture.

Also, protest of the Wrightstown Farmers' Club, of Bucks County, Pa., against the passage of the Canadian reciprocity bill; to the Committee on Ways and Means.

Also, protest of the American National Live Stock Association, against the Canadian reciprocity bill; to the Committee on Ways and Means.

SENATE.

WEDNESDAY, *February 22, 1911.*

The Chaplain, Rev. Ulysses G. B. Pierce, D. D., offered the following prayer:

O Thou who art the God of our fathers, we rejoice in the return of this day, sacred to the memory of him who, in Thy providence, was the father of our country. Through the labors and the pains, through the hopes and the fears of the elder days, Thou hast brought us to this year of grace, bestowing upon us on the way blessings unnumbered and undeserved. Other men have labored, and we have entered into their labors. The little one has become a thousand and the small one a strong Nation, even an exceeding excellence and a joy of many generations. And for this great good whom shall we thank, in Thy name, but him who has become to us a model of public virtue and an example of private character? As again his words speak to us through the centuries, grant unto us attentive ears and obedient hearts.

We pray Thee, our Father, to bless our country. May peace be within her walls and prosperity within her palaces. For brethren and for companions' sakes, we now say, Peace be within thee, O blessed land! May they prosper who love thee!

Defend us, we pray Thee, against all violence from without and from all discord within. Write Thy commandments upon the hearts of this people, and teach us to love Thy law. So may we go from strength to strength, and ever be that happy Nation whose God is the Lord.

And as Thou wast with our sires, so be Thou with their sons and with our children, now and forever more. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BROWN, and by unanimous consent, the further reading was dispensed with and the Journal was approved.

READING OF WASHINGTON'S FAREWELL ADDRESS.

The VICE PRESIDENT. In accordance with a resolution adopted by the Senate many years ago, Washington's Farewell Address will now be read to the Senate. It will be read by the junior Senator from Iowa [Mr. YOUNG], whom the Chair has heretofore designated for that purpose.

Mr. YOUNG read the address, as follows:

To the people of the United States:

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed to decline being considered among the number of those out of whom a choice is to be made.

I beg you at the same time to do me the justice to be assured that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that in withdrawing the tender of service, which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

The acceptance of and continuance hitherto in the office to which your suffrages have twice called me have been a uniform sacrifice of inclination to the opinion of duty and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this previous to the last election had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations and the unanimous advice of persons entitled to my confidence impelled me to abandon the idea. I rejoice that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety, and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust I will only say that I have, with good intentions, contributed toward the organization and administration of the Government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and every day the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my political life my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me, and for the opportunities I have thence enjoyed of manifesting my inviolable attachment by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise and as an instructive example in our annals that under circumstances in which the passions, agitated in every direction, were liable to mislead; amidst appearances sometimes dubious; vicissitudes of fortune often discouraging; in situations in which not unfrequently want of success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts and a guaranty of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free Constitution which is the work of your hands may be sacredly maintained; that its administration in every department may be stamped with wisdom and

virtue; that, in fine, the happiness of the people of these States, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which can not end but with my life, and the apprehension of danger natural to that solicitude, urge me on an occasion like the present to offer to your solemn contemplation and to recommend to your frequent review some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all-important to the permanency of your felicity as a people. These will be offered to you with the more freedom as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget as an encouragement to it your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people is also now dear to you. It is justly so, for it is a main pillar in the edifice of your real independence, the support of your tranquillity at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth, as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively, though often covertly and insidiously, directed, it is of infinite moment that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it, accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned, and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth or choice of a common country, that country has a right to concentrate your affection. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discrimination. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together. The independence and liberty you possess are the work of joint counsels and joint efforts, of common dangers, sufferings, and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The North, in an unrestrained intercourse with the South, protected by the equal laws of a common government, finds in the productions of the latter great additional resources of maritime and commercial enterprise and precious materials of manufacturing industry. The South, in the same intercourse, benefiting by the same agency of the North, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the North, it finds its particular navigation invigorated; and while it contributes in different ways to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted. The East, in a like intercourse with the West, already finds, and in the progressive improvements of interior communications by land and water will more and more find, a valuable vent for the commodities which it brings from abroad or manufactures at home. The West derives from the East supplies requisite to its growth and comfort, and what is perhaps of still greater consequence, it must of necessity owe the secure enjoyment of indispensable outlets for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as one Nation. Any other tenure by which the West can hold this essential advantage, whether derived from its own separate strength or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular interest in union, all the parts combined can not fail to find in the united mass of means and efforts greater strength, greater resource, proportionably greater security from external danger, a less frequent interuption of their peace by foreign nations, and what is of inestimable value, they must derive from union an exemption from those broils and wars between themselves which so frequently afflict neighboring countries not tied together by the same governments, which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence, likewise, they will avoid the necessity of those overgrown military establishments which, under any form of government, are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its bands.

In contemplating the causes which may disturb our union, it occurs as matter of serious concern that any ground should have been furnished for characterizing parties by geographical discriminations—northern and southern, Atlantic and western—whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts is to misrepresent the opinions and aims of other districts. You can not shield yourselves too much against the jealousies and heartburnings which spring from these misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head. They have seen in the negotiation by the Executive and in the unanimous ratification by the Senate of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the General Government and in the Atlantic States unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties—that with Great Britain and that with Spain—which secure to them everything they could desire in respect to our foreign relations toward confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? Will they not henceforth be deaf to those advisers, if such there are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your union a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute. They must inevitably experience the infractions and interruptions which all alliances in all times have experienced. Sensible of this momentous truth, you have improved upon your first essay by the adoption of a constitution of government better calculated than your former for an intimate union and for the efficacious management of your common concerts. This Government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government. But the constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government

presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle and of fatal tendency. They serve to organize faction; to give it an artificial and extraordinary force; to put in the place of the delegated will of the Nation the will of a party, often a small but artful and enterprising minority of the community, and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction rather than the organ of consistent and wholesome plans, digested by common councils and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely in the course of time and things to become potent engines by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people and to usurp for themselves the reins of government, destroying afterwards the very engines which have lifted them to unjust dominion.

Toward the preservation of your Government and the permanency of your present happy state it is requisite not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect in the forms of the Constitution alterations which may impair the energy of the system, and thus to undermine what can not be directly overthrown. In all the changes to which you may be invited remember that time and habit are at least as necessary to fix the true character of governments as other human institutions; that experience is the surest standard by which to test the real tendency of the existing constitution of a country; that facility in changes upon the credit of mere hypothesis and opinion exposes to perpetual change, from the endless variety of hypothesis and opinion; and remember especially that for the efficient management of your common interests in a country so extensive as ours a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the State, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

The spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual, and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind (which nevertheless ought not to be entirely out of sight), the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foments occasionally riot and insurrection. It opens the door to foreign influence and corruption, which find a facilitated access to the Government itself through the channels of party passion. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the Government and serve to keep alive the spirit of liberty. This within certain limits is probably true, and in governments of a monarchical cast patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency it is certain there will always be enough of that spirit for every salutary purpose, and there being constant danger of excess, the effort ought to be by force of public opinion to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent its bursting into a flame, lest instead of warming it should consume.

It is important, likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominates in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into the different depositories, and constituting each the guardian of the public weal against invasions by the others, has been evinced by experiments, ancient and modern, some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If in the opinion of the people the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, Where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principles.

It is substantially true that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric? Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace; but remembering also that timely disbursements to prepare for danger frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars have occasioned, not ungenerously throwing upon posterity the burthen which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty it is essential that you should practically bear in mind that toward the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper objects (which is always a choice of difficulties) ought to be a decisive motive for a candid construction of the conduct of the Government in making it, and for a spirit of acquiescence in the measures for obtaining revenue which the public exigencies may at any time dictate.

Observe good faith and justice toward all nations. Cultivate peace and harmony with all. Religion and morality enjoin this

conduct. And can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and at no distant period a great nation to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt that in the course of time and things the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others should be excluded, and that in place of them just and amicable feelings toward all should be cultivated. The nation which indulges toward another an habitual hatred or an habitual fondness is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur.

Hence frequent collisions; obstinate, envenomed, and bloody contests. The nation prompted by ill will and resentment sometimes impels to war the government contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject. At other times it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations has been the victim.

So, likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter without adequate inducement or justification. It leads also to concessions to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted, or deluded citizens (who devote themselves to the favorite nation) facility to betray or sacrifice the interests of their own country without odium, sometimes even with popularity, gilding with the appearances of a virtuous sense of obligation a commendable deference of public opinion or a laudable zeal for public good the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak toward a great and powerful nation dooms the former to be the satellite of the latter. Against the insidious wiles of foreign influence (I conjure you to believe me, fellow citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike of another cause those whom they actuate to see danger only on one side and serve to veil and even second the arts of influence on the other. Real patriots who may resist the intrigues of the favorites are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests which to us have none or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not legally hazard the giving us provocation; when we may choose peace or war, as our interests, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world, so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs that honesty is always the best policy. I repeat, therefore, let those engagements be observed in their genuine sense. But, in my opinion, it is unnecessary and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, liberal intercourse with all nations are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand, neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the Government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish—that they will control the usual current of the passions or prevent our Nation from running the course which has hitherto marked the destiny of nations. But if I may even flatter myself that they may be productive of some partial benefit, some occasional good—that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism—this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far in the discharge of my official duties I have been guided by the principles which have been delineated the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice and by that of your Representatives in both Houses of Congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take and was bound in duty and interest to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance, and firmness.

The considerations which respect the right to hold this conduct it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerant powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and hu-

manity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity toward other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress without interruption to that degree of strength and consistency which is necessary to give it, humanely speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence, and that, after 45 years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love toward it which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectation that retreat in which I promise myself to realize without alloy the sweet enjoyment of partaking in the midst of my fellow citizens the benign influence of good laws under a free government—the ever-favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and dangers.

GO: WASHINGTON.

UNITED STATES, *September 17, 1796.*

HOUSE BILL REFERRED.

H. R. 32767. An act for the allowance of certain claims reported by the Court of Claims under provisions of the acts approved March 3, 1883, and March 3, 1887, commonly known as the Bowman and Tucker Acts, was read twice by its title and referred to the Committee on Claims.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had passed the following bills and joint resolution, with amendments, in which it requests the concurrence of the Senate:

S. 8457. An act to restore to the public domain certain lands withdrawn for reservoir purposes in Millard County Utah;

S. 9443. An act providing for the naturalization of the wife and minor children of insane aliens making homestead entries under the land laws of the United States;

S. 9903. An act to authorize the Sheridan Railway & Light Co. to construct and operate railway, telegraph, telephone, electric power, and trolley lines through the Fort Mackenzie Military Reservation, and for other purposes;

S. 9904. An act granting certain rights of way on the Fort D. A. Russell Military Reservation at Cheyenne, Wyo., for railroad and county road purposes;

S. 10011. An act for establishing a light and fog-signal station on the San Pedro Breakwater, Cal.;

S. 10015. An act for rebuilding and improving the present light and fog signal at Lincoln Rock, Alaska, or for building another light and fog-signal station upon a different site near by;

S. 10177. An act to authorize additional aids to navigation in the Lighthouse Establishment, and for other purposes;

S. 10318. An act authorizing the Commissioner of the General Land Office to grant further extensions of time within which to make proof on desert-land entries;

S. 10596. An act to authorize the Rainy River Improvement Co. to construct a dam across the outlet of Namakan Lake at Kettle Falls, in St. Louis County, Minn.; and

S. J. Res. 132. Joint resolution authorizing the delivering to the commander in chief of the United Spanish War Veterans of one or two dismounted bronze cannon.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 24212. An act to amend section 4875 of the Revised Statutes to provide a compensation of $100 per month, with fuel and quarters, for the superintendent of the Arlington (Va.) National Cemetery;

H. R. 27298. An act relating to homestead entries in the former Siletz Indian Reservation, in the State of Oregon;

H. R. 31806. An act to amend section 1 of the act approved March 2, 1907, being an act to amend an act entitled "An act conferring jurisdiction upon United States commissioners over offenses committed on a portion of the permanent Hot Springs Mountain Reservation, Ark.;"

H. R. 32213. An act to authorize the city of Portsmouth, N. H., to construct a bridge across the Piscataqua River;

H. R. 32341. An act to authorize the St. Paul Railway Promotion Co., a corporation, to construct a bridge across the Mississippi River near Nininger, Minn.;

H. R. 32400. An act to authorize the North Pennsylvania Railroad Co. and the Delaware & Bound Brook Railroad Co. to construct a bridge across the Delaware River from Lower Makefield Township, Bucks County, Pa., to Ewing Township, Mercer County, N. J.;

H. R. 32440. An act authorizing the Moline, East Moline & Watertown Railway Co. to construct, maintain, and operate a bridge and approaches thereto across the south branch of the Mississippi River from a point in the village of Watertown, Rock Island County, Ill., to the island known as Campbells Island;

H. R. 32571. An act to consolidate certain forest lands in the Kansas National Forest;

H. J. Res. 276. Joint resolution modifying certain laws relating to the military records of certain soldiers and sailors;

H. J. Res. 286. Joint resolution authorizing the printing of 100,000 copies of the Special Report on the Diseases of the Horse; and

H. J. Res. 287. Joint resolution authorizing the printing of 100,000 copies of the Special Report on the Diseases of Cattle.

The message further returned to the Senate, in compliance with its request, the bill (S. 288) for the creation of the police and firemen's relief fund, to provide for the retirement of members of the police and fire departments, to establish a method of procedure for such retirement, and for other purposes.

SENATOR FROM OHIO.

Mr. DICK presented the credentials of ATLEE POMERENE, chosen by the Legislature of the State of Ohio a Senator from that State for the term beginning March 4, 1911, which were read and ordered to be filed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a joint memorial of the Legislature of the State of Oregon, which was referred to the Committee on Education and Labor and ordered to be printed in the RECORD, as follows:

House joint memorial No. 5.

A memorial to Congress for adoption by the House of Representatives and Senate, now in session, pertaining to protection of manufacturing industries in States in which the interstate-commerce laws at this time render ineffective protection to said manufacturing industries.

Whereas the manufacturers of Oregon and the home industries of this State are made to suffer through the lack of protection afforded on account of the rulings of the courts in reference to the interstate-commerce laws; and

Whereas the State of Oregon is being flooded with goods and with merchandise which, being made in any penitentiary, prison, reformatory, or other like institutions, are proving to be to the detriment of the home industries of this State: Therefore be it

Resolved, That the State senate and the house of representatives now assembled do present this, a memorial, to Congress, requesting that Congress do protect the various States' industries by providing a law that all such penitentiary and penal made goods be stamped, labeled, or marked by the institution making such goods with the name of the institution, the date of manufacture, and that such goods or merchandise be so stamped, labeled, or marked before leaving such institution for interstate shipment; and be it further

Resolved, That a copy of these resolutions be forwarded to Oregon's United States Senators and Representatives.

Adopted by the house February 6, 1911.

JOHN P. RUSK, *Speaker of the House.*

Concurred in by the senate February 14, 1911.

BEN SELLING, *President of the Senate.*

STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of house joint memorial No. 5 with the original thereof, which was adopted by the house February 6, 1911, and concurred in by the senate February 14, 1911, and that it is a correct transcript therefrom and of the whole of such original.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol, at Salem, Oreg., this 16th day of February, A. D. 1911.

[SEAL.] F. W. BENSON, *Secretary of State.*

The VICE PRESIDENT presented a joint memorial of the Legislature of the State of Oregon, which was ordered to lie on the table and to be printed in the RECORD, as follows:

House joint memorial No. 8.

To the Congress of the United States, greeting:

Whereas numerous volunteer regiments who enlisted for the War with Spain in 1898 that were sent to the Philippine Islands and did valiant service there in suppressing the Philippine insurrection after the treaty of peace with Spain was signed were returned to the United

States and mustered out without being paid the customary travel pay allowed soldiers under similar conditions;

Therefore we, your memorialists, the Legislative Assembly of the State of Oregon, earnestly pray your honorable body to enact into law a bill for the purpose of giving travel pay to all volunteer soldiers who remained in the Philippine Islands doing service after the treaty of peace with Spain was signed and who have not heretofore obtained the same.

Adopted by the house February 6, 1911.

JOHN P. RUSK, *Speaker of the House.*

Concurred in by the senate February 14, 1911.

BEN SELLING, *President of the Senate.*

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STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify: That I have carefully compared the annexed copy of house joint memorial No. 8 with the original thereof, which was adopted by the house February 6, 1911, and concurred in by the senate February 14, 1911, and that it is a correct transcript therefrom and of the whole of such original.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 16th day of February, A. D. 1911.

[SEAL.] F. W. BENSON, *Secretary of State.*

The VICE PRESIDENT presented a joint memorial of the Legislature of the State of Oregon, which was ordered to lie on the table and to be printed in the RECORD, as follows:

House joint memorial No. 13.

To the honorable Senate and House of Representatives, Congress of the United States.

GENTLEMEN: Your memorialists, the Legislative Assembly of the State of Oregon, would respectfully and earnestly represent to your honorable body that the pensions now granted under existing laws to the veterans of the Civil War are, by reason of advancing age and increasing infirmities, inadequate to the deserts and needs of these old soldiers who are so rapidly passing away.

We therefore urge upon your honorable body the passage of House bill 29346 (the Sulloway bill) granting increased pensions to the survivors of the Civil War commensurate with their increasing age and infirmities.

The number of survivors of the Civil War is rapidly growing smaller and their ranks are fast becoming depleted, and we feel that their services to the Nation have been sufficient to warrant the payment to them of the pension provided for in this bill.

It is hereby directed that a copy of this memorial, duly signed by the president of the senate and the speaker of the house, and attested by the chief clerks of the two houses, be immediately forwarded to each of the Oregon Senators and Representatives in Congress.

Adopted by the house February 13, 1911.

JOHN P. RUSK, *Speaker of the House.*

Attest:

W. F. DRAGER, *Chief Clerk of the House.*

Adopted by the senate February 14, 1911.

BEN SELLING, *President of the Senate.*

Attest:

E. H. FLAGG, *Chief Clerk of the Senate.*

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STATE OF OREGON,
OFFICE OF THE SECRETARY OF STATE.

I, F. W. Benson, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify that I have carefully compared the annexed copy of house joint memorial No. 13 with the original thereof, which was adopted by the house February 13, 1911, and adopted by the senate February 14, 1911, and that it is a correct transcript therefrom and of the whole of such original.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 16th day of February, A. D. 1911.

[SEAL.] F. W. BENSON, *Secretary of State.*

The VICE PRESIDENT presented the petition of C. K. Buckley, commander of U. S. Grant Post, Department of New York, Grand Army of the Republic, of Brooklyn, N. Y., praying for the enactment of legislation mustering Frederick Dent Grant into the service of the Army of the United States as of date April 26, 1863, and mustering him out as of date July 4, 1863, with the rank of captain, in order that he may join the Grand Army of the Republic, which was referred to the Committee on Military Affairs.

He also presented a memorial of the Westbury Quarterly Society of Friends, of New York City, N. Y., remonstrating against any appropriation being made for the fortification of the Panama Canal, which was referred to the Committee on Interoceanic Canals.

Mr. DU PONT presented petitions of Washington Camp No. 12, of Port Penn, and of Washington Camp No. 17, of Leipsic, Patriotic Order Sons of America, in the State of Delaware, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. FRYE presented memorials of Local Union No. 9, Bricklayers, Masons, and Plasterers' Union, of Augusta; of Kennebec Valley Grange, No. 128, of Anson; of Riverside Grange, No. 273, of Brewer; of Local Grange of Sidney; of Riverside Grange, of Lebanon; of Sandy River Grange, of Madrid; of Good Will Grange, of South Warren; of Highland Grange, of North Penobscot; of Local Grange No. 44, of South Paris; and of Mountain Grange, No. 164, of Buckfield, Patrons of Husbandry, all in the State of Maine, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. KEAN presented memorials of sundry citizens of Newark, Burlington, Jersey City, Union, Ridgefield Park, Waldwick, Weehawken, and Plainfield, all in the State of New Jersey, remonstrating against any change being made in the rate of postage on periodicals and magazines, which were ordered to lie on the table.

He also presented petitions of Washington Camp No. 97, Patriotic Order Sons of America, of Bridgeton; of Samuel B. Ferdon, H. I. Oswald, J. B. Bogert, H. C. Ball, W. A. Irwin, Fred F. Henkel, William B. Lyon, Edwin J. Marsh, and Charles E. Veeder, all of Hackensack, in the State of New Jersey, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. SHIVELY presented a memorial of the Allied Printing Trades Council of South Bend, Ind., representing the Typographical Union, the Pressmen's Union, the Stereotypers and Electrotypers' Union, and the Bookbinders' Union, remonstrating against any increase being made in the rate of postage on periodicals and magazines, which was ordered to lie on the table.

He also presented a memorial of Franklin Grange, No. 1593, Patrons of Husbandry, of Lanesville, Ind., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

Mr. BURNHAM presented memorials of Ernest W. Bickford, of Rochester; W. O. Field, of Concord; Hollis L. Wiggin, of Meredith; Frank P. Cheney, of Littleton; L. E. Charles, master General Stark Grange, of Manchester; E. E. Austin, Batchelder Grange, of Manchester; W. H. White, of Deerfield; Albert J. Richardson, of Littleton; A. L. Mackie, of East Kingston; Don S. Bridgeman, of Hanover; Henry M. Beard, of Grassmere; L. N. Bryan, deputy State Grange, of West Rumney; Eva M. Brown, secretary Belknap County Pomona Grange; Indian River Grange, No. 72, of Canaan; Weare Grange, No. 276, of North Weare, Patrons of Husbandry; I. J. Smith, deputy State Grange; Bert D. Paige, deputy State Grange; C. B. McClure, deputy State Grange; Harvey A. Jewett, deputy State Grange; Fred W. Dudley, deputy State Grange; George L. Flanders, member grange, of Warner; and Georgie P. Blake, master Carroll County Pomona Grange, of Sanbornville, all in the State of New Hampshire, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. OLIVER presented a petition of Local Union No. 484, Musicians' Protective Union, of Chester, Pa., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Washington Camp No. 161, Patriotic Order Sons of America, of Lock Haven, Pa., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented memorials of the Manufacturers' Club and the Board of Trade, of Philadelphia, Pa., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented petitions of Thomas Post, No. 84, of Lancaster; and of McPherson Post, No. 117, of Pittsburg, Department of Pennsylvania, Grand Army of the Republic; and of the Naval Veteran Legion, of Philadelphia, all in the State of Pennsylvania, praying for the passage of the so-called old-age pension bill, which were ordered to lie on the table.

Mr. RAYNER presented memorials of Local Grange, of Sandville; and of Local Grange, of Cambridge, Patrons of Husbandry, in the State of Maryland, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented petitions of Washington Camp No. 9, Patriotic Order Sons of America, of Baltimore; and of Acme Council, Junior Order United American Mechanics, of Hebbville, in the State of Maryland, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. HEYBURN presented petitions of Midway Grange, No. 39, and of Nampa Grange, No. 38, Patrons of Husbandry, in the State of Idaho, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. DICK present petitions of New Era Council, of Cincinnati; of Highland Council, of New Petersburg; and of Local Council of Norward, Junior Order United American Mechanics; of Local Council No. 1166, American Federation of Labor of

Fremont, and of Local Council, American Federation of Labor of Lorain, all in the State of Ohio, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a memorial of sundry citizens of Delphos and Cincinnati, in the State of Ohio, remonstrating against any increase being made in the rate of postage on periodicals and magazines, which was ordered to lie on the table.

Mr. WARREN presented the memorial of Charles C. Young, of Saratoga, Wyo., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

Mr. BRANDEGEE presented a petition of the Court of Common Council of Hartford, Conn., praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

Mr. GALLINGER presented memorials of Fremont Grange and West Rockingham Pomona Grange, of Fremont, and of Indian River Grange, of Canaan, Patrons of Husbandry, in the State of New Hampshire, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented telegrams in the nature of memorials of Henry M. Beard, gatekeeper, New Hampshire State Grange; L. E. Charles, master, General Stark Grange; E. E. Austin, Barchelder Grange; and Bert D. Paige, deputy, State Grange, all of Manchester; F. A. Rogers, deputy, New Hampshire State Grange, of Meridian; Andrew L. Felker, treasurer, New Hampshire State Grange, of Merdith; Edward L. Patterson, deputy, New Hampshire State Grange, of Portsmouth; I. J. Smith, deputy, New Hampshire State Grange, of Plymouth; Mount Livermore Grange, of Holderness; Charles A. Tibbitts, deputy, New Hampshire State Grange, of Rochester; W. H. Tripp, steward, New Hampshire State Grange, of Short Falls; Eva M. Brown, of Tilton; L. N. Bryan, deputy, New Hampshire State Grange, of West Rumney; Charles A. Rollins, deputy, New Hampshire State Grange, of Lake Shore Park; Albert J. Richardson, member executive committee, New Hampshire State Grange, of Littleton; W. H. White, of Manchester; A. L. Mackie, deputy, New Hampshire State Grange, of East Kingston; Don S. Bridgman, of Hanover; Gerry F. Parker, master, Hudson Grange, of Hudson; Albert M. French, deputy, New Hampshire State Grange, of Gilsum; C. B. McClure, deputy, New Hampshire State Grange, of Munsonville; Gilbert G. Fellows, of Franklin; Fred W. Dudley, deputy, New Hampshire State Grange, of Hollis; George L. Flanders, of Warner; Harvey A. Jewett, deputy, New Hampshire State Grange, of East Tilton; Georgia P. Blake, master of Carroll County Pomona Grange, of Sanbornville; and Orville P. Smith, general deputy, New Hampshire State Grange, of Ashland, all in the State of New Hampshire; and of W. J. McCambridge, of Ticonderoga, N. Y., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. HALE presented memorials of sundry citizens and granges in the State of Maine, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance and ordered to be noted in the RECORD, as follows:

PULP AND PAPER.

Memorial of the Board of Trade of Livermore Falls, Me.; and

Memorial of Local Union No. 69, International Brotherhood of Stationary Firemen, of Millinocket, Me.

FARM PRODUCTS.

Memorial of Farmington Grange, No. 12, Patrons of Husbandry, of Farmington, Me.;

Memorial of Amity Grange, No. 384, Patrons of Husbandry, of Amity, Aroostook County, Me.;

Memorial of Highland Grange, No. 364, Patrons of Husbandry, of Penobscot, Me.;

Memorial of Parkman Grange, No. 305, Patrons of Husbandry, of Parkman Corner, Me.;

Memorial of Good Will Grange, Patrons of Husbandry, of South Warren, Me.;

Memorial of Queen City Grange, No. 30, Patrons of Husbandry, of Bangor, Me.;

Memorial of Harvest Moon Grange, Patrons of Husbandry, of Thorndike, Me.;

Memorial of Northern Light Grange, No. 6, Patrons of Husbandry, of Winterport, Me.;

Memorial of 105 citizens of New Sweden, Me.;

Memorial of R. R. Higgins and H. H. Higgins, of Mapleton, Me.; and

Memorials of sundry citizens of Aroostook County, Me.

Mr. HALE presented a petition of Custer Command, Union Veterans' Union, of Foxcroft, Me., praying for the passage of the so-called old-age pension bill, which was ordered to lie on the table.

REPORTS OF A COMMITTEE.

Mr. BURKETT, from the Committee on the District of Columbia, to which was referred the bill (S. 10136) providing for the protection of the interests of the United States in lands and waters comprising any part of the Anacostia River, or Eastern Branch, and lands adjacent thereto, and for other purposes, reported it with amendments and submitted a report (No. 1221) thereon.

He also, from the same committee, to which was referred the bill (S. 3527) to establish and disburse a public-school teachers' retirement fund in the District of Columbia, submitted an adverse report (No. 1222) thereon, which was agreed to, and the bill was postponed indefinitely.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHIVELY:

A bill (S. 10872) granting an increase of pension to Sarah Van Nordstrand; to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 10873) to provide for the erection of a monument to the signers of the Declaration of Independence; to the Committee on the Library.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. DEPEW submitted an amendment relative to the settlement of accounts of disbursing officers of the Navy, etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

He also submitted an amendment proposing to increase the limit of cost, exclusive of armor and armament, of the battleship *Florida* from $6,000,000 to $6,400,000, etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. PILES submitted an amendment proposing to appropriate $25,000 for the purchase of a site for the Pacific coast torpedo station, intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate $1,000 for the construction of a walk on Burwell Avenue, navy yard, Puget Sound, State of Washington, etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to appropriate $2,565,000 for the construction of an armory building for the National Guard of the District of Columbia, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Mr. DICK submitted an amendment proposing to appropriate $200,000 for the purchase of a site for a public park in northeast Washington, D. C., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

NOTICE OF MEMORIAL ADDRESSES.

Mr. LODGE. Mr. President, I desire to give notice that on Saturday, the 25th, at 5 o'clock, I shall ask the Senate to consider resolutions commemorative of the life and character of Hon. WILLIAM S. LOVERING and Hon. CHARLES Q. TIRRELL, late Members of the House of Representatives from Massachusetts.

I will also take this occasion, Mr. President, to give notice that I shall ask the Senate to proceed to the consideration of executive business at the earliest moment possible before adjournment to-day.

LAND IN PENSACOLA, FLA.

Mr. FLETCHER. On yesterday the Senate passed House bill 31987, providing for the releasing of the claim of the United States Government to arpent lot No. 44 in the old city of Pensacola, Fla. The House having passed a similar Senate bill, I move that the votes by which the House bill was read the third time and passed be reconsidered.

The motion to reconsider was agreed to.

Mr. FLETCHER. I move that the House bill be indefinitely postponed.

The motion was agreed to.

LANDS IN MILLARD COUNTY, UTAH.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 8457) to restore to the public domain certain lands withdrawn for reservoir purposes in Millard County, Utah, which was to strike out line 3 down to and including the word "to," in line 4, and to insert "That the President may, in his discretion."

Mr. SMOOT. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

JAMES RIVER DAM, MISSOURI.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 574) to authorize J. W. Vance, L. L. Allen, C. F Helwig, and H. V. Worley, of Pierce City, Mo.; A. B. Durnil, D. H. Kemp, Sig Soloman, J. J. Davis, S. A. Chappell, and W. M. West, of Monett, Mo.; M. L. Coleman, M. T. Davis, Jared R. Woodfill, jr., J. H. Jarrett, and William H. Standish, of Aurora, Lawrence County, Mo.; and L. S. Meyer, F. S. Heffernan, Robert A. Moore, William H. Johnson, J. P. McCammon, M. W. Colbaugh, and W. H. Schreiber, of Springfield, Greene County, Mo., to construct a dam across the James River, in Stone County, Mo., and to divert a portion of its waters through a tunnel into the said river again to create electric power, which was, on page 2, line 20, to strike out "twenty-second" and insert "twenty-third."

Mr. STONE. The only change made in the bill as it passed the Senate was to strike out the date, a wrong date, of the passage of the act referred to in the bill. As it appeared in the bill, the act was passed on the 22d day of the month. In fact, it was the 23d day of the month, and the House so amended it. That is the only change. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

DONATION OF DISMOUNTED BRONZE CANNON.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 132) authorizing the delivering to the commander in chief of the United Spanish War Veterans one or two dismounted bronze cannon, which was in line 6, after the word "Spain," to strike out down to and including the word "insurrection," in line 7.

Mr. WARREN. I move that the Senate concur in the amendment of the House.

The amendment was agreed to.

DESERT-LAND ENTRIES.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 10318) authorizing the Commissioner of the General Land Office to grant further extensions of time within which to make proof on desert-land entries, which was to strike out all after the enacting clause and insert:

That the Secretary of the Interior may, in his discretion, grant to the entryman under the desert-land laws in the counties of Benton, Yakima, and Klickitat, in the State of Washington, a further extension of the time within which they are required to make final proof, provided such entryman shall, by his corroborated affidavit filed in the land office of the district where such land is located, show to the satisfaction of the Secretary that because of unavoidable delay in the construction of irrigation works intended to convey water to the land embraced in his entry he is, without fault on his part, unable to make proof of the reclamation and cultivation of said lands as provided by law within the time limited therefor; but such extension shall not be granted for a period of more than three years, and this act shall not affect contests initiated for a valid existing reason.

And to amend the title so as to read:

"An act authorizing the Secretary of the Interior to grant further extensions of time within which to make proof on desert-land entries in the counties of Benton, Yakima, and Klickitat."

Mr. JONES. I move that the Senate concur in the House amendment with an amendment in line 2, page 1, before the word "entryman," to strike out "the" and insert "any."

The VICE PRESIDENT. The Senator from Washington moves to concur in the amendment with the amendment which he has stated.

Mr. HEYBURN. I should like to inquire of the Senator from Washington what change that makes. Does it convert it from an act of limited application to one of general application?

Mr. JONES. Does the Senator mean the amendment I propose?

Mr. HEYBURN. Yes.

Mr. JONES. The House amendment read: "That the Secretary of the Interior may, in his discretion, grant to the entryman under," and so forth. I have moved to strike out the word "the" and to insert "any."

Mr. HEYBURN. Are the words "the entryman" applied to enumerated entrymen previously stated in the bill?

Mr. JONES. No; there are no other entrymen mentioned in the bill, but it limits it apparently to one single entryman when the intention of the bill was to grant to certain desert-land entrymen in three counties in the State the right to have a further extension.

The VICE PRESIDENT. The question is on the motion of the Senator from Washington to concur in the House amendment with an amendment.

The motion was agreed to.

LIGHT STATION ON SAN PEDRO BREAKWATER.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 10011) for establishing a light and fog-signal station on San Pedro Breakwater, Cal., which was to strike out all after the enacting clause and insert:

That the Secretary of Commerce and Labor be, and he is hereby, authorized to establish a light and fog-signal station on the San Pedro Breakwater, Cal., at a cost not to exceed $36,000.

Mr. FRYE. I move that the Senate concur in the House amendment.

The motion was agreed to.

LIGHT AND FOG SIGNAL AT LINCOLN ROCK, ALASKA.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 10015) for rebuilding and improving the present light and fog signal at Lincoln Rock, Alaska, or for building another light and fog-signal station upon a different site near by, which was to strike out all after the enacting clause and insert:

That the Secretary of Commerce and Labor be, and he is hereby, authorized to rebuild and improve the present light and fog signal at Lincoln Rock, Alaska, or establish a light and fog-signal station upon a different site near by, at a cost not to exceed $25,000.

Mr. FRYE. I move that the Senate concur in the House amendment.

The motion was agreed to.

AIDS TO NAVIGATION.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 10177) to authorize additional aids to navigation in the Lighthouse Establishment, and for other purposes.

Mr. FRYE. I move that the Senate nonconcur in the amendment of the House and ask for a conference on the disagreeing votes of the two Houses, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. GALLINGER, Mr. DEPEW, and Mr. SIMMONS conferees on the part of the Senate.

NAMAKAN LAKE DAM, MINNESOTA.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 10396) to authorize the Rainy River Improvement Co. to construct a dam across the outlet of Namakan Lake at Kettle Falls, in St. Louis County, Minn., which was, on page 1, line 8, after the word "Minnesota," to insert "at a point suitable to the interests of navigation."

Mr. NELSON. I move that the Senate concur in the House amendment.

The motion was agreed to.

NATURALIZATION OF ALIENS.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 9443) providing for the naturalization of the wife and minor children of insane aliens making homestead entries under the land laws of the United States, which was, in line 7, after the word "the," to insert "other."

Mr. NELSON. I move that the Senate concur in the House amendment.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bill and joint resolution were severally read twice by their titles and refered to the Committee on Military Affairs:

H. R. 24212. An act to amend section 4875 of the Revised Statutes to provide a compensation of $100 per month, with fuel and quarters, for the superintendent of the Arlington (Va.) National Cemetery; and

H. J. Res. 276. Joint resolution modifying certain laws relating to the military records of certain soldiers and sailors.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 32213. An act to authorize the city of Portsmouth, N. H., to construct a bridge across the Piscataqua River;

H. R. 32341. An act to authorize the St. Paul Railway Promotion Co., a corporation, to construct a bridge across the Mississippi River near Nininger, Minn.;

H. R. 32400. An act to authorize the North Pennsylvania Railroad Co. and the Delaware & Boundbrook Railroad Co. to construct a bridge across the Delaware River from Lower Makefield Township, Bucks County, Pa., to Ewing Township, Mercer County, N. J.; and

H. R. 32440. An act authorizing the Moline, East Moline & Watertown Railway Co. to construct, maintain, and operate a bridge and approaches thereto across the South Branch of the Mississippi River, from a point in the village of Watertown, Rock Island County, Ill., to the island known as Campbells Island.

H. R. 27298. An act relating to homestead entries in the former Siletz Indian Reservation, in the State of Oregon, was read twice by its title and referred to the Committee on Public Lands.

H. R. 31806. An act to amend section 1 of the act approved March 2, 1907, being an act to amend an act entitled "An act conferring jurisdiction upon United States commissioners over offenses committed on a portion of the permanent Hot Springs Mountain Reservation, Ark.," was read twice by its title and referred to the Committee on the Judiciary.

The following joint resolutions were read twice by their titles and referred to the Committee on Printing:

H. J. Res. 286. Joint resolution authorizing the printing of 100,000 copies of the Special Report on the Diseases of the Horse; and

H. J. Res. 287. Joint resolution authorizing the printing of 100,000 copies of the Special Report on the Diseases of Cattle.

KANSAS NATIONAL FOREST LANDS.

The bill (H. R. 32571) to consolidate certain forest lands in the Kansas National Forest, was read the first time by its title.

Mr. STONE. An exactly similar bill has been favorably reported from the Senate Committee on Public Lands and is now on the calendar. The bill covers only one page. I ask unanimous consent for its present consideration.

The VICE PRESIDENT. The Secretary will read the bill for the information of the Senate.

The bill was read the second time at length, as follows:

Be it enacted, etc., That the Secretary of the Interior, for the purpose of consolidating the forest lands belonging to the United States within the Kansas National Forest, be, and he hereby is, authorized and empowered, upon the recommendation of the Secretary of Agriculture, to exchange lands belonging to the United States which are part of the Kansas National Forest for privately owned lands lying within the exterior limits of the said national forest: *Provided*, That the lands so exchanged shall be equal in area and substantially equal in value: *And provided further*, That upon the consummation of such exchange the land deeded to the United States thereunder shall become a part of the Kansas National Forest.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. HEYBURN. I should like to ask the Senator from Missouri if this bill has not eliminated the limitations upon the place where those lands might be selected. I reported the similar bill from the Committee on Public Lands to the Senate. There seems to be no limitation as to the area within which the lieu lands may be selected.

Mr. STONE. The bill states that they are entirely land within the exterior limits of this particular reserve.

Mr. HEYBURN. Yes; but as to where the lieu lands may be selected. I think from listening to the bill that that provision is not in it. We have not been in the habit for several years of passing any bill authorizing the exchange of lands and permitting the selection of the lieu lands outside of the State in which the lands were for which the lieu lands were taken.

Mr. HALE. Mr. President, I object to the consideration of the bill.

The VICE PRESIDENT. Objection is made to the consideration of the bill.

Mr. HALE. I ask unanimous consent that the Senator from Illinois [Mr. LORIMER], who is waiting to address the Senate, be permitted now to go on with his remarks.

Mr. STONE. I have no objection to that, but I will ask unanimous consent that the bill be retained on the Vice President's table.

The VICE PRESIDENT. The Chair will hold the bill on the table. The Senator from Maine asks unanimous consent to dispense with the further business of the morning hour. Is there objection?

Mr. LA FOLLETTE. What is the request, Mr. President?

The VICE PRESIDENT. The Chair did not put the request just as the Senator from Maine made it. The Senator from Maine asked unanimous consent that the Senator from Illinois be now permitted to proceed. It seemed to the Chair that that might be a modification of the present unanimous-consent agreement, so the Chair put the request that the morning business be considered closed.

Mr. LA FOLLETTE. Mr. President, I have a resolution which I very much desire to offer this morning if the Senator from Maine will wait until I have offered it.

Mr. HALE. I will yield to the Senator for that purpose. After that I shall ask that my request be put.

BATTLESHIPS FOR ARGENTINE REPUBLIC.

Mr. LA FOLLETTE. I submit the resolution which I send to the desk.

The VICE PRESIDENT. The resolution will be read.

The Secretary read the resolution (S. Res. 364), as follows:

Resolved, That the Secretary of the Navy be, and hereby is, directed to transmit to the Senate a report on the following matters:

(1) Copies of any and all orders which may have been issued by the Secretary of the Navy or his subordinates and of all communications received or sent by the Navy Department pertaining to the construction in private shipyards of two battleships for the account of the Argentine Republic.

(2) What, if any, plans of guns, gun mounts, and other appliances pertaining to the armament of battleships the property of the Government of the United States in the custody of the Navy Department have been loaned, transmitted, or communicated to either the representative of the Argentine Republic or to representatives of any shipbuilding company?

(3) What, if any, of such plans cover devices which hitherto through patents or secrecy have been the exclusive property of the United States Government?

(4) What, if any, work has been done in the navy yard at Washington or elsewhere by any officials or employees of the Navy Department, civilians or otherwise, to aid in the construction and armament of the two battleships being built in this country for the Argentine Republic?

(5) If any such plans have been so divulged or if such work has been performed by employees of the Navy Department, by whose authority has such action been taken and such work performed?

Mr. LA FOLLETTE. I submit another resolution upon the same subject, which I ask may be read.

The Secretary read the resolution (S. Res. 365), as follows:

Resolved, That the Secretary of State be, and he hereby is, directed to transmit to the Senate copies of any written communications and report upon any verbal communications which may have passed between the State Department and any other department of the Government of the United States, or between the State Department and any department or representative of the Argentine Republic, and any other communications, written or verbal, which may have been issued or received by the State Department pertaining to the construction and armament in this country of two battleships for the Argentine Republic.

Mr. LA FOLLETTE. I ask that both resolutions go over until to-morrow morning.

The VICE PRESIDENT. Without objection, the resolutions will lie on the table.

Mr. KEAN. I suggest to the Senator from Wisconsin that he change the phraseology in the last resolution, in regard to the Secretary of State, to "requested" instead of "directed." It is not a usual thing to direct the Secretary of State.

Mr. LA FOLLETTE. Mr. President, considering the nature of the resolution, I can not consent to make the change, much as I should like to do so.

Mr. HALE. The resolution is right as it is.

Mr. LA FOLLETTE. I think so.

SENATOR FROM ILLINOIS.

Mr. HALE. Mr. President, I now renew my request that the Senator from Illinois be allowed to proceed.

The VICE PRESIDENT. Is there objection to the request? The Chair hears none. Morning business is closed.

The Senate resumed the consideration of the report of the Committee on Privileges and Elections relative to certain charges relating to the election of WILLIAM LORIMER, a Senator from the State of Illinois, by the legislature of that State, made in obedience to Senate resolution 264.

Mr. LORIMER and Mr. HALE addressed the Chair.

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Maine?

Mr. LORIMER. I do.

Mr. HALE. Mr. President, the Senator from Illinois will permit me to suggest that, if he desires a place to address the Senate to better advantage than the far corner of the Chamber where his seat is located he come to some seat here in the center of the Senate.

Mr. LORIMER. If a Senator occupying a seat near the center aisle will grant me the privilege of occupying his place I shall be very glad to comply with the suggestion.

Mr. HALE. It is very difficult to hear the Senator from Illinois from where he now stands.

Mr. TALIAFERRO. The Senator from Illinois may have my seat.

The VICE PRESIDENT. The Senator from Florida offers the Senator from Illinois his seat.

Mr. LORIMER advanced to Mr. TALIAFERRO's seat.

The VICE PRESIDENT. The Senator from Illinois will proceed.

Mr. LORIMER. Mr. President, I understand that the senior Senator from Indiana [Mr. BEVERIDGE] was discusing the Illinois election yesterday and failed to conclude his remarks. I prefer to go on with my remarks at this time, but if the Senator from Indiana desires to conclude his remarks before I proceed I shall be very glad to yield the floor for that purpose.

Mr. BEVERIDGE. The Senator can proceed. Besides, he does so under a unanimous consent agreement, and it would not be possible for me to change it.

Mr. LORIMER. Mr. President, many questions have been suggested by the statements of Senators in the debate on this case. Those suggestions concern mostly the actual condition of my election to this body.

Did I organize the Illinois Legislature against Hopkins?

Did I make Shurtleff speaker in order to be elected Senator?

Did I make Lee O'Neil Browne my agent—my corrupt agent?

Why did I stay in Springfield during the contest?

For what purpose did I talk to Shephard in the speaker's room?

Why did the Democrats vote for me?

These are some of the questions suggested by the statements of Senators in opposition to the committee report or openly put by them in the course of debate. To these questions many sorts of answers have been given by my opponents. Some of those answers have been fanciful theories, some mere guesses and surmises. There is only one kind of answer that should stand or that should count in this case; that is the plain matter-of-fact simple truth. It is this matter of fact, this truth, that I propose to lay before the Senate to-day.

I rise to-day simply to tell, as one who lived through it all, exactly how my election at Springfield was brought about, to answer the foregoing questions with the facts that alone can answer them correctly.

There has been an effort made to cover this whole case with a cloud of suspicion; to make it appear that some man with a powerful intellect, a powerful ability to organize men, by some well-laid scheme prepared a plan to organize the legislature for the purpose of defeating Senator Hopkins and to elect a United States Senator. Some Senators have intimated that that man with the powerful mind and wonderful genius of organization was no other person than myself. I propose to address myself to the statements made by those Senators and on which they expect to build the structure that will create in the minds of Senators in this body the impression that I was not only, as they say, elected by corrupt practices, but that I am the man that was responsible for them.

To begin with, Mr. President, the Senator from South Dakota [Mr. CRAWFORD] in his statement said:

> It is also clear from the record that Mr. LORIMER was determined to organize the legislature against Hopkins and Gov. Deneen.

Anybody who knows aught of the organization of that legislature would not make that statement. The facts are that I was not determined to organize the legislature against Gov. Deneen, and, if I had been so determined, under the conditions existing at that time, it would have been impossible for me to do so. To organize a legislature with the aid of Democrats and Republicans is a matter that can not be done just by a wish or a thought. It requires constant effort to bring about a condition of that sort, which Senators would have us understand was a well-defined plan in the head of just one man.

It happened that on the 15th of September I was stricken with illness, and from that day until November I was unable to leave my home. My physicians would not even permit friends to call upon me. I did not leave home until just a few days before the general November election, when I went to my office where I might be seen for an hour during each day in order that the public might know that there was hope of my recovery, as it had been stated in the congressional district in which I was a candidate for reelection that LORIMER was about to die, and "they had better elect somebody who would be alive when the governor issues the certificate of election."

Immediately after the election I took the train for the Pacific coast to go into the mountains for my health, and I traveled along the Pacific coast, and finally landed in the city of Portland. I remember well speaking for a few moments during my presence there to the Commercial Association of that city about waterway improvements, and the senior Senator from that State [Mr. CHAMBERLAIN] was present at that meeting. A day or two after that I was again stricken, with blood poisoning; was operated upon, and lived in the Portland Hotel, until I was taken back to Chicago, accompanied almost the whole distance to my city by my surgeon. From there I returned to Washington, as will be shown by the CONGRESSIONAL RECORD of the proceedings of the House of Representatives. There it can be found that I voted during the early part of that session. After the holidays, on the very day on which Mr. Shurtleff was elected speaker, I was in the House of Representatives, and the RECORD shows that I made a motion on the 7th day of January, the day following his election.

Edward Shurtleff was elected speaker of the house of representatives because of a condition that arose there, and if the same condition arose anywhere else in the country the result would have been the same. The governor of our State was very much opposed to the reelection of Mr. Shurtleff and he called in a few of the men, members of the State house of representatives, over whom he had much influence, and told them that they must organize that body by the election of some person speaker other than Edward Shurtleff. He told them that he did not care who was elected speaker, but that under no circumstances must any Republican vote for Edward Shurtleff, and if they did vote for him, he served notice on them that not one of them could expect to receive patronage at the hands of his administration; and he went even further than that.

He called in Representative Brady, who had pledged his support to Shurtleff for speaker, and told him unless he joined with the men who were trying to organize that body under his dictatorship, every man who was in the employ of the State on Brady's recommendation would be forthwith dismissed. In other words, the governor of our State undertook to dictate to the general assembly who should be its speaker.

Mr. CRAWFORD. Will the Senator permit me to ask him a question?

Mr. LORIMER. I shall be very glad to.

Mr. CRAWFORD. If that statement is a statement of the fact, I would like to ask why it was not put in the record, and why Gov. Deneen was not summoned as a witness, so that he could confront a statement of that kind and have the same opportunity to make reply to it that the Senator has opportunity to make the charge on this floor after the evidence is all closed.

Mr. LORIMER. I am quite unable to answer the question as the Senator would desire to have me do it, for the reason that, first, I was not a member of the committee that investigated the charges.

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Idaho?

Mr. LORIMER. Yes.

Mr. HEYBURN. I think it only fair as a member of the committee to suggest that the Senator from Illinois is replying to statements made upon the floor of the Chamber, and not to statements made in Chicago at the hearings. Consequently he could not have anticipated the questions raised by Members here.

Mr. CRAWFORD. Mr. President——

The VICE PRESIDENT. Does the Senator from Illinois further yield to the Senator from South Dakota?

Mr. LORIMER. Yes.

Mr. CRAWFORD. I should like to have this understood now. If questions asked of the sitting Member are embarrassing because they are being asked now at this critical point in the case, and we are to refrain on that account from asking them, I want to know it, and I will try to observe the rule in that respect.

Mr. LORIMER. May I not say at the outset that I have no objection to any Senator asking any question that suggests itself to him at any time during the discussion of this question.

Mr. BURROWS. Mr. President——

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from Michigan?

Mr. LORIMER. Yes.

Mr. BURROWS. May I suggest that the Senator from Illinois be permitted to make his statement in order, and then at the close if any Senator desires to ask questions it will be of course agreeable to him. But I think it is no more than fair to the Senator that he be permitted to make his statement without interruption.

Mr. LORIMER. Mr. President——

Mr. CRAWFORD. Just one word further——

The VICE PRESIDENT. Does the Senator from Illinois further yield to the Senator from South Dakota?

Mr. LORIMER. Yes.

Mr. CRAWFORD. On account of the importance of this matter I want to understand the situation. If the Senator from Illinois is simply making a statement in the form of an argument and not as a witness in the case, I want to know it. If he is making a statement which he desires to submit as evidence in this case, then it seems to me we should have the opportunity to cross-examine him if we desire.

Mr. LORIMER. Again I wish to state that while I appreciate the courtesy which the Senator from Michigan desires to have extended to me, that I may proceed with my remarks without interruption, I shall have no hesitancy at any point during the time I have the floor in answering any question that any Senator may see fit to ask.

I stated that I was in no way connected with the committee which investigated these charges and had no right to summon Mr. Deneen. During the whole investigation, from the day that I submitted the resolution last May to make this inquiry, no Senator, whether he be a member of the subcommittee, the whole committee, or any Senator in this body will say that I have ever suggested anything to him or made any appeal to him or in any way at any time tried to influence his judgment as to how he should vote in my case. And so I made no suggestions to the committee about who should be called. If the Senator from South Dakota is dissatisfied because the governor of our State was not called to refute these statements, I am not to blame for it. But it would have been impossible to refute this statement, because the cause for making it was not suggested to me until the Senator from South Dakota [Mr. CRAWFORD] made his speech upon this floor just a short time ago.

Mr. President, the Senator in his statement said that it was clear from the evidence that I was determined to organize the legislature for the purpose of defeating Senator Hopkins. I have in my hand a list of the Republican members of the house—24 in all—who voted for Mr. Shurtleff for speaker, and of the 24 Republicans who voted for Shurtleff for speaker 17 voted for Senator Hopkins for United States Senator—some of them one day, some of them a week, some a month, some for two months, and some of them voted for him on every ballot on which the roll was called, including the ballot on which I was elected.

If the theory be correct that I had been conjuring schemes to organize the legislature for dark-lantern purposes, as the Senator suggested, how can it be proven by the statement that I was trying to defeat Hopkins by making Shurtleff speaker when the journal of the house shows that 17 of the 24 Republicans who voted for Shurtleff also voted for Hopkins for United States Senator?

Mr. President, in order that there may be no trouble in verifying this statement, I ask permission to have the names printed in the RECORD in order that Senators may very easily consult the journal of the house and find from it whether or not this statement is correct.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Is there objection to the request of the Senator from Illinois? The Chair hears none, and the matter will be printed in the RECORD.

The matter referred to is as follows:

HOW REPUBLICANS WHO VOTED FOR SHURTLEFF FOR SPEAKER VOTED LATER ON FOR SENATOR.

Behrens	Hopkins.	Lane	Hopkins.
Bush	Hopkins.	Lederer	Mason.
Chiperfield	Hopkins.	McNichols	Hopkins.
Crawford	Hopkins.	Nelson	Hopkins.
Curran	Shurtleff.	Parker	Hopkins.
Dodgeon	Hopkins.	Schumacher	Hopkins.
Erby	Hopkins.	Shanahan	Shurtleff.
Gillespie	Hopkins.	Smejkal	Shurtleff.
Glade	Hopkins.	Stearns	Foss.
Hope	Hopkins.	Zaabel (died Jan. 13, 1909).	
Ireland	Hopkins.	Zinger	Hopkins.
Kittleman	Hopkins.	Zipf	Foss.

Hopkins's vote, 17.

Mr. LORIMER. Suppose that the President of the United States—a President of the United States, I care not who he be—should call in the Senators of his party, tell them who he wanted for President pro tempore of the Senate, tell them how he wanted the Senate committees organized, tell them that unless they did his bidding they could get no patronage under his administration, and tell them that if they failed to do his bidding every last man employed by the Government on their recommendation should be driven from public employment. Suppose a President could fall so low as to undertake such a feat as that, and that he succeeded in getting into an organization a majority of the members of this body of his own party to carry out his orders to the exclusion of one man and those who were favorable to him; what do you suppose the Senators would do? What do you suppose party lines would accomplish? It would not take the Senators of this body one moment to make up their minds to cross the party lines and organize the Senate with men who they thought were fit to hold the different offices in the control of this body.

The men in our State did what any set of sensible, courageous men would do. They organized the body regardless of the wishes of the executive branch of the government. If the governor of our State had attended to his own business, said nothing to the members of the house, permitted them without coercion to go on and organize that body, Mr. Shurtleff would have been the choice of 90 per cent of its members, and he would have been elected in the Republican caucus by a unanimous vote. I call for the journal of the Illinois Assembly to justify that statement.

Edward Shurtleff was serving his fourth term in that body. He had twice been its speaker, elected twice before the time we are now discussing by the unanimous vote of his party in the Republican caucus and in the lower house. So, Mr. President, Edward Shurtleff, whom the Senator from South Dakota [Mr. CRAWFORD] would have you believe to be a vile and corrupt man, had twice before presided over the house; and, may I say, he was elected both times without help from me, even without my knowledge until I saw the reports in the paper.

He is not a speaker of my making. He was not a man of power because I gave it to him. I scarcely knew him when he was elected speaker of that body the first and the second time. He owes me nothing, not even support, for promotion to that great office in our State. I was not on more than speaking terms with him until I went to Springfield to secure legislation on the waterway. I could say no more to him than "How do you do, sir," until that time; and the idea that a man could work himself up through the world and become speaker of the house of representatives of that great State, without my aid, and at the same time be known as my political henchman, is the most absurd thing that I have ever known to be stated in this body or any other body in which I have ever served.

That I elected a bitter enemy of Hopkins and my henchman speaker is what the Senator from South Dakota [Mr. CRAWFORD] stated. The contrary is just the truth. Mr. Shurtleff would not have been a member of that general assembly but for the urgent request of Mr. Hopkins and his friends.

The PRESIDING OFFICER. The Senator will kindly suspend while the Chair lays before the Senate the unfinished business, which the Secretary will state.

The SECRETARY. A joint resolution (S. J. Res. 134) proposing an amendment to the Constitution of the United States providing that Senators shall be elected by the people of the several States.

Mr. BORAH. I ask unanimous consent that the unfinished business may be temporarily laid aside.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Idaho? The Chair hears none. The unfinished business is temporarily laid aside. The Senator from Illinois will proceed.

Mr. LORIMER. Mr. President, Mr. Shurtleff was a candidate for reelection at the earnest request of Senator Hopkins and the friends of Senator Hopkins. They have a rule in his senatorial district that is lived up to religiously, and always has been during the time that candidates were nominated by delegate conventions. A senator's term is for four years, and every time a senator's term expires it goes around to another county. So it was due to go to McHenry County, in which Mr. Shurtleff lived. A friend of Shurtleff was a candidate for senator. Mr. Shurtleff had pledged him his support, and because Mr. Hopkins and his friends knew that there would be a contest over the election of Senator and because they wanted well-informed and influential men in the State legislature when the senatorial election was to come up they pleaded with Mr. Shurtleff to become a candidate. He told them in response that he had given his word to support his friend for senator. They immediately went to this friend and pleaded with him to go to Shurtleff and ask him to become a candidate, which he did. It was on that request and on that release that he became a candidate again for the house.

As the campaign went on much talk was heard everywhere as to whether candidates would pay any attention to the advisory vote. May I not say to the Senator from South Dakota that it was generally the opinion of the people in our State that no candidate would heed the advisory vote unless it happened that he had the plurality or the majority.

Mr. CRAWFORD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from South Dakota?

Mr. LORIMER. I do.

Mr. CRAWFORD. I want to understand the Senator. Does the Senator mean to say that Mr. Shurtleff was a supporter of Mr. Hopkins?

Mr. LORIMER. I will come to that in a moment, if the Senator will permit me to just go along a little further.

Mr. CRAWFORD. Does the Senator mean to distinguish the people of Illinois when he says that all the candidates there decided among themselves that they would disregard the vote of those people unless it happened to be in favor of the candidate?

Mr. LORIMER. I mean to say that the candidates did not intend to regard the primary vote. That is what I mean to say, and I mean to prove that by showing that every candidate before the primary, whether he got the majority or not, was a candidate and was voted for during the session of the general assembly on almost every ballot.

But that is not the point, Mr. President. I want to show that Mr. Shurtleff was a friend of Senator Hopkins. He lived in Senator Hopkins's congressional district. He had been for him as the candidate for Congress for 16 or 18 years. When Mr. Hopkins was elected to this body Mr. Shurtleff was in the legislature and was one of his campaign managers and voted for him and helped to elect him to this body. But after Mr. Shurtleff had become a candidate, as I was about to say, all candidates were looking out for themselves regardless of the result of the primary election, and in order to protect themselves Mr. Hopkins's friends went to Mr. Shurtleff and discussed with him the probability of some other person securing a majority or a plurality in the State, and they asked him what he would do under those circumstances. He said that he would abide by the result of the vote of the Republicans in his own legislative district. They asked him if he would write a letter to that effect. He said he would; and he did write the letter; and that was satisfactory to Mr. Hopkins and to his friends, because it was the identical thing that they wanted him to do.

Then the primary election came on. Mr. Hopkins and his friends were sure that Hopkins would get the primary vote in his congressional district, because he had represented the district in Congress for many, many years. But when the vote was cast it was learned that Mr. Hopkins was beaten in the district by Congressman Foss. When Mr. Shurtleff was consulted about what he would do, he stated that he had written a letter declaring to his constituents what he would do; that he had pledged himself to abide by the majority or the plurality of his district, and that he intended to keep his word and vote for Mr. Foss; and he voted for Mr. Foss on every roll call except three. On two roll calls he voted for Gov. Deneen, and on one roll call, the last, he voted to elect me to this body.

That is the story, and it is the everlasting truth about Mr. Shurtleff and as to his being a henchman of LORIMER.

Then, Mr. President, we go along just a little further in the speech, and we find this statement in the remarks of the Senator from South Dakota [Mr. CRAWFORD]:

> The next move was to install Lee O'Neil Browne to the position of minority leader of the Democratic minority in the house.

Let us see how near to the facts that statement runs. Lee O'Neil Browne was elected minority leader, and he was elected minority leader after a contest infinitely more bitter within the lines of his own party than the one in which Mr. Shurtleff was concerned. Mr. Tippit, the other candidate of the Democratic members of the general assembly, was as much opposed to Mr. Browne's leadership as the Governor was to Mr. Shurtleff's leadership. The fight had gone on for many months, but at the end Mr. Browne was selected as the leader of the Democratic minority.

But, Mr. President, not one man of that minority was ever spoken to by me in behalf of Mr. Browne or anybody else, and no man was ever spoken to in behalf of Mr. Browne through anybody else for me.

The proof of it is apparent. If you read the journal of the joint session when I was elected to this body you will find there among the 53 Democrats that voted for me the name of Thomas Tippit and 16 of his followers. Suppose for an instant I had gone in with the power it would be made to appear, from the statement of the Senator from South Dakota [Mr. CRAWFORD], I wielded in the Democratic party, that I had gone into their party affairs and undertaken to foist Mr. Browne on the shoulders of Mr. Tippit and his friends, would they have voted to send me to this body after I had been responsible for their defeat, their humiliation, and their probable political destruction?

When one comes to know all the history of the organization of the house of representatives, he finds that there was nothing in it that would justify the statement made upon this floor about my connection with Mr. Shurtleff's elevation to the speakership and my connection with Mr. Browne's elevation to the leadership of the minority of the Democratic party in my State.

Labored efforts have been made to show that I organized the legislature to defeat Gov. Deneen and Senator Hopkins in their united effort to return the latter to the Senate. I desire to call the attention of the Senate to the facts. The first ballot for United States Senator was taken in the separate branches. In the senate Mr. Hopkins received a majority, and in the house he received 61 votes out of a total of 146. The following members of the house belonging to and cooperating with the Deneen faction cast their votes for candidates other than Senator Hopkins:

Abbey	Church	Hull	Price
Ap Madoc	Fulton	Maclean	Reynolds
Butts	Hagan	Pierson	Sollitt

The following members of the house, also of the Deneen faction, failed to respond to their names on the roll call:

Campbell	Scanlan	Ton

The presence, however, of these members on the following day, as shown by the roll call, shows at least that they were able to be there, had they been interested in securing the election of Senator Hopkins. In proof of the statement that the 15 members named above belonged to Gov. Deneen's faction, I invite an inspection of the journal of the Illinois House on the vote for the election of speaker, where it will be seen that they voted for Edward J. King, the governor's candidate. Had these Deneen followers voted for Mr. Hopkins, he would have received a majority of the votes of the house as well as of the senate, and there could have been no deadlock.

Here is the story in figures:

Total vote cast in house	146
Necessary to a choice	74
Voting for Senator Hopkins	61
Add Deneen votes indicated above	15
Making a total for Hopkins of	76
or a majority of	2

Now, Mr. President, we come to another very important branch of this discussion. Take the journal of the house, and what will you find there? Republican members of the lower house from the district I live in and with whom I am supposed to have influence voted for Mr. Hopkins, including the senator from the district. Every Republican member from the congressional district I represented voted for Senator Hopkins. The record will show that Schumacher and Kittleman and Cruikshank and Ball and McNichols, all from my congressional district, voted for Senator Hopkins.

Let me call your attention to the fact that Gov. Deneen is and was the father of the direct primary, and he traveled from one end of our State to the other urging upon the people to send members to the general assembly to make a direct primary vote the law of our State, and but for him it would not be on our statute books to-day. He used all the arguments that are used by the direct-primary advocates in favor of such a law. He was for it and he got it.

When the roll call was had in the separate branches of our general assembly, the first roll call on senatorship, what do we find by the journal? We find that every single member of that general assembly from Gov. Deneen's own legislative district voted for some person other than Senator Hopkins.

Senator Lundberg, Representative Church, and Representative Fulton, from Mr. Deneen's own district, two from his own ward and his own neighborhood, nominated through his influence and through the power of his organization, voted against Mr. Hopkins for United States Senator. Every member of his congressional district but one, Mr. Kowalski, voted against Hopkins, and Mr. Kowalski changed his vote the next day and never voted for him again. That is the truth, and that is what the house journal will demonstrate to any man who will take the time to make an investigation.

So, Mr. President, the simple statement of the truth does away with the house organization by and on the part of LORIMER to elect himself Senator and to promote, as the Senator from South Dakota [Mr. CRAWFORD] says, dark-lantern schemes; and that is what becomes of the statement that it was done to defeat Senator Hopkins.

But that is not all. There were other days on which votes were had for the election of United States Senator.

At the first meeting of the joint assembly:

Total number of votes cast was	199
Necessary to a choice	100
Hopkins received	89
Foss received	16
Mason received	6
Shurtleff received	12
Stringer received	76

There were present and voting on that day for candidates other than Senator Hopkins, 13 members of the general assembly, who were of the Deneen faction, viz:

Senators:			
Hay	Olsen	Schmidt	
Representatives:			
Ap Madoc	Hagan	Price	Sollitt
Butts	Kowalski	Reynolds	Ton
Church	Maclean		

Number of votes cast for Hopkins	89
Add the above named	13
	102
Necessary to a choice	100
Hopkins's majority	2

If the 13 members named above with whom Gov. Deneen had a controlling influence had voted that day for Senator Hopkins, he would have been elected on the first ballot taken in the joint assembly or on any succeeding ballot that day.

Mr. President, that is not only so of that roll call, but there were five roll calls on that day, and if Gov. Deneen and his friends and the men who were promoting or supposed to be promoting the candidacy of Senator Hopkins had voted for him he would have been elected on any ballot on that day.

As proof of this statement the record will show that the day did come when the men to whom I have referred did vote exactly as Gov. Deneen wanted them to vote. That was the day of the last roll call when I was elected to this body. Weeks before Gov. Deneen had told many of his friends to help elect me. They told me so. I told them I would not accept their support unless they told the governor that if they once pledged their support to me under no conditions would they ever break their word.

The day before the roll call on which I was elected the governor called these men into the mansion and into his office and told them that LORIMER must not be elected; that it would be better to have no election, to allow nobody to be elected, and to let the legislature adjourn without the selection of a United States Senator; and these men one after another stated to him:

> I have given my word to LORIMER; I will not break it. If you thought it wrong to elect him you should not have permitted me to become pledged to him with your consent.

These men gave me their support to the end.

Those of the Deneen faction who had promised me their support and who broke their word when the roll was called, and those the governor controlled who had not promised to support me, on the final roll call at the governor's suggestion, supported Hopkins. When the time arrived that he wanted to place them either in one column or the other, they went where the governor suggested they should go. So, Mr. President, it was not a prolonged fight to defeat Hopkins. Hopkins was beaten on the first day. Hopkins was beaten on the second day. After the first session of the joint assembly the question was no more about Hopkins, but it was who can, under these conditions, be elected to the United States Senate? That was the question from the first day and from the second day, and then began the effort to elect a United States Senator upon whom the Republicans could agree.

I talked with the governor every week I was in that city, and I urged for weeks and weeks that he himself become the candidate of the party. I told him I believed if he would take the place our party, rent asunder with factional strife, would be united. The lieutenant governor of our State is the son of Gov. Oglesby, who had been governor of our State two terms and served one term in this body. The name of Oglesby is cherished by every citizen of Illinois, I care not the party to which he belongs. Oglesby was nominated under a direct primary without any organization. The governor was against him and all the governor's organization was opposed to him. Ex-Gov. Yates was a candidate for governor and his friends opposed Oglesby. The result of it reminds me of a statement that I heard former Senator Mason make to a large mass meeting in Springfield immediately after McKinley was nominated for President. He said:

> All the politicians were against McKinley; all the men who have influence were against him; there was nobody for him but the people.

Oglesby was nominated by the people of the State without the support of any faction, and I believed, and other Republicans believed, that if Deneen was elected to this body and Oglesby became the governor, that he would unite the party and harmonize the differences of the factions, and we would be able to go to the polls with a solid front in the future as we had done in the past in our State.

I talked with the governor and labored with him until along about the 15th of March. About that time he said he felt that he could not take the place, but he led me to believe that, if the party could be united upon him, he would take the place. I asked him to send for the chairman of the State central committee, Mr. West, his close friend, so that we might discuss the matter. Mr. West came to Springfield, and the Republicans consulted about the advisability of electing the governor. Enough of them pledged themselves to support him to make his election assured. On that night at about 11 o'clock, after I had understood from Mr. West that the governor would be a candidate, Mr. West came to the hotel at which I was stopping and said that the governor would not be a candidate.

From the day that Senator Hopkins was defeated until the 23d day of March, when Mr. Deneen refused positively to be a candidate, we were endeavoring to secure the election of Deneen, and not LORIMER, as United States Senator.

When the governor refused to be a candidate, I consulted him about many other men, and among them Mr. Foss, who was voted for every day. Then I talked with him about Col. LOWDEN, a Member of the House of Representatives, Representative MCKINLEY, and Representative RODENBERG, but before I came to discuss any of these names I urged upon him the name of Edward Shurtleff, the speaker of the Illinois House of Representatives. His name was discussed not by the governor and myself alone, but by the governor and his friends—his newspaper friends, and they are all-powerful and absolutely controlling with him. Mr. Noyes, who was then the editor of the Record-Herald, said that he would not agree to Mr. Shurtleff's election. Mr. Noyes is now president of the Star Company in the city of Washington, where Senators can easily reach him and verify this statement. For about three weeks we were trying to elect Shurtleff.

Then came the discussion on this other set of men, and it was not until it had become apparent that the governor would not support any of those men that at his urgent suggestion I considered the advisability of becoming a candidate. This same Mr. Noyes was interviewed by my friend Mr. Shanahan, who was a member of the legislature. Mr. Noyes said he had no objection to Mr. Deneen joining to elect LORIMER to the Senate, but that he personally could not declare in his favor; that he had fought him for so many years that he could not turn in one night and support him, but that he did believe—and he did tell this to Mr. Shanahan—that Mr. LORIMER was the only Republican in Illinois who could afford to be elected by the aid of Democratic votes; that it would not injure him politically to receive the support of Democrats, because he had been elected to the House time after time from a Democratic district by the aid of Democratic votes; that everybody would concede that LORIMER could be elected without injury to himself or to the party politically; and if Mr. Deneen wanted to join with him he had no objection.

Mr. President, that is the statement of fact; that is the true history of the senatorial election in the State of Illinois up to this point. Does that show that months before the legislature convened I was conjuring up in my mind a plot by which I could elect my "henchman" as speaker of the general assembly, and, through the power of that office, foist myself onto that general assembly and place myself in this body? If that truth demonstrates that theory, then I have nothing more to say.

Then we come to another important question in this discussion.

> The investigation—
>
> Said the Senator from New York [Mr. ROOT]—
>
> The investigation concerns itself with the way in which those 108 votes were procured. It is practically concentrated upon the way in which the 53 Democratic votes were secured, because it was a matter for special inquiry that 53 Democrats should leave the candidate of their own primary and unite upon a candidate of the opposite party.

If this were the only case of the kind in history, Mr. President, Senators might inquire why Democrats voted for LORIMER, but history is teeming with testimony to the effect that men have been elected to this body by votes of the opposite party.

But here we come, it strikes me, to a point where the question arises how it was that 53 Democrats voted for LORIMER. It is not a very long story, or it is a long story, according to the way it is told, but I shall not test the patience of the Senate by going into a detailed history of the things that brought about this condition. I shall, however, ask a little time of

the Senate to answer the question of the Senator from New York.

When I first became a Member of Congress in 1895 I made up my mind that I should try to do something more than vote for appropriation bills in return for what the people had done for me. I lived in and represented the district in which is located the great Chicago Drainage Canal, which is intended ultimately to be a portion of a great waterway to be established between the Great Lakes and the Gulf of Mexico. I have been urging upon Congress during my service the importance of such an improvement, and I think the Senator from Ohio (Mr. BURTON), who was chairman of the Committee on Rivers and Harbors in the House, will bear me out in the statement that I was constantly at work trying to secure the attention and the aid of Congress for that development, and that I was largely responsible for all the appropriations that were made for the surveys of that project. I found that it was going to cost a great deal of money, the expenditure of vast millions of dollars, and that more than the effort and more than the voice of one man would be required to secure the money requisite to make the improvement. After many years of personal effort I decided that if the improvement was worth while, and the people of the valley came to know that it could be made, and if it were worth enough to them to have it made, if they were informed on the subject, they would support a movement to make the improvement. So I built a little boat—I think it was in 1904—only about 26 feet long, for the express purpose of organizing the Mississippi Valley for that project. One day, with four of my colleagues from Illinois, and my two sons to operate the boat—I will pause just a moment to say that of these four Members of the House, the only Democrat in that body from that State, HENRY RAINEY, was one of that number—we began our trip from Lake Michigan to the Gulf. We stopped at almost every town along the Illinois and the Mississippi Rivers, discussing the matter with the people, organizing in every one of the places where we stopped a Lakes-to-the-Gulf deep waterway association. As we passed down through the valley one Member for one reason and another Member for another went back home, and we filled his place with a Member that we picked up along the route. When we left Chicago we had on board of Members of the other House, four Republicans and one Democrat, Mr. RAINEY, and when we landed in New Orleans we had on board four Democrats and one Republican.

So the work of organizing this association was divided equally from the beginning to the end among Democrats and Republicans, no man and no party seeking to take advantage over the other. Out of these organizations we formed a central organization, held our first convention in St. Louis, and there perfected a permanent Lakes-to-the-Gulf Deep Waterway Association. The following year we accompanied President Roosevelt down the Mississippi River in the interest of this project to the great city of Memphis, all the people turning out to make a holiday.

In the next convention, at Chicago, attended by over 4,000 delegates from the valley, we had upon the platform in the Auditorium, speaking in favor of this project, the Democratic and the Republican candidates for the Presidency—Mr. Bryan and Mr. Taft, our President to-day.

After the convention at Memphis I went back home to my State. Some question had been raised in the House as to whether the Federal Government should make the improvement between Lockport and Utica, in the Illinois valley, a distance of about 60 miles. The chairman of the Committee on Rivers and Harbors raised that question, and it seemed apparent that unless that portion of the work was done by the people of Illinois, in addition to the other 40 miles which they had built at a cost of over $60,000,000, it would be impossible to get this work under way. So I went back home to my own State where our legislature was in session. I proposed to them that they submit a constitutional amendment to the people authorizing an expenditure of $20,000,000 to do that work. Here [exhibiting] is a copy of the document containing the arguments that were made, running over a period of several weeks.

After the discussion was completed, the general assembly unanimously, every Democrat and every Republican favoring it, voted to submit a constitutional amendment to the people of our State to decide whether or not $20,000,000 should be expended for the purpose I have indicated. I remember that, when I was discussing the subject before the general assembly, one gentleman asked me what I thought the people would do about the question. I told him if they passed the resolution and submitted it to the people, and nothing more was done, the people would not adopt the constitutional amendment, for few of them knew anything about it and a lesser number knew anything of the benefits that would come to the State by the development of this great waterway. I pledged them there that if they would submit the amendment to the people I would go myself into every part of our State, explain the benefits to come to the people, and trust to them to vote an approval.

The legislature submitted the constitutional amendment, and I immediately began the work of organizing the citizens of our State in favor of the project. This work was not confined to Republicans; it was not confined to Democrats; it was not confined to Socialists; it was not confined to Prohibitionists; it was taken even to the homes of men who believed in no party. We organized every precinct in Illinois outside of the city of Chicago by getting people who were interested in the progress of our State—Democrats and Republicans and members of other parties alike. Wherever a county or a town was made up overwhelmingly of Republicans we installed a Democrat for president of the association, and where it was overwhelmingly Democratic we installed a Republican for president of the association; so that every man with whom we talked and worked was impressed with the nonpartisan character of this movement in our State.

I traveled from one end of Illinois to the other, speaking once, twice, three times a day, all the way from two hours a day to five hours a day, interesting the people in this project. At the end of the campaign in September, 1908, the work had been so exhausting that I was not able to say even one word in my congressional district during that campaign, and I had naught to do with my election to Congress the last time.

Would you know the character of people who were interested in the movement? We interested the best men of the State. When we went to Bloomington, a town in a county that is overwhelmingly Republican, we had as our presiding officer and the head of our organization there a gentleman who once graced the chair as president of this body—Adlai E. Stevenson, a Democrat. It was that class of men that were interested in this work. I traveled from county to county with Hon. HENRY RAINEY, spoke from the same platform with him day after day, and in every place a Republican speaker was supplemented by some leading Democrat, either from that community or from some other community in the State.

Mr. President, I want to call attention to the roster of that organization. There it is [exhibiting], 50,000 Democrats and Republicans, about evenly divided, in the precincts outside of the city of Chicago.

When the campaign for the waterway amendment was over and the vote was had, the people announced what they thought of it. That vote was cast on the same day that the President was elected and on the same day that the governor was elected. The vote cast for governor was approximately 1,079,000; the vote cast for President was approximately 1,080,000; the vote cast for the constitutional amendment for the deep waterway was approximately 887,000. The plurality that Governor Deneen received was approximately 23,000; the plurality that President Taft received was approximately 179,000; but the majority for the constitutional amendment was approximately 497,000, almost a half million majority, showing how the people of Illinois, men of all parties, look upon this question.

Result of election.

	Vote.	Plurality.
For governor:		
Deneen	550,076	
Stevenson	526,912	
	1,079,988	23,164
For President:		
Taft	629,932	
Bryan	450,810	
	1,080,742	179,122
Amendment to constitution:		
For	692,522	
Against	195,177	
	887,699	497,345

Mr. President, that was the result of the work of over 13 years for this improvement. It was accomplished just exactly as I have stated to you, by the aid of all of the people of the State, regardless of party and regardless of any partisanship. That is one of the reasons why I was able to secure Democratic votes, as I shall show to you later.

The Senator from New York [Mr. ROOT] further said:

Now, there are certain undisputed facts which bear upon this inquiry as to these 53 Democratic votes. The first which I ask you to con-

sider is that Mr. LORIMER was present at Springfield and in attendance at the State capital at the time of this election, and he had been there for several weeks.

The Senator wants you to know that when I was elected to this body I was present at the capital of Illinois and had been there for several weeks. Yes, Mr. President, I had been there for several weeks, and all the time that I could spare from my duties in the other branch of Congress during the session of the legislature, after its organization was perfected, I put in at Springfield, and I was there when I was elected, and I was there to render effective the work done when the constitutional amendment was submitted to the people—to urge the general assembly to pass a bill to carry out the purposes of that amendment, to provide for an organization through which this work could be done and this $20,000,000 expended. There was a difference between the governor and myself on that question.

I had pledged the people that in so far as I had influence not one dollar of the twenty million should be spent until Congress agreed to cooperate with our State and appropriated the money requisite to finish the project from the Lakes to the Gulf. We had much discussion on that question. I told the governor that I would support, with all the influence I had, a bill to give him absolute control of the work; to place the appointment of all the officials in his hands for the expenditure of the $20,000,000; and that the only thing I exacted, in so far as I was concerned, was that the money should not be spent until Congress authorized the Federal Government to cooperate with our State.

He wanted the money to be spent for the development of water power. We disagreed, and the contest went on until the last day of the session, when it became known that no bill could be passed because the adherents of one policy were not strong enough to pass it and those of the other policy would not yield a peg. So, Mr. President, I was in Springfield as I have been many, many times before.

I should like to know from the Senator from New York if he has ever been identified with a work of this kind, if he has ever come in contact with his Democratic brethren and worked with them in season and out of season for a project that would not benefit them alone, but would benefit the whole people of his State? If he has been connected with such a work, will he tell me, or will he tell anybody, that when he was doing that work he was not making friends among the people of his State regardless of their party affiliations?

But there is, Mr. President, an abundance of evidence here to show that work in favor of things that help a great State is appreciated by the people who receive the benefit of the effort, and I have here a list of Democrats who voted for me on account of the fact that they felt I had been doing something, that I had been helping in a work that meant much to Illinois, and that if they promoted me to a seat where I would be secure for four or six years this improvement would ultimately be made.

I mention as the first Democrat Senator Hearn. Oh, if there be a Democrat in Illinois, surely Senator Hearn is that man. He had service as captain of Company G of the Fifth Missouri Infantry, in Cockrell's brigade, a Confederate general, and he served through the war as a Confederate soldier. If you think he is not a Democrat go and talk with him. He was one of the men who was in the forefront of this work. He aided in every way that he could to pass the proposed amendment in the house. At that time he was in service in that body. He worked throughout his district with me and with others. But the thing above all things that I am confident caused Senator Hearn to vote for me was not alone that I was for this project, but because he became convinced that I was not trying to get advantage over any Democrat.

He was fond of Congressman RAINEY, and he knew that I had never taken a step in this work from the time we began the organization until he voted for me, until I had consulted with Congressman RAINEY. He was really the leading Democrat in my State in this work, and it was because of the work and because of the fact that I was not trying to get advantage and because I did what was in my power to put a Democrat in the forefront of the work, that he voted for me.

A few days before the vote was taken he came to me and told me all these things and he said: "LORIMER, I would like to vote for you, but I wish you would give me an additional reason for doing it." I asked him what request he had to make. He said, "If you could only go back to Washington as a Senator, and join with the Democrats and just cast one vote with them on the tariff bill, my conscience would feel easier, if I had voted for you." [Laughter.]

I said to him, "Senator, much as I appreciate the dignity of that office, if I can not go there and vote with the Republicans, the stalwart Republicans, I do not want a seat in the United States Senate." [Applause in the galleries.]

The VICE PRESIDENT. No applause is permissible by occupants of the gallery.

Mr. LORIMER. Senator Hearn said, "Well, I guess I will have to vote for you anyhow." Then he went away, and when the roll was called he responded, and I received his vote.

In the campaign it happened that I talked at the home of Representative Blair, who voted for the constitutional amendment, and he had heard me talk about it before the general assembly. To make this campaign I had large maps made to illustrate the work, and after I had finished my talk before the people in his town and the meeting had adjourned he came to me and said, "LORIMER, if you keep up that work you will be governor of Illinois, and when that day comes I will vote for you." That was the way that Democrat felt about the work for the waterway.

Then I went from there over to Franklin County, and I talked in the courthouse on this subject there, and when the meeting adjourned a great, tall, fine looking gentleman came up to me, took me by the hand, and laying one hand on my shoulder said, "Mr. LORIMER, keep up that work. It has merit; the people will come to understand it after awhile, and this improvement will be made, and it will make you"—he was very enthusiastic—"governor, or it will make you Senator, or it will make you President of the United States; and when the time comes, and I am alive and I have the opportunity, you will get my vote."

At that time he had no idea of going to the legislature. But he was nominated by his party, and he was elected by his party, and when on the roll call the name of Sidney Espy was called Sidney Espy cast his vote for me; and there was no man in Springfield, and there is no man in Illinois, whether he be Democrat or Republican, who is a warmer and closer and more enthusiastic friend of mine than Sidney Espy, and for no other reason except the one I have explained.

Now we come to another name—Mr. Gorman, who lives in Peoria, another Democrat. When they began discussing the election of LORIMER, many of the influential people of his town came to Springfield—Democrats and Republicans alike. Peoria is on the Illinois River, and its people believe that the improved waterway will redound greatly to the benefit of their great city. The Democratic ex-mayor, the leader of the Democratic organization, was among the men. I had never seen Mayor O'Connor in my life until he came to Springfield. Those men urged their members of the legislature—Democrats and Republicans—to vote and work for LORIMER, with the result that I secured Gorman's vote, the Democrat, the vote of Black, Republican, and the vote of Butts, Republican, who had also been urged by Mr. Kenney, at the suggestion of Gov. Deneen. The Republican senator came to me before the roll was called and he said: "LORIMER, I wish I were free to vote for you." Senator Dailey further said: "The people of my city want me to vote for you, but I can not do it because I am chairman of Senator Hopkins's"—either his executive committee or his steering committee—"and I can not on that account vote for you. But I wish you godspeed." There is where the vote of Gorman came from.

Michael Link—you have heard much talk about Michael Link here, one of the men who it has been said was bribed to vote for me. When I made the campaign in his senatorial district in Madison County, where I talked every night to large crowds of people, Michael Link was on the platform with me, and I had there with me also the Republican members of the legislature, and I told the people of their district that if this improvement should be made they would owe as much to these men, including Link, as to anybody else in the country. Madison County fronts on the river, and every man, woman, and child in the district is for the improvement and anxious that this work shall be done.

Then the next one I come to in the waterway group is Representative Riley, a stanch old Democrat. I doubt if he ever voted for a Republican in his life, even for supervisor of his township. But if there be a father of the waterway from the Lakes to the Gulf it is Representative Riley. Years ago the people from our city went to the legislature to have the bill authorizing the construction of the canal passed. The mayor and many of our leading citizens spent several weeks there discussing the project. The legislature defeated their bill, and when they were gone Mr. Lyman E. Cooley, the engineer, and Mr. Riley took up the bill together, and at the end of several months Mr. Riley's bill became a law. The channel—160 feet wide in the rock and 24 feet deep—built from Chicago to Joliet, is the result of the work of Representative Riley.

He was in the last legislature; I had worked with him in season and out of season; and if there be anything on earth that would make Riley leave his party (and I am sure it is the only thing in the world he would leave it for) would be for the construction of a waterway from the Great Lakes to the Gulf of Mexico. He was not only in this work, but more than 20 years ago he was the leader and the father of it all, and championed it and made it what it is.

Mr. Staymates is another Democrat; a man whose honesty no man on earth, who ever knew him, would impugn; a man who has devoted his time from the day we adopted the constitutional amendment up to this time in writing for all the papers that would take his copy on this subject; and he voted for me on that account.

We come to Henry Shephard. What about Henry Shephard? When the congressional party came back to Washington from New Orleans at the opening of Congress, I called a meeting of the men who had made the trip, and we organized among the Members of Congress an association. When I notified Mr. RAINEY, he told me that he could not attend that night because his friend, Henry Shephard, was in town. I invited Henry Shephard to come to that little dinner where we organized, and it was there that I first met Henry Shephard. It was there that he first became interested in this work. It was at that time that a friendship grew up between him and me that has lasted until to-day. Henry Shephard was a member of the legislature, and he was for this proposition all the way through.

The Senator asks why I was at Springfield when I was elected to the Senate. The Senator says that I was there for several weeks before I was elected to the Senate. Suppose I had no business there in favor of this waterway; suppose I had never had any interest in the development of my State and that the only thing I cared about was to get office for myself; suppose I had organized the legislature to elect myself to the Senate; and then suppose that for no other purpose, except to promote my election, I was in Springfield for several weeks before I was elected; then what of that? Is that proof of bribery? Is that evidence of corrupt practices, that a man who is a candidate for office should go to those who have the votes with which he can secure office and tell them he wants their votes and ask them to be for him? Is that an evidence of corruption and bribery?

Great stress is laid on the fact that I was in Springfield. Has any Senator here ever been in Springfield, or has any Senator here ever been at the capital of his State when they were discussing his election to this body? Is it a crime to be there? If it is, Mr. President, then I am guilty of that crime; I am guilty of being in Springfield; but it has always struck me that if a man wanted votes for United States Senator, wanted the support of his own legislature, and wanted a seat in this body, he had a right to go where the votes are; that he had a right to talk to the members of the legislature; and that if he did go there and if he did talk to the members of the legislature it was not evidence of bribery or curruption.

Mr. President, it is the talk of a child. No man who has ever had any experience in politics will pay any attention to a statement of that sort.

During the time that I have been actively identified with politics in my State, every time a Senator was elected, sometimes during the campaign for his election and frequently on the day he was elected, he was present in the capitol at Springfield. I have only to recall the memorable fight of 1885, when the legislature was in a deadlock. The Democrats had one-half of the strength of the body and the Republicans had the other. Gen. Logan had a seat in this body at that time, and he was a candidate for reelection. From the day the members of the general assembly began to assemble in Springfield, before the house or the senate was organized, Gen. Logan was on the ground. He was there talking to the members of the general assembly, and he was there during the whole winter, until the springtime, when he was finally returned to this body.

Did anybody cast suspicion upon Gen. Logan because he was present at the capital weeks before he was returned to this body? Not at all; and nobody ever thought of such a thing.

The only purpose, Mr. President, that there can be in throwing this seeming cloud of suspicion over this election is in order that Senators may believe I was not only elected to this body by bribery and corruption but that I was present there and knew it was going on and was sanctioning that sort of thing. Any man who knows anything about that contest knows that the contrary is the fact in the case.

Now, we come to another set of Democrats who voted for LORIMER, the anti-Hopkins Democrats. There was present in that general assembly Representative George Alschuler, and he voted for LORIMER. George Alschuler lives in Hopkins's home town; he is his neighbor. May I say, in passing, that while he voted for LORIMER—and the brand of condemnation is asked for those who did vote for LORIMER—he was reelected to the general assembly by an overwhelming majority, and he was elected leader of the minority, and he is now the minority leader of that body. He voted for me, I may say, because he was friendly; but that would not be sufficient reason. He voted for me because he was opposed to the election of Hopkins, and he announced it to everybody. There was not one man in Springfield who knew anything about the election but knew that George Alschuler would vote for any Republican or any man of any other party in order to defeat Senator Hopkins. It was not a LORIMER vote; he belongs to nobody; but he was against Hopkins, and he announced in the beginning that if the time ever came when his vote could defeat Hopkins it would be cast for the man who would defeat him.

Then we come to another—the departed Charles Luke. Not one single man who had aught to do with the election of Senator, not one single man who was paying attention to the election of Senator but knew that Luke would vote for anybody in order to defeat Senator Hopkins. All who served with the Senator, either in the House or in this body, remember him very well. You knew him a lot better than I did, and I helped to send him here. It will be remembered that Senator Hopkins had one of the most bitter and most partisan tongues of any man who ever sat in this body. If he had a weakness at all, it was that. When he went through Luke's district he used that tongue for all it was worth denouncing Luke. He seldom made a campaign that he did not denounce Democrats everywhere he went.

It may be the right policy in a campaign; it may be the proper thing to do if you want to get office; but it is not the policy I have ever adopted. I have laid the principles of my party before my constituents and left it to them to decide, and I have denounced nobody. Denunciation gets nowhere. It never placed a law on the statute book. No man who has any sense would make a campaign along those lines. Senator Hopkins made these bitter enemies among the Democrats, and they were willing to vote for anybody to defeat him in his desire to be returned to this body.

We come now to De Wolf. You have heard his name mentioned on this floor. What about De Wolf? De Wolf stated upon the stand that he was ready to vote for Hopkins, and that he was going to try to get other Democrats to vote for Hopkins, to break the deadlock; that he was tired of his service in Springfield and wanted to get back home to his farm and attend to his own business, and that not only would he vote for Hopkins, but everybody in Springfield at that time knew he would vote for any Republican or any Democrat who could be elected to break the deadlock. When the roll was called he voted for me for the same reason that he was willing to vote for anybody else.

Then we come to Senator Broderick, who voted for me. You have all heard his name. Senator Broderick I have known (I can not measure the time) for probably more than 15 years. My old district is filled with Senator Broderick's friends and relatives. There never was a time when I had a contest in the district, and these same newspapers that are hounding me now and always have hounded me undertook to drive me out of Congress, when, without any solicitation on my part, Senator Broderick sent word to his Democratic friends in the district and went there himself and pleaded with them, and asked them to vote for LORIMER and they did vote for LORIMER.

Let me say now, if it had not been for the support I received from Democrats in that congressional district when these assassins of character were trying to destroy me, I would not have been in the Lower House of Congress, much less occupying a seat in this body to-day.

I never solicited a vote from a Democrat under false pretenses. No Democrat who ever voted for me ever thought that when I was sent to Congress I would support the principles of the great party to which he belonged. No Democrat was ever deceived into voting for me for a seat in Congress. Everybody knows, and with God's help everybody will know, where I stand on every question until my time shall come to leave this earth.

So it was not from deception that I received that support, nor was it from deception or by deception that I received the support of Broderick when he voted for me for United States Senator.

Senator Gorman, another Democrat, lives in the old district I represented that gave a Democratic majority of all the way

from 5,000 to 17,000 every election we had except the elections when I was a candidate for a seat in the house of representatives. In every election except one Senator Gorman, as a Democrat, voted for me. He was one of the best friends I had in that congressional district. The only time he ever voted against me was when his chum ran in opposition to me. When he was elected to the senate the first time I went to Springfield I met him in the St. Nicholas Hotel and he began the discussion of this Senatorship. He said, "If the time ever comes, LORIMER, that the Democrats and the Republicans can elect you, depend upon me to do what I have always done, to vote for you when the roll is called."

Senators Rainey and Jandus and I were raised in the same neighborhood. The same is true of Representatives Cermak and Forst. I was associated with them and with their friends for many years.

Representative Geshkewich I have known for more than 15 years. I have known him at home; I have known him in the legislature; I have known him in political contests in my city and my county; and he would have gone further to serve me than he would have gone to have served any Democrat in our State. That is why I got Geshkewich's vote.

I am not going to give all the history and all the reasons that led up to the friendships which grew up between these Democrats and myself over a period of 40 years, but I think it is due to the Senate that I should relate one or two of the circumstances that finally led up to the voting of Democrats for a Republican.

John Griffin voted for me. John Griffin lives in the neighborhood I lived in 40 years ago. I can not remember just when it was that I made his acquaintance, it is so far back. We have been friends all that time. But that was not the single reason why Griffin voted for me.

When I was a boy and started out in the world the first dollar I made was by selling newspapers. I had been well taken care of at home, with no responsibility, with nothing to look after. I had been brought up as mothers would bring up their boys if they had all to do with it; almost at mother's apron strings all the time. At the time it became necessary for me to go out and earn a living I was 10 years old. I had had no experience. I knew nothing about where to turn. Friends in the neighborhood suggested that I might make a dollar by selling papers in the morning, and I began peddling papers and blacking boots.

After I had been at the work for a time (I remember it as well as if it were yesterday) I went over to the Tribune Building and down into the basement and bought 50 Tribunes. In those days the papers were not folded as they are now. They were counted out, first the heading and then the supplement, and shoved out of the window to the boy purchasing them; and then he went away into a doorway or hallway and folded them and put them together.

One Sunday morning as I came up out of the basement a crowd of boys surrounded me. Some held me by the hands and others by the throat, and they pulled my headings out from under my arm and then let me go. They disappeared. I was standing there brooding not only over the dollar that I might have made out of the sale of those papers, but the dollar and a half that I had paid for them, because the supplement was of no value without the heading, when another boy came along with an armful of papers and asked me what was the matter, why I was so downcast. I told him the story. He looked at me for a moment and handed his papers over to me and said, "Stand back there in the doorway. Stay there until I come back." He went away, and in about five minutes he returned and he had my headings in his hand. He said, "Here are your papers. Now, see to it that they don't take them away from you again." Out of that little incident grew a friendship to the extent that almost every week I helped him. We had in our town at that time a Saturday afternoon paper called the Gazette. In the territory that I worked I sold all of mine, and this boy usually had some left over. We used to call it in those days getting "stuck." He would give them to me and I would take them up into my territory and sell them for him. Sometimes there was only one paper, but it saved him 5 cents and he made the profit on it of another 5 cents. Sometimes there were half a dozen, and he saved his 30 cents and made a profit of 30 cents.

That friendship grew up on that basis. A dollar and a half he had saved for me, and one dollar was more to me, Senator Root, in those days than $1,000,000 would be to many of the people of this country to-day. What grew up out of that little incident was a friendship and a gratitude that has lasted for over 40 years. This man that I speak of as a man now was a boy then. He was a sort of a hero with the newsboys—a sort of a king of the crowd—and what he said they should do they did.

I have no doubt that Senators in this Chamber have heard his name because the newspapers of my town are ringing with it every day. In those days we called him Hinky Dink. His name is Michael Kenna. The nickname has followed him to this day. He is the leading Democrat in the neighborhood in which he lives. John Griffin represents that district. When the papers published the story that LORIMER would probably be a candidate for Senator he came to my office and said to me substantially this:

> Bill, I understand you are going to be a candidate for United States Senator, and that you can not be elected unless you get Democratic votes. You can depend upon it that if your name is presented John Griffin will vote for you if no other member of the legislature does.

Can the Senator from New York understand a situation of that kind? Has he ever come up through conditions of that sort, which bind men together more firmly than all the things that can be done for him when he has grown to manhood—after he has been successful?

When we quit selling papers Michael Kenna went one way and I went another. He became a Democrat and I became a Republican. But there never has been a time in 40 years when we could help each other that we have failed to do it without solicitation, and almost invariably without notifying the other of our performance of what we considered our duty unless it was necessary to do so. It may be the Senator from New York and the Senator from South Dakota and some other Senators can not understand that kind of a friendship.

Mr. CRAWFORD. Mr. President——

The VICE PRESIDENT. Does the Senator from Illinois yield to the Senator from South Dakota?

Mr. LORIMER. Certainly.

Mr. CRAWFORD. I do not think there is a person on the face of the earth a story of that kind does not appeal to. I want to say to the Senator from Illinois he is not the only poor boy who has made his way through hardships to the Senate, and he can not plead that he is the only one.

Mr. LORIMER. I am not pleading that I am the only one who has made his way through this world and is now sitting in the Senate, nor am I pleading poverty or hard knocks as a reason why I should sit in this body. I am giving to the Senators the truth as to why these men voted for me for United States Senator. I am not pleading for sympathy. I do not want sympathy. This is not a question of sympathy. It is a question of right or wrong. If the Senate can believe me to be the low, vile creature the Senator from South Dakota and the Senator from New York and other Senators who have talked against me would have you believe me to be, then there is a plain duty staring you squarely in the face, regardless of the testimony in this record. If I could be the foul wretch that you, Senators, have sought to paint me, regardless of how I came here, by right or by wrong, I should be driven from yonder door with the stamp of infamy branded upon my back. I am not pleading for sympathy. I am trying to narrate the truth of my election as it was, not as Senators would have the Senate believe it.

Then I come to another, George Hilton, a Democrat, a member of the legislature, and he has been for many years. In my State there is a great deal of patronage that is known as "the minority patronage" given to Democrats. In my career of over 20 years, and on account of the position I have held in my party, I have had much to say about the disposition of that patronage. Several years ago it happened to fall to me to suggest that George Hilton should be appointed to the chief bailiff's office in my city, a place that pays him well, and a place for the holding of which he is very much gratified.

Representative Hruby was also a boy from my own neighborhood. I have helped him and his friends for the past 25 years.

Walter A. Lantz, a member of the general assembly, is a man who, through my assistance, was appointed a member of the civil service board of the county in which I live.

John J. McLaughlin and George L. McConnell are both members from the congressional district where I live. I have known them both many years. I do not know how many favors they have done for me or how many I have done for them, but I would say that they are probably almost innumerable.

Thomas J. O'Brien, John O'Neil, and John J. Poulton are men with whom or with whose close political friends I have been associated ever since I have been in politics.

John P. Walsh is a resident of my former congressional district. He is now and has been for years in the circuit clerk's

office of our county, at the suggestion of my friends and myself.

John C. Werdell, Frank Wilson, and Bob Wilson—Frank Wilson I have known for years.

Peter F. Galligan. I do not know how long I have known Peter, but Peter has been a Democrat all these years; a leader in the Democratic party; for many years a member of the legislature; and at one time he served in the senate of our State. So partisan is Peter, or so partisan was Peter, that, though I was his friend, he would not ask a favor from me; yet at the same time he would go any length to serve me; but about 15 years ago when everybody was broke, when everybody was hard up, Peter, with the balance of us, was also hard up. It was the most trying time of his life. Peter's wife was sick—sick unto death—and he did not have a dollar at home, no money to pay the doctor, nor any money to buy medicine, no money to furnish coal to keep the home warm. Then he came to me and related his circumstances. I secured an appointment for him, out of which he received a fair salary, with which he was able to take care of his sick wife and give to her such nourishment as she required during those long painful days, and finally, to give her a decent burial. He had gone to all his friends; he had called on all his Democratic leaders for help, but he had called in vain. When he came to me I was fortunate enough to be able to help him, and from that day to this the gratitude of Peter F. Galligan has made him almost my willing slave. There is nothing in the world within the bounds of decency, there is no honorable thing that he might do that I would ask him to do, that he would not do with the greatest of pleasure. The day I was elected in the house of representatives in Springfield, when I was called upon to address that body, just before I went up to the speaker's desk, I was met by Peter Galligan with the tears streaming down his cheeks, tears of joy, tears of great pleasure, tears of gratitude for an opportunity that had been afforded him to pay back what he thought was a great obligation, but which to me amounted to nothing at all. It was that sort of thing that made Peter Galligan my friend; it was that act that made him my devoted friend; and I know there is no man in Illinois—I care not to what party he belongs—for whom Peter Galligan would go so far or make so many sacrifices, or would give up so much for, as he would for me. When he cast his vote he did not think he was making a sacrifice, because in the house of representatives when the roll was called and his name was reached—because Republicans and Democrats had stated upon that floor that the Democrats who voted for me would live to rue the day, that they would be ostracized and driven out of the party—when his name was called, he said: "Mr. Speaker, I do not agree with the statements made here. I will not be ostracized from my party; I will not rue the day that I vote for LORIMER. When the people from my district know that I am returning after this vote is cast, they will meet me at the depot with a brass band, and say, 'Here comes our hero.'" Peter Galligan is now a member of the general assembly, reelected after his vote cast for me, and reelected by an overwhelming majority.

Much has been said of Emanuel A. Abrahams—"Manny" Abrahams they say, and that was what we called him when he was a boy. "The bellwether," "the bellwether," goes ringing all through the speech of the Senator from New York. How about "Manny" Abrahams? It is only a short story, and I will tell you a little of "Manny" Abrahams.

When I was about 20 years of age I was running a street car on South Halsted Street in Chicago. In those days, early in the morning the loads were all carried down town, and coming back we had very few passengers. About that time the Jews were moving over into the neighborhood of Halsted and Twelfth Streets—only a few; but as time went on the numbers increased. They were all industrious men. They came to Halsted and Twelfth Streets to take a car to go out to the suburbs with their big packs of goods and work their way home, disposing of their wares during the day. In those days we had a rule which permitted the conductor either to take or reject passengers with large packages. Then the prejudice against that people in that neighborhood was very strong and very bitter. Many of the conductors when they arrived at Twelfth Street would refuse, even with an empty car, to allow them to ride. Frequently I have seen those men get on the car with a pack, lay it on the platform, and have seen the conductor stop the car and kick the pack out into the street, and then the car moved on, and the passenger stayed there or else he walked out into the suburbs. Either my folk taught me to have prejudice against nobody or God made me that way. So I have no prejudice against anybody of any nationality. When I came along in the morning and had no passengers I always took those men on board with their packs and carried them out to the end of the line, until I became known among them as the man they could ride with. So they waited for my car. It turned out after awhile that every morning I would get a large load of those men. In increased numbers they moved into that neighborhood. I was known as their friend. It was a small thing to do, and there was no reason why men should have any gratitude on account of me permitting them to ride and pay their fares; but they did have it. After I quit service on the cars I lived in the same ward with those people and as they came in I became better acquainted with them.

Then I entered into politics. When I entered into politics not one of them was ever permitted to vote at the polls. Nobody would let them have anything to do with or allowed them to go near the polls; and if they undertook to go there, they were insulted, abused, assaulted, and knocked down, bricks were thrown at them, and they were driven from the polls. I organized every precinct in which they lived, and we gave them protection. It got so they came to my home at night and talked over their little troubles. There might be a dozen or probably 50 coming to my home, laying their little troubles at my door and asking for help. I helped them always. Then I moved out of the neighborhood; but when I go down there now to attend a meeting—and I go there about once every year or two; they have large halls and large meetings—I am met there by the old citizens and the rabbis of the neighborhood; I am taken around and introduced to the newcomers. I am not introduced as "Mr. LORIMER;" I am not presented as "Congressman LORIMER;" I was not made acquainted with these people as "Senator LORIMER;" but I was taken from one to the other and introduced as "the Father." Does the Senator from New York know what that means? When people come to believe in you, when they come to trust you and almost to revere you, as these people do me, when they come to the point of introducing you as "the Father," that is the greatest compliment that race of people can pay to any man. Whether I deserve that confidence or not, whether I have earned their gratitude or not, that is the condition there, and any man who would declare for the political, for the business, for the financial, or for the social destruction of LORIMER and run for office in that district could not get votes enough to make a respectable showing. No man can go among those people into that district as my enemy and live politically—I state that not in any sense of boasting, but because it is a matter of fact—and "Manny" Abrahams could not have gone back home and looked his people in the face if I had been a candidate and had been beaten by 1 vote and he had failed to vote for me.

"Manny" Abrahams, the bellwether! I say it goes ringing all through the speech of the Senator from New York. For what purpose? For any other purpose than to create prejudice? I wish I could think so. A bellwether; the first man on the roll call for everybody to follow, as though a bellwether was a new thing in legislative bodies, as though we had never heard of a bellwether here, as though they had never had a bellwether in the House of Representatives, or as though they had never had a bellwether in any legislative body in the United States. We have our bellwether here; we have the Democratic bellwether; we have the "insurgent" bellwether [laughter], and we have the "stalwart" bellwether. When I happen to be absent from this Chamber and the bell rings announcing the roll call, if I chance to step in the door in time to hear the name of Senator ALDRICH called, he is my bellwether. [Laughter.] I know where my vote belongs, and I vote as he votes. If he happens to be absent, I listen to the roll call until the clerk comes to the name of my distinguished colleague, the Senator from Illinois, and then, when he has voted, Senator CULLOM becomes my bellwether. I know where to vote from that time on. If I happen to get in a little later, I wait for the roll call to reach Senator GALLINGER's name; and after he has voted I know my place. Then we go along a little further, and if I happen to come in after he has answered the roll call, I wait until Senator LODGE has voted. [Laughter.] Then, if I find that he and Senator LA FOLLETTE have voted the same way, I wait for somebody else to vote, and then somebody else becomes my bellwether. [Laughter on the floor and in the galleries.]

Senators know that when the roll is called they walk in the door and ask "How is our vote." I have heard many a Democrat say that. I sit on this side with them. I do not want to know their secrets; but sometimes they talk too loud; and they ask that question so that I can not avoid hearing it. So I know they have a bellwether. While I do not know it as a matter

of fact, I venture the statement that the time has been—I will go a little farther than that, and say the time will come—when the Senator from New York will walk into this Chamber some day when the roll is being called and ask somebody in whom he has confidence, "How is our vote" and then vote that way.

Why, Mr. President, the talk about "bellwether" is all nonsense. There is a bellwether in every legislative assembly in this country, and so long as there are parties and so long as there are principles that divide parties, there will be bellwethers. The talk of bellwethers fools nobody; it will create no suspicion that will injure anybody either in this forum or in the House of Representatives or in any other legislative body in this country or anywhere else, unless it be upon the Chautauqua platform. [Laughter.]

Mr. President, grave charges have been made against my right to hold a seat in this body. If I read the speeches of Senators rightly, and if I understand what they mean—some of them go even to the extent of making almost the direct charge—if I understand them at all, they would leave an impression upon this body that I was elected by bribery and corruption, and that not only was I elected by bribery and corruption, but that I was on hand aiding it, giving it the stamp of my approval, and sanctioning it. In proof of that statement they point out that Lee O'Neil Browne was my agent—my authorized agent. What else can it mean? They would have you believe that Lee O'Neil Browne tied up in one package 30 Democratic votes, carried them into the hall of the general assembly, dumped them down there, bought body and soul, and sold and delivered them to me. I can understand how that might make an impression on Senators who know nothing about the situation and know nothing about the politics of my State. But here, Mr. President, is a list of 34 Democrats that were for me for United States Senator on my own account, and not because Lee O'Neil Browne delivered them to me.

Democrat waterway support.—Senator Hearn; Representatives Blair, Espy, Gorman, Link, Riley, Staymates, H. A. Shephard.
Anti-Hopkins.—Representatives Aschuler, Luke.
To end deadlock.—Representative De Wolf.
Democrat personal support.—Senators Broderick, Gorman, Jandus, Rainey; Representatives Abrahams, Cermak, Forst, Geshkewich, Griffin, Hilton, Hruby, Lantz, McLaughlin, McConnell, E. J. Murphy, O'Brien, O'Neil, Poulton, Walsh, Werdell, F. J. Wilson, R. E. Wilson, Galligan.

Seventeen or 18—19, I think it was—of the men who belonged to Lee O'Neil Browne's faction who voted for me, would have voted for me if I had been a candidate for Senator, even though Lee O'Neil Browne labored with them throughout the whole session—if I had been a candidate through the whole session—to oppose me. He did not deliver them. They delivered him. They were my friends, and there is not one of them who would not have gone further on a personal matter for me than they would have gone for Lee O'Neil Browne, and many of them would have made more sacrifices for me personally than they would for any Democrat in the State of Illinois; and I measure my words when I make that statement. Thirty-four of the 53, for one personal reason or another, voted for me and pleaded with the other 19 Democrats and prevailed upon them to vote for me also. That is the history of that vote.

Much has been made in statements here upon this floor of the fact that I am a personal friend of Speaker Shurtleff, and the further fact that during my stay in Springfield I occupied the speaker's room at the capitol; that I met Shephard in the speaker's room, and that I talked with members in the speaker's room, and that it was a suspicious circumstance that I should occupy the speaker's room. That may be so in other States. I do not know anything about the speaker's room in other States, or the privacy of his room in other States, but I do know all about the speaker's room in the State of Illinois. Mr. President, the speaker's room of the State of Illinois is practically the same size as the Marble Room outside of this Senate Chamber. It has more lounges and sofas in it than we have in the Marble Room. It has more chairs than we have in the Marble Room. It has a much greater seating capacity than the Marble Room. Our legislative assembly hall has a seating arrangement all around outside of the members' chairs.

I do not know how it is in your State, but I know how it is in mine. Anyone introduced by a member is free to go in and take possession of these seats in the assembly room. They walk down the aisles and they sit and talk to the members, and if they are interrupting the legislative proceedings by their talk they go out into the speaker's room. In fact, anybody who goes to Springfield and is acquainted with a member of the legislature may go into the speaker's room. It is a meeting place. Democrats go there and Republicans go there, and they take their friends there, and they sit and they talk and they smoke there. It is more of a smoking room than a room of privacy, and the door of the room is never locked, except in the morning before the opening of the session, when the steering committee is occupying it, preparing the work for the legislative day.

Great stress is laid on the fact that LORIMER was present in Springfield when he was elected and that he occupied the speaker's room. Has any Member of this Senate ever sat in the speaker's room of the capitol of his State? Has any Senator here ever sat in the speaker's room while the roll was being called that elected him to this body? If he was there, was it a sign of bribery and corruption?

Oh, Mr. President, if that is to be adopted as the rule, I do not know how men are going to get votes when they want to be elected to this great forum. Surely, I never will intimate to anybody anywhere that because a man who was elected to this body was present in his capitol and sitting in the speaker's room when the roll was being called, and talked to the members of the legislature in that room, that such is evidence of bribery and corrupt practices; and I do not think, Mr. President, anybody else will think so. I do not believe anybody will pay attention or give any weight at all to a statement of that kind, which I fear was made to cast a cloud of suspicion. It is not and can not be evidence of anything either good or bad, and it could have had no other purpose except to unsettle the minds of Senators and probably lead them to believe that maybe something was wrong.

Mr. President, if the securing of Democratic votes is an evidence of wrongdoing, then I have been doing wrong for the past 25 years. If the securing of Democratic votes, either for myself or for my party or for the candidates of my party is an evidence of corruption, then I have been a corruptionist ever since I was a boy. I was brought up in a Democratic neighborhood, and the thing that took me into politics was not the hope of political preferment. I was a Republican, and there was nobody in the precinct to give me a Republican ballot the day I went to cast my first vote for James G. Blaine. All the precincts around my home were made up almost solidly of Democrats—500 Democratic votes and two or three Republican votes. There were not enough members of my party in a precinct to fill up the quota of judges and clerks and ticket peddlers on election day. I was only 24 years old then, and I voted for Blaine, and I doubt if there was a more enthusiastic Blaineite in this country than I was, and nobody was more disappointed than I was at his defeat. I concluded that if all the country was managed in my party as the territory that I lived in was managed, that that in itself applied to New York, was enough to defeat Blaine for the Presidency. I made up my mind that that would never happen in my election precinct again.

So I began to organize, not to become a leader of my party, but to take care of my own precinct two days in a year, and see that the ballots were there for Republicans when they came to vote. That precinct was organized and then the other precincts were organized, because once the political virus is injected into the white man there is no telling where he will stop. So I went into the next precinct and organized that. And how? With Republicans? No. There were no Republicans there. With Democrats, young men of my age who had never affiliated with their party, but thought they were Democrats because their good fathers were Democrats. They joined with us, and we organized one precinct after another until the whole ward was organized.

We did not go out calling Democrats names. We did not abuse Democrats. We told them the things our party stood for, and asked them to join us on that account; and after a while, with energy and industry, we had a splendid organization in every precinct in the ward; and we were not in politics, or at least we did not know we were. But we had not been in politics over two years until we sent a Republican alderman to the council from that ward, and that Republican organization spread from that ward to other wards until the Republican leaders of our county began to look to that section of the county for their Republican majority.

But for the organization in that section the city of Chicago would have been as strongly Democratic for the past 20 years as is the city of New York.

This organization, my friends, was bred not in malice, not in denunciation, but it was bred in principle and fostered by telling what we thought was the truth, and in good fellowship to each other. It was not very long until the leaders of the party all over the county looked to our territory; and without

knowing it, or rather without realizing it, and surely not knowing the reason why, I was pushed forward, made the leader in my party of that Democratic section of the county.

I do not know whether Senators who do not live in a large city and a large county understand what that means. In our city and in our county in those days we had at the disposal of the party in power anywhere from 12,000 to 15,000 places, according to the season of the year, and when the Republican party came into control of the city for the first time in my career, in 1887, the disposition of all the patronage in that section of the town fell into my hands. I knew nothing about it. To be truthful, I did not know what to do with it. I disposed of it as best I could, and it was disposed of among the people in our neighborhood, and these young men that came from Democratic families into our party were chiefly the recipients of what we had.

From that time to this no man has ever come to my home, no man has ever come to my office to ask me to do him a favor, little or big, that, unless it was a strictly party matter, I ever asked him his politics. I do not know and I can not know whether I properly carried out my obligations in the disposition of those places or not; I do not know what people would think about it; but I do know that in the territory from which I come 90 per cent of the Democrats, whether they vote for me or not, will tell you they would rather have LORIMER in Congress or LORIMER in any place he wants to go to than any man in their own party.

As I have stated before, it is not because I have ever deceived a Democrat. No Democrat ever thought I would vote with his party when he voted for me. A very distinguished senator and elderly Democrat in the Illinois General Assembly came to me—and unless Senators ask his name I shall withhold it—a few days before I was elected and he said, "LORIMER, you know I would like to vote for you, but I live down in a Democratic country, where it is hard to forgive a Democrat if he votes for a Republican; I think you ought to be sent to the Senate, and if you will vote there with the Democrats on the tariff I will vote for you." I said to him, "Senator, I can not do that." He thought for a moment or two. "Well," he said, "I will go a little further with you. If you will vote with Senator LA FOLLETTE and his followers in the Senate on the tariff bill I will vote for you. That is not going the whole distance, but I can go back to my district and my people will not destroy me politically because I voted for you if you will vote that way." I told him I could not do that. Then he said, "Well, I am sorry; I would like to vote for you; I would like to see you in the Senate; but I can not afford to do it unless you can do something to make the way easy for me."

So it is that at no time and at no place have I ever had Democratic support on account of any reason except pure, unadulterated friendship. In the last campaign in which I was elected to Congress, when I was unable even to sign a letter to be sent out to my constituency, that district gave approximately 12,000 majority to President Taft. He received the largest vote and the largest majority—or his electors did, and I take the elector who received the highest vote in the district. He received a larger vote than any person other than myself running in that district. I did not make one speech, and I did not see one man, and I got more than 3,500 plurality more than President Taft.

Of what is that an evidence? Is that an evidence of bribery? Is it an evidence of corrupting Democrats to vote for me? If it is, then Mr. President I have a trail of corrupted Democrats following me over my career of 25 years. If they were bought with money I would have been compelled to buy them by the tens of thousands, and according to the theory that is contended for here it would have cost millions of dollars.

Mr. President, it is an easy matter to intimate that any man is guilty of wrongdoing, and once the intimation is made, I regret to say, it is an easy matter for many people to believe it. But when one is charged with wrongdoing, the facts should be laid before the judging body. They should be the unqualified and unadulterated truth, and that applies more largely, in my opinion, to the question of unseating a Senator or a Member of the House of Representatives than it does to taking the life or the liberty or the property of a citizen. To turn a member from this or any other legislative body on the suspicion that if certain things happened, certain other things might happen, would be establishing a rule that would indeed soon destroy this Republic.

No man, not even the Tribune, has ever dared to charge that I was ever remotely guilty of bribery or corrupt practices; and I never did, not only in this election but in any other election, use one dollar, or allow the use of one dollar, or knowingly permit the use of one dollar, nor had I the remotest idea or knowledge of the use of one dollar for my election, the corrupt use of it for bribery, or for any other corrupt purpose, either to the Lower House or to this body. If Senators even suggest that they think I did have knowledge of any corrupt practices of any kind, have the knowledge in any degree, I am very sorry for it. On my word as a man—and even the Tribune will not say to you or intimate to you that they know of any time I ever even remotely broke that word or violated faith; even they will not say to you that I am guilty of that act—I never gave nor do I know of any other person giving any kind of a promise, or any money, or anything else as an inducement for them to vote for me.

My regret, Mr. President, is that anybody should think so. I claim nothing more for myself than any other man. I am not possessed of any more virtues than any other decent citizen of this country. In the life I have lived and worked for 40 years, I may not have succeeded, but I have tried, as hard as a human being can try, to live a life that would make me at least acceptable to the decent citizens of my community. I have tried for 40 years to live a life that will make my neighbors and my townsmen and the people of my State have confidence in me. I say I may not have succeeded, but God knows I have tried. But if I have failed, if I did not succeed, no living man will come to my door and lay the charge of practicing bribery or corrupt practices in any election that I ever was interested in, be it for myself or for anybody else. I regret that there are Senators in this Chamber who feel that they have been able to find anything at all in my business life, in my political career, in my social life, or in my life with my family, that will justify them in even having a suspicion that I have been guilty of the charges they would lay at my door.

I say again, on my word as a man and on my word as a Senator, I am not guilty, and I have no knowledge in the remotest degree that bribery and corruption were practiced in securing a seat for me in this body. No matter what the Tribune says, no matter what they have been able to do through coercion in the State attorney's office in my county, I do not believe that votes were bought by anybody to send me to this body.

I have stated that I knew something about my election to this body, and I have stated to you what I know about it. What I have stated to you is the truth. Even the Tribune will not dare to refute the statement that these 34 Democrats voted for me for the reason I have stated to you, and that they secured the balance of the Democratic votes; and instead of Lee O'Neil Browne, who was friendly to me and who did help me and to whom I am obligated, delivering these 53 votes from the Democratic Party to me when I was elected United States Senator, they, with their influence, with their talk, with their persuasion, delivered Lee O'Neil Browne if there was any delivery of anybody at any time during my election. [Applause in the galleries.]

The VICE PRESIDENT. Occupants of the galleries will refrain from applause. It is not permitted under the usages of the Senate.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

Mr. BEVERIDGE. I ask the Senator to withhold the motion for one moment.

Mr. LODGE. I withhold it for a moment.

The VICE PRESIDENT. The Senator from Massachusetts withholds the motion.

Mr. BEVERIDGE. I wish merely to state that in view of the lateness of the hour and the desire of the Senator from Massachusetts to go into executive session on a very important matter of business, it is manifest I can not continue my remarks this evening. Therefore, with the permission of the Senate, I shall continue them to-morrow after the conclusion of the routine morning business.

EXECUTIVE SESSION.

Mr. LODGE. I renew my motion.

The VICE PRESIDENT. The Senator from Massachusetts moves that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 1 hour and 25 minutes spent in executive session the doors were reopened, and (at 6 o'clock and 40 minutes p. m.) the Senate adjourned until to-morrow, Thursday, February 23, 1911, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February 22, 1911.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, we thank Thee for the great men who have contributed to the life, growth, and character of our Republic, especially for that heroic soul who led our fathers to victory in the unequaled contest between the American Colonies and the oppression of the mother country and established our independence; then wove his own incomparable character into the warp and woof of a government of the people, by the people, for the people; then first in the hearts of his countrymen, now first in the hearts of their children, and first in the hearts of the liberty loving people of all the world. Grant that the millions who love him may repeat in song and story on this his natal day his deeds and strive earnestly to follow his illustrious example, that our Republic may become great in all that makes a nation great, to the honor and glory of Thy holy name. Amen.

The Journal of the proceedings of yesterday, Tuesday, February 21, was read and approved.

CALL OF THE HOUSE.

Mr. DWIGHT. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The gentleman from New York [Mr. DWIGHT] makes the point of order that a quorum is not present. The point is sustained.

Mr. DWIGHT. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from New York moves a call of the House. The question is on agreeing to that motion.

The question was taken; and there were—ayes 51, noes 18.

So the motion was agreed to.

The SPEAKER. A call of the House is ordered. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Alexander, N. Y.	Gaines	Law	Rhinock
Ashbrook	Gallagher	Lawrence	Riordan
Bates	Gardner, Mass.	Lindsay	Sabath
Bennett, Ky.	Gardner, Mich.	McCredie	Saunders
Borland	Garner, Pa.	McDermott	Sheffield
Bowers	Gill, Mo.	McGuire, Okla.	Sherley
Burke, Pa.	Glass	Maiby	Sisson
Burke, S. Dak.	Goebel	Maynard	Small
Burleigh	Goulden	Millington	Smith, Cal.
Burleson	Gregg	Mondell	Smith, Mich.
Byrd	Hardy	Morgan, Okla.	Snapp
Capron	Havens	Mudd	Sparkman
Clark, Fla.	Heflin	Murdock	Sperry
Conry	Hill	O'Connell	Steenerson
Cooper, Pa.	Hobson	Palmer, A. M.	Taylor, Ohio
Coudrey	Howard	Parsons	Underwood
Crow	Huff	Patterson	Vreeland
Denby	Hughes, W. Va.	Plumley	Wallace
Driscoll, D. A.	Johnson, Ohio	Poindexter	Willett
Elvins	Joyce	Pou	Wood, N. J.
Fassett	Kahn	Pray	Woodyard
Foelker	Korbly	Rauch	
Fornes	Kronmiller	Reeder	
Fowler	Langley	Reid	

The SPEAKER. On this roll call 290 Members—a quorum—have answered "present."

Mr. DWIGHT. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

NAVAL APPROPRIATION BILL.

The SPEAKER. The previous question was ordered on yesterday upon the naval appropriation bill (H. R. 32212) and all amendments to the final passage. Is a separate vote asked for on any amendment? If not, the vote will be taken on the amendments in gross.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time.

Mr. PADGETT. Mr. Speaker, I move to recommit the bill to the Committee on Naval Affairs, with instructions to strike out, on page 59, line 23, the word "two" and insert "one;" and to strike out the letter "s" in the word "battleships;" and to strike out the word "each" in line 24, page 59, and in line 3, page 60, and forthwith to report the bill so amended to the House, and upon that motion I demand the previous question.

The SPEAKER. The gentleman from Tennessee moves to recommit the bill, with the following instructions:

The Clerk read as follows:

Recommit the bill to the Committee on Naval Affairs with instructions to strike out, on page 59, line 23, the word "two" and insert "one;" to strike out the letter "s" of the word "battleships;" and strike out the word "each" in line 24, page 59, and line 3, page 60, and forthwith report the bill so amended to the House.

The SPEAKER. And on that motion the gentleman demands the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Tennessee.

Mr. PADGETT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 137, nays 167, answered "present" 4, not voting 75, as follows:

YEAS—137.

Adair	Edwards, Ga.	Kitchin	Robinson
Adamson	Ferris	Korbly	Roddenbery
Ames	Finley	Lafean	Rodenberg
Anderson	Fitzgerald	Latta	Rucker, Colo.
Barnard	Flood, Va.	Lawrence	Rucker, Mo.
Barnhart	Floyd, Ark.	Lenroot	Scott
Bartholdt	Foster, Ill.	Lindbergh	Sharp
Bartlett, Ga.	Foster, Vt.	Lively	Sheppard
Beall, Tex.	Fuller	Livingston	Sherwood
Bell, Ga.	Garner, Tex.	Lloyd	Simmons
Boehne	Garrett	McCall	Sims
Booher	Gillett	McCreary	Sisson
Burgess	Godwin	Macon	Slayden
Burnett	Goldfogle	Madden	Smith, Tex.
Byrns	Gregg	Maguire, Nebr.	Stafford
Campbell	Hamlin	Mann	Stanley
Cantrill	Hammond	Mays	Stephens, Tex.
Carter	Hardwick	Mondell	Sulzer
Cassidy	Hardy	Morse	Tawney
Chapman	Harrison	Moss	Taylor, Colo.
Clark, Mo.	Havens	Murphy	Thistlewood
Clayton	Hay	Nelson	Thomas, Ky.
Cline	Helm	Nicholls	Thomas, N. C.
Cocks, N. Y.	Henry, Conn.	Norris	Tou Velle
Collier	Henry, Tex.	Nye	Turnbull
Cowles	Hollingsworth	Oldfield	Underwood
Cox, Ind.	Houston	Padgett	Volstead
Creager	Howland	Page	Washburn
Cullop	Hubbard, W. Va.	Peters	Watkins
Dent	Hughes, Ga.	Pratt	Webb
Denver	Hull, Tenn.	Prince	Weisse
Dickinson	James	Rainey	Wickliffe
Dickson, Miss.	Jamieson	Randell, Tex.	
Dies	Johnson, S. C.	Rauch	
Draper	Joyce	Richardson	

NAYS—167.

Aiken	Elvins	Keifer	O'Connell
Alexander, Mo.	Englebright	Kellher	Olcott
Alexander, N. Y.	Esch	Kendall	Olmsted
Ansberry	Estopinal	Kennedy, Iowa	Palmer, H. W.
Anthony	Fairchild	Kennedy, Ohio	Parker
Austin	Fish	Kinkaid, Nebr.	Parsons
Barchfeld	Focht	Kinkead, N. J.	Payne
Barclay	Fordney	Knapp	Pearre
Bartlett, Nev.	Foss	Knowland	Pickett
Bennet, N. Y.	Gardner, N. J.	Kopp	Pujo
Bingham	Garner, Pa.	Küstermann	Ransdell, La.
Boutell	Gill, Md.	Lamb	Roberts
Bradley	Gillespie	Langham	Rothermel
Brantley	Good	Lee	Shackleford
Broussard	Graff	Legare	Sherley
Burke, S. Dak.	Graham, Ill.	Longworth	Slemp
Butler	Graham, Pa.	Loud	Smith, Iowa
Calder	Grant	Loudenslager	Snapp
Calderhead	Greene	Lowden	Sparkman
Carlin	Griest	Lundin	Spight
Cary	Guernsey	McHenry	Steenerson
Cole	Hamer	McKinlay, Cal.	Sterling
Conry	Hamill	McKinley, Ill.	Stevens, Minn.
Cooper, Wis.	Hamilton	McKinney	Sturgiss
Covington	Hanna	McLachlan, Cal.	Sulloway
Cox, Ohio	Haugen	McLaughlin, Mich.	Swasey
Cravens	Hawley	McMorran	Talbott
Crumpacker	Hayes	Madison	Taylor, Ala.
Currier	Heald	Malby	Taylor, Ohio
Dalzell	Higgins	Martin, Colo.	Thomas, Ohio
Davidson	Hinshaw	Martin, S. Dak.	Tilson
Davis	Hitchcock	Massey	Townsend
Dawson	Hobson	Miller, Kans.	Wanger
Diekema	Howell, N. J.	Miller, Minn.	Weeks
Dodds	Howell, Utah	Mitchell	Wheeler
Douglas	Hubbard, Iowa	Moon, Pa.	Wiley
Dupre	Hughes, N. J.	Moon, Tenn.	Wilson, Ill.
Durey	Hull, Iowa	Moore, Pa.	Wilson, Pa.
Dwight	Humphrey, Wash.	Morehead	Woods, Iowa
Edwards, Ky.	Humphreys, Miss.	Morgan, Mo.	Young, Mich.
Ellerbe	Johnson, Ky.	Moxley	Young, N. Y.
Ellis	Jones	Needham	

ANSWERED "PRESENT"—4.

Andrus	Candler	Dixon, Ind.	Driscoll, M. E.

NOT VOTING—75.

Ashbrook	Burke, Pa.	Clark, Fla.	Denby
Bates	Burleigh	Cooper, Pa.	Driscoll, D. A.
Bennett, Ky.	Burleson	Coudrey	Fassett
Borland	Byrd	Craig	Foelker
Bowers	Capron	Crow	Fornes

Fowler	Hughes, W. Va.	Morgan, Okla.	Sabath
Gaines	Johnson, Ohio	Morrison	Saunders
Gallagher	Kahn	Mudd	Sheffield
Gardner, Mass.	Kronmiller	Murdock	Small
Gardner, Mich.	Langley	Palmer, A. M.	Smith, Cal.
Gill, Mo.	Law	Patterson	Smith, Mich.
Glass	Lever	Plumley	Southwick
Goebel	Lindsay	Poindexter	Sperry
Gordon	McCredie	Pou	Vreeland
Goulden	McDermott	Pray	Wallace
Heflin	McGuire, Okla.	Reeder	Willett
Hill	Maynard	Reid	Wood, N. J.
Howard	Millington	Rhinock	Woodyard
Huff	Moore, Tex.	Riordan	

So the motion was not agreed to.

The following additional pairs were announced:

For the session:

Mr. ANDRUS with Mr. RIORDAN.

Mr. HILL with Mr. GLASS.

Until further notice:

Mr. WOODYARD with Mr. ASHBROOK.

Mr. LANGLEY with Mr. SABATH.

Mr. GARDNER of Michigan with Mr. BURLESON.

Mr. MORGAN of Oklahoma with Mr. SMALL.

Mr. MURDOCK with Mr. RHINOCK.

Mr. BATES with Mr. BOWERS.

Mr. BENNETT of Kentucky with Mr. CLARK of Florida.

Mr. BURKE of Pennsylvania with Mr. CRAIG.

Mr. BURLEIGH with Mr. GILL of Missouri.

Mr. CAPRON with Mr. GORDON.

Mr. COOPER of Pennsylvania with Mr. GOULDEN.

Mr. DENBY with Mr. GALLAGHER.

Mr. GAINES with Mr. HEFLIN.

Mr. KAHN with Mr. HOWARD.

Mr. MCGUIRE of Oklahoma with Mr. LINDSAY.

Mr. MILLINGTON with Mr. MAYNARD.

Mr. SMITH of California with Mr. MOORE of Texas.

Mr. SMITH of Michigan with Mr. WILLETT.

Mr. PRAY with Mr. POU.

Mr. SOUTHWICK with Mr. REID.

Mr. MCCREDIE with Mr. WALLACE.

Mr. WOOD of New Jersey with Mr. PATTERSON.

From February 22, 10 a. m., until February 23, 10 a. m.:

Mr. FASSETT with Mr. DIXON of Indiana.

From February 22 until February 23:

Mr. LAW with Mr. MORRISON.

Ending February 23, noon:

Mr. JOHNSON of Ohio with Mr. A. MITCHELL PALMER.

From 2 p. m. February 22 until February 23, noon:

Mr. PLUMLEY with Mr. CANDLER.

Commencing February 21, ending February 23, inclusive:

Mr. SHEFFIELD with Mr. DANIEL A. DRISCOLL.

For balance of day:

Mr. KRONMILLER with Mr. LEVER.

Mr. MICHAEL E. DRISCOLL with Mr. BORLAND.

Commencing February 23, ending March 1:

Mr. SPERRY with Mr. MCDERMOTT.

On this vote:

Mr. REEDER with Mr. FORNES.

For balance of session:

Mr. HUGHES of West Virginia with Mr. BYRD.

On two battleships:

Mr. VREELAND (against) with Mr. SAUNDERS (in favor).

Mr. SAUNDERS. Mr. Speaker, I am paired with the gentleman from New York, Mr. VREELAND. I notice that the pair was not announced. If he were present, I would vote "aye."

Mr. ANDRUS. Mr. Speaker, I voted "aye," but I am paired with the gentleman from New York, Mr. RIORDAN. I wish to withdraw that vote and answer "present."

Mr. ANDRUS voted "present" as above recorded.

The result of the vote was then announced as above recorded.

The SPEAKER. The question now is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. FOSS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

FORTIFICATIONS BILL.

Mr. SMITH of Iowa. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 32865) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes. And pending that, I ask unanimous consent that general debate be had for 40 minutes, 20 minutes on a side, to be controlled by the gentleman from Kentucky [Mr. SHERLEY] and myself.

The SPEAKER. The gentleman from Iowa moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the fortifications bill, and pending that asks unanimous consent that all general debate on this bill be limited to 40 minutes, one-half to be controlled by himself and one-half by the gentleman from Kentucky [Mr. SHERLEY]. Is there objection? [After a pause.] The Chair hears none.

Mr. BOEHNE. Mr. Speaker, this being the anniversary of the natal day of the Father of our Country, George Washington, I ask unanimous consent that Representative SHEPPARD, of Texas, be given 20 minutes to deliver an address on George Washington.

The SPEAKER. The question is on the motion of the gentleman from Iowa.

The question was taken.

The SPEAKER. Pending the announcement of the vote, the gentleman from Indiana asks unanimous consent, to-day being the anniversary of the birth of George Washington, that Representative SHEPPARD, of Texas, be allowed to address the House, for how long?

Mr. BOEHNE. For 20 minutes.

The SPEAKER. In committee?

Mr. BOEHNE. In the House.

The SPEAKER. But the motion has been agreed to to go into committee.

Mr. MADDEN. I object.

The SPEAKER. The ayes have it, and the motion is agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. STERLING in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the fortifications bill, and the Clerk will read the bill.

The Clerk read as follows:

A bill (H. R. 32865) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

Mr. SMITH of Iowa. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SMITH of Iowa. This bill carries, in round numbers, $5,300,000. It is the lowest fortification bill since that for the fiscal year of 1907 and, with the exception of the bill for 1907, is the lowest in amount carried for 11 years. The amounts appropriated are almost equally divided between continental United States and the insular possessions. It does not include, however, any appropriations for the fortification of the Panama Canal, for the reason that the Panama Canal appropriation estimates were sent in by the department in connection with the sundry civil bill, and it was determined by the Committee on Appropriations that those items should be considered in connection with the canal estimates, and that subject will come before the House in the consideration of the sundry civil bill.

There are no appropriations in this bill for distinctly new armament in continental United States. The appropriation for continental United States consists of matters pertaining to the improvement and efficiency of the existing armament, the improvement of the fire control, and the increase of ammunition supplies and the like. Appropriations are also carried for the mobile artillery and the like. The balance of this bill is for the fortification in the insular possessions.

I want at this time to state that while it has never been the practice of Congress to designate where money should be spent for fortifications, that being left to the wisdom and judgment of the War Department, a somewhat different policy has been pursued in the appropriations for the insular possessions from that heretofore pursued with reference to continental United States.

While not designating where money was to be expended in the insular possessions, it has been the practice to ascertain what would be the cost of the completion of a given unit of defense, and give that amount of money with the understanding that it would be expended for that purpose. This enabled us, as we thought, to know just how far we had progressed in the completion of the Taft Board plans for the fortification of the insular possessions. I regret to say that it now develops that the cost of the works in the Philippines was underestimated, and we have not, therefore, covered so large a percentage of the work to be done in the Philippines with past appropriations as we had hoped we had done. The change probably will amount to at least a million dollars, in the aggregate, but the appropriations for the insular possessions are now drawing to

a conclusion. The appropriations for the Hawaiian Islands are practically closed, and in the Philippine group the fortifications are nearly all provided for. It does not seem to me that the appropriations in the future can be very considerable, and now, as the appropriations for the Philippines have largely been made, I want to say that it is my belief that upon the completion of a somewhat small additional amount of work upon the island of Corregidor it will become one of the great historic fortresses of the world and the most impregnable citadel now in existence on this earth. I am glad this work is now approaching completion in these new possessions before we are compelled to enter upon the expenditures for the fortification of the Panama Canal now at hand.

As this bill contains no new features whatever and is so small compared with the bills of recent years, it was believed there would be little matter of contention contained in it, and for that reason the general debate has been decreased. I reserve the balance of my time.

Mr. STAFFORD. Before the gentleman takes his seat I desire to ask him a question. Will he yield?

Mr. SMITH of Iowa. Certainly.

Mr. STAFFORD. I would like to ask the gentleman whether under the Taft or any other plan there is proposed any fortification for Alaska. It has been called to the attention of the committees of the House recently that there are valuable coal deposits there, and it has also been called to my attention that up in Controller Bay, which is the bay nearest the United States to the rich coal fields of Alaska, there is a harbor that will afford ample protection for our naval fleet. Has there been any consideration by any board as to the fortification of that or any other part of the Alaskan territory?

Mr. SMITH of Iowa. Mr. Chairman, I can only say in reply to that question that during the administration of President Cleveland a special board was created, headed by Secretary Endicott, to report to Congress what fortifications were needed. That board reported, but did not report in favor of fortifying anything on the coast of Alaska. During the last administration a new board was created by Executive order, which was known as the Taft Board. This board was never authorized by Congress, nor has it ever been officially approved of in its work by Congress, but it is the latest work of the War Department on this subject, and it does not recommend the fortification of the coast of Alaska.

Mr. HAMMOND. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. With pleasure.

Mr. HAMMOND. The gentleman referred to an appropriation to be carried in the sundry civil appropriation bill for the fortification of the Panama Canal. It has been reported that the amount of that appropriation is in the neighborhood of four and one-half millions of dollars. Does the gentleman know whether the report is approximately correct?

Mr. SMITH of Iowa. Mr. Chairman, the gentleman is in error when he says that I stated that any appropriation will be carried in the sundry civil appropriation bill for canal fortifications.

Mr. HAMMOND. The gentleman suggested it might be carried.

Mr. SMITH of Iowa. I suggested that the estimates were sent in for the sundry civil appropriation bill and that the matter would be considered upon that bill. It is not proper, Mr. Chairman, for members of the Appropriation Committee to express opinions as to what that committee will probably do in the future on matters not pending before the House. The sundry civil bill has been carefully considered by the subcommittee on the sundry civil bill and has not yet been reported to the Committee on Appropriations. In my judgment it would be ungracious to the Committee on Appropriations to inform the gentleman before that committee even was informed what the subcommittee proposes to do, but I think the gentleman may rest assured that it will not carry four and one-half millions of dollars.

Mr. HAMMOND. May I ask the gentleman, the estimate is about four and a half millions?

Mr. SMITH of Iowa. The estimate is about $5,000,000, which is an estimate not for the completion, however, but for the next year.

Mr. HAMMOND. That is for next year?

Mr. SMITH of Iowa. That is for next year.

Mr. HAMMOND. The gentleman has stated that the estimates carried in this bill in round numbers amounts to about $5,300,000.

Mr. SMITH of Iowa. That is correct.

Mr. HAMMOND. If an appropriation of approximately $4,000,000 be made for the Panama Canal fortifications, would not the total appropriation for fortifications be about as much as has been carried heretofore?

Mr. SMITH of Iowa. I must say to the gentleman that I must decline, with all possible courtesy, to tell him how much I think will be carried in the sundry civil bill for that purpose. Five million dollars are asked for, and I am willing to say to the gentleman, as a matter of mathematics, if $5,000,000 be authorized the two items together would make approximately $10,000,000, which would be in excess of bills in recent years.

Mr. HAMMOND. What have the amounts been in recent years?

Mr. SMITH of Iowa. For 1911 it is $5,600,000; for 1910, $8,170,000; for 1909, $9,316,000, and so on.

Mr. HAMMOND. I thank the gentleman.

Mr. SCOTT. Will the gentleman permit me a question?

Mr. SMITH of Iowa. Certainly.

Mr. SCOTT. I see that one of the items of the bill carries an appropriation of $150,000 for seacoast batteries for the Hawaiian Islands. Can the gentleman tell us with propriety where those batteries will be planted?

Mr. SMITH of Iowa. Well, where they will have the most effective efficiency. All the seacoast batteries were supposed to be provided for these islands and all armament except some small batteries and guns to keep out small boats from the entrance to Pearl Channel. The Hawaiian Islands were supposed to be entirely provided for, with this exception, in the last bill.

Mr. SCOTT. There are no fortifications intended for any of the islands except the Island of Oahu.

Mr. SMITH of Iowa. There were none reported by the Taft Board, and none are contemplated by the War Department.

Mr. SCOTT. My recollection is that the statement was made, in the course of debate upon this floor in the last two days, that Hawaii would fall an easy prey to any enemy which might attack the United States. Is it the judgment of the gentleman as a member of this committee that when we complete the fortifications on the Island of Oahu contemplated, as I understand in the appropriations made in this bill, that the island will be measurably defended?

Mr. SMITH of Iowa. I should say, Mr. Chairman, least of any man here claiming to be an expert on military science, I would state that Honolulu and its harbor and Pearl Channel and Pearl Harbor will be amply defended when the money now appropriated here, or contemplated to be appropriated, shall be expended. It is true that the configuration of this island is such that a landing might be made upon the opposite side of the island from Honolulu, and a landing force might come down upon these fortifications from the rear, but it would be useless to attempt to fortify the opposite side of the island. It is impossible to fortify coasts. What we can possibly fortify would be harbors, and there is no harbor upon the other side of the island and a landing might be effected there, and against such a landing we can rely for our defense upon the protection of the American Army which, I believe, will be there in time to prevent a force landing on the island back of these fortifications.

Mr. COOPER of Wisconsin. How nearly complete are the fortifications at Pearl Harbor?

Mr. SMITH of Iowa. The fortifications on Pearl Harbor are complete so far as mounting the 12-inch guns are concerned, but the harbor is not yet open. Originally Pearl Channel was a winding and tortuous channel with projecting coral reefs, through which nothing more than a 700-ton burden vessel had ever gone under its own power in the history of the world. We are now excavating that channel and forming an entrance into Pearl Harbor, but that work is not yet complete.

The harbor is not yet opened. We are proceeding with the opening of it and its defense and fortification upon parallel lines, and when this channel is so far opened that vessels of sufficient magnitude to be dangerous can enter Pearl Harbor the fortifications at the mouth of it will be absolutely completed.

Mr. COOPER of Wisconsin. To about what depth are they dredging it?

Mr. SMITH of Iowa. It is not strictly a process of dredging. It is the cutting away of these coral reefs. The water is deep enough in Pearl Channel, and always was, but the channel was winding and tortuous and filled with these projecting coral capes.

Mr. COOPER of Wisconsin. I have been over there, and that is the reason I asked about it. What depth are they to make it?

Mr. SMITH of Iowa. I can not tell you the depth, but it will be an ample ship channel for the heaviest naval ships of the world.

Mr. HOBSON. Will the gentleman yield for a minute only?

Mr. SMITH of Iowa. I will, but I have only four minutes, and my colleagues have not had any opportunity whatever.

Mr. HOBSON. Since the question has evidently been raised as to the accuracy of remarks of mine referring to the taking

of Hawaii, I just simply wish to state for the information of the committee that my information was accurate, that the war games have been worked out, and what I stated has actually been the result of the war games, and what was pointed out actually did happen, namely, a landing was made on the opposite side and Pearl Harbor was taken from the rear.

Mr. SMITH of Iowa. I now ask the gentleman from Kentucky [Mr. SHERLEY] to use such portion of his time as he may desire, and I will reserve the balance of mine.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. KNOWLAND having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 9693. An act to provide for the payment of the traveling and other expenses of United States circuit and district judges when holding court at places other than where they reside;

S. 9874. An act to refund to the Gate of Heaven Church, South Boston, Mass., duty collected on stained-glass windows;

S. 10095. An act to provide for the acquisition of a site on which to erect a public building at Gilmer, Tex.; and

S. 8047. An act for the relief of Clement A. Lounsberry.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 31538. An act to authorize the Pensacola, Mobile & New Orleans Railway Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels on a line opposite the city of Mobile, Ala.; and

H. R. 16268. An act for the relief of Thomas Seals.

The message also announced that the Senate had passed without amendment the following resolution (H. Res. 61):

Resolved by the House of Representatives (the Senate concurring), That the President of the United States be, and is hereby, requested to return to the House the bill (H. R. 25061) for the relief of Helen S. Hogan.

FORTIFICATIONS APPROPRIATION BILL.

The committee resumed its session.

Mr. SHERLEY. Mr. Chairman, to my party colleagues I owe somewhat of an apology. I shall not be able to explain in detail the bill or add anything of value to what has been said by the gentleman from Iowa [Mr. SMITH], as my sickness prevented my being present during the hearings or during the making up of the bill. But I have carefully gone over the hearings since that time, and over the bill, and it does not carry, in my judgment, any unnecessary items, and it does carry all the necessary items that I am aware of. The estimates submitted to the committee were this year very moderate, and therefore the percentage of reduction is very much less than in previous years; but, as just stated, we do carry all necessary appropriations to continue the defense both of Continental America and all her possessions.

I desire to also second what has just been said by the gentleman from Iowa [Mr. SMITH] touching the Hawaiian Islands. They will, upon the expenditure of the money heretofore appropriated, and in this bill to be appropriated, be in a position of as good defense as we can hope to put them by virtue of fortifications. And gentlemen need not be unduly worried as to the probability of a force landing on the other side of the island on which is situated Honolulu. As stated by the gentleman from Iowa [Mr. SMITH], fortifications necessarily can only protect specific points. It has never been expected that fortifications should protect an entire coast line, and there are hundreds of places upon the American shore, and there must always remain hundreds of places where theoretically, and perhaps practically, a hostile fleet, unmolested, under proper weather conditions, could land a force. That is true of the Hawaiian Islands as it is of America generally, and not true of it in any other sense.

This bill also, as stated by the gentleman, does not carry any of the items in regard to the fortification of Panama. To my mind this was a mistake. I believe that the fortifications of Panama should be carried in the fortification bill. I do not believe that it is proper to charge to the engineering cost of the Panama Canal the moneys that may be expended for the fortification of that canal. And it would have enabled us to have kept more clearly in mind the totals that are to be expended for fortifications if those items had been carried in this bill. But in the wisdom of the committee they were not so carried, and if carried at all, will be carried in the sundry civil bill.

In view of the limited opportunity that I have had to consider this bill in its preparation, I do not know that there is anything further that I can say to the committee at this time. Unless some one desires to ask a question, I will now yield to my colleague.

Mr. MANN. Will the gentleman yield to one question?

Mr. SHERLEY. Certainly.

Mr. MANN. If the gentleman from Alabama [Mr. HOBSON] is correct in that the Hawaiian Islands are going to be taken away from us within 10 months, it would not be desirable to spend any more money out there, I suppose.

Mr. SHERLEY. With due deference both to the patriotism and the learning of the gentleman from Alabama, I have been forced, in contributing my part to the preparation of the fortifications bill, to rely on other opinions.

Mr. MANN. I wondered whether the gentleman from Alabama was going to oppose or favor the proposition.

Mr. SHERLEY. I have not consulted him on that proposition. I have thought it worth while that the Government should continue fortifying, regardless of this opinion of the gentleman, and I think the expenditure of the money will not be interfered with by the taking of the Hawaiian Islands.

Mr. HOBSON. Will the gentleman pardon me? I did not quite catch his meaning.

Mr. SHERLEY. I said that while appreciating his skill and patriotism, I had not in the past, and could not in the consideration of this bill, and the appropriations carried by it, rest upon his views for my position, and that I considered that the money now proposed to be appropriated for fortifications in the Hawaiian Islands would be expended, notwithstanding the prophecy of the gentleman as to the seizure of the islands within 10 months. [Laughter.]

Mr. HOBSON. If the gentleman will permit me, I will say to him that neither heretofore have I gone to him, nor probably hereafter would I ever come to ask him, to take up the execution of propositions relating to the national defense. [Laughter.]

Mr. SHERLEY. I appreciate the fact that we are very wide apart, and probably will remain so—wide enough probably to enable us to meet on the other side. [Laughter.]

Mr. HOBSON. I am not quite sure, Mr. Chairman, that I would like to meet the gentleman beyond the river. [Laughter.]

Mr. JOHNSON of South Carolina. I would like to ask the gentleman from Kentucky how much time it will take to complete the projects laid out by the War Department or by the Fortifications Board.

Mr. SHERLEY. I could not say now from memory.

Mr. JOHNSON of South Carolina. The reason I ask that question is that one year they asked for $38,000,000, and we appropriated only one-fourth of that amount.

Mr. SHERLEY. I think the gentleman will find in the statement or report accompanying the bill the totals that we have appropriated, and the totals that were recommended by the Taft Board as necessary. Of course, the difference, in a sense, is what remains unappropriated, although it must be borne in mind that a part of the appropriation each year is not used in the completion of the plans, but is used in maintenance and in the purchase of powder for seacoast practice, and other items of that kind, so that the difference between the sum originally estimated and the sum appropriated does not actually show the amount remaining yet to be appropriated. But the gentleman can get for himself all that information by reading the report. I have not been able to refresh my memory sufficiently to answer offhand.

I now yield to my colleague from Kentucky [Mr. HELM] five minutes of my time.

The CHAIRMAN. The gentleman from Kentucky [Mr. HELM] is recognized.

Mr. HELM. Mr. Chairman, while no appropriation is carried in this bill looking to the fortification of the Panama Canal, in view of the fact that this Congress is rapidly drawing to a close and the difficulty of securing time at some future date, it will not be inappropriate now to discuss the question of the fortification of the Panama Canal, and I shall therefore avail myself of the opportunity that has been afforded me by my colleague to say something along that line. All doubt as to the ultimate success and efficiency of the canal can not be removed until after its completion and until it has been demonstrated that it will serve satisfactorily the purpose for which it was intended. If we are not to have a canal and it shall not prove to be a success, then, obviously, there is no occasion for any expenditures for fortifications. But if it shall result, as we all hope and trust and pray it will, that it shall prove to be the triumphant success that we expect it to be, then I am in favor of using the utmost skill at the command of the American Army officers, and I am in favor of appropriating the uttermost penny that shall be required to make the canal as safe, as secure, and as impregnable as our skill and money can make it.

But we might further bear in mind the fact that when the type of the canal was under discussion, and the question was under consideration whether it should be a lock canal or a sea-level canal, there was grave doubt expressed as to whether the

lock type, which has been adopted, will prove to be effective. And in this connection it may also be well enough to bear in mind the fact that the original estimate for the sea-level canal was $140,000,000. This has now grown to $400,000,000, not for a sea-level, but for a lock type of canal, which has always been considered the cheaper proposition of the two. The appropriation that I understand will be reported to the House by the committee is, I take it, but the initial sum; and, as I said before, after it has been demonstrated that the canal will carry our fleet from one ocean to the other, that it will carry the large ocean-going vessels of commerce efficiently and satisfactorily, then I say this Government should not spare any sum to make it safe and secure.

Mr. KOPP. Will the gentleman yield for a question?

Mr. HELM. Certainly.

Mr. KOPP. Right along the question of a sea-level or lock canal, does not the gentleman also think that the fact that it is a lock canal makes the necessity for fortifications all the greater?

Mr. HELM. By all means.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. How much time have I remaining, Mr. Chairman?

The CHAIRMAN. The gentleman has eight minutes remaining.

Mr. SHERLEY. I yield to the gentleman three minutes more.

Mr. HELM. I can not work myself up into a nervous rigor through alarm or fear of war. It has been my invariable observation here that as soon as these appropriation bills for the Army and the Navy are behind us grim-visaged war smoothes his wrinkled front very easily. That is not only true of the advocates of large navies and large armies, but it is also true of the press.

I do not consider it a safe proposition to erect a home in any locality this side of the New Jerusalem without putting locks on the doors, and if it is my house I want to carry the keys to that house. There are some people wise enough to put locks on their stables before their horses are stolen. [Applause.] There are few people who want to do business with a banking institution that has not a safe vault and a secure place in which to store its treasure, no matter how reverently the law is respected by the community in which the institution is located. It would be absolute folly to construct a fort and store in it arms and munitions for a siege and put no defensive guns there to protect the fort. The canal is of extraordinary value and importance. It would be just as logical and just as sensible to construct this canal and not fortify it as it would be to build a residence and not secure it as best you can, or to have a banking institution without a safe vault in which to store your treasure, or to build a fort without guns.

The Panama Canal will be one of the most strategic points on the Western Hemisphere; it is either going to make us stronger or it is going to make us weaker.

The CHAIRMAN. The time of the gentleman from Kentucky has again expired.

Mr. SHERLEY. I will yield the gentleman four minutes more.

Mr. SIMS. Will the gentleman yield for a question?

Mr. HELM. Certainly.

Mr. SIMS. Of course we will put the lock on the stable door, but you would not put the lock on the door before you had the stable?

Mr. HELM. No; I would not. I say we should wait until the canal makes good and then fortify it.

Mr. SIMS. Exactly; we do not know now that the canal will be a success.

Mr. SHERLEY. In that connection, if the gentleman will allow me, suppose the organized force they have on concrete could save you about 33 per cent by doing the work while the force was there, do you not think it would be economy and good business judgment to do it now instead of waiting until the force disorganized and left the Isthmus?

Mr. HELM. We had an exhibition of the canal here in this House by Col. Goethals, the officer in charge of that work. He told the membership of this House, such as were present, that this canal would be ready for the test in 1913. His reference to the possible seepage from the lake was very significant and not altogether reassuring. I do not believe that that force will be away from there at that date, and it will be ample time then to adopt measures of fortifications. I do not say—it is not my advice to this House to wait until it has been tried out and tested thoroughly and completely before you begin the fortifications, but when you have a reasonable assurance that it will be efficient and effective, then it is time to begin to take such steps.

Mr. SIMS. Col. Goethals says that we could send ships through in 1913, two years before it was completed, and that would be a test.

Mr. HELM. There is but one of two things for Congress to do—either to agree to fortify this canal or stop digging it, for as you do or do not fortify you will strengthen or weaken our position as a naval and as a military force.

Mr. MONDELL. Will the gentleman yield?

Mr. HELM. Certainly.

Mr. MONDELL. Does the gentleman think England's position as a great power is weakened by her failure to fortify the Suez Canal?

Mr. HELM. I do not think England's position is weakened, but my candid opinion is that England has, to all intents and purposes, securely fortified the Suez Canal. Every avenue of approach by sea to the Suez Canal is strongly fortified.

Mr. MONDELL. Oh, the gentleman assumes that because they have large guns——

Mr. HELM. The difference between the Panama Canal and the Suez Canal is that the latter is a stock company, several different nations or sovereignties owning the stock, while we are paying our hard money, and a prodigious sum of it, for digging this canal; we have bought this strip of land and we are paying for the work as it progresses. We are the sole owners of the entire enterprise and project.

Under the treaty with Panama, we alone have the right of sovereignty, dominion, and control of the Canal Zone.

The canal is an outlying naval and Army post, intended and believed by all to be the most vital strategic and vital war measure of our national defense. It is a thousand miles from our base. I can not believe that in its isolated position it is safer without fortifications than with them. If we fortify it it will be a means of defense; if we refuse to fortify it we are but furnishing any possible enemy the means of assailing us the more effectively.

We have guaranteed the independence of Panama; have reserved to ourselves the extraordinary right of intervention in order to maintain a stable power and government there; and we have guaranteed to all nations of the world the right to use the canal on terms of equality. How can we enforce these guaranties without the means at hand to do so?

The United States intends to and will dedicate the canal to the use of the commerce of the world on terms of equality; that is to say, there shall be no favored nation. This is all that is to be understood or implied from the treaty with Great Britain. By the neutrality agreement no one ever supposed that we intended presenting the canal to the world as a kind of Christmas gift. We alone have the right to exercise sovereignty and dominion over the Canal Zone, and have covenanted with Panama that this right shall not pass from us or be exercised by any other nation. Panama has no claim whatsoever, except an annual rental. Furthermore, the Panama treaty, in which the expressed right to fortify is granted, is of later date than the British treaty. There was, and has been, no protest lodged against the terms of the Panama treaty. The "general principle" of neutrality in the British treaty relates solely to the commercial usages of the canal. This commercial neutrality can be preserved and is not violated by a fortified canal. In fact, I fail to see any repugnance between neutralization and fortification in their application to the Panama Canal.

Without fortification our entire naval strength would have to be centered at both ends of the canal; this would leave our entire coast line exposed, so that in the event of war the canal would be a positive disadvantage to us. Will the American Congress be so foolish as to spend $750,000,000 for a trap to be caught in? Will it spend that staggering sum of money to dig a pit to fall into?

The canal was intended, in the event of war, to give us an advantage over the enemy. If we have not the right to fortify under the treaty with Great Britain, we have not the right to defend it with our Navy, but must stand idly by and watch the procession of the enemy's fleet pass through the canal to our disadvantage provided the promise in the treaty not to injure the canal during the passage is kept. I shall never sanction such an interpretation or construction of that treaty. Fortify it or fight.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HELM. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

[Mr. GOLDFOGLE addressed the committee. See Appendix.]

[Mr. McMORRAN addressed the committee. See Appendix.]

Mr. SMITH of Iowa. Mr. Chairman, has the time been completely exhausted on the other side?

The CHAIRMAN. It has.

Mr. SMITH of Iowa. I do not desire to consume the balance of my time, and I call for the reading of the bill.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

Be it enacted, etc., That the sums of money herein provided for be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be available until expended, namely:

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman from Texas [Mr. SHEPPARD] may address the committee for 20 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SHEPPARD. A year ago to-day the gentleman from Minnesota [Mr. NYE] delivered a most eloquent eulogy on the life and deeds of Washington. On this, another anniversary of Washington's birth, I rise for a similar purpose. I trust it will become a custom for some Member of the House to deliver on each succeeding anniversary a tribute to his memory.

Perhaps the most unchanging theme of psalm and song, philosophy and prayer, since lips could speak and hearts could break has been the emptiness of all earth's pageantry, the fickleness of humanity's presiding star. From page and tongue the melancholy cry ascends. How soon are men and all the memories of men engulfed beneath the flood of years, their voices stifled in the torrent of the centuries. To few indeed of all the multitudes that have lived and loved and hoped and vanished has it been given to surmount the tide. Defying time and storm they stand like giant columns in the tumultuous stream unmoved. Too often even these, the favorites of destiny, are all but lost to view amid the haze of disappearing ages. But there is one among this company of the great so enduring that not only does his character, crested in eternal light, retain its identity unobscured, its radiance undimmed, but advances before the deluge of events to point posterity to ideals of thought and conduct that will never be surpassed. That character is Washington. In strength of moral fiber, in firmness and purity of purpose, in modesty and dignity of bearing, in freedom from mere personal ambition, in courage that disaster could but emphasize, in wide-winged judgment, in beneficence of example, and in the influence of his achievements on the progress of humanity he stands unequaled and alone. He occupies the foremost rank in the illustrious group that has constructed the governments and societies of mankind. Without organized society there can be no art, no science, no education, no law, no culture, no upward stride. The founders and the preservers of States, empires, and nations are thus the primary instruments of civilization. Among these Washington is preeminent.

Let us summon the prodigies of the past, array them by his side, and observe how he outranks them all. Consider Pericles, one of the most imposing figures of antiquity. His name denotes the brightest period of Athenian development. His elegance in speech and action, his gallantry in arms and gentleness in peace, his love of the beautiful in art, the just in law, his devotion to the masses, their comforts, and their rights, the splendor of his domestic and foreign policies, made him the idol of his people, an ornament of time. His rule and inspiration gave to Athens and to eternity the Parthenon, the Odeon, the Propylea. But on his fame there falls the shadow of Aspasia. His sway was personal and autocratic; he could not efface his own ambition in the general good. His chief concern was the glory of the present and of Pericles. Wedded to glamor and display, he made himself the exclusive prop and guardian of the state, and when he died it fell a prey to demagogues and factions. Call Alexander from his sarcophagus of gold—the master of the world at 33. Statesman, student, warrior, murderer, voluptuary, it is difficult to believe that so noble an aspect, such towering gifts, could coexist with such depravity. He signalized his access to the throne with the butchery of a little girl, the representative of a collateral line, while yet within her mother's arms. Shortly before he died he crucified the physician who attended the last hours of his friend, Hephaestion, and as a sacrifice to Hephaestion's memory exterminated a whole community. Other friends he sent to death on frivolous grounds, destroying in a drunken frenzy a beloved companion for questioning his divinity. Extravagance, dissipation, luxury, followed in his crimson steps.

On the other hand, he founded universities and cities, and in the pathway of his armies Greek learning spread throughout the earth. He became one of the determining forces of human history. In ecstatic arrogance he claimed the honors of omnipotence and was saluted by a fawning world as son of Jupiter. He reached the summits of human power, but his example is condemned by the enlightened verdict of posterity. The colossal fabric his sword had builded did not long survive; he contributed little to freedom and less to virtue. Consider Hannibal, the consummate strategist, who at 26 began the boldest enterprise in military annals and who for 16 years disputed with Rome the scepter of the world. Mountains, glaciers, gorges, legions, storms, and winters could not arrest his remarkable advance from Carthage to the interior of Italy. Maintaining for 16 years in hostile territory an army of 20 different nationalities, defeating the proudest troops and generals of a race transcendent in military prowess, he was the only barrier between the Roman Republic and the ascendency of the earth. He was pronounced by Polybius the model warrior of all time, but he fought for empire, not for principle. Recalled by the Government his valor had made immortal, he was attacked and banished. But his heroic spirit was unbroken, his bitterness against his ancient antagonists undiminished. Forming confederacies in Asia, he struggled on to find at last the only refuge from his foes in suicide. Inglorious end! He added nothing to the cause of human liberty; with him it was Carthage against Rome for world supremacy. Hatred of his enemies was the dominating passion of his existence; death by his own hand in a land of strangers was his unhappy fate.

Call mighty Julius, commander, historian, politician, who gathered into his own possession the substance of authority while yet the people worshipped the empty symbols of a dead republic. Accomplished in diplomacy and war, unprincipled in conduct, skilled in every art of winning popular devotion, he believed in neither God nor freedom. He filled the world's horizon until assassination laid his corpse upon the corpse he had made of liberty. The effect of his career was to magnify the avocation of arms, to belittle peace, to place military authority and military ideals above the civil in the estimation of his time. He could think of no term more shameful in rebuking a body of mutinous soldiers than to address them as citizens. He builded a personal tyranny on the ruins of human rights; his name became an everlasting emblem of autocracy. On the foundation of his sword arose the bloody structure of the world's first universal empire. A thousand years of kings and emperors compose the heritage he left the world. Consider Charlemagne, whose marvelous capacity lifted him to the overlordship of nearly all of medieval Europe. He did much to reestablish order and culture in a time of violence. He founded schools, encouraged literature, and in a series of proclamations called capitularies announced standards of thought and action that were termed by Ampere the charter of modern knowledge. But while he advanced the learning he made no effort to restore the liberties of men. His hands were wet with blood of helpless victims, and imperial power had no stronger votary. Desolation, waste, and massacre are too prominent among the memorials of his dominion. Call William, preserver of Normandy, conqueror of England, victor of Val-es-Dunes, of Varaville, and Senlac—William, superb alike in battle and in council chamber; terrible in countenance and in strife, gigantic in stature and in brain, of whom Freeman declared: "No man that ever trod this earth was endowed with greater natural gifts; to no man was it ever granted to accomplish greater things."

The fact remains, however, that he accomplished little for the liberty and the happiness of man. The lawlessness and cruelty of his Viking antecedents found expression in the ferocity of his revenge and wrath. Throughout all England his invading fires lit up a scene of famine, pestilence, and death. Often he practiced the most revolting barbarities, on one occasion burning out the eyes of prisoners, hewing hands and feet from living bodies.

Observe Napoleon, without whose name no history of the world may be called complete; Napoleon who rewrote the map of Europe with his sword, Napoleon whose personality and power aroused a devotion among his countrymen that approached idolatry, Napoleon whose brain, said Hugo, "was the sum of human faculties, and who was seen standing erect on the horizon, a gleaming scimitar in his hand, a splendor in his eyes, unfolding amid the thunder his two wings, the Grand Army and the Old Guard." He assumed control of France when through its veins were leaping the new-born fires of revolution, the virgin energies of fraternity and freedom. Dazzling his countrymen with the resplendence of his genius, he turned these sacred currents to the elevation of himself. Thus he reestablished tyranny with the very forces that had overthrown it. Thus he exalted his own fortunes above the fortunes of his country, his own interests above the interests of humanity. Beethoven, monarch of all harmony, the friend of man, who registered in eternal melody the mutations of history, composed a triumphal symphony in honor of Napoleon when his eleva-

tion to the first consulship seemed an appropriate sequel to the Revolution. Hearing that Napoleon had yielded to the lust of power and made himself an emperor, he changed the symphony into a funeral march to symbolize the death of liberty.

The contrast presented by the life of Washington with these other lives is gratifying and refreshing not only to every American, but to the friends of liberty in every portion of the globe. [Loud applause.] Without experience in directing warlike operations on an extended scale, without adequate equipment for his troops, without a supporting government or treasury of even moderate strength, he was summoned from the farm to the red arena of the battle. Through incredible difficulties, with a patience and a courage that bordered on the superhuman, he led a small and undisciplined body of men taken suddenly from the ordinary callings of life to final victory against one of the foremost nations of the world. In triumph and in disaster he was alike immovable and serene; in official conduct and in private intercourse his every act was free from the slightest taint of intemperance, immorality, or corruption. No massacre of helpless foes, no deeds of cruelty defiled his fame. He claimed and received no reward for his services beyond the gratitude of his country. The idol of the Army and the people, he might easily have become a king, yea, established an empire that would ultimately have embraced a continent. He rejected the glittering prospect to resume the cultivation of the soil in the seclusion of Mount Vernon, his rural home. A few years later he was again summoned to his country's aid. As the presiding officer of the convention that framed the American Constitution, as the first President of the Republic it created, a Republic that in 11 decades has reached a population of approximately a hundred millions, and whose example illuminates the world, he became for all time one of the chief figures in the advancement of human happiness and freedom. [Applause.] Again he retired to his ancestral halls and fields, where he remained until his death. Thus he taught that the pursuits of peace are more sublime than those of war, the functions of private life more noble than those of public station, the attractions of the farm more permanent and uplifting than those of noisy cities.

And who will deny that the hand that wielded the sword of righteous revolution, that forced the tyrant from our shores, that signed the American Constitution and guided the mightiest Republic of all history into secure and glorious being, was ever greater than when it trained the roses in the gardens of Mount Vernon? [Loud applause.] There is a wonderful significance in the fact that Washington perished practically at the close of the eighteenth century. That century marked the permanent advent of liberty in human institutions; it witnessed the birth and rise of Washington, without whom this advent might have been delayed indefinitely. Thus an ideal century and an ideal man died almost together. As sculpture finds its most beautiful expression in the marbles of Phidias, painting its loftiest era in the frescoes of Raphael, dramatic poetry its superbest notes in the plays of Shakespeare, philosophy its profoundest embodiment in the inductions of Aristotle, music its most perfect utterance in the oratorios of Handel, the operas of Mozart, the sonatas of Beethoven, so human conduct finds its brightest mirror in the life and deeds of Washington. [Applause.]

Of such world import is his name that it looms larger through the gathering years. To-day, more than a century after his death, the interest and the love of earth's increasing millions are centered in his memory. Let me refer here to the modest ceremony of his burial, an episode that has not received the attention it deserves. His funeral was in keeping with the quiet and simple majesty that had marked his whole existence. Under the stately portico of his home on one of the loveliest eminences of the Potomac rested his coffined form on a cloudless December afternoon nearly 112 years ago.

The peace of an indulgent God was on his brow; the affection of a liberated people at his feet. The profound impression of serenity and repose his motionless frame imparted gave evidence that in death he had but added another victory to the long list of his renowned achievements. No pomp, no decoration, no pride and circumstance of state emblazoned these final hours. From the countryside and from neighboring Alexandria poured his friends and fellow citizens in informal array. A few companies of artillery and cavalry with a single band of music gave the only martial touch to the proceedings. The firing of solemn minute guns from a little vessel in the Potomac; the sad procession across the wooded lawns and slopes to the family vault upon the river's edge; the dirge that quavered in the December winds and sobbed upon the waters; the chanting of the Episcopal orders of the dead; the death service of the Masonic ritual, with the weird response, "So mote it be," from the brotherhood he loved and honored; the commanding figures of the pallbearers, all colonels of the Revolution, his comrades in war, his friends in peace; the unusual luster of the declining sun with which his soul went down that evening to rise again upon the shores of endless morning, comprise a picture that will never vanish from the lengthening galleries of immortality. [Applause on the floor and in the galleries.]

And so they laid him down to sleep in the loving arms of old Mount Vernon, where the poplar and the aspen whisper peace unto his ashes and glory to his soul; where the Potomac bears every day the message of a people's love and veneration. [Prolonged applause on the floor and in the galleries.]

The Clerk read as follows:

Proving ground, Sandy Hook, N. J.: For current expenses of the ordnance proving ground, Sandy Hook, N. J., comprising the maintenance of rail and water transportation, repairs, alterations, accessories, and service of employees incidental to testing and proving ordnance material, hire of assistants for the Ordnance Board, purchase of instruments and articles required for testing and experimental work, building and repairing butts and targets, clearing and grading ranges, $56,200.

Mr. MONDELL. Mr. Chairman, I notice that the estimates for mountain, field, and siege cannon equipment, and so forth, for the coming fiscal year were $860,000. The committee has reduced that to $498,000. There has been a good deal of criticism in the press of late of our lack of preparedness in the matter of guns. I assume that the committee considered this matter very carefully, but that is a very large reduction, assuming that the estimate of the department was a reasonable estimate.

Mr. SMITH of Iowa. Mr. Chairman, it is within the jurisdiction of the Committee on Military Affairs to provide mountain, field, and siege guns for the militia. More than a year ago it was announced that the militia was fully supplied with guns. The Regular Army is also fully supplied, and a few reserve batteries are now in the possession of the Government beyond that under any former estimate necessary to supply both the Regular Army and the militia. The gentleman will observe that we have put $200,000 in this bill for the conversion of the old type of guns into the modern field guns, which will go much further than an equal amount in the construction of new guns in equipping the Army. Suddenly the War Department changed its plans overnight from two guns to 1,000 men to three guns to 1,000 men, and announced that the militia supply was more than $700,000 short, although it had been given in prior military bills the full estimated equipment. More than $700,000 is appropriated in the military bill this year for this same class of guns, making with the $400,000 that we gave them, and without considering the appropriation for the modernizing of the old guns, far more than they ever got in any year in modern times.

Mr. SHERLEY. Will the gentleman state for the information of the committee the basis of the size of the Army upon which these estimates have been made from time to time?

Mr. SMITH of Iowa. Mr. Chairman, the Army has also been increased. As we would think we were about approaching the supply necessary for the Army, and as there came to be no claim for further appropriations, they would increase the theoretical Army from 500,000 to 600,000 men, thus increasing the number of guns required, and then increased the number of guns required for 1,000 men, and by the time we had appropriated five or six years we were not as near the completion of the reserve supply as we were when we started. Now, for this reason, and because the combined amount carried in this bill and the military bill exceeded the amount given in recent years for this purpose, and because we are providing for the reconstruction of old batteries, we feel we have been generous to the department, in place of parsimonious, in cutting this estimate in two.

Mr. MONDELL. Mr. Chairman, I think the gentleman's explanation is complete and satisfactory. I do not think, however, it is a question of being generous to the department in the matter of guns. It is a question of how much war material do we need as a matter of reserve, and there has been a great amount of criticism that Congress has been penurious and parsimonious in not granting appropriations to supply a reasonable reserve. It has been said that if there was a sudden declaration of war we would not be able to rapidly expand our forces; but I assume that the various committees have considered all these matters and that possibly the amount carried is sufficient, but I want to ask the gentleman another question. I notice that the department's estimates for ammunition for mountain, field, and siege guns was $500,000, and that the committee has granted $150,000 for ammunition. There has also been much criticism of a lack of preparedness in the matter of reserve ammunition, and the magazines and newspapers have been full of

criticism of the action of Congress in alleged failure to properly supply these necessary munitions of war for emergencies.

I read a magazine article a short time ago, and we must assume these magazine articles are written with knowledge of the facts, in which it was stated we did not have enough ammunition for a single battle; that the seacoast fortifications could fire a few guns on the approach of an enemy, and then would be silenced for lack of ammunition. Now, it seems to me that unless the department was very extravagant in its estimates the committee has been overeconomical in cutting the estimates from $500,000 to $150,000, else there is no foundation for the criticisms that are abroad in the land.

Mr. SMITH of Iowa. Well, we have passed this item, but I am willing, of course, to explain to the gentleman who criticizes me for the use of the word "generous" and then immediately speaks about our being "penurious." I say to the gentleman the word "generous" was used in contradistinction to "penurious."

Mr. MONDELL. Mr. Chairman, I did not intend to criticize anyone; I am simply seeking for light, information.

Mr. SMITH of Iowa. The gentleman commented on the use of the term "generous" by myself. Now, Mr. Chairman, it appears from the evidence before the committee that they persistently estimated for ammunition upon the basis of the guns authorized and not upon the guns in their possession. They have, in fact, an available balance for the purchase of mountain, field, and siege guns——

Mr. MONDELL. Ammunition?

Mr. SMITH of Iowa. No; I know what I am talking about, if the gentleman will pardon, I am well aware of what I am talking about—more than all the appropriations for the past three years. So slow is this production of this material that all the money appropriated in three years past is in the Treasury for the production of mountain, field, and siege guns.

Mr. MONDELL. Is not that the strongest kind of an argument in favor of having a reserve supply——

Mr. SMITH of Iowa. If the gentleman will permit me, I will show whether it is or not. Now, if it appears that the production of mountain, field, and siege guns in the ordinary course requires more than three years, and if ammunition can be produced in six months, it is not necessary to purchase ammunition for the gun that will not be made for three years. That is the first difficulty with the gentleman's proposition in this regard.

Mr. MONDELL. Right there——

Mr. SMITH of Iowa. Now, if the gentleman will please allow me to finish the statement, then I will cheerfully submit to an interruption. Last year the department asked only $150,000 for reserve ammunition for mountain, field, and siege guns, and got it, and now at the end of the year, with that much added to this reserve, it claims it needs money faster than it did a year ago, which is an unreasonable proposition unless some additional explanation is made of it. We gave them this year all they asked for last year, when they had a less reserve by $150,000 than they have now. Those are in substance the reasons for this reduction. I will now cheerfully yield for any other question which the gentleman may wish to propound.

Mr. MONDELL. If I may make a further inquiry along the same line, I notice in the item of ammunition for seacoast cannon you have reduced the estimate from $250,000 to $140,000, and I hope the gentleman will not assume I am criticizing the committee in referring to these matters.

Mr. SMITH of Iowa. I do not.

Mr. MONDELL. But there has been a great deal of talk about our lack of preparedness in the matter of guns and ammunition, and I am seeking for information on the subject. Is it a fact that we are so lacking in preparedness for war that all our ammunition will practically be exhausted at the first broadside from our seacoast artillery and from the mountain, field, and siege guns?

Mr. SMITH of Iowa. It is a matter of common knowledge that no battle with seacoast fortifications will ever be prolonged. No vessel can stay in front and in range of a seacoast gun for any great length of time, for it will either knock the fortifications to pieces or the fortifications will knock it to pieces. The plan of the War Department is to have a supply of ammunition ultimately equal to one hour's maximum fire of every battery in the United States.

Mr. MONDELL. And that is considered sufficient?

Mr. SMITH of Iowa. That is considered by them to be sufficient, because it is not supposed there is any probability that we will be attacked upon both coasts at once, and, consequently, by the transportation of this ammunition we could maintain a two hours' fight, which is longer than the life of any 12-inch gun in existence, probably, in our fortifications.

Mr. MONDELL. Now, how near do we come to realize that estimate with the appropriations now available and made in this bill?

Mr. SMITH of Iowa. My recollection is that in the hearings of last year it appeared we had over 70 per cent of the amount of ammunition required for the guns mounted, but they were counting guns existing only in the imagination of man as yet. But I again call the gentleman's attention to the fact that last year they only asked $140,000 for reserve ammunition, and got it.

Mr. MONDELL. Does the gentleman understand that they have changed their view as to the amount of reserve ammunition they should have?

Mr. SMITH of Iowa. No, sir. In their judgment, they require in the insular possessions a two hours' fire, because they contemplate that in continental United States, as only one coast is in probable danger at one time, that they have a reserve of another hour's fire on the other coast that can be transported for use, but in the insular possessions they claim they should have a two hours' fire.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. Mr. Chairman, I want to suggest to the gentleman that perhaps most of the explanation of these articles, aside from the lack of information, is to be found in the assumption that we are to have an army of a given size, whereas Congress has never yet agreed to these figures of a standing army of a given size. Naturally the amount of reserve ammunition that you may have will depend upon the size of the army contemplated.

Mr. MONDELL. The gentleman will admit we must contemplate a large volunteer force in time of war, and therefore the reserve ammunition and the reserve guns should be prepared, not in view of an increase in the regular establishment, but in view of the demands of war when the volunteer forces should be called upon.

Mr. SHERLEY. That assumption is not entirely warranted, because it is just as impossible to create an army of a certain size immediately as it is impossible to create the guns and ammunition for that army. We are speaking of siege guns.

Mr. MONDELL. A volunteer force can be drilled into soldiers in less time than heavy guns can be made.

Mr. SHERLEY. These articles are usually based on the assumption of an army of 500,000 to 750,000, and using that as a basis you get one set of figures of percentages, whereas if you use a less number you get another. I simply suggest that, because nearly all of these statements will be found to vary because of the basis on which they start out.

Mr. MONDELL. I think, from what the gentleman has said, they must be based largely on lack of information.

Mr. SHERLEY. That unquestionably is largely true, but the other enters into it.

Mr. KEIFER. Mr. Chairman, I only want to add a word. I think the preparation for war is sufficiently taken care of in this provision of the bill. While we may have wars come, they will not come suddenly. We have a good deal of talk and time for preparation before we have a big battle, if we are attacked. If we are going abroad to attack, we will get ready before we go and take a little time to do so.

Now, I understand that the gentleman in charge of this bill has said that there is a rule to have ammunition for one hour's fire of all guns. That does not mean there is distributed that much ammunition to all the Coast Artillery and other artillery, or the armies and posts, just to that measure. It is to have that on an average; and it is always after a war is likely to come, or has come to us, that the war will center at some particular place or places, and there we can concentrate our ammunition, as we would have to concentrate our Army and Navy forces.

But the suggestion I wanted to make is that we should act prudently in preparing ammunition for a reserve. Much of it formerly—I do not know how much now—was perishable and useless, and in time of war very dangerous to undertake to use at all. Our facilities for making ammunition, especially for Infantry and Cavalry, and for Light Artillery, are very great, and when we commence assembling an army by recruiting up to the full limit the Regular Army and raising a volunteer army we can make ammunition very fast.

I think that has not been one of the troubles in the past. The troubles have been in other directions; rather in the direction of getting soldiers, whether in the Regular Army or Volunteers, trained for war. Soldiers are not made on enlistment and muster into the United States service. The Regular soldiers, if we are to have a long war with a powerful nation, would have to be trained in campaigning and in battles, as has been proved in the past. The soldiers of Napoleon's army, the

old soldiers who had gone through many campaigns and battles, became great soldiers. The soldiers of our Civil War, after having served as much as three years, were improved greatly. It has been discussed among distinguished military experts—I do not claim to be one—that the soldiers of both armies in the Civil War who fought in the battle of Gettysburg (July, 1863) were not trained or disciplined or used to battle sufficiently to have been equal to the campaigns of 1864, the Wilderness campaign, or the Atlanta campaign, and my judgment is that we shall be more troubled about making soldiers ready for battle than we shall be troubled about ammunition.

The Clerk read as follows:

For the purchase of submarine mines and necessary appliances to operate them for closing the channels leading to our principal seaports, and continuing torpedo experiments; for the purchase of the necessary machinery, tools, and implements for the repair shop of the torpedo depot at Fort Totten, N. Y., and for extra-duty pay to soldiers necessarily employed for periods not less than 10 days on work in connection with the issue, receipt, and care of submarine mining material at the torpedo depot, $150,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. Can the chairman of the subcommittee on fortifications inform the House as to the extent to which the inside channels along the Atlantic coast are used for submarine or torpedo-boat purposes?

Mr. SMITH of Iowa. Does the gentleman mean, have the torpedo defenses been supplied?

Mr. MOORE of Pennsylvania. No. I desire to know to what extent the inside channels are used for torpedo boats or submarines.

Mr. SMITH of Iowa. I can not inform the gentleman as to that. That is a matter wholly within the work of the Naval Committee. This provision is for torpedoes and mines for submarine defense.

Mr. MOORE of Pennsylvania. Can the gentleman tell me to what extent the inside waterways are used for transportation of the torpedoes and mines?

Mr. SMITH of Iowa. I can not answer as to that, but I do know that the Atlantic coast is amply provided with submarine defense in all parts.

Mr. MOORE of Pennsylvania. Mr. Chairman, I desire to call to the attention of the House the importance and the growing necessity of the inside waterways of the Atlantic coast for purposes of defense as well as for purposes of commerce. There are natural channels along the Atlantic coast line, which is about 1,800 miles long, that have not been opened up sufficiently to be of any great service either to the Department of War or to the Department of the Navy. They are natural channels, and need only to be cut through and connected to make a continuous channel.

It occurred not long since, when the Secretary of the Navy desired to send torpedo boats from one of the navy yards in the North to one of the navy yards in the South, that he found it impracticable to send them through these inside channels, and was obliged to send them outside along the coast, until they struck a storm at Cape Hatteras and were driven back.

Both the Army and the Navy of the United States in time of war would find it necessary to fall back upon these streams, which to-day are insufficient for modern war purposes as well as for purposes of modern commerce. And yet their utility is not to be disputed. During the Civil War a canal which connects Delaware Bay with Chesapeake Bay, bisecting a portion of Delaware and Maryland a distance of 13 miles, saving an outside sailing distance of 325 miles, was used for military purposes. The railroads in that neighborhood were not available and it was necessary to bring troops to Washington through this inside channel. The shallow depth of that channel has not been increased in the course of all the years.

Mr. Chairman, we recently connected up the Atlantic Ocean with the North Carolina sounds by a cut at the Beaufort Inlet, which now admits vessels drawing 10 feet of water. These vessels, coming in from the south out of the Atlantic Ocean inside of the terrors of Hatteras, entering the North Carolina sounds at a depth of 10 feet, can not proceed to the city of Norfolk because of the inadequacy of the inside channels leading to that city. And if they were able to pass the city of Norfolk into Hampton Roads and the great Chesapeake Bay, they would be unable to pass on to the cities of Baltimore or Philadelphia by reason of the lack of depth of the Chesapeake & Delaware Canal. And if it were sought to have communication between the cities of Baltimore, Philadelphia, and New York through an existing inside passageway to-day for a vessel drawing more than 7 feet, it would be impossible. And yet I assume that if the coast was to be attacked by a foreign foe, and the fleet of the United States should be disabled, recourse must be had to some inside waterway for the purpose of obtaining repairs and sending the ships out again to fight. I draw the attention of the House to this matter now, because it will come up from time to time until these waterways along the Atlantic coast are opened for the purposes of commerce as well as for the purposes of war.

The Clerk read as follows:

Ordnance Department: For the purchase, manufacture, and test of seacoast cannon for coast defense, including their carriages, sights, implements, equipments, and the machinery necessary for their manufacture at the arsenals, $225,000.

Mr. COX of Indiana. I move to strike out the last word.

Mr. Chairman, I would like to ask the gentleman in charge of the bill if he can give the committee an approximation as to the amount of this appropriation that will be expended in Government yards for the manufacture of cannon and ammunition?

Mr. MANN. The total expenditures in all the paragraphs under this department are limited to $700,000.

Mr. SMITH of Iowa. It says:

For the purchase, manufacture, and test of seacoast cannon.

As I understand it, these are all finished in Government arsenals.

Mr. COX of Indiana. That is, the manufacturing is done by the Government.

Mr. SMITH of Iowa. Some portions are purchased.

Mr. COX of Indiana. But most of this, as I understand, will be used in the manufacture of these articles in the Government arsenals.

Mr. SMITH of Iowa. In the Government arsenals.

Mr. COX of Indiana. I desire to submit a few observations at this point in regard to a very spirited controversy that waged on the floor of the House in the consideration of the naval bill about the relative cost of manufacturing ships, cannon, and powder in Government yards and in private yards.

Mr. SMITH of Iowa. If the gentleman will permit me, I want to say, whatever may be my views about the Navy, that I regard Gen. Crozier, who is in charge of the manufacturing operations at the arsenals, as one of the greatest administrative officers I ever knew.

Mr. COX of Indiana. So do I.

Mr. SMITH of Iowa. And a great manufacturer, who handles this work with wonderful administrative ability.

Mr. COX of Indiana. The gentleman and I quite agree about that, and I do not want to offer any criticism whatever, either upon Gen. Crozier or the committee. But for the last two days a great many things have been said about the expense of manufacturing these things in Government yards and the greater amount of economy that could be effected if the work was let out at private contract. A few days ago I addressed a letter to Gen. Crozier, trying to obtain information along this same line, and I received an answer signed by Col. John L. Thompson, in which he says:

In addition, in all statements of cost and in its price list issued for use of the service by this department, there have been included those administrative expenses, such as interest on the value of plant, depreciation, and pay of officers and enlisted men, which private manufacturers must take into account, and which it has been rather the fashion to assert the Government takes no notice of.

Now, I wish to call attention to a few items that the Colonel submits in his letter. For instance, ball cartridges, caliber .30, model of 1906, per thousand, cost to manufacture by the Government in 1908, $31.96. The same when manufactured by private concerns cost the Government $34.84 a thousand.

Revolver cartridges, per thousand, manufactured at the Frankford Arsenal, $10.78 per thousand. The same cartridge, of the same caliber, manufactured by private concerns, cost the Government $11.38.

Then, in 1909, the same rifle cartridges cost the Government to manufacture at the Government plant $30.18 a thousand, and when bought from private individuals they cost $34.87 a thousand.

Revolver ball cartridges, same size, cost the Government in 1909 $10.78, while the same caliber cartridges bought from private concerns cost the Government $10.95.

Gallery-practice cartridges, caliber .22 (estimated cost of manufacture at the Frankford Arsenal), including administrative expenses, $1.54 per thousand.

Gallery-practice cartridges, caliber .22, purchased, $1.60 per thousand.

As the gentleman in charge of the bill has well said, I believe that Gen. Crozier is an authority on these questions. He has contended for years that the Government can and is actually manufacturing powder a great deal cheaper than any private concern is manufacturing it, including in the cost of manufacture every conceivable item that can possibly enter into the

price of manufacture of every kind of powder in Army equipment. For one I would be glad to see the Government itself engage in the manufacture of Army ordnance of any kind, I care not whether it is powder, cartridges, or guns, and that it be developed to the very fullest and completest extent.

Now, Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by publishing a letter that I have received and have already referred to.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The letter is as follows:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ORDNANCE,
Washington, February 9, 1911.

Hon. W. E. COX, M. C.,
House of Representatives, Washington, D. C.

SIR: 1. Referring to your letter of the 1st instant, O. O. file 37888/1641, in which you request information as to the name and location of Government manufacturing plants, and a comparison of the cost of manufacture of cannon, etc., in Government and private plants, I have the honor to inform you that the Government plants are located as follows:

Army gun factory for manufacture of guns of all calibers for seacoast and mobile artillery, Watervliet Arsenal, Watervliet, N. Y.

Navy gun factory, Washington, D. C.

Army powder factory, Picatinny Arsenal, Dover, N. J.

Navy powder factory, Indianhead, Md.

Army small arms and machine-gun factory, Springfield Armory, Springfield, Mass.

Army factory for manufacture of small arms, equipment, gun carriages for mobile artillery and field artillery supplies, Rock Island Arsenal, Rock Island, Ill.

Army seacoast gun carriage factory, Watertown Arsenal, Watertown, Mass.

Army factory for manufacture of small arms and mobile artillery ammunition, fire-control instruments, etc., Frankford Arsenal, Philadelphia, Pa.

The private manufacturers of small-arms powder and cannon powder for Government use are the Du Pont Co., with plants at Carneys Point, N. J.; Haskell, N. J.; and Santa Cruz, Cal.; and the International Smokeless Powder & Chemical Co., with plant at Parlin, N. J.

2. With reference to the cost of materials manufactured in Government arsenals under control of the Chief of Ordnance, while perhaps not a matter of general information, the Chief of Ordnance some five or six years ago instituted radical changes in the financial methods of this department by which an exceedingly accurate knowledge of the cost of materials purchased and manufactured at its arsenals is obtained, expenditures controlled, and the available funds under its appropriations easily ascertained at any time.

3. The principal feature of the system is the distribution or assignment of funds for specific purposes by allotment. Whenever an order is given an arsenal involving the expenditure of funds an allotment of funds under the proper appropriation is made to that arsenal on the books of the Ordnance Office, based upon the estimate submitted by the arsenal of the amount required. The arsenals are required to report monthly the status of all the allotments made them. In no case is an arsenal permitted to exceed an allotment without previous report. Upon completion of the work report of the cost is made to this office and any unobligated balance revoked from the allotment made. In case additional funds are required to complete an order the arsenal necessarily has to advise this office, giving the reasons for an additional allotment. In this manner a complete check is kept on all allotments made to ordnance establishments. It may be stated, further, that a detailed and comprehensive system of keeping track of the labor cost of all work done and the material used is and has been in practice, and the results are accurate and reliable. (In addition, in all statements of cost and in its price list issued for use of the service by this department there have been included those administrative expenses, such as interest on the value of plant, depreciation, and pay of officers and enlisted men, which private manufacturers must take into account and which it has been rather the fashion to assert the Government takes no notice of.) A description of the cost-keeping system of this department will be found on pages 14 and 15 of the report of the Chief of Ordnance to the Secretary of War for the year 1910, copy herewith.

4. A complete price list of ordnance and ordnance stores is inclosed herewith for your information.

5. A comparison of the cost of the manufacture of guns, carriages, caissons, limbers, and ammunition in private factories and at Government arsenals will be found on page 14, report of the Chief of Ordnance for the year 1909, copy of which is inclosed. A comparative statement of the cost of powder manufactured by this department and private concerns will be found in the statements of Gen. Crozier at the hearing before the Committee on Military Affairs, House of Representatives, of the Army appropriation bill for the fiscal year 1911–12, commencing on page 314.

6. The cost of the manufacture of the United States rifle, caliber .30, model of 1903, including bayonet, appendages, and packing boxes, including administrative cost, which is 8.7 per cent, is as follows:

1906	$17.40
1907	17.25
1908	17.41
1909	17.39
1910	16.85
1911	16.18

The above cost includes all factory costs—material, labor, and general expenses of all kinds.

7. The only comparison with outside manufacturers in the manufacture of arms is a purchase made in 1898 from the Winchester Repeating Arms Co. of 10,000 Winchester repeating rifles, at $18 each. The price of the United States magazine rifle, caliber .30, model 1898 (known as the Krag-Jörgensen rifle), at that time, including administrative and all other charges, was $16.29. The price given in this paragraph does not include bayonet for either rifle.

8. The cost of the manufacture of small-arms ammunition at the Frankford Arsenal, including all administrative expenses, and of that procured from private concerns is as follows:

Years.	Frankford Arsenal (including all administrative charges).		Private concerns.	
	Ball cartridges, caliber .30, model of 1906, per 1,000.	Revolver ball cartridges, caliber .38, per 1,000.	Ball cartridges, caliber .30, model of 1906, per 1,000 (average).	Revolver ball cartridges, caliber .38, per 1,000 (average).
1908	$31.96	$10.78		
1909	30.18	10.78	$34.84	$11.38
	29.00	9.70		
1910	29.11	8.95	34.87	10.95
1911	27.92	8.95	35.50	10.77

Gallery-practice cartridges, caliber .22, estimated cost of manufacture at Frankford Arsenal, including administrative expenses, $1.54 per 1,000.

Gallery-practice cartridges, caliber .22, purchased, $1.60 per 1,000.

Cartridges have been purchased from the following concerns: Winchester Repeating Arms Co., New Haven, Conn.; Peters Cartridge Co., Cincinnati, Ohio; Western Cartridge Co., East Alton, Ill.; Union Metallic Cartridge Co., Bridgeport, Conn.; United States Cartridge Co., Lowell, Mass.; Robin Hood Ammunition Co., Swanton, Vt.

The price at these concerns could be reduced if a quantity as large as that manufactured at the Government arsenal was manufactured thereat.

9. If any further information is desired, it will be furnished upon request.

Respectfully,
JNO. T. THOMPSON,
Lieutenant Colonel, Ordnance Department, U. S. Army,
Acting Chief of Ordnance.

Inclosures: Price list, two reports.

Mr. FITZGERALD. Mr. Chairman, in the same connection I ask unanimous consent to insert a statement made by Gen. Crozier before the Committee on Appropriations relative to the expense of Government manufacture. I wish to put it in, so that the House may have the benefit of the information.

The CHAIRMAN. The gentleman from New York asks unanimous consent to print in the RECORD the statement referred to. Is there objection?

There was no objection.

The matter is as follows:

EXPENSE OF GOVERNMENT MANUFACTURE.

Gen. CROZIER. That is the question of the expense of Government manufacture. There are other things that I might bring to your attention, but I will not stop to do so now. There is only one place that I would like to speak of the cost of manufacture, though the manufacturing is not great in this bill, but some members of the committee know something about this place, so I think it would be appropriate, that is the Springfield Armory. I know it is a difficult matter to convince anyone that in stating the cost of Government manufacture the entire cost is included. It is usually suspected that something has been overlooked or that some overhead charge or general charge or charge paid out of another appropriation has been overlooked. At the Springfield Armory, where the great bulk of the manufacturing is a single article—namely, the infantry rifle—I have taken the pains to ascertain the value of everything that has been sent up to Springfield in the way of a resource; that is, funds from the appropriation from which the manufacture is carried on, clothing which is sent up there in kind for the soldiers, rations which are sent up there in kind for the soldiers, commissary property, in the way of scales and vinegar spigots, and things of that sort, sent up there for the use of the soldiers, so as to cover every item of expense that can in any way be charged to the Springfield Armory, whether it is in anyway connected with the manufacture of the rifle or not. Then I have added that all together so as to see what might be called an exaggerated cost of the rifle would be—that is, a superior limit of cost, which it certainly must be below—and to see how much that would differ from my reported cost.

As a result of such an effort, I find that there has been during the fiscal year ending June 30, 1910, expended at the Springfield Armory for officers' salaries $19,010, and I charged that all into the manufacture, although it is not all properly chargeable to manufacture, for some of the time of these officers is engaged in making issues of stores which have to be issued to other people and which service would have had to be performed if we did not manufacture up there; the pay of the enlisted men, $20,527.40; clothing allowance of enlisted men, $2,732.06; rations of enlisted men, $5,163.88. This is not a very long list. Extra-duty pay, enlisted men, Subsistence Department, $107.10, that is commissary clerks; value of subsistence property received, like these scales and the things I spoke of, $18.78; value of medical stores received, $191.32, that is irrespective of whether used or not, all the stores received during the year; funds and property from the Quartermaster's Department, $4,491.60, those are funds which are utilized particularly in the shop supplies which would have to be expended even if we did not manufacture anything; value of stationery which is sent from the ordnance office here, $400; value of ammunition used in manufacture and tests, $10,000, that is manufactured at Frankford from another appropriation and used in the manufacture of small arms; Ordnance Department funds, that means the funds sent up there for manufacturing purposes and the funds sent up there for keeping the buildings in order, etc., $1,318,515.60; the interest on the value of the manufacturing plant at 2 per cent, this may be a little low and I am going to revise it and make it 3 per cent next year, $36,884.97; depreciation on machinery and buildings, 5 per cent for machinery and 1 per cent for buildings, I suppose those are both a little low and I am going to raise them hereafter, $54,263.68; the insurance cost to cover possible loss by fire, etc., taken at 30 cents per hundred, which is about half the insurance rate of private insurance companies, $5,532.74. That totals $1,477,839.17. I

can not find anything else that is properly chargeable, and I think it is all included.

I have a list of all the manufactures at the armory, quite a list, most of them parts of rifles, either complete or parts, and the value of all the material at the price which I say it cost is $1,256,501.57. The difference between these two sets of figures is $221,337.60, which should be charged to receiving, issuing, storing, and accounting for stores, and keeping up the place. I will give you the cost of manufacture based on the idea that it is all charged to manufactures. Having those two figures, the ratio of one to the other would give the percentage by which I must increase all my reported manufacturing costs in order to know what I would call the exaggerated cost, a cost they can not possibly come up to. That would still be a reasonable cost. The total expenditures are thus 17.6 per cent above the value of the manufactured product, and therefore if I add 17.6 per cent to my reported cost of every article manufactured up there I would get this exaggerated cost which it must necessarily be below. Take the most important article, the magazine rifle. My reported cost of that is $15, and if we add 17.6 per cent to that the cost would be $17.64. The cost of that rifle must necessarily be less than that. I do not believe that rifle could be manufactured for the Government by contract under $20, and I think more likely $25. Take another article which is an important one, the bayonet. My reported cost of that is $1.90, and the exaggerated cost would be $2.23.

Mr. GILLETT. Do you know the ordinary price of a Winchester rifle?

Gen. CROZIER. It is more than our rifle, though not as expensive a rifle to make. We make a telescopic-sight bracket for automatic-machine rifles. My reported cost of that is $1.25, and upon this basis that would run up to $1.47. In other words, my reported prices, which are not always accepted because something has been omitted, can not possibly be increased more than 17.6 per cent by any method of charging anything that goes up there.

Mr. SMITH. What is the value of the plant?

Gen. CROZIER. $1,850,000.

Mr. SMITH. As a matter of fact, no private producer could afford to run a plant on less than 6 per cent?

Gen. CROZIER. That is true, because the private producer can not borrow money at less than 6 per cent.

Mr. SMITH. We can not borrow it at 2 per cent.

Gen. CROZIER. We can borrow it at 3 per cent. I said I was going to increase that.

Mr. FITZGERALD. We have borrowed all we have used up there at 2 per cent.

Gen. CROZIER. Yes, sir.

Mr. FITZGERALD. In addition to being a manufacturing establishment this is also a storage place?

Gen. CROZIER. Yes, sir.

Mr. FITZGERALD. In stating this so-called exaggerated cost you have charged in all the maintenance and overhead charges that are encountered on account of its being maintained as a storage place as well as a manufacturing establishment?

Gen. CROZIER. Yes, sir; for storing and issuing.

Mr. FITZGERALD. Can you state what percentage of the cost of manufacture your overhead charges are, using as a basis the two sets of figures—what percentage of the cost of the work done?

Gen. CROZIER. The overhead cost properly chargeable with the percentage of the officers' pay and interest, which is properly chargeable to the manufacturing establishment as separate from the storage feature of the establishment, is 18.7 per cent.

Mr. FITZGERALD. How much is it, including all of the overhead and maintenance charges?

Gen. CROZIER. 17.5 per cent. I added what the factory cost is, 8.7 per cent, to get the cost which I generally report including the proper overhead charges. Now, to that cost which I generally report there should be added 17.5 per cent to get the exaggerated cost.

Mr. FITZGERALD. What does that make the overhead charge?

Gen. CROZIER. The amount by which the factory cost, without any overhead charges should be increased in order to get the entire exaggerated cost would be 27.8 per cent.

Mr. FITZGERALD. They say in the Navy Department that the lowest possible cost is 32 per cent?

Gen. CROZIER. In other words, this total exaggerated cost would be 27.8 per cent over the cost which I have to pay for out of the appropriation.

Mr. FITZGERALD. I do not see how you get those figures. If your overhead charges are 8.7 per cent and then to include all the other charges you have to add 17.6 per cent, how do you get it up to 27.8 per cent?

Gen. CROZIER. The first factory cost, which is the cost which I have to pay out of the appropriation, includes a certain amount of overhead charges, coal, and the pay of civilian superintendence, but it is the cost which, as I say, I have to pay for out of the appropriations you make for the purpose. Now, I add to that the proper percentage of the pay of officers and enlisted men, the depreciation, the charge for fire loss, etc., to get a proper cost to the Government, and that addition is 8.7 per cent.

Mr. FITZGERALD. Is not that exaggerated in that you include the interest on your investment, which has been made not only for manufacturing purposes, but the investment has been made for purposes entirely distinct?

Gen. CROZIER. In getting at the 8.7 per cent I take only the part of the investment which is applied to the manufacturing purposes and take off part of the original cost of the establishment used as a storage place, but so again when I want to get at the exaggerated cost of my manufactures, by charging the issuing and storing to the manufactures, I have added in addition to the 8.7 per cent the total which I gave of 17.6 per cent.

I have some other figures with reference to some other manufactures, but I will let them rest.

Mr. FITZGERALD. I suggest that you put in the record a statement such as will throw considerable light on the matter.

Gen. CROZIER. Yes, sir; I will.

The Clerk read as follows:

For purchase, manufacture, and test of ammunition for seacoast cannon, including the necessary experiments in connection therewith, and the machinery necessary for its manufacture at the arsenals, $400,000.

Mr. COX of Indiana. Mr. Chairman, I move to strike out the last word in order to ask the chairman of the committee whether or not the Government is now utilizing to the full capacity the yards which it now owns for the manufacture of Army ordnance material?

Mr. SMITH of Iowa. I would not say that they are utilizing it to the full capacity.

Mr. COX of Indiana. Why are they not?

Mr. SMITH of Iowa. I think the chief reason is that the appropriations are not large enough.

The Clerk read as follows:

That all material purchased under the provisions of this act shall be of American manufacture, except in cases when, in the judgment of the Secretary of War, it is to the manifest interest of the United States to make purchases in limited quantities abroad, which material shall be admitted free of duty.

Mr. PAYNE. Mr. Chairman, I want to make a point of order against that paragraph.

Mr. SMITH of Iowa. I will say to the gentleman from New York that if he understands this provision I think he will not be opposed to it. It is existing law now. The object of this section is largely to import matters for inspection and experiment. For instance, if the War Department should hear of some new rifle in the world it would import that rifle for inspection and experiment, as a method of keeping itself up with the war departments of the world. It wants from time to time to import samples, if I may so express it, of various devices, and those come in free. I think with that explanation the gentleman will not care to make a point of order. We have heretofore carried the provision. It seems idle when the Government does not want to buy material abroad for national defense, but only wants the information to keep step with the progress of the world in this regard that it should pay itself duties on samples.

Mr. PAYNE. Does this bill provide for the building of fortifications by contract?

Mr. SMITH of Iowa. Does the gentleman mean emplacements?

Mr. PAYNE. Any portion of it.

Mr. SMITH of Iowa. There are no new fortifications in the United States contemplated in this bill. The ammunition is made here, and no one would advocate buying ammunition abroad. This is simply a provision by which they may keep informed. If a new process in fire control should be devised somewhere else, and it was desired to compare its operations with our own to see if improvement has been made, they would make a small importation for the purpose of ascertaining that fact.

Mr. PAYNE. It was formerly the policy of the Government to admit everything imported directly by the Government, or imported to be used on contracts for public works by the contractors, free of duty. At the time the McKinley bill was under discussion there was considerable discussion about that free entry. It was claimed, and the committee became satisfied, that some of the importers were bringing in goods under that clause that were in fraud of the revenue.

It was also claimed that advantage was taken by some importers, who are particularly well posted as to the law, in making their bids and getting a little under, realizing they could claim the exemptions from these duties because the material was to be used in contract work, and for that reason in the McKinley bill—I am quite sure it was—we required the Government to pay the duty on everything imported for the Government or for Government work; and I never have heard the propriety of that amendment to the law even questioned in any particular. I should very much dislike to allow anything to be done that weakens that provision, and I think if it is to be abrogated as the policy of the Government it ought to be made a general policy as to all imports for all purposes and not have the duty taken away for a particular purpose. Of course it is just as easy for the Government to pay this duty for the importation of a sample as it is to purchase it without the payment of duty. It amounts to only a small sum of money in either event, and I have no doubt that there is enough appropriation in this bill to carry the payment of that duty.

Mr. FITZGERALD. Let me suggest to the gentleman that the Government has been importing material under this bill free of duty ever since the McKinley law was enacted. Is it not somewhat late to make that objection on this bill?

Mr. PAYNE. Well, I freely confess to the gentleman that I have not read all the appropriation bills that have been passed the last few years, and especially the appropriations for fortifications; my attention has been attracted rather to the work that was being done and the amount of money being appropriated for particular items, and I have not looked the bill through carefully to see whether points of order should be made or not.

Mr. SMITH of Iowa. I hope the gentleman will permit me to offer him this suggestion: The appropriations have been pro-

posed upon this theory. I am not prepared to say whether the phraseology is such as to permit the payment of duties on Government purchases. In view of the long time this has existed, I suggest that he let this go this year, and then if he wishes to make the point at another time, to give notice that he will do so another year, and the committee can make up the bill with that suggestion in mind. For the gentleman to demand a change now, when the bill has been prepared on this theory, in accordance with the practice for several years, might very seriously embarrass the department.

Mr. PAYNE. That might all be, and still, if this comes out and the wise gentlemen at the other end of the Capitol get notice of that fact, it will not take them long to solve the whole situation, even if we make a mistake here.

Mr. MANN. Would they have jurisdiction to put in that amendment?

Mr. PAYNE. I never knew an amendment to fail on an appropriation bill over there because of the fact of jurisdiction.

Mr. MANN. Oh, yes; that would be to insert in an appropriation bill an amendment affecting the raising of revenue—a tariff bill—which is clearly without their power.

Mr. CAMPBELL. Could they not hang a whole tariff bill upon that clause?

Mr. PAYNE. If it went out on a point of order, they would have the right to appropriate whatever was necessary.

Mr. MANN. To appropriate; yes.

Mr. SMITH of Iowa. Let me suggest to the gentleman from New York that I do not want to make it necessary for, much less encourage, the Senate to amend this bill.

Mr. PAYNE. How long has the gentleman been a member of this subcommittee?

Mr. SMITH of Iowa. Some eight years.

Mr. PAYNE. During all that time has this clause been there?

Mr. SMITH of Iowa. I will not say, because I am not positive it has been there all of the time; but I will say that I know it is old law.

Mr. SHERLEY. I suggest to the gentleman from Iowa that this clause has not only been there ever since I have been on the committee, but has been the occasion twice of a fight on the floor of the House. I thought everybody in the House was perfectly familiar with it. It certainly has been fought up and down enough to be known to everybody.

Mr. PAYNE. Well, the gentleman has found one conspicuous instance of ignorance on this subject. Mr. Chairman, in view of what my friend has suggested and in view of the fact that he is retiring to a position either higher or lower than that of a Member of Congress—and I am not exactly able to say which—and notwithstanding the speech of the gentleman from Kentucky, I am inclined to withdraw the point of order at this time, but to give notice I will renew it next year.

Mr. ANTHONY. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert after the word "duty," in line 13, the following:
"Likewise all supplies sent by the Government of the United States for the use and supply of the Army and Navy in the Philippine Islands shall be admitted free of duties by the Philippine Government."

Mr. SMITH of Iowa. Mr. Chairman, I make the point of order against that amendment on the ground that it is not germane, it is legislative in character and changes existing law.

Mr. ANTHONY. Mr. Chairman, if the other amendment is in order, this one is in order. It is practically the same thing. It is utterly absurd to think this Government will continue to pay $200,000 a year to the Philippine Government for supplies of the Army and Navy sent over there. If you can exempt in this fortification bill the payment of duties by the Government here, we can certainly exempt the payment of duties by the Government in the Philippine Islands on its supplies sent by this Government over there. It simply means about $200,000 more charged up to the support of the Army and Navy than should be, and we ought not to hang that burden on the Army and Navy.

Mr. SMITH of Iowa. It is utterly improper, in my judgment, to make a radical change like this on the fortifications bill, which has nothing to do with this subject.

Mr. ANTHONY. It is on the same principle in this bill in which we exempt the Government from paying duties.

Mr. SMITH of Iowa. The gentleman is in error. One is simply for some trifling experimental materials——

Mr. ANTHONY. It is the same principle.

Mr. SMITH of Iowa. The gentleman now proposes we should take it away from the Philippine revenue when we do not know whether the Philippine Government can stand this loss of revenue or not.

Mr. ANTHONY. If the Philippine Government can not stand it, why not put in a place where the people would know what they are doing.

Mr. SMITH of Iowa. Under the existing law we pay these items out of the Federal Treasury and they go into the Philippine treasury. Now, he proposes to make a radical change and save the $200,000, as the gentleman asserts, and take it out of the Philippine revenues, and it is certainly not an amendment that should be on the fortifications bill.

Mr. ANTHONY. The reason I offered the amendment was because one of the members of the Ways and Means Committee objected to an amendment on the Army bill a few weeks ago, and I do not see why the same language should not go in the fortifications bill.

Mr. PAYNE. I will say to the gentleman that was the first offense in reference to that, but, Mr. Chairman, there are one or two distinctions here between this amendment to the text of the bill and the text of the bill itself. In the bill the clause simply exempts the articles purchased appropriated for in this bill. Now, it is certainly not germane to the text of the bill to introduce here an amendment which exempts articles purchased by the Government for another purpose. Aside from that, the Philippine tariff provides that all of the revenue shall go to the support of the Philippine Government and not into the Treasury of the United States, and it is not germane to amend a law with reference to the revenues of the Treasury of the United States by an amendment with reference to the revenues of the Philippine Islands. The cases are entirely dissimilar.

Mr. ANTHONY. Will the gentleman promise to bring in a measure and take this Government out of the ridiculous position of paying duties to itself in the Philippine Islands. I think the gentleman owes it to us.

Mr. PAYNE. I will discuss at any time with the gentleman the question of whether the thing is ridiculous or not, but I will not promise to bring in any revenue bill between this and the 4th day of March from the Committee on Ways and Means and I will not promise that after that, Mr. Chairman, because I think that—well, I will not say what I think.

The CHAIRMAN. The point of order is sustained.

Mr. HARDWICK. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 8, lines 11 and 12, strike out the words "in limited quantities."

Mr. HARDWICK. Mr. Chairman, I quite understand the policy the gentleman referred to just now of buying articles of this kind in America. I agree that it is quite well under ordinary circumstances and under usual conditions to do so. But the exception he makes in the bill that he reports is, namely—

Except in cases when, in the judgment of the Secretary of War, it is to the manifest interest of the United States to make purchases in limited quantities abroad, which material shall be admitted free of duty.

Now, if not only in limited quantities, but in large quantities, it seems the manufacturers, either by a combination among themselves, agreement with each other, or in any other way, are charging such extortionate prices or furnishing such inferior goods that it is to the manifest interest of the United States to make purchases abroad, then the Secretary of War ought to do it, and he ought not to be required to do it in "limited quantities" only, to use the language of the bill.

Mr. BURKE of Pennsylvania. How do the words "in limited quantities" affect it in any way?

Mr. HARDWICK. It narrows the discretion of the Secretary of War, and it increases the advantage of the domestic producer and manufacturer and contractor with the Government. It increases his opportunity to charge a larger price and to furnish an inferior article, because he has no practical competition with the balance of the world.

Mr. BURKE of Pennsylvania. Do the words "in limited quantities," as the gentleman understands them, apply to the amount produced by the manufacturers, or the amount produced by the Government?

Mr. HARDWICK. It applies to the amount of purchases that the Secretary of War may make abroad, even when he believes it is to the manifest interest of the United States Government, possibly, to make more.

Mr. BURKE of Pennsylvania. I think if the Secretary of War wanted to buy all he could use, he could do it under that section.

Mr. HARDWICK. Then this amendment could do no harm, for the reason that the Secretary of War is informed by this bill, what we all agree to without party division, that it is the correct American policy to buy all things under ordinary circumstances and under usual conditions in America, and en-

courage our citizens and our own enterprises engaged in business of this kind to produce these things, so that the country will be self-sustaining in time of war. But at the same time, Mr. Chairman, it is wrong for these men to take advantage of the United States, and wherever it is for the manifest interest of the United States to make these contracts abroad, then the Government ought to be permitted to do it, even in unlimited quantities.

Now, for instance, in the hearings on this bill you will find on page 16 that Col. Burr said that the searchlights purchased here were formerly inferior and probably a larger price charged for them than should have been charged. He got authority to purchase some of them abroad, and immediately the American manufacturers improved the quality of the article that was furnished, and the best results were obtained from this provision that allowed him to purchase these searchlights abroad. Now, if it is true in one instance, it may be true and it ought to be true in a great many more instances, and all I am asking by this amendment is to strike out the words "in limited quantities," so as to broaden the discretion given to the Secretary of War and to enable him to protect the Government and to get a better article at a lower price.

Mr. BURKE of Pennsylvania rose.

Mr. HARDWICK. I yield to the gentleman from Pennsylvania [Mr. BURKE].

Mr. BURKE of Pennsylvania. Does not the amount appropriated compel the Secretary of War to buy all of these articles in limited quantities?

Mr. HARDWICK. I do not know about that. There are about $5,000,000 carried in this bill. It depends on what you mean by a limited quantity.

Mr. FITZGERALD. The gentleman from Georgia [Mr. HARDWICK] must remember that the gentleman from Pennsylvania comes from Pittsburg. [Laughter.]

Mr. HARDWICK. And $5,000,000 looks small to him, but large to a man that comes from Georgia.

Mr. BURKE of Pennsylvania. The gentleman from Georgia does not look large to me.

Mr. HARDWICK. There ought not to be a dispute between us on a question of that kind.

Mr. BURKE of Pennsylvania. It seems to me the appropriation itself does limit the amount of these articles which the Secretary of War is able to buy, and therefore the words "in limited quantities" in the last paragraph do not mean anything.

Mr. SHERLEY. May I suggest this: That whatever may be our theoretical construction, the department has always considered it is a prohibition upon any purchases save in limited quantities.

Mr. HARDWICK. As the gentleman said just now, it meant they could only buy a small quantity, and to strike out these words will give the Secretary a broader power, which he will not use unless the Government is being cheated or overcharged or inefficiently served.

Mr. BUTLER rose.

Mr. HARDWICK. I yield to the gentleman from Pennsylvania [Mr. BUTLER].

Mr. BUTLER. I understand if these words are stricken from this paragraph the Secretary of War may, if he sees fit, buy everything abroad that is provided in this bill.

Mr. HARDWICK. Undoubtedly.

Mr. BUTLER. Does not that smack a little of free trade?

Mr. HARDWICK. I do not know what the gentleman thinks about that; but, so far as that is concerned, I think the Government of the United States ought to buy all of its material wherever it can buy it the cheapest, especially if the difference in cost is considerable.

Mr. BUTLER. Without any duty of any kind?

Mr. HARDWICK. Yes; without any duty of any kind.

Mr. ROBERTS. Does not that apply to the individual also, from the gentleman's standpoint?

Mr. HARDWICK. Yes; certainly.

Mr. MANN. Will the gentleman yield for a question?

Mr. HARDWICK. Yes.

Mr. MANN. The gentleman stated that he believed in the policy of having the Government manufacture, or in having manufactured within our own confines, all the munitions of war we require?

Mr. HARDWICK. Yes.

Mr. MANN. But under the amendment would not the Secretary of War be obliged to purchase all articles abroad that he could purchase there more cheaply than at home, because would it not be to the manifest benefit of the United States to purchase them abroad if he could purchase them more cheaply abroad, rather than at home, where they would cost a little more?

Mr. HARDWICK. Not necessarily in all cases; if the difference were small, it might not be so.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. Mr. Chairman, I ask that the gentleman's time be extended five minutes.

The CHAIRMAN. By unanimous consent, the time of the gentleman from Georgia [Mr. HARDWICK] will be extended five minutes.

Mr. MANN. Then, would the Secretary of War take into consideration, in determining whether it was to the manifest interest of the United States, the desirability of manufacturing in the United States rather than abroad?

Mr. HARDWICK. I think the Secretary should take that question into consideration to some extent.

Mr. MANN. Then it does not amount to anything, does it?

Mr. HARDWICK. Yes; it does; because while we all agree that it is correct policy to buy our munitions of war at home, other things being any way near equal, yet where an excessive price is sought to be charged by our home people, or an inferior article furnished, then we ought to buy abroad.

Mr. MANN. If I were Secretary of War and that provision was put in as the gentleman has it, I should buy the article abroad if it could be brought abroad more cheaply than at home, because Congress had directed me to do it.

Mr. FITZGERALD. Does the gentleman not believe that the Secretary would be obliged to purchase the articles in this country—unless the Secretary believed that whoever was furnishing the articles was trying to take advantage of the Government—because of the manifest advantage it would be to the Government to have the facilities for manufacture developed and retained in this country?

Mr. MANN. Yes. But that is something that can not be measured, and the executive officer who attempts to measure that lays himself open to the strongest kind of criticism.

Mr. HARDWICK. Yet if the gentleman will recall it, the provision that Congress puts into this bill vests that discretion in the Secretary.

Mr. MANN. You mean the provision as to limited quantities?

Mr. HARDWICK. Yes. The discretion would still be lodged in the Secretary.

Mr. MANN. The executive officer would have no discretion, because it is to the manifest interest of the Government to buy in the cheapest market it can buy in, so far as that side of it is concerned.

Mr. HARDWICK. That is but one consideration only.

Mr. MANN. That is the only consideration that the Government officer ought to take into consideration, and if he takes into consideration any other matter it amounts to nothing.

Mr. FITZGERALD. Will the gentleman yield to me for another question?

Mr. MANN. Yes.

Mr. FITZGERALD. The Ordnance Bureau obtains large appropriations under the Army appropriation act for the purchase of similar Army materials, and there is no such limitation in that bill as there is in this one, and still the department continues to spend the money in this country.

Mr. MANN. But in that case there is no such direction coupled with that discretion.

Mr. FITZGERALD. Without any direction, is it not the duty of executive officers to expend the money appropriated for the bureaus in that manner which will be manifestly for the best interests of the Government?

Mr. HARDWICK. And supplementing the question, what law is there that requires the Secretary to buy in this country only?

Mr. SMITH of Iowa. The tariff itself is a restraint upon buying abroad.

Mr. MANN. You propose to put a provision in here practically directing him to buy abroad if he can buy cheaper, without any tariff on the articles purchased.

Mr. FITZGERALD. Oh, no.

Mr. MANN. That is what it says. The gentleman may construe it to mean something else.

Mr. FITZGERALD. The gentleman is not quite fully informed on the subject.

Mr. MANN. I do not profess to have the knowledge on the subject that the committee has, but the gentleman will find that there has been nothing in the hearings on the subject of the amendment offered by the gentleman.

Mr. FITZGERALD. It has been discussed here in other years, time after time.

Mr. MANN. That is like the statement that this importation business had been discussed on the floor. I am satisfied it never has been.

Mr. FITZGERALD. The statement was made that the paragraph has not been discussed.

Mr. MANN. Oh, the paragraph has been discussed.

Mr. FITZGERALD. It is assumed that at least the leading men on that side of the House are familiar with the provisions of paragraphs that have been discussed.

Mr. MANN. I think the recollection of the gentleman who made the statement is far better than the recollection of the gentleman from New York.

Mr. FITZGERALD. I think not.

Mr. SHERLEY. On two occasions I made the exact motion now made by the gentleman from Georgia on this floor and discussed this matter, and the gentleman from Iowa will bear me out in that, and he will bear me out in the further statement that the hearings on several occasions—at least two occasions—have contained several pages of discussions as to the value, from the standpoint of the Army officer, of the Government being able to buy abroad.

Mr. MANN. I do not controvert that.

Mr. FITZGERALD. Just two years ago Gen. Crozier was testifying before the Committee on Fortifications, and this transpired:

Mr. SHERLEY. With regard to other purchases than powder abroad, do you make any of those at all except for the purpose of getting some special kind or piece of armament that is not manufactured in this country?

Gen. CROZIER. We generally do not make them at all. An instance in which we made the largest purchase abroad occurred about four years ago, when we bought some $500,000 worth of field guns. It is not quite accurate to say that we bought them abroad, because they were made abroad according to our drawings and specifications, just as they would be made at home. The principal reason we did that was because at that time things were booming in this country and our people were loaded up, and we could not get any more from our people until after a long time; the delays in delivery were very great, and as the guns were new and we wanted to get some at once we placed this order abroad—in Germany—for 50 guns.

In my opinion the United States should have facilities within this country to furnish all of the munitions of war necessary for the proper defense of the country; and still there may be times, either because of combinations which may attempt to impose unreasonable charges upon the Government for materials, or because of the situation described by Gen. Crozier, when the business conditions will be such that manufacturing establishments will be so occupied with other work that materials that are imperatively needed can not be obtained.

Mr. HARDWICK. And that of itself would very much increase the price, would it not?

Mr. FITZGERALD. Undoubtedly. Under such conditions it might be advisable to purchase not only in limited, but in large quantities abroad. I am in perfect accord with the gentleman from Iowa as to the desirability of having in this country the necessary facilities, and I am quite sure that there is not much excuse for putting the prohibition upon the department against purchasing abroad in large quantities when it is desirable.

The gentleman from Iowa [Mr. SMITH] states, however, that the appropriations carried in another bill, to be expended for similar purposes, are in a different category, in that there is a restriction upon the power of the Government to make such purchases abroad, because the duty must be paid upon such articles.

I am not so sure that even a good protectionist would find it easy to defend the policy which will permit the use of the tariff for the purpose of keeping up prices to the Government itself. It is justified in so far as the people of the country are concerned, but in matters which are imperative for the defense of the country the department should be fairly free to obtain whatever munitions of war are required wherever they can be had best and the most quickly. I doubt very much the wisdom of retaining in this bill the words which the gentleman from Georgia suggests should be stricken out. I say that with some hesitation, because I have given considerable attention to the subject, and there are unquestionably two sides to it. It seems to me, however, in view of the statement made by the Chief of the Bureau of Ordnance favoring this policy, pointing out at times the necessity for the authorization to be given here, that we should not hesitate to make the change.

Mr. SMITH of Iowa. Mr. Chairman, this matter has been repeatedly discussed in this Congress, and I ask for a vote.

The CHAIRMAN. The question is on the motion of the gentleman from Georgia.

The question was taken; and on a division (demanded by Mr. HARDWICK) there were 15 ayes and 41 noes.

So the amendment was lost.

The Clerk completed the reading of the bill.

Mr. COX of Indiana. Mr. Chairman, I move to strike out the last word for the purpose of asking a question. I see the bill, on page 9, provides for a per diem of $2.50 a day for officers when away from their place of business. I would like to ask the gentleman whether or not there has ever been any complaint before his committee that the $2.50 a day was not sufficient?

Mr. SMITH of Iowa. This is the Sandy Hook provision the gentleman is speaking about?

Mr. COX of Indiana. It is on page 9, beginning line 12:

For the payment of the necessary expenses of the board, including a per diem allowance to each officer detailed to serve thereon, when employed on duty away from his permanent station, of $2.50 a day.

Mr. SMITH of Iowa. There has been no complaint.

Mr. COX of Indiana. They seem to be perfectly satisfied?

Mr. SMITH of Iowa. They seem to be perfectly satisfied, and we are not stirring up anything where they are satisfied.

Mr. COX of Indiana. My purpose in making the inquiry is that the post-office bill ever since I have been here has carried $4 a day for the per diem of inspectors when absent from their place of business. I thought for a long time it was too much, and I have arrived at the conclusion that if the Army officers are satisfied with $2.50 a day these other people ought to be satisfied with that amount.

Mr. HAY. The Army officer gets a mileage.

Mr. SMITH of Iowa. Mr. Chairman, I move that the committee rise and report the bill to the House with a favorable recommendation.

The motion was agreed to.

Accordingly the committee determined to rise; and the Speaker having resumed the chair, Mr. STERLING, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 32865, the fortification bill, and had instructed him to report it to the House without amendment, with the recommendation that it do pass.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SMITH of Iowa, a motion to reconsider the vote whereby the bill was passed was laid on the table.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. FOSTER of Vermont. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 32866) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1912. Pending that, I ask unanimous consent that general debate in the committee be limited to two hours, one half to be controlled by myself and the other half by the gentleman from Virginia [Mr. FLOOD].

Mr. MANN. Do we need two hours' general debate?

Mr. FOSTER of Vermont. I could cut my side down to half an hour.

Mr. FLOOD of Virginia. Mr. Speaker, I have promised one hour on this side, and I hope we can agree on that time.

Mr. MANN. Is it understood that we run through this bill to-night?

Mr. FOSTER of Vermont. To-night.

The SPEAKER. The gentleman from Vermont moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the diplomatic and consular appropriation bill, and pending that he asks unanimous consent that general debate be limited to two hours, one-half to be controlled by himself and one-half by the gentleman from Virginia. Is there objection?

There was no objection.

Accordingly the committee resolved itself into Committee of the Whole House on the state of the Union, with Mr. MOORE of Pennsylvania in the chair.

Mr. FOSTER of Vermont. Mr. Chairman, I ask unanimous consent that the first reading of the bill be omitted.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FOSTER of Vermont. Mr. Chairman, I yield 25 minutes to the gentleman from New York [Mr. PARSONS].

Mr. PARSONS. Mr. Chairman, the House of Representatives has little to do with negotiating treaties, but has an equal part with the other branch of Congress in terminating treaties. I desire to say something in behalf of the resolution that I have introduced, House joint resolution 284, which calls for the terminating of the treaty between this country and Russia, made in 1832, and which reads as follows:

Resolved, etc., That it is, and always has been, a fundamental principle of this Government that the rights of its citizens shall not be impaired at home or abroad because of religious belief; that this Government concludes its treaties for the equal protection of all classes of its citizens, without regard to religious belief; that this Government will not negotiate nor be a party to any treaty which discriminates, or which

by one of the parties thereto is construed to discriminate, between American citizens on the ground of religious belief; that the Government of Russia has violated the treaty between the United States of America and Russia concluded at St. Petersburg December 18, 1832, by construing that part of article 1 thereof which says that the inhabitants of the respective States "shall be at liberty to sojourn and reside in all parts whatsoever of said territories in order to attend to their affairs, and they shall enjoy to that effect the same security and protection as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing, and particularly to the regulations in force concerning commerce," to mean that American citizens of Jewish faith are subject in Russia to the same class restrictions that Russia imposes upon Russian inhabitants of Jewish faith, by declining to permit American citizens of Jewish faith to sojourn and reside in Russia in order to attend to their affairs and to enjoy to that effect the same security and protection as non-Jewish native Russians, and by refusing to honor American passports issued to American citizens of Jewish faith; that in the judgment of the Congress the said treaty, for the reasons aforesaid, ought to be terminated at the earliest possible time and be no longer in force; and that to this end the President be, and he hereby is, directed to give notice to the Government of Russia that the treaty aforesaid will terminate and be of no force and effect upon the expiration of the year which shall commence after the date of such notification.

The reason why that treaty should be terminated in my opinion is stated in the resolution, and is because Russia has not fulfilled her part of the treaty. This is our principal treaty with Russia and it was made in 1832. Article I of that treaty provides that:

There shall be between the territories of the high contracting parties a reciprocal liberty of commerce and navigation, the inhabitants of their respective States shall mutually have liberty to enter the ports, places, and rivers of the territories of each party, wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories, in order to attend to their affairs, and they shall enjoy, to that effect, the same security and protection as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing, and particularly to the regulations in force concerning commerce.

The general rules of interpretation with regard to treaties are well known and well settled by the Supreme Court of the United States. Mr. Justice Field in Geofroy against Riggs (133 U. S., p. 271) says:

It is a general principle of construction with respect to treaties that they shall be liberally construed, so as to carry out the apparent intention of the parties to secure equality and reciprocity between them. As they are contracts between independent nations, in their construction, words are to be taken in their ordinary meaning, as understood in the public law of nations, and not in any artificial or special sense impressed upon them by local law, unless such restricted sense is clearly intended. And it has been held by this court that where a treaty admits of two constructions, one restrictive of rights that may be claimed under it and the other favorable to them, the latter is to be preferred.

But despite this article, which provides for reciprocal liberty of commerce, Russia declines to admit within her borders a large portion of American citizens. She construes that article to entitle her to exclude from Russia members of the Jewish faith, even though they are American citizens, and even though they have American passports. Her construction and her practice are in plain violation of the treaty, and place us in a position where, instead of a treaty which we thought would safeguard the fundamental rights of American citizens, we have a treaty that is so construed by Russia that it violates one of the most precious of the fundamental principles of our country, namely, the principle that the rights of American citizens shall not be impaired at home or abroad because of religious belief.

We have repeatedly complained against the construction that Russia has put upon this treaty. We commenced to complain the very first time Russia interpreted it in her own way. Away back in 1867 the State Department remonstrated. At that time Mr. Cassius M. Clay, our minister to Russia, wrote to Mr. Westmann, representing Russia, a letter in regard to Mr. Rosenstraus, in which, among other things, he said that he admitted——

Mr. Rosenstraus was a Jew, but as all religions alike are tolerated in the United States, the United States claims equal protection for all her citizens, without regard to religious principles.

Secretary of State Evarts, in 1880, wrote to our minister to Russia, Mr. Foster:

You are sufficiently well informed of the liberal sentiments of this country to perceive that whenever any pertinent occasion may arise its attitude must always be in complete harmony with the principle of extending all rights and privileges to American citizens without distinction on account of creed.

Mr. Foster, our minister, conveyed that information to the representative of Russia, saying:

From the foundation of the United States as a nation the Jews have been entitled to the full and unrestricted privileges of citizens, and have shown themselves to be peaceable and law-observing in their conduct, industrious in their habits, and are esteemed a valuable portion of the community, so that in so far as the regulations for the expulsion of foreign Jews from Russia affect American citizens, whatever may be the conduct of their coreligionists of this or other countries, it is an unjust reflection upon American Jews as a class and a discrimination which can not be acquiesced in by my Government.

Secretary Evarts again stated our position in a letter to Mr. Foster in 1881:

In your presentation of the facts you should be careful to impress that we ask treaty treatment for our aggrieved citizens, not because they are Jews, but because they are Americans.

* * * * * * *

This Government does not know, or inquire, the religion of the American citizens it protects.

Mr. Blaine, as Secretary of State, wrote to our minister:

I need hardly enlarge on the point that the Government of the United States concludes its treaties with foreign States for the equal protection of all classes of American citizens. It can make absolutely no discrimination between them, whatever be their origin or creed.

And his words were conveyed to the Russian Government. In one of his letters Secretary Blaine said, in reply to a communication from our minister:

This note requests that Mr. Kutner shall answer certain interrogatories concerning his life and past history, among them one as to the religion professed by him. In conveying the inquiry of the Imperial foreign office to Mr. Kutner this department found itself unable to interrogate him as to the religion professed by him inasmuch as the Constitution of the United States prohibits the application of any religious test whatever in reference to citizens of the United States.

Similar statements were made by Secretary of State Olney and by Secretary of State Hay. We have had negotiations with Russia for years endeavoring to secure a modification of the treaty so that Russia could under no pretense construe it otherwise than that all American citizens should be treated alike.

Numerous resolutions have passed the House of Representatives on this subject. The first was passed as long ago as 1879, and in it the House said that—

The rights of the citizens of the United States should not be impaired at home or abroad because of religious belief, and that if existing treaties between the United States and Russia be found, as alleged, to discriminate in this or any other particular as to any other class of our citizens the President is requested to take immediate action to have the treaty so amended as to remedy this grievance.

We passed a resolution on this subject again in 1882, again in 1883, in 1884, in 1890, and in 1902, and the Senate in 1902 passed a resolution calling, as those others did, for information as to discriminations practiced by Russia against American Jews. In 1904 we went further in the resolution passed by this House, the original of which had been introduced by my colleague from New York [Mr. GOLDFOGLE]. We requested the President to renew negotiations so that we could have a treaty which would eliminate all chance of any such discrimination as that which Russia has practiced.

In 1909 the Congress passed a joint resolution directing the President to renew negotiations so as to have the discriminations eliminated and abolished, and yet nothing has been accomplished.

Mr. HARRISON. Will my colleague permit?

Mr. PARSONS. Certainly.

Mr. HARRISON. Is my colleague aware of the fact that the resolution of 1909, when it was first introduced by Mr. GOLDFOGLE, contained, in section 2, substantially the same provisions as those contained in the resolution of the gentleman himself now pending and of which I am very much in favor, and that that section was stricken out by the Committee on Foreign Affairs? And I have no doubt the gentleman joins me in the hope that his resolution will now be adopted and place the matter where it should have been two years ago.

Mr. PARSONS. Mr. Chairman, I am glad to have the suggestion offered by my colleague, but, as I recall the resolution of my colleague [Mr. GOLDFOGLE], it stated that *if* certain things should not happen, then he wished the treaty terminated. Now, my resolution does not contain any "if," but says the treaty should be terminated *now*.

Mr. HARRISON. The gentleman is correct, and I agree with him.

Mr. PARSONS. I am very glad to hear my colleague does, as I knew he would. We have talked, we have passed resolutions, we have had diplomatic correspondence, and nothing has been accomplished, so that if we mean what we have said——

Mr. FLOOD of Virginia. Will the gentleman yield?

Mr. PARSONS. Yes.

Mr. FLOOD of Virginia. Does the gentleman think that the President and the State Department are not carrying out the instructions of the resolution of 1909?

Mr. PARSONS. I think they have endeavored to do so, yes; I know they have, but they have been unsuccessful, and I very much fear they will not be successful.

Mr. FLOOD of Virginia. I would like to know where the gentleman gets the information that the department has been unsuccessful in the negotiations?

Mr. PARSONS. Where I get the information? I have read the correspondence in the State Department; that is where I get it.

Mr. BENNET of New York. Will my colleague permit an additional suggestion? To-day native-born American Jewish gentlemen are all denied the Russian visé on an American passport, and if the State Department had been successful that would not be the situation.

Mr. FLOOD of Virginia. The gentleman says he gets the information from the State Department that it has been unsuccessful—from the correspondence of the State Department.

Mr. PARSONS. Yes.

Mr. FLOOD of Virginia. Is that correct?

Mr. PARSONS. Yes.

Mr. FLOOD of Virginia. Does that correspondence show that fact?

Mr. PARSONS. It shows that nothing has been accomplished, and it does not indicate that there is likely to be anything accomplished.

Mr. AUSTIN. I wish to ask the gentleman from New York——

Mr. PARSONS. That is my view of the correspondence that I have read with some care.

Mr. AUSTIN. What explanation or excuse does the Russian Government give for this treatment of American citizens?

Mr. PARSONS. It claims that this last clause of Article I:

> That citizens of the other party shall have the right to travel and sojourn on condition of their submitting to the laws and ordinances there prevailing—

subjects the American Jews to the restrictions imposed by Russia upon Russian Jews. I think Russia has gone so far that she takes the position that she can pass any internal law she wishes, excluding anybody.

Mr. BARTLETT of Georgia. Is it not a fact that when applying for a passport the State Department rather advises the American Jew who applies for a passport not to go to Russia?

Mr. PARSONS. It gives him a passport, but it tells him he will get no benefit from it. If he goes to the border of Russia he is turned back.

Mr. BARTLETT of Georgia. Do you think that is carrying out the act of 1909 for the department, instead of carrying out the act, to try to evade it?

Mr. PARSONS. I think the department in that case acts with every consideration to the American Jew trying to go to Russia. He can not go to Russia unless his passport is properly visèed. Unless he can get his passport visèed by the Russian consul, or some representative of Russia having authority in the matter, he can not enter Russia. And one of the questions asked him when he goes to get his passport is, "What is your religion?" And if he says it is that of a Jew, then for one reason or another, which may be given, he does not get his passport visèed.

Mr. BARTLETT of Georgia. Nor gets the protection he is entitled to as an American citizen traveling abroad?

Mr. PARSONS. That is correct. But the State Department has helped him as much as Russia will permit it to.

Mr. HAMMOND. I wish to understand this. Do I understand that the Russian Government refuses to visé a passport carried by any Jewish citizen of the United States?

Mr. PARSONS. It does. The question of expatriation is not involved. It does not depend on whether the Jew was originally a native of Russia who has been naturalized here. One of the very first cases that arose was that of a native of Wurttemberg, who had become a naturalized American citizen and then had gone to Russia. It applies to all native-born Jews.

Mr. HAMMOND. Is there any case in which a native American has been refused admission to Russia?

Mr. PARSONS. Yes; if he is a Jew. It applies to all alike.

Mr. BENNET of New York. If my colleague will permit me, I have gone myself to the Russian Embassy in Washington in behalf of a native-born American of the Jewish faith and asked to have the passport visèed, and it was refused because the Russian law prevents the entrance into Russia of persons of the Jewish faith. It is not a question of religion entirely——

Mr. AUSTIN. What is the basis of that exclusion?

Mr. BENNET of New York. It is based on religion.

Mr. BARTLETT of Georgia. I want to say to the gentleman from Minnesota [Mr. HAMMOND] that there have been cases coming under my observation where they have advised Jews who are native Jews not to go to Russia, although they were furnished with a passport.

Mr. PARSONS. Mr. Chairman, when the Federal Constitution was adopted we placed in it as a part of paragraph 3 of Article VI a provision that—

> No religious test shall ever be required as a qualification to any office or public trust under the United States.

That was a broad statement of our principle of freedom of religious belief and our principle of toleration. But even that was not sufficient, and when the Constitution was submitted to the several States a number of them asked that there be incorporated in it further provisions in regard to religious freedom, and the result was the adoption of the first amendment to the Constitution, which provides that—

> Congress shall make no law respecting the establishment of religion or permitting the free exercise thereof.

George Washington, the anniversary of whose birth we celebrate to-day, said:

> The liberty enjoyed by the people of these States of worshiping Almighty God agreeably to their consciences is not only amongst the choicest of their *blessings*, but also of their *rights*.

Liberty of religious belief is a well-established, fundamental, and precious right of the American citizen as an American citizen.

Whether by terminating this treaty we will soon secure a new treaty which will in terms prevent Russia from so discriminating I know not, but I believe that we owe it to this fundamental principle of religious toleration, of the equality of all American citizens before the law, without regard to their religious beliefs, to terminate a treaty an article of which is used as authority for discriminating against some Americans on the ground of their religious belief.

Mr. AUSTIN. I would like to ask the gentleman from New York [Mr. PARSONS] if the Russian Government excludes any other race of people?

Mr. PARSONS. About that I do not know; but it also excludes missionaries, both Protestant and Catholic. I have here a letter signed by the secretary to the Roman Catholic bishop of Scranton, Pa., acknowledging the receipt of an address delivered upon this subject by Mr. Louis Marshall, of New York, and in this letter the bishop's secretary writes:

> The right reverend bishop wishes me to say that he is in hearty accord with the movement started by your committee. It was only a year and a half ago that he himself was prohibited from entering Russia for only a two days' visit. As you no doubt know, Catholic priests in general are prohibited from entering Russia. He wishes your movement every success.

This, therefore, is not simply a Jewish question. The Jews are not the only people who are discriminated against. The clergy of all denominations are discriminated against, and that has not been a recent matter. The first case of discrimination against an American clergyman occurred some 27 years ago.

But, Mr. Chairman, I do not wish the committee to understand that I appeal for the termination of the treaty on the ground that Russia discriminates against the Jews, or Catholic or Protestant clergy. I make the appeal on the grounds that Russia, in violation of and by misconstruction of the treaty, discriminates against some American citizens, and that each American citizen, no matter what his religion, has as much right to the protection of our laws here and as much right to protection under our treaties abroad as any other American citizen, and that we should not enter into or any longer retain a treaty that does not secure to all American citizens equal treatment, without regard to their religious beliefs.

We have rid ourselves of many forms of persecution. We no longer burn witches. We no longer have slavery. But we do have, as one of the foulest blots upon our civilization, a prejudice against the Jews—virulent in some European countries more or less at all times, and particularly so at some times. Fortunately it has never expressed itself here in the form of persecution.

On the contrary, whenever such persecution has occurred in foreign countries we have protested and extended our sympathy to the unfortunate victims. We view this anti-Semitic prejudice from several vantage points. This anti-Semitic feeling is sometimes claimed to be based upon religion, but here all religions are free. Sometimes it is claimed to be based upon race, but here we have people of many races. Sometimes it is claimed that it is justified for economic reasons, but here we have a country of great possibilities. Sometimes in European countries it is based upon the principle of nationalism, on the claim that the Jews do not assimilate with the other people of the country. But here we have had the Jews since 1655, when their first colony settled in the city of New York, and no people have more right to feel themselves Americans, to feel what it means to live in a land of liberty, than have the descendants of those Portuguese Jews who, exiled from Europe and South America even, landed in New York some 250 years ago. To no people

more than to them is this the "sweet land of liberty," "land of" their "pilgrims' pride," "land where their fathers died." And it is a well-known fact that Jews on coming to America invariably become patriotic citizens. Statistics show that in every war that we have had the Jews have done more than their share in support of the war. In every fight for good citizenship they have done their share. In the way of philanthropy they have done their full share. In the city of New York they have been true to the obligation placed upon them by the Dutch West India Co. when, in spite of the opposition of Gov. Stuyvesant, it decided "upon a certain petition made by said Portuguese Jews, that they should have permission to sail to and trade in New Netherlands and to live and remain there, provided the poor among them shall not become a burden to the company or the community, but be supported by their own nation."

Grover Cleveland said at the celebration of the two hundred and fiftieth anniversary of the settlement of the Jews in the United States:

I know that human prejudice, especially that growing out of race or religion, is cruelly inveterate and lasting. But wherever in the world prejudice against the Jews still exists, there can be no place for it among the people of the United States, unless they are heedless of good faith, recreant to the underlying principles of their free government, and insensible to every pledge involved in our boasted equality of citizenship.

On our great Republic, therefore, is placed the responsibility of leading the world in proclaiming and guaranteeing the rights of man. If not here, where else is the world to learn that all men should be equal before the law? Not in the older countries, not in monarchies where privilege and caste and prejudice have existed for years and years, but in this New World, where politically all men are equal and which is still the land of golden opportunity.

In abrogating this treaty, in insisting that all American citizens are equal before the law, we will also have the privilege of placing our stamp of disapproval upon the anti-Semitic prejudice that exists in other countries and of again proving that this, the great Republic, is still ready to lead in the fight for the rights of man.

What are the objections urged against the termination of the treaty? Some ask what will happen to the rights of other citizens. They will be unaffected. They will be admitted if Russia's internal laws allow it; and, under the construction Russia has placed upon the treaty, that is the only ground on which they are now admitted. Commercially how will it affect us? Little security can there be in a treaty that Russia has misconstrued and misused as she has this. The maximum clause of the Payne tariff law, which will compel Russia's $10,000,000 of imports into this country to pay an extra 25 per cent ad valorem duty, is a far stronger weapon than the semblance of obligation that Russia might recognize under this treaty. But neither the rights of other American citizens nor of commerce can equal or overcome the duty that we owe to ourselves to be true to our fundamental principle of religious liberty.

Every consideration that should appeal to an American demands the termination of this treaty. Russia has not performed her treaty obligations, and therefore, in self-respect, we should terminate the treaty. Russia has discriminated against some American citizens, misusing the treaty as a justification, and therefore we should terminate it. As misused by Russia, the treaty violates the fundamental American principle that the rights of all American citizens under the law are the same, whatever their religious beliefs, and therefore we should terminate it. And we owe it to our traditions as the great Republic that has ever upheld the rights of man to terminate a treaty which is misused to deny those rights to some men, and the American citizens. [Applause.]

Mr. FLOOD of Virginia rose.

The CHAIRMAN. The gentleman from Virginia is recognized.

Mr. FLOOD of Virginia. Mr. Chairman, I yield 10 minutes to the gentleman from Georgia [Mr. BARTLETT].

The CHAIRMAN. The gentleman from Georgia [Mr. BARTLETT] is recognized for 10 minutes.

Mr. BARTLETT of Georgia. Mr. Chairman, while other Members have been discussing the bill that is now before the committee, I desire to submit a few observations on a subject that is nearer to us than the subject of our foreign relations or matters relating to them.

I am a member of the Committee on Accounts, which has primarily the charge of the disbursements from the contingent fund of this House. For 16 years I have been a member of the minority of that committee, and have endeavored to discharge my duty as a member of that committee faithfully.

The appropriation made for 1910 and 1911 for the miscellaneous items of expense for the House of Representatives was $75,000 for each fiscal year. I want to call the attention of the House to certain facts with reference to that fund, so that when it becomes exhausted, as it has been and will continue to be, Members both of the majority and the minority will understand why it has thus become exhausted, and why it becomes necessary to ask for an additional appropriation for the contingent fund of the House, in order that this House of Representatives may not be charged with extravagance in the use of that fund; a fund intended primarily, and should be so preserved, solely for the expenditure of money for carrying on the business of the House, and not, as it has been expended, for purposes for which, in my judgment, it ought not to be. We have a statute upon this subject, to which I will call attention, passed in 1892, which provides that appropriations made for the contingent expenses of the House shall not be used for certain purposes.

That act provides:

That hereafter appropriations made for contingent expenses of the House of Representatives or the Senate shall not be used for the payment of personal services, except upon the express and specific authorization of the House or Senate in whose behalf such services are rendered. Nor shall such appropriations be used for any expenses not intimately and directly connected with the routine legislative business of either House of Congress, and the accounting officers of the Treasury shall apply the provisions of this paragraph in the settlement of the accounts of expenditures from said appropriations incurred for services or materials subsequent to the approval of this act.

There is another paragraph relating to the expenditure of this fund, which is as follows:

No person shall be appointed or employed as a page in the service of the House of Representatives who is under 12 years or more than 18 years of age; but this provision shall not apply to chief pages, riding pages, and telephone pages.

The Clerk, Sergeant at Arms, Doorkeeper, and Postmaster shall make certificate each month to their respective pay rolls, stating whether the persons named in such pay rolls and employed in their respective departments have been actually present at their respective places of duty and have actually performed the services for which compensation is provided in said pay rolls, and in each case where a person carried on such pay roll has been absent and has not performed the services in whole or in part for which payment is proposed, the reason for such absence and for such nonperformance of services shall be stated.

The violation of any of the foregoing provisions of law shall, upon ascertainment thereof, be deemed to be cause for removal from office.

It shall be the duty of the Committee on Accounts of the House of Representatives from time to time to inquire into the enforcement or violation of any of the foregoing provisions of law; and for this purpose they are hereby authorized to send for persons and papers, and to administer oaths; and they shall report to the House at least once every session their compliance with the duty herein imposed.

Yet this House has proceeded to pass resolution after resolution—the House, and not on any recommendation from the Committee on Accounts—authorizing the expenditure of this fund for various purposes, until to-day we find that there has been expended out of it $65,378.49 for items of expense which ought not to be chargeable to that fund. I hold in my hand here a statement of the expenditures out of that fund for purposes for which it ought not to be expended, all done under authorization of resolutions passed by the House. The committee finds itself absolutely helpless to resist the payment of these sums, because the resolutions of the House provide that these expenditures shall be paid out of the contingent fund, and the law requires the disbursing officer of this House to pay these items on approval of the chairman of the committee conducting the investigation. At the suggestion of some members of the Committee on Accounts we have refused to pay some of these items, and I suppose we will continue to refuse, and resort will be made to the House in order to have them paid.

I call attention to this statement, which is authentic:

Statement showing expenditures from the contingent fund of the House for expenses of special and select committees of the House during the Sixty-first Congress; also for expenses of the Joint Commission on the Revision of the Laws.

SHIP-SUBSIDY INVESTIGATION.

The Select Committee to Investigate Certain Charges under House Resolution No. 543, known as the ship-subsidy investigation, was created by resolution adopted by the House March 29, 1910, and on April 1, 1910, the House adopted the following resolution, viz:

"*Resolved*, That the select committee appointed by the Speaker on March 29, 1910, under House resolution 543, or any subcommittee thereof, be, and it hereby is, authorized to sit during the sessions of the House, to have such printing and binding done as may be necessary in the transaction of its business, to administer oaths, and to employ such clerical, messenger, and stenographic assistance as it shall deem necessary. All expenses hereunder shall be paid on the certificate of the chairman of the committee out of the contingent fund of the House."

Expenditures on account of clerical, stenographic, and messenger service, fees and mileage of witnesses, serving subpœnas, and incidentals to Feb. 1, 1911	$11,500.88
Estimated expenditures to end of session	3,475.00
Total	14,975.88

INDIAN CONTRACTS INVESTIGATION.

The House adopted the following resolution June 25, 1910:

"*Resolved*, That a committee consisting of five members, each of whom shall be a Member of the House of Representatives, be appointed

by the Speaker to investigate all circumstances connected with certain contracts now said to exist by and between J. F. McMurray, an attorney, of McAlester, Okla., or any other person or persons, and the Choctaw and Chickasaw Tribes of Indians of Oklahoma, or any member or members thereof, or any other of the Five Civilized Tribes, the Osage Indians, or any members thereof, this to include bribery, fraud, or any undue influence that may have been exerted on behalf of the approval or procuring of the said contracts, or any of them.

"Said committee is hereby empowered to sit and act at any place, to require the attendance of witnesses and the production of papers by subpœna to be signed by the chairman of said committee. The chairman of said committee, or any member thereof, is hereby empowered to administer oath. Said committee is further hereby empowered to take testimony under oath and in writing, to obtain documents, papers, and other information from the several departments of the Government, or any bureau thereof, to employ not to exceed two stenographers to take and make a record of all evidence received by the committee and to keep a record of its proceedings. All costs and expenses of said investigation shall be paid from the contingent fund of the House of Representatives.

"All hearings by said committee shall be open to the public. The committee shall report to this Congress all evidence taken and their findings and conclusions thereon. And in case of disobedience to a subpœna this committee may invoke the aid of any court of the United States or of any Territories or Districts thereof, within the jurisdiction of which any inquiry may be carried on by said committee in requiring the attendance and testimony of witnesses and the production of books, papers, and documents under the provisions of this resolution; and any such court within the jurisdiction of which the inquiry under this resolution is being carried on may, in case of contumacy or refusal to obey a subpœna issued to any person under authority of this resolution, issue an order requiring such persons to appear before the said committee and produce books and papers, if so ordered, and give evidence touching the matter in question, and any failure to obey such order of the court may be punished by such court as a contempt thereof. The claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness from testifying, but such evidence or testimony shall not be used against such person on the trial of any criminal proceeding except in prosecution for perjury committed in giving such testimony."

And such committee may file its report with the Clerk of the House during the recess of Congress.

Expenditures on account of mileage and subsistence of the members of committee, fees, and mileage of witnesses, clerical and stenographic assistance to Feb. 1, 1911	$3,951.85
Estimated expenditures to end of session	600.00
Total	4,551.85

FRIAR LANDS INVESTIGATION.

The House of Representatives adopted the following resolution June 25, 1910:

"House resolution 795.

"Whereas it has been publicly charged that sales and leases of public lands have been made in the Philippines in violation of law: Now therefore be it

"*Resolved*, That the House Committee on Insular Affairs be, and it is hereby, empowered and directed to make a complete and thorough investigation of the interior department of the Philippine Government touching the administration of Philippine lands and all matters of fact and law pertaining thereto, whether the same are to be had in the United States, the Philippine Islands, or elsewhere, and to report to the House during this Congress all the evidence taken and their findings and recommendations thereon; that in conducting said inquiry said committee shall have power to subpœna and require the attendance of witnesses, to administer oaths, to require the production of books, papers, and documents, whether of a public or private character, and to employ necessary assistance, legal or otherwise, and make necessary expenditures, the cost of said investigation to be paid out of the contingent fund of the House. The powers hereby conferred may be exercised while the House is in session or during the recess of Congress by the committee or any duly appointed subcommittee thereof."

Two vouchers have been presented to the Committee on Accounts of witnesses, covering fees for attendance and mileage, amounting to $2,195, but that have not been approved by the committee. Estimated expenditures, $10,000.

INVESTIGATION OF NATURALIZATION PROCEEDINGS IN NEW YORK.

The following resolution was adopted by the House June 20, 1910:

"Whereas it has been recently charged in the public press and has been otherwise publicly stated that the conditions existing in the offices of the several clerks of the courts having jurisdiction to naturalize citizens in the southern district of New York are such that a very large number of persons desirous of declaring their intention to become citizens and applicants for naturalization and witnesses in naturalization cases have been, and are, greatly delayed at such offices to an extent that they have been, and are, compelled to stand in long lines for many hours, and sometimes days, awaiting an opportunity to present and make their declarations, petitions, and proofs, and that frequently, because of such delays and the overcrowding and obstructions resulting therefrom, a large number of applicants for naturalization and their witnesses were, and are, unable to appear before and be properly attended to by the officials in such offices, and that in consequence thereof in many cases did forego and abandon making their declaration and applications: Therefore be it

"*Resolved*, That the Committee on Immigration and Naturalization are hereby empowered and directed to make investigation into the matters hereinbefore recited and the conditions alleged to exist, and that such committee report at the earliest time practicable the result of their investigation, with their recommendation as to what remedy ought to be provided to correct the conditions complained of, if they find them to exist; and that said committee may make such investigation by or through any subcommittee it may appoint from its members; that said committee or its subcommittee have power to send for persons and papers, examine witnesses, employ stenographers and other necessary clerical help to make such investigation; and said committee or its subcommittee may sit during the session and recess of the House and make a report on or before January 1, 1911, and the expense, not to exceed the sum of $2,500, of making said investigation, certified by the chairman of the committee, shall be paid out of the contingent fund of the House."

Expenditures to February 1, 1911, $180. Amount limited by resolution to $2,500.

JOINT COOMMISSION ON REVISION AND CODIFICATION OF THE LAWS.

This commission was originally a joint committee, created by the following concurrent resolution:

"*Resolved by the House of Representatives (the Senate concurring)*, That a joint special committee be appointed consisting of five Senators, to be appointed by the Vice President, and five Members of the House of Representatives, to be appointed by the Speaker, to examine, consider, and submit to Congress recommendations upon the revision and codification of laws prepared by the statutory revision commission heretofore authorized to revise and codify the laws of the United States, and that the said joint committee be authorized to sit during the recess of Congress and to employ necessary clerical and other assistance; to order such printing and binding done as may be required in the transaction of its business, and to incur such expense as may be deemed necessary, all such expense to be paid in equal proportions from the contingent funds of the Senate and House of Representatives."

The joint resolution creating the commission follows:

"Joint resolution (No. 19) to create a joint committee to consider the revision and codification of the laws of the United States.

"*Resolved, etc.*, That a joint special committee be appointed, consisting of five Senators, to be appointed by the Vice President from Members of the Sixtieth Congress, and five Members of the House of Representatives, to be appointed by the Speaker from the Members of the Sixtieth Congress, to examine, consider, and submit to Congress recommendations upon the revision and codification of laws reported by the statutory revision commission heretofore authorized to revise and codify the laws of the United States, including the laws of the last session of the Fifty-ninth Congress, and that the said joint committee be authorized to sit during the recess of Congress and to employ necessary assistants, to order such printing and binding done as may be required in the transaction of its business, and to incur such expense as may be deemed necessary, all such expense to be paid in equal proportions from the contingent funds of the Senate and House of Representatives."

Approved March 2, 1907.

Expenditures for legal and clerical services to February 1, 1911, $66,701.52.

One-half, or $33,350.76, has been paid out of the House contingent fund and one-half out of the Senate contingent fund.

The life of this commission being practically unlimited, no estimate of future expenditures can be made. They now average $1,500 per month, or $18,000 per annum.

I have thought it proper to bring to the attention of the House these large expenditures of money out of the contingent fund that the House may understand that this appropriation for the House and the business of the House for such expenses as may not be estimated for in the annual appropriation bills has been paid out not for the benefit of the House, but in these investigations, whether they have been of any benefit or not. I want to call the attention of the House to the careless way in which the expenditure of this fund was authorized. I have no other purpose in view than that the House may know what has become of the money and that it may understand that its Members have expended this large sum, nearly $70,000, nearly one-half of the entire amount appropriated for the contingent fund during this Congress, for these investigations, the end of which we have not seen and the results of which we have not at hand, $33,000 having been expended by a commission in the revision of the laws.

Mr. AUSTIN. Will the gentleman yield?

Mr. BARTLETT of Georgia. Certainly.

Mr. AUSTIN. How much money has been paid on account of the immigration commission?

Mr. BARTLETT of Georgia. I do not know; that is not provided for out of the contingent fund. It is provided for by a separate appropriation.

Mr. AUSTIN. I simply wanted to know how much money we had thrown away in that connection.

Mr. BARTLETT of Georgia. I understand about a million and a half dollars.

Mr. AUSTIN. With no results.

Mr. BARTLETT of Georgia. Well, they are not appreciable or ascertainable, so far as I am concerned.

Mr. O'CONNELL. Will the gentleman from Georgia yield?

Mr. BARTLETT of Georgia. Certainly.

Mr. O'CONNELL. The gentleman from Georgia knows that the Committee on Accounts have consistently and repeatedly refused to approve many of these bills that have come to them.

Mr. BARTLETT of Georgia. Yes; we have refused time and time again to spend money for what may be a laudable purpose, for the benefit of the employees of this House at the request of the Members of the House, and yet we find ourselves in a position where these large sums of money have been expended in the way that I have called attention to. We have refused in many instances to approve these bills and proposed to submit them to the House and let the House authorize their payment out of the contingent fund if it sees fit, or out of some other fund.

Mr. HAMMOND. Will the gentleman yield for a question?

Mr. BARTLETT of Georgia. Certainly.

Mr. HAMMOND. Where an investigation is ordered by the House of Representatives and payment is to be made out of the contingent fund of the House, what authority has the Committee on Accounts to refuse to pay any of the vouchers?

Mr. BARTLETT of Georgia. On the authority that the Committee on Accounts believe that the sums asked for are not reasonable, and we therefore decline to approve them.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. FLOOD of Virginia. I will yield the gentleman two minutes more.

Mr. BARTLETT of Georgia. The gentleman asked me a question; we are facing that matter in the committee now, and we faced it during the recess during the last session and this. We did refuse to audit those bills.

Now, here is a resolution which reads:

To be paid on the certificate of the chairman of the committee, out of the contingent fund of the House.

The disbursing officer declines to pay any of those bills unless audited by the Committee on Accounts. The Committee on Accounts may not have the power to prevent their payment, but the Committee on Accounts, acting on the suggestion of some of us who did not believe that these sums were what they should be, have declined to give them our approval, and so these gentlemen will have to look somewhere else or to the House for approval of the accounts.

Mr. O'CONNELL. The gentleman from Georgia knows that many difficulties are caused by the fact that the Committee on Appropriations takes up accounts that we refuse and inserts them in the appropriation bills after we have turned them down. Has the gentleman from Georgia any suggestion to make that will cure that procedure so that it may be prevented in the future?

Mr. BARTLETT of Georgia. It could be obviated simply by some one making a point of order on the appropriation bills; because if the Committee on Accounts does not authorize it, or the statute does not authorize it, then a point of order will lie against such an appropriation in an appropriation bill.

Mr. DAWSON. Will the gentleman yield?

Mr. BARTLETT of Georgia. Certainly.

Mr. DAWSON. Mr. Chairman, I happen to be a member of both committees, and am somewhat familiar with the practice of both committees. It does not seem to me that the Committee on Accounts is in a good position to be throwing rocks at the Committee on Appropriations.

Mr. BARTLETT of Georgia. I have not thrown any rocks at anybody.

Mr. FOSTER of Vermont. Mr. Chairman, I yield two minutes to the gentleman from Iowa [Mr. DAWSON].

Mr. DAWSON. Mr. Chairman, I want to emphasize the point that has been so well made by my colleague the gentleman from Georgia [Mr. BARTLETT] with regard to the looseness with which this House legislates in regard to these special investigating committees. Some one introduces a resolution of inquiry. The matter is headlined two or three columns wide in the newspapers, and a tremendous flurry is created over some proposition. Then that is followed by a resolution brought into the House to create a special investigating committee. All of those resolutions have been so loosely drawn that we find ourselves now in the situation where almost the entire contingent fund of the House of Representatives has been spent by these special investigating committees. The lesson that is to be drawn from that is that from this time forward the House should scrutinize more closely the phraseology of these resolutions creating special investigating committees. The House has given too wide a discretion to the chairmen of these committees in the expenditure of public money. That discretion ought to be limited, or it ought to be definitely stated that those accounts are to be audited by the Committee on Accounts before they are finally allowed. I hope that from this time forward the House will look into that phase of these resolutions creating special investigating committees.

Mr. O'CONNELL. Would it not be better to have a rule of the House that no investigating committee could be appointed until the phraseology of the resolution appointing it had been submitted to the Committee on Accounts?

Mr. DAWSON. I think that would be very desirable, that in the first instance these resolutions should go to the Committee on Accounts for consideration and scrutiny with respect to expenditures before they were brought before the House for passage.

Mr. FOSTER of Vermont. Mr. Chairman, I yield two minutes to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. Mr. Chairman, I wish to express my approval of the views of the gentleman from New York [Mr. PARSONS] in reference to the shameful treatment the Hebrew citizens of America are receiving at the hands of the despotic Government of Russia. And yet, Mr. Chairman, when we read the history of the Russian Government and the horrible treatment of its Jewish citizens we ought not to be surprised at its conduct in reference to our Hebrew citizens. But the American Government owes it to all of its citizens, native or adopted, to protect each and every one of them in their rights not only on the soil of America but entirely around the globe, and I hope that the present administration will have the firmness and the earnestness and the patriotism to either demand the rights of our citizens while in Russia or terminate our treaty with that Government or any other Government that will discriminate against our citizens. [Applause.]

Now, another word in reference to the expenditures which have just been discussed by the gentleman from Georgia [Mr. BARTLETT]. I have never voted against a proper appropriation, as the gentleman from Illinois well said the other day. I was inclined to vote against an appropriation to continue the work of the Immigration Commission during the last session of Congress. That commission had been in existence for more than two years and had expended out of the Public Treasury hundreds of thousands of dollars. It had an expensive piece of machinery and in one of the near-by buildings an immense corps of clerks, experts; and in addition the commission was organized and traveled abroad investigating a question that every sensible American citizen knew all about even before the creation of the commission. Do we need any testimony or the expenditure of at least a million dollars to convince us the time has long since passed for allowing undesirable immigrants to land upon the shores of our country? Why, we had the promise of the chairman of that committee if we would give him an additional appropriation that commission would wind up its business, and that some practical legislation would be submitted to this Congress for it to pass that would close our doors to the riffraff and criminal class and the Black Hand and the scum of the earth that has been pouring in upon our shores for years and years; and, as a Republican Member of Congress, I feel indignant that a Republican majority, charged with the responsibilities that we are, is about to go out of power in this Hous without enacting a proposed law which, I think, more far-reaching and more important than any law that we could possibly consider during this session of Congress.

I would not keep out of America any man who comes here from a foreign country who has a character for industry, who is law-abiding, patriotic, and who comes to make America his home and to become Americanized, but I would close our doors to the Black hand, the worthless, the criminals, and that class of people who come here to save and absorb all they can, send it back to their native lands and follow that money or property to their foreign homes. I hope when the other side come into power here that they will appreciate and realize the importance of immediate legislation of this character. [Applause.]

Mr. FLOOD of Virginia. Mr. Chairman, I yield 40 minutes to the gentleman from Indiana [Mr. CLINE].

FORTIFICATION OF THE PANAMA CANAL.

Mr. CLINE. Mr. Chairman, we are approaching the completion of the most gigantic engineering project of any age—the construction of the Panama Canal. The opening of this intercontinental waterway has been the dream of the western world for more than three centuries. It remained for the genius, wealth, and power of the United States to work into an actual reality this enterprise that had invited the attention of all governments of both Europe and America. I do not use the phrase in a hackneyed sense when I say that the perfection of this commercial highway marks the most important event in the development of this most progressive age. Its far-reaching consequences are so great, so complicated, so sweeping, that all statements as to the merits of this development are merely speculative. We are at the very earliest dawn of a new era in the world's trade; this aisle of the seas brings us nearer than one-third of the distance around the globe to new races, commercially speaking, new markets, and an unexplored field for the spread of our American civilization. With this change in the route of travel, for not only ourselves, but for all Europe comes new political conditions as well as new trade conditions. We would not if we could, and we can not, possibly, if we would, divorce the canal and our interests in it from its international features, which, in my opinion, irrespective of its ownership, will always be supreme and paramount to our individual rights, as a new element in facilitating the world's trade. These are the aspects that lead to this inquiry, namely, Shall the canal be fortified, so as to be a strategic point in time of war for our absolute benefit and control, or shall it be neutralized, open for the passage of ships of all nations in times of war as well as in times of peace, under international treaty limitations of neutrality, without regard to sovereignty, except for its protection?

For the purpose of a fair statement of the subject of discussion and as a basis of what I shall have to say, I incorporate here the resolution offered by the gentleman from Ohio [Mr. KEIFER] on the 17th day of May, 1910:

Concurrent resolution expressing the opinion of Congress against the necessity of fortification to defend the Panama Canal when completed and requesting the President of the United States to negotiate an international treaty to guarantee its safety, the entrances thereto, the vessels therein, and the commerce thereon, in times of peace as well as in times of war and otherwise.

This is the preamble of the resolution. I incorporate herewith the entire concurrent resolution No. 40:

Whereas the time is approaching when the Panama Canal will be completed and opened for navigation by the ships of the maritime nations of the world; and

Whereas the said canal and the entrances thereto can be protected and safeguarded more certainly and adequately through a proper international treaty among nations of the world interested in its safety and maintenance than by fortifications at the termini and along the line thereof, although constantly manned and supported by large military and naval forces; and

Whereas it is now deemed inexpedient, unwise, and unnecessary to provide such fortifications and the armanent therefor and the military and naval forces requisite to secure and protect said canal, the entrances thereto, and the vessels and commerce thereon, also against blockade: Therefore be it

Resolved by the House of Representatives of the United States of America (the Senate concurring) (being of the opinion expressed in the foregoing preamble), That the President of the United States, by and through the treaty-making power vested in him by the Constitution of the United States, be respectfully but earnestly requested, as soon as practicable, to initiate, negotiate, and conclude a treaty with such nations of the world as may be willing to join the United States in guaranteeing the proper preservation, protection, and safety of said Panama Canal and the entrances thereto, including protection from danger of blockade and the protection of vessels entering or desiring to enter therein, and the commerce thereon, in times of war as in times of peace, and also including in such treaty all other stipulations and provisions deemed necessary to protect the United States in its ownership, possession, control, sanitation, right to police, and to perpetually maintain said canal and the entrances thereto for the uses and purposes for which it is being constructed, or may be adapted, and especially to guarantee at all times to the signatory powers to such treaty the full and free use of said canal upon such terms and under such rules, regulation, and government as may be prescribed by the United States.

To this resolution, now before Congress for several months, the President makes reply in his annual message sent to the House in December in the following language. I quote from page 36 of the message:

Among questions arising for present solution is whether the canal shall be fortified. I have already stated to the Congress that I strongly favor fortification, and I now reiterate this opinion and ask your consideration of the subject in the light of the report already before you made by a competent board.

If, in your discretion, we believe modern fortifications to be necessary to the adequate protection and policing of the canal, then it is our duty to construct them. We have built the canal. It is our property. By convention we have indicated our desire for, and indeed undertaken, its universal and equal use. It is also well known that one of the chief objects in the construction of the canal has been to increase the military effectiveness of our Navy. Failure to fortify the canal would make the attainment of both these aims depend upon the mere moral obligations of the whole international public—obligations which we would be powerless to enforce and which could never in any other way be absolutely safeguarded against a desperate and irresponsible enemy.

Following this recommendation to Congress, the President on January 12 sends a special message to this body in the following:

I forward you herewith a letter from the Secretary of War, inclosing the report of the board of officers of the Army and Navy appointed by him to consider the subject of defense of the Panama Canal. A preliminary report of this board, together with a letter of the Secretary of War, a resolution of the joint board, and estimates of cost were forwarded to Congress by me by letter dated April 29, 1910. No appropriation, however, has yet been made for the initiation of work on the proposed defense. The canal when completed will afford the only convenient route for water communication between our Atlantic and Pacific coasts, and virtually will be a part of the coast line of the United States. Its assured possession and control will greatly contribute to our peace, safety, and prosperity as a Nation. In my judgment it is the right and the duty of the United States to fortify and make capable of defense the work that will bear so vital a relation to its welfare, and that is being created solely by it and at an expenditure of enormous sums. I have authorized the submission, through the Secretary of the Treasury, of the revised estimate for appropriations referred to in the accompanying letter of the Secretary of War, which estimate is less than the original estimate by approximately one-third, and I urgently recommend that an appropriation of $5,000,000 for the initiation of work on the proposed defenses be made at the present session of Congress in order that these defenses may be completed by the date of the completion of the canal.

I have purposely incorporated the messages and resolutions in this matter so that the Members of the House and the country may have a definite understanding of the attitude of the President and those Members who are in sympathy with the views expressed by the gentleman from Ohio [Mr. KEIFER] on this engrossing question.

It is not improper to inquire, as a basis of what shall be said, into our uniform national policy prevailing for more than a century of our national life, which long-established policy appears to be wholly antagonistic to that sought to be initiated by the proponents of fortification. A policy that not only kept us at peace with the entire world, a policy of absolute neutrality, that has been more potent than all other agencies in demonstrating the force of precept in establishing a great national policy. This policy of ours has made friends for us everywhere, stimulated our trade, and courted respect for us by all the great powers. It would be suicidal for us to consider any other than a pacific policy, for what we want is trade. We are essentially a business people, and commerce and trade only thrive in times of profound peace. The first President of the United States laid broad and deep a policy from which we shall never depart, and which has been uniformly and consistently adhered to through the entire period of our national life. Washington, in his first inaugural, said:

The duty and interest of the United States requires that they should with sincerity and good faith adopt and pursue a conduct friendly and impartial toward all belligerent powers.

Mr. Jefferson, following the example of Washington, said:

Honest friendship with all nations, entangling alliances with none, was the basis of our success * * *. Cultivate the friendship of belligerent nations by every act of justice and candor.

Mr. Madison, to quote from his message:

It is our policy to cherish peace and friendly intercourse with all nations having a corresponding disposition; to maintain a strict neutrality toward all belligerent nations; to prefer in all cases an amicable discussion and reasonable accommodation of differences to a decision of them by an appeal to arms.

President Monroe, with the strong force of his personality, touching this national characteristic, said:

A virtuous people may and will confine themselves within the limit of a strict neutrality; it is of the highest importance to our national character and indispensable to the morality of our citizens that all violations of our neutrality should be prevented.

Mr. Monroe further said on January 30, 1824:

If a system of universal and permanent peace could be established or if in war the belligerent parties would respect the rights of neutral powers, we would have no occasion for an army or a navy. The expense and danger of such establishments might be avoided. The whole movement of our Government from the establishment of our independence to this hour has been guided by sacred regard for peace.

Let me quote in substantiation of this policy from President Van Buren, who said:

We have faithfully sustained the foreign policy with which the United States, under the guidance of the first President, took their stand in the family of nations—that of regulating their intercourse with other powers by the approved principles of private life; asking and according equal rights and equal privileges, rendering and demanding justice in all cases; advocating their own and discussing the pretensions of others with candor, directness, and sincerity; appealing at all times to reason, but never yielding to force nor seeking to acquire anything for ourselves by force.

President Polk in his annual message said:

Our Government is a confederation of independent States whose policy is peace with each other and with all the world. The world has nothing to fear from military ambitions in our Government * * * and it can not be otherwise than pacific.

I quote a paragraph from President Tyler's message:

Peace with all the world is the true foundation of our policies, which can only be rendered permanent by the practice of equal and impartial justice to all.

President McKinley, as late as 1899, in affirmation of the policy so long maintained by the Government, said:

We want no wars of conquest; we must avoid the temptation of territorial aggression. War should never be entered upon until every agency of peace has failed. Peace is preferable to war in almost any contingency. Arbitration is the true method of settlement of international as well as local differences.

Along these stated intervals of our national life have the most profound statesmen spoken in approving terms of our fixed course toward the nations of the world. No party shall be permitted in the future to violate the pledge of our faith we have given to the races in the confidence we have in our policy that has given us our standing in national councils. Our peace policy, steadily adhered to for more than a century and a quarter, is as fixed and absolute as the predominant principle of our national life as any principle of the common law in English jurisprudence. Let us inquire into the legal status from an international standpoint, where we have placed ourselves with relation to the canal by treaty and convention, and ascertain whether there is authority of law for our proposed action of fortification. The President of the United States has vested in him the power to make treaties by the concurrence of the Senate; he is authorized—

by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present shall concur (Const. U. S., art 3, sec. 2).

And when they are made they have the binding force of law as other statutes have.

The Constitution and the laws of the United States and all treaties made or which shall be made shall be the supreme law of the land (Const. U. S., art. 6).

Pursuant to the powers fixed by the Constitution we began making treaties very early in our history with the several powers, both to regulate commerce and to fix our status on political questions, and have continued to do so to this day. Well-defined principles originally having their initiation in treaties and conventions, when long adhered to by the signatory powers, take to themselves the force and effect of international law and become binding after such acquiesence in them by neutral or nonsignatory powers, even though they may not directly subscribe to them by official recognition. More than 75 years ago, to be specific, March 3, 1835, the Senate of the United States passed the following resolution:

Resolved, That the President of the United States be respectfully requested to consider the expediency of opening negotiations with the governments of other nations, and particularly that of the Governments of South America and New Granada, for the purpose of protecting, by suitable treaty stipulations with them, such individuals and companies as may undertake to open a communication between the Atlantic and Pacific Oceans by the construction of a ship canal across the isthmus which connects North and South America, and of securing forever by such stipulation the free and equal rights of navigating said canal to all nations on the payment of such reasonable tolls as may be established to compensate the capitalist whom we engage in such undertaking and complete the work.

We put at the very foundation of the thought of this great international highway that other correlative thought that it was to be for the use of the world—a gift to the commerce of the future—but that it could not be kept open and enjoyed by the nations unless it was under strict neutrality by treaty. It is antagonistic to the very conception of its importance—that of unrestricted use to the commerce of the world without distinction of "country or flag"—that this use must be subject to the wars and revolutions of different powers. Our aim has always been to act as the trustee of this waterway, to stand in a fiduciary capacity for the tradesmen of all nations in keeping for them the unlimited and unrestricted use of the canal in times of war as well as in times of peace. We have, by treaty obligations, established a neutrality of the Canal Zone. As early as April 19, 1850, the United States and Great Britain concluded what is known as the Clayton-Bulwer treaty for facilitating the building and protecting the construction of the ship canal between the Atlantic and Pacific Oceans. I only refer to the Clayton-Bulwer treaty to show what we conceded to be our rights and duties then as one of the world powers in constructing this highway of commerce for the use of the world. And from the fact that I shall have occasion to discuss the provisions of this treaty somewhat in detail before I conclude I herewith incorporate articles 1, 2, 3, and 6:

ARTICLE 1. The Governments of the United States and Great Britain hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship canal, agreeing that neither will erect or maintain any fortifications commanding the same, or in the vicinity thereof, or occupy, or fortify, or colonize, or assume, or exercise any dominion over Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America; nor will either make use of any protection which either affords or may afford, or any alliance which either has or may have, to, or with any state or people for the purpose of erecting or maintaining any such fortifications, or colonizing Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America, or of assuming or exercising dominion over the same; nor will the United States or Great Britain take advantage of any intimacy or use any alliance, connection, or influence that either may possess with any State or Government through whose territory the said canal may pass for the purpose of acquiring or holding, directly or indirectly, for the citizens or subjects of the one any rights or advantages in regard to commerce or navigation through the said canal which shall not be offered on the same terms to the citizens or subjects of the other.

ART. 2. Vessels of the United States and of Great Britain traversing the said canal shall in case of war between the contracting parties be exempted from blockade, detention, or capture by either of the belligerents, and this provision shall extend to such a distance from the two ends of the canal as it may hereafter be found expedient to establish.

ART. 3. In order to secure the construction of the said canal the contracting parties engage that if any such canal shall be undertaken upon fair and equitable terms by any parties having the authority of the local government or governments through whose territory the same may pass, then the persons employed in making the said canal and their property used or to be used for that object shall be protected from the commencement of the canal to its completion by the Governments of the United States and Great Britain from unjust detention, confiscation, seizure, or any violence whatsoever.

ART. 6. The contracting parties in this convention engage to invite every State with which both or either have friendly intercourse to enter into stipulations with them similar to these which they have entered into with each other, to the end that all other States may share in the honor and advantage of having contributed to a work of such general interest and importance as the canal herein contemplated. And the contracting parties likewise agree that each shall enter into treaty stipulations with such of the Central American States as they deem advisable, for the purpose of more effectually carrying out the great design of this convention, namely, that of constructing and maintaining the said canal as a ship communication between the two oceans for the benefit of mankind, on equal terms to all, and of protecting the same; and they also agree that the good offices of either shall be employed, when requested by the other, in aiding and assisting the negotiation of such treaty stipulations; and should any difference arise as to right or property over the territory through which the said canal shall pass between the States or Governments of Central America, and such differences should in any way impede or obstruct the execution of the said canal, the Governments of the United States and Great Britain will use their good offices to settle such differences in the manner best suited to promote the interests of the said canal and to strengthen the bonds of friendship and alliance which exist between the contracting parties.

These three general principles are recognized in this treaty: First, that neither party would either erect or maintain any fortification commanding the canal or in the vicinity thereof; that no right or advantage in regard to commerce or navigation should accrue to one of the contracting parties that did not accrue to the other; second, the canal should never be subject to the exercise of the right of blockade, and should the contracting parties be at war with each other, the vessels of neither belligerent should be subject to capture or detention in said canal, and that this provision should extend to the maritime distance of 3 miles from each end of the canal; third, the general principle of complete neutralization is recognized and established as its chief feature.

This treaty was superseded by what is known as the Hay-Pauncefote treaty of November, 1901; superseded for the purpose of giving the United States the right to own the territory over which the canal was to be constructed, and to construct the canal and regulate its use, the right to police the canal, and the further right to protect it from lawlessness and disorder, and establish a system of tolls, but not to limit the neutrality established in the Clayton-Bulwer treaty or to abandon the right of nonblockade, or to confer upon the United States, as I think we shall see, the right of the United States to fortify the canal for strategic purposes. I quote from the Hay-Pauncefote treaty, now in force, relative to the three general principles established in the Clayton-Bulwer treaty, as follows (sec. 2, art. 3, Right of Blockade):

The canal shall never be blockaded nor shall any right of war be exercised or any act of hostility be committed within it.

I quote from the introduction of article 3, "General principle of neutralization:"

The United States adapts as the basis of neutralization of such ship canal the following rule substantially as embodied in the convention at Constantinople, signed October 28, 1888, for the free navigation of the Suez Canal.

Article 1 of the Suez maritime canal convention, to which reference is made in the Hay-Pauncefote treaty on the question of neutralization, is as follows:

The Suez Maritime Canal shall always be free and open in time of war as in time of peace to every vessel of commerce or war without distinction of flag.

Consequently the high contracting parties agree not in anyway to interfere with the free use of the canal in times of war as in times of peace. The canal shall never be subject to the exercise of the right of blockade. I quote now from section 2, article 3, of the Hay-Pauncefote treaty on the right to blockade:

The canal shall never be blockaded, nor shall any right of war be exercised, nor any act of hostility be committed within it. (The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.)

The language entered in parentheses is so included to put in direct contrast with the language used in the Clayton-Bulwer treaty of 1850, which is not incorporated in the Hay-Pauncefote treaty, namely:

The Government of the United States and Great Britain hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship canal, agreeing that neither will ever erect or maintain any fortifications commanding the same or in the vicinity thereof, etc.

Because this language is not included in the Hay-Pauncefote treaty in the face of the expressed provision for neutrality in time of war as in time of peace, and against the specific provision that there should never be a blockade, it is contended that the United States has power under the Hay-Pauncefote treaty to fortify. It may be fairly assumed that if there is any right for fortification whatever, the right is lodged in the modification of the Clayton-Bulwer treaty in the respect above set out, and nowhere else. To give us still more light upon the question of neutralization, I shall call your attention to sections 4 and 5 of article 3 of the Hay-Pauncefote treaty of 1901, and now in force, namely:

No belligerent shall embark or disembark troops, or munitions of warlike material, in the canal except in cases of accidental injury of transit, and in such cases the transit shall resume with all possible dispatch.

Section 5, article 3:

The provisions of this article shall apply to waters adjacent to the canal to within 3 miles of either end, etc.

The contention is that the right to fortify and maintain the canal as a strategic point of either defense or offense in times of war, if based upon the police reservation without restricting the use of the language to its original intent, is inconsistent

with the theory of neutralization; that both of the provisions can not be operative in the treaty, either correlatively or individually, and if it is assumed that they do both so exist in the Hay-Pauncefote treaty, one or the other of the provisions must fail. It can not be questioned but that it is the clearly expressed purpose of the United States, viewed not only from the instrument itself, but from the policy of the Government as expressed in its conduct and treaties for many years, to maintain complete neutralization. It is a canon of interpretation in determining the legal effect of the provision in an instrument, if any ambiguity exists, that the court will consider the intention of the parties in its execution, their purpose, as discovered by the fair intent of the language used in the instrument, and this intention may be aided by the circumstances under which the parties were acting in such execution. Where there is no ambiguity there is no necessity for construction. The right to fortify, so far as the treaty is concerned, rests in the construction to be given to the second section of article 3 of the treaty. It is also a rule of law that the meaning of words may be restricted or limited, to avoid any repugnancy. The meaning of the words used in the reservation of the United States, "maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder," need not be limited or restricted to harmonize all the provisions of the instrument. Violence is only done when the meaning of this phrase is enlarged and unlimited so as to predicate a right not otherwise provided, to thereby fortify. Enlarged so as to permit the Government to erect fortifications, maintain an immense navy, enlist a large standing army for what? To "police the canal and to prohibit lawlessness."

Let us look into the history of the ratification of the Hay-Pauncefote treaty of 1901. There was a prior Hay-Pauncefote treaty made February 5, 1900, which by clause 7 stipulated as follows:

No fortifications shall be erected commanding the canal or waters adjacent.

The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against "lawlessness and disorder." This treaty was not approved by Great Britain and I quote here the provisions to show that both powers clearly distinguished between the right to fortify and the right to police the canal. The theory of fortification was not confounded with the proposition to police it. The former was prohibited and the latter allowed in the treaty of December 16, 1901. Let it be definitely understood that if any right on the part of the United States to fortify the canal exists, it is a right growing out of the failure to incorporate it in the Hay-Pauncefote treaty of 1901, and a right not directly conferred. Are we to adopt a new "exegesis" of these extraordinary engagements and assert that they permit and authorize what they do not directly provide? How does this treaty of 1901 deal with the subject of fortifications? I quote in part from the opinion of a distinguished authority:

After the treaty of 1900 failed of confirmation, it must be assumed that the matter was carefully negotiated between the parties, with the result that on the one hand the United States made no assertion or claim of a right to fortify for strategic purposes, and that on the other hand Great Britain acknowledged a right "to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder." If in this regard there had been any intention on the part of either party to this engagement to go back on this principle and policy of previous treaties, of the treaty of 1850 and draft of February 5, 1900, can there be any question but the right to fortify the canal would have been conceded and expressed in direct terms, and that right not left to a negative interpretation of the instrument that contained no mention and no reference whatever to the subject of fortifications?

Nor can it be fairly argued that the United States has a right in its discretion to determine fortifications an element and part of the military policing of the canal and to fortify it under those assumptions accordingly.

Fortifications mean solid, permanent, and expensive structures manned with a suitable artillery and continuously garrisoned by considerable bodies of troops. Things that by no fair construction could be included in the military policing of the canal against lawlessness and disorder. There is no possible ground for fortifications contained in the treaty of 1850 and proposed treaty of February, 1900, that was omitted from the last Hay-Pauncefote treaty.

But that implication, if adopted, must be fair enough to evolve the conclusion that by failing or omitting to secure permission to fortify the canal the United States, in fact, procured both the right to fortify and the right to maintain military police on the canal, a conclusion, as before stated, so extraordinary as to be inadmissible. The just and fair construction of the treaty, as already intimated here, is that the parties dropped the subject of fortification altogether and substituted the liberty on the part of the United States—

to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

Nor is that view merely speculative. It is supported by all the surrounding circumstances. When this treaty was ratified parties had in mind the case of the Suez Canal as a precedent to be followed, and, indeed, expressly, as I have heretofore shown, adopted as a basis of neutralization of the Panama Canal the rules applicable to the Suez Canal under the Constantinople convention of 1888.

Mr. COX of Indiana. Will the gentleman yield at that point? Is the Suez Canal fortified?

Mr. CLINE. No; the Suez Canal is not fortified, and never was fortified. It has been under absolute neutrality since 1888.

Those rules do not reserve or give to the owner of the Suez Canal any right to fortify it, or any right to treat it as main line or coast line, as held in absolutely and unqualified sovereignty and to be defended, or otherwise dealt with accordingly. Such owner is, in effect, constituted a trustee of that international water highway for the use and benefit of all nations, and is thus left without any inducement and without any necessity to fortify the canal. It is not too much to contend and conclude, indeed it honors the United States, to assume the position it meant to assume, substantially the same fiduciary position with respect to the Panama Canal and by noninsistence upon anything more than the right to maintain military police upon the canal, to assure and satisfy the world that it meant to hold the control of the canal as a trustee in the interest and for the benefit of all nations. [Applause.]

To show that I am intrenched in the position I assume, namely, that it was not the purpose of the United States to fortify the canal, I shall quote from the record on the adoption of the first Hay-Pauncefote treaty. This treaty was sent to the Senate by President McKinley, and contained these definite propositions:

SECTION 1, ART. 2. The canal shall be free and open in times of war, as in times of peace, to the vessels of commerce and of war of all nations on terms of entire equality, so that there shall be no discrimination against any nation or its citizens or subjects in respect to the conditions or charges of traffic, or otherwise.

SEC. 2, ART. 3. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility committed within it.

SEC. 7, ART. 3. No fortifications shall be erected commanding the canal or the waters adjacent. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

First, absolute and unconditional neutralization; second, that the canal should not be subject to blockade, but open to all nations on exact equality in times of peace and in time of war; third, that no fortifications should be erected commanding the canal or the waters adjacent. What did the Senate of the United States do with President McKinley's treaty? It left in every one of these propositions. (See S. Doc. 85, 57th Cong., 1st sess.) When the treaty was before the Senate for consideration Mr. Butler offered an amendment proposing to strike out section 7, article 2. This section provided that no fortifications should be erected on the canal or on the waters adjacent, and Mr. Butler's amendment to strike out this section was defeated by a vote of 44 to 26. Mr. TILLMAN offered to amend the treaty and incorporate the following language at the end of article 2:

It is agreed, however, that none of the foregoing conditions and stipulations of this article shall apply to measures which the United States may find it necessary to take for securing by its own forces the defense of the United States and the maintenance of order.

This amendment was lost by a vote of 43 to 27, showing conclusively that the Senate of the United States was opposed to converting the canal into a stragetic point of defense in the time of war.

Mr. SHERLEY. Will the gentleman yield for a question?

Mr. CLINE. I will.

Mr. SHERLEY. May not an explanation of some of that vote be found in the fact that men believed that the terms of the treaty as then submitted gave power to the United States to fortify?

Mr. CLINE. Why, that was the very question raised by the Butler amendment directly and was decided by a vote of 44 to 26.

Mr. SHERLEY. But the point is this: If a man believed that the treaty did give the power an expression reiterating it might be opposed as unnecessary or as imperiling the treaty by changing it and opening up the whole matter again?

Mr. CLINE. But an affirmative vote upon the proposition squarely put would have removed all ambiguity.

It shows that the United States in the ratification of that treaty, which, however, failed of ratification by the English Government, was for neutralization, for the free and equal use of the canal to all nations, and opposed to creating war fortifications. I now desire to incorporate at this point articles 3 and 4 of the second Hay-Pauncefote treaty, sent to the Senate

for ratification by President Roosevelt on December 4, 1901, and ratified by the Senate December 16, 1901:

ART. 3. The United States adopts as the basis of the neutralization of such ship canal the following rules, substantially as embodied in the convention of Constantinople, signed the 29th day of October, 1888, for the free navigation of the Suez Canal, that is to say:

1. The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.

2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal, except so far as may be strictly necessary; and the transit of such vessels through the canal shall be effected with the least possible delay in accordance with the regulations in force and with only such intermission as may result from the necessities of the service. Prizes shall be in all respects subject to the same rules as vessels of war of the belligerent.

4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in the case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

5. The provision of this article shall apply to waters adjacent to the canal, within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time, except in cases of distress, and in such cases shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

6. The plant, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereon, for the purpose of this treaty, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents and from acts calculated to impair their usefulness as part of the canal.

ART. 4. 1. It is agreed that no change of territorial sovereignty or of international relations of the country or countries traversed by the before-mentioned canal shall affect the general principles of neutralization or the obligation of the high contracting parties under the present treaty.

When this treaty was being considered on the 16th day of December, 1901, Senator CULBERSON, of Texas, offered the following amendment:

It is agreed, however, that none of the immediately foregoing conditions and stipulations in sections 1, 2, 3, 4, and 5 of article 3 shall apply to measures which the United States may find it necessary to take for securing by its own forces the defense of the United States and the maintenance of public order.

This amendment was lost by a vote of 62 to 15—as complete and decisive a vote against constituting the canal a strategic point of defense as cou'd be well desired. This proceeding showed the controlling purpose of the Senate to be that it was to continue in line with our history—a complete neutrality in the Canal Zone. Is there any provisions by fair construction that will write into this treaty by any sort of implication, in the face of the overwhelming defeat of this amendment, the right to fortify? Why did not the United States Senate reserve the right by amendment at this very point in the discussion to fortify, and adopt Senator CULBERSON'S amendment, if that was the essential purpose of the Senate? We have a right to demand of the promoters of this scheme the unquestionable source of their authority to vote away an unlimited amount of money when they seek to do so without apparent authority of law.

It is easy enough to declare the old treaty abrogated and in lieu thereof that the present treaty confers authority, but it is more satisfactory to point out the particular section that authorizes it. On this same day Senator McLaurin, of Mississippi, proposed the following amendment, namely, to strike out of article 3 the following:

Substantially as embodied in the convention of Constantinople, signed the 28th day of October, 1888, for the free navigation of the Suez Canal.

Mr. McLaurin's amendment was determined in the negative, and the provisions for neutralization contained in the convention of 1888 were written by implication into the Hay-Pauncefote treaty of 1901. The Senate of the United States refused to recognize any abatement whatever of the complete neutralization of the canal as provided for in the Suez Canal treaty.

I call your attention to another fact standing in the forefront of this ratification by the Senate. The United States provided that—

The canal shall be free and open to the vessels of commerce and of war of all nations.

It shall never be blockaded.

No right of war shall be exercised.

No act of hostility shall be committed within it.

That vessels of war shall not revictual nor take any stores into the canal, except so far as may be strictly necessary.

No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance.

Neutralization shall apply to the waters adjacent to the canal within 3 marine miles of either end.

Vessels of war of a belligerent shall not remain in such water more than 24 hours at any one time.

A vessel of war of a belligerent shall not depart within 24 hours of the departure of a vessel of war of the other belligerent.

The plants, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed a part thereof for the purpose of this treaty, and in times of war, as in times of peace, shall enjoy complete immunity from all attacks or injury by belligerents.

No change of sovereignty shall affect the general principles of neutralization.

These are the salient features of the treaty, and, taken as a whole, are absolutely at fatal variance with the theory of a right to fortify.

The power to make a treaty is classified in the Constitution as the very highest function of government. Ratification of a treaty constitutes the most solemn and binding obligation the Government can assume. That the right guaranteed to the world in this compact with Great Britain, the privileges accorded to all nations, are incompatible with a right to fortify, embarrass, menace, and seriously affect the accrued rights of those who may turn their ships of trade this way, at the mere caprice of the Government, is too patent to discuss. If the nations of the world are not to be protected in the enjoyment, uninterrupted, of the conditions above set out, why enter into a sacred compact to observe them? Why provide for complete neutralization if it is a mere profession, a mere declaration, to be violated with immunity? Why declare against a blockade if we are to emplant fortifications and invite belligerency, and thus paralyze the commerce that we hope to see passing through the canal? Why profess to the world that not even a change of sovereignty shall change the provisions of the treaty as to complete neutralization if we are to willfully disregard the compact ourselves?

I have heretofore stated that this hysteria for fortification is a new malady in the history of the construction of the canal. From the very earliest inception of the idea of building a waterway across the Isthmus to this time no thought of fortifications was ever indulged in or connected with the construction of the canal. I could call no stronger witness to make that statement secure than President McKinley, who, following along the line of his illustrious predecessors in the uniform enforcement of a national policy, and who from his very nature was opposed to war, himself the apostle of The Hague conference, seeking universal peace, sent to the United States Senate the first Hay-Pauncefote treaty.

That, as you will remember, contained the provisions of absolute neutrality, nonfortification, that the canal should never be blockaded, and should be open to vessels of all nations, without regard to "country or flag," in time of war as in time of peace. He not only had confidence in men and nations, but the deepest faith in his country's policy and in the sacredness of its pledges. Volumes might be quoted to show the uniform consistent attitude of the whole people of the Republic. I content myself with the strong words of President Cleveland:

Whatever highway may be constructed across the barrier, dividing the two greatest maritime seas of the world, must be for the world's benefit—a trust for mankind to be removed from the chance of domination by any single power, nor become a point of invitation for hostilities or a prize of warlike ambitions. * * * What the United States wants in Central America, next to the happiness of its people, is the security and neutrality of the interoceanic route that leads through it.

In this connection I will call attention to the basis of the claim made by those who assert a right to fortify. The President of the United States, for whom I have the very highest respect, and to whose aid I would willingly come with my vote to defend the integrity and the rights of the United States, under any and all lawful and proper circumstances, discussed the subject of fortification of the canal in New York on the evening of the 21st of January. If he is correctly reported in the public press, he bases the right to fortify upon two conclusively legal grounds and upon two grounds of public polity. The legal propositions are:

First. The right to fortify is secured to us under the Hay-Pauncefote treaty of 1901.

Second. The right to fortify is also conferred in the Spooner Act of 1902, giving us authority of law to construct the canal.

The public policy propositions are:

First. The canal could be defended by fortifying it without an increased Navy; therefore it ought to be done.

Second. The expense would be trifling compared with the amount we have invested in the canal and the security it would afford.

We are told by the President that there is no comparison to be made between the Suez and the Panama Canals. The Suez Canal being under complete neutralization, an admission of grounds of comparison would be fatal to the theory of fortifica-

tion. The statement that no comparison can be made is based upon the fact that the character of the soil through which they are constructed differs; the topography of the country is not the same; the sovereignty over these twin intercontinental waterways not the same. How could these facts in any manner affect the question of practical neutrality? No person opposed to fortification ever laid a comparison on these grounds or either of them, but upon the grounds that the Suez Canal and the Panama Canal show the original design and purpose of each to be the same, their uses identical as great international projects; and hence, not only capable, but of necessity ought to be operated by the nations of the world under similar agreements. Indeed, we have so recognized their similarity of purpose and identity of use that we have never made a treaty respecting a waterway across the Isthmus, either with Panama, Nicaragua, or any other government but what we made the basis of the neutralization of the Suez Canal, either directly or indirectly, the basis of the neutralization of the canal across the Isthmus.

We are to understand that the right to fortify from a legal standpoint is not claimed as an inherent right of sovereignty, but because of the terms of the treaty of 1901 and the Spooner Act of Congress. We are informed that the Clayton-Bulwer treaty was modified for the very purpose of securing the right on the part of the United States to own the land through which the canal was to be constructed, "to construct the canal itself," and, to use the President's language, "to regain the power to fortify the canal which we had parted with in the treaty of 1850." It is sufficient to say that the United States never had a right to fortify a canal across the Isthmus prior to 1850, when the Clayton-Bulwer treaty was made; it could not therefore have parted with such right nor have regained such right by its abrogation. We did not own a foot of territory in all Central America and there was never conferred upon the United States by any Government of Central America the right to either establish a blockade in the construction of the canal or to fortify it, so that we received no additional grant under the new treaty that abrogated the Clayton-Bulwer treaty. No power ever existed in the United States to fortify a way across the Isthmus.

The thirty-fifth article of the treaty of 1846 compelled the United States—

to guarantee positively and efficaciously to New Granada by the present stipulation the perfect neutrality of the before-mentioned Isthmus, with the view that the free transit from the one to the other sea may not be interrupted or embarrassed in future time while this treaty exists.

As late as February 26, 1903, in the treaty with Panama, and a year after the Spooner Act was passed, that treaty provided that—

the canal when constructed and the entrances thereto shall be neutral in perpetuity.

And written into this treaty, section 1 of article 3 of the Hay-Pauncefote treaty, declaring that—

the canal shall be free and open to the vessels of commerce and of war of all nations, observing these rules on terms of equality so that there shall be no discrimination against any nation—and the canal shall not be blockaded, nor any right of war be exercised, or any act of hostility be committed within it.

The protocol with Nicaragua for the construction of an interoceanic canal, concluded December 1, 1900, by President McKinley, recited this condition, viz, That the provisions of the treaty pending in the Senate December 1, 1900—the first Hay-Pauncefote treaty—should be incorporated into the new treaty with Nicaragua when the course of the canal should be determined. That treaty contained every necessary element of complete neutralization.

The Spooner Act of 1902, giving authority to the President to build the canal, limited the powers of the President as follows:

And he shall also cause to be constructed such safe and commodious harbors at the termini and make such provisions as may be necessary for the safety and protection of the canal and harbor.

This limitation was in the act authorizing the construction of the canal and in the very nature of the surrounding circumstances could not have been intended as creating a strategic point of defense in a national contest. (57th Cong., 1st sess., sec. 3, chap. 1302, 32 Stat. L., p. 482, June 28, 1902.) How can it be assumed by any implication that the Senate of the United States, within six months after it had refused to authorize the fortification of the canal by defeating the McLauren and Culberson amendments by an overwhelming majority in ratifying the second Hay-Pauncefote treaty, now confer that authority in the Spooner Act that provided only for the construction of the canal?

Why should the subject of fortification engage the Senate when a very reasonable doubt existed whether the canal would ever be constructed; the feasibility of the routes was yet undetermined; the plan of construction not fixed? The authority conferred in the Spooner Act was merely to safeguard the approaches and the body of the canal during the construction, and not at that time to erect a national strategic defense against a foreign foe. I come to the discussion of the two grounds arising out of wise public policy. The defense of the canal with simply fortifications at the entrance of it and without the aid of a navy to anticipate the attack is at variance with the history of the defense of fortifications. This theory is also not in harmony with prominent officers of our own Navy, who, speaking through the Navy in its last issue, indorsed the proposition of very vastly increasing the Navy for the purpose of defending the canal. Nor does this theory coincide with the views of former President Roosevelt, who demanded a greatly increased Navy because we were constructing the canal Are we to leave the canal to the mercy of a belligerent foe, without naval protection if me must fortify? Fortification is an invitation to hostilities. What chance would we have for its preservation if it was confronted with a powerful fleet of Dreadnoughts, any one of which would have as great and effective firing capacity as the fort? If the canal is fortified, it must at all times be protected by a fleet of battleships that would meet the enemy in the open sea and repel the attack. It is also said that the cost of fortifications would only be $12,000,000, a trifle more than 2 per cent on the amount invested. This does not take into consideration the vast increase in naval armament, supplies, increased enlistment and equipment of men both in the Army and Navy, and the constant necessary expenditure along the entire length of the canal. This twelve millions accounts simply for the emplacement of the fortification defenses. Let us make a comparison more easily understood. We spend more than 10.3 per cent of our appropriations for the Navy. The fortifications, with the increased Navy—for I shall show before I conclude that this fortification means a two-ocean Navy, with all the collateral expense—on the best of authority, means another one hundred millions. This would increase the percentage of the appropriations for the Navy to almost 20.2 per cent of the appropriations.

The chairman of the Committee on Appropriations estimates that we spend 72 per cent of our appropriations in "preparing for war and on account of past wars." It is now proposed to increase this amount, so that 80 per cent of our vast volume of expenditures shall go to this one source, leaving less than 20 per cent to administer the Government in all its branches and develop our internal resources.

I come to the question of our right to fortify from another standpoint. The Panama Canal is an object of concern to the diplomacy of all maritime powers. Its legal position, together with that of the Suez Canal, could not well have been defined prior to the conference of all the great powers except those of the United States and Japan in 1888 at Constantinople. This convention developed the principle that will hereafter govern both of these ways from one hemisphere to the other. In fixing these principles the powers did not wholly evolve them out of the new conditions. They applied analogous established principles governing natural narrow waterways between open seas. As a general principle of law, straits connecting free seas are open to the navigation of all States subject to the reasonable jurisdiction of a territorial power. The claim to exclusive jurisdiction of narrow straits because of territorial sovereignty has long since been abandoned. Why? Because of the supreme right of every state to travel the open seas, and that right carries with it that concomitant right of egress and ingress through the narrow channels connecting straits that no individual power of right shall deny. Does that apply to artificial straits? Not to the same extent, because of the right of the territorial power through which it runs to reimburse itself or take tolls, for the purpose of creating a dividend upon its capital investel, and a further right to protect it in its entirety as in investment. But even before the neutralization of the Suez Canal, and while it was used by the nations of Europe indiscriminately, while De Lesseps had the contract right to take its tolls to reimburse himself, and before there was any neutrality sanctioned by the signatory powers, in 1888 Great Britain intimated to the Russian ambassador that any attempt to blockade the canal would be considered by the English Government as a menace to India and an injury to her commerce.

The Russian Government disavowed any purpose to blockade the canal, declaring that it was an international enterprise in which the commerce of the whole world was interested and no belligerent attack should interfere with it. That correspondence established the principle that a work which the "constructive genius of man after many vain efforts at last accomplished in the interest of both hemispheres should not be at the mercy of the destructive genius of any belligerent power" under

the pretext of belligerency, even though that power may own it. We have invoked this very principle for our own protection. In 1858, before the marked development of international law along these lines and now generally accepted, President Buchanan in a message to Congress referring to difficulties with certain Nicaragua transportation companies who were interfering with the free use of transporting men and merchandise, said:

It is over these transits that a large proportion of the trade and travel between European and Asiatic continents is destined to pass—all commercial nations have a deep and direct interest that these communications should be made secure from interruption. While the rights of sovereignty ought to be respected, it is the right of other nations to require that this important passage shall not be interrupted by civil war and revolution. Its neutrality and protection for the common use of all nations is their only project—they insist that it must never hereafter be closed by any arbitrary desire of that Government. This is our whole policy, and it can not fail to be acceptable to other nations.

Suppose a natural arm of the sea penetrated through the Isthmus of Panama, that our sovereignty inclosed the territory on both sides, would it be seriously contended that by virtue of that sovereignty alone we could halt the commercial nations of the world in their passage through on their way to the Orient? Or, suppose we should conclude by virtue of our present sovereignty, to close the canal against all commercial competition and force our rivals in trade to detour around the continent of South America, a distance of 12,000 miles, before they could enter the markets of the Far East with us, is there authority for such an arbitrary act in our sovereignty?

If we may fortify we may blockade the canal, for the lesser right is always comprehended in the greater. It is now held by respectable authorities that canals connecting large open seas have been regarded in most respects subject to jurisdiction similar to that of straits. Can it be doubted that if the maritime powers under the treaty providing for neutrality and declaring against a blockade that if they accept the dedication of the canal by use of the same that it is not within the power of this Government to interfere with the peaceful uninterrupted use of the canal?

Passing the question from a legal standpoint, assume that we have the right to fortify—which is not granted, however—is it a wise policy to exercise this right? We have invested in the Canal Zone one-half billion of dollars, confined this immense sum in the smallest possible scope, congested it into a strip of land 10 miles wide and 40 miles long, constructed canal termini, projecting into the two great oceans of the globe the open, free, unrestricted highway of all nations of the world. Flanked on each side of the canal by a feeble State, over whose territory a belligerent nation could march thousands of men without resistance to attack and destroy it, our property in the canal is of a delicate nature. Its use and value could be destroyed by a hundred men in an hour, its locks and dams, into which we have put scores of millions, wrecked, and our route of travel from our eastern to our western coast line destroyed. It will be, when finished, the most strategic war point on either continent and the property invested subject to a greater hazard of complete destruction than it could have been at any other point on the American shores. It is the one vulnerable point that an enemy has more opportunity to reach than the most strategic point that any other Government possesses. It is the one against which the combined and allied forces would immediately pit, because its destruction, its annihilation, would be the severest blow that could be rendered. Its defense would require the immediate investment of every Dreadnought, every battleship, every armored cruiser, every destroyer deployed at each end of the canal to protect it, while the enemy could mass its naval strength at one end or the other for our destruction.

This would effectually strip our coast cities of protection and leave more than 3,000 miles of actual inhabited coast line absolutely without defense, without a navy, and our forces more than 2,000 miles from the seat of government—as far from our home as our possession of Hawaii—the entire transport service engaged in bringing troops to a distant land to defend a property that could be protected by an international treaty of absolute neutrality without the price of a dollar or the loss of a single life. Not only that, our Navy, heretofore consisting of a single fleet, must now be a two-ocean navy, each more complete and better equipped than the one we now have, for fortifications without an advance line of battleships to repel the advancing foe, to contest in the open sea the right of the enemy to advance upon our fortifications without resistance would be an unheard-of folly in national warfare and unwarranted by the experience of nations. Does the alarmist count the cost? The recent publication, The Navy, in a lengthy editorial on the fortification of the canal, commits itself to the proposition of a two-ocean navy and declares that to be the universally "accepted dictum." Speaking, as it assumes, for this department of the Government, it may be interesting to note that it says there are many reasons that make it desirable and expedient to vest the entire direction of the canal and its defense in the Navy alone. This same publication approvingly says, editorially:

The Admiral of the Navy personally is credited with having suggested that the minimum strength of our battle fleet should be 50 capital ships, and it is assumed that he means battleships and battle cruisers, if we are going to the latter type to replace our present armored cruisers. This vital suggestion from a high authority and informed source is warmly applauded and thoroughly indorsed as being a reasonable expression of the naval energy we shall have to call into being or quit the game of playing at being a world power; besides, we must have flotillas of destroyers and submarines, with necessary parent ships, scouts—if that particular type justifies the perpetuation—a proper quota of colliers, ammunition-supply, repair, and hospital ships, tank oilers, which, together with the necessary mine vessels, fleet tenders, and a number of navy yard tugs, will furnish the requisites and imperatively demanded auxiliaries of an efficient and up-to-date force afloat.

To this increased material for the defense of our fortifications we must add an additional enlisted force of men to raise the strength to at least 75,000 on a peace basis, which, if hostilities were actually commenced, would of necessity be very largely augmented. This is the prospect simply as to the initial cost of fortifying the canal. This expense necessary for the increased naval armament and its upkeep, estimated by competent authority to be one hundred millions, is astounding. Must this vast amount and the necessary contingent expenses to follow be taken from the pockets of the people on the mere possibility—not the probability—of a contingent event? I am far within the lines of rational statements when I say that the complete protection of the canal, except by international treaty of neutrality, is impossible by a two-ocean naval force unless it shall have greater strength than the British Navy. This naval power must be reenforced by manned forces and kept constantly in command, for if the theory of fortificationists is correct this war may come "as a thief in the night," without warning; and if it comes we are too far away to reach the scene of action to protect effectually our rights after hostilities begin. If this canal shall be attacked, it will be destroyed, not held as a prize of warlike ambitions, because it would be the most fatal blow that could be struck by an enemy. We are more interested in its preservation than any other power could be, not because we built it and own it, but because it is the gateway of our trade, the pathway of our future commercial greatness, the route that gives us vantage ground over other powers in reaching a market to South America and the Far East. Why imperil it with the destruction of war when our commanding place in the association of sovereign nations could negotiate terms of absolute and perpetual safety?

The American people believe in the eventuality of peace, not in the eventuality of war. From the very earliest conception of the canal it has been a commercial problem and not a problem of constructing a strategic point of defense. The trend of this whole civilization of ours, wrought by a complex case of races, is not to destroy, but to build; to rival in trade all our predecessors in exchange of the productions of our soil and the genius of our mechanism.

The alarmist pushing this propaganda for fortification, that if successful will lead to entangling alliances, seeks to influence the public mind to the conclusion that the purpose has always been to fortify. The idea of fortification is a very new feature in connection with the canal work. The controlling, predominating thought has been to constitute it a highway for trade, without distinction of "flag or country;" to sustain this proposition I call two witnesses to testify:

We want no wars of conquest; we must avoid the temptation of territorial aggression. War should never be entered upon until every agency of peace has failed. Peace is preferable to war in almost every contingency. Arbitration is the true method of settling international or local affairs. (William McKinley.)

So believing, he sent the first Hay-Pauncefote treaty to the Senate in 1900 containing provisions for absolute neutralization in this:

1. The canal should be free and open in times of war as in times of peace, and to vessels of commerce and war of all nations on terms of equality.
2. The canal shall never be blockaded.
3. No fortifications to be erected commanding the canal or the waters adjacent.

This is the expression of the attitude of this modern apostle of peace on the question of fortification. Does any man assume that President McKinley would have advocated the investment of five hundred millions in the construction of the Panama Canal, with the chief and ultimate purpose of making it a strategic point of defense in the time of war when he could have forever sealed its safety and protection by an international treaty?

I quote from the annual message of President Fillmore, December 2, 1851, referring to the transit across the Isthmus, he said:

In negotiations upon this important subject this Government has had in view one object, and only one; that object has been and is the construction or attainment of a passage from ocean to ocean, the shortest and best for travelers and merchandise and open equally to all the world. It has sought to obtain no territorial acquisition nor any advantage peculiar to itself.

In the very earliest consideration of this question, the Secretary of State to President Adams, in 1826, in arranging for representatives to a Panama congress, said:

That vast project, if it shall ever be accomplished, will be interesting, in greater or less degree, to all parts of the world; if the work should ever be executed so as to admit of the passage of vessels from ocean to ocean, the benefits of it ought not to be exclusively appropriated to any one nation, but should be extended to all parts of the globe upon the payment of reasonable and just tolls.

This House, in 1839, passed a resolution expressive of the uniform purpose of constructing the canal, saying:

For the purpose of ascertaining the practicability of effecting a communication between the Atlantic and Pacific Oceans by the construction of a canal across the Isthmus and of securing forever, by suitable treaty regulations and stipulations, the free and equal rights of navigating such canal to all nations.

The treaty of 1846 between the United States and New Granada contained this important stipulation:

In order to secure to themselves the tranquil and constant enjoyment of these advantages and for the favors they have accrued, do guarantee, positively and efficaciously, to New Granada, by the present stipulation, the perfect neutrality of the before-mentioned Isthmus, with a view that the free transit from the one to the other sea may not be interrupted or embarrassed at any future time.

Quoting again from Mr. Cass, Secretary of State, in correspondence, representing this Government with Lord Napier, minister of Great Britain, on this important subject used the following language:

While the rights of sovereignty of the local governments must always be respected, other rights have arisen involving interest of great magnitude to the commercial world and demanding its careful attention, and, if need be, its efficient protection. In view of these interests, after having invited capital and enterprise from other countries to aid in the opening of these great highways of nations, under pledges of free transit to all desiring it, it can not be permitted that these governments should exercise over them an arbitrary and unlimited control, and close them or embarrass them without reference to a loss of commerce or to the intercourse of the world. Equally disastrous would it be to leave them at the mercy of every nation which in the time of war might find it advantageous for hostile purposes to take possession of them and either restrain their use or suspend it altogether.

Secretary Blaine, in 1881, calling attention to the treaty of 1846, undoubtedly expressed the opinion of President Garfield when he said:

By the thirty-fifth article of that treaty, in exchange for certain concession made to the United States, we guaranteed positively and efficaciously the perfect neutrality of the Isthmus and of any interoceanic communication that might be constructed upon or over it for the maintenance of free transit from sea to sea.

President Hayes, in 1880, discussing the beneficial effects arising from the construction of the canal, said:

That it would be transforming the Isthmus from a barrier between the Atlantic and Pacific Oceans into a gateway and thoroughfare between them for the navies and merchant ships of the world, and should receive the approval of this Government as being compatible with the discharge of these obligations on our part and consistent with our interests as the principal commercial power of the Western Hemisphere.

What, then, do they mean by neutrality, so guaranteed by the United States? I quote the concise statement made by President Roosevelt in his messsage of January 4, 1904:

Under the Hay-Pauncefote treaty it was explicitly provided that the United States should control, police, and protect the canal which was to be built, keeping it open for the transit of all nations on equal terms. The United States thus assumed the position of the guarantor of the canal and of its peaceful use by all the world. The guaranty included, as a matter of course, the building of the canal.

The enterprise was recognized as responding to an international need, and it would be the veriest travesty on right and position to treat the government in possession of the Isthmus as having the right, in the language of Mr. Cass, to close the gates of intercourse on this great highway of the world and justify the act by the pretension that these avenues of trade and travel belong to them, and that they choose to shut them.

I make these references, and they could be greatly multiplied, for the purpose of showing that the course of the present régime to fortify is an absolute departure from the unselfish and patriotic purposes of the promoters of the canal from its very earliest inception. It has been the ambition of the people of this continent to make it the greatest highway of trade on the globe and not a prize of war—to dedicate it to American civilization when constructed, the greatest adjunct for its perpetuity and its all-embracing purpose. Not a single treaty negotiated by this Government with any other, not a protocol concluded with reference to the canal, was ever made that did not provide for unconditional neutrality.

It has been openly stated by proponents of fortifications that we can not rely upon treaty stipulations of neutrality; that a strong temptation even by a signatory power to possess strategic and important points in times of hostilities in derogation of their high contracts would not be resisted. This declaration is not in accord with either the law or history. Treaties entered into in conformity with vested authority are binding upon all the signatory powers and continue in force, even though there is a change of sovereignty, as was illustrated in the treaty with New Granada. The inviolability of these treaties, even when not especially guaranteed, is the first law of nations. They are always regarded as the most solemn obligations of a civil State.

I quote Vattel, volume 2, chapter 20:

The faith of treaties, that firm and sincere resolution, that invariable constancy in fulfilling our engagements of which we make profession in a treaty, is therefore to be held sacred and inviolate between all nations of the earth whose safety and repose it secures, and if mankind be not willfully deficient in their duty to themselves infamy must ever be the portion of him who violates his faith.

In 1817 we entered into a treaty with Great Britain to neutralize the Great Northern Lakes, so that not only warships would be unnecessary, but that fortifications on their shores would be unnecessary. Not for a single moment in nearly a century has either the spirit or the letter of that compact been violated—a most splendid monument to the integrity of the greatest maritime and commercial power of the world. Great cities upon the banks of those inland seas are resting securely in the faith pledged in that contract between the now two great nations of the world. That treaty of neutrality includes more than 2,000 miles of coast line between Canada and the United States. This uninterrupted peace has bred a warm mutual friendship, kindly cooperation, destroyed racial prejudice, and started us upon a course that will eventually take down the commercial wall between us, and for the purpose of our mutual advancement and prosperity make of us one people. [Applause.]

The Suez Canal, neutralized in 1888 by the six great powers of Europe, in which, however, we did not participate, but whose binding force we now acknowledge, has remained the open door of eastern Europe to the Orient and has never been closed for an hour. Not a man or a vessel in a quarter of a century has been necessary to preserve absolute neutrality and the complete observance of all the provisions of the treaty. We meet the charge that these great nations can not be trusted to respect their solemn compacts with all the force of history and unimpeached integrity of the high contracting powers. The concert of Europe, involving the six great nations, that act in unison on all questions touching their continental interest, have never violated a conventional agreement.

The opening of the canal will induct into that compact not alone this Republic, but likewise the Government of Japan, constituting a concert of world powers. Swept into the arena of commercial and humanitarian affairs of international importance in the solution of whose complex questions our voice will be heard and heeded, the canal will bring the commercial world face to face with new international conditions, and with the same policy she has marked her imperishable history—a policy of peace—she will solve the problems that confront us.

There are but two great powers with whom there is even the possibility of war—Japan and England—and both are friendly. The Japan war cry is due again. Let the alarmist who wants to fortify the canal against the Japanese contain himself. Give the Japanese credit for having some political and business sense. Is there insanity enough in any Member of this House to assert that Japan would ever pass through the canal to engage us in battle on our eastern seaboard; that she would even attempt to bombard the canal from our western coast, knowing, as she must, that her complete destruction was imminent in that event? As well suppose that she would have abandoned Port Arthur and Manchuria at her very door and crossed the Indian Ocean and Red Sea, threaded her way through the Isthmus of Suez into the Mediterranean, through the Bosphorus into the Black Sea, and engaged Russia at Odessa or Sebastopol, as to expect that power to cross 10,000 miles of open sea to contest her rights or to redress a fancied wrong with one of the strongest nations. [Applause.] Japan has eight coaling and supply stations, but not one on this hemisphere. Standing fifth in sea strength, she will continue to remain in that position even when all the war vessels are completed that are now ordered. The tonnage of our warships is 824,000 tons; that of Japan 493,000 tons. She will have two Dreadnoughts to our 10 when builded and one battleship to our 25. When her present authorized armament shall have been completed she will have made a smaller per-

centage of tonnage gain than any one of the six great powers of Europe except Austria. When Japan attacks the United States she will invest a new Manchuria, a new Port Arthur, and compel us to maintain the honor, dignity, and rights of this Government 10,000 miles from home. She will not do so, because she would not strike a fatal blow at her commerce, so closely allied with our trade in preference to that of any European power, and because politically she can claim the friendship of the Republic that she has always courted.

Mr. COX of Indiana. Will my colleague yield again——

Mr. CLINE. I have only a few minutes.

Mr. COX of Indiana. The gentleman does not take kindly to the doctrine or the argument which has been advanced here that we will have a war with Japan within the next 10 months?

Mr. CLINE. No; I do not. I have passed over a complete solution of that question, I think.

Why should the British Empire involve herself in war with us when war and its preparedness has crushed her to the earth with debt? Why fortify the canal to escape an attack by England, that Government which, through the victory of Nelson, became the maritime mistress of the seas in trade; that by her commerce has colonized the globe; that by her two and a half billions of export trade outstripped her two greatest rivals, whose future supremacy lies in the Eastern Hemisphere through our new gateway between the oceans. The markets of South America, English India, South Africa, and Australia wait for American and European merchantmen to cast an anchor in their friendly harbor. We are England's only dangerous rival for the trade of the world. Her great possessions in every zone, in every sea, on every shore demand the perfection of diplomacy to keep her two and one-half billions of foreign trade.

I invite your attention to another world-wide movement for peace—The Hague International Conference. This body, now recognized as an international parliament by the consent of nearly all the powers to establish such rules of conduct in war and such courts and tribunals to settle differences between nations, has received the official sanction of well-nigh every state, and in a very large majority of instances the acts of this body are ratified and given the force of international law by the powers that were represented in the conference. In all history no more efficient organization has ever been formed. At the last conference, held in 1907, the United States was well represented, our delegation being headed by Ambassador Choate. I quote from the proceedings. Appendix. International declaration concerning the laws and customs of war:

ART. 15. Fortified places alone are liable to be seized. Towns, agglomerations of houses or villages, which are not open, or undefended, can not be attacked or bombarded.

On April 17, 1908, the Senate of the United States, acting under the constitutional authority before quoted, in executive session advised and consented to the ratification of this section, giving it the same binding force as the ratification of a treaty would have. As the canal now exists there can be no bombardment, no attack. What we are asked to do is to take away from the people the pledge of the 44 powers represented in that conference, that the canal in its unfortified condition is absolutely safe from bombardment and attack. If we fortify the canal, we relieve these nations from this engagement and from the protection they offer. To expose the canal to invited hazards by fortification is a most extraordinary request. If such wise and timely international compact or declarations are not to be kept in good faith, why indulge ourselves in the farce of making them? Why do the meaningless act?

With the evolution of trade comes the evolution of peace. This is the condition toward which the whole world tends. Every act of intelligent manhood speaks for peace and all those blessings that peace possesses. Let the concert of nations wipe out national jealousies and military suspicions by an international agreement of complete neutrality and the end is reached. I have faith in the ultimate triumph of our increasing purpose to solve all difficulties by such mutuality. The Republic whose policy, inaugurated by its first President and consistently and faithfully followed by all of his illustrious successors, will not fail. A Republic that never shed a drop of blood in territorial conquest nor drew its sword in alliance with one that did, will ultimately become so powerful in its own personality that wars will cease. Wanton waste, repression of individual pursuits, destruction of national unity and power are the results of war. Peace begets industry, conserves wealth, and makes for national happiness. The potentiality of our national life and the self-reliant spirit of our citizenship urges us to peace. Because we are courageous and heroic, with a lofty patriotism, we have resisted territorial aggression for more than a century, when it would have been so easy to have swept under our flag two-thirds of this hemisphere. We made the States of this continent our friends and allies, not with the sword but by that equity and justice with which we encircled and protected them. We are not for war. Our great cities, dotting 3,000 miles of coast line and on Lake and Gulf, shall not become smoldering heaps from the bombardment of a foreign or domestic foe. Our great States, springing into existence by the enchantment of soil and stream, shall not again be blackened and scourged by war. May the flag we revere and love never lead a conquering host to a field of carnage, but turn it to the haunts of the Prince of Peace. [Loud applause.]

Mr. FOSTER of Vermont. Mr. Chairman, the diplomatic and consular appropriation bill this year carries a total of $4,056,372.41. This is a decrease of $59,709 from the amount carried last year. It should be stated, however, that this decrease is apparent rather than real. For the last year the bill carried an appropriation of $250,000, which is the annual amount we are bound to pay to the order of the Republic of Panama for our concessions in connection with the Canal Zone. It seems wise that all appropriations in connection with the construction of the canal should emanate from one committee, and for this reason the bill this year does not include that item. The bill shows a slight increase over the amount carried last year for the support of our foreign service. There is only one large item, and that is for $50,000 for additional clerk hire in our consulates. The purpose of this increase is to enable the Department of State to carry out the policy which is approved by Congress and by the American people of Americanizing these consulates. In the days gone by a very large number of our consular clerks were foreigners, and to-day quite a proportion of the clerks in our consulates where the salary is $800 or less are foreigners.

In this connection I want to call the attention of the committee to an interesting fact indicating the care and wisdom with which this service is being administered by the State Department.

The total gross cost of our Consular Service for 1910 was $1,928,561.77, but the total amount of consular fees covered into the Treasury during the same time was $1,762,132.72. So the net expense of the Consular Service for the fiscal year 1910 was $166,428.05. The net expense of the service for the fiscal year 1909, the preceding year, was $249,030.92, and for the fiscal year 1908, $296,356.61.

From these figures it appears that the net expense of the service for the year 1910 was $129,228.56 less than it was in 1908, and $82,612.87 less than it was in 1909. This is due to the new system which has been inaugurated by which the fee system in connection with the compensation of our consuls has been entirely abolished. Our consuls are required to keep a very careful and accurate statement of all fees received, and these fees are paid over into the Treasury of the United States, with the result, as I said before, that for the fiscal year ending the 30th of last June our Consular Service cost us less than $167,000, and more than $80,000 less than the year before, and nearly $130,000 less than two years ago. If this method keeps on, although we are adding each year a reasonable sum to this necessary fund for Americanizing the clerks of the consulates, the time is near at hand when this very important branch of the public service will cost less than $100,000.

Mr. MARTIN of South Dakota. Will the gentleman yield for a question?

Mr. FOSTER of Vermont. Certainly.

Mr. MARTIN of South Dakota. When did this new system begin in its operation?

Mr. FOSTER of Vermont. It started about five years ago, I think, when we passed the bill reorganizing the Consular Service. To be exact, that law was enacted in the second session of the Fifty-ninth Congress.

Mr. MARTIN of South Dakota. Approximately, what was the net cost of the Consular Service at that time, just before the new system went into effect?

Mr. FOSTER of Vermont. I have not the figures here, but it was very nearly the amount of the gross cost to-day.

Mr. MARTIN of South Dakota. I see.

Mr. FOSTER of Vermont. We have increased the salaries of some of the consuls and we have increased the salaries of some of the clerks, but there is no very great difference between the gross cost of the service to-day and the gross cost of the service before this change went into effect.

Mr. MARTIN of South Dakota. The gentleman would consider, then, that probably as a result of the new system a saving of at least a million dollars a year has been thus far effected?

Mr. FOSTER of Vermont. Undoubtedly so. You can understand how that was. Our consul in London was given a fair salary and all the fees he could collect, and it was generally

understood the annual income from those fees amounted to $40,000, at least.

Mr. MARTIN of South Dakota. In the personnel of the service, and in the satisfaction with the men engaged in the service, has there been any loss to the Government under the new system?

Mr. FOSTER of Vermont. I think, on the contrary, that there has been a steady improvement in the personnel of the service. You can see how reasonable this statement is. We now have these different classes of consular officers: First, consular clerks; second, consular assistants; and, finally, consuls. The consuls are divided into nine classes, based upon the importance of the position and the salary carried. The salaries of these different classes vary from $2,000 to $12,000 per year. Before one is appointed to a consulship he is required to pass a rigid examination. Such of the successful candidates as receive appointments are appointed to fill vacancies occurring in the lower classes of consulships. They are then in line of promotion through all the various classes to class 1, which affords positions carrying $12,000 per year. The candidate must be able to use one language in addition to his own. Next below the consuls come the consular assistants. These are really high-grade clerks. The candidates for these positions are required to pass the same rigid examinations as are required of candidates for consulships. The successful candidate is given a position in some one of the more important consulates, like London, Paris, or Berlin. His salary at the start is $1,000, and he is given an increase of $100 a year until his salary reaches $1,800. In the meantime, if he shows himself qualified and efficient, he may be appointed without further examination to a consulship in one of the lower classes.

Then he has before him a prospect of promotion from grade to grade and from rank to rank in the consular classes until he reaches the highest, with a $12,000 salary. So that to-day, in consequence of this system, we are getting into the service young men of a higher grade and of better education and better ability than we were able to get under the old system, where a new consul was given a position of $2,000 or $3,000 or $4,000, with the understanding that it was to be held only for a short time, and probably not longer than the then existing administration.

Mr. MARTIN of South Dakota. In practice has it not resulted in a longer tenure of service and in greater stability in the personnel?

Mr. FOSTER of Vermont. Yes; very much more so.

Mr. KAHN. The new system practically insures to a man an attractive career?

Mr. FOSTER of Vermont. Yes; when he is fit for it.

Mr. BENNET of New York. Will the gentleman yield for a moment?

Mr. FOSTER of Vermont. Yes; certainly.

Mr. BENNET of New York. A gentleman was appointed in the Consular Service from one of the Dakotas, Mr. Gabriel Bie Ravndal, a very superior officer, who was in the Consular Service at Beirut, and recently there was a vacancy in the position of consul general at Constantinople on the death of Mr. Ozmun, and instead of a new man's being sent from the United States to fill that place, Mr. Ravndal, who was familiar with the language and customs and manners of the country, was made consul general at Constantinople, and another gentleman was brought up to fill the vacancy at Beirut. I know of another case, where a gentleman was consul at Bagdad, and the same thing happened to him. Since June, 1906, there has been only one appointment in the Consular Service which has not been in strict accordance with this merit rule.

Mr. AUSTIN. What exception was that, may I ask?

Mr. BENNET of New York. That of Mr. Crowninshield, who was appointed consul at Naples in accordance with a promise made some time before the new system went into operation.

Mr. MARTIN of South Dakota. Of course I am quite familiar with the cases the gentleman refers to, but I may say that we have in the consular service a gentleman from our State, Mr. Edwin Young, who has had quite a career, and it was for the purpose of bringing the matter before the committee and showing the opportunity afforded for advancement to young men in this service by the new system that I asked the gentleman my question.

Mr. AUSTIN. The gentleman from Vermont spoke a moment ago about the allowance for clerk hire in the consular service. I would like to ask him if the committee has carried into this bill the full amount of the estimates submitted by the State Department for clerical allowance in the consulates?

Mr. FOSTER of Vermont. Yes; we have.

Then there is one other class of consuls who may be called consular inspectors. These are five in number. Before the new régime went into effect it was too often the fact that our consuls were sent abroad to remote positions, where the salary was small, and to all intents and purposes they became lost to the Government. There was no close connection between them and the State Department. The State Department had no method of keeping in touch with them or keeping itself informed as to how they were succeeding. Now we have the world divided into five districts, and each of these consular inspectors is given a district, and he is expected to make frequent inspections and to keep the department informed as to consular conditions in his district. And this has brought about a much higher grade of efficiency among our consulships than before that time existed. I do not say that this is true of all our consulships, but it is true of many of them.

In this connection I want to call attention very briefly to the fact that there is a bill now pending before the House for the purpose of further increasing the efficiency of this service. It is a bill which goes just as far as the Constitution will permit us to go toward enacting into law the executive orders which have done so much toward placing this service under the merit system. That measure was unanimously reported from the Committee on Foreign Affairs, and I hope to see favorable action taken upon it before this Congress adjourns.

Then there is another bill pending which I hope will receive favorable action before Congress adjourns, which modifies somewhat the classification of the consulships which was effected by the legislation had in the second session of the Fifty-ninth Congress.

Mr. MANN. Are the provisions of that bill carried in this bill?

Mr. FOSTER of Vermont. Not at all.

Mr. MANN. I mean, is this bill made on the theory of that one?

Mr. FOSTER of Vermont. Not at all. That bill has passed the Senate with eight changes—changes which I do not approve. The bill was reported out from our Committee on Foreign Affairs unanimously.

Mr. MANN. The House bill?

Mr. FOSTER of Vermont. The House bill. The House bill is now on the calendar, and I hope to see it passed. Of course, when we come to say in which class Bagdad should be, for instance, we must rely very largely upon the facts reported to the State Department by this inspecting consul. Bagdad is one of the changes that the Senate made in the bill. We increased the salary of the consul at Bagdad. The Senate cut out the increase. Perhaps the sound of the name had something to do with this. But Bagdad is one of the worst places to which we could send a man to act as our consul. The thermometer ranges around 120 all through the summer, and it goes down to zero in wintertime.

Mr. MARTIN of South Dakota. It strikes a good average.

Mr. FOSTER of Vermont. It is an expensive place for the consul to live, and in my judgment the change made in the Senate was not well founded.

I have caused to be sent to every Member of the House a copy of this bill, together with a copy of the letter from the State Department transmitting it, showing just what changes are proposed and the reason for them; and I want to say to the committee that I sincerely hope every Member of the House will examine the bill and this letter and be prepared to vote upon it in case we succeed in getting consideration for the bill. It is an important measure. It is one that was prepared with great care. Of course it had to be prepared very largely by the State Department. Your chairman of the Committee on Foreign Affairs cooperated somewhat, but it was prepared principally by the State Department after very careful consideration of all the returns and all the reports from these inspectors and all the information that could be had from other sources. Your committee considered the bill very carefully and are unanimously of the opinion that the bill should pass. Of course it would require considerable time to take up each item of that bill and go through in detail the reasons for the changes, but when the bill comes up for consideration we will be prepared to answer any questions that any Member of the House desires to ask.

Mr. FOSTER of Vermont. Mr. Chairman, I ask that the Clerk read the bill under the five-minute rule.

The CHAIRMAN. If there is no further general debate, the Clerk will report the bill.

The Clerk, proceeding with the reading of the bill, read as follows:

Chargés d'affaires ad interim, $50,000.

Mr. MACON. Mr. Chairman, I move to strike out the last word, for the purpose of asking the chairman of the committee the necessity for the increase of this item. I notice it is increased about 20 per cent.

Mr. FOSTER of Vermont. That is the amount that is found necessary for the payment of the salaries of the chargés d'affaires ad interim, where the minister is absent. It is fixed by law. No more can be used than the law permits, and this is the estimate of the department for the ensuing year. We felt, upon careful investigation, that it was likely to be all needed.

Mr. MACON. There will be more absentees, perhaps, this year than last.

Mr. FOSTER of Vermont. We have been rather niggardly in allowing for this, and I can assure the gentleman from Arkansas that I do not believe there is the least danger of any extravagance in connection with this very moderate increase. It will be noticed that we have increased but slightly the various sums carried by the last bill.

Mr. MACON. But this is a 20 per cent increase.

Mr. FOSTER of Vermont. Yes; it is one of the largest increases, and yet the amount itself is not large.

Mr. JOHNSON of South Carolina. Mr. Chairman, I would like to ask the gentleman a question. Most of the salaries, perhaps all the salaries, of ambassadors and ministers and consuls are fixed by statute?

Mr. FOSTER of Vermont. Absolutely.

Mr. JOHNSON of South Carolina. This bill appropriates a sufficient sum of money to meet the salaries provided by law?

Mr. FOSTER of Vermont. That is exactly correct.

The Clerk read as follows:

Japanese secretary of embassy to Japan, $3,600.

Mr. COX of Indiana. Mr. Chairman, I reserve a point of order on that for the purpose of asking the gentleman a question. Why has the secretary of embassy to Japan a higher salary than the secretary at Austria-Hungary or Great Britain or France?

Mr. FOSTER of Vermont. It is because he is a man who speaks Japanese. That accounts for it. We changed the language a little; he is now known as the Japanese secretary of the embassy. That is because we desired to follow the practice there.

Mr. COX of Indiana. The reason he has $600 above the other corresponding secretaries is owing to the fact that he has to speak the Japanese language?

Mr. FOSTER of Vermont. That is the fact.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. CURRIER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to bills and joint resolution of the following titles,

S. 574. An act to authorize J. W. Vance, L. L. Allen, C. F. Helwig, and H. V. Worley, of Pierce City, Mo.; A. B. Durnil, D. H. Kemp, Sig Soloman, J. J. Davis, S. A. Chappell, and W. M. West, of Monett, Mo.; M. L. Coleman, M. T. Davis, Jared R. Woodfill, jr., J. H. Jarrett, and William H. Standish, of Aurora, Lawrence County, Mo.; and L. S. Meyer, F. S. Heffernan, Robert A. Moore, William H. Johnson, J. P. McCammon, M. W. Colbaugh, and W. H. Schreiber, of Springfield, Greene County, Mo., to construct a dam across the James River, in Stone County, Mo., and to divert a portion of its waters through a tunnel into the said river again to create electric power.

S. 8457. An act to restore to the public domain certain lands withdrawn for reservoir purposes in Millard County, Utah;

S. 9443. An act providing for the naturalization of the wife and minor children of insane aliens making homestead entries under the land laws of the United States;

S. 10011. An act for establishing a light and fog-signal station on the San Pedro Breakwater, Cal.;

S. 10015. An act for rebuilding and improving the present light and fog signal at Lincoln Rock, Alaska, or for building another light and fog-signal station upon a different site near by;

S. 10596. An act to authorize the Rainy River Improvement Co. to construct a dam across the outlet of Namakan Lake at Kettle Falls, in St. Louis County, Minn.; and

S. J. Res. 132. Joint resolution authorizing the delivering to the commander in chief of the United Spanish War Veterans of one or two dismounted bronze cannon.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 10177) to authorize additional aids to navigation in the Lighthouse Establishment, and for other purposes.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bill of the following title:

S. 10318. An act authorizing the Commissioner of the General Land Office to grant further extensions of time within which to make proof on desert-land entries, with an amendment, page 1, line 2, strike out "the" where it occurs the first time and insert "any."

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Quarters for the student interpreters at the embassy to Japan: For rent of quarters for the student interpreters attached to the embassy at Tokyo, Japan, $600.

Mr. COX of Indiana. Mr. Chairman, I reserve a point of order. Why should we leave off the language carried in the last bill, "or so much thereof as is absolutely necessary?"

Mr. FOSTER of Vermont. Because it is absolutely superfluous. We tried to make this bill as concise as possible. I found that phrase used in connection with some paragraphs and not with others. There is no sense in it. They can use only what is necessary, anyway.

Mr. COX of Indiana. I wanted to know if it had any significance in leaving it out all through the bill.

Mr. FOSTER of Vermont. I cut it out because it was wholly unnecessary.

The Clerk read as follows:

Contingent expenses, foreign missions: To enable the President to provide, at the public expense, all such stationery, blanks, records, and other books, seals, presses, flags, and signs as he shall think necessary for the several embassies and legations in the transaction of their business, and also for rent, postage, telegrams, furniture, messenger service, compensation of kavasses, guards, dragomans, and porters, including compensation of interpreters, and the compensation of dispatch agents at London, New York, and San Francisco, and for traveling and miscellaneous expenses of embassies and legations, and for printing in the Department of State, and for loss on bills of exchange to and from embassies and legations, $375,000.

Mr. HARRISON. Mr. Chairman, I move to strike out the last word. Will the chairman explain what proportion of the $275,000 goes to pay rent, as specified in the paragraph?

Mr. FOSTER of Vermont. I have not the figures here and have not that information at hand. I will say to the gentleman, however, that the report of the department as to the expenditure of this fund last year is in the possession of each Member of the House, and it can be readily ascertained as well as every other fact in connection with the use of this contingent fund. I think about one-half of it went for rent.

Mr. HARRISON. Does the gentleman know whether the rent is paid only for chancelleries or for dwelling quarters?

Mr. FOSTER of Vermont. My understanding is that it is only for the chancelleries and no rent for dwelling quarters.

Mr. HARRISON. Then does the gentleman expect that an appropriation will be asked for this year to construct the embassy and legation buildings authorized to be built?

Mr. FOSTER of Vermont. I hope so.

Mr. HARRISON. Then, inasmuch as these new buildings will contain not only the dwelling houses but the chancelleries, it is to be expected that the amount of contingent expenses will be reduced eventually by one-half of this sum, and therefore that much will be taken out of the bill?

Mr. FOSTER of Vermont. The gentleman is absolutely right.

The Clerk read as follows:

International (Water) Boundary Commission, United States and Mexico: To enable the commission to continue its work under the treaties of 1884 and 1889 and 1905, $50,000.

Mr. HARRISON. Mr. Chairman, I move to strike out the last word. Will the chairman of the committee explain to us whether this paragraph is inserted by reason of the provisions of the treaty between the United States and Mexico?

Mr. FOSTER of Vermont. Absolutely so.

Mr. HARRISON. Does this refer to the same work which is sometimes described as eliminating the bancos of the Rio Grande?

Mr. FOSTER of Vermont. Yes.

Mr. HARRISON. How many years has it been going on?

Mr. FOSTER of Vermont. I can not tell exactly. I have not the date of that, but quite a number of years.

Mr. HARRISON. How many years is it expected to continue?

Mr. FOSTER of Vermont. Unless some new method of fixing the boundary line between the two countries is agreed upon it will go on just as long as water runs in the Rio Grande.

Mr. HARRISON. Are not the bancos of the river constantly shifting, so that this is likely to be indefinite?

Mr. FOSTER of Vermont. It is likely to be a permanent, indefinite appropriation.

Mr. HARRISON. Has this any relation to the agreement arrived at between the Government of Mexico and our Government to protect the rights of Mexicans from diverting the water supply of the Rio Grande by our people?

Mr. FOSTER of Vermont. I do not understand that it has. This is simply the commission that has to do with the boundary line between the two countries.

Mr. HARRISON. And the gentleman has no hope that it will ever come to an end?

Mr. FOSTER of Vermont. Well, I was talking with the special ambassador from Mexico, who visited this country recently, upon this subject. He raised the query whether it would not be better for the two nations to agree that the center line of the Rio Grande should be the dividing line, no matter where that line chances to be from day to day.

Mr. HARRISON. No matter whether it shifts or not?

Mr. FOSTER of Vermont. Whether it shifts or not. Of course, that would result, as it frequently does now for that matter, in an American waking up in the morning and finding himself a Mexican, and vice versa. Now, as the gentleman from New York understands, when one of those sudden changes is made, this commission gets together and determines where the line shall be with reference to the particular banco. Mexicans as well as Americans who have studied the vexatious problem have asserted that the present method is the only feasible one.

Mr. HARRISON. How do they spend this $50,000 a year?

Mr. MANN. And why is it necessary to increase it by $15,000 this year over what it was last year?

Mr. FOSTER of Vermont. We asked the chairman of the commission, Gen. Anson Mills, about that last year. He said that he saw no particular reason for believing that this appropriation would vary very much from year to year. This year he stated that, first, because of several unexpected bancos, their work would be increased during the next year; secondly, they have been called upon to do some measuring of the water of the Rio Grande for our Government, which increased the expense; and then, thirdly, this commission, together with the Mexican commission, together with an umpire, has been assigned the work under the treaty of arbitrating the title to what is known as the Chamizal tract, and that this would increase somewhat the expense of the commission proper.

Mr. HARRISON. There is another appropriation for that in this same bill.

Mr. FOSTER of Vermont. Yes; there is an appropriation for the arbitration, but the chairman said that in the preliminary work the commission itself would be put to some expense.

Mr. HARRISON. What proportion of this $50,000 would go in salary and what proportion in engineering work?

Mr. FOSTER of Vermont. It nearly all, practically all, goes for engineering work.

Mr. HARRISON. How many persons are employed on a salary?

Mr. FOSTER of Vermont. I think the employees are as a rule paid by the month. The number varies from time to time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSTER of Vermont. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FOSTER of Vermont. The chairman of the Commission indicated that a larger portion of this money goes for the employment of engineers.

Mr. COX of Indiana. How many does he employ?

Mr. FOSTER of Vermont. Well, we have a statement here.

Mr. FLOOD of Virginia. He employs different numbers at different times.

Mr. COX of Indiana. What is the average a year?

Mr. FLOOD of Virginia. Sometimes two or three and sometimes—well, only a few on a permanent salary.

Mr. COX of Indiana. On the appropriation last year of $35,000, what would it be?

Mr. FLOOD of Virginia. I can not tell the gentleman.

Mr. FOSTER of Vermont. Just a word; I will read. This question was asked the chairman of the commission:

What salaries do you pay, General? What rate of salaries do you generally pay your employees?

Gen. MILLS. We pay the consulting engineer, Mr. Follett, $400, and we pay his assistants from—I think the highest is $200, down to $125.

Mr. GARNER. Per month?

Gen. MILLS. Per month; yes.

So these engineers get from $125 to $400 per month.

Mr. COX of Indiana. Will the gentleman answer this question, if he can? What amount of money did Mexico appropriate for this purpose last year?

Mr. FOSTER of Vermont. I am unable to say. I have no figures here on that.

Mr. BENNET of New York. If the gentleman will permit me, Mexico spent just the same amount as we did.

Mr. COX of Indiana. Did Mexico appropriate last year $35,000 for this purpose?

Mr. BENNET of New York. If that appropriation was made by us. By the provision Mexico pays half.

Mr. COX of Indiana. Is it a treaty agreement?

Mr. BENNET of New York. It is a treaty agreement, and if the chairman will permit me, one of the members of the committee who is from that section of the country has looked into this matter with a great deal of care with an idea of seeing how this money was going and whether it was being properly expended, and he came to the absolute conclusion—this is Mr. GARNER of Texas, who is not extravagant in his ideas—that this entire sum is necessary.

Mr. COX of Indiana. Then both Governments have to pay the same amount of money?

Mr. BENNET of New York. Yes.

Mr. STAFFORD. If the gentleman will yield to me, I understood the gentleman from Vermont to state during the past year, with an appropriation of $35,000, some of the fund was used for work in connection with the determination of the title to the Chamizal tract.

Mr. FOSTER of Vermont. No; I did not mean that. I said that the chairman of the commission stated that some of this $50,000, for which they are asking for next year, would be used by the commission in preliminary work preparatory to the sitting of the arbitration board for the hearing of the questions involved in the problem of the Chamizal tract.

Mr. STAFFORD. Well, under the provision, as carried on page 19 for the expenses with reference to the Chamizal tract, there is an appropriation of $50,000 which is to be immediately available and to continue available. Wherein is the necessity then to call upon this fund for any such purpose, and wherein is the need of increasing the present item from $35,000 to $50,000?

Mr. FOSTER of Vermont. That very question was put to the chairman of the commission, Gen. Mills, by the chairman of the Committee on Foreign Affairs, and this is what he said:

Gen. MILLS. I can explain that matter, giving two or three reasons for the unexpected larger appropriation than was asked last year. In the first place, the Department of State has organized a larger commission to settle the Chamizal case, which you probably understand something about. There is to be a third member added to the commission for the consideration of that case only, and that will entail some additional expense on the Boundary Commission proper.

The CHAIRMAN. That is to say, this arbitration treaty provides for the consideration of the matter by your commission, increased by an additional member from each nation; is that it?

Gen. MILLS. No; an additional member from Canada.

The CHAIRMAN. An umpire?

Gen. MILLS. Yes; an umpire.

The CHAIRMAN. An umpire from Canada?

Gen. MILLS. Yes; and that will entail some additional expense. We do not know what it may be.

The CHAIRMAN. Well, we provide for that in the other item.

Gen. MILLS. You provide for it so far as the salary and general expenses of this new commissioner are concerned, but I have already been called on for a good many maps and other matter that necessitates a good deal of work on the part of my own and the Mexican engineers.

Mr. STAFFORD. Can the gentleman inform the committee as to how many comprise this commission, and what are their salaries?

Mr. FOSTER of Vermont. There is one American commissioner and one Mexican commissioner.

Mr. STAFFORD. What salary do they receive?

Mr. COX of Indiana. We do not pay the Mexican, do we?

Mr. FOSTER of Vermont. We do not.

Mr. COX of Indiana. What salary do they receive?

Mr. FOSTER of Vermont. I think Gen. Mills is on the retired list now. I do not think he draws any salary.

Mr. MANN. Mr. Chairman, does the gentleman think the item will be reduced next year to $35,000?

Mr. FOSTER of Vermont. I think so. The committee was reluctant to raise it, but we thought that Gen. Mills made out a good case.

The Clerk read as follows:

International Prison Commission: For subscription of the United States as an adhering member of the International Prison Commission, and the expenses of a commissioner, including preparation of reports, $2,000.

Mr. HARRISON. Mr. Chairman, I make a point of order against the paragraph that it is not authorized by existing law.

Mr. FOSTER of Vermont. Mr. Chairman, I concede the point of order. The gentleman from New York [Mr. HARRISON] has served on the Committee on Foreign Affairs and he is undoubtedly familiar with the purpose of this item. I think it is unfortunate for him to raise the point of order. It is not a new matter. It has been carried since 1894. I believe that this International Prison Commission is doing a grand and good work, and I believe this great Nation of ours should be a party to it. This is only a small item, and I sincerely hope that the gentleman from New York will recall the excellent meeting we had in Washington last fall when this whole subject was under consideration. Perhaps some of the members of the committee may have been present at that time.

Mr. FOSTER of Illinois. Who is our commissioner?

Mr. FOSTER of Vermont. I can not give the name of our present commissioner.

Mr. MANN. The commissioner recently, I think, is Dr. Henderson, of the University of Chicago. It used to be somebody in New York City.

The CHAIRMAN. Does the gentleman from New York [Mr. HARRISON] insist on his point of order?

Mr. HARRISON. Does the Chair wish to hear me on the point of order?

The CHAIRMAN. The point of order has already been conceded, and——

Mr. HARRISON. I will be very glad to be given an opportunity of arguing the point of order, inasmuch as the remarks of the gentleman from Vermont [Mr. FOSTER] were directed to the merits of the case and not to the point of order.

My objection lies not in any respect to the merits of the appropriation for the International Prison Commission, but, as I stated in a previous debate upon this subject in the House, my objection lies to the method of the Department of State in negotiating agreements or conventions with foreign countries, which agreements or conventions are not subsequently ratified by the Senate of the United States, so that they do not attain the dignity of law. There is, therefore, no check upon the Department of State in calling upon us for appropriations for international bureaus or commissions. The proper method, in my opinion, would be either to present a joint resolution here in the House and have the International Prison Commission established by law, or else to submit to the Senate of the United States the convention under which the different nations are carrying on their International Prison Commission and have that convention ratified by the Senate of the United States.

Mr. FOSTER of Illinois. I want to inquire if there was such an agreement offered to the Senate and they failed to ratify it.

Mr. HARRISON. No agreement has ever been submitted to the Senate.

Mr. FOSTER of Illinois. Who made this agreement?

Mr. HARRISON. The agreement was entered into by the Secretary of State with the premiers or secretaries of state of various foreign countries.

Mr. FOSTER of Illinois. Without any authority of Congress?

Mr. HARRISON. Without any authority of Congress. That is the basis of my objection to this and similar appropriations. The Department of State should come into this House and get authority for entering into these agreements, or else have these agreements submitted to the Senate for ratification, so that they may attain the dignity of law.

Now, in this bill there are some 18 international bureaus or commissions, for which there is appropriated a total of more than $158,000. Most of these international bureaus or commissions have become a law by either one of the two methods which I have suggested, but some of them have not; and I suggest, with all due deference to the gentleman from Vermont [Mr. FOSTER] and others of his committee interested in these appropriations, that they are not authorized by existing law, and the Chair must rule them out of order.

Mr. MANN. Will the gentleman yield for a question?

Mr. HARRISON. Certainly.

Mr. MANN. I am inclined to agree entirely with the gentleman from New York on the general proposition; but does he not think it might be considered a little ungracious—I do not mean ungracious on his part—to strike this out when we have just recently had this International Prison Congress here—when we had it here on our invitation only last year?

Mr. HARRISON. I think it is my duty as a Member of the House to point out where appropriations are not authorized by law.

Mr. MANN. I am not referring to ungraciousness on the part of the gentleman from New York at all; but would it not seem ungracious on the part of our Government in the first year after we had entertained the International Prison Congress to strike out this appropriation?

Mr. HARRISON. The ungraciousness, if there be any, extends further back than the proceedings here to-day.

Mr. MANN. I agree with the gentleman; but does he not think that it would be ungracious on the part of our Government to withhold the appropriation now, under the circumstances?

Mr. HARRISON. I do not believe in all this policy of mystery and halo and hands off with respect to the affairs of the State Department. The State Department should be subject to the will of Congress just the same as any other department of the Government.

Mr. FOSTER of Vermont. Will the gentleman yield?

Mr. HARRISON. Certainly.

Mr. FOSTER of Vermont. Just one word in reply to what the gentleman has said. Of course, upon the general proposition the gentleman from New York is perfectly right, but it is not best to rush into a treaty over some of these matters until they have grown to the right proportions.

Now, further on in the bill there will be found an item carrying an appropriation for an organization for investigating deep-sea fisheries. The Government had nothing to do with the organization of that bureau. It was organized, and it seems to some of us that that organization is doing a great work, and it seems to us that we should be a party to that work, and if it grows to the right proportions we will have a general international treaty. But in these international matters it is a good deal of work for the United States to get a general treaty entered into. When the International Institute of Agriculture was organized, our American representative in that body, Mr. Lubin, succeeded in negotiating a general treaty. We ratified it.

Now, we have on the American Continent the International Scientific Congress. It is a new organization. It is doing a great work. A congress was held down in South America within two years, and now they want to come here. We are not a party to the organization. The institution has not yet reached the proportions which would justify any international treaty.

There is no desire and no intent and no purpose on the part of the State Department to conduct its affairs respecting these concerns and these organizations in the way that the gentleman from New York would seem to indicate. But who is going to take the initiative for a general international treaty?

Mr. HARRISON. I would suggest to the gentleman that if those matters and similar matters have not reached the stage where they could properly be treated as a treaty or convention by the Senate, a course similar to that adopted by the friends of the International Geodetic Association for the Measurement of the Earth could be pursued, in which case a joint resolution was adopted, February 5, 1889, or in the case of the International Congress of Hygiene and Demography, where a joint resolution established the law upon which as a basis the appropriation might be made.

Mr. FOSTER of Vermont. I do not want to appear offensive to the gentleman from New York, because I know his motives are always of the highest, but in a case of this kind, which is rather an important matter, it seems to me to be rather a reflection on the Committee on Foreign Affairs to have this provision stricken out here on a point of order, only to have it inserted again in the Senate.

Mr. AUSTIN. How much is the amount involved?

Mr. FOSTER of Vermont. Two thousand dollars, and there are two or three other similar cases.

Mr. MANN. Mr. Chairman, I do not believe in making conventions or treaties without authority, yet I can see that there may be some advantage in not having a treaty or convention which binds us to make an appropriation, so that when the question is raised as to whether we ought to make the appropriation it will be urged, "Oh, we are bound by the treaty or the convention."

There are cases where it is much better, it seems to me, if we wish to make a contribution and do the work, to make that contribution and do the work from year to year without any binding obligation on our part, so that if at any time we choose to stop, as the gentleman may choose to have us stop now, we can do so. There are some provisions in this bill where we make appropriations in conformity with existing treaties that ought to be abolished because there is no excuse for them, yet we find ourselves bound to make the contribution by rea-

son of a treaty or a convention and we do not feel authorized to quit.

Mr. FOSTER of Illinois. Have we not the right to abrogate a treaty?

Mr. MANN. We have the right, but that is quite a different proposition.

Mr. FOSTER of Illinois. If we are making useless appropriations under any treaty, ought we not to abrogate that treaty and get rid of it?

Mr. MANN. Wherever there is an obligation carried by a treaty, the appropriation is made as a matter of course and without much, if any, investigation. They say, "There is the treaty, and we ought to make the appropriation."

Mr. FOSTER of Illinois. I agree with the gentleman on that; but if it is a useless expenditure, it seems to me that we might abrogate the treaty.

Mr. MANN. We do not investigate far enough to see whether it can well be abolished or not.

Mr. FOSTER of Illinois. We have had a very good Committee on Foreign Affairs.

Mr. MANN. There is no reflection at all on the Committee on Foreign Affairs. It is not the fault of the Committee on Foreign Affairs. It is their duty ordinarily to bring in a bill providing for an appropriation, if it is required by a treaty. I suppose they would be criticized if they did not.

Mr. FOSTER of Vermont. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

To enable the Government of the United States to pay, through the American embassy at Berlin, its quota as an adhering member of the International Geodetic Association for the Measurement of the Earth, $1,500.

Mr. MACON. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee about how long it is thought it will take this association to measure the earth? They draw $1,500 a year.

Mr. MANN. It will take a long time to reach the North Pole. [Laughter.]

Mr. MACON. Twenty-three years at least.

Mr. FOSTER of Vermont. We had before us a year ago several persons representing this work, and I can assure the gentleman from Arkansas that it is a very important scientific work in which this association is engaged. It doubtless will be some years before the work is completed.

Mr. MACON. How long have we been contributing to it?

Mr. FOSTER of Vermont. We have been contributing to it since February 15, 1889.

Mr. MACON. Twenty-two years. One thousand five hundred dollars each year?

Mr. FOSTER of Vermont. Yes.

Mr. MACON. Does the gentleman know how far the work has progressed, and how much of the earth has been measured up to this time?

Mr. FOSTER of Vermont. No; I can not tell. It is impossible to tell. It is a progressive work. They are making corrections all the time.

Mr. MACON. Does not the gentleman think they ought to report to somebody?

Mr. FOSTER of Vermont. Yes; and their reports are accessible. I will send the gentleman a report on the subject.

Mr. MACON. Showing how much they have measured up to this time?

Mr. FOSTER of Vermont. Yes; I will send their reports to him. They make good reading, instructive reading, and I assure him that if he will go through one of these reports carefully he will appreciate what I say to him now—that this is a very important scientific work, in which this great Government of ours is a party. Of course, when we read the title, the International Geodetic Association for the Measurement of the Earth, the committee all laughed, but after we had the gentlemen before us who were engaged in the work we became convinced of the importance of it.

Mr. MACON. Seriously, I think that if we are to contribute $1,500 a year to this matter, as we have done for 22 years, we ought to know something about how much of the earth has been measured.

Mr. FOSTER of Vermont. I will see that the gentleman has that information promptly.

Mr. FOSTER of Illinois. The gentleman from Arkansas ought to promise to read it.

Mr. MACON. I think that those charged with the duty of measuring the earth ought to make some estimate as to how long it will take to complete it so that Congress may know about the expense and can determine whether it wants to continue the work.

Mr. FOSTER of Vermont. We will endeavor to give the gentleman the information.

Mr. MACON. Mr. Chairman, I will withdraw the pro forma amendment.

The Clerk read as follows:

Pan American Union: Pan American Union, $75,000: *Provided*, That any moneys received from the other American Republics for the support of the union shall be paid into the Treasury as a credit, in addition to the appropriation, and may be drawn therefrom upon requisitions of the Secretary of State for the purpose of meeting the expenses of the union: *And provided further*, That the Public Printer be, and he is hereby, authorized to print an edition of the Monthly Bulletin, not to exceed 5,000 copies per month, for distribution by the union every month.

Mr. HARRISON. Mr. Chairman, I move to strike out the last word. The proviso was not in the bill when it passed the House last year, but was inserted, I understand, by the Senate. Is it in the nature of an additional appropriation? Was not this work originally done at the expense of the Bureau of American Republics?

Mr. FOSTER of Vermont. Yes; and it is done now at the expense of the bureau, or union, as it is now called.

Mr. HARRISON. The Monthly Bulletin is a new publication?

Mr. FOSTER of Vermont. The Bulletin as it exists to-day is really a new institution.

Mr. HARRISON. Was not there heretofore a bulletin published at the expense of the Bureau of American Republics?

Mr. FOSTER of Vermont. Yes; and there is now. That is printed in English and Spanish and Portuguese.

Mr. HARRISON. How much expense will it entail on the Government?

Mr. FOSTER of Vermont. None at all.

Mr. HARRISON. $50,000 or $100,000 or $10,000,000?

Mr. FOSTER of Vermont. It is simply for the printing.

Mr. HARRISON. Is not this a method to increase the appropriation to the Pan American Union?

Mr. FOSTER of Vermont. In addition to the $75,000?

Mr. HARRISON. Yes.

Mr. FOSTER of Vermont. It comes out of the $75,000.

Mr. MANN. There is no appropriation here made for it.

Mr. FOSTER of Vermont. This is paid for by the bureau, or union. The $75,000, together with the quotas of the 20 other Republics, goes into the treasury of the union to pay this and all other bills.

Mr. COX of Indiana. Can the gentleman tell the committee how much money has been paid into the Treasury as the result of this proviso tacked on by the Senate last year?

Mr. FOSTER of Vermont. No; I can not tell about that. I know the Government is reimbursed for this printing, for this work.

Mr. COX of Indiana. I see the gentleman from New York on his feet.

Mr. BENNET of New York. I wanted to call the attention of the gentleman to the fact that some authorization is necessary to enable the Public Printer to do this printing, as the Pan American Union is not a department of our Government.

Mr. FOSTER of Vermont. All this is for is to give the authorization.

Mr. COX of Indiana. This proviso says that any moneys received from the other American Republics for the support of the union shall be paid into the treasury as a credit. My query was whether or not any money had been paid into the Treasury from the other countries?

Mr. FOSTER of Vermont. Certainly.

Mr. COX of Indiana. How much?

Mr. FOSTER of Vermont. I can not tell you how much, but nearly all the Governments have paid their full quota. There is a regular amount levied on each of the 21 Republics. Ours is $75,000. The amount was fixed at the last Pan American conference.

Mr. COX of Indiana. The gentleman does not know what the quota of the other Republics is?

Mr. FOSTER of Vermont. No; I can not tell. It is based on population.

Mr. STAFFORD. I understood the gentleman to say that the amounts contributed by other countries was included in the $75,000.

Mr. FOSTER of Vermont. No; I did not say that. If I did say so I did not intend to do so.

Mr. STAFFORD. I wanted to direct the attention of the gentleman to the fact that it says "in addition to the amount," and so forth.

Mr. FOSTER of Vermont. I think we pay just one-half; I think the whole amount is $150,000 received from all countries.

The Clerk read as follows:

For salary of one member of the permanent committee of the International Institute of Agriculture, for the calendar year 1912, $3,600.

Mr. MACON. Mr. Chairman, I reserve the point of order on the item. It seems to be new in the bill.

Mr. FOSTER of Vermont. Mr. Chairman, we did not appropriate for it last year. This is one of those institutions that have grown up in recent years, and last year we simply appropriated our quota as a constituent member of the institute. It seems to me that this is clearly a treaty obligation.

Mr. HARRISON. Will the chairman report to the committee the terms of the treaty, and indicate whether it covers not only the appropriation in the first paragraph, but an appropriation for $3,600 additional for a salary of a member of the permanent committee?

Mr. FOSTER of Vermont. It seems to me that this matter is a treaty obligation. I will read from the treaty:

The International Institute of Agriculture is to be a government institution in which each adhering power shall be represented by delegates of its choice. The Institute shall be composed of a general assembly and a permanent committee, the composition and duties of which are defined in the ensuing articles.

This is the article to which I wish to direct attention:

Article VII. The permanent committee shall be composed of members designated by the respective Governments. Each adhering nation shall be represented in the permanent committee by one member.

We are given no choice; we shall be represented in the committee by one member, and we have been so represented all these years. David Lubin, of California, has been patriotic enough to live there and give his time and services to the task of serving us as our member of the permanent committee without a salary.

Mr. MACON. And that is why the bill has not heretofore carried an appropriation for a salary?

Mr. FOSTER of Vermont. No; that is not why. We have not done it before because there was some misgiving as to whether this institution was going to prove of sufficient importance to justify our going forward and continuing to be a member of it.

Mr. MACON. Does the gentleman think now, after investigation, that it is of sufficient importance to this country to warrant this appropriation?

Mr. FOSTER of Vermont. I do, and the committee does, and our Department of Agriculture, which has heretofore had some doubt about it, believes this appropriation should be made. I can say that the National Grange and some of our State granges have taken it up. The London Times had a very admirable editorial on the subject only recently. It seems to me that we are simply doing our duty in making this appropriation—our duty under the treaty.

Mr. COX of Indiana. How long has this man been a member of this committee?

Mr. FOSTER of Vermont. From its organization. It was organized in 1905, I think. The treaty was negotiated in 1905 and the organization was perfected immediately after. There are 47 Governments parties to this institute. The King of Italy took enough interest in it to build a palace for it.

Mr. COX of Indiana. He occupies a unique position, in that he has never come to Congress to ask for a salary heretofore.

Mr. MACON. I withdraw the point of order.

Mr. COX of Indiana. I renew the point of order.

Mr. AUSTIN. This is not subject to a point of order.

Mr. COX of Indiana. I want to get some information. Does this man give his entire time to this?

Mr. FOSTER of Vermont. His entire time.

Mr. COX of Indiana. For the last five years.

Mr. FLOOD of Virginia. Mr. Chairman, this is not subject to a point of order.

Mr. FOSTER of Vermont. Oh, no.

Mr. COX of Indiana. I ask the gentleman if he has given his entire time for five years.

Mr. FOSTER of Vermont. He has given his entire time. He is a very enthusiastic man. I will tell the gentleman something about him. He came over here from northern Europe, and worked for some time in a watch factory in New England. Then he went to California and became interested in agriculture. He made some money, and he conceived the idea of a great international institute of agriculture.

He went over to Rome and interested the King of Italy in the movement, and it was through the impetus given to the movement by the King of Italy that he was able finally to secure this general treaty and the organization of the institute. He has given all his time to it since that time and has paid his own expenses and has labored incessantly for the success of the institute.

Mr. COX of Indiana. He must be a man of some considerable wealth.

Mr. FOSTER of Vermont. Yes; he is a man of considerable wealth, but the time is now coming, or rather he feels that the time is now at hand, when he should be permitted to lay down the work. He was here a year ago.

Mr. COX of Indiana. Does he want to give up the job?

Mr. FOSTER of Vermont. He wants to give up the job and he wants an appropriation made, so that some one can be found to take his place over there, with his enthusiasm, and do the work which he has been doing.

Mr. BUTLER. Can we get such a man as that for $3,600?

Mr. COX of Indiana. Mr. Chairman, I withdraw the point of order.

Mr. HAYES. Mr. Chairman, just a word, to follow what the gentleman from Vermont has stated. I desire to state that Mr. Lubin is a man of wealth. He has given his time to this institute as a matter of public interest. He is a very public-spirited man, and the reason why he desires to retire now is not because——

Mr. COX of Indiana. Where does he live when he is in the United States?

Mr. HAYES. He lives in Sacramento, Cal., when he is at home. The reason why he desires to retire now is not because he has lost any interest in this institute or because he would not under other circumstances desire to continue to represent this country at Rome, but because of the condition of his health, on account of overwork, if you please, which compels him to retire. Therefore it becomes necessary, as the chairman has pointed out, for us to make an appropriation to pay another man to represent this country. Now, I desire to ask unanimous consent that I may insert in the RECORD, as part of my remarks, a resolution of the National Grange and an extract from the London Times on this subject.

The CHAIRMAN. The gentleman from California asks unanimous consent to insert in the RECORD the articles referred to. Is there objection? [After a pause.] The Chair hears none.

The articles are as follows:

Resolution passed by the National Grange at its forty-fourth annual session, Atlantic City, N. J., November 16–25, 1910.

The National Grange, profoundly interested in the cause of international fraternity and cooperation and in the commanding movement for its promotion which is the distinguishing mark and glory of our age, feels peculiar pride and satisfaction in the fact that it is in the field of agriculture that the work of international organization has achieved one of its broadest and most beneficent results.

We rejoice that the International Institute of Agriculture, the conception and in great measure the creation of one of our American fellow citizens, and a member of our own order, has now won the confidence and support of almost all the great governments of the world and become one of the chief servants of all agricultural peoples. Its scientific investigations and invaluable publications promise to put a stop, at no distant day, to all disastrous and demoralizing speculation in agricultural products. We urge our own Government to that conspicuous support of its activities which befits the greatest of agricultural nations; and we urge more generous and practical provision for the wide spread of its regular bulletins and various publications among the farmers of the United States.

We recommend the appointment by the administration of the National Grange of a special committee to promote the interests of the International Institute in this country and to make its work of greater and more constant service to our people.

[The Times (London), Dec. 27, 1910.]

THE INTERNATIONAL INSTITUTE OF AGRICULTURE—ITS AIMS AND ACHIEVEMENTS.

The chief objects of the International Institute of Agriculture are well known—namely, to procure and disseminate information concerning the crops, yields, and market prices in all countries and trading centers of the world. It needed no prophet to foretell, when it was formally opened some two and a half years ago, that its first steps would be beset with difficulties; but, though it has met with many obstacles—mostly of a kind which was inevitable to its international character—its progress has been such as to satisfy even its most ardent supporters and more than justify its existence. Were the International Institute of Agriculture abolished to-morrow it is almost certain that the nations who now take part in it would speedily agree to replace it by some other similar institution. Everyone would acknowledge that equity in exchange, arising out of a correct knowledge of the world's agricultural staples and of their value, is the most important economic factor in the commercial, industrial, and agricultural life of a country. The institute has shown that knowledge can be obtained and has proved the possibility of obtaining it. It has demonstrated this so clearly that already all the most important of the producing and consuming countries are now engaged in creating a uniform system of crop reporting which will enable the institute, as their center, to issue periodically a summary of the world's supply.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I did not make the point of order upon the paragraph, although it has been twice ruled out of order on the point of order, notwithstanding the argument of the gentleman from Vermont.

Mr. FOSTER of Vermont. Was not that because it coupled with it each time an appropriation for paying our delegates? I have always understood that was the reason why it would make it subject to the point of order in the view of the gentleman from Illinois.

Mr. MANN. Now, if the gentleman will pardon me and permit me to say a word, I will be very much obliged to him.

Mr. FOSTER of Vermont. The gentleman generally gets an opportunity in spite of the gentleman from Vermont.

Mr. MANN. The only work this institution has ever pretended to do as I have ever heard of, and I have seen, I think, everything they have issued, is it pretends to gather the world's statistics on agricultural crops, and they have made a great advertisement about that during the past year.

They managed to fool the London Times, which probably was not a very difficult thing to do [laughter], because a newspaper is permitted to be fooled one day in order to retract the next, and we constantly see how the newspapers are fooled here and elsewhere about news. I have been told a good many times by gentlemen who are familiar with the gathering of crop statistics, because in the city from which I come people on the board of trade and elsewhere have to know what the world's crop statistics are, that there never was a greater fake on earth than this agricultural institute and its gathering of crop statistics.

Mr. STAFFORD. Do I understand a monument has been erected by the King of Italy to this fake in the form of a palace?

Mr. MANN. Well, the King of Italy has constructed a building in which to house this institute, and that is to his credit. I am not complaining about that. I did not make the point of order upon this item which has been heralded so widely and so many claims made about how they were going to gather crop statistics and get them before the world quicker than they are now. I am willing to let the institute try it, but if our people who are interested in the sale and production of grain had to wait on this institute to know the statistics in reference to crops, they would all go out of business.

Mr. OLMSTED. Would it not be a good thing if this stock and wheat gambling would go out of business?

Mr. MANN. I am not speaking of the wheat gamblers. I am speaking of the men who actually buy the wheat and put it in the warehouses, who warehouse it not only in the cities, but throughout the country, and who have to know what the production of wheat is, and who do not wait for information as gathered in a particular country to be sent to Rome and collated there, and then sent out to the world, not by wire, but by a bulletin.

But, if they can accomplish anything, very well. I am not complaining at this time. If it is subject to a point of order it will be just as much subject to a point of order another year as it is now.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. MANN] has expired.

Mr. KAHN. I move to strike out the last two words. Mr. Chairman, I have known Mr. Lubin for many years, and I know the motives which actuated him in undertaking this great work. The gentleman from Illinois [Mr. MANN] is entirely mistaken if he thinks the sole purpose of the International Institute of Agriculture is gathering the world's statistics on the subject of wheat. Only recently the almond growers of California wrote me a letter asking me to intercede with the Secretary of Agriculture with the view of having statistics on the world's crop on the subject of almonds gathered and reported by this International Institute of Agriculture at Rome. And the Agricultural Department at Washington gave instructions of our country's delegate at Rome to gather such statistics.

Now, I apprehend that this great department of our Government, which is constantly doing magnificent work, would not attempt to send to the delegate of this Government at Rome a request to gather statistics if it believed the institution to be a fake. The best evidence of the fact that the institute has the approval of the Government is the fact that the Secretary has requested the institute to gather these statistics. It is only within the past year that the institute has commenced to issue its bulletins, and the bulletins are in demand all over the world, even as the crop reports of our own country are eagerly awaited by the people interested in the various commodities that are reported.

I am glad that no point of order has been made against this item. I know the public-spirited character of Mr. Lubin, and I only hope that if he ever retires his successor may be equally as vigorous in carrying on the good work.

The Clerk read as follows:

International Railway Congress: To pay the quota of the United States as an adhering member of the International Railway Congress for the year ending April 15, 1912, $400.

Mr. HARRISON. Mr. Chairman, I make the point of order that the paragraph is not authorized by existing law.

Mr. FOSTER of Vermont. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Boundary line, Alaska and Canada: To enable the Secretary of State to mark the boundary and make the surveys incidental thereto, between the Territory of Alaska and the Dominion of Canada, in conformity with the award of the Alaskan Boundary Tribunal and existing treaties, including employment at the seat of government of such surveyors, computers, and draftsmen as are necessary to reduce field notes, $200,000, to be immediately available, together with the unexpended balance of the previous appropriation for this object.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

Mr. MACON. I reserve a point of order on the paragraph.

Mr. STAFFORD. I wish to obtain some information from the chairman of the committee as to the distinction that the Committee on Foreign Affairs makes in providing in this bill for expenses of commissions under treaty stipulations and not making provision for other commissions provided by treaty arrangement. There is on the calendar of the House, which was a few days ago objected to when on the Unanimous Consent Calendar, a Senate bill providing for the establishment and expenses of the International Joint Commission under the waterways treaty of January 11, 1909. That is a treaty obligation between this Government and Great Britain——

Mr. FOSTER of Vermont. Yes; and this is a treaty obligation.

Mr. STAFFORD. Wherein does the committee differentiate in not including a provision in the appropriation bill providing for the execution of that treaty?

Mr. FOSTER of Vermont. I would say to the gentleman that the matter referred to in that bill came up after our appropriation bill had been passed, otherwise it would have been included. In order to carry out that treaty some legislation was necessary, and ordinarily where there is need of legislation we do not carry it in the appropriation bills.

Mr. STAFFORD. I recognize the value of the treaty that had been entered into between this Government and Great Britain.

Mr. FOSTER of Vermont. The gentleman is entirely right. We make no difference where simply an appropriation is required. Ordinarily, if something more than an appropriation is required, if general legislation must be had, then we provide for it by special bills. But in the case referred to the matter came up after the committee had acted upon the appropriation bill.

Mr. STAFFORD. The gentleman makes a clear explanation of the distinction, and I withdraw the pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

Mr. MACON. Mr. Chairman, I want to ask the gentleman——

Mr. FOSTER of Vermont. This is a treaty obligation.

Mr. MACON. I see that the appropriation has been increased 100 per cent.

Mr. FOSTER of Vermont. I will say to the gentleman on that point that last year we had the representative of this work before us, and he told us that for this year the appropriation would necessarily be much larger because of the fact that he would have to keep his force in Alaska the year around. These gentlemen, I may say to the gentleman from Arkansas, traveled 500 miles on foot through the snow before they came to the place where they are working. We were told last year that while the sum carried in the last appropriation bill was all that would be required for the current year, the larger sum called for here would be necessary in order to enable them to carry on the work.

Mr. MACON. Now, you make this amount immediately available, and yet you reappropriate the unexpended balance. What is the necessity of making it immediately available if you have an unexpended balance that you want to reappropriate?

Mr. FOSTER of Vermont. Well, as I say, those people are up there. We want them to have the money as it is needed. That is the whole purpose in making it immediately available. I am satisfied, I can assure the gentleman from Arkansas, that this work is being pushed forward as rapidly as possible under the direction of the two Governments. From time to time we give just what money seems to be necessary in order to enable our American force to continue their share of the work.

Mr. MACON. About how long has this work been going on?

Mr. FOSTER of Vermont. This work has been going on about three years.

Mr. MACON. Has the gentleman any idea how long it will take to complete it?

Mr. FOSTER of Vermont. About eight years.

Mr. MACON. Does the gentleman mean eight years from now?

Mr. FOSTER of Vermont. No; eight years from the start.

Mr. MACON. Mr. Chairman, I will withdraw the point of order.

The CHAIRMAN. The gentleman from Arkansas withdraws the point of order.

The Clerk will read.

The Clerk read as follows:

For the actual expenses of the judge of said court, not to exceed $10 per day, and of the district attorney, not to exceed $5 per day, when sessions of said court are held at other cities than Shanghai, so much as may be necessary.

Mr. STAFFORD. Mr. Chairman, I will not reserve the point of order. I move to strike out the last word. Would the chairman of the committee have any objection to inserting, after the word "actual," the words "and necessary," in order to conform to the language usually employed in these measures with respect to the judiciary? I may say that there is a bill now pending in the Senate having in view a similar purpose, and we had under debate a few days ago a measure affecting the district and circuit judges, and the language was "actual and necessary expenses."

Mr. FOSTER of Vermont. We framed this language after due consideration, and it seems to me it would be difficult to improve upon it. When you speak of the actual expenses of a judge of the court, not to exceed $10 a day, it seems to me you have a concise statement of it.

Mr. STAFFORD. It seems to me that I might have been able to obtain a greater concession from the chairman of the committee if I had reserved the point of order. [Laughter.]

Mr. FOSTER of Vermont. I do not think this is subject to a point of order.

Mr. STAFFORD. It is new.

Mr. MANN. Oh, no; it has been in for years.

Mr. BENNET of New York. Will the gentleman yield a moment?

Mr. FOSTER of Vermont. Certainly.

Mr. BENNET of New York. The language here is the exact language of the bill establishing the court, and if this should now be amended in accordance with the gentleman's suggestion next year it would be subject to a point of order, because the present provision is in the exact words of the statute.

Mr. STAFFORD. Then I do not care to press the suggestion. I withdraw the pro forma amendment.

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] withdraws the pro forma amendment. The Clerk will read.

The Clerk read as follows:

International Seismological Association: For defraying the necessary expenses in fulfilling the obligations of the United States as a member of the International Seismological Association, including the annual contribution to the expenses of the association and the expenses of the United States delegate in attending the meetings of the commission, $1,300.

Mr. HARRISON. Mr. Chairman, I make the point of order that this paragraph is not authorized by existing law.

Mr. FOSTER of Vermont. I concede the point of order.

The CHAIRMAN. The point of order is sustained by the Chair.

The Clerk read as follows:

Bureau of the Interparliamentary Union for the Promotion of International Arbitration: For contribution by the United States toward the maintenance of the Bureau of the Interparliamentary Union for the Promotion of International Arbitration, $2,500.

Mr. HARRISON. Mr. Chairman, I desire to make the same point of order against this paragraph, but I would like at the same time to ask unanimous consent that the point of order may be considered as withheld until the return of the gentleman from Missouri [Mr. BARTHOLDT], who wishes to express some views upon the point of order.

Mr. MANN. Let the paragraph be passed over temporarily.

Mr. FOSTER of Vermont. I ask unanimous consent that the paragraph be passed without prejudice.

The CHAIRMAN. The gentleman from Vermont asks unanimous consent that the paragraph be passed without prejudice. Is there objection?

There was no objection.

The Clerk read as follows:

Ninth International Conference of the Red Cross: To meet the expenses of the Ninth International Conference of the Red Cross, to be held at Washington in 1912, $20,000.

Mr. HARRISON. I make the point of order that this paragraph is not authorized by existing law.

Mr. FOSTER of Vermont. I shall have to concede the point of order.

Mr. COOPER of Pennsylvania. I want to ask the gentleman from New York [Mr. HARRISON] if he will not withhold his objection to this paragraph? It is the Red Cross item, is it not?

Mr. HARRISON. Yes.

Mr. COOPER of Pennsylvania. I ask the gentleman if he does not think it is a meritorious item, and that it ought to be taken care of?

Mr. HARRISON. Probably the gentleman was not in the Chamber at the time I made my original statement concerning all the paragraphs of the bill which are subject to a point of order. I stated that the objection did not lie, in any case, to the merits of the object covered by the paragraph, but to the method by which the appropriation was asked for, without due authority of law.

Mr. COOPER of Pennsylvania. I think there is such a well-defined and earnest demand in this country for the recognition of the Red Cross and its work that this item will undoubtedly be placed back in the bill by the Senate, and eventually will become a part of the appropriation bill, and I do not see any objection to the House retaining it in the bill now.

Mr. HARRISON. I shall be very glad to see the sum of $20,000 or $100,000, if necessary, appropriated in a proper and orderly manner for this very meritorious purpose, but it is not done in that way in this bill, in my judgment.

Mr. COOPER of Pennsylvania. I call the attention of the gentleman to the fact that some recognition of this society has been carried in other appropriation bills. Will the gentleman not consent to let it be submitted to the House on a vote, instead of striking it out on a point of order?

Mr. HARRISON. I will say to the gentleman that I have no power to do that. I would be very glad to vote for the appropriation.

Mr. COOPER of Pennsylvania. Then do not make the point of order, but make a motion to strike out the paragraph.

Mr. HARRISON. I have no such intention or desire. I only desire to call attention to a paragraph which is inserted in the bill out of order.

Mr. FOSTER of Vermont. It seems to me that the gentleman is not discriminating.

Mr. MANN. This is not a convention.

Mr. FOSTER of Vermont. The Red Cross does not belong to the class to which the gentleman from New York objects. This is a great international organization. The Government will not send delegates to or participate in the conference. The American branch has arranged for the ninth international conference of the Red Cross to be held here. It is a worthy cause. It does much for our Nation; not only the American branch of it but the foreign branches, for the Japanese Red Cross contributed largely to the city of San Francisco at the time of the disaster there. So great are the benefits that accrue to our own Nation that our American branch has asked our Government to contribute this $20,000 toward the necessary expenses of the conference. So it seems to me that if the gentleman from New York reflects he will see that it does not come within that class of cases to which he objects.

Mr. HARRISON. I will ask the gentleman if the meeting of the Red Cross here is not on the invitation of our Government to other governments?

Mr. FOSTER of Vermont. I do not understand it so. It may be that our National Government transmits the invitation, because that sometimes is done as a matter of etiquette. But, as I understand, this is the organization itself that is holding this conference. There is no invitation about it. The American branch at its last conference succeeded in getting the congress to vote to hold its next congress here.

Mr. HARRISON. If the gentleman states to me that the Government has not initiated these proceedings and is not responsible for them, he has differentiated this case from the others, to which I have made the point of order, and I will withdraw it.

The CHAIRMAN. The point of order is withdrawn.

The Clerk read as follows:

International conference to promote uniform legislation concerning letters of exchange: For the participation by the United States in the adjourned meeting at The Hague, in 1911, of the international conference for the purpose of promoting uniform legislation concerning letters of exchange, including compensation and actual necessary traveling and subsistence expenses of an expert delegate and a secretary, $9,000, to be made immediately available.

Mr. HARRISON. Mr. Chairman, I make a point of order against this paragraph that it is not authorized by existing law.

Mr. FOSTER of Vermont. Mr. Chairman, I wish to say just a word by way of an appeal to the gentleman from New York. I think he should make another exception here.

Mr. HARRISON. I thought the gentleman assured me that I was not making an exception of the other.

Mr. FOSTER of Vermont. That is what I do mean; my language was inaccurate. We have participated in this conference. Its work was not completed, and it was determined to hold an adjourned meeting this year. It is strictly an adjourned meeting. It seems to me that in this case it would be awkward for us not to appropriate this $9,000, which is necessary for the traveling and subsistence expenses of the expert delegate. The delegate lives in the city a part of which the gentleman from New York has the honor to represent. He is an expert on this subject. He has completed his work and is prepared to return to the conference if this amount is given to him. Now, it seems to me that this does not come within the class to which the gentleman is so much opposed. For that reason I respectfully, but urgently, request him to withdraw his point of order.

Mr. COX of Indiana. This is a new item, is it not?

Mr. FOSTER of Vermont. No; we made an appropriation for this conference two years ago. The conference was held, but the work was not completed. I have not at hand the document showing why, or for what purpose, an adjourned meeting of the conference is to be held. It is an important matter that is involved, and the conference adjourned to meet again next autumn. This is a continuation.

Mr. COX of Indiana. I am unable to find the item in the bill of last year.

Mr. FOSTER of Vermont. It was in that of two years ago, and this is for a continuation of the conference.

Mr. COX of Indiana. Why was not it put in last year's bill?

Mr. FOSTER of Vermont. Because we did not need any appropriation.

Mr. COX of Indiana. What good was accomplished in the item carried in the bill two years ago?

Mr. FOSTER of Vermont. We do not know yet, for they have not completed the work. We believe that the result is going to be good.

Mr. COX of Indiana. Have not they made any report whatever?

Mr. FOSTER of Vermont. They have not made any report to us. I have no doubt that our representative who lives in New York, and who is an expert, has made his report to the Treasury Department. This appropriation is asked by the Treasury Department. I hope the gentleman from New York will withdraw the point of order.

The CHAIRMAN. Does the gentleman from New York withdraw the point of order?

Mr. HARRISON. I do not.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Permanent International Council for the Exploration of the Sea: For the share of the United States in the administrative and other expenses of the Permanent International Council for the Exploration of the Sea, $7,156.

Mr. HARRISON. Mr. Chairman, I make the same point of order on that.

Mr. FOSTER of Vermont. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. FLOOD of Virginia. Mr. Chairman, I offer the following amendment as a separate paragraph, which I send to the desk and ask to have read, to come in after line 18, page 20.

The Clerk read as follows:

Add as a separate paragraph the following:

"That the Secretary of State is hereby authorized and directed to secure, by purchase or otherwise, a suitable building for an embassy building in the City of Mexico, and $100,000, or so much thereof as may be necessary, is appropriated for that purpose."

Mr. STAFFORD. Mr. Chairman, on that I make the point of order.

Mr. FLOOD of Virginia. Mr. Chairman, a law has been passed authorizing the State Department to expend $500,000 a year for embassy buildings, and that is the existing law. This is simply a direction to the State Department to select Mexico City as the first site for the purchase of an embassy building. I do not think it is subject to the point of order.

The CHAIRMAN. Does the gentleman say that that bill providing $500,000 for the purchase of buildings has been passed and enacted into law?

Mr. FLOOD of Virginia. Yes.

The CHAIRMAN. Has the gentleman a copy of the act?

Mr. FLOOD of Virginia. Yes.

Mr. MANN. Mr. Chairman, I am inclined to think that it would be better not to have the point of order ruled upon. The act that passed the other day, and which is now a law, and a copy of which I hold in my hand, provides that the Secretary of State is authorized to acquire diplomatic and consular establishments for the United States, and so forth, suitable buildings and lands, and that not more than $500,000 shall be expended in this fiscal year under the authorization herein made, and then contains this proviso:

Provided further, That in submitting estimates of appropriations to the Secretary of the Treasury for transmission to the House of Representatives the Secretary of State shall set forth the limit of cost for the acquisition of sites and buildings and for the construction, alteration, and repair, and furnishing of buildings at each place in which the expenditure is proposed, which limit of cost shall not exceed the sum of $150,000 at any one place, and which limit thereafter shall not be exceeded in any case except by new and express authorization of Congress.

The purpose of that proviso was to secure Congress against improvident appropriations which would not be subject to points of order in the House, and the clear contemplation of the act was that the Secretary of State, in making his annual estimates or special estimates, would transmit to Congress a limit of cost as to each building or site to be acquired, and that is clearly expressed; so that if the Secretary of State had now transmitted an estimate with limit of cost $100,000 for a site and embassy building at Mexico City, that limit of cost could not thereafter be exceeded. There is, however, no provision in the act which would cover the offering of an amendment in either House of Congress.

The act provides that not more than $500,000 shall be expended in any one year, and that sum has not yet been reached in this appropriation bill, so that that limit of cost would not strike out the paragraph.

Mr. COX of Indiana. Will the gentleman yield?

Mr. MANN. Yes.

Mr. COX of Indiana. Does the gentleman believe that the act which he quoted from a moment ago gives Congress the power to make any appropriation until the Secretary of State makes his estimate as to what it is going to cost?

Mr. MANN. That is just what I prefer not to have decided.

Mr. COX of Indiana. I doubt very much whether Congress has the right to do it until the Secretary of State determines it.

Mr. MANN. Undoubtedly hereafter the policy will be for the Secretary of State to send in his own estimates, and those estimates will be followed; but I question whether the act requires the Secretary of State to send in an estimate. The act could not require that. What we provide is that the Secretary may acquire the buildings; that the amount in any one year shall not exceed $500,000; and then there is a provision directing the Secretary of State to put in a limit of cost when he does send in his estimates, and when that limit of cost is included in that estimate it can not be exceeded. Probably the occasion will not often arise hereafter. I would be very sorry to see a ruling of the Chair now which would authorize amendments offered on the floor of the House probably for new sites and buildings.

That likely will not occur hereafter, because I take it hereafter the committee then in making reports will confine itself to those cases where estimates have been sent in. I hope the gentleman will not insist upon his point of order in order to have a ruling on that, as it might be just the reverse of what we would like to have.

The CHAIRMAN. Will the gentleman from Illinois direct his attention to the Chair for a moment? Does the gentleman argue that the act which directs the Secretary to submit an estimate of cost and which limits that cost, subject to subsequent authorizations of Congress, is a barrier to an amendment on this bill?

Mr. MANN. Mr. Chairman, I skillfully avoided the subject. I do not wish to express an opinion on the subject, and I hope the Chair will not be called upon to express an opinion on that subject.

The CHAIRMAN. Would it not be up to the Chair if it were insisted upon?

Mr. MANN. I hope the Chair will not feel at all that he is required to rule, and I hope the gentleman will withdraw his point of order.

Mr. STAFFORD. In regard to the question of whether the point of order is pressed or not, when this bill was under consideration in the House, though I opposed it by my vote, I thought that it was the purpose to safeguard the interest of the Treasury and the Government so that there would not be any lavish expenditure of the public funds for embassies and legations. I thought it would be left to the discretion of the State Department to determine the places where those embassy and legation buildings should be established. If I read this act

correctly, I think the act, if it shows anything, shows that the discretion is vested in the Secretary of State to determine the places where these embassy buildings should be established. That is not only indicated in the body of the act but also in the proviso, and the whole purpose of the act is predicated upon the idea that Congress will not proceed with the building of these embassies and legations until the Secretary of State makes investigation and recommends the places where they should be established. Believing that it was intended to vest discretion in the Secretary of State to determine the places where these buildings should be located, and not leaving it to the whim of the committee or of the House to determine any certain place, I think, unless some other reason is advanced why I should not press this point of order, that I will be compelled to do so.

Mr. COOPER of Pennsylvania. I want to call the gentleman's attention to the fact that the suggestion was made when the bill was under consideration that probably the first embassy building to be acquired or purchased would be in Mexico. I think that was the general understanding when it first came up.

Mr. LONGWORTH. Will the gentleman yield to me to ask the chairman of the committee a question? I simply want to ask the chairman of the committee whether the State Department has taken any action in this regard since the law was passed?

Mr. FOSTER of Vermont. It has not. It has not been practical in the time since the bill was passed for them to do anything in the matter.

Mr. COOPER of Pennsylvania. I would suggest to the gentleman this would be the only opportunity to make it possible for the Secretary of State to do anything in this regard.

Mr. MANN. He could send in the estimates in time for the House or Senate.

Mr. COOPER of Pennsylvania. After the bill is passed it is too late, unless it should be carried as a rider upon some other appropriation bill.

The CHAIRMAN. Does the gentleman from Virginia desire to say anything further on the point of order?

Mr. FLOOD of Virginia. Not on the point of order.

The CHAIRMAN. The Chair is prepared to rule on the point of order. The existing law, act of February 17, 1911, provides that the Secretary of State shall submit estimates of appropriations to the Secretary of the Treasury for transmission to the House of Representatives, and it establishes a limit of cost for those buildings contemplated by the act and provides a method of establishing that limit. In the light of existing law fixing a limitation of cost, and the method of procedure by the Secretary of State, the amendment presented by the gentleman from Virginia is clearly not in order. It is new legislation and therefore unauthorized by existing law. The Chair sustains the point of order.

The Clerk read as follows:

Relief and protection of American seamen: Relief and protection of American seamen in foreign countries, and shipwrecked American seamen in the Territory of Alaska, in the Hawaiian Islands, Porto Rico, the Panama Canal Zone, and the Philippine Islands, $30,000.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word in order to call the attention of the chairman of the committee to an apparent error in describing Alaska as the "Territory of Alaska" instead of the "District of Alaska." I wish to substitute the word "District" for "Territory."

Mr. BENNET of New York. Mr. Chairman, five years ago I made a similar error and was corrected by our good friend, now unfortunately deceased, Mr. Cushman. Alaska is a Territory in all the descriptions in the statutes of the United States.

Mr. STAFFORD. I wish to say that there are committees acting under the misapprehension that it is a district, and considerable legislation describes it as a district. I am very thankful to the gentleman for correcting me in that particular.

Mr. BENNET of New York. I am only handing out the information I got myself on the floor of the House.

Mr. STAFFORD. It is the opinion of a number that it is a district.

The Clerk concluded the reading of the bill, as follows:

Contingent expenses, United States consulates: Expenses of providing all such stationery, blanks, record and other books, seals, presses, flags, signs, rent (allowance for rent not to exceed in any case 30 per cent of the officer's salary), postage, furniture, including typewriters and exchange of same, statistics, newspapers, freight (foreign and domestic), telegrams, advertising, messenger service, traveling expenses of consular officers and consular assistants, compensation of Chinese writers, loss by exchange, and such other miscellaneous expenses as the President may think necessary for the several consulates and consular agencies in the transaction of their business, $471,600.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I see that there is quite a reduction in the appropriation in this item?

Mr. FOSTER of Vermont. Yes; $50,000.

Mr. MANN. I compliment the gentleman and his committee.

Mr. FOSTER of Vermont. I thank you. If the gentleman from Illinois will some time look over the report of the expenditure of this fund by the State Department, he will appreciate the care with which that fund is appropriated. Really, it is a large sum for a Congress, with its policy, to hand over to a department to be disbursed in that way.

The CHAIRMAN. The committee will now return to page 18, for the consideration of a paragraph which was passed without prejudice, and which the Clerk will report.

The Clerk read as follows:

Bureau of the Interparliamentary Union for the Promotion of International Arbitration: For contribution by the United States toward the maintenance of the Bureau of the Interparliamentary Union for the Promotion of International Arbitration, $2,500.

Mr. HARRISON. Mr. Chairman, I make a point of order against the paragraph, in that it is not authorized by existing law.

Mr. FOSTER of Vermont. I concede that.

The CHAIRMAN. The Chair sustains the point of order.

Mr. FOSTER of Vermont. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MOORE of Pennsylvania, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 32866, the diplomatic and consular appropriation bill, and had instructed him to report the same to the House with the recommendation that it do pass.

Mr. FOSTER of Vermont. Mr. Speaker, I move the previous question upon the bill to its final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. FOSTER of Vermont, a motion to reconsider the vote by which the bill was passed was ordered to be laid on the table.

THOMAS SEALS.

The SPEAKER laid before the House the bill H. R. 16268, an act for the relief of Thomas Seals, with Senate amendment.

The Senate amendment was read.

Mr. HOLLINGSWORTH. Mr. Speaker, I move that the House concur in the Senate amendment.

The Senate amendment was concurred in.

BRIDGE ACROSS MOBILE RIVER.

The SPEAKER also laid before the House the bill H. R. 31538, an act to authorize the Pensacola, Mobile & New Orleans Railway Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels on a line opposite Mobile, Ala., with Senate amendments.

The Senate amendments were read.

Mr. MANN. Mr. Speaker, I move that the House concur in the Senate amendments, with an amendment striking out the semicolon after the word "mouth," on page 1.

The Senate amendment as amended was concurred in.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 9221. An act for the relief of James Jones; and

H. R. 19756. An act for the relief of Michael J. Ryan, son and administrator de bonis non of John S. Ryan, deceased.

ENROLLED JOINT RESOLUTION AND BILLS SIGNED.

The SPEAKER announced his signature to enrolled joint resolution and bills of the following titles:

S. J. Res. 131. Joint resolution authorizing the Secretary of War to receive, for instruction at the Military Academy at West Point, two Chinese subjects, to be designated hereafter by the Government of China;

S. 10404. An act to authorize the Secretary of War to grant a right of way through lands of the United States to the Buckhannon & Northern Railroad Co.;

S. 9443. An act providing for the naturalization of the wife and minor children of insane aliens, making homestead entries under the land laws of the United States;

S. 8457. An act to restore to the public domain certain lands withdrawn for reservoir purposes in Millard County, Utah;

S. 10011. An act for establishing a light and fog-signal station on the San Pedro Breakwater, Cal.;

S. 547. An act to authorize J. W. Vance, L. L. Allen, C. F. Helwig, and H. V. Worley, of Pierce City, Mo.; A. B. Durnil, D. H. Kemp, Sig Soloman, J. J. Davis, S. A. Chappell, and W. M. West, of Monett, Mo.; M. L. Coleman, M. T. Davis, Jared R. Woodfill, jr., J. H. Jarrett, and William H. Standish, of Aurora, Lawrence County, Mo.; and L. S. Meyer, F. S. Heffernan, Robert A. Moore, William H. Johnson, J. P. McCammon, M. W. Colbaugh, and W. H. Schreiber, of Springfield, Greene County, Mo., to construct a dam across the James River, in Stone County, Mo., and to divert a portion of its waters through a tunnel into the said river again to create electric power; and

S. 10596. An act to authorize the Rainy River Improvement Co. to construct a dam across the outlet of Namakan Lake at Kettle Falls, in St. Louis County, Minn.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills and joint resolution:

H. R. 21613. An act for the relief of Francis E. Rosier;

H. R. 23695. An act to provide for sittings of the United States circuit and district courts of the northern district of Mississippi at the city of Clarksdale, in said district;

H. R. 26150. An act to authorize the construction of drawless bridges across a certain portion of the Charles River in the State of Massachusetts; and

H. J. Res. 146. Joint resolution creating a commission to investigate and report on the advisability of the establishment of permanent maneuvering grounds, camp of inspection, rifle and artillery ranges for troops of the United States at or near the Chickamauga and Chattanooga Military Park, and to likewise report as to certain lands in the State of Tennessee proposed to be donated to the United States for said purposes.

SENATE BILLS REFERRED.

Under clause 2 Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 9874. An act to refund to the Gate of Heaven Church, South Boston, Mass., duty collected on stained-glass windows; to the Committee on Claims.

S. 10095. An act to provide for the acquisition of a site on which to erect a public building at Gilmer, Tex.; to the Committee on Public Buildings and Grounds.

S. 8047. An act for the relief of Clement A. Lounsberry; to the Committee on Military Affairs.

HERMAN GAUSS AND JOSEPH M. M'COY.

Mr. CURRIER. Mr. Speaker, I present a privileged report (No. 2223) from the Committee on Accounts, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 991, in lieu of House resolutions 971 and 973.

Resolved, That there shall be paid out of the contingent fund of the House to Herman Gauss $1,200 and to Joseph M. McCoy $750, for extra and expert services rendered to the Committees on Invalid Pensions and Pensions, respectively, during the third session of the Sixty-first Congress, as assistant clerks to said committees by detail from the Pension Bureau, pursuant to law.

Mr. MANN. This is the usual resolution?

Mr. CURRIER. It is an increase of $200 over the resolution passed at the last short session of Congress. It is the same amount as was given at the last long session.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

GEORGE CHADSEY.

Mr. CURRIER. Mr. Speaker, I also present the following privileged resolution (H. Res. 990; H. Rept. 2222) from the Committee on Accounts, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 990, in lieu of House resolution 956.

Resolved, That there shall be paid out of the contingent fund of the House to George Chadsey the sum of $37.50, for clerical services rendered the late Representative W. P. Brownlow, of Tennessee, from July 1 to July 9, 1910, inclusive.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ELEANORA THOMAS AND OTHERS.

Mr. CURRIER. Mr. Speaker, I also submit the following privileged report (No. 2221) from the Committee on Accounts, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 989, in lieu of House resolutions 922, 942, 951, 981, and H. R. 32818.

Resolved, That there shall be paid out of the contingent fund of the House amounts equal, respectively, to six months' compensation of the following-named employees of the House, now deceased, at the rate of compensation paid them at the time they died, and a further amount, not exceeding $250 in each case, to defray the funeral expenses of said employees, namely:

To Eleanora Thomas, widow of Alexander B. Thomas, late a laborer;

To the widow of David M. Gardner, late a private on the Capitol police force;

To Elizabeth Welch, widow of Andrew J. Welch, late an official reporter of debates;

To the widow of George H. Morisey, late a messenger on the soldiers' roll; and

To John D. Fahey, administrator of the estate of Charles W. Rogan, late a messenger.

Mr. CURRIER. Mr. Speaker, I ask unanimous consent to amend that by striking out the words "Andrew J." and inserting "A. C.," so that it will read "widow of A. C. Welch."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The resolution as amended was agreed to.

LAURA E. ALLEN.

Mr. CURRIER. I also submit the following privileged report (No. 2224) from the Committee on Accounts, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 992, in lieu of House resolution 988.

Resolved, That there shall be paid out of the contingent fund of the House to Laura E. Allen, clerk to the late Representative AMOS L. ALLEN, of Maine, the sum of $125 as clerk-hire allowance for the month of February, 1911.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ADDITIONAL CLERK, COMMITTEE ON ENROLLED BILLS.

Mr. CURRIER. Mr. Speaker, I also submit the following privileged report (No. 2220) from the Committee on Accounts, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 968.

Resolved, That the chairman of the Committee on Enrolled Bills be, and he is hereby, authorized to appoint an additional clerk to said committee, who shall be paid out of the contingent fund of the House at the rate of $6 per day from this date.

With the following amendment:

In line 5 strike out the words "from this date" and insert "during the remainder of the present session."

Mr. MANN. How much is that?

Mr. CURRIER. One for the present session. Two were given the last time.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The resolution as amended was agreed to.

MAKING BIRMINGHAM, ALA., A SUBPORT OF ENTRY.

Mr. UNDERWOOD. Mr. Speaker, I call up as a privileged matter the bill (H. R. 29708) to constitute Birmingham, in the State of Alabama, a subport of entry, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That Birmingham, in the State of Alabama, be, and the same is hereby, constituted a subport of entry in the customs collection district of Mobile, and that the privileges of section 7 of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement, be, and the same are hereby, extended to the said subport of Birmingham, Ala.

Mr. UNDERWOOD. Mr. Speaker, this bill comes from the Committee on Ways and Means with a unanimous report.

Mr. MANN. I doubt whether it is a privileged matter, but I hope it will pass.

Mr. AUSTIN. It ought to pass.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. UNDERWOOD, a motion to reconsider the last vote was laid on the table.

WITHDRAWAL OF PAPERS.

Mr. WILSON of Illinois. Mr. Speaker, I want to ask unanimous consent to withdraw a report on a certain bill that we have reported from the Committee on Merchant Marine and Fisheries in which a mistake has been made, and have it corrected. It is a bill to establish a fish hatchery in Tennessee.

The SPEAKER. This request was made on yesterday and submitted by the Chair, but the gentleman from Tennessee [Mr. PADGETT] objected until he could communicate with the gentleman from Illinois about it. Has the gentleman from Illinois seen the gentleman from Tennessee?

Mr. WILSON of Illinois. No; I have not seen him since. I will withdraw the request.

PERMISSIBLE EXPLOSIVES.

Mr. COOPER of Pennsylvania. I ask unanimous consent to print as a House document Miners' Circular No. 2 on permissible explosives. I asked it the other night, and the gentleman from New York objected. He did not understand what the request was. He has withdrawn his objection.

The SPEAKER. Is there objection?

There was no objection.

DISTILLED SPIRITS—FRUIT BRANDY.

Mr. LONGWORTH, from the Committee on Ways and Means, reported, with amendments, the bill (H. R. 28626) to amend the internal-revenue laws relating to distilled spirits, and for other purposes, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and with the accompanying report (No. 2219) ordered to be printed.

LEAVE TO WITHDRAW PAPERS—JOSEPH W. HAWKINS.

By unanimous consent, at the request of Mr. HAMLIN, leave was granted to withdraw from the files of the House the papers in the case of Joseph W. Hawkins (H. R. 30431) without leaving copies, no adverse report having been made thereon.

ADJOURNMENT.

Mr. FOSTER of Vermont. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 13 minutes p. m.) the House adjourned, to meet on Thursday, February 23, 1911, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting a copy of an act for the relief of Cooper Walker, with recommendation thereto (H. Doc. No. 1400); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Attorney General submitting an estimate of appropriation for rent of quarters (H. Doc. No. 1401); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for reimbursement of the State of Idaho (H. Doc. No. 1402); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for claims of citizens of Hawaii (H. Doc. No. 1404); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of the Treasury, transmitting a recommendation as to the disbursement of appropriations for certain emergency work in connection with the care of public buildings (H. Doc. No. 1403); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. PRAY, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 10761) to amend section 3 of the act of Congress of May 1, 1888, and extend the provisions of section 2301 of the Revised Statutes of the United States to certain lands in the State of Montana embraced within the provisions of said act, and for other purposes, reported the same without amendment, accompanied by a report (No. 2215), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr VOLSTEAD, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 10313) to provide for an enlarged homestead entry in Nevada where sufficient water suitable for domestic purposes is not obtainable upon the lands, reported the same with amendment, accompanied by a report (No. 2217), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MOON of Pennsylvania, from the Committee on Revision of the Laws, to which was referred the resolution of the House (H. J. Res. 281) to create a joint committee to continue the consideration of the revision and codification of the laws of the United States, reported the same without amendment, accompanied by a report (No. 2218), which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BENNET of New York, from the Committee on Foreign Affairs, to which was referred the resolution of the House (H. J. Res. 239) authorizing the President to instruct representatives of United States to next International Peace Conference to express desire of United States that nations shall not attempt to increase their territory by conquest, and to endeavor to secure a declaration to that effect from the conference, reported the same without amendment, accompanied by a report (No. 2216), which said resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. McCALL, from the Committee on the Library, to which was referred the resolution of the Senate (S. J. Res. 145) providing for the filling of a vacancy which will occur on March 1, 1911, in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, reported the same without amendment, accompanied by a report (No. 2214), which said resolution and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 32878) to refund certain tonnage taxes and light dues, and the same was referred to the Committee on the Merchant Marine and Fisheries.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. GRIEST: A bill (H. R. 32893) to extend the penny-postage rate on local delivery first-class mail matter to post offices where the system of free delivery is established; to the Committee on the Post Office and Post Roads.

By Mr. LOUDENSLAGER: A bill (H. R. 32894) to provide for the performance of the duties of the office of Clerk, Sergeant at Arms, Doorkeeper, and Postmaster of the House of Representatives, respectively, in case of the death or resignation of the incumbent during the interim between sessions of Congress; to the Committee on Accounts.

By Mr. CARLIN: A bill (H. R. 32895) to provide for the erection of a monument to the signers of the Declaration of Independence; to the Committee on the Library.

By Mr. PARKER (by request): A bill (H. R. 32896) to amend section 915 of the Revised Statutes, and for other purposes; to the Committee on the Judiciary.

By Mr. BENNET of New York: A joint resolution (H. J. Res. 292) relating to alien deportations; to the Committee on Immigration and Naturalization.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 32897) to remove the charge of desertion against the military record of Robert Burns; to the Committee on Military Affairs.

By Mr. BURLEIGH: A bill (H. R. 32898) granting an increase of pension to Horatio B. Baker; to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 32899) granting a pension to Adelia Converse; to the Committee on Invalid Pensions.

By Mr. DAVIS: A bill (H. R. 32900) granting an increase of pension to Charles H. Webster; to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 32901) granting an increase of pension to Marcus W. Dewitt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32902) granting an increase of pension to L. J. Richardson; to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 32903) granting a pension to Emily A. Ballard; to the Committee on Pensions.

By Mr. KENDALL: A bill (H. R. 32904) granting an increase of pension to Thomas Porter; to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 32905) granting an increase of pension to Joseph G. Long; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER of New York: Petition of Gerhard Lang Council, No. 298, Catholic Benevolent Legion, Buffalo, against increase in the postal rates on magazines; to the Committee on the Post Office and Post Roads.

By Mr. ANSBERRY: Petition of H. M. Higginbotham, of Antwerp, Ohio, against a local rural parcels-post service; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Petition of Welty Overland Automobile Co., of Toledo, Ohio, for House bill 32570; to the Committee on Interstate and Foreign Commerce.

Also, petition of Schoenbrun Grange, No. 1455, New Philadelphia, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. BURLEIGH: Petition of Bricklayers' and Plasterers' Union of Missouri, against printing notes, bonds, and checks of the Government by machine presses; to the Committee on Printing.

By Mr. BUTLER: Petition of citizens of seventh Pennsylvania congressional district, for election of Senators by popular vote; to the Committee on the Judiciary.

Also, petition of Pomona Grange, No. 3, Patrons of Husbandry, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. BYRNS: Petition of the Legislature of Tennessee, for additional immigration legislation; to the Committee on Immigration and Naturalization.

By Mr. DAVIS: Petition of merchants of Shakopee, Henderson, Waconia, Cologne, Gaylord, Winthrop, Carver, Chaska, Plato, and Gibbon, Minn., against parcels-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of Lander & Zimmerman, Brownton, Minn., and W. G. Faber and others, Norwood, Minn., against a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. DRAPER: Petition of the American Scenic and Historic Preservation Society, for House bill 2258—right of way over certain sections of the Grand Canyon Monument Reserve in Arizona; to the Committee on the Public Lands.

By Mr. DUREY: Petition of Home Missionary Society, of Johnstown, N. Y.; the Woman's Mission Society of the Methodist Episcopal Church, Greenwich; the Home Missionary Society of the First Methodist Episcopal Church, of Gloversville, N. Y.; and the Woman's Home Missionary Society, of Gloversville, N. Y., for the Miller-Curtis bill; to the Committee on the Judiciary.

By Mr. ESCH: Paper to accompany bill for relief of Capt. Ballard; to the Committee on Pensions.

By Mr. FULLER: Petition of C. E. Sheldon, of Rockford, Ill., favoring the Esch phosphorus bill, House bill 30022; to the Committee on Ways and Means.

Also, petition of citizens of Winnebago County, Ill., against Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of Mrs. Ella Zacher, Peru, Ill.; Florence E. Myers, Streator, Ill.; and E. W. Beedle, against increase of postage on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. GUERNSEY: Petition of C. E. Young and others, of Corinna, Me., and J. F. Ayer, South Dover, N. Y., against the Canadian reciprocity bill; to the Committee on Ways and Means.

Mr. HAMLIN: Paper to accompany bill for relief of Thomas Young and W. M. Jolly; to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Thomas F. Jessup; to the Committee on Military Affairs.

By Mr. HANNA: Petition of Socialist Union of Lakota, N. Dak., for a parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of residents of Streeter, N. Dak., against Senate bill 404 and House joint resolution 17; to the Committee on the District of Columbia.

Also, petition of citizens of North Dakota, relative to rural mail carriers; to the Committee on the Post Office and Post Roads.

Also, petition of J. C. F. Parker & Co. and others, citizens of North Dakota, against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. HOLLINGSWORTH: Memorial of Westbury Quarterly Meeting of the Society of Friends, against expending public funds for warlike preparations, especially for fortification of the Panama Canal; to the Committee on Military Affairs.

By Mr. KENNEDY: Petition of J. T. Miller and others and Alliance Chapter of the American Woman's League, against postage increase on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. LANGHAM: Petition of Kaylor Grange, No. 1396, Karns City, Butler County, Pa., for Senate bill 5842, relative to oleomargarine tax; to the Committee on Agriculture.

By Mr. LATTA: Petition of Herman Rewse and others, of Hubbard; L. V. Ackerman and others, of Verdal; Anthony Hirschman and others, of Hartington; Frank Storm and others, of Royal; Beiler Bros. and others, of Norfolk; C. E. Rundgarst and others, of Royal; W. L. Ross and others, of Dakota; James Sulloway and others, of Homer; Anchey Alloway and others, of Homer; and Peter E. Brace and others, of St. Libory, all in the State of Nebraska, against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. LOUD: Petition of T. C. Allsvede and 26 other residents of Sanford, Mich., for the Miller-Curtis bill; to the Committee on the Judiciary.

Also, petition of Thomas Sheridan and 37 other residents of Mount Hope, Mich., against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. McKINNEY: Petition of citizens of Illinois, for the construction of the battleship *New York* in the Brooklyn Navy Yard; to the Committee on Naval Affairs.

By Mr. McMORRAN: Petition of Mrs. C. P. Johnson, secretary of Hadley and Elba Farmers' Club, of Michigan, against the reciprocity treaty; to the Committee on Ways and Means.

By Mr. MANN: Protest of citizens of Chicago, Ill., against legislation for a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. MOORE of Pennsylvania: Petition of Weeks Photo Engraving Co., American Paper and Pulp Association, and Henry A. Roberts, all of Philadelphia, Pa., against increase of postage on second-class matter; to the Committee on the Post Office and Post Roads.

Also, petitions of Washington Camps Nos. 574 and 441, Patriotic Order Sons of America, urging passage of House bill 15413; to the Committee on Immigration and Naturalization.

Also, petitions of George L. Carnan, Elwood Wilson, Robert W. Fragan, John E. Reiter, all of Philadelphia, urging purchase of Carpenter tract for public park in District of Columbia; to the Committee on the District of Columbia.

Also, petition of Samuel S. Fels and Miss Elizabeth P. Lewis, of Philadelphia, Pa., urging the establishment of Federal children's bureau; to the Committee on Expenditures in the Interior Department.

Also, petition of Pennsylvania Antisaloon League, against admission of New Mexico as a State; to the Committee on the Territories.

By Mr. O'CONNELL: Petition of the Merchants' Association of Fall River, favoring construction of canal between Boston and Fall River by the United States Government; to the Committee on Interstate and Foreign Commerce.

By Mr. A. MITCHELL PALMER: Petition of Washington Camps Nos. 601 and 635, Patriotic Order Sons of America, for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. SLAYDEN: Petition of citizens of Texas, against parcels-post legislation; to the Committee on the Post Office and Post Roads.

By Mr. SULZER: Petition of Maritime Association of the Port of New York, for appointment of Hon. Thomas J. Scully a member of the House Committee on the Merchant Marine and Fisheries; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the Pictorial Review Co., of New York, against postage increase on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. THOMAS of Ohio: Petition of Council No. 160, Junior Order United American Mechanics, for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. WANGER: Petition of Post No. 515, Grand Army of the Republic, Department of Pennsylvania, located at Schwenksville, Pa., for the passage of the Sulloway pension bill; to the Committee on Invalid Pensions.

Also petitions of the Pennsylvania Society to Protect Children from Cruelty, the Juvenile Protective Association, and Mr. Porter R. Lee, of Philadelphia; and the Civic Club of Allegheny County, of Pittsburg, Pa., for the passage of the bill (H. R. 27068) to establish a Federal children's bureau; to the Committee on Expenditures in the Department of Commerce and Labor.

SENATE.

THURSDAY, *February 23, 1911.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BURROWS, and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had passed without amendment the joint resolution (S. J. Res. 145) providing for the filling of a vacancy which will occur on March 1, 1911, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 31538) to authorize the Pensacola, Mobile & New Orleans Railway Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels on a line opposite the city of Mobile, Ala., with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 29708. An act to constitute Birmingham, in the State of Alabama, a subport of entry;

H. R. 32212. An act making appropriations for the naval service for the fiscal year ending June 30, 1912, and for other purposes;

H. R. 32865. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; and

H. R. 32866. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1912.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

S. 574. An act to authorize J. W. Vance, L. L. Allen, C. F. Helwig, and H. V. Worley, of Pierce City, Mo.; A. B. Durnil, D. H. Kemp, Sig Soloman, J. J. Davis, S. A. Chappell, and W. M. West, of Monett, Mo.; M. L. Coleman, M. T. Davis, Jared R. Woodfill, jr., J. H. Jarrett, and William H. Standish, of Aurora, Lawrence County, Mo.; and L. S. Meyer, F. S. Heffernan, Robert A. Moore, William H. Johnson, J. P. McCammon, M. W. Colbaugh, and W. H. Schreiber, of Springfield, Greene County, Mo., to construct a dam across the James River, in Stone County, Mo., and to divert a portion of its waters through a tunnel into the said river again to create electric power;

S. 8457. An act to restore to the public domain certain lands withdrawn for reservoir purposes in Millard County, Utah;

S. 9443. An act providing for the naturalization of the wife and minor children of insane aliens making homestead entries under the land laws of the United States;

S. 10011. An act for establishing a light and fog-signal station on San Pedro Breakwater, Cal.;

S. 10404. An act to authorize the Secretary of War to grant a right of way through lands of the United States to the Buckhannon & Northern Railroad Co.;

S. 10596. An act to authorize the Rainy River Improvement Co. to construct a dam across the outlet of Namakan Lake at Kettle Falls, in St. Louis County, Minn.;

H. R. 9221. An act for the relief of James Jones;

H. R. 19756. An act for the relief of Michael J. Ryan, son and administrator de bonis non of John S. Ryan, deceased; and

S. J. Res. 131. Joint resolution authorizing the Secretary of War to receive, for instruction at the Military Academy at West Point, two Chinese subjects, to be designated hereafter by the Government of China.

RIVER AND HARBOR BILL.

Mr. NELSON. I submit a conference report on the river and harbor bill and move its adoption.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28632) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 17, 18, 28, 47, 61, 80, 87, and 91.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 6, 8, 9, 11, 12, 14, 16, 19, 20, 21, 22, 23, 24, 26, 27, 29, 30, 31, 32, 33, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 48, 49, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 62, 63, 64, 66, 67, 68, 70, 71, 72, 73, 77, 79, 81, 82, 83, 84, 88, 89, 90, 92, 93, 94, 96, and 98, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Improving Weymouth Fore River, Mass.: Completing improvement below the Quincy Point Bridge in accordance with report submitted in House Document No. 1334, Sixty-first Congress, third session, $140,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "*Provided*, That the project for improvement below said bridge may, in the discretion of the Secretary of War, be so modified as to allow the widening of the channel of the river at bends wherever considered desirable in the interest of commerce and navigation: *Provided further*, That no additional work shall be done under this authority which will increase the total cost of the project given in report submitted in House Document No. 441, Fifty-ninth Congress, second session"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: At the end of the language proposed strike out the words "to the Carolina Beach Pier" and insert in lieu thereof the words "and the Carolina Beach Pier"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following between lines 22 and 23, page 15, after the provision for the Coosa River:

"The Secretary of War is hereby authorized and empowered to enter into contract with the Ragland Water Power Co., its successors or assigns, hereinafter designated 'the contracting party,' to complete the dam heretofore partially constructed by the Government at Lock No. 4 on the Coosa River, the work to be done under his supervision and control, and in accordance with the present adopted project and any modification thereof that he may deem proper: *Provided*, That the contracting party shall furnish all materials, of every character, and pay for all labor required in the construction of said dam, which, upon completion, shall become the property of the United States, free of all costs, claims, or charges of any kind whatsoever: *Provided further*, That the terms of this act and any stipulation which the Secretary of War may deem necessary to safeguard the interests of navigation and other interests of the United States shall be embodied in any contract entered into as aforesaid. The contracting party shall begin the said work within one year from the approval of this act, and shall complete the same within three years from the date of commencing construction; otherwise the authorization hereby conferred shall be void and the rights hereby conferred shall cease and be determined, the Government reserving the right to commence and finish the work, if deemed advisable, at any time before it is commenced by the contracting party; or, if begun and not carried out in strict conformity to the directions of the Secretary of War, the Government may assume the completion of said work at its option, the cost of such completion to be paid by the contracting party: *Provided*, That the Secretary of War shall determine from time to time whether the work is being properly done. In consideration of the completion of said dam free of cost to the Government, the contracting party is hereby granted such rights as the Government possesses to use the water power produced by said dam for manufacturing and other industrial purposes for a period of 50 years: *Provided*, That the plans for the necessary works and structures to utilize said water power shall be approved by the Secretary of War: *Provided further*, That the right is reserved to the United States to construct, maintain, and operate a forebay and lock for navigation purposes in connection with said dam, and nothing shall be done in the use of the water from said dam or otherwise to interfere with or in any way impede or retard the operation of said lock or the proper and complete navigation of the river at all times, nor in any way to interfere with the use and control of the same by the United States or the maintenance of the water surface above the dam at the established pool level; and the Secretary of War is hereby authorized to

prescribe regulations to govern the use of the said water power and the operations of the plant and force employed in connection therewith; and no claim shall be made against the United States for any failure of water power, resulting from any cause whatsoever: *Provided further*, That the contracting party shall furnish to the United States, free of cost, such electric current as may be necessary for operating the Government lock and lighting its buildings and grounds: *And provided further*, That the contracting party may have ingress and egress over Government lands in the construction and operation of the plant. The Secretary of War may require the contracting party to execute a bond, with proper securities, before the commencement of the work, in such amount as he may consider necessary, to insure the beginning, prosecution, and completion of the work and compliance with the terms and requirements of this act, and in case of failure to comply with the requirements of said bond the contracting party shall forfeit to the United States the full amount thereof: *Provided*, That a suitable force of inspectors shall be employed on the work by the Secretary of War, at the expense of the contracting party, to see that the plans and specifications and the terms and requirements of the act and the conditions of the contract are strictly carried out. Congress reserves the right to alter, amend, or repeal the rights and privileges hereby conferred, and the United States shall incur no liability because of the alteration, amendment, or repeal thereof: *Provided further*, That to insure compliance with the terms of this contract, or to protect the interests of navigation and other interests of the United States, the Secretary of War shall have power, at any time, to order a suspension of all privileges hereby granted, and a compliance with such order may be enforced by an injunction of the court of the United States exercising jurisdiction in the district in which the work is situated, and proper proceedings to this end shall be instituted by the Attorney General upon request of the Secretary of War. Nothing herein shall be construed as in any way abridging the exclusive jurisdiction and control by the United States of the Coosa River, and of any structure therein, or as repealing or modifying any of the provisions or laws now existing for the protection of navigation. The contracting party, in consideration of the privileges granted hereby, must, under such regulations as the Secretary of War may require, obligate and bind itself, its successors or assigns, to raise the height of said dam at Lock No. 4 3 feet, and shall stop the leaks above Dam No. 4 by which water escapes under such dam, so far as the same can be done, and to keep said leaks stopped so far as it is possible so to do. In consideration of making said improvements, the said contracting party shall have the right to raise said dam during low water to such a height as may be necessary to give it a storage basin above the dam, in order that it may develop and operate a water power: *Provided*, That the said storage does not interfere with navigation: *Provided further*, That the said contracting party shall pay all damages incurred by reason of overflowed lands. Beginning with the year 1925, the contracting party shall pay to the United States for the power due to the natural flowage of the river the sum of $1 per 10-hour horsepower per year: *Provided*, That in case the natural flowage of the river is increased at this point by storage reservoirs above this point, the power company shall have the right to lease, for a period not exceeding the life of this authorization, the increased power due to said storage, and shall pay on all power above that due to natural flowage of the river, as increased by local storage at Dam No. 4 the sum of $1 per year for the first five years, $2 per year for the second five years, and thereafter $3 per year for each 10-hour horsepower sold or used, or in lieu of above payment may, in the discretion of the Secretary of War, pay its equitable share toward the construction of said reservoir or reservoirs, such share to be determined by the Secretary of War: *Provided*, That the Secretary of War, in his discretion, may readjust such rate of compensation at periods of 10 years."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: Strike out all after the word "appropriated," in the twelfth line of the language proposed, and insert in lieu thereof the following:

"*Provided further*, That no part of the amount herein appropriated and authorized to be appropriated shall be expended until the Secretary of War shall be satisfied that the interests of the general public are duly protected in the use of said harbor, and that no terminal monopoly will be possible: *And provided further*, That the title or easements in any land needed in connection with the construction of the dike proposed as a part of this improvement shall be vested in the United States free of cost."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: After the word "maintenance" insert the words "by dredging and repair of the jetties"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the second paragraph of the language proposed insert the following:

"Such changes and diversion shall be shown by plans and plats to be prepared by the city of St. Paul, which shall be filed with and approved by the Secretary of War and the Chief of Engineers before any work shall be done thereon, and any change therefrom shall be unlawful unless a plan and plat thereof shall have been previously filed with and approved by the Secretary of War and Chief of Engineers: *Provided*, That the Secretary of War and the Chief of Engineers shall submit to Congress an estimate of the amount, character, and cost of any work deemed proper to be done by the United States in connection with the improvement herein authorized, the expense connected with the preparation of such estimate to be paid from the appropriation for examinations, surveys, and contingencies of rivers and harbors: *Provided further*, That neither this act nor any action taken thereunder by the Secretary of War and the Chief of Engineers shall be construed as in any way committing the United States to any expense or obligation without the further direction of Congress."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: At the beginning of the fifth line of the language proposed omit the words "Siuslaw River, Oreg.," and the colon immediately following, and insert a quotation mark; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "New York Harbor, N. Y., with a view to securing increased width and depth of water from a point at or near Southwest Spit, northwest of Sandy Hook, N. J., through lower New York Bay, Raritan Bay, and the channel between New Jersey and Staten Island, N. Y., to the channel in upper New York Bay;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: After the word "Creek" insert the words "Craven County"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In the fourth line of the language proposed strike out the word "Ceia" and insert the word "Ceiga"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Bayou Lafourche, La., with a view to securing a depth of 20 feet at its mouth"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Mermentau River, La., with a view to the construction of a lock and dam to maintain the level of Grand Lake and the inland waterways of Louisiana"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the word "Guadeloupe" insert the word "Guadalupe"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: Strike out the comma after the word "Texas" and all the language following and insert a period; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: Omit the words proposed to be inserted; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the words "a harbor of refuge at that point" insert the words "increased harbor facilities"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an

amendment as follows: In lieu of the word "Spoon" insert the word "Apoon"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following:

"SEC. 4. That so much of section 7 of the river and harbor act approved March 3, 1909, as provides that the the term of the National Waterways Commission shall expire on March 4, 1911, be, and the same is hereby, repealed; and the said commission, with its present membership and as at present constituted, shall be continued until November 4, 1911, with the powers and duties prescribed in said act. And the said commission shall make a final report to Congress and file the same with the Secretary of the Senate and the Clerk of the House of Representatives not later than November 4, 1911. Said commission is also authorized to investigate and report upon the advisability and feasibility of proposed artificial waterways and upon proposed plans for the empounding of flood waters in rivers, by reservoirs or otherwise, including the following: First, the construction by the United States of the proposed canal from the Ohio River, at a point near Pittsburg, to Lake Erie, the expense thereof being borne by local interests affected; second, the proposed canal from Lake Erie, by way of the Maumee River and Fort Wayne, or other direct and feasible route, to the southerly end of Lake Michigan; and, third, the proposed canal to connect the Anacostia River, at some point near the District of Columbia boundary line, with Chesapeake Bay, or some tributary thereof. For the obtaining of the necessary engineering data the commission is authorized to call upon the Corps of Engineers, United States Army, and said corps shall furnish said data upon the request of the commission, and the expense of obtaining the same shall be paid from the appropriation made by said act."

And the Senate agree to the same.

KNUTE NELSON,
WM. ALDEN SMITH,
THOS. S. MARTIN,
Managers on the part of the Senate.

D. S. ALEXANDER,
GEO. P. LAWRENCE,
STEPHEN M. SPARKMAN,
Managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the conference report. [Putting the question.] The ayes have it and the report is agreed to.

Mr. NEWLANDS. Mr. President——

Mr. NELSON. I present a statement which I should like to have printed in the RECORD in connection with the report.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT.

The report recommends that the Senate recede from the following amendments:

No. 17, providing for the construction of a lock and dam at or about Pine Bluff, on the Trinity River, Tex.

No. 18, providing for a reexamination of the Jefferson-Shreveport Waterway, La. and Tex., with a view to a modification of the project for a dam at the foot of Caddo Lake.

No. 28, appropriating $150,000 for the improvement of the Missouri River between Le Beau, S. Dak., and Fort Benton, Mont.

No. 47, providing for a survey of Gowanus Bay, N. Y.

No. 61, providing for a survey of Archies Hope River, Va.

No. 80, providing for a survey of Cimeron River, Okla.

No. 87, providing for a survey of Jordan River, Utah.

No. 91, providing for a survey of San Rafael Creek, Cal.

All other amendments of the Senate are agreed to, either in toto or with modifications, which are in many cases merely verbal.

Amendment No 97, providing for the extension of the life of the National Waterways Commission for two years, with enlarged powers, is so modified as to provide for an extension until November 4, 1911, by which time its final report is to be filed. The authorization, given to the commission by the amendment, to investigate and report upon proposed artificial waterways and plans for empounding flood waters, including investigation of the proposed canals from Pittsburg to Lake Erie; from Lake Erie by way of Maumee River and Fort Wayne, or other route, to Lake Michigan; and from the Anacostia River to Chesapeake Bay is retained.

The modified provision for extension of life of the National Waterways Commission is, in full, as follows:

"SEC. 4. That so much of section 7 of the river and harbor act approved March 3, 1909, as provides that the term of the National Waterways Commission shall expire on March 4, 1911, be, and the same is hereby, repealed; and the said commission, with its present membership and as now constituted, shall be continued until November 4, 1911, with the powers and duties prescribed in said act. And the said commission shall make a final report to Congress and file the same with the Secretary of the Senate and the Clerk of the House of Representatives not later than November 4, 1911. Said commission is also authorized to investigate and report upon the advisability and feasibility of proposed artificial waterways and upon proposed plans for the impounding of flood waters in rivers, by reservoirs or otherwise, including the following: First, the construction by the United States of the proposed canal from the Ohio River, at a point near Pittsburg, to Lake Erie, the expense thereof being borne by local interests affected; second, the proposed canal from Lake Erie, by way of the Maumee River and Fort Wayne or other direct and feasible route, to the southerly end of Lake Michigan; and, third, the proposed canal to connect the Anacostia River at some point near the District of Columbia boundary line with Chesapeake Bay or some tributary thereof. For the obtaining of the necessary engineering data the commission is authorized to call upon the Corps of Engineers, United States Army, and said corps shall furnish said data upon the request of the commission, and the expense of obtaining the same shall be paid from the appropriation made by said act."

The National Waterways Commission was created by a provision in the river and harbor act of 1909, which reads as follows:

"SEC. 7. That a commission be, and is hereby, created, to be known as the National Waterways Commission, to be composed of Members of the Sixtieth Congress, who shall be Members of the Sixty-first Congress as well, as follows: Five Members of the Senate, to be appointed by the presiding officer thereof; seven Members of the House of Representatives, to be appointed by the Speaker. It shall be the duty of this commission to investigate questions pertaining to water transportation and the improvement of waterways, and to recommend to Congress such action as it may deem best upon these subjects. Said commission shall be, and is hereby, authorized to employ experts to aid in the work of inquiry and examination, also to employ clerks, stenographers, and such other assistants as may be necessary, all such employees to be paid such compensation as the said commission may deem just and reasonable, upon a certificate to be issued by the chairman of the commission. The several departments and bureaus of the Government shall detail from time to time such officials and employees and furnish such information as may be requested by said commission in its investigations. For the purpose of its investigations said commission shall be authorized to pay the necessary traveling expenses of persons summoned before it for the giving of information upon matters pertaining to the subjects under consideration, and the said commission is authorized to sit during the recess of Congress. The members of said commission or of any subcommission, or subcommissions thereof, may make investigations of waterways and harbors in the United States and elsewhere, and shall be allowed actual necessary expenses for the same and the expenses of necessary employees. The term of the commission shall expire on March 4, 1911. The commission shall report from time to time to the Congress of the United States, and shall at the conclusion of its labors submit a final report: *Provided*, That a preliminary report shall be made not later than January 1, 1910, which report, with all other reports, shall embrace such material and information obtained in the course of the investigation as shall be of value; also the conclusions reached by said commissions on the several subjects investigated

"The sum of $50,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available, to pay the necessary expenses of said commission."

The personnel of the commission is as follows:

THEODORE E. BURTON, Ohio, Senate, chairman.
JACOB H. GALLINGER, New Hampshire, Senate, vice chairman.
SAMUEL H. PILES, Washington, Senate.
WM. ALDEN SMITH, Michigan, Senate.
F. M. SIMMONS, North Carolina, Senate.
JAMES P. CLARKE, Arkansas, Senate.
WILLIAM LORIMER, Illinois, Senate.
D. S. ALEXANDER, New York, House of Representatives.
FREDERICK C. STEVENS, Minnesota, House of Representatives.
IRVING P. WANGER, Pennsylvania, House of Representatives.
STEPHEN M. SPARKMAN, Florida, House of Representatives.
JOHN A. MOON, Tennessee, House of Representatives.

Messrs. BURTON and LORIMER were at the time of their appointment Members of the House. These gentlemen being now Members of the Senate, the constitution of the commission has been changed from seven Members of the House and five of the Senate, as provided by the act, to seven Members of the Senate and five of the House.

The commission has expended a little less than half of the $50,000 appropriated and has about $26,000 remaining to its credit. The commission visited Europe in the summer of 1909, examining many of its waterways under the guidance of engineer officers of the various countries visited and accompanied by the present Chief of Engineers.

The commission met at its rooms in the Senate Office Building on nine different days in December, 1909, and several times in June, 1910, and discussed its proposed preliminary report and other matters, subcommittees having been appointed for different phases thereof. Experts have been employed, both to accompany the commission in Europe and in Washington to prepare data for use in connection with the preliminary and final report. Large numbers of documents were collected in Europe bearing on waterway improvement, and one of the experts employed has given much time to arranging and cataloging these and making digests and extracts therefrom.

In the discussions of the commission much attention has been given to the conditions under which water-power rights should be granted, and the provisions of the general dam act were largely based on conclusions arrived at these meetings.

A preliminary report was filed January 24, 1910, consisting of 71 pages, and printed at Senate Document No. 301, Sixty-first Congress, second session.

Eighteen other pamphlets have been printed by the commission, containing valuable information relative to river and harbor improvements, and others are in preparation, these being largely reports of consuls relating to improvements in European countries.

The only changes in appropriations are the two heretofore mentioned, of $25,000 for a lock and dam near Pine Bluff, Trinity River, and of $150,000 for the upper Missouri River, these being yielded by the Senate. In these cases no appropriations have been asked for by the Chief of Engineers for the coming year. In the case of the upper Missouri River nearly $85,000 remains on hand unexpended, and a report on a survey ordered in the act of 1909 has not yet been received.

According to the conference report the bill carries apppropriations amounting to $23,855,342 and authorizations of contracts amounting to $13,101,645, giving a grand total of $36,956,987.

Some questions being raised as to the basis for the appropriations for the mouth of the Brazos River, for the dam at Hidalgo Falls, Brazos River, and for improving the Ouachita River, inquiries were made of the Chief of Engineers, whose reply, under date of February 18, 1911, is appended:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, February 18, 1911.

Hon. KNUTE NELSON,
Chairman of conferees on the part of the Senate,
United States Senate.

SIR: 1. Replying to your letter of the 17th instant, which requests an expression from me as to whether there are any objections to favorable action on the part of the conferees on amendments Nos. 15, 16, and 19, now under consideration, I have the honor to say that I know of no objection to their favorable consideration.

2. No. 15 is as follows:

"Improving mouth of Brazos River, Tex.: Continuing improvement and maintenance by dredging and repair of the jetties, $100,000."

No work has recently been done at the mouth of Brazos River, the recommendations of the department being that in the absence of commerce work at this locality should be confined to maintenance of the jetties. But it is understood that since formal recommendation to this effect was sumbitted the railroad has been extended from Velasco to the inner ends of the jetties and a steamer has been purchased by the jobbers of Texas, at a cost of over $225,000, for use at this port, both in connection with a bona fide attempt to utilize the harbor for commercial purposes. Therefore former recommendations by the department should not be considered as a bar to further work at the locality. Moreover, a recent survey indicates that the available depth heretofore reported as 16 feet has been reduced to 13 feet, possibly due to recent breaks in the jetties. Therefore, in view of the expenditures heretofore made on this harbor by the United States and by private interests, it is believed that Congress might, in assisting any serious attempt to utilize the harbor, properly provide for dredging as well as for the repair of the jetties.

3. No. 16 is as follows:

"Improving Brazos River, Tex., from Old Washington to Waco: For completion of lock and dam at Hidalgo Falls, $50,000."

Since the submission of the annual reports and estimates information has been received from the district officer in charge that additional funds are required for the completion of lock and dam at Hidalgo Falls, for which Congress has already made appropriations, deemed at the time sufficient to complete. It is therefore believed to be desirable to provide at this time for the completion of the work rather than to postpone such completion until a later date, with consequent suspension of work and probable increased cost.

4. No. 19 is as follows:

"Improving Ouachita River, Arkansas and Louisiana: Continuing improvement by removing snags, leaning trees, and other obstructions between Camden and Arkadelphia, in the State of Arkansas, $7,500."

This amendment provides for continuing work undertaken in accordance with the requirements of the last river and harbor act. A report recently received from the district officer indicates that additional funds for the work will be required to prevent suspension of operations now in progress. While the amount made available by the proposed amendment may be larger than required in the immediate future, work of the character provided for is, as stated on page 34 of my last annual report, "almost always useful and advantageous to the general public." Any small balances left after the execution of the work now immediately necessary will be available for future work of the same kind, the necessity for which constantly recurs on streams like the Ouachita.

Very respectfully,
W. H. BIXBY,
Chief of Engineers, United States Army.

Mr. NEWLANDS. Before the vote was taken I was on the floor seeking the recognition of the Chair with reference to the conference report.

The VICE PRESIDENT. Very good.

Mr. NEWLANDS. I wish to state that the report covers a great many important matters, and it seems to me it is only fair to the Senate that it should be printed before it is considered. If my objection to the present consideration of the report is good, I shall ask that the report be printed and that the matter come up for consideration to-morrow.

The VICE PRESIDENT. The motion of the Senator from Minnesota to agree to the conference report was in order, but the Chair will again put the question if the Senator from Nevada asks it. The question is on agreeing to the conference report.

The report was agreed to.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of the Secretary of the Municipal Council of Sagay, Province of Negros, P. I., remonstrating against the public utterances of C. D. Worcester, secretary of the interior of the Philippine Islands, in an address before the Young Men's Christian Association, which was referred to the Committee on the Philippines.

He also presented a petition signed by the officers of the Electric Railway Employees' Association, praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

Mr. DU PONT presented memorials of Local Grange No. 5, of Newark; of Local Grange, of Milton; and of Local Grange No. 44, of Coolspring, all of the Patrons of Husbandry, in the State of Delaware, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. NELSON. I present a resolution adopted by the Senate of the Legislature of the State of Minnesota, which I ask may be read and referred to the Committee on Finance.

There being no objection, the resolution was read and referred to the Committee on Finance, as follows:

Messrs. Rockne and Moonan offered the following resolution:

"Whereas there is now pending in the Congress of the United States a measure known as the Canadian reciprocity treaty, which, if passed, will in all probability affect the farmers of the Northwest; and

"Whereas the provisions and effect of said treaty are little known in the rural communities of the State: Now therefore be it

"Resolved by the senate of the State of Minnesota, That we recommend that our Senators and Representatives in Congress do use all honorable means to suspend action on said treaty until the reassembling of the next Congress in December, 1911, in order that all parties interested may be permitted to fully investigate and determine what effect, if any, such treaty will have upon the agricultural interests of Minnesota; and be it further

"Resolved, That a copy of this resolution be at once mailed to our Senators and Representatives in Congress."

Mr. BULKELEY presented a memorial of Local Grange No. 67, Patrons of Husbandry, of Cromwell, Conn., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented petitions of Natchang Grange, No. 68, of Chaplin, and of Local Grange No. 67, of Cromwell, Patrons of Husbandry, in the State of Connecticut, praying for the passage of a full and complete parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

Mr. BURNHAM presented memorials of Local Grange No. 44, of Londonderry; Local Grange No. 11, of Hudson; Local Grange No. 239, of Plymouth; and Oceanside Grange, No. 250, of Hampton, all of the Patrons of Husbandry; Andrew T. Felker, Meredith, N. H., lecturer to the New Hampshire State Grange; Mount Livermore Grange, of Holderness; Charles A. Rollins, deputy New Hampshire State Grange, Lake Shore Park; John A. Edgerly, of Wolfboro; John E. Eastman, of North Haverhill; Roscoe I. Blaisdell, master Winnisquam Grange, of East Tilton; Warren Tripp, of Manchester; E. W. Hopkins, master Newfound Lake Grange, of Bristol; R. S. Cross, of West

Canaan; Ellery E. Rugg, of Keene; Harold D. Merrill, master Rumford Grange, No. 109, East Concord; Cyrus Downing, of Wentworth; Charles H. Brackett, of Greenland; H. B. Worthen, deputy New Hampshire State Grange, of Bristol; David L. Amsden, of Durham; Daniel C. Westgate, of Windsor; Albert M. French, deputy State Grange, of Bilsum; Edward L. Patterson, deputy State Grange, of Portsmouth; W. H. Tripp, steward State Grange, of Short Falls; Charles A. Tebbitts, deputy State Grange, of Rochester; F. A. Rogers, deputy State Grange, of Meriden; of Curtis B. Chils, executive committee State Grange, of Henniker, all in the State of New Hampshire; and of Andros Local Union, No. 15, International Brotherhood of Paper Makers, of Lisbon Falls, Me., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a memorial of The Christian Herald, of New York City, N. Y., and memorial of Mary Richardson, of Suncook, N. H., remonstrating against any increase being made in the rate of postage on periodicals and magazines, which were ordered to lie on the table.

Mr. BORAH. I present a joint memorial of the Legislature of the State of Idaho, which I ask may be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the joint memorial was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

House joint memorial No. 8.

To the honorable the President of the United States, the honorable the Secretary of the Interior, and the honorable the Secretary of Agriculture:

Your memorialists, the Legislature of the State of Idaho, respectfully represent, that—

Whereas townships 46 and 47 north, range 3 east, Boise meridian, State of Idaho, are included in the Coeur d'Alene National Forest Reserve, and the land in said townships was burned over by the forest fires of 1910 and practically denuded of all live timber, and it clearly appearing that whatever value shall be saved from the burned timber must be saved within the next year; and

Whereas the lands included within the said townships are for the most part settled upon by homesteaders who entered upon the lands prior to the including of the area within the national reserve; and

Whereas the Government is resisting the claim of the homesteaders to the said lands, and by reason thereof the settlers have been forced to incur heavy expense and are in uncertainty as to their rights; and

Whereas the settlers have suffered heavy loss by reason of the fires of 1910, which swept over these lands:

We therefore pray that townships 46 and 47 north, range 3 east, Boise meridian, be eliminated from the Coeur d'Alene National Forest Reserve, and that they be made available for homestead entry at once.

Be it resolved, That the secretary of state transmit a copy of this memorial to each of the following officers: The President of the United States, the Secretary of the Interior, the Secretary of Agriculture, and to each member of the Idaho congressional delegation.

This memorial passed the house of representatives on the 15th day of February, 1911.

CHARLES D. STOREY,
Speaker of the House of Representatives.

This memorial passed the senate on the 15th day of February, 1911.

L. H. SWEETSER,
President of the Senate.

I hereby certify that the within house joint memorial No. 8 originated in the House of Representatives of the Legislature of the State of Idaho during the eleventh session.

JAMES H. WALLIS,
Chief Clerk of the House of Representatives.

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STATE OF IDAHO,
DEPARTMENT OF STATE.

I, Wilfred L. Gifford, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of house joint memorial No. 8, by Black and Bell, relating to the elimination of townships 46 and 47 north, range 3 east, Boise meridian, from the Coeur d'Alene National Forest Reserve, and that they be made available for homestead entry (passed the house February 15, 1911; passed the senate February 15, 1911), which was filed in this office the 17th day of February, A. D. 1911, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State.

Done at Boise City, the capital of Idaho, this 18th day of February, in the year of our Lord 1911 and of the Independence of the United States of America the one hundred and thirty-fifth.

[SEAL.] WILFRED L. GIFFORD, *Secretary of State.*

Mr. BORAH. I present a joint memorial of the Legislature of the State of Idaho, which I ask may be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the joint memorial was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

House joint resolution No. 14.

Be it enacted by the Legislature of the State of Idaho:

Whereas on account of the arid conditions existing over a great part of this State, which effects great hardship and suffering upon the settlers upon the public lands of the State by reason of the fact that it is impossible for settlers upon said arid land to raise crops or other products, either vegetable or animal, for the support of themselves and families for the residence term of five years now required by the law of the United States; and

Whereas the act of the United States requiring a five-year residence upon a homestead was enacted many years ago, when conditions were different from what they are now, and time and experience have proved that this residence period, whether required upon arid, semiarid, or other lands, is too long and productive of too much hardship and retards the settlement and development of new countries to a great degree; and

Whereas if this period of a residence aforesaid could be lessened to a term of three years much of the hardship now entailed upon settlers by the existing law of the United States would be removed, the finances and revenue of the State would be greatly increased, and settlement upon public lands would be encouraged: Therefore be it

Resolved, That the Representatives of the State of Idaho in Congress be directed, and they are hereby directed, to use every effort within their power to secure the enactment of a law by Congress changing the term of residence upon homestead lands of the State of Idaho from five to three years; be it further

Resolved, That the secretary of state of the State of Idaho be, and he is hereby, authorized and directed to furnish and provide each Representative of the State of Idaho in Congress with a copy of this resolution.

This resolution passed the house of representatives on the 6th day of February, 1911.

CHARLES D. STOREY,
Speaker of the House of Representatives.

This resolution passed the senate on the 16th day of February, 1911.

L. H. SWEETSER,
President of the Senate.

I hereby certify that this house joint resolution No. 14 originated in the House of Representatives of the Legislature of the State of Idaho during the eleventh session.

JAMES H. WALLIS,
Chief Clerk of the House of Representatives.

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STATE OF IDAHO,
DEPARTMENT OF STATE.

I, Wilfred L. Gifford, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of house joint resolution No. 14, by Davis, relating to changing the term of residence upon homestead lands of the State of Idaho from five to three years (passed the house February 6, 1911; passed the senate February 16, 1911), which was filed in this office the 17th day of February, A. D. 1911, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State.

Done at Boise City, the capital of Idaho, this 18th day of February, in the year of our Lord 1911 and of the Independence of the United States of America the one hundred and thirty-fifth.

[SEAL.] WILFORD L. GIFFORD, *Secretary of State.*

Mr. BORAH. I present a joint memorial of the Legislature of the State of Idaho, which I ask may be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the joint memorial was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

Senate joint memorial No. 3.

Good-roads memorial, memorializing the Congress of the United States to transfer 1,000,000 acres of the public land now held by the United States within the boundaries of the State of Idaho to this State for the purpose of creating a fund for establishing and maintaining good roads in the said State of Idaho.

Be it resolved by the senate of the State of Idaho (the house concurring), That the Congress of the United States be memorialized as follows:

Whereas good roads are one of the great first needs of every State and also one of the surest means of aiding the material prosperity and advancing the settlement thereof, this being especially true in Idaho, where the country is not thickly populated and where the means of communication between the several parts of the State are not numerous: Now therefore be it

Resolved, That the Congress of the United States is hereby requested to transfer 1,000,000 acres of the public land now held by the United States within the boundaries of the State of Idaho to this State for the purpose of creating a fund to be used by the State of Idaho solely for the establishment and maintenance in good repair of the system of public roads within its borders; be it further

Resolved, That a certified copy of this memorial be sent to each of the members of the congressional delegation from this State in Congress with a request that they employ their best efforts to secure action in the premises.

The above senate joint memorial No. 3 passed the senate on the 6th day of February, 1911.

L. H. SWEETSER,
President of the Senate.

The above senate joint memorial No. 3 passed the house of representatives on the 11th day of February, 1911.

CHARLES D. STOREY,
Speaker of the House of Representatives.

I hereby certify that the above senate joint memorial No. 3 originated in the senate during the eleventh session of the Legislature of the State of Idaho.

CHAS. W. DEMPSTER,
Secretary of the Senate.

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STATE OF IDAHO,
DEPARTMENT OF STATE.

I, Wilfred L. Gifford, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of senate joint memorial No. 3, by Macbeth—good-roads memorial—relating to the transfer of 1,000,000 acres of the public land now held by the United States to this State for the purpose of creating a fund for establishing and maintaining good roads in the State of Idaho (passed the senate February 6, 1911; passed the house February 11, 1911), which was filed in this office the 14th day of February, A. D. 1911, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State.

Done at Boise City, the capital of Idaho, this 14th day of February, in the year of our Lord 1911 and of the Independence of the United States of America the one hundred and thirty-fifth.

[SEAL.] WILFRED L. GIFFORD, *Secretary of State.*

Mr. OLIVER presented a petition of the General Assembly of the Presbyterian Church of the United States, praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors into prohibition districts, which was referred to the Committee on the Judiciary.

Mr. DICK presented petitions of Conneaut Lodge, No. 424, International Association of Machinists, of Conneaut; of the Trades and Labor Council of Middletown; and of International Molders' Unions Nos. 27, 218, 303, and 430, of Cleveland, all in the State of Ohio, praying for the construction of United States battleships in Government navy yards, which were referred to the Committee on Naval Affairs.

He also presented a memorial of the Irish Nationalists of Ohio, of Dayton, Ohio, and a memorial of the Associated Irish Societies of Cincinnati, Ohio, remonstrating against the ratification of the proposed treaty of alliance between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented a petition of the Lorain County Federation of Labor, of Ohio, and a petition of the Hotel and Restaurant Employees' International Alliance and Bartenders' International League of America, of Cincinnati, Ohio, remonstrating against any change in the present laws relative to the printing of United States securities and bonds, etc., which were ordered to lie on the table.

He also presented petitions of the Trades Councils at Newark, Ravenna, Cincinnati, Hamilton, Coshocton, Norwalk, and Maineville, all in the State of Ohio, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented petitions of Local Lodge No. 375, of Dayton; of Maple City Lodge, No. 470, of Painesville; of Lake Shore Lodge, No. 84, of Ashtabula; of Local Lodge No. 185, of Delphos; of Local Lodge No. 175, of Columbus; and of Lake Front Lodge, No. 260, of Cleveland, all of the Brotherhood of Locomotive Firemen and Enginemen, in the State of Ohio; of Cotton Belt Lodge, No. 204, of Jonesboro, Ark.; of Smoky City Lodge, No. 219, of Pittsburg, Pa.; of Local Union, International Union of the United Brewery Workmen of America, of Cincinnati, Ohio; and of Local Union, Wood, Wire, and Metal Lathers' International Union, of Cleveland, Ohio, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which were referred to the Committee on Post Offices and Post Roads.

Mr. CULLOM. I present a telegram, in the nature of a memorial, which I ask may be read and referred to the Committee on Finance.

There being no objection, the telegram was read and referred to the Committee on Finance, as follows:

OTTAWA, ILL., *February 23.*

Hon. S. M. CULLOM, *Washington, D. C.:*

The Illinois Farmers' Institute forwarded to the President of the United States Senate copy of resolutions protesting the ratification of the proposed Canadian reciprocity treaty, asking to have it read in open Senate.

A. N. ABBOTT, *President.*
H. A. MCKEENE, *Secretary.*

Mr. CULLOM. I present a petition of Local Union No. 282, American Federation of Musicians, of Alton, Ill., which I ask may be printed in the RECORD, omitting the names, and referred to the Committee on Military Affairs.

There being no objection, the petition was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, omitting the names, as follows:

OFFICE OF LOCAL NO. 282, A. F. OF M.,
114 EAST SECOND STREET,
Alton, Ill., February 14, 1911.

Hon. S. M. CULLOM and Hon. WILLIAM LORIMER,
United States Senators from Illinois.

GENTLEMEN: We, the undersigned musicians and members of Local No. 282, American Federation of Musicians, Alton, Ill., are greatly interested in the passage of the Bartholdt resolution (H. J. Res. 143), which has successfully passed the House of Representatives. This resolution, in brief, provides that all enlisted musicians are prohibited from entering the competitive field. We hereby petition and request you to use your utmost influence to secure the passage of this resolution in the Senate.

Mr. FRAZIER. I present a joint resolution passed by the Legislature of the State of Tennessee relative to the immigration question, which I ask may be printed in the RECORD and referred to the Committee on Immigration.

There being no objection, the joint resolution was referred to the Committee on Immigration and ordered to be printed in the RECORD, as follows:

Senate joint resolution No. 27.

Whereas the United States Immigration Commission after four years' investigation and the expenditure of $1,000,000 has made a 40-volume report to Congress; and

Whereas it is being proposed that the immigration evils from which the Northeastern States are suffering be relieved by diverting and distributing the aliens now crowding into and congesting the slums, sweatshops, and city centers of the Northeast; and

Whereas the Immigration Commission clearly points out that this is the only country with any considerable net foreign immigration, our laws and administrative policy are the weakest of any new country, and that "substantial restriction is demanded by economic, moral, and social considerations," and the illiteracy test is recommended "as the most feasible single method for excluding undesirable immigration": Therefore be it

Resolved by the State senate of Tennessee (the house concurring), That we hereby memorialize Congress to immediately enact some such illiteracy test as is recommended by the Immigration Commission, as is law in Australia, New Zealand, and other new countries, pass other needed immigration legislation along the lines of the Immigration Commission's suggestions, and do not pass any legislation looking to the diversion and distribution of the kind of alien population that is now congesting the Northeastern cities and causing so many evils there; and be it further

Resolved, That a certified copy of this resolution be sent by the secretary of the senate at once to the President of the United States, to our two United States Senators, and each of our Representatives at Washington, D. C., with the request that it be presented to Congress and properly referred.

Adopted, February 7, 1911.

N. BAXTER, Jr.,
Speaker of the Senate.
A. M. LEACH,
Speaker of the House of Representatives.

Approved, February 9, 1911.

BEN W. HOOPER, *Governor.*

I, W. D. Scruggs, chief clerk of the senate, hereby certify that this is a true and correct copy of senate joint resolution No. 27, adopted February 7, 1911.

W. D. SCRUGGS,
Chief Clerk of the Senate.

Mr. GRONNA. I present a concurrent resolution adopted by the Twelfth Legislative Assembly of the State of North Dakota, requesting the passage of the so-called Sulloway pension bill. I ask that the concurrent resolution lie on the table and be printed in the RECORD.

There being no objection, the concurrent resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Twelfth Legislative Assembly, State of North Dakota—A concurrent resolution.

Whereas a bill (H. R. 29346) known as the Sulloway bill, granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico, has passed the House of Representatives in the Congress of the United States and is now pending in the Senate: Therefore be it

Resolved by the senate of the State of North Dakota (the house of representatives concurring), That we heartily approve all of the provisions of said bill, and we hereby respectfully request our Senators in Congress to vote for and use every honorable means to secure its passage by the Senate of the United States just as it passed the House of Representatives, without alteration or amendment as to benefits provided.

Resolved, That copies of this resolution, signed by the respective officers of the houses, be sent to each of the Senators and Representatives from North Dakota in the Congress of the United States.

This certifies that the above concurrent resolution originated in the senate of the Twelfth Legislative Assembly of the State of North Dakota and was concurred in by the house of representatives.

USHER L. BENEDICK,
President of the Senate.
J. M. HANLEY,
Speaker of the House of Representatives.

Mr. GRONNA presented memorials of the Farmers' Club of Larimore and of sundry citizens of Emerado, Fairdale, Brocket, and Pembina County, all in the State of North Dakota, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. HALE. I present a telegram in the nature of a memorial from the Board of Trade of Eastport, Me., which I ask may be read and referred to the Committee on Finance.

There being no objection, the telegram was read and referred to the Committee on Finance, as follows:

EASTPORT, ME., *February 22, 1911.*

Hon. EUGENE HALE, *Washington, D. C.:*

Canadian reciprocity agreement protects American sardines and other preserved fish only when packed in oil. Payne bill and previous tariff protected all such products, in oil and otherwise. Ratification of agreement as it stands containing this clause would annihilate only industry of Eastport and almost every other Maine town on coast. We therefore protest emphatically against passage of agreement and solicit your best efforts and vote against it.

EASTPORT BOARD OF TRADE.

Mr. BURTON. I present a letter from the president of the Chamber of Commerce of Cleveland, Ohio, transmitting resolutions adopted by the chamber of commerce relative to the Canadian reciprocal agreement. I ask that the letter be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the letter was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

THE CLEVELAND CHAMBER OF COMMERCE,
February 21, 1911.

Hon. THEODORE E. BURTON,
United States Senate, Washington, D. C.

DEAR SIR: I have the honor of transmitting to you herewith resolutions favoring the Canadian reciprocity agreement adopted by this chamber unanimously to-day, as follows:

Whereas a reciprocity agreement has been prepared by representatives of the United States and Canadian Governments and submitted to Congress and the Canadian Parliament; and

Whereas in the opinion of the committee on export trade relations of this chamber the ratification of this agreement would tend to widen, strengthen, and improve commercial relations generally between the United States and Canada: Therefore be it

Resolved, That the Cleveland Chamber of Commerce hereby records its action in favor of the ratification of the agreement now pending in the United States Senate, and requests the president of the chamber to communicate this action to the Senators from Ohio and other States in the Central West.

Very truly, yours, GEO. W. KINNEY, *President.*

Mr. DEPEW presented memorials of the Central Labor Union of Brooklyn, N. Y., and of sundry citizens of Brooklyn and Syracuse, N. Y., remonstrating against any change being made in the rate of postage on periodicals and magazines, which were ordered to lie on the table.

Mr. GALLINGER. I present telegrams in the nature of memorials remonstrating against the proposed Canadian reciprocal agreement, which I ask may be noted in the RECORD and referred to the Committee on Finance.

There being no objection, the telegrams were referred to the Committee on Finance and ordered to be noted in the RECORD, as follows:

Telegram from Warren Tripp, of Manchester, N. H.;
Telegram from David Lumsden of Durham, N. H.;
Telegram from Roscoe L. Blaisdell, master of Winnisquam Grange, No. 198, Patrons of Husbandry, of East Tilton, N. H.;
Telegram from H. B. Worthern, deputy, New Hampshire State Grange, Patrons of Husbandry, of Bristol, N. H.;
Telegram from Charles H. Brackett, of Greenland, N. H.;
Telegram of Cyrus Downing, of Wentworth, N. H.;
Telegram from R. S. Cross, of West Canaan, N. H.;
Telegram from Ellery E. Rugg, of Keene, N. H.;
Telegram from E. W. Hopkins, master, Newfoundland Lake Grange, Patrons of Husbandry, of Bristol, N. H.;
Telegram from H. D. Merrill, master of Rumford Grange, No. 109, Patrons of Husbandry, of East Concord, N. H.;
Telegram from Freeman G. Smith, of Meredith, N. H.;
Telegram from John E. Eastman, of North Havehill, N. H.;
Telegram from E. Ahrn, master of Plymouth Grange, Patrons of Husbandry, of Plymouth, N. H.;
Telegram from John A. Edgely, of Wolfboro, N. H.; and
Telegram from Daniel C. Westgate, of Windsor, Vt.

Mr. GALLINGER presented a memorial of Local Grange No. 44, Patrons of Husbandry, of Londonderry, N. H., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented the petition of A. F. Howard, of Portsmouth, N. H., praying that an increased appropriation be made for the quay wall at that city, which was referred to the Committee on Commerce.

Mr. DILLINGHAM presented a memorial of the State Grange, Patrons of Husbandry, of Vermont, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

Mr. GUGGENHEIM presented a petition of sundry citizens of Kit Carson County, Colo., praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

Mr. OWEN presented a petition of the temperance committee of the General Assembly of the Presbyterian Church, praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors into prohibition districts, which was referred to the Committee on the Judiciary.

Mr. FRYE. I present a memorial of the Legislature of the State of Maine, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the memorial was ordered to lie on the table and to be printed in the RECORD, as follows:

State of Maine—A memorial to the Members of Congress to promote the efficiency of the Life-Saving Service.

Whereas the United States has passed Senate bill 5677, entitled "A bill to promote the efficiency of the Life-Saving Service," and said bill is now in the Committee on Interstate and Foreign Commerce of the House of Representatives in Congress; and

Whereas we believe that the officers and members of the United States Life-Saving Service should receive from the Government the same treatment in regard to retirement, long-service pay, etc., as is given to the rank and file of the Army and Navy of the United States, and in lieu of the fact that from the hazardous and valuable work which the life-savers perform, the vast amount of value and the great number of lives which they save from the perils of the sea, and that said service is a branch of the Government service which pays back to the public a great profit of what it costs to maintain it; and that articles of enlistment compel them to serve with the Army and Navy during war: Be it

Resolved, That they should be entitled to all privileges as given to the aforesaid bodies; and be it

Resolved, That we earnestly request early and favorable action upon Senate bill 5677 by the House of Representatives in Congress assembled, for retirement and relief, as recommended by the Hon. S. I. Kimball, general superintendent of the United States Life-Saving Service, and approved by the honorable Secretary of the United States Treasury; and be it further

Resolved, That the secretary of state be, and hereby is, directed to immediately transmit a copy of these resolutions to the Hon. S. I. Kimball and to the honorable Secretary of the Treasury, Washington, D. C., and to Members of Congress from this State.

In house of representatives February 13, 1911: Read and passed finally.
FRANK A. MOREY, *Speaker.*

In senate February 14, 1911: Read and passed finally.
NATHAN CLIFFORD, *President.*

Approved, February 15, 1911.
FREDERICK W. PLAISTED, *Governor.*

A true copy.
Attest: CYRUS W. DAVIS, *Secretary of State.*

Mr. FRYE. I present resolutions adopted by the Legislature of the State of Maine, which I ask may be printed in the RECORD and referred to the Committee on the Library.

There being no objection, the resolutions were referred to the Committee on the Library and ordered to be printed in the RECORD, as follows:

State of Maine—Resolution in favor of a monument at Annapolis in memory of the late Commodore John Paul Jones.

Resolved, That the Maine delegation in Congress be requested to use their influence for the passage of a bill now pending before Congress for the erection of a proper monument at Annapolis in memory of the late Commodore John Paul Jones.

Resolved, That a copy of this resolve be sent to each of our Senators and Representatives in Congress.

In house of representatives February 13, 1911: Read and passed finally.
FRANK A. MOREY, *Speaker.*

In senate, February 14, 1911: Read and passed finally.
NATHAN CLIFFORD, *President.*

Approved, February 15, 1911.
FREDERICK W. PLAISTED, *Governor.*

A true copy.
Attest: CYRUS W. DAVIS, *Secretary of State.*

Mr. FRYE presented a memorial of Local Grange, Patrons of Husbandry, of Manchester, Me., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented memorials of Local Grange No. 215, of Chelsea; of Local Grange of Ripley; of Eastern Star Grange, No. 473, of Calais; and of Prestile Grange, No. 50, of Westfield, all of the Patrons of Husbandry, in the State of Maine, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. SCOTT presented a petition of Local Council No. 7, Junior Order United American Mechanics, of Grafton, W. Va., and the petition of C. E. Gardner, of Newcreek, W. Va., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

INCREASE OF PENSIONS.

Mr. SCOTT. I present a newspaper article, which I ask may be read and referred to the Committee on Pensions.

There being no objection, the matter was read and referred to the Committee on Pensions, as follows:

PLEA FOR THE OLD SOLDIERS.

To the EDITOR OF THE NORTH AMERICAN:

I notice in the columns of the newspapers of February 15 that the Sulloway pension bill met with considerable opposition by some members of the Senate, and also an intimation that if it passed it was the intention of President Taft to veto the same.

Can it be possible that a Senator, who receives from $5,000 to $8,000 for six months' services, and a President, who receives from $50,000 to $75,000 a year, and whose positions and environments are the result, in a great measure, of the soldier, who sacrificed home and comfortable surroundings and risked his life and obtained therefor $14 per month, while the common day laborer received $20 per month at home, with the comforts and privileges that the soldier was deprived of, while the business man acquired a competence and many became rich during the war, must now, in his declining days, when health is broken and many in limited circumstances, be provided with a mere pittance for their reward?

Can it be that our statesmen and those who have control of these things have no gratitude in their hearts for blessings that have been brought to them and this great Commonwealth, and will turn their backs on those who have preserved this country and placed them where they are? God forbid that the heart of any man may be seared and hardened that he would forget his most worthy benefactor.

The old soldiers are dying at the rate of about 100 a day, and the sum that is now needed to reward them will be lessened greatly every year.

C. W. AMMERMAN,
Company E, Two hundred and ninth Regiment Pennsylvania Volunteer Infantry.

GREENWOOD, DEL., *February 17.*

Mr. SCOTT. I present a letter signed by J. H. Brown, of Pittsburg, Pa., an old soldier, together with a newspaper article, which I ask may be read and referred to the Committee on Pensions.

There being no objection, the letter and accompanying newspaper article were read and referred to the Committee on Pensions, as follows:

PITTSBURG, PA., *February 22, 1911.*

Hon. Senator SCOTT.

DEAR SIR: I will inclose a clipping out of a Cleveland paper. Please read it to the Senate; ask the gentleman how many of them would like to come to that day to have to offer their bodies for sale after being broke down sleeping on the cold ground and exposed to all kinds of weather and hardships. We hope they will change their minds—those who are fighting against the old soldier.

Yours, truly, OLD SOLDIER J. H. BROWN.

VETERAN TO SELL BODY TO SCIENCE—"WHY SHOULDN'T I GET $50 FOR MY OLD BONES? WE NEED THE MONEY NOW."

CLEVELAND, *January 20.*

Fred Beach, aged 66 years, Civil War veteran and resident of Nottingham, suburb of Cleveland, offers his body for sale for $50. He is induced to make this offer because of inability to find any kind of work that he can do and want of money to support himself and his aged wife.

Besides, he believes, his body would prove valuable to medical science for dissection because of a peculiar disease with which he has been afflicted all his life and which doctors have been unable to help.

"I've not long to live, and why shouldn't I get $50 for my old bones?" asks Beach. "I'll have no use for them after I am dead, and we need the money now."

His wife approves the offer of sale.

REPORTS OF COMMITTEES.

Mr. MARTIN, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment:

H. R. 32440. A bill authorizing the Moline, East Moline & Watertown Railway Co. to construct, maintain, and operate a bridge and approaches thereto across the south branch of the Mississippi River from a point in the village of Watertown, Rock Island County, Ill., to the island known as Campbells Island;

H. R. 31652. A bill to authorize the Central Vermont Railway Co. to construct a bridge across the arm of Lake Champlain between the towns of Alburg and Swanton, Vt.; and

H. R. 32213. A bill to authorize the city of Portsmouth, N. H., to construct a bridge across the Piscataqua River.

He also, from the same committee, to which was referred the bill (S. 10785) to legalize a bridge across the Pend Oreille River in Stevens County, Wash., reported it with an amendment and submitted a report (No. 1228) thereon.

Mr. PENROSE, from the Committee on Naval Affairs, to which was referred the bill (S. 10792) to promote the erection of a memorial in conjunction with a Perry's victory centennial celebration on Put in Bay Island, during the year 1913, in commemoration of the one hundredth anniversary of the Battle of Lake Erie and the northwestern campaign of Gen. William Henry Harrison, in the War of 1812, reported it without amendment and submitted a report (No. 1229) thereon.

He also, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 4246) for the relief of the Georgia Railroad & Banking Co., reported it without amendment.

Mr. JONES, from the Committee on Public Lands, to which was referred the bill (H. R. 32082) limiting the privileges of the Government free bathhouse on the public reservation at Hot Springs, Ark., to persons who are without and unable to obtain the means to pay for baths, reported it without amendment and submitted a report (No. 1230) thereon.

Mr. PERKINS, from the Committee on Commerce, to which was referred the bill (S. 10026) for a flashing light, fog signal, and keeper's quarters at the Point Pinos Light Station, Cal., reported it without amendment and submitted a report (No. 1231) thereon.

Mr. GALLINGER, from the Committee on Naval Affairs, to which was referred the bill (S. 3202) to authorize the President to place Ensign John Tracey Edson on the retired list of the Navy with the rank of lieutenant, reported it with amendments and submitted a report (No. 1232) thereon.

Mr. OVERMAN, from the Committee on Public Buildings and Grounds, to which was referred the amendment submitted by himself on the 16th instant, proposing to increase the cost for the United States post-office and customhouse building at Wilmington, N. C., by the sum of $200,000, intended to be proposed to the sundry civil appropriation bill, reported favorably thereon and moved that it be printed, and, with the accompanying paper, referred to the Committee on Appropriations, which was agreed to.

Mr. WARREN, from the Committee on Irrigation and Reclamation of Arid Lands, to which was referred the bill (S. 10808) authorizing the Greeley-Arizona Irrigation Co. to build a dam across the Colorado River at or near Head Gate Rock, near Parker, in Yuma County, Ariz., reported it with amendments and submitted a report (No. 1233) thereon.

DELAWARE RIVER BRIDGE, PENNSYLVANIA.

Mr. MARTIN. From the Committee on Commerce I report back favorably, without amendment, the bill (H. R. 32400) to authorize the North Pennsylvania Railroad Co. and the Delaware & Bound Brook Railroad Co. to construct a bridge across the Delaware River from Lower Makefield Township, Bucks County, Pa., to Ewing Township, Mercer County, N. J.

Mr. PENROSE. Mr. President, a bill identical with the one just reported by the Senator from Virginia has passed the Senate and gone to the other House. I ask unanimous consent for the present consideration of the House bill just reported, so that the matter may be disposed of.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. PENROSE. I desire to enter a motion to reconsider the votes by which the Senate ordered to a third reading and passed the bill (S. 10632) to authorize the North Pennsylvania Railroad Co. and the Delaware & Bound Brook Railroad Co. to construct a bridge across the Delaware River, from Lower Makefield Township, Bucks County, Pa., to Ewing Township, Mercer County, N. J.

The VICE PRESIDENT. The motion to reconsider will be entered.

Mr. PENROSE. I move that the House of Representatives be requested to return the bill to the Senate.

The motion was agreed to.

DEFECTIVE RECORDS IN MILITARY OR NAVAL SERVICE.

Mr. WARREN. From the Committee on Military Affairs I report back favorably with an amendment the joint resolution (H. J. Res. 276) modifying certain laws relating to the military records of certain soldiers and sailors, and I submit a report (No. 1223) thereon. I ask unanimous consent for the present consideration of the joint resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The amendment reported from the Committee on Military Affairs was, in line 3, after the words "during the," to strike out "year 1910, and" and insert "Sixty-first Congress," so as to make the joint resolution read:

Resolved, etc., That in all laws approved during the Sixty-first Congress having for their object the removal of disabilities accruing from defective records in the military or naval service of the United States, the words "*Provided*, That, other than as above set forth, no bounty, pay, pension, or other emolument shall accrue prior to or by reason of the passage of this act" shall not prohibit or prevent the granting of a pension on an application made after the approval of this act, and accruing only from the date of said application.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the joint resolution to be read a third time.

The House joint resolution was read the third time and passed.

HENRY HALTEMAN.

Mr. BROWN. From the Committee on Military Affairs I report back favorably, with an amendment, the bill (H. R. 20003) for the relief of Henry Halteman, and I submit a report (No. 1226) thereon. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment reported by the Committee on Military Affairs was, in line 8, after the word "in," to strike out "Company" and insert "Battery," so as to make the bill read:

Be it enacted, etc., That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Henry Halteman, now a resident of Ohio, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private in Battery F, Second Regiment United States Artillery, on the 18th day of August, 1865: *Provided*, That no pension shall accrue prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

THOMAS C. CLARK.

Mr. BURNHAM. From the Committee on Claims I report back favorably without amendment the bill (H. R. 18542) for the relief of Thomas C. Clark, and I submit a report (No. 1224) thereon. I call the attention of the Senator from Washington [Mr. PILES] to the bill.

Mr. PILES. I ask unanimous consent for the present consideration of the bill just reported.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to Thomas C. Clark, inspector of construction, quartermaster's department at Seattle, Wash., $758.75 to reimburse him for household goods destroyed by a fire which consumed the quartermaster's warehouse at Seattle May 7, 1906, which goods were in the custody of the United States Government for transportation.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RED LAKE RIVER BRIDGE, MINNESOTA.

Mr. NELSON. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 32220) to authorize the board of supervisors of the town of High Landing, Red Lake County, Minn., to construct a bridge across the Red Lake River. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

VALIDATION OF CERTAIN HOMESTEAD ENTRIES.

Mr. THORNTON. By direction of the Committee on Public Lands I report back the bill (H. R. 26290) providing for the validation of certain homestead entries, and I submit a report (No. 1225) thereon, with the recommendation that it pass. The report of the House committee is that it pass. The bill has the approval of the Department of the Interior and the Department of Agriculture. It is a bill for the relief of homesteaders in certain States. It involves only Washington, Oregon, and the Territory of New Mexico. The time is limited to next year. Therefore it is important to those interested that the bill should be passed. For these reasons and at the particular request of the Senator from Arkansas [Mr. CLARKE] I ask that the bill be now considered.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN MARSHALL.

Mr. PERKINS. I am directed by the Committee on Naval Affairs, to which was referred the bill (H. R. 24153) for the relief of John Marshall, to report it favorably with amendments, and I submit a report (No. 1227) thereon.

Mr. DEPEW. I ask that that bill be taken up now.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments were, after the word "April," at the end of line 7, to strike out "twenty-ninth" and insert "twenty-fourth," and after the words "sixty-five," at the end of the bill, to insert "from the United States Navy: *Provided*, That no pension shall accrue prior to the passage of this act," so as to make the bill read:

Be it enacted, etc., That in the administration of the pension laws John Marshall, late of Company F, Sixty-fifth Regiment New York Volunteer Infantry, the Third Independent Battery New York Volunteer Light Artillery, and the United States Navy, shall be deemed to have been honorably discharged April 24, 1865, from the United States Navy: *Provided*, That no pension shall accrue prior to the passage of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By CLAPP:

A bill (S. 10874) to authorize the St. Paul Railway Promotion Co., a corporation, to construct a bridge across the Mississippi River near Nininger, Minn.; to the Committee on Commerce.

By Mr. LODGE:

A bill (S. 10875) to amend the provisions of section 12, act of February 8, 1875, as amended by section 2, act of March 1, 1879, and section 3149 of the Revised Statutes, as amended by section 2, act of March 1, 1879, as to the appointment and bonding of deputy collectors of internal revenue; to the Committee on Finance; and

A bill (S. 10876) to provide for the reconstruction, alteration, and repair of a bridge across the Weymouth Back River, in the State of Massachusetts (with an accompanying paper); to the Committee on Commerce.

By Mr. McCUMBER:

A bill (S. 10877) for the relief of Emanuel Chafliot and others (with accompanying paper); to the Committee on Claims.

By Mr. BORAH:

A bill (S. 10878) to authorize the Commercial Club of Payette, Idaho, to construct a bridge across the Snake River near the town of Payette, Idaho (with accompanying paper); to the Committee on Commerce.

By Mr. PERCY:

A bill (S. 10879) for the relief of the heirs of Greenwood Leflore, deceased, late chief of the Choctaw Nation (with accompanying papers); to the Committee on Claims.

By Mr. SMOOT:

A bill (S. 10880) for the relief of F. M. Lyman, jr.; to the Committee on Claims.

By Mr. MARTIN:

A bill (S. 10881) to reimburse J. H. Whealton for moneys paid by him as surety for C. W. Fullerton, late postmaster of Whealton, Va. (with accompanying paper); to the Committee on Claims.

By Mr. CLARKE of Arkansas:

A bill (S. 10882) to authorize the county of Ouachita, in the State of Arkansas, to construct a bridge across Ouachita River; to the Committee on Commerce.

By Mr. KEAN:

A bill (S. 10883) authorizing the Erie Railroad Co. to construct a canal connecting the Hackensack River and Berrys Creek, Bergen County, N. J., as an aid to navigation, and for other purposes; to the Committee on Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. ROOT submitted an amendment proposing to appropriate $400,000 for the continuation of the construction of the New York City post office, etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Public Buildings and Grounds.

Mr. SWANSON submitted an amendment proposing to extend an invitation to foreign nations to assemble their fleets at Hampton Roads, Va., on their way to attend and participate in the Panama International Exposition at San Francisco, Cal., in 1915, etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. MARTIN submitted an amendment proposing to appropriate $600 to be applied as an increase in the salary of the chemist at the Annapolis Experiment Station, etc., intended to be proposed by him to the naval appropriation bill, which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Naval Affairs.

He also submitted an amendment proposing to grant 15 working days leave of absence to certain employees of the navy yards, gun factories, naval stations, and arsenals of the country, etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. JOHNSTON submitted an amendment relative to the commissions of pharmacists in the Navy, etc., intended to be proposed by him to the naval appropriation bill, which, with the accompanying paper, was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. DILLINGHAM submitted an amendment proposing to appropriate $350,000 for the purchase of shell of such proven design as will carry in charges of at least 150 pounds weight either the explosive now used in the service shell or ordinary explosive gelatin with gun pressure of 30,000 pounds per square inch, etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

He also submitted an amendment relative to the application of the appropriation for armor-piercing projectiles of 12 or 14 inch caliber, etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. LODGE submitted an amendment proposing to appropriate $150,000 toward a 150-ton floating crane at the navy yard, Boston, Mass., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

He also submitted an amendment authorizing the Secretary of Agriculture to extend to plants engaged in drying and freezing eggs for interstate commerce the inspection provided for in the act approved June 30, 1906, etc., intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. McCUMBER submitted an amendment proposing to appropriate $1,200 to pay Robert W. Farrar for indexing and extra services as clerk to the Committee on Pensions, Sixty-first Congress, third session; also $1,200 to pay Dennis M. Kerr for services as assistant clerk by detail to the Committee on Pensions, Sixty-first Congress, third session, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Pensions and ordered to be printed.

Mr. DIXON submitted an amendment proposing to amend section 3 of the act of May 1, 1888, and to extend the provisions of section 2301 of the Revised Statutes to certain lands in the State of Montana, etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

He also submitted an amendment relative to rights of way through certain reservations and other public lands, etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to the printed and, with the accompanying paper, referred to the Committee on Appropriations.

He also submitted an amendment proposing to grant permission to Miles City, Mont., to operate a pumping station on the Fort Keogh Military Reservation, Mont., etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. DEPEW submitted an amendment relative to the pay of warrant officers in the Navy, etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. PERKINS submitted an amendment proposing to appropriate $11,400 for establishing aids to navigation on the Yukon River, Alaska, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $25,000 for rebuilding and improving the present light and fog signal at Lincoln Rock, Alaska, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $100,000 for establishing a light and fog signal on Cape St. Elias, Alaska, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $60,000 for establishing additional aids to navigation in Alaskan waters, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $100,000 for establishing a light and fog-signal station at Resurrection Bay entrance, Alaska, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $80,000 for establishing a light and fog-signal station at or near Cape Spencer, Alaska, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. FLINT submitted an amendment proposing to appropriate $125,000 for construction of gun and mortar batteries, etc., intended to be proposed by him to the fortifications appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

ALLOWANCE OF CERTAIN CLAIMS.

Mr. McCUMBER submitted an amendment intended to be proposed by him to the bill (H. R. 32767) for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, which was referred to the Committee on Claims and ordered to be printed.

COMPANIES B, C, AND D, TWENTY-FIFTH UNITED STATES INFANTRY.

On motion of Mr. WARREN, it was

Ordered, That the Senate return to the Secretary of War, for the files of the War Department, the correspondence, maps, etc., transmitted to the Senate by him on April 19, 1910, in response to Senate resolution of April 14, 1910, and not used in the printing of Senate Document No. 701, Sixty-first Congress, third session, being the report of the proceedings of the court of inquiry relative to the shooting affray at Brownsville, Tex., August 13–14, 1906.

WITHDRAWAL OF PAPERS—PAUL SINOCK.

On motion of Mr. FLINT, it was

Ordered, That Paul Sinock be authorized to withdraw from the files of the Senate all papers accompanying Senate bill 441, Sixty-first Congress, first session, entitled "A bill to correct the military record of Paul Sinock," no adverse report having been made thereon.

REPORTS OF IMMIGRATION COMMISSION.

Mr. DILLINGHAM submitted the following concurrent resolution (S. Con. Res. 40), which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed, with accompanying illustrations, for the use of the Senate and House of Representatives, 2,175 copies of the reports of the Immigration Commission, 475 for the use of the Senate, 1,200 for the use of the House of Representatives, 250 for the use of the Senate Committee on Immigration, and 250 for the use of the House Committee on Immigration and Naturalization; and that there be printed 8,000 additional copies of the Abstracts of Reports of the Commission, 1,900 for the use of the Senate, 4,000 for the use of the House of Representatives, 1,250 for the use of the Senate Committee on Immigration, and 1,250 for the use of the House Committee on Immigration and Naturalization.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, Executive clerk, announced that the President had approved and signed the following acts and joint resolution:

On February 21, 1911:

S. 6953. An act to authorize the Government to contract for impounding, storing, and carriage of water, and to cooperate in the construction and use of reservoirs and canals under reclamation projects, and for other purposes.

On February 23, 1911:

S. 3315. An act amending an act entitled "An act to amend an act to provide the times and places for holding terms of the United States court in the States of Idaho and Wyoming," approved June 1, 1898; and

S. J. Res. 139. Joint resolution authorizing the printing of the message of the President, together with the report of the agent of the United States in the North Atlantic coast fisheries arbitration at The Hague.

RECIPROCITY WITH CANADA.

Mr. BURKETT. I ask unanimous consent for the present consideration of the bill (S. 5912) to establish and disburse a public-school teachers' retirement fund in the District of Columbia.

Mr. CUMMINS. I ask for the regular order.

Mr. BURKETT. Very well. I thought morning business had been concluded.

The VICE PRESIDENT. Does the Senator from Nebraska withdraw his request for the present consideration of the bill?

Mr. BURKETT. Yes.

Mr. CUMMINS. I offer a resolution and ask for its present consideration.

The VICE PRESIDENT. The Senator from Iowa submits a resolution and asks for its present consideration. The Secretary will read the resolution (S. Res. 366) for the information of the Senate.

The Secretary read as follows:

Whereas there is now pending in the Senate a bill for the amendment of the act approved August 5, 1909, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," in so far as it respects the Dominion of Canada, commonly known as the Canadian reciprocity measure: Be it therefore

Resolved, That the President be, and he is hereby, requested to transmit to the Senate, for its use in the consideration of said bill, all the information secured, and the tables and statistics prepared by the board of experts, composed of Henry C. Emery, James B. Reynolds, and Alvin H. Sanders, relating to the various articles and commodities named in said bill, and especially to the following, viz, pulp wood, wood pulp, and paper of whatever value; wool, whether raw or farther advanced in manufacture; woolen thread, cloth, and clothing; cotton thread, cloth, and clothing; carpets, boots and shoes, iron ore, pig iron and manufactured iron and steel, coal, meats, and flour.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. HALE. I do not rise to object. I think the information would be very valuable. I wish the Senator would add to it—if not, another resolution can be offered—that all papers and documents relating to the negotiations between the experts of

the State Department and the Canadian commission resulting in the so-called reciprocity agreement be sent to the Senate.

Mr. CUMMINS. The suggestion of the Senator from Maine touches an entirely different phase of the subject.

Mr. HALE. It does, undoubtedly.

Mr. CUMMINS. And I should prefer that his suggestion be made the subject of another resolution. I have embodied in this resolution those things which I think the Senate will need in its consideration of this measure. I have asked immediate consideration so that there may be no delay in furnishing the information, to the end that we may be enabled to consider it when the bill comes before us.

Mr. HALE. I think the Senator from Iowa is right about that. I think we should have this information at a very early day, and I desire it all the more because I have reason to believe that the bill which has passed the House and is now in the Committee on Finance, which will very soon make some report on it, was never submitted to the Tariff Board, and that the Tariff Board was not consulted with regard to its provisions and had no knowledge. That is an additional reason why the resolution of the Senator from Iowa ought to be passed, and the sooner the better.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. CARTER. Let the resolution be reported again.

The VICE PRESIDENT. The Secretary will again report the resolution.

The Secretary again read the resolution.

Mr. DIXON. I wish the Senator from Iowa would include in the specially enumerated list agricultural implements.

Mr. CUMMINS. I have no objection whatsoever to that suggestion, but it will be observed that the resolution calls for all the information which the Tariff Board has gathered respecting all the articles named in the proposed arrangement with Canada, and agricultural implements being included within that arrangement would be within the terms of the resolution.

Mr. DIXON. The only thing, if the Senator from Iowa will permit, is that certain articles are specifically named and given special prominence. So far as my section of the country is concerned, while the tariff duties are entirely taken off of all of our products, agricultural implements, which our people must necessarily buy, are still left on the protected list. It is only a suggestion.

Mr. CUMMINS. If the suggestion will not lead to the general amendment of the resolution I have no objection to the inclusion of the words "agricultural implements" in those specifically mentioned.

The VICE PRESIDENT. The modification will be stated.

The SECRETARY. After the words "iron and steel," in the last line, add "agricultural implements."

Mr. SMOOT. I notice that in the items specifically mentioned there are a number of items that are not included in the Canadian reciprocity agreement. Does the Senator desire the information upon those items with a view of considering them as proposed amendments or does he desire the information for some other reason, because, as I said, there are a number of items mentioned that are not included in the agreement?

Mr. CUMMINS. The Senator from Utah has very accurately guessed my purpose. A great many of the articles specifically mentioned are not included in the agreement at all, and my purpose is to propose such amendments to this arrangement as will permit the free introduction into the United States from Canada of those things which the farmer buys, as well as the things which the farmer sells. Therefore I have included this list of articles, and I desire to know, if the Tariff Board has the information, whether there is any reason for still retaining the duty upon those things. I want, however, the Senator from Utah to fully understand my purpose. I have no intention at the present time of offering amendments that will attempt to change the duties which Canada prescribes upon our exports into Canada, only the duties upon the exports from Canada into the United States.

I desire here to correct what seems to be a very general misapprehension. Under the terms of the arrangement itself it can be changed if we reduce the duties below those which we have agreed to give Canada without consulting Canada at all.

Mr. HALE. Of course, the Senator——

Mr. CUMMINS. One more word. If we allow this opportunity to pass, we can not hereafter independently give to Canada the free importation of these things without at the same time giving to the whole world free trade in these things; and I do not intend to allow this opportunity to pass if I can help it.

Mr. HALE. Undoubtedly the Senator is right. His design is broad and large. If what he desires is carried out, it carries the whole subject over; it has to be the subject of a new negotiation with Canada. In that regard I sympathize with the purpose of the Senator.

Mr. CUMMINS. I do not concur in the last statement made by the Senator from Maine. For instance, this agreement prescribes a certain duty upon meat imported from Canada into the United States, and we have agreed by the terms of the bill, if it were to become a law, that we will not increase the duty on meat above that named in the arrangement. But we can reduce the duty on meat from Canada into the United States or take it away entirely without interfering in anywise whatsoever with the arrangement or without incurring the danger, if it be a danger, of another reference to the Dominion of Canada.

Now, I do not say that this is what should be done. I only say that I want the information, and I think the Senate ought to want the information from the board of experts which for now two years has been laboring in this direction to secure information for the use of the Senate and the House whenever our tariff again came into controversy or into dispute. I can not imagine that there could be any objection whatever to furnishing the information.

Mr. NELSON and Mr. ROOT addressed the Chair.

The VICE PRESIDENT. Does the Senator from Iowa yield, and to whom?

Mr. CUMMINS. I yield to the Senator from Minnesota, because he addressed the Chair first.

Mr. NELSON. Does it strike the Senator that this discussion upon the duty on Canadian meat is rather academic, when they can bring the cattle across the border without butchering them at all and get them in free?

Mr. CUMMINS. I am not attempting to analyze the various mysteries of this matter. I simply know that I want the information the Tariff Board has, and I am well informed that it has collected very valuable information with regard to many of these things.

I now yield to the Senator from New York.

Mr. ROOT. Mr. President, I rose for the purpose of asking the Senator from Iowa if it is his understanding that Congress can reduce the tariff duties on the articles mentioned in the schedule to the agreement below the stipulated point without rendering us liable to reduce those duties to the same extent to all countries with which we have most-favored-nation treaties.

Mr. CUMMINS. I believe, Mr. President, that it can be done. I do not intend to dispute or to enter into a debate on the matter. I had no intention of debating it at all, because I realize that we are trespassing upon the time allotted to the Senator from Indiana. I will not further debate it. I simply ask consent for the passage of the resolution.

Mr. ROOT. I did not intend to debate it. I did not like to allow the suggestion of the Senator from Iowa to pass without notice, for I have very serious doubt whether it is any more competent for us to reduce duties below the schedule figures with immunity from the favored-nation clause than it would be by a separate and independent bill.

Mr. HALE. Mr. President, before the matter passes, I wish to say that from some examination of what has been done by the Tariff Board I agree fully with the Senator from Iowa. Its work has been most admirable. Its methods have been of the very best kind. It has visited through its different members the great establishments in this country and in Canada interested in this whole question of taxation and reciprocity, and has accumulated a valuable mass of testimony that will be of the greatest importance to Congress either now or at some future time in another Congress. I have nothing for that board in respect to its duties but satisfaction and praise for the conduct it has shown in its examinations.

Mr. CARTER. Mr. President, I presume the amendment I am about to propose may not be deemed necessary, but it is in conformity with a form which has heretofore been followed, and I think it should be adhered to in this case.

The VICE PRESIDENT. The question, first, is whether there is unanimous consent for the present consideration of the resolution before any amendment is in order. Is there objection to its present consideration? The Chair hears none. Now amendments are in order.

Mr. CARTER. I move to amend the resolution by inserting after the word "requested," the words——

Mr. BEVERIDGE. I wish to suggest——

The VICE PRESIDENT. The Senator from Montana has the floor.

Mr. BEVERIDGE. Will the Senator yield to me for a moment?

Mr. CARTER. I will be glad to yield to the Senator, but I think the amendment can be disposed of before a colloquy could take place.

Mr. BEVERIDGE. It does not appear likely. It is immaterial to me, however.

Mr. CARTER. I move to insert, after the word "requested," the words "if not deemed incompatible with the public interest." I make this suggestion because the resolution calls for correspondence with another country.

Mr. CUMMINS. I have no objection to the amendment.

The VICE PRESIDENT. The amendment proposed by the Senator from Montana will be stated.

The SECRETARY. After the word "requested" insert the words "if not incompatible with the public interest."

The VICE PRESIDENT. Without objection, the amendment is agreed to; and, without objection, the resolution is agreed to.

Mr. McCUMBER. Mr. President, I wish to give notice that on Saturday, immediately after the morning business, I shall ask permission of the Senate to submit some remarks on the Canadian reciprocity agreement.

MOBILE RIVER BRIDGE, ALABAMA.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the amendment of the Senate to the bill (H. R. 31538) to authorize the Pensacola, Mobile & New Orleans Railway Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels above the city of Mobile, Ala., which was, in section 1, line 7, after the word "mouth," to strike out the semicolon.

Mr. BANKHEAD. I move that the Senate concur in the amendment of the House of Representatives to the amendment of the Senate.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Appropriations:

H. R. 32865. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; and

H. R. 32866. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1912.

H. R. 29708. An act to constitute Birmingham, in the State of Alabama, a subport of entry was read twice by its title and referred to the Committee on Commerce.

H. R. 32212. An act making appropriations for the naval service for the fiscal year ending June 30, 1912, and for other purposes, was read twice by its title and referred to the Committee on Naval Affairs.

KANSAS NATIONAL FOREST LAND.

The VICE PRESIDENT. The Chair lays before the Senate the bill (H. R. 32571) to consolidate certain forest lands in the Kansas National Forest.

Mr. STONE. Mr. President, that bill was read in full yesterday. The Senator from Idaho [Mr. HEYBURN] reported a bill exactly similar from the Senate Committee on Public Lands. He thought when the bill was read yesterday that it changed somewhat the phraseology of the Senate bill.

Mr. HEYBURN. Mr. President, on an examination of the report made upon the Senate bill, I find that the same matter is incorporated in the House bill, and so far as I am concerned it is entirely satisfactory.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE PRESIDENT. Senate bill 10707 of like title will be indefinitely postponed, if there be no objection.

POLICE AND FIREMEN'S RELIEF FUND.

The VICE PRESIDENT laid before the Senate the bill (S. 288) for the creation of the police and firemen's relief fund, to provide for the retirement of members of the police and fire departments, to establish a method of procedure for such retirement, and for other purposes, returned from the House of Representatives in compliance with the request of the Senate.

Mr. GALLINGER. I move that the Senate reconsider the votes by which the bill was ordered to a third reading, read the third time, and passed.

The motion to reconsider was agreed to.

Mr. GALLINGER. On page 2, line 6, after the word "Columbia," I move to insert "except such fines and forfeitures as are authorized by law to be paid to the Washington Humane Society."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BATTLESHIPS FOR ARGENTINE REPUBLIC.

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from the previous legislative day, which will be read.

The Secretary proceeded to read Senate resolution 364, submitted yesterday by Mr. LA FOLLETTE.

Mr. LA FOLLETTE. In deference to the wishes of the Senator from Indiana, who desires to begin his remarks in conclusion of his speech, I will ask that the resolution go over for the day.

The VICE PRESIDENT. Both resolutions?

Mr. LA FOLLETTE. Both.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the resolutions will go over for to-day.

SENATOR FROM ILLINOIS.

The Senate resumed the consideration of the report of the Committee on Privileges and Elections relative to certain charges relating to the election of WILLIAM LORIMER, a Senator from the State of Illinois, by the legislature of that State, made in obedience to Senate resolution 264.

Mr. BEVERIDGE rose.

Mr. GALLINGER. I will ask the Senator from Indiana if he will kindly yield to me for just a moment.

Mr. BEVERIDGE. Certainly.

Mr. GALLINGER. Mr. President, some days ago I gave notice that I would briefly address the Senate on the Lorimer election case. The Committee on Appropriations, of which I chance to be a member, has a great deal of work before it. At the present time I am engaged in a conference on the District of Columbia appropriation bill, and will very soon be engaged in considering the naval appropriation bill, which the Senator from California [Mr. PERKINS] has charge of. I see very little opportunity for me to discuss this question without neglecting other important public business. But beyond that, Mr. President, I do not think it is necessary that I should do so, because I feel sure that the resolution will be defeated. For these reasons I will not burden the Senate with any remarks of my own. I beg to thank the Senator from Indiana for his courtesy.

Mr. BURROWS. Will the Senator from Indiana yield to me for just a moment?

Mr. BEVERIDGE. I yield to the Senator.

Mr. BURROWS. Before the Senator from Indiana commences his concluding remarks, I desire to state that I am advised by the Senator he will be able to conclude what he has to say in two hours, or about that time, after which there will be two or three hours of this legislative day remaining, and——

Mr. BEVERIDGE. Mr. President, will the Senator permit me to interrupt him? I will say that in the course of twelve years' experience here it is the first time I personally recollect any Senator attempting to put another Senator within any definite limit of time. The Senator asked me how long I should take in submitting some remarks to the Senate, and I told him I could not tell; possibly I said an hour and a half or two hours; but I do not know how many interruptions there will be, and I shall base my remarks upon the record and they will be directed to the importance of the case.

Mr. BURROWS. I do not think the Senator will object to my request. That was simply preliminary.

Mr. BEVERIDGE. I do not know; the Senator has objected to eight requests of mine. I will hear the Senator's request.

Mr. BURROWS. The request I desire to make is that a vote may be taken upon this matter before the close of this legislative day. I ask unanimous consent that that may be done.

Mr. STONE. Mr. President——

Mr. LODGE. I merely desire to say it is perfectly uncertain, I suppose, what further debate is to occur on this matter or how long the Senator from Indiana or other Senators may choose to speak; and I can not consent to any agreement of that kind, because I think it is of the utmost importance that the Senate should have another executive session at the earliest possible moment.

The VICE PRESIDENT. The Senator from Massachusetts objects.

Mr. BURROWS. Then I will ask unanimous consent——

Mr. STONE. I will state——

The VICE PRESIDENT. The Senator from Indiana has yielded to the Senator from Michigan.

Mr. BEVERIDGE. I yielded to the Senator from Michigan.

Mr. BURROWS. I ask unanimous consent that a vote may be taken to-morrow at 4 o'clock.

Mr. STONE. Mr. President, I wish to say that I desire to submit some observations on this case. I have no objection to a vote being had at the earliest possible moment, but I do not care to have a particular hour set for the vote to be taken. It

might obstruct the purpose of Senators who would desire to speak. I object to the request.

Mr. BURROWS. Would the Senator object to a vote on Saturday at 4 o'clock?

Mr. STONE. I will not object to a vote on any day, but I do object to fixing an hour for the vote.

Mr. BEVERIDGE. Mr. President, I can not yield further for requests at this time to the Senator from Michigan.

The VICE PRESIDENT. The Senator from Missouri, as the Chair understands, objects to the request of the Senator from Michigan, and the Senator from Indiana now claims the floor, to which he is entitled.

Mr. BEVERIDGE. The Senator from Michigan knows very well there is a proper time within the proprieties to make such a request, and not in the midst of a Senator's remarks.

The VICE PRESIDENT. The Senator from Indiana will proceed.

Mr. BEVERIDGE resumed the speech begun by him on the 21st instant. After having spoken for some time,

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Will the Senator from Indiana be kind enough to suspend for a minute while the Chair lays before the Senate the unfinished business? It will be stated.

The SECRETARY. A joint resolution (S. J. Res. 134) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. BORAH. I will ask the Senate to lay the joint resolution aside by unanimous consent, with the suggestion that when the Senator from Indiana shall have finished I will call for the regular order. I ask unanimous consent that the unfinished business may be temporarily laid aside.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Idaho? The Chair hears none, and it is so ordered. The Senator from Indiana will proceed.

Mr. BEVERIDGE resumed his speech. After having spoken in all nearly three hours and a half, with interruptions,

Mr. LODGE. Mr. President——

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from Indiana yield to the Senator from Massachusetts?

Mr. BEVERIDGE. I do.

Mr. LODGE. I do not want to interrupt the Senator if he desires to continue.

Mr. BEVERIDGE. I had hoped to conclude to-day, but, as you all remember, I was delayed from beginning for more than an hour this morning, when I had expected to begin early.

Mr. LODGE. I should like very much to have an executive session.

Mr. BEVERIDGE. I shall very gladly yield, although I do dislike to continue my remarks from day to day, if it is understood that immediately after the morning business to-morrow I may conclude.

[For Mr. BEVERIDGE's entire speech see Senate proceedings of February 24.]

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from New Hampshire?

Mr. BEVERIDGE. Certainly.

Mr. GALLINGER. I rise for the purpose of asking the Senator from Indiana, who almost a month ago was extremely anxious to get a vote on this case, as the RECORD shows, whether or not he can suggest to us when we are likely to get a vote on this resolution.

Mr. BEVERIDGE. No; I can not. There are three or four Senators that I know of who intend to address the Senate on this subject.

Mr. GALLINGER. Is the Senator as anxious to get a vote as he was three or four weeks ago when he importuned us to let him have a vote?

Mr. BEVERIDGE. Is the Senator from New Hampshire as anxious to get a vote now as he was to delay a vote then?

Mr. GALLINGER. I never in my life undertook to delay a vote.

Mr. BEVERIDGE. That is true.

Mr. GALLINGER. On the contrary, I said I was ready to vote at any time.

Mr. BEVERIDGE. The reason I asked the Senator was that the Senator from Michigan asked me almost the same question, and in view of the fact that the Senator from New Hampshire repeats almost the question of the Senator from Michigan I put it that way.

Mr. GALLINGER. I was not present when the Senator from Michigan asked that question. But personally I am anxious to vote on this resolution.

Mr. BEVERIDGE. I will tell you what I personally think about this matter. I think this matter ought to be voted upon as soon as the discussion of it is concluded.

Mr. GALLINGER. We have only eight days of the session left.

Mr. BEVERIDGE. The Senator will bear me out that for weeks I have refrained in this matter, and to-day I was delayed an hour in beginning, as compared with the time I should have begun, or I would have concluded by this time.

Mr. GALLINGER. I am content, having asked the question.

Mr. BEVERIDGE. That is the best answer I can give.

Mr. GALLINGER. I hope we may have an early vote.

Mr. BEVERIDGE. Really, I do not know——

Mr. CRAWFORD. Mr. President——

Mr. LODGE. I think the Senator from Indiana yielded to me.

Mr. PENROSE. Mr. President——

Mr. BEVERIDGE. I yield to the Senator from Massachusetts.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Pennsylvania?

Mr. LODGE. I yield for a moment to the Senator from Pennsylvania; but I desire to keep the floor.

Mr. PENROSE. I only want to state that I am unfortunate enough to have charge of quite an important appropriation bill, and I had some hopes of asking the Senate to consider the Post Office appropriation bill to-morrow morning. There are a number of other appropriation bills to be considered. The chairman of the Committee on Privileges and Elections is here now. I should like to ask him whether he will make a request now to get a vote in the Lorimer case before the 4th of March, or have some day fixed so that we may know a little about the business of the Senate in connection with these general appropriation bills that must be passed before adjournment.

Mr. BURROWS. I was out for a moment. I do not know what is the request of the Senator from Indiana.

Mr. GALLINGER. There is no request.

Mr. LODGE. He made no request. I made a motion to proceed to the consideration of executive business.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. The Senator from Pennsylvania has the floor.

Mr. PENROSE. I do not know what notice has been given, or I would know a little better where I am at.

Mr. BEVERIDGE. I shall either have to resume to-morrow morning, after the morning business, or go on now. I would have finished to-day if I had been permitted to begin on time.

Mr. PENROSE. Let the Senator proceed.

Mr. BEVERIDGE. I will do as the Senate sees fit.

Mr. PENROSE. I suggest that we do not interrupt the logical continuity of the Senator's remarks.

Mr. BEVERIDGE. I will say to the Senator I can not get through this evening.

Mr. BURROWS. Can not the Senator proceed this evening and conclude his remarks?

Mr. BEVERIDGE. How is that?

Mr. BURROWS. Is it not possible for the Senator to conclude his remarks this evening?

Mr. BEVERIDGE. Certainly; anything is possible that is within the limits of a Senator's strength. The Senator from Massachusetts [Mr. LODGE] thinks there is a matter of very great importance for which he wants an executive session. I will say this, which the Senator knows, that I would have proceeded yesterday afternoon for an hour but for the fact that as a member of the Foreign Relations Committee I knew that a matter of very great importance was to be considered, and I yielded to the request of the Senator from Massachusetts, who moved, most properly, that we should go into executive session, else I should have taken an hour or an hour and a half yesterday afternoon. And to-day, as Senators will bear witness, I was not permitted to begin for more than an hour after the time I expected to commence.

Mr. BURROWS. How much more time does the Senator from Indiana desire?

Mr. BEVERIDGE. Just as much as is necessary to conclude this case. I do not intend, and Senators will bear me witness, that I never do, to take in the discussion of the case one minute more than the importance of the case and the facts therein justify.

I will say this to the Senator: If the Senator had early in this session agreed that we might all confine this discussion to a day certain, this debate could have been concluded within two weeks. But no, it was strung along, strung along. I did not want to speak at all.

Mr. BURROWS. The Senator from Indiana is prolonging the debate, it seems to the Senate, very unreasonably.

Mr. BEVERIDGE. How can the Senator say what it seems to the Senate? Since when was the Senator the Senate?

Mr. BURROWS. When will the Senator be able to close?

Mr. BEVERIDGE. I will be able to close when I get through, and I think I will get through pretty early to-morrow.

Mr. BURROWS. We are trying——

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Idaho?

Mr. LODGE. Yes.

Mr. BORAH. I should like to suggest, while Senators are discussing the question as to when they are going to vote, that there is one very important matter before the Senate upon which a vote can be taken at any time that suits Senators. That is Senate joint resolution 134. If Senators will agree to a time I will ask that to-morrow, after the Senator from Indiana has finished his remarks, we take up that matter and proceed with it until it is finally disposed of. I make that request—that we take up Senate joint resolution 134 after the Senator from Indiana has concluded his remarks to-morrow, and that we dispose of the joint resolution and all amendments upon that day before adjournment.

The VICE PRESIDENT. The Senator from Idaho asks unanimous consent that when the Senator from Indiana has concluded his remarks to-morrow Senate joint resolution 134 be taken up and proceeded with until disposed of.

Mr. BEVERIDGE. I do not think I shall take very long.

Mr. PENROSE. If the Senator will include in that request the Lorimer case also I will not object, and will use my best efforts to bring about a unanimous-consent agreement or fix another day for a vote on the Lorimer case.

Mr. BORAH. I only desire to take charge of the matter of which I have been in charge in the Senate as a member of the Senate Committee on the Judiciary. I think it would be more proper for the Committee on Privileges and Elections to control the other matter.

Mr. PENROSE. Then I ask the chairman of the Committee on Privileges and Elections whether he will not add, as an amendment to the request for unanimous consent, that a vote on the Lorimer case to be taken on Monday next.

Mr. BURROWS. Will the Senator from Indiana and the Senate agree to take a vote upon the Lorimer matter at the conclusion of the speech of the Senator from Indiana before adjournment to-morrow? I ask unanimous consent that that may be done.

The VICE PRESIDENT. There is one request for unanimous consent pending—that presented by the Senator from Idaho.

Mr. HEYBURN. Let us get that out of the way.

The VICE PRESIDENT. Certainly.

Mr. HEYBURN. I object.

The VICE PRESIDENT. Objection is made. It is disposed of.

Mr. BURROWS and others addressed the Chair.

The VICE PRESIDENT. Does the Senator from Massachusetts yield, and to whom?

Mr. LODGE. I desire to make my motion. I will yield to the Senator from Michigan, however, if he desires to ask for a unanimous-consent agreement.

Mr. BURROWS. I ask unanimous consent that a vote may be taken upon the report of the Committee on Privileges and Elections in the Lorimer case before the close of the session to-morrow.

Mr. OWEN. I object.

EXECUTIVE SESSION.

Mr. LODGE. I now move that the Senate proceed to the consideration of executive business.

Mr. BEVERIDGE. I wish to give notice that to-morrow morning, immediately after the morning business, I shall resume my remarks.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Massachusetts that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 1 hour and 55 minutes spent in executive session, the doors were reopened and (at 6 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Friday, February 24, 1911, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 23, 1911.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

First Lieut. Aaron Lichtenberg Gamble to be captain in the Revenue-Cutter Service of the United States, to rank as such from November 10, 1910, in place of Capt. Francis Marion Dunwoody, promoted.

APPOINTMENT IN THE ARMY.

For appointment in the Army of the United States, with the view of placing him on the retired list, without back, present, or future pay or allowances of any kind whatsoever, in accordance with the provisions of an act of Congress approved February 16, 1911, Warren C. Beach, late captain, Eleventh Infantry, United States Army, to be a captain of Infantry, with rank from February 21, 1911.

POSTMASTERS.

ARKANSAS.

M. A. Tucker to be postmaster at McGehee, Ark., in place of James W. Willoughby, resigned.

CALIFORNIA.

Charles F. Neumann to be postmaster at Merced, Cal., in place of Charles Harris. Incumbent's commission expired January 31, 1911.

GEORGIA.

Alamo B. Harp to be postmaster at Jackson, Ga., in place of Alamo B. Harp. Incumbent's commission expired January 22, 1911.

ILLINOIS.

William P. Dickie to be postmaster at Bunker Hill, Ill., in place of William P. Dickie. Incumbent's commission expired December 10, 1910.

KENTUCKY.

Robert W. Hunter to be pastmaster at Providence, Ky., in place of Albert Browning. Incumbent's commission expired February 7, 1911.

MAINE.

Florian S. Small to be postmaster at Stonington, Me., in place of Stephen B. Thurlow, deceased.

Seth T. Snipe to be postmaster at Bath, Me., in place of Seth T. Snipe. Incumbent's commission expired January 28, 1911.

MASSACHUSETTS.

Charles L. Stevens to be postmaster at Clinton, Mass., in place of Charles L. Stevens. Incumbent's commission expired February 18, 1911.

Charles J. Wood to be postmaster at Natick, Mass., in place of Charles J. Wood. Incumbent's commission expired February 18, 1910.

MICHIGAN.

James W. Bedell to be postmaster at Wakefield, Mich., in place of James W. Bedell. Incumbent's commission expired December 13, 1910.

MINNESOTA.

Philip Liesch to be postmaster at New Ulm, Minn., in place of Samuel D. Peterson, deceased.

NEW HAMPSHIRE.

Bertha L. Martin to be postmaster at Goffstown, N. H., in place of Bertha L. Martin. Incumbent's commission expires March 2, 1911.

NEW YORK.

Judson Field to be postmaster at Canastota, N. Y., in place of Judson Field. Incumbent's commission expired February 7, 1911.

PENNSYLVANIA.

John F. Austin to be postmaster at Corry, Pa., in place of John F. Austin. Incumbent's commission expired February 20, 1911.

Thomas B. Smith to be postmaster at Philadelphia, Pa., in place of Richard L. Ashhurst, deceased.

Samuel H. Williams to be postmaster at Bellefonte, Pa., in place of Thomas H. Harter. Incumbent's commission expires February 28, 1911.

WISCONSIN.

Robert G. Sharp to be postmaster at Oconto, Wis., in place of George R. Hall. Incumbent's commission expired April 6, 1910.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 23, 1911.

SURVEYOR OF CUSTOMS.

Henry L. Hines to be surveyor of customs for the port of Springfield, Mass.

UNITED STATES ATTORNEY.

Byron S. Ambler to be United States attorney, district of Porto Rico.

SECRETARY OF PORTO RICO.

M. Drew Carrel to be secretary of Porto Rico.

REGISTER OF LAND OFFICE.

William W. Wood to be register of the land office at Alliance, Nebr.

PROMOTIONS IN THE NAVY.

Commander George R. Salisbury to be a captain.
Commander Frank W. Kellogg to be a captain.
Lieut. Commander Warren J. Terhune to be a commander.
Lieut. Commander William K. Harrison to be a commander.
Lieut. (Junior Grade) Nelson H. Goss to be a lieutenant.
Lieut. (Junior Grade) Wilhelm L. Friedell to be a lieutenant.
Lieut. (Junior Grade) Gordon W. Haines to be a lieutenant.
Boatswain John Davis to be a chief boatswain.
Boatswain William Jaenicke to be a chief boatswain.

POSTMASTERS.

ALABAMA.

William L. Chenault, Russellville.
Sallie W. Collier, Brundidge.
Florence H. Spears, Pell City.

CALIFORNIA.

Pierce J. Elliott, Sausalito.
Matthew W. Grace, Lindsay.
J. N. Hollis, Gridley.

COLORADO.

Hockley T. Hamill, Georgetown.
Francis M. Tague, Las Animas.
Jessie L. Thurston, Carbondale.
Robert W. Wren, Seibert.

CONNECTICUT.

Walter B. Cheney, South Manchester.
Charles C. Georgia, Unionville.
Edward J. Stuart, Lakeville.

FLORIDA.

Joseph P. Schell, Chipley.

GEORGIA.

T. E. Dixon, Pavo.
William E. Perry, Donalsonville.

IDAHO.

Lee J. Snelson, Filer.

ILLINOIS.

George M. Bell, Sherrard.
M. Spencer Brown, Brighton.
Robert J. Hemphill, Ridgway.
Frank J. Hooker, Batavia.
George F. Jordan, Carlinville.
Mark L. Kennedy, Mounds.
Grant S. Remsburg, Ohio.
Jeter C. Utterback, Salem.

INDIANA.

John Bennett, Morristown.
Andrew Morrissey, Notre Dame.
Eli W. Sherwin, Russiaville.
Effie E. Smith, Centerville.
Stanley S. Tull, Monon.

IOWA.

George T. Clevidence, Humboldt.
Ross Grier, Deep River.
William H. McClure, Fontanelle.

KANSAS.

Robert M. Armstrong, Council Grove.
O. F. Falls, Valley Falls.
E. D. George, Mankato.
C. E. Ingalls, Washington.
John W. Skinner, Winfield.
Cliff W. Weeks, Osborne.

LOUISIANA.

Elizabeth Reiley, Clinton.

MAINE.

Harry R. Hichborn, Stockton Springs.
Varney A. Putnam, Danforth.

MASSACHUSETTS.

William S. Curtis, Hanover.
Kate E. Hazen, Shirley.
John Huxtable, Wareham.
Joseph A. Legare, Lowell.
Charles A. Perley, Baldwinsville.
William H. Twiss, Ashland.

MICHIGAN.

J. Burt Kiely, Roscommon.
Flora MacLachlan, Grand Marais.
George W. Minchin, Evart.

MINNESOTA.

Alton Crosby, Willmar.
John L. Grady, Cass Lake.
Mark Swedberg, Luverne.
Edward A. Wasserzieher, Deer Wood.

MISSISSIPPI.

Thaddeus C. Barrier, Philadelphia.
Robert Burns, Brandon.
John B. Collier, Leland.
Virginia B. Duckworth, Prentiss.
Mattie O. Golden, Hollandale.

MISSOURI.

A. G. Baker, Versailles.
Troy L. Crane, Lees Summit.
Willis E. Flanders, Paris.
Ivan S. Goodwin, Gilman City.
John D. Kerr, Savannah.
George W. Martin, Brookfield.
Charles E. Rinehart, Browning.
William L. H. Silliman, Clarksville.
James H. Turner, Weston.

NEBRASKA.

William L. Bennett, Bladen.
A. F. Buechler, Grand Island.
Herbert G. Miller, Holbrook.
Noble Sanford, Axtell.
Wesley Tressler, Ogallala.

NEW JERSEY.

Edward E. Haines, South Amboy.
Charles B. Hunter, Bergenfield.
Joseph O. Kirk, Westville.

NEW MEXICO.

Thomas Branigan, Las Cruces.
Robert E. Wherritt, Clayton.

NEW YORK.

John L. Chatfield, Painted Post.
William H. Clark, Cortland.
John R. Costello, Chittenango.
Samuel T. Dusenberry, Tuxedo Park.
L. Grant Goodnough, Cornwall on the Hudson.
Emil A. Peterson, Falconer.
Simon D. Replogle, Roslyn.
Charles Scott, Fort Plain.
James A. Snell, Fonda.
Frank Stowell, Mayville.
J. Wesley Van Tassell, Hopewell Junction.
James A. Wilson, Sacket Harbor.

NORTH CAROLINA.

Neill McFayden, Raeford.

NORTH DAKOTA.

Charles E. Best, Enderlin.
George C. Chambers, Churchs Ferry.
Joseph F. Christen, Taylor.
James L. Green, Sheldon.
Herbert B. Grover, Grafton.
William J. Hoskins, Rolla.
Charles G. Klenzing, Wyndmere.
Charles Marcellus, Forman.
Percy F. Meharry, Starkweather.
Robert C. Miles, Ashley.
Niels G. Mosgaard, Scranton.
Walter P. Osborne, Hunter.
Horatio C. Plumley, Fargo.
Walter A. Shear, Sentinel Butte.
William H. Stevens, Wimbledon.

OHIO.

Lucius A. Austin, Granville.
Loui C. Burnham, Milford Center.
John Carroll, West Lafayette.
Charles C. Chappelear, Circleville.
Allison B. Cline, Frankfort.
Henry H. Coppock, Pleasant Hill.
Don C. Corbett, Payne.
Charles R. Crum, Forest.

Joseph A. Donnelly, New Lexington.
James A. Downs, Scio.
A. G. Eidemiller, West Milton.
Uriah J. Favorite, Tippecanoe City.
Edward J. Lewis, Girard.
Hugh A. McLaughlin, Adena.
John B. Mullie, Rittman.
Edward A. Mullen, Marysville.
John Orth, Port Clinton.
Leonard D. Price, Bowerston.
John C. Rock, West Liberty.
Delmer M. Starkey, Freeport.
William H. Tucker, Toledo.

OKLAHOMA.

Cassius M. Cade, jr., Shawnee.
Robert E. L. McLain, Blanchard.
Ulysses S. Markham, Caddo.
Joseph R. Sequichie, Chelsea.

PENNSYLVANIA.

Thomas H. Bailey, Mansfield.
Florencio Bartow, Marcus Hook.
George C. Burrows, Montoursville.
William R. Flad, Freeland.
Charles G. Gill, Madera.
Theodore Lindermuth, East Mauch Chunk.
William F. McDowell, Mercersburg.
John H. Mailey, Northumberland.
Alice A. Mullin, Mount Holly Springs.
Frank P. Oberlin, Midland.
Earnest C. Pearce, Avonmore.
W. F. Sparks, Glassport.
Byron E. Staples, Jersey Shore.

SOUTH DAKOTA.

Charles S. Harter, Elk Point.
George C. Lohr, Estelline.
John B. Long, Kimball.

TEXAS.

Edward Blanchard, San Angelo.
Lucy Breen, Mineola.
Josephine Chesley, Bellville.
Harry Harris, Gatesville.
J. Allen Myers, Bryan.
William Myers, Seguin.
William D. Rathjen, Canadian.
James A. Smith, El Paso.
Henry O. Wilson, Marshall.

UTAH.

James Don, Park City.

VIRGINIA.

E. B. Travis, Bowling Green.

WASHINGTON.

F. L. Stocking, Tacoma.

WISCONSIN.

C. L. Christianson, Bloomer.
Alfred B. Kildow, Brodhead.
Leonard H. Kimball, Neenah.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February 23, 1911.*

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

PASSED ASST. PAYMASTER EDWIN M. HACKER.

The SPEAKER. A request was made that the bill S. 10476 should remain upon the Speaker's table, a similar bill being on the House calendar. Inadvertently it was referred to the Committee on Naval Affairs. Without objection, it will be returned to the Speaker's table.

Mr. MANN. What is the bill?

The SPEAKER. An act for the relief of Passed Asst. Paymaster Edwin M. Hacker.

Mr. MANN. What good would it do to keep it on the Speaker's table? It is a private bill and can not be taken off the Speaker's table.

The SPEAKER. Well, there seems to be a question about it.

Mr. MANN. I will not object.

The SPEAKER. The Chair hears no objection, and it will be returned to the Speaker's table.

DISTILLED SPIRITS IN INTERNAL-REVENUE WAREHOUSES.

Mr. DALZELL, from the Committee on Ways and Means, reported the bill (H. R. 29466) to provide an allowance for loss of distilled spirits deposited in internal-revenue warehouses, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report (No. 2232), ordered to be printed.

WATER SUPPLY OF SEATTLE, WASH.

The SPEAKER. The Clerk will report the first bill on the Unanimous Consent Calendar. There seems to be but one bill there.

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent that the bill S. 5432 may be read as amended.

The SPEAKER. If there be no objection, the bill will be read as amended.

The Clerk read as follows:

Be it enacted, etc., That the public lands in township 21 north, ranges 9, 10, and 11 east, and township 22 north, ranges 8, 9, 10, and 11 east of the Willamette meridian, in the State of Washington, are hereby withdrawn from all location, settlement, and entry under the public-land laws: *Provided,* That this withdrawal shall in no way operate to interfere with the right of any settler or other claimant under the public-land laws to complete a claim to any portion of such land heretofore lawfully initiated.

SEC. 2. That upon the deposit, within one year of the passage of this act, by the city of Seattle, in the State of Washington, with the Secretary of the Interior, of a sum estimated by him as sufficient to pay the cost of the survey herein provided for, the said Secretary shall cause to be executed a survey defining the limits of the drainage basin of Cedar River within the area withdrawn by section 1 of this act and pay for the same out of the appropriation for public-land surveys, and a sum sufficient to pay the cost of such survey shall be paid into the Treasury of the United States, to the credit of the appropriation for public-land surveys, out of the sum so deposited by the city of Seattle, and the remainder of the sum so deposited, if any, shall be repaid to such city, and upon the completion of such survey and its approval by the Secretary of the Interior the lands withdrawn by section 1 of this act not within the drainage basin of Cedar River shall be restored to their present status.

SEC. 3. That upon the deposit with the Secretary of the Interior within one year of the passage of this act, by the city of Seattle, State of Washington, of a sum estimated by the Secretary of the Interior to be sufficient to cover the cost of the examination and appraisal herein provided for, the Secretary of the Interior and the Secretary of Agriculture shall each designate one qualified appraiser, and the two appraisers thus designated shall designate a third appraiser, who shall be a resident of King County, Wash., not a Federal officer or employee, who shall be familiar with the stumpage value of timber in the locality to be appraised, and the board of appraisers thus constituted shall proceed to an examination and appraisal of the present commercial stumpage value of the timber on the public lands within the drainage basin of Cedar River in the area withdrawn by section 1 of this act, the cost of such examination and appraisal to be paid out of the appropriation for public-land surveys. Upon the completion of such examination and appraisal and its approval by the Secretary of the Interior and the Secretary of Agriculture a sum sufficient to pay the cost thereof shall be paid into the Treasury of the United States, to the credit of the appropriation for public-land surveys, out of the sum deposited therefor by the city of Seattle, and the remainder of such sum, if any, shall be repaid to said city.

SEC. 4. That within one year after the approval of the survey and appraisal provided for in this act, the Secretary of the Interior is authorized to patent to the city of Seattle all of the public lands within the drainage basin of Cedar River in the area withdrawn under section 1 of this act, upon the payment by the said city of Seattle of the sum estimated by the board of appraisers provided for in section 2 of this act as being the present commercial stumpage value of the timber on the public lands within such area: *Provided,* That if the sum of such estimate shall be less than the sum of $1.25 per acre for all of the lands to be patented the city of Seattle shall pay the sum of $1.25 per acre for said lands

Mr. STAFFORD. Mr. Speaker, I reserve the right to object.

Mr. MORSE. Reserving the right to object, I would like to ask the gentleman in charge of the bill if it is proposed to deed to the city of Seattle these 22,000 acres at the stumpage value of the timber, if it does not amount to more than $1.25 an acre.

Mr. HUMPHREY of Washington. If it does amount to more than $1.25 an acre. The Senate bill recommended that the city be permitted to purchase it at $1.25 an acre; but this bill provides that it shall be appraised by a board and the city shall pay what the timber is worth.

Mr. MORSE. If the timber is worth more than $1.25 in the market, the city is to get the land for nothing?

Mr. HUMPHREY of Washington. The land is of no value; everybody concedes that.

Mr. MORSE. Why did you not have the land estimated with the timber?

Mr. HUMPHREY of Washington. No one claims that the land is of any value. The land all lies above 2,000 feet and is rocky cliffs and not worth anything. What value was attached to it would be for the timber purposes. Even if it was level land, it is so high that it is of no value for agricultural purposes.

Mr. MORSE. The city of Seattle is about to get the water supply from that basin?

Mr. HUMPHREY of Washington. They are getting it there now.

Mr. MORSE. And this bill is to protect the water supply?

Mr. HUMPHREY of Washington. Yes; so that we can control it. The gentleman will notice that we already have the most of it.

Mr. MORSE. As I understand, the city has 85,000 acres.

Mr. HUMPHREY of Washington. This land is so interwoven with what the city owns that it would be all the time causing us trouble, and the city prefers to control it.

Mr. MORSE. I am not going to object, but I certainly think that the city of Seattle ought to pay for the value of the land as well as for the value of the timber. If the land is not worth anything then there would be no danger in having that put into the appraisement of value.

Mr. PARSONS. If the gentleman will permit me——

Mr. HUMPHREY of Washington. I yield to the gentleman.

Mr. PARSONS. As the bill came from the Senate there was a nominal price put on the land. There was a report from the Forest Service showing that the timber had considerable value, and therefore the committee thought that it was fairer to put the real value, which is the value of the timber, as the price to be paid by Seattle instead of the nominal value, put in the bill by the Senate, which, of course, was very much less than the real value would be.

Mr. MORSE. It seems to me that the only fair thing would be to pay for the value of both the timber and the land. I do not know what kind of land they have in that State, but if you have 105,000 acres that is not worth a cent——

Mr. MANN. I can assure the gentleman that it is not like Wisconsin farm lands.

Mr. HUMPHREY of Washington. All this land lies at an elevation above 2,000 feet, and when you get above 1,500 feet the land is utterly worthless for agricultural purposes on account of the frost. All of this good land was taken up before this forest reserve was ever established. The gentleman ought to remember that this is to protect the health of 240,000 people, and we are willing to pay all that the land is worth.

Mr. MORSE. I think it is perfectly proper for the city to purchase the land and for the Government to make it easy for the city to buy the land. But there were lands in northern Wisconsin that were appraised at $1.25 an acre for agricultural purposes that are worth thousands of dollars for mining purposes.

Mr. MONDELL. There is no mineral here.

Mr. MORSE. I think the proper thing is to appraise the land and also the timber.

Mr. PARSONS. There is an extensive report from the Forest Service in regard to this land, and there was no suggestion in the report that there was any mineral on it.

Mr. STAFFORD. You would not expect a report on the mineral resources from the Forest Service?

Mr. PARSONS. The Forest Service was opposed to the bill, and had a report made by the supervisor of the Forest Service.

Mr. MORSE. Did you inquire of any department official whether this land contained a mineral deposit?

Mr. PARSONS. I do not recollect whether that inquiry was made or not.

Mr. MONDELL. The report of the Interior Department is clear on that point. I think the report of the Forest Service makes the statement in regard to the nonmineral character of this land. It is notorious, known of all men, that there is no mineral in that country.

Mr. STAFFORD. The report of the Secretary of the Interior on this bill states that there are no mineral deposits upon this land.

Mr. JAMES. But that report made by the Secretary of the Interior does not accompany this report made to the House.

Mr. MONDELL. We had several reports on the subject.

Mr. HUMPHREY of Washington. Mr. Speaker, I am personally familiar with that land, and most of it is on the top of the Cascade Mountains. There are cliffs there more than 1,000 feet high; much of it is nothing but barren rock. The land that the city wishes to buy does not extend down to the valley at all.

Mr. JAMES. Seattle wants this land for the purpose of water supply.

Mr. HUMPHREY of Washington. It is for the purpose of protecting her water supply.

Mr. JAMES. Of course she does not want any mineral that happens to be there.

Mr. HUMPHREY of Washington. There is none there.

Mr. JAMES. For the purpose of protecting the Government, why would it not be a wise thing not to give to Seattle the mineral rights which are in this land?

Mr. HUMPHREY of Washington. It is not customary to issue that kind of patent; and I wish to say this to the gentleman, that even if there should be minerals on this land, which I happen to know, not personally, but from testimony of expert witnesses, because I was the attorney for the city in making the condemnation of this land, I know there are no minerals in that section of the country. This was thoroughly investigated at that time. But suppose there should be coal, it is much more valuable to have the water supply protected, and thus protect the health of the people of the city of Seattle, than it is to have somebody prospecting for coal on the tops of those mountains.

Mr. JAMES. That may be all true; but the time may come when you might not need this to protect the health of the people of Seattle, and yet the mineral might be worth millions of dollars.

Mr. HUMPHREY of Washington. I will say to the gentleman I was the attorney of the city when that land was originally condemned and that question was gone into fully.

Mr. JAMES. I am not doubting the good faith of the gentleman——

Mr. HUMPHREY of Washington. Let me finish the statement. At that time the question was brought out before the court and experts were placed on the witness stand, and the testimony was at that time conclusive that there were no minerals upon this property.

Mr. JAMES. I am not questioning the good faith of the gentleman. Of course I know he can not see any further into the ground than any of the rest of us.

Mr. HUMPHREY of Washington. I was quoting the sworn testimony of the experts who testified in that case.

Mr. JAMES. I have seen reports of experts on property that there was no mineral there, and other experts have shown that there was mineral. I think, of course, it would be wise if this mineral right were reserved to the Government.

Mr. MANN. It is not quite like giving this to a private individual.

Mr. JAMES. I admit that, because it goes to the city of Seattle.

Mr. MANN. It goes to a part of the public anyhow.

Mr. JAMES. It goes to a limited part of it, and representing a broader part, that does not get any of it, I think it might be wise to look after our interest.

Mr. MANN. It is not different, I suppose, in that respect from any grant of public land, like a homestead, where we have endeavored to reserve minerals, and yet——

Mr. MORSE. Mr. Speaker, I am not going to object to this bill, but I want to say right now, if there are any more of these bills that come in here giving away public land without compensation I am going to object. I do not believe the city of Seattle should be given these 22,000 acres without compensation. I think the city of Seattle is just as well able to pay for its land as the poorest individual in the country. I am not going to object, because I understand what the circumstances are, and I am willing to take the word of the gentleman from Washington [Mr. HUMPHREY], but I do not believe it is good policy. If we are going to appraise the value of the timber, we should appraise the value of the land, and if we are going to give our land away to anybody, let us commence by giving it away to the poor people who need it, and not to the rich cities that can afford to pay for it.

The SPEAKER. Is there objection?

Mr. HOWLAND. I object.

Mr. PARSONS. Mr. Speaker, reserving the right to object, while I do not propose——

The SPEAKER. But the gentleman from Ohio [Mr. HOWLAND] has objected.

Mr. HUMPHREY of Washington. Mr. Speaker, I move to suspend the rules and pass Senate bill 5432 as amended.

Mr. JAMES and Mr. PARSONS. Mr. Speaker, I demand a second.

The SPEAKER. The amendment has been read, and it is not necessary to read it again. The gentleman from Washington is entitled to 20 minutes and the gentleman from Kentucky to 20 minutes.

Mr. HUMPHREY of Washington. Mr. Speaker, I yield to the gentleman from New York [Mr. PARSONS] five minutes.

Mr. PARSONS. Mr. Speaker, when this bill was considered in the committee I was inclined to object to it because it seemed a departure from the policy that we had adopted in regard to public lands that had water supply for cities on them. In connection with Portland, Oreg., we did not grant to the city any land. We simply passed a law prohibiting trespassing on the land and leaving it to the Forest Service, in connection with the officials of the city of Portland, to police the land to prevent the pollution of the water supply. In the case

of Seattle it is somewhat different. Eighty-five thousand acres are involved, and the city of Seattle already has 63,000 of those 85,000 acres. It will only acquire 22,000 acres from the Government. Manifestly it is economy for the Government to allow Seattle to police these 22,000 acres and let Seattle be at the expense of caring for it rather than have the Federal Government be at the expense, and the size of the city and the growth of Seattle are such that we are perfectly satisfied it will have the ability and inclination to maintain this land in proper shape for a water supply and to prevent pollution. Therefore I think the bill should be passed. I yield back the balance of my time.

Mr. HUMPHREY of Washington. Does the gentleman desire to use any time?

Mr. JAMES. Yes. We want to be heard over here. Mr. Speaker, my objection to this character of legislation is this: We have had considerable trouble heretofore about public lands in the last few months. We are told now Seattle only wants this land for the purpose of protecting its water supply, but yet we find that 22,000 acres of the public lands is by this bill to be given to the city of Seattle at not less than $1.25 an acre. A board of appraisers is created for the purpose of fixing the value of the timber upon this land, and the least price that can be fixed by them is $1.25 per acre. There is nothing said about the mineral deposit in these thousands of acres, no price fixed upon the mineral, and nothing said about minerals at all. Now, we do not know what Seattle will do with the land, but Seattle may very "generously" with a "kind council" deed it over to some individual at, say, $2 an acre, and some individual or corporation may find this land is prolific in mineral and that it is worth thousands upon thousands of dollars. Now, if the gentleman from Washington is right, and I do not criticize his good faith in the matter, that Seattle only wants this land for the purpose of protecting its water supply, then I would suggest to him that he ought to offer an amendment to this bill reserving to the Government of the United States its right and title to the minerals in this land. To throw this in here at the last hour of the session——

Mr. MANN. Will that be satisfactory?

Mr. JAMES. It will be satisfactory to me. If the gentleman will propose an amendment reserving to the Government all right and title to the minerals, if there be any there, I have no further objection to the bill; but I am unwilling that a bill that is considered at the last hour of the session shall be brought up under a motion to suspend the rules and that it should be passed by this House, when, in a few months from now, perhaps it may be discovered that Congress has given away valuable mineral lands worth perhaps millions of dollars. If the city of Seattle only wants to protect its water supply, it is not necessary to give them the minerals in the land to do that thing. They are asking the Government to be most generous to them in giving them this land at the price paid, which is merely the assessed price of the timber, and I entirely agree with the gentleman from Wisconsin that the minimum price is too low, and when you once establish a precedent of this sort you will find this House considering day after day bills to give away Government lands that belong to all the people of this Republic to cities, and then the cities may sell and deed them to private individuals, and you will find valuable mineral lands of this country owned by a few men. Now, if the gentleman will propose an amendment to reserve to the Government of the United States all mineral deposits, and so forth, I have no further objection to make to it; but unless that is done, I believe the House should defeat it. Mr. Speaker, I reserve the balance of my time.

Mr. HUMPHREY of Washington. I yield five minutes to the gentleman from Wyoming [Mr. MONDELL.]

Mr. MONDELL. Mr. Speaker, it is remarkable how some gentleman's imagination wanders afield the moment you suggest the sale of a little Government land. The gentleman from Kentucky [Mr. JAMES] says if certain things should happen and if certain other things should happen then possibly something would happen which might be unfortunate.

There are 82,000 acres of land in the watershed of Cedar Creek. Approximately 40,000 acres of that is occupied by settlers and has been purchased by the city of Seattle; about 20,000 acres of it belong to the railroad as a part of its grant, and the city has made a contract with the railroad to buy its land at $2.50 an acre. Now, there are about 20,000 acres of Government land scattered through these other lands, largely rock slides, snow banks, mountain tops, and so forth, with here and there some timber on it. On much of the land no individual would pay taxes. That country has been open to exploration ever since the Pacific coast was settled, and no one has suggested that there is any mineral in the country. The railroad would not be selling this land for $2.50 an acre if there was mineral under it; the settlers would not be parting with their land for practically what they paid the Government for it if there was mineral under it.

Now, the objection to the amendment by the gentleman from Kentucky [Mr. JAMES] is this—that it is not the policy of this Government, and it ought not to be, to issue limited patents where there is no rhyme or reason for so doing. The Anglo-Saxon people have been accustomed to and desire fee patents, and they ought to have them, and because some gentleman imagines that somewhere mineral might be discovered, of which there is no geological indication or surface indication, the presence of which no man has dreamed of, is no reason why we should depart from our immemorial custom and issue a limited patent. The city of Seattle is a city of 250,000 people and soon will be a city of half a million people. They already own three-quarters of the land in the watershed. The remaining one-quarter is the poorest part of it, the part the settlers did not want and would not take, the part not owned by the railroad company, and we are proposing to sell it for whatever the timber on it is worth; and the testimony before the committee is to the effect that the land has little value; that it is not fit for mineral purposes, much of it not fit to grow timber on. But it is area in a watershed.

Mr. JAMES. Will the gentleman yield?

Mr. MONDELL. I will be glad to do so.

Mr. JAMES. Is there any provision in this bill that provides that if Seattle undertakes to sell this property that you are now asking the Government to give to the city it shall revert to the Government?

Mr. MONDELL. There is not, and there ought not to be. When the Congress of the United States sells to a municipality of a quarter of a million people, or half a million people, land for the use of the municipality, the Congress of the United States may very properly take it for granted that the municipality is going to retain the land for the purpose for which it obtained it, and if we did put such provision in the bill it would not be more than three or four years before somebody would be here asking to have the limitation taken from the bill. Where we part with land to municipalities and States, it ought to be without strings; it ought to be in fee, providing it is proper to make the transfer. And the committee has gone into this matter in very great detail, has had hearings. Nobody has raised the question of the mineral character of the land. Nobody believes the land has any considerable value. We provide for the appraisement of the timber and that the city shall pay whatever it is worth, but not less than $1.25 per acre.

Mr. JAMES. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. JAMES. You take the position that there is no mineral there?

Mr. MONDELL. I do; and that it has been the custom of the Anglo-Saxon people for all time, and has been the custom of all free people who do not believe in the monarchical doctrine that the mineral belongs to the king, it has been the custom of all such people to grant patents in fee, and patents ought to be granted in fee unless you are doing what we did in regard to the coal lands last year, namely, grant surface patents to land known to contain mineral, with reservation of the mineral. In this case a reservation of mineral that is not there simply gives people an excuse to trespass on the pretense of seeking mineral——

Mr. JAMES. I would like to know if it was the doctrine of the Anglo-Saxon people to give mineral in fee to cities when the corporation comes and asks it for only a water supply.

Mr. MONDELL. It has always been our policy, and we have never departed from the policy of granting fee titles unless we were proposing to give surface patents on mineral lands.

Mr. JAMES. Why do you not exempt it, if there is none there, and that will stop the argument?

The SPEAKER. The time of the gentleman from Wyoming has expired.

Mr. JAMES. I yield five minutes to the gentleman from Nebraska [Mr. NORRIS].

Mr. NORRIS. Mr. Speaker, I do not doubt the good faith of the gentleman from Washington [Mr. HUMPHREY] or of the people of Seattle in asking for this transfer; neither do I doubt the statements made by the gentleman from Wyoming [Mr. MONDELL]. But it seems to me there is a danger in this kind of legislation that will come from the precedent, if we establish it here, and if we have had a contrary precedent heretofore, it is time, it seems to me, that we should establish a new one.

Mr. MONDELL. Will the gentleman yield a moment?

Mr. NORRIS. Yes.

Mr. MONDELL. We have been selling public lands and disposing of public lands in this way for a hundred years.

Mr. NORRIS. I understand that; and I think we have disposed of a good deal of public land that we ought not to have disposed of.

Now, here comes the city of Seattle and asks for two or three thousand acres of Government land. They say to Congress, "We want this to improve our water supply." And Congress says, "We will give you that land for the purpose for which you ask it, but we want to put in a provision that any minerals in that land will not be conveyed, but shall be reserved to the United States Government." That does not interfere with the use for which you want the land. If you are honest and fair in what you ask this condition will not interfere with your getting every right that you are here asking for, so that this kind of a limitation can not hurt you. On the other hand, if we do not do this, if we do not put on a limitation, even though there be no mineral in this land—and I presume that there is not—it would establish a precedent of giving away land without this reservation; and we will be sure to meet it time and time again in the future when individuals and corporations and municipalities will be asking for some of the public domain for some specific purpose, when perhaps the real purpose is something that is not known or understood at the time.

Mr. MONDELL. Will the gentleman yield for a question?

Mr. NORRIS. Yes; in just a moment.

Now, instead of the limitation suggested by the gentleman from Kentucky [Mr. JAMES] I want to suggest a different one. It is a limitation that the land should not be alienated by the city of Seattle without the consent of Congress, or something of the kind. Personally I would not care if the land did have coal under it if the city of Seattle were to get the benefit of it, and a limitation that would prohibit the city from alienating the land without the consent of Congress ought not to be objectionable to the advocates of this measure.

Mr. SULZER. Will the gentleman yield?

Mr. NORRIS. Yes.

Mr. SULZER. Is there anything on record to show that any of the land in question contains coal or other valuable minerals?

Mr. NORRIS. I understand there is not.

Mr. SULZER. Then that ought to settle the matter.

Mr. NORRIS. But there can be no objection to safeguarding it by adding this limitation.

Mr. SULZER. That being so, what is the use of arguing about it?

Mr. NORRIS. That being so, what is the reason why we should not put in this limitation, if it does not take anything away from you, if there is not anything to take?

Mr. SULZER. Well, I have no objection to it.

Mr. JAMES. How much time have I remaining, Mr. Chairman?

Mr. NORRIS. It has been customary——

Mr. JAMES. Mr. Chairman, how much time have I?

Mr. NORRIS. The gentleman from Wyoming has considerable to say about giving a full title in fee, and yet we have passed a law whereby the homesteader, where there is any indication of coal, gets only a surface title.

Mr. MONDELL. Oh, no; not where there is an indication, but where there actually is coal.

Mr. NORRIS. Where somebody says there is; yes. The title is not hurt by making the reservation, and the same is true of the city. It would not injure the city of Seattle a particle to put on here a limitation such as that which the gentleman from Kentucky suggests, or to provide that the city of Seattle shall not alienate this land without the consent of the Government.

Mr. MONDELL. Does the gentleman approve of the policy under which we shall reserve minerals in all patents in the future?

Mr. NORRIS. That is not involved here.

Mr. MONDELL. Oh, yes; it is. If you do it now, you ought to do it in every case hereafter.

Mr. NORRIS. The gentleman says the city of Seattle wants it for a specific purpose, and we say we will give it to the city for that specific purpose, and the gentleman refuses to accept it in that way.

Mr. MANN. As I understand it, this is for the purpose of protecting the water supply.

Mr. NORRIS. Yes.

Mr. MANN. If the minerals were reserved, would not anybody have the right to go upon the land and make an examination for the minerals? Would not anybody have the right to prospect on the land?

Mr. NORRIS. What objection would the gentleman from Washington have to an amendment that would prevent its alienation without the consent of Congress?

Mr. HUMPHREY of Washington. I have no objection whatever to such an amendment, if you can agree on that.

Mr. MANN. I have no objection, but what I am thinking of is the pollution of the water supply. Would not anyone have the right to go on this land and pollute the water supply while searching for minerals?

Mr. NORRIS. It might be that we ought to have some regulation as to that, but simply going on the land to hunt for minerals would not pollute the water supply.

Mr. CAMPBELL. I suggest that a limitation be placed upon this bill, providing that the land shall not be alienated by the city of Seattle without the consent of Congress.

Mr. HUMPHREY of Washington. I ask unanimous consent that it be so amended.

Mr. JAMES. Mr. Speaker, I would object to that provision for this reason, that it would prevent the Government ever using the mineral if it were found there.

Mr. NORRIS. Let the city of Seattle use the mineral. I have no objection to that.

Mr. HUMPHREY of Washington. Just as the gentleman from Illinois [Mr. MANN] has suggested, we do not want people to go in there prospecting.

Mr. JAMES. I yield eight minutes to the gentleman from Wisconsin [Mr. MORSE].

Mr. MORSE. Mr. Speaker, the gentleman from Wyoming [Mr. MONDELL] says that some people's imaginations commence to run wild as soon as there is any talk of the sale of public lands. I want to call the attention of this House to the fact that we are not trying to sell public lands. This proposition is to give away public lands. We provide that the timber on the land shall be valued, and if the value of the timber does not amount to more than $1.25 an acre then that is what is paid for the timber and the land, but if the value of the timber amounts to $1.25 or more an acre the land is given away.

Mr. FERRIS. The gentleman is mistaken about that.

Mr. MORSE. If it amounts to $1.25 or more an acre, the land is given away.

Now, Mr. Speaker, I said I did not see any reason why the General Government should give away this land to the city of Seattle, or any other city, for less than it is worth. According to the hearings, the railroad company is getting $2.50 an acre for the land in the same basin—land of the same kind and quality. Why should the Government get only half as much as this railroad company is to receive for it? If they wanted to be fair in this matter, why did not they provide that the land and the timber should be appraised and the city pay the appraised value of the land and the timber? I believe that would have been fair. I believe that is all any city can fairly ask of this Government and I believe that is what this bill ought to have provided. If they will appraise the timber and the land and then give a title in fee, I have no objection; but if they are going to give the land then let us reserve what the city does not need.

If there is water power there, let us reserve it. They are only to pay $27,500 for this 22,000 acres of land. If there is mineral there, let us reserve it. Why should we give mineral if we are not going to give timber? Of course, nothing has been said with regard to water power, but this is a valley up in the mountains. There is water there, of course. That is why the city of Seattle is securing this land. Now, what is $27,500 compared to the value of even one little water-power plant. We do not know that there is any there. In fact, we do not know very much about this proposition, and I believe it is the part of wisdom for this Government to reserve what the city of Seattle does not want.

Mr. KITCHIN. Do you not believe it is better and wiser for us to have some idea of its value and to have the land appraised by the Engineer Department, or under its supervision, and then let us know something about its value before we begin to give it away or sell it?

Mr. MORSE. There is a provision in the bill for an appraisal.

Mr. KITCHIN. We give it away on their appraisal by this act.

Mr. MORSE. That is true.

Mr. KITCHIN. Congress ought to know something about the value of it before it passes the title.

Mr. MORSE. We are giving away the title to the land. These appraisers are not called upon to appraise the land at all, they are simply called on to appraise the timber on the land, and it does not make any difference whether the land is worth 10 cents or $50 an acre, we give away the land. It seems to me that the gentlemen who are in favor of the passage of this bill, who want the lands for the purpose suggested, to protect the water supply, ought to be willing to put a provision in the bill at this time reserving the title to whatever minerals there may be on the land.

Mr. HUMPHREY of Washington. I offered an amendment, but the gentleman from Kentucky objects.

Mr. JAMES. What is that?

Mr. HUMPHREY of Washington. I offered an amendment against the alienation of the land.

Mr. JAMES. I objected to the amendment providing that the land should not be alienated by Seattle, as that would still give Seattle the right to allow the land to be mined.

Mr. HUMPHREY of Washington. Would the gentleman from Kentucky object to this amendment at the end of section 4?—

And provided further, That there is hereby reserved to the United States all mineral deposits in said lands and the right to dispose thereof and to use such lands for such purposes.

Mr. JAMES. That is the amendment I suggested long ago; that is satisfactory to me.

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent that the bill may be amended as follows: Line 20, page 5, insert:

And provided further, That there is hereby reserved to the United States all mineral deposits in said lands and the right to dispose thereof and to use such lands for such purposes.

The SPEAKER. The Clerk will report the suggested modification.

The Clerk read as follows:

On page 5, line 20, after the word "lands," insert: "*And provided further*, That there is hereby reserved to the United States all mineral deposits in said lands and the right to dispose thereof and to use such lands for such purposes."

The SPEAKER. The gentleman from Washington asks unanimous consent to modify his motion as indicated. Is there objection?

There was no objection.

The SPEAKER. The question is on the motion to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

BOARD OF REGENTS, SMITHSONIAN INSTITUTION.

The SPEAKER. The Chair directs that Senate joint resolution 145, providing for the filling of a vacancy which will occur on March 1, 1911, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress be transferred from the Private Calendar to the House Calendar.

Mr. MANN. Mr. Speaker, the transfer to the House Calendar of this bill having been made, I ask unanimous consent to suspend the rules and pass the Senate joint resolution 145.

The SPEAKER. The gentleman from Illinois asks unanimous consent to suspend the rules and pass Senate joint resolution 145, which the Clerk will read.

The Clerk read as follows:

Resolved, etc., That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, which will occur on March 1, 1911, by the resignation of the Hon. John B. Henderson, to take effect on that date, be filled by the appointment of Mr. John B. Henderson, jr., of Virginia.

The SPEAKER. Is there objection?

There was no objection.

So (two-thirds having voted in favor thereof) the rule was suspended and the Senate joint resolution was passed.

MILITARY ACADEMY BILL.

Mr. HULL of Iowa. Mr. Speaker, I move that the House resolve itself into Committee on the Whole House on the state of the Union for the purpose of considering the bill (H. R. 32436) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1912, and for other purposes, and pending that I ask unanimous consent that all general debate on the bill be closed in one hour, 30 minutes to be controlled by myself and 30 minutes by the gentleman from New York [Mr. SULZER].

The SPEAKER. The gentleman from Iowa moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the Military Academy bill, and pending that asks that all general debate be closed in one hour, one half to be controlled by himself and the other half by the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Speaker, there is no objection to that.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question now is on the motion of the gentleman from Iowa.

The question was taken, and the motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. DODDS in the chair.

The CHAIRMAN. The Clerk will read the bill.

The Clerk read the title of the bill.

Mr. HULL of Iowa. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. HULL of Iowa. Mr. Chairman, it was my purpose to have entered at some length into a discussion of Army matters at the time this bill was taken up, but on account of pressure of time, and on account of lack of voice ability to make a general discussion, I propose to occupy a part of my time now and then, by unanimous consent, to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman from Iowa extending his remarks in the RECORD?

There was no objection.

Mr. HULL of Iowa. Mr. Chairman, it has been asserted on this floor and reiterated elsewhere that the Army of the United States is in a deplorable condition. I am unable to learn what facts justify such statements. When I assumed membership in the Committee on Military Affairs the Army of the United States had the same organization which had prevailed from the days of the colonies. It was the old single battalion with one colonel, one lieutenant colonel, and one major with 10 companies, and the entire Army was limited to $25,000 men.

Mr. WEEKS. How long ago is that?

Mr. HULL of Iowa. Prior to the Spanish War. When I became chairman of the committee, the total expenditures for the Army were about $25,000,000 a year. It was small in its enlisted force. It was limited in the line to 33 officers for a regiment and in the staff to the lowest possible number. From the close of the Civil War Congress seemed to have but one idea as to the Army, and that was to reduce the complement of officers. The result of the Spanish War enabled the Committee on Military Affairs to reorganize the Army. Without that war I doubt if anything could have been done for national defense. Immediately before the breaking out of hostilities with Spain, just before war was declared, the Committee on Military Affairs reported a bill here to make the three-battalion organization of Infantry, and to secure favorable action it cut down the officers to the point of only providing for one additional major for each regiment, making in all 25 additional majors.

It provided that a lieutenant colonel should command one of the three battalions in time of war, and in time of peace each regiment of the Infantry should have only eight companies, to be increased to 12 companies in time of war, the third battalion to be commanded by the lieutenant colonel. That bill was defeated in the House by an overwhelming majority. It was defeated because the Congress did not believe we ever would have war. So faulty was our organization that when war came governors of States sent telegrams to the Committee on Military Affairs urging us to change the law of the United States so that in time of war the Army of the United States should conform to the organization prescribed by the States for the National Guard. They had a modern organization in the guard. The Federal Government had laws fastening on the Army an obsolete organization, and requiring the militia to conform to this in time of war. That provision enabled the committee when war came to secure a change in the law, and by small changes we improved the Army organization, until in 1901 a modern organization was provided for the Army.

We had the three battalions, and increased the officers from 33 to 50 for each regiment, not counting medical officers in either case. It was believed then that ample provision had been made for all the officers we would ever need for an army, both line and staff, for we at the same time increased and rearranged every staff corps of the Army.

I still think if the Army was not used in so large a measure for purely civil work, the provision then made would have been ample. But with the increase of officers there grew up an increased demand for detail of officers for duties not military, until to-day we have 728 officers absent from their commands and a shortage of officers which threatens to seriously impair the efficiency of the Army.

Army schools have been established on a large scale, and officers have been detached from their commands after passing middle life to pursue their studies, and other officers have been detached to instruct them. Some of the higher schools, like the Army War College, are of great benefit, but in many cases much more benefit would be had by regimental schools and keeping the officers with their companies and regiments. In my judgment, the best school for an officer is service with troops, and I would require all captains to remain with their companies.

To my mind the service would be improved by curtailing the elaborate system of schools and ordering many officers back to their commands. A most excellent article on this subject will be found in the Journal of the Military Service Institution, December 10, 1910, by Col. (now Gen.) George S. Anderson. I invite your attention to the following quotations from the article:

I yield to no man in my appreciation of education, knowledge, culture, and all that these words mean, but I do not believe that they can be attained by compulsory methods, or by recitation from a book. There must be an inborn tendency—a feeling of necessity for knowledge—before it can be stored away. We all recognize the man who "knows it all," and is always ready to impart it; the man who will teach German politics to Bismarck, science to Huxley, or a coyote how to find his way back to his hole; my remarks have no reference to him.

RETROSPECT.

But I wish to go over with you the list of epidemics of wisdom that we have gone through in the last 26 years, and we may from it draw a lesson.

When I first joined my troop I was promptly made post-signal officer—among other honors. For about two years I had signalling all of the time—wand, flag, torch, heliograph, and telegraph; night and day, winter and summer, one eternal grind.

I was proficient in the code and could use it in any way, on any instrument. To-day I hardly remember half the letters, and would be pronounced deficient by any board. Signaling was the disease of the day, and when it had run its course it died and was buried. All the later tendencies in that line have been toward moderation and sense. Now, it is not thought necessary to instruct all of your men all of the time, but a few men for a short season. That is well and proper; a troop should always have a few men fairly instructed—the serious business to be attended to by men who enlisted for that purpose, in the signal corps, and who have nothing else to do or to think of. About two years later the map-making bacillus became active. If one went across his front yard, or his back yard, he had to submit a map. If he went by day or by night, alone or with assistants, over new country, or by the side of a railroad, or over a road that had been known and traveled for years by daily coaches, there was no let up, no reason, no excuse. The map must come. And that is why the old maps, issued from department headquarters, are so unreliable; the men who made them invented them upon their return to the post, and fitted them as well as possible to their reports. That craze also died, and now we find the map making done by a few who are known to be efficient, and their work is good.

Next came the target craze; every man to shoot every day and all the time. But we all know how this incubus has been whittled down of late years.

Then we had the education mania; it seems that it, too, is adjusting itself to reason, and we hope—but for the record of the past we should doubt. A man who is 25 and wants to go to school may be benefited; but if he don't want to go it is far better to leave him at home. All the learned professions hold annual conventions, at which are read valuable professional papers; but if these were prepared "by order" they would be valueless and the professions would become the laughing stock of the world. Our latest disease seems to be the medical profession. All line officers are taught hygiene, pathology, physiology, anatomy, and surgery—and I question when materia medica and gynecology will follow.

Law has had its course and now we are in the beginning of its sensible period—the period of decline. In looking over the field of human learning and endeavor we find but one branch neglected, and that must have its turn next—it is theology. If that does not come within the next year and a half, I fear that I shall be able to miss it—and pass to the retired list; but partially educated at last.

And we have had schools and schools. The Military Academy and the Artillery School date back before my recollection; but since 1871 there have come up, in turn, the Signal School at Fort Myer, the Infantry and Cavalry at Fort Leavenworth, Willets Point (for the line), and Fort Riley. They are good and should be continued for those that want the education, but not for those who only wish, by attendance at them, to escape the routine duties of their station. We are often told that everyone should have some "hobby," some fad by which he shall be known and distinguished. Well, I agree with this, but the fad should be our profession and that part of it which is our daily life, or will soon become so, not the command of an army of millions or its proper organization. Let us think of our men; their daily wants; how to feed, clothe, and care for them; to make them comfortable and contented in barracks and in the field; stimulate them to reasonable and proper activity; find out their wants and their needs; teach them to care for their horses; to keep themselves dry and warm on campaign; to be happy, cheerful, and efficient. This is better than all the learning of all the books. There are, no doubt, many valuable things to be learned by study and reflection. I take it that at the present day the tendency of all the officers of the Army is in that direction. We have all ruined our eyes by a constant tension at the short focus of a book, while our Indian antagonist still can see the battle from afar.

If I were given a choice as to the assignment of a lieutenant to my troop, I had much rather take one who was ready and anxious for field service all the time, one who spent six days of each week in hunting and fishing, than one who spent all of his time in study, whose head was crammed with the sum of human knowledge and who had the intellect of Voltaire.

Do we not know men who can repeat, page by page, all the books of the learned Leavenworth lieutenants, and yet who are helpless on the drill ground under the most ordinary situations?

Quick decision, rapidity of movement, and accuracy of calculation are the essentials, and these are worth more than all the learning their heads can hold.

Our great authors of war literature prior to the past decade were Jomini, Hamley, and Halleck. Not one of these ever won a battle. They were coldly logical in the study, but helpless on the field in the presence of conditions as they did exist, which were so different from the way they had planned them. Wellington said that "Waterloo was won on the playgrounds of Eton and Harrow." The pluck, endurance, alertness, and bravery displayed on the football fields last fall would suggest the members of these teams as the ones first to be called upon in case our country needed officers. They would command and lead and their men would follow. I had far rather command men who had not learned the German way of being killed in scientific battle, but who, like the Greeks at Thermopylæ, or Gen. Jackson's men at New Orleans, died when and where their officers pleased.

The staff of our Army has dictated that the line, and the line only, is in need of education.

The object most carefully considered by all ruling powers is how to utilize for purposes of war all the manhood and resources of the nation; how to be perfectly prepared on shortest notice. This is the duty and function of the General Staff. For this object study and education are necessary, and they are the ones who should be arrayed twice each week on the benches of the schoolroom and be made to "say their lessons."

We have grasped the shadow of German methods, but our staff got hold of it first, and they have thrust its corroding substance upon the line, while the staff has remained an amused spectator.

What we should teach our men are the lowly virtues, not arithmetic and science. Lord Wolseley has said that "fearlessness, daring, endurance, contempt of death, self-sacrifice, readiness to die for country or some other cause," all these are virtues which have often saved nations when at their last gasp. And I will assert that they are not learned from the schoolmaster at the blackboard, nor with a table of logarithms. We should teach them to be honest, truthful, brave, tidy, and punctual, to respect authority and the Government that provides for them.

I maintain that every man that leaves my troop with character "Good" after three or five years' honest and faithful service is a better man than he would have been had he spent these years at a seat of learning; he is better able to care for himself; a better man; a better citizen. I quote again from Lord Wolseley. He says: "We have numberless examples in history of nations steeped in literature and learned in the schools of philosophy which were destroyed, almost exterminated, by hordes of barbarians who knew nothing of letters, and who thought the best thing to do with a library was to burn it."

The virility of the men will be the winning card in the short, sharp, decisive wars of the future. Without active, acute, virile officers the energy of the men will be thrown away or wasted. The officer who burns the midnight oil on the eve of battle studying from the books how to meet emergencies that may not—probably will not—arise, and then loses 15 minutes of valuable time in the morning, is holding the bag for the other man's snipes.

Look at China! Her struggle for learning is now shared by all classes, and it has created a contempt for the hardy, active, fighting man, and with her great wealth and immense hordes she was overthrown in one short campaign by the few small isles of Japan.

The possibilities of any arm of the service can not be learned from books; they must be ground into one by close observation—by the individual training of every man. We should know our men well—where they came from; what their character; of what capable—then we will know what we may expect. This can not be found out during a college detail, or one on the staff of the governor of a State.

It is difficult to overestimate the moral advantage that would accrue to the side that won the first important engagement in a war, and I will wager that the commander of that force will be a man of action and not a man of books and theories. Enter the battle with the thought that you are invincible and the thought will largely influence the fact. The wisest plans are useless unless executed with energy and vigor and forced to a successful issue. The execution of a wise plan is far more difficult than its conception.

But it may be said that a commander should be both a learned man and a man of action. This were most desirable, but history shows very few such, and they were born, not made. Napoleon was eminently a man of action, and personally looked after the most trifling detail of every campaign. When he became old, fat, and inert he lost Waterloo and the throne of France.

The conditions that influence the result of a war are too numerous and uncertain to be made the subjects of textbook calculations; wind, rain, snow, condition of roads, nature of soil, morale of troops, their degree of fatigue—these all affect the calculated results to an unknown degree.

The breaking strain of a line of troops will depend more upon its morale than upon the number of casualities, and its morale will come entirely from its subordinate commanders. Nervous energy will give out, and then comes the effect of sound bodies, held by sound discipline. They will believe there is no difficulty that they can not overcome.

My contention is that the whole system of our education is wrong, faulty, wasteful, and a humbug. There is too much of an effort to "constipate our minds with undigested learning." There seems to be a desire to hasten the millennium by the superior education of us all. It is easy to know every rule of strategy and war and yet not win battles, as it is easy to know that shorter catechism, the Creed, the Lord's Prayer, and the Ten Commandments and yet not be saved. There come times when none of these good guides seem to fit.

Of course we should read, study, and know what is going on, but this we all do without having it forced upon us. Our studies should fit our rank and position and not aim to teach how to organize and equip, control, and maneuver armies of millions. The severe lessons of our late Indian campaigns are worth far more to us than all the campaigns of Napoleon or Moltke.

As suiting my purpose I will make several quotations from a lecture on the "Professional study of military history," printed in the November (1897) number of the Military Service Institution Journal (reprint from Journal R. U. S. I.):

"One purpose is the increase of the personal efficiency, the making the soldier a better soldier, the enabling him to do better the work which lies before him to-day and to-morrow. But since soldiers are of all ranks and of all ages, the work before them is not the same for all. The general in utilizing the experiences will need some of one class; a subaltern those of another; some which are simple and clear to the old soldier are Hebrew to the young one."

"A mere bold catalogue of distances is remembered for examination purposes only, like the arithmetic tables."

"His elder brother had told him that he was learning how great generals had handled armies, and that the principles they followed were called by a very big name, 'the eternal principles of strategy,' and that he was about to buy a thick quarto book in a red cover (Hamley) to learn what they were."

"They are of value to you as practical soldiers, for increasing your worth and power as practical soldiers, and for enabling you to do your duty in the field."

And much more there is in this valuable and interesting paper that I would like to quote, but time forbids.

Let us not overshoot our mark; let us "stick to our lasts;" it is the true secret of any business. Why do we want to be taught a little of everything under the sun? It will make us poor in everything. The sum of human knowledge is now too great for any man to have even a moderate acquaintance with more than a single branch of it. Our branch is the command of troops, and those only in small bodies; let us stick to that.

I had three cousins in the grocery business in New York City, and they all made comfortable fortunes, but they did not call their clerks to recitations and require them to know how eggs were made or butter was laid. Their business was to know how to deal them out, and whom they could or could not trust.

There seems to be with many a widespread tendency or craze to be talked about; to live in the glare of public opinion by voice and by portrait. All this tends to destroy earnestness, originality, and genuine power, which is always solitary. Much of our recent military literature

that we are required to study gives us "that tired feeling," which is a sure sign that it has overshot the mark.

The poorest use on earth to which an intelligent lieutenant can be put is to have him go on as officer of the guard once a week during his service as a lieutenant and be eaten by the guardhouse bedbugs. In our Army he will have to serve from 15 to 30 years, or even more, as a lieutenant, and if he has not learned all there is to learn of guard duty after three or four tours, he had better seek other fields of endeavor and usefulness; he is not fit for military life.

Not long since I had a conversation with the man who, perhaps more than any other, was responsible for the original Lyceum order of 1891. He seemed astonished when I expressed much the views that I have here written down. I went further in the matter of the value of out-of-door, free, independent life for men and officers.

I told him that I thought that lieutenants on first joining ought to be made to go out and hunt, study nature, learn to sleep on the ground, be practical even if they did not see the inside of a book for years. He said, "Yes; but can you make them do it?" I replied, "No; you can't make anybody do anything satisfactorily if he don't want to, but he will take more kindly to my medicine than to yours and make less of a face over it." It surely will do him more good; and then if it should have the probable reward of preferment, promotion, soft details, and glory, there will be a bonfire of books and a purchase of shotguns all along the line. No man can perfect himself in both theory and practice at the same time; with us let the practice come first; the man who learns wing shooting solely from the book will have an empty game bag. It may be asked how it was that we completely subdued the Indians, when they were so superior to us in practical things. It is a most simple matter; our recruitment was constant and came from the whole inhabitants of the land, while theirs was suspended during hostilities, and they had but a small tribe to draw from. In spite of all our news bureaus and glowing reports, they ever beat us two to one.

It is time we called a halt in this cramming process, before we merit the reproach of Festus to Paul, "Much learning doth make thee mad."

It is a sorrowful contemplation that many of us have passed the age at which either practice or theory can be of much service; history shows that we arrive at this state before we reach the exemption epoch, 50 years.

Napoleon was not 52 when he died. The great men of our late war were all young; their ages on the breaking out of the war were:

Grant, 39; McClellan, 34; Thomas, 45; Canby, 43; Hancock, 37; Sedgwick, 47; Lee, 55; Early, 44; Longstreet, 40; A. P. Hill, 36; Ewell, 44; Sherman, 41; McPherson, 32; Meade, 45; Buell, 43; Schofield, 29; Hooker, 45; Beauregard, 43; Van Dorn, 40; Stuart, 28; D. H. Hill, 41; Sheridan, 31; Halleck, 46; Rosecrans, 42; McDowell, 42; Ord, 43; Johnston, 54; Jackson, 38; Hood, 30.

In all this long list Lee and Johnston are the only ones as old as I am to-day, and most of them had the advantage of actual service in the War with Mexico. We ancient officers of low rank are simply "military vegetables, without ambition as without hope." What have we to profit by learning, or how will it improve us?

Compulsory education and the doctor's part in war—anatomy, surgery, hygiene, and first aid—are now our hobbies; these will die and many of us will rejoice at the burial of their remains. But some other craze will occupy the field. It would seem that we ought to enter upon the solution of it in a rational way, but all history shows that we will not. Whatever it may be it will hold the boards for a few years before it descends into the grave in the condition of Lazarus after four days' postponed burial. In the meantime essays will be written upon it, without sense, reason, originality, or excuse for being. Books will be written that may bring promotions, honors, and general contempt. But long essays, like this, and ponderous volumes are no surer evidence of learning or ability than the odor of musk is evidence of harlotry. The immortal author of that military classic, the "Peninsular War," closes his history with these words, which will fittingly close my paper:

"Fortune, however, always asserts her supremacy in war, and often from a slight mistake such disastrous consequences flow that in every age and in every nation the uncertainty of arms has been proverbial.

"War is the condition of this world.

"From man to the smallest insect, all are at strife; and the glory of arms, which can not be obtained without the exercise of honor, fortitude, courage, obedience, modesty, and temperance (there is no word here about book learning) excites the brave man's patriotism, and is a chastening correction for the rich man's pride. It is yet no security for power. Napoleon, the greatest man of whom history makes mention; Napoleon, the most wonderful commander, the most sagacious politician, the most profound statesman, lost by arms Portugal, Germany, Italy, Poland, Spain, and France. Fortune, that name for the unknown combinations of infinite power, was wanting to him, and without her aid the designs of man are as bubbles on a troubled ocean."

Let us not know too much, but do more; let what we do fit our present and prospective spheres; we will thereby more surely force fortune to perch upon our banners.

We have details on many lines which we should not expect the Army to shoulder. Army officers are detailed for a vast amount of civil work entirely outside of the river and harbor business which is undoubtedly of benefit to the Government but should not be charged to military expense.

We have a large number of the best of the officers on the Panama Canal. We have a large number detailed in the Philippine Islands, all doing valuable work at less expense to the Government than it could be done by civilian employees. But is it fair? In the popular mind it is charged up to the military establishment, where as a matter of fact it should be charged to the civil establishment. I am not finding fault with the fact that we are doing this work if we had officers enough to do it and also supply the Army. I am only calling attention to the injustice of this constant cry of the great military expense, when the military establishment of the Government in this line of work is saving to the Government hundreds of thousands of dollars. Take, for instance, the man in charge of the Panama Canal. The Government was willing to pay $30,000 a year for an engineer who could do the work, and would have been satisfied to pay $50,000 for a chief engineer who could give assurance of success, and yet the high-priced civilian engineer could not show results in that work and carry it on to the satisfaction of the Government. An Army officer, a lieutenant colonel, with the flat pay of $4,000 a year, took the work, and from the day he took charge of it until the present it has been prosecuted not only with ability but with energy that promises the early completion of the work. [Applause.]

On June 30, 1910, 140 officers of the active list were performing civil or nonmilitary duty. One officer and 54 noncommissioned officers of the active list and 35 officers of the retired list were on duty with the Organized Militia of the several States and Territories and of the District of Columbia, and 64 officers of the active list and 25 officers and 24 noncommissioned officers of the retired list were on duty in connection with the military departments of civil educational institutions. All of these officers and noncommissioned officers receive their pay and allowances from the annual appropriations for the support of our regular military establishment.

The garrison at Yellowstone National Park and the troops assigned to station for about five months of each year in the Yosemite and Sequoia National Parks are engaged exclusively in policing the parks, a duty which is in no sense military, yet the pay and allowances of the officers and enlisted men, as well as the cost of construction and maintenance of the military stations in the parks, are included in the appropriation for support of the Army. The Signal Corps troops engaged exclusively in parks, and in the construction and operation of the Washington-Alaska military cable and telegraph system are also paid from Army appropriations, though the cable and telegraph system is used largely for the transmission of commercial and private messages.

The pay and allowances of officers and enlisted men performing civil, militia, and other duty not pertaining strictly to the Army, the cost of maintenance of troops engaged in policing parks, and in the construction and operation of the Washington-Alaska cable and telegraph system, and the mileage and transportation for troops attending military tournaments, expositions, and so forth, amounted to the following for the fiscal year 1910:

	Pay and allowances.	Subsistence.	Transportation and quartermaster supplies.	Total.
50 Engineer officers on civil duty	$181,936.00		$13,475.60	$195,411.60
35 Engineer officers (three-fourths civil, one-fourth military	121,468.50		8,355.85	129,824.35
27 officers with Isthmian Canal Commission	102,780.00		7,877.28	110,657.28
3 officers with Bureau of Insular Affairs	17,000.00		1,069.60	18,069.60
16 officers with civil government, Philippine Islands	61,955.00		2,950.51	64,905.51
3 officers with Cuban Government	12,152.00		1,352.89	13,504.89
1 officer with Porto Rican Government	2,200.00		377.99	2,577.99
3 officers with Alaskan Road Commission	11,949.78		1,942.46	13,892.24
1 officer in charge of Indian prisoners	2,600.00		234.63	2,834.63
1 ordnance officer with bureau for safe transportation of explosives	4,500.00		274.29	4,774.29
1 officer of active list and 35 officers, retired list, with Organized Militia	150,806.00		11,430.19	162,236.19
54 noncommissioned officers, active list, on duty with Organized Militia	25,788.00	$19,710.00		45,498.00
Mileage of officers inspecting militia	27,386.69			27,386.69
64 officers, active list, and 25, retired list, on duty at civil educational institutions	297,044.00		26,085.26	323,129.26
24 retired noncommissioned officers, on duty at civil educational institutions	18,993.00			18,993.00
6 officers and 239 enlisted men (Signal Corps) on duty in connection with Washington-Alaska military cable and telegraph system	141,011.00	48,398.51	6,099.60	195,509.11
Maintenance of garrison, Yellowstone National Park	85,882.00	30,734.89	108,452.21	225,069.10
Construction of buildings, etc., Fort Yellowstone			82,947.66	82,947.66
Maintenance of troops in Yosemite National Park (5 months)	19,697.00	8,271.61	19,780.74	47,749.35
Maintenance of troops in Sequoia National Park (5 months)	7,722.50	2,209.20	7,700.00	17,631.70
Gratuitous issues of rations		1,123.76		1,123.76
Mileage and transportation of troops attending military tournaments, patriotic celebrations, etc	606.73		155,306.15	155,912.88
Total	1,293,478.20	110,447.97	455,712.91	1,859,639.08

Talk about the Army of the United States being in a deplorable condition! Why? The press of the country say it has not ammunition for one battle, and it has been deplored that we were short of ammunition. I am talking at this time only about what the Military Affairs Committee has had jurisdiction of. The ammunition and supplies for the Artillery are supplied by the Appropriation Committee. When the Spanish War closed we were using the Krag-Jörgensen rifle. It was at that time one of the best rifles known. There have been improvements made by the Ordnance Department since then by which we have now an army service rifle much better than the Krag-Jörgensen, but each of them in many respects similar, the later improvements, however, adding greatly to the efficiency of the United States service rifle now being used. As soon as the new rifle was perfected the Ordnance Department commenced the rearming of our troops with the new gun, and the Krag has gradually been withdrawn and kept as a reserve. It does not use exactly the same ammunition and is not interchangeable with the improved gun, but it is a valuable weapon and in an emergency would be of great value to the country.

We have to-day 650,000 of the improved rifles ready for use, and with the 350,000 Krag-Jörgensens now in reserve, which could be used in an emergency, we can arm 1,000,000 men in the mobile army to-day to face any foe that comes to this country. They talk about ammunition. We have accumulated metallic ammunition of small arms ammunition enough to furnish—I have forgotten now, but I will put it in my remarks—within 28,000,000 rounds of the supply the Ordnance Department thinks we ought to have as reserve, reaching up into the hundreds of millions of rounds of metallic ammunition. It is true that in the artillery branch of the Government there is a scarcity of powder. It is true that in time of war we would have to draw on all other reserves we could possibly tap in order to supply ammunition for our artillery, but that comes from another committee, and I regret exceedingly the committee reporting the fortifications bill yesterday did not give to the War Department every dollar they asked for ammunition for the artillery. They should have done it. We have a small army, and we ought not to be niggardly in supply of munitions of war that will enable us to confront an enemy if the time does come when it is necessary. I am not one of those who are preaching the doctrine that we must have war or we will have war in the near future. I am one of those who preach the doctrine that while there is a possibility of war it is criminal negligence on the part of the Congress of the United States not to make reasonable preparation for it. [Applause.]

I hope that we never will have war, but the history of the past does not justify the belief that we never will have war. I believe this Government, Mr. Chairman, should provide a great reserve of the Volunteer forces of the country. One hundred thousand Regulars for taking care of our insular government and for our police protection at home, but in my judgment this Government should enter upon a policy at once of organizing and equipping an army of 250,000 reserve, not Regular soldiers, but men in the different localities trained so that they can be called into action at once, not officered by the governors, but officered by the President of the United States as part of the national reserve; and in my judgment this force could be provided and could be maintained at an expense of not over twenty million a year. The best volunteers we ever had were the provisional regiments organized for service in the Philippines. I believe in the National Guard, but it is a State force. Its first duty is to the State and it can only be called out through the governor. It is officered by the governor, it is independent of the General Government, it is a valuable reserve line of defense for the country, but primarily it is a State force, and my objection is that it is not a force which can be at once put in action. That they have many splendid officers—my criticism on the way it is officered is this: That in nine cases out of ten it is good fellowship that wins their promotion. In too many cases it is good fellowship which wins promotion to field officers. The man who can go around with the best cigars and who is the best mixer is the one who gets to be major in most instances.

Mr. TILSON. Will the gentleman permit?

Mr. HULL of Iowa. Yes.

Mr. TILSON. Has the gentleman read the amendment of the Steenerson bill that has been reported into this House?

Mr. HULL of Iowa. Yes; and I believe it will be a great benefit.

Mr. TILSON. Will not that to some extent relieve the gentleman's objection?

Mr. HULL of Iowa. It will, if the bill becames a law and the provision is enforced, be of great benefit.

Mr. DALZELL. I would like to ask the gentleman whether or not what he advocates is not substantially embodied in the bill to pay the Organized Militia?

Mr. HULL of Iowa. I have so stated, and I think that it partially goes in that direction, but it is not officered by the President.

Mr. DALZELL. It is in that direction.

Mr. HULL of Iowa. Yes; and I think a very valuable advance. The best Volunteer officers we have had, I think, in this country were, as stated above, in the case of the provisional regiments sent to the Philippine Islands, officered by the President largely from men who had seen service and on recommendation of the commanders of the Volunteer forces. They were not in any sense a State force. I know a great many men say we did well enough during the Civil War and all regimental officers were nominated by the governors, but I do not regard our experience then any criterion for now.

It answered then, but the world has made a wonderful advance since the days of the Civil War in the science of military operations.

Mr. TILSON. May I interrupt the gentleman before he leaves that point? Does not he think that this remedy would apply: That although the governors may select the officers, that they may be thinned out and the inefficient ones removed by examinations now required and by schools of instruction, and so on, now required by the department?

Mr. HULL of Iowa. Oh, very much; yes. But no matter if the President does appoint, he has to appoint largely from the recommendations from the different parts of the country. However, it makes him responsible for the officers and makes them easier to be removed than if appointed by the governors. Let the governors retain in their control all militia, because it is a State force, but let the Federal Government control the Federal force.

Going back to the Civil War and taking the argument that the militia is all that is necessary, I want to call your attention to the fact that it was militia that fought the Civil War on both sides.

Mr. JOHNSON of South Carolina. They did not fight like it.

Mr. HULL of Iowa. They fought like it at first at Bull Run. It was simply a question of which would get panic-stricken first. But when 1865 came there probably never was marshaled in any land at any time in the history of the world such a splendid body of fighting men as was found on the American Continent, both those that wore the blue and those that wore the gray. [Applause.] If at that time we had had trouble with any foreign nation, we would have had an army, taking the two together, of a million and a half of men that would have been invincible against any other million and a half of men on earth. Simply the ordering of Phil Sheridan and his corps down to the Rio Grande caused the French Government to move out of Mexico. But the whole history of our country shows that your raw recruit can not be depended upon until after he has been trained to be a soldier. Washington said:

> Regular troops alone are equal to the exigencies of modern war, as well for defense as offense, and when a substitute is attempted it must prove illusory and nurious. No militia will ever acquire the habits necessary to resist a regular force. The firmness requisite for the real business of fighting is only to be attained by a constant course of discipline and service. I have never yet been witness to a single instance that can justify a different opinion, and it is most earnestly to be wished that the liberties of America may no longer be trusted in any material degree to so precarious a dependence.

The War of 1812 has been frequently referred to here. We had a great force of raw recruits defending our Capitol. England landed a small regular force, and our troops at Bladensburg ran before the firing had begun, practically, although they outnumbered the British four to one. They had not been in training long enough to have confidence in themselves or in their officers. Those men were just as brave as any men who ever enlisted under our flag, but you have to give an army the steadiness of courage and confidence in themselves and their officers before they will be effective in a fight.

I know that a great deal is said about the Battle of New Orleans and the wonderful results of it. That battle was fought by the frontiersmen, every one of them a crack shot. They were under a man that they were absolutely confident would lead them to victory. They were back of their entrenchments. They had fought Indians, and they had been under fire repeatedly in defending their homes. They had the courage to reserve their fire until the command came to shoot. When they shot, every man had a mark and hit it, and that battle is and always has been wonderful in its results.

That was probably the greatest battle ever fought, in its complete victory, by raw recruits against a trained force. Even Napoleon, it has been said, in referring to it when he got back

from Elba, said that the United States must have some secret by which they trained their men to steadiness in the face of danger. But we have not that same class of sharpshooters now. You gentlemen that were raised on the frontier will remember when every home had a rifle, and when every head of a family could hit the eye of a squirrel on the top of a tree. We have passed beyond that, and one of the duties of this Government to-day is to train the young men of the country in shooting, so that if they are needed in the defense of the country they will be ready for war and effective in war.

Now, I heard a speech in this House when the present Senator from Ohio [Mr. BURTON] was here, opposing all additional preparation for war, in which speech he said that our oceans gave us an absolute safeguard from invasion. That might have been true 100 years ago, when it took six months to cross the Atlantic Ocean. But to-day the only safeguard the oceans give us is the fact that we control them. Whenever our fleets are swept off the ocean, the Pacific or the Atlantic, whenever we lose the power to defend our shores from invasion by troops by land or sea, whenever we lose that power the ocean is the easiest highway for invasion that could be provided. The great ships of to-day could land a large force on our shores more easily and more quickly than could be done by land. We must have war ships to make it unsafe, if not impossible, for an enemy to transport troops by sea.

Mr. BARTLETT of Georgia. May I interrupt the gentleman for a moment?

Mr. HULL of Iowa. Certainly.

Mr. BARTLETT of Georgia. How much does this propose to increase the expenses of our military establishment?

Mr. HULL of Iowa. It would cost about $20,000,000 to provide a reserve force. The militia, I think, will cost about $8,000,000 additional, making $12,000,000 in all for the militia.

Now, Mr. Chairman, I would like to say just a word or two more about this sea business.

Mr. BORLAND rose.

The CHAIRMAN. The gentleman from Iowa has the floor.

Mr. HULL of Iowa. With this addition to the national reserve by the militia, Mr. Chairman, I will say to my friend from Pennsylvania that the limit of the other reserve could be fixed at 125,000, and that would give a total army of 375,000 men and reduce the cost.

Mr. BORLAND. Will the gentleman yield?

Mr. HULL of Iowa. I will, just for a question.

Mr. BORLAND. This bill making appropriations for the support of the Military Academy will carry about $1,158,000. I understand it to be a fact that the Military Academy for some time past has not been supplied with its full quota of students.

Mr. HULL of Iowa. I will say to the gentleman from Missouri that we can take that question up so well later on, under the five-minute rule, that I would much prefer not to discuss it now. I am not discussing the Military Academy.

Mr. BORLAND. Is that a fact, that the academy is not full?

Mr. HULL of Iowa. Yes.

Mr. BORLAND. Is it not, further, a fact that about 50 per cent of the officers of the Army are not graduates of West Point at all?

Mr. HULL of Iowa. I decline to yield further to the gentleman, Mr. Chairman.

Mr. BORLAND. If the gentleman will pardon me, I will say to him that we are supposed now to be discussing this question of our Military Academy.

Mr. HULL of Iowa. That question will come up later. This is purely general debate, and I would like now to lay the foundation of what I would like to leave as my legacy, as one man expressed it, my "dying swan song," to future Congresses, after my experience of some 20 years on the Committee on Military Affairs. I am not vain enough to think that I am going to solve these questions. I am simply vain enough to hope that I may be able to give to gentlemen who come after me some basis to build some future legislation on, and something that perhaps may, at least, aid in the solution of some of the problems to come before Congress.

Now, Mr. Chairman, it is true that the ocean served as a barrier against hostile invasions in the time of the old sailing vessels, and it would be true still if we can have sufficient naval force on the ocean to prevent any hostile foreign nation from sending its troops here with safety. No nation will start a transport fleet across either ocean until that nation commands the sea. In the discussion of this question I do not want my language to be construed as holding up to view any particular nation as one with whom we are to have war, but I want to discuss the question on the broad lines of policy as to what may be done under any conditions. Again, I say, no hostile nation will be able to send troops to this country unless that nation first commands the sea. In other words, so long as we have adequate battleships and armored cruisers and other war vessels in control on the ocean that is sought to be made the theater of war, so long the nations will keep their troops at home. But assuming, Mr. Chairman, that we should lose our power of resistance on the sea, and assuming that our fleet is destroyed, I want to say to gentlemen in this House that it would be the easiest thing in the world for an enemy to invade this country and land troops on either shore, and especially on the Pacific. For instance, if in the Pacific Ocean our fleets are destroyed, and we have no power of destroying the enemy's transports en route to this country, they may land with an army of 200,000 men on the Pacific coast in spite of all we can do. They would not land in the face of our seacoast defenses. They would attack these from the rear.

"Oh," gentlemen say, "what will we be doing all that time?" We will be doing our best to keep the troops in the enemy's fleet from landing. You say, "Our harbor defenses are such that they can not land at San Francisco."

Possibly they can not get into Puget Sound. But, Mr. Chairman, the great coast line of the Pacific gives opportunity for landing hostile forces at places where there are no fortifications and where there is no town to destroy. We would have our small land force scattered watching many points. The enemy would concentrate and land at some port not fortified and attack our cities from the rear. We have no adequate defenses to repel such an attack, and I would have the larger part of the reserve force, I think, necessary raised in the coast States, so that no time would be lost in putting our Army in the field. Apportioning the force among the States would cause time to be wasted in providing a prompt defense. The States need not fear they would be deprived of any glory, as before the close of such a war ample opportunity would be afforded all our people for a share in the conflict. When the enemy land their forces they can march where they please unless our soldiers are there to stop them. Raw recruits will not be effective. I am willing to state that we will keep them as busy as we can be all the time, our raw levies will be brave. My urgent demand on the Congress for supplies is that we must have the ammunition and the guns, or no soldiers, Regular or Volunteer, will be of much avail in stopping them. But the enemy might make a feint of landing at one place and then land at another. We have hundreds and thousands of miles of coast that we should be ready to defend, and in my judgment this Government should go to work, and out of the 125,000 reserve and the 125,000 National Guard take all you can from the coast States, ready to go to any point of attack at once and defend our honor.

I am not one of those that believe that we are in great danger of war. I do not believe that we are in any immediate danger of war. But I realize the fact that no man can tell when war will come. I remember one of the leading Members of this House, three months before the Spanish War came—a member of the Committee on Appropriations, afterwards governor of a State—made a speech on the floor saying that this talk of war was an absurdity; that there was no nation on earth who would dare to go to war with us, and if they did we could arm our men with clubs and drive them into the sea.

Mr. MANN. The last part of it is true.

Mr. HULL of Iowa. We might have driven the Cubans into the sea, but even Spain could have resisted such an attack. Our people to-day may think we are not to have war. I hope they are right. The lack of preparation for war cost more in human lives and in treasure when the war comes than the preparation for war would cost if we were always ready for it.

Mr. SLAYDEN. Will the gentleman yield?

Mr. HULL of Iowa. Certainly.

Mr. SLAYDEN. The chairman of the committee does not mean to say that after the vast expenditures that there is a lack of preparation being made——

Mr. HULL of Iowa. I spoke of that a while ago, and I said I thought the Army was in splendid shape so far as organization is concerned. I think we have a reserve supply for the Army, and through the Committee on Military Affairs we have provided field artillery——

Mr. SLAYDEN. I thought the gentleman's last remarks indicated to the contrary.

Mr. HULL of Iowa. I am trying to strike a few of the high places and fill in afterwards. On this question of field artillery the Committee on Appropriations has not been as liberal as it should have been to provide for the artillery for the mobile army. There is no great military nation that has not at least four guns to a thousand men. France and Germany have more. Through the efforts of the Committee on Military Affairs, we have provided two guns for a thousand men.

For an army of 250,000 men we should have more than double that number of guns.

Mr. MANN. The members of the Committee on Appropriations are now engaged elsewhere, and there is no member on the floor. What would the gentleman say as to the statement made last night by the gentleman from Iowa that they already had appropriations unexpended for the past three years in the Treasury for the manufacture of guns?

Mr. HULL of Iowa. Is that for coast defense or field artillery? If it is true as to field artillery, I will take back all I have said and lay the blame on the War Department. But I am sure it is not correct.

Mr. MANN. The gentleman from Iowa stated last night that they had three years' appropriations in the Treasury; that they had plenty of ammunition for all the guns they had, and that they could make the ammunition much quicker than the guns; that there is plenty of ammunition to wear out all the guns now in existence.

Mr. HULL of Iowa. There is no doubt that we could make ammunition much quicker than we could make the guns. If war comes to us, it will be impossible to manufacture the guns we need; we can possibly manufacture the powder, but we ought to have a larger reserve of powder than we now have. I may call attention to what the War Department has said, that there is not enough of Coast Artillery ammunition for one round for each gun emplaced.

Mr. MANN. The gentleman from Iowa [Mr. SMITH] stated that there was ample.

Mr. HULL of Iowa. The gentleman from Iowa is not here, but I will say to the gentleman from Illinois that the Committee on Appropriations has always held that it was ample because they always held that we did not need any. I submit the following to show just what we have for seacoast fortifications and field artillery:

RESERVE AMMUNITION FOR SEACOAST FORTIFICATIONS.

The amount of reserve ammunition which the War Department is endeavoring to accumulate for seacoast fortifications within the continental limits of the United States is only that amount required for carrying through a two-hours' engagement one-half the guns mounted in those fortifications, plus a small allowance of target-practice ammunition to be expended when war should become imminent. The amount of this reserve was prescribed by the National Coast Defense Board and is based upon the following considerations.

The determination of the proper amount of reserve ammunition for the seacoast armament is necessarily influenced by the speed of naval vessels and the rapidity of fire of the various guns composing the armament. Any gun should be supplied with sufficient ammunition to maintain the maximum rate of aimed fire during the time that any part of the fleet is within range. It is probable that hereafter a fleet will not attempt to reduce a fortification by bombardment and that it will only be within the range of fortification guns during the time that it is estimated to run by.

Considering the speed of vessels of the present day, it is assumed that the time required from the instant that the first ship of a fleet comes within range until the last ship passes out of range, having in mind the tortuous channels and the obstructions therein, will be about two hours. It is therefore deemed a proper requirement that a seacoast gun shall have a supply of ammunition for an engagement of at least this period, with perhaps a somewhat larger allowance for rapid-fire guns and mortars which will respectively be called upon to protect mine fields and engage stationary vessels.

This amount of ammunition, if provided for all of the guns in the seacoast fortifications, would enable simultaneous engagements to be fought at all fortifications in the country. Considering the extent of the seacoast, the probability of attacks in certain localities in connection with the facility of transportation in this country, and the fact that a considerable number of the guns would be out of bearing during part of an engagement, it is believed to be a fair assumption that if there is enough ammunition to provide each gun with one-half of the amount required for a two hours' engagement it will be possible to have on hand in any locality, by transfer from other places, a sufficient amount to engage any fleet which may attack.

The seacoast ammunition on hand or appropriated for is approximately 70 per cent of the allowance for the cannon provided to date on the basis of a two-hours' engagement for one-half the armament. The item of $140,000 carried in the current fortification bill for the procurement of reserve ammunition will increase the amount to about 71 per cent of the allowance. An equal amount appropriated each year would complete the reserve supply by the year 1946 for the cannon provided to date, and by the year 1964 for all the seacoast fortifications recommended by the national coast-defense board.

The amount of reserve ammunition which the War Department is endeavoring to accumulate for seacoast fortifications in the insular possessions is that required to carrying the batteries through a two-hours' engagement. The ammunition on hand or appropriated for is 54.4 per cent of the allowance for the cannon provided for to date. Since these batteries would probably be called upon to withstand a prolonged attack, it is believed that the full allowance is the minimum that should be on hand. The item of $400,000 carried in the current fortification bill for the procurement of reserve ammunition will, if appropriated, increase the amount to about 71 per cent of the allowance for the cannon provided to date.

AMMUNITION SUPPLY FOR MOBILE ARTILLERY.

The War Department estimates for funds for the procurement of ammunition for mobile artillery are based upon providing a very moderate supply, considering the probable expenditures in battle and the time required to manufacture such ammunition. The amounts are those indicated in the field-service regulations as being the minimum necessary on the basis that an amount not less than that carried by the mobile forces should be kept at or near the advanced supply depot, and an additional amount—approximately equal to the ammunition in advance of the base—should be available at the base of operations or other depots. These principles require the accumulation of a reserve supply varying from 1,856 rounds for each 3-inch field gun to 400 rounds for each 6-inch howitzer.

The value of the ammunition on hand and appropriated for to date is approximately 20 per cent of the allowance for the guns provided to date and 9.8 per cent of the allowance for the 1,200 guns provided and contemplated.

The current fortification bill carries an item of $150,000 for the manufacture of ammunition for mobile artillery. That amount would increase the ammunition on hand to about 21 per cent of the allowance for the batteries provided to date and to about 11 per cent of the allowance for the batteries provided and contemplated. Under an annual appropriation of $150,000 the reserve supply of ammunition for the modern mobile artillery batteries provided would be completed by the year 1968, and for the modern mobile artillery batteries provided and contemplated by the year 2031.

STATEMENT OF BASIS FOR ESTIMATES FOR FIELD ARTILLERY.

The number of guns estimated for the entire equipment of the first army to be mobilized in time of war, that is, 1,200, is sufficient to provide 4 guns per thousand of infantry and cavalry for an army including 300,000 infantry and cavalry, which corresponds to a total army of about 385,000.

The number of guns per thousand of infantry and cavalry was in 1908 increased from 3.4 to 4.1 in the French Army; in the German Army the proportion is about 5.2 guns per thousand of infantry and cavalry; in the Japanese Army, as is understood that the proportion is about 4.5 guns per 1,000 infantry (cavalry not included).

Statement showing condition of funds under appropriation for mobile artillery—Armament of Fortifications B.

Feb. 14, 1911, balance in Treasury	$1,361,575.99
Due Frankford Arsenal for work in progress	8,332.00
Due Rock Island Arsenal for work in progress	701,684.22
Due Watertown Arsenal for work in progress	23,029.61
Due Watervliet Arsenal for work in progress	25,688.58
Due under contracts	33,279.26
Due Auditor for War Department	106.97
Reserved for 3-inch howitzer batteries (pilot carriage now undergoing test)	203,520.00
Reserved for wagons (pilot wagon now undergoing test)	214,500.00
Reserved for forgings	873.60
Balance unallotted	150,561.75
Total	1,361,575.99

Statement of modern mobile artillery appropriated for by Congress and status of manufacture.

Kind.	Number batteries appropriated for.	Number batteries manufactured.	Number of batteries under manufacture.	Number of batteries not yet ordered manufactured.
3-inch mountain howitzer	6	(1)		6
3-inch field gun	[2]95	93	2	
Converted 3-inch field gun	13		13	
3.8-inch gun	2		2	
3.8-inch howitzer	2		2	
4.7-inch gun	10	2	8	
4.7-inch howitzer	7		7	
6-inch howitzer	8		8	
Total	143	95	42	6

[1] Pilot carriage.
[2] Fifty of these batteries, 200 guns, manufactured from militia appropriations contained in Army appropriation bills.

SUMMARY.

Guns and carriages appropriated for	572
Guns and carriages manufactured	384
Guns and carriages under manufacture	164
Guns and carriages not yet ordered manufactured	24

The estimates now before Congress, as submitted, covered batteries as follows:

Fortifications bill (for the Regular service):
Three 3-inch mountain howitzer batteries.
Three 4.7-inch howitzer batteries.
Two 6-inch howitzer batteries.
Army bill (for the Organized Militia):
Three 4.7-inch howitzer batteries.
Two 6-inch howitzer batteries.

Fifty-two guns and carriages in all—32 in fortifications bill and 20 in Army bill.

Mr. MANN. That was not the statement made by the gentleman from Iowa [Mr. SMITH].

Mr. HULL of Iowa. I am simply giving the figures of what we should have and what we do have, as shown by records of the War Department, and I want to differentiate the two committees in regard to this matter, showing that the Military Committee has done all it could under the rules of the House.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. SULZER. I yield to the gentleman three minutes.

Mr. HULL of Iowa. I will say in conclusion, now that I am going out and can not be accused in any sense of being personally interested in it, that if this next House will do its duty, it will place all questions affecting military affairs and the de-

fense of the country in the hands of the committee that gives its time to that question. The fortifications, seacoast and field artillery, and deficiencies should be in the jurisdiction of the Committee on Military Affairs, and not divided up between two committees, causing constant friction and lack of good legislation. [Applause.] I hope my Democratic friends will have the good judgment and the good sense to so arrange the matter so that the Committee on Military Affairs will be responsible for this entire line of work.

Now, Mr. Chairman, I feel almost like apologizing to the House for taking up what little time I have; but I want to say to the House that after 20 years of service I shall leave this House with the most profound respect for the membership of the House of Representatives. In my judgment there is no body of men anywhere who are actuated with a more earnest desire to discharge the duties of their office honestly and well than the membership of this House. I have known it long and well, and my respect for its personnel has grown during all the years of my connection with it. Now and then a suspicion may arise as to some Member, but so accurately does this House gauge its membership and their standing that even a suspicion of wrong on the part of any Member destroys that Member's usefulness, until he has stamped such suspicion as false. I want to say to you in leaving that in my judgment you have been in all your past true to the great trusts reposed in you, and I look forward to the future of this country with a confident assurance that the House of Representatives, the popular branch of the Congress, will always be true to the best interests of the people of the United States, and discharge its trust to the best of its judgment. [Applause.]

The CHAIRMAN. The Chair understands that the remainder of the time, 27 minutes, is under the control of the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Chairman, just a few words to say I am in accord with all that the gentleman from Iowa [Mr. HULL] has said regarding the present efficiency of the military arm of the Government. I especially concur in his suggestion as to the desirability of the Committee on Military Affairs hereafter having complete charge of all matters and all appropriations for the military branch of the Government. The gentleman speaks wisely and from long experience. His advice should be heeded.

It is a matter of regret that his public service is soon to end. I think I voice the sentiment of all the Members of this House when I say that it is a personal loss to us as well as a public loss that the gentleman from Iowa [Mr. HULL], a distinguished Member of this House, and for many years the able and capable chairman of the Committee on Military Affairs, will not be with us in the next House of Representatives. [Applause.] His retirement rises above the question of partisanship, in my judgment, and is really a national loss. When a man has served the people faithfully in Congress for many years, he becomes invaluable as a public servant. [Applause.] And whenever such a Representative retires, voluntarily or otherwise, it is not only a matter of sincere regret among his colleagues, who know his true worth, but it is a matter of national loss to the taxpayers of the Government. It is difficult to replace these men. [Applause.] I know the gentleman from Iowa [Mr. HULL] will go from these scenes of his long endeavors to his home in Iowa with the best wishes of all the Members of this House for his future success and his prosperity and continued good health. [Applause.]

Mr. Chairman, I now yield to the gentleman from Alaska [Mr. WICKERSHAM].

Mr. WICKERSHAM. Mr. Chairman, when the United States acquired Alaska from Russia by the treaty of cession of March 30, 1867, it became trustee for the people of a domain almost as large as the United States east of the Mississippi River, and valuable beyond the avarice of any but an Alaska syndicate. Its resources of fish, fur, copper, gold, tin, coal, and agriculture are but little known to the trustee even after 43 years of perfunctory service. There are those, however, near to, and powerful in influence with, that trustee who have a lively appreciation of those enormous values and the ease with which they may be monopolized and removed from the trust estate to their own possession.

It is for the purpose of advising that trustee and charging it with public notice of its failure to perform its duty and protect the estate and as a representative of "the people who own it" that I have asked for and obtained permission to place in the RECORD a plain and full statement of the facts.

By the third article of the treaty with Russia for the cession of Alaska the United States agreed that the inhabitants of the ceded territory—

Shall be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property, and religion.

Beyond that stipulation it is the duty of this trustee of a great national estate to protect it as the property of the Nation. It has not performed its duty from either point of view. It has permitted the despoliation and monopolization of the resources of Alaska in violation of treaty stipulations and of its duty to the people of the United States. It now threatens to enter on a new scheme of leasing Alaska's coal resources to monopoly and to deprive the inhabitants of the Territory from the free use of its resources as an aid in its development. It now threatens to create itself into a national landlord in Alaska and to degrade the inhabitants thereof to the status of tenants, in violation of treaty rights, constitutional rights, and the inalienable rights of the people of the United States.

More than $200,000,000 have been taken from the resources of that Territory by special interests, aided by Congress, without any corresponding benefit to it and without a return of a single home, or school, or church, or the education of a single white child. Development has been strangled, population barred, and its resources wasted and destroyed. It is now seriously proposed to create a national monopoly of its coal and to exclude from the development of that great resource those citizens who may desire to invest their capital and labor therein. It is time to "Stop, look, and listen."

THE PRESIDENT'S MESSAGE FAVORS NATIONAL MONOPOLY OF ALASKA'S RESOURCES.

In his address to the National Conservation Congress in St. Paul, Minn., September 5, 1910, which is by direct reference made a part of his message to Congress of December 6, 1910, the President of the United States declared:

* * * The existing coal-land laws of Alaska are most unsatisfactory and should be radically amended.

In the body of his message, as one of his specific recommendations, he advised Congress:

For the reasons stated in the conservation address, I recommend: * * *

Second, that the coal deposits of the Government be leased after advertisement inviting competitive bids, for terms not exceeding 50 years, with a minimum rental and royalties upon the coal mined, to be readjusted every 10 or 12 years, and with conditions as to maintenance which will secure proper mining, and as to assignment which will prevent combinations to monopolize control of the coal in any one district or market. I do not think that coal measures under 2,500 acres of surface would be too large an amount to lease to any one lessee.

The Secretary of the Interior thinks there are difficulties in the way of leasing public coal lands, which objections he has set forth in his report, the force of which I freely concede. I entirely approved his stating at length in his report the objections in order that the whole subject may be presented to Congress, but after a full consideration I favor a leasing system and recommend it.

He also recommends the passage of an act of Congress to create an appointive commission with legislative powers for the Government of Alaska, and adds:

The passage of a law permitting the leasing of Government coal lands in Alaska after public competition, and the appointment of a commission for the Government of the Territory, with enabling powers to meet the local needs, will lead to an improvement in Alaska and the development of her resources that is likely to surprise the country.

These are the only recommendations found in the message suggesting specific legislation for Alaska; there is no suggestion that the coal-land laws in force in Alaska shall be amended or supplemented in any other respect than by the enactment of the leasing system.

THE NATIONAL COAL QUESTION IS AN ALASKAN QUESTION.

More than one-half of the unappropriated and unreserved public land belonging to the United States is in Alaska. More than three-fourths of the valuable unsold public coal land belonging to the Nation lies in that Territory. All the high-grade anthracite and bituminous coal land owned by the United States is there, and all coal land containing naval coal to which the Government yet holds title is in Alaska. All practical questions touching conservation and all efforts to prevent monopoly of the public coal land relate to the coal land in Alaska. The national coal question is an Alaskan question.

The following table, taken from the last report of the Secretary of the Interior, except the last two lines, shows in detail the area of unappropriated and unreserved public land belonging to the United States, by States and Territories:

Alabama	198,210
Alaska	368,014,735
Arizona	41,491,269
Arkansas	512,705
California	24,864,884
Colorado	21,726,192
Florida	453,009
Idaho	24,743,804
Kansas	137,189
Louisiana	88,911
Michigan	107,890
Minnesota	1,563,302
Mississippi	47,058
Missouri	2,510
Montana	36,015,943
Nebraska	1,879,486
Nevada	56,474,688

New Mexico	36,454,692
North Dakota	1,410,225
Oklahoma	5,007
Oregon	17,589,573
South Dakota	4,562,894
Utah	35,955,554
Washington	3,196,059
Wisconsin	14,460
Wyoming	34,575,159
Total	711,986,409
Alaska	368,014,735
Total exclusive of Alaska	343,971,674

THE NATIONAL LEAD AND COPPER MINE MONOPOLY, 1807–1847—FORTY YEARS OF FAILURE.

The consideration upon which the United States originally received from the Revolutionary States their portions of the western lands is clearly set forth in the resolution adopted by the Congress of the Confederation on October 10, 1780, as follows:

Resolved, That the unappropriated lands that may be ceded or relinquished to the United States by any particular State, pursuant to the recommendation of Congress on the 6th day of September last, shall be disposed of for the common benefit of the United States, and to be settled and formed into distinct Republican States, which shall become members of the Federal Union and have the same rights of sovereignty, freedom, and independence as the other States. * * *

The 13 original States, or so many of them as held western lands, thereupon conveyed them to the Confederation for the uses suggested in that resolution, and thereafter when the United States under the Constitution assumed to dispose of the public lands they were bound as a trustee to appropriate them to that great national use.

Under the English system, with which the national legislators of the Revolutionary days were entirely familiar, the King's tenth branch of royal revenue, according to Blackstone, was the right of mines. The King's royal prerogative made him the owner of all mines of the precious minerals—gold and silver—whether found on royal or private lands. A grant of lands by the Crown did not pass gold or silver mines unless expressly granted, and this applied to grants of land in the colonies. Hence it was that when the 13 colonies became independent States, they succeeded to the royal right of mines and still retain it.

The United States never acquired any rights in mines in New York or in any of the 13 original States. When the United States therefore began to dispose of the public lands the old English idea was dominant, and Congress provided for retaining the royal right in mines in the western lands, which had been conveyed to the United States by the 13 original States, which had received them from the Crown.

The Congress of the Confederation on May 20, 1785, provided for surveying and selling the western lands, and the ordinance of Congress passed for that purpose provided that each deed conveying these lands should contain a clause "excepting therefrom and reserving one-third part of all gold, silver, lead, and copper mines within the same." This system generally continued in force until 1806 when Congress passed the first of our great mining statutes in aid of the development of the precious metal-bearing States of the West.

The leasing of the mines on the western lands, however, was first inaugurated on March 3, 1807, when Congress passed an act providing—

That the several lead mines in the Indiana Territory * * * shall be reserved for the future disposal of the United States; and any grant which may hereafter be made for a tract of land containing a lead mine which had been discovered previous to the purchase of such tract from the United States shall be considered fraudulent and null, and the President of the United States shall be, and is hereby, authorized to lease any lead mine which has been or may hereafter be discovered in the Indiana Territory for a period not exceeding five years.

The lead mines in Missouri and Illinois and the Superior copper mines were included in the reserved lands and leased. The lead-mining leases were issued under the supervision of the War Department, and the United States reserved a royalty or rental of one-sixth of the lead for Government use.

In the report of the Secretary of War transmitted to Congress by John Quincy Adams in 1825 it is shown that the leasing of United States mineral lands had gone but slowly and without satisfaction to the people of Missouri or to the Nation. Much discontent, fraud, and litigation were complained of, while the output was small and the entire business unsatisfactory.

In an address delivered before the American Institute of Mining Engineers, Abram S. Hewitt, quoting from Prof. Whitney, told of the failure as follows:

For a few years the rents were paid with tolerable regularity, but after 1834, in consequence of the immense number of illegal entries of mineral land at the Wisconsin land office, the smelters and miners refused to make any further payments, and the Government was entirely unable to collect them. After much trouble and expense it was, in 1847, finally concluded that the only way was to sell the mineral land and do away with all reserves of lead or any other metal, since they had only been a source of embarrassment to the department.

The States of Missouri and Illinois began to protest against these leases immediately after the system was established in active operation in 1822. As early as 1827 the contest had become flagrant in Congress, and on July 2, 1827, the Senate Committee on Public Lands, to which was referred a bill "To authorize the President of the United States to cause the reserved lead mines in Missouri to be exposed to public sale," said in its report:

For the United States to reserve and lease all the mineral lands in Missouri would be to hold one-fourth of her area in a state of tenantry. It would require the creation of a new corps of Federal officers or agents to superintend the mining and ultimately be of less advantage to the Union than if the mines were committed to the care and ardor of individual enterprise. Such a measure is believed by the committee to be neither the policy nor the intention of the Government of the United States.

A year later the House Committee on Public Lands reported that—

Believing that the laws prohibiting the sale of the public lands in Missouri which contain lead mines ought to be repealed, the committee report a bill for that purpose.

The bill evidently did not pass Congress, for, on January 25, 1829, Congress received a solemn memorial from the General Assembly of the State of Missouri protesting against the system and praying for the sale of all mineral lands within her borders, as follows:

A MEMORIAL.

To the Senate and House of Representatives of the United States of America in Congress assembled:

The General Assembly of the State of Missouri respectfully represent that they have long witnessed with solicitude the policy of the General Government in withholding from sale lands lying in this State represented as containing lead and iron ore; but experience has fully shown the incorrectness of this policy and its inefficiency in accomplishing the object contemplated to be effected, to wit, the advancement in value arising from the increase of population and the discovery of ore; for the enhancement thus arising is more than counterbalanced by the depredations made on the mineral and timber. We would further represent that large tracts of fertile lands have been returned as containing mineral, upon which no mineral has ever yet been found; and we believe that the retention of those lands by the General Government will be against the interest of the Union, and a material injury to the best interest of our State in preventing large districts of our country from being settled by industrious cultivators of the soil. Your memorialists, relying upon the justice of their petition and upon your wisdom and liberality, pray that your honorable body will pass a law to authorize the sale of such lands lying in this State as have heretofore been withheld from sale on account of their containing lead and iron ore, upon the same conditions that other lands of the Government are now sold.

Resolved, That it be made the duty of the secretary of state to forward to each of our Senators and Representatives in Congress a copy of this memorial.

JOHN THORNTON,
Speaker of the House of Representatives.
DANIEL DUNKLIN,
President of the Senate.

Approved, December 11, 1828.

JOHN MILLER.

In answer to these demands, and on March 3, 1829, Congress passed an act conferring authority upon the President to expose for sale "the reserved lead mines and contiguous lands in the State of Missouri" upon six months' public notice.

The State of Illinois continued to resist the leasing of lead mines within her borders, and in 1830, in his message to the general assembly of that State, the governor declared the law to be unconstitutional and recommended the people to resist it and refuse to pay the rentals. In the report of the Secretary of War, dated January 10, 1838, in answer to a resolution of the Senate calling upon him for information about the leased mines in Illinois, the Secretary quotes the report of the Army officer in charge, who said of the Illinois leased mines:

The general and popular belief throughout the mineral region is that the law will not sustain the Government in the practice of leasing and exacting rent; contending that the act of March 3, 1807, authorizing the President to lease the mines, does not contain the necessary provisions for carrying it into effect, and, further, that any law authorizing the leasing of the public domain within the limits of a State is unconstitutional. In his public message to the Legislature of Illinois, in 1830, the governor distinctly assumes this ground and recommends to the people resistance to leasing and paying rent. However untenable this doctrine may be, emanating from so high a source, and coinciding as it does with the interests of all those engaged in digging, smelting, or in the commerce of the mines (and these may be said to constitute almost the entire population of the mineral district, for in those regions agricultural pursuits are almost entirely disregarded), it could not fail in producing the designed effect. Since 1834 diggers have refused license and smelters to pay rent or in any manner to recognize Government authority over the lands in their mineral aspect. The mineral value of the lands may be said to have already passed out of the hands of the Government. Diggers seek the metal when and where they choose, from whom, and with the like impunity, smelters receive, work, and dispose of the product.

The military examiner was asked in his instructions to state his opinion upon the advisability of continuing the system of leasing, and he did so as follows:

It is assumed that the comparatively trifling saving, if any, to the Government on the quantity of lead now or at any future period needed for the public use, by working the mines instead of purchasing in market, bears no just proportion to the injury done to the mineral region of country, first, by retarding the settlement of the country, and, secondly, by the demoralizing influence of the system. * * *

Regarding the product of these mines as furnishing an element of national defense or public convenience, could it be supposed that it would ever be of difficult or doubtful procurement at moderate prices, there would be some plausibility in adhering to the existing policy; but such can never be the case.

The War Department approved the conclusion of the report and said:

In conclusion, it is proper to add that this department concurs with the views exhibited in the foregoing report, and approves the recommendation therein contained respecting the indiscriminate sale of the mineral reservations.

Congress called for further reports on a plan for the disposal of the mineral lands, and the people, and even the President of the United States, continued to protest at the delay. In his first annual message on December 2, 1845, President Polk strongly urged the abandonment of the leasing system, saying:

The present system of managing the mineral lands of the United States is believed to be radically defective. More than a million acres of the public lands, supposed to contain lead and other minerals, have been reserved from sale, and numerous leases upon them have been granted to individuals upon a stipulated rent. The system of granting leases has proved to be not only unprofitable to the Government, but unsatisfactory to the citizens who have gone upon the lands, and must, if continued, lay the foundation of much future difficulty between the Government and the lessees. According to the official records, the amount of rents received by the Government for the years 1841, 1842, 1843, and 1844, was $6,354.74, while the expenses of the system during the same period, including salaries of the superintendents, agents, clerks, and incidental expenses, were $26,111.11, the income being less than one-fourth of the expense. To this pecuniary loss may be added the injury sustained by the public in consequence of the destruction of timber and the careless and wasteful manner of working the mines. The system has given rise to much litigation between the United States and individual citizens, producing irritation and excitement in the mineral region, and involving the Government in heavy additional expenditures. It is believed that similar losses and embarrassments will continue to occur while the present system of leasing these lands remains unchanged. These lands are now under the superintendence and care of the War Department, with the ordinary duties of which they have no proper or natural connection. I recommend the repeal of the present system, and that these lands be placed under the superintendence and management of the General Land Office as other public lands, and be brought into market and sold upon such terms as Congress in their wisdom may prescribe, reserving to the Government an equable percentage of the gross amount of mineral product, and that the preemption principle be extended to resident miners, and settlers upon them, at the minimum price which may be established by Congress.

The President's recommendation was not acted upon immediately by Congress, and on January 12, 1846, Secretary of War Marcy made a report to the Senate showing the condition of the finances in respect to the leasing system. Among the documents attached to his report is a report from the ordnance officer having charge of the system, in which the agent concludes:

But as a system of leasing here (southern Illinois) as practiced at the upper Mississippi mines would involve the necessity of a separate agency, and bring with it a train of expenses that would probably swallow up, as they have done there for the last two years, all the rent, if it did not even bring the department in debt; and as it moreover appears that, before these mines can be successfully worked, it will be necessary to incur the expense of analyzing the ores, it is respectfully submitted whether it would not be better to have the reservation revoked, in order that these lands be no longer withheld from market.

On January 27, 1846, Senator Breese, of Illinois, afterwards chief justice of the supreme court of that State, prepared an exhaustive and learned report to accompany S. 31, "A bill to direct the President of the United States to sell the reserved mineral lands in the State of Illinois and Territories of Wisconsin and Iowa, supposed to contain lead ore." This report is Senate Document No. 87, first session Twenty-ninth Congress, volume 4, 1845–46. The report says in part:

The policy of reserving from sale land supposed or known to contain lead ore had no existence anterior to 1807. * * *

Your committee suppose it was intended by Congress, in thus reserving mineral lands from sale, not to make it the permanent policy of the country, but that time might be afforded to act understandingly in regard to them, and with a full knowledge of their value as a national possession, so that no great national interest should be sacrificed by a hasty and ill-considered sale of them. A correct idea of their extent and value was desirable, in order that the action of the Government might be so regulated as to prevent a monopoly of their ores by individuals or associated capital, by which the supply and price of an article made from them, and of great necessity, might be placed wholly within such control, to the injury not only of the Government needing heavy supplies of lead, but of the public at large. It was this fear of a monopoly, and the importance of a supply of lead to the Government, the committee believe, that operated to reserve the lead mines in Louisiana. When Missouri became a State, she complained to Congress of the effects of this policy upon her prosperity, an area of 2,500 square miles in the heart of that State being mineral lands, and reserved, or the greater part of it, from sale and settlement. Great exertions were made by the agent of the Government there to lease them, and to render them productive, but without success.

But a trifling amount of revenue, no accurate account of which can be had, was received—not more, however, than sufficient to defray the expenses. Many of the most productive mines had become, by grants from the Crown of France, private property, and it was found impossible for the Government to carry out profitably a system which it could not make exclusive. It was seen, too, that the extent of country abounding in these treasures was so immense that no possible danger of a monopoly was to be apprehended or a deficiency in the supply to the Government at reasonable prices of an important material of war to be expected. Congress, therefore, was induced, after the experience of many years, on the 3d of March, 1829, to direct the sale of the reserves in a mode similar to that contemplated by the bill now under consideration.

The good effects resulting to Missouri from this law can not be doubted. The greater part of this vast mass of reserved land has become private property, subject to the taxing power of the State, and whilst their riches are now, under individual ownership, more fully developed the manufacture of lead has greatly increased, and that article is now afforded in the market at a price far below that which it bore when the system of "Government leases" was in full operation; and, for the reason stated, the demand and supply can never be exclusively controlled by any capitalist or company. The State has also been benefited by a great addition to the number of freeholders, whose whole energies are devoted to the permanent improvement of their own property, they alone enjoying the avails of their labor bestowed upon it, subject to no deductions in the form of rent or other charges to the Federal Government. No one feels or thinks that the Nation has suffered a loss in thus selling the mineral lands of Missouri, from which such high expectations of revenue were once entertained, but all agree that mutual benefits have been the result.

It becomes now a subject of inquiry, What is the true policy of the Government in relation to those mineral reserves in Illinois, Wisconsin, and Iowa; and what has been the effect of leasing them, as practiced for now more than 35 years? Is their value and importance as a national possession or interest now sufficiently known? Has the Nation gained anything by the system? Is it in accordance and in compliance with the duties and obligations the Government owes to that State and those Territories to persevere in the system? Are they injured or benefited by its operation? Is the right clear and unquestionable to reserve and lease public lands?

* * * * * * *

Your committee believe that it is bad policy to introduce or continue in any State or Territory in which the public lands are any system the effect of which shall be to establish the relation of landlord and tenant between the Federal Government and our citizens. Much might be said against it, but it will occur at once, to everyone, as a dangerous relation, and which may become so strong and so extensive as to give to that government the power of controlling their elections and shaping all measures of municipal concern. An unjust and invidious distinction is made by it also between the farmer and the miner, the labor of the latter being taxed to the amount in value of the rent he pays, whilst both are occupying for beneficial purposes parts of the same section of land. There does not seem to be any necessity for the exercise of any such power, even if it be admitted the Government possess it, which is much questioned. Your committee refrain from going into a labored examination of this point. Whatever may be the power and the right of Congress under the second clause of the third section of the fourth article of the Constitution of the United States, whilst the country is but a Territory of the United States, "to dispose of and make all needful rules and regulations respecting it," the question, when raised by a sovereign State, by an equal number of the confederacy, becomes one for grave consideration and entitled to the most serious regard.

Your committee will not enter upon the argument of it, and will dismiss it with the single remark that when the United States accepted the cession of the Northwestern Territory the acceptance was on the express condition and under a pledge to form it into distinct republican States, "and to admit them as members of the Federal Union, having the same rights of freedom, sovereignty, and independence as the other States." This pledge, your committee believe, would not be redeemed by merely dividing the surface into States and giving them names, but it includes a pledge to sell the lands, so that they may be settled and thus form States. No other mode of disposing of them can be regarded as a compliance with that pledge.

* * * * * * *

Conceding the right exists to own the lands, the power, in view of these compacts to reserve them from sale, is seriously questioned. If a small quantity can be reserved, by the same power the whole domain may be, for where can the power be limited? If mineral lands can be reserved, may not arable lands likewise, and any governmental purpose, as connected with its various wants, be urged to justify the act, and thus the compacts be wholly defeated?

But aside from considerations of this nature, however well calculated they may be to bring this whole system of reservations and leases into disfavor, at least with those who regard the plighted faith of the Nation as important to be preserved, your committee have diligently and carefully examined the subject as affecting the pecuniary interests of the United States supposed to be involved in it.

* * * * * * *

From the best information, however, which your committee can obtain they are satisfied that under the leases executed within the last 15 years the expenses of every description have nearly equaled the receipts, leaving entirely out of view the positive and irreparable injury done to the lands.

Your committee believe it will not be considered irrelevant here to advert to the pecuniary loss the State of Illinois incurs by the system. By the compact referred to she is entitled to 5 per cent of the net proceeds of the sales of these lands, amounting in the two localities described by your committee to 389,120 acres. If sold, as they would be, with the timber and ore within and upon them, even at the minimum price of $1.25 per acre 5 per cent of the net proceeds, amounting to near $24,000, would accrue to the State for roads and schools; and in the shape of taxes levied upon them as private property for the past 20 years, at the average rate of taxation by the State for that time, these lands thus reserved would have produced an additional sum of $136,636.90 to swell its general revenues. If these lands are deprived by the United States of all that makes them salable, then a total loss of these two items may be suffered by the State, for if they can not be sold by reason of their worthlessness, occasioned by the destruction of timber for fuel for smelting furnaces and by the exhaustion of the ore, no proceeds can at any time hereafter be derived from them, and thus a total loss is apparent and inevitable. And such, too, will be the condition of Wisconsin and Iowa when they become States, the only difference being in the greater extent of the loss.

The Senate will perceive from the statements here submitted that the workings of this system, for now near a quarter of a century, have been of no great benefit to the United States, and no reasonable hope exists that it ever can be made useful or productive.

* * * * * * *

Although it might be desirable for the United States to possess within itself a supply of lead, it is no less so that it should be independent in the articles of cotton, iron, hemp, all munitions of war, and provisions; yet no one would seriously propose to set apart from sale and settlement any portion of the public lands on which to raise or fabricate either or consent that this Government, erected in consummate wisdom for great national purposes, should be engaged in such subordinate and uncongenial pursuits. All experience shows, your committee think, that operations of this nature, including mining and the

manufacture of lead, can with much greater propriety and with far more beneficial results be left to the free and unfettered energies of individuals; and of supplies of these kinds the Federal Government should be, not the producer though numerous agents of doubtful creation and a dependent tenantry, but purchasers in the market in fair competition with all others. Now, no interest is felt by the tenant in the improvement of the property itself; he does not become fixed in his employment to any spot, is sparing of his outlays, erects no permanent works, nor does he call in the aid of science and practical skill to overcome the obstacles which meet him in his enterprise. Make them private property, capital, science, and skill would be employed in erecting machinery and the deepest bowels of the earth exploded with eagerness and profit for their hidden treasures. Subject them to the unimpeded action of individual energy, new and rich developments would be continually made, and the whole country benefited by the augmented supply at a cheaper rate which such investments would certainly produce.

Your committee, believing that the policy of reserving mineral lands was not intended to be permanent and that all the interests of the United States as connected with them are now fully understood and appreciated, believe also that the time has arrived for terminating it, which can be now done with more benefit to the Government than at some more distant period.

In view, then, of the great dissatisfaction manifested by that portion of our population most directly and injuriously affected by the system, so repeatedly expressed by them through their local legislatures and Representatives in Congress, so much irritated feeling produced among them by the manner in which it is carried out, so much injury resulting to them by reserving lands from sale, so that their proceeds can not be obtained for roads and schools, nor the taxing power for State purposes be made to operate on them, raising, as it does, an unjust and invidious distinction between its agricultural and mining population by taxing the labor and enterprise of the latter, making them the mere tenants of the Federal Government by depriving them of the privilege all others enjoy of becoming freeholders, and involving them in much harassing and expensive litigation, growing out of their peculiar relations to the Government, thereby producing irritated and hostile feelings toward it, and thus weakening that confidence and respect all should have in it, and bringing our citizens to regard the Government less as a protection than as an encroachment upon their rights and privileges and a bar to their prosperity, and withal a general retardation of the settlement of that portion of the Union, the whole accompanied by a real loss to the National Treasury of no small magnitude, your committee have agreed to recommend the passage of the bill.

They do not concur with the Executive in the recommendation that "an equitable percentage of the gross amount of the mineral product" be reserved to the Government, as it is one of the leading objects of the sale of the lands to break up every branch of this system, of which the "percentage" forms a prominent part, and to sever entirely the connection of the Government with the miner and manufacturer of lead. Nor do your committee think, from all the information they can obtain, that the settlers or miners desire or expect the preemption principle to be applied to them. The language of the petitions from the settlers, now before your committee, is very general, and only asks for the sale of the lands as other lands are sold.

* * * * * * *

Your committee therefore report the bill to the Senate with an amendment to embrace the lands reserved in the State of Arkansas, and as thus amended recommend that it do pass.

The Committee on the Public Lands in the House of Representatives also prepared vigorous reports in favor of selling these mineral lands and in opposition to the leasing system. They are Nos. 269 and 591, dated, respectively, February 17 and May 4, 1846, in reports of committees, first session, Twenty-ninth Congress, volumes 2 and 3, 1845–46. In the first of these the system is denounced as an "evil," and it is declared:

The consequences resulting were serious losses to the United States, not only in payment of extravagant bills of costs with which she was taxed, but the result has finally shown that large portions of her mineral lands, to which there was no dispute and in which the most extensive and rich deposits of lead mineral were discovered, are rendered valueless by the superficial mining operations conducted on them and the denuding of the surrounding lands of timber necessary to smelting the ore; and at this day there are remaining (although subject to entry since 1836) unsold tracts which were among the most desirable and productive leases granted by the Government, for the reason that the superficial diggings have so far destroyed them for regular and systematic mining operations that no one is found willing to purchase them at the minimum price of the public lands; and it is doubtful whether, if the entire cost to the Government of its agencies, contingent expenses, and costs in numerous suits brought against lessees and individuals claiming under titles adverse to the Government were fully made up and shown, it would not be found to exceed the value of the rents received from the mineral lands in Missouri.

* * * * * * *

A more serious question presents itself to the consideration of the committee regarding the right as well as policy of maintaining a system in one of the States of this Union by which so large a portion of its citizens are held as a tenantry to the General Government. For a series of years the State of Illinois has been prohibited from exercising the peculiar privilege of her sovereignty, the right of levying a tax on the soil for the support of her government.

* * * * * * *

It is the generally received opinion of those best informed and familiar with the subject and believed by the committee that if the mineral lands of the United States are brought into market and made subject to entry as other lands, an amount of capital will be invested and a development be made of the vast mineral resources of the country that will make it independent of all foreign supplies, whether of lead, copper, zinc, or cobalt, and that this result has been kept back for many years by the policy of the Government withholding from sale her mineral lands and granting leases of a duration which could not justify the expenditure of capital necessary to be employed in labor and in the construction and application of machinery indispensable to the permanent and practicable operation of mining.

The committee reported the bill favorably with amendments. The House Committee on the Public Lands was just then also engaged in examining the leasing system in its application to the copper mines of Lake Superior. In its report to the House, dated May 4, 1846, to accompany H. R. 409, it denounced the system in respect to the copper leases and said:

In the settlement of the public lands a system should be pursued that will most readily give to the new and enterprising associations who remove to and establish themselves in the Far West permanent, well-organized, and orderly society, where patriotism, thrift, and happy, moral, and social relations will give more strength and intrinsic wealth to the Government and country than any amount of dollars and cents which might be brought to her Treasury from the sale of her vast domain. It has been well said that: "Tenantry is unfavorable to freedom; it lays the foundation of separate orders in society, annihilates the love of country, and weakens the spirit of independence. The tenant has, in fact, no country, no hearth, no domestic altar, no household god! The freeholder, on the contrary, is the natural supporter of a free government, and it should be the policy of republics to multiply their freeholders, as it is the policy of monarchies to multiply tenants."

In the disposition of the mineral lands it seems to the committee the only consideration for the Government should be to obtain a fair and just equivalent for those valuable mineral deposits, and leave to private enterprise the development of those vast and rich productions of nature and make them subservient to the wants and necessities of this country, and perhaps produce a surplus for the use of other portions of the world.

In answer to the general demand of the country the Congress, on July 11, 1846, passed an act ordering "the reserved lead mines and contiguous lands in the States of Illinois and Arkansas and the Territories of Wisconsin and Iowa to be exposed to sale, as other public lands," upon six months' notice, and on March 1, 1847, the copper mines of Lake Superior were also ordered to be sold on the same notice.

Thus for 40 years—from 1807 to 1847—a national mineral-land leasing system retarded the development of the Mississippi Northwest; provoked disorder, litigation, and contempt for the National authority; resulted in financial loss to the Nation and to those engaged in settling that region; prevented settlement, hindered development, retarded enterprise, and established and maintained a foreign system of national landlord and tenant under the control of officers of the United States Army. Finally it failed, as all such attempts must fail, because under a government of the people, by the people, for the people, no bureaucratic system of landlordism over the public lands can long keep a vigorous, intelligent, and independent mining population upon the Government domain as mere tenants. They "own it," and will not meekly work as tenants on their own property, for they will own it in law and in fact as well as in theory.

THE FREE WESTERN MINERAL LAND SYSTEM, 1849–1911.

The discovery of gold on the public lands of California, in 1849, and the recent repeal of the mineral land leasing laws in 1847, drew the attention of the public men of that day to the importance and necessity of establishing a permanent and satisfactory plan for the development of the mineral resources of the country. In his report, dated December 3, 1849, the Secretary of the Interior, Hon. Thomas Ewing, called the attention of Congress to the recent discovery of gold in California, and said of the proposed legislation for disposing of the mines of that region:

The right to the mines of precious metals, which, by the laws of Spain, remained in the Crown, is believed to have been also retained by Mexico while she was sovereign of the territory, and to have passed by her transfer to the United States. It is a right in the sovereign of the soil as perfect as if it had been expressly reserved in the body of the grant; and it will rest with Congress to determine whether, in those cases where land duly granted contains gold, this right shall be asserted or relinquished. If relinquished it will require an express law to effect the object, and if retained legislation will be necessary to provide a mode by which it shall be exercised. * * * It would be better, in my opinion, to transfer them by sale or lease, reserving a part of the gold collected as rent or seignorage.

President Fillmore, however, had evolved clearer ideas, and had utterly abandoned the leasing and royalty theory. In his annual message to Congress of December 2, 1849, he recommended:

I also beg leave to call your attention to the propriety of extending at an early day our system of land laws, with such modifications as may be necessary, over the State of California and the Territories of Utah and New Mexico. The mineral lands of California will, of course, form an exception to any general system which may be adopted. Various methods of disposing of them have been suggested. I was at first inclined to favor the system of leasing, as it seemed to promise the largest revenue to the Government and to afford the best security against monopolies, but further reflection and our experience in leasing the lead mines and selling lands upon credit have brought my mind to the conclusion that there would be great difficulty in collecting the rents, and that the relation of debtor and creditor between the citizens and the Government would be attended with many mischievous consequences. I therefore recommend that instead of retaining the mineral lands under the permanent control of the Government they be divided into small parcels and sold, under such restrictions as to quantity and time as will insure the best price and guard most effectually against combinations of capitalists to obtain monopolies.

It thus came about through a process of legislative evolution, and the borrowing of ideas from the Spanish system coming to us with the Mexican Territories, that the "common law of the mines" was created by the miners of California. The substance thereof was written into the California practice act in 1851 by Stephen J. Field, who, later, as a Justice of the Supreme Court of the United States, expounded and gave life to the great mining statutes based thereon. It was not until July 26, 1866,

however, that Congress gave national recognition to the system which had prevailed in California since 1849.

The first section of the act of 1866, as amended by the act of May 10, 1872, and made section 2319, United States Revised Statutes, 1878, is in the following language:

SEC. 2319. All valuable mineral deposits in lands belonging to the United States, both surveyed and unsurveyed, are hereby declared to be free and open to exploration and purchase, and the lands in which they are found to occupation and purchase, by citizens of the United States and those who have declared their intention to become such, under regulations prescribed by law, and according to the local customs or rules of miners in the several mining districts, so far as the same are applicable and not inconsistent with the laws of the United States.

In his valuable treatise on "The American Law Relating to Mines and Mineral Lands within the Public Land States and Territories," Judge Lindley says (sec. 55, vol. 1) of section 2319:

By the first of these provisions, the Government, for the first time in its history, inaugurated a fixed and definite legislative policy with reference to its mineral lands. It forever abandoned the idea of exacting royalties on the products of the mines, and gave free license to all its citizens, and those who had declared their intention to become such, to search for the precious and economic minerals in the public domain, and, when found, gave the assurance of at least some measure of security in possession and right of enjoyment. What had theretofore been technically a trespass became thenceforward a licensed privilege, untrammeled by governmental surveillance or the exaction of burdensome conditions. Such conditions as were imposed were no more onerous than those which the miners had imposed upon themselves by their local systems. That such a declaration of governmental policy stimulated and encouraged the development of the mining industry in the West is a matter of public history.

Upon the power of the Government to conduct the business of mining upon the public lands, the author says:

Mines in the United States are not ranked as the property of society, the working of which is to be confided to the Federal Government. Mining with us is not a "public utility." It is simply a private industry, to be fostered and encouraged as all other economic industries are fostered and encouraged; but the exploitation and development of mines are no more governmental functions than is the cultivation of the soil or the business of manufacturing. The United States is the paramount proprietor of the public mineral lands, holding them not as an attribute of sovereignty, but as property acquired by cession and purchase.

The Supreme Court of the United States has traced the evolution and establishment of the western system and the disappearance of the old Kingly claim of royalty in a most interesting way in the case of Mining Co. against Consolidated Mining Co. (102 U. S., 167, 172), as follows:

Very soon after the conquest of California and its cession to the United States by Mexico, it was found to be rich in the precious metals, and such was the rapid influx of immigrants from the Eastern States that the California population at the time it was organized as a State in 1850 was largely composed of mining camps and settlements engaged in mining these metals. As nearly all those mines were discovered on land the title of which was vested by the treaty in the Government of the United States, it became important to determine what course the Government would take with regard to this new source of untold wealth. The Spanish Government, to which this territory and much other, rich in precious metals, had once belonged, had instituted a system of laws concerning her mines by which private enterprise was invited to develop them and a revenue secured at the same time to the Crown, which made Spain for a time the richest of the civilized governments of the world. This system Mexico had inherited and perpetuated, and there were many American statesmen who believed that with the territory we had acquired the laws which governed the production of gold from the earth. Others believed that, whether this were so or not, it would be a wise policy for the Government to secure to itself a fair proportion of the metal produced from its own ground. But, while Congress delayed and hesitated to act, the swarm of enterprising and industrious citizens filled the country, and, before a State could be organized, had become its dominating element, with wealth, and numbers, and claims which demanded consideration.

Matters remained in this condition, with slight exception, until July 26, 1866, when Congress passed a law by which title to mineral land might be acquired from the Government at nominal prices, and by which the idea of a royalty upon the product of the mines was forever relinquished. (14 Stat., 251.)

Notwithstanding the conclusion of the court that "the idea of a royalty on the product of the mines was forever relinquished" by the United States, it is now proposed in these Alaska coal-land leasing bills to reestablish it on a broader and more dangerous scale. The fact that under that false system the public domain was for 40 years, from 1807 to 1847, a menace to the prosperity and development of the West is forgotten. Congress ought to remember, however, even if it forgets the earlier national failure, that under the California system of disposing of the mineral lands in small tracts to bona fide working miners great wealth and success came to the miners and to the Nation. With the aid and encouragement given to the miners by the California system, under which each miner is an owner, urged by individual enterprise and hope, with opportunity to secure wealth for himself and his family, these workingmen of the West have extracted immense riches from the earth, built homes, established schools, colleges, churches, and a high civilization in the waste places; erected a thousand cities and, in 60 years, created a score of sovereign States in the American Union. No such success has ever attended the labors of man before; no nation ever gained so much with so much honor and happiness in so short a time; and the system which enabled it to be accomplished is too sacred to destroy overnight for a mere political advantage.

THE FREE WESTERN LAND SYSTEM IN ALASKA.

The United States coal-land laws were an outgrowth of the western system and in line with the plan to sell small tracts of mineral lands to applicants who might use the same in the development of the country. The first of these statutes was passed on July 1, 1864. Prior thereto coal on the public domain had been disposed of under other general laws for the sale of public lands, even agricultural lands, without considering the presence of the coal.

The coal lands in Pennsylvania, Virginia, and the other States constituting the original 13 States never belonged to the United States, but were disposed of by the Crown prior to the Revolution or by the States thereafter. While much complaint has been heard in the United States about coal monopoly and combinations and excessive prices to the consumer, they have generally arisen from or in connection with coal combinations by or with the transportation companies in Pennsylvania and West Virginia. There has been but little complaint and but little justification for criticism against the western system of selling one small tract to each applicant, with a strict prohibition against acquiring another. There would be still less if the laws were faithfully executed.

When the existence of the valuable fields of Katalla and Matanuska high-grade coals was made known to the world, shrewd speculators saw an opportunity to gather great riches quickly, and they immediately entered the lands under the coal laws, as lawfully they might. However, it is now asserted, with much evidence to support the accusation, that not content to be limited in their acquisitions by the fair provisions of the United States statutes, many of these locators caused locations to be made by "dummys"—by clerks, stenographers, and hired men, with agreements that the claims should be conveyed to the speculator—thus enabling him to acquire more than 160 acres in violation of the law. Another charge is that other locators acting together agreed to locate several tracts under the law, but with the further agreement to convey them to a corporation to be formed by the locators, thus acquiring for a common interest a large area of coal lands, also in violation of the spirit, if not the letter, of the law. Out of these and other charges grew the Alaska coal-land scandals—the Cunningham cases—the Ballinger-Pinchot investigation.

President Roosevelt first raised the bar to the acquisition of coal-land titles by his withdrawal of all Alaska coal lands from entry on November 7, 1906. Upon the representation that many coal claims were then lawfully in process of entry, on January 15, 1907, the general order of reservation was amended as follows:

Nothing in any withdrawal of lands from coal entry heretofore made shall impair any right acquired in good faith under the coal-land laws and existent at the date of such withdrawal.

This was assumed as authority to permit the completion of entries initiated in Alaska prior to the November withdrawal. No patents had, however, been issued when the Glavis charges against Secretary Ballinger were made; no decision upon the charges has since been announced; no patents have been issued. The Department of the Interior has refused to act upon pending Alaska coal cases; the wheels of justice have stood still for two years, apparently "never to go again." Fraudulent claims and honest efforts to enter Alaska coal lands are treated alike. The innocent are being punished with the guilty. Enforcement of the law is evaded by those who are sworn to enforce it, by the subterfuge of the necessity for amending it. The proposed amendment is worse than the frauds complained about.

What Alaska needs in respect to these coal cases is honest and open investigation, prompt and just decision, and an honest and fearless enforcement of statutes which have been virtually repealed for two years by the palsy of political fear.

Among the President's duties, by express constitutional command is this:

He shall take care that the laws be faithfully executed.

What the Alaska situation needs is enforcement, execution, not enactment.

THE UNITED STATES COAL-LAND LAWS EXTENDED TO ALASKA, 1900—FIRST ERA: ACT OF JUNE 6, 1900.

The coal-land laws of the United States were first extended to Alaska by the act of June 6, 1900 (31 Stat. L., 658), as follows:

An act to extend the coal-land laws to the District of Alaska.

Be it enacted, etc., That so much of the public-land laws of the United States are hereby extended to the District of Alaska as relate to coal lands, namely, sections 2347 to 2352, inclusive, of the Revised Statutes.

This act extended all the general coal-land laws then in force in the United States to Alaska, and thereafter identically the

same coal-land laws were in force in Alaska and in Arizona, Washington, Montana, and the other States and Territories of the United States, until the modifying act of April 28, 1904, was passed.

However, it was soon discovered that the general laws thus extended were ineffective in Alaska, and in the circular issued June 27, 1900, the Commissioner of the General Land Office instructed the local land officers there that:

Under the coal law sections 2347 to 2352, inclusive, of the Revised Statutes, and the regulations thereunder, issued July 31, 1882, coal-land filings and coal entries must be by legal subdivisions as made by the regular United States survey. * * * Although the system of public-land surveys was extended to the District of Alaska by a provision contained in the act of Congress approved March 3, 1899 (30 Stat., 1098), no township or subdivisional surveys have been made, nor have any standard lines or bases for township and subdivisional surveys been established within the district, therefore until the filing in your office of the official plat of survey of the township no coal filing or entry can be made.

SECOND ERA—THE AMENDATORY ACT OF APRIL 28, 1904.

This defect in the general laws was remedied by "An act to amend an act entitled 'An act to extend the coal-land laws to the District of Alaska,' approved June 6, 1900," which amendatory act was approved April 28, 1904 (33 Stat. L., 525). The first section of the act of 1904 provided:

Be it enacted, etc., That any person or association of persons qualified to make entry under the coal-land laws of the United States, who shall have opened or improved a coal mine or coal mines on any of the unsurveyed public lands of the United States, in the District of Alaska, may locate the lands upon which such mine or mines are situated in rectangular tracts containing 40, 80, or 160 acres, with north and south boundary lines run according to the true meridian, by marking the four corners thereof with permanent monuments, so that the boundaries thereof may be readily and easily traced. And all such locators shall, within one year from the passage of this act, or within one year from making such location, file for record in the recording district, and with the register and receiver of the land district in which the lands are located or situated, a notice containing the name or names of the locator or locators, the date of the location, the description of the lands located, and a reference to such natural objects or permanent monuments as will readily identify the same.

Sections 2 and 3 of the act of 1904 provided for final entry, sale, and the issuance of patents to unsurveyed coal lands in Alaska upon compliance with its terms and the payment of $10 per acre, and the last, or fourth, section of the act provided:

SEC. 4. That all the provisions of the coal-land laws of the United States not in conflict with the provisions of this act shall continue to be in full force in the District of Alaska.

Upon the approval of the act of 1904 the coal-land laws in Alaska embraced:

(1) All the general coal-land laws in force in the United States, and, in addition,

(2) The special act of 1904 authorizing the sale, entry, and patenting of unsurveyed coal land in Alaska only.

In Wyoming, Arizona, Washington, Utah, and all other public-land States and Territories the general coal-land laws only were in force; unsurveyed coal lands could not be entered in any State or Territory excepting favored Alaska. The coal-land laws in force in Alaska were just that much more favorable to the locator, honest or "dummy," than the general coal-land laws in the United States proper.

THE "CUNNINGHAM GROUP" OF COAL CLAIMS WAS LOCATED IN JULY AND AUGUST OF 1904, AFTER THE PASSAGE AND UNDER THE PROVISIONS OF THE ACT OF APRIL 28, 1904.

The location of this and a large number of similar groups of coal claims in the Katalla and Matanuska coal fields by the alleged use of "dummy" entrymen, engaged the attention of the Department of the Interior and the Director of the Geological Survey, and on November 3, 1906, the Acting Director of the Geological Survey, by letter of that date, recommended:

In previous recommendations no reference has been made to coal lands in Alaska. The coal and lignite deposits of that Territory are known to be of commercial value, and much attention has been given to their investigation by this survey. The reasons for withdrawing this coal from entry are fully as urgent as in case of that in the Western States and Territories, and I therefore suggest that the matter be brought to the attention of the President. Since the Land Office surveys have not yet been generally extended over Alaska, the coal lands can not be designated by legal subdivisions, and I therefore recommend that the order suspending coal entries be made to apply to the entire Territory.

The Secretary of the Interior referred the letter of the acting director to the President, and on November 7, 1906, the President made the following reservation of coal lands in Alaska:

THE WHITE HOUSE, *November 7, 1906.*

To the SECRETARY OF THE INTERIOR:

In reference to your letter of the 7th instant, inclosing letter of the Acting Director of the United States Geological Survey of November 3, I direct that the proposed action in reference to the coal lands of Alaska be taken. I return the letter of the acting director herewith.

THEODORE ROOSEVELT.

The rules and regulations of the General Land Office at that time required the publication of a notice of proof for 60 days prior thereto by any claimant desiring to make entry and secure patent on a coal claim in Alaska, and, judging from the date of subsequent entries, the Cunningham group claimants were then publishing such notices and actively taking the steps necessary to prove up on their coal claims. The President's reservation was a bar to proof, and on January 15, 1907, the following departmental order was announced:

DEPARTMENT OF THE INTERIOR,
Washington, January 15, 1907.

THE COMMISSIONER OF THE GENERAL LAND OFFICE.

SIR: By direction of the President, all orders heretofore issued withdrawing public lands from entry under the coal-land laws are hereby amended as follows:

"Nothing in any withdrawal of lands from coal entry heretofore made shall impair any right acquired in good faith under the coal-land laws and existent at the date of such withdrawals."

Very respectfully, E. A. HITCHCOCK, *Secretary.*

This departmental order being general and applicable to Alaska cleared the way for the completion of the Cunningham entries, and immediately thereafter, in February, March, April, and October, 1907, the Cunningham claimants completed publication, proofs, and entries for patent and final receiver's receipts, and the register's final coal certificates of entry were issued to each of them. The dates and transactions in the Cunningham claims, from location to final certificate, are shown in the following table drawn from the official records:

Name of locator.	Date of location, 1904.	Coal declaratory statement.		Date of entry payment and final receipt and certificate, 1907.
		No.	Date filed, 1906.	
Andrew L. Scofield	July 23	157	.....	Feb. 26
Francis Jenkins	July 15	155	Feb. 21	Do.
Charles J. Smith	...do....	160	Feb. 26	Do.
Horace C. Henry	July 23	159	Feb. 21	Do.
Ignatius Mullen	July 21	180	...do....	Mar. 13
Henry White	...do....	169	...do....	Do.
Henry W. Collins	July 20	164	...do....	Do.
Fred C. Davidson	July 14	166	...do....	Do.
Michael Doneen	July 15	163	...do....	Do.
Frank F. Johnson	July 23	178	May 3	Do.
John G. Cunningham	July 21	175	Feb. 21	Mar. 20
Clarence Cunningham	...do....	156	...do....	Do.
A. B. Campbell	July 20	161	...do....	Mar. 29
Henry Wick	July 19	179	...do....	Do.
Hugh B. Wick	...do....	177	...do....	Do.
Fred H. Mason	July 14	185	...do....	Apr. 11
William E. Miller	July 22	174	...do....	Do.
Charles Sweeney	Aug. 14	165	...do....	Do.
B. C. Riblet	July 22	167	Feb. 26	Do.
Fred Cushing Moore	July 14	168	Feb. 21	Do.
Alfred Page	July 16	184	May 9	Do.
W. W. Baker	Aug. 14	173	Feb. 21	Apr. 23
Frederick Burbridge	July 19	181	...do....	Do.
Reginald K. Neill	...do....	186	Feb. 27	Do.
Joseph H. Neill	July 20	182	Mar. 21	Do.
Miles C. Moore	July 23	172	Feb. 21	Do.
John A. Fitch	July 18	171	May 9	Do.
Walter B. Moore	July 16	162	Feb. 21	Do.
Arthur D. Jones	July 18	183	...do....	Do.
Orville D. Jones	July 15	154	...do....	Do.
W. H. Warner	July 22	153	Mar. 9	Oct. 25
Frank A. Moore	Aug. 10	176	Feb. 21	Do.
Nelson B. Nelson	...do....	158	...do....	Do.

Pending the proceedings in the United States land office at Juneau, Alaska, by the 33 Cunningham claimants to conclude their entries of their 33 coal claims, their agent in fact and in law, Clarence Cunningham, and other claimants entered into negotiations with Stephen Birch, S. W. Eccles, and Daniel Guggenheim, for the Alaska syndicate, to sell the group or interests therein, to the syndicate. These negotiations were concluded on July 20, 1907, when the agent, Clarence Cunningham, A. B. Campbell, and M. C. Moore, "for themselves and as a committee representing their associates," met the representatives of the syndicate at Salt Lake City, Utah, and made, signed, and delivered the following optional contract to Guggenheim:

MEMORANDUM.

A. B. Campbell, Clarence Cunningham, and M. C. Moore, acting for themselves and certain parties associated with them, as hereinafter explained and hereinafter called the vendors, make the following representations and proposal to Daniel Guggenheim, of the city of New York, hereinafter called the vendee.

The said Cunningham, Campbell, and Moore, with 30 other parties, have acquired by purchase from the Government of the United States, under the Federal coal-land laws, 33 tracts of coal land of 160 acres each, aggregating 5,280 acres, situated in the Kayak recording district of Alaska, near the Bering River, about 25 miles from Katalla, and also have acquired certain inchoate water rights on Lake Kustakaw intended to be used in the exploitation of said properties.

The title to these lands rests in final United States receiver's certificate of entry, issued one to each of said 33 persons, and the papers

in application for patent are now before the Commissioner of the General Land Office for his action thereon.

In order to consolidate the several interests for the purpose of dealing with said properties as an entirety, it has been determined that each of said entrymen shall convey his title to his individual tract to the Union Trust Co., of Spokane, Wash., in trust, for the purpose of transmitting or dealing with the title to the consolidated tract in such manner as shall be directed by C. J. Smith, R. K. Neill, H. W. Collins, Frederick Burbridge, Fred H. Mason, A. B. Campbell, and Clarence Cunningham, or a majority of those acting as a committee of said entrymen appointed for that purpose.

Conveyances by some of said entrymen to said trust company have been executed and delivered, and it is contemplated that all will execute similar conveyances within a short time.

A meeting of said entrymen was recently held at the city of Spokane, in which 25 out of the 33 participated. At said meeting a resolution was unanimously passed authorizing said committee, or a majority of them, to enter into negotiations with parties with a view to the equipment, development, and operation of the consolidated property and the sale of its product.

Acting for themselves and as such committee representing their associates, under said resolution, they submit to Mr. Guggenheim for his consideration the following proposal:

1. A corporation shall be formed under the laws of some State of the Union, under which laws meetings of directors may be held without the State of incorporation, the capital stock to be unassessable and no individual stockholders' liability.

2. The capital shall be $5,000,000, divided into 50,000 shares of the par value of $100 each.

3. There shall be 7 directors, 3 to be named by the vendors, 3 by the vendee. The seventh director shall be designated by the 6 named by the parties.

4. The title of all of said properties, including said inchoate water rights, shall be transferred to said corporation, in consideration for which there shall be issued to said vendors 25,000 shares of said capital stock.

5. The other half of said capital stock, viz, 25,000 shares, shall be deposited in escrow with the Bank of California, Seattle, with instructions to make delivery of same to Mr. Guggenheim or his nominee upon his payment to said depository, to the credit of said corporation, of the sum of $250,000, or at the rate of $10 per share. Said $250,000 shall be paid in such sums and at such times as may be called for by the board of directors. Said money to be considered as "working capital," to be expended by said corporation in the equipment, development, and operation of said properties. As payments are made by Mr. Guggenheim to said bank the bank shall be authorized to deliver to him one share of stock for each $10 so paid by him. Mr. Guggenheim shall have the privilege of paying said entire amount of working capital at any time, and thereupon to receive the entire 25,000 shares of said stock.

6. Should said sum of $250,000 prove inadequate for the purpose of equipping and developing said property, Mr. Guggenheim shall advance or loan to the corporation an additional sum of money not exceeding in the aggregate $100,000, the corporation binding itself to repay such advances on or before three years after the date of making the same, at the option of the board of directors of said corporation, with interest at 5 per cent per annum.

7. Said corporation shall enter into an agreement giving to said Guggenheim or his nominee the exclusive right to purchase, for the period of 25 years, the entire "run of mine" coal mined from said property, or so much thereof as said Guggenheim on his nominee may require or demand, for the sum of $2.25 per ton of 2,240 pounds. The coal is to be delivered at the mine, either in bunkers to be provided by the corporation for that purpose or upon cars, as said Guggenheim or his nominee may direct. Said Guggenheim or his nominee shall use their best endeavors to make a market for the coal in Alaska and in the ports and cities of the United States, to the end that as large a quantity of coal as possible may be mined. Said Guggenheim or his nominee shall agree to purchase all coal which they may require for use or sale from said corporation.

8. Payment for all coal so delivered to said Guggenheim or his nominee shall be made monthly, upon the basis of weights determined by the mine superintendent, such payments to be made at such place as may be directed by the corporation.

9. The corporation shall convey to such railroad company as may be designated by said Guggenheim, and which shall construct a railroad from tidewater to said mines, sufficient ground from its holding upon which to establish and maintain its tracks, switches, depots, terminals, stations, and other railway facilities.

10. The corporation shall further agree to sell and deliver, during the period of 25 years, to such railroad company as may be designated by said Guggenheim and which may construct a railroad from tidewater to the mines, all coal which may be required by said railroad company for consumption in its locomotives, shops, stations, and other facilities employed in the construction, maintenance, and operation of its railway for the sum of $1.75 per ton of 2,240 pounds, deliveries to be made at the mine in bunkers or on the cars of such railway.

11. The said Guggenheim shall have 20 days from the date hereof in which to determine whether or not he will cause an examination of said properties to be made with a view to an acceptance of this proposal if such examination proves satisfactory. He shall notify the vendors of such determination within said time by telegram addressed to Clarence Cunningham, at Seattle, Wash. Thereupon, if he elects to proceed with such examination, he shall be allowed the period of four months thereafter to inspect the properties and investigate the titles thereto. If such inspection and examination prove satisfactory he shall give notice of his final acceptance of this proposal by telegram directed to Clarence Cunningham, Seattle, Wash.

Thereupon the terms of this proposal shall be deemed binding upon all the parties and shall be carried into effect according to its tenor and purport.

12. It is understood, however, that said vendee shall not be required to proceed with said examination unless all of the 33 of the owners of said coal-land entries, or so many thereof as shall be satisfactory to said vendee, shall have conveyed their respective properties to said trust company, and said trust company shall, under the direction of said committee and as the holder of the title to said properties, have accepted the terms of the proposal and obligated itself to unite with said vendors in carrying the same into effect, in the event the examination of said properties and titles shall prove satisfactory to the vendee and he shall elect to finally accept the same.

Should the number of entrymen declining to convey their respective tracts to said trust company and participate in this proposal be so great as in the judgment of said vendee will prevent the successful inauguration and conduct of said enterprise, then and in that event this negotiation shall be at an end and all parties shall be relieved from all obligations arising hereunder.

Witness our hands in duplicate this 20th day of July, 1907.

A. B. CAMPBELL,
M. C. MOORE,
CLARENCE CUNNINGHAM,
For themselves and as a committee representing their associates.

Signed in the presence of—
S. W. ECCLES.
CURTIS H. LINDLEY.

At the time this contract was made three of the claimants, W. H. Warner, Frank A. Moore, and Nelson B. Nelson, had not made entry of their respective claims, which they thereafter completed in the Juneau land office on October 25, 1907.

Thereafter and on December 7, 1907, Daniel Guggenheim accepted the proposals of the Cunningham claimants in their proferred optional contract of July 20, 1907, as follows:

NEW YORK CITY, *December 7, 1907.*

CLARENCE CUNNINGHAM, Esq., *Seattle, Wash.:*

I hereby notify you that I finally accept the proposal made to me by A. B. Campbell, Clarence Cunningham, and M. C. Moore, acting for themselves and associates, in the memorandum of agreement of July 20, 1907.

DANIEL GUGGENHEIM.

(Charge M. G. Sons, Alaska, syndicate.)

On February 19, 1910, Mr. John N. Steele appeared with Mr. Stephen Birch before the Senate Committee on Territories as the representatives of the Alaska syndicate. Mr. Steele is their New York attorney and Mr. Birch their general manager and mining engineer in Alaska. They introduced the option of July 20, 1907, and Daniel Guggenheim's acceptance of December 7, 1907, in evidence, and upon examination by the chairman of that committee Mr. Steele testified (p. 145, hearings):

The CHAIRMAN. Mr. Steele, on that point I would like to ask you just two or three questions, which perhaps you can answer. I put some of them to Mr. Birch this morning. The option was taken up on December 7, 1907, by the telegram of Daniel Guggenheim, was it not?

Mr. STEELE. It was.

The CHAIRMAN. He represented the interests of which you have spoken—of Messrs. Guggenheim and J. P. Morgan & Co.

Mr. STEELE. He was acting for the Alaska syndicate.

The CHAIRMAN. He was acting for the Alaska syndicate?

Mr. STEELE. Yes.

The CHAIRMAN. And this telegram was an acceptance of the option by the Alaska syndicate?

Mr. STEELE. It was an acceptance of the option by the Alaska syndicate.

The CHAIRMAN. And so that closed the option, so far as that could be closed?

Mr. STEELE. Yes.

The CHAIRMAN. I notice on the telegram this: "Charge M. G. Sons, Alaska syndicate." So that fixes it?

Mr. STEELE. Yes.

The CHAIRMAN. There is no question about that?

Mr. STEELE. No, sir; none at all.

The CHAIRMAN. So that to-day any rights that accrue or may accrue to the Alaska syndicate under this option thus taken up on December 7, 1907, still may be exercised as soon as the lands are patented?

Mr. STEELE. That is our view.

So far as the public is credibly informed, no change has been made in the contract relations of the 33 Cunningham claimants and the Alaska syndicate since Mr. Steele's testimony was given on February 19, 1910, and in his view as the attorney for the syndicate the contract of July 20, 1907, and the acceptance of December 7, 1907, still bind the parties when the patents shall issue.

In the Pinchot brief it is declared that—

The agreement which was entered into between the Cunningham claimants and the Morgan-Guggenheim syndicate does not in any way affect the validity of their entries. It was entered into after final certificates were issued by the Government, and was entirely legal if the claims were bona fide.

The general public seems inclined to assume that when the Cunningham claimants shall secure patents this entire group of 5,280 acres will become the property of the Alaska syndicate under that option.

THIRD ERA—ACT OF MAY 28, 1908.

All the 33 Cunningham entries were fully completed according to the formal requirements of the United States statutes in the year 1907. Thereafter it became a question how far their and other Alaska coal-land groupings were valid. It was thought desirable by coal claimants to secure additional legislation specifically authorizing large groupings of coal lands in Alaska in the effort to persuade capital to invest in a large and profitable enterprise. After the Cunningham claims were permitted to go to final entry the general public and certain agents of the Department of the Interior feared that a systematic effort was being made by the Alaska syndicate and other large nonresident interests to secure a monopoly of coal lands and coal transportation in Alaska, and much opposition to that effort was aroused.

The act of May 28, 1908, legalized a consolidation of 2,560 acres of Alaska coal lands, but with a drastic antimonopoly clause against any further combination. The act is as follows:

An act to encourage the development of coal deposits in the Territory of Alaska.

Be it enacted, etc., That all persons, their heirs or assigns, who have in good faith personally or by an attorney in fact made locations of coal land in the Territory of Alaska in their own interest prior to November 12, 1906, or in accordance with circular of instructions issued by the Secretary of the Interior May 16, 1907, may consolidate their said claims or locations by including in a single claim, location, or purchase not to exceed 2,560 acres of contiguous lands, not exceeding in length twice the width of the tract thus consolidated, and for this purpose such persons, their heirs, or assigns may form associations or corporations, who may perfect entry of and acquire title to such lands in accordance with the other provisions of law under which said locations were originally made: *Provided*, That no corporation shall be permitted to consolidate its claims under this act unless 75 per cent of its stock shall be held by persons qualified to enter coal lands in Alaska.

SEC. 2. That the United States shall at all times have the preference right to purchase so much of the product of any mine or mines opened upon the lands sold under the provisions of this act as may be necessary for the use of the Army and Navy, and at such reasonable and remunerative price as may be fixed by the President; but the producers of any coal so purchased, who may be dissatisfied with the price thus fixed, shall have the right to prosecute suits against the United States in the Court of Claims for the recovery of any additional sum or sums they may claim as justly due upon such purchase.

SEC. 3. That if any of the lands or deposits purchased under the provisions of this act shall be owned, leased, trusteed, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever, so that they form part of or in any way effect any combination, or are in anywise controlled by any combination in the form of an unlawful trust, or form the subject of any contract or conspiracy in restraint of trade in the mining or selling of coal, or of any holding of such lands by any individual, partnership, association, corporation, mortgage, stock ownership, or control, in excess of 2,560 acres in the District of Alaska, the title thereto shall be forfeited to the United States by proceedings instituted by the Attorney General of the United States in the courts for that purpose.

SEC. 4. That every patent issued under this act shall expressly recite the terms and conditions prescribed in sections 2 and 3 hereof.

Approved, May 28, 1908.

With the approval of the foregoing act, which applies only to Alaska, the Territory of Alaska had, and now has, in force there:

(1) All the general coal-land laws in force in the United States—all the laws relating to coal and coal lands which are in force in the States and in Arizona and New Mexico, and, in addition thereto,

(2) The act of Congress of April 28, 1904, permitting the location and sale of coal lands in Alaska upon the unsurveyed public domain, which can not be located in any other State or Territory, and, in addition thereto,

(3) The act of Congress of May 28, 1908, permitting and legalizing a consolidation or grouping of Alaskan coal lands to the extent of 2,560 acres for large enterprises, giving the United States a preference right to purchase the output for the use of the Army and Navy, and with a drastic antimonopoly clause forfeiting the title of the land to the United States for any unlawful trust or conspiracy in restraint of trade in the mining or selling of the coal.

Conceding that the clause permitting a consolidation of 2,560 acres is beneficial to the public interests, Alaska now has the best coal-land laws in the United States. She is specially favored over other States and Territories because she has the same laws they have and the acts of 1904 and 1908 in addition. We may locate unsurveyed coal lands in Alaska, and need only pay a flat rate of $10 per acre; we may consolidate or group our claims and enter 2,560 acres in one body for large enterprises, while in the States and other Territories no more than 160 acres can be obtained for an enterprise until after entry. The act of 1908 makes the Government a preferred purchaser of coal in Alaska for Army and Navy use, a right not reserved in any other State or Territory, while a violation of the stringent antimonopoly clause in that act is cause for a forfeiture of the title and enables the United States to vacate the patent and resume its former rightful possession.

Alaska has the best coal-land laws in the United States or in any of the Territories; better than the general coal-land laws in force in Wyoming, Utah, Arizona, or any of the public-land States or Territories, for in none of these is there any law authorizing the location of unsurveyed lands, nor authorizing consolidation for large enterprises, nor any sufficient law to prevent unlawful trusts and conspiracies in restraint of trade in the mining and selling of coal. In all these respects the laws in force in Alaska are better than those anywhere else in American territory. Then why is it asserted that "the existing coal-land laws of Alaska are most unsatisfactory, and should be radically amended"?

WHY IS AMENDMENT SUGGESTED FOR ALASKA ALONE?

In his report the Secretary of the Interior says of the coal-land laws in Alaska:

Reverting to the condition of the public-land laws in Alaska, even the most cursory examination of them, in view of local conditions of climate, of isolation, except as to ocean transportation, and of the vast extent and lack of homogeneity of the Territory, satisfies all practical men that they are crude and unsuited to the best interests of the Government. On the other hand, experiments at amendment have placed the ban on development, so that progress is at a deadlock. Without domestic coal in Alaska railroad construction and operation is prohibitive, and without both only the roughest pioneer development is possible.

The suggestion that local conditions of climate, of isolation, and the vast extent and lack of homogeneity of the Territory render the coal-land laws in force in Alaska crude and unsuited to the best interests of the Government is interesting, though without foundation in fact. Both the Katalla and Matanuska coal fields, the best in Alaska, lie near great, wide, safe, and commodious Pacific coast harbors, which are open every day in the year to the largest colliers ever built, and to the fleets of the world for that matter. They are nearer to those harbors than the Pocahontas and Pennsylvania fields are to the Atlantic Ocean harbors. Railroads are already constructed to within a few miles of both, and the haul is down grade from the mine to the harbor.

The climate is mild on the coast, and the mines and transporting railroads may be operated as freely, both winter and summer, as are those in Pennsylvania. There is nothing in either of those suggestions that renders the United States statutes extended to Alaska either crude or unsuited to the best interests of the Government.

The Secretary's suggestion that "experiments at amendment have placed the ban on development so that progress is at a deadlock," however, has the merit of pointing to the real thought in his mind, namely, the antimonopoly section of the act of 1908. In the President's St. Paul address, made a part of his message to Congress, he declares upon the subject of Alaska coal-land law:

The history of the laws affecting the disposition of Alaska coal lands shows them to need amendment badly. Speaking of them Mr. Brooks says: * * *

"Remedial legislation was sought and enacted in the statute of May 28, 1908. This law permitted the consolidation of claims staked previous to November 12, 1906, in tracts of 2,560 acres. One clause of this law invalidated the title if any individual or corporation at any time in the future owned any interest whatsoever, directly or indirectly, in more than one tract. The purpose of this clause was to prevent the monopolization of coal fields; its immediate effect was to discourage capital. It was felt by many that this clause might lead to forfeiture of title through the accidents of inheritance, or might even be used by the unscrupulous in blackmailing. It would appear that land taken up under this law might at any time be forfeited to the Government through the action of any individual who, innocently or otherwise, obtained interest in more than one coal company. Such a title was felt to be too insecure to warrant the large investments needed for mining developments. The net result of all this is that no titles to coal lands have been passed."

This objection, so skillfully stated by Mr. Brooks and so fully approved by the President, is the crux to the Alaska coal situation. Shall the antimonopoly clause of the act of 1908 be repealed? Shall the laws which Congress has extended to Alaska and which now so amply protect the people from unlawful trusts and conspiracies in restraint of trade in mining and selling coal be denounced and amended to death, and a "wide-open" policy substituted therefor?

THE CUNNINGHAM TITLE.

Before discussing the proposed "amendments" to the coal-land laws in Alaska it is important to discover what private titles the United States has already created in those lands.

Prior to the passage of the act of May 28, 1908, and in February, March, April, and October, 1907, the 33 Cunningham claimants had made application for patent, published and posted each a 60 days' notice of the presentation of such application, and on the date fixed had made final proof in the United States land office at Juneau, Alaska, of their compliance with the existing laws. Six months after the expiration of the period of publication, no objections nor adverse claims having been filed by the United States or any citizen thereof, the proofs were made, filed, examined, and allowed, the receiver of the land office accepted the purchase price of $10 per acre, issued his official receipt therefor and turned the money into the United States Treasury. At the same time the register at Juneau issued the register's final coal certificate of entry in substantially the following form in each of the 33 cases:

REGISTER'S FINAL COAL CERTIFICATE OF ENTRY.

Coal entry No. 12. LAND OFFICE AT JUNEAU, ALASKA,
February 21, 1907.

It is hereby certified that in pursuance of the Revised Statutes of the U. S. relating to coal lands, Clarence Cunningham, residing at Spokane, in Spokane County, State of Washington, on this day purchased of the register of this office the Maxine coal claim in the Kayak recording district, Alaska, containing 159.241 acres, at the rate of ten dollars per acre, amounting to fifteen hundred ninety-two dollars and forty-one cents, for which said Clarence Cunningham has made payment in full as required by law.

Now therefore be it known that on presentation of this certificate to the Commissioner of the General Land Office the said Clarence Cunningham shall be entitled to receive a patent for the land above described if all be found regular.

JOHN W. DUDLEY, *Register.*

"If all be found regular," Clarence Cunningham and his 32 associates are entitled to their patents in fee from the United States. Irregularity may consist of fraud or perjury, it may be a criminal act punishable under the United States criminal laws, or it may be only such fraudulent representations or mistake which will justify the Department of the Interior in refusing to issue the patent. The United States statute of limitations provides a bar for prosecutions for crime if not brought within the time limit fixed thereby. The act of April 13, 1876, amending section 1044 of the Revised Statutes declares:

No person shall be prosecuted, tried, or punished for any offense, not capital, except as provided in section 1046, unless the indictment is found or the information is instituted within three years next after such offense shall have been committed.

The last act in the entry of these 33 Cunningham claims was performed on October 25, 1907, and the bar of the statute became complete on October 25, 1910, so that thereafter no person could be "prosecuted, tried, or punished for any offense"—for any fraud or perjury—connected with the location or entry of any of the 33 Cunningham claims.

"If all be found regular," however, includes more than criminal irregularity. The criminal prosecution may be waived and yet the evidence may be sufficient to justify the withholding of the patent. In the Cunningham cases, however, the Department of the Interior has neither prosecuted for fraud nor announced any finding that the entries ought to be vacated for fraud or mistake. More than three years have transpired since the last certificate was issued, and yet nothing has been done by the Government to declare these entries wrongful. The presumption of innocence is that the department has no evidence to justify a judgment that these entries are wrongful, neither to justify prosecution, which is now barred anyway, nor to justify the vacation of the entries for fraud or mistake. Then, what does the department intend to do?

The President proposes to enact the leasing system, while the Secretary of the Interior in his last report recommends:

A class of entries known as the Cunningham entries, made in 1907, have provoked wide discussion and popular interest, largely because of their alleged value and method of attempted acquisition. In view of such conditions I deem it of the highest importance that all these cases, involving 33 entries, or 5,280 acres, of coal lands, be transferred from the jurisdiction of the General Land Office directly to the court of appeals of the District of Columbia for consideration and adjudication, without the necessity for a ruling as to the validity or invalidity of these entries by the Commissioner of the General Land Office, as is now required in such cases.

Will the Cunningham group and other Alaskan coal lands be restored to the public by either of these methods?

THE LEGAL VALUE OF THE CUNNINGHAM ENTRIES.

The United States has issued and delivered to each of the 33 Cunningham claimants a final coal certificate of entry, which authorizes each of them to demand and receive a patent in fee without any further act on his part. It is the Government's move, and the very natural inquiry is, "What can the Government do about it?"

What legal value has a final coal certificate of entry, and what may the Government do to recover these Alaskan coal lands?

In a recent case, The United States against Detroit Lumber Co. (200 U. S., 321–337), the Supreme Court of the United States said upon this question:

* * * It becomes necessary to inquire what is the significance of a final receiver's receipt and the effect of a cancellation by the Land Department of such a receipt. The receipt is an acknowledgment by the Government that it has received full pay for the land, that it holds the legal title in trust for the entryman and will in due course issue to him a patent. He is the equitable owner of the land. It becomes subject to State taxation and under the control of State laws in respect to conveyances, inheritances, etc. (Carroll *v.* Safford, 3 How., 441; Witherspoon *v.* Duncan, 4 Wall., 210; Simmons *v.* Wagner, supra; Winona & St. Peter Land Co. *v.* Minnesota, 159 U. S., 526; Cornelius *v.* Kessel, 128 U. S., 456; Hastings & Dakota R. R. Co. *v.* Whitney, 132 U. S., 357; Benson Mining Co. *v.* Alta Mining Co., 145 U. S., 428.)

Indeed in some of the opinions of this court, emphasizing the value of a receiver's receipt, there are expressions which seem to underestimate the significance of a patent. (Wisconsin Central R. R. Co. *v.* Price County, 133 U. S., 496, 510; Deseret Salt Co. *v.* Tarpey, 142 U. S., 241, 251.) For it must be remembered the latter is the instrument which passes the legal title, and that until it is issued the legal title remains with the Government and is subject to investigation and determination by the Land Department. (Barden *v.* Northern Pacific R. R. Co., 154 U. S., 288, 326; Michigan Land & Lumber Co. *v.* Rust, 168 U. S., 589, 592; Guaranty Savings Bank *v.* Bladow, 176 U. S., 448.) But while until the issue of the patent the land is under the control of the Land Department which, upon proper investigation and for sufficient reasons, may set aside the certificate of entry, yet this power of the Land Department can not arbitrarily be exercised without notice to the entryman, and if improperly exercised the rights of the entryman may be enforced in the courts after the patent has issued to other parties. (Guaranty Savings Bank *v.* Bladow, supra.) It is true as against the Government and while the title remains in the Government he may not be able to enforce his equity, because no action can be maintained against the Government except upon contract express or implied. (United States *v.* Jones, 131 U. S., 1.) But while he may not sue on his equity, he may protect that equity when sued by the Government.

And in Cornelius against Kessel (128 U. S., 456, 460, 461) the court in an earlier case said:

* * * When the tract which was subject to entry was thus purchased and paid for it ceased to be subject to the disposal of the United States; it was not in equity their property. (Carroll *v.* Safford, 3 How., 440, 460; Witherspoon *v.* Duncan, 4 Wall., 210, 218.) The legal title, it is true, was retained by them, but they held it as trustee for the benefit of the purchaser, and they were bound upon proper application to issue to him a patent therefor.

* * * * * * *

The power of supervision possessed by the Commissioner of the General Land Office over the acts of the register and receiver of the local land offices in the disposition of the public lands undoubtedly authorizes him to correct and annul entries of land allowed by them where the lands are not subject to entry, or the parties do not possess the qualifications required, or have previously entered all that the law permits. The exercise of this power is necessary to the due administration of the Land Department. If an investigation of the validity of such entries were required in the courts of law before they could be canceled, the necessary delays attending the examination would greatly impair, if not destroy, the efficiency of the department. But the power of supervision and correction is not an unlimited or an arbitrary power. It can be exerted only when the entry was made upon false testimony or without authority of law. It can not be exercised so as to deprive any person of land lawfully entered and paid for. By such entry and payment the purchaser secures a vested interest in the property and a right to a patent therefor, and can no more be deprived of it by order of the commissioner than he can be deprived by such order of any other lawfully acquired property. Any attempted deprivation in that way of such interest will be corrected whenever the matter is presented so that the judiciary can act upon it.

From the foregoing and other authoritative decisions of the Supreme Court of the United States it follows that when Clarence Cunningham (and each of his 32 associates or any other person) made entry and payment for his Alaska coal claim and received from the United States register and receiver his final receipt and final coal certificate of entry (1) he became the equitable owner of the land; (2) that the United States thereafter held the legal title thereto in trust for him; and (3) will in due course issue to him a patent conveying the legal title. (4) Until the patent issues, and while the legal title remains in the United States, the facts upon which the title is based are subject to investigation and determination by the land department. (5) This power of the land department can not be arbitrarily exercised and without notice to the entryman, and (6) if it is so exercised, the entryman may enforce his rights in the courts after patent has issued to another for the land. (7) Upon notice to the entryman and a hearing under the rules and regulations of the Land Office, the land department may annul his entry when it is satisfactorily shown by clear and convincing evidence that the entry was made upon false testimony or without authority of law; but (8) such annulment can not be exercised so as to deprive him of lands lawfully entered, and (9) by such entry he acquired a vested property right which can not be destroyed except upon direct attack, upon notice and hearing in lawful proceeding. (10) The 33 Cunningham entries were completed in 1907, before Congress passed the antimonopoly act of May 28, 1908, which has no retrospective effect and does not attach to the Cunningham patents. They must issue under the law as it existed in 1907.

A NATIONAL LANDLORD AND TENANT SYSTEM FOR ALASKA.

Alaska has an appointive governor, an executive department, and a system of district and lesser courts, with appeals to the United States circuit court of appeals, ninth circuit, being practically the same executive and judicial departments that all other Territories have had. Alaska, however, has no legislature—no legislative department, no law-making body in the Territory. Congress is the only law-making body with power to enact laws for Alaska.

In his last message the President has urged upon Congress the enactment of but two laws for Alaska—one creating an appointive legislative commission, and the other a leasing system for coal lands. He said:

The passage of a law permitting the leasing of Government coal lands in Alaska after public competition, and the appointment of a commission for the government of the Territory, with enabling powers to meet the local needs, will lead to an improvement in Alaska and the development of her resources that is likely to surprise the country. * * *

The suggestion that the appointment of a commission will lead to the control of the government by corporate or selfish and exploiting interests has not the slightest foundation in fact. Such a government worked well in the Philippines and would work well in Alaska, and those who are really interested in the proper development of that Territory for the benefit of the people who live in it and the benefit of the people of the United States, who own it, should support the institution of such a government.

They do. The Literary Digest of September 3, 1910, quotes Senator GUGGENHEIM as declaring:

It has been repeated ad nauseum this winter that these riches belong to "the people," by which is generally meant the people who sit comfortably at home and not those who risk all they have, including their lives, and suffer hardships incredible to the ease-loving Easterners in finding them. They do. They are Federal possessions, quite valueless till found, developed, linked with the world, and made producing and

profitable. Men and capital must do this work, and it is risky work for both. Both are entitled to rewards commensurate with the risk, and if Alaska is to be developed at all the interests of these pioneers must be guarded as jealously as the interests of the man at home.

And Mr. Jacob H. Schiff, another of the Alaska syndicate, who said:

The demand for conservation is good enough, but it must not go as far as it does at present. Capital is readily frightened, and the fact is that population in Alaska is at present not increasing, because intending immigrants do not know what they can count upon. To me it appears that Alaskan resources, especially its coal and timbers, could be developed under the control of a United States commission, something like the Interstate Commerce Commission, a body which should determine how fast coal may be taken out and timber cut, what royalty should be paid to the Government, and, perhaps, even what percentage of profits should be permitted to be made by the promoters and corporations who desire to work these resources.

The Alaska syndicate and every vote and influence it could command, through persuasion or otherwise, supported the President's suggestion at the last election in Alaska. The nonresident Fish Trust, growing fat off the resources of Alaska, supported it. The Alaska Northern Railway, a present applicant for coal lease, supported it from its Canadian headquarters. Every Federal appointee in Alaska, guided and threatened by the appointive governor and the military head of the Alaska road commission, supported it. Two members of the Cabinet, then in Alaska, saw and approved these efforts and supported it. A letter from the President of the United States addressed to the governor of Alaska, publicly printed and widely distributed through Alaska, supported it. It had a large majority in the Alaska syndicate railroad construction gang, freshly imported from the States and voted in violation of the United States statutes; but the vigorous and independent American miners in Alaska, who know what it means from what they now see there, refused to support it and gave a large majority against it. The people of Alaska strongly disapprove of the creation of an appointive military legislative commission for the government of an American Territory, inhabited by more than 40,000 American citizens, and never will support it. It may "work well in the Philippines," but it will not in Alaska—there is a difference.

Nor do the people of Alaska, nor of the great West, nor in Indiana, nor in any other American community where they understand the situation, approve the principle that because the United States are made a trustee for the natural wealth and resources of the Territory of Alaska by the Constitution that they thereby "own it" and may sell and dispose of those resources as a private owner may, and put the royalty or kingly revenue into the United States Treasury for the benefit of those States which retained and used in their local development exactly the same resources.

In his St. Paul address, made a part of his message, the President leaves no doubt of his intention to put the United States in the attitude of a landlord and to lease the coal lands as the ordinary owner does. He said:

If the Government leases the coal lands and acts as any landlord would, and imposes conditions in its leases like those which are now imposed by the owners in fee of coal mines in the various coal regions of the East, then it would retain over the disposition of the coal deposits a choice as to the assignee of the lease, a power of resuming possession at the end of the term of the lease, or of readjusting terms at fixed periods of the lease, which might easily be framed to enable it to exercise a limited but effective control in the disposition and sale of the coal to the public. It has been urged that the leasing system has never been adopted in this country, and that its adoption would largely interfere with the investment of capital and the proper development and opening up of the coal resources. I venture to differ entirely from this view. My investigations show that many owners of mining property of this country do not mine it themselves, and do not invest their money in the plants necessary for the mining; but they lease their properties for a term of years varying from 20 to 40 years, under conditions requiring the erection of a proper plant and the investment of a certain amount of money in the development of the mines and fixing a rental and a royalty, sometimes an absolute figure and sometimes one proportioned to the market value of the coal. Under this latter method the owner of the mine shares in the prosperity of his lessee when coal is high and the profits good, and also shares to some extent in their disappointment when the price of coal falls.

Frankly and fairly the President proposes that the United States shall assume the position of an owner in fee of the coal lands in Alaska and lease them to private parties upon long-term leases with the usual covenants and risks of the ordinary owner of coal lands. He takes the position with respect to Alaska that the United States does "own it," and has the power to lease or sell its resources to the highest bidder.

In the sense of trusteeship it may be conceded that the United States does "own" Alaska, but the Constitution expressly declares that—

The Congress shall have power to dispose of and make all needful rules and regulations respecting the Territory or other property belonging to the United States.

That is the limit of the power of Congress to dispose of the resources of Alaska, and the question is raised whether, under that power, Congress may withdraw the public domain from "the people of the United States, who own it," and lease it, as the owner of private property may, for gain or royalty, and put the proceeds in the Public Treasury. Of course, if Congress may go into business as the owner of coal lands, it may do likewise with copper lands, gold lands, timber lands, oil lands, water-power lands, and agricultural lands; in fact, with anything belonging to the public domain.

If Congress may withdraw and lease for 50 years it may lease for 999 years. If it may withdraw and lease 1 acre, it may withdraw and lease 590,884 square miles—the whole area of Alaska. There is no limit to the power if it exists. If it has the power in Alaska it had it in respect to the Louisiana, Mexican, and Oregon Territories, and by its exercise might have prevented the acquisition of private titles in the public domain there, and thus effectually have prevented the creation of all the States west of the Mississippi River, as it may do in Alaska. If it has that power it may establish national landlordism over Alaska, and every man, woman, and child therein may be reduced to the status of a tenant and an employee of the Alaska Syndicate, the Fish Trust, or some other monopoly created by the landlord.

MAY THE UNITED STATES LAWFULLY GO INTO BUSINESS AS A COAL-LEASING LANDLORD IN ALASKA?

In Van Brocklin against State of Tennessee (117 U. S., 151, 158), the court declares:

The United States do not and can not hold property, as a monarch may, for private or personal purposes. All the property and revenues of the United States must be held and applied, as all taxes, duties, imposts, and excises must be laid and collected, "to pay the debts and provide for the common defense and general welfare of the United States." (Constitution, Art. I, sec. 8, cl. 1.)

Probably the principle announced in South Carolina against United States (199 U. S., 437, 454) will apply. In that case South Carolina embarked upon the business of selling intoxicating liquors, and created a monopoly of the business to itself by excluding all other persons therefrom. The United States demanded the license taxes prescribed by the internal-revenue act for dealers in intoxicating liquors; the tax was paid and the State sued to recover. The Supreme Court said:

The right of South Carolina to control the sale of liquor by the dispensary system has been sustained. (Vance v. W. A. Vandercook Co., No. 1, 170 U. S., 438.) The profits from the business in the year 1901, as appears from the finding of fact, were over a half a million of dollars. Mingling the thought of profit with the necessity of regulation may induce the State to take possession, in like manner, of tobacco, oleomargarine, and all other objects of internal-revenue tax. If one State finds it thus profitable, other States may follow, and the whole body of internal-revenue tax be thus stricken down.

More than this. There is a large and growing movement in the country in favor of the acquisition and management by the public of what are termed public utilities, including not merely therein the supply of gas and water, but also the entire railroad system. Would the State by taking into possession these public utilities lose its republican form of government?

We may even go a step further. There are some insisting the State shall become the owner of all property and the manager of all business. Of course this is an extreme view, but its advocates are earnestly contending that thereby the best interests of all citizens will be subserved. If this change may be made in any State, how much would that State contribute to the revenue of the Nation? If this extreme action is not to be counted among the probabilities, consider the result of one much less so. Suppose the State assumes under its police power the control of all those matters subject to the internal-revenue tax and also engages in the business of importing all foreign goods.

The same argument which would exempt the sale by a State of liquor, tobacco, etc., from a license tax would exempt the importation of merchandise by a State from import duty. While the State might not prohibit importations, as it can the sale of liquor, by private individuals, yet, paying no import duty, it could undersell all individuals, and so monopolize the importation and sale of foreign goods.

Obviously, if the power of the State is carried to the extent suggested, and with it relief from all Federal taxation, the National Government would be largely crippled in its revenues. Indeed, if all the States should concur in exercising their power to the full extent, it would be almost impossible for the Nation to collect any revenues. In other words, in this indirect way it would be within the competency of the States to practically destroy the efficiency of the National Government.

* * * * * * *

Whatever Utopian theories may have been presented by any writers were regarded as mere creations of fancy, and had no practical recognition. It is true that monopolies in respect to certain commodities were known to have been granted by absolute monarchs, but they were not regarded as consistent with Anglo-Saxon ideas of government. The opposition to the Constitution came not from any apprehension of danger from the extent of power reserved to the States, but, on the other hand, entirely through fear of what might result from the exercise of the powers granted to the Central Government. While many believed that the liberty of the people depended on the preservation of the rights of the States, they had no thought that those States would extend their functions beyond their then recognized scope, or so as to imperil the life of the Nation. As well said by Chief Justice Nott, delivering the opinion of the Court of Claims in this case (39 Ct. Cls., 284):

"Moreover, at the time of the adoption of the Constitution there probably was not one person in the country who seriously contem-

plated the possibility of Government, whether State or National, ever descending from its primitive plan of a body politic to take up the work of the individual or body corporate. The public suspicion associated government with patents of nobility, with an established church, with standing armies, and distrusted all governments. Even in the high intelligence of the convention there were men who trembled at the power given to the President, who trembled at the power which the Senate might usurp, who feared that the life tenure of the judiciary might imperil the liberties of the people. Certain it is that if the possibility of a government usurping the ordinary business of individuals, driving them out of the market, and maintaining place and power by means of what would have been called in the heated invective of the time, 'a legion of mercenaries,' had been in the public mind, the Constitution would not have been adopted, or an inhibition of such power would have been placed among Madison's amendments."

And the Supreme Court concludes:

If we look upon the Constitution in the light of the common law, we are led to the same conclusion. All the avenues of trade were open to the individual. The Government did not attempt to exclude him from any. Whatever restraints were put upon him were mere police regulations to control his conduct in the business and not to exclude him therefrom. The Government was no competitor, nor did it assume to carry on any business which ordinarily is carried on by individuals. Indeed, every attempt at monopoly was odious in the eyes of the common law, and it mattered not how that monopoly arose, whether from grant of the sovereign or otherwise. The framers of the Constitution were not anticipating that a State would attempt to monopolize any business heretofore carried on by individuals.

While the real point in issue in this decision concerns the power of the United States to compel the State to pay a revenue tax, the Supreme Court, in its argument, specifically and forcefully condemns the attempt of a State to go into business and conduct the sale of liquor for a profit, to create a monopoly of the traffic for itself, and to exclude all its citizens from engaging in that trade and profit. While the language of the court in that case is leveled at the attempt of a State to engage in private traffic for profit, it is equally as cogent and applicable to any attempt by the United States to engage in a similar enterprise. There is some reason and law to justify a State to take to itself a monopoly of the hated liquor traffic in the exercise of its police power to protect its inhabitants from the vice, crime, disorder, and poverty inflicted upon them through the liquor traffic, but no such excuse can be offered when the United States shall create a monopoly in itself and engage in the coal traffic with the property of "the people of the United States, who own it."

I am aware that in the case of the United States against Gratiot (14 Pet., 526) the Supreme Court held that Congress had power to lease the lead mines in Illinois for a short period under its power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States, but whether it will adhere to and extend that ruling and approve the present-day attempts to convert the public domain into a national business enterprise for national profit can only be judged of by the language used in the Tennessee and South Carolina cases.

If the administration coal-leasing bill now pending for passage in the Senate shall be sustained on principle, then so must those planks in the Socialist Party platform of 1908, which demands:

1. The collective ownership of railroads, telegraphs, telephones, steamship lines, and all other means of social transportation and communication, and all land.
2. The collective ownership of all industries which are organized on a national scale and in which competition has virtually ceased to exist.
3. The extension of public domain to include mines, quarries, oil wells, forests, and water power.
4. The scientific reforestation of timber lands and the reclamation of swamp lands. The lands so reforested or reclaimed to be permanently retained as a part of the public domain.

Communism may have its advantages over republicanism, but, unfortunately for such schemes as this national coal-leasing plan for Alaska, the Constitution of the United States expressly declares that "the United States shall guarantee to every State in this Union a republican form of government."

May the Congress, then, depart from republican principles in its legislation and establish a communistic form of government in a Territory? May it establish a national coal-land leasing monopoly, a national oil-land leasing monopoly, a national fur-seal leasing monopoly, a national forest-land monopoly, and a national monopoly of all the other resources of that helpless Territory, in its own right, as a national landlord, for national profit, and use the public domain, the Public Treasury, and the powers and instrumentalities of the Nation in aid of its exclusive national business enterprises? May it withdraw the public domain and its treasures from "the people who own it" and reduce them to the status of tenants upon the estate of the national landlord?

As the representative of the people of Alaska, I protest against the extension of any such a principle of government to that Territory.

ALASKA'S CENTURY OF SERVITUDE TO NATIONAL MONOPOLY.

Before Thomas Jefferson became President of the United States Alaska and all its resources were leased by the Czar of all the Russias to the Russian-American Co. While it had been previously explored and its resources prospected by hardy and independent traders and subjects of the Czar, while they had blazed the trails and located the natural wealth of the land and the sea, this first leasing bill destroyed their pioneer rights and compelled them to return to Siberia in despair or to accept such employment as the company might give its serfs, at such wages as it pleased to bestow.

THE FIRST RUSSIAN-AMERICAN CO.'S LEASE, 1799.

"By the grace of a merciful God, we, Paul I, Emperor of all the Russias," leased Alaska to the Russian-American Co., for 20 years, on July 8, 1799. Most great grafts emanating from the throne are thus announced. The livery of heaven is borrowed to serve the devil in.

The manner of securing this first lease from the Czar for the Russian-American syndicate is graphically described by Bancroft; it is typical, and for comparison's sake it is quoted:

Nevertheless it was at first feared that the decease of Catherine II would be a death-blow to the ambitious schemes of the Shelikof party, for it was known that her successor, Paul I, was opposed to them. But Rezanof never for a moment lost heart, and with the versatility of a true courtier, quickly adapted himself to the change of circumstances. He had been a faithful servant to the pleasure-loving Empress, and he now became a constant companion and attendant upon the feeble-minded man who wore the crown. So successful were his efforts that on the 11th of August, 1799, the act of consolidation of the United American Co. was confirmed by imperial ukase, and the association then received the name of the Russian-American Co.

In the lease or charter the Czar took the company under "our highest protection," and, "for the purpose of aiding the company in its enterprises, we allow the commander of our land and sea forces to employ said forces in the company's aid, if occasion requires it," and granted to it the exclusive right—

III. To use and profit by everything which has been or shall be discovered in those localities, on the surface and in the interior of the earth, without competition from others.

Having thus obtained the coal, copper, and all other resources, and that there might be no independent or progressive views abroad in that region, the sixth privilege recited that the company had the right—

VI. To employ for navigation, hunting, and all other business free and unsuspected people having no illegal views or intentions. In consideration of the distance of the localities where they will be sent, the provincial authorities will grant to all persons sent out as settlers, hunters, and in other capacities passports for seven years. Serfs and house servants will only be employed by the company with the consent of their landholders, and Government tax will be paid for all serfs thus employed.

Evidently, also, conservation had a hold in Russia, for the next privilege extended to the company provided for cutting timber on the Government's forest reserves, as follows:

VII. Though it is forbidden by our highest order to cut Government timber anywhere without the permission of the admiralty college, this company is hereby permitted, on account of the distance of the admiralty from Okhotsk, when it needs timber for repairs, and occasionally for the construction of new ships, to use freely such timber as is required.

The monopoly was then made safe and secure by the tenth provision:

X. The exclusive right is most graciously granted to the company for a period of 20 years to use and enjoy, in the above-described extent of country and islands, all profits and advantages derived from hunting, trade, industries, and discovery of new lands, prohibiting the employment of these profits and advantages not only to those who would wish to sail to those countries on their own account, but to all former hunters and trappers who have been engaged in this trade and have their vessels and furs at those places; and other companies which may have been formed will not be allowed to continue their business unless they unite with the present company with their free consent; but such private companies and traders as have their vessels in those regions can either sell their property or, with the company's consent, remain until they have obtained a cargo, but no longer than is required for the loading and return of their vessel; and after that nobody will have any privileges but this one company, which will be protected in the enjoyment of all the rights mentioned.

Being fearful that something might escape from the syndicate through the natural inclination of men to do justice, the last clause provided that—

Only partners of the company shall be employed in the administration of the new possessions in charge of the company.

Armed with this imperial lease and flanked and guarded by the Russian Army and Navy, the monopoly of the Russian-American Co. was established over Alaska and maintained there to the exclusion of every independent trader and settler. Among the stockholders were the Czar and his Empress, grand

dukes and senators, and men high in the service of the Russian Government. Its purpose was monopoly; its object, the exploitation of the natural resources of Alaska.

THE RUSSIAN SYNDICATE'S SECOND LEASE, 1821–1844.

In his history of Alaska, Bancroft states that—

At the end of the 20 years for which the exclusive privileges of the Russian-American Co. were granted, we find this powerful monopoly firmly established in the favor of the Imperial Government, many nobles of high rank and several members of the royal family being among the stockholders.

On the 4th of September, 1821, Alexander signed the ukase granting the company a 20 years' extension of its monopoly of Alaska and the right—

III. To enjoy and use all that has been found or discovered within the limits of the localities described, on the surface as well as in the bowels of the earth, and all that they may hereafter discover, regardless of any claims advanced by others.

Under these charters the Russian-Alaskan syndicate prevented foreign trade, forbade the settlement of the land, enslaved the natives, robbed them of their liberties and furs, provoked tribal wars, and maintained a fur-trading monopoly to the exclusion of every manner of development of the Territory. Great profits were heaped up and divided among noble shareholders, while the fur-bearing animals were all but exterminated by ruthless hunting. They built their camps and trading posts on the copper ledges of Prince William Sound; examined with childish curiosity the copper nuggets from Chitina, where the present-day Alaska syndicate owns the richest copper deposits in America; they caught seal and walrus on the golden sands at Nome; they saw the vast coal deposits of Cook Inlet, Matanuska, and Katalla without any concern, though chains and irons for fettering human limbs, found in illy worked coal pits, proved that Siberian convicts worked the coal. They sailed through salmon and halibut shoals unequaled in the world, and saw no promise of empire in the valleys of the Yukon, Kuskokwim, Susitna, and Copper Rivers, though these valleys were wide, fertile, and enjoyed a climate milder and more salubrious than that of their own native land.

THE RUSSIAN-ALASKA SYNDICATE'S THIRD LEASE, 1844–1863.

On October 10, 1844, the Czar granted the third lease of Alaska to the Russian-American Co. for an additional 20 years from that date. Its provisions were even more drastic and monopolistic than those in former leases. The company had assumed and exercised the powers of a provincial government, and administered its ideas of justice with the cannon and the lash. As the resources of the country became known to the English and American traders they pushed their trade into that field by diplomacy when they could and by force when they were obliged to.

The company assumed to sublease the resources of Alaska to whomsoever would pay the rentals demanded; the whole of what is now southeastern Alaska was leased to the British Hudson Bay Co. for more than a decade for royalty in furs; the company denied the Russian inhabitants any individual rights to trade, farm, or manufacture; they forbade the settlement of the rich alluvial valleys by farmers, and they gave no title to the soil; all that was upon or in the bowels of the earth was held to belong to the Czar and for exploitation by the company; and no right to a home, a mine, or fisheries could be obtained by the Russian serfs or subjects.

They had been accustomed to submit without a murmur to the dictates of the governor, from whom there was no appeal, save to a court from whose seat they were separated by more than one-third of the earth's circumference. This, however, was under what might be called a half-savage régime.

Those who came to Alaska came as servants to the great monopoly, which ruled with an iron hand and without appeal; education and religion were controlled by the Czar and aided only to benefit the company; the people were oppressed and bound to service where the company willed; freedom was forbidden in settlement, trade, religion, or thought; as a necessary result of this harsh and military rule the growth and development of the country were prevented.

Thus, for 60 years Alaska's resources were exploited under a national leasing system by the Russian-American Co. It yielded enormous profits to the syndicate, but destroyed development and weakened the Russian Empire. There was no population or power in the Territory for local protection, and it became a source of expense and anxiety to the Empire, which had to appropriate great sums for its protection. To save it from foreign encroachment and probable loss, Russia sold it to the United States in 1867 for $7,200,000, a sum not more than one-half of the present value of one year's output of its fisheries.

THE FIRST UNITED STATES LEASE OF ALASKA'S RESOURCES, 1870–1890.

When the military forces of the United States landed in Sitka on October 18, 1867, to take possession of Alaska for the United States, a merchant from San Francisco landed from the same vessel. He immediately purchased from the Russian governor all the vessels and other property of the Russian-American Co. This purchase was followed up by his friends and associates by an application to Congress for the reservation of the only valuable resource then known to exist in Alaska. On March 3, 1869, the fur-seal islands were reserved by an act of Congress, and a year later, on July 1, 1870, Congress authorized their lease for 20 years. Thirty-two days later, on August 3, 1870, the United States leased the fur-seal reservation and the exclusive monopoly of taking fur seals to the Alaska Commercial Co. for 20 years, the lease providing that the company should pay to the United States $55,000 per annum rental and a revenue tax of $2 each upon the skins. The company covenanted not to kill more than 100,000 seals per annum and to maintain and support the Aleut sealers upon the islands.

For 20 years the Alaska Commercial Co. maintained the monopoly in Alaska which had existed under the Russian syndicate for 60 years preceding. When the United States acquired the cession, there were, it has been officially estimated, 6,000,000 fur seals on the rookeries, and the Alaska Commercial Co. made immense fortunes for its stockholders out of the lease. During the 20 years the Government made a net profit of $5,738,724 out of the rental and royalty and placed it in the United States Treasury.

And Alaska? Alaska lost her resources and gained nothing in development.

THE SECOND UNITED STATES LEASE OF ALASKA'S RESOURCES, 1890–1910.

On March 12, 1890, the United States made the second lease of the fur-seal islands to a new-named company, the North American Commercial Co., for an additional 20 years, at a rental of $60,000 per annum, and a revenue tax or duty of $2 and an additional amount of $7.62½ for each sealskin.

Notwithstanding this largely increased rental and the payment of the additional sum on each skin, the Government suffered a net loss for the last 20 years of $2,247,554, and the seal herd was reduced to only about 75,000.

The net result of this 40 years' national leasing of Alaska's resources is that $50,400,259 in value of Alaska's fur-seal resources were taken out of the Territory, at an actual loss during the last 20 years of more than two and one-quarter million dollars out of the United States Treasury.

And what did Alaska get for her citizens or in development? Not one cent.

Not a home was built in Alaska out of that immense fur-seal wealth; not a schoolhouse; not a single child was educated in Alaska out of it; not a single church was built there. It paid nothing toward maintaining government in Alaska, nor did it establish a single Alaska enterprise.

The national leasing system robbed Alaska of $50,400,259 of her fur-seal resources in 40 years, and in the last 20 years cost the United States Treasury a direct loss of $2,247,544 more than it received from leasing the fur seals. Alaska lost her resources and the national landlord lost the rent and a large deficit in appropriations besides.

A NEW NATIONAL FUR MONOPOLY IN ALASKA, 1910.

On April 30, 1910, the lease to the North American Commercial Co. expired; the landlord found a big red deficit and the herd of fur seals nearly destroyed. Congress then concluded to quit the inactive life of a landlord and go into active business for itself and work the Alaskan fur-seal game preserves as an owner and business corporation has a right to do. By an act of Congress approved April 21, 1910, the United States embarked in the business as a governmental monopoly, and is now engaged in propagating seals, curing the skins, and selling them to its brother monopoly in London for a profit.

The act of April 21, 1910, provides that the Secretary of Commerce and Labor shall have power to kill the seals on the Pribilof Islands, and that all seals taken—

shall be sold by the Secretary of Commerce and Labor in such market, at such times, and in such manner as he may deem most advantageous, and the proceeds of such sale or sales shall be paid into the Treasury of the United States.

The Pribilof Islands are declared to be a special reservation for governmental purposes—for propagating and taking the fur seals that annually come there to breed—and the Secretary is commanded to employ the native inhabitants of the islands to kill the seals and cure the skins for the United States. It is

made unlawful to land on the islands, and any person found there shall be summarily removed and punished by fine and imprisonment. The killing of fur seals is prohibited, and—

No citizen of the United States, nor person owing duty of obedience to the laws or treaties of the United States, nor any person belonging to or on board of a vessel of the United States, shall kill, capture, or hunt, at any time or in any manner whatever, any fur seal in the waters of the Pacific Ocean, including Bering Sea and the Sea of Okhotsk, whether in the territorial waters of the United States or in the open sea.

General and unlimited authority is given to the Secretary to employ officers, agents, and employees; he is authorized to buy all the houses, boats, horses, wagons, and all other property of the retiring lessee, the North American Commercial Co., and—

* * * He shall likewise have authority to establish and maintain depots for provisions and supplies on the Pribilof Islands and to provide for the transportation of such provisions and supplies from the mainland of the United States to the said islands by the charter of private vessels or by the use of public vessels of the United States which may be placed at his disposal by the President; and he shall likewise have authority to furnish food, shelter, fuel, clothing, and other necessaries of life to the native inhabitants of the Pribilof Islands and to provide for their comfort, maintenance, education, and protection.

A few weeks ago an official from the Department of Commerce and Labor took over to London the sealskins from the national preserves for 1910. He sold them to the same old manufacturing monopoly which had handled them for the two previous lessees, and turned the money obtained into the United States Treasury. When the expense for the year is paid, including direct appropriations from the Treasury and the maintenance of revenue cutters on guard at the rookeries, there will be, exactly as in 1909, an actual loss to the Government on the year's fur business of about $150,000.

A recent report of the Bureau of Fisheries declared:

The Alaskan fur seals constitute the most valuable fishery resource that any Government in the world ever possessed. It is little less than a national disgrace that the herd of four to six million seals which came into our possession when Alaska was acquired from Russia and has been under our charge ever since should have been allowed to dwindle until to-day it numbers less than 150,000 of all ages.

And this result came from national leasing to a private monopoly for 40 years! The United States has now organized a national, instead of a private, monopoly, and will itself attempt to save the remnant of this greatest of Alaska's resources.

A NATIONAL SALMON MONOPOLY IN ALASKA, 1878–1911.

A statement of the amount of Alaska's fishery output since 1868, arranged from official sources, is herewith given:

Years.	Walrus ivory.	Aquatic furs.	Fur seals.	Whalebone.	Fish.	Total.
1868-1905	$343,542	$12,189,484	$47,896,383	$567,417	$77,045,812	$138,042,638
1906	7,190	42,741	454,585	42,242	8,524,332	9,071,090
1907	5,671	36,805	484,649	114,240	9,518,818	10,160,183
1908	9,393	35,178	459,950	202,761	11,140,161	11,847,443
1909	781	73,131	597,983	87,324	10,422,169	11,181,388
1910	1,000	75,000	506,709	85,000	12,482,291	13,150,000
Total	367,577	12,452,339	50,400,259	1,098,984	129,133,583	193,452,742

Figures for 1910 are estimated by the Bureau of Fisheries. Shipments of fur-bearing animals (exclusive of aquatic fur-bearing animals) for 1910 amounted to $334,573.

If you were in Bristol Bay, Alaska, now you would see many great cannery buildings filled with machinery and fishing gear, but cold and lifeless. A single watchman at each plant keeps ward for nine months in the year. If you were to return to that bay in May, a different scene would greet you. Away off to the southwest you would see a fleet of vessels, like a hostile armada, coming northward through the Aleutian Passes. As the cloud of sail approaches it separates, and different vessels seek the docks to which they belong, and immediately begin to unload the season's supplies. First come thousands of men—from San Francisco, Portland, and Seattle—Chinese, Japanese, and nonresident fishermen, under a contract to go to Alaska for the short fishing season of three months, and to be paid on their return to their home ports. The wharves groan with the weight of the merchandise and the supplies for the imported fishermen, and with the season's fishing outfit. The boarding houses are opened, the stoves lighted, tables prepared, the fires are started in the canneries, boats are pulled out of winter quarters, tackle is prepared, sails hoisted, and in a few hours the bays and the rivers are white with the sails of the fishing fleet. For the next two months all is life and bustle. The business never stops. Fish, fish, fish everywhere. Boats, scows, wharves, and canneries are filled with fish; the machinery grinds, men work with nervous haste, and the finest crop of salmon ever seen in the waters of the world is caught and canned in this bay. Day and night the harvest proceeds, for the bay is sunlit 20 out of the 24 hours, and it is never dark. Crews are changed with military precision—while part sleep the others work—and the movement of fish from the sea into the cans never ceases. In 60 days the season is ended. Every can is filled.

And now the armada embarks its stolen riches. The holds of its vessels are filled with a season's crop—it amounted to more than $12,000,000 in value last year—the Chinese, Japanese, and nonresident fishermen are loaded; the fleet sails away through the Aleutian passes, leaving the cannery buildings and a watchman for another long winter; and Alaska has lost another crop. Out of nearly $130,000,000 worth of fish thus taken from Alaska not a home nor a school nor a church has been built nor a child educated in the Territory.

Alaska got nothing. What did the United States get?

In answer to that inquiry the following statement has been received from the Attorney General:

DEPARTMENT OF JUSTICE,
Washington, January 9, 1911.

Hon. JAMES WICKERSHAM,
House of Representatives.

SIR: Referring further to your letter of the 3d instant, the following statement is submitted, showing the gross amounts received through taxes or other sources on account of the salmon fisheries of Alaska since the time the Department of Justice has been charged with the collection of these moneys:

1900 (July 1 to Dec. 31)	$1,911.66
1901	54,319.94
1902	70,219.36
1903	44,161.46
1904	139,683.36
1905	78,488.55
1906	71,223.37
1907	88,745.46
1908	105,466.64
1909	81,309.16
1910 (Jan. 1 to Sept. 30)	118,154.42

The credits given each cannery on account of the fry released from its hatchery, in accordance with the provisions of the act of June 26, 1906, are as follows:

Alaska Packers' Association:	
1907	$44,658.16
1908	38,272.32
1909	29,668.80
1910 (Jan. 1 to Sept. 30)	23,956.00
Northwestern Fisheries Co., 1908	6,917.48
North Pacific T. & P. Co., 1909	1,280.00

The figures given in this statement represent only the collections for the respective years, as shown by the accounts of the clerks of the district courts, and are without regard to the period or year of the output, i. e., the time the taxes or credits accrued.

The amounts of the collections and credits as shown for the year 1910 cover merely the period from January 1 to September 30, as the accounts for the quarter ended December 31, 1910, have not as yet been received.

Respectfully,
J. A. FOWLER,
Acting Attorney General.

Here, then, is exactly what the United States got:	
From the total amount paid by the canneries	$853,683.38
Subtract credit for private hatcheries	144,752.76
Leaves net cash payment by canneries	708,930.62
Subtract appropriations for Alaskan fisheries	200,221.01
Net national receipts from Alaskan fisheries	508,709.61

The gross amount paid by the canneries amounts only to a tax of a fraction of over 6 mills on the dollar, or three-fifths of 1 per cent of the value of the crop taken out, while the net amount received by the United States amounts to a fraction less than 4 mills on the dollar, or less than two-fifths of 1 per cent of the value of the product taken.

If a resident builds a home and enters into business as a merchant or manufacturer, in any incorporated town in Alaska, the United States first compels him to pay a license tax amounting to practically 5 mills on the dollar of the gross amount of business he transacts, then the town taxes him 20 mills on his real and personal property, and he is further required to pay a poll and other personal taxes. In short, he pays six times as much in proportion as the nonresident cannery trust pays, besides all the other aid and assistance which he gives to the development of the Territory. Without exception, the laws of the United States applicable to Alaska nourish monopoly and punish the homemaker and the man engaged in actual development of the Territory.

Alaska gets nothing, and the United States gets but one-sixth of the proportionate tax a resident pays, out of the Alaska fisheries.

What does the fish trust get?

In its annual statement for 1908, filed with the Committee on the Territories of the House of Representatives on June 18, 1910, the Alaska Packers' Association claims to have made in gross profits in 16 years, from 1893 to 1908, both inclusive, $9,374,703.

Alaska Packers' Association, comparative statement, 16 years.

Years.	Gross profits before writing down values and paying dividends.	Written off.	Dividends paid.	Surplus.	Capital stock paid in.	Shares issued (par value $100).	Canneries operated.	Cases packed.
1893	$461,452			$461,452	$2,841,280	43,712	13	462,650
1894	494,679	$20,955	$393,408	80,316	3,079,505	47,377	14	556,494
1895	607,615	30,101	426,393	151,121	3,079,505	47,377	16	526,806
1896	665,689	41,815	426,393	197,481	3,079,505	47,377	18	699,826
1897	627,306	91,640	431,532	104,134	3,120,000	48,000	19	818,207
1898	766,078	167,292	432,000	166,786	3,120,000	48,000	19	775,969
1899	829,021	143,991	432,000	253,030	3,120,000	48,000	19	877,723
1900	1,155,869	301,857	432,000	422,012	3,120,000	48,000	20	1,004,318
1901	862,886	81,142	432,000	349,744	3,120,000	48,000	22	1,273,566
1902	801,383	73,421	576,000	151,962	3,120,000	48,000	23	1,306,947
1903	1,142,255	216,432	576,000	349,823	3,120,000	48,000	23	1,334,824
1904	109,198	140,956	552,000	[1] 583,758	3,120,000	48,000	21	1,170,474
1905	[1] 1,074,402	345,437	[2] 2,039,655	[1 2] 3,459,494	[2] 5,750,800	57,508	16	1,139,721
1906	213,571	211,932		1,639	5,750,800	57,508	16	1,044,676
1907	831,421	221,775		609,646	5,750,800	57,508	16	1,100,035
1908	880,682	217,574		663,108	5,750,800	57,508	16	1,160,477
Total	9,374,703	2,306,320	7,149,381	[1] 80,998	5,750,800	57,508	.....	15,252,713

[1] Reductions.

[2] Includes $1,680,000 transferred to capital stock.

In addition to the profits shown in the above statement, taken from the Sixteenth Annual Statement of the Alaska Packers' Association for 1908, its seventeenth annual report shows this statement:

The profits for 1909 were $779,728.69. Added to the previous statement, it is an admission that this nonresident fish trust has actually received $10,154,431 in profits from the Alaska fisheries, or a sum equal to twice the amount of its invested capital stock. It justifies the statement of Mr. John Rosene, who organized the Guggenheim end of the fish trust, that the business pays more than 25 per cent annual profit. And this is only one of the many nonresident corporations taking Alaska fish.

What has Alaska received? Nothing; not even development or population. And the United States? The same. And what of the Alaska fisheries? In his evidence before the Committee on the Territories of the House of Representatives last spring Dr. Barton W. Everman, of the United States Bureau of Fisheries, testified in respect to the value of the Karluk salmon stream, on the north shore of Kadiak Island, that it was "the greatest in the world." And he then admitted that it was practically fished out, depleted, and destroyed by the wasteful and unlawful methods adopted by the fish trust.

Dr. David Starr Jordan, the greatest authority on the fisheries of Alaska, in a letter dated December 9, 1907, declared that the rivers emptying into Bristol Bay "are the greatest salmon streams in the world;" and he then added:

> These streams have been badly overfished and the output has fallen off. It will continue to fall away with great rapidity to the injury of the fishermen, the packers, and the people of the United States, to whom these rivers belong.

The Alaska fur-seal resource was depleted 99 per cent from 1868 to 1910 by the leasing system, and by practically the same system the Alaska salmon resource is on the same downhill road to rapid extinction. It is a system of destruction, and not of development.

What the Alaska salmon fisheries need is conservation and protection by the United States, until the people of Alaska, by a local legislature, can conserve and protect them. Alaska also needs such legislation by Congress as will require these nonresident monopolists to pay their reasonable proportion for the support of government in, and the development of, Alaska; and such a protective tariff as will enable the Alaska fisheries to support resident Alaska fishermen and their homes, churches, and schools.

A NATIONAL FOREST MONOPOLY IN ALASKA, 1902–1911.

Congress has authorized it, and the President has withdrawn from settlement or entry and reserved for forestry purposes in southeastern and southern Alaska, 26,761,626 acres, or 41,815 square miles, of the public lands, an area larger than the State of Ohio. This immense reserve covers nearly the whole of the habitable seacoast of Alaska—all that part most favorable to settlement and nearest to civilization. All those islands constituting southern Alaska, blessed with a mild climate, where fishermen would settle and begin homes and hamlets, through which steamboat navigation is safe and regular, where Alaska's capital and other permanent and important towns are located, are thus blanketed with the cloud of withdrawal and reservation.

All that region at the head of the Gulf of Alaska, where railroad building is desirable and actually under way, where the valuable coal mines lie, and through which the coal must come to the sea, is also reserved. Where the battle for development is reasonably easy, the Government has added all that it could to the burden by a forestry reservation. Where settlements have existed for a century, where the cable and telegraph lines connect with the outside world, where roads, schools, homes, and permanent population have been created in this seacoast wilderness, reservations have been created, leaving only a mile in circuit around a few of the larger towns, even around the capital of the Territory itself.

The forty-fourth regulation in the Forestry Use Book provides:

> REGULATION 44. Without permit, and free of charge, settlers, farmers, prospectors, fishermen, or similar persons residing within or adjacent to national forests in Alaska are granted the privilege of taking green or dried timber from the forests and driftwood, afloat or on the beaches, for their own personal use, but not for sale: *Provided*, That the amount of material so taken shall not in any one year exceed 20,000 feet board measure or 25 cords of wood: *And provided further*, That the person enjoying this privilege will, on demand, forward to the supervisor a statement of the quantity of material so taken and a description of the location from which it was removed.

An Indian may not even take "driftwood, afloat or on the beaches," without liability to report the fact to the forestry officers. Neither he nor a citizen can cut cordwood for his own use without more red-tape formulas than the wood is worth. Formerly he could cut a few logs in the winter season and kill a few fur seals when on their northern migration in the spring, and thus secure a living for himself and family. Both these sources of livelihood are now penalized, and the Indian and the poor white settler are both alike threatened with extinction. Settlements and development in the most favored portions of the Territory are practically prohibited and the land held in a state of nature, while the people, homes, and civilization are barred from the country—and why?

To protect the forests from fire? No, for the rainfall at Sitka last year was 79 inches—6 feet and 7 inches over the region—and the forests can not be burned. To protect the water supply? No; for the largest glaciers in the world exist in these forest reserves and the tremendous rainfall renders the forests unimportant for that purpose. To prevent cutting and export? No; for prior to the creation of the reserves the law forbade the exportation and the timber was cut only for local uses and development, but under the forestry administration one may buy, saw, and export freely. There is no reason known to the theory

of forestry for this Alaska forestry reservation, except to sell the timber and turn the money into the United States Treasury. Does that pay? It does not, and never will.

Following is a financial statement prepared by the Forest Service, showing the losses for every year since the reservations were created:

Statement of receipts and expenditures, national forests, Territory of Alaska, from July 1, 1905, to June 30, 1910.

	1906	1907	1908	1909	1910	Total.
RECEIPTS.						
Timber sales	$1,305.30	$3,162.85	$6,300.50	$10,510.90	$15,288.52	$36,568.07
Timber settlement		16.29				16.29
Timber trespass	1,180.89	112.50	3,978.75	1,149.91	1,192.58	7,614.63
Special use	343.88	379.88	459.88	550.28	297.18	2,051.10
Not classified					2,723.74	2,723.74
Total	2,830.07	3,671.52	10,739.13	12,211.09	19,502.02	48,953.83
Refunds of excess payments	118.64			934.10	376.55	1,429.29
Net total receipts	2,711.43	3,671.52	10,739.13	11,276.99	19,125.47	47,524.54
EXPENDITURES.						
Salaries	1,950.00	2,318.00	3,875.99	8,148.35	13,366.89	29,659.23
Expenses	2,765.22	2,260.73	3,826.45	6,875.98	8,057.07	23,785.45
Permanent improvements			50.96	11,300.00	1,400.00	12,750.96
General administration and inspection Forest Service—proportion chargeable to Alaska	1,320.00	1,850.00	4,015.00	5,530.00	7,115.00	19,830.00
Total expenditures	6,035.22	6,428.73	11,768.40	31,854.33	29,938.96	86,025.64
Total receipts	2,711.43	3,671.52	10,739.13	11,276.99	19,125.47	47,524.54
Loss	3,323.79	2,757.21	1,029.27	20,577.34	10,813.49	38,501.10

Thus in five years the Government has suffered an actual loss of its timber and $38,501.10 out of the Public Treasury, and who has gained thereby? Nobody—not even Alaska. The Forest Service is a failure in Alaska from every standpoint.

In his last annual report the governor of Alaska very properly says:

> Steps should be taken without delay to restore large portions, if not all, of the Chugach National Forest to the public domain. Many thousand acres of this reservation are almost treeless, and the conditions are such as to render any measures for the conservation of water absurdly unnecessary. Such scattered timber as may be found for small uses should be freely available to assist in development enterprises and to encourage settlers.

Nor is there much greater reason for continuing to retard development by the maintenance of the Tongass National Forest. It can not be burned, is not needed to conserve the water supply, and may be as well protected by an agent from despoilation without reservation as with it. It ought freely to be used for the development of Alaska "by the people who own it."

Settlers are, so far, excluded from this Alaska forest reserve, as large as Ohio, and the fact is admitted that since the reserves were created in 1902 not a single homesteader nor American settler has been allowed to plant an American home on that area. Is it possible that Congress will maintain longer a situation so intolerable? Have the "people who own it" no right to a home on the Alaska public domain? Will Congress sanction the continued existence of a system of forestry reservations in Alaska which prevents settlements, homes, schools, churches, and bars civilization and development therefrom?

A NATIONAL PETROLEUM MONOPOLY IN ALASKA, 1910.

In pursuance to the power granted to him by the withdrawal act of June 25, 1910, and on November 3, 1910, the President made the following order:

> NOVEMBER 3, 1910.
>
> ORDER OF WITHDRAWAL—PETROLEUM RESERVE NO. 12—ALASKA NO. 1.
>
> It is hereby ordered that all the public lands and lands in national forests in the District of Alaska containing petroleum deposits be, and the same are hereby, withdrawn from settlement, location, sale, or entry, and reserved for classification and in aid of legislation affecting the use and disposal of petroleum lands belonging to the United States.
>
> WM. H. TAFT, *President.*

In pursuance of the general policy announced in the President's message bills have been introduced in Congress, and will probably pass, authorizing the special disposal of oil and gas lands in Alaska. Senate bill 9011 has passed the Senate, and is now before the House for consideration.

It is quite apparent that the withdrawal order covers every portion of Alaska. There is no attempt to reserve particular lands, but "all the public lands and lands in national forests in the District of Alaska containing petroleum deposits" are withdrawn. What lands contain petroleum can not be ascertained until after deep borings are made, and thus again a blanket reservation is made of every foot of land in Alaska.

Whether the Department of the Interior will hereafter grant a patent to a homestead or a mining claim until it has been ascertained and affirmatively established as a fact by the applicant, by extensive and costly borings, that the lands do not contain petroleum, can only be conjectured. No law exists requiring any such proofs without the general mineral-land laws may require it, and if they do, and such proofs are demanded, then development must stop for that reason. At any rate, this petroleum order of withdrawal is a cloud upon the title to every location or entry of land in Alaska, and, in charge of the objecting bureau clerk, will add an additional burden and become a substantial bar to development therein. The fact that there may never be any petroleum of value found there and that none is known to exist will not relieve the situation but only adds to the maze of doubt, uncertainty, and confusion affecting that unhappy Territory by illy drawn laws passed by an uninformed Congress.

Mr. SULZER. I yield 10 minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Chairman, I listened with unusual interest to the informing discourse delivered by the gentleman from Iowa, the chairman of the Committee on Military Affairs. I was glad that he, being able to speak from knowledge, took occasion to reply to those ill-informed critics who constantly claim, Cassandra-like, that the Government is beset with woes, likely to fall into pitfalls of danger, and surrounded by imminent disasters, because of the inefficiency of the Army of the United States. Why, sir, if the Army of the United States, size for size, is not more efficient than any other army in the world, then we have been vastly mistaken in the character of our people, and the extraordinarily liberal sums of money that this Congress has voted have been criminally misapplied in the expenditure. But I do not believe that the Army is inefficient in any degree whatever. Except, perhaps, in the question of Field Artillery, to which the gentleman referred, we are as well armed as an army can be. We have a growing and soon to be entirely abundant supply of reserve ammunition for certain classes of arms, and I want to reassure gentlemen who have been disturbed by the prophecies of evil by the gentleman from Alabama [Mr. HOBSON] that there is no such imminent risk, so far as the Army of the United States is concerned, and if our people will only keep their nerves they may still sleep quietly even though they reside on the western side of the Rocky Mountains. [Applause.]

I concur most heartily in what my colleague the gentleman from New York [Mr. SULZER] said with reference to the long and distinguished service of the gentleman from Iowa [Mr. HULL], with whom I have had the honor of serving for 12 years in the work of preparing these bills for your consideration.

Personally, that work has been agreeable. Officially, we have so infrequently had divisions along partisan lines in that committee that if there is an instance of it it has now gone entirely out of my mind. He and I have worked with an eye single to the interests of the country. I believe that other Members have also, and I regret also that we are not to have the advantage of his counsel and of his long experience in the preparation of the next bill. I would have been entirely reconciled to see him moved in the committee room, for I have been anxious to see how he would decorate the other end of the table [laughter], but to have him entirely expelled from the room was beyond my purpose in any fight I have made on him heretofore.

Mr. Chairman, it was my purpose, pending the consideration of the diplomatic and consular appropriation bill, to submit a few observations upon the subject touched in the editorial from the New York Times that I send to the desk and ask to have read.

The Clerk read as follows:

AMERICANS ABROAD.

Gen. Lee Christmas and his warriors, many of whom claim American citizenship, are restive at Puerto Cortez, because they are withheld from fighting by an armistice. Our brave boys! The envoy of President Davila, who is willing to resign his office to secure peace to his country, refuses to accept Bonilla as a substitute President for the very good reason that he is an agent of an American fruit trust. He is not a United States citizen, like so many other "patriots" in perturbed Latin-America, but he is clearly an "American business man." A peace conference is to be held on board an American warship to-morrow, with the United States agent, Thomas C. Dawson, acting as mediator. But all Honduras is already at peace, except a small part of it which has been disturbed by this distinguished American citizen, Christmas, and the equally distinguished American business man, Bonilla.

From the seat of war in northern Mexico comes the information that many of the revolutionists are Americans. One of them is a brave lad called "Chicago Slim." He killed a soldier day before yesterday. Honduras and Mexico are welcome to these products of our civilization if they want them. But candor compels us to admit that they do not seem to want them. What are we going to do about it, if anything?

Mr. SLAYDEN. Mr. Chairman, for some time I have had my attention called to the fact that our laws of neutrality were perhaps not as well observed, not as well enforced as they might be. While I could not go upon the stand and qualify as a witness and swear that violations of the laws of neutrality have occurred and that assaults contemplated against the Mexican Government had been arranged for in this country, yet they are matters of such common knowledge and of such frequency and circumstances of a convincing nature have so frequently been presented to me that I would be willing to swear that, in my judgment, the bulk of these revolutionary movements against northern Mexico have been hatched under our flag. Now, whether our detectives, our Secret Service force, or our officials charged with the enforcement of the neutrality laws are less efficient than they have been heretofore, or whether they have grown indifferent to these things, I am not prepared to say, but they have been increasing with more or less rapidity, and now they are so often repeated that it has become an offense, and properly, justifiably an offense to our neighbors to the south. Mexico has said nothing, but in a feeble way Honduras and other Governments in South America have protested against American-made revolutions being unloaded upon those countries. Often as they occur the genesis of those South American revolutions is always a matter of interest to students of politics and of history. There seems to be some reason for them, and too often, in my judgment, it has occurred that those revolutions have been of the most sordid type. It has not always been a desire to get rid of a tyrant and to substitute free government, but it has sometimes been a desire to get rid of government that stood in the way of certain commercial enterprises and to set up the business ventures of the confederates of the revolution makers.

A citizen of the city of Galveston recently published a communication in a paper printed in that city in which he made the specific charge that the present revolution against the Government of Honduras, of which I believe Mr. Davila is the President, was fostered by a great trust in this country—the United Fruit Co. Whether that be true or false I do not know. I can only say that the charge is made by a gentleman of repute, a gentleman of good standing, a man of good judgment, in the city of Galveston, who recently spent three or four months in Honduras, and who charges that this revolution was financed in this country and financed by that trust. It is a matter of common knowledge that for weeks before the *Hornet* sailed from New Orleans the whole world was advised, so far as the publication and circulation of newspapers could advise it, that there was in preparation an expedition directed against the Government of Honduras.

Of course it was denied; of course there were efforts made to conceal the purposes of the movement and that a revolution had been organized, but it developed after the *Hornet* had landed somewhere on the coast of Honduras that all the time she was protesting innocence, all the time our Government had been unable to discover any evidence of guilt, she had been making preparation to engage in revolution and had sailed out of the port of New Orleans armed with weapons and ready to wage war against a friendly nation.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. SULZER. I yield the gentleman two minutes more.

Mr. SLAYDEN. Now, Mr. Chairman, I have not time to refer in two minutes to the facts I had intended to call to the attention of this House and to the country in this speech. I will conclude by saying that, in my judgment, all of those countries to the south of us are entitled to the most active cooperation of the Government of the United States in the suppression of these unfriendly movements against them.

The element referred to in the editorial that I have had read from Chicago—the "Chicago slims" and anarchists and socialists and undesirables of various sorts—have gone to the Republic of Mexico, according to the assertions of the press dispatches, and have become officials in an army that is striking a blow for freedom, so called; but when one of those fellows gets caught he fails to show the blood of a true sportsman, because the moment he feels the pressure of the Government upon him, the moment he feels the likelihood of there being imposed upon him a penalty properly fixed for an infraction of those laws, he squeals and comes to the Government of the United States for protection. Of course the Government ought to protect all of its citizens and ought to protect them perhaps more vigorously than it has heretofore, although I have never had any sympathy with the cry that it fails usually in the discharge of that duty; but, sir, when Americans deliberately commit an offense against a friendly Government, deliberately invade the soil of another country and make war upon that Government, they deserve the penalties invited by such a course, and, in my judgment, ought to receive them and without any interference by this or any other Government beyond the mere demand for a fair trial and the assessment of only such penalties as the law for such cases provides. [Applause.]

Mr. SULZER. Mr. Chairman, I think it proper for me to say, in reply to the gentleman from Texas, that the officials of the United Fruit Co. deny absolutely that they, or anyone acting for them, are responsible, directly or indirectly, for the revolution in the Republic of Honduras, or that they, or any person acting for them or the United Fruit Co., are aiding or abetting the same in any way whatsoever. I think this should go on the record.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. OLMSTED having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 26290. An act providing for the validation of certain homestead entries;

H. R. 32400. An act to authorize the North Pennsylvania Railroad Co. and the Delaware & Bound Brook Railroad Co. to construct a bridge across the Delaware River from Lower Wakefield Township, Bucks County, Pa., to Ewing Township, Mercer County, N. J.;

H. R. 32571. An act to consolidate certain forest lands in the Kansas National Forest;

H. R. 18542. An act for the relief of Thomas C. Clark; and

H. R. 32220. An act to authorize the board of supervisors of the town of High Landing, Red Lake County, Minn., to construct a bridge across the Red Lake River.

The message also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. AMOS L. ALLEN, late a Representative from the State of Maine.

Resolved, That a committee of seven Senators be appointed by the Vice President to join a committee appointed on the part of the House of Representatives to take order for superintending the funeral of the deceased.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

And that in compliance with the foregoing the Vice President had appointed as said committee Mr. HALE, Mr. FRYE, Mr. LODGE, Mr. RAYNER, Mr. NEWLANDS, Mr. SMITH of Michigan, Mr. JONES, Mr. PAGE, and Mr. SWANSON.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 10632) to authorize the North Pennsylvania Railroad Co. and the Delaware & Bound Brook Railroad Co. to construct a bridge across the Delaware River from Lower Makefield Township, Bucks County, Pa., to Ewing Township, Mercer County, N. J.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28632) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the amendment of the Senate to the bill (H. R. 31538) to authorize the Pensacola, Mobile & New Orleans Railroad Co., a corporation

existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels on a line opposite the city of Mobile, Ala.

MILITARY ACADEMY APPROPRIATION BILL.

The committee resumed its session.

[Mr. WEISSE addressed the committee. See Appendix.]

Mr. HUMPHREY of Washington. Mr. Chairman, on the 3d day of May last the Committee on the Library for the second time favorably reported a bill introduced by me to suitably mark the celebrated and historic trail from the Missouri River to Puget Sound. This trail has been aptly characterized as one of the "great battlefields of the world." More than 300,000 people traveled this trail and 5,000,000 head of live stock passed over it. The pioneers that went over this trail saved the Oregon country to this Nation. From every standpoint it is most fitting that the Government should in a suitable way perpetuate their memory by properly marking the great highway over which they traveled, a highway in many respects unmatched in all the great migrations in the world's history. This trail was more than 2,000 miles long and was once grimly and significantly marked by thousands of bleaching skeletons of the life that failed while traversing it. But the weary thousands that struggled over barren wastes and rolling prairies and through mountain fastnesses and primeval forests were not, like the semibarbarous hordes of old in their great migration, seeking new regions to plunder and subjugate; but those who went over the Oregon trail were patriots of peace seeking new homes in a great but practically unsettled region. This region that they saved to our country is among the fairest and most goodly lands of all the world. To the memory of those heroes of peaceful conquest too high an honor can not be paid by this Nation. But few of that mighty host of strong and adventurous men and women yet remain among the living.

But it is not my purpose at this time to make a speech upon this subject, but to place in the RECORD, where it may be safely preserved for all time, some statements in regard to the subject by Hon. Ezra Meeker, of Puyallup, Wash. This great pioneer and patriot has passed his eightieth milestone on the great trail that ends in eternity. He writes me that he may expect that his journey soon will end, but that while he lives he shall work for this project, and that he still cherishes the hope that he may be spared to see it completed. To this strong man, so typical of the Oregon pioneer, the chief credit is due for arousing an interest in the marking of this trail. He went over this trail more than a half century ago. He speaks from personal experience. He has recently been over it again, traveling, as he did the first time, in a cart drawn by an ox team. He has by his own efforts, and largely at his own expense, located the trail and partially marked it, so that this most important work has already been performed by him.

In a statement made by him and published in the report he says:

Made possible by the discovery in 1824 of that wonderful gap in the Rocky Mountains known as the South Pass, the Oregon trail did not become a national highway until Bonneyville and Wyeth in 1832 and 1833 traversed the whole length, from the Missouri River to the tidewaters of the Pacific. The missionaries, trappers, and traders soon wore a visible wagon track to the traders' rendezvous on the Green River and beyond to Fort Hall, on the upper reaches of Snake River, but not until the greater immigration of the Oregon home seekers, a thousand strong, with their wagon train in 1843 passed over to the Pacific, did the Oregon trail become in fact a great national highway. Each year thereafter wagon trains passed over the whole route to the Oregon country in varying numbers, wearing the track deeper and deeper until finally the greater exodus of 1852, when a column 50,000 strong moved out from the Missouri River and lined the trail with the dead, 5,000 or more in number for that one year alone. Meanwhile the Mormon migration had followed in the track of the Oregon pioneers for fully a thousand miles to the great bend of Bear River. The California movement of 1849 and later also followed in the same track to Bear River or to Fort Hall, where the California trail diverged, as did the Mormon track also, and bore off to the southwest, while the Oregon trail kept steadily on to the northwest.

The trail had indeed become a great national highway 2,000 miles long. Fully 300,000 people crossed over what might be termed the "eastern section" before the advent of the Pacific Railroad, which diverted the later traffic, and the trail again became a solitude, but not until fully 5,000,000 head of stock passed over, either east or west, and had worn the trail so deep that the track in places might readily be mistaken for great railroad cuts.

The object of marking this historic trail is the same as the marking of any other great battle field of history. The winners of the farther West that passed over this trail fought a strenuous battle, and the trail became a battle field from one end to the other. Six dead to the mile upon a stretch of 400 miles up the Platte tells the ghastly story. Nor was this all. The fallen could be counted in groups of fifties and seventies beyond where this count was made. History does not record the battlefield of greater carnage than that of the Oregon trail; neither is there any record of so long a trail, or of one that wrought such historic changes. The joint occupancy treaties with Great Britain left the settlement of the Oregon boundary virtually to be determined by a race as to whom should, as home builders, occupy the country first. The Hudson Bay Co. began bringing in settlers from the Red River of the North, and not until the opening of the Oregon trail for wagons to the Oregon country, with their precious freight of home builders, was the question settled as to the preponderance of the American settlement over that fostered by the Hudson Bay Co. Immediately this was accomplished, an American provisional government was formed and the British rule ended.

No more heroic act is recorded in history than this of the Oregon pioneers holding firmly the disputed territory while many of our statesmen were decrying the Oregon country and preparing the way for a shameful surrender. The American people owe a deep debt of gratitude to those intrepid pioneers, and their trail should be marked and the memory of it preserved religiously as a great landmark in the history of the Nation not only that future generations may know that the great struggle to advance our national boundary to the Pacific, but likewise to keep alive that patriotic zeal so helpful in the perpetuation of our Government.

In the measure we keep the memories of the heroic past fresh in the minds of our people, patriotic fervor is fanned, the flag more revered, and our national stability better assured.

In a communication that I have recently received from him, Mr. Meeker makes the following statement:

House bill 17436, Sixty-first Congress, provides for the appointment of a commissioner "who shall, under the direction of the Secretary of War, erect such monuments and markers of granite and other material as will designate and locate the general route of the Oregon Trail and fittingly commemorate the valorous deeds of those who established said trail, from the left bank of the Missouri River to Puget Sound," and provided for appropriating $50,000 for the purpose of carrying out the provision of the act.

The committee of the Sixtieth Congress reported favorably for appropriating the sum named in the bill, and added a proviso that no part of the money should be available until the Secretary of War is satisfied there would be sufficient funds to complete the work.

The committee of the Sixty-first Congress reported favoring an appropriation, but reduced the sum to $25,000, with the proviso as noted, which would preclude any possible action under the provision of the bill.

When the bill was first introduced many friends of the measure believed that $50,000 was not enough to "fittingly commemorate the valorous deed" of the Oregon pioneer, but rested content in the belief that the Congress would provide the funds to complete the work, but when the proviso mentioned was added and the amount to be appropriated reduced, the few pioneers left felt the time had come when more energetic action should be taken and different methods employed.

A drive over the trail in 1906 resulted in erecting 27 memorial monuments in centers of population in close proximity to the track, but no combination could be formed to take up the work systematically and since the appeal to Congress.

When it became known the committee had reported the bill recommending the smaller sum to be appropriated, measures were taken to again drive over the trail, trace it from section line to section line, ascertain how many traveled roads cross it, and thereby determine the number of markers required, estimate their cost, and so arrived at an approximate estimate of the completed cost of the work. I have just spent eight months during the season of 1910 at this work, have secured the definite location of full 1,600 miles of the trail, and a close approximate estimate of the number of the road crossings. It will require fully 700 of these markers to fittingly mark the trail, and near $100,000 to erect suitable, durable granite monuments to endure for the ages to come.

The appeal should have been made to Congress in the first place. It should be a national work. The Oregon Trail became a battlefield where the graves were strewn so thickly as to warrant the belief that not less than 20,000 have gone down into oblivion in the shifting sand or under the grinding hoofs of millions of stock upon the return tide in later years. Fully 300,000 passed over the Oregon Trail in the quarter of a century in which it was used. No other trail is recorded in history where so many migrated for so long a distance; where the tragedies were so great; where greater bravery and fortitude was displayed; and where the historical significance was so great.

It is not necessary to assert that the Oregon pioneer "saved Oregon." Such an assertion is merely an opinion, but of what we know it is well to record. We know the subjects of Great Britain were in full possession of that portion of the Oregon country north and east of the Columbia River and ruled the country in the interest of the Hudson Bay Co., and we know that when the Oregon Trail was opened to wagons in 1843 and the first migration of a thousand people passed over that these same people took possession, challenged the British rule, and wrested the control of the country from the Hudson Bay Co., and we know they advanced the American flag westward 2,000 miles, planted it firmly, maintained it under extraordinary difficulties, until finally, in the lapse of years and under the pressure of public opinion, upon the massacre of Whitman, the Congress finally lifted the burden from off the shoulders of the pioneers. Will this great Nation grudgingly mark the pathway of these great patriots, or will they "fittingly" commemorate their valorous deed?

"And Joshua said unto them, 'Pass over before the ark of the Lord your God, in the midst of Jordan, and take you, every man of you, a stone upon his shoulder, according unto the number of the tribes of the Children of Israel, that this may be a sign among you—that when your children ask their fathers in time to come, saying, "What mean you by these stones?" then ye shall answer them, that the waters of Jordan were cut off before the ark of the covenant of the Lord when it passed over Jordan; and these stones shall be for a memorial unto the Children of Israel forever.'"

And shall we not say to this Nation, to the Congress, "Take ye up this burden and cast stones upon the track of the pioneers as hallowed ground, trod by the men who opened the way for this grand civilization, that their fame shall abide with you, and that their very track shall be preserved as a sign among you, that when your children shall ask their father in time to come, saying, 'What mean ye by these stones?' then ye shall answer them, 'These stones shall be for a memorial unto the pioneers who gave their lives that we might possess this heritage.'"

I also insert an editorial from The Oregonian, of Portland, Oreg., of Tuesday, May 17, 1910, in regard to the marking of the Oregon Trail.

MARKING THE OREGON TRAIL.

Representative HUMPHREY'S bill appropriating $25,000 to mark the old Oregon Trail was favorably reported in the House of Representatives in the National Capitol some ten days ago. The measure gives the Secretary of War authority to receive private contributions to the fund. Ezra Meeker, the well-known trail marker, a few days ago in Baker City declared the sum of $25,000 inadequate for the work, and cited President Roosevelt's recommendation of an appropriation of $50,000.

Argument for this appropriation is familiar as an oft-told tale, so that it is not necessary to keep on reciting the significance of this great national highway, whereby a migration, in some respects unparalleled in the world's history, made its way from States of the East and the Middle West to this Pacific coast region. This road should certainly be marked with monuments before the pioneers that know its track shall have departed.

In 25 years, between 1845 and 1870—before railroad transit began—a total population of some 750,000 made its way to the Rocky Mountain region and the Pacific coast, probably 500,000 of whom went overland, chiefly by the Oregon and the Santa Fe trails. It is probably within safe bounds of truth to say that 350,000 people followed the Oregon trail to their several destinations in the mountain country and on the Pacific coast.

This was one of the world's greatest migrations. The route to Oregon and to California was 2,000 miles long, across desert wastes and mountain fastnesses. Much has been said of suffering and death along the route, but the tale will never be fully told. These hundreds of thousands of people, unlike the semibarbarous hordes whose history is written in Europe and Asia, sought the new regions not for plunder nor for subjugation of other peoples, but for making homes in a wilderness, which theretofore was almost unoccupied. And they covered the distance in an unprecedentedly short time.

It ought not to be difficult to awaken sufficient interest to pass the appropriation in Congress, but as in other important legislative matters, it seems necessary to go through a patient preliminary campaign of information. The sum of $25,000 will make a good beginning. With that much secured the way will be opened toward obtaining the additional funds required.

I insert also a copy of a letter which I have recently received from Mr. Meeker:

CINCINNATI, OHIO, *December 23, 1910.*

Hon. W. E. HUMPHREY,
Washington, D. C.

DEAR SIR: Because of the committee's action reporting the bill to appropriate only $25,000, I have made another trip over the trail, this time turning my attention exclusively to tracing and locating its whereabouts. I now have tracings of the public survey nearly 200 feet long and showing nearly 1,600 miles of the exact location of the trail, and can give a close estimate of the present traveled road crossings and thereby determine the number of markers needed. I can also give estimate of cost of several sized stone; $25,000 is no good; I would like to get a hearing before the committee and have a record of my work made for future use, even if I do "lay down" before the work is accomplished, even if you think the bill can not be passed this session.

I will be 80 next Thursday. Write and let me hear whether you can get me a hearing, and, if so, will be with you. It's about time, you know, I may expect to "lay down," but while my strength continues do not expect to quit.

Respectfully, EZRA MEEKER.

I shall also print in the RECORD a little pamphlet published by Mr. Meeker, called The Story of the Lost Trail to Oregon, as it is my desire, as I have said, to preserve in the RECORD these valuable contributions that this grand old pioneer has prepared upon the Oregon Trail:

THE LOST TRAIL.

The search for the Oregon Trail has been prosecuted now for five years, and much of it recovered, and it is confidently expected all will be in the near future.

It is a wonderful story, that of the growth of the Oregon Trail. Why so many home builders with their families plunged into the then unknown wilderness across so wide a stretch of what was known as the "Great American Desert" no man can tell. Certain it is that no such record in the world's history can be found of so many people going so long a distance to found an empire, as they did, over the 2,000 miles stretch of the Oregon Trail. So long as this mystery or romance remains there will continue an abiding interest in this unsolved problem. Lovers hastened their union that they might share the danger and privation together across the unknown stretch; sedate heads of families as mysteriously were moved to risk all that they might see the farther West; young men boldly moved out on the Plains as if it were only a great "playground" where the sport of the chase would continue forever. It would seem that manifest destiny prompted the multitude whatever may have ultimately governed their action. Three hundred thousand people traversed the Oregon Trail to beyond the summit of the Rocky Mountains and passed through that great rift in the mountains, the South Pass. Nature had provided and pointed the way, and in time we see unfolded the final climax when the great wagon trains began to roll through that wonderful break in the mountains, the South Pass of the Rocky Mountains.

Mystery surrounds the real discovery of the "pass." In prehistoric times the buffalo wore trails over the summit. We know as little as to when the Indians followed. As already said, nature had pointed the way. The melting snows of midwinter storms descending from the higher levels formed the little river, Sweetwater, which in turn emptied into the North Platte, and this in its turn formed its junction with the South Branch, and thence rolled placidly as a mighty river to the greater Missouri. To follow the Oregon Trail to within 2 miles of the summit of the South Pass is to follow up the current of the waters described; the route of the least resistance destined again to become the Nation's highway, to the higher altitudes above the clouds and almost up to the perpetual snow line, 7,450 feet above sea level.

Now we are over the summit and look out westward over a vast plateau of high altitude, a hundred miles or more, before we begin to descend into the Bear River Valley, and down Bear River a short way and we are near the Snake, which we follow, and finally to the Columbia and the tide waters of the Pacific.

Lewis and Clark, in 1805, finally reached and descended the Snake and Columbia, and that far were on the general route of the Oregon Trail; then came Hunt with his Astor party to traverse a part in 1811–12, but the key, the South Pass, had not been discovered yet, and not until 10 years later a party of trappers found and crossed over through the Pass. This was in 1822 or 1823. Yet another 10 years elapsed before any one person passed over the whole of the Oregon Trail. The glory of that achievement belongs to Samuel J. Wyeth, an intrepid Bostonian, who crossed with his wagons, following the wagon track, already dimly worn, a hundred miles west of the summit by other trappers and traders.

Wyeth built Fort Hall in 1833, on the peninsula near the junction of the Port Neuff and Snake Rivers and advanced the wagon road that far. But formidable obstacles seemed to say "thus far and no farther" with a wagon road, and another 10 years passes and "acres" of abandoned wagons covered the ground. Meanwhile Bonnyville had followed Wyeth to disaster; other traders appeared on the scene, and a war of efforts to secure the coveted furs continued. The missionaries had passed over. A few of the trappers had tired of their adventures and wore the trail a little deeper on their way to the Columbia and to the tidewaters of the Pacific. The home builders began to put in an appearance on the whole length of the trail in the late thirties and early forties, making the famous pathway a little deeper and wider—all failing, however, to carry their wagons farther than to Fort Hall and the Snake. Finally that great migration of 1843 of a thousand persons, men, women, and children, fixed the final route of the trail by passing over it from end to end with their wagons and stock. No more heroic act is recorded in history than this of that great company opening their own wagon road from day to day for over 800 miles west from Fort Hall. We now have the trail complete.

Word goes out there is a wagon road to the Pacific, and the eager throng each year wear the trail deeper and deeper; the Mormons now appear with their ox wagons and carts, their handcarts and wheelbarrows, to deepen the trail and line it with their dead—this in 1846–47. Then followed the California throng on the Oregon Trail for a thousand miles or more to stir the soil that the wind might carry it away, leaving the sunken pathway a little deeper. This in 1849. Now, again comes the throng—another high tide, to the Oregon country, when another 10 years is tolled off and a great army cover the plains—gold seekers, home builders, religionists, and adventurers of every kind. Now we see the trail filled with wagons two abreast, so numerous is the throng, and two trails appear for long stretches. The graves have become common; 5,000 have died in the one year alone; what with the dead and dying, the panic that ensued, the intolerable dust, the parched lips and weakened frames, we may well wonder that the casualties were not greater. The trail is now 10 feet deep and a hundred wide in many places, but yet destined to be worn deeper and deeper by the return tide of stock in the fullness of time, a million a year for many years, trampling the graves into dust and wearing the trail into almost incredible widths and depths—15 feet deep and 200 feet wide in one place encountered tells the wonderful story better than song or fiction.

And yet long stretches were lost by the march of improvement; the farmer took no note of it in sentiment and plowed over it; city builders have erected brick blocks over where the trail once ran, and so, what with great irrigation ditches destroying it, with other like factors at work, small wonder we should call it the "Lost Trail."

But we are gradually recovering it from the oblivion in which it has slept. A stretch here and there is marked, the memories of past and passing generations have been revived, and finally with the help of the public land surveys of 40 and 50 years ago, we are able to connect the whole so that we may say that for a continuous stretch of 1,600 miles we absolutely know where the trail is, or was, with or without the visible marks upon the earth's surface.

To you who may read or hear these words, I conjure you to take heed and consider their importance. In the measure a generation views and studies the past the pace is set for the future. If we forget the deeds of our forbears, we discard the lessons of history and take a step backward in the march of civilization. In the measure a generation cherishes the past, so will it be for the future; for the love of country; for reverence of the flag; for the efforts of upbuilding the Nation. And, my friends, the recovering the Lost Trail has a deeper meaning than merely gratifying a whim or satisfying a feeling of curiosity.

[From the Ohio State Journal, Tuesday morning, April 23, 1907.]

TELLS THE STORY OF OREGON TRAIL—EZRA MEEKER, NATIVE OHIOAN, COAST PIONEER, OUTLINES NATIONAL ROAD PROJECT—HIS OX TEAM AND "PRAIRIE SCHOONER" AROUSE MUCH INTEREST ON THE STREETS.

Ezra Meeker, a pioneer of the Oregon Trail, who is retraveling, in the ripeness of years, the trail he followed to the West in his youth, yesterday set forth to an audience on the streets of Columbus the object for which he is taking the long journey from Oregon to the Capital of the Nation. The old man, with flowing white hair and beard, and his "prairie schooner," drawn by patient oxen, made a picturesque figure, surrounded by the stately evidences and busy life of modern civilization, as exemplified in a great city.

He did not lack hearers. His was not "the voice of one crying in the wilderness," but the voice of the wilderness and of the past calling in the city, with all its modernity, to its share to pay tribute to those who made modern American cities possible.

"Farmer" Meeker told the story of his life in words of simple earnestness and with no indirection. He is on his way to Washington, he said, to urge on the Government the building of an enduring monument to the builders of the West in the form of a great concrete thoroughfare which shall follow the Old National Road and the Oregon Trail from East to West.

"76 YEARS YOUNG."

He began by introducing himself as a citizen of Ohio, 76 years young. He said:

"My birthright entitles me to greet you as fellow citizens. I was born in Huntsville, Butler County. This to me important event occurred December 29, 1830. Consequently many people persist in calling me old, while I insist that I am a little past 76 years young. However, I come among you as a stranger, having been reared near Indianapolis from early childhood, and from there, accompanied by my young wife, migrated to the old Oregon country in 1852. There I have since lived the simple life of a farmer with my chosen life partner, who still lives to greet me on my return to our home in the great State of Washington, of which we were a part when that portion of the old Oregon country became known as Washington Territory.

"Most of you wonder why a man at this time of life would cross the plain with an ox team at this age of the world and spend 15 months in so doing, when he could have come by rail all the way in 5 days, surrounded by all the comforts of life. I will tell you why. But first

let me tell you about the team and outfit, as I know by the questions so oft repeated that this is uppermost in your mind. This off ox, 'Dave,' came all the way from the stockyards of Tacoma and was an unbroken, wild Montana range steer. When I yoked him first he never before had had a rope on, except when branded. He is 6 years old, weighed when purchased 1,470 pounds, and now weighs 1,735, after having traveled on this trip over 2,800 miles, from Puyallup, near Tacoma, to this city. Seventeen hundred miles out from my home the noble ox 'Twist' died, from eating poisonous weeds, I think. Anyway, he was in better working trim the forenoon he took sick than when the start was made and was dead before sunset. To mate the ox left I purchased this fine steer on the near side, 'Dandy,' out of the stockyards at Omaha, and broke him in on the way. He, too, was a range steer that had never been handled. His weight when purchased was 1,470 pounds. He now tips the scales at 1,625 pounds.

"PRAIRIE SCHOONER.

"The wagon is of the type known as the 'prairie schooner,' that was in general use 50 years ago—wooden axle, necessitating the linchpin and tar bucket, with its swayback bed, which doubtless gave the name of this type of wagon, being, as you see, boat-shaped, suggestive of the name. And, my friends, the pioneers of the plains applied this likeness in a more literal sense than in a name only by utilizing them as boats in crossing rivers. I crossed the great Snake River at two places, with all of my belongings (except the cattle), with my wagon bed in 1852, and small wonder if I should look upon this type of the almost forgotten past akin to a feeling almost of reverence.

"One word as to that faithful companion, the Scotch collie dog 'Jim.' Jim has come all the way, has been a reliable watchman at night and cheerful companion of days; always good natured, except with the ox 'Dave.' They are mortal enemies.

"I will now tell you why this trip was made in this old-fashioned style. To perpetuate the identity of the old Oregon Trail, to honor the true heroes who made it, and to kindle in the breasts of the rising generation a flame of patriotic sentiment this expedition was undertaken. The ox team was chosen as a typical reminder of pioneer days, as an effective instrument to attract attention, arouse enthusiasm, and as a help to secure aid to forward the work; and I may say in passing that from the Missouri River to Puget Sound 22 monuments of enduring stone have been provided for by the people along the trail, and most of them are now in place to stand guard for centuries, to the end that the memory of the old trail shall not fall into oblivion and be forgotten by the generations to come.

"In one place—Baker City, Oreg.—800 school children contributed their mites to place a bronze tablet on the granite shaft erected by the citizens as a 'children's offering' to the memory of the pioneers. At Boise, Idaho, over 1,000 children contributed sufficient to erect a granite shaft 12 feet high, which was placed on the statehouse grounds and dedicated in the presence of 5,000 people. Again, at American Falls, Idaho, a cement shaft 14 feet high, suitably inscribed, stands in the exact track of the trail, within the confines of that growing city and in a park dedicated by a generous woman to protect a section of the trail. It is known as Pioneer Park.

"MEMORIAL JOURNEY.

"And so, along the route this journey came as an offering to gladden one's heart and to give us assurance that patriotism is not dead in the breasts of the people, though apparently it may be dormant, and that it but needs a spark, if I may be allowed the term, to keep alive the memories of the past.

"The ox team did it. I have seen old, gray-headed men stand almost by the hour and gaze at this outfit, seemingly oblivious of all other surroundings and with moistened eyes as the rush of old-time memories would irresistibly take possession of their minds. Do I not see some of them now? My friends of the later generations, take these thoughts to your hearts and see if you may not read a lesson that will serve you well in after life.

"And who are these pioneers we wish to honor? And what particular great achievement have we to record? you ask. Where is this old Oregon Trail? I will tell you.

"FIRM BRITISH RULE.

"In 1843 nearly a thousand men, women, and children crossed the Missouri River, traversed the Platte Valleys, crossed the Rocky Mountains through the South Pass, thence to and down Snake River to the Columbia, and to tidewater in the old Oregon country; the first wagon train that ever reached the Pacific coast, and the first real migration of home builders to the Pacific slope. Like a gathering storm of a summer day, these people had come together on the eastern border of the Indian country from widely scattered districts of the United States and pitched their tents near the buffalo herds on the western border of civilization. The Oregon question was unsettled, but hung in the balance. The Lynn bill granting 640 acres of land to each family had passed the Senate. Whitman, the intrepid missionary, had returned overland the previous winter to save his mission, and preached Oregon in season and out of season. The Government was organizing an expedition under the leadership of Fremont to penetrate the dark country, of which so little was known.

"The British ruled Oregon, if not with an iron hand certainly with firmness. The word of John McLaughlin, chief factor of the Hudson Bay Co., was the law of the land. He was known as the autocrat of the great Northwest. A mild-mannered man and, let it be said, a just man; aye more, a great man; yet he ruled under the auspices of the British Empire, and was all the more dangerous to American interests and American rule because of his justness, which disarmed criticism while holding the country with a firm grip for the British Empire.

"Such were the conditions when this first wagon train of home builders arrived in Oregon. These intrepid men had built their own wagon road for full 800 miles. They had overcome formidable obstacles in hewing their way. The widely advertised 'Pathfinder,' Fremont, had followed their trail instead of pointing the way. Whitman had traveled with them and encouraged them as guide, counselor, and physician, until duty led him to a sick bed at his mission. If they failed, starvation confronted them. Go ahead they must, for retreat was impossible. They were not in the position of the Pilgrims landing on Plymouth Rock, who could retreat to their ships. These people had, figuratively speaking, burned their bridges behind them. And yet a more formidable task lay in their path. They were intensely American in the highest sense that word implies. Go under the British rule they would not, and so, before the roofs were complete on the cabins of many of them, an American provisional government was formed, and, what is more remarkable, in less than two years the British rule was ended and Oregon became independent American territory, to become in after years the mother of American States, instead of remaining, as these people found it, a British colony.

"HONOR THESE MEN.

"It is these pioneers as a class we are striving to honor, not particularly individuals. As I have said, 22 monuments line the way from Puget Sound to the Missouri River to bear witness to the achievements of the pioneers. But we are not content to rest here. We want a greater monument, a monument of utility, that shall hand down to all succeeding generations the memory of the old trail and its pioneers, a national highway, to be known as Pioneer Way, from the Missouri River to the Pacific, a way that shall make traffic practicable by the trackless car, a road of cement that shall be thronged with coming generations.

"I do not come among you soliciting financial aid, but I do ask your moral support, so that when this expedition reaches Washington and the proposition is laid before the President and Congress, they may know there is a public sentiment behind the movement."

Following the address a considerable amount of Mr. Meeker's literature was taken by the auditors. He will remain in the city all this week arousing interest in his project.

[From the New York Evening Post, Saturday, May 18, 1907.]

LAST BLAZES ON THE OREGON TRAIL—AGED PIONEERR RETRACED HIS MARCH OF 54 YEARS BEFORE—EZRA MEEKER'S JOURNEY FROM PUYALLUP TO HIS INDIANA HOME—MANY MONUMENTS ERECTED ALONG THE WAY—FAMOUS TRAVELERS WHO TROD THE ROUGH ROADS 2,000 MILES—BOTH THE OREGON AND SANTA FE TRAILS NOW PERMANENTLY MARKED.

Originally blazed for a portion of the way by De la Verendrye in 1742; trodden a distance by Lewis and Clark as they pushed across the vast trans-Mississippi empire; worn by the trappers and adventurers of the first quarter of the nineteenth century, such men as Ezekiel Williams, Gen. Ashley, "Jim" Bridger, Campbell, Fitzpatrick, Sublette, and Wilson Price Hunt, and made into a hard and smooth highway by the hardy Missourians rushing across the continent in search of gold, by the Mormons seeking a new land of liberty, and by countless soldiers of fortune, the famous Oregon Trail has at last been rescued from oblivion and marked with stone monuments, thanks largely to the work of one man, Ezra Meeker.

Starting from his home in Puyallup, Wash., on January 29, 1906, Mr. Meeker retraced his march of 54 years before, back along the Oregon Trail to its eastern terminus on the Missouri River, then across Iowa and Illinois to his Indiana home. As he journeyed, Mr. Meeker interested the people along the route in the importance of saving the Oregon Trail from oblivion. Their fathers and grandfathers had helped to make it, but the past was in a fair way to be forgotten. The line of a great transcontinental railroad parallel or covers the old Oregon Trail for much of its way to-day, but there were detours and stages to be marked before they were lost sight of entirely.

To this old trail, which was one of the great roadways of the Nation a century and a half ago, has become known better than ever to the present generation. Between Puyallup and Omaha 19 monuments have been erected. Ezra Meeker, after a year's travel, reached his Indiana home. His journey and his work ended. Not so, the interest in the old trail, especially as it follows the marking of another old trail, the Santa Fe through Kansas.

Before tracing the Oregon Trail across the country from the Missouri River to the Pacific Ocean and counting over those who wore it smooth, it might be well to summarize briefly Mr. Meeker's work in marking it.

INTERESTING THE PEOPLE.

After he left his Washington home, more than 2,500 people contributed to the erection of Oregon Trail monuments. At intervals along the route Mr. Meeker, with the aid of people for whom he and others blazed the way, erected monuments—a huge stone bowlder here, a cairn of stones there, a signboard or post in another place. In Baker City, Oreg., the monument was erected by contributions received from 800 school children, all of whom were present when it was dedicated. At Boise, Idaho, Mr. Meeker camped for several days beside the post office. He spoke to the public-school children of his object, and 1,200 contributed to purchase the granite monument which will mark the place where the old-timers passed through what is now a thriving city. The governor of the State and other State officers insisted that the monument be erected on the State house yard, and it was dedicated in the presence of more than 3,000 people.

To erect a monument at the summit of South Pass, Mr. Meeker traveled 84 miles from a post office, and 24 persons who reside in the neighborhood were the only witnesses of the event. The monument stands on the irrigation survey near Sweetwater, and is 7,450 feet above sea level, one of the highest of such landmarks in the country.

In many of the towns and places where monuments were erected Mr. Meeker stayed to see the work done, but in many other instances he turned the matter over to a local committee appointed for that purpose.

BEGAN ON THE MISSOURI.

The Oregon Trail began, as did the Santa Fe Trail, leading to the southwest, at the town of Independence, on the Missouri River. Practically St. Louis was the eastern terminus, men and goods going up the Missouri River to Independence and there taking wagon and setting out either for the Northwest or the Southwest.

The two trails were the same for 41 miles, when, as the historian Chittenden remarks, a simple signboard was seen, which carried the words, "Road to Oregon." That signboard to-day, with its lack of ostentation and its epigrammatic clearness, would be worth more than its proverbial weight in gold to any State historical society.

There were branch trails that came into the road from Leavenworth and St. Joseph, striking it above the point of departure from the Santa Fe Trail; but the Oregon Trail proper swung off from this fork, running steadily to the northwest, part of the time along the Little Blue River, until at length it struck the valley of the Platte, so essential to its welfare. The distance from Independence to the Platte was 316 miles, the trail reaching the Platte about 20 miles below the head of Grand Island. The course thence lay up the Platte Valley to the two fords, about at the forks of the Platte, 433 or 493 miles.

Here at the forks was a point of departure in the old days. If one chose to follow the South Forks of the Platte, he might bring up in the Bayou Salade, within reach of the Spanish settlements and the head of the Arkansas, or he might take the other arm and come out on the edge of the Continental Divide, much higher to the north.

The Oregon Trail followed the South Fork for a time, then swung over to the North Fork, at Ash Creek, 513 miles from Independence. It was 667 miles to Fort Laramie, which was the last post on the eastern side of the Rockies. Thence the trail struggled on up the Platte, keeping close as it might to the stream, till it reached the ford of the Platte, well up toward the mountains and 794 miles out from Inde-

pendence, nearly the same distance from that point as was the Sante Fe on the lower trail.

INDEPENDENCE ROCK.

A little farther on the trail forsook the Platte, 807 miles out from Missouri, and swung across to the valley of the Sweetwater. The famous Independence Rock, 838 miles from Independence, was one of the most noteworthy features along the trail. It marked the entrance into the Sweetwater district and was a sort of register, holding the rudely carved names of many of the hardy western adventurers. By the Sweetwater the Oregon trailers were taken below the foot of the Big-horns, past the Devils Gate, and up to that remarkable crossing of the Rockies known as South Pass, where Ezra Meeker dedicated his monument under such unusual circumstances, taking water from the irrigation ditches on the east side of the Continental Divide to irrigate the west side. This is 947 miles from the Missouri River.

Starting now down the Pacific side of the Great Divide, the traveler passed over 125 miles of somewhat forbidding country, crossing the Green River before he came to Fort Bridger, the first resting point west of the Rockies, 1,070 miles from the Missouri. This was a delightful spot in every way, and always welcomed by the Oregon trailers.

The Bear River was 1,136 miles from Independence, and to the Soda Springs, on the big bend of the Bear, was 1,206 miles. Thence one crossed over the height of land between the Bear and Port Neuf Rivers, the latter being Columbia water; and, at a distance of 1,288 miles from Independence, reached the very important point of Fort Hall, the post established by Nathaniel Wyeth. This was the first point at which the trail struck the Snake River, that great lower arm of the Columbia, which came dropping from its source opposite the headwaters of the Missouri to point out the way to travelers.

At the Raft River was another point of great interest; for here turned aside the arm of the transcontinental trail that led to California. This fork of the road was 1,334 miles from the Missouri. Working as best it might from the Raft River, down the Great Snake Valley, touching and crossing and paralleling several different streams, the Oregon Trail proper ran until it reached the Grande Ronde Valley, at the eastern edge of the difficult Blue Mountains, 1,736 miles from the starting point. The railway to-day crosses the Blues exactly where the old trail did.

Then the route struck the Umatilla and shortly thereafter the Columbia River. It was 1,934 miles to The Dalles, 1,977 to the Cascades, 2,020 miles to Fort Vancouver, and 2,134 to the mouth of the Columbia, though the trail proper terminated at Fort Vancouver.

Such was the Oregon Trail traversed by hundreds and thousands of hardy adventurers, outlet of the Missouri rendezvousing station, a mighty highway across which surged the advance tide of a nation's traffic.

BLAZERS OF THE TRAIL.

Who blazed and followed this historic highway, destined to be marked to posterity 50 years after its zenith? The Frenchman De la Verendrye was perhaps the first to tread a portion of the later Oregon Trail, since it is known that he forsook the Missouri River and started overland, possibly up the Platte, crossing some of the country which the Astorians saw later. This was in 1742. The trapper Ezekiel Williams, said to have been the first white man to cross the borders of what is now Wyoming, followed in the wake of Lewis and Clark, in 1807, and blazed a part of the way. Andrew Henry, whose name was given to a beautiful lake of the Rockies; Etienne Provost, the probable discoverer of historic South Pass; Campbell, Fitzpatrick, Sublette, Jim Bridger, Gen. Ashley, Bonneville, and Walker—these are but a few of the leaders who blazed and trod the Oregon Trail, making it a well-defined highway before Fremont set out as a "pathfinder."

Then came Wilson Price Hunt, with his overland Astorians, seeking a way from the mid-Missouri to the Columbia River. Later, Robert Stuart and the returning Astorians were to mark out, east of the Continental Divide, the route of the trail for much of its length. Then came scores of trappers and traders; then Bonneville and his wagons, to deepen the trail in 1832; and two years later, in 1834, Campbell and Sublette built old Fort Laramie on Laramie Creek, a branch of the Platte. Eight years later Fort Bridger was built by Jim Bridger on a branch of the Green River.

In 1836 two women moved out into the West along the Oregon Trail. They were the wives of Whitman and Spalding, missionaries bound for Oregon. Father de Smet, a missionary, also followed in 1840; then more missionaries from New England, and two years later Frémont, as far, at least, as the South Pass.

So the Oregon Trail was blazed and tramped—traders, trappers, gold seekers, missionaries, colonists—until the highway stretched from the Missouri River to the Pacific Ocean. Years passed and railroads supplanted the old Oregon Trail; its very whereabouts was forgotten; disputes arose. Then an old man, almost 80, with his grandchild, clambered into a prairie schooner, made in part of the one in which he had journeyed westward in 1852, and the Oregon Trail was retraced and marked with monuments, that a people and a Nation may not forget.—F. G. M.

[From the Illinois State Register, Sunday, Nov. 6, 1910.]

THE LOST OREGON TRAIL—EZRA MEEKER'S INTERESTING LECTURE BEFORE THE Y. M. C. A. THURSDAY EVENING.

Telling of his adventures in his first trip across the continent while blazing the Oregon Trail, and then telling of his present journey, Ezra Meeker, the grizzled pioneer of Washington State, delivered a most interesting talk at the Y. M. C. A. on Thursday night.

He spoke as follows:

"THE LOST TRAIL.

"I am to speak to-night of the lost trail of history, the 'Oregon Trail,' once so thronged with eager adventurous spirits, now a solitude in many intervening reaches, fading away from the memory of man, and almost obliterated from the face of the earth.

"No more fascinating search can ever engage the mind of man than to follow the actual track of the fathers that opened the way to conquer the land and wrest it from the native race and erect the standard of civilization in the wilderness, and with the standard a barrier to an encroaching nation whose grasp was tightening upon an empire—the Oregon country.

"Let me for a few moments follow the track as best we may of the throng of three-quarters of a century ago.

"We are on the left bank of that mighty, turbid river, the Missouri. All beyond to the westward is a blank. The Indians and the buffalo possess the land; we can not see that manifest destiny has set the seal upon the destruction of the one, though we may dimly realize the power of the other is destined to be broken in the march of civilization.

"The throng has crossed over; first by the adventurer in search of the golden harvest of furs, then the bold spirits of missionary fame, to be soon followed by the no less intrepid spirits, the home builders, who go out with all their belongings—their women and children, their cattle to cover a thousand hills, not forgetting nor neglecting to carry their trusty rifles, needed not only for defense, but for sustenance as well.

"THE OREGON TRAIL.

"The throng has disappeared. The generation that then toiled so diligently now sleep beneath the sod; a few only remain to tell the story of the great battle. Twenty thousand graves line the way of the great battlefield, or did, but alas! as like the track they made, have almost all fallen into oblivion. It is of this track, 'The Oregon Trail,' that I am to speak to-night. The converging columns that had crossed the river at various intervening points from Council Bluffs and the mouth of the Kaw River meet some 200 miles out on the banks of the Platte, then a broad river of placid waters, wooded islands, and treacherous quicksands, but now a barren waste of shifting sand, for the water has gone to the land. We find traces of the track on either side of the river until the parting of the waters, known as the North and South Forks. The way leads up the North Fork. The track is worn deeper and wider, for all is concentrated here. The Oregon pioneers have broken the way; the Mormons have followed; then comes the gold hunter, the California exodus, all traveling the one track and jostling the home builders, still pressing onward for the fair land of Oregon.

"We are now on the Sweetwater; past Independence Rock, that great register of the passing throng; past the Devil's Gate, that rift in the mountain a hundred feet wide, with perpendicular walls nearly 500 feet high, through which the water of the Sweetwater roars; past Split Rock, a chasm near by seemingly but a few feet wide and a thousand feet high; still on, up and up, crossing and recrossing the little river, mounting higher and higher, finally leaving it for good and all. In less than 3 miles and with but a few hundred feet ascent we are above the midsummer snow line and on the summit of the South Pass of the Rocky Mountains, 7,450 feet above sea level. Snow-capped, rugged mountains are in sight to the north and to the south 10 or more miles; to the west, through the great break in the mountain known as South Pass, our track leads us on a high plateau for a hundred miles or more. The ancient highway is here in all its primitiveness and solitude, worn deep and wide into the flinty roadbed—12, 20, 70, 90, aye 200 feet wide and 2, 5, and 15 feet deep. Remember, friends, I am giving you actual measurements—where the hoofs of stock and the grind of the wagon wheels had loosened the soil and the fierce winds had carried it away in impalpable dust or coarser sand, to stifle the breath of man or beast or smart the faces of the suffering pioneers.

"STRIKE SNAKE RIVER.

"But we must on; we are yet high up in altitude, five, six, and seven thousand feet for a hundred miles or more, until Bear River is reached; down Bear River a short way, past the sparkling soda springs—past that once famous but now silent Steamboat Springs, spouting at irregular intervals in the air; steadily on, bearing more to the north until we strike Snake River, then down the left bank past American Falls, Twin Falls, Shoshone Falls (well named the Niagara of the West), on down past the two Salmon Falls, upper and lower, and near by, where we follow the track of the decimated throng across the river to the north bank, over to and down Boise River, then back again across the Snake, soon to be left until its waters are encountered mingled with the waters of the Columbia. We are still on the trail that leads us up the Burnt River, the roughest piece of road yet encountered. On and on to the Grand Ronde Valley of pleasant memories, and up the seemingly impossible face of the Blue Mountain and into the welcome glades of the pine-covered forests, and then another stretch of dust and thirst to the broad Columbia, more than a mile wide, but suddenly lost in its grandeur of width and rushing in its greater grandeur of power through that chasm known as The Dalles, with a breadth of channel less than 200 feet—a roaring torrent of unknown depth, a river turned on edge.

"Near by and just below this wonderful gorge our visible track ends. The greater gorge through the Cascade Mountains obstructs the way, and here the all but famished pioneers took to the water, some in boats, some on rafts, some in their wagon boxes, and floated down past the sunken forests, past most awe-inspiring scenery, to the Cascades, where we again for a short distance catch sight of the great trail around to the foot of the falls and to the tidewaters of the great ocean beyond, beating back the almost resistless waters of the Columbia.

"THE BLAZERS OF THE TRAIL.

"Let me now turn our attention to the men and women who made this mighty highway, the longest continued track in the world, and let me say in passing, the trail of the greatest tragedies, not forgetting that trail of sorrow that leads to Siberia.

"The pioneers of that day were stalwarts—stalwarts in strength, in courage, in integrity, in manly and womanly virtue. They were nearly all frontiersmen, as well trained to the rifle as with the plow. Their habits of life were simple; clad, many of them, in homespun, with shoes made of cowhide on the cobbler's bench in the home, hats patched in ways indescribable, small wonder if they did present an uncouth appearance. But under all this a native wit prevailed, and if not schooled in Greek or Latin literature, they had learned their lessons well in the greatest school of all—life experience of industry, frugality, and for lack of a better name, one may call homely virtues.

"As the throng moves out into the Indian country (I now have in mind the movement in which I took a part), there soon developed weak points in the preparation for so great a trip, as well as weak bodies as compared with the stronger. Useless plunder soon began to make its appearance in abandoned piles along the roadside; but little later great piles of flour, bacon, sugar, in fact all sorts of provisions, were abandoned to relieve the overloaded wagons and overburdened teams. This began even before that dreadful scourge of cholera struck our columns. The throng was so great that all could not get into one track, and to this day traces of these parallel trails are to be found. There seemed at first some sort of orderly organization of companies like that of military rule, which, however, it was soon found were held together as like with a rope of sand. When the panic came, one might say that all organization ceased. The struggle for mastery of the road night and day began. The scene may well be likened to the retreat of a defeated and discouraged army pressed by a victorious foe. Small wonder if friends parted and enemies came together in the face of a common danger. I camped four days with a stricken brother to see 1,600 wagons pass. The loss of life was appalling. I have oftentimes refrained from telling the dreadful story, knowing full well that many would believe it incredible.

"Fully 5,000 persons laid down their lives in that one year alone (1852), for the scourge followed us for over a thousand miles and lined the trail with fresh-made graves, one might almost say, from one end to the other. While this was the chief cause of the great loss of life, there were others contributing, such as the lack of proper food, the irregular supply and impurity of water, the stifling dust, the anxiety to wear upon the iron will of the strongest. Enough has been said to justify me to say that the Oregon pioneers fought a veritable battle in their march to the Oregon country and that the 'Oregon Trail' became a great battlefield of history. This recital, my friends, remember, covers but one year, while the growth and use of the trail covers a period of 25 years, in which it is estimated fully 300,000 people passed over it and, as I have said, 20,000 died on the way.

"PRESERVATION OF TRIAL.

"Small wonder that with such an experience and with such memories the generation that has now so nearly passed over to the 'Greater Trail' should yearn to see their track preserved and their history recorded. We know by the records that 40 years ago this thought took possession of many minds. We know that it was not from a morbid craving for notoriety, but from a sincere desire that an important chapter in history should be written. The conquering of the farther West, written in the blood of many martyrs, is a theme not only to fire the imagination, but likewise to bring a second sober thought for the duties of the hour, to preserve the legacy handed down to the present generation, to impel the study of the old-time ways, to compare the present with the past, remembering that all changes are not betterments. To preserve the history of a nation is to perpetuate its existence and build up its righteousness. To teach a lesson of the virtues of the generation that have passed brings to the forefront their shortcomings as well, thereby impelling the younger generation to practice the one and avoid the other. And so with these thoughts in mind, this work to recover the 'Lost Trail' has been undertaken and the efforts made to arouse the Nation to complete the work.

"On the 29th of January, 1906, I left my home in Puyallup, Wash., with one ox and one unbroken steer, and this old-time wagon now in your city, built from the remains of three old wagons that had crossed over with the throng of 1852–53, and drove out in search of the trail and made an attempt to preserve its identity with granite markers. The people turned out almost en masse, but would not contribute to a general fund, but would lend a willing hand to erect memorial monuments in centers of population. I can only give you a very brief account of that trip. My fortune and misfortunes for the nine months required to retrace as best we could the old trail makes quite a story, but I can only here briefly, very briefly, tell it. We could find traces of it here and there, and then lose it. Part had been fenced up, the fields plowed, and all visible signs gone. In other places nature had been at work. The storms of a half century have changed the face of the country, the river crossings and other landmarks, by growth of vegetation and otherwise. Then again, cities have been built over it, great irrigation ditches have been dug, and so it became evident it would be impossible to recover the whole of the old track without more ample means. On that trip, however, 22 granite monuments give evidence of the interest taken, for the people paid for them as I passed along; but when the Missouri River was crossed and a halt made to take account of stock, I then more fully realized the work had failed. To be sure, we had succeeded in getting up 22 monuments, but what was 22 monuments for a trail 2,200 miles long? A monument for every hundred miles. On the way many bowlders had been marked, wooden posts set—but the expedition as planned had failed. But financial success had come from an unexpected sale of my little book.

"A NATIONAL WORK.

"A resolution was formed to go on to Washington, D. C., to ask Congress to make it a national work, and so in 22 months to a day from leaving my home I drove on to the White House Grounds, received instant recognition from the hands of President Roosevelt, followed by the introduction of a bill appropriating $50,000 to complete the work. I can not tarry to tell you of the varied fortunes that beset that measure further than to say that it is now pending in both Houses of Congress, and has been favorably reported by the committee of the House and amended, requiring an accurate estimate of the cost to complete the work before any of the appropriation should become available.

"And so a second trip over the trail became necessary to ascertain the number of monuments required, estimate their cost, and report the findings to the Congress. And that is what I have been doing this season just passed. I left my home the 12th of March, and again have driven over and along near by the trail and have actually re-covered 1,600 miles of the old track."

"And Joshua said unto them: 'Pass over before the ark of the Lord your God in the midst of Jordan, and take you every man of you a stone upon his shoulder according unto the number of the tribes of the children of Israel; that this may be a sign among you that when your children ask their fathers in time to come, saying, What mean you by these stones?

"'Then ye shall answer them: That the water of Jordan were cut off before the ark of the covenant of the Lord when it passed over Jordan, and these stones shall be for a memorial unto the children of Israel forever.'"

"So say we now, take every man of you a stone to cast upon the monument of the Oregon Trail as hallowed ground trod by the men who opened the way for this grand civilization, that their fame shall abide with us and their very tracks shall be preserved as a sign among you that when your children ask their fathers in time to come saying, What mean ye by these stones? Then ye shall answer them, These stones shall be for a memorial unto the pioneers who gave their lives that we might possess this heritage."

[From The History of the Fur Trade of the Far West, by Hiram Martin Chittenden; published by Francis P. Harper, New York.]

"This wonderful highway was in its broadest sense a national road, although not surveyed or built under the auspices of the Government. It was the route of a national movement—the migration of a people seeking to avail itself of opportunities which have come but rarely in the history of the world, and which will never come again. It was a route every mile of which has been the scene of hardship and suffering, yet of high purpose and stern determination. Only on the steppes of Siberia can so long a highway be found over which traffic has moved by a continuous journey from one end to the other. Even in Siberia there are occasional settlements along the route, but on the Oregon Trail in 1843 the traveler saw no evidence of civilized habitation, except four trading posts, between Independence and Fort Vancouver.

"As a highway of travel the Oregon Trail is the most remarkable known to history. Considering the fact that it originated with the spontaneous use of travelers; that no transit ever located a foot of it; that no level established its grade; that no engineer sought out the fords, or built any bridges, or surveyed the mountain passes; that there was no grading to speak of nor any attempt at metaling the roadbed, and the general good quality of this 2,000 miles of highway will seem most extraordinary."

After describing the general good quality of the trail in the early days, Mr. Chittenden continues his narrative: "But not so when the prairies became dry and parched, the road filled with stifling dust, the stream beds mere dry ravines, or carrying only alkaline water, which could not be used; the game all gone to more hospitable sections, and the summer sun pouring down its heat with torrid intensity. It was then the trail became a highway of desolation, strewn with abandoned property, the skeletons of horses, mules, and oxen, and, alas! too often, with freshly made mounds and headboards that told the pitiful tale of suffering too great to be endured. If the trail was the scene of romance, adventure, pleasure, and excitement, so it was marked in every mile of its course by human misery, tragedy, and death."

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and the Speaker having resumed the chair, a message in writing from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President of the United States had approved and signed bills and joint resolution of the following titles:

On February 17, 1911:

H. R. 30888. An act providing for the purchase or erection, within certain limits of cost, of embassy, legation, and consular buildings abroad.

On February 18, 1911:

H. R. 2556. An act for the relief of R. A. Sisson;

H. R. 5968. An act to pay Thomas P. Morgan, jr., amount found due him by Court of Claims;

H. R. 6776. An act for the relief of Oliva J. Baker, widow of Julian G. Baker, late quartermaster, United States Navy;

H. R. 13936. An act for the relief of William P. Drummon;

H. R. 17007. An act for the relief of Willard W. Alt;

H. R. 24749. An act revising and amending the statutes relative to trade-marks;

H. R. 25074. An act for the relief of the owners of the schooner *Walter B. Chester;*

H. R. 25234. An act authorizing the issuance of a patent to certain lands to Charles E. Miller;

H. R. 32473. An act for the relief of the sufferers from famine in China;

H. R. 30571. An act permitting the building of a dam across Rock River at Lyndon, Ill.;

H. R. 31662. An act granting five years' extension of time to Charles H. Cornell, his assigns, assignees, successors, and grantees, in which to construct a dam across the Niobrara River, on the Fort Niobrara Military Reservation, and to construct electric light and power wires and telephone line and trolley or electric railway, with telegraph and telephone lines, across said reservation;

H. R. 31860. An act permitting the building of a wagon and trolley-car bridge across the St. Croix River between the States of Wisconsin and Minnesota;

H. R. 31922. An act to authorize the Virginia Iron, Coal & Coke Co. to build a dam across the New River near Foster Falls, Wythe County, Va.;

H. R. 31925. An act authorizing the building of a dam across the Savannah River at Cherokee Shoals;

H. R. 31926. An act permitting the building of a dam across Rock River near Byron, Ill.; and

H. R. 31931. An act authorizing the Ivanhoe Furnace Corporation, of Ivanhoe, Wythe County, Va., to erect a dam across New River.

On February 20, 1911:

H. R. 24123. An act for the relief of the legal representatives of William M. Wightman, deceased;

H. R. 27069. An act to relinquish the title of the United States in New Madrid location and survey No. 2880;

H. R. 29300. An act authorizing the Secretary of the Interior to sell a certain 40-acre tract of land to the Masonic Order in Oklahoma;

H. R. 31066. An act to authorize the Secretary of Commerce and Labor to purchase certain lands for lighthouse purposes;

H. R. 31166. An act to authorize the Secretary of Commerce and Labor to exchange a certain right of way;

H. R. 31600. An act to authorize the erection upon the Crown Point Lighthouse Reservation, N. Y., of a memorial to commemorate the discovery of Lake Champlain;

H. R. 1883. An act for the relief of John G. Stauffer & Son;

H. R. 14729. An act for the relief of Capt. Evan M. Johnson, United States Army;

H. R. 20375. An act to authorize certain changes in the permanent system of highways, District of Columbia;

H. R. 22688. An act to authorize the extension of Thirteenth Street NW. from its present terminus north of Madison Street to Piney Branch Road;

H. R. 25679. An act for the relief of the Sanitary Water-Still Co.; and

H. R. 31353. An act for the relief of F. W. Mueller.

On February 21, 1911:

H. R. 8699. An act for the relief of the relatives of William Mitchell, deceased;

H. R. 21965. An act for the relief of Mary Wind French;

H. R. 26685. An act to authorize E. J. Bomer and S. B. Wilson to construct and operate an electric railway over the National Cemetery Road at Vicksburg, Miss.;

H. R. 26722. An act for the relief of Horace P. Rugg;

H. R. 31056. An act to ratify a certain lease with the Seneca Nation of Indians;

H. R. 31657. An act to authorize United States marshals and their respective chief office deputies to administer certain oaths; and

H. J. Res. 209. Joint resolution for the relief of Thomas Hoyne.

MILITARY ACADEMY APPROPRIATION BILL.

The committee resumed its session.

Mr. SULZER. Mr. Chairman, I yield five minutes to the gentleman from California [Mr. HAYES].

Mr. HAYES. Mr. Chairman, I send a document to the Clerk's desk and ask to have it read in my time.

The Clerk read as follows:

SACRAMENTO, CAL., *February 22, 1911—7.55 p. m.*

Hon. E. A. HAYES,
House of Representatives, Washington, D. C.:

As governor of the State of California, I transmit to you the following preamble and resolutions this day adopted by the Senate of the State of California:

"Resolution by Senator Caminetti.

"Whereas it is reported that the draft of the new treaty between the United States and Japan, sent to the United States Senate the 21st instant by the President of the United States, omits all restrictive features concerning the coming of Japanese laborers to the United States; and

"Whereas the Senate of the State of California, relying in good faith upon the assurance from official sources given to the people of the State during the last four years that the immigration to this country of such laborers was precluded by a 'mutual agreement' between our Government and Japan, and that the latter nation was as anxious to retain as we were to exclude them, patriotically and patiently observed calmness pending negotiations for a new treaty; and

"Whereas this senate notes with sincere regret the reported omission from said treaty of such protective measures as are vitally necessary to the interests of California and the welfare of its citizens, or in lieu thereof of such provisions therein continuing in force the said 'mutual agreement,' which has in the past been referred to by the Federal authorities as our shield and protector; and

"Whereas our people have been led to believe and to hope that there would be no surrender of our rights in the premises: Therefore be it

"*Resolved*, That the Senate of the State of California earnestly urges the President of the United States to withdraw said treaty from further consideration by the Senate of the United States; be it further

"*Resolved*, That we appeal to the Senate of the United States in the name of the people of the State of California to withhold and refuse its assent to a compact fraught with so much danger to our citizens, to our industrial development, and to our civilization; be it further

"*Resolved*, That our Senators in Congress be instructed and our Representatives in Congress requested to use all honorable means to prevent the ratification of said treaty 'unless by proper amendment the rights of our people are fully therein protected;' be it further

"*Resolved*, That the governor be requested to immediately telegraph a copy of these resolutions to the President, the respective heads of Congress, and to our Senators and Representatives in Congress.

"I do hereby certify the above resolution to be a full and correct copy of the original resolutions as amended in the senate and passed on the 22d day of February, 1911.

"WALTER N. PARRISH, *Secretary of Senate.*"

In accordance with the above, I instruct the secretary of the senate to wire immediately the foregoing resolutions to the President, the respective heads of Congress, and to our Senators and Representatives.

HIRAM W. JOHNSON, *Governor.*

Mr. HAYES. Mr. Chairman, the treaty between this Government and Japan, now in force, contains the following provision:

It is, however, understood that the stipulations contained in this and the preceding article do not in any way affect the laws, ordinances, and regulations with regard to trade, the immigration of laborers, police, and public security which are now in force or which may hereafter be enacted in either of the two countries.

The new treaty just submitted to the Senate, if we may believe the reports in the public press, contains no provision of this character. In negotiating the new treaty, the representatives of the two countries must have had this provision, as well as all other provisions of the old treaty, in mind, and they must have intentionally omitted from the new treaty all mention of the "immigration of laborers."

The fear of our people is that by this omission, under these circumstances, our Government will be held to have yielded to Japan our right to prevent the coming to our shores of her laborers or her coolie classes.

It may be that in the near future—while the proposed treaty may be in force—it will become absolutely necessary to have legislation to protect our people from the hordes of oriental laborers who, if not prevented, will flock to the United States. Under these circumstances, if such legislation should be passed or seriously attempted, the Japanese would certainly charge us, and justly charge us, with bad faith and a breach of her treaty rights.

I am advised that this proposed treaty gives to the citizens of Japan rights of entry, travel, and residence in this country, and without any provision in the new treaty like that in the old one above referred to, permitting us to exclude laborers, clearly we could not exclude them without violating this treaty. But it is claimed that Japanese laborers are now and will continue to be excluded by a sort of gentlemen's agreement between our own officials and the officials of Japan. If such an agreement is in existence, and it is pretended to have the force of law or to be binding in any way upon Japan, why not incorporate such an agreement in the treaty? Binding agreements between civilized nations upon matters of this kind are usually put in the form of treaties.

But if such agreement exists it would have no binding force upon new Japanese officials. Japan has the ministerial form of government, and if to-morrow there should be a change of ministry, what would become of this gentlemen's agreement?

Stripped of all verbiage and subterfuges, it is proposed to do what has never been done by this country for any nation in the world, to give up to Japan the right of determining for us what, if any, of her people shall have the privilege of entering the United States. This is done on the plea that it is necessary in order not to offend the excessive sensibilities of the Japanese people.

The people of California would not unnecessarily offend Japan. They have nothing but feelings of friendship for the Japanese people, but the matter of the immigration of oriental laborers is of such paramount importance to us that we can not permit any danger of such immigration in large numbers without the most violent protest. We can not view with indifference any action on the part of our Government that would make it less able to protect us from this oriental menace than it now is.

I am laboring under the disadvantage in discussing this matter of not having seen a full draft of the treaty, and I am quite well aware, Mr. Chairman, that this body has no voice in the ratification of the treaty in question, but I venture to express the hope that if the interests, not only of the Pacific coast, but, as I believe, of the whole country, and its Caucasian civilization, be not fully protected by this treaty it may not be ratified by the Senate.

Mr. DIES. Mr. Chairman, for many days we have listened to discussions in this Chamber which sounded the loud alarms of war in direful tones. The gentleman from Alabama [Mr. HOBSON] gravely assured the country the other day that in less than 10 months we would be locked in death struggle with the Empire of Japan, and that in less than 12 months we would be undergoing the humiliation of temporary defeat. Just a moment ago the chairman of the Committee on Naval Affairs ventured the hope that the young men of this Republic would be speedily taught to shoot. From every part of this Chamber has been ringing the voices of gentlemen demanding a greater Navy and a larger Army. What does all this portend? Does it mean that we have forever put behind us the Republic of the fathers, and that we have set our faces toward the dazzling standards of military conquest and glory? The Republic of Washington and Jefferson and Madison proclaimed the principle of peace with all nations and entangling alliances with none. They preferred happiness in peace rather than glory in war.

When our form of government was in the process of molding the immortal sages who sat in judgment upon the lessons of history and the experiences of mankind chose for us a Republic of peace in preference to an empire of grandeur. These learned men were profound students of the world's history. They were familiar with the principles of all forms of government. They were not ignorant of the splendor which follows in the wake of great armies, great battles, and great generals; but they preferred peace and happiness in the homes of the people to the splendor of armies and military establishments. These founders knew that militarism would destroy free government, and they were happy in the knowledge that our isolated situation made great armies and great generals unnecessary. Providence rendered us secure from the wars of the Old World. Great oceans lay between us and the tramping soldiery of Europe. We occupied the one spot of earth for the successful establishment of a republic and the pursuit of the arts of peace.

On yesterday, the anniversary of the immortal Washington, we heard the wisdom and the greatness of that revered patriot extolled in eloquent terms by my colleague [Mr. SHEPPARD]. Let me take a sentence from the Farewell Address of Washington and propound it as an interrogatory to the membership of this body:

Why forego the advantages of so peculiar a situation? Why quit our own to stand on foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, honor, or caprice?

But we seem to have forgotten the admonition of the fathers. We are no longer satisfied to stay upon our own shores and pursue the avocations of peace and the enjoyment of liberty. We have planted our flag 8,000 miles in the Pacific, to lord it over an inferior people. In the West Indies we are hated, because we are ever ready to interfere in their affairs. If there is a loan to be made in China, this Government interferes to see that New York bankers get their share of the investment. We are everywhere busy with the affairs of other nations. What must be the result?

The gentleman from Alabama [Mr. HOBSON] prophesies war, swift and terrible; the generals and the admirals shake their heads ominously and hint at war; the heads of the great supply committees that spend the people's money fidget in their seats and cry out in trembling accents for more money with which to purchase powder and shot, guns and ships, arms and armaments. Ah, Mr. Chairman, the great trouble with us is that we are pursuing a policy which we know is likely to bring war. [Applause.] If we were attending strictly to our own business, there would be no excuse for all these mock heroics about war, and there would be no excuse for spending these fabulous sums of money taxed from the labor of the people. History gives ample proof of the fact that military men are prone to exert influence against peace. War is their game, and, naturally enough, they fret and chafe at piping times of peace. There can be no Alexanders and Hannibals without battles, and there can be no battles without war. If we listen to our generals and would-be generals, every appropriation bill will bristle with war preparations, and there will never be an end of it until there is a soldier upon the back of every citizen and the neglected implements of husbandry lie rusting in the fields, while their former users burnish bayonets and black boots in the camps of an army.

A thousand circumstances—

Says De Tocqueville, in his work on Democracy in America—

independent of the will of man concur to facilitate the maintenance of a democratic republic in the United States. Some of these peculiarities are known, the others may easily be pointed out; but I shall confine myself to the most prominent among them. The Americans have no neighbors and, consequently, they have no great wars or financial crises or inroads or conquests to dread; they require neither great taxes nor great armies nor great generals, and they have nothing to fear from a scourge which is more formidable to republics than all these evils combined, namely, military glory.

But these things have changed since this profound student of free government analyzed our institutions. We now have neighbors in abundance, for we have set up shop in the back yard of the Orient and stretched our clothesline across the confines of Europe. We now require great armies, great generals, and great taxes. Where will it all end? Can the liberty of the citizen survive?

I am not a pessimist, Mr. Chairman, but history does not encourage me to hope that our free institutions will long survive the time when the military shall be made paramount to the civil affairs of our Government. When we send great armies away to oppress our neighbors they will return to oppress our own people.

Rome sent Cæsar and his soldiers to conquer the barbarians, but he returned with his army to destroy the last vestige of Roman liberty and seat himself upon a throne. The people of France, in more recent times, employed Napoleon to lead a grand army against the neighboring peoples of Europe, but when the conquering general came back to France he promptly overthrew the young Republic and crowned himself Emperor with his own hands. Your great generals are not Democrats; they are not Republicans. They are autocrats who despise the civil authority and hate the democratic principle of equality.

Mr. Chairman, the principles of liberty and equality can not live in the military atmosphere. If we would go forth to conquer and achieve military renown as the Romans did we must expect the fate which befell the Roman Republic; if we would have a Cæsar to point his sword against our neighbors we may expect that he will at last turn that sword upon us. We can not have the glory of a strong government without paying the penalty in ruined liberties. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SULZER. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. Three minutes.

Mr. SULZER. I yield those three minutes to the gentleman from Texas [Mr. DIES].

Mr. DIES. For one, Mr. Chairman, I prefer to tread in the paths the fathers trod. In my opinion it is not nearly so important that the young men of this country should be taught to shoot as it is that they should be taught the dignity of labor and the duties of citizenship. I had rather see our people happy than illustrious; I had rather behold peace in the home than glory in the camp. I love the flag of my country, and because I love it I would haul it down whenever it floats over a conquered people; I would stay the onrushing flood of undesirable immigration to our shores; I would have this great Republic attend to its own business and cease meddling with the politics of Europe; I would cease spending the millions of the people in the making of great armies and great generals, and give more encouragement to those who labor in the farms, mines, and factories. I would mold fewer bullets and print more books; I would build fewer battleships and erect more schoolhouses. I would spend less money for destruction and more for construction. [Aplause.]

The CHAIRMAN. The time of the gentleman has again expired.

The Clerk read as follows:

For pay of cadets, $300,000.

Mr. HULL of Iowa. Mr. Chairman, there is an error in printing the bill, and I desire to offer an amendment, which I send to the Clerk's desk, to be put in between lines 5 and 6.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read as follows:

For extra pay of officers of the Army on detached service at the Military Academy:

"For pay of one commandant of cadets (lieutenant colonel), in addition to pay as captain, $1,140."

Mr. HULL of Iowa. Mr. Chairman, in the printed bill the words "for extra pay of officers" is left out, and the officer filling the position of commandant of cadets has been changed to a man of lower rank since the estimates were submitted. Under the law he is entitled to the pay of lieutenant colonel. This simply corrects it, and makes it what is necessary under the law.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HULL of Iowa. Mr. Chairman, I move to strike out the last word, simply to put in a letter of the Secretary of War in regard to the detail of officers, so that Members may have the privilege of reading it in the RECORD. I ask that it simply be inserted in the RECORD without reading.

The CHAIRMAN. Without objection, it will be inserted in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The letter referred to is as follows:

WAR DEPARTMENT.
Washington, February 18, 1911.

SIR: In connection with the statement of the Hon. JAMES HAY, of Virginia, before the House of Representatives, as reported in the CONGRESSIONAL RECORD of February 16, 1911, in which reference is made to the number of officers detailed as instructors at the Army War College, Military Academy, Fort Monroe Artillery School, and other schools as follows:

"I have in my hand a statement furnished to me at my request by the Adjutant General of the Army, showing the officers of the Army who are detached from their regular service and assigned to duty either as instructors or as students at school, as of date January 1, 1911; and I say that there are 22 student officers here at the Army War College and 14 instructors. There are at the Military Academy at West Point 81 officers detailed as instructors. At the Army Service Schools at Leavenworth, Kans., there are 67 student officers and 22 instructors. At the Fort Monroe Artillery School there are 14 instructors and 40 students; and there are at these schools altogether 179 students and 148 instructors, including the officers at West Point."

I have the honor to say that the statement as printed was apparently misleading, as indicated by the debate which followed, and I submit the following memorandum which, in my opinion, more fully presents the facts:

ARMY WAR COLLEGE.

Mr. HAY states that there are at the Army War College 14 instructors and 22 students. The word "college" is used in a broad sense, and the 14 General Staff officers on duty in the War College Division of the General Staff are not instructors in the ordinary sense of the word. If there were no student officers whatever there the services of the 14 General Staff officers would be needed in the work of securing and compiling military information, and preparing plans, maps, etc. If the custom of foreign services were followed there would be a great many more than 14 General Staff officers on duty in the War College Division, even if there were no student officers whatever. Student officers are not a necessary adjunct of the War College Division, but as the officers in this division are a carefully selected body of men and have available an immense amount of information advantage is taken of the opportunity to use them as instructors of a class of carefully selected

officers, who are detailed for a period of one year for advanced military studies in the art of war.

WEST POINT.

Mr. Hay states that there are 81 instructors on duty at West Point. It should be borne in mind that among the 81 detailed officers on duty at the Military Academy are included the superintendent and his staff, the surgeons, quartermasters in charge of construction, etc., and the officers on duty with the troops. Besides the 500 cadets there is on duty at the Military Academy a full battery of Field Artillery (135 enlisted men), the complement of officers for which, under existing law, is five. There is also a full troop of Cavalry, the complement of officers for which, under existing law, would be three. There is a detachment of engineers, which is practically a company of 100 men, and would ordinarily be entitled to a complement of three officers. There is also an Army Service School detachment of 225 men. Altogether there are 700 enlisted men on duty at the Military Academy, almost the equivalent of a regiment, the legal complement of officers for a regiment being 51.

The number of officers at West Point is proportionately high because the Corps of Cadets is only 80 per cent full. A full corps would require very few additional instructors.

COAST ARTILLERY SCHOOL.

It is stated that there are 14 instructors and 40 students at Fort Monroe. There are only 10 officers on duty at Fort Monroe on instruction duty exclusively. The remaining four officers perform duty as instructors in addition to other duty. In mentioning the number of students, omission is made of the students in the department of enlisted specialists, where there are 60 enlisted men under instruction as electricians, engineers, mechanics, etc. A correct statement would be that there are 10 instructors and 100 students, rather than 14 instructors and 40 students.

OTHER SERVICE SCHOOLS.

No detailed reference is made by Mr. Hay to the exact number of officers and students at other schools, but it is stated that, including West Point, there are 148 instructors and only 179 students. As a matter of fact, at the Mounted Service School at Fort Riley, which is apparently included in this, there is also a department for the instruction of enlisted men, known as the School for Cooks and Bakers, and another for the instruction of horseshoers and farriers, with a total of about 440 enlisted men under instruction, all of whom are under the instruction of these officers.

CORRECT STATEMENT.

Based upon the above figures, a more correct statement of the facts would have been that there are 148 officers on detached service as instructors. These officers, in addition to other duties, instruct 1,179 students, of whom 179 are student officers, 500 are cadets, and 500 enlisted men.

CIVILIAN SCHOOLS.

Subsequently, in the course of debate, reference was made to civilian schools. There are 64 officers of the active list detailed as instructors at civilian educational institutions. At these schools there are 19,633 students enrolled, making an average of one officer for every 307 students.

Very respectfully, J. M. DICKINSON, *Secretary of War.*

The CHAIRMAN COMMITTEE ON MILITARY AFFAIRS,
House of Representatives, Washington, D. C.

Mr. HUGHES of New Jersey. Mr. Chairman, I move to strike out the last two words. I notice there is an item here for the pay of the master of the sword, $2,400. The duties of this officer are about similar in character to the duties of the master of the sword at the Naval Academy at Annapolis, are they not?

Mr. HULL of Iowa. The master of the sword has a fixed pay by law; he has the pay of a first lieutenant.

Mr. HUGHES of New Jersey. Are his duties similar in character to the duties of the master of the sword at Annapolis?

Mr. HULL of Iowa. I am not familiar with the duties of the master of the sword at Annapolis, but I can say that the master of the sword at West Point is a very valuable officer. There is a provision of law to the effect that when he dies or retires his place is to be filled by the detail of an Army officer.

Mr. HUGHES of New Jersey. A statement was made during the consideration of the naval bill that when the contest was held for the sword championship of the United States the prize was carried off by the Naval Academy last year. I think that statement was made in debate, and I understand that the instruction there is imparted by a $1,600 a year officer.

Mr. HULL of Iowa. The law fixing this rate of pay was passed several years ago. This is simply carrying out the law.

Mr. HUGHES of New Jersey. I am not attempting to make a point of order on the paragraph. I am simply seeking information.

Mr. HULL of Iowa. I know that all the authorities insist that the man at West Point is an exceedingly valuable man, and I know that at the request of the Academy some six or eight years ago his pay was fixed at that of a first lieutenant. The law at the same time provided that when he died or retired his place should be filled by the detail of an officer of the Army.

Mr. HUGHES of New Jersey. I am simply trying to get some information.

Mr. HULL of Iowa. The contest between these two academies varies from year to year. Sometimes one wins and sometimes the other. We are all proud of both of them.

Mr. HUGHES of New Jersey. I understand that, but I was trying to discover some reason, if there is any, for the disparity in compensation of these two officials, one man getting $1,500 a year, I think, and no rank and no right of retirement, and practically a civilian employee of the Government, whereas the other man gets $2,400 a year, rank, and the privilege of retirement.

Mr. MANN. But the Navy man has an assistant and the Army man has not.

Mr. HUGHES of New Jersey. That is the information I am trying to get.

The Clerk read as follows:

For extra pay of one sergeant of engineers, acting first sergeant, $108: *Provided*, That hereafter the pay and allowances of the acting first sergeant of the United States Military Academy detachment of engineers shall be the same as the pay and allowances of a first sergeant of a company of engineers: *And provided further*, That when an acting first sergeant of the detachment of engineers may hereafter be retired, his retired pay and allowances shall be the same as the pay and allowances of a retired first sergeant of a company of engineers.

Mr. MACON. I reserve a point of order for the purpose of asking the gentleman in charge of the bill the necessity for this provision.

Mr. HULL of Iowa. They have recently added for educational purposes a detachment of engineers to the force at West Point. In place of taking a first sergeant from his company, they have detailed a sergeant, and made him first sergeant of that corps. He performs all the duties of a first sergeant.

Mr. MANN. An acting first sergeant.

Mr. HULL of Iowa. He is an acting first sergeant all the time he is there. There is a bill now before Congress making this detachment of engineers permanent. In that event there would be a permanent first sergeant there, and this law would be of no effect. But we have not acted on that yet, and while I am rather of the opinion that it will come back here on this bill, I do not know that I ought to say that, but I have an intimation that it will be done; and while I think it is good legislation, we have not acted on it yet. As long as this man is acting there and performing all the duties of a first sergeant, there is no excuse for not paying him as a first sergeant.

Mr. MACON. What is the difference in the compensation he is to receive?

Mr. HULL of Iowa. One hundred and eight dollars a year, and we provide for that for this year in this bill. The only difference will be that if he is kept there until he is an old man and retired, his retirement will be as a first sergeant.

Mr. MANN. This makes that the law.

Mr. HULL of Iowa. Yes.

Mr. MANN. Whereas the appropriation would only for the next year.

Mr. HULL of Iowa. Yes; and under this provision it will not be necessary to carry this special appropriation next year.

Mr. MACON. I withdraw the point of order, Mr. Chairman.

The Clerk read as follows:

For clerk to treasurer, $1,800.

Mr. MACON. I reserve a point of order on that paragraph. I notice the committee have increased the compensation of this clerk from $1,600 to $1,800.

Mr. HULL of Iowa. Yes; that is correct.

Mr. MACON. While the salary of the clerk to the adjutant, in the paragraph just above, remains at $1,500. Why should this increase be made?

Mr. HULL of Iowa. This increase is made because of the long service of the man and the very excellent record he has made, and it is urged strongly by the officers of the academy. We believe it is only just that after his long years of service he shall have an increase from $1,600 to $1,800.

Mr. MACON. Are his duties any more tedious or exacting than those of the clerk to the adjutant?

Mr. HULL of Iowa. The adjutant has more help and the duties of this clerk are more arduous. He is a first-class man. He has been there a great many years, and with the cost of living and all we thought this increase only fair. He is getting to be an old man and is so efficient that they regard him as worth even more than that. They have been urging this increase for some time, and the committee believed that in view of all the facts submitted it was a very moderate increase. If he had been in a department here in Washington, I will say to my friend that he would have been up to $2,000 a year long ago as a department clerk. I think this proposition is a very fair one.

Mr. MACON. I do not know; but it appears to me that a clerk of this character, when he gets a salary of $1,600 a year, is getting a little more than the average clerk that performs services in other positions.

Mr. HULL of Iowa. Will the gentleman let me read what is said about him in the Book of Estimates?

NOTE.—This amount is for the cashier and confidential clerk to the treasurer of the Military Academy. He handles and is responsible for all the money transactions of this office. This requires the services of not only a clerk of excellent habits and utmost integrity of character, but one of considerable skill as an accountant. He has been employed by this office in various capacities for 30 years and is entirely worthy of the increase in salary requested. His duties are of such a nature as

to frequently demand his services for additional hours and on Sundays and holidays.

I will say to the gentleman that if this same man had a clerkship in the Treasury Department he would have had $2,000 a year before this. Now, it is as expensive to live at West Point as it is in Washington. It is not like a village or a country town. I know my friend from Arkansas wants to be fair to these people who work for a low salary, and I sincerely hope that he will not make a point of order.

Mr. MACON. In view of what the gentleman from Iowa has said I withdraw the point of order.

The Clerk read as follows:

For pay of chapel organist and choir master, $200.

Mr. OLCOTT. Mr. Chairman, I rise to offer an amendment to strike out, in line 9, page 14, the word "two" and insert the word "seventeen."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 14, line 9, strike out the word "two" and insert the word "seventeen," so as to read "$1,700."

Mr. HULL of Iowa. Mr. Chairman. I want to say that I have no desire to detain the committee with an explanation, but the military school asked for this at seventeen hundred dollars a year. We now pay two. The committee thought that $200 was sufficient at this time.

Mr. OLCOTT. Mr. Chairman, the reason I offer the amendment is that when $200 was paid for an organist it was for services held in the old chapel, where I think there was not even a pipe organ installed. There is now at West Point one of the greatest chapels in the country, and where an organ has been appropriated for to cost $10,000. Now, no one who knows anything about the pay of an organist and a choir master would contend that they could get an organist to play this organ for $200 a year.

Mr. SLAYDEN. Mr. Chairman, I gather the impression that at $200 a year the department would be pretty well satisfied for this next fiscal year, the one for which we are appropriating in this bill. The $10,000 organ has not yet been installed.

Mr. OLCOTT. Will the gentleman yield?

Mr. SLAYDEN. Certainly.

Mr. OLCOTT. Am I not right in saying that it is being erected now?

Mr. SLAYDEN. I do not think so. I was in the chapel the other day. It is a very beautiful building, and, in my judgment, it is one of the most beautiful buildings I ever was in; also, in my judgment, it is one of the most inexcusable pieces of extravagance that the Government ever indulged in. I think to erect a $400,000 chapel for a school was a thing that ought to have made the American people indignant, and I believe that when the knowledge sifts through their minds it will.

Mr. OLCOTT. I do not think that is a question to be considered here now.

Mr. SLAYDEN. No; but, Mr. Chairman, I do not think this $1,700 ought to be appropriated.

Mr. OLCOTT. Well, Mr. Chairman, the organ in this new church will not be played upon by anybody that you can get for $200 a year. Therefore I offer the amendment, and I hope it will pass.

Mr. MACON. Mr. Chairman, I rise to oppose the amendment offered by the gentleman from New York. To increase the compensation that the committee thought was not worth more than $200 to $1,700 strikes me as being inexcusable in the extreme.

Mr. OLCOTT. Will the gentleman from Arkansas yield to me for a moment?

Mr. MACON. Yes.

Mr. OLCOTT. The man who performs the service for $200 and the one who will perform it for $1,700 are not performing a like service at all. You can not get a man to play a large church organ for the same price that you can get one to play the small organ that was in the old chapel.

Mr. MACON. Mr. Chairman, I understand that; but the committee in charge of this bill had all this matter under consideration, and they have reported the bill to the House, and say by that act that they think $200 is enough. They have reported other increases that were in reason, and nobody up to this time has objected to any of them, but if Members are going to ask increases of this character, then I must insist on knocking out every increase that is offered, because it is going too fast, in my judgment, to increase salaries from $200 to $1,700 at a clip. We ought to proceed by degrees in matters of this kind and not by leaps and bounds. I hope the gentleman will not insist on his amendment.

Mr. OLCOTT. Mr. Chairman, I will ask a vote on it, of course. It is only a question of the employment of somebody to play a melodeon or a large pipe organ. If we build a big city organ we ought to have somebody who can play upon it.

Mr. MACON. I think the committee ought to have this matter investigated before we act upon it.

Mr. OLCOTT. If you get some person who will be employed at $200 a year, the chances are that your $10,000 organ would be ruined.

Mr. HAY. I would like to know why the gentleman thinks it is necessary to provide for this $1,700 man until we have the organ.

Mr. OLCOTT. I felt quite certain that it is now in process of erection.

Mr. SLAYDEN. I was all through the building a few days ago, and I found no evidence of any construction in that building for an organ of that kind.

Mr. HAY. As a matter of fact, the superintendent of the academy said it had not been completed, and it is not completed, and the gentleman wants now to appropriate money for a position which can not be filled, and nobody knows when it can be filled.

Mr. OLCOTT. Mr. Chairman, from the statement of the gentleman from Virginia [Mr. HAY] and the statement of the gentleman from Texas [Mr. SLAYDEN] that this will not be necessary for the coming fiscal year and that the organ is not now commenced, I will withdraw my amendment.

The Clerk read as follows:

For pay of one clerk and stenographer in adjutant's office (to be immediately available), $1,000.

Mr. MACON. Mr. Chairman, I reserve the point of order on that. This seems to be the creation of a new office.

Mr. HULL of Iowa. It is, but it is to take the place of one that was abolished, as I remember now. I can tell the gentleman in a minute.

Mr. MACON. It is on page 15, beginning with line 6 and ending with line 7, for one clerk and stenographer in adjutant's office (to be immediately available), $1,000.

Mr. HULL of Iowa. Mr. Chairman, I will say to the gentleman from Arkansas that there is a change in clerks by the ordering away of clerks that have been heretofore employed there. There are some seven or eight clerks, I think, altogether—I can look the matter up and tell the gentleman exactly—that have heretofore served in the Military Academy, but have been paid out of the Army appropriation bill. The Adjutant General of the Army, in pursuance of the orders of his chief, notified the Military Academy before these estimates were submitted that those clerks would all be ordered away from the academy, and that the academy must provide its own clerks. The gentleman will find an increase of clerks here in the academy to make up for those who have been ordered away and that have been paid out of the Army bill. They asked for a larger increase of clerks in the Army bill for departments and headquarters and military posts and we cut that down, and they took these away from the Military Academy. It is an increase in the item, but the same number of clerks practically would be employed at West Point as have heretofore been employed. They have been paid out of the Army bill, and in taking them away they wanted a stenographer to be made immediately available.

Mr. MACON. Is the expense reduced; that is, the appropriation reduced that they have been heretofore paid?

Mr. HULL of Iowa. No; it was not reduced because there was an increase given to the Army, but if there had been no increase given there would have been a decrease here. Heretofore they were paid out of the Army bill.

Mr. MACON. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

For pay of 2 book sewers in bindery, 1 at $24 and 1 at $20 per month, $960.

Mr. HULL of Iowa. Mr. Chairman, there is an error there in the language of the paragraph, and I move to strike out all after the word "bindery," in line 11, down to and including the word "month," in line 12.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 16, line 11, strike out all after the word "bindery" down to and including the word "month," in line 12.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

All the money hereinbefore appropriated for pay of the Military Academy shall be disbursed and accounted for by officers of the Pay Department as pay of the Military Academy and for that purpose shall constitute one fund.

Mr. BORLAND. Mr. Chairman, I move to strike out the last word. I do this for the purpose of asking the chairman of the committee a question. I want to ask the question I asked a

few minutes ago, whether it is true the academy is below its full quota of students.

Mr. HULL of Iowa. Yes; and always is.

Mr. BORLAND. How much below?

Mr. HULL of Iowa. I think about 120 cadets now.

Mr. BORLAND. What is the capacity of the academy?

Mr. HULL of Iowa. I do not know that I can answer that off-hand. It is 391 for Members of Congress, 40 for the President, and 92 for Senators, one for each Territory, and one extra for Members whose cadet is in the senior class—about 600.

Mr. BORLAND. So it is short about 120?

Mr. HULL of Iowa. It is all of that short.

Mr. BORLAND. How long has that condition continued?

Mr. HULL of Iowa. It varies, sometimes more and sometimes less. There have always been cadets going out, occasionally one will die, and a great many fail in their examinations, and sometimes they are discharged for hazing. I think that is what the gentleman wants——

Mr. BORLAND. No; that is not what the gentleman wants, but I will get to that. I want to know this, What is the reason of the shortage of practically 25 per cent in the academy?

Mr. HULL of Iowa. One is, there are none coming in. For instance, I have just received a notice that both of the men I have nominated, the principal and the alternate, had both failed. Besides, at the midwinter examinations, there is always a large number of cadets who are "plucked," as it is called, who have not passed their examinations, and it varies, owing to the ability of the class, and for other reasons.

Mr. SULZER. And in that connection allow me to say to the gentleman one of the reasons the classes at West Point are not up to the maximum in numbers is because the Members of Congress do not make their appointments as regularly and speedily as they should, and another reason is that a great many young men appointed by Members of Congress fail to pass the midwinter examinations, and the consequence is there is never a time, and probably never will be a time, when all the classes at the West Point Military Academy will be full and complete. I ask the gentleman in that connection if his cadet is now in the academy?

Mr. BORLAND. Yes.

Mr. SULZER. Then the gentleman's district is represented. There are many districts, however, that are not represented, and it is urged by the officers at the academy that Members of Congress should do the best they can to keep their districts represented. This will go far to obviate the evil of which the gentleman complains.

Mr. BORLAND. Now, Mr. Chairman, I will say, in view of what the chairman of the committee and a ranking Democrat have said on this subject, that it seems to me that the appropriation of over a million a year to maintain a school is so costly an expenditure that it ought to result in all the practical benefit to the country that is possible from that kind of an institution. Certainly a shortage of 20 to 25 per cent continually is not explained by death, resignation, or dismissal for discipline. It must be explained on some other ground. The gentleman says it is due to the fact that many Members fail to appoint and that many of the men appointed fail in their examinations. If the Members fail to appoint, there must be another way of keeping the academy filled, because surely we can not be running an expensive academy by depending upon the promptness or whim of 391 Members of Congress and 92 Members of the Senate. We must have the Army supplied with officers. It is further a fact, as I understand it, that nearly 60 per cent of the officers were appointed from civil life. Is it possible there are better men of whom to make officers outside of the academy than in it?

Is it possible that the best condition of affairs that can happen is that 60 per cent of the officers must be appointed from civil life? If so, that is an argument against the entire academy, for if the academy is kept up for the sole purpose of training officers and can only result in obtaining from the academy 40 per cent of the officers needed, then clearly the men appointed from civil life can take care of the whole job if necessary.

It is said by the gentleman from New York [Mr. SULZER] that many of the appointees fail, and I know that to be true. I appointed a man who had the advantage of one of the best high schools in the West, the one at Kansas City, which I believe is fully the peer of any high school in the country. I believe that a man that has gone through a good high school should be qualified for the first year's class at either of the academies, especially if he has gone through a high school that is above the average of the ordinary rural, country high school. It seems that that man could not get into the academy until he had gone to some special instructors and taken further tuition in mathematics. In other words, there was a young man who was as thoroughly equipped as any young man could possibly be in this modern day and age of educational advantages, but he could not pass an examination at West Point without, first, a special, and, second, a failure that had to be compensated by restoration and reappointment. Now, I picked out the best qualified man I could find for that purpose. His father is a dignitary in the Episcopal Church. I do not know a thing that would disqualify him physically or mentally for the Military Academy, and yet he could not take that examination without a special training. That being so, there must be something materially wrong about the curriculum of the academy. It seems to me if we go into the open market and get 60 per cent of our officers from civil life, many of whom have not had better than the ordinary high-school training, why could we not take the ordinary high-school boy from the ordinary high schools of the country, from Missouri and Iowa, and the other States, and start them through the Military Academy?

Mr. TILSON. Will the gentleman yield?

Mr. BORLAND. Yes.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. BORLAND] has expired.

Mr. SULZER. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended for three minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TILSON. May I ask the gentleman a question?

Mr. BORLAND. Yes.

Mr. TILSON. Does he understand that 60 per cent of the officers being appointed now to the Army are from civil life, or that of the officers now in the Army 60 per cent are from civil life?

Mr. BORLAND. I see where my remarks were not clear. I understand about 60 per cent of the present force of officers were appointed from civil life, but I do not understand what the gentleman says I might have been implied to say, that 60 per cent of the appointments to-day are from civil life. I do not understand it that way.

Mr. TILSON. Not more than 25 per cent of the officers to-day are taken from civil life.

Mr. BORLAND. Why should that be so?

Mr. HAY. I would like to call the gentleman's attention, if he will permit me, to the hearings in this case on this very question. Gen. Barry, the Superintendent of the Academy, was being examined as to why the corps of cadets was not full, and he stated, among other things, as the gentleman from New York [Mr. SULZER] has said, that the Members of Congress and Senators do not appoint, and therefore permit vacancies to be created. He also stated that in each class there are failures every year. But he went on and said further, as showing the improvement in that regard, that as the result of the last examination the whole first class got through, the whole second class and the whole third class, and only six of the fourth class were declared inefficient. I think that is a pretty good record.

Mr. BORLAND. Now, is it not true that if a Member of Congress fails to appoint within a certain time the appointment lapses to the President of the United States?

Mr. HAY. It lapses to the Secretary of War.

Mr. BORLAND. That is practically the same thing.

Mr. HAY. But the gentleman will understand they do not exercise that, because they do not wish to take that away from a Member of the House or the Senate, and he is given an opportunity to make the appointment.

Mr. BORLAND. But if the law provides that the appointment shall be made——

Mr. HAY. I do not know that the law is mandatory. I think it is simply in the discretion of the Secretary of War.

Mr. BORLAND. It seems to me it is a discretion that he is expected to exercise, if it is necessary to keep up the full quota of the Academy.

Mr. HAY. The gentleman knows how these matters are. He knows that the Secretary of War or the Secretary of the Navy would not take away from a Senator or a Congressman the right to make an appointment when he was told that a nomination would be sent in in a few days, or some such matter as that.

The CHAIRMAN. The time of the gentleman has expired. The Clerk will read.

The Clerk read as follows:

For maintaining the children's school, the Superintendent of the Military Academy being authorized to employ the necessary teachers, $3,520.

Mr. TILSON. Mr. Chairman, it seems to me there is a mistake here, in the proviso at the bottom of page 27.

Mr. HULL of Iowa. This is the children's school.

Mr. TILSON. Then we have a provision for a chemical fire engine in the next paragraph.

Mr. HULL of Iowa. That does not apply to the school.

Mr. TILSON. It does not apply to the chemical fire engine?

Mr. HULL of Iowa. No.

Mr. TILSON. It seems to follow the chemical fire engine as if it would apply to it.

Mr. HULL of Iowa. The chemical fire-engine item was put in there after the bill was prepared. The proviso applies to all foreign publications, foreign professional books, and so forth. It does not apply to anything except foreign publications, no matter where it goes in.

Mr. TILSON. It seems to me it should go in in connection with the library.

Mr. HULL of Iowa. It has always been at the end of the whole provision, as it is in this bill. It does not make any difference where it is; it only applies to the one provision now. If the gentleman will notice he will see that it has always come in before "Buildings and grounds."

The Clerk read as follows:

For plaster and other models, relief plans, and maps to illustrate the facts of geology, photography, geography, hydrography, the processes and results of the useful arts, of the art of war, fortifications, artillery, and the like, to be displayed on the walls of the buildings of the academy, $5,000.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph just read, for the purpose of getting some information from the chairman of the committee. I will ask the chairman of the committee, Does this item propose to appropriate for some relief work on the exterior of the buildings?

Mr. HULL of Iowa. No; it is intended to put some models and plaster casts inside for the students to study. I do not think the item is subject to a point of order, because it is in line with the subjects decided on for the instruction of the students. It is in accordance with the plan for carrying out the course of instruction.

Mr. STAFFORD. It is for laboratory work and purposes of that kind?

Mr. HULL of Iowa. It is for instruction of cadets.

Mr. STAFFORD. I withdraw the reservation.

The Clerk read as follows:

For continuing the work of increasing the efficiency of the United States Military Academy, West Point, N. Y., and to provide for the enlargement of buildings and for other necessary work of improvement in connection therewith, as authorized in acts of Congress approved June 28, 1902 (Public, 181), April 28, 1904 (Public, 192), March 3, 1905 (Public, 137), and June 28, 1906 (Public, 310), in accordance with the general plan approved by the Secretary of War January 27, 1904, to remain available until expended, $300,000.

Mr. STAFFORD. Mr. Chairman, I reserve the point of order on that paragraph. I notice that the phraseology——

Mr. HULL of Iowa. I hardly think it is subject to a point of order.

Mr. STAFFORD. The gentleman said that a moment ago, but in this case I may be more intent on the point of order. I would like to inquire if it is intended to insert this amount, $300,000, for the enlargement of the academy buildings?

Mr. HULL of Iowa. This is part of what has been authorized, and, as I understand, it completes the amount that has been authorized. They asked us this year to increase the authorization, and we declined. This is for the buildings already authorized, and it is within the limit of cost.

Mr. STAFFORD. I wished to ascertain that information, as to whether it was in addition to the amount heretofore authorized.

Mr. HULL of Iowa. No; it is in addition to the amount heretofore appropriated, but not in addition to the amount authorized.

Mr. STAFFORD. If it is within the amount heretofore authorized it is not subject to a point of order. May I inquire what is the purpose of the appropriation of $300,000?

Mr. HULL of Iowa. We appropriate each year under the authorization. This $300,000 completes the amount authorized by Congress and fixed as the limit of cost and is for continuing the erection and completion of buildings already authorized.

Mr. STAFFORD. There is no new building contemplated by this appropriation?

Mr. HULL of Iowa. No; that is to say, there will be new buildings built out of this appropriation, but buildings that have been approved; the plans have all been made for them. It is for carrying on the work, and with this appropriation stops the construction of new buildings, or the commencement of the construction of buildings, unless Congress authorizes an increase in the limit of cost.

Mr. STAFFORD. Has the gentleman a statement of the total amount that will have been expended under these various enactments, with this $300,000 included?

Mr. HULL of Iowa. Seven million five hundred thousand dollars.

Mr. STAFFORD. In what period of years has that amount been expended?

Mr. HULL of Iowa. I would not like to give that off-hand, but it runs over a period of some 10 years.

Mr. STAFFORD. Not earlier than the first act mentioned here of 1902?

Mr. HULL of Iowa. I should think not.

Mr. STAFFORD. Then it is very likely within the last six or seven years?

Mr. HULL of Iowa. I think it is more than seven years. That is my recollection, but it is off-hand. On page 59 of the hearings the question was asked:

What additional buildings and improvements would be left out if we did not authorize it—

That is the additional $3,000,000 they want. I can read to the gentleman what they say here.

Mr. STAFFORD. They are exercising their propensity for more appropriations to the amount of $3,000,000 only?

Mr. HULL of Iowa. Oh, I will say to the gentleman that the first act we passed limited the total to $5,000,000, as I recollect now. I am not speaking with absolute accuracy. After the plans had been approved, and after some appropriations had been made, Congress increased the limit of cost to $7,500,000. I will say to the gentleman that that is not unusual, because in the case of the Naval Academy—and I am not saying this for the purposes of criticism or comparison, but simply as a fact—they started out with a proposition for less than $8,000,000, and then it was increased to $8,000,000, and finally the limit of cost was increased to $12,000,000.

Mr. STAFFORD. It would not be unusual for them to ask for this additional $3,000,0000 in excess of the authorization.

Mr. HULL of Iowa. They have already done that, but we have not reported it, and so far as the Committee on Military Affairs is concerned, it is not before Congress, because we failed to report it. It would be subject to a point of order if anybody should make it, and we do not believe they ought to have that authorization. But a future Congress may give such authorization.

Mr. STAFFORD. I withdraw the point of order.

Mr. HULL of Iowa. Mr. Chairman, I move that the committee do now rise and report the bill to the House with the recommendation that the amendments be adopted, and that the bill as amended do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DODDS, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 32436) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1912, and for other purposes, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the vote will be taken on the amendments in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. HULL of Iowa, a motion to reconsider the last vote was laid on the table.

RETURN OF A BILL FROM THE PRESIDENT—HELEN S. HOGAN.

The SPEAKER laid before the House the following message from the President, which was read:

To the House of Representatives:

In compliance with the request of the House of Representatives of February 21, 1911 (the Senate concurring), I return herewith House bill No. 25081, entitled "An act for the relief of Helen S. Hogan."

WM. H. TAFT.

THE WHITE HOUSE, *February 23, 1911.*

The SPEAKER. If there be no objection, the message will lie on the Speaker's table.

There was no objection.

CODIFICATION OF LAWS RELATING TO THE JUDICIARY.

Mr. MOON of Pennsylvania. Mr. Speaker, I move to suspend the rules, take from the Speaker's table the bill (S. 7031) to codify and revise the laws relating to the judiciary, and without reading strike out all after the enacting clause and insert in lieu thereof, without reading, the text of the bill (H. R. 23377) to codify, revise, and amend the laws relating to the judiciary, as heretofore amended in the House, and ask a conference with the Senate.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

I move to suspend the rules, take from the Speaker's table the bill (S. 7031) to codify, revise, and amend the laws relating to the judiciary, and, without reading, strike out all after the enacting clause and insert in lieu thereof, without reading, the text of the bill (H. R. 23377) to codify, revise, and amend the laws relating to the judiciary, as heretofore amended in the House, and ask a conference with the Senate.

The SPEAKER. Is a second demanded?

Mr. SHERLEY. I demand a second.

The SPEAKER. The gentleman from Kentucky [Mr. SHERLEY], a member of the committee, demands a second. Under the rule a second is ordered.

Mr. HUGHES of New Jersey. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HUGHES of New Jersey. On the last day on which this bill was discussed in the House—that is, the House bill which it is now proposed to substitute for the Senate bill—there was pending an amendment which had been voted upon and upon which tellers had been demanded and ordered, as I recollect the transaction, but before the vote was taken by tellers the House adjourned.

The SPEAKER. The motion of the gentleman from Pennsylvania [Mr. MOON] would not cover anything except the amendments that had been agreed to. It does not cover anything else.

Mr. HUGHES of New Jersey. That amendment had been defeated by division.

The SPEAKER. It is a question of fact. On the statement of the gentleman from New Jersey the division was going on.

Mr. HUGHES of New Jersey. The amendment was defeated, but the result was not announced, because a demand for tellers was made and tellers were ordered.

The SPEAKER. There is nothing journalized except that which is agreed to; and from the statement of the gentleman from New Jersey the House was dividing.

Mr. MOON of Pennsylvania. I might say in addition that the announcement had been made by the Chair that the amendment was defeated.

The SPEAKER. The Chair does not know anything about it except from the statement of the gentleman.

Mr. MOON of Pennsylvania. Mr. Speaker, I have nothing to say upon this matter unless some gentleman asks me a question. This bill has been before the House for consideration on 9 or 10 different days, and I think everybody understands the attitude of the bill, and I prefer for the present to confine myself to answering questions, which I should be glad to do.

Mr. GARRETT. I would like to ask the gentleman a question. The effect of the motion is to include all amendments that have been agreed to in the House?

Mr. MOON of Pennsylvania. Absolutely; yes. It so states in the motion. The effect is to carry into conference all the amendments that have been adopted by the House.

Mr. GARRETT. Will the gentleman yield me five minutes?

Mr. MOON of Pennsylvania. I will yield the gentleman five minutes.

Mr. GARRETT. Mr. Speaker, I shall vote for the motion made by the gentleman from Pennsylvania for this reason: There are included in the bill now amendments of vital importance, and this Congress can enact good legislation by passing the bill with those amendments. But I think in fairness that it should be said to the gentleman from Pennsylvania that if this bill comes back from conference with these amendments eliminated the pressing necessity for passing it will also be eliminated.

There are involved here amendments that are far-reaching. The amendment offered by the gentleman from Kansas [Mr. MADISON], which was adopted, the amendment offered by myself, which was adopted, the amendment offered by the gentleman from Kentucky [Mr. THOMAS], which was adopted, and the amendments offered by the gentleman from Georgia [Mr. BARTLETT], which were also adopted, improve this bill, improve the law, and make it worthy of passage. But if these amendments are eliminated in conference, then there is no pressing necessity for passing the bill.

I wish to be entirely candid about my position on it. I shall vote to send it to conference because of the valuable amendments that are placed on it. I shall vote against any conference report which does not include the fundamental propositions involved in at least two of these amendments.

Mr. CLARK of Missouri. Mr. Speaker, I wish the gentleman from Tennessee would name those amendments.

Mr. GARRETT. I shall be very glad to do so. The amendment proposed by the gentleman from Kansas [Mr. MADISON] and adopted by the House provides, in substance, that the district Federal courts shall not interfere with the State officers executing a State law, when its constitutionality alone is involved, until that law has been passed upon by the highest court of the State. Then, of course, an appeal can be taken by writ of error from the supreme court of the State to the Supreme Court of the United States.

The amendment proposed by myself and adopted was one which prevents the removal of causes brought in a State court of a State against corporations to a Federal court upon the ground of diversity of citizenship of the corporation. The amendment proposed by the gentleman——

Mr. MANN. The gentleman from Tennessee has not completed his statement. That amendment does not prohibit the removal of causes from a State court to a Federal court on the ground of citizenship. It affects corporations——

Mr. GARRETT. I thank the gentleman. I thought I stated that it prevented removals of suits brought against corporations on the ground of diversity of citizenship of the corporation.

Mr. CLARK of Missouri. It changes the old rule that a corporation is a citizen in the State of its formation.

Mr. MANN. And makes it a citizen in the States in which it does business.

Mr. CLARK of Missouri. It makes it a citizen in every State that it is doing business in.

Mr. GARRETT. Yes; practically, though not in express terms. For jurisdictional purposes it will be so in so far as removals are involved.

Mr. CLARK of Missouri. That ought to have been the law long ago.

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. MOON of Pennsylvania. I will yield to the gentleman two minutes more.

Mr. GARRETT. The amendment of the gentleman from Kentucky [Mr. THOMAS] was simply to raise the amount from $2,000 to $5,000. As the law now is, a cause may be removed on the ground of diversity of citizenship from the State court to the Federal court where the amount involved is $2,000. The amendment of the gentleman from Kentucky raises the amount from $2,000 to $5,000. The amendment of the gentleman from Indiana [Mr. CULLOP] is upon a question of procedure, upon the question of removing the judge upon the affidavit of——

Mr. MANN. A change of venue.

Mr. GARRETT. Yes; a change of venue. The amendment of the gentleman from Georgia [Mr. BARTLETT] applies to the abandoned property claims; that is his principal amendment. There are a number of other amendments offered by him and adopted, changing the phraseology so as to define the war of secession as the "Civil War," rather than as it has been defined heretofore in the law, the "War of the Rebellion." Those are the five amendments which have been adopted that I regard as of great importance, and in order to secure the adoption of which I am willing to vote for the motion of the gentleman from Pennsylvania.

Mr. MOON of Pennsylvania. Mr. Speaker, unless some gentleman desires to ask further questions, I will reserve the balance of my time and ask the gentleman from Kentucky to employ his time.

Mr. SHERLEY. The gentleman from Tennessee [Mr. GARRETT] has stated very aptly some of the chief amendments that were put upon the bill in committee. As I shall be one of the conferees, it is perhaps not out of place that I should make this statement, in view of what the gentleman has said. As House conferee I should, of course, feel obligated to urge upon the conferees of the Senate the adoption of any amendments that the House has placed on the bill, but I would not be willing to have it understood now that I agree to the gentleman's statements that in the event a conference report came back here not containing everything that the House has seen fit to place in the bill that the bill should be defeated.

The situation is practically this: Without a suspension of the rules and the passage of this bill under suspension there will be no change of law either in the particulars enumerated by the gentleman from Tennessee or in any other particulars which are the result of the labor of the joint committee that reported the bill in the first instance. To my mind the bill, as reported, was a good bill, justifying its enactment—not a perfect bill—and it could and has been perfected by committee amendments, but irrespective of those committee amendments I believe that the bill ought to pass. I desire to make that statement, so that there may be no misunderstanding about my position.

Mr. GARRETT. Will the gentleman yield?

Mr. SHERLEY. For a question.

Mr. GARRETT. This bill of the committee does make a rather fundamental change in the merger of the circuit and the district courts. The reasons have been presented for opposition to that, and I say very candidly to the gentleman that they do not appeal to me sufficiently to induce me to vote against the bill, but that does involve a considerable change in the law.

Mr. SHERLEY. Yes; it changes the law in that respect.

Mr. GARRETT. So that it is not altogether correct to say that this bill contains nothing except existing law.

Mr. SHERLEY. No one has said it except the gentleman.

Mr. GARRETT. Now, may I ask the gentleman if we can be assured of a vote upon these amendments in conference?

Mr. SHERLEY. Mr. Speaker, in the first place the bill has not reached a stage where there is even a conference ordered, and I presume at that time when a conference is ordered by the House the gentleman's question would then be in order. At this time we do not even know that there will be a conference or but what the Senate may accept the House bill. The only reason I made the statement was this: I did not want my side of the House to consider that the passage of this bill under suspension of the rules obligated the conferees to favor the defeat of a conference report unless it had in it an acceptance of the various amendments that the gentleman enumerates.

Mr. GARRETT. No; no; and I hope the gentleman will understand I did not, in anything I said, mean to undertake to bind the conferees. I was speaking for myself and outlining my own course of action.

Mr. PARSONS. Was not this merger of the circuit court with the district court in the report of the commission which was specially referred to the joint committee and had been agreed to both by the Senate and the House?

Mr. SHERLEY. It was; and not only is that true, but this other fact is true. This House has, day after day, on calendar Wednesday, practically considered everything in the bill. There are only a few pages containing matter which, so far as I know, would not be the occasion for any difference of opinion or discussion, and certain amendments pending that are unacted upon, and the proposition now before the House is this, Whether we shall suspend the rules and pass this bill by striking out all after the enacting clause of the Senate bill and substituting the House bill, so as to make it a basis for conference, or whether we shall let the work of several years fall to the ground and have to be gone over again in another Congress? This is all I desire personally to say. I promised to yield the gentleman from Missouri [Mr. BORLAND] five minutes, and I now do so.

Mr. BORLAND. Mr. Speaker, this bill contains so many good features in the condition in which it left the Committee of the Whole that I quite agree with the gentleman from Kentucky that substantial progress has been made. If the bill can come back from the conference in anything like the shape in which it goes from the House, it will be a very desirable step for us to take. There is one feature, though, in view of his remarks, that he will probably as a conferee be obliged to sustain the amendments of the House, to which I should like to call attention, because I believe it has not been adequately discussed in this House. On last Wednesday an amendment was submitted by the gentleman from Illinois providing for the purchase (page 2621 of the RECORD) for the United States circuit and district judge at every place where the circuit and district court is held, and for various other officials of the United States therein enumerated, a set of private reports known as the Federal Reporter. This Federal Reporter, as most of the gentlemen in this House know, and all lawyers know, is a private set of reports published by a private publishing company, containing what they choose to publish of the decisions of the United States circuit and district courts. There is no other set of reports covering that exact ground. Now, I understand the fact is this, that these publishers for years have presented to the circuit and district judges of the United States a set of these reports as they were issued upon the consideration of reviewing the syllabus which was put on them, so that as a matter of fact the judges have a private set of these reports already. Now, it is proposed to spend $150,000 to buy complete sets of these reports from the beginning. This establishes these private reporters as official reporters of these United States district and circuit courts. We do not seem to have undertaken to follow the plan in the Supreme Court report, nor to make the Supreme Court reporter extend his duties over these other courts, but we are going to place the stamp of official approval upon a set of private reports. This amendment was offered by the gentleman from Illinois, who usually is most careful in the amendments and bills which he proposes and sometimes insists upon accuracy in others. Yet there is nothing in there as to the number of volumes these people may publish and send out, how much their volumes shall contain, nor the size of their volumes. They can send out 10 or 12 just as well as one——

Mr. MANN. The gentleman understands, of course, it is all subject to appropriations by the Congress.

Mr. BORLAND. Certainly; but after it is authorized by law——

Mr. MANN. Ah, but if they try to fake any volumes on us, there are plenty of men here to watch that. If they try to force a number of volumes that ought not to be published, there will be no appropriation made for them.

Mr. BORLAND. The gentleman does not mean to say that usual safeguards should be left out of a law because you can put a check on the appropriations to stop it?

Mr. MANN. I do not know what the safeguards would be; I do not remember whether I offered the amendment or not.

Mr. BORLAND. I see by the RECORD he did.

Mr. MANN. If I offered the amendment, I offered a bill as an amendment to the bill after discussion, which bill was proposed and reported upon by the committee.

Mr. SHERLEY. Will the gentleman permit an inquiry? Is he referring to an amendment that is substantially the same as Senate bill 179, concerning which all of us received a letter from the Keefe-Davidson Co.?

Mr. BORLAND. I believe that is the bill.

Mr. SHERLEY. Frankly, I will say to the gentleman, the letter I received rather convinced me of the correctness of the position of this company in complaining of the action of Congress, and I feel that I can say to the gentleman that he need not have any fear on the part of the committee that the conferees will embody in this bill any provision undertaking to give a monopoly to any particular law publishing company, or a provision so loosely drawn as to permit the unnecessary issuing of reports of the decisions of the Federal courts.

Mr. BORLAND. That is the only purpose I had in mind in calling this matter to the attention of the House at this time.

Mr. MANN. The gentleman will recall the amendment that was offered and reported by the Committee on the Judiciary of the House and that it passed the Senate, and that we inserted in the amendment the amendment of the gentleman from Wisconsin [Mr. STAFFORD], so that this would not be limited to one company or to one set of reports.

Mr. BORLAND. I am aware of that.

Mr. STAFFORD. The gentleman calls attention to the amendment I suggested, namely, after the words "Federal Reporter," which was adopted——

Mr. BORLAND. I understand that. Yet, the gentleman will readily see that if we authorize by law the purchase of back volumes of this particular set of books, it is manifest there will be no competition by somebody else, who would have to go to work and get up a complete set of back reports before they could reach the point of competition. That sort of amendment does not cure the situation at all. If the gentleman were proposing to buy reports from now on it would be a different matter.

Mr. STAFFORD. I would suggest to the gentleman, if he will permit me, that the amendment would permit the Department of Justice at any time, if they became dissatisfied with the Federal Reporter, to substitute another set of reports, which could be continued from the time when the Federal Reporter would be continued.

Mr. BORLAND. We could always repeal this law, of course. But after we have made an expenditure of $150,000 on a particular set of reports up to that time, under what circumstances can a new company compete?

Mr. MANN. The old reports and the new ones have no relationship with each other. The Cooperative Report of the Supreme Court reports is just as good as the old reports, and the new reports have nothing to do with the question of the old reports. No lawyer pays attention to the number of the report, but the time of it.

Mr. BORLAND. It is perfectly true, as the gentleman says, that we can refuse appropriations and adopt another system, but why put into the law a provision so loose that it will require the action of executive officers or action of Congress to correct those particular things? If we design to have a system of reports of the circuit and district courts of the United States, why not provide how those reports shall be gotten up, what they shall contain, how much matter shall be in a particular book, and that the copyright or the matrices shall belong to the Government of the United States, so that reproductions can be made after they are out of print, and so on?

Mr. SHERLEY. I yield five minutes to the gentleman from Georgia [Mr. BRANTLEY].

Mr. BRANTLEY. Mr. Speaker, I dislike exceedingly to stand for any delay in giving to the country this codification. We ought to have the codification, for I think there has been much excellent work done on it. We have waited, however, for this codification a great many years, and, for my own part—and I think I speak for the bar of the section of the country from which I come—we are willing to wait a little while longer for it before taking it at the expense of abolishing the circuit courts of the country.

I do not believe it is wise, Mr. Speaker, to uproot and overturn a judicial system that has been in existence since 1789, and do it without hearings, without discussion, and without understanding by this House of the significance of the act. I have heard it said that the bar of the country favor this resolution. I have to receive the first letter from a member of the bar anywhere in the United States in favor of it. I have received letter after letter from some of the best lawyers in the country protesting against it.

I would like to see stricken from this bill all that part of it that destroys and uproots the circuit courts. I do not know, as I have said heretofore, of any way to do that by amendment, because the change that has been made runs through some 50 sections of the codification. The only way I know of to reach it is to defeat the codification now, and then at the next session of Congress let us have a corrected codification, limited purely and simply to a codification. Let us then insist that any changes in substantive law that are deemed desirable shall be proposed in a separate bill or bills and be considered by themselves before the appropriate committees, where they can be properly understood and dissected and a righteous conclusion reached in reference to them.

I do not know whether it is true or not, but some of the able lawyers that sit at the other end of the Capitol have raised the question that this codification not only abolishes the circuit courts but abolishes also the circuit court judges.

Mr. MANN. It would not be a great loss.

Mr. BRANTLEY. It is a very serious proposition.

Mr. MOON of Pennsylvania. Will the gentleman yield for an interruption?

Mr. BRANTLEY. Yes.

Mr. MOON of Pennsylvania. I want to ask the gentleman whether in his judgment that is true—whether he is not convinced as a lawyer that it does not do anything of the kind?

Mr. BRANTLEY. I might be able to answer that question, Mr. Speaker, to the satisfaction of my distinguished friend from Pennsylvania, or I might not; but whatever my opinion might be after careful consideration, it would be but the opinion of one lawyer in opposition to the opinion of far abler lawyers, should I reach the conclusion suggested by my friend from Pennsylvania. The suggestion presents a grave question, and yet this Congress is proposing to settle it, or it is proposed that this Congress shall settle it, without investigating it, without considering it, and without understanding it.

Mr. PARSONS. Will the gentleman yield?

Mr. BRANTLEY. I will.

Mr. PARSONS. Can not that point be covered by a very simple amendment providing that the offices of the circuit court judges be not abolished, inserting same after the first clause of section 274? A very simple amendment would cover it.

Mr. MOON of Pennsylvania. It is covered.

Mr. BRANTLEY. You can, by simple amendment, save the circuit court judges, but you can not by that method save the court itself, and it is the abolishment of the circuit court that I object to.

Mr. SHERLEY. Will the gentleman let me make a suggestion?

Mr. BRANTLEY. Yes.

The SPEAKER. The time of the gentleman has expired.

Mr. SHERLEY. We could not save the circuit court clerks, who are responsible for most of the antagonism that exists against this proposition.

Mr. BRANTLEY. Will the gentleman from Kentucky yield me the time in which to answer him?

Mr. SHERLEY. Yes.

Mr. BRANTLEY. I will state to the gentleman from Kentucky that I am informed that, so far as the circuit court clerks are concerned—and my information comes from high authority—that there is no disposition or purpose or intention on the part of the codifiers to abolish them, except perhaps in name, and that they are not in jeopardy. But I scorn the suggestion, Mr. Speaker, that the great bar of this country is actuated in opposing this revolutionary proposal simply by the consideration that they would like to take care of a few circuit court clerks. For my own part, when the American Bar Association, by a solemn resolution, requests this Congress not to do this thing until it can be investigated and understood, I do not propose to dismiss their resolution upon the supposition that the American Bar Association is simply interested in preserving a few offices for a few men.

Mr. SHERLEY. Mr. Speaker, neither do I. But when the American Bar Association, after an investigation and examination of this subject, has reported in favor of this exact change, I prefer the opinion of that association, the result of that study, rather than a subsequent request to delay in order that another meeting of that association may have time to study the question.

This matter has been thoroughly discussed and understood in this country for several years past. Speaking of my own personal knowledge of the bar of my city, it has been brought formally before them, and I have received no protest from any of the lawyers of my city or State. This committee has received practically no protest from the bar of America.

Now, it is true that this matter has not been considered by the Committee on the Judiciary, but it was considered by a joint committee of the House and the Senate. It was considered by a commission created for the purpose of codifying the laws. It has been considered by the Senate of the United States, and so far there has been no opposition of moment to it. Individual gentlemen have differed with the plan, as the distinguished gentleman from Georgia [Mr. BRANTLEY] has, but this House must not understand that this is some scheme that has been born overnight and has simply the support of the members of this committee that reported it to the House.

Mr. BRANTLEY. Will the gentleman yield for a question?

Mr. SHERLEY. Certainly.

Mr. BRANTLEY. The gentleman does admit that it changes a system which has been in existence since 1789, and that it has never been considered by a legislative committee of this House.

Mr. SHERLEY. In a sense that is true, and yet it is true that the original plan that created the circuit court of appeals contemplated just that which is embodied here; and if any man can state any logical reason for the existence of this condition, save that it has existed in the past, I have yet to hear it. Why should we have a situation where the average lawyer who goes into a Federal court can not tell whether he is in the district court or the circuit court? The logic of the case is to make the district court an exclusive nisi prius court and make of the circuit court an appellate court.

Mr. PARKER. You leave the trial court with a single judge, and if he gets sick or old, you can not replace him except by getting details from other districts.

Mr. SHERLEY. The gentleman is stating a condition that I do not think necessarily exists as the result of this change.

Mr. PARSONS. Did not the House of Representatives in 1891 pass a bill embodying that which we now have in this bill?

Mr. SHERLEY. As to that I have no personal memory.

Mr. MOON of Pennsylvania. Mr. Speaker, I understand the time of the gentleman from Kentucky has expired.

The SPEAKER. The gentleman's time has expired.

Mr. MOON of Pennsylvania. How many minutes have I?

The SPEAKER. Tweive minutes.

Mr. MOON of Pennsylvania. I do not propose to occupy more than five minutes of my time.

It does seem to me, after the extended discussion on the floor of this House respecting this subject, that nothing more need be said about it. I am astonished that the gentleman from Georgia should reiterate statements that have been so conclusively disproved by the facts submitted to this House. The most preposterous suggestion that ever emanated from any body is that which now comes from a segment of the American Bar Association, that we should postpone consideration of this subject until they have had time to examine it.

Why, gentlemen, it has been an acute subject for 12 years. It was introduced upon the floor of the Senate by a bill prepared by the American Bar Association. After the House bill of 1891, providing for the abolition of the circuit court, was so amended by the Senate as to defeat that provision, that association drafted the first bill that ever brought this subject before the country in a separate bill. Nay, more, Mr. Speaker, the man upon whose letter the gentleman from Georgia [Mr. BRANTLEY] to-day relies in part, Mr. Wetmore, was the man who drew the bill. He was then chairman of the committee on Federal legislation of that body, and he was the man who wrote a letter to Senator Hoar, which covered the ground so effectually that Senator Hoar filed his letter as a report to accompany the bill that the Judiciary Committee of the Senate filed in a favorable recommendation of that bill. I read it to this House a few days ago. The gentleman from Georgia knows what he said in that letter, that he had consulted every prominent Federal

judge in the country, that he had consulted all the leading lawyers in the United States whose opinion upon this subject could be obtained, and that the opinion was so absolutely unanimous that it was absurd to consider it an open question. And yet the gentleman comes to-day and attempts to reopen that proposition which has been so effectually closed, and to ask further delay to enable the American Bar Association to examine into the wisdom of this change.

Now, Mr. Speaker, I demand a vote upon the bill.

The question being taken on suspending the rules and agreeing to the motion of Mr. MOON of Pennsylvania, on a division (demanded by Mr. BRANTLEY) there were—ayes 130, noes 11.

Accordingly (two-thirds voting in favor thereof) the rules were suspended and the motion agreed to; and the Speaker announced as conferees on the part of the House Mr. MOON of Pennsylvania, Mr. PARSONS, and Mr. SHERLEY.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. TAWNEY, from the Committee on Appropriations, by direction of that committee reported the bill (H. R. 32909) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1911, which was read a first and second time, and with accompanying papers referred to the Committee of the Whole House on the state of the Union and ordered printed. (H. Rept. No. 2235.)

Mr. FITZGERALD reserved all points of order.

Mr. TAWNEY. Mr. Speaker, I give notice that I shall call this bill up for consideration to-morrow morning.

RIVER AND HARBOR BILL.

Mr. ALEXANDER of New York. Mr. Speaker, I present a unanimous report of the conferees on the river and harbor bill for printing under the rule.

The conference report (No. 2236) and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28632) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 17, 18, 28, 47, 61, 80, 87, 91.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 6, 8, 9, 11, 12, 14, 16, 19, 20, 21, 22, 23, 24, 26, 27, 29, 30, 31, 32, 33, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 48, 49, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 62, 63, 64, 66, 67, 68, 70, 71, 72, 73, 77, 79, 81, 82, 83, 84, 88, 89, 90, 92, 93, 94, 96, 98, and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Improving Weymouth Fore River, Mass.: Completing improvement below the Quincy Point Bridge in accordance with report submitted in House Document No. 1334, Sixty-first Congress, third session, $140,000"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "*Provided*, That the project for improvement below said bridge may, in the discretion of the Secretary of War, be so modified as to allow the widening of the channel of the river at bends wherever considered desirable in the interest of commerce and navigation: *Provided further*, That no additional work shall be done under this authority which will increase the total cost of the project given in report submitted in House Document No. 441, Fifty-ninth Congress, second session"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: At the end of the language proposed strike out the words "to the Carolina Beach Pier" and insert in lieu thereof the words: "and the Carolina Beach Pier"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following between lines 22 and 23, page 15, after the provision for the Coosa River: "The Secretary of War is hereby authorized and empowered to enter into contract with the Ragland Water Power Co., its successors or assigns, hereinafter designated 'the contracting party,' to complete the dam heretofore partially constructed by the Government at Lock No. 4 on the Coosa River, the work to be done under his supervision and control, and in accordance with the present adopted project and any modification thereof that he may deem proper: *Provided*, That the contracting party shall furnish all materials, of every character, and pay for all labor required in the construction of said dam, which, upon completion, shall become the property of the United States, free of all costs, claims, or charges of any kind whatsoever: *Provided further*, That the terms of this act and any stipulation which the Secretary of War may deem necessary to safeguard the interests of navigation and other interests of the United States shall be embodied in any contract entered into as aforesaid. The contracting party shall begin the said work within one year from the approval of this act, and shall complete the same within three years from the date of commencing construction; otherwise the authorization hereby conferred shall be void and the rights hereby conferred shall cease and be determined, the Government reserving the right to commence and finish the work, if deemed advisable, at any time before it is commenced by the contracting party; or, if begun and not carried out in strict conformity to the directions of the Secretary of War, the Government may assume the completion of said work at its option, the cost of such completion to be paid by the contracting party: *Provided*, That the Secretary of War shall determine from time to time whether the work is being properly done. In consideration of the completion of said dam free of cost to the Government, the contracting party is hereby granted such rights as the Government possesses to use the water power produced by said dam for manufacturing and other industrial purposes for a period of 50 years: *Provided*, That the plans for the necessary works and structures to utilize said water power shall be approved by the Secretary of War: *Provided further*, That the right is reserved to the United States to construct, maintain, and operate a forebay and lock for navigation purposes in connection with said dam, and nothing shall be done in the use of the water from said dam or otherwise to interfere with or in any way impede or retard the operation of said lock or the proper and complete navigation of the river at all times, nor in any way to interfere with the use and control of the same by the United States or the maintenance of the water surface above the dam at the established pool level; and the Secretary of War is hereby authorized to prescribe regulations to govern the use of the said water power and the operations of the plant and force employed in connection therewith; and no claim shall be made against the United States for any failure of water power, resulting from any cause whatsoever: *Provided further*, That the contracting party shall furnish to the United States, free of cost, such electric current as may be necessary for operating the Government lock and lighting its buildings and grounds: *And provided further*, That the contracting party may have ingress and egress over Government lands in the construction and operation of the plant. The Secretary of War may require the contracting party to execute a bond, with proper securities, before the commencement of the work, in such amount as he may consider necessary, to insure the beginning, prosecution, and completion of the work and compliance with the terms and requirements of this act, and in case of failure to comply with the requirements of said bond the contracting party shall forfeit to the United States the full amount thereof: *Provided*, That a suitable force of inspectors shall be employed on the work by the Secretary of War, at the expense of the contracting party, to see that the plans and specifications and the terms and requirements of the act and the conditions of the contract are strictly carried out. Congress reserves the right to alter, amend, or repeal the rights and privileges hereby conferred, and the United States shall incur no liability because of the alteration, amendment, or repeal thereof: *Provided*, That to insure compliance with the terms of this contract, or to protect the interests of navigation and other interests of the United States, the Secretary of War shall have power, at any time, to order a suspension of all privileges hereby granted, and a compliance with such order may be enforced by an injunction of the court of the United States exercising jurisdiction in the district in which the work is situated, and proper proceedings to this end shall be instituted by the Attorney General upon request of the Secretary of War. Nothing herein shall be construed as in any way abridging the exclusive jurisdiction and control by the United States of the Coosa River, and of any structure therein, or as repealing or modifying any of the provisions or laws now existing for the protection of navigation. The contracting party, in consideration of the privileges granted hereby, must, under such regu-

lations as the Secretary of War may require, obligate and bind itself, its successors or assigns, to raise the height of said dam at Lock No. 4 3 feet, and shall stop the leaks above Dam No. 4 by which water escapes under such dam, so far as the same can be done, and to keep said leaks stopped so far as it is possible so to do. In consideration of making said improvements, the said contracting party shall have the right to raise said dam during low water to such a height as may be necessary to give it a storage basin above the dam, in order that it may develop and operate a water power: *Provided*, That the said storage does not interfere with navigation: *Provided further*, That the said contracting party shall pay all damages incurred by reason of overflowed lands. Beginning with the year 1925, the contracting party shall pay to the United States for the power due to the natural flowage of the river the sum of $1 per 10-hour horsepower per year: *Provided*, That in case the natural flowage of the river is increased at this point by storage reservoirs above this point, the power company shall have the right to lease, for a period not exceeding the life of this authorization, the increased power due to said storage, and shall pay on all power above that due to natural flowage of the river, as increased by local storage at Dam No. 4, the sum of $1 per year for the first five years, $2 per year for the second five years, and thereafter $3 per year for each 10-hour horsepower sold or used, or in lieu of above payment may, in the discretion of the Secretary of War, pay its equitable share toward the construction of said reservoir or reservoirs, such share to be determined by the Secretary of War: *Provided*, That the Secretary of War, in his discretion, may readjust such rate of compensation at periods of 10 years;" and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: Strike out all after the word "appropriated" in the twelfth line of the language proposed and insert in lieu thereof the following: "*Provided further*, That no part of the amount herein appropriated or authorized to be appropriated shall be expended until the Secretary of War shall be satisfied that the interests of the general public are duly protected in the use of said harbor and that no terminal monopoly will be possible: *And provided further*, That the title or easements in any land needed in connection with the construction of the dike proposed as a part of this improvement shall be vested in the United States free of cost"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: After the word "maintenance" insert the words "by dredging and repair of the jetties"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the second paragraph of the language proposed, insert the following:

"Such changes and diversion shall be shown by plans and plats to be prepared by the city of St. Paul which shall be filed with and approved by the Secretary of War and the Chief of Engineers before any work shall be done thereon, and any change therefrom shall be unlawful unless a plan and plat thereof shall have been previously filed with and approved by the Secretary of War and the Chief of Engineers: *Provided*, That the Secretary of War and the Chief of Engineers shall submit to Congress an estimate of the amount, character, and cost of any work deemed proper to be done by the United States in connection with the improvement herein authorized, the expense connected with the preparation of such estimate to be paid from the appropriation for examinations, surveys, and contingencies of rivers and harbors: *Provided further*, That neither this act nor any action taken thereunder by the Secretary of War and the Chief of Engineers shall be construed as in any way committing the United States to any expense or obligation without further direction of Congress."

And the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: At the beginning of the fifth line of the language proposed, omit the words "Siuslaw River, Oregon," and the colon immediately following and insert a quotation mark; and the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "New York Harbor, New York, with a view to securing increased width and depth of water from a point at or near Southwest Spit, northwest of Sandy Hook, New Jersey, through Lower New York Bay, Raritan Bay, and the channel between New Jersey and Staten Island, New York, to the channel in Upper New York Bay"; and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: After the word "Creek" insert the words "Craven County"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In the fourth line of the language proposed, strike out the word "Ceia" and insert the word "Ceiga"; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Bayou Lafourche, La., with a view to securing a depth of 20 feet at its mouth"; and the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Mermentau River, La., with a view to the construction of a lock and dam to maintain the level of Grand Lake and the inland waterways of Louisiana"; and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the word "Guadeloupe" insert the word "Guadalupe"; and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment, as follows: Strike out the comma after the word "Texas" and all the language following, and insert a period; and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment, as follows: Omit the words proposed to be inserted; and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment, as follows: In lieu of the words "a harbor of refuge at that point" insert the words "increased harbor facilities"; and the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the word "Spoon" insert the word "Apoon"; and the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following:

"SEC. 4. That so much of section 7 of the river and harbor act approved March 3, 1909, as provides that the term of the National Waterways Commission shall expire on March 4, 1911, be, and the same is hereby, repealed; and the said commission, with its present membership and as now constituted, shall be continued until November 4, 1911, with the powers and duties prescribed in said act. And the said commission shall make a final report to Congress and file the same with the Secretary of the Senate and the Clerk of the House of Representatives not later than November 4, 1911. Said commission is also authorized to investigate and report upon the advisability and feasibility of proposed artificial waterways and upon proposed plans for the impounding of flood waters in rivers by reservoirs or otherwise, including the following: First, the construction by the United States of the proposed canal from the Ohio River at a point near Pittsburg to Lake Erie, the expense thereof being borne by local interests affected; second, the proposed canal from Lake Erie, by way of the Maumee River and Fort Wayne, or other direct and feasible route, to the southerly end of Lake Michigan; and, third, the proposed canal to connect the Anacostia River at some point near the District of Columbia boundary line with Chesapeake Bay or some tributary thereof. For the obtaining of the necessary engineering data the commission is authorized to call upon the Corps of Engineers, United States

Army, and said corps shall furnish said data upon the request of the commission, and the expense of obtaining the same shall be paid from the appropriation made by said act."

And the Senate agree to the same.

D. S. ALEXANDER,
GEO. P. LAWRENCE,
S. M. SPARKMAN,
Managers on the part of the House.

KNUTE NELSON,
WILLIAM ALDEN SMITH,
THOMAS S. MARTIN,
Managers on the part of the Senate.

STATEMENT.

The House conferees on H. R. 28632, making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, would respectfully report that they have reached an agreement with the Senate conferees, and recommend that the conference report on the bill herewith be adopted.

The total appropriations in the bill as passed by the House amounted to $21,894,861; the amount added in the Senate and finally allowed is $1,960,481, making the total amount carried by the bill in appropriations $23,855,342.

In addition to these cash appropriations, the Senate added $3,587,282 in contract authorizations, making a total of $13,101,645.

The increase of cash appropriations is made up of the following items:

Amendment No.—	
1. Exeter River, N. H.	$9,200
2. Weymouth Fore River, Mass.	140,000
3. Connecticut River below Hartford, Conn.	77,000
6. Potomac River at Alexandria, Va.	56,600
8. Brunswick Harbor, Ga.	25,000
11. Gulfport Harbor, Miss.	60,000
13. Aransas Pass, Tex.	125,000
14. Sabine-Neches Canal to Beaumont and Orange, Tex.	200,000
15. Mouth of Brazos River, Tex.	100,000
16. Brazos River, Tex., lock and dam at Hidalgo Falls	50,000
19. Ouachita River, Ark.	7,500
20. Arcadia Harbor, Mich.	10,000
23. Zippel Bay, Minn.	27,781
24. Illinois and Mississippi Canal, Ill.	125,000
26. Reservoirs at headwaters of the Mississippi River	10,000
29. Humboldt Bay, Cal.	170,000
31. Pinole Shoal, San Pablo Bay, Cal.	400,000
32. Columbia and Lower Willamette Rivers below Portland, Oreg.	200,000
35. Bellingham Harbor, Wash.	25,000
36. Olympia Harbor, Wash.	43,000
37. Willapa River and Harbor, Wash.	50,000
39. Examinations, surveys, and contingencies of rivers and harbors	50,000
Total	1,960,481

The continuing contract authorizations, amounting to $3,587,232, are made by the following items:

Amendment No.—	
3. Connecticut River below Hartford, Conn.	$100,000
9. St. Johns River, Fla., between Jacksonville and the ocean	500,000
13. Aransas Pass, Tex.	250,000
14. Channel to Beaumont and Orange, Tex.	371,500
22. South Haven Harbor, Mich.	198,000
27. Missouri River, between Kansas City and the mouth	600,000
29. Humboldt Bay, Cal.	717,400
31. Pinole Shoal, San Pablo Bay, Cal.	360,000
33. Columbia and Lower Willamette Rivers, below Portland, Oreg.	320,000
35. Bellingham Bay, Wash.	52,250
37. Willapa River and Harbor, Wash.	118,132
Total	3,587,232

To the list of surveys contained in the bill as it passed the House the Senate made 57 amendments, of which 39 were agreed to by the House conferees, as follows:

40. Rockland Harbor, Me.
41. Kennebec River, Me.
42. Bluehill Inner Harbor, Me.
43. Winter Harbor, Me.
44. Carvers Harbor, Vinalhaven, Me.
45. Providence River and Harbor, R. I.
46. New York Harbor, N. Y., channel to the navy yard.
48. For deepwater connection with the New York State barge canal at North Tonawanda, N. Y.
49. Fort Pond Bay, N. Y.
51. Delaware River, at Morrisville, Pa.
52. Allegheny River, Pa.
53. Leipsic River, Del.
54. Appoquinimink River, Del.
55. Mispillion River, Del.
56. Murderkill River, Del.
57. Little River, Del.
59. Cape Charles City Harbor, Va.
60. Western Branch of Elizabeth River, Va.
62. Potomac River at Colonial Beach, Va.
63. Pamlico River, N. C.
64. Northeast Cape Fear River, N. C.
66. Winyaw Bay, S. C.
67. Darien Harbor and Doboy Bar, Ga.
68. Tugaloo River, Ga. and S. C.
70. St. Johns River at Jacksonville, Fla.
72. Channel between St. Johns River, Fla., and Cumberland Sound, Ga. and Fla.
73. St. Petersburg Harbor, Fla.
77. Colorado River, Tex.
79. Green River, Ky., at Lock 3.
81. Cuyahoga River, Cleveland, Ohio.
82. White Lake Harbor, Mich.
83. Pentwater Harbor, Mich.
84. St. Joseph Harbor, Mich.
88. Crescent City Harbor, Cal.
89. Fremont Channel and McLeoad Lake arms of Stockton Channel, San Joaquin River, Cal.
90. Mokelumne River, Cal.
92. Nehalem Bar and entrance to Nehalem Bay, Oreg.
93. Oregon Slough branch of Columbia River, Oreg.
96. San Juan Harbor, P. R.

Verbal amendments to the following survey items in the House bill were also agreed to:

58. Harbor at Newport News, Va.
94. Yaquina River, Oreg.

The following Senate amendments involving surveys were concurred in after being modified:

50. New York Harbor, N. Y., for increased width and depth in channel between upper and lower bays through Raritan Bay and the channel between Staten Island and New Jersey.
65. Swift Creek, Craven County, N. C.
69. Clearwater Harbor, Fla.
74. Bayou Lafourche, La.
75. Mermentau River, La.
76. Guadalupe River, Tex.
78. Mouth of the Brazos River, Tex.
86. Lake of the Woods, at or near Arnesen, Minn.
95. Apoon mouth of Yukon River, Alaska.

The Senate receded from the following amendments involving surveys:

47. Gowanus Bay, N. Y.
61. Archers Hope River, Va.
80. Cimarron River, Okla.
85. Manitowoc Harbor, Wis.
87. Jordan River, Utah.
91. San Rafael Creek, Cal.

The following miscellaneous amendments were agreed to:

4. Buffalo Harbor, N. Y. This amendment authorizes the application of $15,000 from the appropriation now on hand and available for work of maintenance for the completion of Stony Point Breakwater.

5. Passaic River, N. J. This amendment authorizes the Secretary of War, in his discretion, to modify the existing project for this river so as to allow of the widening of the channel at the bends where considered desirable in the interest of commerce and navigation, subject to the proviso that the estimated cost of completing the project shall not be increased, and the House receded from its objection thereto.

7. Cape Fear River below Wilmington, N. C. This amendment permits the expenditure of $1,000 for increasing the depth of the channel between the main channel of the river and the Carolina Beach Pier, and the House receded from its objection thereto.

10. Dam No. 4, Coosa River, Ala. This amendment authorizes the Secretary of War to permit certain local interests to cam-

plete the dam and to use the power created by said dam upon certain conditions involving payment at specified rates for the power so used. This authority was conferred by a special act passed by Congress and approved under date of June 4, 1906, the provisions of which act have since expired by limitation. After amendment, so as to more adequately protect the interests of the United States, the House conferees receded from its disagreement to the amendment and concurred therein.

12. Inland waterway between Franklin and Mermentau, La. This amendment authorizes the Secretary of War to make such changes in the route of this section of this waterway as may be recommended by the Chief of Engineers, subject to the condition that the necessary right of way involved in any such change shall be secured to the United States free of cost. It appearing that this amendment was in the interest of the improvement heretofore authorized, the House receded from its disagreement.

21. Harbor at Holland, Mich. Without increasing the appropriation for maintenance of improvement at this locality, the Senate inserted language which requires that any work of maintenance deemed necessary in the inner harbor should be done, and the House receded from its objection to this amendment.

25. St. Paul Harbor, Minn. This amendment authorizes the city of St. Paul to make provision for the improvement at its own expense of the Mississippi River at that point, including suitable levees, transportation terminals, and landing places for shipping, and also authorizes an estimate to be submitted by the Secretary of War and the Chief of Engineers of such work as may be deemed proper for the United States to do in connection therewith, but it is also specified that this amendment should not be construed as in any way committing the United States to any expense or obligation without the further action and direction of Congress.

34. Siuslaw River, Oreg. This amendment authorizes the Secretary of War to accept certain work being done by local interests under the agreement contemplated in the item of appropriation carried by the river and harbor act of 1910. With a slight verbal amendment, not affecting the import of the original language proposed, the House receded from its disagreement.

38. Hilo Harbor, Hawaii. This amendment contemplates a resurvey of the harbor with a view to determining whether a modification of the adopted project may not be desirable. In the opinion of your conferees such resurvey should be made, and they therefore receded from their disagreement to the amendment proposed.

97. National Waterways Commission. This amendment, as modified, extends the life of the commission to November 4, 1911, to enable it to complete certain work already undertaken and to make a final report as contemplated by existing law.

98. Corps of Engineers. This amendment, increasing the Corps of Engineers, United States Army, has been recommended by the War Department, approved by the President, and passed by the House of Representatives as a separate measure. It adds 5 colonels, 6 lieutenant colonels, 19 majors, 17 captains, and 13 first lieutenants. This increase is absolutely essential for the prosecution of the extensive works of river and harbor improvement heretofore authorized and in contemplation.

All of which is respectfully submitted.

D. S. ALEXANDER,
GEO. P. LAWRENCE,
S. M. SPARKMAN,
Managers on the part of the House.

ORGANIZED MILITIA.

Mr. STEENERSON. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 28436) to further increase the efficiency of the Organized Militia, and for other purposes, with amendments.

The Clerk read the bill as amended, as follows:

Be it enacted, etc., That under such regulations as the Secretary of War and the National Militia Board may prescribe the commissioned officers of the Organized Militia of each State, Territory, and the District of Columbia shall receive in compensation for their services, other than at annual encampments or in case of riot, insurrection, or invasion, certain percentages of the annual rate of pay for officers of like grade in the Army of the United States as is now established by law, as follows: All officers below the grade of general officers, including officers of the Medical Corps serving with troops, 15 per cent, and an additional 5 per cent to the commanding officers of all companies, troops, and batteries; general officers and officers of staff departments serving with general officers, 5 per cent: *Provided*, That each such officer shall have performed at least 75 per cent of the duties prescribed by statutes or in orders by the commander in chief of his State or Territory or the commanding general of the Organized Militia of the District of Columbia, excepting for services hereinbefore excluded: *Provided further*, That no officer shall be entitled to such compensation until he shall have passed such examination as shall be prescribed for officers of that grade by the Secretary of War and the National Militia Board.

SEC. 2. That under such regulations as the Secretary of War and the National Militia Board shall prescribe each enlisted man of the Organized Militia of each State, Territory, and the District of Columbia shall receive in compensation for his services, other than at annual encampments or in case of riot, insurrection, or invasion, 25 per cent of the annual rate of pay for enlisted men of like grade in the Army of the United States as is now established by law for attendance upon 48 drills or equivalent military duty prescribed by statutes or in orders by the commander in chief of his State or Territory or the commanding general of the District of Columbia during any one year, or a proportionate amount for attendance upon any number of drills or equivalent military duty not less than 20: *Provided*, That no compensation shall be paid for attendance at less that 20 such drills or equivalent military duty: *Provided further*, That the compensation provided for herein shall be computed and paid semiannually as proportioned above: *And provided further*, That no compensation hereunder shall be paid to any enlisted man, except noncombatants, in the first year of his enlistment unless and until he shall have made a record score with the prescribed weapon of his arm of the service, nor thereafter unless and until he shall have fired the prescribed course or such equivalent as shall be prescribed by the Secretary of War and the National Militia Board.

SEC. 3. That all disbursements under the provisions of the preceding sections shall be made on or before the 15th day of June and December of each year.

SEC. 4. That stoppage may be made against the compensation payable to any officer or enlisted man hereunder to meet the cost of public property lost or destroyed by and chargeable to such officer or enlisted man.

SEC. 5. That all moneys required to meet the disbursements provided for in this act shall be payable out of any public moneys in the Treasury of the United States not otherwise appropriated: *Provided*, That no money appropriated under the provisions of this act shall be paid to be paid to any person who has not take the oath of allegiance to the standards prescribed by the Secretary of War, nor shall any such money be paid to any person who has not taken the oath of allegiance to the United States, including an agreement to render military service to the United States during any period for which he may be called into such service, providing such period shall not exceed two years; and any officer or enlisted man of the militia who, having received pay under the provisions of this act, neglects or refuses, under any pretext whatsoever, to present himself for muster when called into the service of the United States, shall be subject to trial on the charge of desertion by any court-martial constituted as now provided by law for militia in the service of the United States, and upon conviction shall be punished as such court-martial may direct: *And provided further*, That nothing in this act, or in any other act, shall be construed to require the United States, in time of war, to accept the services of any militia organization or of any person belonging to such organization unless such organization or person has been regularly inspected, reported fit for military service according to the standard prescribed by the Secretary of War, and so carried upon the rolls of the Adjutant General of the Army.

Mr. FLOYD of Arkansas. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from Arkansas demands a second, and under the rule a second is ordered. The gentleman from Minnesota has 20 minutes and the gentleman from Arkansas 20 minutes.

Mr. STEENERSON. Mr. Speaker, this is the so-called militia pay bill. It provides in the first section that the officers of the militia shall receive as compensation for their services certain percentages of the annual rate of pay for officers of a like grade in the Army of the United States; that all officers below the grade of general officers, including officers of the Medical Corps, 15 per cent, and an additional 5 per cent to the commanding officers of all companies, troops, and batteries; general officers and officers of the staff department, 5 per cent. That is section 1. In section 2 it provides that the enlisted men shall receive a compensation of 25 per cent of the annual rate of pay for enlisted men of a like grade in the Army of the United States, provided they attend 48 drills or the equivalent of military duty during the year. If they do less than 20, they will not get any. If they do more, they will get a like proportion.

The War Department has suggested an amendment, which is printed on page 4 of the bill. I will state for the benefit of Members that I have been unable to get the Committee on the Militia together since the bill was reported, but I have prepared certain amendments which I will try to explain, and those of you who have the bill will understand readily what they are.

On page 1, line 10, I strike out the words "or may be hereafter," so that it will read, "certain percentages of the annual rate of pay for officers of like grade in the Army of the United States as is now established by law."

And I make a like change on page 2, line 22, so that the pay will not change automatically by the change of pay of the Regular Army.

Then I have made an amendment to the amendment printed on page 4, drafted by the War Department, which I think is very important, inserting in line 14, after the word "trial," the words "on the charge of desertion," and then I strike out all of line 16 after the word "conviction." This, I think, will obviate any objection that has been suggested.

Mr. FITZGERALD. Would the gentleman accept an amendment taking out the first three lines in section 5, which make a permanent annual appropriation, and providing that all money required to meet the disbursements provided for in this act shall be estimated for annually?

Mr. STEENERSON. Well, I think so. I will yield to the gentleman from Arkansas [Mr. FLOYD], and ask him—he is a member of the committee—would he be willing to do that in case the bill passes?

Mr. FLOYD of Arkansas. I am going to resist the bill.

Mr. SHERLEY. I would like to ask the gentleman a question. What is meant by the phrase about an officer performing at least 75 per cent of the duties prescribed by statute? How can you measure the performance of duties by percentages?

Mr. STEENERSON. The War Department and the militia board have a way of counting the amount of services rendered, either by drills or marksmanship—shooting at a range—so that its counts up to a maximum.

Mr. SHERLEY. Does it mean 75 per cent of efficiency or 75 per cent of attendance upon duties?

Mr. STEENERSON. Well, it would mean both. You would have efficiency and you would also have to show you did the work.

Mr. SHERLEY. But how can that be measured?

Mr. STEENERSON. They say it can.

Mr. SHERLEY. How can they measure a man's regular performance of duty in percentages? It seems to me impossible.

Mr. DALZELL. If the gentleman will permit, I think the War Department and the militia board have a standard of excellence, a prescribed regulation, whereby they take into account several things measuring the percentage of performance of duties.

Mr. SHERLEY. Of course, if they have such a scheme it is probably workable.

Mr. DALZELL. I understand they have.

Mr. OLCOTT. Will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. OLCOTT. Will the gentleman tell me what is meant by the phrase on line 13, "until he shall fire the prescribed course?" Does it mean fire the prescribed score?

Mr. STEENERSON. That means to fire the prescribed amount.

Mr. OLCOTT. I really am somewhat hazy as to what that phrase means.

Mr. DALZELL. That means target practice.

Mr. STEENERSON. They prescribe a course of firing for rifle practice.

Mr. DALZELL. Target practice.

Mr. WEEKS. The course prescribed for firing at rifle practice would be to attain some percentage. That is to say, a man might qualify as a marksman or a sharpshooter. It must necessarily mean that he must attain some kind of standard.

Mr. OLCOTT. I meant that he shall have made the prescribed firing-record score. I do not want to be captious about it, because I want to see this bill go through, but I really do not know what that means.

Mr. TILSON. It is evident the bill could not mean that a man must keep up the standard of a sharpshooter, for instance, which very few men can attain, but there are a number of different grades through which a man may pass, and he can not have passed through this course, as I understand it, until he shall have passed the lowest one of those standards.

Mr. OLCOTT. Then I do not think the word "fire" ought to be in there.

Mr. TILSON. Oh, certainly; he has to fire so many shots before he shall have passed that course.

Mr. WEEKS. Why should a man fire so many shots if he could qualify as a sharpshooter the first time he went to the range?

Mr. KEIFER. He can not do that under the prescribed rules.

Mr. TILSON. In order to be a sharpshooter he must fire so many shots and maintain a certain percentage of hits, a certain number of points on a certain well-defined scale.

Mr. HUMPHREYS of Mississippi. Will the gentleman yield for a question?

Mr. STEENERSON. I will yield to the gentleman from Mississippi.

Mr. HUMPHREYS of Mississippi. On page 4, line 22, appear the words "regularly inspected, reported fit for military service," and so forth. Does that contemplate that a physical examination will have to be made such as is prescribed for the Regular Army?

Mr. STEENERSON. It says, "According to the standard prescribed by the Secretary of War."

Mr. HUMPHREYS of Mississippi. Does that mean he will have to undergo a physical examination such as required for recruits for the Regular Army?

Mr. STEENERSON. Well, I should think so.

Mr. DALZELL. Mr. Speaker, I would like to call the attention of the gentleman to the fact that that applies to a time of war.

Mr. HUMPHREYS of Mississippi. No.

Mr. DALZELL. Yes; it does.

Mr. HUMPHREYS of Mississippi. Now, under the law as it is written to-day and passed a few years ago guardsmen were exempted from a physical examination, and I think they ought to be subjected to it, because they can be called out in time of war, and if they are called out and have not been subjected to a physical examination the gentleman knows, from the experience we have had in the past 40 years, that it will cost this Nation a great many million dollars for pensions for ailments which were not contracted in the service and for maladies that existed prior to the enlistment.

Mr. TILSON. Will the gentleman from Mississippi yield?

Mr. HUMPHREYS of Mississippi. Yes. How much time does the gentleman wish?

Mr. TILSON. Will the gentleman from Minnesota permit me to interrupt the gentleman from Mississippi and ask him a question?

Mr. STEENERSON. All right.

Mr. TILSON. Will the gentleman from Mississippi undertake to say that in the National Guard of any State of this Nation that the men are admitted without a physical examination?

Mr. HUMPHREYS of Mississippi. I say that under the law of the United States they are not subject to a physical examination; they are especially exempted, and that ought not to be the law; but if it is the law and it remains the law and they are called out, as they may be called, it will cost this Government millions upon millions of dollars for pensions for men who will claim pensions by reason of some physical defects that they had before they ever were called into the Army.

Mr. TILSON. If I may be permitted a moment, I desire to say to the gentleman that the State in which I live has a very rigid requirement in regard to physical examinations, and substantially he receives the same as that required in the Regular Army.

Mr. HUMPHREYS of Mississippi. Well, we have nothing at all in this bill on the subject, and I think it ought not to be dependent alone upon the States to make these regulations.

Mr. CAMPBELL. Mr. Speaker, I would like to ask the gentleman what he estimates the cost of this bill will be to the country annually?

Mr. STEENERSON. The lowest estimate is $4,000,000 per annum, but it is hoped, however, that it will reach $8,000,000 a year.

Mr. CAMPBELL. It is "hoped" it will reach $8,000,000?

Mr. STEENERSON. Yes; because that would indicate that the 120,000 men and officers of the militia had performed the services required and would be in a very efficient state, ready for war, and show that all of them in doing this service had earned the highest amount.

Mr. PARKER. Will the gentleman permit a question?

Mr. STEENERSON. Certainly.

Mr. PARKER. I will say to the gentleman I am troubled about this bill, because I can not quite understand it. Officers of the Army now get a flat pay, and they get 10 per cent increase for every 10 years of service, so that it goes to 40 per cent more. I am not sure here in regard to the flat pay; it does not say flat pay.

Mr. STEENERSON. This is duly graded.

Mr. PARKER. I am speaking of the same thing. Privates also receive various amounts for the number of terms they enlist and for their proficiency in the service, and I see that they shall receive 25 per cent of the annual rate of pay for enlisted men of like grade in the Regular Army. I do not know any flat pay established for men in the Regular Army for attendance—for instance, on 48 drills—nor do I understand what it means by 25 per cent of the whole annual pay. I do not understand what becomes of the allowance for food; I do not know what becomes of their increase for length of service.

Mr. STEENERSON. There is no allowance for anything except for service.

Mr. KEIFER. Will the gentleman allow me to ask a question?

Mr. STEENERSON. I will yield to the gentleman from Ohio.

Mr. KEIFER. What I wanted to know was, how do you expect to put in the amendments that you suggested a moment ago under your motion?

Mr. STEENERSON. I have drafted them as a part of my motion and submitted it to the Speaker.

Mr. KEIFER. You mean your motion does not cover the amendment?

Mr. STEENERSON. Yes; I have reduced them to writing and sent them to the desk as part of my motion.

Mr. KEIFER. They are not to be voted on separately, but as a part of the bill?

Mr. STEENERSON. Yes. Now, I will say to the gentleman further, that this bill was prepared by a committee representing the National Guard and it was very carefully looked into. They came before the Committee on the Militia and we had extended hearings, and we also heard representatives of the War Department. We have estimates of the exact amount that each officer and private would receive under the bill, but I do not know that I will take up the time of the committee by reading those estimates unless there is some one who desires to know the specific amount.

Mr. BUTLER. Mr. Speaker, will the gentleman permit me?

Mr. STEENERSON. I will yield to the gentleman from Pennsylvania.

Mr. BUTLER. I understood the gentleman to say that those who were without hope thought that this bill would tax the Treasury about $4,000,000?

Mr. STEENERSON. Without hope?

Mr. BUTLER. Yes; those who were without hope.

Mr. STEENERSON. I said it was hoped that the militia would earn the maximum amount estimated, which would be $8,000,000, because that would indicate that it had done the work and was in as efficient a state, practically, as the Regular Army would be.

Mr. BUTLER. I am glad, then, that I did not understand the gentleman correctly, because I would be very sorry to have any of those people who were without hope disappointed.

Mr. STEENERSON. No; I did not use any such word at all. The gentleman is disturbed entirely without cause.

Mr. GRAHAM of Pennsylvania. If the gentleman will permit, I just want to state, in reply to an interrogatory made by the gentleman from New Jersey [Mr. PARKER] in reference to the pay that this bill prescribes, that it shall be under such regulations as the Secretary of War and the National Militia Board shall prescribe. The Secretary of War is thoroughly conversant with all the matters of pay connected with the Army, and it is according to instruction from him.

Mr. PARKER. He can not by his regulations reduce the amount of pay under this act. It says they shall receive 25 per cent of the pay, and the pay rises from year to year as the man stays in.

Mr. STEENERSON. It is the pay of the grade. I desire to say further that the reason for this legislation is in the fact that since the enactment of the Dick law in 1903, which made the discipline and organization of the militia the same as that for the Regular Army, a great deal more work has been required of the National Guard than formerly; that the requirements have become so onerous that it is felt we can not maintain the guard in its present strength unless we do allow them some pay for this work. As the law now is, they are only paid when called into the service of the United States in case of war, or riot, or insurrection, and also when they are called out for camps of instruction.

But for the work that is done the balance of the year there is no compensation. And in many cases they are put to considerable expense, and we believe it is but just and fair that these young men throughout the country who are volunteering into the National Guard and rendering this service and preparing themselves for eventual war should be in part compensated by the very small compensation that is called for.

Mr. COLE. Is there any provision in this bill providing that men in the employ of the National Government shall not be entitled to the compensation provided for in this bill? It occurs to me there ought to be some such provision as that.

Mr. WEEKS. Will the gentleman yield? I would like to inquire——

Mr. STEENERSON. How much time have I, Mr. Speaker?

The SPEAKER. The gentleman from Minnesota has two minutes remaining.

Mr. STEENERSON. I decline to yield, then. I reserve the balance of my time.

Mr. FLOYD of Arkansas. Mr. Speaker, I desire to be called down when I have consumed 10 minutes.

Mr. Speaker, I am opposed to the passage of this bill, and I desire to state some of my objections to it. In the first place, I desire to state that I believe in maintaining an Organized Militia in the different States of this Union. In the early history of this country our defense rested largely upon such organizations, but at the same time I desire to maintain such organizations in the control and power of the States and independent of the control of the War Department of the Federal Government.

First, I desire to state my objections to this bill on account of its cost to the Government. We hear a great clamor for economy by the administration and by Members of Congress. We are already, under existing law, paying from the Federal Treasury $4,000,000 a year to the different militia organizations of the several States, but this bill provides for paying the men who serve in the militia organization for attendance and practice. The gentleman from Minnesota [Mr. STEENERSON] says that the lowest estimate is $4,000,000. That is based on the theory that half of the men will not come up to the standard. But I contend that the most reasonable estimate under this bill is that it will cost $8,000,000 in addition to the $4,000,000 that we are already paying to the Organized Militia of the States.

Mr. SHERLEY. Will the gentleman tell us for what purposes the $4,000,000 is now paid as authorized by law?

Mr. FLOYD of Arkansas. It is paid for maintaining the organizations in the States. Part of it is paid out for equipment and uniforms. Part of it is for maneuvers and drills. I could not go into the details as to how the fund is distributed, but it is expended for the purpose of the training and development of the militia organizations and to bring the Organized Militia up to the standard of the Regular Army.

Mr. COLE. Does any part of it go to the compensation of enlisted men?

Mr. FLOYD of Arkansas. Not unless they are engaged in joint maneuvers or something of that kind.

Now, the gentleman from Minnesota says that the reason for the demand for this bill is that under the Dick law, heretofore passed by Congress, so many requirements are imposed upon the National Guard that the men are no longer willing to continue in the work unless we give them some compensation. They ask in this bill a compensation of one-fourth that of soldiers of the Regular Army for the enlisted men, and then the officers are to be paid according to their rank, and so forth. But the gentleman fails to see or to understand that if we pass this bill we put upon the Organized Militia of the different States much more arduous duties than we now impose under the existing law, and according to his own reasoning, it will be only a short time until they will be contending that inasmuch as they are required to undergo all the hardships and submit to all the exacting regulations of the Regular Army, they therefore should have the same pay as the Regular Army, and under the guise of a National Guard we shall have a great standing army in the United States.

Now, another objection, and a more serious objection than the question of economy or the amount of money involved, is this: I believe in maintaining the autonomy of the States. I believe in observing the Constitution of the United States. I believe in time of peace in the States maintaining their own militia organizations for their own purposes, and then, in case of war, under the Constitution, I believe in the right of the President to call them into the service of the United States.

But what does this bill provide? Contained in its provisions is an attempted merger of the National Guard and the Regular Army. If you will take up the different sections of the bill here, you will find that everything that is done under the provisions of this bill must be done as the Secretary of War and the national militia board shall prescribe, and all through it you will find such phrases as this: "Under the regulations of the Secretary of War and the national militia board." Follow section after section and you will find the words "under the regulations of the Secretary of War and the national militia board," thereby giving the Secretary of War control over these regulations, or, at least, giving him the same control that the militia board will have. And the result will be that this militia organization will be subjected to all the requirements of the Regular Army, and these two forces will be completely merged.

But what more? The bill, in my judgment, is in far worse form than it was when it was introduced by the gentleman from Minnesota [Mr. STEENERSON] by request. That was a bill that was prepared by the National Guard organization of the United States; but when it was submitted to the War Department the Secretary of War offered an amendment, and the committee have adopted that amendment. That amendment is embodied in section 5, and I want to call your special attention to it:

SEC. 5. That all moneys required to meet the disbursements provided for in this act shall be payable out of any public moneys in the Treasury of the United States not otherwise appropriated.

Under existing law this money is apportioned and turned over to the authorities of the States, to be paid by the States.

Section 5 contains this further provision:

Provided, That no money appropriated under the provisions of this act shall be paid to any person who is not suited to the military service according to the standards prescribed by the Secretary of War, nor shall any such money be paid to any person who has not taken the oath of

allegiance to the United States, including an agreement to render military service to the United States during any period for which he may be called into such service, providing such period shall not exceed two years.

Have you any such requirement as to enlisted men in the United States Army? Here is a proposition, that if these militia organizations receive pay from the Federal Government the individual enlisted man shall take an oath that he will serve during the continuance of a war, provided it does not continue over two years, ignoring the question of enlistment, compelling him to take an oath in advance that, notwithstanding his period of enlistment may have expired in the meantime, he will serve for at least two years independent of his enlistment. Have you any such regulation as to the men who enlist in the Regular Army? I never heard of it. It is an injustice to the enlisted men in the Organized Militia to put any such harsh provision into the Federal statutes. Yet herein it is proposed to make such requirement a part of the law, and without it the War Department would not indorse the bill.

Mr. TAWNEY. Will the gentleman permit an interruption?

Mr. FLOYD of Arkansas. Certainly.

Mr. TAWNEY. Do I understand the gentleman to say that the money appropriated under this act is apportioned among the States and then paid over to the States?

Mr. FLOYD of Arkansas. No; I said that the money apportioned under the existing law is apportioned to the States. But one of my objections to this bill is that that provision is destroyed in this bill, and the money is paid directly from the Treasury of the United States, thereby merging the two forces in one, so that a man who serves in the National Guard and receives pay gets his pay at the War Department just as an enlisted man in the Regular Army receives his pay.

Mr. TILSON. May I ask the gentleman a question?

Mr. FLOYD of Arkansas. Certainly.

Mr. TILSON. Does the gentleman think that it would be right, after a man had enlisted for three years and the Government had paid him for two years and 10 months and had him properly drilled for service, if then there should come up a war that he should be allowed to get out of it after two months' service, his term of enlistment having expired?

Mr. FLOYD of Arkansas. I will answer that question by asking another. Does not the regular soldier have a right to quit at the end of his enlistment? Why should there be a requirement upon the militiaman that is not upon the regular soldier? The regular soldier receives pay, and full pay, from the Government.

I now yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, I am opposed to this bill. It purports to make more efficient the National Guard by providing pay for their services during time of peace. It is assumed that it is necessary to offer some financial inducement to the men who enter the guard in order to obtain from them the services prescribed by their own States in the performance of their duties in the guard.

This bill provides that the private shall receive 25 per cent of the pay of an enlisted man in the Army, provided he completes 48 drills in one year. The pay of an enlisted man in the Army is $15 per month, and his annual pay is $180. Under the operation of this bill it will be necessary for him to attend 48 drills, or the equivalent military duty prescribed by statute or orders, in order to receive the sum of $45 annually for his services. Some men may imagine that will induce men to enter the National Guard in the States, but anyone familiar with the guard knows that it is preposterous to so assert.

The most peculiar thing about the bill and report is that while there is no estimate of the amount of money required to carry out the provisions of the bill, a permanent annual appropriation is made by the terms of the act of all the money necessary. From the information I have been able to obtain from those somewhat familiar with the subject, I am inclined to conclude that it fastens a permanent annual appropriation of $6,000,000 a year upon the Federal Government upon the pretense that some inducement will be offered to men to enlist in the National Guard.

The truth of it is this bill will be of some financial benefit to the officers of the National Guard, but none whatever to the men of the guard.

Mr. Speaker, the permanent annual appropriations of the Government aggregate about $131,000,000 annually, and it has been the constant effort of those who have given any attention to our financial operations to repeal as fast as possible these permanent appropriations, so that Congress might know what money is being expended and exercise some supervision over it. And if for no other reason I should oppose the bill on this ground alone.

But there is another reason, Mr. Speaker. The real object of this bill is to devise a system by which the men in the National Guard may be coerced into signing the contract mentioned by others in this discussion to agree to serve in case of necessity for a period of two years in the service of the Federal Government. Seldom, if ever, in the history of the country have the men who have been in the militia or the National Guard—have all members of the organizations—enlisted at the time of the war. Many good reasons exist that they should not do so, but this bill is so framed that under its provisions men will be coerced to sign this agreement when they enter the guard on the pretense that they are to receive some financial benefit.

Mr. STEENERSON. Will the gentleman yield?

Mr. FITZGERALD. I have only five minutes.

Mr. STEENERSON. Will the gentleman withdraw his objection to the bill if section 5 was amended?

Mr. FITZGERALD. No; I will not. It seems to me, Mr. Speaker, that since this bill proposes to pay the men in the guard not to exceed $45 a year for services, that that would not be an inducement to engage in the arduous duties now imposed under the Federal law. No State in the Nation is unable to pay such compensation to the men in the guard if it be deemed necessary or desirable to make such payment. But the enactment of this bill will result in the augmentation of the organization existing in the United States for the purpose of extorting money from the Federal Government for services which should be paid for by the various States. Pass this bill and let members of the National Guard sign that agreement and receive 25 per cent of the pay of the enlisted men of the Army, and the demand will shortly be irresistible to give them 100 per cent of the pay of enlisted men, and from a permanent charge of $6,000,000 a year it will speedily grow to a permanent charge of $25,000,000 a year, with no resulting benefits to the Federal Government. [Applause.]

Mr. FLOYD of Arkansas. Mr. Speaker, I yield the remainder of my time to the gentleman from Minnesota.

Mr. TAWNEY. Mr. Speaker, the title of this bill should read, "A bill to further increase the efficiency of the Army for the more successful lobbying in the interest of increasing appropriations for that organization." [Laughter.] Mr. Speaker, I have served in this House for a number of years. I have frequently observed in recent years the growth of the influence and power of the officers of the Army of the United States in their endeavor to secure increased appropriations and increased compensation. It has been under the influence of that organization and of the officers of the Navy that our expenditures in preparation for war have more than tripled in the last decade. Only a few days ago I called attention to the fact that during the last 10 years we had expended in preparation for war $2,192,000,000, or within about $400,000,000 of the bonded debt of the United States at the close of the Civil War.

That included the permanent appropriation for the Militia. This rapid increase in appropriations for preparation for war has been due more to the increased influence and activities on the part of Army and Navy officers than to any other cause that can be assigned.

Mr. Speaker, it is now proposed to add to the influence of these officers the influence of a military organization more powerful, because it will include the rank and file as well as the officers of an organization that numbers anywhere from 150,000 to 200,000 men. An organization whose influence is not confined to Washington, but extends throughout the United States. An organization whose influence will be used for the purpose of aiding the officers of the Regular Army to still further increase their appropriations in the future for war expenditures. The officers of the Army are comparatively few in number. Their influence, the potential, is exerted largely through social channels in the District of Columbia and in the communities in which they are temporarily located.

The rank and file of the Regular Army exerts no influence whatever, because it has no fixed status so far as residence is concerned, but when you have anywhere from one to three regiments in every congressional district, composed of active young men, many of whom are influential politicians, working with the officers of the Regular Army for increased appropriations, that influence will be absolutely invincible, and they will be able to secure all the money their voracious appetites for war regalia, power, and influence may demand. The militia to-day is receiving a permanent appropriation of $4,000,000 a year. It is not 10 years ago, Mr. Speaker, that the permanent appropriation for the militia was less than a million dollars. We increased it to $2,000,000, and then just as soon as the Dick bill passed, which amalgamated the Organized Militia of the United States with the Regular Army and created a Militia

Division in the War Department here at the seat of government, the influence of that organization was sufficiently strong to bring about the enactment of a law giving them two million more of a permanent annual appropriation, making the total of their permanent annual appropriation $4,000,000.

Now, you propose to pay direct to the members of the militia, and as a part of the standing Army of the United States, as compensation for their services in the Organized Militia 25 per cent of the pay of the enlisted men of the Army. I seriously doubt, Mr. Speaker, our constitutional right to do that, because we can not under the Constitution appropriate for the Army for more than two years at a time. But notwithstanding this constitutional provision, it is proposed to fasten perpetually on the Federal Treasury an appropriation for the Army or that part of it known as the militia of at least $8,000,000 a year. [Applause.] Mr. Speaker, when you substitute dollars for patriotism and enthusiasm among the young men who constitute our militia organization you have destroyed that organization or laid the foundation for a standing army at such a high rate of compensation as will bankrupt the Treasury in order to maintain it. [Applause.]

Mr. STEENERSON. Mr. Speaker, that is not the first time that we have heard the cry of militarism on the part of my colleague from Minnesota; but I think he is on the wrong track, so far as that complaint in this case is concerned. Militarism is the giving of undue prominence to military training and military glory. The proposed expenditures obviate the necessity for increasing the Regular Army. It is, in my opinion, the greatest measure of economy that has ever been brought into this House, because it makes a further increase of the Regular Army unnecessary by increasing the efficiency of and giving encouragement to the citizen soldiery of the people in every State in the Union. I am tired of hearing this claim that there is undue pressure for appropriations exerted on the part of the Army. The Army has no vote. We give them what we think wise and proper. We have not been any more liberal in providing for the Army than for any other branch of the Government service. The existing appropriations alluded to are not for the pay of the National Guard. In the appropriation of $4,000,000 there is $2,000,000 allotted to the States, and the other $2,000,000 are for ammunition, for guns, for clothing, for uniforms. Does my colleague contend that the National Guard should pay for their uniforms and for the powder it burns in target practice? Certainly not; and that is what those $2,000,000 are for. I contend that this appropriation, whether it will amount to $4,000,000 or $8,000,000, is a measure of economy, because it will give a full return in the shape of a suitable and proper preparation for war. The man is not a wise statesman who desires to neglect this preparation. We have only 20,000 soldiers of the Regular Army in the United States. The rest of them are scattered throughout the globe. We are a world power, and we have our soldiers in the Philippines, in Porto Rico, in Alaska, and in the Canal Zone, so that we have but a handful left. It is wise and proper to make this appropriation for the National Guard in order that they may to a greater extent than heretofore prepare themselves for war.

The efficiency of the National Guard since the legislation of 1903 and 1908 is recognized by the War Department and by all familiar with military matters in the country. To achieve this degree of training and efficiency has cost both officers and men a great deal of labor and some actual outlay of money over and above what they have received under existing law. The national guardsman of to-day is a man who voluntarily enters the service in order to obtain military training and instruction, so that he can more effectually serve his country in case of war. This training is no holiday affair, but involves actual work. When he enlists now he offers not only his services but his life for his country. This compensation of $48 a year is no inducement to enter the service, but will reimburse him for the extra outlay he will incur on account of the service.

Our fathers inherited a dread and hatred to a standing army, for they feared that it might develop into a military despotism. Although the advance in civilization has, it is believed, rendered such fears at this time groundless, yet we find that this fear of militarism still lingers in some quarters and accounts for this hostility and prejudice that is sometimes met with even to absolutely necessary and proper military preparation such as the development of the efficiency of the militia. Now, why this hostility? Why this vague and unreasonable fear? Is it because military organization in its very nature is the embodiment of despotism and the antithesis of individual liberty?

The organization of an army is the exemplification of despotism. It has its different ranks and orders of superiority distasteful to the ordinary man. The enlisted man is a thing—a tool—to his next in authority; so is the company to the captain, and so on to the one supreme head—the general or commander in chief. It is an organization that is antagonistic to liberty in the individual—it is hostile to freedom. It is an easy step to conclude from this, in times of peace especially, that the less we have of this the better; that it is liable in the future to invade civil government and to create rank, caste, and aristocracy—hostile to democracy, hostile to the principles of individual liberty and equality upon which our Government is founded. In view of the lessons of history it must be admitted that these fears are not without reason, and that in many instances where people have been organized for military purposes, this organization has invaded civil society and formed governments upon the same plan—and despotism has resulted. In fact, sociology teaches that this tendency of the militant type of organization to invade civil government has been almost universal. But notwithstanding all this I do not think this can ever be a real danger in this country, for the reason that we have a greater general intelligence and advance in civilization than has ever existed before, and our democratic institutions are too well grounded in the life and affections of our people to be supplanted by militarism in any form. It has always been one of our cardinal principles of government that the military must always be subordinate to the civil power, except in the theater of actual war. Yet in order for any society to survive, it must at any time be able to organize in a militant form. If it ever loses this power its disruption is inevitable. An industrial society, organized upon democratic principles, for the benefit of individual liberty, is best for the advancement of civilization, but if such a society should become incapable of assuming, so far as necessary, the militant type of organization it will be liable to destruction whenever it comes in contact with a people so organized or capable of such an organization.

In order, therefore, for a society like our own, organized, as we are, upon principles of individual liberty, upon the principle that the Government exists for the individual and not the individual for the benefit of the Government, to be permament and capable of preserving its life it must be capable of adopting, so far as necessary, the very opposite form of organization—the militant type—in virtue of which the individual exists for the benefit of the Government. We must adopt the militant form because it is the form that is efficient in warfare and therefore necessary. But the fact that we, wholly or in part, put on the militant garb and form does not destroy our love of liberty, nor prevent us from again resuming it when the occasion has passed. This is shown by our experience in all our past wars. At the close of the Civil War we had over a million soldiers in arms, but we had no trouble in disbanding them and returning them to civil life. Why? Because they were free American citizens, and loved liberty and peace more than war. They, in fact, appreciated more than ever before in their lives the blessings of liberty. They had had experience with military life and discipline, and could now understand what rank and despotism meant. It is the same to-day. Let our young men have a little military training and discipline; it will do them good; it will increase our safety as a Nation, and it will make each one of them a better citizen, with a fuller realization of the blessings of our freer institutions than he ever had before. Mere love of liberty and free institutions without military organization and training does not make fighting men, but military organization and training will increase the love of liberty in those who have been trained in free institutions. One who has never been sick does not appreciate the blessings of health like one who has, and likewise one who has never experienced the self-abnegation necessary to military life does not appreciate liberty as much as one who has.

I therefore hold that in this day and age the fear of militarism is unfounded, and will gradually disappear as the subject of due military preparation is more generally understood. Mere numbers and wealth and patriotic feeling do not make a nation invincible. There must also be military preparation. The wider the military education and training among a people like ours the greater the security of our continued existence as a nation and of our institutions, founded upon the idea of individual liberty and freedom. [Applause.]

Mr. HUGHES of New Jersey. Mr. Speaker, I desire to submit a request for unanimous consent. I ask unanimous consent that the gentleman from Pennsylvania [Mr. NICHOLLS] be given three minutes to address the House on the subject of this bill.

The SPEAKER. The gentleman from New Jersey asks unanimous consent that the gentleman from Pennsylvania may be permitted to speak for three minutes on this measure.

Mr. MANN. Let him talk on something else.

The SPEAKER. Objection is heard. The question is on suspending the rules and passing the bill.

The question was taken, and the Chair announced that the Chair was in doubt.

The House divided; and there were—ayes 91, noes 49.

Mr. STEENERSON. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 152, nays 106, answered "present" 11, not voting 114, as follows:

YEAS—152.

Alexander, N. Y.	Elvins	Kennedy, Iowa	Parker
Ames	Esch	Kennedy, Ohio	Parsons
Ansberry	Fassett	Kinkaid, Nebr.	Pearre
Anthony	Fish	Knowland	Plumley
Austin	Flood, Va.	Kopp	Poindexter
Barchfeld	Focht	Lawrence	Pou
Barclay	Fornes	Lenroot	Pratt
Bennet, N. Y.	Foss	Longworth	Pray
Bennett, Ky.	Foster, Ill.	Loud	Prince
Borland	Foster, Vt.	Loudenslager	Reeder
Broussard	Fuller	Lowden	Rodenberg
Burke, Pa.	Gaines	McCreary	Scott
Burke, S. Dak.	Gardner, Mass.	McCredie	Simmons
Butler	Gardner, Mich.	McKinlay, Cal.	Slemp
Byrns	Gardner, N. J.	McKinley, Ill.	Smith, Iowa
Calderhead	Gillett	McKinney	Stafford
Cantrill	Good	McLachlan, Cal.	Steenerson
Cary	Graff	McLaughlin, Mich.	Sterling
Cassidy	Graham, Pa.	Madden	Stevens, Minn.
Chapman	Grant	Madison	Sturgiss
Cline	Greene	Malby	Sulloway
Cole	Griest	Mann	Taylor, Ala.
Cooper, Pa.	Hamer	Martin, S. Dak.	Taylor, Ohio
Cowles	Hamilton	Massey	Thistlewood
Creager	Hammond	Miller, Minn.	Tilson
Crow	Haugen	Mondell	Townsend
Cullop	Havens	Moon, Pa.	Turnbull
Dalzell	Hawley	Moore, Pa.	Underwood
Davidson	Hayes	Morgan, Mo.	Volstead
Davis	Heald	Morse	Washburn
Dent	Henry, Conn.	Murphy	Weeks
Dickema	Higgins	Needham	Wheeler
Dodds	Howell, Utah	Nelson	Wiley
Draper	Hubbard, Iowa	Norris	Wilson, Ill.
Driscoll, M. E.	Hubbard, W. Va.	Nye	Woods, Iowa
Durey	Hull, Iowa	Olcott	Woodyard
Dwight	Joyce	Olmsted	Young, Mich.
Ellis	Keifer	Palmer, H. W.	Young, N. Y.

NAYS—106.

Aiken	Gillespie	Korbly	Ransdell, La.
Alexander, Mo.	Godwin	Lamb	Rauch
Bartlett, Ga.	Goldfogle	Lee	Richardson
Beall, Tex.	Gordon	Legare	Robinson
Bell, Ga.	Gregg	Lever	Roddenbery
Boehne	Hamill	Lindbergh	Rothermel
Booher	Hamlin	Livingston	Rucker, Mo.
Brantley	Hardwick	Lloyd	Shackleford
Campbell	Hardy	McCall	Sheppard
Clark, Mo.	Harrison	McHenry	Sherley
Collier	Hay	Macon	Sherwood
Conry	Heflin	Maguire, Nebr.	Sims
Cooper, Wis.	Helm	Martin, Colo.	Sisson
Covington	Henry, Tex.	Mays	Smith, Tex.
Cox, Ind.	Hitchcock	Mitchell	Spight
Crumpacker	Hollingsworth	Moon, Tenn.	Stephens, Tex.
Denver	Houston	Morrison	Sulzer
Dickinson	Howland	Moss	Tawney
Dies	Hughes, Ga.	Nicholls	Taylor, Colo.
Dixon, Ind.	Hughes, N. J.	Oldfield	Thomas, Ky.
Edwards, Ga.	Hull, Tenn.	Padgett	Thomas, N. C.
Ellerbe	Humphreys, Miss.	Page	Tou Velle
Ferris	Johnson, Ky.	Palmer, A. M.	Watkins
Fitzgerald	Johnson, S. C.	Peters	Webb
Floyd, Ark.	Jones	Pujo	Wickliffe
Garner, Tex.	Keliher	Rainey	
Garrett	Kitchin	Randell, Tex.	

ANSWERED "PRESENT"—11.

Adamson	Burnett	Cox, Ohio	Smith, Mich.
Andrus	Candler	Currier	Sparkman
Bradley	Clayton	Hill	

NOT VOTING—114.

Adair	Dawson	Hinshaw	McDermott
Anderson	Denby	Hobson	McGuire, Okla.
Ashbrook	Dickson, Miss.	Howard	McMorran
Barnard	Douglas	Howell, N. J.	Maynard
Barnhart	Driscoll, D. A.	Huff	Miller, Kans.
Bartholdt	Dupre	Hughes, W. Va.	Millington
Bartlett, Nev.	Edwards, Ky.	Humphrey, Wash.	Moore, Tex.
Bates	Englebright	James	Morehead
Bingham	Estopinal	Jamieson	Morgan, Okla.
Boutell	Fairchild	Johnson, Ohio	Moxley
Bowers	Finley	Kahn	Mudd
Burgess	Foelker	Kendall	Murdock
Burleigh	Fordney	Kinkead, N. J.	O'Connell
Burleson	Fowler	Knapp	Patterson
Byrd	Gallagher	Kronmiller	Payne
Calder	Garner, Pa.	Küstermann	Pickett
Capron	Gill, Md.	Lafean	Reid
Carlin	Gill, Mo.	Langham	Rhinock
Carter	Glass	Langley	Riordan
Clark, Fla.	Goebel	Latta	Roberts
Cocks, N. Y.	Goulden	Law	Rucker, Colo.
Coudrey	Graham, Ill.	Lindsay	Sabath
Craig	Guernsey	Lively	Saunders
Cravens	Hanna	Lundin	Sharp
Sheffield	Southwick	Thomas, Ohio	Willett
Slayden	Sperry	Vreeland	Wilson, Pa.
Small	Stanley	Wallace	Wood, N. J.
Smith, Cal.	Swasey	Wanger	
Snapp	Talbott	Weisse	

So (two-thirds not having voted in favor thereof) the motion was rejected.

The Clerk announced the following pairs:

From 3 p. m. to-day until Friday morning:

Mr. KENDALL with Mr. LATTA.

From February 21 until February 23, inclusive:

Mr. SHEFFIELD with Mr. DANIEL A. DRISCOLL.

From 3 p. m. Wednesday until 11 a. m. Friday:

Mr. GUERNSEY with Mr. O'CONNELL.

From 3 p. m. to-day until Friday night:

Mr. BATES with Mr. GRAHAM of Illinois.

From Thursday until Saturday, inclusive:

Mr. HOWELL of New Jersey with Mr. BURNETT.

From Thursday until March 1:

Mr. SPERRY with Mr. MCDERMOTT.

Until further notice:

Mr. GOEBEL with Mr. CLAYTON.

Mr. MORGAN of Oklahoma with Mr. ANDERSON.

Mr. KAHN with Mr. HOWARD.

Mr. MCMORRAN with Mr. SPARKMAN.

Mr. LAFEAN with Mr. GILL of Missouri.

Mr. MILLINGTON with Mr. MAYNARD.

Mr. LAW with Mr. JAMES.

Mr. LANGLEY with Mr. SABATH.

Mr. MURDOCK with Mr. RHINOCK.

Mr. BATES with Mr. BOWERS.

Mr. MCGUIRE of Oklahoma with Mr. LINDSAY.

Mr. WOOD of New Jersey with Mr. PATTERSON.

Mr. SMITH of California with Mr. MOORE of Texas.

Mr. BURLEIGH with Mr. COX of Ohio.

Mr. DENBY with Mr. GALLAGHER.

Mr. BINGHAM with Mr. WALLACE.

Mr. SOUTHWICK with Mr. REID.

Mr. SNAPP with Mr. CANDLER.

Mr. BARNARD with Mr. ADAIR.

Mr. BARTHOLDT with Mr. ASHBROOK.

Mr. BOUTELL with Mr. BARNHART.

Mr. CALDER with Mr. BARTLETT of Nevada.

Mr. CARY with Mr. SMALL.

Mr. COCKS of New York with Mr. CARLIN.

Mr. DAWSON with Mr. CRAIG.

Mr. DOUGLAS with Mr. CRAVENS.

Mr. ENGLEBRIGHT with Mr. DUPRE.

Mr. FAIRCHILD with Mr. ESTOPINAL.

Mr. HANNA with Mr. GILL of Maryland.

Mr. FORDNEY with Mr. HOBSON.

Mr. HINSHAW with Mr. LIVELY.

Mr. HUMPHREY of Washington with Mr. SHARP.

Mr. JOHNSON of Ohio with Mr. SLAYDEN.

Mr. KNAPP with Mr. BURGESS.

Mr. KRONMILLER with Mr. STANLEY.

Mr. KÜSTERMANN with Mr. TALBOTT.

Mr. LANGHAM with Mr. WEISSE.

Mr. LUNDIN with Mr. WILLETT.

Mr. MILLER of Kansas with Mr. WILSON of Pennsylvania.

Mr. MOREHEAD with Mr. CARTER.

Mr. MOXLEY with Mr. DICKSON of Mississippi.

Mr. PAYNE with Mr. JAMIESON.

Mr. PICKETT with Mr. KINKEAD of New Jersey.

Mr. ROBERTS with Mr. RUCKER of Colorado.

Mr. VREELAND with Mr. SAUNDERS.

Mr. HUFF with Mr. BURLESON.

For the session:

Mr. BRADLEY with Mr. GOULDEN.

Mr. HUGHES of West Virginia with Mr. BYRD.

Mr. HILL with Mr. GLASS.

Mr. ANDRUS with Mr. RIORDAN.

Mr. WANGER with Mr. ADAMSON.

Mr. CURRIER with Mr. FINLEY.

From 12 m. Thursday until end of session, excepting on District legislation:

Mr. SMITH of Michigan with Mr. CLARK of Florida.

Mr. CURRIER. Mr. Speaker, I wish to inquire whether the gentleman from South Carolina, Mr. FINLEY, has voted.

The SPEAKER. The gentleman from South Carolina did not vote.

Mr. CURRIER. I voted "aye," and I am paired with him. I wish to withdraw my vote and answer "present."

The SPEAKER. Call the gentleman's name.

Mr. CURRIER's name was called, and he answered "Present."

Mr. CARTER. Mr. Speaker, I would like to know if I am recorded?

The SPEAKER. The gentleman is not.

Mr. CARTER. I was present in the room, Mr. Speaker, when my name was called——

The SPEAKER. Was the gentleman present and giving attention when his name was called and did not hear it?

Mr. CARTER. I was present in the room, but I was not giving very strict attention——

The SPEAKER. The gentleman does not bring himself within the rule.

Mr. ADAMSON. Mr. Speaker, I voted "no," and I want to be recorded as voting "no," but as I am paired with the gentleman from Pennsylvania, Mr. WANGER, I desire to withdraw my vote of "no" and answer "present."

The SPEAKER. Call the gentleman's name.

Mr. ADAMSON's name was called, and he answered "Present."

Mr. CLAYTON. Mr. Speaker, I voted "no" under the impression that the gentleman from Ohio, Mr. GOEBEL, had voted. I find that he did not vote. I therefore withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

LEAVE OF ABSENCE.

Mr. SMITH of California was given leave of absence for the remainder of the session on account of sickness.

BRIDGE ACROSS THE DELAWARE RIVER.

The SPEAKER laid before the House the following resolution from the Senate of the United States:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate Senate bill 10632, to authorize the North Pennsylvania Railroad Co. and the Delaware & Bound Brook Railroad Co. to construct a bridge across the Delaware River.

The request was agreed to.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 16268. An act for the relief of Thomas Seals;

H. R. 32220. An act to authorize the board of supervisors of the town of High Landing, Red Lake County, Minn., to construct a bridge across the Red Lake River;

H. R. 32571. An act to consolidate certain forest lands in the Kansas National Forest;

H. R. 31538. An act to authorize the Pensacola, Mobile & New Orleans Railway Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels above the city of Mobile, Ala.; and

H. R. 32400. An act to authorize the North Pennsylvania Railroad Co. and the Delaware & Bound Brook Railroad Co. to construct a bridge across the Delaware River from Lower Makefield Township, Bucks County, Pa., to Ewing Township, Mercer County, N. J.

The SPEAKER announced his signature to enrolled bill and joint resolutions of the following titles:

S. 10015. An act for rebuilding and improving the present light and fog signal at Lincoln Rock, Alaska, or for building another light and fog-signal station upon a different site near by;

S. J. Res. 132. Joint resolution authorizing the delivering to the commander in chief of the United Spanish War Veterans of one or two dismounted bronze cannon; and

S. J. Res. 145. Joint resolution providing for the filling of a vacancy which will occur on March 1, 1911, in the Board of Regents of the Smithsonian Institution, of the class other than Member of Congress;

AMENDMENT TO INTERNAL-REVENUE LAWS.

Mr. LONGWORTH. Mr. Speaker, I desire to call up the bill (H. R. 28626) to amend the internal-revenue laws relating to distilled spirits, and for other purposes, which is a privileged bill.

The SPEAKER. The gentleman from Ohio [Mr. LONGWORTH] calls up the following privileged bill, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That section 3255 of the Revised Statutes, as amended by act of June 3, 1896 (29 Stat., p. 195), be amended so as to read as follows:

"SEC. 3255. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may exempt distillers of brandy made exclusively from apples, peaches, grapes, pears, pineapples, oranges, apricots, berries, or prunes from any provision of this title relating to the manufacture of spirits, except as to the tax thereon, when in his judgment it may seem expedient to do so: *Provided*, That where, in the manufacture of wine, artificial sweetening has been used the wine or the fruit pomace residuum may be used in the distillation of brandy, and such use shall not prevent the Commissioner of Internal Revenue from exempting such distiller from any provision of this title relating to the manufacture of spirits, except as to the tax thereon, when in his judgment it may seem expedient to do so."

Also the following committee amendments were read:

Page 1, line 10, after the word "berries," insert "plums, pawpaws, persimmons."

Page 1, line 11, strike out "or" and after the word "prunes" insert ", figs, or cherries."

Page 2, line 3, after the word "Revenue" insert ", with the approval of the Secretary of the Treasury."

Mr. LONGWORTH. Mr. Speaker, I ask unanimous consent that this bill may be considered in the House as in the Committee of the Whole.

Mr. MANN. Mr. Speaker, I think I shall have to object to that.

Mr. LONGWORTH. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 28626.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 28626) to amend the internal-revenue laws relating to distilled spirits, and for other purposes, with Mr. DIEKEMA in the chair.

Mr. LONGWORTH. Mr. Chairman, I send to the Clerk's desk and ask to have read a letter from the Secretary of the Treasury upon this subject.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, January 4, 1911.

SIR: I have the honor to acknowledge receipt of your letter of the 21st ultimo, inclosing copy of bill (H. R. 28626) to amend the internal-revenue laws relating to distilled spirits, and for other purposes, and requesting my views as to whether the same should be enacted into law, and the reasons therefor.

In reply I would say that section 3255, Revised Statutes, as amended by the act of June 3, 1896, and also by the act of February 4, 1901, authorizes the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to exempt distillers of brandy made exclusively from the fruits enumerated therein from any of the provisions of the title relating to the manufacture of distilled spirits, except as to the tax thereon.

Wine makers in certain sections of the country, in the manufacture of sweet wines, find it necessary to add artificial sweetening in order to perfect such wines. Inasmuch as brandy distilled from wine so made, or from the fruit residuum, is not made exclusively from grapes, or either of the other fruits named in section 3255, its manufacture is not permissible under the exemptions.

The proposed amendment will authorize the Commissioner of Internal Revenue to exempt distillers of brandy from wine or fruit pomace residuum, when in the manufacture of the wine artificial sweetening has been used, from any or all the provisions of law relating to the manufacture of distilled spirits, except as to the tax thereon.

Authority to extend the exemptions to distillers using wine or the fruit residuum where, in the manufacture of the wine, artificial sweetening has been used, seems to be necessary, inasmuch as the use of such fruit charged with sugar or sugar solution is entirely impracticable under the general statutes relating to distilleries, because of the limitations placed thereby upon the fermenting period of each of the recognized classes of distilleries, which period is insufficient for the complete fermentation of such fruit.

I invite attention to certain defects in the bill as drawn. The only amendment to section 3255, Revised Statutes, to which reference is made, is that of the act of June 3, 1896, whereas this section was further amended by the act of February 4, 1901, which provided for two additional fruits, "figs or cherries." Further, the additional proviso authorizes the Commissioner of Internal Revenue alone to exempt this class of distillers without the approval of the Secretary of the Treasury. In my opinion the approval of the Secretary of the Treasury should be required as in the original act and in the other amendments.

With the changes suggested in the bill, I am of the opinion that it should be enacted into law.

Respectfully, FRANKLIN MACVEAGH, *Secretary.*

THE CHAIRMAN COMMITTEE ON WAYS AND MEANS,
House of Representatives.

Mr. LONGWORTH. Mr. Chairman, this bill has been amended in accordance with the suggestions made by the Secretary of the Treasury. It was acted upon by the Ways and Means Committee after an exhaustive hearing, at which the Commissioner of Internal Revenue appeared before us. It comes to the House now with the unanimous report of the committee. The letter of the Secretary of the Treasury, it seems to me, explains very fully the necessity for this legislation, and therefore I do not care to occupy the time of the House in a prolonged discussion of it, unless some gentleman may desire to ask some questions.

Mr. BARTLETT of Georgia. May I interrupt the gentleman?

Mr. LONGWORTH. With pleasure.

Mr. BARTLETT of Georgia. The purpose of my inquiry is to ascertain from the gentleman from Ohio [Mr. LONGWORTH] what effect this would have on the distilling of fruit; for instance, peaches, apples, and things of that sort. I notice that he shall have right over certain regulations, except as to the payment of the tax.

Now, distillation from fruit—peaches and other things of that kind—in my country has ceased altogether owing to the restrictions. Men might be willing to pay the tax, but there are other

certain regulations prescribed by the laws or rules of the Internal Revenue Department that they can not comply with. I want to know if this provides for the distillation of fruit—peaches and apples and so forth—where we can not now distill them, and, if so, to what extent?

Mr. LONGWORTH. This bill does not change in any respect the present law of distillation from fruits, except it adds one or two other sorts of fruit than those now authorized by statute. The only change made in the law by this bill is in the proviso which allows the Secretary to include in "fruit distilleries" those distilleries which now make brandy from sweetened grapes. The necessity for the law arises from the following reasons: For nearly 40 years there have been certain districts in this country which make wine from grapes to which sugar has been added. That includes the New York district and the districts of Missouri, Pennsylvania, and Ohio. In all of those districts wine is made from sweetened grapes.

Now, it has been the custom to distill the residue which remains after making wine into brandy; but recently the Internal Revenue Department has been prosecuting certain distillers who used sugar in the distillation of brandy made from fruits generally, which is against the law, the law providing that fruit distilleries are only exempt from the provisions of grain distilleries if they make their distillation from fruit exclusively. The moment you add sugar you thereupon take them out of this exemption.

This law does not change in any respect the distillation from fruits, but will only provide that those who manufacture brandy out of the residuum of sweetened brandy may continue as they have done for about 40 years.

Mr. BARTLETT of Georgia. That would not take away, then, any of the restrictions that are thrown around or the requirements provided for the distillation of brandy from fruit, like peaches and things of that sort?

Mr. LONGWORTH. Not at all. The fact is, there are two kinds of distilleries only, distilleries that use fruit and distilleries that do not use fruit, which means, of course, grain distilleries.

Mr. BARTLETT of Georgia. But different as to the amount of fruit or grain?

Mr. LONGWORTH. Under this section, section 3255, I think it is, the Secretary of the Treasury is allowed to exempt fruit distilleries from all provisions except the tax. Now, the fact is that the reason why the Internal Revenue Department is anxious that this bill should pass is that if it shall not pass at this session of Congress the Government will lose somewhere between $500,000 and $800,000 of revenue. I have heard the amount estimated at as high as $800,000.

Mr. MANN. Does the gentleman yield for a question?

Mr. LONGWORTH. I do.

Mr. MANN. Neither the bill nor the report indicates what is new and what is old, but from an examination of the act referred to in the report it would seem that there are some new fruits added in the bill, and the proviso is entirely new.

Mr. LONGWORTH. The proviso is entirely new, and there are two kinds of fruit added.

Mr. MANN. Peaches and cherries, and——

Mr. LONGWORTH. Peaches and cherries, I think, are in the old law.

Mr. MANN. And pawpaws, and persimmons, and figs——

Mr. LONGWORTH. Those are new, I believe.

Mr. MANN. And cherries and plums are entirely new. However, that is of no importance, I suppose?

Mr. LONGWORTH. No.

Mr. MANN. Has there been a ruling under the present law by the department to the effect that under the law they can not use the pomace resulting from sweetened wines to distill brandies?

Mr. LONGWORTH. Yes.

Mr. MANN. Under what law is that ruling made?

Mr. LONGWORTH. Under the law that provides that the Secretary of the Treasury shall——

Mr. MANN. What law is it?

Mr. LONGWORTH. It is section 3255.

Mr. MANN. But section 3255 does not cover it at all.

Mr. LONGWORTH. It says the Secretary of the Treasury may exempt distillers of brandy made exclusively from fruits, and so forth. Now, under this it is held that this sort of brandy is not made exclusively from fruits, because there is an admixture of sugar in the production of the wines.

Mr. MANN. That is a new ruling?

Mr. LONGWORTH. That is a new ruling, and the effect of it has been postponed until March 15, so that if this bill does not pass at this session of Congress the distillers of this kind of brandy must go out of business, because it is impossible for them to comply with the regulations that apply to grain distillers with respect to the period of fermentation.

Mr. MANN. Of course the gentleman knows, does he not, that there has been more or less controversy over the manufacture of sweetened wines and fruit wines, and so forth, under the pure food law?

Mr. LONGWORTH. The Commissioner of Internal Revenue says this bill will not in any way violate the provisions of the pure-food law.

Mr. MANN. Of course he thinks nothing in the way of liquor violates anything connected with the pure-food law. [Laughter.]

Mr. LONGWORTH. I will say also to the gentleman that Mr. McCabe, the Solicitor of the Department of Agriculture, says that this bill will not violate the provisions of the pure-food law. If we do not pass this bill, the Government will be deprived of something between half a million and three-quarters of a million dollars of revenue.

Mr. MANN. If the gentleman had indicated what the changes were in the report I do not think anybody would have questioned it.

Mr. LONGWORTH. I will ask for the reading of the bill and of the amendments recommended by the committee.

The bill and the committee amendments were again read.

The CHAIRMAN. The question is on agreeing to the amendments.

The amendments were agreed to.

Mr. LONGWORTH. Mr. Chairman, I move that the committee do now rise and recommend to the House that the amendments be agreed to, and that the bill as amended do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DIEKEMA, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 28626) to amend the internal-revenue laws relating to distilled spirits, and for other purposes, and directed him to report the same to the House with sundry amendments, with the recommendation that the amendments be agreed to, and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the amendments will be voted on in gross.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was read the third time and passed.

On motion of Mr. LONGWORTH, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 288. An act for the creation of the police and firemen's relief fund, to provide for the retirement of members of the police and fire departments, to establish a method of procedure for such retirement, and for other purposes.

The message also announced that the Senate had passed with amendment bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 20603. An act for the relief of Henry Halteman;

H. R. 24153. An act for the relief of John Marshall; and

H. J. Res. 276. Joint resolution modifying certain laws relating to the military records of certain soldiers and sailors.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 9693. An act to provide for the payment of the traveling and other expenses of United States circuit and district judges when holding court at places other than where they reside; to the Committee on the Judiciary.

REVISION AND CODIFICATION OF THE LAWS.

The SPEAKER. The Chair finds upon the Speaker's table H. J. Res. 281, to create a joint committee to continue the consideration of the revision and codification of the laws of the United States, which provides for an expenditure of money from the contingent funds of the House and Senate. After examination of the precedents, which are conflicting, the Chair is of opinion that the bill should be on the House Calendar and

not upon the Union Calendar. Without objection, it will be so referred.

There was no objection, and it was so ordered.

LEASING COAL LANDS IN ALASKA.

Mr. MONDELL. Mr. Speaker, I call up the bill (H. R. 32080) to provide for the leasing of coal lands in the District of Alaska, and for other purposes, with committee amendments, and move to suspend the rules and pass the bill as amended.

The SPEAKER. The gentleman from Wyoming [Mr. MONDELL] moves to suspend the rules and pass the bill as amended. The Clerk will read the bill and amendments.

The Clerk read as follows:

Be it enacted, etc., That all lands in the District of Alaska containing workable deposits of coal are hereby reserved from all forms of entry, appropriation, and disposal, except under the provisions of this act: *Provided*, That nothing herein contained shall in any manner affect any claims or rights to any such coal lands heretofore asserted or established under the land laws of the United States, and all such claims and rights shall be treated, passed upon, and disposed of as though this act had not been passed.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized, for and on behalf of the United States, to issue licenses granting the holders thereof the right to prospect and explore for coal on the vacant public lands in the District of Alaska and to execute leases authorizing the lessee to mine and remove coal from such lands. No license or lease shall pertain to an area of more than 3,200 acres, and all such areas shall be in reasonably compact form and conform to the public-land surveys in all cases in which said surveys have been extended over the lands. No prospecting permit shall be issued for a longer period than three years, but upon a showing of due diligence on the part of the lessee in prospecting and exploring, the Secretary of the Interior may, in his discretion, extend the license for a period not exceeding one year. All licensees shall pay in advance a fee of 25 cents per acre for the first year covered by their license, 50 cents per acre for the second year, and $1 per acre for the third year, and at the same rate for any extension of the license. Lessees shall pay in advance a rental of 25 cents per acre for the first calendar year, or fraction thereof, 50 cents per acre for the second year, and not less than $1 and not more than $4 per acre for each succeeding year. The sums paid for rent by a lessee shall in every case be a credit upon the royalties that may be due for the same year. All lessees shall pay a royalty on each ton, of 2,000 pounds, of coal mined, as follows: From the passage of this act until the end of the calendar year 1920, not less than 3 cents nor more than 6 cents per ton; for the succeeding 10 years, not less than 5 cents nor more than 8 cents per ton; for the succeeding 10 years, not less than 5 cents nor more than 10 cents per ton; and thereafter as Congress may provide. All leases shall be granted for such period as the lessee shall designate, but in no event for more than 30 years; but all lessees who have complied with the terms of their leases shall have a preferential right to an extension of their lease for a period not to exceed 20 years upon such conditions and the payment of such rents and royalties as Congress may prescribe.

SEC. 3. That any person over the age of 21 years who is a citizen of the United States, or any association or corporation composed of such persons, may apply for a permit to prospect for, or a lease to mine, coal in the District of Alaska, and upon compliance with the provisions of this act and the rules and regulations promulgated thereunder shall be granted a license or lease as provided herein, but no person, association, or corporation, or stockholder therein shall, during the lifetime of such permit or lease, receive or be permitted to hold, directly or indirectly, any other permit, lease, or license, or any interest therein, to coal lands in Alaska under the provisions of this act.

SEC. 4. That applications for prospecting licenses and mining leases, and all payments on same, shall be made to such officer and in such manner as the Secretary of the Interior may designate, and in all cases where more than one application shall be received for a license or lease covering the same area, in whole or in part, preference shall be given to the qualified applicant who shall show prior possession with a view of acquiring title to coal lands or prospecting for or mining coal, and reasonable diligence in applying for such license or lease, but the holder of a prospecting license shall have a preference right, during the period of his license, to apply for and obtain a mining lease to the lands covered by his license: *Provided*, That the Secretary of the Interior may adjust the boundaries of conflicting applications in such manner as will best promote the public interest by affording opportunities for speedy development.

SEC. 5. That all applications for licenses or leases shall describe the lands applied for according to the public-land surveys or private surveys which may have been approved by the United States surveyor general, or, if on unsurveyed land, by description by metes and bounds and reference to natural objects or permanent monuments as will readily identify the same. No license or lease shall be issued until after publication of the application therefor at least 30 days in some newspaper of general circulation in the land district in which the land is located and an opportunity has been given for the hearing of any protests which may be made during the period of publication against the issuance of such license or lease, and no lease covering unsurveyed land shall be issued until a survey shall have been executed, at the expense of the lessee, by or under the authority of the Secretary of the Interior, permanently marking the outboundaries thereof and subdividing the same according to the rectangular system of surveys. Licenses may be canceled by the Secretary of the Interior after reasonable notice for failure to pay rent when due.

SEC. 6. That all leases issued under the provisions of this act shall be upon the condition that the lessee shall proceed with due diligence to open a coal mine or mines on the leased premises and to produce coal therefrom during the life of the lease in such quantity as the condition of the market shall justify. That he shall not monopolize, in whole or in part, the trade in coal. That he will at all times sell the coal extracted from the leased premises at just, fair, and reasonable rates, without the giving of rebates or drawbacks, and without discrimination in price or otherwise, as between persons or places for a like product delivered under similar terms and conditions. That the mining operations shall be carried on in a workmanlike manner with due regard to the permanence of the mine, without undue waste, and with especial reference to the safety and welfare of the miners. That the leased premises and all mines opened thereon and all maps and records of coal production shall at all times be subject to inspection and examination by such officers as may be provided by law or designated by the Secretary of the Interior for such purpose. That the lessee shall observe, abide by, and conform to all of the provisions and limitations of this act, and that he shall pay promptly all rents and royalties when due; and the Secretary of the Interior or any person in interest may institute in the United States district court for division No. 1, District of Alaska, appropriate proceedings for the enforcement of the terms of the lease or for its cancellation for violation of the terms thereof or of the provisions of this act. Appeals from the decisions of the said court shall lie to the United States circuit court of appeals for the ninth circuit. Said leases shall also be upon the condition that the United States shall, at all times, have a preference right to take, wherever found, so much of the product of any mine or mines, opened upon the leased land, as may be necessary for the use of the Army or Navy or Revenue-Cutter Service, and pay such reasonable and remunerative price therefor as may be fixed by the President, but the owner of any coal so taken who may be dissatisfied with the price thus fixed shall have the right to prosecute suits against the United States in the United States district court for division No. 1, District of Alaska, for the recovery of any additional sum or sums claimed to be justly due upon the coal so taken.

SEC. 7. That no lease shall be granted or issued until the applicant shall have given a bond to the United States in such sum and with such surety as the Secretary of the Interior may prescribe for the payment of all rents and royalties and for the due and faithful compliance with all the terms and conditions of the lease. The existence of such bond shall be no bar to the institution of a suit for the enforcement of the terms of the lease or for its cancellation for the violation of the terms thereof or the provisions of this act, and a judgment of forfeiture of the lease shall be no bar to the enforcement by legal proceedings of the bond given in behalf of the lease.

SEC. 8. That no license or lease shall be assigned, mortgaged or sublet, except to a person, association, or corporation qualified to receive and hold an original license or lease under the provisions of this act, and with the written permission and approval of the Secretary of the Interior; and whosoever succeeds to the interest of the licensee or lessee by foreclosure, purchase, or assignment shall be subject to all the limitations and obligations contained in the license or lease or in this act.

SEC. 9. That a license or lease may be terminated at any time on the application of the licensee or lessee and the payment of all rents and royalties which may be due, but no lease shall be terminated until the Secretary of the Interior shall have had an opportunity to have an examination made into the condition of the property and such reasonable provision shall have been made for the preservation of any mine or mines which may have been opened on same, as he may require. Upon the cancellation of the lease or its expiration, or upon the forfeiture thereof and the satisfaction of any judgment rendered in the decree of forfeiture, the retiring lessee may, under the supervision of the Secretary of the Interior, remove or dispose of all of the machinery, buildings, or structures upon the leased premises, except such structures as may be necessary for the preservation of the mines.

SEC. 10. That no prospecting license issued under the provisions of this act shall give the licensee the exclusive use of any of the lands covered by his license, except for the purpose of prospecting and exploring the same, but all lessees under the provisions of this act shall enjoy the exclusive use of the surface, providing that this exclusive use shall in no wise interfere with the establishment and use of all necessary roads and highways, so located as not to interfere with the mining operations, and the granting by the Secretary of the Interior of such rights of way across such lands as may be necessary for use in the production, handling, or transportation of coal or other products of the District of Alaska.

SEC. 11. That the Secretary of the Interior is hereby authorized to issue limited mining leases to applicants qualified under section 3 of this act, and to municipal corporations, a tract not exceeding 160 acres in extent, and covering a period not exceeding 10 years, for the mining of coal for use in the District of Alaska. Such limited leases shall, in addition to the above limitations, be subject to all of the conditions of the general leases issued under the provisions of this act, except that a renewal of such lease shall be discretionary with the Secretary of the Interior and that the acquisition or holding of such limited lease shall be no bar to the acquisition or holding of a general lease provided for in this act, nor shall the holding of a general lease be a bar to the acquisition or holding of a limited lease.

SEC. 12. That 75 per cent of all the moneys derived from licenses and leases granted under the provisions of this act shall be paid into and constitute a part of the "Alaska fund" in the Treasury of the United States, provided for and created by the act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the District of Alaska, and for other purposes," approved January 27, 1905, and may be expended for the purposes described in said act; and the residue of the moneys derived from such licenses and leases shall be paid into the Treasury of the United States and constitute a part of the general fund of the Treasury. That the Secretary of the Interior shall make all necessary rules and regulations for carrying out the provisions of this act.

SEC. 13. That the reservation contained in section 1 of this act shall not prevent the location and patenting of lands containing workable deposits of coal under the mining laws of the United States with a view of extracting metalliferous minerals therefrom. But licenses and leases provided for in this act may be issued without regard to the fact that the lands may be covered by mining locations and the Secretary of the Interior shall provide by appropriate regulation for the observance by licensees, lessees, and locators of the respective rights of each: *Provided*, That all patents issued under the mineral laws to such lands shall reserve to the United States all the coal contained therein, together with the right to provide for the prospecting for and mining of the same.

SEC. 14. That the provisions of the act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof or supplemental thereto are hereby extended to and made operative within the District of Alaska. That the Secretary of the Interior is hereby authorized and directed to make all necessary rules and regulations in harmony with the provisions of this act needful and necessary for the administration of the same.

The committee amendments were read, as follows:

Page 2, line 4, strike out after the word "license" the words "or lease."

Page 2, line 5, after the word "acres," insert the following: "and no lease shall pertain to an area of more than 2,560 acres."

Page 2, strike out all after the word "years" in line 9, down to and including the word "year" at the end of line 12, and insert a period in place of the comma after the word "years" in line 9.

Page 2, strike out all after the word "year" in line 16, down to and including the word "license" in line 17, and insert a period in place of the comma after the word "year" in line 16.

Page 4, strike out all after the word "interest" in line 15 and all of line 16 and insert a period in place of the comma after the word "interest" in line 15.

Page 5, after the period following the word "justify," on line 17, insert the following: "That the lessee shall not during the lifetime of the lease receive or hold, directly or indirectly, any other lease under the provisions of this act or interest therein."

Page 7, line 7, strike out the word "all" and insert in lieu thereof the word "the."

Page 8, line 11, after the word "forfeiture," insert the words "and the payment of all rents and royalties due."

Page 10, line 7, strike out all after the word "treasury" and all of lines 8 and 9.

Page 10, strike out all after the word and figures "Sec. 14" down to and including the word "Alaska," on line 3, page 11, and insert in lieu thereof the following:

"That the act of February 4, 1887, entitled 'An act to regulate commerce,' and all acts amendatory thereof, are hereby extended to and made applicable to the District of Alaska in so far as the transportation of coal is concerned. And for the purpose of administering said acts in Alaska with regard to the transportation of coal, the jurisdiction of the Interstate Commerce Commission and of the Commerce Court is hereby extended to the District of Alaska."

The SPEAKER. Is a second demanded?

Mr. MADISON. I demand a second.

The SPEAKER. A second is ordered under the rule. The gentleman from Wyoming [Mr. MONDELL] is entitled to 20 minutes and the gentleman from Kansas [Mr. MADISON] is entitled to 20 minutes.

Mr. MONDELL. Mr. Speaker, the bill before the House is the result of a very earnest, careful, and painstaking effort to meet in a fair way, and a way which we believe is in harmony with the best public sentiment, the coal situation in the District of Alaska. There are three distinct features of the coal situation in Alaska that are at present unsatisfactory. First, the coal land sells for a flat price of $10 an acre, without regard to its value, and it is generally believed that that price is too low. Second, under the law, except under the provisions of the act of 1908, which are difficult to comply with, entries are limited to 160 acres, and it is difficult to acquire legally a sufficient area for a coal operation. Third, under this system of sale in fee there is no control over the coal operations or over the prices that may be charged. The committee set out to remedy this condition along the line of what we considered to be a sound policy, one which will make possible the development of the Alaskan coals and at the same time protect the public and bring a very considerable revenue to the Government.

We provide, first, for a prospecting license which may cover 3,200 acres and which may extend over three years upon the payment of certain rents during that period. We then provide for a lease which may extend as long as 30 years upon the payment of certain royalties, and the maximum area is 2,560 acres. The royalties are fixed at from 3 to 6 cents per ton for the first 10 years and increased so that in the last 10 years of the 30 it runs from 5 to 10 cents a ton on the coal as it comes from the mines, so that, allowing for slack, these royalties per ton of merchantable coal will be from 25 to 40 per cent above the royalty fixed in the bill.

Mr. COOPER of Wisconsin. Will the gentleman yield for a question?

Mr. MONDELL. Yes.

Mr. COOPER of Wisconsin. I notice, in line 7, page 2, that a license for not more than 3,200 acres is provided.

Mr. MONDELL. That is a prospecting license.

Mr. COOPER of Wisconsin. And a lease of not more than 2,560 acres.

Mr. MONDELL. The mining lease is for a smaller area than the prospecting license.

Mr. COOPER of Wisconsin. Under the license would a man have the right to mine coal?

Mr. MONDELL. Oh, no; that is just a prospecting license, to give the prospector the opportunity to prospect the area within which to select the tract upon which he can secure a lease to mine coal.

Mr. COOPER of Wisconsin. The licensee pays 25 cents the first year, 50 cents the second year, and $1 the third year.

Mr. MONDELL. The licensee pays a ground rent. The lessee pays a ground rent, which after the second year may be as high as $4 an acre, and in addition to that he pays his royalties.

Mr. COOPER of Wisconsin. Both of them pay rent.

Mr. MONDELL. They both pay rent.

Mr. COOPER of Wisconsin. The lessee pays rent and royalty.

Mr. MONDELL. He pays rent and royalty.

Mr. WICKERSHAM. Will the gentleman permit a question?

Mr. MONDELL. I have a very brief time in which to complete my statement.

Mr. WICKERSHAM. I think the gentleman has unintentionally made a misstatement. He said the lessee paid not only a rental, but a royalty in addition.

Mr. MONDELL. I did not intend to say in addition. He pays a rental, but after he gets to mining coal the rental is absorbed by the royalties. The rental is for the purpose of preventing him from holding the area without mining coal. In section 6 of the bill are contained all the covenants of the lease and all of the requirements with regard to careful mining, safeguarding the life and limb of miners, in regard to payment of rents and royalties, in regard to the maintenance of the mines, against holding more than one lease, and every prohibition contained in the bill is made a covenant of the lease in section 6, and enforcible by a suit begun by the Secretary of the Interior, or any interested party, in the United States district court for the District of Alaska.

Mr. JAMES. I see the gentleman's bill provides that no one person or corporation shall have the right to more than 2,560 acres. Suppose other persons already have claims which aggregate 5,000 acres. Does this give them that number of acres in addition?

Mr. MONDELL. If the gentleman will read the section, he will see that it provides:

But no persons, association, or corporation, or stockholder therein, shall, during the lifetime of such permit or lease, receive or be permitted to hold, directly or indirectly, any other permit, lease, or license, or any interest therein, to coal land in Alaska under the provisions of this act.

Mr. JAMES. That refers to this bill. That does not refer to other claims outside.

Mr. MONDELL. It does not.

Mr. JAMES. So if the Guggenheim-Morgan syndicate has 5,000 or 6,000 acres of land, they can take up under this bill 2,560 acres in addition.

Mr. MONDELL. So far there have been no patents issued to coal lands in Alaska.

Mr. JAMES. No; but there have been claims filed.

Mr. MONDELL. The committee did not feel that it ought to go further than a limit under the law. The limitations under this law are drastic and readily enforceable.

Mr. COOPER of Wisconsin. Will the gentleman allow me a suggestion?

Mr. MONDELL. Yes.

Mr. COOPER of Wisconsin. Is there any inhibition against the transfer of licenses?

Mr. MONDELL. Yes; you will find that in section 8 of the bill. I believe the bill is very carefully safeguarded. We have gone just as far as we have dared to go in fixing safeguards around the mining of coal in Alaska without absolutely preventing development.

Mr. COOPER of Wisconsin. Does the gentleman call the language in section 8 an inhibition?

Mr. MONDELL. It says that—

No license or lease shall be assigned, mortgaged, or sublet except to a person, association, or corporation qualified to receive and hold an original license or lease under the provisions of this act, and with the written permission and approval of the Secretary of the Interior.

For instance, a party holding a lease and finding it impossible to operate under the lease might transfer to another party who was eligible to take a lease, and it seems to me there could be no objection to that.

Mr. COOPER of Wisconsin. Will the gentleman permit a suggestion?

Mr. MONDELL. Certainly.

Mr. COOPER of Wisconsin. Line 23, in italic, on page 25, says:

That the lessee shall not, during the lifetime of the lease, receive or hold, directly or indirectly, any other lease under the provisions of this act or interest therein.

The same lessee could not get two leases, but another lessee could get a lease and transfer the assignment of his lease to the other man.

Mr. MONDELL. The lease could only be assigned to a person qualified as lessee. This whole matter was thrashed out carefully in the committee, and the bill is perfectly clear. No person who is not qualified as a lessee or a licensee could obtain an assignment or a mortgage of one of these claims.

Mr. JAMES. I notice section 2 of the bill provides:

That the Secretary of the Interior be, and he is hereby, authorized, for and on behalf of the United States, to issue licenses granting the holders thereof the right to prospect and explore for coal on the vacant public lands in the District of Alaska and to execute leases authorizing the lessee to mine and remove coal from such lands.

Is it not true under this bill that you lodge absolutely in the hands of the Secretary of the Interior the right to give one man a license and deny that right to another?

Mr. MONDELL. On the contrary, there is absolutely no ground on which the Secretary can deny an application of a party qualified under the law.

Mr. JAMES. I wish the gentleman would point out in his bill where he provides that the Secretary shall issue to any person a license who demands it. On the contrary, you lodge in the hands of the Secretary the right to give a lease or license to one person and deny it to another.

Mr. MONDELL. The gentleman can have his own time in which he can make his speech.

Mr. JAMES. I made the suggestion to the gentleman because he is the author of this bill, and if he can point out in this bill where that statement is untrue I want him to do it.

Mr. MONDELL. The bill provides in section 3:

That any person over the age of 21 years, who is a citizen of the United States, or any association or corporation composed of such persons, may apply for a permit to prospect for, or lease to mine, coal in the District of Alaska, and upon compliance with the provisions of this act and the rules and regulations promulgated thereunder, shall be granted a license or lease as provided herein.

If the gentleman knows of any expression in the English language that is more definite than that, then I do not know what it could be. That purposely leaves no discretion in the Secretary except where two parties apply for overlapping leases. We leave with him there necessarily a discretion, and he must exercise that discretion in the public interest.

Mr. HAMLIN. Will the gentleman yield for a question?

Mr. MONDELL. Yes.

Mr. HAMLIN. As I understand this bill, any person may apply for not more than 2,560 acres.

Mr. MONDELL. That is true.

Mr. HAMLIN. Would it not be possible for a combination of persons—50 or 100—to each lease that number of acres of land, or a combination of even more people, so that one company might control all of the coal lands of Alaska?

Mr. MONDELL. Well, if there is anything in this bill that would make that possible I can not see where it is, because, first, there is a covenant in the lease that no lessee or association or associated interests on a lease shall own or have any interest in any other lease, and also that the lessee shall not monopolize in whole or in part the trade in coal.

Mr. HAMLIN. They would be issued in the names of different individuals, but may there not be a secret understanding between them, and as a matter of fact they might be controlled by one company or corporation?

Mr. MONDELL. If the gentleman knows of any way by which you can write anything into law, anything that is going to prevent men having secret understandings, I would be glad to have it done here and accept it as an amendment to this bill. I know of no way of doing that. We prohibit any person or association of persons or anybody connected with an association of persons from having any right or interest in more than one lease, and that is a covenant of the lease, and the lease can be canceled and there is a bond given which can be sued upon and the party put entirely out of business and made to pay heavy damages for attempting to do anything of that sort. Certainly no legislation could go further than that.

Mr. HAMLIN. Does not the gentleman know that these combinations are formed every day of the world?

Mr. MONDELL. The gentleman says that the lessees might have a secret understanding. I take it that men may have a secret understanding that you can not reach by law. That seems to me to be something that can not be reached by legislation, unless that secret understanding results in a monopoly or an attempted monopoly; then it can be reached under the terms of the bill.

Mr. JAMES. Suppose, as a matter of fact, that 100 men do get together, and, under the provisions of this act, get two or three thousand acres of land each, and then after that there is no proof that the United States can get that they have a secret understanding, after they have gotten practically all of the land in Alaska, what provision have you in your bill to keep them from associating that land together and under one mammoth concern controlling it all?

Mr. MONDELL. Oh, the gentleman is trying to use my time for an argument.

Mr. JAMES. The gentleman must not conclude that because a man puts questions about his own bill that he is doing it for an ulterior motive. The gentleman owes a duty to the House to explain the bill.

Mr. MONDELL. There is nothing in the bill that will justify such a suggestion, for I have read twice to the House an absolute prohibition against that being done, against anyone acquiring or holding or having at any one time an interest in more than one lease, and that is as plain as the English language can make it.

Mr. MORSE. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. MORSE. In section 4 I see a provision which gives a man in possession preferential rights. Now, whether he is in possession of the land, legally or illegally, fraudulently or honestly, he is given preferential rights. Does not the gentleman think that a newcomer ought to have the same rights as these people who have been squatting on the land waiting for the law to be amended so that they could get it legally?

Mr. MONDELL. It is pretty difficult to provide any method whereby the right to make these applications shall be based, except that on that of priority of application or possession, unless you leave the entire matter in the discretion of the Secretary. The man who makes the first application and the man who is in possession has an equitable right if he is in possession for the purpose of acquiring the lease or of acquiring title to coal lands.

It seems to me that is a very wise provision. It is a provision that runs through all our land laws that the man first in possession has a first right to make application.

Mr. LENROOT. Would the gentleman make that statement in just that way if the possession was for the purpose of securing claims in a fraudulent manner—that is, perpetrating a fraud upon the Government?

Mr. MONDELL. Well, I do not know how we are going to differentiate in a matter of that kind. We must give some one the right to make these applications, and it seems but natural that the party in possession should be given the first opportunity to acquire the right to lease, inasmuch as he pays as much to the Government as any other person would, and he is under all the limitations that any other person would be. I can see no reason why the one in possession should not be given the right to make the application.

Mr. LENROOT. Would not an amendment providing that the possessor had attempted in good faith to acquire title without fraud be perfectly practicable?

Mr. MONDELL. Let me call the gentleman's attention to the fact that no one can be in possession of over 160 acres of this land with a view of obtaining title, and therefore the provision in regard to the prior right of the possessor only gives him prior right to lease 160 acres of land. I am of the opinion that it was in the public interest to encourage the merging of these claims into leases whereby the Government would get not $10 an acre for the land, but in some cases as high as $1,000 or $1,500 an acre for the land under the terms of this bill.

Mr. WICKERSHAM. Will the gentleman yield? Does the gentleman know how many claims in the Katalla field, where the Cunningham claims are, have been proved up on since the 19th of last January?

Mr. MONDELL. There have been no claims passed to patent. There are about 215 claims upon which proof has been offered in all the fields in Alaska, but in no case except in the so-called Cunningham cases has a final receipt been issued.

Mr. WICKERSHAM. Does the gentleman say that to this House?

Mr. MONDELL. That is true; and if the gentleman will kindly read the letter of the Commissioner of the Land Office in the last page of the hearings he will find that what I have said is in harmony with the statement from the Land Office sent to the committee.

The SPEAKER pro tempore (Mr. OLMSTED). The time of the gentleman from Wyoming has expired.

Mr. HAMLIN. Mr. Speaker, I ask that the gentleman be allowed a little more time.

Mr. MONDELL. I would like to have a little time, as I have been interrupted so often. Most of my time has been taken up in answering questions.

Mr. MADISON. Mr. Speaker, I shall certainly not object if an equal amount of time is granted to this side. I think it but fair that an equal amount of time should be granted this side.

The SPEAKER pro tempore. Is there a request submitted?

Mr. MADISON. Mr. Speaker, I request that the gentleman be given five minutes' additional time and equal amount of time be granted to those in opposition.

The SPEAKER pro tempore. The gentleman from Kansas asks unanimous consent that 10 minutes' additional time be given, five minutes to be used by the gentleman from Wyoming and five miutes by the gentleman from Kansas.

Mr. MONDELL. I do not care to use additional time at this time.

The SPEAKER pro tempore. The time of the gentleman from Wyoming has expired. Now, the gentleman from Kansas asks unanimous consent that each side may be given five minutes' additional time. Is there objection? [After a pause.] The Chair hears none.

Does the gentleman from Wyoming reserve the balance of his time?

Mr. MONDELL. Mr. Speaker, I reserve the balance of my time.

Mr. MADISON. Mr. Speaker, if I should take as long as seven minutes, I wish the Chair to notify me at the end of that time. Mr. Speaker, this bill ought not to pass under suspension of the rules. There has been some important legislation submitted to this House during this session of Congress, but there has been no legislation that is more important than this, and yet it is proposed to pass this bill after only 50 minutes' discussion, without reading the bill under the five-minute rule, or giving any opportunity to offer amendments. No bill of the importance of this should be passed under suspension.

Mr. MONDELL. Will the gentleman yield to me for a question?

Mr. MADISON. No; I have only seven minutes.

Mr. MONDELL. It is not our fault that we have to do that.

Mr. MADISON. There has been a great deal of discussion throughout this country with regard to Alaska and the Alaskan coal fields, and there is a general consensus of opinion that those lands should not be permitted to go into private ownership, but that title should be retained in the Government and the lands leased, or the privilege of working the mines leased. It is estimated that there are 15,000,000,000 tons of coal in Alaska, some of it as fine coal as can be found anywhere on the face of the earth. The finest kind of anthracite coal exists in those fields and in veins so thick that it causes every man to wonder if the stories with regard to them can be true, and that coal, except that which has passed already into the hands of private owners, is the property of all the people of the United States. Alaska is the last great national storehouse of natural resources, and you are asked by this bill to give a large portion of its wealth away after a discussion of only 50 minutes, and without any opportunity to amend this bill.

I call upon every man within the sound of my voice to-day, who would protect the interests of the American people, to stand here and voice his protest by his vote against this bill.

I have only a few minutes, and I need but few. There is one great enormity in this bill that should defeat it. The testimony before the Ballinger-Pinchot committee was that the Guggenheims agreed to pay what in effect amounted to a royalty of 50 cents a ton on run-of-mine coal for every ton of coal taken from the Cunningham mines.

The gentleman from Wyoming [Mr. MONDELL] shakes his head in the negative. I sat too long in that case and have read it too many times not to know what the evidence is. It is there, and any man who wants to read it can find it. They formed their own corporation, then they entered into an option for the purchase of the coal lands, and agreed that for every bit of that coal that was mined and went into the general market they would pay 50 cents royalty. That is what it amounted to.

Mr. MONDELL. Will the gentleman yield to me for a question?

Mr. MADISON. Yes.

Mr. MONDELL. As a matter of fact, is it not true that they agreed to pay so much per ton for the coal, and that some one estimated that that meant a margin of 50 cents a ton? They agreed to pay $2.25 a ton, and it was estimated it could be mined at $1.75 per ton. That is a fact, is it not?

Mr. MADISON. True.

Mr. MONDELL. That is not a royalty; that is a profit.

Mr. MADISON. Who gave the figures? The manager of the Morgan-Guggenheim syndicate. He testified it would cost $1.75 a ton to mine the coal, and he did not put an estimate upon it that he believed was giving the Guggenheims the worst of it, and then he said they agreed to pay for the coal as it came from the mines $2.25 a ton.

Mr. COOPER of Wisconsin. What did he say it would net them?

Mr. MADISON. It is a matter of computation. That meant, in substance, a royalty of 50 cents a ton, and any man who can add two and two understands beyond any question that that is what it means. The Guggenheims and the Cunningham claimants owned the corporation which intended to mine the coal, and the Guggenheims allowed it a profit of 50 cents a ton and then would have sold the coal on the general market at an additional profit, thus, in effect, allowing a royalty of 50 cents a ton. The Government expert, a man by the name of Kennedy, and a man as honest as any man that appeared before that committee and who impressed the committee with his ability as an expert, testified that there were 90,000,000 tons of coal in sight on the Cunningham claims. They were willing to pay a royalty or profit, if they got all the coal, of $45,000,000. Of course those figures are large and may be said to be an exaggeration, if you please, but cut it in two and say that they would have gotten out only half of the coal estimated by Kennedy, then they were willing to pay twenty-two and one-half million dollars for that coal in the way of royalty at 50 cents a ton. This bill fixes the maximum for the first period of 10 years at 6 cents a ton.

Mr. JAMES. From three to six.

Mr. MADISON. The maximum at 6 cents a ton. Gentlemen, no leasing bill that is ever passed by the Government of the United States should have a maximum royalty.

Mr. WEEKS. Will the gentleman yield?

Mr. MADISON. Yes.

Mr. WEEKS. Is this hard coal or soft coal?

Mr. MADISON. All kinds.

Mr. WEEKS. How much of it is hard and how much of it is soft?

Mr. MADISON. I am unable to state, but millions of tons of it is hard coal, and as good coal as could be found anywhere on the face of the earth.

Mr. WEEKS. There is no reasonable deduction to be drawn from the statement, unless the statement can be confirmed, as to whether it is hard or soft coal.

Mr. MADISON. Much of it is equal to the best grade of Pennsylvania anthracite coal, and there are good bituminous coals in the same region, or in the immediate vicinity.

Mr. Speaker, has my time expired?

The SPEAKER pro tempore. The time of the gentleman has not expired.

Mr. MADISON. How long, Mr. Speaker, have I talked?

The SPEAKER pro tempore. The gentleman has talked for seven minutes.

Mr. MADISON. Mr. Speaker, I will just say this in conclusion, using just one minute more.

This bill as it stands, as a leasing bill, is a mockery. If this is what the Government of the United States has to offer the people as a conservation measure, as a leasing bill, then I say, God save us from this kind of a conservation measure. [Applause.]

Now, Mr. Speaker, I yield five minutes to the gentleman from Alaska [Mr. WICKERSHAM].

Mr. WICKERSHAM. Mr. Speaker, the gentleman in charge of the bill said awhile ago that no coal lands in Alaska had been patented. That is true, but it is equally true that more than 268 of those coal claims have been sold by the Government of the United States, the final proofs have been made in the local land office, the proofs have been approved, the final receiver's receipt has been issued, and the equitable title of the United States has been conveyed to the purchaser.

The gentleman need not look at the report from the Secretary of the Interior at the back of his report, because it is incorrect. And I will say to the Members of this House that if you want to care for the best interests of the Territory of Alaska every one of you should vote against this bill. No gentleman ought to vote for it who is not sure from the testimony before him that it is right. I say it is wrong; it is all wrong. [Applause.]

Mr. MONDELL. The gentleman wants the coal lands of Alaska sold for $10 flat?

Mr. WICKERSHAM. Does the gentleman desire that this bill should apply to the State of Wyoming?

Mr. MONDELL. I did not say that.

Mr. WICKERSHAM. If the gentleman were to advocate that, and were to go back to Wyoming, I feel confident his action would be disapproved there.

Mr. MONDELL. The gentleman says he wants inserted here a $10-an-acre clause.

Mr. WICKERSHAM. The gentleman from Wyoming said at the time of the passage of that bill that it was the best bill ever passed for Alaska, and the gentleman was urging its passage then, just as he is urging the passage of this bill. Now the gentleman says the former bill is wrong.

Mr. MONDELL. Is the gentleman sure that I said that that was the best bill that could be passed?

Mr. WICKERSHAM. I am quite sure that the gentleman said that—at least in substance.

Mr. MONDELL. I do not recollect that I said a word about the passage of that bill. But did not the gentleman tell our committee that he wanted the sale price of coal land in Alaska to be $10 flat?

Mr. WICKERSHAM. Yes; but, Mr. Speaker, I desire the passage of a bill that will give the people of the United States and the people of Alaska some little show, and not a bill of this kind. This bill does not give the people of Alaska a fair opportunity.

Mr. Speaker, since the Ballinger-Pinchot investigation committee was appointed on the 19th of January of last year there has been much talk of conservation and of saving the coal in Alaska, and a great deal of talk about a Government leasing bill for Alaska. But at the back door, before the local land

office in Alaska, where you do not know what is being done, they have been issuing patents on final proofs of these coal claims and final receipts just as fast as it could be done. More than 120 of those claims in the Katalla field alone have been proved up since the 19th of January of last year, and yet no one in Washington seems to know anything about it.

Mr. STAFFORD. Can the gentleman tell us who has issued those local certificates that he refers to?

Mr. WICKERSHAM. They have been issued by the local land office at Juneau, Alaska, and that fact is known to the Department of the Interior.

Mr. STAFFORD. It was our impression that all of those claims had been withdrawn.

Mr. WICKERSHAM. I have a list here that shows that more than 24,000 acres in the Katalla field have been sold since that time, and Mr. Brooks has testified that there were not more than about 25,000 acres in the entire field.

Mr. MADISON. Then they have practically all been sold?

Mr. WICKERSHAM. Yes; they have all been sold.

There is nothing in either the Katalla coal field or the Matanuska coal field to lease; and if I had had an opportunity to appear before the committee and advise them of that fact, I would have been pleased to do so.

Mr. MONDELL. Will the gentleman yield to me for an interruption?

Mr. WICKERSHAM. Certainly.

Mr. MONDELL. The committee has a list of every entry which has been made in Alaska, with the name of the entryman and the area of the land. There have been no final receipts issued whatever; there have been receipts issued for money, but nothing known as a final receipt, except in the so-called Cunningham cases.

Mr. WICKERSHAM. The gentleman is mistaken in his facts. That shows how little the gentleman knows about the true situation in Alaska.

Mr. MONDELL. I am taking the statement of the Interior Department.

Mr. WICKERSHAM. There are two reports, then, issued by the Interior Department.

Mr. MONDELL. That does not affect the situation.

Mr. WEEKS. I should like to ask the gentleman from Alaska if it is not true that in these cases the people who have invested their money and developed these lands can not get final receipts.

Mr. WICKERSHAM. No, sir; that is not true. I have a letter here which I will read:

DEPARTMENT OF THE INTERIOR,
Washington, January 21, 1911.

Hon. JAMES WICKERSHAM,
House of Representatives.

SIR: In response to your inquiry of the 13th instant, you are informed that reports from United States land offices in Alaska show that they have received payments under 118 coal locations upon which no final certificates have been issued, but these reports do not indicate the number of locations under which payments have been tendered but not received. The locations mentioned by you as Cunningham and Whorf cases are not included in the 118 mentioned above.

Very respectfully, R. A. BALLINGER, *Secretary.*

But the final receipt is issued in every case, and that is equivalent, under the decision of the Supreme Court, to a patent for the title.

Mr. MONDELL (from his seat). He is a liar; that is all.

Mr. WICKERSHAM. You are a liar, if you say that; that is all.

[Menacing actions took place between Mr. WICKERSHAM and Mr. MONDELL.]

The SPEAKER pro tempore. The Sergeant at Arms will preserve order.

[The Sergeant at Arms, bearing the mace, appeared.]

Mr. WICKERSHAM. Mr. Speaker, I want the RECORD to show that I apologize to the House. I was called a liar.

The SPEAKER pro tempore. The House will be in order. All gentlemen will be seated.

Mr. TAWNEY. I move that the words occurring in the colloquy between the gentleman from Alaska and the gentleman from Wyoming be reported from the desk to the House, for the future action of the House.

The SPEAKER pro tempore. What is the gentleman's motion?

Mr. TAWNEY. That the words be taken down and reported from the desk to the House.

Mr. JAMES. About taking the words down, I do not know that any of the reporters heard the words.

The SPEAKER pro tempore. The gentleman from Minnesota moves that the words be reported from the desk to the House.

The motion was agreed to.

The SPEAKER pro tempore. The words will be reported from the desk by the Official Reporter.

The Official Reporter read as follows:

Mr. WICKERSHAM (after reading the letter from the Secretary of the Interior continued). The final receipt is issued in every case, and that is equivalent under the decision of the Supreme Court of the United States to a patent for the title.

Mr. MONDELL. He is a liar; that is all.

Mr. WICKERSHAM. You are a liar, if you say that; that is all.

Mr. TAWNEY. Mr. Speaker, the language used by both gentlemen is in violation of the rules of the House, and I think they both ought to be required to apologize to the House.

Mr. WICKERSHAM. Mr. Speaker, I do desire on my part to apologize to the House; I lost my temper. [Applause.]

Mr. KEIFER. If the Chair will allow me, I think the apology must go a little further than that connected with the words; it should go to the unseemly incident that followed.

Mr. WICKERSHAM. Mr. Speaker, I want my apology to be just as broad as any gentleman in the House desires it to be. [Applause.]

Mr. MONDELL. Mr. Speaker, I desire to say that I made no such statement in debate as was read from the Speaker's desk. Listening to the reading of the statement by the gentleman from Alaska, which I did not hear very clearly, I turned to the gentleman from South Dakota in answer to a suggestion from him as to whether that were true or that was different from the statement that was in the record, and said, if I recollect rightly, "Then he must be a liar."

My reference was to the fact that in the letter which we have received and which is in the hearings there is nothing to indicate that the final receipts were issued, constituting the equivalent of a patent. On the contrary, in the letter of the Commissioner of the General Land Office, which is in the hearings, the statement was made that the only final receipts that had been issued were on the Cunningham claims and that the other receipts that had been issued were simply receipts for money paid. It is well known that a receipt for money paid is not a final receipt.

The statement, on the one hand, that final receipts had been issued which were equivalent to a patent and the statement in the letter that no final receipts had been issued except in one case constitute at least a direct contradiction one of the other. Hence the statement I made, which was not directed to the gentleman from Alaska at all, and it was not in debate, but was a word spoken to a gentleman who stood before me.

I realize, Mr. Speaker, however, that I should not have used the word at all with regard to anyone here or elsewhere. I appreciate that fact, and I apologize to the House for having used it out of debate. I certainly should not have used it in debate. I used it as a chance word to a Member standing beside me with reference to the two statements containing, if I understand them rightly, two directly opposite statements as to the receipts which have been issued.

I greatly regret, gentlemen, that anything I have said here has caused a disturbance or led to any unparliamentary action. If I have been unparliamentary, I desire to apologize to the House for having been so. [Applause.]

Mr. TAWNEY. Mr. Speaker, I move that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. TAWNEY) there were 86 ayes and 71 noes.

Mr. MADISON. I demand tellers.

Tellers were ordered.

The Chair appointed as tellers Mr. TAWNEY and Mr. MADISON.

The House again divided, and the tellers reported that there were 84 in the affirmative and 72 in the negative.

Mr. JAMES. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 93, nays 113, answered "present" 7, not voting 170, as follows:

YEAS—93.

Anthony	Grant	Loud	Simmons
Austin	Greene	McCreary	Smith, Tex.
Barchfeld	Griest	McCredie	Southwick
Bennet, N. Y.	Hamer	McKinney	Stafford
Burke, Pa.	Hamilton	McLachlan, Cal.	Steenerson
Burke, S. Dak.	Hammond	McLaughlin, Mich.	Sterling
Calder	Hanna	Mann	Stevens, Minn.
Cassidy	Hawley	Massey	Sturgiss
Chapman	Hayes	Miller, Kans.	Sulloway
Cocks, N. Y.	Heald	Mondell	Tawney
Cole	Higgins	Moore, Pa.	Taylor, Colo.
Cravens	Hollingsworth	Morgan, Mo.	Tilson
Dickema	Howell, Utah	Moxley	Townsend
Dodds	Howland	Murphy	Volstead
Dwight	Hubbard, W. Va.	Needham	Washburn
Fordney	Hughes, Ga.	Olmsted	Weeks
Foss	Hull, Iowa	Parker	Wheeler
Foster, Vt.	Keifer	Parsons	Wiley
Gaines	Kennedy, Iowa	Pickett	Woods, Iowa
Gardner, Mass.	Kennedy, Ohio	Plumley	Young, Mich.
Gardner, N. J.	Knowland	Pratt	Young, N. Y.
Gillett	Kronmiller	Pray	
Good	Lawrence	Roberts	
Graham, Pa.	Longworth	Robinson	

NAYS—113.

Adair	Dies	Johnson, S. C.	Rainey
Aiken	Dixon, Ind.	Jones	Randell, Tex.
Alexander, Mo.	Edwards, Ga.	Kitchin	Ransdell, La.
Ansberry	Esch	Kopp	Rauch
Beall, Tex.	Fish	Korbly	Reeder
Bell, Ga.	Fitzgerald	Lamb	Roddenbery
Boehne	Flood, Va.	Lee	Rothermel
Booher	Floyd, Ark.	Lenroot	Rucker, Mo.
Borland	Fornes	Lindbergh	Saunders
Brantley	Foster, Ill.	Lloyd	Shackleford
Burleson	Garner, Tex.	McHenry	Sharp
Byrns	Garrett	Macon	Sheppard
Campbell	Gillespie	Madison	Sherley
Candler	Godwin	Maguire, Nebr.	Sherwood
Carter	Goldfogle	Martin, Colo.	Sims
Clark, Mo.	Gordon	Mays	Sisson
Cline	Hamill	Mitchell	Stanley
Collier	Hamlin	Morrison	Stephens, Tex.
Conry	Hardy	Morse	Thomas, Ky.
Cooper, Wis.	Hay	Moss	Thomas, N. C.
Covington	Heflin	Nelson	Tou Velle
Cox, Ind.	Helm	Nicholls	Turnbull
Cox, Ohio	Houston	Norris	Underwood
Cullop	Hubbard, Iowa	Nye	Watkins
Davis	Hughes, N. J.	Oldfield	Webb
Dent	Hull, Tenn.	Padgett	Wickliffe
Denver	Humphreys, Miss.	Page	
Dickinson	James	Palmer, A. M.	
Dickson, Miss.	Johnson, Ky.	Poindexter	

ANSWERED "PRESENT"—7.

Adamson	Driscoll, M. E.	Hardwick	McMorran
Burnett	Ferris	Hill	

NOT VOTING—170.

Alexander, N. Y.	Driscoll, D. A.	Joyce	Payne
Ames	Dupre	Kahn	Pearre
Anderson	Durey	Kelliher	Peters
Andrus	Edwards, Ky.	Kendall	Pou
Ashbrook	Ellerbe	Kinkaid, Nebr.	Prince
Barclay	Ellis	Kinkead, N. J.	Pujo
Barnard	Elvins	Knapp	Reid
Barnhart	Englebright	Küstermann	Rhinock
Bartholdt	Estopinal	Lafean	Richardson
Bartlett, Ga.	Fairchild	Langham	Riordan
Bartlett, Nev.	Fassett	Langley	Rodenberg
Bates	Finley	Latta	Rucker, Colo.
Bennett, Ky.	Focht	Law	Sabath
Bingham	Foelker	Legare	Scott
Boutell	Fowler	Lever	Sheffield
Bowers	Fuller	Lindsay	Slayden
Bradley	Gallagher	Lively	Slemp
Broussard	Gardner, Mich.	Livingston	Small
Burgess	Garner, Pa.	Loudenslager	Smith, Cal.
Burleigh	Gill, Md.	Lowden	Smith, Iowa
Butler	Gill, Mo.	Lundin	Smith, Mich.
Byrd	Glass	McCall	Snapp
Calderhead	Goebel	McDermott	Sparkman
Cantrill	Goulden	McGuire, Okla.	Sperry
Capron	Graff	McKinlay, Cal.	Spight
Carlin	Graham, Ill.	McKinley, Ill.	Sulzer
Cary	Gregg	Madden	Swasey
Clark, Fla.	Guernsey	Malby	Talbott
Clayton	Harrison	Martin, S. Dak.	Taylor, Ala.
Cooper, Pa.	Haugen	Maynard	Taylor, Ohio
Coudrey	Havens	Miller, Minn.	Thistlewood
Cowles	Henry, Conn.	Millington	Thomas, Ohio
Craig	Henry, Tex.	Moon, Pa.	Vreeland
Creager	Hinshaw	Moon, Tenn.	Wallace
Crow	Hitchcock	Moore, Tex.	Wanger
Crumpacker	Hobson	Morehead	Weisse
Currier	Howard	Morgan, Okla.	Willett
Dalzell	Howell, N. J.	Mudd	Wilson, Ill.
Davidson	Huff	Murdock	Wilson, Pa.
Dawson	Hughes, W. Va.	O'Connell	Wood, N. J.
Denby	Humphrey, Wash.	Olcott	Woodyard
Douglas	Jamieson	Palmer, H. W.	
Draper	Johnson, Ohio	Patterson	

So the motion to adjourn was rejected.

The Clerk announced the following pairs:

For balance of day:

Mr. TAYLOR of Ohio with Mr. BROUSSARD.

Mr. MALBY with Mr. MOON of Tennessee.

Mr. PEARRE with Mr. RUCKER of Colorado.

For the session:

Mr. WOODYARD with Mr. HARDWICK.

Mr. SLEMP with Mr. FLOOD of Virginia.

Mr. BUTLER with Mr. BARTLETT of Georgia.

Until further notice:

Mr. GARDNER of Michigan with Mr. LEVER.

Mr. SMITH of Iowa with Mr. HARRISON.

Mr. RODENBERG with Mr. ANDERSON.

Mr. PRINCE with Mr. GREGG.

Mr. MOON of Pennsylvania with Mr. TAYLOR of Alabama.

Mr. MARTIN of South Dakota with Mr. LEGARE.

Mr. MADDEN with Mr. CARTER.

Mr. MCKINLEY of Illinois with Mr. REID.

Mr. LOWDEN with Mr. SPIGHT.

Mr. LOUDENSLAGER with Mr. RICHARDSON.

Mr. LAW with Mr. SPARKMAN.

Mr. HUMPHREY of Washington with Mr. PETERS.

Mr. HENRY of Connecticut with Mr. LIVINGSTON.

Mr. FOCHT with Mr. KELLIHER.

Mr. DRAPER with Mr HITCHCOCK.

Mr. DAVIDSON with Mr. HENRY of Texas.

Mr. DALZELL with Mr. HAVENS.

Mr. HENRY W. PALMER with Mr. CARLIN.

Mr. BURLEIGH with Mr. ELLERBE.

Mr. AMES with Mr. CANTRILL.

Mr. ALEXANDER of New York with Mr. BARTLETT of Nevada.

Mr. MCMORRAN with Mr. PUJO.

Mr. MOREHEAD with Mr. POU.

Mr. OLCOTT with Mr. SULZER.

Mr. ADAMSON. Mr. Speaker, has the gentleman from Pennsylvania, Mr. WANGER, voted?

The Speaker pro tempore. He has not.

Mr. ADAMSON. Then I withdraw my vote of "no," and desire to be recorded as "present."

Mr. HARDWICK. Mr. Speaker, I desire to inquire if the gentleman from West Virginia, Mr. WOODYARD, voted.

The SPEAKER pro tempore. He did not.

Mr. HARDWICK. Mr. Speaker, I voted "no." I desire to withdraw my vote and answer "present."

The SPEAKER pro tempore. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. HARDWICK, and he answered "Present."

The result of the vote was announced as above recorded.

Mr. JAMES. Mr. Speaker, I agree with Judge MADISON, of Kansas, that this is one of the most important bills that has been or will be considered by this Congress. Alaska, beyond all question, is the greatest storehouse of the people's resources in the United States for coal and all minerals. The value of these minerals can not be overestimated. It leaps into untold millions of dollars. Experts tell us that the finest coal in the world is to be found there; anthracite of the best character, steaming coal of the greatest value, minerals of all sorts and kinds are in this wonderful storehouse, which is now the property of the people. This bill, Mr. Speaker, will soon dispose of this valuable property; but it will go into the possession of a few men who have had their hands at the throat of Alaska until the exposures made by Gifford Pinchot and Louis R. Glavis and the investigation precipitated by them called a halt. [Applause.] This bill brought in here to-day will lodge, if passed, in the hands of the Secretary of the Interior, Richard A. Ballinger, the right to lease the most valuable resources owned by the people of the United States, lease to whom he pleases, deny to whom he desires; for section 2 of the bill provides:

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized, for and on behalf of the United States, to issue licenses granting the holders thereof the right to prospect and explore for coal on the vacant public lands in the District of Alaska and to execute leases authorizing the lessee to mine and remove coal from such lands.

The amount that can be leased to one person or corporation is 2,560 acres. The disposition of this valuable property is to be placed in the hands of the Secretary of the Interior, when right in this House to-day there is a report signed by three Members of this House out of six who represented this body in the investigation of the Interior Department, finding that Secretary Ballinger is an unfaithful public official, and that the interests of the people of the United States are not safe in his hands. [Applause.] And yet we are called upon, with this report unacted upon, and you gentlemen upon the other side will not dare to allow it to come up to be acted upon, because you know if it is permitted to come up for consideration the findings made by this committee will be adopted, and yet we are told that this property of immeasurable value should be turned into the hands of an official who to-day is under a solemn finding of three Members of this House to this effect. This report holds that Secretary Ballinger's acts in connection with these very coal fields of Alaska were unfaithful to the people of the United States, finding that he was an attorney for the Cunningham claimants, who with the Morgan-Guggenheim syndicate undertook to exploit and own Alaska, holding that he had patented lands without authority of law to the Cunningham claimants, who had sold and optioned their land in advance to the Morgan-Guggenheim syndicate. This bill lodges in this Secretary of the Interior's hands the right to say to whom he will give prospecting rights, the right to say to whom he will give the privilege of going into Alaska and prospecting for coal, virtually turning over to him the whole of the people's property in Alaska.

It is provided further in this bill that before any lease shall have been authorized, before any right to go forward and search for coal lands upon which a lease is desired, that the person applying for the lease must go to Alaska and, in the language of the bill—

No license or lease shall be issued until after the publication of the application therefor for 30 days in some newspaper of general circulation in the land district in which the land is located and an opportunity has been given for the hearing of any protests which may be made during the period of publication against the issuance of such license or

lease, and no lease covering unsurveyed lands shall be issued until a survey shall have been executed, etc.

Here is the further extraordinary power given into the hands of Secretary Ballinger of hearing protests which may be made against the issuance of such license or such lease, lodging in his hands the right to say whether, if a person goes under a permit to prospect and locates the land, it shall be leased to him or not. The protest can be made by any person, and the decision is in the hands of the Secretary of the Interior. And what is the amount under the provisions of this bill that we are told must be paid to the United States Government as royalty upon each ton of coal? Three cents a ton is the royalty, notwithstanding the Morgan-Guggenheim syndicate, in their testimony before the Ballinger-Pinchot committee, stated that the profit upon each ton of coal mined was not less than 50 cents per ton. Yet under the provisions of this bill coal is to be given away at the rate of 3 cents a ton as royalty to the Government of the United States. And it gives the power to the Secretary of the Interior to grant this lease for a term of 30 years, and in addition to the 30 years given, which is at the option of the lessee, it is also provided that there shall be a preferential right to extend the lease for a period of not more than 20 years, which means throwing the Alaska coal fields and mineral fields over to the favorites of Secretary Ballinger for half a century.

This bill further lodges in the hands of Secretary Ballinger, under section 8, power as follows:

SEC. 8. That no license or lease shall be assigned, mortgaged, or sublet, except to a person, association, or corporation qualified to receive and hold an original license or lease under the provisions of this act, and with the written permission and approval of the Secretary of the Interior; and whosoever succeeds to the interest of the licensee or lessee by foreclosure, purchase, or assignment shall be subject to all the limitations and obligations contained in the license or lease or in this act.

This is a nice provision that will allow corporations to send forth various individuals and get interests in Alaska and have them transferred to them after they obtain the written permission and approval of the Secretary of the Interior. Yet, under the law as it now stands, no person can go to Alaska with the purpose or intention, either express or implied, and take any land for the purpose of selling it to another.

The real joker in this bill, however, and it is virtually all jokers, is section 4, which provides as follows:

SEC. 4. That applications for prospecting licenses and mining leases, and all payments on same, shall be made to such officer and in such manner as the Secretary of the Interior may designate, and in all cases where more than one application shall be received for a license or lease covering the same area, in whole or in part, preference shall be given to the qualified applicant who shall show prior possession with a view of acquiring title to coal lands or prospecting for or mining coal and reasonable diligence in applying for such license or lease, but the holder of a prospecting license shall have a preference right, during the period of his license, to apply for and obtain a mining lease to the lands covered by his license: *Provided*, That the Secretary of the Interior may adjust the boundaries of conflicting applications in such manner as will best promote the public interest.

This section would at once validate the fraudulent Cunningham coal claims. The brief filed with President Taft by Gifford Pinchot and Amos Pinchot to my mind shows without doubt that these Cunningham claims are fraudulent. This brief is unanswerable in reasoning and conclusion, and a great public service has been performed by these gentlemen upon this question—the Cunningham claims, which are now the joint property of these claimants and the Morgan-Guggenheim syndicate, the claims which Clarence Cunningham swore had not been optioned to the Morgan-Guggenheim syndicate and, with this affidavit, sent Mr. Ballinger to Mentor, Ohio, to Secretary Garfield to have patented and deeded to the Cunningham claimants, and yet we now know that the Cunningham claims had been optioned by Clarence Cunningham and others at this very time he was attempting to have them patented by Mr. Garfield.

Mr. Speaker, I believe that this valuable Alaskan property should be leased, but it should be under safeguards and protection that would give to the American people equal rights. This rich coal field, sufficient when developed to warm the world for generations, ought not to be turned over to the tender mercies of those who have been attempting to seize it, but have been beaten back for awhile by the white light of publicity. If it is to be leased, it should be done under safeguards as strong as bands of steel, under royalty commensurate with its rich value, under conditions that will reserve to the people some of the proportionate value of the rich fields we are now asked to give away.

Mark my words, Mr. Speaker, if this bill becomes a law, Alaska is gone. [Loud applause.] These valuable resources of the people of the United States will be gobbled up, and it will be but a short while until the richest coal fields in all the world will be owned by a few men who happen to be favorites of the Secretary of the Interior. [Loud applause.] This is not our property to give away; it is the people's property, and if it is to be leased, let us take the time to consider well, to investigate thoroughly, to examine carefully every sentence in the bill that undertakes that task. Let us not in the last days of an expiring session, under suspension of the rules and with most limited debate, take such action that will subject us to severest, yet most merited, criticism for dealing out public property to those who would exploit and grow great fortunes out of it. [Loud applause.]

Mr. MADISON. Mr. Speaker, I yield three minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, this bill, one of the most important that has been before this Congress, ought not to pass under suspension of the rules, without opportunity for amendment, and with only 50 minutes of debate. If this bill becomes a law, section 4 will give a preference to every man now in possession fraudulently attempting to gain coal lands in Alaska. It will give preference to every one of the Cunningham claimants if the President shall find that their patents should be denied because of fraud. It gives a preference to a fraudulent claimant over that of an honest man. It is unthinkable that this Congress will enact legislation of that character. It seems to me that the committee could not have considered the effect of the terms of section 4 in this regard. It reads:

Preference shall be given to the qualified applicant who shall show prior possession with a view of acquiring title—

And so forth.

The gentleman from Wyoming [Mr. MONDELL], when I questioned him in regard to this section, made the statement that it might be true as to 160 acres only, but it would go no further than that.

Now, I submit, Mr. Speaker, the construction of that section is this, that if a man is in possession of a single 160-acre tract, he will be given preference under section 4 to the entire tract of 2,560 acres applied for under his lease, and that means that every one of the Cunningham claimants will be included in the leases that the Secretary of the Interior will be compelled to grant.

This Congress, if this bill passes, will order the Secretary of the Interior to give preference to the Cunningham claimants, no matter how fraudulent their attempts may have been to acquire title to these coal lands in the past.

And, Mr. Speaker, with reference to sections 3 and 6, the gentleman from Wyoming [Mr. MONDELL] stated—and I do not question but that he stated it in good faith—that the conditions prescribed in section 6, the conditions of the lease, were coextensive with the prohibitions of the bill.

Section 3 provides that no person, association, or corporation applying for a lease of these coal lands, or a stockholder therein, shall during the lifetime of such permit or lease receive or be permitted to hold, directly or indirectly, any other permit, lease, or license, or any interest therein, to coal lands in Alaska under the provisions of the act. This is a prohibition broad in terms, but it will be observed that there is no penalty whatever prescribed for a violation of the terms of this section, nor is there any method prescribed for compelling observance of its requirements.

Section 6 prescribes that all leases issued under the provisions of the act shall be upon certain conditions, and one of the conditions is—

That the lessee shall not during the lifetime of the lease receive or hold, directly or indirectly, any other lease under the provisions of this act, or interest therein.

Upon a breach of the conditions of the lease the same may be forfeited and canceled by a suit instituted in the United States district court of Alaska. The most casual examination of this condition, however, will show that it is not coextensive with the prohibition in section 3. The condition is that the lessee shall not hold, directly or indirectly, any other lease. Section 3 prohibits not only the lessee but any stockholder therein to hold any other lease or permit. We therefore have this situation: That under the terms of the bill a corporation may become a lessee of coal lands in Alaska.

The stockholders of that corporation may form another corporation and take another lease of coal lands, and they might go on indefinitely doing this, and, while it is prohibited in section 3, there is no penalty prescribed for its violation, and each of the leases would be absolutely valid, not subject to cancellation or forfeiture, because there would be no breach in the conditions of the lease, as defined in section 6. Neither would there be any violation of the act, so far as the lessees were concerned. A casual reading of the bill would give one the impression that the spirit of it was to prevent the common ownership or control of coal lands in Alaska in excess of 2,560 acres. The bill itself utterly fails to accomplish this.

The provision in section 6 that is intended to guard against monopoly will be ineffectual not only from a practical standpoint but under the very terms of the bill itself. The section provides that the lessee shall at all times sell the coal extracted from the leased premises at just, fair, and reasonable rates, without the giving of rebates or drawbacks, and without discrimination in price or otherwise, as between persons or places for a like product delivered "under similar terms and conditions." The House well remembers how the long-and-short-haul clause of the interstate-commerce law was for a great many years rendered absolutely nugatory through the use of the terms "under substantially similar circumstances and conditions," and yet, notwithstanding the many decisions of the Supreme Court of the United States holding that this language will permit of widely different rates in transportation, we are expected to believe that this language will tend to secure uniformity in price of coal.

It seems to me that there ought to be an absolute requirement that an absolute price should be made to all in carload lots; and, more than that, there should be reserved in some proper department of the Government the right to control and fix the prices to be charged for the coal mined.

I have only the time, Mr. Speaker, to refer to one other section of the bill, and that very briefly. Section 10 gives to the lessee the exclusive use of the surface of the leased lands, with the exception of roads and highways granted by the Secretary of the Interior and rights of way across the same. Under this language it would be possible for the lessee, if there was any coal upon a tract of 2,560 acres, to reserve and control a town site, a forest, or large water powers. This section should be amended so as to provide that the exclusive use to be enjoyed by the lessee should be so far as necessary for the purposes of mining, and it should go no further than that.

I am in hearty sympathy with the general purposes of the bill, and if the House had an opportunity to amend it I believe that a bill would be passed by the House that would mean much for the development of Alaska and for true conservation of our natural resources. This bill, however, is not a conservation bill. It is a bill that if enacted will practically give away a large part of our national domain to men who have for years been attempting to defraud the Government out of these coal lands.

Mr. WICKERSHAM. Mr. Speaker, the first section of the bill before the House reserves all lands in the District of Alaska which contain workable coal from all forms of entry, appropriation, and disposal, except under the provisions of this bill. I have no doubt that those who read the bill without knowing the facts will imagine that the valuable coal lands in Alaska, about which we have heard so much in the last few years, are reserved by that section. Such is not the fact. It reserves everything which ought not to be reserved in Alaska, while the proviso following it specifically excludes everything from reservation which the people of the United States think ought to be reserved. That proviso reads as follows:

Provided, That nothing herein contained shall in any manner affect any claims or rights to any such coal lands heretofore asserted or established under the land laws of the United States, and all such claims and rights shall be treated, passed upon, and disposed of as though this act had not been passed.

That proviso is practically a curative act. Every claim or right to any coal lands in Alaska "heretofore asserted or established" is excluded from the reservation. It is important, then, to know how many claims in Alaska and how many rights to coal lands have been heretofore asserted or establishd.

I can only advise the House that I am informed that about 900 claims have been asserted, but herewith I exhibit to the House a list of claims, beginning with the Cunningham claims, which have been established by final proof in the local land office at Juneau, Alaska.

In addition to the claims set out in the table following, I am informed that the Pittsburg and Cleveland groups in the Katalla field have also been proved up on and paid for and the title of the United States thus equitably conveyed to the purchasers. This would make a total of about 268 claims, of 160 acres each, 32 of which are in and command the Matanuska field, and the others are in and constitute practically the whole of the Katalla field.

List of coal claims in Alaska upon which final payment or purchase price has been made and final receipt issued.

Date of receipt.	Serial No.	Receipt No.	Survey No.	Area (acres).	Purchase price.	Claim name.	Name of claimant.
Feb. 28, 1907		1	50	159.161	$1,591.61	Newgate	Andrew L. Scofield.
Do		2	58	159.241	1,592.41	Lucky Baldwin	Francis Jenkins.
Do		3	71	155.447	1,554.47	Lyons	Charles J. Smith.
Do		4	62	159.001	1,590.01	Wabash	Horace C. Henry.
Mar. 13, 1907		5	41	159.201	1,592.01	Lobster	Ignatius Mullen.
Do		6	44	159.161	1,591.61	Socorro	Henry White.
Do		7	51	159.041	1,590.41	Tenino	H. W. Collins.
Do		8	53	159.041	1,590.41	Albion	F. C. Davidson.
Do		9	54	159.241	1,592.41	Ansonia	Michael Doneen.
Do		10	59	159.400	1,594.00	Plutocrat	Frank F. Johnson.
Mar. 20, 1907		11	42	159.201	1,592.01	Octopus	J. G. Cunningham.
Do		12	46	159.241	1,592.41	Maxine	Clarence Cunningham.
Mar. 29, 1907		13	49	159.320	1,593.20	Collier	A. B. Campbell.
Do		14	48	159.241	1,592.41	Candelaria	Henry Wick.
Do		15	47	159.281	1,592.81	Agnes	Hugh B. Wick.
Apr. 11, 1907		16	56	159.161	1,591.61	Adrian	Fred H. Mason.
Do		17	61	159.241	1,592.41	Tulare	Wm. E. Miller.
Do		18	40	159.201	1,592.01	Cunningham	Charles Sweeney.
Do		19	68	159.201	1,592.01	Clear	B. C. Riblett.
Do		20	55	159.281	1,592.81	Adams	Fred C. Moore.
Do		21	64	158.762	1,587.62	Boston	Alfred Page.
Apr. 23, 1907		22	38	159.201	1,592.01	Victor	W. W. Baker.
Do		23	43	159.161	1,591.61	Deposit	Frederick Burbidge.
Do		24	45	159.241	1,592.41	Carlsbad	R. K. Neill.
Do		25	52	159.320	1,593.20	Rutland	Joseph H. Neill.
Do		26	60	159.400	1,594.00	Ludlow	Miles C. Moore.
Do		27	67	158.882	1,588.82	Bozeman	John R. Finch.
Do		28	69	159.201	1,592.01	Bedford	Walter B. Moore.
Do		29	70	159.121	1,591.21	Calais	Arthur B. Jones.
Do		30	57	159.201	1,592.01	Avon	Orville D. Jones.
Oct. 25, 1907		31	66	159.121	1,591.21	Tampa	W. H. Warner.
Do		32	39	159.041	1,590.41	Syndicate	Frank A. Moore.
Do		33	37	159.121	1,591.21	Frick	Nelson B. Nelson.
May 18, 1908	0136	34	149	159.840	1,598.40	Butte	Harry White.
May 23, 1908	0144	35	161	159.680	1,596.80	Tacoma	Mrs. J. F. Watson.
June 15, 1908	0143	36	162	159.640	1,596.40	Wheeler	Georgianna B. Prescott, executrix; deed to C. E. Meers.
Do	0142	37	163	159.720	1,597.20	Josephine	Mrs. Anna White.
June 27, 1908		38	88	79.620	796.20	Senora	Geo. M. Seward.
July 10, 1908	09	4009	190	159.720	1,597.20	Valdez	A. K. Tiernan.
Aug. 17, 1908	053	4043	167	159.640	1,596.40	Chicago	Watson Allen.
Aug. 25, 1908	054	4044	185	159.680	1,596.80	Black Bear	Chas. J. Kinnear.
Do	055	4045	185	159.680	1,596.80	Brown Bear	Roy J. Kinnear.
Aug. 26, 1908	060	4046	164	159.600	1,596.00	Iowa	J. E. Chilberg.
Do	061	4047	184	159.760	1,597.60	Chilberg	Anna M. Chilberg.
Do	062	4048	154	159.720	1,597.20	Blue Bear	H. O. Hollenbock.
Do	063	4049	179	159.720	1,597.20	Virginia	W. V. Rinehart.
Do	064	4050	158	159.600	1,596.00	Washington	Geo. W. H. White.
Do	065	4051	182	159.760	1,597.60	Oregon	M. A. Green.
Aug. 27, 1908	068	4054	156	159.800	1,598.00	Portland	Robt. A. White.
Sept. 14, 1908	080	4072	180	159.760	1,597.60	Rossland	John W. Wood.
Sept. 26 1908	096	4087	189	159.720	1,597.20	Deming	W. H. Hurlburt.
Oct. 20, 1908	0108	4101	188	157.177	1,571.77	Seattle	Morris A. Arnold.
Nov. 24, 1908	0145	4124	153	159.640	1,596.40	California	E. B. McFarland.
Dec. 19, 1908	0155	4143	86	79.441	794.41	Santa Rita	Geo. W. Miller.
Do	0158	4144	90	79.441	794.41	Santa Rosa	F. R. Thompson.

List of coal claims in Alaska upon which final payment or purchase price has been made and final receipt issued—Continued.

Date of receipt.	Serial No.	Receipt No.	Survey No.	Area (acres).	Purchase price.	Claim name.	Name of claimant.
Dec. 22, 1908	0164	4146	102	106.574	$1,065.74	Gopher	L. F. Seward.
Do	0161	4147	93	159.241	1,592.41	San Marciot	Horace S. Oakley.
Dec. 24, 1908	0153	4148	135	159.760	1,597.60	Highland	R. L. M. Strickland.
Do	0140	4149	168	89.549	895.49	Butler	Fannie T. Wheeler.
Do	0182	4150	121	143.123	1,431.23	Elk	Wm. C. Cook.
Do	0166	4151	108	159.041	1,590.41	Pachuca	W. F. Wandtke.
Do	0167	4152	109	159.201	1,592.01	Orizaba	E. A. Turpin.
Do	0170	4153	112	102.876	1,028.76	San Miguel	A. L. Drum.
Do	0154	4154	144	159.680	1,596.80	Ruby	Harvey S. Moore.
Dec. 26, 1908	0160	4155	92	103.097	1,030.97	Tacuba	W. O. Kilman.
Do	0168	4156	110	159.360	1,593.60	Oaxaca	C. E. Thompson.
Do	0174	4157	143	159.640	1,596.40	Diamond	Elzer C. Noe.
Do	0175	4158	145	129.388	1,293.88	Garnet	Wm. V. Griffin.
Do	0169	4159	111	159.440	1,594.40	Lynn	E. L. Des Jardines.
Do	0189	4162	98	143.679	1,436.79	Caribou	K. L. Geraghty.
Do	0162	4160	97	158.882	1,588.82	Le Roi	E. S. Gall.
Do	0186	4161	134	119.820	1,198.20	Racine	A. C. Frost.
Dec. 28, 1908	0187	4163	137	159.440	1,594.40	Rondout	Jos. W. Fitzgerald.
Do	0196	4164	113	65.538	655.38	Alpena	H. E. Horrocks.
Do	0193	4165	105	158.960	1,589.60	Homestake	Jos. E. McCabe.
Do	0189	4166	103	106.964	1,069.64	Rabbit	C. W. Merrilies.
Do	0157	4167	89	102.796	1,027.96	San Jose	E. H. Vivian.
Mar. 26, 1909	0115	4236	160	159.800	1,598.00	Lebo	E. House.
Do	0116	4237	157	159.880	1,598.80	Neva	J. G. Mack.
Do	0117	4238	159	159.760	1,597.60	Rosa	J. R. Rogers.
Do	0118	4239	156	159.880	1,598.80	Rova	S. J. Barber.
Apr. 28, 1909	022	4253	248	159.920	1,599.20	Georgia	James Campbell.
July 8, 1909	0122	4300	192	39.646	396.46	California	Frank D. Derby.
Do	0123	4301	187	159.840	1,598.40	Everett	August H. Borth.
July 17, 1909	0492	4312	312	132.670	1,326.70	Harkrader	George Harkrader.
Aug. 10, 1909	019	4318	245	159.760	1,597.60	Utah	C. T. Lindsley.
Oct. 11, 1909	021	4348	247	159.880	1,598.80	North Dakota	C. W. Cornelius.
Oct. 13, 1909	020	4350	246	85.997	859.97	Portland	Matilda Burke.
Oct. 16, 1909	0294	4351	315	65.101	651.01	Port Graham	Wm. G. Whorf.
Oct. 29, 1909	0227	4374	200	142.320	1,423.20	Moose	Benj. B. Ball.
Do	0228	4375	201	129.080	1,290.80	Elk	Allan H. McDougall.
Nov. 9, 1909	0308	4379	.....	1,639.300	16,393.00	Consol. sur 203 to 214	Alaska Petroleum & Coal Co.
Nov. 24, 1909	0838	4386	.....	576.725	5,767.25	Consol. sur 249 to 254	Bering River Alaska Coal Co.
Jan. 3, 1910	0146	4400	314	159.880	1,598.80	Blaine	Mary A. Rosene.
Do	0229	4401	202	115.620	1,156.20	Faun	Agnes Gould.
Do	0223	4402	195	137.440	1,374.40	Francis	Francis Gzella.
Do	0224	4403	196	145.350	1,453.50	Herman	Herman Roehm.
Do	0225	4404	197	149.850	1,498.50	Katinka	K. McD. Ross.
Do	0226	4405	198	155.500	1,555.00	Estella	Estella C. Snell.
Feb. 25, 1910	0102	4424	318	160.000	1,600.00	No. 1	Lila A. Olds.
Mar. 8, 1910	028	4434	310	159.613	1,596.13	New York	H. W. Young.
Mar. 21, 1910	098	4437	255	159.960	1,599.60	L. W. Haller	L. W. Haller.
Do	0450	4438	256	159.960	1,599.60	R. C. Johnston	Heirs of R. C. Johnston.
Do	090	4439	257	159.900	1,599.00	W. R. Johnston	W. R. Johnston.
Do	083	4440	258	159.960	1,599.60	S. R. Davidson	S. R. Davidson.
Do	085	4441	270	159.880	1,598.80	S. Calhoun	Scott Calhoun.
Do	094	4442	269	159.920	1,599.20	R. S. Barber	R. S. Barber.
Do	084	4443	263	159.880	1,598.80	J. Gardner	J. D. Gardner.
Do	0109	4444	264	159.860	1,598.60	W. S. Fulton	W. S. Fulton.
Do	0124	4445	277	157.270	1,572.70	F. K. Munday	F. K. Munday.
Do	0150	4446	276	159.820	1,598.20	J. Hamilton	J. M. Hamilton.
Do	0299	4447	274	58.740	587.40	I. V. Fry	Izora V. Fry.
Do	0298	4448	273	144.010	1,440.10	J. M. Stuver	J. M. Stuver.
Do	0297	4449	272	159.780	1,597.80	M. Siegley	M. A. Siegley.
Do	0311	4450	75	159.860	1,598.60	Minnesota	H. R. Simpson.
Do	095	4451	271	159.840	1,598.40	A. C. Miller	A. C. Miller.
Do	093	4452	268	159.840	1,598.40	F. H. Baxter	F. H. Baxter.
Do	0452	4453	267	159.920	1,599.20	J. P. Conway	J. P. Conway's heirs.
Do	092	4454	265	159.840	1,598.40	J. H. Yeates	J. H. Yeates.
Do	091	4455	262	159.900	1,599.00	L. E. Barber	L. E. Barber.
Do	082	4456	261	159.900	1,599.00	S. B. Emmens	S. B. Emmens.
Do	0296	4457	260	159.720	1,597.20	M. F. Wight	M. F. Wight.
Do	0100	4458	259	159.800	1,598.00	H. M. Hill	Homer M. Hill.
Do	0451	4459	275	159.840	1,598.40	J. F. Trowbridge	Heirs of J. F. Trowbridge.
Do	0112	4460	288	159.800	1,598.00	A. Hamilton	Almira Hamilton.
Do	0113	4461	290	159.920	1,599.20	G. Calhoun	Grant Calhoun.
Do	0306	4462	292	153.110	1,531.10	A. C. Fry	A. C. Fry.
Do	0310	4463	73	112.540	1,125.40	Kentucky	C. A. MacGregor.
Do	0300	4464	278	122.270	1,222.70	C. Stuver	Chas. Stuver.
Do	0301	4465	279	128.440	1,284.40	H. Middaugh	Horace Middaugh.
Do	0304	4466	287	138.090	1,380.90	P. A. Heney	P. A. Heney.
Do	0219	4467	286	147.240	1,472.40	J. Loughary	J. B. Loughary.
Do	0125	4468	289	152.340	1,523.40	E. Ratcliffe	E. M. Ratcliffe.
Do	0285	4469	281	157.340	1,573.40	A. L. Cohen	A. L. Cohen.
Do	0119	4470	282	155.780	1,557.80	R. S. Cox, jr	R. S. Cox, jr.
Do	0309	4471	283	139.800	1,398.00	Mascot	A. W. Shiels.
Do	0302	4472	284	159.920	1,599.20	E. Siegley	E. E. Siegley.
Do	0303	4473	285	159.900	1,599.00	G. M. Rice	Geo. M. Rice.
Do	0305	4474	291	160.000	1,600.00	P. A. Purdy	P. A. Purdy.
May 9, 1910	0495	4495	.....	1,758.000	17,580.00	Consol. sur. 300 to 309 and 316	Northern Improvement Co.
Aug. 9, 1910	0159	4535	91	159.320	1,593.20	Santa Anita	J. P. Naumes.
Do	0215	4536	142	159.560	1,595.60	Opal	M. A. Doran.
Do	0213	4537	139	159.161	1,591.61	Sheridan	Chas. F. Lincoln.
Do	0216	4538	94	158.882	1,588.82	Kenosha	W. C. Ball.
Do	0211	4539	141	159.560	1,595.60	Emerald	Lee Scott.
Do	0214	4540	140	159.760	1,597.60	Pearl	W. S. Richey.
Do	0163	4541	96	159.560	1,595.60	Anaconda	J. M. Ver Mehr.
Do	0165	4542	104	106.662	1,066.62	Deer	Frank H. Just.
Sept. 8, 1910	0837	4548	.....	799.089	7,990.89	Consol. sur. 170, 171, 173, 177, 178, 179, 180, 181, 375.	Alaska Anthracite Coal Co.
Sept. 26, 1910	0374	4555	330	160.000	1,600.00	Hamlin	P. D. Hamlin.
Sept. 29, 1910	0382	4559	380	160.000	1,600.00	Pittock	H. L. Pittock.
Oct. 18, 1910	0490	4569	.....	900.574	9,005.74	Consol. sur. 293 to 299 and 311	Alaska Smokeless Coal Co.
Do	0837	4570	.....	319.600	3,196.00	Consol. sur. 170, 171, 173, 177, 178, 179, 180, 181, 375.	Alaska Anthracite Coal Co. (see Rect. 4548, Sept. 8, 10, above).
Oct. 28, 1910	0840	4571	.....	1,759.000	17,590.00	Consol. sur. 174, 175, 176, 327, 328, 329, 331, 332, 333, 334, 335, 336, 339, 376, and 378.	Seattle-Alaska Anthracite Coal Co.
Oct. 29, 1910	0952	4572	420	89.500	895.00	Martin	G. C. Britton.
Nov. 1, 1910	0855	4576	417	2,528.800	25,288.00	Consolidated	Youngstown Coal Co.
Total				32,329.176	333,291.76		

I now say to this House that all of the valuable coal lands about which we have had so much controversy, especially the Katalla field—the most valuable, and in which the Cunningham claims are located—have been sold by the United States and the equitable title conveyed to the purchaser.

Alfred H. Brooks, Chief of the Alaska Division of the Geological Survey, stated before the Committee on the Public Lands that there were but 40 square miles in each field—in the Matanuska and Katalla fields. More than that area has now been located in the Katalla field, while the Matanuska field has been located so far that it is controlled thereby.

Since the Ballinger-Pinchot investigation began last January at least 100, or possibly 150, coal claims have been proved up on, the proofs approved, and the receipts issued conveying the equitable title in the Katalla field alone. The Government has nothing left to lease in either of these valuable fields.

Mr. Speaker, I object to the whole of section 2 of this bill. The first provision in it gives the Secretary of the Interior the right to grant licenses by favor. The second sentence authorizes him to grant a license to prospect 3,200 acres and the right to lease 2,560 acres. These areas are too great and are too easily granted by favor to whomsoever the Secretary wishes. The section also permits the issuance of a prospecting permit for three years, upon the payment of 25 cents per acre for the first year, 50 cents per acre for the second year, and $1 per acre for the third year, while it does not compel this favored licensee of the Secretary to perform any labor whatever. Upon the payment of these small nominal fees he may reserve the lands without doing a stroke of work for three years. This matter was called to the attention of the committee, and I am now permitted to assume that they now approve this defect. It would place it in the power of the favored licensee of the Secretary, be he an Alaska syndicate agent or that of any other interest, to withhold this land from mining for three years under the license.

The bill then provides that this favored licensee may take a lease from the Government, paying a rental of 25 cents per acre for the first year, 50 cents for the second year, and not less than $1 and not more than $4 per acre for each succeeding year. He may reserve the lands by paying this rental for years thereafter and until the Secretary shall bring a lawsuit to compel him to perform the covenants of the lease.

If any interest—not charging that the Coal Trust would do anything of the kind, of course—should desire to reserve these lands from actual development, it could be done in this way at nominal rates. Under this bill the Government surrenders the control of its coal lands to the favored licensee of the Secretary.

Section 2 provides that "all leases shall be granted for such period as the lessee shall designate, but in no event for more than 30 years." This clause gives the power to the lessee and robs the Government of the control over its own property. I quote it to show that the whole purpose of this bill is to put the coal lands in Alaska in the hands of the favored licensee of the Secretary and to tie the hands of the Government in their management and disposal.

The real joker in this bill, however, is contained in those clauses fixing the rates of royalty. They read as follows:

> All lessees shall pay a royalty on each ton, of 2,000 pounds, of coal mined, as follows: From the passage of this act until the end of the calendar year 1920, not less than 3 cents nor more than 6 cents per ton; for the succeeding 10 years, not less than 5 cents nor more than 8 cents per ton; for the succeeding 10 years, not less than 5 cents nor more than 10 cents per ton; and thereafter as Congress may provide.

It will be noticed that there is no power referred to which shall fix the exact royalty to be paid. Suppose the Guggenheims take a lease, shall they pay 3 cents or 6 cents per ton? Here, again, the Secretary is able to favor his friends. I do not say that he will, but under this clause he may demand 6 cents per ton from me, while he may grant a lease to a favored licensee at 3 cents.

This may not seem at first glance to be very important, but I call your attention to this fact: In the optional contract made by the Cunningham claimants to Daniel Guggenheim on July 20, 1907, and thereafter accepted by the said Guggenheim, it is provided that the Cunningham claimants will sell to Guggenheim coal for his railroad use at $1.75 per ton. Mr. Stephen Birch, the managing director of the Alaska syndicate, testified that the coal could be mined for that price. The contract further provides that for all the run-of-mine coal extracted by the Cunningham claimants for 25 years Guggenheim would pay $2.25 per ton. Call this a profit or royalty, whichever you will, it shows clearly that the Cunninghams were to get 50 cents per ton for the coal over the cost price.

The bill in question provides that the Government shall not charge more than 6 cents per ton, and the Secretary may lease it at 3 cents per ton. Let us call it 5 cents per ton on a fair compromise.

Mr. Andrew Kennedy, the Government expert who examined the Cunningham claims, testified that there were 90,000,000 tons of coal in the Cunningham group, for which Guggenheim agreed to pay the Cunninghams 50 cents per ton profit or royalty. That would amount to $45,000,000 under that actual contract. Under the bill before the House the Secretary may lease it to a favored licensee for a royalty of 3 cents per ton, or $2,700,000.

Here is an actual difference of $42,300,000. In short, this bill proposes to lease these very lands, possibly to the Alaska syndicate, or to its representatives, at $42,300,000 less than the syndicate actually agreed to pay the Cunninghams for it.

It is not surprising that great interest is taken in this bill. But, it is replied, we do not want to demand a high royalty, because the consumer of the coal must eventually pay the price, and that leads to an inquiry: What is there in this bill which will enable the Government of the United States to give the consumer of the coal relief against extortionate prices and monopoly? In my judgment, nothing.

True, section 6 provides "that he shall not monopolize in whole or in part the trade in coal. That he will at all times sell the coal extracted from the leased premises at just, fair, and reasonable rates," etc.

But there is no forfeiture clause. There is no penalty which can be inflicted upon him if he shall not obey this kindly suggestion to be good. The old law of supply and demand will be appealed to, and the consumer in Washington, Oregon, or California will pay a price equal to that which other coal can be bought for in the market. The consumer will get nothing, while the lessee and the transportation companies will get the balance of the royalty over the 3 cents that Guggenheim agreed to pay the Cunninghams.

I can not help but call the attention of the House to that clause in section 4, which provides that in the issuance of licenses and leases by the Secretary, "preference shall be given to the qualified applicant who shall show prior possession, with a view of acquiring title to coal lands." This is an insurance clause in favor of every fraudulent claim in Alaska. It gives to every fraudulent claimant a preference right over an honest applicant. With this clause in the bill every thief of coal lands in Alaska may get his patent from the Government if he can, and a license and a lease under the bill if he is caught in his thievery. This section gives a premium to the dishonest coal claimant and condemns the bill thereby.

Of course, Mr. Speaker, I am opposed to this bill upon principle. Alaska has been in a state of reservation and has had its most valuable resources reserved and leased since the first great Russian lease in 1799.

It was leased to the Russian American Co. until 1867, when we purchased it. In 1870 the United States again leased its only known resource for 40 years, during the last 20 years of which the Government made losses on that leasing of more than $2,500,000. I am opposed to the national landlord leasing scheme for Alaska.

It is proposed by the bill now under discussion to turn 75 per cent of the royalty obtained from these leases over to the Alaska fund for use in building roads in Alaska; but since there is nothing to lease, the fund will get very little from that source.

This bill is in the interest of the speculator and coal baron. The laboring man in Alaska who wants to prospect for coal will not be able to manage 3,200 acres of land, even if he could get a favored license from the Secretary upon payment of the fees. Such men will be excluded from developing Alaska. If the bill shall pass, coal speculators will have charge of the exploitation of Alaska coal lands and the real prospector and pathfinder in Alaska will be driven into new regions.

The bill before the House is in direct opposition to the recommendations of the President contained in his last message to the Congress. The President specifically recommended a coal-leasing plan for Alaska, as follows:

> Second, that the coal deposits of the Government be leased after advertisement inviting competitive bids for terms not exceeding 50 years, with a minimum rental and royalties upon the coal mined, to be readjusted every 10 or 12 years, and with conditions as to maintenance which will secure proper mining, and as to assignment which will prevent combinations to monopolize control of the coal in any one district or market. I do not think that coal measures under 2,500 acres of surface would be too large an amount to lease to any one lessee.

In my statement, presented to the committee which prepared this bill, I made the following suggestions for amendment, in case the committee determined to report a coal-leasing bill:

> If Congress concludes that it will pass a leasing bill, then amend the bill in accordance with President Taft's message.
>
> While I am opposed to a leasing system on principle, it is my judgment that the President's recommendations are the best made and will come nearest doing justice. Let the bill provide for—
>
> 1. Minimum royalty rates.
> 2. But not maximum rates.
> 3. Then let the lease be offered to competitive bidding.

4. And sold to the highest and best bidder.
5. The lease to provide for readjusted rates every 10 years, so that the Government may secure the benefit of the increase in prices.
6. Extend the interstate-commerce laws to Alaska.
7. Control rates of transportation to ports of the United States and to foreign ports.
8. Reserve the right in the patent to control monopoly and excessive selling prices of coal mined in Alaska.
9. Control the rates of storage on coal mined in Alaska.
10. Adopt an official standard of classification of coals.
11. Charge a graduated royalty based on the character and value of the coal, assuming as the minimum for the highest grades the price agreed upon by Guggenheim-Cunningham contract of July 7, 1906, viz, 50 cents per ton.
12. Pay all money received from rental and royalty into an "Alaska coal fund" and appropriate it to the development of Alaska, as follows: One-fifth to the building of wagon roads, one-fifth to the support of common schools, two-fifths to the building and maintenance of a university or college at some suitable place in the Territory, and the other one-fifth to the establishment and maintenance of a home for aged, disabled, and dependent prospectors, and the care of aged, sick, disabled, or indigent persons in the Territory.

I was asked by the committee to state my view upon what ought to be done in respect to coal lands in Alaska. I replied that they ought to report for passage the bill H. R. 30293, introduced by me on January 5, 1911, with an amendment.

The bill is as follows:

A bill to reserve to the United States the right and power to fix, control, and regulate the rates, prices, and profits to be charged upon coal mined in Alaska, and for other purposes.

Be it enacted, etc., That the United States reserves the right and power to fix, control, and regulate the rates, prices, and profits which any person, corporation, mine owner, or coal dealer, and any and all other persons or corporations, shall charge or demand upon the sale, exchange, dealing in, storage, or transportation of coal mined in Alaska; and that the United States reserves the right to regulate, control, suppress, and punish monopolies, conspiracies, and combinations in buying, selling, dealing in, storing, transporting, or otherwise handling such coal; the United States may authorize any State created out of any part of Alaska to exercise the rights and powers herein reserved for all such lands as lie within the boundaries of such State; that every patent issued by the United States for coal lands in Alaska, whether for lands located or entered prior to the passage and approval of this act or subsequent thereto, shall expressly recite the terms and conditions contained in this section.

SEC. 2. That upon the passage and approval of this act every Executive or other withdrawal or reservation of coal lands in Alaska, for any purpose whatever, shall be void and of no effect.

The proposed amendment was the insertion of the following language:

That the right to control the rate of transportation shall extend to carriage by sea from any port in Alaska to any port in the United States or in any foreign country.

That bill, as thus amended, taken in connection with the Alaska coal act of May 28, 1908, would give the United States control of the rates at which the consumer got the coal. It was my judgment, and is now, that the United States has authority to control the coal until it gets to the consumer, although patent may issue to the purchaser of the land.

Mr. Speaker, I am opposed to the United States assuming to act as a national landlord. I am opposed to the people of Alaska being degraded to the status of tenants upon the estate of the coal-baron lessee. The Territory of Alaska would have no right to tax this immense wealth, the tenant would have no home, and would be a mere renter upon the landlord's estate. Even if this bill were fair, which it is not, I am opposed to any system which takes from the people the lands which they ought to have for the purpose of the development of the Territory.

Certainly, Congress will not admit that it is powerless to make and enforce good, wholesome, and righteous laws for the disposal of coal lands in Alaska.

What we need in Alaska is enforcement, and not enactment. We have good laws, but they are not enforced. For more than two years there has been law, and power, and appropriation, and Alaska coal cases at issue, and evidence, and a Secretary of the Interior whose duty it was to decide those cases under his oath of office—but not a decision.

The Constitution declares that the President "shall take care that the laws be faithfully executed." What Alaska needs is "execution," not enactment.

Mr. MONDELL. Mr. Speaker, is the time exhausted on the other side?

The SPEAKER pro tempore. There are five minutes remaining.

Mr. MADISON. Mr. Speaker, I yield two minutes to the gentleman from Washington [Mr. POINDEXTER].

Mr. POINDEXTER. It is manifestly impossible, Mr. Speaker, to discuss this bill in two minutes or in the entire time permitted under suspension of the rules.

The objection which the people of this country have had to the manner of disposal of the coal lands can not be as to the character of the law, because a law was enacted under the influence of Mr. Roosevelt, assisted by certain Members of this House, which was generally regarded as a wise law and satisfactory for all purposes as to preventing monopoly. What the people of this country do object to and the cause of the demand to-day for a leasing system of coal lands in Alaska, is the attempt which has been made to evade the law and to establish a monopoly of the coal lands in Alaska. The people are little concerned whether the lands are disposed of by patents of a fee-simple title or whether they are disposed of under a lease, unless there are such restrictions in either case or under either system which will prevent these deposits of coal—which the people of the Northwest especially must rely upon—from being controlled by a few people or by a single corporation. The present situation, Mr. Speaker, in regard to the coal lands of Alaska arises out of a denial that the Secretary of the Interior has been fair in dealing with this matter. It grows out of the assertion that the Secretary of the Interior during the interval between his term of office as Commissioner of the General Land Office and his term as Secretary of the Interior was attorney for the principal claimants for coal lands in Alaska, and that ought to be sufficient to defeat the bill. Instead of taking authority away from him, it leaves the Secretary of the Interior absolute discretion to say who shall lease and shall not lease the coal lands of Alaska.

Mr. MADISON. Mr. Speaker, I yield the balance of my time to the gentleman from Wisconsin [Mr. MORSE].

Mr. MORSE. Mr. Speaker, I dislike very much to take up the time of the House at this time, and I am only going to speak for a moment or two. If this bill had been brought in under the ordinary rules of the House and had been subject to amendment, we could by a very few amendments have perfected it and passed it in this House.

I disagree with many of the gentlemen who have spoken against this bill in regard to the amount charged for this coal. The higher you raise the price the more will the people who use the coal have to pay for it. If you raise the royalty up to 50 cents or $1 a ton, you are charging that royalty against the people who are going to use the coal.

Mr. MANN. They have lots of money out there in the far West and they can afford it. [Laughter.]

Mr. MORSE. I do not believe it. I believe that the royalties provided in this bill are high enough. I do not believe they should be high. I believe that the Government should supervise the sale of the coal from the beginning away down to the last limit—to the ultimate consumer.

Mr. JAMES. Then that argument, carried to its last analysis, means that we ought to give the coal fields away.

Mr. MORSE. No. There is not so much objection to giving the coal fields away if you can give them to the people of the country.

Mr. JAMES. To what people?

Mr. MORSE. If you are going to give the coal fields of the country to two or three, there is an objection. If you are going to give them to the ultimate consumers, the men who burn the coal, then the objection is not so serious.

Mr. JAMES. Is it the experience of the gentleman that where you give to an individual something like a body of coal lands that he is generous enough to allot them out to the people who buy the coal?

Mr. MORSE. No; and that is the objection I find to this bill. You will find in section 6 the most serious difficulty in the whole bill. It says that this coal shall be sold to the people and delivered, and then it says "under like conditions," or "under similar terms and conditions." There is one of the great difficulties of the bill. If one man goes there and buys 100,000 or 500,000 tons of coal, and another man does not want as much as that, he naturally will not be able to meet the terms and conditions accorded to the large purchaser, and he may not be able to buy.

I agree in general with what is proposed to be accomplished by this bill, but it does not accomplish what it attempts to do on its face. The trouble with the bill is that the supervision does not go far enough. That is the trouble with the bill. I believe in leasing. I believe that is the proper method. I do not believe there is any use in charging too much for it, but it has been the middle man who heretofore has gotten the advantage of the ultimate consumer.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MONDELL. Mr. Speaker, I very much regret that, owing to the fact that I answered a good many questions at the beginning of the debate, I have no time left to give to the members of the committee who desire to speak in defense of the bill. The bill represents a great deal of earnest work and earnest endeavor to settle the coal situation in Alaska, to provide leasing legislation that will bring good returns to the people, and which will retain under the control of the people the sale and the disposition of the products of the coal lands.

Somebody has suggested that it is giving away the coal fields. Gentlemen, if this bill is defeated, the $10 per acre price

remains and the Matanuska and Katalla fields would be sold for about $560,000. If the bill passes, under the average royalty of 5 cents and the estimated tonnage of those fields by the Geological Survey of 6,000,000,000 tons, the Government will receive $30,000,000 under this bill. Mr. Chairman, this bill makes the difference between $560,000 and from $30,000,000 to $60,000,000 in those two fields. And yet some gentlemen have suggested that we are proposing to give away these coal fields.

Mr. HITCHCOCK. How does the gentleman——

Mr. MONDELL. It is provided that the Government shall have the right to take this coal wherever it is found for the use of the Army and the Navy of the United States, and to pay such a price for it as the Government deems to be fair.

Mr. MADISON. Will the gentleman yield to me for a moment?

Mr. MONDELL. I have only five minutes.

Mr. MADISON. I yielded to the gentleman.

Mr. MONDELL. I will be glad to.

Mr. MADISON. Is it not true that every foot of coal land in Alaska is now withdrawn from entry?

Mr. MONDELL. The gentleman from Alaska estimated in his statement before the committee that there were 60,000 square miles of coal-bearing lands in Alaska—that is, nearly 40,000,000 acres—and all of the entries made up to this time cover only an area of 32,000 acres; and if they were, all of them, held to be legal and all of them went to patent it would be but an insignificant fraction of the enormous fields of that great area. We have attempted in good faith to provide for the disposition of these coal lands. We have placed no discretion whatever in the hands of the Secretary of the Interior, except as we must, to adjust between rival, or, rather, overlapping applicants. We have plainly stated in the bill what are the rights of American citizens there, and those rights must be respected by the Secretary, and they must be granted.

It is true that we have placed what some people believe to be a low royalty, and yet it is a higher royalty than prevails generally anywhere in America, and it is a royalty which, in the aggregate, if the estimates of these two fields are correct, would bring to the Government, at an average of 5 cents a ton, $30,000,000, or at the maximum $60,000,000; and every one of those leases can be canceled upon a showing that the lessee is attempting to monopolize the trade in coal in whole or in part; that he is charging an unfair or an unreasonable price; that he is attempting in anyway to discriminate between persons or places. There never was a law brought into this House that so safeguarded the rights and interests of the American people as this bill. I regret that we could not bring it in with an opportunity for amendment. The committee would greatly prefer that it should be open to amendment, but the only opportunity offered us was to bring it in in this way, and I want to say to the membership of the House that I have no pride of opinion in this bill, although I drafted it originally, and gave a good deal of thought and time and attention to it; that our committee does not insist that the House shall take this bill, but we present it as an honest, conscientious, earnest effort at true conservation, an effort to make it possible to develop those great coal fields for the use of the people of the Pacific coast, for the use of the Army and the Navy and the people of the United States; to make it possible to obtain from these fields large incomes for the development of Alaska, and to retain those fields for all time to come under the control of the Government of the United States under conditions that will maintain fair prices and will prevent monopoly. [Applause.]

Mr. STEPHENS of Texas. Will the gentleman from Kansas [Mr. MADISON] yield me a moment to explain that the gentleman from Wyoming [Mr. MONDELL] is wrong in stating that 5 cents a ton on coal is a higher royalty than is paid elsewhere in America? The Indians of Oklahoma are receiving a royalty of 8 cents a ton and $900 for each lease in advance and $300 per annum thereafter, and their leases are limited to 960 acres.

The SPEAKER pro tempore. The question is on the motion to suspend the rules and pass the bill.

Mr. JAMES. Mr. Speaker, I demand the yeas and nays to save time.

The yeas and nays were ordered.

The question was taken; and there were—yeas 32, nays 151, answered "present" 10, not voting 191, as follows:

YEAS—32.

Barchfeld	Gardner, N. J.	Mondell	Steenerson
Bennet, N. Y.	Grant	Morgan, Mo.	Sterling
Burke, Pa.	Hamer	Parker	Sullaway
Calderhead	Howell, Utah	Parsons	Taylor, Colo.
Creager	Hughes, Ga.	Pickett	Volstead
Dwight	Keifer	Robinson	Washburn
Fordney	Mann	Simmons	Weeks
Gaines	Massey	Southwick	The Speaker

NAYS—151.

Adair	Dixon, Ind.	Humphreys, Miss.	Oldfield
Aiken	Dodds	James	Padgett
Alexander, Mo.	Driscoll, M. E.	Jamieson	Page
Anderson	Edwards, Ga.	Johnson, Ky.	Palmer, A. M.
Ansberry	Elvins	Johnson, S. C.	Poindexter
Anthony	Esch	Jones	Rainey
Austin	Fish	Kennedy, Iowa	Randell, Tex.
Beall, Tex.	Fitzgerald	Kitchin	Ransdell, La.
Bell, Ga.	Flood, Va.	Kopp	Rauch
Boehne	Floyd, Ark.	Korbly	Reeder
Booher	Fornes	Küstermann	Roddenbery
Brantley	Foster, Ill.	Lamb	Rodenberg
Burke, S. Dak.	Gardner, Mass.	Lee	Rothermel
Byrns	Garner, Tex.	Lenroot	Rucker, Mo.
Calder	Garrett	Lindbergh	Saunders
Campbell	Gillespie	Lloyd	Shackleford
Candler	Godwin	Longworth	Sharp
Carter	Good	Loud	Sheppard
Cassidy	Gordon	McCreary	Sherley
Chapman	Griest	McHenry	Sherwood
Clark, Mo.	Hamill	McKinney	Sims
Cline	Hamilton	McLaughlin, Mich.	Sisson
Cocks, N. Y.	Hamlin	Macon	Smith, Tex.
Cole	Hammond	Madison	Stafford
Collier	Hanna	Maguire, Nebr.	Stanley
Conry	Hardy	Martin, Colo.	Stephens, Tex.
Cooper, Wis.	Hay	Mays	Sturgiss
Covington	Heald	Miller, Kans.	Thomas, Ky.
Cox, Ind.	Heflin	Mitchell	Thomas, N. C.
Cox, Ohio	Helm	Moore, Pa.	Tou Velle
Cravens	Henry, Tex.	Morrison	Townsend
Cullop	Hitchcock	Morse	Turnbull
Davis	Hollingsworth	Moss	Underwood
Dent	Houston	Murphy	Watkins
Denver	Howland	Nelson	Wickliffe
Dickinson	Hubbard, Iowa	Nicholls	Woods, Iowa
Dickson, Miss.	Hubbard, W. Va.	Norris	Young, N. Y.
Dies	Hughes, N. J.	Nye	

ANSWERED "PRESENT"—10.

Adamson	Hardwick	McLachlan, Cal.	Pou
Burnett	Hill	McMorran	
Ferris	Lever	Olmsted	

NOT VOTING—191.

Alexander, N. Y.	Ellis	Kendall	Plumley
Ames	Englebright	Kennedy, Ohio	Pratt
Andrus	Estopinal	Kinkaid, Nebr.	Pray
Ashbrook	Fairchild	Kinkead, N. J.	Prince
Barclay	Fassett	Knapp	Pujo
Barnard	Finley	Knowland	Reid
Barnhart	Focht	Kronmiller	Rhinock
Bartholdt	Foelker	Lafean	Richardson
Bartlett, Ga.	Foss	Langham	Riordan
Bartlett, Nev.	Foster, Vt.	Langley	Roberts
Bates	Fowler	Latta	Rucker, Colo.
Bennett, Ky.	Fuller	Law	Sabath
Bingham	Gallagher	Lawrence	Scott
Borland	Gardner, Mich.	Legare	Sheffield
Boutell	Garner, Pa.	Lindsay	Slayden
Bowers	Gill, Md.	Lively	Slemp
Bradley	Gill, Mo.	Livingston	Small
Broussard	Gillett	Loudenslager	Smith, Cal.
Burgess	Glass	Lowden	Smith, Iowa
Burleigh	Goebel	Lundin	Smith, Mich.
Burleson	Goldfogle	McCall	Snapp
Butler	Goulden	McCredie	Sparkman
Byrd	Graff	McDermott	Sperry
Cantrill	Graham, Ill.	McGuire, Okla.	Spight
Capron	Graham, Pa.	McKinlay, Cal.	Stevens, Minn.
Carlin	Greene	McKinley, Ill.	Sulzer
Cary	Gregg	Madden	Swasey
Clark, Fla.	Guernsey	Malby	Talbott
Clayton	Harrison	Martin, S. Dak.	Tawney
Cooper, Pa.	Haugen	Maynard	Taylor, Ala.
Coudrey	Havens	Miller, Minn.	Taylor, Ohio
Cowles	Hawley	Millington	Thistlewood
Craig	Hayes	Moon, Pa.	Thomas, Ohio
Crow	Henry, Conn.	Moon, Tenn.	Tilson
Crumpacker	Higgins	Moore, Tex.	Vreeland
Currier	Hinshaw	Morehead	Wallace
Dalzell	Hobson	Morgan, Okla.	Wanger
Davidson	Howard	Moxley	Webb
Dawson	Howell, N. J.	Mudd	Weisse
Denby	Huff	Murdock	Wheeler
Diekema	Hughes, W. Va.	Needham	Wiley
Douglas	Hull, Iowa	O'Connell	Willett
Draper	Hull, Tenn.	Olcott	Wilson, Ill.
Driscoll, D. A.	Humphrey, Wash.	Palmer, H. W.	Wilson, Pa.
Dupre	Johnson, Ohio	Patterson	Wood, N. J.
Durey	Joyce	Payne	Woodyard
Edwards, Ky.	Kahn	Pearre	Young, Mich.
Ellerbe	Kelliher	Peters	

So (two-thirds having failed to vote therefor) the motion to suspend the rules and pass the bill was lost.

The following additional pairs were announced:

Until further notice:

Mr. BARTHOLDT with Mr. BORLAND.

Mr. HAYES with Mr. GOLDFOGLE.

Mr. DRAPER with Mr. WEBB.

Mr. MOXLEY with Mr. BARNHART.

For the balance of the day:

Mr. NEEDHAM with Mr. HULL of Tennessee.

Mr. BOUTELL with Mr. HENRY of Texas.

Mr. PRATT with Mr. BURLESON.

From February 21 to February 28, inclusive:

Mr. MORGAN of Oklahoma with Mr. FERRIS.

The SPEAKER pro tempore noted the presence of Mr. CANNON, Mr. DICKSON of Mississippi, Mr. JAMIESON, and Mr. MOORE of Pennsylvania, and they voted as above recorded.

The SPEAKER pro tempore. Upon this yea-and-nay vote the roll was called and then the names of those failing to respond were again called in alphabetical order. Less than a quorum having answered, the Chair is authorized by clause 3 of Rule XV to cause Members in the Hall who did not vote to be noted as "present." Under clause 1 of the same rule a Member whose name has thus been noted under clause 3 may then vote.

The result of the vote was then announced as above recorded.

ADJOURNMENT.

Mr. MANN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 2 minutes p. m.) the House adjourned until to-morrow, Friday, February 24, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War, submitting a recommendation of credits to the accounts of Lieut. Col. D. E. McCarthy and Capt. F. A. Grant (H. Doc. No. 1406), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HAMER, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 10791) to eliminate from forest and other reserves certain lands included therein for which the State of Idaho had, prior to the creation of said reserves, made application to the Secretary of the Interior under its grants that such lands be surveyed, reported the same with amendment, accompanied by a report (No. 2227), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CLARK of Missouri, from the Committee on Ways and Means, to which was referred the bill of the Senate (S. 10559) to designate St. Andrews, Fla., as a subport of entry, reported the same without amendment, accompanied by a report (No. 2233), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. DENT, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 10638) to authorize the Secretary of War to sell certain lands owned by the United States and situated on Dauphin Island, in Mobile County, Ala., reported the same without amendment, accompanied by a report (No. 2234), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GAINES, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 32533) to amend the revenue laws so as to provide for furnishing certified copies of certain records to officers and other persons, reported the same without amendment, accompanied by a report (No. 2238), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 9698) granting permission to the city of Miles City, Mont., to operate a pumping station on the Fort Keogh Military Reservation, Mont., reported the same with amendment, accompanied by a report (No. 2242), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill of the Senate (S. 1531) to grant medals to survivors and heirs of volunteers of the Port Hudson forlorn-hope storming party, reported the same without amendment, accompanied by a report (No. 2243), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Michigan, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 8774) to change the name of Messmore Place to Mozart Place, reported the same without amendment, accompanied by a report (No. 2225), which said bill and report were referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 10274) to authorize construction of the Broadway Bridge across the Willamette River at Portland, Oreg., reported the same with amendment, accompanied by a report (No. 2226), which said bill and report were referred to the House Calendar.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 10822) to extend the time for the completion of a bridge across the Missouri River at or near Yankton, S. Dak., by the Winnipeg, Yankton & Gulf Railroad Co., reported the same without amendment, accompanied by a report (No. 2228), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 32721) to amend an act entitled "An act permitting the building of a dam across the Mississippi River in the county of Morrison, State of Minnesota," approved June 4, 1906, reported the same with amendment, accompanied by a report (No. 2229), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 32756) to authorize the Greeley-Arizona Irrigation Co. to build a dam across the Colorado River at or near Head Gate Rock, near Parker, in Yuma County, Ariz., reported the same with amendment, accompanied by a report (No. 2230), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 32824) to authorize the city of Shreveport to construct a bridge across Red River, reported the same with amendment, accompanied by a report (No. 2231), which said bill and report were referred to the House Calendar.

Mr. HULL of Iowa, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 10275) relative to joint operations of the Army, Navy, and Marine Corps, reported the same without amendment, accompanied by a report (No. 2244), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SLAYDEN, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 22270) for the relief of Amos M. Barbin, reported the same without amendment, accompanied by a report (No. 2237), which said bill and report were referred to the Private Calendar.

Mr. PRINCE, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 608) for the relief of Charles T. Gallagher and Samuel H. Proctor, reported the same without amendment, accompanied by a report (No. 2239), which said bill and report were referred to the Private Calendar.

Mr. HAY, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 7640) for the relief of James M. Sweat, reported the same without amendment, accompanied by a report (No. 2240), which said bill and report were referred to the Private Calendar.

Mr. KAHN, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 7804) for the relief of David Jay Jennings, reported the same without amendment, accompanied by a report (No. 2241), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HUGHES of New Jersey: A bill (H. R. 32906) to authorize the construction of a canal to connect the Hackensack River with Berrys Creek, at Berrys Creek, in the State of New Jersey, and for other purposes; to the Committee on Railways and Canals.

By Mr. THOMAS of Ohio: A bill (H. R. 32907) to incorporate the National McKinley Birthplace Memorial Association; to the Committee on the Library.

By Mr. MACON: A bill (H. R. 32908) to authorize Ouachita County, Ark., to construct a bridge across the Ouachita River; to the Committee on Interstate and Foreign Commerce.

By Mr. HUGHES of New Jersey: A bill (H. R. 32910) to authorize the construction of a canal connecting the Hackensack River with Berrys Creek at Rutherford, in the State of New Jersey; to the Committee on Railways and Canals.

By Mr. CALDERHEAD (by request): A bill (H. R. 32911) granting additional pensions to those persons who, while serving

in the militia or naval service of the United States of America during the Civil War of 1861 to 1866, and who are or who shall hereafter be pensioned for loss of a hand or arm and who shall, in addition to such loss of hand or arm, have incurred additional disability or disabilities in such service and in line of duty; to the Committee on Invalid Pensions.

By Mr. NORRIS: Resolution (H. Res. 993) requesting certain information from the Attorney General of the United States; to the Committee on the Judiciary.

Also, resolution (H. Res. 994) requesting certain information of the President of the United States; to the Committee on Ways and Means.

By Mr. KINKAID of Nebraska: Memorial of the Legislature of Nebraska, indorsing House bill 30799, introduced by Mr. KINKAID of Nebraska, for an extension of time for payment of water rights; to the Committee on Irrigation of Arid Lands.

By Mr. HAMER: Memorial of the Idaho State Legislature relating to the elimination of townships 46 and 47 north, range 3 east of Boise meridian from the Cœur d'Alene National Forest Reserve and that they be made available for homestead entry; to the Committee on the Public Lands.

Also, memorial of Idaho State Legislature relating to changing the term of residence upon homestead lands of the State of Idaho from five to three years; to the Committee on the Public Lands.

Also, memorial by the Idaho State Legislature relating to abolishing all rules of Forest Service governing the removal of dead timber by the settlers; to the Committee on the Public Lands.

By Mr. BURLEIGH: Memorial of the Legislature of Maine in favor of a monument at Annapolis in memory of the late Commodore John Paul Jones; to the Committee on Naval Affairs.

Also, memorial of the Legislature of Maine to promote the efficiency of the Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

By Mr. SWASEY: Memorial of the Legislature of Maine in favor of a monument at Annapolis in memory of the late Commodore John Paul Jones; to the Committee on Naval Affairs.

Also, memorial of the Legislature of Maine to promote the efficiency of the Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

By Mr. AUSTIN: A memorial of the Legislature of Tennessee, requesting action on the report of the Immigration Commission, etc.; to the Committee on Immigration and Naturalization.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 32912) granting an increase of pension to Christina Younkman; to the Committee on Invalid Pensions.

By Mr. ANTHONY: A bill (H. R. 32913) for the relief of James Stanton; to the Committee on Claims.

By Mr. BARNARD: A bill (H. R. 32914) granting an increase of pension to Isaac H. Earl; to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 32915) for the relief of Timothy Donahoe; to the Committee on Military Affairs.

By Mr. CREAGER: A bill (H. R. 32916) for the relief of the Turner Hardware Co.; to the Committee on Indian Affairs.

By Mr. DICKINSON: A bill (H. R. 32917) granting a pension to Joel Harreford; to the Committee on Invalid Pensions.

By Mr. FLOOD of Virginia: A bill (H. R. 32918) for the relief of Henry C. Adams and others; to the Committee on Claims.

By Mr. FOCHT: A bill (H. R. 32919) granting an increase of pension to Arthur V. B. Sonders; to the Committee on Invalid Pensions.

By Mr. JAMES: A bill (H. R. 32920) granting an increase of pension to David H. Johnson; to the Committee on Invalid Pensions.

By Mr. KINKAID of Nebraska: A bill (H. R. 32921) granting an increase of pension to Otis Long; to the Committee on Invalid Pensions.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 32922) for the relief of the estate of Elizabeth B. Sullivan; to the Committee on War Claims.

By Mr. MONDELL: A bill (H. R. 32923) for the relief of J. L. Baird; to the Committee on the Public Lands.

By Mr. TAYLOR of Alabama: A bill (H. R. 32924) granting an increase of pension to Pamelia J. Harvey; to the Committee on pensions.

By Mr. WATKINS: A bill (H. R. 32925) granting a pension to Edwin A. Prothro; to the Committee on Pensions.

Also, a bill (H. R. 32926) granting a pension to David H. Johnson; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON: Paper to accompany bill for relief of William England; to the Committee on Invalid Pensions.

By Mr. ANSBERRY: Petition of business firms of Delphos, Ohio, against a local rural parcels-post service; to the Committee on the Post Office and Post Roads.

Also, petition of the Farmers' Institute, Farmer, Ohio, for election of Senators by popular vote; to the Committee on the Judiciary.

By Mr. ASHBROOK: Petition of the Polish National Alliance Association, against further restriction of the immigration laws; to the Committee on Immigration and Naturalization.

By Mr. BURLEIGH: Petition of Kennebec Valley Grange, Anson, Me.; Manchester Grange, Manchester, Me.; and Harvest Home Grange and others, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. BURLESON: Petitions, resolutions, etc., urging Congress to repeal the 10-cent tax on colored oleomargarine, etc., also to investigate and endeavor to check spread of tuberculosis and other diseases communicated to human beings through dairy products, etc., as follows: The Emerson Five-Foot Study Club, of Brookland, D. C.; the San Diego (Cal.) Society for the Prevention and Study of Tuberculosis; Woman's Literary Union, Auburn, Me.; Civic Improvement Club, Troy, Ala.; Woman's Club, Owensboro, Ky.; Edelweis Club, Saginaw, Mich.; Federation of Women's Clubs, Toledo, Ohio; Division No. 17, Brotherhood of Locomotive Engineers, Stanley, Mo.; Twentieth Century Club, Gilman, Iowa; Woman's Club of Guthrie Center, Iowa; to the Committee on Agriculture.

By Mr. CARY: Resolutions adopted by the Polish National Alliance, protesting against the proposed illiteracy test in the immigration laws; to the Committee on Immgiration and Naturalization.

Also, communication from Milwaukee Mechanics Insurance Co., Milwaukee, Wis., favoring the Esch phosphorus bill; to the Committee on Interstate and Foreign Commerce.

By Mr. CHAPMAN: Petition of citizens of the twenty-fourth congressional district of Illinois, against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. DICKINSON: Petition of J. C. Sims and 21 other citizens of Urich, Mo., against the establishment of a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. DODDS: Petition of John B. Carter and nine other citizens of Roscommon County, Mich., for a parcels-post service; to the Committee on Post Offices and Post Roads.

Also, petitions of Forest Grange, No. 362; Farmers' Union Grange, No. 814; North Branch Grange, No. 952; and W. H. Bush and 26 others citizens of Antrim County, Mich., against the passage of the Canadian reciprocity bill; to the Committee on Ways and Means.

By Mr. DRAPER: Petition of Polish National Alliance, against further restrictive immigration; to the Committee on Immigration and Naturalization.

Also, petition of Kingsbury Grange, No. 1085, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. DUREY: Resolutions adopted by Mapletown Grange, No. 613; Minaville Grange, No. 668; and Mayfield Grange, No. 683, Patrons of Husbandry, all of New York State, protesting against the adoption of the Canadian reciprocity treaty; to the Committee on Ways and Means.

Also, petition of the Allied Printing Trades of Greater New York, against increase of postage on second-class matter; to the Committee on the Post Office and Post Roads.

Also, petition of the Brooklyn League, insisting that the battleship *New York* be built in a Government navy yard in compliance with the law of 1910; to the Committee on Naval Affairs.

By Mr. ESCH: Petition of Polish National Alliance, against further restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. FITZGERALD: Petitions of Niagara Council, No. 8, Junior Order United American Mechanics; Spring Bed Makers' Protective Union, No. 12103, American Federation of Labor, of New York; National Lodge, No. 556, International Association of Machinists of Brooklyn, N. Y., for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. FISH: Petition of E. D. Gildersleeve and other members of Friends Society, against fortifying the canal; to the Committee on Military Affairs.

By Mr. FORNES: Petition of National Association of Merchant Tailors, against increase of postage on second-class matter; to the Committee on the Post Office and Post Roads.

Also, petition of Maritime Association of New York City, for appointment of Thomas J. Scully as a member of the Committee on the Merchant Marine and Fisheries; to the Committee on the Merchant Marine and Fisheries.

Also, petition of the American Scenic and Historic Preservation Society, for House bill 2258; to the Committee on the Public Lands.

Also, petition of the Standard Pneumatic Action Co., the Kohler & Campbell Co., and the Autopican Co., in favor of a proper mail and steamship service between the United States and South America; to the Committee on the Merchant Marine and Fisheries.

Also, petition of Art Color Printing Co., against increase of postal rates on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of John H. Batten, president of Hamilton Club; John W. Lowe, president of Society of War of 1812, Illinois branch; and John D. Vandercook, president of Sons of the American Revolution, of Chicago, for appropriation for Perry memorial; to the Committee on the Library.

Also, petition of citizens of Shabbona, the Chicago Allied Printing Trades Council, and the American Pulp & Paper Association, against increase of postage on magazines; to the Committee on the Post Office and Post Roads.

Also, petition of Mrs. Ella Zacher, demanding hearing on claim of E. G. Lewis, of University City; to the Committee on Claims.

Also, petition of directors of the Milk Producers' Association, against the Canadian reciprocity bill; to the Committee on Ways and Means.

By Mr. GARDNER of Massachusetts: Petitions of George W. Field, chairman of the Massachusetts fish and game commission, showing amount Canada pays in subsidies to her fishermen; from A. B. Gifford, boat builder, Gloucester, stating that the free-fish item in proposed tariff agreement with Canada would result in driving his plant out of the city; from Golden & Crawley, Gloucester, calkers, opposing free-fish item in proposed tariff agreement with Canada; from Gloucester National Bank, Gloucester, stating that proposed tariff agreement with Canada would result in driving many fish concerns to Nova Scotia; from vice president of Gloucester (Mass.) Board of Trade, stating that 140 out of total of 174 resident members of his organization have declared themselves against proposed tariff agreement with Canada; from Capt. Lemuel E. Spinney, individual vessel owner, asking to be protected from free fish as proposed in tariff agreement with Canada; from Gloucester Safe Deposit & Trust Co., stating that proposed reciprocity treaty would result in driving part of their business to Canada; from John Chisholm, Gloucester, owner of 10 vessels and wharf property, stating that he would be driven out of business if proposed tariff agreement is ratified; from Capt. Carl J. Young, Gloucester, individual owner, stating proposed tariff agreement would cause him to lose his vessel; from Hugh Parkhurst & Co., owners of eight vessels, Gloucester; from Burnham Bros., Gloucester marine railways, stating proposed free fish would mean ruin to Gloucester; from Perkins Box Co., Gloucester; from E. L. Rowe & Sons (Inc.), sailmakers, Gloucester; from W. H. Wonson & Son, Gloucester, fish business; from Henry E. Pinkham, fish business, Gloucester; from Fernald & Co., Boston, fish business; from Manuel Simmons, sailmaker and vessel owner; from Arthur D. Story, shipbuilder, Essex; from Master Mariners Towboat Co., Gloucester; from James E. Bradley, fish business, Gloucester; from Atlantic Maritime Co.; from Capt. Jerome McDonald, Gloucester, individual vessel owner; from M. Walen & Sons, Gloucester; from Capt. Charles L. Nickerson and 44 other captains of fishing sailing vessels; from T. Wharf, Boston, all in the State of Massachusetts, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. GOULDEN: Petition of J. M. Huber, New York City; Photo-Engravers' Union, No. 1, New York City, and R. Magel, against increase of postal rates on second-class matter; to the Committee on the Post Office and Post Roads.

Also, petition of F. C. Hirleman, of New York City; W. B. Driscoll, of New York City; the Heights Taxpayers' Association of New York City, and Bronx Property Owners' Association, favoring a pneumatic mail-tube service; to the Committee on the Post Office and Post Roads.

Also, petition of the Pneumatic Action Co., of New York City, favoring a proper mail and steamship service; to the Committee on the Merchant Marine and Fisheries.

By Mr. HEALD: Resolutions advocating the enactment of legislation excluding undesirable immigration, from the Central Labor Union, Wilmington, Del.; Council No. 28, Junior Order United American Mechanics, Newark, Del.; and Camp No. 18, Viola, Del.; Camp No. 17, Leipsic, Del., and Camp No. 12, Port Penn, Del., Partiotic Order Sons of America; to the Committee on Immigration and Naturalization.

By Mr. HIGGINS: Petition of Konomoc Grange, Colchester (Conn.) Grange, and Montville (Conn.) Grange, against parcels post as recommended by the Postmaster General; to the Committee on the Post Office and Post Roads.

Also, petition of Natchaug (Conn.) Grange and Mystic (Conn.) Grange, Patrons of Husbandry, against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. HILL: Petition of J. G. Blaine Council, Junior Order United American Mechanics, of Stamford, Conn., for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of Hallenbeck Grange, No. 125, Canaan, Conn., favoring a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. HUMPHREY of Washington: Petition of citizens of Washington, against the establishment of a parcels post; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Washington, insisting that the battleship *New York* be built in a Government navy yard in compliance with the law of 1910; to the Committee on Naval Affairs.

Also, petition of Spokane Council, No. 17, and Seattle Council, No. 2, Junior Order United American Mechanics, for the immediate passage of House bill 15413, to amend the immigration act; to the Committee on Immigration and Naturalization.

Also, petition of George P. Campbell, representing 50 members of the Grange and the Happy Valley Grange, No. 322, against the passage of the Canadian reciprocity bill; to the Committee on Ways and Means.

By Mr. JOYCE: Petition of General Assembly of Ohio, favoring election of Senators by popular vote; to the Committee on the Judiciary.

Also, petition of Q. R. Lane, of the Franklin County Bar Association, against two terms of circuit and district court of the southern district of Ohio; to the Committee on the Judiciary.

By Mr. KORBLY: Petition of Washington Camp No. 34, Patriotic Order Sons of America, for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of Milk Producers' Association, against reciprocity with Canada; to the Committee on Ways and Means.

By Mr. LATTA: Petition of William Halst and others, of Decatur; I. B. Saunders, of Basile Mills; C. A. Blakeley and others, of Norfolk; R. B. Knapp and others, of Nacora; M. B. Wheeler and others, of Laurel; Joseph Nike and others, of Jelen; F. A. Kirch and others, of Beemer; A. L. Fletcher and others, of Dixon; Frank J. Stewart and others, of Randolph; and A. B. Strube and others, of Concord, all in the State of Nebraska, against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. LONGWORTH: Petition of Harry H. Shulte and other citizens of Cincinnati, Ohio, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. McDERMOTT: Petition of citizens of fourth Illinois congressional district, for building of battleship *New York* in a Government navy yard; to the Committee on Naval Affairs.

By Mr. McMORRAN: Petition of 48 residents of Almont, Mich., and members of the Central Woman's Christian Temperance Union, of Port Huron, Mich., for the Miller-Curtis bill; to the Committee on Interstate and Foreign Commerce.

By Mr. MOORE of Pennsylvania: Petition of Philadelphia Board of Trade, favoring construction of embassy buildings abroad; to the Committee on Foreign Affairs.

Also, petitions of Golden Star Council, No. 640; Carlisle Council, No. 574; West Hazelton Council, No. 943; Bellevue Council, No. 692; Lieutenant Cushing Council, No. 839; Coal Dale Council, No. 29; State Council of Pennsylvania, Order of Independent Americans, urging enactment of illiteracy test; to the Committee on Immigration and Naturalization.

Also, petitions of Washington Camps Nos. 113, 635, and 170, urging enactment of illiteracy test; to the Committee on Immigration and Naturalization.

Also, petitions of Winona Council, No. 63; Milford Square Council, No. 4; Walnut Bottom Council, No. 864; Bartram Council, No. 999; Active Council, No. 617; Greensboro Council,

No. 355; True American Council, No. 196; Lumber City Council, No. 831; Haverford Council, No. 592; Allen Council, No. 753; Audenreid Council, No. 775; Llewellyn Council, No. 222, Order of Independent Americans, and Washington Camps Nos. 630 and 483, Patriotic Order Sons of America, urging the enactment of an illiteracy test; to the Committee on Immigration and Naturalization.

By Mr. SMITH of Michigan: Petitions of Edward Robins and others, of Lenawee County; J. P. Swayze and 17 others, of Oakland County; William Fulton and 30 others, of Calhoun County; H. A. Parry and 48 others, of Isabella County; Edwin Soneral and 30 others, of Mason County; A. Grawn and 26 others, of Kent County; F. L. Dunning and 12 others, of Menominee County; Edward and 17 others, J. D. Sherbrook and 12 others, of Mackinaw County; Charles A. May and 40 others, of Allegan County; D. B. Averill and 37 others, of Wexford County; S. N. Richardson and 26 others, of Kalamazoo County; William Rupright and 56 others, of Missaukee County; Alvin Bever and 32 others, of Ionia County; and George W. Carr and 32 others, of Huron County, all in the State of Michigan, for parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. STERLING: Petition of Bloomington Trades and Labor Assembly, for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of Bloomington Trades and Labor Assembly, for repealing oleomargarine tax; to the Committee on Agriculture.

Also, petition of Bloomington Trades and Labor Assembly, for building of battleship *New York* in a Government navy yard; to the Committee on Naval Affairs.

By Mr. SULZER: Petition of Tacoma Commercial Club, for an appropriation of $50,000 for roads in Rainier National Park; to the Committee on the Public Lands.

Also, petition of John McGarity, of New York City, against increase of postal rates on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. TAYLOR of Ohio: Petition of citizens of twelfth Ohio congressional district, against Sunday legislation for the District of Columbia; to the Committee on the District of Columbia.

SENATE.

FRIDAY, *February 24, 1911.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

THE JOURNAL.

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. BURROWS. I ask unanimous consent that the further reading of the Journal be dispensed with.

The VICE PRESIDENT. Is there objection?

Mr. BEVERIDGE. I do not intend to object, but I wish to call attention at this time to an omission. I do not know that it would appear in the Journal anyway, but yesterday I gave notice, as the RECORD shows, that I would conclude my remarks this morning immediately after the morning business. I perceive that the notice is not on the calendar, and before the reading of the Journal is dispensed with, I merely call attention to it.

The VICE PRESIDENT. The Chair will take the responsibility for its not appearing on the calendar. Is there objection to dispensing with the further reading of the Journal? The Chair hears none. Without objection, the Journal will stand approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had passed the following bills:

S. 608. An act for the relief of Charles T. Gallagher and Samuel H. Proctor;

S. 7640. An act for the relief of James M. Sweat;

S. 7804. An act for the relief of David Jay Jennings;

S. 10817. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors; and

S. 10818. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the House had agreed to the amendments of the Senate to the following bill and resolution:

H. R. 20603. An act for the relief of Henry Halteman; and

H. J. Res. 276. Joint resolution modifying certain laws relating to the military records of certain soldiers and sailors.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28632) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The message also announced that the House had agreed to the amendment of the Senate to the amendment of the House of Representatives to the bill (S. 10318) authorizing the Commissioner of the General Land Office to grant further extensions of time within which to make proof on desert-land entries.

The message further announced that the House had passed the bill (S. 7031) to codify, revise, and amend the laws relating to the judiciary, with an amendment, asks a conference with the Senate on the disagreeing votes of the two Houses on the bill and amendment, and had appointed Mr. MOON of Pennsylvania, Mr. PARSONS, and Mr. SHERLEY managers at the conference on the part of the House.

The message also announced that the House had passed the bill (S. 5432) to authorize the city of Seattle, Wash., to purchase certain lands for the protection of the source of its water supply, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 28626. An act to amend the internal-revenue laws relating to distilled spirits, and for other purposes; and

H. R. 32436. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1912, and for other purposes.

The message also announced that the House had agreed to a concurrent resolution directing the Speaker of the House and the President of the Senate to erase their signatures to the bill (H. R. 25081) for the relief of Helen S. Hogan, etc., in which it requested the concurrence of the Senate.

The message further returned to the Senate, in compliance with its request, the bill (S. 10632) to authorize the North Pennsylvania Railroad Co. and the Delaware & Bound Brook Railroad Co. to construct a bridge across the Delaware River, from Lower Makefield Township, Bucks County, Pa., to Ewing Township, Mercer County, N. J.

The message also requested the Senate to return to the House the joint resolution (S. J. Res. 145) providing for the filling of a vacancy which will occur on March 1, 1911, in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

H. R. 16268. An act for the relief of Thomas Seals;

H. R. 18542. An act for the relief of Thomas C. Clark;

H. R. 26290. An act providing for the validation of certain homestead entries;

H. R. 31538. An act to authorize the Pensacola, Mobile & New Orleans Railway Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels above the city of Mobile, Ala.;

H. R. 32220. An act to authorize the board of supervisors of the town of High Landing, Red Lake County, Minn., to construct a bridge across the Red Lake River;

H. R. 32400. An act to authorize the North Pennsylvania Railroad Co. and the Delaware & Bound Brook Railroad Co. to construct a bridge across the Delaware River from Lower Makefield Township, Bucks County, Pa., to Ewing Township, Mercer County, N. J.;

H. R. 32571. An act to consolidate certain forest lands in the Kansas National Forest;

S. 10015. An act for rebuilding and improving the present light and fog signal at Lincoln Rock, Alaska, or for building another light and fog-signal station upon a different site near by; and

S. J. Res. 132. Joint resolution authorizing the delivering to the commander in chief of the United Spanish War Veterans of one or two dismounted bronze cannon.

COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War transmitting, in response to a resolution of the 21st instant, a list of names of soldiers of Companies B, C, and D of the Twenty-fifth Infantry recommended as eligible for reenlistment by the court of inquiry rela-

tive to the affray at Brownsville, Tex., who have applied for reenlistment or who have reenlisted under the provisions of the act of Congress of March 3, 1909, etc. (S. Doc. No. 833), which, with the accompanying paper, was referred to the Committee on Military Affairs and ordered to be printed.

SURVEY OF ABSECON INLET, N. J.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of War stating, in response to a resolution of the 17th instant relative to the cost for the improvement of Absecon Inlet, N. J., that the reports on the preliminary examination and survey of that inlet made in pursuance of a provision in the river and harbor act of June 25, 1910, were transmitted by the Secretary of War to the Speaker of the House of Representatives under date of February 20, 1911 (S. Doc. No. 832), which was referred to the Committee on Commerce and ordered to be printed.

CREDENTIALS.

Mr. BRIGGS presented the credentials of JAMES E. MARTINE, chosen by the Legislature of the State of New Jersey a Senator from that State for the term beginning March 4, 1911, which were read and ordered to be filed.

Mr. PILES presented the credentials of MILES POINDEXTER, chosen by the Legislature of the State of Washington a Senator from that State for the term beginning March 4, 1911, which were read and ordered to be filed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented resolutions adopted by the General Court of the Commonwealth of Massachusetts, which were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Resolutions relative to reciprocal interchange of commodities between the United States and Canada.

Resolved, That the General Court of the Commonwealth of Massachusetts, believing that a reciprocal interchange of commodities between the United States and Canada, based on equitable and fair terms, would prove beneficial to the ultimate consumer and to the various manufacturing, farming, commercial, and other interests of each of the two countries, hereby cordially approves any efforts made to bring about such results.

Resolved, That certified copies of these resolutions be sent by the secretary of the Commonwealth to the President of the United States, to the presiding officers of both Houses of Congress, and to each of the Senators and Representatives in Congress from Massachusetts.

In house of representatives, adopted February 15, 1911.
In senate, adopted, in concurrence, February 16, 1911.
A true copy.
Attest:

WM. M. OLIN,
Secretary of the Commonwealth.

The VICE PRESIDENT presented a joint memorial of the Legislature of the State of Wyoming, which was referred to the Committee on Forest Reservations and the Protection of Game and ordered to be printed in the RECORD, as follows:

House joint memorial No. 1.

A joint resolution relating to the preservation of big game in the State of Wyoming, and memorializing the Congress of the United States to make an adequate appropriation to aid the State of Wyoming in providing winter food for and otherwise protecting the big game which range in the National Park and in the Jackson Hole region of this State alternately.

Be it resolved by the house of representatives (the senate concurring):

Whereas the principal remnant of the big game of the United States, comprised of moose, elk, and deer, range alternately during the winters in the National Park and game reserve and the Jackson Hole section of the State of Wyoming, south of the National Park; and

Whereas during the winters they suffer greatly and perish from famine in large numbers, which could be in a great measure prevented by adequate and systematic provision for feeding and protecting them during storms and blizzards; and

Whereas the State of Wyoming has been and is making appropriations of large sums of money and using every available means within its power to preserve said big game; and

Whereas the sufficient and thoroughly adequate protection of said big game is too expensive and burdensome to be borne alone by the State of Wyoming: Therefore be it

Resolved by the Legislature of the State of Wyoming, That the Government of the United States be, and is hereby, requested to cooperate with the State of Wyoming in feeding, protecting, and otherwise preserving the big game which winters in great numbers within the confines of the State of Wyoming; and the Congress of the United States is hereby memorialized and requested to make an adequate appropriation of money, to be used in aiding and cooperating with the State of Wyoming in the laudable and desirable effort to feed, protect, and preserve from extinction the principal remnant of the big game of the United States, which range during the winters principally within the territory of the State of Wyoming; be it further

Resolved, That engrossed copies of this memorial and request be sent to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to the Secretary of the Interior, asking their aid in bringing the object of this memorial and request before Congress, and in securing from same an adequate appropriation of public moneys for the noble, humane, and national purpose herein set forth; and be it further

Resolved, That engrossed copies of this memorial and request be sent to the Senators from Wyoming in the Congress of the United States, viz, Hons. CLARENCE D. CLARK and FRANCIS E. WARREN, and our Representative in said Congress, Hon. FRANK W. MONDELL, asking them to use their best efforts to secure favorable action upon the request embodied herein.

Approved February 17, 1911.

STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, *State of Wyoming, ss:*

I, Frank L. Houx, secretary of state of the State of Wyoming, do hereby certify that the annexed has been carefully compared with house joint memorial No. 1, and is a full, true, and correct copy of the same and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 21st day of February, A. D. 1911.
[SEAL.]

FRANK L. HOUX, *Secretary of State,*
By C. B. MACGLASHAN, *Deputy.*

The VICE PRESIDENT presented telegrams, in the nature of memorials, from the Illinois State Farmers' Institute and from 150 employees of the Waterbury Felt Co., of Skaneateles Falls, N. Y., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a memorial of the southwest division of the Associated Advertising Clubs of America, remonstrating against the proposed increase in the rate of postage on certain classes of second-class mail matter, which was ordered to lie on the table.

Mr. GALLINGER. I present sundry telegrams, in the nature of memorials, from granges in my State relative to the proposed Canadian reciprocal agreement. I ask that the telegrams may be noted in the RECORD and referred to the Committee on Finance.

There being no objection, the telegrams were referred to the Committee on Finance and ordered to be noted in the RECORD, as follows:

Telegram of Byron P. Dearborn, master of Merrimac County Pomona Grange, Patrons of Husbandry, of North Boscawen, N. H.;

Telegram of C. W. Phillips, Pomona deputy, New Hampshire State Grange, Patrons of Husbandry, of East Candia, N. H.;

Telegram of Hollis T. Wiggin, of Meredity, N. H.;

Telegram of Curtis B. Childs, ex-commander New Hampshire State Grange, Patrons of Husbandry, of Henniker, N. H.;

Telegram of W. O. Field, deputy, New Hampshire State Grange, Patrons of Husbandry, of Concord, N. H.;

Telegram of Frank P. Cheney, deputy, New Hampshire State Grange, Patrons of Husbandry, of Littleton, N. H.;

Telegram of Ernest W. Bickford, of Rochester, N. H.;

Telegram of Orrin G. Wentworth, deputy, New Hampshire State Grange, Patrons of Husbandry, of Lancaster, N. H.;

Telegram of A. O. Harrington, deputy, New Hampshire State Grange, Patrons of Husbandry, of Petersboro, N. H.;

Telegram of Edgar J. Ham, of Rochester, N. H.;

Telegram of Colebrook Grange, No. 223, Patrons of Husbandry, of Colebrook, N. H.;

Telegram of Charles McDaniel, of Enfield, N. H.;

Telegram of S. H. Flanders, of East Andover, N. H.;

Telegram of Frank M. Bailey, of Claremont, N. H.;

Telegram of Oliver C. Dimond, of Concord, N. H.;

Telegram of Wantastiquet Grange, Patrons of Husbandry, of Hinsdale, N. H.;

Telegram of C. H. Dutton, of Hancock, N. H.;

Telegram of D. M. Hadley, of Dunbarton, N. H.;

Telegram of William C. Hill, Master, Friendship Grange, Patrons of Husbandry, Northfield, N. H.;

Telegram of Alfred W. Clough, of Portsmouth, N. H.;

Telegram of George A. Leavitt, Master of Local Grange No. 295, Patrons of Husbandry, of Laconia, N. H.;

Telegram of U. L. George, of Georges Mills, N. H.; and

Telegram of Charles A. Brown, Master of Suncook Valley Pomona Grange, Patrons of Husbandry, of Pembroke, N. H.

Mr. GALLINGER presented a memorial of Local Grange, Patrons of Husbandry, of Surry, N. H., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

Mr. McCUMBER presented a memorial of sundry citizens of North Dakota, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

Mr. CLARK of Wyoming. I present a joint memorial of the Legislature of the State of Wyoming, which I ask may be printed in the RECORD and referred to the Committee on Forest Reservations and the Protection of Game.

There being no objection, the joint memorial was referred to the Committee on Forest Reservations and the Protection of Game and ordered to be printed in the RECORD, as follows:

House joint memorial No. 1.

A joint resolution relating to the preservation of big game in the State of Wyoming, and memorializing the Congress of the United States to make an adequate appropriation to aid the State of Wyoming in providing winter food for and otherwise protecting the big game which range in the national park and in the Jackson Hole region of this State alternately.

Be it resolved by the house of representatives (the senate concurring):

Whereas the principal remnant of the big game of the United States, comprised of moose, elk, and deer, range alternately during the winters in the national park and game reserve and the Jacksons Hole section of the State of Wyoming, south of the national park; and

Whereas during the winters they suffer greatly and perish from famine in large numbers, which could be in a great measure prevented by adequate and systematic provision for feeding and protecting them during storms and blizzards; and

Whereas the State of Wyoming has been and is making appropriations of large sums of money and using every available means within its power to preserve said big game; and

Whereas the sufficient and thoroughly adequate protection of said big game is too expensive and burdensome to be borne alone by the State of Wyoming: Therefore be it

Resolved by the Legislature of the State of Wyoming, That the Government of the United States be, and is hereby, requested to cooperate with the State of Wyoming in feeding, protecting, and otherwise preserving the big game which winters in great numbers within the confines of the State of Wyoming; and the Congress of the United States is hereby memorialized and requested to make an adequate appropriation of money to be used in aiding and cooperating with the State of Wyoming in the laudable and desirable effort to feed, protect, and preserve from extinction the principal remnant of the big game of the United States, which range during the winters principally within the territory of the State of Wyoming; be it further

Resolved, That engrossed copies of this memorial and request be sent to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to the Secretary of the Interior, asking their aid in bringing the object of this memorial and request before Congress and in securing from same an adequate appropriation of public moneys for the noble, humane, and national purpose herein set forth; and be it further

Resolved, That engrossed copies of this memorial and request be sent to the Senators from Wyoming in the Congress of the United States, viz, Hons. CLARENCE D. CLARK and FRANCIS E. WARREN, and our Representative in said Congress, Hon. FRANK W. MONDELL, asking them to use their best efforts to secure favorable action upon the request embodied herein.

Approved February 17, 1911.

THE STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, *State of Wyoming, ss.*

I, Frank L. Houx, secretary of state of the State of Wyoming, do hereby certify that the annexed has been carefully compared with house joint memorial No. 1, and is a full, true, and correct copy of the same and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 21st day of February, A. D. 1911.

[SEAL.] FRANK L. HOUX, *Secretary of State,*
By C. P. MACGLASHAN, *Deputy.*

Mr. CLARK of Wyoming. I present resolutions adopted by the Carbon County Wool Growers' Association of Wyoming, which I ask may be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the resolutions were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Resolutions adopted by Carbon County Wool Growers' Association against the passage of the bill (H. R. 32216) to promote reciprocal trade relations with the Dominion of Canada.

Whereas a treaty has been negotiated by the Departments of State of these United States and of the Dominion of Canada for the purpose of promoting reciprocal trade relations between the two countries, and a bill has been introduced and passed in the House of Representatives of the United States confirming such treaty; and

Whereas by the terms of the proposed treaty the import duty on live stock, consisting of sheep, cattle, horses, and mules, imported into the United States from Canada will be entirely removed, and the import duty on agricultural products imported into the United States from Canada will also be removed, while the duty on manufactured products of the United States exported to Canada will not be removed by the Canadian Government; and

Whereas the duties upon meats, the dressed products of live stock, imported from Canada into the United States, will not be removed; and

Whereas there had heretofore been created by the Congress of the United States a tariff commission to investigate the various articles imported into the United States for the specific purpose of ascertaining the amount of duty that should be placed upon such importations by the Government of these United States in order to equitably protect the United States producers of such articles, and in accordance with the principles of protection for American industries; and

Whereas such tariff commission or board has not as yet reported to the Congress of the United States upon any of the articles referred to and covered by the proposed treaty, and to be admitted without duty into the United States by the terms of such treaty, so that the Congress of the United States and the people thereof are unable at this time to know whether or not such lowering or removal of duties will be detrimental to the producers in the United States; and

Whereas the removal of the duty from live stock to be imported into the United States and the retention of the duty upon meat products is detrimental to the farmers of the entire country and to the stock growers of Wyoming, while being favorable to the packing industries of the United States; and

Whereas the adoption of the bill ratifying and confirming said proposed treaty would mean the giving up of the Republican doctrine of protection and the adoption of the Democratic theory of free trade, and would prove to be the opening wedge for the adoption of such free-trade theory; and

Whereas the Republican doctrine of reciprocity has always called for the admission to this country of the products of other countries not competing with those produced here, and the admission, free of duty, by such foreign Government of our manufactured and other products of which we have a surplus, causing an equal and equitable exchange of products of the two countries, with a resulting promotion of the balance of trade in favor of this country: Now therefore be it

Resolved, That the members of the Carbon County Wool Growers' Association are absolutely opposed to the passage of the House bill ratifying and confirming the proposed reciprocity treaty between the United States of America and Dominion of Canada, upon the grounds that the same, if adopted, would be adverse to the interests of the American farmer and the western stock grower; would constitute a reversal of the Republican doctrine of protection in favor of the Democratic theory of free trade; would be an overthrow of the Republican doctrine of due investigation by the Tariff Board before revision of duties upon any article imported into the United States; would be the adoption of a principle that has heretofore been tried by this country through a reciprocity treaty with Canada in the year 1855, and found to be detrimental to the interests of the American producers; and be it further

Resolved, That we do hereby petition our Representatives in Congress, Hon. FRANCIS E. WARREN, Hon. C. D. CLARK, and Hon. FRANK W. MONDELL, to use every effort in their power to prevent the adoption and confirming of this reciprocity treaty in its present form.

[SEAL.] CARBON COUNTY WOOL GROWERS' ASSOCIATION,
By JOHN A. DONNEL, *President.*

Attest:

W. W. DALEY, *Secretary.*

Dated at Rawlins, Wyo., this 21st day of February, A. D. 1911.

Mr. BURNHAM presented sundry telegrams in the nature of memorials from S. H. Flanders, of East Andover; D. M. Hadley, of Dunbarton; Charles McDaniel, of Enfield; Edgar J. Ham, of Rochester; Frank M. Bailey, of Claremont; Oliver C. Dimond, of Concord; C. H. Dutton, of Hancock; Alfred W. Clough, of Portsmouth; U. L. George, of Georges Mills; C. W. Phillips, deputy Pomona (N. H.) State Grange, of East Candia; George A. Leavitt, master of Grange No. 295, of Laconia; Charles A. Brown, master Suncook Valley Pomona Grange, of Pembroke; William C. Hill, master Friendship Grange, No. 110, of Northfield; Wantastiquet Grange, of Hinsdale; and of Colebrook Grange, No. 223, of Colebrook, all in the State of New Hampshire, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. OLIVER presented a petition of the temperance committee of the General Assembly of the Presbyterian Church in the United States of America, praying for the enactment of legislation to regulate the traffic in intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. BORAH. I present a joint memorial of the Legislature of the State of Idaho, which I ask may be printed in the RECORD and referred to the Committee on Agriculture and Forestry.

There being no objection, the joint memorial was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

House joint memorial No. 6.

Be it resolved by the house of representatives of the State of Idaho (the senate concurring), That the Congress of the United States be memorialized as follows:

Whereas under the present rules formulated by the national forestry officials governing and controlling the use of the national forests with reference to removing therefrom dead timber, it is very inconvenient and hard for the settlers who desire to use this dead timber to obtain the same, because the procedure necessary to go through is very lengthy, undesirable, and costly to users thereof; and

Whereas said dry timber, by lying in the national forests, exposes the growing timber to the danger of fire and thereby is a menace to the national forest and should be removed: Now therefore be it

Resolved, That the Congress of the United States is hereby requested to abolish all rules of the Forest Service governing the removal of dead timber by the settlers, so as to make it as convenient as possible to remove the same from the national forest for use by the settlers, and thereby favor not only the settlers, but promote the welfare and protection of the national forest of the United States.

This memorial passed the house of representatives on the 6th day of February, 1911.

CHARLES D. STOREY,
Speaker of the House of Representatives.

This memorial passed the senate on the 15th day of February, 1911.

L. H. SWEETSER,
President of the Senate.

I hereby certify that the within house joint memorial No. 6 originated in the House of Representatives of the Legislature of the State of Idaho during the eleventh session.

JAMES H. WALLIS,
Chief Clerk of the House of Representatives.

STATE OF IDAHO,
DEPARTMENT OF STATE.

I, Wilfred L. Gifford, secretary of state of the State of Idaho, do hereby certify that the annexed is a full, true, and complete transcript of house joint memorial No. 6, by Hall and Pincock, relating to the abolishing all rules of the Forest Service governing the removal of dead timber by the settlers (passed the house Feb. 6, 1911; passed the

senate Feb. 15, 1911), which was filed in this office the 17th day of February, A. D. 1911, and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State.

Done at Boise City, the capital of Idaho, this 17th day of February, A. D. 1911, and of the Independence of the United States of America the one hundred and thirty-fifth.

[SEAL.] WILFRED L. GIFFORD, *Secretary of State.*

Mr. BURROWS presented memorials of Local Granges of Bloomingdale, Bowne Center, Bradley, Union, Mesherville, Harbor Beach, Eaton Rapids, Olivet, Reading, Jonesville, Manchester, Pittsford, Macon, Central Lake, Sand Lake, Grand Traverse, Decatur, St. Joseph, Bad Axe, Millington, Gilead, Berlin, Benzenia, Custer, Deckerville, Gaines, Washington, Morenci, Wayne, Berrien Center, Adrian, Ionia, Clio, Laingsburg, Union City, Marlette, Jonesville, Saginaw, Constantine, Reed City, Goodrich, Charlotte, Sherman, Andersonville, Hope, Shepherd, Plymouth, Bear Lake, Leroy, Peck, Big Rapids, Tustin, Allegan, Lansing, Elk Rapids, and Coopersville, all of the Patrons of Husbandry; of the Hadley and Elba Farmers' Club, the Ionia County Farmers' Institute Society, the Farmers' Club of Ortonville, the Long Lake Farmers' Club, the Shiawassee Farmers' Institute, the Farmers' Club of Livingston County, and of sundry citizens of Clinton County, French County, Cassopolis, Genesee County, Rush Township, and Washtenaw County, all in the State of Michigan, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. HEYBURN. I present two memorials of the Legislature of Idaho, No. 8 and No. 14, to take the usual course. I would suggest that where resolutions of State legislatures have been presented in duplicate, which I suspect may have been done, that they be printed only once in the RECORD.

The VICE PRESIDENT. That will follow. The memorials were presented yesterday by the Senator's colleague and printed in the RECORD and properly referred. The duplicates will also be referred to the Committee on Public Lands.

Mr. BRIGGS presented petitions of Washington Camp No. 97, of Bridgeton; Washington Camp No. 147, of Passaic, Patriotic Order Sons of America; of Local Union No. 1785, United Brotherhood of Carpenters and Joiners of America, of Fort Lee; and of sundry citizens of New Jersey, praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented the petition of Albert E. Holmes, of Newark, N. J., and the petition of Walter E. Terry, of Newark, N. J., praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented memorials of Cape May Grange, Hamilton Grange, Kingwood Grange, Hopewell Grange, Thoroughfare Grange, Vincentown Grange, Allentown Grange, Burlington Grange, Titusville Grange, Salem Grange, Patrons of Husbandry; and Henry Maguire, of Kearny; William Conover, of Manalapan; Robert Dilatushy, of Robbinsville; R. E. Haines, of Trenton; Theodore Brown, of Swedesboro; W. L. Carmen, of Yardville, and sundry citizens of Hamilton Square, all in the State of New Jersey, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a petition of Local Union No. 62, American Federation of Musicians, of Trenton, N. J., praying for the enactment of legislation prohibiting enlisted men from entering the field of competition with civilian musicians, which was referred to the Committee on Military Affairs.

He also presented a petition of Branch No. 7, Glass Bottle Blowers' Association, of Millville, Conn., praying for the adoption of an amendment to the present pure-food law relative to the manufacture of hand-blown bottles, which was referred to the Committee on Manufactures.

Mr. BULKELEY presented a memorial of Local Grange No. 107, Patrons of Husbandry, of Litchfield, Conn., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented petitions of Hollenbeck Grange, No. 125, of Canaan; of Chester Grange, No. 158, of Chester; of Mattabasett Grange, No. 42, of Middletown, and of Plainville Grange, of Plainville, Patrons of Husbandry, all in the State of Connecticut, praying for the passage of a full and complete parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

Mr. JONES. I present two telegrams, one for the reciprocity agreement and one against it, which I ask to have read.

There being no objection, the telegrams were read and referred to the Committee on Finance, as follows:

SEATTLE, WASH., *February 20, 1911.*

Hon. WESLEY L. JONES,
United States Senator, Washington, D. C.:

After thoroughly considering reciprocity measure pending in Senate trustees of Seattle Chamber of Commerce, in special meeting to-day, adopted by unanimous vote following: We join lumber, banking, and other interests of Northwest in protesting against passage of Canadian reciprocity bill for provisions affecting lumber, coal, fruit, wheat, and other raw materials. Passage of bill in present condition would be serious blow to development of this part of country. If measure is likely to pass against protests people of Pacific Northwest, we demand insertion of adequate provision for removal of duty on logs and for discriminating duties on transportation in foreign vessels to extent of at least meeting reduced cost of transportation by such vessels over American vessels. While lumber and coal can be transported between American ports only in American bottoms, tonnage of world is open to Canadian shippers.

SEATTLE CHAMBER OF COMMERCE.

SEATTLE, WASH., *February 22–23, 1911.*

To Hon. WESLEY L. JONES,
United States Senate, Washington, D. C.:

The undersigned earnestly urge you to support the reciprocity agreement and to oppose any amendment thereof that will endanger its adoption. We heartily approve of the wise and patriotic action of the President in negotiating this agreement, believing with him that only good to the peoples of both countries will follow its adoption. We maintain that the Pacific Northwest has not a single interest that will suffer from the agreement. From our investigation and observation we believe that the action of the Seattle Chamber of Commerce on this matter is not representative of the sentiments of the citizens of the city of Seattle or the State of Washington, nor do we believe that such action even represents the sentiments of a majority of the members of that body.

The Standard Appraisal Co., J. F. Cronin, president; Old Oregon Lumber Co., per H. Q. Muffley, president; Elder Lumber Co., by A. H. Frink, vice president; Ebey Logging Co., by C. H. Cobb, president; Snohomish Logging Co., by C. H. Cobb, president; International Timber Co., by N. C. Healy, manager; Pacific Coast Condensed Milk Co., per E. A. Stuart, president; Seattle Cedar Lumber Manufacturing Co., by W. H. McEwan, secretary; Hofius Steel & Equipment Co., by W. D. Hofius; Merrill & Ring Lumber Co., by R. D. Merrill; Howell-Brent Lumber Co., William M. Howell, secretary; W. N. Proctor, for Ideal Mill Co.; Milwaukee Shingle Co.; Beacon Mill Co.; Marysville & Arlington Ry. Co., by James H. Smith, assistant treasurer; W. I. Ewart; Bert Farrar; Pacific Tow Boat Co., by F. M. Dugan, president; Ballard Lumber Co., by Charles W. Stimson.

Mr. PILES presented memorials of Sunnyside Grange, No. 129, of Castlerock, and Chambers Prairie Grange, No. 141, of Olympia, Patrons of Husbandry; and of sundry citizens of Centralia, all in the State of Washington, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. SMITH of Michigan. I present a telegram and ask that it may be read for the information of the Senate.

There being no objection, the telegram was read and ordered to lie on the table, as follows:

LANSING, MICH., *February 13, 1911.*

Hon. WILLIAM ALDEN SMITH,
United States Senator, Washington, D. C.:

The popular and independent magazines and periodicals are the people's free and fearless instruments of discussion and information. In importance of their work they are only second to the public schools. You are respectfully requested to vote against the bill increasing second-class postage, which is aimed at these publications.

CHASE S. OSBORN, *Governor.*

Mr. SMITH of Michigan presented the following telegrams, which were referred to the Committee on Finance and read, as follows:

ST. LOUIS, MICH., *February 18, 1911.*

WILLIAM ALDEN SMITH,
United States Senate, Washington, D. C.:

Eighty thousand Lady Maccabees from various parts of the United States ask you to vote against Senate bill 31539 as unjustly discriminating against every fraternal publication.

FRANCES E. BURNS, *Great Commander.*

TRAVERSE CITY, MICH., *February 18, 1911.*

Senator WILLIAM ALDEN SMITH,
Senate Chamber, Washington, D. C.:

Whereas the magazines of our land are among the greatest forces for enlightenment of our people and for correction of evils and righting of wrongs—

Resolved by the Traverse City Board of Trade, That we urge our Members of Congress to work and vote for the defeat of any provision raising postal rates on periodicals and magazines as proposed in the Post Office appropriation bill now before Congress.

BOARD OF TRADE,
H. MONTAGUE, *Secretary.*

Mr. GRONNA. I present a telegram in the nature of a memorial transmitting resolutions adopted by the Legislative Assembly of the State of North Dakota, which I ask may be read and referred to the Committee on Finance.

There being no objection, the telegram was read and referred to the Committee on Finance, as follows:

BISMARCK, N. DAK., *February 23, 1911.*

Hon. A. J. GRONNA,
United States Senator, Washington, D. C.:

I have the honor to submit for your consideration the following concurrent resolution which the house and senate of the twelfth session of the Legislative Assembly of the State of North Dakota have passed, a concurrent resolution, introduced by a committee of three members of the house of representatives and two members of the senate of the Twelfth Legislative Assembly of the State of North Dakota:

"Whereas the reciprocity agreement now pending before the National Congress is of the most vital importance to the welfare of the people of the State of North Dakota; and

"Whereas the Hon. James J. Hill, president of the board of directors of the Great Northern Railway Co., made a certain speech in the city of Chicago on the 15th day of February, 1911, in which the speaker is quoted in the press as saying: 'The farmers of the Northwest are two to one in favor of said reciprocity agreement;' and

"Whereas the said speech has been widely circulated throughout the United States; and

"Whereas said speech does not express the sentiment of the farmers of the Northwest; and

"Whereas if Mr. Hill made said statement, as alleged, it is not in accordance with the facts and sentiment of North Dakota farmers and other interests in said State; and

"Whereas the Twelfth Legislative Assembly of the State of North Dakota is fully convinced that if said reciprocity agreement is entered into and becomes a law or a treaty between the United States and Canada, that it will be a great detriment to the agricultural interests as well as other interests of the State of North Dakota, and will have a disastrous effect upon the farm products and farm values of the State of North Dakota; Now therefore be it

"*Resolved by the senate of the State of North Dakota (and the house of representatives concurring),* That the Senators and Members of the House of Representatives representing the State of North Dakota in the National Congress be, and they are hereby, requested by the Twelfth Legislative Assembly of the State of North Dakota to use all honorable means within their power to prevent the passage of said reciprocity treaty and its enactment into law;

"*Resolved further,* That copies of this resolution, duly signed by representative officers of both houses in the Twelfth Legislative Assembly of the State of North Dakota, be sent to the President of the United States and to each of said Senators and Representatives in the National Congress, that they may have the sentiment of the North Dakota people, properly expressed by the legislative body of this State, before them for their consideration; it is

"*Further resolved,* That the secretary of state is hereby authorized to transmit the foregoing resolution by telegram to William H. Taft, President of the United States, and to the Senators and Representatives in Congress from the State of North Dakota."

Respectfully, yours,

P. D. NORTON, *Secretary of State.*

Mr. LODGE. I present resolutions adopted by the General Court of the Commonwealth of Massachusetts, which I ask may be read and referred to the Committee on Finance.

There being no objection, the resolutions were read and referred to the Committee on Finance, as follows:

Resolved, That the General Court of the Commonwealth of Massachusetts, believing that a reciprocal interchange of commodities between the United States and Canada, based on equitable and fair terms, would prove beneficial to the ultimate consumer and to the various manufacturing, farming, commercial, and other interests of each of the two countries, hereby cordially approves any efforts made to bring about such results.

Resolved, That certified copies of these resolutions be sent by the secretary of the Commonwealth to the President of the United States, to the presiding officers of both Houses of Congress, and to each of the Senators and Representatives in Congress from Massachusetts.

In house of representatives, adopted February 15, 1911.
In senate, adopted in concurrence February 16, 1911.
A true copy.
Attest:

WM. M. OLIN,
Secretary of the Commonwealth.

Mr. SCOTT. Mr. President, I send the following telegram to the desk and ask Mr. Rose to read it in his very best voice, and I should like all Senators to hear it.

The VICE PRESIDENT. If there be no objection, the Assistant Secretary will read the telegram in his very best voice.

The telegram was read and referred to the Committee on Pensions, as follows:

TOPEKA, KANS., *February 23, 1911.*

Hon. NATHAN B. SCOTT,
United States Senate, Washington, D. C.:

Ecclesiasticus, chapter 26-28: "There be two things that grieve my heart. A man of war that suffereth poverty." First Esdras, 4-26: "And he commanded to give to all that kept the city pensions and wages."

M. P. MILLER.

Mr. CULLOM presented a memorial of sundry citizens of Aurora, Ill., remonstrating against the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Union No. 742, United Brotherhood of Carpenters and Joiners of America, of Decatur, Ill., and a petition of Twin City Local Union, American Federation of Labor, of Champaign, Ill., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of Benton Post, No. 341, Department of Illinois, Grand Army of the Republic, of Benton, Ill., praying for the passage of the so-called old-age pension bill, which was ordered to lie on the table.

Mr. SMITH of South Carolina presented the memorials of William F. Claussen, of Florence; of C. M. Davis & Son, J. H. Rigby, A. Levi, and W. T. Lesesne, of Manning, all in the State of South Carolina, remonstrating against the passage of the so-called Scott antioption bill, relative to dealing in cotton futures, etc., which were ordered to lie on the table.

He also presented the petition of J. H. Claffy, president of the Orangeburg County Farmers' Union, of Orangeburg, S. C., praying for the passage of the so-called Scott antioption bill, relative to dealing in cotton futures, etc., which was ordered to lie on the table.

Mr. WETMORE presented petitions of Washington Camp No. 1, Patriotic Order Sons of America, and of Eagle Council, No. 8, Junior Order United American Mechanics, of Providence, R. I., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. WATSON presented the memorial of H. F. Burnside and sundry other citizens of Point Pleasant, W. Va., remonstrating against any increase being made in the rate of postage on periodicals and magazines, which was ordered to lie on the table.

Mr. DICK presented a petition of sundry citizens of West Salem, Ohio, praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of sundry veterans of New Concord, Ohio, praying for the passage of the so-called old-age pension bill, which was ordered to lie on the table.

Mr. SHIVELY presented a memorial of sundry citizens of River Park, Ind., remonstrating against the alleged persecution and imprisonment of Fred D. Warren, managing editor of the Appeal to Reason, a paper published at Girard, Kans., which was ordered to lie on the table.

He also presented memorials of Rev. T. J. Bassett, of West Lafayette, the Adscripts Club, of Indianapolis, and of the Agricultural Epitomist, of Spencer, Ind.; of the Christian Herald, of New York City, N. Y.; and of L. C. Reuiley, C. E. Clippinger, Edward Ray, and F. F. Lewis, members of the Fletcher Place Preachers' Association, of Indianapolis, Ind., remonstrating against any increase being made in the rate of postage on periodicals and magazines, which were ordered to lie on the table.

He also presented a telegram in the nature of a petition signed by M. Schwartz, president, and E. D. Robinson, secretary, of the Retail Merchants' Association, of Attica, Ind., praying that an increase be made in the rates of postage on periodicals and magazines, which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of South Bend, Ind., and a petition of the Chamber of Commerce of Cleveland, Ohio, praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. BURKETT presented a petition of the Association of Postmasters of Nebraska, praying for the enactment of legislation proposing to place all postmasters under the civil service, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Association of Postmasters of Nebraska, praying that an increase be made in the rate of postage on periodicals and magazines, which was ordered to lie on the table.

Mr. GUGGENHEIM presented a petition of stockholders of the United Wireless Telegraph Co., residents of Pueblo, Colo., praying for the enactment of legislation providing for an investigation of the present status of the wireless telegraph system in the United States, which was referred to the Committee on Commerce.

Mr. DEPEW presented petitions of the Republican Club of New York City, of the Stationers' Association of New York, the Buffalo Credit Men's Association, the American Manufacturers' Export Association, the Hardwood Lumber Exchange of Buffalo, the North Tonawanda Board of Trade, and sundry citizens of Buffalo, New Rochelle, and New York City, all in the State of New York, praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented petitions of Iron Molders' Union No. 30, of Syracuse; Manlius Council, No. 56, Junior Order United American Mechanics, of Manlius; and Local Union No. 12103, Spring Bed Makers' Protective Union, of Brooklyn, all in the State of New York, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented memorials of Ramapo Grange, No. 1013, Patrons of Husbandry, of Tallmans; of Denmark Grange, No. 535; Camden Grange, No. 354; Stockholm Depot Grange, No. 538; Gouverneur Grange, No. 303; Westville Grange, No. 1047; Orange County Pomona Grange; Ischua Grange, No. 953; Morrisville Grange, No. 1149; Pierstown Grange, No. 793; Lombard Grange, No. 714; Rose Valley Grange; Henrietta Grange, No. 817; Searsville Grange, No. 1006; Granger Grange, No. 1116; Machias Grange, No. 994; North Hector Grange, No. 318; Kingsbury Grange, No. 1085; and sundry citizens of Buffalo, Berlin, and Batavia, all in the State of New York, remonstrating against the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a petition of Local Union No. 113, Brotherhood of Painters, Decorators, and Paperhangers, of Auburn, N. Y., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented memorials of Photo-Engravers' Union No. 1, of New York City, and of sundry citizens of Woodhaven, Brooklyn, and New York City; of the Central Trades and Labor Assembly of Syracuse; the Woman's Christian Temperance Union of Schenectady; of Typographical Union No. 4, of Albany; of the New York State Legislative Board, Brotherhood of Locomotive Engineers; and of Gerhard Lang Council, No. 208, Catholic Benevolent Legion, of Buffalo, all in the State of New York, remonstrating against any increase being made in the rate of postage on periodicals and magazines, which were ordered to lie on the table.

He also presented memorials of the Treaty Stone Club and the Innisfail Club, of Brooklyn, N. Y., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented petitions of the South Bronx Property Owners' Association and the Heights Taxpayers' Association, of the Borough of the Bronx, New York City, N. Y., praying for the extension of the pneumatic mail-tube service to all stations in the Borough of the Bronx, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of Local Union No. 74, Syracuse Musicians' Protective Association, and of Local Union No. 528, Musicians' Protective Union, of Cortland, in the State of New York, praying for the enactment of legislation to prohibit competition between enlisted and civilian musicians, which were referred to the Committee on Military Affairs.

He also presented a memorial of the Central Trades and Labor Assembly of Syracuse, N. Y., remonstrating against any change being made in the present laws relative to the printing of United States securities and bonds, etc., which were ordered to lie on the table.

He also presented a petition of U. S. Grant Post, No. 327, Department of New York, Grand Army of the Republic, of Brooklyn, N. Y., praying for the enactment of legislation mustering Frederick Dent Grant into the service of the Army of the United States as of date April 29, 1863, and mustering him out as of date July 4, 1863, with the rank of captain, in order that he may join the Grand Army of the Republic, which was referred to the Committee on Military Affairs.

Mr. PAGE presented memorials of Randolph Grange, of Randolph; Barnard Grange, of East Barnard, and of Lakeside Grange, of St. Albans Bay, all of the Patrons of Husbandry, in the State of Vermont, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were referred to the Committee on Finance.

He also presented a petition of sundry citizens of South Londonderry and Windham, in the State of Vermont, praying for the enactment of legislation providing for the proper observance of Sunday as a day of rest in the District of Columbia, which was ordered to lie on the table.

BUSINESS OF THE SESSION.

Mr. HALE. I rise, Mr. President, to a question of the consideration of the order of the business of the Senate.

The committees have been at work upon necessary measures up to this morning, and in some cases will be so occupied tomorrow, and I think it is proper to bring before the minds of Senators the condition that will meet us next week.

The pension appropriation bill has not been considered by the Senate, the Post Office appropriation bill has not been considered by the Senate, nor have the agricultural, the naval, the Military Academy, the diplomatic and consular, the fortifications, the great sundry civil, and the general deficiency appropriation bills. The time in which all of these bills can be considered by the Senate and passed—and some of them involve not only important matters, but important controversies—will be but the six days of the coming week. I say six days, but that includes Saturday up until 12 o'clock on the 4th of March. There are besides other important and pressing matters for consideration.

I think Senators should be setting their houses in order for what we shall be compelled to submit ourselves to next week—prolonged sessions of this body to a very late period in the evening, or with a daily recess at 6 o'clock until 8 o'clock, and night sessions. I take this occasion to say these things, so that Senators in making their arrangements about other duties and other employments may not be surprised if, after and including Monday, we shall be obliged to have these continued or night sessions and to meet probably at 11 o'clock. It will be very burdensome, very onerous, and very exhausting work; it will call upon the physical energies of every Member of the body and involve the necessity of pretty nearly constant attendance in order that a quorum may be here to do business.

I have thought it proper to state these things now in order that Senators may be prepared for what will be, as a matter of sheer necessity, imposed upon them during the flying days and nights of next week.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GALLINGER. Mr. President, I present a privileged matter—the conference report on the District of Columbia appropriation bill. I understand that it is privileged to present this report, but that the report has no privilege so far as its consideration is concerned; and yet, in view of what the Senator from Maine has just said in the presence of the Senate as to the public business, in which we all concur, I ask unanimous consent for the present consideration of the report.

The VICE-PRESIDENT. Without objection, the Senate will proceed to the consideration of the conference report submitted by the Senator from New Hampshire. The report will be read.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 31856) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1912, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 11, 20, 30, 31, 37, 38, 39, 46, 50, 59, 65, 69, 75, 78, 79, 80, 83, 84, 85, 86, 101, 104, 107, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 123, 129, 134, 137, 140, 142, 143, 147, 150, 152, 159, 164, 165, 171, 172, 175, 176, 181, 187, 188, 190, 191, 196, 199, 200, 202, 203, 204, 205, 209, 213, 220, 222, 230, 231, 232, 235, 238, 239, and 240.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 7, 8, 9, 10, 12, 13, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 35, 36, 40, 41, 42, 43, 44, 45, 47, 51, 52, 53, 54, 55, 56, 57, 60, 61, 62, 63, 64, 66, 67, 68, 70, 71, 72, 73, 74, 76, 77, 82, 87, 88, 91, 92, 96, 97, 98, 99, 100, 103, 108, 119, 120, 122, 124, 125, 126, 127, 128, 130, 131, 135, 138, 139, 141, 144, 146, 153, 154, 158, 162, 166, 167, 168, 169, 170, 173, 174, 177, 180, 182, 183, 184, 189, 193, 194, 197, 206, 210, 212, 214, 215, 216, 217, 221, 223, 224, 225, 226, 227, 228, 229, 233, 234, 241, 242, 243, 244, 245, 246, 247, 248, and 249, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,600"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$117,086"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "The provisions of the act approved March 15, 1898, as amended by the act approved July 7, 1898, regulating leave of absence to employees of the Federal Government, are hereby made applicable to the regular annual employees of the Government of the District of Columbia, except the police and fire departments, and public-school officers, teachers, and employees"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$179,810"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following: "two cataloguers, at $540 each"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$40,940"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 58, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

"For the purchase of apparatus for office of the inspector of asphalts and cements, $500: *Provided*, That the Commissioners of the District of Columbia are hereby authorized, in their discretion, to use such portion of public space lying south of Water Street and east of Fourteenth Street SW. as may, in their judgment, be necessary for the site of a municipal asphalt plant and the storage yards and other necessary accessories therefor, and all leases heretofore made by the Commissioners of the District of Columbia, covering all or any part of the aforementioned site, are hereby terminated and canceled from and after such date as the said commissioners may determine by due notice in writing served on the respective lessees. And they are further authorized in their discretion to establish, construct, or purchase, maintain, and operate, on the site above described, a municipal asphalt plant with the necessary accessory structures, machinery, materials, personal services, horses, harness, and wagons, or other means of transportation; all or any part of the above work to be executed by day labor or contract, as in the judgment of the commissioners may be deemed most advantageous to the District, and the cost of the same and of any necessary incidental or contingent expenses in connection with any of the acts hereinbefore authorized shall be paid for and equitably charged, as said commissioners may determine, to the appropriations for repairs to streets, avenues, and alleys, and for paving, made under this act: *Provided further*, That the personal services herein authorized shall not be included within the limitation of section 2 of this act: *Provided further*, That the total of expenditure for the construction of the plant proper shall not exceed $50,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$123,650"; and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 89 and 90, and agree to the same with amendments as follows: Transpose said amendments and insert the same on page 33 of the bill, after line 26, amended as follows: In line 8 of amendment numbered 89 strike out the word "seventy-five" and insert in lieu thereof the words "one hundred"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$65,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$130,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with amendments as follows: In lieu of the sum proposed insert "$260,000", and on page 35 of the bill, in line 24, after the word "specifications", insert the following:

"*Provided further*, That whenever it shall appear to said commissioners that the work now performed under contract, namely, street sweeping and cleaning alleys and unimproved streets, can, in their judgment, be performed under their immediate direction more advantageously to the District, then, in that event, said commissoners are hereby authorized to perform any part or all of said work in such manner, and to employ all necessary personal services, and purchase and maintain such street-cleaning apparatus, horses, harness, carts, wagons, tools, and equipment as may be necessary for the purpose, and of this appropriation the sum of $40,000 is hereby made immediately available."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Interior Park: For the condemnation of land in the interior of square 534, within the limiting lines shown on approved plans in the office of the Engineer Commissioner of the District of Columbia, and for the development of the land so acquired as an interior park: *Provided*, That the said land shall be condemned by a proceeding in rem in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia within six months after the date of the passage of this act: *And provided further*, That of the amount found to be due and awarded by the jury in said condemnation proceedings as damages for and in respect of the land to be condemned, plus the cost and expense of said proceeding, not less than one-third thereof shall be assessed by the jury as benefits, $78,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$46,495"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$13,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$23,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: In lieu of the number proposed insert "forty-six"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 133, and agree to the same with an amendment as follows: In lieu of the number proposed insert "sixty"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 136, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$940,009.50"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$536,170"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$31,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$128,800"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "The Commissioners of the District of Columbia are hereby directed to make an investigation as to the necessity of installing a high-pressure fire service system in the business section of the city of Washington, and to report the results of such investigation to Congress at its next regular session"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 155, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "*Provided*, That hereafter any inspector of dairies and dairy farms may act as inspector of live stock when directed by the health officer"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment as follows: On page 68 of the bill, in line 6, strike out the word "ten" and insert in lieu thereof the word "fifteen"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For the construction of a pound and stable, to be immediately available, $10,000: *Provided*, That the Commissioners of the District of Columbia are authorized to build said pound and stable on public space owned or controlled by said District adjacent to James Creek Canal"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 160, and agree to the same with

an amendment as follows: In lieu of the sum proposed insert "$11,740"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Deputy financial clerk, $1,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$28,380"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 178, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,600"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 179, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert the following: "$900"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$840"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 186, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$27,015"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 192, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$34,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 195, and agree to the same with an amendment, as follows: On page 84 of the bill, in line 16, strike out the words "four hundred and eighty" and insert in lieu thereof the words "six hundred"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 198, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,220"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 201, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$48,220"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 207, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "stableman, $300"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 208, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,480"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 211, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$13,930"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 218, and agree to the same with an amendment as follows: In line 22 of said amendment, after the word "workhouse," insert the following: "or in the Washington Asylum and Jail"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 219, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$48,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 236, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$80"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 237, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$80"; and the Senate agree to the same.

J. H. GALLINGER,
CHARLES CURTIS,
B. R. TILLMAN,
Managers on the part of the Senate.

WASHINGTON GARDNER,
E. L. TAYLOR, JR.,
A. S. BURLESON,
Managers on the part of the House.

The report was agreed to.

REPORTS OF COMMITTEES.

Mr. DICK, from the Committee on Military Affairs, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (H. R. 21163) for the relief of Frank Chroneberry (Rept. No. 1235); and

A bill (H. R. 22550) for the relief of Isaac Thompson (Rept. No. 1236).

He also, from the same committee, to which was referred the bill (H. R. 20136) for the relief of Elmer P. Kerr, reported it without amendment and submitted a report (No. 1237) thereon.

He also, from the same committee, to which was referred the bill (H. R. 8730) for the relief of William Mullally, reported it without amendment and submitted a report (No. 1238) thereon.

Mr. DICK. I am directed by the Committee on Military Affairs, to which was referred the bill (S. 3245) to remove the charge of desertion from the military record of Thomas H. Thorp, to ask that the bill be indefinitely postponed, as the subject matter is covered in the bill just reported by me.

The VICE PRESIDENT. The bill will be postponed indefinitely.

Mr. BURNHAM, from the Committee on Claims, to which was referred the bill (S. 5037) for the relief of G. A. Embry, reported it without amendment and submitted a report (No. 1239) thereon.

Mr. DU PONT, from the Committee on Pensions, to which was referred the bill (S. 9201) granting an increase of pension to Annie G. Hawkins, reported it with amendments and submitted a report (No. 1240) thereon.

Mr. LODGE. From the Committee on Foreign Relations I report an amendment relative to the Chinese Boxer indemnity moneys, intended to be proposed to the sundry civil appropriation bill, which I ask may be printed and referred to the Committee on Appropriations. I submit with the amendment a memorandum, which need not be printed but which I ask may be referred to the committee.

The VICE PRESIDENT. The amendment will be printed and, with the memorandum, referred to the Committee on Appropriations.

Mr. WARREN, from the Committee on Military Affairs, to which was referred the amendment submitted by himself on the 17th instant, relative to the payment of approved claims for damages to and loss of private property belonging to citizens of the United States, Hawaii, and the Philippine Islands, etc., intended to be proposed to the general deficiency appropriation bill, reported it with amendments and moved that it be printed and, with the accompanying papers, referred to the Committee on Appropriations, which was agreed to.

Mr. FRYE, from the Committee on Commerce, reported an amendment relative to the burial of officers and men of the Revenue-Cutter Service dying in the service of the United States after having been honorably discharged from the service, etc., intended to be proposed to the sundry civil appropriation bill, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

SUBPORT OF ENTRY AT BIRMINGHAM, ALA.

Mr. FRYE. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 29708) to constitute Birmingham, in the State of Alabama, a subport of entry. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that Birmingham, Ala., shall be constituted a subport of entry in the customs collection district of Mobile, and extends to it the privileges of section 7 of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE, MINNESOTA.

Mr. NELSON. From the Committee on Commerce I report back favorably, without amendment, the bill (H. R. 32341) to authorize the St. Paul Railway Promotion Co., a corporation, to construct a bridge across the Mississippi River near Ninninger, Minn. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RED RIVER BRIDGE, LOUISIANA.

Mr. MARTIN. From the Committee on Commerce I report back favorably with an amendment the bill (S. 10849) to authorize the city of Shreveport to construct a bridge across Red River, and I submit a report (No. 1234) thereon.

Mr. FOSTER. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection to the request of the Senator from Louisiana?

Mr. BROWN. Mr. President, I do not desire to object to this bill, but I give notice that I will object to the consideration of any other bill during the morning hour.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment reported by the Committee on Commerce was, in section 1, line 6, after the words "Red River," to insert the words "at a point suitable to the interests of navigation," so as to make the bill read:

Be it enacted, etc., That the city of Shreveport, a corporation organized under the laws of the State of Louisiana, be, and is hereby, authorized to construct, maintain, and operate a traffic bridge and approaches thereto across the Red River, at a point suitable to the interests of navigation, at Shreveport, in the State of Louisiana, in accordance with the provisions of the act entitled "An act to regulate the construction of a bridge over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

G. A. EMBREY.

Mr. BURNHAM. From the Committee on Claims I report back favorably the bill (S. 5037) for the relief of G. A. Embrey, and I submit a report (No. 1239) thereon. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection to the request of the Senator from New Hampshire?

Mr. BROWN. I insist upon the regular order.

The VICE PRESIDENT. The regular order is demanded. The bill will be placed on the calendar.

COMPILATION OF TREATIES.

Mr. SMOOT. On the 17th instant the Senator from Washington [Mr. JONES] presented to the Senate a compilation of the reciprocity treaties between the United States and foreign countries, and it was referred to the Committee on Printing for action. I report back the compilation and move that it be printed as a public document (S. Doc. No. 831).

The motion was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 10884) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891; to the Committee on Indian Affairs.

By Mr. GALLINGER:

A bill (S. 10885) to provide for the payment of the debt of the District of Columbia, and to provide for permanent improvements, and for other purposes; to the Committee on the District of Columbia.

By Mr. WETMORE:

A bill (S. 10886) granting an increase of pension to Lillis E. Wood (with accompanying papers); to the Committee on Pensions.

By Mr. FOSTER:

A bill (S. 10887) for the relief of the heirs of Frazine (or Josephine) Delharte; and

A bill (S. 10888) for the relief of the heirs of Thomas Johnston, deceased (with accompanying paper); to the Committee on Claims.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. FLINT submitted an amendment proposing to appropriate $5,000 to purchase for military and camp site purposes the Rancho del Encinal, in San Luis Obispo County, Cal., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. FLETCHER submitted an amendment proposing to appropriate $1,222,000 for certain improvements at the navy yard, Pensacola, Fla., etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. PENROSE submitted an amendment proposing to appropriate $3,000 for the salary of the foreman of printing, Government Printing Office, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $5,000 for the establishment of range lights at Eagle Point, Delaware River, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to extend the limit of cost of the immigration station at Philadelphia, Pa., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BULKELEY submitted an amendment proposing to appropriate $25,000 to pay the claims of the 14 members of Companies B, C, and D, Twenty-fifth United States Infantry, etc., intended to be proposed by him to the general deficiency appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. TILLMAN submitted an amendment proposing to pay all compositors employed in the Government Printing Office 55 cents per hour for time actually employed, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SMOOT submitted an amendment proposing to appropriate $1,000 to pay the reasonable expenses of the hospital and surgical treatment of Alice V. Houghton, incurred by reason of the injury suffered by her at the Bureau of the Census on January 31, 1911, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. MARTIN submitted an amendment proposing to appropriate $75,000 for the erection of a suitable memorial and mortuary chapel adjacent to the Arlington National Cemetery, within the limits of Fort Myer Military Reservation, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $80,000 for the purchase of land and widening of the channel at the Norfolk Navy Yard, Va., etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. PILES submitted an amendment proposing to appropriate $5,000 for the maintenance of a wagon road in Mount Rainier National Park, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $100,000 for establishing a light and fog-signal station on Cape St. Elias, Alaska, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $25,000 for continuing the construction of the United States Penitentiary at McNeil Island, Wash., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to increase the appropriation for the protection and improvement of the Mount Rainier National Park from $3,000 to $8,400, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SMITH of Michigan submitted an amendment relative to the transmission through the mails of publications of fraternal societies, etc., intended to be proposed by him to the post-office appropriation bill, which was ordered to lie on the table and be printed.

Mr. LODGE submitted an amendment proposing to appropriate $2,000 for the relief of the widow, child, or children of Charles F. Atwood, of Boston, Mass., and also $840 to be paid Ziba H. Nickerson, of Lynn, Mass., in full compensation for their death in the performance of their regular duties, as employees of the Treasury Department, on July 16, 1908, intended to be proposed by him to the general deficiency appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Appropriations.

He also submitted an amendment proposing to appropriate $1,400 for chief of shipping department, Government Printing

Office, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. OWEN submitted an amendment proposing to appropriate $6,000 for the salary of the Surgeon General of the Public Health and Marine-Hospital Service, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $4,586.50 to pay the claims of the Eastern Cherokee Councilors, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SMITH of Maryland submitted an amendment proposing to appropriate $125,000 for the establishment of range lights at Fort McHenry, Md., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

RECIPROCITY WITH CANADA.

On motion of Mr. NELSON, it was

Ordered, That 25,000 copies of the bill (H. R. 32216) to promote reciprocal trade relations with the Dominion of Canada, and for other purposes, be printed for the use of the Senate.

THE PANAMA CANAL.

Mr. FLINT submitted the following resolution (S. Res. 367), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Interoceanic Canals, or any subcommittee thereof, be authorized to visit the Panama Canal and investigate the work and progress thereof during the recess of the Senate, and to employ such clerical assistance as may be deemed necessary, and that the expense of such investigation shall be paid from the contingent fund of the Senate, upon vouchers to be approved by the chairman of the committee or subcommittee.

USE OF HAND-ROLLER PRESSES.

Mr. SMOOT. I present a number of newspaper clippings taken from the New York Sun, the Independent, and the Boston Transcript relative to the cost of running hand-roller presses in the Bureau of Engraving and Printing. I ask that the clippings lie on the table and be printed in the RECORD.

The VICE PRESIDENT. The Senator from Utah asks that certain newspaper clippings be printed in the RECORD. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

[From the New York Sun, Wednesday, Nov. 23, 1910.]

UNION COSTS UNITED STATES $778,000 A YEAR—PLATE PRINTERS KEEP POWER PRESSES OUT OF THE ENGRAVING BUREAU—HAND PRESSES STILL USED, ALTHOUGH MEN AT POWER PRESSES EARN $9 A DAY AND OTHERS MAKE ONLY $6.

WASHINGTON, *November 22.*

Unionism exacts an annual tribute of $778,000 from one bureau alone of the United States Government. Each year this large sum is contributed from the Federal Treasury to the union plate printers employed in the Bureau of Engraving and Printing.

This $778,000 represents the amount that would be saved annually by the Federal Government if power presses were introduced into the bureau in place of the old hand-roller presses now used in turning out bonds, notes, and checks. An act of Congress passed in 1898 at the instance of union labor has prevented the introduction of this economy.

Not only has this act cost the Federal Government many hundreds of thousands of dollars each year in excess wages, but it has necessitated the throwing of power presses, for which the Government itself had paid more than $15,000, into the junk heap. The immediate introduction of power machinery to do the work now performed on hand presses would reduce the force of printers in the bureau by 450 and the printers' assistants by 350.

The Plate Printers' Union for 20 years has successfully blocked efforts to have the Government notes, bonds, and checks printed by the steam or power process. For 10 years prior to 1908 this union had sufficient power in Congress to prevent the printing of internal-revenue stamps by power presses, and the introduction of this reform in the interest of economy was finally accomplished only through resort to a joker in the sundry civil bill passed in 1907. The bill had been signed by the President before the union realized that one of its provisions authorized the printing of internal-revenue stamps by power presses.

The union is supposed to be more strongly intrenched in Congress now than it ever has been. It maintains a legislative agent and an assessment of $3 a month is levied on members for the raising of a fund to protect their interests. The union is credited now with having a fund of this character amounting to about $40,000. The plate printers in the Bureau of Engraving and Printing constitute a local branch of a national organization which belongs to the American Federation of Labor, and they have had the support of the federation in their fight against the introduction of modern machinery into the bureau.

The local plate printers have been adroit in the methods they have adopted to intrench themselves in Congress. They have sent speakers out to aid Members of the House of Representatives in Congress, and on several occasions have presented to influential Members of both the House and the Senate beautifully engrossed resolutions certifying that said Member or Senator was a friend of union labor.

Such resolutions have been presented to Speaker CANNON, Representative JAMES A. TAWNEY, chairman of the House Appropriations Committee, and Representative WALTER I. SMITH, of the same committee. James A. Hemenway, of Indiana, when he was in the United States Senate received a similar set of resolutions and used them in his campaign to be returned to the Senate. It is understood that Members of Congress availed themselves of such resolutions to promote their candidacy in the recent elections.

The legislative record alone tells the story of how union labor has for years fought against the introduction of economic reforms in the Bureau of Engraving and Printing. In view of the present administration's desire for economy and the talk of Congress itself along this line, the record is exceedingly interesting. As regards Congress it is illuminating.

As far back as 1886 Congress authorized the installation of new and improved plate-printing presses in the Bureau of Engraving and Printing. The sundry civil act of that year contains the following clause:

"*Provided*, That any part of this sum may be used for purchasing and operating new and improved plate-printing presses."

The same provision was incorporated in the sundry civil bill passed in 1887.

With the appearance of this legislation on the statute books, organized labor began an active campaign which resulted in the incorporation of this clause in the sundry civil act of 1888:

"*Provided*, That there shall not be an increase of the number of steam plate-printing machines in the Bureau of Engraving and Printing."

This was the first check the unions obtained against the use of steam presses in the bureau. They were, however, by no means satisfied and continued an active campaign for the repeal of the laws permitting the introduction of the power presses. Another year's effort brought about a further yielding on the part of Congress, and in the sundry civil act of 1889, after appropriating $466,000 for the payment of royalty on the steam plate-printing machines already installed in the bureau, there appeared this clause:

"*Provided*, That no portion of this sum shall be expended for printing United States notes of larger denomination than those that may be canceled or retired: *Provided further*, That no part of this appropriation shall be used for the repair or reconstruction of steam-plate printing presses: *Provided further*, That there shall not be an increase of steam-plate printing machines in the Engraving and Printing Bureau."

The director of the bureau, under the authority conferred upon him by the acts of 1886 and 1887, had installed 25 power presses in the bureau. The above provision in the sundry civil act of 1889 practically restricted the use of the machines to the printing of internal-revenue stamps.

In 1898 there was a revival of the talk about turning out the Government notes and bonds by power-press methods. The plate printers again brought their influence to bear upon Congress, with the result that the sundry civil act of 1898 contained this clause:

"*Provided further*, That hereafter all bonds, notes, and checks shall be printed from hand-roller presses."

This provision effectively blocked and continues to block any effort to economize in the turning out of this class of Government printing. Seven power presses which had been bought by the Director for use in printing notes, bonds, and checks, at a cost of about $15,000, were sold as junk for about $350.

Not content with the above prohibition, the plate printers directed their attack on the statutory authorization which allowed the director of the bureau to print internal-revenue stamps by the power method. The director had been turning out stamps from the power presses from 1889 until the following provision in the sundry civil act, approved March 3, 1899, legislated the presses out of the bureau:

"*Provided further*, That the faces of all tobacco stamps for use on packages of 2 pounds and upward, and all beer, whisky, cigars, snuff, oleomargarine, and special liquor tax stamps shall hereafter be printed from engraved plates upon hand-roller plate-printing presses."

With the incorporation of this provision in the sundry civil act of 1899 the union victory for the retention of the hand-press method was complete.

Revenue stamps, as well as notes, bonds, and checks, were by statute now to be printed exclusively by the hand method. That condition of affairs continued unbroken until 1907, when a joker was slipped into the sundry civil bill. This joker was placed in the bill by the House Committee on Appropriations, and did not become known to the union printers or to anyone outside of a few members of the committee until after the bill had received the President's signature. The joker was entirely blind as to its purpose and read as follows:

"And the second provision under this head in the sundry civil appropriation act approved March 3, 1899, is hereby repealed."

The proviso repealed was the one which declared that the faces of all internal-revenue stamps should be printed on the hand-roller presses. The bill containing this joker was signed by President Roosevelt on March 4, 1907.

The repeal of this provision permitted the introduction of power presses for the printing of internal-revenue stamps and a contract was immediately made by the director of the bureau for 20 of these presses. The bureau is now operating 25 of the presses in turning out internal-revenue stamps, all of this work being done by that method.

This has, of course, resulted in a big saving to the Government, and at the same time has worked no hardship on the plate printers, who for so many years combated the reform. The plate printer at the power press makes more money than did the plate printer who turned out internal-revenue stamps under the old method. The increased demand for the stamps and the gradual introduction of the machines have taken care of the men without having thrown any out of employment.

Of course there are not as many men employed now in turning out internal-revenue stamps from the electric machines as would have been employed if the old hand-press method had been retained, but all those who were on the pay roll of the bureau when the change was made have been cared for. It is the fact that the introduction of the machines has reduced the possibilities for the employment for plate printers that the union objects to.

It is likely that in the coming session of Congress an effort will be made to extend the steam-press method in the printing of notes, checks, and bonds, and thus end the unnecessary drain of $700,000 a year on the Federal Treasury.

The point that the plate printers have raised against the introduction of the power presses for printing United States notes, checks, and bonds is that this method will turn out an inferior product, lacking the beautiful, artistic features of notes printed by the hand process. They have added that the power-press notes and bonds also will be more easily counterfeited. This is the stock argument that the unions have advanced in Congress whenever the subject has come up there. It was the argument that they raised against the introduction of steam presses for the printing of internal-revenue stamps. The steam presses are to-day, however, turning out internal-revenue stamps perfectly satisfactory to the Government and equal in every way, it is said, to those that were formerly printed by hand.

As far back as 1889 this subject of the relative merits of the hand and power press methods was thoroughly investigated by Congress. In 1889 the Bureau of Engraving and Printing started to print the backs of some silver certificates and of United States notes on steam presses.

The attack by the union on this method led to an investigation, and the Senate Committee on Finance, after listening to testimony which filled a good-sized volume, brought in a report sustaining the steam process. The committee cited the opinion of C. S. Fairchild, then Secretary of the Treasury, that the notes and greenbacks printed by power presses were satisfactory. They also quoted James W. Hyatt, then Treasurer of the United States, who said:

"The character of the printing on both the backs and faces of all the notes and certificates received from the Bureau of Engraving was perfectly satisfactory to this office and, so far as I am informed, to the banking community and the general public. No difference in quality is observable between the backs said to be printed by hand and those said to be printed by steam. All of them appear to be of excellent quality, the color being good, and the printing sharp and distinct."

Treasurer Hyatt added that he had been unable to discover anything in the engraving and printing of these notes which makes it easy to counterfeit them.

The committee also quoted several bankers in support of the greenbacks that had been turned out partly by the steam process. One of the bankers quoted was George F. Baker, president of the First National Bank of New York, who said:

"The silver certificates of the series of 1886 seemed to me an improvement over all other issues of notes since the original legal-tender greenbacks, and I see nothing in them to facilitate counterfeiting more than in other series."

Since then there have been conflicting views expressed by Congress, but Government experts now declare that the successful experience in turning out internal-revenue stamps on power machinery could be duplicated in the printing of notes, bonds, and checks if the change were authorized by Congress. In viewing specimens the Government experts will not undertake to say now which is the product of the power and which comes from the hand presses. All of Canada's paper money is printed by the steam process by the American Bank Note Co.

As was done in the case of the introduction of power presses for the printing of internal-revenue stamps, the change in regard to notes, bonds, and checks could be brought about, it is said, without working any hardship on the union men now employed in the bureau. The Government's business at the Bureau of Engraving and Printing is increasing at the rate of 15 per cent a year, and by gradually introducing the steam presses it is estimated that it would be only a comparatively short time when the present drain would be checked without any printers being thrown out of work. If only the backs of United States currency and national-bank currency were printed on power presses to begin with it would result in a saving of $396,000 a year.

It is estimated that it would cost $420,000 to install power presses sufficient to print United States notes, bonds, and checks. This amount is only a little more than half of what the United States now contributes yearly to the members of the union in excess wages.

The plate printers employed in the Bureau of Engraving and Printing make good money. They are paid by the sheets turned out. The internal-revenue stamp printers at power machines average $9 a day. They work 8 hours a day, have 30 days' leave a year with pay, all national holidays, and half Saturdays in July, August, and September.

The man on the hand press, on the other hand, averages only about $6 a day.

But the strong union objection to the introduction of power presses for the printing of notes, bonds, and checks is the same that was advanced against the introduction of internal-revenue power presses—that the possibilities for the employment of union plate printers will be curtailed. To maintain this field uncurtailed the Federal Government apparently is expected to sacrifice $778,000 a year.

[From The Independent, Nov. 24, 1910.]

THE TREASURY'S TRIBUTE OF A MILLION A YEAR TO ORGANIZED LABOR.

If the United States Government were as free as a private establishment to institute reforms in its various departments, to hire and discharge at will, to introduce labor-saving machinery, to adopt improved methods, and, in a word, to avail itself of the economies which private business concerns adopt with such readiness, millions of dollars a year could be saved over the present cost of administration. Not only, however, is the Government not a private employer, with its main concern a balance sheet showing profit or loss, but Government service is hedged in with traditions and practices limiting to an almost incredible extent the initiative of the higher officials who are responsible for the operations of the departments.

The civil-service laws have thrown over most Government employees the wide blanket of protection against loss of position through any cause but death or illness. Political influence, often ingeniously maintained intact whatever changes may take place in White House or Congress, stands ready to resist innovations which threaten beneficiaries with loss of position or demotion. The theory that the Government is morally bound to keep on its pay roll clerks whom age has incapacitated, instead of filling their places with younger and more capable persons, is practically recognized by the Government itself, as probably it is approved by public opinion. The absence of a civil service retirement system, due partly to the belief of many employees that some time the Government will adopt a "straight" (noncontributory) civil-pension system, tends to continue conditions of inefficiency and sloth which would not be tolerated a week in any well-managed private establishment. Organized labor, too, while keeping and kept on good terms with Uncle Sam by means of diplomatic concessions, is ever suspicious of plans aiming to improve existing methods in mechanical establishments like the navy yards, the Government Printing Office, and the Bureau of Engraving and Printing, and is alert to oppose them.

Despite all these handicaps to progress, the administrative departments of the Government are doing their work better, more economically and more rapidly every day. It is not credible that an administration should make its draft upon the best legal and business talent of the country practically once in four years without securing managers and superintendents—for such Cabinet officers are—of up-to-date mind and practice. Long ago, perhaps with the abolition of the spoils system, the ancient practice was reversed, and social duties became secondary to work—continuous, grueling, brain-racking, body-destroying work. From Cabinet officer to chief clerk, no man in responsible position with the United States Government has an easy position. Every step forward is beset with perplexities and hampered by discouraging traditions. Progress is made only by main force, and often with a complete sacrifice of personal popularity; often only after a fight of which the public knows little or nothing, yet which makes the victor wonder whether or not the game was worth the candle.

This possibly illuminating and perhaps needless introduction is suggested by the perplexity in which the United States Treasury Department finds itself in the midst of the most successful attempt to improve antiquated methods that has been made in that institution for many decades. Secretary Franklin MacVeagh, one of the two business men of the Taft Cabinet, and the corps of able young men with which he has surrounded himself, already have worked wonders in simplifying, systematizing, and making less expensive the complicated processes of the Treasury. An estimated saving of almost $1,900,000 per annum is expected from improved business methods already authorized. The proposition to change the designs and reduce the size of United States and national bank notes would save the Government an estimated $900,000 a year more, and greatly increase the mechanical efficiency of the Bureau of Engraving and Printing. But the plans in this direction, making possible a third estimated saving of $900,000 a year, threaten to stop there, through the silent but none the less effective operation of the traditions referred to in the opening of this article. The facts are a matter of public record, but the public, outside the labor unions, knows nothing of the actual conditions underlying this peculiar situation, and these of themselves make a story which is a little short of sensational.

Ever since the institution of the Government the paper currency of the United States has been printed upon hand presses, except for a few months about 14 years ago. This process was necessary in the early days, before the invention of power presses that would do the work equally well, but in modern printing plants, outside the Government service, these have long been discarded for work of identical character and the rapid power press used.

Not only does the Government continue the use of a process whose retention costs $900,000 a year more than need be paid, but Congress has more or less deliberately, if unwillingly and under duress, lent itself to the scheme to perpetuate the antiquated practice. Not only has every effort to introduce improved devices been resisted by labor organizations within and without the Government employ, but the issue has been taken into politics.

The legal authority by which the use of the old hand presses is continued is of an exceedingly indirect, if not ambiguous, character. It originated, in fact, in an obscure proviso tucked away in a sundry civil bill of more than 20 years ago, and exists now in a brief proviso of the law making sundry civil appropriations, dated July 1, 1898, as follows:

"*Provided further*, That hereafter all bonds, notes, and checks shall be printed from hand-roller presses."

As long ago as 1886 the Government first attempted to bring the Bureau of Engraving and Printing up to date by the use of power presses. The sundry civil act of that year was the first to permit the installation of new and improved plate-printing presses, which it did in the following language applicable to the appropriation for the use of the bureau:

"*Provided*, That any part of this sum may be used for purchasing and operating new and improved plate-printing presses."

Some presses were bought and installed, and the same provision was repeated in the sundry civil act for the fiscal year ending June 30, 1888, but by that time organized labor had begun an active campaign against the proposed economy, not unlike that which the old hand shoemakers, before they had begun to take the larger view, waged against the introduction of machinery in shoe factories. A frightened and complaisant Congress came to the rescue, and the sundry civil bill of October 2, 1888—this was preceding the presidential election—nullified the permissive legislation as far as it could by providing that "there shall not be an increase of the number of steam plate-printing machines in the Bureau of Engraving and Printing."

This prohibition, of course, effectually checked the efforts of Uncle Sam to have his paper money printed quicker and more economically; but organized labor, not content, then started a movement to repeal the law of 1887–88 permitting the introduction of power presses and to restrict the use of the machines already in operation. The sundry civil act for the fiscal year of 1889–90 limited the payment of royalty on the presses to 1 cent per thousand impressions and also directed that no part of the appropriation should be expended for printing United States notes of larger denominations than those that might be canceled or retired. The law again prohibited the purchase of more machines, and contained, in addition, a fatal clause refusing money for the repair or reconstruction of the power presses already installed.

Under the authority originally granted and despite the opposition described, the director had succeeded in buying and operating 25 power presses. As the labor organizations closed in on him with law after law, he finally discontinued the use of the machines for printing money and operated them in the printing of internal revenue stamps. The unions finally legislated the power presses out of the bureau altogether by a law approved March 3, 1889, providing that the faces of all tobacco stamps for use upon packages of 2 pounds and upward, and all beer, whisky, cigar, snuff, oleomargarine, and special liquor tax stamps should thereafter be printed from engraved plates "upon hand roller plate printing presses."

Meantime, changes have occurred in Congress and men have come in who either stand on their own feet at home or believe in giving the Government a square deal, or both, for the sundry civil act of March 1, 1907, contained a "joker" which outwitted the enemies of the power presses and allowed at least a limited opportunity for their use. This joker was placed in the bill before it left the committee room of the House and was not noticed nor was its purpose suspected until the bill had been signed by the President. The joker read as follows:

"And the second proviso under this head in the sundry civil appropriation act, approved March 3, 1889, is hereby repealed."

This was the proviso whereby organized labor had succeeded in prohibiting the use of power presses for printing internal-revenue stamps. The director immediately bought 20 power presses, and 25 are now operated in that work. But the prohibition of the act of July 1, 1898, still stands, and it would be illegal for the Government to print notes, bonds, or checks upon anything but hand-roller presses, notwithstanding that more than $900,000 a year could be saved if power presses were used. In the face of approaching elections Congress always has been timid, and this year has not been one to encourage congressional audacity, except upon certain "popular" issues supposedly closer to the people in the districts at home.

Another tidy item is that of checks and drafts, of which the Government printed about 10,000,000 last year for its own use, all from engraved plates and by the hand-roller process. This work could be done equally well by power presses from a rubber "offset," at an estimated saving of $37,000 a year. By the old process the cost of checks, per thousand, bound, is $8.29. By the improved process it would be $2.93. Warrants now cost $9.94 a thousand and could be printed equally well for $2.34 a thousand. The hand printers turn out 800 sheets a day, and 45,000 a day could be printed by the offset process.

At the close of the first session of the Sixty-first Congress, in an unwonted burst of courage, the Senate Committee on Appropriations decided to repeal the appropriation against the power printing of notes,

checks, and bonds. Another "joker," repealing the provision of June 4, 1897, was inserted in an obscure corner of the sundry civil bill. At the last moment, however, the committee weakened, for reasons which may be guessed, and the provision was stricken out.

Under such circumstances as these the Government has been powerless to institute the great economies involved in a change of methods at the Bureau of Engraving and Printing, amounting to between $1,500,000 and $2,000,000 a year. The plate printers are strongly organized and have a large fund of their own, with which they maintain an alert lobby, and in a contest with the Government they would expect the backing of the American Federation of Labor. They would appear to show as little foresight as the old hand shoemakers exhibited when they first opposed the introduction of machinery. In that case the growth of the business was such as not only to command the services of all trained men, at increased wages, but of thousands more.

Exactly the same condition is presented in the Bureau of Engraving and Printing, where the work accumulates so rapidly that additions to the force are being made all the time. Indeed, the business of the bureau increases at the rate of 20 per cent a year. It is estimated that in five years, at the utmost, under normal conditions, should the new processes be instituted, all the present employees would be working again. As a matter of fact, the period of possible idleness for some would not be more than two or three years, for the bureau is taking on more and more new work every year. It has just been compelled to decline to accept a lot of engraved work in connection with the institution of the new postal savings bank system because of lack of facilities.

The American Bank Note Co. has introduced the power presses and is printing large quantities of bonds for counties, municipalities, and corporations, and bonds, paper money, etc., for foreign governments. Spain, China, Japan, Mexico, and Argentina successfully use the power press for their paper currency. Bureau officials say they will defy an expert to detect the difference between a hand-printed and a power-printed note.

The Treasury Department, in trying to bring about the improvements and economies noted, would not be neglectful of the personal interests of employees. Power press plate printers are paid higher wages than hand press workers, consequently the change presents some immediate advantages. Again, it is estimated that between 15 and 20 per cent of the hand press operators suffer from rupture and other consequences of physical strain from pulling the heavy levers used in their work. The Treasury Department, under Secretary MacVeagh, has systematically adopted the policy of reinstatement in cases of discharge necessitated by the adoption of improved methods. Of 200 persons dropped by law July 1, 1910, in various branches of the department, all but about a dozen had been provided for in other bureaus and offices within two months. For the fiscal year ending June 30, 1910, there were 636 resignations, 351 removals, and 73 deaths in the Treasury Department. Of the persons resigning or dropped, 287 were reinstated; 605 new appointments were made. During the present fiscal year the number of reinstatements has been much larger. In the case of the plate printers reinstatement would be the policy pursued exclusively, of course. The personal inconvenience to be caused by the change would be only temporary at most, while the gain to the Government and the reorganized service would be permanent.

It would seem that here is presented an ideal opportunity for the labor organizations, instead of opposing progress and the Government, to cooperate with the progressive administrators of the Treasury Department to the lasting benefit of the wageworkers and of the service which employs them.

WASHINGTON, D. C.

[From the Boston Transcript, Thursday, Feb. 16, 1911.]

LABOR'S ODD ATTITUDE—BETTER CONDITIONS FOR WORKERS OPPOSED—PROPOSED CHANGE FROM HAND TO POWER WORK IN BUREAU OF ENGRAVING AND PRINTING STRONGLY RESISTED BY GOMPERS AND HIS FOLLOWERS—NEW PLAN MEANS MORE PAY, EASIER WORK, AND BETTER CONDITIONS, AND NO ONE WOULD LOSE HIS POSITION—LESS DANGER OF COUNTERFEIT NOTES—TREASURY DEPARTMENT INCLINED TO PRESS THE PLAN, WHICH SECRETARY MACVEAGH EXPLAINS IN DETAIL.

WASHINGTON, *February 15.*

Better pay, easier work, and less menace to health are being resisted by the hand plate printers of the Bureau of Engraving and Printing, with the support of the American Federation of Labor, and with all the energy at the command of the labor unions. This might appear to be a one-sided statement of the proposition were it not that it is strictly in accordance with the facts, as they are understood by all the officials of the Treasury Department having to do with the printing of notes. Senators and Representatives are being urged by mail to refuse their vote in behalf of the Smoot bill, which would permit the installation of power presses in the bureau, and the plate printers, or some of them, are conducting a campaign among the business men of Washington, which precipitated a small war at the meeting of the chamber of commerce last night.

After months of study and the most careful attention to every detail involved in the proposed change, the Treasury Department decided that if the old law could be repealed and power presses substituted for hand presses for the printing of paper currency, from $750,000 to $1,000,000 could be saved every year in the appropriation for the Bureau of Engraving and Printing. Joseph E. Ralph, director of the bureau, has been consulted during every stage of the department's investigation, and, although he is and always has been a union-labor man and a practical mechanic, he is as enthusiastically in favor of the change as Assistant Secretary Andrew himself, who is chiefly responsible for the proposition.

EMPLOYEES WILL BE RETAINED.

Just why President Gompers and other labor leaders should oppose the changes proposed by the Government in the Bureau of Engraving and Printing is one of the mysteries of the labor movement. Power plate printers are paid $9 a day, while hand-press printers receive only $6. It is much easier to run a power printing machine than to jerk a hand press. The power work also eliminates the danger of rupture to the operator, an extremely important consideration when it is known that from 15 to 20 per cent of the hand-press operators have sustained severe bodily injuries through the strains incident to their work.

Not only will the power plate printers have easier work and better pay, but the Government has practically guaranteed that none of the operators now employed shall lose their positions. The Smoot bill, now before the Senate, provides that only 20 per cent of the work shall be affected each year, until the change from hand to power presses has been made complete. With deaths, removals, and transfers continually occurring, along with the natural increase of business, it is estimated that within four years the complete substitution could be made and not a person be thrown out of employment. The Government, however, has gone this estimate one better and allowed five years for the substitution, thus positively guaranteeing, it would seem, ample provision for the continued employment of all operators now in the service.

GOMPERS LEADS ATTACKS.

President Gompers, of the American Federation of Labor, has attacked the proposed change in his characteristic style and called upon organized labor throughout the country to exert its influence upon Congress to prevent any change in the law. In a circular sent to organized labor January 31, 1911, Mr. Gompers takes it upon himself to argue against the proposed change solely upon the ground that as it is the duty of the Government to protect the interests of the people against fraud and to throw around paper money every safeguard against the "unlawful issuing" of counterfeit money, the existing law should not be changed. He declares that the purpose of the present law is to maintain the highest standard of excellence in the printing of paper currency. Without exactly making the charge, the Gompers circular implies that the power presses will turn out inferior work and that it may more easily be counterfeited than handwork. The circular makes no mention of the actual and undisputed benefits to the operative, which would come to him through the substitution of power presses.

The Government very quickly challenged Mr. Gompers upon the question of excellence. By direction of the department, Director Ralph requested that the plate printers turn out for him a few sample notes on one of the power presses which already are in use in the bureau for printing internal-revenue stamps. The plate printers flatly refused. Thereupon a peremptory order for the printing of some 40 sample notes was sent to the bureau and the work was done. A few days later Senator SMOOT gave a hearing on the bill, the notes printed by the power press were submitted along with others printed on the hand presses and the labor leaders of the bureau, under whose supervision the work was done, declined to attempt the task of telling the two issues apart. As to counterfeiting, the danger in counterfeiting is in the plates rather than the printing. As a matter of fact, impressions from the power presses would average more uniform than from the hand presses. Some of the opponents of the change have tried to prove their points by comparing American with Canadian notes, but this test is manifestly unfair.

EMPLOYEES NOT QUITE FAIR.

The Treasury Department would feel less earnest over its desire to economize and otherwise improve the administration of the Bureau of Engraving and Printing if it could feel that it was being fairly met by the employees. Secretary MacVeagh entertained a dozen representatives of the Plate Printers' Union at his residence in Sixteenth Street not long ago and patiently went over the whole subject with them, but apparently to no purpose. Senator SMOOT and Director Ralph requested permission to address the Plate Printers' Union upon their proposition not long ago, but the request was refused notwithstanding that the director invariably gives a hearing to any of his printers who feels himself aggrieved.

The matter was taken into the Washington Chamber of Commerce and the committee prepared a noncommittal resolution covering the whole question. This was decided upon yesterday morning. During the day the committee apparently had been approached by representatives of the labor unions, and as they are all local business men, they evidently had been a little frightened, for at the evening session only two members of the committee, which had been unanimous in the morning, stood by the resolution, which was designed to avoid interference of the chamber in an affair which was purely one between the Government and its employees. A resolution condemning the change was substituted, and, as a consequence, Capt. James F. Oyster, president of the chamber and one of the ablest of Washingtonians, left the chair and scored the committee. They were "weak-kneed," he said, through fear of the effect upon their business; and of the member whose defection had brought about the change in sentiment, Capt. Oyster stated that he had allowed his private interests to interfere with his duty as a servant of the chamber.

The contest is being actively waged, and in view of its belief that it proposes nothing detrimental to organized labor as such or to the interests of the employees, the Treasury Department is disposed to push the issue to the limit. The department officials feel that they have taken into consideration the interests of the operators equally with those of the Government, and that they had been much more considerate than any private concern would be when even a smaller economy than that contemplated in this matter was involved. It is needless to say that the Senators and Representatives who have been asked to block the clause in the Smoot bill authorizing the use of power presses have been given no information by organized labor as to the real merits of the proposition.

The employees are by no means a unit in antagonizing the department. Many of them take the same view of the cases as does Director Ralph, but they dare not openly take a stand against the union leaders.

MACVEAGH'S POSITION STATED.

Following is the letter sent to the Washington Chamber of Commerce by Secretary MacVeagh and read last evening:

JAMES F. OYSTER, Esq.,
President Chamber of Commerce, Washington, D. C.

MY DEAR SIR: It has been brought to my attention that the chamber of commerce has been asked to express an opinion upon the introduction of power presses in the Bureau of Engraving and Printing, and I should like to express through you the attitude of this department toward legislation which is pending to make this reform possible.

I should very much hesitate to advocate the change if it were likely to work hardship to the employees of the bureau or to deprive them of positions which they have long held. But the proposed change provides that the substitution of power presses for hand shall be made in such installments that in any one year no more than one-fifth of the work shall be affected. As a matter of fact, on account of the increasing work of the bureau, and the frequent vacancies which occur through promotion and transfer, the change could be made within four years, and the extra year has been suggested in order to make this certain beyond peradventure. If we add to this fact a comparison of the wages which hand printers receive now with the wages which they will receive if power presses are introduced, it appears that the employees will receive a substantial increase in remuneration through the introduction of the proposed system. At the same time the work will be less arduous and less harmful physically. The claim that the bureau employees would suffer in consequence of the change is, in my opinion, exactly the reverse of the truth.

I want also to add that if I were not convinced that the technical standard of engraving and printing would not be lowered by the introduction of these presses, the plan would not have my indorsement. The recent experiment made in the bureau, of printing notes by power upon presses that were quite unprepared for the work, indicated that even the most expert employees of the bureau could not distinguish the money thus printed by power from other similar sheets printed by hand. The impression, if it exists in anyone's mind, that printing by power would make our paper money and bonds of lower technical standard and more easily counterfeited, has demonstrably no foundation in fact.

I should esteem it a favor if you would be good enough to communicate this information to the gentlemen of the chamber of commerce at their meeting.

Respectfully, yours, FRANKLIN MACVEAGH, *Secretary.*

DIRECTOR RALPH THREATENED.

Following is a copy of a letter received recently by Director Ralph:

"WASHINGTON, D. C., *February 8, 1911.*

"Mr. RALPH: The big, swelled-headed bluffer. Your days are numbered; so take warning; the whole bureau has a disgust for you. A man who would do injustice to his fellow men and female employees for self-interest is not as good as a dog; and you better look out you don't get your block knocked off some dark night, for you have some bitter enemies; it is also knowing that you are crooked, and you may land behind the bars before we are done with you.

"Respectfully,"

[Skull and cross-bones.]

Senator SMOOT also is in receipt of threatening correspondence of the same character.

TREATY WITH RUSSIA.

Mr. CULBERSON submitted the following resolution (S. Res. 368), which was read, ordered to be printed, and referred to the Committee on Foreign Relations:

Resolved, That it is the sense of the Senate that the treaty of 1832 between the United States and Russia should be abrogated because of the discrimination by Russia between American citizens in the administration of the treaty.

HOUSE BILLS REFERRED.

H. R. 28626. An act to amend the internal-revenue laws relating to distilled spirits, and for other purposes, was read twice by its title and referred to the Committee on Finance.

H. R. 32436. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1912, and for other purposes, was read twice by its title and referred to the Committee on Military Affairs.

GRANT OF LANDS TO SEATTLE, WASH.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 5432) to authorize the city of Seattle, Wash., to purchase certain lands for the protection of the source of its water supply; which were, on page 1, line 3, to strike out all after "in," down to and including "east," in line 4; on page 1, lines 11 and 12, to strike out "heretofor" and insert "heretofore;" and on page 2, to strike out all of line 1 down to and including line 13, page 3, and insert:

SEC. 2. That upon the deposit, within one year of the passage of this act, by the city of Seattle, in the State of Washington, with the Secretary of the Interior, of a sum estimated by him as sufficient to pay the cost of the survey herein provided for, the said Secretary shall cause to be executed a survey, defining the limits of the drainage basin of Cedar River within the area withdrawn by section 1 of this act and pay for the same out of the appropriation for public-land surveys, and a sum sufficient to pay the cost of such survey shall be paid into the Treasury of the United States, to the credit of the appropriation for public-land surveys, out of the sum so deposited by the city of Seattle, and the remainder of the sum so deposited, if any, shall be repaid to such city, and upon the completion of such survey and its approval by the Secretary of the Interior the lands withdrawn by section 1 of this act not within the drainage basin of Cedar River shall be restored to their present status.

SEC. 3. That upon the deposit with the Secretary of the Interior within one year of the passage of this act by the city of Seattle, State of Washington, of a sum estimated by the Secretary of the Interior to be sufficient to cover the cost of the examination and appraisal herein provided for, the Secretary of the Interior and the Secretary of Agriculture shall each designate one qualified appraiser, and the two appraisers thus designated shall designate a third appraiser, who shall be a resident of King County, Wash., not a Federal officer or employee, who shall be familiar with the stumpage value of timber in the locality to be appraised, and the board of appraisers thus constituted shall proceed to an examination and appraisal of the present commercial stumpage value of the timber on the public lands within the drainage basin of Cedar River in the area withdrawn by section 1 of this act, the cost of such examination and appraisal to be paid out of the appropriation for public-land surveys. Upon the completion of such examination and appraisal and its approval by the Secretary of the Interior and the Secretary of Agriculture a sum sufficient to pay the cost thereof shall be paid into the Treasury of the United States, to the credit of the appropriation for public-land surveys, out of the sum deposited therefor by the city of Seattle, and the remainder of such sum, if any, shall be repaid to said city.

SEC. 4. That within one year after the approval of the survey and appraisal provided for in this act, the Secretary of the Interior is authorized to patent to the city of Seattle all of the public lands within the drainage basin of Cedar River in the area withdrawn under section 1 of this act, upon the payment by the said city of Seattle of the sum estimated by the board of appraisers provided for in section 2 of this act as being the present commercial stumpage value of the timber on the public lands within such area: *Provided*, That if the sum of such estimate shall be less than the sum of $1.25 per acre for all of the lands to be patented the city of Seattle shall pay the sum of $1.25 per acre for said lands: *And provided further*, That there is hereby reserved to the United States all mineral deposits in said lands and the right to dispose thereof and to use such lands for such purpose.

Mr. PILES. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

REVISION OF LAWS—JUDICIARY TITLE.

Mr. HEYBURN. Mr. President, I ask that the judiciary title bill which has just been received from the House of Representatives be laid before the Senate.

The VICE PRESIDENT. The Chair lays before the Senate the amendment of the House of Representatives to the bill (S. 7031) to codify and revise the laws relating to the judiciary, and the action of the House requesting a conference with the Senate on the disagreeing votes of the two Houses on the bill and amendment.

Mr. HEYBURN. I move that the Senate disagree to the amendment of the House of Representatives, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. HEYBURN, Mr. SUTHERLAND, and Mr. CLARKE of Arkansas conferees on the part of the Senate.

HELEN S. HOGAN.

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives (H. Con. Res. 62), which was read, considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That the Speaker of the House of Representatives and the President of the Senate be, and hereby are, directed to erase their signatures to the bill (H. R. 25081) for the relief of Helen S. Hogan, and that the said bill be reenrolled with the words "Act of February 26" changed to "Act of February 25."

REGENT OF THE SMITHSONIAN INSTITUTION.

The VICE PRESIDENT laid before the Senate the following resolution of the House of Representatives, which was read:

Resolved, That the Clerk be directed to request the Senate to return to the House of Representatives "Joint resolution (S. J. Res. 145) providing for the filling of a vacancy which will occur on March 1, 1911, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress."

Mr. BACON. I did not catch the purport of the resolution. What is it?

Mr. LODGE. There was a mistake made, I will say to the Senator from Georgia. The proposed regent was put down as a citizen of Virginia. The law requires that he shall be a citizen of the District.

Mr. BACON. A citizen of the District.

Mr. LODGE. Under the law, as the Senator knows, there have to be two members of the board from the city of Washington.

Mr. BACON. I am myself responsible for the mistake. I am glad it is to be corrected.

Mr. LODGE. They would like to have it returned to the House, and they will correct it there and send it back to us.

The VICE PRESIDENT. Without objection, the request of the House of Representatives will be complied with.

EMPLOYER'S LIABILITY AND WORKMAN'S COMPENSATION.

The VICE PRESIDENT. The Chair appoints the Senator from Utah [Mr. SUTHERLAND] and the Senator from Oregon [Mr. CHAMBERLAIN] members of the commission on the part of the Senate, appointed for the purpose of making a thorough investigation of the subject of employer's liability and workman's compensation, as provided for in joint resolution of the House of Representatives, entitled "Joint resolution for appointment of commission to investigate the matter of employer's liability and workman's compensation," approved June 25, 1910, in the place of the Senator from Missouri [Mr. WARNER], excused, and the late Senator from Colorado, Mr. Hughes.

SENATOR FROM ILLINOIS.

The VICE PRESIDENT. Is there other morning business? If not, morning business is closed. The Senator from Indiana [Mr. BEVERIDGE].

Mr. SCOTT. Will the Senator from Indiana yield to me for just a moment?

Mr. BEVERIDGE. I will yield to the Senator.

The VICE PRESIDENT. The Senator from Indiana yields.

Mr. SCOTT. I want to say that at the very earliest moment next week, and on every day thereafter from Monday on, I shall try to get up the so-called Sulloway pension bill. While we have been edified by the discussion we have had in the past week and the galleries have been highly entertained, a great number of old soldiers have died within that time. I have a letter this morning from the postmaster in a little village saying that since

we brought the bill over four soldiers getting mail at his office have died.

Mr. President, while we are talking here these old soldiers are dropping off rapidly; and I do hope that it will be the pleasure of the Senate will allow me to round out my 12 years, which will terminate next week, by passing this bill for my old comrades.

Mr. BAILEY. Fifty-five million dollars is a little too much to pay for that.

Mr. SCOTT. It was not too much when these men were needed to defend this country and make it possible for the Senator from Texas to be here to-day——

Mr. BAILEY. O Mr. President——

Mr. SCOTT (continuing). Representing a part of the entire United States. I do hope that the plea of poverty will not prevail, when we see the money that is being wasted on the Panama Canal. Let us not begrudge these old veterans thirty millions. It is thirty millions. There is no use of putting it higher. Thirty millions is high enough.

Mr. BAILEY. Mr. President——

The VICE PRESIDENT. Does the Senator from West Virginia yield to the Senator from Texas?

Mr. SCOTT. Yes.

Mr. BAILEY. The Senator from West Virginia forgets, when he charges the country with illiberality toward these old soldiers, that we are already paying $153,000,000 the next fiscal year. During the last fiscal year we appropriated $161,000,000. That is a sum larger than any government in the history of the world ever paid for pensions in a single year, and that, too, 44 years after the war closed.

Now, to add this thirty millions, as the Senator says—and more than fifty millions, as the department estimates—would make a pension bill above $200,000,000. I should love to see the Senator from West Virginia round out his career in the Senate gracefully, and though I personally like him, I am glad to see his career terminate, since a Democrat succeeds him. I should be willing to pay him almost any compliment except one that would put such a tax on the Public Treasury; and he is not apt to pass this bill.

Mr. GALLINGER and others. Let us have the regular order.

Mr. BEVERIDGE. I was very glad to yield to the Senator from West Virginia, I am in entire sympathy with him, but I can not further yield.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. The Senator from Indiana has the floor.

Mr. GALLINGER. Will the Senator yield to me?

Mr. BEVERIDGE. I am very glad to yield to the Senator from New Hampshire.

Mr. GALLINGER. From the Committee on Naval Affairs——

The VICE PRESIDENT. The Chair can not recognize the Senator from New Hampshire for that purpose.

Mr. BEVERIDGE. That is true.

Mr. GALLINGER. It is to make a report. The Senator from Indiana has not commenced his speech. I thought he could yield.

The VICE PRESIDENT. The Senator from Indiana had been recognized, and the Chair can not permit him to yield for that purpose.

Mr. BURROWS. Will the Senator from Indiana yield to me for a moment?

Mr. BEVERIDGE. I should very much like to conclude my remarks. I was delayed yesterday.

Mr. BURROWS. It will take but a moment.

The VICE PRESIDENT. The Senator from Indiana declines to yield. The Chair——

Mr. BURROWS. Mr. President——

The VICE PRESIDENT. The Senator from Michigan will wait until the Senator who has the floor yields.

Mr. BEVERIDGE. I should prefer to conclude my remarks.

The VICE PRESIDENT. The Senator from Indiana declines to yield.

Mr. BURROWS. Mr. President——

The VICE PRESIDENT. The Chair must beg the Senator from Michigan not to attempt to proceed when the Senator from Indiana has refused to yield.

Mr. BEVERIDGE. Mr. President——

Mr. BURROWS. A question of order.

The VICE PRESIDENT. The Senator from Michigan is not in order in attempting to proceed when the Senator from Indiana refuses to yield.

Mr. BURROWS. A question of order.

The VICE PRESIDENT. The Chair misunderstood the Senator from Michigan. The Senator will state it.

Mr. BURROWS. Can we not have laid before the Senate the resolution to which the Senator is to address himself?

Mr. BEVERIDGE. I did that the other day.

The VICE PRESIDENT. It must be done each day.

Mr. BURROWS. I ask that the resolution be laid before the Senate.

The VICE PRESIDENT. Without objection, the Chair lays before the Senate the following resolution.

Mr. BEVERIDGE. If anybody has any doubt about what I am going to address the Senate on, I will make it entirely clear.

Let us see what the parliamentary situation is. This matter has been before the Senate now for a good while, and this is the first time that anybody has asked that anything be specifically laid before the Senate. The report of the committee was on the table before the resolution was offered. Most of the speeches were made on it.

Mr. President, I think I shall proceed.

Mr. BURROWS. I ask that the resolution be laid before the Senate.

The VICE PRESIDENT. Is there objection?

Mr. BEVERIDGE. I object. I had it laid before the Senate the other day, and I shall call it up at the proper time.

The VICE PRESIDENT. The Chair will state what is the request of the Senator from Michigan, because the Senator from Indiana yielded to him for that purpose. The request is that the Chair lay before the Senate a resolution, which the Secretary will state by title.

The SECRETARY. Senate resolution 315, offered by Mr. BEVERIDGE.

The VICE PRESIDENT. Is there objection?

Mr. BEVERIDGE. I object until I conclude my remarks.

The VICE PRESIDENT. Objection is made.

Mr. BEVERIDGE. On yesterday, to take just one moment——

Mr. HEYBURN. I rise to a point of order.

The VICE PRESIDENT. The Senator from Idaho will state it.

Mr. HEYBURN. No question is pending before the Senate to which any Member may speak.

Mr. BEVERIDGE. This is getting——

Mr. LODGE. Mr. President——

The VICE PRESIDENT. The Senator from Indiana has the floor.

Mr. LODGE. On the point of order, if I may——

The VICE PRESIDENT. The Chair will hear the Senator from Massachusetts on the point of order.

Mr. LODGE. As I understand, this matter has been lying on the table——

Mr. BEVERIDGE. Certainly.

Mr. LODGE. Subject to call.

Mr. BEVERIDGE. Certainly.

Mr. LODGE. Is it not——

The VICE PRESIDENT. The Chair so understands. The resolution has not been referred to any committee.

Mr. BEVERIDGE. Certainly not.

The VICE PRESIDENT. It is now upon the table.

Mr. BEVERIDGE. If I may proceed, I will call the attention of the Senate to the fact that this is the first time that any such disposition——

The VICE PRESIDENT. The Senator from Idaho has raised a point of order, which will be disposed of. The Chair thinks the Senator from Indiana can proceed, he having the floor.

Mr. HEYBURN. My impression was that before proceeding a motion to take the matter from the table for consideration must be the basis of procedure.

Mr. BEVERIDGE. The Senator's impression is incorrect.

The VICE PRESIDENT. The Chair thinks not. The Chair thinks a Senator can proceed to talk in the air or of the air without anything before the Senate, if he has the floor.

Mr. BEVERIDGE. The Senator——

Mr. HEYBURN. I think I will insist on finishing the statement on the point of order. The Senator's patience will probably endure.

Mr. President, I do not intend, of course, to make a proposition that has not, in my judgment, some basis under the rules.

The VICE PRESIDENT. Certainly not.

Mr. HEYBURN. I have not heretofore understood that a matter on the table could be made the subject of discussion until it was taken up for that purpose. That seems to me so obviously a parliamentary rule that it caused me to make the point of order.

Mr. GALLINGER. It ought to.

The VICE PRESIDENT. The Chair thinks it would be the ordinary proceeding, but it has been objected to.

Mr. BEVERIDGE. Mr. President——

The VICE PRESIDENT. The Senator from Indiana has the floor.

[Mr. BEVERIDGE resumed and concluded the speech begun by him on Tuesday last and continued on yesterday. The entire speech is printed below.]

Tuesday, February 21, 1911.

Mr. BEVERIDGE. Mr. President, what is the exact question which we are called upon to decide? As the time for a vote draws near it is vital that this question shall be clearly before the mind of every Senator. I say this because during a debate more prolongued, if not more heated, than any similar debate in the history of the Senate, it is possible that this question may have been obscured. I make no complaint of that. Perhaps it is but natural that this should be so. Spirited controversy often generates heat rather than light. It often tends to the fervor of advocacy rather than to the calmness of judgment.

But, Mr. President, we are judges, not advocates. The attempt to affect our feelings by thunderous denunciation or pathetic appeal will pass almost as soon as the echoes of the voices that produced it. But our judgment remains; the record remains; the law remains; our decision endures not only as to this case, but as to all future cases.

As judges then, Mr. President, let us rise above the obscuring clouds of excuse and confusion and fix our eyes clearly upon the issue we must decide.

I. THE ISSUE.

THE ISSUE NOT THE PERSONAL FORTUNES OF SITTING MEMBER.

What is that issue, Mr. President? Is it the personal fortunes, feelings, or career of the sitting Member? No, Mr. President. If it were only that sympathy would work its spell unaided. If the personal fortunes, feelings, or career of the sitting Member were the only issue mere kindliness would cause us to look with forgiveness, and, if possible, with favor, upon anything that affected his personal concerns provided it did not involve and was not produced by corruption or bribery.

For, Mr. President, deep in the hearts of all of us is the spirit of good will toward one another, unless crime or intentional wrong-doing prevents. Sometimes we think we forget it for a moment, but it always is there. Sometimes the conflict of debate, opinion, and purpose makes us deceive ourselves into feeling that we have for one another a dislike or even an animosity. But those feelings are not permanent.

Let but the hand of misfortune or sickness touch one of our number, and depths of sympathy in our hearts which we little suspected are broken up and there wells forth from our souls streams of compassion and anxious regard toward our stricken colleague. Let death call one of our number, and his gracious qualities stand forth before our vision unmarred by any unkind thought.

So, Mr. President, if ony the personal ambitions of the sitting Member were involved, unconnected with corrupt practices in their behalf, there is not a Senator here who would wish them ill, much less do anything to hinder them. Certainly, under such conditions, I would not, Mr. President. I do not subscribe to the philosophy of the great French cynic, Rochefoucauld, that every human being rejoices when he hears something against even his dearest friend. I rejoice in the success and progress of every man who has earned it honestly.

So, Mr. President, if in this Chamber there was a single man who so far as the personal concerns of the sitting Member are involved would wish them ill or try to do them ill, provided sheer public honesty were not involved, these appeals to our sympathy based on personal habits, place of abode, or home relationship might be pertinent.

But this, Mr. President, is no such case. Here is no such issue. This is not a criminal court. This is the Senate of the United States sitting as the most exalted tribunal known to human history or to mankind to-day to determine the gravest issue that possibly can arise under free institutions.

THE VALIDITY OF THIS ELECTION THE ONLY ISSUE.

What is that issue, Mr. President? It is the validity of an election held under a government whose very existence depends upon the purity of its elections. It is the integrity of the election, not of the Member. In the Payne case it was truly declared:

> The integrity of the election not of the Member is the question under this clause of the Constitution.

That is the issue. What election, Mr. President? An election to the Senate of the United States. What does that mean? What is the Senate of the United States? What powers, duties, and dignities devolve upon a Member of this body? The most varied and far-reaching with which any officer under any free government is clothed in any country in the world to-day or in history. As I shall show in a moment, Mr. President, a Senator of the United States exercises wider influence, more divergent powers than any public functionary on earth except only the ruler of an unlimited monarchy.

We pass on every law. We are legislators, and legislators, too, who of all the parliamentary bodies in this world, still have free and unshackled speech. More than that, we ratify every convention with foreign nations. The influence of every vote cast here on every treaty runs out over all the waters of the world into every cabinet of every land. That is not all. We partake of the executive functions. Only by the advice and consent of Members of this body are appointments to office made under the laws and Constitution of the United States.

Nor is this all. We also are members of a court, Mr. President, the highest court known to man. We alone can try the impeachment of the judges of the Nation. This is the only tribunal that can unseat a President; for if the House deems his conduct worthy of impeachment, the Senate of the United States determines the fate of the Chief Magistrate of the Republic.

But all are familiar with the powers of a Senator of the United States. I enumerate them only that we may understand the magnitude of the election, the validity of which is the only issue before us. Legislator, part executive, high diplomat, arbiter sitting on the bench in the trial of the Nation's judges, and of the President of the Republic himself, the fathers placed in the hands of a United States Senator more power than in any other official of this Government, or of any government on earth except the arbitrary power wielded by an autocrat.

AMERICAN INSTITUTIONS—AMERICAN CHARACTER ON TRIAL.

Therefore, Mr. President, the fathers expected that the election to a place in this body would be defended jealously, determinedly, fiercely by the people and by the Senate itself. Every consideration that should guard the purity of the appointment of a judge, the election of a Member of the House, the selection of a diplomat who deals with other nations for us, the choice of a President of the United States, all combine to circle this Chamber round with a wall of sacred fire through which no impure influence should penetrate.

So, Mr. President, the sitting Member is not on trial here. It has been said that the Senate is on trial. I do not think so. But *American institutions are on trial.* In the validity of an election sleeps the question which searches out the heart of our institutions and which as we answer it well may mark a period in the ongoing or decline of the Nation. Indeed, Mr. President, in the end *the character of the American people is on trial*, as I shall demonstrate.

Now, Mr. President, if we then have the issue itself before us, with all those things that might cloud and confuse it dismissed; and if the magnitude of that issue is clear to us, in what spirit should we approach it?

It will be helpful, Mr. President, to examine the experience of other countries. Patrick Henry said: "I have but one lamp by which my feet are guided, and that is the lamp of experience." This is not a trial of a petty criminal in a police court, soon to be forgotten and of little consequence. No, this business has to do with the destiny of a people. In so fateful a matter should we willfully close our eyes and seal our ears to the struggles that other peoples have had with this dragon of corruption?

It is said that most human affairs are "locked up from mortal eye in shady leaves of destiny." But we have no excuse for such easy ignorance. This secret is not "locked up from mortal eye," for we have flaming lessons from the history of the past and from the experience of the world in our own times.

So, Mr. President, that I may lay clearly before the Senate and country the spirit with which we should approach this grave matter, I shall cite the experience of two nations on this particular thing, one contemporaneous and one ancient. I select these from the multitude of examples because they afford so perfect a contrast to one another and such plain instruction to us and to our Republic of whose honor we are guardians and of whose life we are defenders.

II. THE LAW.

BRIBERY TREASON AT COMMON LAW.

I refer, of course, Mr. President, first to England, the mother country. By the English common law bribery was treated as treason, especially in the case of judges. Lord Chief Justice Thorpe was beheaded for accepting bribes. The Earl of Middlesex was fined £50,000, a quarter of a million dollars, amounting in value, as money is now counted, to more than a million dollars, deposed from office, disgraced.

Of course all of us recall the terrible fate of perhaps the greatest intellect since Aristotle (excepting possibly Shakespeare), Bacon, that mighty mind in law and philosophy, that

"Secretary to Nature" as Walton called him, Lord Bacon, who for accepting bribes while a justice of the courts of England, was fined £40,000, imprisoned, removed from office, incapacitated from holding any place of trust or profit under the Crown.

That was the way the common law of England, which is the basis of our law, looked on the crime of bribery. And in elections, as Coke said in his Institutes, it was regarded as an offense so heinous that "*one act of bribery poisons the whole fountain.*"

It is worth while, Mr. President, before we come to the consideration of the testimony in this case to consider the growth of the law of bribery in England, how the English Parliament and English judges regarded and administered the law applicable to it, so that we may have the light that that gives us in determining the gravity of the offense, the amount and nature of testimony required, and especially the law of agency.

THE "PRACTICAL POLITICS" OF GEORGE III.

Bribery in England began to be scandalously noticeable under the Stuarts, and it grew until its highest reign of corruption was under George III, from whom our forefathers successfully rebelled. According to the defenders of this election, George Washington and his "ragged Continentals" never should have rebelled. For was not George III the exemplar and, by his deeds, the apologist for this election? That monarch was a superb, "practical politician." He would be greatly admired by a class of American politicians if he were living to-day and active in American politics.

Indeed, George III would be the ablest of "party managers" if he were in American public life at the present time. George III used offices to influence votes in Parliament; he distributed cash in order to secure the election of members of Parliament; he resorted to every device of political manipulation so much admired in the United States in our own times; he was highly skilled in the technique of "influence," thoroughly practiced in the arts of "practical politics."

This gave rise, Mr. President, to the "orders of Parliament" upon the subject of bribery; and, to hurry over this historical review, the present Corrupt Practices Act of the United Kingdom grew out of that. From the statute of 1854 as amended in 1866 and still further in 1884, and as it exists in its Draconian severity and perfection at the present day, the Corrupt Practices Act of the United Kingdom is the result of that shameless corruption which reached its putrid climax under George III.

A SINGLE ACT OF BRIBERY INVALIDATES ELECTION.

Now, Mr. President, to show that I am not wrong in my statement of the common law as to bribery in elections, I read from Shepherd on the Law of Elections, as follows:

> Bribery by a candidate, *though in one instance only, and though a majority of unbribed votes remain in his favor,* will avoid the particular election and disqualify him from being reelected to fill such vacancy.

Cushing, who is the American authority on this subject, says as to the common law of bribery, which I want to make clear before I take up the statute:

> In England, before the enactment of any of the statutes on the subject, bribery was not only a high misdemeanor at common law, punishable by indictment or information, but when practiced at elections of members of Parliament was also a breach of parliamentary privilege and punishable accordingly; *and it is an offense of so heinous a character, and so utterly subversive of the freedom of election, that when proved to have been practiced, though in one instance only and though a majority of unbribed voters remain, the election will be absolutely void.*
>
> This severity is justified on the ground that, in a country where bribery is so common as to form the subject of investigation in a large proportion of election cases, *it is absolutely essential to the preservation of the freedom of elections.*

And Cushing goes on as to the effect of that law in this country:

> Whether the same effect would be held to follow in this country may admit of some question, or perhaps depend upon the degree of guilt attached in the several States to the offense of bribery. This offense, though much less common here than in England, is nevertheless considered as so subversive of the freedom of election and so disgraceful to the parties concerned that it is made an express ground of disqualification in the constitutions of several of the States. In all such States, therefore, whatever may be the case in others, there can be no doubt that an election tainted with bribery ought to be held void, without reference to the number of votes thereby affected.

It was declared, Mr. President, in the famous Litchfield case, Mr. Justice Willes giving the opinion, as follows:

> With respect to bribery, the law is perfectly clear. *Bribery at common law, equally as by act of Parliament, avoided any election at which it occurred.* If there were general bribery, *no matter from what fund or by what person, and although the sitting member and his agents had nothing to do with it,* it would defeat an election, on the ground that it was not a proceeding pure and free, as an election ought to be, but that it was corrupted and vitiated by an influence which, coming from no matter what quarter, had defeated it and shown it to be abortive * * *.
>
> If it were shown that the *agent* of the member bribed even without the authority, and contrary to the express orders, of the member, his seat was forfeited—not by way of punishment to the member, but in order to avoid the danger that would exist if *persons subordinate to the candidate* during an election were led away, by their desire to benefit their superior, into illegal acts the precise extent of which it was difficult to prove, BUT A SINGLE ONE OF WHICH, if proved, it was the policy of the law to hold, would have the effect of avoiding the proceeding.

I observe here, Mr. President, that the agent to whom Mr. Justice Willes refers and to whom other English decisions refer, that I shall read in a moment, is not only the "election agent" provided by the statute, as we have been informed by the Senator from Michigan [Mr. BURROWS], whose all-embracing erudition is the envy and wonder of us all; but, as I shall demonstrate in a moment, "the agent" referred to in those decisions also contemplates *anyone* who has a color for acting in behalf of the candidate. All of us will be amazed to learn that the Senator from Michigan [Mr. BURROWS] could have made such a mistake, by any posibility. For we all know that he is peculiarly accurate in law and history.

Such, Mr. President, was the common law with reference to bribery in elections—the common law which is the foundation of our own jurisprudence—and it was from this common law on bribery that the present Corrupt Practices Act of the United Kingdom grew.

Mr. President, what did the present Corrupt Practices Act do? It fixed the penalties, which the common law did not; it made definitions precise. By gradual amendment it was extended to cover the smallest details of elections—"treating," payment of car fare, the using of influence, the promise of office, as well as the payment of money.

ENGLISH DECISIONS ON BRIBERY IN ELECTIONS.

How have the English judges continuously interpreted that statute? What has been the spirit with which Great Britain has met this peril of bribery? I am reading these decisions not in the hope of inducing the Senate at the present moment to apply the English rule and the sound rule to this case; I thoroughly understand that the Senate will not do that at this particular time. It will after a while—but not just now. However, when I get to the testimony I shall show that this case needs no sterner rule than the complacent and unsound rule pronounced by the Committee on Privileges and Elections in two or three Senate bribery cases.

I repeat, I do not expect the Senate just at this time to adopt the true and sound rule that *one act of bribery in behalf of a successful senatorial candidate makes invalid his election to a seat in this body.* That is the only justifiable rule, a rule absolutely necessary to the purity of senatorial elections and to the integrity of the Senate. That rule will be adopted by the Senate before many years have passed. But the Senate is not yet in a frame of mind to take this correct position. But perhaps public opinion will supply another frame of mind before long.

So I cite these decisions to show the policy of a great people in dealing with this public cancer, which has ended the life of more than one great nation and which the English people have succeeded in excising from their vitals. These decisions show us the spirit with which the English people approach this grave question. And what we need in determining this and all such cases in the right spirit.

These decisions, as Senators will observe, are especially applicable to one essential part of this case—that of agency—though their greatest significance is in showing how a great people imperiled by this menace has dealt with it. The question that is going finally to come before us is whether we shall deal with bribery and corruption with the conscience and courage with which England mastered it or whether we shall deal with it with the same reckless indifference with which another great Republic dealt with the same offense.

Shall we free ourselves from this body of death and survive, as England has done, or chain ourselves still more firmly to it and let it drag us to our national grave as the Roman Republic did?

In the Blackburn case (O'M. & H., p. 198) Mr. Justice Willes said in stating the case:

> It was proved that on the 12th of October—that is, about a month before the election—a circular was issued by an association in the town called the Conservative Association, addressed to "every manager, overlooker, and tradesman, and any other person having influence," in the town of Blackburn, requesting them to "secure in the municipal elections, as well as the parliamentary, the success" of the respondents; and it went on to say, "we venture to urge upon you most strongly the necessity of vigorous personal effort to secure the return" * * * of the respondents. This circular was afterwards adopted by the respondents, and the association which had issued it was adopted by them in place of a committee for the management of the election.

Mr. Justice Willes, in his judgment, said:

> This circular must be taken as being the act of the respondents just as much as if each of them had written a letter to this effect to every "manager, overlooker, and tradesman, and any other person having influence," in the town. It is a power of attorney to the extent to which it goes to every individual in any of those classes to do that which the circular requests him to do. It must be looked to, I think,

as the foundation of authority and agency, such as existed in the election.

It appears to me that its effect was to *make an agent of every person having authority down to the last grade;* that of overlookers over the hands, and to request, and therefore authorize, each such to influence the hands who were under him for the purpose of inducing them to vote for the candidates upon whose behalf this document was issued, and *any overlooker, and consequently anybody* in that or any higher grade, who bona fide took up the Tory side and who acted upon the circular and did canvass for the respondents became their agent, and his acts did bind them.

And it is enacted and settled as the law by the corrupt-practices prevention act of 1854, section 36, which, to my mind, does no more than lay down in very distinct terms *that which has been always the understood law of Parliament, or, rather, the common law of the land,* with respect to the election of members of Parliament; that is to say, *that no matter how well the member may have conducted himself in the election, no matter how clear his character may be from any imputation of corrupt practices in the matter,* yet if an authorized agent of his, *a person who has been set in motion by him to conduct the election, or canvass voters on his behalf, is in the course of his agency guilty of corrupt practices, an election obtained under such circumstances can not be maintained.*

As it has been expressed from early time, *no person can win and wear a prize upon whose behalf the contest has not been legitimately and fairly carried on,* or, as it was expressed upon the occasion to which I refer, *non coronabitur qui non legitime certaverit,* which is only so much in Latin showing the antiquity of the principle which I have already expressed in English. * * *

The *amount of injury* done by the agent, if the injury has been done of the character which I have described, *is immaterial.* If an agent bribe *one voter* with 2s. 6d., and that voter votes for the candidate, *election void.* If an agent bribe one voter with 2s. 6d., and the voter taking the 2s. 6d. with purpose, express or implied, of voting accordingly, should break his promise and vote for the other side, election still void.

Although the result of the bribe was nothing as to the poll, the result was in point of law that an illegality of so gross a character and *so difficult to trace* would have been committed that no election would be safe, no community would be sure but that elections were gained by the exercise of corrupt practices, unless for the sake of all the election in which an agent has been guilty of such a malpractice were *held void* as against the principal of that agent.

It is not by way of punishment to the principal that the election is held void; it is not because the majority has been swayed or even affected by the malpractice that the election is held void, but it is because malpractices designated as corrupt by the common law and by the legislature in the corrupt-practices act are so odious *and so dangerous* that it is thought better to *hold void* an election where either such practices HAVE GENERALLY PREVAILED, WHETHER TRACEABLE TO A MEMBER OR HIS AGENTS OR NOT, *or where a single instance* of such corrupt practice has been distinctly traced to the member or *to an agent of the member.*

I next read from the opinion in the Norwich case (2 O'M. & H., p. 39), so called. In this case, which was decided in 1874, Mr. Justice Keating delivered the opinion, and he deals with the "hardship" which this interpretation, this Draconian interpretation, of the law of England by which she has guarded the purity of her elections and therefore her life works upon the candidate. He says:

It seems hard at first sight that a single act of bribery should avoid an election; but when an act of bribery is committed the *whole election of the party bribing is tainted. It is no longer an election; it is utterly void.* On this point I would refer to the learned judgment of my brother Willes in the Blackburn case. This result may be undoubtedly a cruel consequence of the law of agency as applicable to elections: it is, however, a law that arises from the necessity of the case, and is well put by the learned Scotch judge, Lord Barcaple, in the Greenock case.

* * * * * * *

If it were proved that a candidate or his agent hired men *to attend the nomination, and to hold up their hands upon the occasion,* my impression decidedly is that it would be illegal *and would avoid the election.*

In the Shrewsbury case (2 O'M. & H., p. 36) Baron Channell, in his judgment, said as to avoiding an election on account of a single and insignificant act of bribery:

If an act of bribery is clearly made out and agency is clearly proved, I am disposed to agree with the dictum of my brother Willes, * * * and to think that a judge is not at liberty to weigh the *importance* of that act, or *to take into consideration the effect it may have had upon the election,* but he is bound to apply the express provisions of the act of Parliament, without going into the question of the *comparative significance* of the act of bribery which has been proved to have been committed.

In the Greenock case (2 O'M. & H., p. 247) Lord Barcaple, in his judgment, said as to the principle to be applied in dealing with questions of agency in election inquiries:

I think there are three principles applicable to three kinds of matters. There is first of all the strictest of all principles, that which is applicable to a criminal charge, and there you are responsible for nothing but your own individual guilt. That is a thing consistent with ordinary common sense. There is then the principle that is applicable to actions of a civil kind raised against a party on the ground of a wrong done, and in which it is proved that the wrong was done by the defender's agent—that is to say, a person employed by the defender while he was doing the thing he was employed to do; but there comes in the principle that he was employed to do the particular work and that he was not employed to do the wrong.

Then there is the third class of cases with which we are at present engaged, where, in these election petitions, it being proved that a candidate is having his election *carried on by a committee or certain canvassers, those canvassers do something which, if the candidate is responsible for it, will invalidate the election.*

And it is held that he is responsible for it in the sense of making the validity of the election depend upon it. I do not see how these petitions would be of the least use otherwise, because I suppose that there are very few candidates, indeed, who undertake the practice of corruption by their own hand. I presume there are equally few candidates, or very nearly so, who ever say to their agents that they are to proceed corruptly in the matter.

In the Aylesbury case (Saeger, p. 79) Mr. Justice Field said:

Any person whom a candidate puts in his place to do a portion of the task that he has to do, namely, *to procure his election as a member of Parliament,* is a person for whose acts he would be liable.

I now read from the celebrated and recent Great Yarmouth case (Saeger, p. 81), decided in 1906. The facts were that a man who had interested himself in the election obtained the use of a vehicle and took voters to the polls and in some cases gave them money.

The candidate, on hearing of the petition, *repudiated this person;* and it was said that he was not on the list of "workers" and had not, therefore, received express instructions, as other "workers" had, not to do anything illegal.

Mr. Justice Channell, in determining this case, used the following language:

There are principles, and the substance of the principle is that if a man is employed at an election *to get you votes;* or, if without being employed, *he is authorized to get you votes;* or if, although neither employed nor authorized, *he does to your knowledge get you votes,* and you accept it and adopt it, then, in either of these cases, he becomes a person *for whose acts you are responsible* in this sense: That if *his acts had been of an illegal character you can not retain the benefit which those illegal acts have helped to procure for you*—helped to procure for you, I say, because *it is not necessary, of course, that the bribery should extend to the full amount of the cases necessary to put you in a majority.*

No case in this country will be found to deny these decisions on the law of agency in elections. I repeat that this most recent interpretation of the English statute and of an election under it shows how unexpectedly erroneous our profoundly learned friend from Michigan [Mr. BURROWS] was when he said that the term "agent" under English law applied only to the "election agent" "appointed in writing." Whoever looked up the law for the Senator from Michigan [Mr. BURROWS] should have been more thorough.

The argument against the English rule that it was pretty hard on the candidate was instantly answered by all of the judges that the office did not exist for the candidate; the office belongs to the people. The office is not created to satisfy the ambitions of the candidate; the office is created as an instrument of the people who made it.

MOMENTOUS RESULTS OF THE ENGLISH LAW.

Mr. President, what have been the results of this drastic treatment of bribery and corruption by English law and English courts? First of all, from a greater debauchery of elections than the world knew since the time of the fall of the Roman Republic, England has developed into a period of remarkable purity of elections. And that has had large public consequences.

Does anybody doubt that, but for an unbribed House of Commons the last budget would have been passed with all the powers of wealth and privilege fighting the imposition of a land tax upon great estates which are idle and have been since the time of William the Conqueror and pay no part of the burdens of the British people's government? With all those forces fighting that budget, do you suppose, Mr. President, a House of Commons ever would have passed it filled with bribe-bought members?

It is not a question, you see, of settling some man's personal fate. It is a question of caring for the welfare of the people. Does anybody doubt that Gladstone never would have advanced one inch with his great lands reforms in Ireland if he had been confronted by such a corrupt Parliament as George the Third and Lord North purchased to serve their foul purposes? Does anybody doubt that manhood suffrage in the United Kingdom never would have been adopted but for this stringent method of handling the election cases that guards the purity of Parliament?

Senators say, at our luncheon table, how unfortunate it will be for this Senator or that. Had we not better ask, How unfortunate for millions of people it will be if we look lightly on a crime against free institutions so heinous that it involves the perpetuity of our government.

Mr. President, we talk about the justice of our Revolution. Our Declaration of Independence is our Magna Charta we declare. Yet what caused our Revolution? It was the unjust and oppressive acts of the British Parliament, was it not? What Parliament? The purchased Parliament whose election George the Third of England secured by the bribery of the British electorate.

Does anybody believe that, if the purity of elections to the British Parliament that exists to-day had existed at the time of our Revolution, a single one of those unjust acts would have been enacted, which caused our fathers successfully to raise the standard of revolt?

I know Senators will say, What is the use of going back to the Revolution? What do we care about the land laws of Ireland? What matter to us is manhood suffrage in the United Kingdom? What concern is it of ours that the great principles of justice have been put in the recent budget?

WHAT PURE ELECTIONS MEANS TO US.

This is the concern it is to us—that by reason of the purity of the British Parliament, secured by England's laws and their drastic application, an end has been put to those practices which caused us to sever ourselves from the mother country. It means this to us, that the same cause that produced a malign result there will produce the same result here—and that the remedies that cleansed English elections will purify American elections.

It means this to us, that the same great forces which always have, do now, and always will, in a country where free elections occur, manifest themselves through bribery will prevent the passage of those measures upon which the welfare of struggling millions depend. That is what it means to us.

I intend, Mr. President, with all my power to set forth to the Senate, and in so far as I may to the country, the mighty question which we are to determine. It is not merely the seating or unseating of a Senator at all. No, we are dealing with an offense which runs through history and which, according to the way in which various people have dealt with it in the past, have strengthened them or killed them.

Contrast the England of to-day, Mr. President, with Rome. Every student in the world has noted the startling similarities in many developments rapidly ripening in the American Republic with those that occurred in Rome when that Republic began its decline—love of luxury, scandalously vast wealth ill-gotten, corrupt efforts for office and power, the use of these in behalf of "the interests" of that day. Chief of these, Mr. President, was the subject of bribery.

BRIBERY AND THE REPUBLIC OF ROME.

In Rome bribery was the first definite symptom of a fatal disease. Patriotic statesmen clearly saw that it would end the liberties of the Roman people, and the people themselves instinctively felt that they must throttle this evil if they were to continue to exist as a free people. As early as 180 years before Christ, the Lex Cornelia punished bribery of voters with exile.

But severe as this penalty was the abuses continued and increased, and the last century of the Republic began with bribery, the most dangerous foe which the Roman Republic faced. The Acilia Calurnia added heavy fines for bribery, whether successful or not, and forever deprived the citizen attempting it from holding any office.

The reason these two penalties were expected to stop this form of corruption was that money and the holding of office had become the twin gods before whose foul shrine of selfishness every ambitious Roman worshiped. To be rich and to hold office were the two great purposes of every ambitious Roman. "How much money have you?" and "What high office do you hold?" were the questions the answers to which fixed the status of the Roman citizen as to success or failure.

But in spite of the shrewd estimate of Roman character on which the Acilia Calurnia was founded, the capitalists or "financiers" as Ferrero calls them and the politicians of that day trampled it beneath their sordid and reckless feet, and were able to prevent its execution because of the growing indifference of the Roman people themselves to the fate of their institutions and their descendants. "Sufficient unto the day are the benefits thereof" had become the unspoken rule which guided the great body of that once mighty people.

In that immortal period which produced Cicero and Cæsar, Crassus and Cato, there was a slight recrudescence of that ancient virtue, whose best expression was "To be a Roman citizen is nobler than to be a king."

But, after all, it was a feeble flame of righteousness—a very feeble flame considering Crassus, the master financier of his day and subsequent Roman history. Yet it resulted in the Lex Tulia of Cicero's consulate, B. C. 64, which extended the Acilia Calurnia to any candidate who should hire followers or entertain the people with shows or refreshments. Every student knows the reason for this. Wealthy and ambitious men, who wanted their tools in important offices or who wanted to be in office themselves, gave the people lavish public entertainment.

The Roman citizen now had been debauched so far that he was ready to cast his suffrage for anybody who would do him any favor or even entertain or divert him. Bribery in all its forms, gross and subtle, had utterly corrupted Roman character. The powers of pollution understood this well and laughed at the Lex Tulia and all other corrupt practices acts because they knew they could disregard them.

Is there no parallel between this absence of Roman civic virtue and the low ideal which is urged upon us in this case more than 2,000 years later? Consider the contrast between Roman history, law, and administration, and English history, law, and administration. For in almost every respect English and Roman history furnish the student the best materials for comparison and contrast, not only in the duration and extent of their power, but also in the character, or, as Emerson calls it, "the bottom" of the character of the two peoples.

AMERICAN CHARACTER ON TRIAL.

So, Mr. President, instead of taking up this great problem as England has taken it up and saved herself, the Roman judges, the Roman senate, and finally the Roman people let it go by. "Never mind, the Republic will endure," said they. "Don't bore me with talk about the Republic" was a common sentiment of the people of Rome. "No matter if the law is violated, let us stand up for the man in office if he has the cash," was the final expression of the debased Roman electorate.

No wonder Rome fell. And be sure we shall perish, too, if we pass this evil by as a thing for a sneering cynicism or a diseased sentimentality.

And so fundamentally the great question is, How shall we Americans approach this evil in our own land? Our institutions are on trial and, deeper than that, the character of the American people is on trial. If it is not so, then history has no meaning.

I know, and it is not a good sign, that we are so busy that we are impatient of the lessons of other peoples. We can be impatient a little bit too much. We can be too hurried. The time must never arrive in this Republic—and if it does the doom of the Nation already has been sounded—when the purity of our elections is not to us a greater concern than the success of a politician or mawkish sympathy for the imperiled ambitions of a candidate or the success of the wrongful plans of great interests.

Mr. President, if England is so strict to-day as to the election of 1 member out of nearly 700 of the British Parliament, how should we approach a case which involves the validity of the election to a seat in the Senate of the United States, where there are only 92 Members? If England is so stern as to the purity of the election of 1 member out of nearly 700 that make up the British Parliament holding office only until Parliament is dissolved and sent back to his constituents, what do you say should be the spirit in which we should approach the election to a seat in this body, which not only has but 92 Members but whose term of office is for six long years—Members who vote on all bills, yes, and who pass upon all treaties, approve or negative all appointments, try the judges of the Nation, and even the Chief Magistrate of the Republic himself?

THIS IS NOT A PRIVATE LAWSUIT.

What madness is upon us, Mr. President, that we consider this as a private controversy in a court with a private party complainant and a private party defendant; a mere private lawsuit affecting no one but the private parties to it; a private lawsuit where appeals are made, such as lawyers make to juries in police courts?

For this is how this great issue, freighted with the destiny of the Republic, has been treated. And yet, instead of being a private lawsuit, it is the weightiest public matter that possibly can arise under and affecting "this government of the people, by the people, for the people."

Mr. President, in referring to the English laws and these historical illustrations, one purpose has been to bring us down to a consideration of our own law as applied to this vital and fateful question which, as the guardians of the purity of elections to the United States Senate, we must decide. By what power, Mr. President, do we deal with this matter?

[At this point Mr. BEVERIDGE yielded for the presentation of the unfinished business.]

Mr. BEVERIDGE. When we find the source of the power by which we are acting we will observe the immediate pertinence of the history I have been reciting. We derive this power from that clause in our Constitution which makes us the judges of the returns, qualifications, and election of Members. Where did that come from?

Mr. Norwood—and anybody who has read the debate of Senator Norwood, a southern Senator, can not but have the profoundest respect for him as a student and a great lawyer, measuring up to the height of Thurman of Ohio and Morton of Indiana—Mr.

Norwood, in his minority report, in the Powell Clayton case, said:

The provision in the Constitution is a transcript of the parliamentary law of the English House of Commons, as it existed when, and long before, the Constitution was adopted.

We took it from the law of the British Parliament, and therefore how it was understood by the mother people throws a flood of light on how we should understand it now.

Now, Mr. President, beginning with the Caldwell case, continuing through the Payne case, down through the Clark case to the case before us now, the committee have stated, sometimes definitely and sometimes loosely, that it is not sufficient that one vote be bribed unless the sitting member knew about it, and had something to do with it; but that enough votes must be bribed to destroy an honest majority.

RESULTS OF SENATE COMMITTEE BRIBERY RULE.

For the purposes of this particular case I do not propose to controvert that position, because this case can be decided—and when I come to the evidence I will show you that there is no escape from deciding it—against the validity of this election, even under those unsound committee pronouncements. But I want to put myself on record as to my view of this erroneous committee rule and some of the consequences if we make it the law of the Senate in such cases.

Suppose, for example, that a Senator had a majority of 50 in a State legislature. Suppose 49 of them were bribed by his friends and he knew nothing about it. Under these committee pronouncements his election would be valid; his seat would be free of stain. To my mind, that is monstrous. Yet it is what these so-called "precedents" declare.

And mark this, the defenders of the election before us are not content even with these "precedents" as given by the committee heretofore. No, Mr. President, the defenders of this election now insist that not only must enough votes be corrupted to destroy the majority cast for the person who profits by them, *but that these votes must also be deducted from all votes present and cast in the general assembly.* To this climax of extravagance do Senators resort to uphold this foul election.

I repeat, to such extremes are the defenders of this election driven in order to maintain it. I say extremes because *never before was such a plea advanced in even this body in an election case.* Also, it is in direct violation of the express words of the statute. Also, there is another thing I may have to call attention to as to this new and novel theory by which the defenders of this election now are attempting to justify it.

WHY WERE THE VOTES BOUGHT?

Of course, the question at once arises, "Why were votes bought if those who bought them did not think they were needed? Was money uselessly expended? Was the peril of the penitentiary needlessly incurred?" The fact that the vote is bought shows that the person who purchased it thought that the vote was needed. Men do not commit a crime for nothing.

Take another supposition. Suppose only one vote was bought and that the vote of a powerful leader. None of his followers were bought, let us suppose; but he was, and it was proved that he was bought. Those who were accustomed to follow his lead, to look up to him, to take his counsel, voted as he voted. Yet under these committee "precedents" that election thus procured would absolutely be safe. Is that right? Is it even wise?

Let me make it still clearer: Suppose the great body of those who honestly followed this leader and who voted as he voted were to find out that that leader had been bribed, would they have followed him? It is revolting to reason to say that they would have followed him; and yet the position heretofore and now taken by the committee is that the election would be absolutely valid if this one voter were purchased, although his influence over others caused the whole majority that the successful candidate got.

If that is true, Mr. President, the validity of an election depends on being found out, and I guess that is the case anyhow. What say we "in this awfully stupendous manner, at which Reason stands aghast and Faith herself is half confounded"?

Well, whatever we say now, be sure that finally we must say that the true theory and the sound theory is that *a single act of bribery in behalf of a successful candidate to a seat in the United States Senate destroys the legality of that senatorial election.*

That is the English rule concerning the popular election of a member of Parliament, consisting of nearly 700 members—an election beyond all estimate inferior in dignity and importance to an election to a seat in the United States Senate. That is the English rule as to such a popular election, where the voting is secret, and therefore infinitely harder on the candidate than an election to a seat in the United States Senate, where the voting is viva voce.

Yet it has been by this rule that England has purged herself of corrupt practices in her elections and secured a pure and a free Parliament. By such a rule we Americans can cure ourselves of corrupt practices in senatorial elections and insure a Senate above suspicion of evil influences.

Such a rule—the bribery of one member of a legislature in behalf of a successful candidate in a senatorial election destroys the validity of that election—would end the nauseating talk that, although large numbers of legislators were bought by overenthusiastic friends to vote for a United States Senator, yet he is blameless and his election valid.

Such a rule would put an end to such purchases by such overenthusiastic friends, practicing corruption without their favorite's knowledge, if such a case ever did or could exist. For the "enthusiastic friend" would hesitate a long time to part with his money and run the risk of the penitentiary for his adored candidate if he knew that his crime would avail nothing in behalf of that adored candidate.

Such a rule would absolutely prevent malign financial interests from making merchandise of the votes of the members of legislatures in a senatorial election in order to put a friend of those interests in the United States Senate.

For, as all of us have observed, while "special interests" are willing to spend any amount of money and take any risk that will accomplish their ends, they are not willing to spend a cent or to take any risk when it will not do them any good.

THE TRUE STANDARD OF PURITY FOR THE SENATE.

The Senate of the United States ought to raise a new standard of purity for elections to its membership; and on that standard should be emblazoned Coke's immortal axiom:

One act of bribery poisons the whole fountain.

This would be a new standard for us, but, as I have shown, it would be but an application to elections to this body of the ancient common law of our ancestors. It only would be putting in practice here for our salvation that which England has practiced for decades for her salvation.

I want, personally, to go on record now that this is a rule to which finally and soon the United States Senate must come. It is not necessary to a decision of this case, for this election is invalid even under the complacent and accommodating precedents announced by the Committee on Privileges and Elections heretofore. But it is necessary to make it the law of the Senate. Be sure of this, Senators, that sooner or later you must make it the law of the Senate. And I think that time is rapidly approaching.

But, Mr. President, let us say that for the purposes of this case we must show that enough votes were purchased, or improperly influenced, so that it destroyed an honest majority.

Well, Mr. President, there has been a good deal of discussion upon how we are going to compute that. I shall take that up when I get through with the testimony, I hope to the satisfaction of everybody who honors me with his attention. We have heard lots of mathematics in this controversy—curious, weird mathematics.

When I was in college I studied far past logaritlims; but since then I have not heard as much mathematics as I have heard here—novel, ingenious, not to say bizarre computations, equations, what not. I have thought that if the shade of Sir Isaac Newton could revisit the glimpses of the moon, it would come clad, not in ghostly habiliments of white, but in garments of jealous green, because a superior mathematical mind to his had appeared upon the earth. [Laughter.]

HOW BRIBERY PROVED.

But even as to the effect on this election of these so-called committee "precedents" and of other matters that I shall lay before the Senate, there is no doubt, unless you destroy the statements that the committee have made themselves; there is no doubt unless you absolutely destroy the statute under which this election was held.

Now, Mr. President, it is my purpose in a moment to go into the testimony, but before I do that I want to call the attention of the Senate to the degree of proof required in bribery, and to the nature of the testimony necessary in cases of corrupt practices.

There has been much talk about the law. We have had apostrophes to the law. Very well! Let us have some law on this vital point. What proof is necessary to establish bribery? Let us first take merely the authorities of the committee of the Senate.

Consider the statement of the minority of the committee in the Payne case. From this statement nobody dissented. Everybody conceded that it was the law; and I hope if anybody does not agree to this he will rise now, or before the vote is taken, and show wherein it is a wrong statement of

the law as applied to bribery. Here is what Senator Hoar and Senator FRYE said, and, I repeat, as to this *there was no dissent;* and I will ask any person whether he dissents now:

How can a question of bribery ever be raised, or ever be investigated, if the arguments against this investigation prevail? *You do not suppose that the men who bribe, or the men who are bribed, will volunteer to furnish evidence against themselves? You do not expect that impartial and unimpeachable witnesses will be present at the transaction?*

Does any Senator think that is not the law?

Let me read from the Encyclopedia of Evidence, which I suppose is about as authoritative a textbook as there is:

Evidence in bribery cases *is necessarily meager and limited* because such transactions are usually entered into *secretly with no one present except the parties to them.* Circumstantial evidence is therefore *admissible and sometimes sufficient.*

All the circumstances of the proceeding alleged to have been influenced by bribery are admissible as links in the chain of circumstantial evidence.

But the evidence in the case before us is not meager—it is bountiful. The evidence here is not circumstantial only; it is positive and direct also. Never was a case of bribery where the evidence was so abundant and conclusive.

And consider the following in light of the subcommittee's remarkable rulings in the present case on the offers to prove the confessions of Link, Beckemeyer, and other evidence which the subcommittee ruled out. I continue to read from the Encyclopedia of Evidence:

Extrajudicial confessions alone, uncorroborated by other evidence as to the main facts, are inadequate to establish a corpus delicti. But where a confession is substantiated by proof of circumstances which, although they may have an innocent construction, are nevertheless calculated to suggest the commission of the crime, for the explanation of which the confession furnished the key, it should be allowed to go to the jury.

THE NEW YORK BRIBERY CASE.

Mr. President, perhaps as fair a statement of the law of bribery and the evidence necessary to establish it as ever was made was delivered in one of the New York bribery cases, People *v.* Kerr, which, I think, had to do—the Senators from New York can inform us—with the passing of an ordinance or something of immense value there in New York. Anyhow aldermen were bribed.

It should be remembered that the charge to the jury by Mr. Justice Daniels, which I now shall read was in a criminal case in a criminal court. It was not a statement of the law or of a rule that should govern "The greatest legislative body in the world," as it has been called, in determining the validity of an election to it.

Yet you shall see how broad Mr. Daniels puts the law. Laws! Stand by the law! Yes; but who was it who said, "Thou shalt not make a scarecrow of the law?" Since law has been appealed to I shall not presume to state it, but I let the great jurists of this and other countries state it on every branch of this case.

The indictment seems to have been found some time since, and, as it has been presented by the grand jury, it charges this defendant with the crime of bribery under the statutes of this State. The statutes upon this subject have undergone changes at different intervals until they have reached their present comprehensive condition. There seems to have been a feeling actuating legislative action that this was, to a certain extent, at least, *a growing evil in the community*—

Is it possible that a judge on the bench in a criminal court instructing a jury would go into such unstatesmanlike utterances as that, or as it has been termed here of much more conservative statements, loose statements of law? This justice is not making a stump speech mind you. He is stating the law of bribery, and to a jury in a criminal trial. Men were on trial in this case for their liberty—

a growing evil in the community in the State.

How shocking, Mr. President, to hear a judge talk so! We have easier rules in the United States Senate, it appears. But let us stick to the charge of Justice Daniels. He continues:

and that it is necessary, *for the purpose of checking and properly restraining it,* to impose the restraints of punishment, under legislation concerning whose intent and comprehension there could be no substantial doubt. *In pursuance of this conviction the laws have been changed.*

The learned justice goes on:

If bribery is to affect the official conduct of individuals occupying positions of authority, you will see at once, upon your own reflection, that, as far as it extends, the *fair administration of the laws will be subverted—they must be subverted*—in consequence of the exercise of influences of this character, and when the offenses are brought to the attention of courts and juries, *and are to be disregarded,* or are to be allowed to pass without punishment, *then direct encouragement will be afforded to the increase and spread of this offense until its pernicious influence may endanger the very existence of the institutions of the State.*

Is it possible that any American court so pronounced? If so, what is to become of "conservatism?" But, to quote still further:

It is not, of course, gentlemen, intended by this suggestion that you shall take it for granted that an offense has been made out by the evidence in this case, but it is to enjoin upon your minds that degree of care, caution, *and solicitude* which is necessary for the purpose of examining, and coming to a rational and true conclusion, concerning the charge made in this indictment. The case is to be made out by proof, the same as all other cases. *It is not necessary that it should be by direct and positive evidence of witnesses*—

As is the case in the business we have got to decide—

but it is sufficient in the judgment of the law *that the species of evidence may combine with circumstances of such force and weight, when they are united and considered together,* as to leave no rational doubt whatever in the mind as to the truth of the charge contained in the indictment. The administration of the criminal law is essentially dependent, in a large degree, necessarily, on *the existence and force of circumstances for the purpose of making out criminal charges.* This results from the fact that *crimes ordinarily seek concealment.*

I shall ask Senators to remember this when we come to examine this testimony. It seems to be the view of some that bribery is committed in the open. It seems to astound some that bribers do not shout it from the house tops or speak it in the streets of Askelon. It seems to be the view of some that scoundrels would not be guilty of bribery—oh, no—and that when they are caught and confess they are not to be believed because they were scoundrels enough to accept a bribe.

What is the alternative? That nobody will be bribed in this country except saints and the righteous. Are we to believe nobody when circumstances and their own confessions chain them unless they have superb characters and perfect habits?

BRIBERY A SNAKE IN THE LEAVES.

That was not the opinion of Justice Daniels. He thought, as the textbooks I have read stated, that bribery was one of the most difficult of crimes to prove. It is like a snake running under the leaves. So it has been the policy of the law, in considering the testimony concerning bribery, to recognize the fact of its elusive character, of its secrecy, of its concealment, and that circumstances are excellent proof, and confessions, when corroborated, absolute proof.

In a moment I shall demonstrate that not only the direct confessions in this case but every corroborating circumstance is present which the authorities say are enough, and more than enough, to prove bribery. How do Senators expect bribery to be proved, anyhow? We are asked not to believe the confessions made, because they are made by bad men. Of course they are bad men or they would not have taken bribes. We are asked not to believe corroborating circumstances because that is circumstantial evidence. How then are you going to prove it?

And this, too, is urged, not in a criminal case—not before you, Mr. President, as the judge of a criminal court. Oh, no; but this actually is urged in this most powerful of all bodies under the sun when we are guarding the purity of elections, for which our fathers fought and died, and upon which the perpetuity of our institutions depends.

Now, what else did Mr. Justice Daniels say:

They are not committed, ordinarily, openly, and before the public, or before the public eye, but occasions are sought for the *commission of crime when safety or security from observation, or from prosecution and punishment,* to a certain degree, may be within the hope and the expectation of the culprit.

If there is anyone who disagrees with this statement of law as made by Mr. Justice Daniels in charging the jury on bribery in the New York bribery case, or with the statement of the law from the Encyclopedia of Evidence, or from the statement of the law in the Payne case which was not dissented from, I would be glad if we could settle that matter now.

If no Senator now dissents, I shall take it for granted that this is a true statement of the law, and, if necessary, I should have given many other authorities, but I do not want to burden either the Senate or the RECORD.

Yet, Mr. President, I repeat there is more proof here of every kind described as being sufficient by the textbook writers and decisions than ever happens in a case tried before a court.

Now, Mr. President, how shall we look at this matter? We have been told—I am sorry the Senator from Texas [Mr. BAILEY] is not here——

Mr. PAYNTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Kentucky?

Mr. PAYNTER. The Senator from Texas is now detained from the Chamber.

Mr. BEVERIDGE. That is all right. I am merely going to quote from him, and I approve what he says in this one particular.

Mr. PAYNTER. I merely want to state, if the Senator will permit me, that the Senator from Texas is absent from the Chamber by reason of the hearings before the Finance Committee, which is considering the reciprocity agreement.

Mr. BEVERIDGE. That is all right.

THE RIGID RULE—BUT RIGHT.

I am going to quote from the Senator from Texas, and I quote it with earnest approval. It is a correct statement of the law. The Senator from Texas said, December 18, 1905:

I do not concede—

I do not want to read too much, but if I have left out any, I hope some one will call my attention to it—

I do not concede to any court the right to decide who is entitled to a seat in this body.

Why, of course not. The validity of a seat in this body is beyond the power of any earthly influence except ourselves. No court can reach it. The legislature which conducts the election can not withdraw it. We alone have the power.

The Constitution commits that to us in the first instance and in the last instance. We are to judge of their election and qualifications when they come, and under our power of expulsion we are to judge how long they may remain.

That refers, of course, to cases proper for expulsion. The Senator from Texas continues as follows:

The rule is different here from that which prevails in the courts. There, as a safeguard for the liberty of the citizen, he must have his guilt established beyond a reasonable doubt; here the rule ought to be that he must free himself from all appearance of wrongdoing beyond reasonable doubt.

So, Mr. President, we are enlightened not only by the authorities read, but by the admirable opinion——

Mr. OVERMAN. From what speech was the Senator reading?

Mr. BEVERIDGE. I was reading from the speech of the Senator from Texas.

Mr. OVERMAN. I understand, but in what case?

Mr. BEVERIDGE. I think he was discussing at that time the case of Mr. Burton. I see that reference is made to the then Senator from Kansas, Mr. Burton, by the Senator from Maine [Mr. HALE] just before the Senator from Texas spoke.

Mr. SUTHERLAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Utah?

Mr. BEVERIDGE. Certainly.

Mr. SUTHERLAND. I did not clearly hear the quotation which the Senator from Indiana read from the speech of the Senator from Texas.

Mr. BEVERIDGE. I will read it again.

Mr. SUTHERLAND. The Senator can answer me, perhaps. Did the Senator from Texas say in effect that when a Senator was accused of wrongdoing——

Mr. BEVERIDGE. I will not interpret what he said. I will read it to the Senator, and will let the Senator interpret it.

Mr. SUTHERLAND. I would be glad if the Senator would read it.

Mr. BEVERIDGE. Did the Senator hear my authorities on bribery and the difficulty of its proof—the sufficiency of proof?

Mr. SUTHERLAND. No. I should simply like to hear that again.

Mr. BEVERIDGE. I am sorry the Senator did not hear the authorities, the textbooks upon that subject, and the decisions of the courts. The Senator from Texas said:

The rule is different here from that which prevails in the courts. There, as a safeguard for the liberty of the citizens, he must have his guilt established beyond a reasonable doubt; here the rule ought to be that he must free himself from all appearance of wrongdoing beyond reasonable doubt.

Is that clear?

Mr. SUTHERLAND. Yes.

Mr. BAILEY. Will the Senator from Indiana permit me to interrupt him?

Mr. BEVERIDGE. Certainly.

Mr. BAILEY. I was absent from the Chamber engaged with the Finance Committee, of which I am a member, in a hearing on the reciprocity bill when the Senator from Indiana read an extract from a brief and extemporaneous speech which I made in the Senate once and which I have no disposition to modify. But I want it to appear in connection with the Senator's remarks that what I said did not relate to an election of a Senator, but it related purely to the conduct of a Senator while a Member of the Senate and for which he had been indicted. On that state of facts, of course, I think I stated the law and the propriety.

But that is not the question here. Upon this record there is no question of Senator LORIMER's personal conduct.

THE RULE MUCH STRONGER IN CASE BEFORE US.

Mr. BEVERIDGE. Not of his personal misconduct while a member of the Senate that would involve an expulsion, which would require two-thirds vote. The case before us is a more serious thing—the validity of the title which the sitting Member holds and which the evidence shows is befouled by bribery. I think the Senator from Texas stated the rule correctly there—not only as it applies——

Mr. BAILEY. As is the habit of the Senator from Texas.

Mr. BEVERIDGE. Not only as it applies to that case, but as it applies to all cases. He made a distinction, from the statement as I read it, between the rule as it exists before courts and the rule that applies to cases here.

Mr. BAILEY. But the Senator——

Mr. BEVERIDGE. And I think the Senator can well go further and apply the rule to this case; at least I shall.

Mr. BAILEY. The Senator overlooks the fact that the question there was whether the indicted Senator should remain in the Senate until the courts had disposed of the indictment against him, or the Senate should take it up and dispose of it there. I insisted that it was incumbent upon the Senate to dispose of it at once, and in doing so I very properly, I think, stated that the rule that should govern the Senate in deciding upon the expulsion of a Member was different from the rule which ought to govern the court in his conviction; that in the criminal courts the rule of proof beyond a reasonable doubt prevailed and ought to prevail, but that the same rule does not obtain in the Senate.

Mr. BEVERIDGE. True; but it was a question of expulsion there.

Mr. BAILEY. The question was purely one of expulsion there. That is not involved here. This is a question——

Mr. BEVERIDGE. Will the Senator permit me to ask him a question?

Mr. BAILEY. Certainly.

Mr. BEVERIDGE. In view of the statement that he just made, differentiating the rule as it is before the courts in a criminal case and a question so personal as to justify expulsion here, would not he say that it applied with even greater force where the case was not one that called for expulsion, but went to the validity of an election? If an election is vitiated by corruption, that is a more serious matter than most things that justify expulsion.

Mr. BAILEY. Undoubtedly. If the Senator from Illinois were charged with having participated in the bribery through which it is alleged that his election was procured, I would invoke the same rule against him. But the cases are totally different. In the other case there was no doubt about his having personally done what was charged against him, if it were done at all. In this case there is no pretense from the beginning to the end of this record that Mr. LORIMER personally participated in or encouraged or sanctioned any of the misconduct which is alleged, and therefore the rule has no application. What a Senator does he ought to account for under the strictest rule; but he ought not to be held to the same strict account for what others have done.

Mr. BEVERIDGE. I am unfortunate in not making my question clear. It is this: The Senator says that his statement referred to a case which would justify an expulsion——

Mr. BAILEY. For the misconduct of the Member.

Mr. BEVERIDGE. Yes; for the misconduct of the Member.

Mr. BAILEY. If there is any misconduct——

Mr. BEVERIDGE. Pardon me until I state my question.

Mr. BAILEY. Alleged against Senator LORIMER here——

Mr. BEVERIDGE. Let me state my question.

Mr. BAILEY. Then the rule can be invoked——

Mr. BEVERIDGE. Let me state my question. The Senator will let me do that.

Mr. BAILEY. Certainly.

Mr. BEVERIDGE. Take the misconduct of a Senator—the Senator himself used the word "expulsion"—which would justify expulsion. Now, if what the Senator said as to the difference of the rule in a criminal court and the rule applying here in the personal misconduct of a Member which would justify expulsion is correct, my question is, Would it not apply with double force where it was not a question of misconduct merely, but a question which went to the validity of an election?

Mr. BAILEY. Not at all.

Mr. BEVERIDGE. Why? Where is the distinction?

Mr. BAILEY. The distinction is as plain as the day.

Mr. BEVERIDGE. I understand the difference between the two cases cited——

Mr. BAILEY. In the one case the charge was against the personal conduct of the Senator.

Mr. BEVERIDGE. I understand that, but——

Mr. BAILEY. And I say here and I say everywhere that every Senator ought to be able to show that he has not been guilty of conduct which would justify his expulsion, conduct which had resulted in his indictment by the grand jury——

Mr. BEVERIDGE. And which would therefore justify his expulsion.

Mr. BAILEY. It might or might not.

Mr. BEVERIDGE. It might or might not. That is true.

Mr. BAILEY. The grand jury heard but one side. The grand jury has indicted thousands of people who could not be convicted and who ought not to have been convicted, and consequently the indictment alone did not imply a state of facts which would justify the expulsion of the Senator. And when the Senator is arraigned at the bar of the court he is entitled to the protection of that rule which requires the proof of his guilt to be made beyond a reasonable doubt.

But that rule could not be invoked here, and if the Senator will take the trouble to read the rather long address which I delivered to the Senate several days ago, covering a part of two days, he will not find an intimation in all that speech that the Senator from Illinois must be proved to have participated beyond a reasonable doubt, not even that the case itself must be established beyond a reasonable doubt.

I go so far, Mr. President, as to say that if the preponderance of evidence was against the right of a Member to his seat the Senate would be justified in acting upon that preponderance. With the Senator's permission I will state the case as it occurred, and upon which I made this statement.

Mr. BEVERIDGE. I am perfectly willing, but I think we all remember that case.

Mr. BAILEY. The committees were announced, and the Senator in question was not assigned to any committee. I rose to a question affecting the privileges of the Senate, and even if I did not state it that way that is exactly what was involved. I declared that it was not competent for the Senate to organize itself and appoint its committees and ignore any man who sat here as a Senator from any State. The answer was made that the Senator in question was under an indictment. I replied that that was all the more reason, for the sake of the Senator's constituents, for the sake of the country, and for the sake of the Senate itself, that the matter should be disposed of and the Senator relieved from this discrimination or the Senate relieved from his presence. It was in that connection that I declared the rule under which the Senate proceeds is a different rule from that under which the court proceeds.

I beg pardon of the Senator for having interrupted the continuity of his thought. As I said, I was engaged about the business of the Senate elsewhere, but I wanted this to appear in its proper place. I apologize to the Senator for interrupting him.

Mr. BEVERIDGE. That is all right. Mr. President, as the Senators who were here will remember, I read this statement from the Senator from Texas after I had read the law as given in the most creditable textbooks and also as stated by Justice Daniels in the famous Kerr case in New York as to what constitutes bribery and the sufficiency of the testimony thereof.

Mr. President, the Senator makes the distinction between a case justifying expulsion and a case involving the validity of an election. The result of both is the same. In either case it affects the seat, but in the first case it is purely personal; in the second case it may be impersonal, because it goes to the validity of the election.

Therefore, I will read again the statement from the Senator, but will leave it to the Senate whether, if he stated the rule accurately, in a case of personal misconduct justifying an expulsion, the same statement does not apply with infinitely more force where we are trying the validity of an election.

The rule is different here from that which prevails in the courts. There, as a safeguard for the liberty of the citizen, he must have his guilt established beyond a reasonable doubt; *here the rule ought to be that he must free himself from all appearance of wrongdoing beyond reasonable doubt.*

III. THE EVIDENCE.

BRIBERY CONFESSED.

Mr. President, I now come to the evidence. Waiving aside, for the purposes of this case, the decisions I have read from the English courts, dismissing from our minds all that those great authorities, both in courts of England and in Parliament itself afford us, except only the light they give to us as to how we should approach this matter, the spirit in which we should administer it, let us apply the evidence to committee precedents or committee utterances heretofore.

That evidence shows, as the Senator from Tennessee, a member of the subcommittee that took the testimony, declares, that at least seven of these votes were corrupt. As to four of them the *committee's report itself* says:

Four members of the general assembly which elected Mr. LORIMER *testified to receiving money as a consideration for their votes.* The members who thus *confessed* their own infamy were Charles A. White, Michael Link, H. J. C. Beckemeyer, and Daniel W. Holstlaw.

I will not call attention to the divergencies between the committee's report and the speeches of the members of the committee when they came to speak upon the question—not now at least. The committee's report itself says that *at least four members confess to being bribed.*

But, Mr. President, let us examine the evidence, not taking advantage of this admission of the committee. To my mind the evidence is as clear on reading the cold record as it was to the Senator from Tennessee, a member of the subcommittee who heard the witnesses, who himself examined some of them with his customary skill and directness.

I have not been able to understand how any Senator possibly could conclude that no bribery had been proved here. I do not quarrel with anybody who does so conclude; but I simply can not understand it. I do understand the influence of ingenious argument and pathetic appeal and the effects of a mellow voice, expressing touching sentiments. But I remember what is said in the Merchant of Venice:

> The world is still deceived with ornament.
> In law, what plea so tainted and corrupt
> But, being seasoned with a gracious voice,
> Obscures the show of evil?

So let us, as judges, reluctant to discharge a disagreeable duty and yet bound to do it for all that, examine this testimony.

I shall begin, Mr. President, with the Illinois Senate. The bribe taker to whom I shall refer is Senator Holstlaw. Holstlaw swears that his fellow senator, Broderick, the Chicago saloon keeper, told him when he asked him how he was going to vote, that there was $2,500 in it for him if he voted for the sitting Member. Again I repeat that, if I misstate any of this testimony or forget any of it, I trust some Senator will correct me at the time.

Holstlaw testified:

He said to me, "LORIMER is going to be elected to-morrow," and he said, "There is $2,500 for you if you want to vote that way." Now, that is what I have said here.

Later on I shall read the statement that he signed, which was prepared for him by his own lawyers, recommended to him by the sheriff, which he declares he signed because it was true and because he owed a duty to make it.

Mr. President, in this statement, which I think I might as well, perhaps, read now—the statement is about two transactions, one in reference to the election bribery and the other in reference to the furniture deal:

Q. Who talked to you on that subject, and what was said?

A. Senator Broderick, of Chicago. He said to me: "Mr. LORIMER is going to be elected to-morrow"—that is as well as I remember the date, and he said, *"There is $2,500 for you if you want to vote that way,"* and the next morning I voted for him.

Q. Did you tell Mr. Broderick that you would vote for Mr. LORIMER?

"I RECEIVED $2,500."

A. I do not know whether I did or not, but I *think I did.*

He afterwards said that he did this before—

Q. Did you afterwards receive any money from Mr. Broderick, and if you did, when and where was that?—A. *I received $2,500 in his office at one time,* and I do not know whether I received the other at the same time or not, but I rather think it was at another time *I received about $700;* I think it was about that.

Q. What was the $2,500 for?—A. *It was for voting for* LORIMER.

Q. And what was the $700 for?—A. Well, he never said, and I did not ask him. He said there was *that much coming to me and handed it to me;* that is all that was said about it.

Q. Do you know of any other matter connected with legislative bribery during the last session of the legislature that you now recall?—A. I do not.

This statement is made voluntarily, *because I feel it is right to make it and I do not feel that I can live an honest life without making a full disclosure of the truth respecting these matters to the public authority.*

He testifies, Mr. President, that nothing was said to him about testifying as to his voting for the sitting Member as an inducement to sign this statement; but he does say that the indictment against him would be quashed if he (Holstlaw) "*told the truth;*" that he signed the statement because it was the truth. He further says nothing induced him to sign this paper which was not true; that the paper was true.

So much for that, Mr. President. Then on the 16th of June—and here is a very queer circumstance if all this is a vast "conspiracy" against the sitting Member—Holstlaw goes to Chicago. He says he goes there in answer to a letter which he received from Broderick calling him there. He comes in at the Illinois Central Station. He goes one mile and a half from that station over the bridge to Broderick's saloon, which is on the West Side. He had never been at Broderick's saloon before; he did not frequent saloons. There, he testifies, Broderick gave him $2,500 in currency.

If Holstlaw's testimony is not true, poor Broderick is deserving of our sympathy more than any man any of us ever heard of. If Holstlaw's testimony is not true, Broderick is the victim of a tangle of circumstances which nothing but a devilish and malign fate ever could surround a man with.

What did Holstlaw do after he got this $2,500? Well, Mr. President, he was a banker, and so immediately he went to the bank and deposited this $2,500 to the account of his home bank. His home was a little town in southern Illinois, over 250 miles from Chicago. Has anybody denied that he deposited that money? Not until the other day.

THE $2,500 BRIBE IMMEDIATELY DEPOSITED IN BANK.

Does the Senator from Kentucky [Mr. PAYNTER] believe that Mr. Holstlaw did not deposit that $2,500? If he did deposit it, where did he get it? He said he got it from Broderick. Certainly he would not make the trip of more than 250 miles from his home town carrying currency amounting to $2,500 in his pocket in order to deposit it in a bank in Chicago, when he could as well have made the deposit by exchange.

So not only, Mr. President, do we have the confession of Holstlaw under oath to having received a bribe, but we trace the exact amount of the first installment of the bribe money into the place he deposited it. The law of evidence in bribery requires no higher proof than that—the confession of having received the corrupt money and the exact amount of the corrupt *money personally deposited to the account of his bank* the same day he got it.

It has been said that there is no proof of this. What proof of it is there? First, Holstlaw himself swears he deposited it; second, Newton, the chief clerk of the bank, swears he personally received it from Holstlaw. But that is not all. The bank's deposit slip itself was produced, the one which has here been denounced as a forgery. To that element of the case I shall come in a moment.

It was stated, Mr. President, that the so-called "prosecution" should have called for the books of the bank. Well, why did not the committee itself call for the books of the bank? Why did not the attorney for the sitting Member call for the books of the bank?

Because they believed this deposit had been made. Holstlaw had testified that it had been made; the chief clerk of the bank, who had no motive for committing perjury, testified that it had been made; the deposit slip showed that it had been made; and of course the subcommittee believed that it had been made and so did the attorney for the sitting Member. Otherwise the books of the bank would have been called for; and they were not called for only because the subcommittee and the sitting Member's own attorney believed that the $2,500 deposit had been made and we know it was made.

"FORGERY" OF DEPOSIT SLIP.

Does not every Senator here know that that deposit had been made? Well, if it was made, then why was it necessary for the Senator from Texas the other day to call the bank's deposit slip a "forgery?" Evidently, Mr. President, the tracing of this $2,500 in Holstlaw's hands on the day he said he had received it and on the day it is admitted he was at Broderick's saloon, where he said he got it—the tracing of that to the bank where he said he deposited it—was believed by those who are upholding this election to be a fatal weakness to their defense.

Otherwise, certainly the charge of forgery of the bank's deposit slip would not have been made. The deposit slip was denounced as a forgery upon the ground that the reply brief of counsel for the Chicago Tribune had said that it was signed in Holstlaw's name.

Because a lawyer made a mistake in a brief is that sufficient ground to charge that a deposit slip issued by a reputable and creditable bank is a "forgery?" Unthinkable, and yet it was done. Why? The charge of "forgery" would not have been made if it was not thought necessary to deny the deposit of this $2,500.

What was the motive of the "forgery" of this deposit slip, Mr. President, if any existed? And who committed this alleged "forgery?" A man without a motive, the chief clerk of the bank, swears that he himself received the money; the man who deposited it swears that he deposited it there. What good, then, would the "forgery" do? Desperate must be the case that requires an attack like that.

It was stated by the Senator from Texas—though he has not reproduced it in his printed remarks in the RECORD, and I think it is to the credit of the Senator that he struck that out—that Gov. Deneen was a stockholder in the bank. This, mind you, in connection with the charge of "forgery." What has that to do with it?

Is the fact that Gov. Deneen held stock in that bank ground for charging the "forgery" of the bank's deposit slip? If not, why mention him in that connection? Yet I read in the Chicago public print which defends the sitting Senator that that statement was made; and, of course, we know it was made, because we all heard it.

So I suppose there will be no more question about the "forgery" of the deposit slip. There was no motive for forgery. Nobody has shown who committed forgery. On the contrary, the Senator from Iowa [Mr. CUMMINS] produced an affidavit of the chief clerk of the bank, who swore he received the money himself and that *he had made out the deposit slip.* So we know who made out the deposit slip.

THE BOOKS OF THE BANK.

But, Mr. President, it has been said that the books of the bank should have been produced. Since one affidavit has been put in I thought it was advisable to get another affidavit upon that point. It is the affidavit of this same Jarvis O. Newton, who received this deposit. He says, under oath:

That he now is and for many years continuously last past has been, and on June 16, 1909, was the chief clerk of the State Bank of Chicago; that he is the same Jarvis O. Newton who has heretofore made an affidavit, to which affidavit was attached a certain deposit slip dated June 16, 1909, showing a deposit of $2,500 of "Holstlaw Bank, of Iuka, Ill.;" that upon the face of said deposit slip appears by rubber stamp the words and figures, "Note, June 16, 1909, teller;" that said stamp simply indicates that the note teller acted as a receiving teller of said $2,500; that it was said note teller, acting as such receiving teller, who caused said sum to be placed to the credit of the Holstlaw Bank upon the ledger account of said Holstlaw Bank in the State Bank of Chicago after this *affiant had received said sum of $2,500 from D. W. Holstlaw on said June 16, 1909,* AND HAD MADE OUT THE DEPOSIT SLIP IN QUESTION, and had delivered said sum of $2,500, together with said deposit slip, to said note teller acting as such receiving teller as aforesaid; that said—

Now, here is the question about the books—

That said $2,500 deposit was placed to the credit of said Holstlaw Bank, of Iuka, Ill., *on the books of the State Bank of Chicago on June 16, 1909, as a regular deposit, and appears upon the ledger account of said Holstlaw Bank in said State Bank of Chicago as an item of deposit made on June 16, 1909; that said entry was regularly made in due course of business of said bank. Further affiant saith not.*

So, Mr. President, that matter is cleared up. Holstlaw swears that he got the money and deposited it in the bank; Newton, the chief clerk of the bank, swears that he himself received it from Holstlaw in bills of large denomination; the bank's deposit slip, which has been challenged here as a "forgery," is clearly genuine; and, finally, the affidavit of an officer of the bank that *the entry regularly appears on the books of the bank.* Of course, the subcommittee did not ask for the books. The subcommittee believed Holstlaw deposited that money there. I will ask the Senator from Kentucky [Mr. PAYNTER] if he did not believe he did.

Mr. PAYNTER. I will say, Mr. President, in response to the Senator's question, which seems to be directed at me, that, assuming Holstlaw did deposit that money, there is absolutely no evidence that he got it from John Broderick. If the Senator should call at my office to-day and go down town an hour afterwards and deposit money, it would be no evidence of the fact that he got it from me.

Mr. BEVERIDGE. No; that is not the question I am asking. What I asked the Senator was, whether the subcommittee did not believe that the deposit was made by Holstlaw on that day?

Mr. PAYNTER. The Senator has asked me what seven men believed.

Mr. BEVERIDGE. Well, what the Senator believes, and if it is disagreeable to the Senator, I will withdraw the question.

Mr. PAYNTER. I do not recall that I have heard in private conversation a single member of the committee express an opinion upon that particular matter.

Mr. BEVERIDGE. If it is not agreeable to the Senator, I will withdraw the question.

Mr. PAYNTER. I discussed the question entirely from the point of view that if Holstlaw did deposit the money there, it was no evidence that he got it from John Broderick.

Mr. BEVERIDGE. That I will try to take up; but the fact is that of course the subcommittee believed that money had been deposited there, believed the deposit slip was genuine, believed the testimony of the chief clerk, believed the testimony of Holstlaw that he made the deposit; or else the subcommittee, composed of eminent lawyers, would of course have asked for the books of the bank. And so did the attorney for the sitting Member also believe that that deposit was made, or otherwise he would have asked the committee to compel the bank to produce the books and papers.

WHERE BUT FROM BRODERICK DID HOLSTLAW GET THE $2,500?

Where did Holstlaw get that money if he did not get it from Broderick? Did he come more than 250 miles in summer, over the hot prairies of Illinois, carrying $2,500 in bills of large denomination in his pocket in order to deposit it in a Chicago bank? Most extraordinary state of intellect that would do that. If he wanted to deposit that money from his home, why did not he do as all banks do in the conduct of their business, do it in the ordinary course of exchange? Where did he get it? He tells where he got it.

Mr. PAYNTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Kentucky?

Mr. BEVERIDGE. Yes.

Mr. PAYNTER. I do not want to interrupt the Senator, but he is asking me a question.

According to this record he got $1,500 from some furniture company as a bribe.

Mr. BEVERIDGE. When?

Mr. PAYNTER. Some time during the session of the legislature, as appears from this record. He swore he committed perjury in reference to that matter. There is no controversy upon that question.

Now, if he was so thrifty as all that in the great city of Chicago, with perhaps many enterprises upon his hands, because he confessed he was as corrupt as a man could be, I would not undertake to say from whom he might have got $2,500 and deposited it there. But I do say that a man who confesses that he had been guilty of bribery in connection with another transaction, who confesses that he made this statement to involve LORIMER in this matter to get rid of that——

Mr. BEVERIDGE. Oh, he does not make that statement.

Mr. PAYNTER. Is not worthy of belief; and independent of any other testimony, I would not convict anybody upon his testimony.

Mr. BEVERIDGE. The Senator must not get away from the issue.

Mr. PAYNTER. I am not.

Mr. BEVERIDGE. In the first place the Senator says that a man who would confess to having been guilty of perjury or bribery in one case, he would not believe if he confessed to the same thing in another case. I do not want to misstate his statement.

Mr. PAYNTER. Oh, no.

Mr. BEVERIDGE. What was your second statement?

Mr. PAYNTER. I say that if a man would accept a bribe and then commit perjury in order to get rid of the charge against him——

Mr. BEVERIDGE. The Senator says that Holstlaw made this statement, and he says he made it in order to get rid of the indictment.

Now, then, we will read what Holstlaw did say, and then we will come back to the engaging question whether he got the money. I think I will satisfy the Senator where he got the money.

Mr. FRAZIER. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Tennessee?

Mr. BEVERIDGE. I do.

Mr. FRAZIER. As I recall it, the only evidence in this record that Mr. Holstlaw was bribed with respect to the furniture transaction is the testimony of Mr. Holstlaw himself.

Mr. BEVERIDGE. Yes.

Mr. FRAZIER. If the Senator from Kentucky [Mr. PAYNTER] states that he was bribed with respect to the furniture transaction, he believes him with respect to that, of course, and it is in the same evidence that he says he was bribed with respect to this matter.

Mr. BEVERIDGE. Certainly.

Mr. FRAZIER. Yet the Senator from Kentucky refuses to believe him with respect to that.

Mr. PAYNTER. It is always very important when a gentleman makes a statement to tell all the facts in order that they may be correctly judged.

Holstlaw was indicted—there is a record of that fact—for this bribery. He admits that he testified on the 29th, I think it was, of a certain month, and on the same day was indicted for perjury committed at that time, and on the next day, I think it was—I am speaking now without having the record before me.

Mr. BEVERIDGE. We will read the record.

Mr. PAYNTER. The next day he entered into this contract by which he was to make this charge against LORIMER, and in consideration of that, as I am justified in inferring from the statement in the record, the indictment against him was dismissed.

Mr. BEVERIDGE. Where does the Senator find anything in this record that he made a contract against the sitting Member?

Mr. PAYNTER. He did this——

Mr. BEVERIDGE. I will read the testimony.

Mr. PAYNTER. In speaking of the attorney. It was the attorney suggested by the sheriff of that county. He had not employed him, as I recollect it, to defend him at all. The man stood indicted for perjury in connection with this furniture transaction. The day after this statement was made the indictment against him for perjury was dismissed. When you take those circumstances altogether is it possible for the Senator from Indiana to infer that the indictment for perjury was not dismissed by reason of the fact that he made this statement? Is there any other conclusion?

ALLEGED "CONSPIRACY" AGAINST SITTING MEMBER.

Mr. BEVERIDGE. I do not have to infer. I have the testimony itself, which I will read in a moment. But before I do read it I want to ask my friend, the Senator from Kentucky, this question: Does he think that this "conspiracy" which is alleged to have gotten up this case, also included a firm of attorneys down at Springfield, the sheriff of Sangamon County, the State's attorney of Sangamon County as well as the State's attorneys and officers of justice of Cook County, Ill.? Did it include everybody? Was everybody at work to forward this "conspiracy," including the officers of justice of at least three counties in Illinois—sheriffs and all?

Mr. PAYNTER. I shall be very glad to answer the Senator's question.

Mr. BEVERIDGE. I will be very glad to have it.

Mr. PAYNTER. To repeat myself to some extent, this man was indicted for a transaction entirely distinct and separate from this senatorial election. You concede that, do you not?

Mr. BEVERIDGE. I concede what the record shows; nothing more.

Mr. PAYNTER. It is a fact.

Mr. BEVERIDGE. I do not know whether it is a fact or not.

Mr. PAYNTER. Let me finish. In order to get rid of the indictment for that transaction, he made this statement.

Mr. BEVERIDGE. Stop right there——

Mr. PAYNTER. Following that, did he not make that statement?

Mr. BEVERIDGE. Stop right there. See what he did say.

Mr. PAYNTER. Answer my question.

Mr. BEVERIDGE. No; I will read the record and let the record answer the Senator. If I make any mistake I want the Senator to point it out.

Mr. PAYNTER. If the Senator will permit me, I will answer his question.

Mr. BEVERIDGE. Will you let me read right here what is in the record? Let us see what the record itself discloses.

Mr. PAYNTER. The interruption makes it necessary to repeat my statement in order to get before the Senate the exact facts.

Here was a man indicted for perjury committed in connection with a furniture transaction. He was indicted the day he testified in regard to it. Then after he signed this statement—the day following the signing of the statement—that indictment against him for a transaction in which he confessed he was guilty of perjury was dismissed. For what purpose? That he would make this statement incriminating, or attempting to incriminate, LORIMER or his friends. There is but one conclusion to be drawn from it, and that is that he was indicted in Springfield for that offense, a distinct offense, and the State's attorney there preferred to prosecute this case against Mr. LORIMER rather than to prosecute the charge of perjury against this man for which he stood indicted.

Mr. BEVERIDGE. Then, it is the Senator's theory——

Mr. PAYNTER. The Senator can draw his own conclusion. It is perfectly manifest that the State's attorney preferred to obtain evidence against him upon the charge against LORIMER rather than convict Holstlaw on the charge where he had the proof positive against him.

Mr. BEVERIDGE. First, the question is not what was the motive of the State's attorney of Sangamon County. The question is, What was the truth? The question is, Did Holstlaw state the truth when he said that he got this money from Broderick, when he recounted the conversation with Broderick, when he said he deposited it in the bank, which is corroborated by the chief clerk of the bank, by the deposit slip and by the bank's books? That is the question. As one of the attorneys, I think for the sitting Member, said, "We are not investigating the State attorney's office of Cook County."

While I do not want to take time or encumber the RECORD, I have here just at this moment, and I will read, what Holstlaw said about this paper:

HOLSTLAW'S FIRST CONFESSION.

Q. Who drew that paper, Mr. Holstlaw, the paper shown you yesterday?—A. It was Mr. Fitzgerald, Lawyer Fitzgerald, and his partner.
Q. Mr. Gillespie?—A. Yes, sir.
Q. They are partners, Gillespie and Fitzgerald?—A. Yes, sir.

He is under cross-examination now by the attorney for the sitting Member.

Q. They practice law in Springfield, Ill.?—A. Yes, sir.
Q. One of them was attorney for the insurance commission for the State of Illinois, wasn't he?

Then there is an objection.

A. That I don't know.

There are so many objections in here it is hard to follow it.

Judge HANECY. How did these gentlemen come to you to draw that paper?—A. They were recommended to me by the sheriff.

Is the sheriff in the "conspiracy?" Were these attorneys, who were sworn to honorably deal with their clients, in the "conspiracy?" Was the State's attorney of Sangamon County in the "conspiracy," which also embraced the State attorney's office of Chicago? It looks as though the officers of justice were in a pretty wide conspiracy—nobody innocent it appears but the sitting Member. And he—well, he is an "inspiration" to American youth, the Senator from Texas assures us.

A. They were recommended to me by the sheriff.
Q. By the sheriff?—A. By the sheriff.
Q. Of your county?—A. Yes, sir; Sangamon County.
Q. That was the sheriff that had brought you from your home to the grand jury?—A. Yes, sir.

Then there are a lot of objections.

Judge HANCEY. Who drew that paper, Mr. Holstlaw?—A. Mr. Fitzgerald and Mr. Gillespie.
Q. And when it was prepared, was it presented to you?—A. Yes, sir.
Q. By whom?—A. By these gentlemen.
Q. Where?—A. In their office.

* * * * * * *

Judge HANECY. In Springfield?—A. Yes, sir; in Springfield.
Q. On what day?—A. I think it was the 29th of May.
Q. And what was the conversation in relation to it before you signed it?—A. Well, I read it over and——
Q. And——A. And then signed it. That was my statement.
Q. Yes, and then did they have you sworn to it?—A. No, sir; I think not.
Q. You did not swear to it at the time?—A. I think not.
Q. Did anybody say to you or explain to you why you were required or requested to sign that statement?—A. No; they did not.

I hope I am not skipping anything. The record, as Senators will notice, is full of interruptions and so-called argument of counsel. But I go down as near as I can. It is a very poor record.

Q. Was there any conversation of that kind had before you signed that paper?—A. I think there was.
Senator BURROWS. What is that?
The WITNESS. I think there was something said about my having voted for LORIMER.
Judge HANECY. Was there anything said to you as to what would happen to you or the indictment that had been procured against you for perjury, if you signed that paper or if you did not sign it? Did they tell you what would happen to you if you did not sign it?
Senator BURROWS. That question is plain. Read it, Mr. Reporter.
(Question read.)
A. *No; I don't think they told me what would happen to me if I did not sign it; I don't think they did.*
Q. What did they tell you, if anything, as to what would be done if you did not sign it?—A. Well, I don't remember that they said anything about that.
Q. Did they say the indictment for perjury against you would be quashed if you signed it?—A. They said this—they said *if I testified to the truth* that the indictment would be quashed.
Q. The truth on what?—A. On—well, on the Lorimer vote and also the furniture.
Q. The furniture vote?—A. Yes, sir.

And then it goes on, I think irrelevant as to this, until we come down to a lot of objections again and so-called arguments.

Q. Why did you sign the paper, the writing shown to you yesterday, Mr. Holstlaw?—A. Why did I sign it?
Q. Yes.—A. Because it was a statement that I had made *and it was a true one.*
Judge HANECY. The language was formulated by some one else, by those lawyers, and not by you?—A. Yes, sir.
Q. Were the questions put to you that are embodied in that statement and did you make the answers therein embodied?—A. Well, I read it over and then I signed it.
Q. *And it was true, was it?*—A. *Yes, sir.*
Q. Did you make it for the purpose of relieving your conscience?—A. Well, I don't believe I did, particularly, but *I did it because it was true and I felt that it was my duty to make a statement to the grand jury.*

Now, then, Senator PAYNTER asked a few questions:

Q. Upon what day did you appear before the grand jury at Springfield?—A. Upon the 28th day of May.
Q. Upon what day was the indictment returned against you for perjury for your testimony before the grand jury?—A. The same day.
Q. The same day?—A. Yes, sir.
Q. Upon what day was this paper signed?—A. The 29th.
Q. Upon what day was the indictment dismissed?—A. The same day, the 29th.
Q. Before or after the paper was signed?—A. Well, I think it was after.

* * * * * * * *

Senator GAMBLE. How far is your home from here, Mr. Holstlaw?
The WITNESS. *It is about 250 miles.*

I think that is perhaps enough.

The Senator from Kentucky was going to ask me a question.

Mr. PAYNTER. The Senator is arguing the question of conspiracy by the State's attorney and others at Springfield. I do not think in my remarks I made a charge that it was a conspiracy.

Mr. BEVERIDGE. Well, others have charged that this whole business is a "vile conspiracy" against the sitting Member. If so, that "conspiracy" included reputable lawyers, State's attorneys, sheriffs, judges on the bench—everybody, nearly, it would appear.

Mr. PAYNTER. In addition to what I have already said, I desire to call the Senator's attention to the question that I asked. The Senator, of course, takes the position that it was perfectly legitimate.

Mr. BEVERIDGE. What?

Mr. PAYNTER. For the State's attorney to dismiss an indictment against this witness for perjury growing out of an entirely distinct and separate transaction in order to induce him to make a statement that would tend to incriminate a friend of Mr. LORIMER's. I presume the Senator justifies that course of conduct on the part of the State's attorney.

Mr. BEVERIDGE. I am not concerned in it. The only thing I am concerned in is what was the truth of those transactions, and I am concerned in the instance the Senator names only so far as it would affect the truthfulness of the transaction. I am not either praising or criticizing the conduct of those public officers.

Mr. PAYNTER. But the Senator——

Mr. BEVERIDGE. Now, I can turn that on the Senator and ask him whether he thinks the State's attorney of Sangamon County, as well as the State's attorney and other officers of justice elsewhere, all worked together to produce this result. The question that interests me is whether these confessions are true; and that is the only question that should interest any Senator.

Mr. PAYNTER. I am very glad the Senator has asked me the question. If the State's attorney had paid Mr. Holstlaw money to make this statement, everybody would concede it was corrupt.

Now, if the same State's attorney will dismiss an indictment for perjury against a party in order to obtain testimony against LORIMER, can you tell me the difference in character between a transaction like that and the giving of money for the testimony, so far as a corrupt act goes?

Mr. BEVERIDGE. The Senator now is trying the State's attorney of Sangamon County.

Mr. PAYNTER. No.

Mr. BEVERIDGE. The other day they tried the official conduct of the State's attorney of Cook County. What we are trying here is the truth about——

Mr. PAYNTER. But the Senator——

Mr. BEVERIDGE. About the official conduct of these members of the legislature.

Mr. PAYNTER. The Senator turned to me——

THE QUESTION IS NOT THE STERNNESS OF THE OFFICERS OF JUSTICE IN ILLINOIS BUT OF BRIBERY IN THIS ELECTION.

Mr. BEVERIDGE. The Senator will remember that even the attorney for the sitting Member, before the subcommittee, when some person was proposing to produce the deputy district attorney or assistant district attorney, said: "We are not investigating the district attorney." That is true. That is not the question. The question is *whether this bribery was committed or not.*

Mr. PAYNTER. I did not interrupt the Senator, but he addressed himself to me and asked me a question.

Mr. BEVERIDGE. Yes. I am glad——

Mr. PAYNTER. It gives me pleasure to try to answer him——

Mr. BEVERIDGE. Go ahead.

Mr. PAYNTER. In the most satisfactory way I can, at least to myself, if not to him and the Senate. So I have characterized the conduct of the district attorney. To show that my statement is correct, I want to read a question that I asked.

Mr. BEVERIDGE. On what page is that?

Mr. PAYNTER. Page 221, at the bottom of the page.

Senator PAYNTER. I want to ask you one more question.
Q. Did you understand from either District Attorney Burke or any officer of the court there, the judge, or this firm of lawyers, that this indictment was to be dismissed against you if you signed this paper?—A. Yes, sir.
Q. You understood that?—A. Yes, sir.
Q. And that was the agreement between you?—A. Yes, sir.
Q. That talk related, then, to the agreement to induce you to sign this paper?—A. Well, I suppose it did in part.

Then, further down——

Mr. BEVERIDGE. Wait a minute; do not skip.

Mr. BURROWS. A little louder.

Mr. BEVERIDGE (reading):

A. *I felt it was a true statement and I signed it,* and I suppose that had something to do with it.

Mr. PAYNTER. I am making no question but that he said it was a true statement, but the purpose I had was to show the inducement which operated on him to make this statement; then we can consider whether it was true or not, considering the circumstances under which it was obtained.

Let me read a little further:

Q. You were anxious to get rid of the indictment against you?—A. Yes, sir.

Q. You were really more interested in that, were you not, than you were interested in signing the statement, which tells the truth, as you say?—A. I was very much interested in that.

Mr. BEVERIDGE. The Senator should have continued. The Senator should have read on a little bit further.

Q. Did the fact that you were indicted, Mr. Holstlaw, or that you were in the custody of an officer, or that you wanted to go home, or that you might be called before the grand jury, or any other fact or circumstance induce you to sign that paper containing, as you now read it, any statement that was not true?—A. *No, sir; it was true, the statement that I made.*

Q. *Absolutely true?*—A. *Yes, sir; it was.*

Mr. President, let us see the predicament that anyone is in who says that Holstlaw swore falsely in saying that he got this bribe, that he deposited it, and that he was induced to this perjury by a "conspiracy" which sweeps clear from Chicago down to Springfield and involves the officers of justice in widely separated points of the State of Illinois.

Who is inducing the State's attorney of Sangamon County to "conspire" against anybody? Who is inducing his fellow State's attorney of Cook County to "conspire" against anybody? Who is inducing the sheriff of Sangamon County to enter into this "conspiracy?" Who has devised this gigantic web of evil to enmesh a good man in its fatal strands—a web that includes in its threads officers of justice of a great State, the governor of that Commonwealth, all the newspapers but one of the greatest city except one in the Nation, and nearly every good influence except "Hinky Dink," "Manny" Abrahams, and other saloon keepers?

What vast and hidden power has accomplished all this?

IF ANY "CONSPIRED" AGAINST THE SITTING MEMBER IN THIS MATTER, THEY WERE STUPID "CONSPIRATORS."

Mr. FRAZIER. Mr. President, will it interrupt the Senator if I make a suggestion there?

Mr. BEVERIDGE. Certainly not.

Mr. FRAZIER. If this testimony of Senator Holstlaw was false, if it was the result of a conspiracy, was made up out of the whole cloth with a view of doing Senator LORIMER a great injustice, as is now intimated by certain Senators, has it occurred to the Senator that the gentlemen who were engaged in that conspiracy were a very ignorant or a very stupid set of men?

Would it not have been just as easy for Mr. Holstlaw, if he was going to swear falsely or was induced to swear falsely, to make up an entirely false story, and to have sworn that Mr. LORIMER himself gave him the $2,500? Senator LORIMER could not have denied it any more vehemently than Mr. Broderick did. Yet if he had sworn that it was a false statement and had sworn that Mr. LORIMER gave him the $2,500, we would not be now troubled with the question as to whether there were enough members of the legislature bribed to invalidate his election; the one would have been sufficient.

As this applies to Senator Holstlaw, it seems to me it would likewise apply to Mr. Link, and Mr. Beckemeyer, and Mr. White. If all this thing is made up, if it is all a humbug, if it is all a conspiracy, why did not those wicked gentlemen who were engaged in that conspiracy induce these witnesses who were so willing to perjure themselves to swear directly that Mr. LORIMER bribed them and hence settle the whole question?

Mr. BEVERIDGE. Quite so.

Mr. CRAWFORD. Will the Senator from Indiana permit me?

Mr. BEVERIDGE. I say quite so, and more, and because it would have been far easier for Holstlaw to have sustained the statement that he got the money directly from Mr. LORIMER rather than from Mr. Broderick, for the following additional reasons: There would have been a natural excuse for Holstlaw visiting the sitting Member in Chicago, first, because he voted for him; second, because they are both bankers; third, because he was near the Annex Hotel and the station.

But in the case of Broderick, his fellow senator, Holstlaw had to support the so-called perjury which this so-called "conspiracy" evolved by actually coming 250 miles from the southern part of the State and going a mile and a half across the town, over the bridge, into a saloon owned by Broderick, where he had never been before and where the testimony shows he had no other business whatever, and then come back again and deposit $2,500 in bank. Yes, indeed, the master mind that evolved this so-called "conspiracy" certainly was muddled when that mind did not fix this bribery upon the sitting Member instead of upon Broderick.

Mr. CRAWFORD. Mr. President——

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from Indiana yield to the Senator from South Dakota?

Mr. BEVERIDGE. I do.

Mr. CRAWFORD. Just upon this point. I think we all recognize the importance of the testimony, if it be corroborated, of Holstlaw, Beckemeyer, and Link. I only rise to ascertain if the Senator corroborates this view. I challenged the gentlemen who are attacking the testimony of these three witnesses, and it was shrewdly attempted over and over again by counsel in examining these witnesses to show that it was made a condition upon which the prosecution against them was dismissed that they should testify a certain way. I challenged the gentlemen on the other side to show anywhere in the record were Mr. Wayman, the State's attorney of Cook County, or his deputies or his detectives, or where the State's attorney of Sangamon County or any of his assistants, ever undertook to put the words in the mouth of either Holstlaw or Link or Beckemeyer and claimed, "You must testify to this as a condition for dismissing the charges against you." As I remember it, Judge Haney undertook ingenuously to get Link to admit that the condition was that he must say, "I got a thousand dollars for voting for LORIMER," to get Link to admit that it was necessary for him to say that he got a thousand dollars for voting for LORIMER, before they would dismiss the indictment against him. The attempt was broken down and absolutely failed, and the testimony shows—I think the Senator will agree with me and also the Senator from Tennessee [Mr. FRAZIER]—that the only condition was that these men should tell the truth, as the Senator states. I challenge the record for a syllable of testimony to the contrary.

Mr. BEVERIDGE. The Senator is absolutely accurate.

Mr. PAYNTER. Mr. President——

Mr. BEVERIDGE. Pardon me a moment. They did tell the truth, unless we believe what we are urged to believe, that the State's attorneys of Cook County and of Sangamon County were instruments of an infamous and widespread "conspiracy" to get these confessed bribe takers to tell the clumsiest falsehood ever perpetrated in courts of justice or anywhere else. *The question is whether they told the truth.* Did Holstlaw get the money? Did he tell the truth when he testified under oath that he got the money? I do not want to get away from Holstlaw for a moment. I am going to come to Broderick right away.

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Kentucky?

Mr. BEVERIDGE. Certainly.

Mr. PAYNTER. I do not desire to argue the question that is raised by the Senator from South Dakota in this place, because it was covered as completely as I could do so in the remarks I made on this question.

Mr. BEVERIDGE. I have the Senator's remarks here. I am going to refer to them.

Mr. PAYNTER. Just a moment, if you please. It is asserted by the Senator from South Dakota that they were told to tell the truth. That is true; but they were at the same time told what was the truth as claimed by the district attorney.

Mr. BEVERIDGE. Was it the truth? That is the question.

Mr. PAYNTER. That is a question for the Senate to determine.

Mr. BEVERIDGE. Yes, it is for the Senate to decide and the Senate alone, uninfluenced by anything but our oath-bound judgment.

Mr. CRAWFORD. Will the Senator permit me there, for that is important. I would ask the Senator from Kentucky to point out a single place where they told these men what they claimed was the truth to which they must testify.

Mr. PAYNTER. It is all through the record, that it was claimed they had received money for voting for LORIMER.

Mr. BEVERIDGE. There is not a thing in the record except the statement of Link that they tried to put the statement into his mouth. State's Attorney Wayman, of Cook County (Chicago), denies Link's theatrical story. Whom are you going to trust, the State's attorney of Cook County, the State's attorney of Sangamon County, or Link? I am coming to the treatment of these poor abused bribe takers by the officers of justice of the State of Illinois in a moment.

Mr. SMITH of Michigan. Mr President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Michigan?

Mr. BEVERIDGE. I do.

Mr. SMITH of Michigan. The Senator from Tennessee [Mr. FRAZIER] suggested a moment ago that if Holstlaw and his associates were to make this statement out of the whole cloth they could have put it on the Senator from Illinois as easily as upon a State senator of Illinois.

Mr. BEVERIDGE. More easily.

Mr. SMITH of Michigan. I desire to remind the Senator from Indiana that the testimony will show that Holstlaw was

summoned to Chicago by State Senator Broderick, if his testimony is to be believed, and that Holstlaw so testified; and that Broderick, when he was put upon the stand and asked that particular question, declined to answer on the ground that it might tend to incriminate him if he responded in the affirmative. So it is much more likely, I contend, that this invitation to come to Chicago should have been sent by State Senator Broderick than it could have been put upon Mr. LORIMER himself. This connecting circumstance would tend to strengthen the conclusion that he had been invited there by Mr. Broderick himself, whereas in the case of Mr. LORIMER there was no evidence at all that he had invited them there.

Mr. BEVERIDGE. Now, Mr. President, I come to Broderick, who admitted that his fellow senator, Holstlaw, visited Senator Broderick's saloon the very day that the $2,500 was actually placed in the bank by Holstlaw.

BRODERICK, IF INNOCENT, THEN MOST UNFORTUNATE.

Now, Mr. President, it is a melancholy duty which I have before me—the treatment of this patriot Broderick. For if his story is believed and if the theory of the subcommittee is believed, in all the chronicles of ingenious villainy there never was such a victim of bad men in the history of the world, a person so entitled to our tender sympathy as this good man Senator Broderick in his Chicago west-side saloon.

If you believe the theory that Broderick did not give Holstlaw this money, then you must agree that Broderick himself was the object of "conspiracy" not only malign and tragic, but so curious that it is laughable.

Look at the net of circumstances that catches poor Senator Broderick, the innocent, guileless, Chicago west-side saloon keeper. Here he was going peacefully to his saloon, a little late that day. He goes down and he finds Holstlaw there, his fellow senator. Holstlaw never had been there before. He had come up 250 miles from southern Illinois in the heat and sweat and dust of a sweltering summer.

Holstlaw did not know where Broderick's saloon was. But he found it. According to Broderick, Holstlaw was so anxious to pay a social visit to his fellow senator, that he found that west-side saloon. After Holstlaw got to Chicago he went a mile and a half on a hot summer day—and we know what that is in Chicago—out to the patriot Broderick's saloon.

Holstlaw had no reason for going, according to Broderick. He never went there before. He never frequented saloons. He stayed there a half or three-quarters of an hour, as Broderick testifies. There was little conversation—no business transacted, according to Broderick; and then this strange, mysterious Holstlaw leaves and goes a mile and a half back across the bridge, deposits $2,500 in the bank in bills of large denomination, and then he accuses Broderick of having paid it to him. Awful! Ghoulish! That is, awful and ghoulish, according to the defenders of the sitting Member.

Now I come to the kind of a man that Broderick is. In the first place, the members of the subcommittee will tell the Senate, if Senators have not read this record, that the subcommittee had vast difficulty in locating Patriot Broderick at all. The Sergeant at Arms could not produce him. A member of the subcommittee told me that they searched Broderick's house.

He was mysteriously missing. Last night, in going over the record again, I read that the Sergeant at Arms reported to the subcommittee that not only Broderick, but Browne, the "modern Lincoln," as the Senator from Texas would have us regard Lee O'Neil Browne, and Wilson, "Jack Pot" Wilson—none of these innocents could be located. Poor, hunted "babes in the woods," the Sergeant at Arms of the United States Senate could not find them. Alas! [Laughter.]

Mr. GAMBLE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from South Dakota?

Mr. BEVERIDGE. I do.

BRODERICK THE ELUSIVE.

Mr. GAMBLE. My recollection is very clear upon this proposition; I recall it distinctly, and I think I am correct in the date, that the subpœna was issued for Lee O'Neil Browne because, as I recall it, the Senator from Kentucky [Mr. PAYNTER] and myself had to do with it. It was after dinner on Thursday night, and as testified to by Browne, he was in the city and only went to the suburbs. Yet in flaming headlines the next morning——

Mr. BEVERIDGE. The suburbs were far enough for some people to lose themselves pretty completely if they wanted to do so. Can you imagine a better hiding place than the suburbs of Chicago? [Laughter.]

Mr. GAMBLE. His testimony is not impeached in that regard. Yet in flaming headlines the next morning it was announced in certain of the papers that Browne practically was a fugitive from justice. It was utterly inexcusable——

Mr. BEVERIDGE. Will the Senator permit me to ask him a question there?

Mr. GAMBLE. Wait a moment; let me go on.

Mr. BEVERIDGE. No; let me ask a question right there. Is it not true that the Sergeant at Arms reported to the committee that none of the three could be found?

Mr. GAMBLE. Yes; I think you will find that in the record. Let me say——

Mr. BEVERIDGE. Why could everybody else be found?

Mr. GAMBLE. Let me say that Broderick was under indictment at Springfield; the case was being heard at that time under a demurrer. He was there while the committee was in session. He returned to Chicago. He did not care to appear before the committee, and he gave this as his excuse, until he had conferred with his attorney; and, as I recall it, and as I think the record will disclose, he did appear on Monday morning with his attorney.

Mr. BEVERIDGE. And the record further discloses that the committee very obligingly excused him until he could go to Springfield and confer with his attorneys on something——

Mr. GAMBLE. Yes; but——

Mr. BEVERIDGE. Pardon me. The Senator is demonstrating what I said a moment ago—that this man Broderick, through unhappy and unfortunate circumstances that he could not well explain, aroused the tearful sympathy of all of the subcommittee, and the Senator from South Dakota is weeping copiously over his condition even yet. [Laughter.] Sad.

Mr. GAMBLE. Not in the slightest degree, Mr. President; but I feel, in justice to the subcommittee which took this testimony and heard the evidence, that I should make these facts plain before the Senate itself. I do not blame Mr. Broderick in refusing to answer certain of those interrogatories——

Mr. BEVERIDGE. It is plain that you stand by him—poor, abused Saloon-keeper Broderick! Who would not defend him if the theory of the Senator from South Dakota and of all those who defend this election is correct?

"MINIONS" OF THE LAW.

Mr. GAMBLE. Propounded to him because, on account of the minions——

Mr. BEVERIDGE. Minions of the law!

Mr. GAMBLE. That were upon his track and the indictments pending against him at Springfield——

Mr. BEVERIDGE. Poor soul!

Mr. GAMBLE. He was justified in so doing.

Mr. BEVERIDGE. He was with his attorney.

Mr. GAMBLE. I say the minions.

Mr. BEVERIDGE. "Minions" of the law! Yes; down with the "minions of the law" for hounding these bribe givers and bribe takers, says the Senator and the defenders of this election.

Mr. GAMBLE. Not the minions of the law, but perhaps some of the men who were on the track of De Wolf—detectives who represented that they were out there in behalf of the committee, when they were never so authorized.

Mr. BEVERIDGE. Well, Mr. President, the Senator's denunciation of the officers of justice——

Mr. GAMBLE. I do not——

Mr. BEVERIDGE. He has told us as his defense of Broderick——

Mr. GAMBLE. Mr. President, no, no. Will the Senator quote me correctly? I said the detectives.

Mr. BEVERIDGE. You said "minions."

Mr. GAMBLE. Not officers of the law.

Mr. BEVERIDGE. Then you excuse the "minions of the law." You have no complaint to make of the State's attorney of Chicago. But down with detectives, at least those who hunt down crime—especially crime against the American Government.

Mr. GAMBLE. I have put in the record my judgment on that matter.

Mr. BEVERIDGE. Does the Senator mind repeating it? I should like to hear it.

Mr. GAMBLE. I do not think that I particularly complimented the officers of Cook County.

Mr. BEVERIDGE. Or of Sangamon County.

Mr. GAMBLE. I never made criticism of them.

Mr. BEVERIDGE. About Holstlaw.

Mr. GAMBLE. I never made any criticism of the district attorney. The only criticism I did make upon Holstlaw was that he went before the grand jury and was indicted for perjury. He claimed that on that same day this detective had been following him. The indictment was dismissed. I let the record speak for itself.

Mr. BEVERIDGE. The question is whether in that statement he told the truth.

Mr. GAMBLE. That is the sole proposition.

"I REFUSE TO ANSWER."

Mr. BEVERIDGE. The Senator has most fortunately, without any intention of his own, directed the attention of the Senate to the very next point which logically comes, and that, I think, will dispose of Mr. Broderick.

Now, I want to claim the attention of the Senate—for it does so illumine this case and the view of the subcommittee—to the statement of the Senator from South Dakota [Mr. GAMBLE] that he *does not blame Broderick for not answering certain questions.* I hope you will not forget that statement. What were those questions? Let us read them. I read from page 551:

Q. You had no business relations with him——A. No, sir.
Q. (Continuing.) That would bring you together at all?—A. No, sir.
Q. Did you ever write to him to call on you?
Mr. DAWSON (Broderick's attorney). I object to the question, and, Mr. Broderick, I advise you not to answer it.
The WITNESS. *I refuse to answer*——

I will now read a series of questions which this man Broderick refused to answer as to which the Senator specifically exculpates him. Every one of these answers——

Mr. GAMBLE rose.

Mr. BEVERIDGE. Wait a minute. Let me get through. *Every one of these answers would have been as to something on which he could be contradicted, and he answered everything upon which he could not be contradicted.* More than that, Mr. President—and this is what amazes me—he refused to answer, and the subcommittee permitted him to do so upon the ground that he might incriminate or injure himself, when the subcommittee should have known that he was absolutely in no danger. He was protected by the statutes of the United States giving him immunity for anything he might state to the Senate's committee.

Mr. GAMBLE. But, Mr. President, the only course left to the subcommittee would have been to have reported these facts to the Senate and have taken directions from the Senate. They could not compel answers.

Mr. BEVERIDGE. The Senator did not want to go to that trouble, and did not want to bother us.

Mr. GAMBLE. The Senate was not in session. This hearing was had in September and the first part of October, and the Senate was not in session until December.

Mr. BEVERIDGE. Why did you not try it? You did not try it; you did not try to force him.

Mr. GAMBLE. We did not presume to call a special session of Congress for that purpose.

Mr. BEVERIDGE. No; the Senator has said that he justified this man in not answering.

Mr. GAMBLE. Hold on.

Mr. BEVERIDGE. You said you did not blame him.

Mr. GAMBLE. Let us be fair to each other, Mr. President, in this.

Mr. BEVERIDGE. I want to be fair to everyone—especially to the people.

Mr. GAMBLE. I do say that in certain respects I did justify him, but not in all respects.

Mr. BEVERIDGE. Name the respects.

Mr. GAMBLE. I recall that the question was asked Mr. Broderick——

Mr. BEVERIDGE. I am going to read it.

Mr. GAMBLE. When Holstlaw was there, who else was in the saloon? Now, Mr. President, I will give the reasons for my belief.

Mr. BEVERIDGE. No; give your belief.

Mr. GAMBLE. I will give the reasons for my belief.

Mr. BEVERIDGE. It needs them.

THE SUBCOMMITTEE'S POSITION.

Mr. GAMBLE. Mr. President, with the tremendous pressure of this case before it ever reached the Senate of the United States, with special agents, representatives, and detectives employed by the Chicago Tribune practically traversing the entire State of Illinois to dig up and find evidence, if they succeeded in disclosing the names of these men there present, I feel confident Mr. Broderick thought that when the trial came on these men who were then present would be found to be missing or out of the jurisdiction of the State.

Mr. BEVERIDGE. Think of that, Mr. President, as an excuse for Broderick refusing to answer, when Broderick himself stated that the reason he refused to answer was because if he answered he might incriminate himself!

Mr. President, the Senator said the only recourse would have been to have appealed to Congress. That is a change of position on the part of the committee; but not the only one, as I will show before I am through. I will ask the Senator and the subcommittee, who are the servants of this body, to tell us whether they insisted on his answering the questions? They could have done that at least; could they not?

Mr. GAMBLE. I think, Mr. President, the statement was fully made as representing the committee by the senior Senator from Kentucky [Mr. PAYNTER], as to the law of the case.

Mr. BEVERIDGE. I have also got what he says.

Mr. GAMBLE. It was the understanding of the committee that where there was a refusal to answer the witness must take his own chances and assume the responsibility, and that the committee, to enforce an answer, must have applied to the Senate itself.

Mr. BEVERIDGE. But the Senator and the subcommittee did not even urge Broderick to answer; they willingly let him refuse to answer, and the Senator has just told us that he did not blame him for not answering.

Mr. GAMBLE. Mr. President——

Mr. BEVERIDGE. Now, do not take up too much of my time.

I will read the statute, Mr. President. Here was a man, with a perfect legal genius as his counsel, before a subcommittee, which have defended him on this floor with passionate insistence; and he refused to answer the questions which I am going to read in a moment, because he would "incriminate himself." And yet here is the statute of the United States expressly exempting him from any consequences for any testimony he gave before a committee of this body or any committee of Congress and expressly protecting him.

Mr. GAMBLE. Mr. President——

Mr. BEVERIDGE. He was not in the least danger, and the record does not show that the committee even suggested that to him.

Mr. GAMBLE. Mr. President, that law was very plain. It was before the subcommittee and was thoroughly understood by every member of the subcommittee.

Mr. BEVERIDGE. So much the worse. There is no excuse for you then. The committee said nothing about the statute. That being true, why did you not insist on his testifying when he refused to testify on the ground that he would incriminate himself? Then it would have been time for you to have said, "We must consider whether we shall appeal to Congress;" but, as a matter of fact, you not only let him refuse to answer, but it is not quite 10 minutes since the Senator himself said he did not blame him for not answering.

Mr. GAMBLE. Because, Mr. President, he was within his rights under the law, and he assumed the responsibility of failing to answer. To coerce or compel answers, we would have been obliged to have applied to the Senate itself, which was not then in session.

Mr. BEVERIDGE. Why that is idle, because the Senator did not try to coerce him.

Mr. GAMBLE. Because he was there with his attorney and under the law.

Mr. BEVERIDGE. He was there with his attorney—after awhile, but he was not there for a good while. And his attorney was at his side every minute.

Let us see, Mr. President, what these things are that the Senator from South Dakota most obligingly says he does not blame him for not answering. I beg the indulgence of the Senate while I read these few questions.

Mr. CRAWFORD. Will the Senator from Indiana permit me there?

Mr. BEVERIDGE. Yes; I will.

Mr. CRAWFORD. As I remember it, Mr. Robert E. Wilson, another similar witness, testified right here in the city of Washington, perhaps under the dome of this Capitol, and at a time when Congress was in session, or near the time when Congress was in session, that he claimed a similar privilege, and apparently he was protected in claiming it.

Mr. BEVERIDGE. Oh, well, you must remember that poor Wilson—"Jack Pot Wilson"—was suffering from nervous prostration because of two weeks' campaign, and had to go to Canada for nervous prostration, strangely enough, just at the time the subcommittee was sitting.

THE INCRIMINATING QUESTIONS.

When I come to the case of Wilson the Senate will find it a more lachrymose case than the case of Broderick; but now, let us see what these questions were that this man Broderick refused to answer—questions which the subcommittee permitted him to decline to answer; questions which the Senator from South Dakota, Mr. GAMBLE, says he does not blame Broderick for not answering. I read from page 557:

Q. Mr. Broderick, did you ever have any occasion to write to Mr. D. W. Holstlaw in the month of August to call upon you?—A. *I refuse to answer on the same ground as I said before.*

I should be glad if Senators would remember that. Why would he refuse to say whether or not he wrote Holstlaw? Holstlaw already had said that he could not find the letter. Why, Mr. President, it was because Broderick knew that he had written the letter, and that that letter might turn up. Is there any other reason?

Mr. GAMBLE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from South Dakota?

Mr. BEVERIDGE. I do.

Mr. GAMBLE. I will repeat to the Senator that I said I justified Mr. Broderick in declining to reply to certain of those interrogatories.

Mr. BEVERIDGE. You did not justify——

Mr. GAMBLE. But not to all.

Mr. BEVERIDGE. Not to this one, then? You did not justify him as to this one? Check one, then, that the Senator does not justify.

Mr. GAMBLE. I was not his attorney or responsible for his answers.

Mr. BEVERIDGE. I am sure the Senator was not his attorney; it was not the Senator's business to be anybody's attorney but that of the people of the United States.

Now, let us get back to Mr. Broderick. One question the Senator does not justify:

Q. On what ground?—A. On the same ground as I stated before.
Q. On what ground do you refer to?—A. *That I might be compelled to give testimony against myself.*

That is, if Broderick answered whether he wrote Holstlaw to come to Chicago, Broderick feared he would "incriminate himself." Holstlaw says Broderick did write him, and that is the reason Holstlaw came. Holstlaw actually was there. Now, Broderick says that if he answers that question yes or no he would be giving evidence that might incriminate himself. I wish Senators would consider that. Now, again:

Q. Mr. Broderick, when did Mr. Holstlaw come to see you?—A. Well, I don't exactly remember the date, but he was in my place when I came in there.
Mr. AUSTRIAN. Had he come in response to any invitation from you to him?—A. *I refuse to answer.*

Now, does the Senator from South Dakota [Mr. GAMBLE], a member of the subcommittee, justify that?

Mr. GAMBLE. I am not here as the attorney in the case for Broderick.

Mr. BEVERIDGE. Oh, no.

Mr. GAMBLE. Nor am I here to defend him. He was taking, as I say, his own responsibility.

Mr. BEVERIDGE. Well, we are trying to develop this case, and whether Broderick gave Holstlaw the money or not, and what kind of a man Broderick is.

Mr. CRAWFORD. Mr. President, what is the difference between his saying that he could or could not answer whether he wrote the letter to Holstlaw, because it would incriminate him to admit that he wrote it?

Mr. BEVERIDGE. God knows; I do not. [Laughter.] Do not ask me. Some of these answers and some of the conduct in this case are either too profound for my comprehension or too foolish for me to understand—one or the other. The subcommittee both comprehends and understands, apparently. I do not know.

Again, on page 557:

Q. Did you have any business with him which would necessitate his calling on you in the month of June or July?—A. No, sir.
Q. 1909?—A. No, sir.
Q. No business whatsoever?—A. No, sir.

You see Broderick answers that right off. [Laughter.]

Q. If he came to see you during the month of June or July, 1909, did he come on his own volition or at your request?—A. *I refuse to answer.*

Again, on page 563—here is the one which the Senator from South Dakota [Mr. GAMBLE] says he does justify, and you have heard his reason:

Did you ask him—

That is, Holstlaw—

Q. Did you ask him what he was there for?—A. No, sir.
Q. Did he tell you what he was there for?—A. No, sir.
Q. Did he pay for the drink?—A. That I don't remember.
Q. You don't remember anything about the occurrence at all?—A. No.

You perceive he does not remember anything now [laughter]; it is convenient not to do so.

Q. How long was he in your place?—A. Possibly a half or three-quarters of an hour.
Q. That long?—A. Yes, sir.
Q. And he talked to no one but you, eh?—A. *I refuse to answer.*
Q. On what ground?—A. *On the ground that I might give evidence or be compelled to give evidence against myself.*
Q. Compelled to give evidence against yourself?—A. Yes, sir.

* * * * * * *

Q. I say did you write to him—Holstlaw—did you fix the time?—A. *I refuse to answer.*
Q. On what ground?—A. *On the ground I might be compelled to give evidence against myself.*

BRODERICK AN IDEAL AGENT OF BRIBERY.

How could Broderick's testifying whether he wrote Holstlaw to come, as Holstlaw did come, incriminate him (Broderick)? It could not, Mr. President, except on two theories: First, that if Broderick said he did not write Holstlaw and Holstlaw afterwards produced Broderick's letter, Broderick would be shown to have committed perjury; and, second, if he did say he wrote Holstlaw to come there, then he fully corroborated Holstlaw's story.

Who was Broderick? Broderick was a saloon keeper on the West Side in Chicago. He had been in the State senate for several terms. He was a part of that bipartisan—not nonpartisan—combination that seems to exist in Chicago; because he says he was "affiliated with good friends" of the sitting Member; that he himself was a good friend of the sitting Member; and that he himself would have voted for him at any time. That is Broderick, the ideal agent to select to bribe a fellow senator.

Broderick testified that he knew that the sitting Member was a candidate—*when?* ABOUT TWO WEEKS BEFORE MAY 26. Does that mean anything to Senators? *That is the very time that Browne undertook in the House to "round up" his following.* Broderick was operating in the Senate.

And on the morning of the election Broderick swears that the sitting Member himself told him that on that day he was going to be elected. He further testifies that the sitting Member knew long before May 26 that he, Broderick, would vote for him. So, Mr. President, we have Broderick, the bipartisan Democrat "affiliated with close friends" of the sitting Member in Chicago, a close friend himself, experienced by several years' service in the dark practices of a part of the Legislature of Illinois, saying that he learned about the sitting Member being a candidate *about two weeks before he was elected,* THE VERY TIME THAT BROWNE BEGAN HIS AGENCY.

You see Broderick was the very man who naturally would be selected to practice the corruption which Holstlaw said he did practice. But when this man Broderick is put upon the stand, he refuses to answer any question on which he could be contradicted upon the ground that it might incriminate him, although it could not possibly incriminate him unless Holstlaw's story was true, although he was protected by national law. What do Senators think of that?

In the face of that, will you believe Holstlaw's perfectly natural and corroborated testimony or will you believe Broderick's evasive denial when at last he was produced before the committee? Will you believe Holstlaw, who is corroborated at every point, or Broderick, who refuses time and again to answer questions which even the Senator from South Dakota does not justify him in refusing to answer?

Again, Broderick refuses to say who was in the saloon while Holstlaw was there. Then, a little later on, he did answer and withdrew his answer. That is so amusing that I will read it:

Q. Did you ever notify him that you wanted to see him on any business matter?—A. No, sir.
Q. Did you ever notify him that you wanted to see him on any matter?—A. No, sir; not on any matter.
Q. Not on any matter. Did you ever pay any money to any member of the legislature for any purpose?—A. *Pardon me. Will you read the last question?*
Q. Read the last one.—A. Not the last one, but the one before that.
(Question read as follows:)
"Did you ever notify him that you wanted to see him on any matter?"
The WITNESS. *Well, now, that is one of the questions I refused to answer a while ago.*
Q. You have already answered it.—A. *I know, but I ask leave to correct that or withdraw that answer.*
Senator BURROWS. You withdraw your answer to the question?—A. *I desire to withdraw the answer to that question; yes.*

What becomes of the theory of the Senator from South Dakota [Mr. GAMBLE] that the subcommittee could not force Broderick to answer? You let him withdraw it—the subcommittee let him withdraw his answer.

Mr. GAMBLE. But, Mr. President, the answer speaks for itself in the record.

Mr. BEVERIDGE. And Broderick withdrew his answer because he knew he had written the letter and he feared it might turn up.

Now, Mr. President, in a little while when I come to Mr. Link I will show, I think, one reason why Mr. Broderick did not answer these questions. And when I show that Senators will see that it is the real reason.

So, Mr. President, we have Holstlaw corroborated in every important particular of his testimony. If there is a point where he is not corroborated, will any Senator point it out? We have Broderick stating the reasons and the circumstances which would make him the most natural man in the world to select as an agent of bribery; we have Broderick refusing to answer any question upon which he could be contradicted, and especially the one as to whether he asked Holstlaw to come to Chicago. Does that settle those two "gentlemen," even though they were taken alone; and if so, what shall we say when we come to take them in connection with the remainder?

BECKEMEYER THE PITIFUL.

Mr. President, there are two out of the seven. That is not all. I come next to Mr. Beckemeyer. Let us be brief on Beckemeyer. He testifies that he got the money in two installments, the first, a thousand dollars, from Browne himself, on June 21, at St. Louis; that Browne, when he handed it to him, said, "This is Lorimer money;" that at Starving Rock—and it is important to remember this when we come to Browne's story—a few days before, he had told him he wanted to see him in St. Louis, that Browne would have a package for Beckemeyer.

Will anybody contradict that? Nobody but Browne; and we will examine Browne in a moment. We have traced every cent of Holstlaw money—the first payment—into the bank on the day it was received.

Mr. BAILEY. Will the Senator permit me? The Senator illustrates the method of arguing this case. He says, "Who denies this but Browne?" There is no pretense that there was anyone besides Browne and this man there.

Mr. BEVERIDGE. Oh, yes.

Mr. BAILEY. Who else could deny it?

Mr. BEVERIDGE. There were several there.

Mr. BAILEY. There was nobody there when he says Browne told him this.

Mr. BEVERIDGE. Told him what?

Mr. BAILEY. That he wanted to see him in St. Louis.

Mr. BEVERIDGE. Oh, that was at Starving Rock. At Starving Rock they met alone, so far as the testimony shows: but when they were at St. Louis together there were several others of "the gang," as Beckemeyer calls them, there. There was our friend Joe Clark, Browne says, although Joe denies it, and Browne says, "If Joe denies it he must be right;" there was our friend Shephard—Shephard of bathroom and automobile fame—and all the rest of them. What I say is——

Mr. BAILEY. And they all deny receiving any money there, except Link and Beckemeyer, who had been indicted.

Mr. BEVERIDGE. Except Link, and Beckemeyer, and White, and Luke. All these testified that they did receive this money except Luke. Luke is dead; but his wife swears he came home from an unaccounted absence with $950 in large bills. And the committee would not permit State Attorney Murray to testify to Luke's confession. After a while we shall come to Clark, Shephard, and the others. In their case——

Mr. BAILEY. They deny it.

Mr. BEVERIDGE. We will see.

Now, mark you, Holstlaw was paid his first installment when? June 16; the first installment June 16. When was that? *That was the very day or the day before that White testifies that he got the remainder of his first installment from Browne in Chicago*, and only three or four days before the rest of them swore that they got their first installment from Browne in St. Louis.

BECKEMEYER DEPOSITS BRIBE MONEY AWAY FROM HOME.

So the date on which Holstlaw swore he received and on which he deposited his first installment is practically *the same date on which the members of the house swore that they got their first installment.*

Now, Mr. President, we have traced the Holstlaw money. What became of the Beckemeyer money? Some of it, at least, was deposited in a most curious place—Belle Isle, Ill. Beckemeyer did not live at Belle Isle. He even had to be identified at the Belle Isle bank by Gray.

Who was Gray? Gray was a business man there. But that is not all. The following circumstance explains why it was that he took the liberty of asking Beckemeyer where he got the money. Gray said they had known one another from boyhood, they were boyhood friends. Well, Beckemeyer turns up at Belle Isle. He made a deposit in the bank of currency in bills of large denominations, *one of which was a hundred-dollar bill.* That was unusual, and so Gray, before whom Beckemeyer counted the money, asked him where he got it.

The committee refused to allow Gray to answer. Should not a "declaration against interest" be admitted? Did you ever hear a case in which the declaration of a party against his own interest was not admitted? If it had been admitted, it and the testimony of Murray and of Ford would have shown where this money came from.

Why did not the attorneys for the sitting Member want Beckemeyer's statement to his boyhood friend Gray as to where he got this money admitted? Why did they object? Surely Gray was not also in the "conspiracy" of which the State's attorney of Cook County and the State's attorney of Sangamon County and the sheriff of Sangamon County and nearly everybody else seems to have been members, according to those who are defending this election. Surely Ford, another business man, was not. Gray and Ford and Murray would have told the truth. These disinterested business men were not in the "conspiracy," were they?

Why, then, was it that the attorney for the sitting Member objected to having them state what Beckemeyer told them as to where he got the money. And where did he get it? Will any Senator tell me? Evidently Beckemeyer was not a big lawyer. He was plainly a little lawyer. Was it from a fee? Is it possible that Beckemeyer had a client who paid him a fee in hundred-dollar bills? Absurd.

Was it a part of his salary? No; because it was in July, and a man of Beckemeyer's dissolute habits would not have saved his salary, which I think he drew, at the beginning of the session, all those months without breaking a hundred-dollar bill. *And the money was deposited soon after he swore he got his bribe.* And Beckemeyer swears he got his bribe money in bills of large denominations. There is where he got this mysterious hundred-dollar bill.

Mr. President, no greater proof can be produced in any case than the declaration of the man himself that he was bribed, followed by being shown in possession of the money which he says he got.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from New Hampshire?

Mr. BEVERIDGE. I do, indeed.

Mr. GALLINGER. I have been listening attentively all afternoon to the Senator's presentation of this case. Will the Senator tell me, for information, where he thinks this money originally came from?

Mr. BEVERIDGE. The Beckemeyer money?

Mr. GALLINGER. Yes.

Mr. BEVERIDGE. I have not the slightest doubt in the world that he got it where he swore he got it.

Mr. GALLINGER. Where?

Mr. BEVERIDGE. From Browne and Wilson, at St. Louis.

Mr. GALLINGER. Where did Browne and Wilson get it?

Mr. BEVERIDGE. That is what Link says. He "did not know where the money came from." Where does the Senator from New Hampshire think Browne and Wilson got it?

ALL WHO CONFESSED, "A BAND OF LIARS," BUT THOSE WHO DID NOT CONFESS VIRTUOUS MEN.

Mr. GALLINGER. I do not know. I am of the opinion that they were a band of liars, and that no one can tell whether they were telling the truth on that occasion or not.

Mr. BEVERIDGE. But they could not lie all together and have all the circumstances corroborated. A lie would not put $2,500 in the State Bank of Chicago.

Mr. GALLINGER. It might.

Mr. BEVERIDGE. A lie would not deposit a hundred-dollar bill in Belle Isle. That is too complicated.

Mr. GALLINGER. The $2,500 might have come from the source that gave this man White $3,500 for his startling revelations.

Mr. BEVERIDGE. Oh, the Senator from Tennessee answered that.

Mr. BAILEY. Mr. President——

Mr. BEVERIDGE. The Senator from Texas will pardon me for a moment. The Senator from Tennessee [Mr. FRAZIER] answered that. We have now the suggestion that this "conspiracy" was so broad that it actually went down into its pocket, produced the money, gave it to these men, had them commit perjury, put themselves in danger of the penitentiary, when, as the Senator from Tennessee pointed out so clearly, it was the most stupid thing in the world, because they could have just as easily and far more naturally put it upon the sitting Member himself if they had wanted to.

Mr. GALLINGER. Does the Senator intend to put it upon Mr. LORIMER?

Mr. BEVERIDGE. I am putting it where the record puts it. And the law puts it very definitely, as I demonstrated by the decisions already submitted. The record shows that Mr. Holst-

law got $2,500 from Mr. Broderick. He deposited that in bank. The record shows that Beckemeyer got his $1,000 from Browne—who stated it was the "Lorimer money"—and his $900 from Wilson, respectively, in St. Louis, and Beckemeyer deposited part of it in bank away from home in large bills, one of them being a $100 bill.

Mr. BAILEY. Will the Senator permit me?

Mr. BEVERIDGE. Certainly.

Mr. BAILEY. This man Gray, whom the Senator was just talking about, who identified Beckemeyer, was himself a member of the legislature, and, as I recall, probably engaged in the condensed-milk business. But he was a member of the legislature, anyway.

Mr. BEVERIDGE. Oh, no; he was not. Gray was not a member of the legislature.

Mr. BAILEY. I rise to answer the suggestion of the Senator from New Hampshire, which is a very pertinent one, and I desire to say to him that this is practically the only case in which bribery was ever alleged in a senatorial election where there has been no attempt to show where the money came from.

Mr. GALLINGER. Yes; and not only that, if the Senator will permit me——

Mr. BEVERIDGE. Yes; there is a suggestion——

Mr. GALLINGER. But the suggestion is made over and over again that Senator LORIMER had nothing to do with this.

Mr. BAILEY. That is admitted.

Mr. GALLINGER. Yes.

Mr. BEVERIDGE. By whom?

Mr. GALLINGER. It is a queer case.

Mr. BEVERIDGE. The Senators must not have a joint debate with one another in my time.

Mr. GALLINGER. The Senator has taken a great deal of the time.

Mr. BEVERIDGE. I have taken mightly little time, considering the length of this debate and the fact that I am a member of the committee.

The Senator from New Hampshire has just suggested that this money came from the same source that also originated this whole "conspiracy" against the sitting Member.

Mr. BAILEY. Does the Senator adopt that suggestion?

Mr. BEVERIDGE. I do not. It is most absurd.

Mr. BAILEY. Will he, then, tell us where it came from?

Mr. BEVERIDGE. How do I know where it came from? I am not in the confidence of any source from which it could have come.

Mr. CRAWFORD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from South Dakota?

Mr. BEVERIDGE. I do.

WAS CORRUPTION PRACTICED, THE ONLY QUESTION.

Mr. CRAWFORD. It seems to me it is a pertinent inquiry, as to this fund, whether or not it makes any difference where it came from, if it was used for corrupt purposes and through its use the election of the sitting Member was procured. [Manifestations of applause in the galleries.]

The PRESIDING OFFICER. Applause is not permitted in the Senate galleries.

Mr. BAILEY. I think that is a fair measure of the audience's intelligence.

Mr. President, let me say this to the Senator from South Dakota, that you must trace this money, if it is to be charged and the Senate is asked to believe that it was used to secure the election of Mr. LORIMER; if not to Mr. LORIMER himself, then to some of his friends.

In the other cases—for instance, in the Payne case, the effort was made to prove that Mr. Payne's son and other close friends drew large sums of money out of the bank and appeared at the capital of Ohio with it. In the old Caldwell case—and by the way, Mr. President, the Senator from Kansas [Mr. BRISTOW] said the other day that we were growing very bad; that in 40 years there had been 15 cases of this kind, and I beg to remind him that three of them were from Kansas—three out of the 15. In the Caldwell case they traced the money to Caldwell, drawn out of the bank upon his order and by his friends.

Mr. BEVERIDGE. Caldwell denied it was drawn for any such purpose.

Mr. BAILEY. He did not deny that he drew some money out, and they had the bank books there.

So, in the Pomeroy case, they traced where they drew the money. In the Ingalls case it was admitted that money was used on both sides, but there it was claimed not enough to affect the election. But in this case there is not a scintilla of testimony attempting to show that LORIMER drew any unusual sums of money from the bank or that any of his friends drew any unusual sums from the bank.

Mr. BEVERIDGE. I hope the Senator is not going to take too much of my time.

Mr. BAILEY. And I submit before you can charge them with having used the money it would be fair to show that they first had the money.

Mr. BEVERIDGE. We trace it as far as Browne and Wilson and Broderick as to its sources, and we trace it into the hands of the men who say they got it as to its place of destination.

Mr. BAILEY. Of course the Senator does not believe that Browne and Wilson and Broderick, if they used this money to bribe these members, furnished it themselves.

Mr. BEVERIDGE. I do not, Mr. President. I do not think they were quite so enthusaistic in this cause as not only to incur the danger of the penitentiary, but to also put up the money themselves.

Mr. BAILEY. Then here was LORIMER's bank; here were his known friends; and not one effort made to show that any one of them about the time these payments are said to have been made, or at any other time, drew one 5-cent piece out of the bank for which they did not and could not account; and to my mind——

Mr. BEVERIDGE. But the money itself was there.

Mr. BAILEY. I did not understand the Senator.

Mr. BEVERIDGE. I say the money itself was there.

Mr. BAILEY. That assumes that these men swore the truth.

Mr. BEVERIDGE. Of course, they swore the truth. There can be no question that they swore the truth when the statement of each corroborates the statement of the other, and all the circumstances corroborate every confession.

Mr. BAILEY. If three men start out to sell their testimony they would be very apt to corroborate each other. That only assumes one of the very points at issue, as to whether these men swore the truth. If they swore the truth, that is the end of the argument.

But it seems to me that in this case, as in all of the others, if the corruptionists were in the possession of money it should be traced from its original source to their possession. But absolutely no attempt has been made to do that in this case.

Mr. CRAWFORD. Mr. President——

Mr. BEVERIDGE. I do want to get through, but go ahead.

Mr. CRAWFORD. I hope the Senator will not feel he must hurry, as this is so important.

Mr. BEVERIDGE. I want to oblige the Senator from New Hampshire.

Mr. CRAWFORD. I do not want to delay——

Mr. GALLINGER. You will not oblige me. I want you to take all the time you desire.

"RULES OF COMMON SENSE."

Mr. CRAWFORD. It seems to me, while I do not think anyone in this body has a more profound admiration for the very great ability of the Senator from Texas than I, his statement here is against the most simple rule of common sense when he undertakes to say that if it be once established that money was corruptly used, and as the result of the corrupt use of that money the sitting Member obtained his seat, and those facts having been established, the burden is upon those making the charge to trace the fund, instead of being upon him to come forward and disclaim it. It seems to me so simple that it can not be questioned that the presumption is that the men who profited by the use of this money were the men to furnish the money. Who else would furnish it?

Mr. BAILEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Texas?

Mr. BEVERIDGE. I do.

Mr. BAILEY. When a Senator talks about the rules of common sense, he ought not to violate them in the very next sentence, as the Senator from South Dakota did. The trouble with that whole argument is simply this, that it assumes that this money has been used according as these witnesses claim. Now, if that be admitted, that is the end of the case. But that is denied. The men from whom these men swear they received this money all swear they did not pay it to them. That is the issue. Now, I say that the way to have demonstrated the correctness of the testimony of the men who swear they received the money, and to have proved to be false the testimony of the men who say they did not pay it, was to show that these men obtained the money. LORIMER is the president of a bank, I believe. Why did they not go there, and see if any unusual sums of money were drawn out? They could have summoned the bank officers on that. LORIMER's friends were known. Why were they not summoned? Mr. President, I see a distinguished friend of mine rather smile at the idea that they might have gotten the truth out of LORIMER's bank, but I make this reply to that suggestion: No bank officer would take the

money out of his bank without in some way accounting for it, and it was easy enough to have summoned the officers of this bank, or any other bank with which LORIMER or his friends transacted business, and proved if they drew any unusual sums of money, and that would have corroborated this. But it will not do to assume that the money has been proved to have been paid.

Mr. BEVERIDGE. Is it the opinion of the Senator that this money which has been testified about and traced is all a dream—did not exist?

Mr. BAILEY. No; it is not a dream. It is a lie, in my opinion.

Mr. BEVERIDGE. A lie in the Holstlaw bank?

Mr. BAILEY. Of course I——

Mr. BEVERIDGE. A lie in Belle Isle?

Mr. BAILEY. I discussed the Holstlaw matter, and the Senator knows very well what my opinion about that is. Does the Senator from Indiana believe that any man ever received $2,500 as the price of his vote and within 12 months forgot the name of the bank in which he deposited it?

Mr. BEVERIDGE. I have not any doubt that in the case of nervous prostration, in which this man Holstlaw seemed to be, he could very well mistake, being a banker himself, and mention the First National Bank of Chicago, which is the very largest bank there. But that is trivial—he corrected it immediately.

Mr. BAILEY. The state of nervous prostration that would have made him forget the bank was just the frame of mind that would make him tell a lie.

Mr. BEVERIDGE. I will ask the Senator this: Does the Senator himself believe that Holstlaw actually did deposit $2,500 in the State Bank of Chicago on June 16?

Mr. BAILEY. I do not; and the trouble with Holstlaw's testimony is——

Mr. BEVERIDGE. What was the motive of Chief Clerk Newton of the bank perjuring himself? He says under oath that Holstlaw did deposit it and that he (Newton) received it.

Mr. BAILEY. The same motive that other men have for trying to destroy this man's character.

Mr. BEVERIDGE. That includes——

Mr. BAILEY. I exhibited, and I again repeat that I hope whoever has it will produce that affidavit of Newton, because there is not a man living who will examine Newton's signature to that affidavit and then say that Newton wrote the name "Holstlaw Bank" at the head of that deposit slip.

THAT "FORGERY," AGAIN.

Mr. BEVERIDGE. Does the Senator from Texas still think the bank's deposit slip is a "forgery?"

Mr. BAILEY. I do; undoubtedly.

Mr. BEVERIDGE. I presented here this morning an affidavit which I asked for.

Mr. BAILEY. From whom?

Mr. BEVERIDGE. From the chief clerk of this bank, to the effect——

Mr. BAILEY. Will the Senator let me see that affidavit?

Mr. BEVERIDGE. I will be glad to.

And the other one was lost. There is the photograph of the deposit slip. I never saw the original. In the affidavit Chief Clerk Newton says it is entered on the books. I call the attention of the Senator from Texas to that.

Mr. BAILEY. If the Senator will permit me, I ask unanimous consent of the Senate to print a photograph copy of the signature of Jarvis O. Newton to this affidavit, side by side with the name of the "Holstlaw Bank."

Mr. BEVERIDGE. That is right. I will ask the Senator from Texas——

Mr. BAILEY. Let us get that consent.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas?

Mr. BEVERIDGE. I sincerely hope that will be done.

The PRESIDING OFFICER. The Chair hears no objection, and it is so ordered.

Mr. BEVERIDGE. I will ask the attention of the Senator from Texas to this. Will the Senator look at the "w" in Newton and the "w" in Holstlaw and tell me that they are dissimilar? Also the "t" in Holstlaw and the "t" in Newton, with the peculiar crossing of the "t." Also the "s" in the two names.

Mr. BAILEY. Mr. President——

Mr. BEVERIDGE. I hope they will be reproduced.

Mr. BAILEY. If the Senate could see these at once——

Mr. BEVERIDGE. Let them see them.

Mr. BAILEY. They could not all see them at once.

Mr. BEVERIDGE. You can pass them around. I shall pass them around.

Mr. BAILEY. But that is the very purpose for which I asked unanimous consent to put them in the RECORD. I repeat that the name of Newton appears to have been signed by a man of some skill in penmanship, and the name "Holstlaw Bank" appears to have been written either by a boy or an uneducated man, and those things will show for themselves when they appear photographed in the RECORD side by side.

Mr. BEVERIDGE. The Senate can judge for itself.

Mr. President, I will repeat what I said while the Senator from Texas was compelled to be absent. I do not criticize the subcommittee for not calling for the books of the bank, because it is clear why they did not call for them. They believed the deposit had been made. They believed that Mr. Newton spoke the truth. They did not believe that Newton also perjured himself. They did not think the deposit slip was a forgery, and they believed the money actually was deposited there. So they did not call for the books.

So did the vigilant attorney for the sitting member, Mr. Haney, and his associates believe the deposit was made. If they had thought that Newton was perjuring himself, if they had thought the deposit slip was a forgery, they at once would have asked for the books. But not until the novel theory was suggested that the deposit slip was a forgery, another crime committed in this vast and widespread "conspiracy" to destroy a man, as the Senator says, was it ever supposed that Holstlaw did not deposit the money?

Mr. BAILEY. Will the Senator permit me? The answer to that is that when the slip was presented to the committee, no member of the committee detected the mispelling of Holstlaw's name, so far as the record discloses, and it was not then testified to by anybody that Holstlaw himself had made out the deposit slip. That statement was not presented to any member of the committee until the attorney for the prosecution filed his reply brief, and then in that reply brief he laid great stress upon that photographic copy of the deposit slip which he solemnly declared to have been in Holstlaw's own handwriting.

Mr. BEVERIDGE. Now, Mr. President——

Mr. BAILEY. Just let me finish. Then when the deposit slip was said by the attorney in the case to have been in Holstlaw's own handwriting, and they examined the misspelling of Holstlaw's name, of course it became apparent either that the attorney had tried to mislead the committee by declaring Holstlaw wrote it with his own hand or else a forgery had been committed.

Mr. BEVERIDGE. Or else that the attorney had made a mistake, as attorneys have been known to do before.

Mr. BAILEY. Never one like that.

Mr. BEVERIDGE. Oh, I think many more serious than that, Mr. President; and so the charge of forgery is superadded now to the charge of perjury to a man who had no motive. And that terrible charge is based upon the misstatement of an attorney in a hasty reply brief, when I think the Senator from Texas will agree with all of us that neither one of these attorneys on either side of this singular transaction showed very much skill as lawyers or very much diligence or anything else.

Both men when they were examining witnesses, for instance, often would call some other man's name. The Senator remembers, no doubt, with a good deal of digust here how this record is burdened with irrelevant arguments and everything else. I have had to cross out a great deal so as to get down to the testimony.

Mr. BAILEY. One of the attorneys in that case has held the high and honorable position of a judge of the courts of Chicago, and I would not be willing to allow the statement to stand in the record that I think he is an inferior lawyer.

Mr. BEVERIDGE. I will ask the Senator, now, directly from reading the questions by this attorney, and the arguments he makes, and all that sort of thing, does he strike the Senator from Texas as an accurate lawyer?

Mr. BAILEY. There was so little law presented to the committee——

Mr. BEVERIDGE. I will not press that question.

Mr. BAILEY. And so much of fact, and so many contradictions, that I would not be willing to make up a judgment on any lawyer's accomplishments from that record. But this much I will say, that I would hate to have people excuse that kind of a statement in a brief of mine. I would hate to have it said that upon my honor as a lawyer I had sought to mislead a committee by a false statement.

Mr. BEVERIDGE. Or even had made a mistake.

Mr. BAILEY. That could not have been a mistake, because a lawyer, laying stress upon and inviting the committee to draw a conclusion from that, and treating it as the one important corroborating circumstance, could not have been honestly mistaken about it.

A DULL KNAVE—IF THE ATTORNEY WAS A KNAVE AT ALL.

Mr. BEVERIDGE. Then he was unspeakably and unbelievably stupid—a dull knave; for if he made that statement for the purpose of misleading us he knew that it would be discovered that Holstlaw's name was not written by Holstlaw himself. So, Mr. President, instead of making this man out a knave, the Senator makes him out the most shallow of fools, because he had not made a mistake, but a willful and misleading statement, and upon this the charge of forgery and perjury by a new witness is based.

Mr. BAILEY. I think nearly all knaves are fools when you get to the bottom of it. I have no doubt in the world that if a lawyer were not honest enough to always be frank and candid with the court that is very much the best thing for him to do. But I return to the proposition that a lawyer who would stand before a court and with a paper in his hand argue that it was in the handwriting of a particular man without knowing it would give the court a good cause to strike him from the roll of attorneys.

Mr. BEVERIDGE. Whether all knaves are fools or not, there are certainly some knaves that have sense enough to keep out of the penitentiary. Now, the question is after all whether this money was deposited—not whether this lawyer was a good lawyer or not, not whether the State's attorney of Cook County and Chicago did his duty or not, not whether the conduct of the State's attorney of Sangamon County was just what we think it should be or not? That is not what we are trying.

We are not disbarring the Attorneys Austrian or Hanecy or trying them; we are not trying the conduct of the State's attorneys' office of Cook County or Sangamon County, or the sheriff of that county. We must not be diverted by such considerations. *The only question is whether these men actually got this money*, which the report of the committee itself says they swore that they did get "as the consideration for their votes."

Mr. CUMMINS. Mr. President——

Mr. BEVERIDGE. I must get on merely for the reason that I suppose I have to conclude to-night. It appears that there is unanimous consent for to-morrow and the same courtesy can not be extended to me that was extended to the Senator from Texas.

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Iowa?

Mr. BEVERIDGE. I do.

Mr. CUMMINS. The Senator from Texas seems to be of the opinion that because the committee did not inquire and it was not ascertained from what source the Lorimer money came it is some evidence, at least, that there was no Lorimer money. Did I get the view of the Senator from Texas correctly?

Mr. BAILEY. The Senator does, with substantial correctness.

Mr. CUMMINS. The first address that was made upon this matter came from the chairman of the committee, the senior Senator from Michigan [Mr. BURROWS]. As I remember that address, although it is not before me at this moment, the Senator from Michigan admitted or charged that there was in the Illinois Legislature what was known as the jack-pot money. That view of it was emphasized a few days later by my distinguished friend, the senior Senator from South Dakota [Mr. GAMBLE], in which he not only charged it, but deplored it. It seems to me that if you will discover where the jack-pot money came from, you will have some clue to the sources of the Lorimer money.

Mr. BAILEY. Mr. President, in reply to that I have to say that if the Lorimer money was contributed to the jack-pot money, then, by finding where LORIMER made his drafts on the bank, they could have connected the two. But my suggestion was that if this money was used for LORIMER it would be easy enough to have proved by the banks with which he and his friends transact their business whether or not they drew these sums.

Now, just a moment further. The Senate will remember that this man White testified that at one time Browne had $30,000 on his person, in a belt around his waist. If a sum of that kind was contributed about that time to Browne, it is utterly impossible that LORIMER and his friends could have furnished it without leaving trace of that transaction in the banks with which they transact their business. The fact, I say, that no effort even was made to show that LORIMER or those close to him drew money out of the banks for any purpose connected with this transaction is, to my mind, strong proof that no such circumstance could have been shown.

Mr. CUMMINS. The Senator from Texas made a mistake a few moments ago which I am sure he will be glad to correct the moment it is called to his attention. I do not insist that it is material at all, but it illustrates how easy it is to make a mistake. Mr. LORIMER was not elected president of the bank of which he is now president until nearly a year after this occurrence took place.

Mr. BAILEY. Then all the easier it was to have traced the drafts of this corruption fund from other banks, because when a friend of mine who sits across the aisle rather smiled at my suggestion that they might have derived this testimony from LORIMER's bank, I felt the force of it at once. It might be difficult to have obtained any information from that, and I tried to cover that difficulty by suggesting that no officer of a bank would have allowed a large sum to have been taken from it without leaving some memorandum there.

The Senator is correct. I believe the date of the organization of the bank of which Senator LORIMER is president is not a matter of the record at all, and is outside of the record. I thank the Senator for setting me right on that point.

Mr. CUMMINS. But the junior Senator from Illinois stated, I think, the date upon which he became president of the bank to which we are both referring in his speech which was made before the investigation began. That, however, is not at all material. I simply called it to the attention of the Senator from Texas in order that the mistake might be corrected and there might be no misunderstanding about it.

But the point I make is this: The Senator from Michigan [Mr. BURROWS] and the Senator from South Dakota [Mr. GAMBLE] seemed to think, and as I believe justly to think, that the evidence did show there was a fund that was called the jack pot for distribution among the boodlers of that legislature.

Now, the same evidence which establishes the existence of that fund establishes the existence of the fund which it is alleged was used for the purpose of buying votes for Mr. LORIMER. I do not know whether the Senator from Texas believes it or not, but if he believes that there was what is known as a jack pot in that legislature, to be distributed among the corrupt members who were willing to participate in it, what reason has he for thinking that there was not another fund just as corrupt?

Mr. BAILEY. Mr. President, there are two answers to that. I think that there never was a man in the world so corrupt that he did not do some honest things. When I remember that dishonest men have voted for every Senator in this body, I am compelled to think they have done some honest act at least, because I know all these Senators have not been elected improperly. So it might happen that the representatives who participated in a jack pot would have voted for Senator LORIMER as they might have voted on other questions without any improper or corrupt consideration.

But there is still another answer to my mind. The Senator from Iowa will recall that the very witness by whom they prove this existence of a jack pot swore that no promise was made to pay them for their vote before they voted for LORIMER. There are but three witnesses to the jack pot. One is White, and, as the Senate will recall, White swore that on the very night Browne bribed him he did not know of the existence of this jack pot in that legislature; he had heard from members of previous legislatures that a jack pot was organized in every session and divided at the end of the session, but that he did not know it. That is the testimony of one. The next is Link. He swears he obtained $1,900 from Browne and Wilson, but he swears positively and specifically that not one dollar of it was promised him to vote for LORIMER and that not one dollar of it was paid to him for voting for LORIMER. The other witness by whom it was sought to establish a jack pot is Beckemeyer, and Beckemeyer swears that he was not promised one 5 cents to vote for LORIMER, but that when they gave him a part of this money, they told him it was his Lorimer money.

Mr. BEVERIDGE. Holstlaw was in the jack pot.

Mr. BAILEY. No; Holstlaw was not in the jack pot, because the jack pot was distributed, they claim, by Wilson and Browne. Holstlaw claims to have been paid by Broderick. The trouble with Holstlaw's testimony is he swears that Broderick promised to pay him $2,500 and then swore that Broderick paid him $3,200.

Mr. CUMMINS. But the Senator from Texas does not answer my question. I did not enter into the inquiry whether this money was paid to these men for the purpose of bribing them to vote for Mr. LORIMER. The Senator from Texas, as I understand it, disputes the existence of this money, and my inquiry was, Does the Senator believe that there was jack-pot money, no matter what it was paid for, when it was paid, or to whom it was paid?

Mr. BAILEY. The Senator from Iowa has forgotten he asked me the question whether I believed there was jack-pot money and also whether if I believed this money was contributed for that purpose, why not for the other purpose, and I proceeded to answer him that the witnesses to the existence of

a jack pot did not claim that they were paid to vote for LORIMER. Then I proceeded to state the facts about the jack pot, intending to say, in conclusion, that in my judgment those circumstances completely disprove the existence of a jack pot.

I call the Senator's attention again to the fact that every time they put an honest man on the witness stand he testified that he had heard a good deal about the use of money, but when brought to book he said he never saw the use of it, that nobody ever offered to bribe him, except the man Meyers alone; he did not know anybody else who had been bribed; and like Donahue, denied positively that money was offered him; and like Shaw, who said that he heard a good deal of talk about opening barrels, but when they were opened they were always apples.

Mr. President, if the Senator will indulge me one moment further——

Mr. CUMMINS. I can not indulge the Senator from Texas, for I have no right to the floor. I am trespassing upon the time of the Senator from Indiana.

Mr. BAILEY. The Senator from Indiana is occupying himself with the record. If I had it in my hand I would put into the RECORD now a statement made by a former official of the Government, in which he is reported to have said that never in its history were so many and such hungry lobbyists infesting the corridors of this Capitol as now. That goes out to the world to impeach the character of the American Congress. Yet every man here knows how little truth there is in it. If there are any lobbyists here plying their nefarious vocation, they have done me the honor not to interview me.

Mr. CUMMINS. Mr. President, I do not intend to interrupt the Senator from Indiana in the argument upon the weight of testimony, but I was rather startled to hear the Senator from Texas declare that the failure on the part of the committee to pursue the inquiry and ascertain from whence this money came was an evidence that there was no such money, when I had heard but a few days ago the statements of two members of his own committee, both distinguished men and lawyers, that they were convinced there was in that legislature a corrupt fund to be used for forwarding or obstructing legislation. It seemed to me the evidence which established the existence of the money which is alleged to have been paid to Link and Beckemeyer and to White, if not to Holstlaw, was exactly the same evidence, and quite as persuasive, as that which established the existence of any corrupt fund whatsoever.

Mr. BEVERIDGE. Mr. President, may I ask the Senator from Texas this question: Does the Senator from Texas believe that any of these men got any money from Browne, Wilson, or Broderick?

Mr. BAILEY. Mr. President, I would dislike very much to be compelled to return a verdict or to render a judgment upon the testimony of Holstlaw, or Link, or Beckemeyer, or White. I would be compelled to guess at whether they were telling the truth or not. I am very free to say to the Senator from Indiana, and that can be taken as my reply to all other Senators, that as between Holstlaw, and Link, and Beckemeyer, and White, who swore that they did perjure themselves and accept bribes, and Wilson, and Broderick, and Browne, who swore that they did not give bribes, I would believe the three latter as against the four former.

Mr. BEVERIDGE. Now, Mr. President——

Mr. BAILEY. And I do not believe that those men paid the others one cent. Let me say this to the Senator from Indiana, who wants, of course, the whole circumstance in the RECORD. They indicted Browne for bribing White——

Mr. BEVERIDGE. I am coming to that. I shall not leave that out.

Mr. BAILEY. And they tried him, and 11 to 1 voted for his acquittal. They tried him again, and the whole 12 of the jurymen voted for his acquittal. When the Senator comes to that point, there is another circumstance concerning that trial which I am sure he will not omit to state, and that is the circumstance about indicting the witnesses and the attorneys.

Mr. BEVERIDGE. Mr. President, I asked the Senator from Texas whether he believed that Holstlaw, or Beckemeyer, or Link, or White got any money from Browne, or Wilson, or Broderick, and in the course of his answer, toward its conclusion, I think I quote him correctly when I say as between Beckemeyer, Link, and White, who swore they accepted bribes, and Browne and Wilson and Broderick, who swore they did not give bribes, he would believe the latter.

Mr. BAILEY. And I added that I did not believe the bribes were paid.

Mr. BEVERIDGE. That makes it still stronger. So the Senator does not believe it. Now, Mr. President, the Senator is right as far as he goes. If the only thing were the bare statement of four or 10 self-confessed bribe takers as against three or five bribe givers, and nothing but their denial, then, of course, we would rather believe the man who says that he never gave a bribe than the man who says he accepted one, *if that were all.*

[At this point Mr. BEVERIDGE was interrupted by Mr. GALLINGER, and he yielded the floor for the day.]

Thursday, February 23, 1911.

Mr. BEVERIDGE. Mr. President, in a moment I shall ask the Senate to return to the record of testimony given under oath, the record of testimony not only given under oath but searched as by fire with fierce cross-examination.

"NOTHING EXTENUATE NOR SET DOWN AUGHT IN MALICE."

I want to say at the outset of these remarks that in my examination or the testimony I shall "nothing extenuate nor set down aught in malice." I shall nothing extenuate because I ought not to do so, and I will set down naught in malice because I have no malice.

Indeed, Mr. President and Senators, at the beginning of what I have to say I shall be obliged, as I proceed, if any Senator will interrupt and correct me in case I should make any misstatement of the testimony or fail to make a statement full and correct. For I would far rather have Senators interrupt me constantly in order that we may get the truth before us than I would risk any possibility of a misstatement of this testimony.

Indeed, Mr. President, I go further and I say that I would far rather find things in this testimony favorable to the validity of this election than I would to find things in this testimony which impeach the validity of the election; for I call the attention of Senators again to the fact that the issue we are determining is the validity of an election, and it is not an agreeable thing as a man or as a citizen to be confronted with facts showing that an election is invalid—an election upon which the very life of our Government and institutions depends.

But before I return to the record of the testimony and ask the Senate to go with me, I wish to make one or two remarks concerning the address to which we listened yesterday.

OTHERS HAVE HAD BURDENS—AND SAID NOTHING.

I listened to the remarks of the sitting Member with a peculiar personal sympathy. His pathetic account of his rise from an humble estate to this high place here touched me in a personal way, and I know it touched other Senators; for there are many Senators here who have struggled from an even earlier age, bearing even heavier burdens than the sitting Member; but none of them ever asked anything of the world on account of that.

The sitting Member's recital of his popularity was interesting, and indeed, Mr. President, in all fairness, it must be said that it gives some explanation of his political strength. But it was not relevant to the issue before us, which is the validity of an election challenged on the ground of bribery. It was a novel and an undoubtedly truthful account of peculiar popular strength; but *it did not touch the issue we are to determine here.*

The sitting Member's most affecting account of his newspaper experience, out of which grew his intimacy and lifelong friendship with "Hinky Dink," was as engaging, Mr. President, as a page from Hugo; but it was not relevant to the issue, because the vote of Griffin, which the sitting Member says Hinky Dink delivered, is not one of the votes questioned in this testimony.

So, while I with all others was deeply affected by that tearful recital, I could not determine how it concerned this case, except that unconsciously the sitting Member did in that recital throw light on a certain transaction to which I shall call the attention of Senators when we reach it.

The same thing was true, Mr. President, of the sitting Member's dramatic, well told account of his aid to one Galligan when Galligan's wife was sick and Galligan himself in dire straits. That is one of those "touches of nature which make the whole world kin;" but as keenly as every man with human sympathies throbbing in his breast might have responded to that, all must admit that it was in no wise relevant to the issue before us.

It had nothing to do with the alleged bribery of Beckemeyer or White or Holstlaw or Link by Browne and Wilson and Broderick. It was wholly immaterial, because it affected only Galligan's vote, and Galligan's vote is not in question.

So, Mr. President, while the whole life-story revealed by these incidents aroused my sympathy as a man and interested me as a student of human nature, it did not appeal to my judgment as a Member of this court. *It did not touch the issue.* If courts were to try cases on sympathy, instead of on justice, there would be no such thing as courts or law.

SITTING MEMBER DID NOT TESTIFY BEFORE SUBCOMMITTEE—WHY?

But, Mr. President, as I listened with much approval to many of these incidents, I could not help wondering why the sitting Member did not lay them in full before the subcommittee of the

Senate, appointed and empowered to gather all this information, if he or his counsel thought any one of them was pertinent or relevant to the question which we must determine. It is not for me to suggest to the sitting Member that that should have been his true course; it is for him to take what course he and his counsel think best, and it is for us——

Mr. BURROWS. Mr. President, will the Senator yield to me just for a moment?

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from Indiana yield to the Senator from Michigan?

Mr. BEVERIDGE. Yes.

Mr. BURROWS. There are many of the committees in session, and I wish to say that, so far as the Committee on Finance is concerned, we are engaged in hearing gentlemen from different parts of the country in relation to the reciprocity matter, which will account for the absence of members of that committee.

Mr. BEVERIDGE. It is quite satisfactory, Mr. President. Of course, I suppose the statement of the Senator from New Hampshire [Mr. GALLINGER], who appears to have the keeping of the consciences of Senators in his possession, was notice that it is perfectly useless to lay any testimony or any law before the Senate, because the Senator from New Hampshire says that the votes are already determined.

Nevertheless, Mr. President, I shall pursue the duty which lies before me and place upon the records of this body the facts in this case—which I ask any Senator to correct immediately, while I am on the floor, if I misstate anything—and the law in this case so that every Senator when he comes to vote may have the facts and the law directed to the specific issue before him.

And thus it is, Mr. President, that as to every incident of the address of the sitting Member yesterday which, while they deeply touched us all, and me as much as anyone as a man, none of them could affect any of us as judges trying, as I said the other day, the greatest issue that can arise under free institutions, whose very life depends upon the freedom and purity of elections, institutions to found which so much blood has been shed and so many sacrifices made.

MODERN POLITICAL MANIPULATION.

Mr. President, to pass these incidents, which made up the body of the sitting Member's remarks, what else was suggested? He said that every Republican member from his district voted for Hopkins; that he himself supported Shurtleff; that thereafter he urged Gov. Deneen to become a candidate. Now, all of this, Mr. President, was interesting political history.

But how did it touch the question whether Holstlaw, Beckemeyer, White, Luke, and Link, and the others received money, to use the language of the majority report, "as the consideration for their votes," from Browne and Wilson and Broderick? Therefore, of course, I shall pay no more attention to that recital of the political manipulations described in support of these various men. I do not blame the sitting Member for that. Indeed, I suppose that it was perfectly permissible political strategy in the manipulation of well-known forces in the manner in which Senators of the United States are elected so often at the present time.

I am not skilled in practical politics; and yet I can see that it might have been the part of wisdom for a wise political manager who wanted finally to arrive at a definite end to give votes to Hopkins when Hopkins could not be elected, because that would tend to mollify Hopkins's adherents in the future; or to support Shurtleff, who had no opportunity of election, because that would tend to bind Shurtleff still closer to his already bosom friend.

But when it comes to Gov. Deneen, we have something on the record. For Browne, this twentieth-century "Abraham Lincoln," this "marvelous intellect," testifies that they were willing to elect Deneen in order to "get rid of him"—to "eliminate him," as Mr. Browne swears. Mr. President, if it were pertinent at all to mention the fact that the sitting Member and others were willing to support Gov. Deneen, it becomes necessary for us to recur to the record and find out that "marvelous intellect" Browne, as the Senator from Kentucky [Mr. PAYNTER] describes him, testifies that they "might be willing to do that *in order to get rid of Gov. Deneen.*"

I know nothing of Illinois politics, although I was brought up in that State; but I wonder what they wanted "to get rid of" Gov. Deneen for? But, Mr. President, it is apparent that that part of the sitting Member's well-arranged remarks does not touch the question involved in this case, and I think all Senators on both sides will agree that his engaging analysis of the modern term "bellwether" in politics, which so amused and interested us, does not touch the question here.

THE "BELLWETHER."

It was a valuable contribution to the lexicography of political terms, although I do not think any of us will quite agree with the definition of our duty as described by the sitting Member in the following of "bellwethers." There was one mistake of fact that he made. He attributed its origination to the Senator from New York [Mr. ROOT]. Well, a good deal has been said about the Senator from New York. He needs no defense in this case; and if he did, there is not a man in the Senate of the United States so capable of that defense as the Senator from New York himself.

But I must call the attention of the Senate to the fact that we can not accord to the Senator from New York the honor of originating the term "bellwether" and applying it to Manny Abrahams. The fame of the Senator from New York must rest on other foundations. No! "Bellwether" belongs to Mr. Browne, this "marvelous intellect," as the Senator from Kentucky [Mr. PAYNTER] calls him. Browne, this new Abraham Lincoln, as the Senator from Texas [Mr. BAILEY], by inference describes him; Browne who swears that Manny Abrahams was the "bellwether" of his faction, stood at the head of the roll call, and that when any of his faction wanted to know how Browne thought they should vote they listened to find out how Manny Abrahams voted, and then, as Browne says, followed their "bellwether." In ascribing the paternity of the term "bellwether" to the Senator from New York [Mr. ROOT], the sitting Member went far afield. In his passion of oratory he was influenced by "the light that led astray."

I was glad the sitting Member made the reference, because that is pertinent to our duties as Senators. We all understand the practice which we loosely follow—nearly all of us—where on strictly party questions well understood, when we come from busy occupation in the committee room, we vote with our party. But I never considered that my duty as a Senator, or my oath of office, required me to vote on grave questions affecting the welfare of millions of people as some other man voted, without any knowledge of my own, or without any convictions derived from that knowledge. But we are to have a new gospel of legislative procedure, it appears—the gospel of the "bellwether," as proclaimed by the sitting Member.

But whatever we may think of "bellwethers," we must agree that that passage, or passages, like the "Hinky Dink" incident and the "Manny" Abrahams description and the relief to Galligan when his wife was sick—a thing which many a man in this Chamber and thousands of private citizens have done time and again, a praiseworthy thing, a thing which I admired and approved on the part of the sitting Member—still it had nothing to do with the case.

The sitting Member's explanation did afford a reason, Mr. President, as to why some Members, and especially a few Democrats, voted for him. But has that anything to do with the issue we are sworn to try and determine? Has it anything to do with votes secured by bribery?

FRAUDULENT TITLE TO ONE TRACT OF LAND NOT EXPLAINED BY GOOD TITLE TO OTHER TRACTS OF LAND.

Suppose, Mr. President and Senators, that a man owned several tracts of land. His title to one of those tracts of land was questioned in a lawsuit on the ground that he had acquired it through the fraud of an agent. Would any court permit him to plead as a defense to that alleged fraudulent title that he had acquired the other pieces of land legitimately and without fraud? If testimony were offered in such a lawsuit showing that the title to the piece of land in question was acquired by fraud, would any court, to offset that, permit testimony that he had acquired other tracts of land legitimately?

That, Mr. President, is what the sitting Member's explanations amount to upon the issue before us. If Senators say that perhaps they fairly do raise a presumption of good title to the piece of land in question, every lawyer would answer you that you would be put out of court in a minute on such a plea.

But this election is a much more important thing than any lawsuit; it affects no mere title to a piece of land. It does affect, as I showed the other day by undisputed historical examples, the life of this Nation. I am willing myself to take any possible favorable view, for I am discharging a duty painful to me—to all—but which no man any more dare shirk than he would refuse to defend the flag if it was fired upon. The common law regarded bribery as treason. Senators seem to think it as light a matter as a common lawsuit.

And, Mr. President, was the other section of the sitting Member's appeal any more pertinent? It was artfully done, his appeal to our Democratic and "standpat" Republican colleagues. He plainly states that he never—no, never—will abuse the one or desert the other. I think he told the truth about that. He said he had never abused the Democrats. I liked

that. It showed his good sense. I have done some campaigning in the last 25 years, and, thank God, I long since have gotten beyond the point of making a partisan speech.

Born in Ohio during our awful Civil War, I was brought up in southern central Illinois while the fury of that great conflict was still upon us. At that time party passions flamed. That time has passed. Nearly everybody among our ninety millions has risen far above that. We do not denounce anybody any more because he belongs to some party to which we do not belong. We all know perfectly well that all of us, Democrats and Republicans, are alike Americans, equally anxious for the country's true welfare and equally willing, if necessary, to fight in its defense.

While the sitting Member's account of his refusal to abuse Democrats meets the approval of every thoughtful man, what has it to do with this case? Did any counselor of his imagine that votes in this tribunal were going to be affected by such an appeal as that?

It simply had nothing to do with the case. A good many years ago the gifted writer of a comic opera—a comic opera which you will all remember—satirized the practice of a certain type of lawyers who always are trying to win a case in which they have no relevant testimony by introducing something entirely irrelevant. The song became popular. It was sung by all the people in derision of that type of legal mind—

> The flowers that bloom in the spring, tra la,
> Have nothing to do with the case.

That refrain will become popular once again, I think. It applies to every sentence of the sitting Member's heart-melting address.

Mr. President, I shall pay no more attention to any feature of that engaging and tear-producing speech, because while it aroused our sympathy, it did not even attempt to influence our judgment by presenting any fact relevant to the question before us. And so, Mr. President, I will ask the Senate to return to the record of the testimony given under oath.

[At this point Mr. BEVERIDGE yielded for the presentation of the unfinished business.]

Mr. BEVERIDGE. But, Mr. President, in examining the record of sworn testimony I shall stick to the issue. That issue is not the personal habits, fortunes, feelings, or career of any man; it is the validity of an election. If it were a mere matter of sympathy, I challenge anybody to have more sympathy for any human being who deserves it than I have.

But if this testimony shows that an election to the most exalted place in human government has been vitiated by bribery and corruption, then, Mr. President, to paraphrase a sentiment uttered the other day by a distinguished Senator, so help me God, I would not vote to sustain that election if it was that of my own brother.

It is a question of the welfare of a people, not a matter for sentiment, on the one hand, or those other things of which rumor is rife and the press is full, on the other hand. We have a duty to discharge. It will not pass away the day we vote. This record will go down through generations, and we must hand the explanation of our votes on this solemn business down to our children and our children's children.

I showed how this body of death almost dragged England to its tomb, as it did drag even a greater power than England to its tomb. I showed how the English people have saved themselves by administering their laws in the ancient English spirit, which did not hesitate at executing on the block a lord chief justice of the Crown for this offense. I read the decision of the English court avoiding elections for causes which some Senators here in these complacent days would think amusing.

But what has it done? It has saved Great Britain. It has made her Parliament almost the purest legislative body in the world. It has opened the doors of that great Empire's legislature to those humane reforms demanded by the welfare of her struggling millions and resisted by all the money and power of hereditary privilege or special interests.

A Senator said to me the other night, "What do I care about the English law? What do I care about the English method of dealing with bribery? England is an effete monarchy." Well, Mr. President, the Senator was mistaken. England is not effete. But England would have been effete if she had dealt with this viper within her bosom as we are asked to deal with it in this case.

IS IT A MATTER OF NO CONSEQUENCE THAT ELECTIONS SHALL BE PURE?

I again present this other aspect of the case because it searches out our remotest future. I see before me a veteran of our great civil conflict [Mr. WARNER]. What do you say? Is it a matter of no consequence that elections shall be pure in that Republic you risked your life to save?

Mr. President, I cited some historical examples, but there is one I overlooked. I wondered how they managed these things in France. France at least is not an "effete monarchy." France is a pretty up-to-date Republic. Curiously enough, as some Senators here must think, the French electorate guard their right of suffrage most jealously.

They do not think their polls a market place. Perhaps it is because they have established the Republic so recently, but I can find but one case of bribery in the French Republic since it was established. I want to read to Senators who intend to "pass this matter up," as one colleague urged me to do, as to how France treated this. It was the celebrated Wilson case. When I mention it I think you will all recall it.

Mr. Wilson undertook to get a seat in the French Chamber of Deputies. Money was spent and banquets given in Wilson's behalf. He won. The election was challenged as being corrupt. It came to the Chamber of Deputies to decide. How did they decide it? An investigation was urged. Was it granted? It was not. The French Chamber of Deputies refused it, and instead declared that the dignity of the chamber and the safety of the Republic demanded a vacation of the seat. That is how they dealt with it. That is the Huguenot spirit, just as the Puritan spirit is manifesting itself in England again. Senators, has the Huguenot and the Puritan spirit deserted us? God forbid!

You arrange votes on bills, yes; but shall it be said that we arrange votes upon the validity of an election upon any other ground than our oath and our conscience? I do not believe it can be said of any of us; yet a fearless American press of every political complexion is full of intimations to the contrary.

Here is what occurred in the Wilson case. The committee who considered the matter recommended that a parliamentary investigation be made and the evidence sifted. The House, after some debate, in which the candidate participated, declined to do this by a vote of 290 to 129.

Now listen.

But by a vote of 465 to 2 the French Chamber of Deputies declared the Wilson election invalid. Yet that corrupt French election was "a trifle light as air" compared with the election which this record discloses.

> The proponents for the annulment of the election took the ground that the evidence of general corruption was so indisputable that *respect for the dignity of the House and regard for the public morals demanded this action.* (Journal Officiel, Feb. 26, 1894.)

No wonder the monarchists of France do not make any progress when they come face to face with as pure and fearless an electorate as that. Think of it, the seat vacated by a vote of 465 to 2 on the ground of the dignity of the chamber and in the interest of public morals.

But I suppose, if I were to advocate such an action in this case upon the ground of "public morals" or "the dignity" of the Senate, I should be told that I was acting outside of the law. There are some views of the law which appear not to take into account "public morals," and yet public morals is the rock upon which this Government rests.

HOLSTLAW AND "FORGERY" ONCE MORE.

When I concluded the other day, Mr. President, I had shown that Holstlaw, the State senator, had gotten $2,500 from Broderick, State senator, in pursuance of a talk the two had before the election; that he deposited this money in bank the same day in bills of the same denominations in which he swore he got it. I showed—and it excited several Senators here who are my colleagues on the committee to quick and instant combat—that Broderick, the senator saloon keeper of Chicago, whom Holstlaw charged with paying this money, refused to answer the only questions that were asked him upon which he could be contradicted upon the ground that if he answered them he would incriminate himself, although at the same time he knew, or his counsel ought to have known, and the subcommittee ought to have known, that, in any testimony he gave, he was absolutely protected by the statutes of the United States. Why did he do it? I mention it at this time, so that I will point out to you the true reason when I come to examine the testimony of another witness.

Mr. President, the tracing of this $2,500 of bribe money into the State Bank of Chicago was seen by the defenders of this title to be so fatal that it must be disposed of. Somehow or other they must get rid of that $2,500. It appears to have been conceded that if they admitted or did not do away with the fact that $2,500 had been paid by Holstlaw into the bank the same day it was received it was a fatal circumstance. So, Mr. President, first of all they disposed of it by saying that Holstlaw was a liar; that was all. But then they were confronted by the testimony of Jarvis O. Newton, chief clerk of the bank, who swore that he himself received this money in bills of large denominations from Holstlaw personally.

I say it appeared to be necessary to destroy the credibility of the testimony of that $2,500 deposit by Holstlaw; I am going to pass a paper around among the Senators in a minute and subject the matter to a practical test. So the first device to accomplish that was the bald assertion that Holstlaw was merely a liar. That is all. That seemed to be the subcommittee's theory.

Then, of course, if that was true, Newton, the cashier of the bank, a disinterested party, was a liar, too. But then, Mr. President, the bank's deposit slip was produced and has, unfortunately, been lost, but I guess everybody concedes that this [exhibiting] is a photograph of it. So that was presented.

Then, Mr. President, what occurred? This is worthy of the attention of every Senator on the floor and of the whole American people. If the deposit of $2,500 in that bank on the very day that Holstlaw swore he got it was to be disposed of, the bank's deposit slip must be disposed of, too. So we heard it here announced that it was a "forgery." That is a grave charge to make against any man and against a reputable financial institution. It was said that it was a "forgery" because an attorney, whose care we can all have our opinion of, had actually said, in a hasty reply brief, that the name of Holstlaw was written in Holstlaw's handwriting.

Well, instantly that was met by the Senator from Iowa [Mr. CUMMINS] producing the affidavit of the chief clerk of the bank, Jarvis O. Newton, to the effect that he had actually received this money, that he had attached the deposit slip, and that he himself had made out the deposit slip. When the defenders of this title were confronted by that, the affidavit of the chief clerk of the bank was disposed of by the statement, "Well, those who will forge one instrument will commit forgery to explain it." Does anybody believe that? Does the Senator from New York, who is a member of the subcommittee, believe that [exhibiting] is a "forgery?"

Mr. DEPEW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from New York?

Mr. BEVERIDGE. Yes, since I asked him a question.

Mr. DEPEW. I am not a member of the subcommittee, but——

Mr. BEVERIDGE. I mean of the committee.

Mr. DEPEW. But I am a member of the committee.

Mr. BEVERIDGE. Is that the way the Senator answers the question? I asked the Senator—he does not need to answer unless he wants to—whether he believes this is a forgery?

Mr. DEPEW. I have not made up my mind whether it is a forgery or not; but I have read the testimony, and it has not taken me as long to digest it as it has the Senator from Indiana.

Mr. BEVERIDGE. I am very much obliged to the Senator from New York for making that statement, because that compels me do a thing that I had wanted not to do, yet ought to do. I am going to ask the Senator from New York a question. He, like myself, is a member of this committee who was not on the subcommittee; he, like myself, one evening—and we will see about the "hurdle race" now, since this question has been raised, and I call on you all to witness that I did not raise it—was notified that the committee would meet the next morning, Saturday, at 10 o'clock.

RECORD OF THE TESTIMONY NOT READ BY COMMITTEE BEFORE THEY MADE THE "REPORT" NOW BEFORE THE SENATE.

We met next morning, Saturday, at 10 o'clock. This volume of testimony [indicating], which I have nearly worn out, was on the table before us fresh from the printer. I never had seen it before. I understood that it had been freshly delivered. Had the Senator from New York ever seen that volume before that morning?

Mr. DEPEW. Mr. President, there had been sent to me at my office in New York volume after volume of this testimony.

Mr. BEVERIDGE. Of the testimony? Printed?

Mr. DEPEW. Printed.

Mr. BEVERIDGE. Where did you get it?

Mr. DEPEW. I understood it came from the prosecution.

Mr. BEVERIDGE. Is it not true that what the Senator received were briefs of counsel and not this record?

Mr. DEPEW. No; it was testimony and briefs of counsel, both.

Mr. BEVERIDGE. Was it not an abstract of testimony and the briefs of counsel—abstracts of testimony made by counsel? Was this printed official record of the testimony which I hold in my hand ever seen before that morning that we met in committee?

Mr. DEPEW. After that there came to me, as I say, briefs of counsel.

Mr. BEVERIDGE. And the abstract——

Mr. DEPEW. And the abstract of testimony.

Mr. BEVERIDGE. Made by counsel?

Mr. DEPEW. Made by counsel for the purpose of demonstrating that the sitting Member was not entitled to his seat. [Manifestations of applause in the galleries.] I read them all with the greatest care.

Mr. BEVERIDGE. And made up your mind?

Mr. DEPEW. Yes; after reading them.

Mr. BEVERIDGE. On the abstract of counsel? Now, the Senator is an eminent lawyer——

Mr. DEPEW. No; after——

Mr. BEVERIDGE. I have been one myself, and there are other lawyers here, so I ask this Senate and ask the country what it would think of a judge who would decide a case, not upon the official record of the testimony, but upon the brief and abstract of testimony made by counsel? [Applause in the galleries.]

The PRESIDING OFFICER. Applause is not permitted in the galleries.

Mr. BEVERIDGE. I think we will have an audience pretty soon.

Mr. DEPEW. Mr. President, I am glad that the Senator——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from New York?

Mr. BEVERIDGE. I yield.

Mr. DEPEW. I am glad that the Senator from Indiana wants an audience.

Mr. BEVERIDGE. Well, I do not appear to lack for an audience as much as the Senator might wish me to lack one.

Mr. DEPEW. Evidently he does not want a discriminating one.

Mr. BEVERIDGE. Well, so long as I have the Senator here, after his statement about having decided this case on the briefs and without reading the record, I do not need any more discrimination than that. [Applause in the galleries.]

The PRESIDING OFFICER. The Chair will announce that if the applause is repeated the Chair will order the Sergeant at Arms to clear the galleries.

Mr. GALLINGER. I trust the Chair will do so, Mr. President.

The PRESIDING OFFICER. The rules of the Senate must be observed.

Mr. DEPEW. Mr. President, the Senator from Indiana is singularly unfair in not addressing himself to the case but to the galleries, which is his usual custom.

Mr. BEVERIDGE. Mr. President, if that were my custom, which it has not been, I would have had instruction in the example always given by the Senator from New York. [Laughter.]

Mr. DEPEW. The Senator does not state correctly, but most unfairly——

Mr. BEVERIDGE. Well, put me right, then.

Mr. DEPEW. What happened in committee. It is not the usual thing to state what happens in committee.

Mr. GALLINGER. It is not proper.

Mr. DEPEW. And it is not regarded as proper, but, notwithstanding, that does not appeal to the Senator from Indiana. The Senator from Indiana says I made up my mind. He does not know how I made up my mind, except that I joined with the general committee. He says that I made up my mind on the briefs of counsel.

Mr. BEVERIDGE. The Senator said it.

Mr. DEPEW. Who were the counsel? They were the counsel against LORIMER, not for him.

THE RECORD OF THE TESTIMONY, NOT BRIEFS OF COUNSEL, THE MATERIAL FOR OUR DECISIONS.

Mr. BEVERIDGE. I do not know and I do not care who the counsel were. I say it is the duty of the Senator, as a member of the committee, and of every Member of this Senate, to make up his mind on the testimony and not on the brief of any counsel. [Manifestations of applause in the galleries.]

Mr. DEPEW. Wait a moment. I received these documents, in which were the briefs of counsel against LORIMER, in which they gave hundreds of pages of testimony to sustain their case; I heard not one word for LORIMER or on LORIMER's side, but all of it was for the purpose of sustaining the position that the Senator from Indiana now has been seven hours in trying to prove. When I came to the committee meeting we had there the report of the subcommittee. The subcommittee was composed of as able men as there are in this body—four Republicans and three Democrats. That committee had spent, I think, four months listening to the testimony, and not only listening to the testimony, but doing that which every lawyer knows is so important, watching the witnesses who were giving the testimony and seeing what was the value of the testimony which they gave. When those seven gentlemen, some of them eminent

lawyers who had served with great distinction on the bench, had given four months to this question and then presented to the committee their conclusion——

Mr. BEVERIDGE. The Senator agreed without reading the record.

Mr. DEPEW. With what I had already heard—the whole case on the other side—and with what I had already read of much of the case on this side, I was with the committee, and am still, unless the Senator in the next six hours in which he speaks can change my mind.

Mr. BEVERIDGE. I shall speak as many hours as it is necessary to put this testimony upon the records of the Senate.

Mr. FRAZIER. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Tennessee?

Mr. BEVERIDGE. Just in a moment. Now, the Senator has made another statement which it will be necessary for me to refer to later on. He affords not only the excuse and provocation but the justification for what I later on shall lay before the Senate.

Mr. FRAZIER. Mr. President——

Mr. BEVERIDGE. If the Senator will pardon me for just a moment more, I shall not go into what did occur in that committee that morning, unless the Senator from New York gives his personal consent, except to say this, Mr. President, that the first time I ever saw this testimony it was lying on the table before us when we met that morning, and a motion was made to make an immediate report, before anybody could have read a page of the official testimony.

I asked, as will be shown by the records of the Senate, that the report be not made until after the holidays, because I had not read the testimony. I wanted to read the testimony. I have spent a good many years in the practice of the law, and I would consider myself dishonorable to a client if I dared to go into court and try his case upon the brief of an opposing counsel, without examination of the official record of sworn witnesses.

If that is true, what shall be said of those who propose to pass upon this case, infinitely greater than any private suit in court, involving the life of our institutions, and state that they will decide it upon the briefs of counsel for the prosecution? Every Senator who has read anything concerning election cases knows that this is not a criminal-court room.

Mr. DEPEW. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from New York?

Mr. BEVERIDGE. This is the greatest forum on earth—not trying a case, but investigating and determining the validity of an election. Now, I yield to the Senator from Tennessee.

Mr. FRAZIER. Mr. President——

Mr. DEPEW. I simply want to call the attention of the Senator from Indiana that he again misstates the case.

The VICE PRESIDENT. The Senator from Indiana has not yielded to the Senator from New York, but has yielded to the Senator from Tennessee.

Mr. FRAZIER. Mr. President, I simply rose to correct a possible inference that might be drawn from the statement of the Senator from New York [Mr. DEPEW]. I was unfortunate enough to be a member of the subcommittee that heard this testimony. The committee did not spend four months in hearing the testimony, or anything like four months. The committee spent some two or three weeks very laboriously, and I have no doubt very conscientiously, trying to arrive at a conclusion and to get the true facts in respect to the matter. The Senator's statement that the subcommittee made the report is correct only in one respect. The other members of the subcommittee did report in favor of the validity of the title of Mr. LORIMER to his seat. As a member of that subcommittee, I disagreed with the other members of the subcommittee. I so stated before the subcommittee and subsequently filed that statement with the Senate.

Mr. BEVERIDGE. Would the Senator from Tennessee mind stating how it happened that the——

Mr. DEPEW. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from New York?

Mr. BEVERIDGE. That the Senator's views did not happen to be filed at the same time that the majority views were filed?

Mr. FRAZIER. O Mr. President, that is a matter that occurred in executive session of the committee, and I do not care to state it.

Mr. BEVERIDGE. I withdraw the question. An answer to that question would be very interesting, though.

Mr. DEPEW. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from New York?

Mr. BEVERIDGE. I will say this, Mr. President—and the Senate will pardon me, because it has already been made a part of the RECORD by the Senator from Michigan [Mr. BURROWS], the chairman of the committee—that in view of the fact that part of it is in the RECORD, I thought then and I think now it would be entirely ethical, if the Senator sees fit, to state the other part of that transaction.

Mr. DEPEW. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from New York?

Mr. BEVERIDGE. I do.

Mr. DEPEW. The only reason I violated all the traditions of the Senate in revealing what did take place in committee was because the Senator from Indiana had revealed just enough of it to put me in a false position.

Mr. BEVERIDGE. I will reveal the rest of it if the Senator says so.

Mr. DEPEW. Otherwise I never should have mentioned it. In stating that the committee had given three or four months to this matter, I meant not only in the taking of testimony but the time which, after the testimony was taken, the subcommittee had devoted most conscientiously and most laboriously to the preparation of their report. So far as the position of the Senator from Tennessee is concerned, which I highly respect and which put me in grave doubt, it was fully stated before the committee what it was, and it did not differ from the report which he subsequently made.

Mr. BEVERIDGE. Mr. President, the Senator has stated——

Mr. DEPEW. Just one word more.

Mr. BEVERIDGE. Two words, if you like.

Mr. DEPEW. Before we finally voted upon that question, I had an opportunity of examining that report, which was sufficient, with what I already knew, to make up my mind.

Mr. BEVERIDGE. Mr. President, two things, then. The Senator says he had an opportunity to examine this report. It was laid on our committee table on a Saturday at 10 o'clock. We adjourned and came into the Senate. The committee met at 10 o'clock again on the following Tuesday. There were two days and a half, including Sunday—only half of a working day—in which the Senator says he examined this record. I worked as hard as I could, and it took me two weeks; and there are Senators here—and they are practiced lawyers, too—who have told me that it took them an even longer time; but the Senator could dispose of it in two and one-half days, in which there was only one half working day.

Mr. DEPEW. Mr. President, just a word.

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from New York?

Mr. BEVERIDGE. Two words.

Mr. DEPEW. Just one word. I do not know how long it takes the Senator to read a volume like that——

Mr. BEVERIDGE. There it is [exhibiting]. Anybody can look at it for himself. It has 748 closely printed pages.

Mr. DEPEW. And to absorb its contents when he already knows most of it, when he has heard arguments by counsel, and has heard the report of the committee, each member of which had fully investigated it, and the discussion of members of the committee upon it, lasting for a long time. All my life I have been compelled to make speeches on short notice, and I presume the Senator has had a similar experience.

Mr. BEVERIDGE. You are demonstrating your ability now.

Mr. DEPEW. This is on no notice at all.

Mr. BEVERIDGE. None at all; that is even better.

Mr. DEPEW. Some of those speeches required a vast amount of reading. I have, in making an oration of that kind on short notice, when at active practice at the bar and when the time of my working day was fully occupied, carried the reading into the night and all night long, for, happily, God endowed me with extraordinary physical health.

Mr. BEVERIDGE. Did you do it this time?

Mr. DEPEW. And I have carried it through Sunday——

Mr. BEVERIDGE. Did you do it this time?

Mr. DEPEW. And a dozen times in my life I have between Friday and Tuesday gone through two or three volumes like that, and got the substance of them.

Mr. BEVERIDGE. Mr. President, the Senator's interesting account of what his previous habits were is engaging, but I ask the Senator, since he has mentioned it, did he do it in this case?

Mr. DEPEW. I hope——

Mr. BEVERIDGE. Did the Senator read the record of testimony Saturday all night and all Sunday and Sunday night, or was the Senator dining out that night?

Mr. DEPEW. I was not; but I hope when the Senator reaches my period of life, which is pretty nearly double his, he will have the same vigor which I now possess.

THE COMMITTEE'S REPORT CHANGED.

Mr. BEVERIDGE. I sincerely trust I shall have the same vigor, Mr. President; and, if I may be permitted to say so, when a grave question of this kind is before me, more diligence in reading the testimony.

Mr. President, the Senator—and the RECORD will show that he has been the cause of this discussion about it—has mentioned another matter which compels me to ask him a further question. I had made up my mind not to do it, but he has referred to the matter again. He says after the committee had spent four months—which the Senator from Tennessee [Mr. FRAZIER], a member of the subcommittee, denies—in the taking of testimony—and I am quoting the Senator's words—"and had laboriously prepared their report," and it was laid before us that Saturday morning, that he did not feel it necessary to go very thoroughly into the testimony.

Now, I ask the Senator this question: The Senator had great respect for the report laid before us that morning. Very well; tell the Senate, then, if the report laid before the full committee by the subcommittee that Saturday morning was the report that finally was laid before the Senate the following Wednesday or another report?

Mr. DEPEW. Mr. President, a great many things have happened since the meeting of that committee.

Mr. BEVERIDGE. Only two days happened——

Mr. DEPEW. Hold on a moment. Since the meeting of that committee a great many things have happened. I am a member of six committees. I have been performing my work on those committees and in the Senate, and I confess—I do not know whether it is age or not—that my memory is not up, as the Senator's seems to be, on every detail that took place in the executive meeting of that committee. I ask him to call other witnesses. There were others there.

Mr. BEVERIDGE. The Senator himself has brought this up three times.

Mr. DEPEW. I did not bring it up.

Mr. BEVERIDGE. I have withheld my hand in this matter. I now ask the Senator——

Mr. DEPEW. Mr. President——

Mr. BEVERIDGE. Whether he thinks it is a detail that the report he signed himself, and that is now before us as the report of the majority, is the same report or anything like the same report which was laid before us when we first met two days before the present report, which the Senator has eulogized so highly, was made?

Mr. DEPEW. Mr. President, I am going to say now what I have never said before in all my controversial life, and that is, I did not bring this matter up. The Senator brought it up in an effort to reveal the secrets of the executive session of the committee.

Mr. BEVERIDGE. The RECORD will show, Mr. President. Now, so far as secrets are concerned, I understand that a committee is the servant of the Senate and not the master of the Senate; that we are at work upon the public business, and that when anything vital occurs in that committee—and something appears to have occurred that was vital—it becomes the duty of Senators to refer to it. I should not have done so, however—and the RECORD will bear me out—if the Senator had not furnished the occasion of it. Now I will pass that for a moment.

"ELEVEN MEN IN BUCKRAM."

So, Mr. President, we have Holstlaw. We have the perfectly innocent chief clerk of the bank. We have the bank's deposit slip. We have Gov. Deneen, and it was even said that some person had informed a Senator that a newspaper man had copied this, and all this grows out of the effort to dispose of that fatal $2,500—several people guilty of forgery and perjury and all kinds of offenses who could have had no motive for doing so—all this in order to show that this was a forgery. As Hal said to Falstaff—

O monstrous! Eleven buckram men grown out of two.

Now, then, it was said the books of the bank are the best evidence. The books of the bank! Why is it that it has only recently been felt necessary to overthrow the deposit of $2,500 in this bank on the books of the bank?

Mr. President, I took pains myself to get the affidavit of Jarvis O. Newton, the chief clerk of that bank, that the books show that the entry was made in the regular course of business, in the regular order. Does that satisfy the Senator? Well, it was said that Jarvis Newton's own signature shows that he did not sign it, and I am going to pass this around among Senators and I ask you to examine the signature of Jarvis O. Newton to this legal document and then look at the name "Holstlaw Bank, Iuka, Ill."

I do not even ask you to remember that a signature to a legal document is always formal and when made in the course of business runs more swiftly. I ask you to examine the mark. Look particularly at the "t," which is very peculiar, crossed with the cross not touching the upright. That is a letter common to both names. Look at the letter "w," common to both names. Look at the letter "s," common to both names.

Pass it around; please do not lose it; and return it to me, and say if you think it is a forgery.

Now, Mr. President, another thing—a thing upon which a more absurd emphasis has been laid than anything I have encountered in many years of very active practice in actual combat in the courts—real practice of the law before courts and juries; not pseudo practice in Senate debates. So I am not discussing pseudo law. It is said that the "forgery" is suggested because the name Holstlaw is spelled wrong. I am going to put everybody here to a practical test; I will put the Senator from New York to a practical test. Will the Senator be kind enough to take his pencil and spell properly the name "Holstlaw?"

Mr. DEPEW. There are some things I can do; but I can not do that. [Laughter.]

Mr. BEVERIDGE. No. And yet when Holstlaw appeared at the window of this bank and said to the teller, "Please deposit $2,500 to the credit of the Holstlaw Bank," and the clerk, Mr. Newton, writes it out and spells it—I do not myself now know whether it is "Holtslaw" or "Holstlaw"—and got the "l" before the "s." Great heavens, Mr. President, here is evidence of the deepest "conspiracy" to ruin a good man!

And yet the Senator from New York, who has told us of his deep familiarity, says he can not do it. Of course he can not. I have gone over it pretty well myself. Can you offhand [addressing Mr. LA FOLLETTE]? Try it. I hope that disposes of that.

Mr. President, we have disposed of Holstlaw. I am merely reviewing what I said the other day about Holstlaw. We are having a kind of practical demonstration here. That is more valuable than thunderous denunciation. It may not be so pleasing to the ear, but it is more valuable to our judgment.

Let us now take up Beckemeyer again. I went over that the other day. Beckemeyer swore he got the money. It was found in his possession. He deposited it in a bank away from his own home, where he had to be identified. And the subcommittee actually refused to let Mr. Gray, who identified Mr. Beckemeyer at the bank, testify—and I would like the attention of Senators to this—as to Beckemeyer's statement as to where he got the money.

THAT HUNDRED-DOLLAR BILL.

A little country lawyer carrying around a $100 bill and depositing it with other big bills in a bank away from his own home. The subcommittee refused to let that statement go in. I have never been able to comprehend on what ground; for I challenge anybody to find a case or an authority in the textbooks which does not say that "declarations against interest" are admissible.

But it was not admitted. However, we do not need it. Beckemeyer's deposit in the Belle Isle bank is not denied. The upholders of his election do not ask for the books of that bank. They do not ask for any deposit slips from that bank. What do you think about it? A man swears he got this money. A little later on he deposited that very money in bills of the denomination which he said he got it in—unusual bills—$100 bills—in a bank away from home, where he had to be identified. Are you going to wash that out by tears of sympathy?

But, Mr. President, let us dispose of this "forgery" before we go further. I wish I had an expert in handwriting here. I have had the opportunity in the course of my practice to try one or two will cases where forgery was alleged, and one or two other cases where handwriting was involved.

The absolute similarity of certain letters that are common in those two documents—the deposit slip and Jarvis Newton's affidavit—would establish the forgery of the will or the validity of the will, as the case might be; and any court in Christendom could decide this case without the fact that there are the books, without the fact that there is the testimony of Newton, without the fact that there is Holstlaw's testimony, and without the fact that the subcommittee itself believed the money was deposited in the State Bank of Chicago. Does not the Senator from New York [Mr. DEPEW] believe the money was deposited there?

Mr. DEPEW. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana further yield to the Senator from New York?

Mr. BEVERIDGE. I do. I am going to yield to everyone.

Mr. DEPEW. I have listened to the eloquent speech of the Senator from Indiana from the time he started, both the other day and to-day, with an open mind, and really I do not think he ought to make me an object lesson.

Mr. BEVERIDGE. I think that is fair. I apologize to the Senator. If in the eagerness of debate I see the engaging presence of the Senator before me, he invites those questions which he has shown such readiness and ability to answer. But I will not ask any more.

Personally I invite interruptions. I repeat, that if anybody thinks I am misstating this testimony or stating it unfairly, he will do me a personal favor to call my attention to it at the time I make it. I would far rather abandon my position in this case than to misstate testimony.

Now I come, Mr. President, to the crux of this case, and I ask to this the attention of every Senator here who thinks this title valid; and I want to be careful of the statement. I would like to have the attention of the Senator from Wyoming and of all Senators here who think this title valid. By looking at the last report of the committee—the one we have here now——

Mr. DEPEW. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield further to the Senator from New York?

Mr. BEVERIDGE. Yes.

Mr. DEPEW. The Senator has questioned me several times in regard to these two signatures, whether they were written by the same man or whether one is a forgery. I should say it would require an effort of the imagination to say they were written by the same man.

Mr. BEVERIDGE. On any question that involves an effort of the imagination the Senator is a master. I am an humble plodder who deals merely with the facts. When I see the "t," "s," "w," and "o," and when I reflect that one is written in the flow of business and one is a signature to a legal document, when I back that up with the affidavit of a man who had no motive for committing perjury on the stand or swearing falsely to an affidavit, and when the entry appears on the books of the bank, then it is conclusive.

Mr. DEPEW. May I ask the Senator one question? He has asked me a great many.

Mr. BEVERIDGE. You may.

Mr. DEPEW. Do you think it is the rule of bank officers to write one kind of a hand when writing in the course of business and another when they are swearing to an affidavit?

Mr. BEVERIDGE. I will ask the Senator this: From your experience, is it not true that where you sign your name to a legal document you sign it more formally—your own name—than in writing in the swift rush of business another man's name?

That is not the question. We will indulge in reciprocity. I understand the Senator from New York is for reciprocity. [Laughter.]

I will ask the Senator this question, Does the Senator believe that Jarvis O. Newton committed perjury when he said he received this money as chief clerk of that bank? Let us get down to the point. If so, for what motive? The Senator refuses to answer. Very well. Let us pass that.

It is too absurd. It shows the desperation of audacity, or the audacity of desperation—this charge that the bank's deposit slip is a "forgery." I recall history when another great speaker, though in a nobler cause, resorted to audacity. Danton said, in the throes of the French Revolution, "Audace, encore audace, toujours audace, et la france est sauvée." (Audacity, again audacity, always audacity, and France is saved.) Is that the Senator's position? Accuse forgery and perjury and everything else in order to destroy this $2,500 deposit.

Now let us get down to Beckemeyer again. Beckemeyer got the money. He deposited the money. It was found in his possession. How does any Senator get away from his deposit in the bank, away from home, of bills of large denomination, a bank where he had to be identified?

"THE THIRD DEGREE."

Now, I come to the crux of this case so far as the attempt to break down these witnesses is concerned. I repeat that all who have read the majority report, everybody who has listened to the speeches, have heard these witnesses attacked for "perjuring themselves" when the confessed—Beckemeyer and all of them—attacked on the ground that they were put through a "third degree" at Chicago. Is not that true—badly treated by the officers of justice, so badly treated that they were made to committ perjury, enter into an evil "conspiracy" that involved the State attorney's office.

Let us see what Mr. Beckemeyer said about this "third degree," and it is so important that I am going to read it. Let us get it on the record. His first experience with the third degree begins at page 236 of the record. This begins his third degree. The next is on the next page:

Q. Before you were taken down before the grand jury of Cook County did you tell Mr. Wayman, Mr. Arnold, Mr. Marshall, or any other assistant or representative of the State attorney's office that you had never received any money or other thing of value for voting for Senator LORIMER, either before or after voting for him?—A. I don't know; I think I denied knowing anything about it; not the exact language you are using.

Q. I didn't ask you to use the exact language.—A. I denied it; yes, sir.

Q. Didn't you tell him or them that you never received any money or anything of value for voting for WILLIAM LORIMER for United States Senator?—A. Yes, sir; I did.

Q. Then were you taken before the grand jury that was then in session as a witness?—A. I want to get straight on being over there on that day, now. If I remember correctly, *I never had talked with Mr. Wayman or Mr. Arnold about this matter at all before I appeared before the grand jury.*

Q. I don't care whether the same day or not. The time I was talking about was before you went into the grand-jury room.

Page 239:

Q. Did you testify before the grand jury that you did not receive any money or anything of value for voting for Senator LORIMER?

If anybody thinks there is anything in these third-degree methods I should like to have their attention.

A. *I never at no time denied before the grand jury not having received any money.*

Q. Did you tell the grand jury that you were never promised any money before you voted for Senator LORIMER, and that you never understood that you were to get any money, and were not induced to vote for Senator LORIMER by any promise, agreement, or understanding? Did you testify to that before the grand jury?—A. *No, sir; I did not.*

Page 240:

Senator BURROWS. Will you state what was said upon that subject by you?—A. I think that about all that I said was that I *received $1,000 that was supposed, as I understood, to be Lorimer money.* I think that is about all. I was not before the grand jury 10 minutes.

Third degree now, mind you.

Q. Did you tell anything the first time about whether you got anything for voting for WILLIAM LORIMER, or were promised anything?—A. *I did not; it was not discussed.* * * *

* * * * * * *

Q. The second time you went was in the forenoon, was it not?—A. No, sir; in the afternoon.

Q. Were you taken out of the grand-jury room and put in the custody of an officer the first time you went there?—A. Yes, sir.

Q. Who was the officer?

Now, I ask particular attention to this, because I am going to place before the Senate a new fact. I wish the Senator from South Dakota [Mr. GAMBLE], who talks about these "minions of the law," was here.

Q. Who was the officer?—A. Well, immediately—I went to dinner with Officer Keeley; I went to dinner with him.

I wish to get the attention of Senators to this very important point. Remember, this was Officer Keeley. I hope Senators will fix that name in their minds. I shall give the Senate some startling information about Officer Keeley that demolishes this "third-degree" excuse even more than this testimony.

Q. Who put you in his custody?—A. Why, *the foreman of the grand jury, as I understand it.*

Page 243; still third degree now:

Then did you say, "I can't tell them anything about it, because I don't know anything about it. I never got any money from anyone. What is the matter? Is Wayman on the outs after LORIMER elected him?" Did that conversation take place between you and Officer Keeley?—A. Some of it took place; I don't think all of it did.

Q. What did not take place?—A. I don't just recall now the reading of the question, but some I don't think took place.

Q. Can you designate any particular part? I would like to have you listen to me. "I don't know what to tell those people. I never got a cent for voting for Senator LORIMER from anybody." Did you say that?—A. I think the last part of that I denied to Mr. Keeley that I ever got any money; I think that is true.

Q. Then did you add: "They want me to tell something that I don't know. If I don't tell them what they want they will indict me and get me into trouble for nothing."—A. *I don't think I said that to Mr. Keeley at all.*

Senator BURROWS. Do you remember whether you did or not?—A. *I am satisfied that I did not.*

This is a part of this awful "third degree" that we have heard about.

Mr. FRAZIER. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Tennessee?

Mr. BEVERIDGE. I do, indeed.

Mr. FRAZIER. I call the attention of the Senator from Indiana to page 254——

Mr. BEVERIDGE. I was just coming to that.

Mr. FRAZIER. Of the record where the direct question was asked Mr. Beckemeyer:

Q. Were there any threats or duress used upon you for the purpose of making you tell anything with reference to the Lorimer payment of money that you have testified to here?

Mr. BEVERIDGE. I am just coming to that.

Mr. FRAZIER. His answer is "*No; there was not.*"

Q. Or either by the State's attorney or the officer in whose keeping you were?—A. *No; there was not.*

Q. *Did you tell the truth then as you have told it now?—A. Yes, sir.*

Mr. BEVERIDGE. I thank the Senator from Tennessee. He always is accurate. If any friend of mine got into trouble through no fault of his, I should advise him to employ the professional services of the Senator from Tennessee [Mr. FRAZIER]. But if he were in the wrong, God help him. Well, I was just coming to that. I was skipping some of these pages; it takes too much time; because I want to put the whole third-degree story in the RECORD and yet not to burden it. Senators tried to impress the Senate that some awful "third-degree" methods were used on this man which made him confess.

On page 252 occurs the following:

Q. After you testified before the grand jury, Mr. Beckemeyer, didn't somebody in the State's attorney's office tell you that you had been indicted for perjury?—A. *No, sir.*

Q. Didn't you tell John Gavin that, when you did talk to the State's attorney, that you understood and believed you had been indicted for perjury?—A. *I don't think I told Mr. Gavin that at all.*

Q. Did you tell anybody that?—A. *No, sir; not that I know of. I had no reason to tell that to anybody.*

Q. Isn't it a fact—

You see they are trying to make him admit that he had an awful third-degree method.

Q. Isn't it a fact that you were shown an indictment—what purported to be an indictment on paper—an indictment against you, charging you with perjury?—A. No, SIR.

Page 253:

Q. Did you testify before the grand jury you had received $1,000 in the same way that you testified to it here?—A. YES, SIR.

* * * * * * *

Q. You were indicted or threatened with an indictment for perjury and you went back before the grand jury and corrected your testimony, didn't you?—A. YES, SIR.

Now then follows what the Senator from Tennessee [Mr. FRAZIER] read, but he did not read it all.

This is on page 254:

Q. *Were there any threats or duress used upon you for the purpose of making you tell anything with reference to the Lorimer payment of money that you have testified to here?*—A. THERE WAS NOT.

What do you think of that "third degree?"

Q. Or either by the State's attorney or the officer in whose keeping you were?—A. No; THERE WAS NOT.

Q. Did you tell the truth then as you have told it now?—A. *Yes, sir.*

And now, mark this:

Q. And your going before the grand jury on the third visit, and that, as I understand you, was the only time with reference to which you have testified about the $1,000 Lorimer money—were you asked to go before the grand jury on that occasion, or did you voluntarily go?—A. I ASKED PERMISSION TO GO BEFORE THE GRAND JURY.

What do Senators think about this "third degree" for Beckemeyer, now? But that is not all, Mr. President. On pages 260 and 261 occurs the following, and I am taking time about this because we have heard so much about this brutal and cruel "third degree," causing men to commit perjury in furtherance of a great conspiracy against the sitting Member:

Q. Who ordered you?—A. *No one, that I know of.* If the committee would like to know how I came to be in the custody of an officer, I will tell them.

Q. Tell it, Mr. Beckemeyer.—A. Wayman asked me if I would not like to have an officer go with me down home. We talked the matter over in Mr. Wayman's office, and several propositions were put by the State's attorney as to fellows talking to me and getting up impeaching testimony or probably getting whipped. *That was two of the reasons why I partly requested*—and it was very willingly granted, of course, by Mr. Wayman, *that I let an officer go with me.*

The "third degree!" Senators who are upholding this election would have us believe that Beckemeyer confessed under the crushing terror of a brutal "third degree." Senators have declaimed about Beckemeyer being terrorized, made drunk, and so forth, by a police officer forced on him by the State's attorney; that Beckemeyer was compelled to commit perjury by being dragged and frightened before the grand jury. But Beckemeyer swears that *he asked* for an officer to go with him. Beckemeyer *asked* to go before the grand jury. He did not testify before the grand jury to what he did not testify to here. And on page 261:

Q. It was at your own suggestion that the officer went down—in part—went down with you to———A. *In part it was.*

Q. Did you ever make any objection to it, directly or indirectly?—A. *I did not.*

Q. Did you consider that you were under any duress or any restraint, or anything of that sort? * * * A. *No, sir.*

"Third degree!" What does any Senator think about the "third degree" for Beckemeyer now?

FATE OF OFFICER KEELEY, THE PRINCIPAL "MINION" OF THE "THIRD DEGREE."

Now, Mr. President, we come to another thing which I hope will interest the Senate. How many times has it been stated that Beckemeyer was subjected to a cruel "third degree," the testimony about which I have just read, and which shows it was not so? How often have we heard passions torn to tatters in this debate, appeals made that "split the ears of the groundlings, but made the judicious grieve," about Officer Keeley taking Beckemeyer out under instructions, getting him drunk, taking him to bad places, and all that sort of thing? Is not that pretty familiar?

"Infamous" tactics of the officers of justice of Chicago, Ill., putting this poor man, who says he went very willingly and asked for the protection of an officer—and then the officer being instructed to take Beckemeyer out and get him drunk! I was curious about what happened to that officer—this brutal officer of justice. So I telegraphed to District Attorney Wayman as to what became of Officer Keeley, and I find that this man, who has been paraded before us for having done these things, *has been indicted and* CONVICTED *of perjury for* having sworn that he was ordered to do any such thing or did do any such thing.

That, I think, has occurred since the committee reported. I read in State's Attorney Wayman's testimony, which I will call the attention of the Senate to in a moment, the statement that the grand jury had indicted this man Keeley.

Mr. SMITH of Michigan. Where?

Mr. BEVERIDGE. In Cook County, Chicago, of course; and now he is convicted of perjury. Officer Keeley—"Third Degree" Keeley—whom we have heard so bitterly denounced, has been indicted and convicted of perjury for swearing to the very things that have been paraded before us as establishing the "third degree." Senators did not know that, I take it.

While I am on this subject, Mr. President, the Senator from Texas [Mr. BAILEY] the other day, inadvertently, of course—I could not see the relevancy—stated that Browne, our twentieth century Abraham Lincoln, was tried twice, and that the first time the jury stood 11 to 1 for acquittal. I asked, by telegraph, District Attorney Wayman about it, and here is his answer: "The first Browne jury stood eight for conviction and four for acquittal."

I will ask the Secretary to read this telegram of State's Attorney Wayman about this man Keeley, and I hope we will hear nothing more about the cruel treatment of these witnesses by the State's attorney's office in Chicago.

The Secretary read the telegram, as follows:

CHICAGO, ILL., *February 22, 1911.*

Hon. A. J. BEVERIDGE,
United States Senate, Washington, D. C.:

P. J. Keeley was indicted by September grand jury for falsely swearing for the defense in the Browne case that Assistant State's Attorney Arnold had placed Beckemeyer in his custody and told him to treat Beckemeyer right, meaning, as Keeley said, to get him drunk, so that he would testify before the grand jury. Keeley's testimony in the Browne case being to give the impression that the State had plied Beckemeyer with liquor to get him to testify.

This was an infamous lie, and on the trial of Keeley for perjury *he admitted that Beckemeyer was not drunk at any time. Keeley was tried at this term of court, and on February 10* WAS FOUND GUILTY, *having been discharged from the police force in the meantime for conduct unbecoming a police officer.* THE FIRST BROWNE JURY STOOD EIGHT FOR CONVICTION AND FOUR FOR ACQUITTAL.

JOHN E. WAYMAN, *State's Attorney.*

Mr. BEVERIDGE. Mr. President, so we find that Beckemeyer got the money; part of it was found in his possession, he confessed; he was not under duress; the "third degree" is a silly invention; and "third-degree" Keeley is convicted of perjury.

LINK, THE ARCH HERO OF THE THIRD DEGREE.

Now, Mr. President, I come to Link. The first thing that is apparent about Link is that he is a reluctant witness, a witness so reluctant, Mr. President, that he is impertinent. There is not a lawyer here who can read that man's testimony before the subcommittee without knowing that if he had dared to so conduct himself before a court he would have been punished for contempt. Everything that that man swore to was drawn out of him by the red-hot forceps of cross-examination. Notwithstanding that, to what does he swear? The majority of the committee weeps over Link—poor Link, subjected to the "third degree"—compelled to swear falsely, as Beckemeyer was, by the cruel "third degree."

I have sometimes wondered whether the majority's sympathy for poor Link was greater than its hatred and disapproval of the officers of justice of Illinois. The latter's treatment,

according to some Senators, of this bribe taker reminds us of Burns's lines—

Man's inhumanity to man
Makes countless thousands mourn.

For are not the whole American people mourning over poor bribe-taker Link and Beckemeyer and those other tender innocents, so roughly manhandled by the officers of justice?

Mr. President, to what does Link swear? I will not read the record unless some Senator thinks I am misstating it. First of all, he can not remember how the invitation came for him to meet Browne in St. Louis June 21. He can not remember it, not at all. This is on page 281. He can not remember anything about it. But I ask you to compare his lack of memory on details, on pages 280 and 281, with his accurate memory as to a conversation with Beckemeyer, pages 300 and 301.

The facility with which his memory accommodates him almost, but not quite, equals that of Mr. Browne, whom we have the authority of the Senator from Kentucky [Mr. PAYNTER] for saying is of "marvelous intellect." I will read you, when I come to Browne, what the Senator from Kentucky says of Mr. Browne and his "marvelous intellect."

Nevertheless Link testifies that he did meet Browne there; that Browne paid him a thousand dollars; and that he, Link, "thought it was campaign money," *although no campaign was possible for 1¼ months.* You will find that account on pages 281 and 284. Then he admits meeting Wilson down there, and from Wilson he, like White and Beckemeyer, got $900, and again he thought it was "campaign money." He is not surprised at all that he got it—not Link. They did not owe him anything; he did not expect to get it; Browne just handed him a thousand dollars; he took it for granted it was "campaign money" *for a campaign a year and two months off;* and Wilson gave him money under the same circumstances.

Mr. President, the whole transaction is given in the examination, the admirable examination of Senator FRAZIER, of Tennessee, on pages 306 and 308. Senator FRAZIER'S whole examination of this man Link should be read by every Senator.

Mr. President, Link is the star "third degree" witness. Yet this man was not subjected to things so humiliating as Beckemeyer, in the opinion of the subcommittee.

Mr. FRAZIER. Would it interrupt the Senator from Indiana if I ask him a question?

Mr. BEVERIDGE. Not at all; I would be glad to hear the Senator's question.

Mr. FRAZIER. I ask the Senator this question, or rather I make this suggestion to the Senator. It is contended that Link was induced to swear to this story by the "third degree," to which the Senator has alluded. Did it ever occur to the Senator that those who induced Link to swear to those falsehoods were very bungling conspirators, that they did not induce Link, while they were getting him to swear to these falsehoods, to swear to a more convincing story than he did? If he was making up the story would it not have been just as easy for those who were securing him to make up that story to have got Link to have admitted the fact that he was promised this $1,000 if he would vote for Mr. LORIMER, and that thereafter he was paid the $1,000 for voting for Mr. LORIMER?

Upon the other hand, Mr. Link would not state upon the most rigid cross-examination that he was ever spoken to with reference to his vote for Mr. LORIMER in any corrupt sense before he voted for him, and he refused to admit that the $1,000 which he did receive was paid to him for voting for Mr. LORIMER.

If it had been a made-up thing, if it had been a conspiracy, if it had been made out of the whole cloth, as it were, would it not have been just as easy for Link to have made a good story as to have made an imperfect story?

Mr. BEVERIDGE. Exactly; just as the Senator pointed out the other day, if these were all lies gotten up by a "conspiracy," how much easier and simpler would it have been to have had Holtslaw testify that he got the $2,500 from LORIMER himself instead of having fixed up a bungling story for Holstlaw that he went clear out to Broderick's saloon, a mile and a half, and got it from Broderick.

Of course, if these men are telling falsehoods about getting this money as the result of some "conspiracy" to "destroy" the sitting Member, as the Senator from Tennessee shows, with the positiveness of a demonstration in Euclid, then they were the stupidest set of knaves who ever put on foot a nefarious plot; it will not hold together.

I have already shown that to be false in the case of Beckemeyer. Beckemeyer denies it, and he says *he never was under duress.* He says he *suggested himself that the officer go with him.* He says that he *never was asked to tell anything but the truth.* When the committee or any Senator has told us that Officer Keeley was instructed to go out and get him drunk in furtherance of that "conspiracy," remember that Officer Keeley has been indicted and convicted of perjury for swearing to the same thing that Senators have told us here.

LINK'S "THIRD DEGREE."

Now we come to the "third degree" in the case of Link. Of course, if this "third degree" goes down, then the last excuse for pleading that these votes were not bought disappears.

What does State's Attorney Wayman say about Link's "third degree?" First, I ask Senators to remember the absurd overdrawn story of Link about the "third degree." Link, it appears from this testimony, must have been a great big, raw-boned, powerful man, physically. It appears so from his own description. Yet the Senators wail and moan over Link, poor man.

Link says he was threatened with all manner of things—separation from his home and farm; and, finally, his wife—if he did not testify to what they wanted him to testify to.

Link says that the man who did this chiefly was Assistant State's Attorney Arnold. Now, the subcommittee did not believe Link's story about Arnold; otherwise, of course, the subcommittee would have called Arnold. But the subcommittee did not. However, they did call State's Attorney Wayman, and I ask the attention of Senators to the testimony, undisputed, of the State's attorney concerning the "third degree" for poor, oppressed, giant Link. Here is what happened. I read from page 370:

Q. What talk or discussion did you have with him, personally, as to his being in the custody of an officer while in the city of Chicago?

State's Attorney Wayman answers:

A. I had no discussion at all Friday evening at that time, but Saturday I did, as to what would be done with reference to the case in which an indictment had been returned. After nolle prossing the case Saturday morning it was again discussed, *and Mr. Link* WANTED *an officer to go with him to the train, and then he* WANTED *an officer to go with him clear home*—

What do Senators think of that? That is what happened about Link's being placed in the cruel "custody of an officer." Link himself *asked for the officer*—

and after discussing that between us, we agreed that would be wise, and the reasons there stated between us was that we didn't want anybody to interview Mr. Link or talk with him upon this subject, and I stated that to Mr. Link. Mr. Link expressed himself as being very desirous that no newspaper men were to be allowed to interview him, but all be kept away from him.

Then there was a great deal of discussion between the attorney for the Chicago Tribune and the attorney for the sitting Member. Finally this occurred:

Senator GAMBLE. There has been an attack by these witnesses upon the State's attorney's office; for that purpose that would be for the committee to determine.

Mr. AUSTRIAN—

He is the attorney who seems to have represented the Chicago Tribune—

If the committee would strike out all the evidence about their being in custody and the so-called third degree, I would not ask to put in this evidence, but if it remains in the record, I think the explanation should be there, too.

Judge HANECY. WE ARE NOT INVESTIGATING THE STATE'S ATTORNEY'S OFFICE.

Judge Hanecy, remember, was the attorney of the sitting Member in this investigation.

Although the counsel for the sitting Member says that they were not investigating the State's attorney's office when he was trying to keep out of the record correspondence between the State's attorney and this man Link, yet the State's attorney's office of Chicago has been the chief subject of denunciation on this floor. The State's attorney's office of Chicago has been held up to us as the machine of an infamous inquisition to compel men to tell stupid and bungling lies. Does any Senator believe it?

Here follows a communication between the State's attorney and Link from his home. Link, in his method of bravado, says on the stand he "read Wayman the riot act." Here is the riot act that bribe taker Link read State's Attorney Wayman:

MITCHELL, ILL., *May 12, 1910.*

Hon. JOHN E. W. WAYMAN, *Chicago, Ill.*

DEAR MR. WAYMAN: I have no room to keep Mr. O'Keefe at my home, and I promise you that I have no disposition to repudiate in any manner the testimony that I gave before the Cook County grand jury on last Saturday, May 7.

I realize that you are a friend of mine and will depend on what you told me.

And I shall not allow myself to be interviewed by anyone.

Yours, etc., M. S. LINK.

Why was not that laid before the Senate when we were hearing these lurid details about the "third degree?" The officer whom Link was "in custody" of *Link himself asked for;* the officer whom Beckemeyer was put in "custody" of, and whom

we have heard took Beckemeyer out and got him drunk, and so forth, has been convicted of perjury in Cook County.

But that is not all of the "third degree." Mr. Wayman, the State's attorney, testifies further, on page 379—this is on cross-examination:

Q. Is it because you don't remember or because you don't know?—

That is, whether Link was "in custody"—

A. Because Mr. Link, after they arrived at Mitchell, O'Keefe went with him, and then Mr. Link went to St. Louis and about the country as he pleased, and *I would not regard it as custody, and neither did Mr. Link.*

* * * * * * *

Q. And he insisted you had no right to keep him "in custody?"—A. *No, sir; Mr. Link never said a word to me at all, excepting that letter—*

I have just read the letter—

I have produced here, and *upon the receipt of that letter I telephoned to John O'Keefe to come home.*

Now, that is all the "third degree" there is as to Link. Was it not proper? As a lawyer, will any Senator say here that State's Attorney Wayman, instead of being cruel, was not considerate and kind, even? What do Senators say of the "third degree" in view of this testimony? Senators may shout "third degree" all they like, but there is the testimony that the "third degree" is an absurd and bizarre myth. One man who is said to have been the agent of the "third degree" has been indicted and convicted for perjury for saying what has been shouted here time and again as the truth.

Now, Mr. President, I come to the most important statement in Link's testimony. I ask any Senator who votes to sustain this title to remember this before he does it in connection with the rest that I have read.

It has been said that the reason why Link testified as Beckemeyer did to having received $1,000 from Browne and $900 from Wilson was because he was subjected to the "third degree." But Link unwittingly gives another reason, and I will read it to you. You will find it on page 305. Link is now on the stand. Senator FRAZIER is cross-examining him.

"I DID NOT WANT TO GET MY FRIENDS INTO TROUBLE."

All through this record, after Senator FRAZIER arrived there, Senators will find that when witnesses had testified to an absurd state of affairs the Senator from Tennessee [Mr. FRAZIER] took it up, and his examination was thorough, direct, keen, and relevant. So he took up Mr. Link. I direct the particular attention of the Senate to this:

Senator FRAZIER. If it were true that you met Wilson at St. Louis and he paid you $900, and that you met Browne and he paid you $1,000, why did you not tell that when you came up here before the grand jury and before Mr. Wayman? What were you concealing it for?

I must beg the attention of every Senator here. Here is Link's answer as to why he concealed that he got the $1,000 and the $900:

A. *I didn't want to get myself, perhaps, in trouble and my friends in trouble.* I didn't know where the money came from. *That was the only reason.*

Q. Why didn't you tell it if it were a fact that you got it, and that you met those gentlemen? What were you trying to conceal it for; what was there wrong about the transaction?

This is Link giving his reason why he did not make a clean breast of it in the first place.

A. I didn't know anything about what there was about it. *And I didn't desire to criminate myself for taking this money. I didn't know where it came from.*

Q. If it were a present to you, and a fair and honest transaction for campaign purposes—

This is Senator FRAZIER cross-examining—

or a gift or otherwise, why were you trying to conceal it?—A. I had no reason at all for concealing it.

Q. Why didn't you tell it?—A. *Pardon me, I will correct that.* I WAS AFRAID OF GETTING SOMEBODY INTO TROUBLE; I didn't know where this money came from.

Q. Who were you afraid of getting into trouble?—

Inquired the Senator from Tennessee [Mr. FRAZIER].

A. Friends of mine or myself—

Answers much-abused Link.

Q. Who were your friends?—A. I had a great many friends on the Republican side and on the Democratic side in the general assembly.

Q. How would you get your friends into trouble by telling the truth, if this were a perfectly honest and legitimate transaction?—

Asks the Senator from Tennessee.

A. I didn't know how it would get them into trouble, only it struck me *I might get them into trouble*—

Answers bribe-taker Link.

That is Link's sworn testimony as to why he concealed getting the $1,000 from Browne and the $900 from Wilson. What friends was he afraid of getting into trouble do Senators think?

The majority of the committee absolutely ignore the fact that Link himself swears that the reason why he concealed this was the fact that he "FEARED GETTING HIS FRIENDS INTO TROUBLE," and they lay it on a "third degree," which the record itself shows did not exist. Now, Senators can vote as they please, but it shall not be on any fantastic ground of a "third degree." Link says that he refused to tell because he was "*afraid of getting my friends into trouble*," and that is not denied.

And what "*friends?*" That goes back to Broderick. Why did he refuse to answer the questions that were put to him? He said he was "closely affiliated" with certain "friends" of the sitting Senator in Chicago. Broderick says he knew the sitting Member was a candidate two weeks before, at the same time Browne says he knew it. Was Link's reason for concealing this transaction the same that moved Broderick to refuse to testify?

You can not pass those matters over, Senators, by sympathy or aid to a man whose wife is sick or the beginning of a boyhood friendship even with Hinky Dink.

Now, Mr. President, we come to White. There is a good deal to be said of White; a good deal, I think, that is interesting. The first thing that appears about White is this: The Senator from Iowa [Mr. CUMMINS] made the point that either White told the truth or else White is a genius.

WHITE, IF UNTRUTHFUL, THE AMERICAN GABORIAU OR CONAN DOYLE.

If White's story is a falsehood, White need never care any more for the future, because we have developed among us an inventive genius of fiction who puts all the writers of imaginary tales from Emeile Gaboriau to Conan Doyle to the blush. That is not an extravagant statement.

Read White's story, so natural, *so corroborated at every material point.* Then read any of the masterpieces of detective fiction, such as "The Adventures of Sherlock Holmes," or "The Mystery of the Rue Morgue," and the like, and compare them to White's story, if the last is fiction.

Yet we are told by eminent Senators that White is a man of no intelligence. But if he is a man of no intelligence, he told the truth; because a man of mean intelligence can not conceive a tale so full of details, so full of novelty and dramatic point, a tale, too, that happens to be corroborated at every important point.

Mr. President, I press again upon the attention of the Senate this fact: *White's story is corroborated in every vital particular.* Let us put that to the test. Is there a Senator here who intends to vote to support this title who will point out to me one instance that is vital in White's story that is not corroborated? I pause for reply. We might as well face this matter.

White says Browne approached him. Beckemeyer and the others say the same thing. He says he was invited by Wilson to St. Louis. Beckemeyer and the others say the same thing; Clark says the same thing; Shephard says the same thing; and Wilson admits he was in St. Louis. White said he got $900 there from Wilson in the bathroom; Beckemeyer says he got $900 there; Link says he got $900 there. Shephard denies that he got $900 there; but admits he was there, and was called into the bathroom by Wilson because Wilson wanted to know the name of a lady he saw Shephard dining with *two months before.*

White says Browne paid him the major part of his first installment at Chicago. When? July 16, *the day Holstlaw got his first installment.* He said Browne told him he was going to St. Louis. Browne went to St. Louis, and Browne admits it. It is sworn to by the other bribe takers. Beckemeyer and Link swear that they got $1,000 there from Browne. White is again corroborated.

When I came to take up the testimony of Browne—this Abraham Lincoln of the twentieth century; Browne who has been compared with the great savior of the Republic—I think I will dispose of Mr. Browne to the satisfaction of everybody; I would if we were jurors. But before I pass this I want again to ask: Will any Senator here point me out, so that I can straighten it out now, *what vital point in White's testimony is not corroborated*—one? Again I await a reply. No one answers. Very well; we will pass that.

BROWNE ON WHITE'S CHARACTER.

But, Mr. President, it is said that White's character is base. I never practiced law in a criminal court, but I have talked with criminal lawyers, and I have heard that one of the methods

of that practice is to assail the witness of the cause that you want to defeat with a savagery in proportion to the desperateness of your own side. Is not that true? Very well; what has happened here? White has been assailed as base and vile and infamous and low and with all the other adjectives of disgrace.

What has that to do with the truth of this bribery? We are not trying White's character, we are determining the truth. My own opinion is that it is not shown that White was a bad man before he went up there to Springfield; but I think that occurred to White which has occurred to other men. The senior Senator from New York, [Mr. DEPEW] by his long experience in this field has known many of them; I have known some of them myself, boys who came from the country, went to the legislature, and fell into evil habits.

If Mr. White is a bad man, I will show you that one instrument and agent of White's infamy was Browne himself. We have one good witness on White's character, and that witness is "marvellous-intellect" Browne. I am going to read to the Senate what Mr. Browne thought of White clear down to the end of 1909. I read from page 53; and I shall take the time to read these letters over, because they have internal evidence of the truth of White's story that no man can resist. I believe this is the first letter—the Lee O'Neil Browne letter:

[Exhibit 1.]

[People's Exhibit 4 B. B.—On letterhead of Forty-fifth General Assembly.]

OTTAWA, ILL., *June 9, 1909.*

Hon. CHARLES A. WHITE, *O'Fallon, Ill.*

MY DEAR CHARLIE: I did not get home until the night of Monday, June 7, when I found your letter awaiting me. I wish you had spoken to me of the matters contained in your letter before we left Springfield. It would have been comparatively easy for me at that time to have advised with you personally and properly. It is far from difficult now, and I would hardly know what to say to you without seeing you personally. In any event, unless you would care to see me before that time by coming here or meeting me in Chicago, I expect to see you and have a visit with you some time within the next two weeks. I shall be only too glad to advise with you along the line of the matters referred to, and suggest anything that may be appropriate and proper.

The matters referred to—

You know where I stand, *old man, and that I will go my length for you.*

This is Browne's opinion of White:

Should you find it necessary to see me before the end of the next two weeks, you had better arrange to come to Chicago and meet me there. However, as matters stand, and in the way that I am tied up with business matters now, I would prefer to put off the meeting for the length of time I have stated. I want you to feel and realize that *I am as good a friend as you have in the world, and that I am not only willing but ready to do anything in my power for you at any time.* My best regards to you.

Very sincerely, your friend, LEE O'NEIL BROWNE.

And yet all that is bad in White, Lee O'Neil Browne certainly knew, and most of which Browne himself developed. Second—this is a brief letter, and I call the attention of Senators especially to it—

[Exhibit 2.]

[People's Exhibit 5 B. B.—Written on letterhead of Forty-sixth General Assembly.]

OTTAWA, ILL., *June 13, 1909.*

FRIEND CHARLES: Your letter did not reach me till too late to do any good. I was in Chicago, but could not have remained longer had I got your letter. Got home here this evening and am due in court to-morrow a. m. But, Charlie, I will be in Chicago Tuesday or Wednesday—

That was June 13, three days before he paid him the money—

and (this *is under your hat*)—

That is a common expression that White testifies that this man Browne used, and here is Browne using it in a letter to White—

and (this *is under your hat*, though, for I do not want to be bothered by every job hunter in Chicago), if you can wait I'll do my best to see you. I'll be at the Briggs when there.

In haste, BROWNE.

That is the second letter. I now come to the third letter. Senators will remember that this man White has been denounced as "a scoundrel unworthy of belief." I am showing what "marvelous intellect" Browne thought of him. This is dated July 16, 1909. This letter is conclusive. Browne swears—and I will point it out when I come to his testimony—that he did not send Wilson to St. Louis and had nothing to do with the second meeting.

[Exhibit 3.]

[Letterhead of Forty-sixth General Assembly, State of Illinois, House of Representatives.]

OTTAWA, ILL., *July 16, 1909.*

Hon. CHARLES A. WHITE, *O'Fallon, Ill.*

FRIEND CHARLIE: Thank you very much for your prompt recognition of my request in the Doyle matter. *You have certainly been one of my good old friends since we have become acquainted. I feel sure that the friendship will last just as long as you and I do.*

This is getting really quite tender, isn't it?

I was awfully sorry that I WAS UNABLE TO BE WITH YOU YESTERDAY FORENOON IN ST. LOUIS.

This is when White got the second installment of money.

I was taken very ill in Chicago Monday night with an attack of ptomaine poisoning, and have had a pretty serious time of it. *I did not dare to attempt the trip.* I hope everything is all right with you *and satisfactory*—

What does he mean by satisfactory?"—

and that you are happy and fairly prosperous. I hope before very long to be able to meet you either in St. Louis or Chicago and talk over old times. *I think you and I have got one real good visit coming.* Let me hear from you when you get time and the spirit moves you.

Very sincerely, your friend, LEE O'NEIL BROWNE.

THE "MUSIC AND FLOWERS" VOYAGE.

Yet this is White, who is so vile and infamous and all the other bad things that Senators think about him after he has been found out, and this was the opinion Lee O'Neil Browne had of him. Browne said he thought they ought to have "a real good visit coming." Well, they got a "real good visit" a little on, as I shall show the Senate.

This is a letter written after they had had that "real good visit" together. It is dated September 9, 1909, and White is now asking him for money, I think.

OTTAWA, ILL., *September 9, 1909.*

[Exhibit D, Sept. 27, 1910.]

[Letterhead Forty-sixth General Assembly, State of Illinois, House of Representatives.]

FRIEND CHARLES: Just got your letter. Am awfully sorry for you, *old pal*, because I know how *true a good fellow and gentleman you are.*

"Old pal!" This is the villain White; this is the infamous White; and this is the "Abraham Lincoln" Browne who is writing, and "old pal" White is a "true good fellow" and a "gentleman" according to Browne.

This is Browne's opinion of White, whom everybody has heard is such a scurvy villain; but there has been no person closer to him than Browne—and Browne ought to know about White, because White and Browne were "good friends" and "old pals;" and because Browne is a "marvelous intellect," as the Senator from Kentucky assures us in his speech.

Browne continues:

Your fault, *old pal*, is in trying to go too —— fast. You must cut it out for awhile, *old boy*. I'll do all I can to land you in a job, but do not yet know when LORIMER will be able to do anything, or, rather, when he will do anything.

But I'll do all I can, Charlie. Am pretty hard up myself after the vacation—

I will tell you about the vacation when I come to Browne—

we all had, but have managed to scratch out a fifty for you. Hope it will do some good, anyway. I am down at the "grind" again, working like a slave. *It's sure hell after the "music and flowers" we had for a time this summer.*

"Marvelous Intellect" Browne and "Infamous Scoundrel" White had been on a lake trip together, where they had "music and flowers" and it was "sure hell getting down to work afterwards." Browne continues:

But when a thing has got to be done, I can always shut my teeth and go to it. It's the only way. *It's hell, but that's the price one pays for most of the pleasure of life.* I always did, at least. Good-by, old man, and God bless you. Wish I could do more for you.

Your friend, LEE O'NEIL BROWNE.

P. S.—I hope you will do all you can to help James Morris, our *old pal*, pull through. He must win, he says.

I am reading the character of Mr. White through the letters of his most intimate friend, Lee O'Neil Browne, who, the committee thinks, is worthy of all credence, and who the Senator from Kentucky [Mr. PAYNTER] said in his speech the other day had a "marvelous intellect."

Now, Browne, with his "marvelous intellect;" Browne, whom the committee would have us believe is above suspicion; Browne, who did what Abraham Lincoln did, we are told—this Browne was White's closest friend, his "old pal," and so we have Browne's opinion of White's character. Very well. Let us go further.

Mr. President, I will ask to insert in the RECORD at this point, without reading, the other letters of Lee O'Neil Browne to his "old pal" White, and later on when I come to Mr. Browne himself I shall refer again to these letters.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

The letters referred to are as follows:

[Exhibit 4.]

[Letterhead Forty-sixth General Assembly, State of Illinois, House of Representatives.]

OTTAWA, ILL., *September 23, 1909.*

Hon. CHARLES A. WHITE, *O'Fallon, Ill.*

FRIEND CHARLIE: The reason I have not written to you before is because that I did not find it possible to do as you wanted me to. You know I told you in my last letter to you, when I sent the other inclosure, that that was the best I could do for you at that time. It was, and,

while I regret the fact, circumstances do not permit me to do what I would like and what you seem to think is so easy for me. I herewith inclose draft for $50; also your note which you sent me, and you can send me one for $50 in its place. I hope that this will help you and only wish that I could arrange the matter to suit you.

I do not know what you are thinking of, my boy, to get yourself into a position of this kind. I do not want to preach to you, but you certainly are not very wise in your generation. I will tell you, Charlie, you must just simply take the situation by the neck and get down to hard tacks and go to work. If you can not get what suits you, get something else. You know that you got to do something, and when you are in that position, do not be too particular about what you do. LORIMER is tied up so that he can not move a hand at the present time in the way of getting jobs. When he does get so that he can move, I will do anything in my power to help you. And, as you know, there is no other avenue through which I can move. I am awfully sorry that you are in your present financial condition, Charlie, but really, don't you know, you have nobody to thank for it but yourself. You certainly could have used more judgment and foresight than you have under the circumstances. Now brace up, old man, and surprise yourself and everybody else by making good. It is in you, and all you need is a little nerve at the present moment. I hope and trust you will do everything in your power at that convention at Belleville to see that Jim Morris lands. My best regards to you. I will write you again before very long. Am working hard.

Very sincerely, your friend, LEE O'NEIL BROWNE.

[Exhibit 5.]

CHICAGO, *October 24, 1909.*

FRIEND CHARLIE: Have been trying to land something for you. I came up yesterday and had a visit with LORIMER in the afternoon for about half an hour. He goes back to Washington in December, at which time he feels that he can probably place you along the lines you suggested in your last letter. In the meantime he is arranging to give you a temporary job up here as clerk in some one of the offices. I will get word down home the early part of the week, and then I'll let you know and will come up here and report to LORIMER'S secretary, who will take you out and place you. See? The salary of the temporary job will not be very high, probably $75 per month, but it will help you through all right until I can land you better after awhile. If this thing does not suit you well enough to take it, you must wire me at Ottawa as soon as you get it. However, in your present condition, I think you had best take it. I am awfully sorry, Charlie, that you are situated as you are; but really you are not entitled to a whole lot of sympathy; it's largely your own fault. You must get down to cover and learn that you must cut your coat according to your cloth. You know I am fond of you and will do anything I can, but this does not blind me to your faults and the fact that you are not at all consistent in your expenditures. My very best regards to you, old pal, and remember that I will do all I can.

Your friend, LEE O'NEIL BROWNE.

Mr. BEVERIDGE. I repeat that every vital point of White's testimony is corroborated; and, if I am wrong about that, I again appeal to any Senator here to point out what vital point in this testimony is not corroborated. You can not dispose of the matter upon the ground that White is a bad man. You acquit Browne as a good man—even a "marvelous intellect," another Abraham Lincoln. Yet Browne calls White "old pal," "a true good fellow and gentleman."

REASONING IN A CIRCLE.

The committee seem to think that nobody but a good man is going to accept bribes; they seem to be horrified that the men who confessed to bribery were not exemplars of purity. According to the committee, bribery never could be proved, because the moment a man confessed and was caught in the tangle of circumstances, they say you must disbelieve him because he is a bad man; he is a bad man because he accepted a bribe, and therefore you can not believe him.

So you perceive that convincing reasoning in a circle which the supporters of his election adopt to hold up this title to this office. I asked in my minority views what did they expect? What kind of men did they think would accept bribes? These men, we are told, we must not believe because they are such base fellows. Well, will any other kind of fellows accept bribes?

The American people will tolerate no such verdict. And, after all, while we are the jury, the American people are the court to which we must return our verdict. That position is an offense against common sense. It is an insult to reason. When Senators vote, they must vote knowing what the testimony shows.

Mr. President, in the case of Holstlaw the money was traced to the bank where he deposited it. In the case of Beckemeyer, part of the money was traced to the bank in Belle Isle, soon after he swears he got it, where he did not live, and where he had to be identified. As lawyers, what do you say to that—the money taken and the goods found in their possession?

What would you say if a burglar is seen coming out of a house at midnight, then it is later found that silver is missing, and then later on the silver is found in the possession of the man you saw coming out of the house? The Senator from Utah [Mr. SUTHERLAND] is a keen and learned lawyer. Can evidence be more complete than confession that money was taken and the money itself found in the possession of those who confess?

WHITE'S BRIBE MONEY.

Now we come to White's money. What became of that? White's character may be very low. If so, Mr. Browne's was one of the leprous hands that dragged it down; but whether low or not, White swears, as Beckemeyer swears and Holstlaw swears, that he got the money. What became of it?

Well, Mr. President, his stenographer, Miss Mollie Vandeveer, swore as to what occurred when he came back from Chicago—I think it was in the middle of June—after his meeting with our modern "Abraham Lincoln" Browne in the Briggs House at Chicago. She testified that—

About the middle of June Mr. White came to the office with a *bunch of bills.*

White's business partner, Mr. Dennis, swears that he was in straitened circumstances before that time.

Judge Hanecy, counsel for the sitting Member, said:

May I interpose the objection that it is corroborative evidence, manufactured or created——

And, by the way, I hope I will have the attention of all who listen to me when I come to speak of manufactured evidence in this case. That one thing alone would be sufficient to convict.

Senator BURROWS. The committee has passed upon that question, overruled the objection, and we will now go on.

The WITNESS. About the middle of June Mr. White returned to the office with a *bulk of bills*—

"A bulk of bills"—

"a stack of bills" about this high [indicating] of different denominations, *twenties, fifties, and tens.* It seemed to be yellow-backed money—this gold-backed money.

Q. Can you tell the committee about what time that was?—A. Why, that must have been about the 17th or 18th of June. It was about the middle of June. I don't know just exactly.

It was about the middle of June, the 16th of June, that White swore he got the $850 in Chicago, in bills of those denominations. Now, you who believe in a "conspiracy" that involves the State attorney's office of Chicago, the State attorney's office of Sangamon County, the sheriff of Sangamon County, the officers of a great bank in Chicago, do you think that this "conspiracy" also involved little Mollie Vandeveer down at O'Fallon, Ill.? If so, Mollie is a subtle child and should seek broader and richer fields than O'Fallon. But no, Mr. President. Plainly Miss Vandeveer is a good and truthful girl.

But that is not all. It appears, Mr. President, that this man White was not only seen by his stenographer, Mollie Vandeveer, in possession of the money in "bills of tens and twenties and fifties," but it further appears that he deposited a large sum of money in the Grand Leader department store in St. Louis.

KIRKPATRICK, THE DEPARTMENT-STORE FLOORWALKER "CONSPIRATOR."

Mr. Kirkpatrick, the floorwalker of that department store, swears that he saw White deposit that money, and that on the envelope was marked "$800 deposited with the cashier," and Kirkpatrick saw the denominations of some of the bills. Was Kirkpatrick, the floorwalker of the Grand Leader department store, also in this "conspiracy," and did he trump up this story?

We have been told with thunderous tones that we ought not to believe a word White said; that it is all a great "conspiracy." Ah, the difficulty of that is it is too complicated and its webs extend too far. Here is the money traced from Holstlaw's hands into the bank; from Beckemeyer's hands into the bank; and it is seen in the possession of White by Mollie Vandeveer, by Kirkpatrick, and finally by Dennis.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from New Hampshire?

Mr. BEVERIDGE. Yes; I do.

Mr. GALLINGER. I will ask the Senator the date on which he said White accepted this money? I think the Senator stated that it was in June, did he not?

Mr. BEVERIDGE. I hope the Senator is going to do me the favor of correcting me in case I have stated anything wrong.

Mr. GALLINGER. I am going to rest the Senator a moment.

Mr. BEVERIDGE. That is kind. Yes; about the middle of June. White testified he got it June 16. I will again read from the testimony of Miss Vandeveer:

About the middle of June Mr. White returned to the office with a bulk of bills, a stack of bills about this high [indicating] of different denominations, twenties, fifties, and tens. It seemed to be yellow-backed money, this gold-backed money.

Q. Can you tell the committee about what time that was?—A. Why, that must have been about the 17th or 18th of June. It was about the middle of June. I don't know just exactly.

Mr. GALLINGER. This man White is the same individual who offered to sell this story of his to Senator LORIMER, naming his price at $75,000?

Mr. BEVERIDGE. Not until long after this.

Mr. GALLINGER. Long afterwards?

Mr. BEVERIDGE. Oh, long after this.

Mr. GALLINGER. What year was that?

Mr. BEVERIDGE. It was the year 1909, in June, and it was one day after, according to White's story, that he met Browne in Chicago and got $850 from him and the day on which Browne swears he met White in Chicago and loaned him $50. That was in 1909.

Mr. GALLINGER. I beg the Senator's pardon.

Mr. BEVERIDGE. That is all right. I am much obliged to the Senator. This transaction that three witnesses swear to—Kirkpatrick, in St. Louis; Mollie Vandeveer, in O'Fallon; and Dennis, in O'Fallon—occurred in June; but when White—this infamous scoundrel whom Browne called "Dear old pal"—tried to sell the story—which, by the way, White says he did not try to sell—to the sitting Member was months after this transaction.

Mr. GALLINGER. Of course, Mr. President, the Senator will not say that White did not try to sell the story when we have his addressed to Senator LORIMER.

Mr. BEVERIDGE. We have his letter; but he swore in his examination that it was not for the purpose of sale but for exposure. My own opinion about it is that he would have both sold and exposed after his experience with his "dear old pal."

Mr. GALLINGER. I think so.

Mr. BEVERIDGE. And yet the Senator thinks badly of White. I do not care how badly the Senator thinks of White. What does he think of Mollie Vandeveer and Kirkpatrick and Dennis, who saw White with the money immediately after White swore he got it? Were they, too, in this far-reaching "conspiracy" that embraced bank officers in Chicago and stenographers in O'Fallon and clerks in a St. Louis department store and State's attorneys of two counties in Illinois?

Mr. GALLINGER. Now, Mr. President, if the Senator will permit me?

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from New Hampshire?

Mr. BEVERIDGE. Certainly.

Mr. GALLINGER. Suppose he had the money and suppose two or three parties saw him handle the money, has the Senator any suggestion to make as to where it came from?

Mr. BEVERIDGE. It is explained where it came from. White said he got it from Browne.

Mr. GALLINGER. Where did Browne get it?

Mr. BEVERIDGE. I do not know where Browne got it.

Mr. GALLINGER. Ah, that is different.

Mr. BEVERIDGE. What does the Senator think about that himself?

Mr. GALLINGER. I am not quite sure.

Mr. BEVERIDGE. It was asked yesterday—I did not say a word, for I make it a rule not to interrupt, although I invite and like interruptions—it was asked yesterday, why had not we traced this money to its source; why did not the subcommittee do so? Why did they not ask the bank of the sitting Member to produce its books? The Senator from Texas said we ought to have gone to the sitting Member's bank.

Well, if some person was bribing these people, do you suppose they would have taken the money out of the sitting Member's bank? That would have been just as stupid as are other parts of this conspiracy, if it is a "conspiracy," as the Senator from Tennessee has pointed out.

Mr. GALLINGER. I think the sitting Member did not have a bank at that time, did he?

Mr. BEVERIDGE. No; of course not. That bank was not in existence then or for months afterwards; but it was suggested by the Senator from Texas [Mr. BAILEY], you will remember, why were not the books of the sitting Member's bank produced. And now the Senator calls attention to the fact that the sitting Member's bank was not in existence at that time, which shows that even the Senator from Texas can make an unintentional mistake, although he could not overlook possibly some little irrelevant mistake that the Senator from New York and one the Senator from Iowa made.

Mr. GALLINGER. I think the Senator from Texas corrected that.

Mr. BEVERIDGE. Oh, no. The habit in this case of trying to destroy testimony on some little absurd inconsistencies is so ridiculous that I am not going into it.

I fasten this down again. Holstlaw swears he got the money, and the money is traced. Beckemeyer swears he got the money, and the money is traced. White swears he got the money, and the money is traced.

"DIAMOND JOE" CLARK.

Now we come to Clark. "Diamond Joe" let us call him. His name is Joe and he bought diamonds as we shall see. Also, he has a close friend, a saloon keeper, named Joe Diamond. Clark's testimony is the most curious testimony in this case. He was one of the furniture rascals. He was one of Lee O'Neil Browne's followers. He was a police magistrate, and mark this—it might be important in this case—and "*interested in the lumber business.*" I do not emphasize "lumber business;" I just mention it.

He first voted for the sitting Member May 26. He had made up his mind, he swears, three or four days before, but "Prudent Joe" told nobody that he was going to vote for the sitting Member, not even his adored leader, "Abraham Lincoln" Browne.

Here is the thing to which I call the attention of the Senator from New Hampshire: Joe Clark was one of the men who met Lee O'Neil Browne in St. Louis with Beckemeyer and Link and Luke and Shephard. Clark swears he did not. Browne swears he did; and then said, "Well, I believe Joe says he didn't meet me there. I thought he did meet me there; but if Joe says he didn't why, I guess he didn't."

Mr. GALLINGER. A nice bunch.

Mr. BEVERIDGE. A nice bunch. What does the Senator think of Browne—Browne, the man of "marvelous intellect," as the Senator from Kentucky says? Well, Clark also met Wilson at St. Louis July 15, the date of the second distribution. He met Wilson with White—well, with all of the rest of them; what the Senator from New Hampshire calls the "nice bunch."

Then, Mr. President, when it was noised about—and I have often wondered what my engaging friend, the Senator from New York [Mr. DEPEW], thought of that—that this thing was going to be exposed, what happened? Beckemeyer telephones Clark to meet him in Carlyle. Clark responded, "Can not meet you in Carlyle, but I am going to Centralia to visit a friend of mine"—Joe Diamond, a saloon keeper. The names in this drama read like a 10-cent novel. Beckemeyer was going to Centralia to the funeral of a friend.

So these two disinterested patriots, one upon a funereal visit and the other upon a journey to see a friend, a saloon keeper named Joe Diamond, met on the train going to Centralia; and there is where it is said that Joe Clark, the police magistrate, the person schooled in the craft of standing pat on a story, was to advise him as to whether or not Beckemeyer should deny he was in St. Louis.

Then Clark goes, by mere accident, to Springfield, and there, by mere accident—and mark this—he meets Wilson. It was the surprise of his life that he met Wilson. But he met Wilson there.

A MERE "ACCIDENT," YOU SEE.

When Wilson saw Clark, Wilson must have exclaimed "to what happy accident is it that we owe so unexpected a visit?" or else Clark must have so exclaimed. For, of course, both Wilson and Clark were familiar with Goldsmith.

What do the Senators think about that? Clark says he talked to Wilson maybe only three minutes, *and yet in that three minutes he told Wilson of White and Tierney's visit to him, Clark.* Does the Senator believe—does anybody believe—that they spent only three minutes together with what the Senator from South Dakota calls the "minions" and sleuths on their track?

More than this, Clark told Beckemeyer that one way he had of covering up the money he got from this transaction was through the fact that he was chairman of the committee to bury his fellow representative, Powers; that the money which was coming to the widow was paid to Clark, and he took this voucher and put it in the bank in his name and then took the cash he got from Browne and Wilson and paid Mrs. Powers; and that is the way he had of covering it up.

Clark was there in St. Louis. He admits that. The other fellows got the money. The only difference in the world in the testimony is that Clark stubbornly denies it. He testifies that he never knew anything about the sitting Member having a chance to be elected until the morning of the 26th, and that nobody said a word to him about it. He said he saw men flitting about, but "they passed Joe Clark by." No one notified him; and yet so important a man was Joe Clark that when he voted for the sitting Member he swears there was more applause at his vote than there was at anybody else.

CLARK WITH CONFESSED BRIBE TAKERS WHEN LATTER GOT THEIR BRIBE MONEY.

Suppose, Senators, you found one man coming out of a house he had burglarized with two other men at 1 o'clock in the morning; suppose stolen property taken from that house that night was found in the possession of these two men; suppose none was found in the possession of the third man who came with them out of the house that had been burglarized.

Would he be acquitted in any court in the land, especially if he could not explain how it was that he was with them; especially if he admitted that he was in the house when the bur-

glary occurred; especially if he had means of concealing the stolen goods? I do not know how anyone else may feel, but as for me the evidence shows that Joe Clark was about the worst of the "nice bunch," because he was the nerviest and cleverest.

The fact that this police magistrate in a little country town bought diamonds—a hundred and fifteen dollars' worth—has been made light of. I sat amused at the way Senators wafted it away. "Why," they said, "that is not so very much—a person buying $115 worth of diamonds."

Of course, not with Senators. It would not be so strange a thing with us. Many here can afford to buy diamonds. Many here buy diamonds frequently. The Senator, no doubt, buys $115 worth of diamonds quite frequently.

Mr. GALLINGER. The Senator is not pointing to me, I hope. [Laughter.]

Mr. BEVERIDGE. Does not the Senator buy diamonds? It was said here the other day that the purchase of diamonds by a member of the Legislature of Illinois was so trivial an affair that nobody ought to notice it. What does the Senator think of a police justice in a little country town buying $115 worth of diamonds? It is not so insignificant a thing after all. And he testified to——

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from New Hampshire?

Mr. BEVERIDGE. Certainly.

Mr. GALLINGER. It does seem to me that that might occur and yet not be a dishonest transaction.

Mr. BEVERIDGE. It might—it just might, possibly.

Mr. GALLINGER. Yes.

Mr. BEVERIDGE. Certainly it might. If it only appeared that Hon. Joe Clark, who was engaged in the "lumber business," had bought $115 worth of diamonds in the middle of the legislative session—well, that would be singular, but it would not be convincing of any crime.

But when we find that Joe was with the other members of the "nice bunch," as the Senator from New Hampshire so well says, who got the other money; when it appears that he was the man who helped set up the alibi to which I am going to refer in a moment, it does begin to look rather conclusive.

Mr. GALLINGER. It shows he got some diamonds.

Mr. BEVERIDGE. It shows he got some diamonds, and if he got diamonds, he had money to get diamonds with, and if he could afford to buy diamonds he must have had a little excess of money. Men do not buy diamonds every day—not unless they are engaged in a lucrative business.

[At this point Mr. BEVERIDGE yielded the floor for the day.]

Friday, February 24, 1911.

"BATHROOM" SHEPHARD.

Mr. BEVERIDGE. I wish now to resume at the point of Mr. Shephard's testimony. Shephard was one of Lee O'Neil Browne's faction. He is a banker in Jerseyville, Ill., I believe. It is curious how many bankers there were in this legislature. He testified that he was approached by Browne to vote for the sitting Member a week before the election occurred.

That will be found on page 318 of the record; and yet, although Shephard was approached a week before the election occurred, he never appears to have said a word about it. Later on, I think on the day of the election, he was again approached by Browne and by Alschuler a second time. I will, lest there be any doubt, read that. This is the second visit.

He [Browne] said, calling me by my first name, Harry—of course, my real name is Henry—but he says, "Harry, aren't you going to vote for LORIMER to-day?" and I said, "No; indeed I am not." "My soul," he said, "are you going to throw us down that way? All of your friends are going to vote for LORIMER," etc.

Then came up the conversation concerning the post office, which, I believe, is admitted by everyone, and therefore requires no further extended comment. Shephard testified that the promise of influence concerning preventing two men being appointed postmaster and assistant postmaster was "the only consideration for his vote." I am not going to enlarge upon that. As a strict matter of law, nobody will deny that that is bribery. That is bribery in law, but I am not going to enlarge upon it. It is not so serious, because it is not uncommon.

Mr. BAILEY. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Texas?

Mr. BEVERIDGE. Yes.

Mr. BAILEY. Do I understand the Senator from Indiana to declare that as a matter of law it is bribery to say that you will not recommend or indorse a certain man?

Mr. BEVERIDGE. No; that is not what was said—that he would use his influence to prevent their appointment. I say that as a matter of law, although I am not going to enlarge upon it, that is as illegal a thing in elections as the promise that he would use his influence affirmatively. What is the difference?

Mr. BAILEY. As a matter of law, I think it perfectly true that if Shephard had said, "If you will give me this office, or give my son or my brother this office," it would have been a corrupt agreement. But a promise that he would not give it to somebody else was not.

Mr. BEVERIDGE. No——

Mr. BAILEY. Let me put this case to the Senator from Indiana.

Mr. BEVERIDGE. The Senator has inadvertently stated the facts incorrectly. It was not that the sitting Member would not use his influence in favor of some one. It was that he would use his influence against some one.

Mr. BAILEY. I stated that. If that was not exactly what I said, then I did not say what I intended to say.

Let me ask the Senator this question: Does the Senator believe that if the name of a postmaster, which had been sent to the Senate under a recommendation, was afterwards withdrawn on the demand of a legislator and that legislator predicated that demand upon a threat to vote against a Senator in the legislature, it would be corrupt to withdraw the nomination or to withdraw the recommendation?

Mr. BEVERIDGE. Corrupt on the part of the President?

Mr. BAILEY. On the part of the Senator.

Mr. BEVERIDGE. I think that the decisions, although that is not this case by any manner of means, leave no doubt about it. Certainly it would be corrupt in law. But as I have said I do not enlarge upon it very much. I had not heard it disputed heretofore that this was the law.

Mr. BAILEY. Does the Senator understand that I say if the sitting Member had promised an office to a man for his vote, it would have been a corrupt agreement; but if he simply promised that some man objectionable should not have the benefit of his influence, it was just such an agreement as every Senator and every other man engaged in politics make? But in a case where a Senator had recommended the appointment of a postmaster and where under the threat of a member of the legislature that recommendation was withdrawn, does the Senator think that is corrupt?

Mr. BEVERIDGE. Mr. President, although I am obliged to the Senator for asking my opinion, I do not think that my opinion or anybody else's on that statement would be important, because that is not this case as I understand the facts here to be, and I can turn to them if there is any dispute. I have them all marked down here and I shall read them if the Senator says so.

Mr. BAILEY. That is not this case, but the case I cite is a case where the record of the Senate may show is an existing case which I may call attention to later.

Mr. BEVERIDGE. It may be an existing case, but it would not be pertinent unless it was this case. The practice on that matter is loose. I am talking about the law. I ask the Senator from Texas if he does not agree to this proposition: It is agreed that if a candidate for office secures a vote by promising to use his influence to get an office for that legislator or a friend or anybody else, and the legislator makes the getting of the office for him the consideration of his vote, that is corrupt.

Take the converse of the proposition then. If the legislator is more deeply interested in preventing a man from holding office than in getting some man appointed to an office, and he makes it a consideration for his vote that the man for whom he votes will use his influence to prevent that appointment, would not that be just as corrupt as if it were done affirmatively? However, Mr. President, I pass that.

Mr. OWEN. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Oklahoma?

Mr. BEVERIDGE. Certainly.

Mr. OWEN. Will the Senator permit me to call attention to the statute of Illinois?

Mr. BEVERIDGE. Certainly.

Mr. OWEN. It is as follows:

31. Whoever corruptly, directly or indirectly, gives any money or other bribe, present, reward, promise, contract, obligation, or security for the payment of any money, present, reward, or any other thing, to any judge, justice of the peace, sheriff, coroner, clerk, constable, jailor, attorney general, State's attorney, county attorney, member of the general assembly, or other officer, ministerial or judicial, or to any legislative, executive, or other officer of any incorporated city, town, or village, or any officer elected or appointed by virtue of any law of this State, after his election or appointment, either before or after he has qualified, with intent to influence his act, vote, opinion, decision, or judgment on any matter, question, cause, or proceeding which may be then pending, or may by law come or be brought before him in his official capacity, or to cause him to execute any of the powers in him vested, or to perform any duty of him required, with partiality or favor, or otherwise than is required by law, or in consideration that

such officer being authorized in the line of his duty to contract for any advertising, or for the furnishing of any labor or material shall directly or indirectly arrange to receive, or shall receive, or shall withhold from the parties so contracted with, any portion of the contract price, whether that price be fixed by law or by agreement, or in consideration that such officer hath nominated or appointed any person to any office or exercised any power in him vested, or performed any duty of him required with partiality or favor, or otherwise contrary to law, the person so giving, and the officer so receiving, any money, bribe, present, reward, promise, contract, obligation, or security, with intent or for the purpose or consideration aforesaid, shall be deemed guilty of bribery, and shall be punished by confinement in the penitentiary for a term not less than one year nor more than five years.

Mr. BEVERIDGE. Mr. President, passing that, because while it may be legal bribery, if I can use such an expression—I mean bribery in law—the Senator from Texas accurately says there is a good deal of that going on around. Nobody pretends there is not. That might not be sufficient in practice. It is sufficient in law. In law it is bribery, and in practice it is essentially immoral. Both law and public morals are clear on that.

"BATHROOM" SHEPHARD WITH THE OTHERS.

After this transaction, and after the election of the sitting Member, Mr. Shephard testifies that he met Browne in St. Louis on the 21st of June in response to a letter from Browne asking him to come there. This was the first celebrated meeting, the meeting where the first distribution occurred. Shephard admits he was there.

It was there that Browne paid out the $1,000 to Link and Beckemeyer and Luke. Link and Beckemeyer confessed; and I think I shall show that Luke did confess, although he had no opportunity of doing it before the committee. He was there with the rest of these men when this money was distributed.

If Senators believe that Link got his $1,000 there, if they believe that Beckemeyer got his $1,000 there, and it was traced immediately afterwards to a bank away from his town, and that the others got their money there, they must conclude that Shephard got his money there also. Otherwise, why was Shephard there?

The fantastic story that Browne gives as to why this meeting was called I shall demonstrate to the satisfaction of the most reluctant mind is so grotesque as to offend common sense. So Shephard was there. Shephard was with the other men who confessed that they got the money, and Shephard admits that he was called into the "jack-pot" bathroom by "Jack Pot" Wilson. Not only that, but White testifies to it.

I call the attention of the Senate to the fatal defect of this testimony. Shephard admits that he met Browne by appointment. He admits that he met Wilson and all the others; and the others testify that they met Wilson by appointment. But Shephard says that he met Wilson by pure accident, and that the reason why he was in St. Louis on that fatal day is because he ran in to get some automobile packing. A banker ordinarily would have the chauffeur attend to buying automobile packing. Also Shephard visited the safety-deposit box that he owned on the very forenoon he himself admits having met Wilson.

I repeat, and shall repeat again, that Shephard was seen going into the bathroom with Wilson. It was in this bathroom that the other money was distributed, and Shephard admits that he was called into the bathroom. I ask Senators to consider the excuse that Shephard gives:

Q. Did Wilson take you into the bathroom?—A. He called me into the bathroom; yes, sir.

Later on he testifies, as all will concede—I have the pages marked here—that although he was called into the bathroom, the reason why Wilson called him into the bathroom, Shephard swears, *was to ask him the name of a lady he saw Shephard dining with two months before in Springfield.* Is that credible? Is it possible that Wilson met Shephard down there in St. Louis and called him into the bathroom to ask the name of a lady he had seen him dining with in Springfield two months before?

Mr. President, when Mr. Shephard gave that excuse every lawyer here knows that he was trumping up an excuse, and he admits having been in the bathroom only because convincing testimony was at hand to show that he did go there. He had only missed indictment himself by not denying that he was in St. Louis, as the others did.

Now, Mr. President, I do not think it is necessary to take much of the time of the Senate on this creature Shephard.

LUKE AND HIS MYSTERIOUS $950.

Mr. President, the next man involved is Representative Luke. Representative Luke had died before this investigation came about, but it is established, and, I believe, not denied, that he, too, like White and Beckemeyer and Link and Clark and Shephard, met Wilson on the 15th of July, and that he, like all of them except White, met Browne at St. Louis at the Southern Hotel on the occasion of the first distribution of putrid cash.

The testimony of Luke's wife has been read here so many times that I will not read it again, but she testifies, although evidently an unwilling witness, that at one time when he had been away he returned home with $950, as I remember it, in twenty-dollar bills, or bills of unusual denomination at least.

She says it was before he went to St. Louis, but I ask Senators to read her testimony as to whether she knows it was before or after he had been to St. Louis. Is not that one of a piece with the tracing of the money, as in the case of Beckemeyer, who deposited it in a bank in a town which was not his home, where he had to be identified; as in the case of White, and deposited it with the cashier of a department store in St. Louis, and exhibited it to Mr. Dennis and Miss Vandeveer; as in the case of Holstlaw, who deposited his money in the State Bank of Chicago?

This man Luke was there about this time. After an unexplained absence from home he returned home with the unusual sum of $950 in bills. Luke was a member of the Browne faction. He was the man who had nominated Stringer, either in the caucus or in the legislature. And he was a "jolly, sociable fellow," so Browne testifies; and Browne of the "marvelous intellect" ought to know such a man when he sees him.

Now, Mr. President, Mr. Murray was produced. I wish the Senator from Tennessee [Mr. FRAZIER] was here, because he was present at that time and he can tell us all about it.

He was the State's attorney, as I remember, in Luke's county, to whom Luke had made a statement as to where this money came from, or at least about this whole transaction. He was produced before the committee, *but was not permitted to testify.* No Senator who was a member of that subcommittee has been able to tell us upon what legal ground the declarations of Beckemeyer to his schoolboy friend, Gray, to Murray, and to Ford were not admitted in view of the fact that they were declarations against interest, but we do not need it.

In this case, however, Mr. President, I assume that the committee must have refused to let Mr. Murray, the State's attorney, tell what Luke told him about this transaction on the ground that it was hearsay. And yet it was directly in violation of the precedents in the Clark case. Here is what happened in the case of the declaration of Mr. Flinn in the Clark case.

Clark's attorneys objected to the declaration of Flinn being admitted in evidence upon the ground that Flinn was dead and that it was hearsay testimony. The chairman ruled as follows—and it does not appear that any member of the committee, which at that time was composed of unusually good lawyers, objected to this rule; the record shows that it was the unanimous view of the committee, because there was no objection—

The CHAIRMAN. Anything Mr. Flinn said to him. Mr. Flinn is shown to have changed his vote. Now, the suggestion appears to be that, possibly, he may have been influenced to change it. That is what we are investigating. He is going to state what Mr. Flinn said to him about methods being used to influence votes.

"A WEIRD RULING."

I was very curious, Mr. President, to know why this committee, which is not now composed of the same Senators who composed the committee that made the Clark ruling, could possibly have made such a ruling, and I was even more astounded when I recalled what occurred in the election case from Utah, in a matter not of the validity of the election of the senior Senator [Mr. SMOOT], but of his expulsion.

In that case members of that committee, who at that time served as I did upon it, will remember that not only hearsay was freely admitted, if indeed it was not invited, but rumors were freely admitted, if indeed they were not invited, and testimony as to what a newspaper had said was admitted, if not invited.

I have all of these instances here, Mr. President, more than 40 in number, where this committee, composed largely of the same members who now compose it and with the same chairman, under the chairman's ruling admitted hearsay, rumor, and newspaper statements. I shall not, of course, take your time to read all of them, but I am going to give you one example, which impressed itself on me.

It appears, Mr. President—I do not want to be harsh, but it would seem that in the exclusion of the testimony of Gray and Ford and Murray as to a declaration of Beckemeyer against interest and in the refusal to permit State Attorney Murray to testify as to Luke's statement about this transaction, when contrasted with the rulings of this same committee in the Smoot case—that it depends a good deal on whose ox is gored. It was a weird ruling—the exclusion of Beckemeyer and Luke's confession to others.

I will give you a ruling of our committee in the Smoot case. It impressed itself very much on me at the time, and Senators who were on that committee will remember it, and it is only one of scores. I have them marked. This was a case where a man by the name of Critchlow was testifying that a Mormon bishop had a revelation from the Lord on an electric-light plant.

When cross-examination came, it did not appear even that this witness was testifying that the Mormon bishop told him that. No! But that the attorney on the losing side of the case had told witness Critchlow that some person had told him, the attorney, that the Mormon bishop had a revelation from the Lord; and here is how it was summed up. I put this question to Mr. Critchlow at the end—and I want the Senate to pay attention to it, in view of the subcommittee's action in the present case:

Senator BEVERIDGE. So that that testimony amounts to this: That you say that a man said to you that somebody else said to him that the president of the stake had a revelation on the subject of an electric-light plant at this place, that he laid it before the council, and there was a disruption, and so forth?

Mr. CRITCHLOW. A disruption?

Senator BEVERIDGE. Between the council, or the people, or somebody?

Mr. Critchlow, the witness, who was himself a lawyer, replied:

I take it, in a legal sense that is as close as it comes to being evidence.

Now, if that kind of testimony could be admitted in the Smoot case, if the declaration of the dead man, Flinn, could be proved in the Clark case, what do Senators think of excluding the declarations of Mr. Luke in this case? The Senator from Tennessee [Mr. FRAZIER] was present at that time. He is not here now, or I should ask him—as I think I shall hereafter—to rise and tell the Senate what occurred in that connection.

Luke was there. He met Browne at the time Browne distributed the money at the place Browne distributed the money to the others. He met Wilson at the time Wilson distributed money to the others at the same place. He came home after having been absent, his wife did not know where—I want Senators to mark that—did not know where, with $950, $50 less than the first distribution and $50 more than the last distribution, and in $20 bills.

His wife says that this was before he went to St. Louis, but she also said that it was after Luke had been away—she did not know where. So that if he had been away, *and she did not know where*, how does she know that it was not to St. Louis where he had been?

So, Mr. President, I was convinced when I read this testimony that Mr. Luke shared the plunder. When the Senator from Tennessee arrives I think I shall take the responsibility of saying that Luke stated that he had gotten it.

So, Mr. President, we have Holstlaw, White, Link, Beckemeyer, Shephard, Clark, and Luke—7 who received money from Browne, Wilson, and Broderick, who gave them the money. That makes 10, but exclude Luke, Shephard, and Clark, and you still have 7 filthy votes; and I trust that I will have the attention of any Senator who thinks that 7 are not enough to vitiate this election under any view of the law when I come to discuss the Senate cases on that.

But is this all of this transaction? No, Mr. President. Three other men testified that they were corruptly approached. In view of the fact that the Senator from Texas [Mr. BAILEY] the other day gave a good deal of attention to these three men, I shall ask the Senate to permit me for a time to beg its attention to that matter.

Mr. President, the first is Meyers. Meyers was a banker. The Browne gang, it appears, thought bankers easy and willing game. Holstlaw, banker; Sheppard, banker; Beckemeyer, son of banker, etc. But Meyers, banker, fooled them.

Mr. LA FOLLETTE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Wisconsin?

Mr. BEVERIDGE. For what purpose?

Mr. LA FOLLETTE. As there are only seven Senators in the Chamber at this time, I make the point of no quorum.

Mr. BEVERIDGE. I hope the Senator will not do that.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

Mr. BEVERIDGE. Senators are at luncheon, and, besides, I guess we will have to speak to the American people. Senators perhaps do not want to hear the testimony, the facts, and the law, but to vote without them. It is no matter of mine. I hope the Senator will not call for a quorum.

Mr. LA FOLLETTE. I press the point.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Chamberlain	La Follette	Shively
Beveridge	Clapp	Martin	Smith, S. C.
Borah	Cullom	Newlands	Stephenson
Bourne	Curtis	Nixon	Sutherland
Bradley	Dillingham	Oliver	Swanson
Brandegee	Flint	Overman	Taliaferro
Briggs	Foster	Owen	Taylor
Brown	Frazier	Page	Thornton
Bulkeley	Gallinger	Percy	Warner
Burkett	Gamble	Perkins	Warren
Burnham	Jones	Rayner	Wetmore
Burton	Kean	Richardson	

Mr. BEVERIDGE. Senators who have paid any attention to the testimony doubtless think that they have heard it all; and yet I call the attention of Senators now to the fact that Mrs. Luke said that she saw her husband in the possession of $950 after he had been away—*she did not know where*, and therefore, of course, *if she did not know where he had been he might have been in St. Louis or any place else.* Taking her testimony to be true, that this was before he went to St. Louis on *the trip that she knew about*, how does she know that he was not at St. Louis on *the trip she says she did not know about?*

There was quite an animated discussion here the other day between the Senator from Texas and the Senator from Idaho about the fact that Mrs. Luke's testimony exculpated Luke because she testified that this money was in his possession before he went to St. Louis, but she says it was after he had returned—I hope I will get the attention of the Senator from Kentucky [Mr. PAYNTER] to that—*after* he had returned from a trip *to some place*, SHE DID NOT KNOW WHERE IT WAS. So if that is true he may have been at St. Louis. Anyhow, he came back from that trip with this money, and he HAD BEEN TO ST. LOUIS TWICE. She only testifies to one trip to St. Louis.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Oklahoma?

Mr. BEVERIDGE. Yes.

Mr. OWEN. I want to call the attention of the Senator to the fact that Mrs. Luke, in referring to the visit to St. Louis, was referring to the visit in July, the last visit, where the $900 apiece was distributed, and was not referring to his previous trip, and her evidence plainly shows that, as the Senator from Indiana has pointed out.

Mr. BEVERIDGE. That, then, establishes this beyond a question of a doubt, because if the St. Louis trip, to which she refers when she says it was before he went there, was the Wilson trip where $900 was given, then the trip that he did take when she did not know where he was, was the first St. Louis trip where he met Browne and got $1,000, and came back with $950 of it. We hear from the testimony of Mr. Browne that Luke was a very sociable fellow—Charley Luke—and he was enjoying himself, as the record shows, down in St. Louis. Apparently he got rid of $50 of the $1,000. Mr. President, did the distinguished occupant of the Chair ever hear of a more conclusive tracing of the spoils of corruption?

"APPROACHED" BUT NOT CORRUPTED.

We come now to three witnesses whom nobody can denounce with reason or without it, and these are the three men who swear that they were corruptly approached. The first one to whom I wish to call attention is Representative Meyers.

Representative Meyers was a Democratic representative, a member of the Browne faction, a banker, 40 years old, a former county treasurer. I want to call the attention of the Senate particularly to Meyers's character. Nothing has ever been said against him. Evidently he was a man of high repute among his people until, as the Senator from Wisconsin suggests, we got into this debate. He had been their county treasurer, a position of the highest trust. Evidently he served well and honorably in that office, because the people elected him as their representative in the legislature.

Meyers swears that Browne approached him. You will find the record of it on page 312. I will read it:

Q. How long have you been engaged in the banking business?—A. The last time about two and one-half years.

Q. Prior to that, what business were you engaged in?—A. Well, I was in the banking business and county treasurer of the county at the same time, about six years ago.

Then he testifies to being elected to the legislature.

Q. Mr. Meyers, who was the minority leader of the Democratic Party of the house?—A. Lee O'Neil Browne.

Q. Were you a member of the Browne minority faction?—A. I was.

* * * * * * *

Q. Mr. Meyers, do you recall the election on the 26th day of May, 1909, of WILLIAM LORIMER to the United States Senate?—A. Yes, sir.

Q. Prior to the time of that vote on the 26th of May, 1909, when the joint assembly were in session, did you have any conversation with Lee O'Neil Browne?—A. I had.

Q. Where?—A. In the house there.

Q. While the two houses were in joint session?—A. Yes, sir.

Q. How long before the taking of the vote for United States Senator?—A. Fifteen or twenty minutes, I do not know just how long; just a short time.

Q. Will you tell the committee who sent for you, if any one?—A. Well, there was a page came to me and said Mr. Browne wanted to see me.

Q. Where were you when he came to you and told you Mr. Browne desired to see you?—A. I was at my desk.

Q. How far removed from Mr. Browne's desk was your desk?—A. My desk was three rows back of Mr. Browne's.

Q. Pursuant, or in response to that message, did you go to Mr. Browne's desk?—A. I did.

Q. Will you tell the committee what, if any, conversation you then had with Mr. Browne?—A. I went down to his desk and sat down on a chair right beside him, and he says, "We are going to put this over to-day, and I would like you to go with us." I says, "Lee, I can't do it."

"THE READY NECESSARY."

Q. What else?—A. Then he says that *there are some good State jobs to give away and the* READY NECESSARY. I says, "I can't help it; I can't go with you."

Q. "The ready necessary," that is correct, is it, that I repeat?—A. Yes, sir.

Now I come to Senator FRAZIER'S examination of this man, Representative Meyers. I do not wish to be offensively complimentary to the Senator from Tennessee, but I say this, that any lawyer or any layman who will read this testimony will recognize the fact that the keenest and most lawyer-like examinations in this whole book were those conducted by the Senator from Tennessee [Mr. FRAZIER]. I have seen him do the same admirable work in hearings held by the Committee on Territories. The witness was asked what he supposed was meant by "the ready necessary."

The WITNESS. I supposed he meant money; I did not know what else.

* * * * * * *

Q. You say that was one of the things that Lee O'Neil Browne said to you, "There are plenty of State jobs"?—A. Yes.

Q. And *"ready necessary."*

Senator FRAZIER takes up the examination—

Senator FRAZIER. Did Mr. Browne make any explanation of what he meant, "We are going to put this over to-day?"—A. No, sir.

Q. What did you understand him to mean by that; his election?—A. Yes, sir.

Q. *And it was in that connection* that he stated that there were *State jobs and plenty of "ready necessary?"*—A. Yes, sir.

Q. You declined to receive either a State job or plenty of the "ready necessary"?—A. Yes, sir.

* * * * * * *

Q. You voted for Mr. LORIMER?—A. Yes, sir.

This answer was inadvertent, and Meyers later corrects it. He did not vote for Mr. LORIMER.

Judge HANECY. Were any State jobs or any "ready necessary" offered to you by anybody?—A. JUST AS I STATED IT RIGHT HERE.

Q. Well, Senator FRAZIER asked you if you did not refuse to receive any of the State jobs or any of the "ready necessary" and voted for Senator LORIMER. Now, I want to know, did anybody ever offer you a State job?—A. *Only as Browne stated.*

Q. There was not anything said in the form of a job, except that general statement there as to the State job or the "ready necessary?"—A. No, sir.

Mr. President, if we believe that Meyers was corruptly approached by Browne, all legal authorities and common sense commands us to consider it a circumstance of the highest corroborative importance. Those who are upholding the title to this seat in this case recognize that to be true; therefore Meyers has been attacked on this floor.

The counsel for the sitting Member saw the importance of Meyers's testimony and saw that it had to be disposed of; and how was it disposed of? By the testimony of a page, McCann, which I ask every Senator to read before he votes. That page, McCann, declares he was standing by Browne's seat all the time during the whole session and that Meyers never came to Browne's seat. That testimony bears on its face indisputable evidence of manufacture.

"PERJURY" WITHOUT A MOTIVE.

Mr. President, in view of the fact that the testimony of Meyers has been challenged here—and it would not have been challenged here if the upholders of this title on this floor had not seen that it was necessary to destroy its credibility—I want to ask the Senate *what motive Meyers, the friend and follower of Browne, had for committing perjury?* I am going to repeat that two or three times.

If Senators think that Representative Meyers, county treasurer, banker, representative of his county in the legislature, Democrat, follower of Lee O'Neil Browne, belonging to his faction, committeed perjury in testifying to Browne's corruptly approaching him, *what was his motive for committing perjury?*

Men do not deliberately walk into the danger of the penitentiary without a motive. Why did Meyers swear falsely, if he did swear falsely? Does any Senator here believe, does any member of the subcommittee believe, and I put the question directly to everyone who is here, that Representative Meyers committed perjury when he says that Lee O'Neil Browne asked him to vote for the sitting Member, saying, "There are State jobs and plenty of the ready necessary?" Once more I pause for a reply.

I will make it broader. I ask any member of the committee who is not a member of the subcommittee, whether any member of the committee or of this subcommittee believes that Representative Meyers committed perjury when he made that statement. I ask the opinion of the chairman of the committee, who sits before me, on that point.

I pause again for a reply. I have asked for the third time. Does anybody here believe that Representative Meyers committed perjury in testifying before the subcommittee when he testifies that one Lee O'Neil Browne, his factional leader, asked him to vote for the sitting Member, and said State jobs were around and there was "plenty of the ready necessary." There is a strange silence.

I put this to Senators: If you think Meyers did commit perjury, what motive had he for committing it? He must be a man like Iago, of "motiveless malignity," if he did commit perjury. Yet he is a reputable man, enjoying the confidence of his community—charged with committing perjury without a motive. Is that comprehensible?

If he did not commit perjury, if he told the truth, if others did approach him asking him to vote for the sitting Member in the language and with the inducements which Meyers testifies to, what effect do Senators think that testimony has upon the testimony of Link and Beckemeyer and White and Holstlaw?

WHAT MOTIVE HAD TERRILL?

The next man who testifies to have been corruptly approached was Henry Terrill. He says, on page 498, that Griffin—about whom we heard from the sitting Member day before yesterday, was "delivered" to the sitting Member by Hinky Dink—Griffin had told Terrill. I will read it.

Q. Will you tell the committee who, when, and where and all of the circumstances surrounding it?

That is this approach.

A. Well, Mr. Griffin, a member of the house also. I think he comes from Cook County, but I don't remember what district. He never made me any offer of cash. HE ASKED ME TO VOTE FOR Mr. LORIMER. I asked him what there would be in it, and he said: "A THOUSAND DOLLARS, ANYWAY." That was all.

"That was all"—and that was enough. "A thousand dollars, anyway," was the exact amount that Link, White, Beckemeyer, Luke, Clark, and Shephard got at the first distribution.

The examination continues:

Q. When was this conversation?—A. This was either the night before the election of Mr. LORIMER or two nights before. I am not certain. I think it was the night previous.

Senator BURROWS takes up the examination:

Q. Did you ask him what there would be in it?—A. Yes, sir.

Q. What did you mean by that?—A. I meant in money—is what I meant. I wanted to find out——

Q. Do you mean that you meant to intimate to him that you could be purchased?—A. No, sir.

We were told the other day that Terrill was the solicitor of a bribe, when Terrill's own testimony shows that, having heard the rumors, he was curious to find out. What else?

What did you ask it for?

Questions the Senator from Michigan.

A. To find out what he was getting.

Q. What he was getting?—A. Yes, sir.

The Senator from Texas the other day said, in pointing out that Terrill's testimony could not be believed, that "if any Senator will read the testimony of Griffin he will see that that man was the last man in the world to be used as an agent of bribery."

But the sitting Member says in his speech that Griffin was "delivered" to him by "Hinky Dink," a Chicago politician of whom the country knows a good deal. Therefore, instead of being the last man in the world to do this business, would Griffin not be the ideal man for that nefarious job?

"HINKY DINK" "DELIVERS" GRIFFIN'S VOTE.

While I am on this point, Mr. President, I might as well correct another thing. The sitting Member—I think I quote him correctly; if I do not, I hope I will be set right now—stated the other day that Griffin voted for him because of "Hinky Dink;" that "Hinky Dink," the sitting Member's boyhood friend and fellow politician, although of the Democratic complexion, said, "You can have Griffin's vote;" and, as I remember the general statement of the sitting Member, "Hinky Dink delivered Griffin's vote to me." That is correct, I believe. If it is not, please set me right.

Now, what is the testimony? Evidently the testimony had not been read or else Mr. Griffin and "Hinky Dink" did not know what the sitting Member was going to say in his speech, because here is the testimony at page 575, Griffin on the stand:

Q. Lee O'Neil Browne never asked you to vote for him?

That is, for the sitting Member.

No, sir.

Griffin says.

Q. Did anyone ever ask you to vote for him?

Griffin answers under oath:

No, sir.

Yet we are assured by the sitting Member that Griffin was "delivered" to him by "Hinky Dink." It is a puzzling, not to say melancholy, conflict of statement and testimony.

Thus, Mr. President, one by one the unsubstantial excuses disappear for members' votes and the damning circumstances

under which they were procured. Gradually, as we examine the record, the cloud of confusion is vanishing that has been blown up in this Chamber in order to raise in Senators' minds a doubt.

Nobody shows any motive for Meyers perjuring himself. Very well. I ask the same question as to Terrill. What was Terrill's motive for perjuring himself? Those who are upholding this title, in order to get rid of the testimony of both Meyers and Terrill, both of whom say they were corruptly approached, one with an offer of a thousand dollars, and the other with an offer of plenty of the "ready necessary," intimate that these two men perjured themselves.

What was their motive? Will the Senator from New Hampshire tell me that, since he is so determined in this case? Why did Henry Terrill perjure himself and render himself liable to the penitentiary? What was the reason?

So, Mr. President, it appears there was no motive for Meyers committing perjury. There was no motive for Terrill committing perjury. Meyers was a Democrat; Terrill was a Republican. What was the motive for Henry Terrill committing perjury? Men have motives for committing perjury. It is too important a matter.

Here are three men—Meyers, Terrill, and Groves—approached corruptly who did not accept the bribe. Here are seven men approached corruptly who did accept the bribe.

Those men who accepted the bribe are denounced as infamous scoundrels, not to be believed because they accepted the bribe and because they confessed to doing so; but here are three men who were offered the same thing and did not accept. Yet they, too, are denounced as scoundrels because they dared tell of the attempt to bribe them. Everybody scoundrels, according to Senators who uphold this election, except Browne, Wilson, Broderick, and their kind.

I ask again, what was their motive for perjury? They were not threatened with indictment, were they? They were not put under the "third degree." Meyers, Democrat, and Terrill, Republican, both testify to corrupt approach without any motive for committing perjury. And now I come to Groves—poor old Jacob Groves—who has been treated pretty harshly in this discussion. I will not stop to read his testimony, but I will recite it and ask the Senators to correct me if I am misstating it.

ANOTHER MOTIVELESS PERJURER.

Groves testifies that one Douglas Patterson came to his room in the nighttime while he was asleep and asked him to vote for the sitting Member the next day. Groves says—

> He thought if I could vote for him that probably a couple more would do so, and he would like to make it unanimous on the Democratic side for LORIMER, and he said it *might be a good thing for both of us if I would do so.*

Groves interpreted that as a corrupt approach. Evidently he is an excitable old man. He appears to have that old-fashioned honesty which can not be calm when corruptly approached. His indignation was aroused and he resented the approach and raised his voice, whereupon he says Dug Patterson asked him *to close the transom and not to talk so loud.*

Now, I will prove that Groves told the truth, in the opinion of the subcommittee. The subcommittee believed Groves told the truth, because if the subcommittee had not believed that Groves told the truth *they would have subpœnaed Dug Patterson, would they not?*

But Dug Patterson was not subpœnaed. Not only that, but the counsel for the sitting Member believed that Groves told the truth, because if they had believed that Groves was lying they would have demanded that Dug Patterson be produced. Is there any escape from that conclusion?

Here is one question by Senator FRAZIER and answer by Groves:

> Senator FRAZIER. Mr. Groves, when you said to this man Patterson that there was not enough money in Springfield to hire you or bribe you to vote for LORIMER, *was it at that time that he requested you not to talk so loud and closed the transom?*—A. Yes; about that time.

He also testifies that Henry Terrill told him that he could have got a thousand dollars for voting for the sitting Member. The stenographer made Groves say that Terrill told him "he got a thousand dollars." When Groves discovered that he went on the stand and said: "No; that is not what I said. I said Terrill told me he *could have* got a thousand dollars."

Yet the Senator from Texas said the other day that on one day Groves testified Terrill said he got a thousand dollars, and the next day he said that Terrill told him he could have gotten a thousand dollars, and, the Senator from Texas asked, who can believe a man who swears that way?

But what the man swore to the second day he swore to the first day. It is plain that the stenographer's transcript left out the words "could have." It is asked of us, Who can believe such a man? Well, the subcommittee believed it, I repeat, time and again; otherwise they would have called Dug Patterson.

What motive or motives had Jacob Groves for committing perjury? Here is the most astounding story, I believe, ever presented in the history of any court or of any controversy—*three men deliberately perjuring themselves,* according to the upholders of this title, *without any motive for doing so.*

It passes belief, Mr. President. It is said there are plenty of votes here to uphold the election of the sitting Member. Well, when those votes are cast they will have to be cast in the face of that; for if you believe that Groves told the truth and Terrill told the truth and Meyers told the truth, all of whom had been approached corruptly, but none of whom did accept the proffered bribe, then the men told the truth also who swore they had been approached corruptly and did accept the proffered bribe and the bribe money was traced in their possession.

"MARVELOUS INTELLECT" BROWNE.

Now, Mr. President, we come to the most important witness in this transaction, Lee O'Neil Browne, the twentieth century Abraham Lincoln. Before I go into Mr. Lee O'Neil Browne's testimony, so that we can properly understand it, I want to read to the Senate what evidently the subcommittee thought of Lee O'Neil Browne. No wonder he was a successful minority leader. Evidently Lee O'Neil Browne hypnotized that subcommittee, because here is what the honorable Senator from Kentucky says as to him:

> I desire to say something in reference to Lee O'Neil Browne. I saw him upon the witness stand, watched him closely, and endeavored to form a correct opinion of him. He is a man of *great intellect. In fact, he impressed me as being a man of* MARVELOUS INTELLECT.

Remember, now, that we are going to examine the testimony not only of the leader of the minority faction but of a man of "marvelous intellect."

Everybody admits that Browne was the leader of his minority faction of 30 votes. That is conceded, is it not? If Browne alone had been corrupted it would have been more than sufficient to have vitiated this election even under the committee "precedents" that have been cited here and to which I shall come very shortly.

For the testimony shows that Browne's influence over his followers was something like that of a Scottish chieftain over his clan in the old days, when the burning cross was sent across the hills and dales of Scotland. He had the Chicago saloon keeper, Manny Abrahams, for the "bellwether" of his gang, and Browne testifies that Manny Abrahams voted as Browne wanted him to, "right or wrong," and that Browne's faction followed Manny Abrahams's lead.

So, even if Browne alone were corrupted and even if his followers knew nothing of it, the testimony shows that more than 7 votes would have followed him in voting for the sitting Member. As was established in the Caldwell case, where the opposing candidate was purchased to quit the field, that fact would be more than sufficient to vitiate the election, because that influence over his followers would have been enough to have given Mr. Caldwell his seat. I will not stop now to read the Caldwell case on that point, but I will stop long enough to read a short extract from the Payne case upon that point:

> If B, C, and D have promised to vote as A shall vote, if A be corrupt, *four votes are gained by the process, although B, C, and D be innocent.*

If there was any corruption in this case, you must admit that Lee O'Neil Browne was corrupted. Yet if he was, that one thing is sufficient to vitiate the election even under the easy and accommodating precedents that are relied upon by the committee.

Mr. President, before we go into this transaction, let us see how it was that Browne gave his signal. You will find that on page 665. This is a rich and historic page. This has given rise to something that will go down in our political literature on account of the keen analysis of the term "bellwether" the other day by the sitting Member, which he mistakenly attributed to the Senator from New York [Mr. ROOT], but which was really originated by Lee O'Neil Browne. This is what Browne testifies to:

> Q. As minority leader, I suppose your vote would be taken as a criterion on strictly party questions, to those who should follow you, as to party policy in voting?—A. *Well,* IN THIS TRANSACTION, *I might say the "bellwether," so to speak, was Manny Abrahams*—Emanual Abrahams. He is the first on the list, you will see, the first Democrat; and he was a very strong and stanch adherent of MINE, AND WHETHER RIGHT OR WRONG, HE BELIEVED WHAT I DID WAS RIGHT, and whenever they saw Manny Abrahams—those that wanted to know how I was going to vote—saw *Manny Abrahams vote one way,* THAT SETTLED IT.
>
> Q. And he voted for Mr. LORIMER?—A. Yes, sir.
>
> Q. I suppose you had an *understanding* with Mr. Abrahams that he was going to vote for Mr. LORIMER?—A. OH, YES; WITH ALL OF THEM—with all of them.

Browne states it twice, and yet the sitting Member said the other day that Manny Abrahams voted for him on his own

account without any understanding; but Lee O'Neil Browne swears that Abrahams was Browne's "bellwether," and that he "*had an understanding with him.*" Very well. Now, we have the scene laid.

The sitting Member in his speech last year said—I call the attention of Senators who are intending to vote to sustain this title to this—that Browne and himself had been "*intimate for years.*" Here is what the man of "marvelous intellect" says as to that, and Browne volunteers it himself. In answer to a question he says:

I will suggest to you, Mr. Austrian, *that I never knew Senator Lorimer except to see him and by reputation; a mere passing acquaintance;* that is, HARDLY A SPEAKING ACQUAINTANCE, prior to possibly the expiration of the first third of the session.

That is what "Marvelous Intellect" Browne swears to—that he knew him merely to see him, "HARDLY HAD A SPEAKING ACQUAINTANCE;" and yet the sitting Member tells us with a good deal of passion—I have the speech here—that he and Browne had been "intimate for years," and that he recalled a conversation which he once had with "marvelous-intellect" Browne, wherein Browne told him he believed every word in the Bible from cover to cover. That is the sitting Member's version of the relationship; but Browne says he "*knew him only to see him and by reputation*—HARDLY A SPEAKING ACQUAINTANCE."

BROWNE IN CONSTANT CONFERENCE WITH THE SITTING MEMBER.

So, Mr. President, we have now the situation. Browne was approached, first, by Shanahan and, later, by Shurtleff to do all he could to get votes for the sitting Member. Then he had a meeting with the sitting Member. After he had agreed to get all the votes he could for the sitting Member, Browne testifies that he was in constant conference with the sitting Member.

Q. And then you conferred with him frequently, did you not?—A. Oh, yes.

Q. Every day?—A. *I presume every night. The conferences were at night mostly. Every night during the stay in Springfield.*

Q. Yes. And those conferences lasted some hours, didn't they?—A. *Sometimes they did,* and sometimes there WERE A DOZEN OF THEM IN AN EVENING.

Q. And you kept Senator LORIMER posted as to your movements with reference to his candidacy, did you?—A. WE ALL KEPT EACH OTHER POSTED, just as any other campaign committee would do.

I ask the Senate to remember this thing when I come to a discussion of the law of agency in election cases. I am not going over it again, but it fixes the agency; and I have read decisions here which show that in law the sitting Member is bound by the acts of his agent, just as he would be if it involved the title to land, only more so.

Q. Well, I am asking you whether you kept him posted as to your movements with reference to his candidacy?—A. I have answered that.

Q. Well, did you keep him posted?—A. WE ALL KEPT EACH OTHER POSTED.

By the way, the "Marvelous Intellect" Browne might have used a little bit better grammar.

Q. What I want to know is, did you tell Mr. LORIMER, the candidate for United States Senator, as to what you were doing toward furthering his candidacy?—A. *I presume I did.*

Q. Did you tell him from time to time who, if anyone, had pledged his vote for Mr. LORIMER to you?—A. Well, now, as to whether I went over the list and told him specifically the ones at any one time, I can't tell you. I PRESUME, HOWEVER, THAT I DID, *but I did assure him; I did finally assure him that there would be 30 Brown Democrats vote for him.*

Mr. President, the sitting Member on the day before yesterday, in an effective climax, declared that Browne did not deliver those Democratic votes, but that "*they delivered Browne.*" That was important and effective, but, unfortunately for the sitting Member, here is the record. What does Browne swear? Browne did not think he was being "delivered;" he did not consider himself that insignificant. Here is what Browne says:

A. I stated to Mr. Shurtleff, and I stated afterwards to Mr. LORIMER, that *I would not consent* to having a single one of the Democratic votes that I had any influence with cast for Senator LORIMER unless his election was an assured thing.

How could he consent? The sitting Member says that Browne had nothing to do with it, that Browne was "delivered," instead of delivering.

That I would not have those votes cast away absolutely. I told him and I told them both that I should rely upon their words, their words as men, to see to it that no roll call was started for the election of Mr. LORIMER for Senator until enough votes, all told, were secured.

Q. Was your consent asked?—A. *I was consulted, or consulted myself with every one of the men that did vote for him.* No; I will take that back. Not with every one. There was, perhaps, oh, maybe 30 or 35 per cent of them, possibly, I did not see personally at all, *but that other members that were with me in the movement saw for me or took it upon themselves to see.*

Remember this is the man who the sitting Member says was "delivered," instead of doing the delivering.

Q. Mr. Browne, when did you start to ascertain and *round up,* if I may use the expression, these 30 Browne Democrats whom you later told Mr. LORIMER would vote for him?—A. Oh, a short time after Mr. Shurtleff broached the subject to me, a few days afterwards.

So, Mr. President, the election came about. Meyers, Terrill, Groves, Link, White, Beckemeyer, and Holstlaw swore they were corruptly approached. It is of no use recounting the testimony that all but Meyers, Terrill, and Groves accepted the offer and got the bribe money.

Mr. FRAZIER. If it will not disturb the Senator, while he is on the testimony of minority leader Lee O'Neil Browne——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Tennessee?

Mr. BEVERIDGE. Certainly; it will not disburb me at all.

Mr. FRAZIER. I should like to call the Senator's attention to that part of the testimony of Lee O'Neil Browne, in which he is asked for the reason which induced him to change his vote and to secure the change of the votes of his followers in the legislature from the Democratic nominee, Mr. Stringer, to Mr. LORIMER, a Republican. In that testimony—and I call the Senator's attention to this piece of evidence—Mr. Browne was asked——

Mr. OWEN. From what page does the Senator read?

Mr. FRAZIER. From page 656 of the record. Mr. Browne was first asked the question as to why he changed and with whom he consulted. He stated that his consultation was with Mr. Shurtleff, the speaker. Then he was asked as to whom he consulted of the leading Democrats in Illinois before he, the minority leader of the Democrats in the legislature, changed and secured the change of his followers from the Democratic nominee to this Republican. In answer to this question, Mr. Browne made this statement:

Q. When Mr. Shurtleff came to you and suggested to you the proposition to see whether or not there could be an arrangement or agreement by which the Democrats, or certain Democrats in the legislature, could be induced to vote for Mr. LORIMER, I believe you stated, upon yesterday that you told him you would take the matter under advisement?—A. Yes.

Q. And thereupon you did advise with certain friends, political friends or otherwise, outside of the legislature?—A. Yes.

Q. Have you any objection to telling some with whom you advised with respect to that matter?

His answer is:

A. No; I advised with my partner at home, my law partner, for one; I advised with a man by the name of—well, no, I did not advise with him before—I had decided, but I think I talked the matter over with an old partner of mine, a man I was in business with the first time, a man by the name of Ayers. I do not now recollect—although he was a Republican.

Being pressed further to name some influential Democrat in the State of Illinois with whom he, as minority leader of the Democratic Party in the legislature, consulted before he made this momentous change, by which he and his followers abandoned the Democratic nominee and voted for a Republican, he is asked:

Q. Did you advise with any one or number of people in Chicago with reference to the course you would take?—A. I received communications from a large number.

Q. Can you recall any?—A. I can recall one especially now. A man who used to be a very prominent man in my country, who is a prominent business man, James McQuay, of the Garden City Sand Co.

Q. Did you advise with anybody else in Chicago, any politicians or statesmen?—A. I do not now recall that I did.

So, it seems that Mr. Browne made this momentous change by which he and his 30 Democratic followers abandoned the Democratic nominee and voted for Mr. LORIMER, after having advised only with his old partner, who was a Republican, and with a man engaged in the sand business.

Mr. BEVERIDGE. Yes. That was the man; that was the "marvelous intellect," according to the Senator from Kentucky, who was "delivered," instead of being the deliverer, according to the sitting Member.

"Oh, what a tangled web we weave,
When first we practice to"—deliver.

THE STRANGE ST. LOUIS "POLITICAL CONFERENCE."

Mr. President, the transaction occurred, the distribution day came, and Mr. Browne meets these men at St. Louis—all of them but White; and the reason he did not meet White at St. Louis was because he had seen him in Chicago on the 16th day of June and paid him the bulk of White's first installment four days before he went to St. Louis.

I insist that every Senator who intends to vote to support this title shall give the country his opinion as to the reason that Browne gives for going to St. Louis. I will not read it but I will state it—and if I do not state it accurately I again ask any Senator to correct me now.

Browne says that he went to St. Louis on the 21st of July, taking a long, hot, arduous trip to meet these men who, with the exception of Shephard and Clark, swear they got $1,000 each from him there; that he went there and met them there *for the purpose of talking over politics.*

Browne says that the reason of his visit to St. Louis and the meeting of these men was that he intended again to be a candi-

date for minority leader and that he wanted to talk with his followers, and that was his only reason for going to St. Louis.

Now, mark that. He went July 21 to St. Louis to see these men about a minority leadership which was more than a year and a half in the future, about a minority leadership in a legislature *to which Browne himself had not yet been elected.* What does the Senate think of that—a year and six months off? He went to see them there for that purpose, *although he had seen all of them within less than three or four weeks.*

Browne went there, he took that extraordinary journey, and saw them about "politics," although he had been constantly in their company for four or five months in the legislative session. He asked Beckemeyer to meet him in St. Louis on this important mission of talking politics, although he had seen Beckemeyer at Starving Rock only a few days before. Is that credible? Is there an intellect here that can accept that explanation?

But that is not all, Mr. President. *Browne could not remember a word of that notable conversation.* The only thing that he could remember was that he talked with Mike Link *about pacing horses,* and yet the Senator from Kentucky assures us in his speech that Browne is a man of "marvelous intellect." Browne takes this improbable trip, this stupendously foolish trip, to see men about a campaign that was a year and a half off, although he had seen the same men within three weeks. He made a trip through the dirt and the dust and the heat of midsummer to talk "politics" with them, and *then can not remember a word that he said to them.*

Now I call attention to a point which, if this were a court and we were arguing the report of the master in chancery, this "marvelous intellect's" testimony would be utterly discredited. Now, mark you, Browne made this important trip and then could not remember a word of the conversation. His memory is horribly bad or horribly convenient as to this important conference.

"MARVELOUS INTELLECT" BROWNE'S MARVELOUS MEMORY.

Yet, if you will turn to page 627, you will find that Mr. Browne, who could not remember one word of the conversation that he went 260 miles to have, *can remember how late,* TO A MINUTE, *a train was during the session of the legislature,* and that was much longer ago, as the Senator from South Dakota [Mr. CRAWFORD] suggests.

This "marvelous intellect," as the Senator from Kentucky calls him, who could not recall one word of the conversation which was exceedingly important to himself and for which he made the trip to St. Louis, was yet able not only to remember the very minute to which a train was late, *but also the order in which the hotel guests registered.* Now, I want to read that to the Senate:

The WITNESS. The 24th day of May, 1909, was on Monday—

This was about the busiest period of Browne's life, and he could have forgotten things then, if ever—

The WITNESS. The 24th day of May, 1909, was on Monday. I came to Springfield the day before, Sunday, the 23d, and registered at the St. Nicholas Hotel and occupied my usual quarters. I did not see Mr. White during the day of May 24. The Alton train, known as the "Kansas City hummer" or "K. C. hummer," is due in Springfield at 11.15 at night. That is the train people interested in legislative matters and members that come by the Alton usually come on. On the night of May 24 Mr. Thomas Dawson came down on that train. I met him in the lobby of the hotel when he came in. *The train was late that night and, as I have discovered, did not get to Springfield until, as I remember, 11.41.*

He was the leader of the faction arranging for an election one year and a half in the future, and yet he can not remember a word of his conversation down in St. Louis with these men whom he had called down there; and yet he had such a marvelously accurate memory that he remembers how late the "K. C. hummer" was, even to the exact minute.

I talked with Mr. Dawson some time in the lobby of the hotel, asking him to do something for me, which he did there in the lobby, speaking to a certain person there for me; all of this before he registered.

See how precise Browne's memory is now when he wants to remember—

Thereafter he registered and was assigned to a room at the St. Nicholas Hotel. Mr. White did not register until after Mr. Dawson did, *his name appearing immediately after Mr. Dawson's,* so that Mr. White could not have had a room that night at the St. Nicholas Hotel before he registered, and he could not have registered before midnight.

So we have Mr. Browne, making this trip for an important reason, not being able to remember a word of the conversation, and yet being able to remember the order in which men signed their names on a hotel register and the exact minute to which a train was late. It looks as if "Marvelous Intellect" Browne "made a sinner of his memory," doesn't it?

Another thing, Mr. President, that Senators must take into consideration; for if you will break down this point in Browne's testimony, if you show that it is Browne who is lying, then you establish everything that all the rest of them say about Browne and this whole affair. He called these men together in St. Louis about a campaign 18 months away, and yet *never met them together again!*

The next incident is Mr. Browne's statement of Mr. White borrowing money from him. I want the particular attention of the Senate to this incident, because in a moment I shall show manufactured testimony to support Mr. Browne's testimony. Mr. Browne says that instead of giving this money to White in Chicago, he loaned him $25, and locates the loan as having been made in the lobby of the Briggs Hotel. I merely mention that at this point so that Senators may remember it when I come to the examination of the made-up testimony to support this man.

"JACK POT" WILSON BROWNE'S AGENT.

The next point, Mr. President, that shows Mr. Browne to be willfully and deliberately lying is his statement that Wilson was not his agent in Wilson's trip to St. Louis, that Wilson did not go for him, and that Browne himself did not intend to go to St. Louis the second time.

Mr. President, that that is not true is proven by the fact that the notices signed by Wilson asking these bribe takers to meet him at St. Louis July 15 *were made up and sent by Mike Giblin.* Who was Mike Giblin? *Secretary to Lee O'Neil Browne.* The second point is Browne's letter to White concerning this very meeting. Remember, now, Browne is testifying that Wilson did not go to St. Louis for him, and that he (Browne) did not intend to go to St. Louis himself the second time, on July 15—the occasion of the second corrupt payment. Yet he writes to White as follows:

OTTAWA, ILL., *July 16, 1909.*

Hon. CHARLES A. WHITE, *O'Fallon, Ill.*

FRIEND CHARLIE: Thank you very much for your prompt recognition of my request in the Doyle matter. You have certainly been one of my good old friends since we have become acquainted. I feel sure that the friendship will last just as long as you and I do. *I was awfully sorry that I was unable to be with you yesterday forenoon in St. Louis.* I was taken very ill in Chicago Monday night with an attack of ptomaine poisoning and have had a pretty serious time of it. I DID NOT DARE TO ATTEMPT THE TRIP. I hope everything is all right with you and SATISFACTORY.

And yet this man Browne, who wrote that letter to White, testified that he did not intend to go to St. Louis at all and that Wilson did not go for and instead of Browne.

The next thing in the case of Mr. Browne is his speech in the assembly before he voted for the sitting Member. From it I will read two extracts, the first directed to the point made by the sitting Member the day before yesterday that Browne did not "deliver" his followers, but that his followers "delivered" Browne."

I have read from the testimony of Mr. Browne. As to his opinion upon that, I now read from his speech:

Were I an individual only, *and did not I stand here upon the floor on this side of the house as the leader,* if you please, by election of the minority, so called, my course to-day would be easy. But when you are attempting to influence *or lead a number of men along a certain* line by advice, by encouragement, if you are a man worthy of the name and consider and think of the welfare of your fellow human beings at the same time you do of your own, then I say that you realize the position that I am in to-day and the *responsibility that I feel at this moment* in facing the condition that we are facing here.

Does that look like a man who was being "delivered?" And then a little later on, and I relate this circumstance in order to point out another dramatic thing that occurred; he is closing his speech now and he says:

You can not cash theories; you can not cash dreams.

A little later Representative English took the floor and made a speech, and here is what Representative English, a Democrat, said in answer to that speech of Browne:

I do not expect to influence the election of a Senator, cried Mr. English. That is not my purpose. It is up to every one of you to search your conscience before you vote to-day. We have been told that we can state, without criticism, to our constituents, the reasons for the action here to-day. *I want to ask you Democrats, do you expect to tell the whole reason?*

[Representative Abrahams: "Yes."]

If you do your people will retire you into that oblivion where you rightfully belong. The history of every past amalgamation of Democrats and Republicans is that the Democrats were handed the hot end of the poker afterwards.

"YOU CAN NOT CASH DREAMS;" "YOU CAN CASH VOTES."

Representative English continues:

You can say that this talk of principles can not be cashed, and that dreams can not be cashed. *What, then, can be "cashed" on the floor of this assembly? Nothing but votes, I take it.*

That is what Representative English, Democrat, said in answer to the speech of Representative Lee O'Neil Browne.

Then it appears that Mr. Browne got very angry and said to Mr. English, "If you will repeat that outside this chamber, well, one of us will never make any more statements like it." But that was the end of it.

It does not appear that Mr. Browne's honor was so wounded that he remembered the circumstance after the general assembly adjourned that day. He refrained because he was inside the chamber. He said, "Just you repeat that outside;" but when Browne got outside he never did a thing to English, who said, "*You can not cash dreams*, BUT YOU CAN CASH VOTES."

I think it is Tennyson who mentions something about "The jingling of the guinea helps the hurt that honor feels." Anyhow, Browne's wounded honor must have healed quickly, for Browne didn't do a thing to English when both did get "outside."

Browne denies bribery. This is the man whom the upholders of this title rely upon to overthrow the testimony of Meyers, of Link, of Beckemeyer, of White, and of all the rest. I have shown you that in his testimony himself he plainly commits falsehood, and yet Senators are appealed to to believe this testimony as against the testimony of five or six other people.

But what do you expect? Do you expect a man of the "marvelous intellect" of Browne, as the Senator from Kentucky [Mr. PAYNTER] describes him, to admit, to confess? It would appear that Senators will not be satisfied unless everybody confesses. But that would not do any good, according to the Senators who are upholding this election, because the more men that confess the worse they are denounced as scoundrels. As I said yesterday, are you expecting nobody to confess to receiving bribes except saints?

But there is one point, Mr. President, that is overlooked. I have searched this record carefully and I can not find where Browne denies that he had that belt with $30,000 in it around him. So far as the record goes, that statement of White's is uncontradicted. I may be making a mistake about that, and if I am I want some person to call my attention to it.

Undoubtedly, if the question had been put to Browne, he would have denied that he had a belt with $30,000 around him. He denied everything else. But it is one of those slips that is always made by the most cunning mind, and even by the most "marvelous intellects." And here it stands.

This is the man who swears that he did all he could to get all his followers to vote for the sitting Member—a Republican. They had not voted for a Republican before, except Wilson, and suddenly, in the flash of an eye, on May 26 they all plumped their votes for the sitting Member.

THE AMAZING COMPARISON OF BROWNE TO LINCOLN.

We heard the other day that that is nothing unusual in Illinois. It was said that Abraham Lincoln signalized his entrance into public life by doing the same thing down at Springfield, when Lyman Trumbull was elected; and the inference was that Lincoln and Browne were practicing the same politics, and that therefore Democrats could excuse Lee O'Neil Browne—this twentieth century Abraham Lincoln—for leading his followers to vote for a Republican if Republicans could excuse Abraham Lincoln for leading his followers to vote for a Democrat.

Yet what were the facts? Abraham Lincoln had been a member of that legislature. He had had his great debate with Douglas. He was the choice of the Republican members of that legislature for Senator. And so after considering the matter he resigned from the legislature in order to be a candidate. The Democrats, by the same expedient that the Senator from Texas [Mr. BAILEY] referred to the other day as having been practiced by the Republicans in the case of Logan, elected a Democrat to succeed Abraham Lincoln in the legislature.

The other candidate was Shields, a pro-Douglas Democrat, and the governor was Matthewson, a pro-Douglas Democrat. There were five men in that legislature who were Democrats but they were "anti-Nebraska bill" Democrats, anti-Douglas Democrats.

Douglas on his third report on his Nebraska bill had inserted a repeal of the Missouri Compromise. That became the great issue—the flaming issue before the people. It rent the Democratic Party asunder. Abraham Lincoln had his great debate with Douglas upon that issue very largely.

It was a question that moved men more profoundly than any other question until Sumter was fired upon; and when Shields was a candidate, being a Douglas man, being a "pro-Nebraska bill" Democrat, being a Democrat in favor of the repeal of the Missouri Compromise, John M. Palmer and four other Democrats would not vote for him because, while they were Democrats, they were as much "anti-Nebraska bill" Democrats as Abraham Lincoln himself was an "anti-Nebraska bill" Whig.

And so, suddenly, Mr. President, the Douglas supporters, withdrawing Shields, advanced Gov. Matthewson, who had kept his views in the background, but who was known to be under the influence of Senator Douglas, and therefore a supporter of the repeal of the Missouri Compromise.

Lyman Trumbull was a Democrat; as the Senator from Texas says, "a bolting Democrat;" but he was a Democrat, who, like John M. Palmer, was an "anti-Nebraska bill" Democrat, an anti-Douglas Democrat, who was against the repeal of the Missouri Compromise. That was the reason why Lyman Trumbull was acceptable to John M. Palmer and his other four members of that legislature.

So, when it appeared to Abraham Lincoln that he could not himself be elected; when it appeared to Abraham Lincoln that a Douglas Democrat—that is, a man who was in favor of the repeal of the Missouri Compromise, probably would be elected, then, in order to save the great principle for which he labored to the end of his life, and finally for which he died, Abraham Lincoln told his followers to vote for Lyman Trumbull, "anti-Nebraska bill" Democrat, who was against the repeal of the Missouri Compromise.

That was the circumstance of that transaction, one of the mightiest issues that ever went before the people of this or any other country. And yet we are told that this is an example, an illustration, of the same thing Lee O'Neil Browne did in the case before us.

THE HISTORIC ELECTION OF JUDGE DAVID DAVIS.

What does the Senate think of it? What does the country think of it? I will not take time to go into the case of the election of Judge Davis, except to sketch it very briefly. In that case Logan was the Republican candidate and John M. Palmer was the Democratic candidate. In that legislature there were 15 Independents.

Those Independents would not vote either for John M. Palmer, the Democratic candidate, or for John A. Logan, the Republican candidate. They insisted on voting for a man of their own, but they could not agree. The Independents in the senate insisted on voting for Gen. Anderson. The Independents in the house insisted on voting for Judge David Davis.

Judge David Davis at that time was on the bench of the Supreme Court of the United States. He had split off from the Republican Party on the issue of the impeachment of President Johnson. He was at that time classed as an "Independent," although he was on the Supreme Bench of the United States.

And so the Independents finally came together on Judge David Davis. The Democrats not being able to get their own man, Palmer, found this Justice of the National Supreme Court from the State of Illinois, who had split off from the Republican Party and had become an "Independent" perfectly acceptable. Mind you, the Democrats could not get a majority without the Independents and the Independents with the Democrats made a majority of four.

Those were the circumstances under which that great jurist was transferred from the Supreme Court of the United States to this body. It was the beginning of the great independent movement in American politics. It was a time when men were beginning to forget the passions of the war. It was a time when men were looking to that period, which now has developed so splendidly, when men should not think that if a man belongs to the other party he is either a scoundrel or a traitor.

That was the beginning of the amelioration of political feeling in the United States. That is what made Judge David Davis Senator. Yet we are told that the election of Davis is an illustration of what occurred in the election of the sitting Member May 26, 1909.

Mr. President, now we come to Wilson—"Jack Pot" Wilson.

Mr. DAVIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Arkansas?

Mr. BEVERIDGE. I do.

Mr. DAVIS. I hope the Senator from Indiana, before he leaves the testimony of Witness Browne, will show to the Senate the record, because it has been disputed, that Browne and Shurtleff had suites together; that LORIMER occupied the Shurtleff suite; and that for weeks and weeks there they conferred together with these men—Browne and these other parties, who admit they were bribed. Yet Mr. LORIMER asks the Senate to believe that he had no connection with and no knowledge of it.

Mr. BEVERIDGE. If true, that is an extremely important point. I do not recall that. I am obliged to the Senator from Arkansas for calling my attention to it. It was there that the nightly conferences took place.

Mr. DAVIS. For weeks; and further, Mr. President, it seems to me that in the speech of the Senator from Illinois [Mr. LORIMER] the other day he dodged that question by saying that the place where he met the members was in the speaker's room

in the capitol building, which is entirely proper. But the complaint which has been made against the meeting of these members in the speaker's room referred to the rooms in the hotel at night, where they met constantly at night for weeks and weeks, and not to the room in the capitol building.

Mr. BEVERIDGE. The speaker's room was Shurtleff's apartment at the hotel?

Mr. DAVIS. Yes; and Browne had an apartment adjoining it, with the door open between them, and LORIMER consulted with Shurtleff and these conferences continued for weeks.

Mr. BEVERIDGE. That is very important, and I am very much obliged to the Senator from Arkansas for calling attention to it.

"THE JACK POT"—THE WITCHES' CALDRON OF AMERICAN POLITICS.

I wish to hurry on. I know I am taking too much time. I come to Wilson, "Jack Pot" Wilson, as he will evermore be known. We have heard a great deal about the "jack pot." There was nothing about a "jack pot" new or novel. It seems to me I remember something about it in Shakespeare's witches caldron:

Double, double, toil and trouble;
Fire burn and jack pot bubble.
* * * *
When shall we three—

Wilson, Broderick, Browne, the modern witches of Macbeth—

When shall we three meet again,
In thunder, lightning, or in rain?
When the hurly-burly's done,
When the battle's fought and won.
That will be ere the set of sun—

And, Mr. President, it was. "The hurly-burly was done," "the battle was fought and won"—all "ere set of sun," on May 26, 1909.

Where the place?

Says one witch.

Upon the heath,

Says the other.

There to meet with Macbeth,

Says the third.

And at the next boiling of that ancient "jack pot," where they put the ingredients in—

For a spell of powerful trouble—

One of them gives the whole snap away by declaring:

"And everyone shall share in the gains"—the jack pot—

Quoth Heccate, "Oh, it's now new, you see."

Well, we will examine the jack pot, and the first thing is this, Mr. President: The Senator from Michigan, in that learned and illuminating report of his, says that the "jack pot" furnished a subject that did not appear to touch the case at hand; none of the subcommittee's business to examine into that; and he had authority for that because the attorney for the sitting Member also says substantially in the record: I object to any testimony about the "jack pot." What has that got to do with the case?

The testimony that establishes the existence of this jack pot is THE SAME TESTIMONY BY WHICH THIS BRIBERY IS PROVED. If you believe the "jack pot"—and that is conceded—then how can you fail to believe the distribution of this bribery money? *They are established by the same testimony. They were distributed to the same persons by the same persons.* In fact, if there were two "jack pots," they were the very Siamese twins of corruption so closely are they related.

Now, the whole case of the upholders of this title, as I said yesterday, has been put upon this "third degree," and yesterday I showed that Beckemeyer swore he was never under duress. I showed that Link himself had asked the officer to go with him, and I read to the Senate the testimony about that absurd, grotesque claim that these men were "compelled to commit perjury," as the majority report says; "were driven" to commit perjury by the "third degree," applied by the officers of justice.

"JACK POT" WILSON'S "THIRD DEGREE."

Wilson was in the same predicament. Let us see what Wilson's "third degree" was. Senators have said to me, although I could not understand why, that they are going to vote to uphold this title because they did not believe the testimony of Beckemeyer and Link and the rest of them for the reason of this "third degree."

We destroyed the "third degree" yesterday, Mr. President, and I presented, I want to say to Senators who were not here yesterday, a telegram, in response to an inquiry from District Attorney Wayman—the Senators did not know this, I think—that *Officer Keeley, the man whom we have heard denounced here as the instrument of the "third degree," has been indicted and* CONVICTED by a jury in Cook County, Chicago, Ill., because Keeley swore to the very things that Senators have told us here on this floor that Keeley did and said.

What was Wilson's experience with the "third degree?" Here it is, page 733. Mark you, there was the same reason in the case of Wilson for applying the "third degree" that there was in the others. Yet here is his experience:

You were called before the grand jury, were you not?

By the way, Wilson had been testifying to some hearsay about the "third degree" on the other grafters, and it appears that the committee let his hearsay in, although they would not let in any hearsay as to Luke's confession and Beckemeyer's declaration against interest.

Let us see what experience you had. You were called before the grand jury, were you not?
Mr. WILSON. Yes, sir.
Mr. AUSTRIAN. You testified?
Mr. WILSON. Yes, sir.
Mr. AUSTRIAN. After you testified you waited a few minutes and then left the building, did you not?
Mr. WILSON. Yes, sir.
Mr. AUSTRIAN. That was all the third degree you had, was it not?
Mr. WILSON. Yes, sir.

So that is Wilson. This Wilson went to St. Louis for the second distribution. Browne says that Wilson did not go at his (Browne's) request, and that Browne himself did not intend to go. Yet Browne writes a letter to White which shows that that was not true. Also, Wilson finally testifies that the notice that he sent to these members to meet him in St. Louis were sent and made out by Mike Giblin, Browne's secretary.

So Wilson went to St. Louis July 15 and made the distribution. We have all gone over that testimony. But there is one thing. Wilson does admit that he called Shephard into the bathroom, where the rest of the men got their cash; but Wilson corroborates Shephard by saying that he called Shephard into the bathroom to ask about the name of the mysterious lady whom Shephard had dined with in Springfield two months before.

But Wilson—mark you, Mr. President—did not testify until in December. Shephard had already testified, and here I pause to ask the Senate to examine this fact that appears upon the record, that Broderick, Browne, and Wilson, bribe givers, could not be found for some time by the sergeant at arms of the committee.

I understand from a member of the subcommittee that the sergeant at arms searched Broderick's house; that Browne strangely was absent for days; and finally Wilson could not be located at all when this investigation was going on. They put his old father on the stand, and he said he did not know where Wilson was. He had something the matter with his eyes—Wilson had—and instead of getting an oculist in Chicago he went to that city so celebrated for its oculists rather than for something else, and had his eyes treated in Milwaukee. From Wilson's testimony we must believe that its "oculists have made Milwaukee famous." [Laughter.]

Mr. President, that is what kept poor Wilson away—eyes. So we learn when finally he was secured for this committee during the investigation. But it appears further from his own testimony that the reason he did not appear before the subcommittee was that he did not know that it was meeting, and that he was suffering from *nervous prostration*—"my nerves were shattered," he says.

The reason, of course, Wilson did not know it was meeting was because he had not read the newspapers; and the reason that he had not read the newspapers was of course that he had eye trouble which detained him in Milwaukee.

THE NERVOUS PROSTRATION OF "JACK POT" WILSON.

Wilson said he had nervous prostration. I am going to read you some amusing testimony in a moment. George Ade and all the rest of our humorists, including Kin Hubbard, are left far behind as masters of humor as compared with "Jack Pot Wilson" and Judge Haney in the questions and answers I will read in a moment. Wilson said that during the time that the sergeant at arms was trying to find him he was going away this time for his nerves; he seemed to have mingled eye and nerve trouble. *And this time, in order to cure his nerves,* HE WENT TO CANADA.

It is well known, Mr. President, that Canada is the best place in the world for anybody suffering from nervous prostration. [Laughter.] So there is where "Jack Pot Wilson" went, but not at all to avoid this committee. No, indeed. We are assured of that, because the Senator from Michigan, after Wilson had delivered this touching testimony, was careful to ask him, "You did not go away in order to avoid the subcommittee, did you?" "Oh, bless your soul, no," says Wilson. "Certainly not."

Mr. President, let us read some of Mr. Wilson's testimony, and it is Wilson's word and Browne's word that you are de-

pendent on when you vote to uphold this seat. We might as well have a little fun out of this transaction. Let us give some of Wilson's account. Here it is.

Mr. President, it is with hesitation that I recite this tale of woe. This is Mr. Wilson's own statement:

Senator FRAZIER. Where did you go then when you left Chicago?

Mr. WILSON. I took the train and went to Detroit, where I stayed for two days. You may ask me—I might start out in this way: I had been to Dr. Snyder, of Milwaukee, for a month before the primaries, up to the 1st of September, and during that time I would receive telephones and messages and people would come up to see me, and so forth, so that I virtually did not get the rest that I should have gotten under the treatment.

By the way, I should remark that Wilson says his nervous prostration was caused by *two weeks'* campaign in the primary. Think of what many Senators have gone through many times, and what we, who have been in the harness, know of campaigning. Yet two weeks' campaign before the primaries, Wilson says, "shattered my nerves."

Wilson continues:

You know how you will be disturbed. So I was going back again to be treated afterwards. He told me to come back. But he had gone to Europe in the meantime. He left some time in September, probably; I think he left the 17th or 18th of September. Consequently I could not go there, so I was going to go to Mount Clemens, thinking probably the water and everything would help me out. *My nerves were all shattered to pieces. I had gone through a campaign of two weeks,* and the primaries were coming on over there where I had been tied up for a month, AND MY NERVES WERE WRECKED. In fact——

Senator FRAZIER (interposing). I am not so much interested in your nerves as I am in where you were. Just tell us that.

Mr. WILSON. I met a friend of mine there, and he asked me where I was going. I told him I was going to Mount Clemens. He said, "If I were you, I would not go there, because you can not get any rest there. *There are more people there than you will meet around your own home in Chicago.*" He said, "I am going to take a trip, and you can find some quiet places there. I am going on a ways, but you can get some place where you can rest." So I took a trip with him. The first place I stopped at was St. Thomas. He went on then; I WENT ON THEN TO TORONTO.

THE HEALTHFUL CLIMATE OF TORONTO, CANADA.

Of course he would not see anybody in Toronto at all. He would see people every place else, but not in Toronto, Canada. Wilson continues:

He went on to Montreal, and I met him then coming back, and he stopped at Toronto for a day. He came in Saturday night and he left on Monday night. I had been taking treatment with the medicines I had—

In Toronto, Canada.

My eyes and health were getting along much better—

In Toronto, Canada.

In fact, I gained 12 pounds while I had been there—

In Toronto, Canada.

Judge Hanecy sees the enormous importance of the gain accomplished by this nerve-wrecked person, who did not appear before the committee, and here is what he testified to:

The CHAIRMAN. Is there anything else of this witness?

Mr. HANECY. Yes, Mr. Chairman.

* * * * * * *

Mr. HANECY. How much did you weigh before you had this trouble with your eyes?

Think of this before a Senate investigating committee!

Mr. WILSON. In the beginning *I weighed 200 pounds before all this trouble came about.*

Mr. HANECY. How much did you lose during the time?

Mr. WILSON. *I lost 30 pounds.*

Mr. HANECY. At what time?

The CHAIRMAN. Do you think that is really material?

Mr. HANECY. I do not think anything was material except the question of whether he paid any money or not, but it does throw some light on the question that this honorable committee seemed to think was quite important in the light that he had at that time—that is, the actual condition of this witness's health when this honorable committee sat in Chicago.

The CHAIRMAN. He stated he did not absent himself for the purpose of avoiding the committee.

Mr. HANECY. I want to show, in addition to that, *that he lost 30 pounds.*

Senator GAMBLE. *And in the meantime, while he was away, he gained 12 pounds?*

Now, Mr. President, Wilson also denies that he gave this money. That is all he does; he just denies it. He admitted he had been in St. Louis; he admits he met these men there; and what excuse does he give for making that trip down there, Mr. President? For the purpose of seeing them concerning a banquet for Lee O'Neil Browne.

But Browne testifies he told them he (Browne) did not want any banquet. Yet Wilson swears that he goes to St. Louis, two hundred and sixty some miles, in July to see five men about a banquet for Lee O'Neil Browne, although Wilson had seen those very men not three weeks before. Is that credible? Does anybody believe that?

And, Mr. President, in a moment, when I get through with the manufactured testimony, I shall point out that this man Wilson, who says that he went down there to see about a banquet for Lee O'Neil Browne, which of course he could have written about just as easily, sent manufactured and fictitious letters in September, 1910, after this investigation began, to Beckemeyer, Link, and others, dated in July, 1909; that he dated them a year before they actually were sent in order to manufacture an excuse for his being in St. Louis.

Now, those letters are in the record. Wayman put into the record a letter from Wilson to Link and a letter from Wilson to Beckemeyer written a year after their date in order to give an excuse as to why Wilson met them in St. Louis. Does any Senator believe that? Why were those letters faked? Why were they falsified if there was nothing wrong about this transaction? That is pretty serious business. I guess I had better put those letters in now. Remember that *these letters were sent nearly a year after the time they were dated.*

[Exhibit 1–P, K. F. L., 10/1/10.]

[Letterhead Forty-sixth General Assembly, State of Illinois House of Representatives.]

CHICAGO, *June 26, 1909.*

Hon. M. S. LINK, *Mitchell, Ill.*

DEAR MIKE: Dr. Allison was speaking to me in regard to seeing some of the boys relative to giving Lee a banquet in his home town, Ottawa. I expect to be in St. Louis some time in the near future in connection with our submerged-land committee. As soon as I know just when I will be there, will wire you, and, if possible, would like to meet you there. In the meantime should you come to Chicago, advise me in advance and I will meet you.

With best wishes to you, I am,

Yours, very truly,

BOB.

CHICAGO, *June 26, 1909.*

Hon. H. J. C. BECKEMEYER, *Carlyle, Ill.*

FRIEND BECKEMEYER: Doc. Allison was speaking to me regarding getting up a banquet for Lee in his home town, Ottawa, and asked that I take matter up with some of the boys. I expect to go to St. Louis in the future in connection with our submerged-land committee, and will advise you in advance as to when I will be there, and would like for you to meet me.

With best wishes, I am,

Very truly, yours,

ROBERT E. WILSON.

So, then, Mr. President, it is the word of Wilson, who avoided the committee; the word of Wilson, who made this distribution; the word of Wilson, who sent fictitious letters dated a year before they were actually sent, in order to furnish an excuse, against the testimony of the rest of the men in this case—against all the circumstances in the whole case.

THE MANUFACTURED TESTIMONY.

Now, Mr. President, we have disposed of these witnesses, and I come to what, to my mind, is nearly the most convincing thing in this whole matter—the manufactured testimony of Stermer, Zentner, and Simmons. If Senators believe that the testimony of these witnesses was manufactured, it was manufactured for a serious purpose.

First of all, as to Stermer. Stermer was the assistant manager of the Briggs House. He testifies that he knew Browne intimately for eight years. He testifies that Browne lived at the Briggs House. That is the first thing. Fix that carefully in your mind. Second, that he met White in July; and two or three weeks after he met White, Browne, Zentner, and White took a trip across the lake.

This was the "music and flowers" trip to which Browne refers in his letter to his "old pal" White. They were gone two or three days. They got back from that trip, Zentner, White, and Browne, on the morning of the 19th day of August. And coming back from that trip with Browne, his intimate friend White that night, in his cups, exposed his plot against Browne to Stermer and Zentner, although he had only known Stermer and Zentner for two or three weeks and Stermer had known Browne for eight years and Zentner had known Browne for two or three years.

Stermer says that White told him and Zentner what he (White) was going to do to Browne and others.

Now, that talk took place in August. It was pretty serious; it was a warning of all that followed. It was a statement in advance, in August, 1909, of everything that White intended to do.

And yet Stermer, the assistant manager of the Briggs House, the intimate friend of Browne for eight years, *never mentioned a word of plot to Browne or anybody else until April 30, 1910,* EIGHT MONTHS AFTERWARDS.

Is that credible? Suppose some one were to tell one of us Senators of a plot that involved the honor of a close friend, and that close friend lived in the same hotel with us, would we delay or neglect telling him for eight months? Not only that, Mr. President, but Stermer says that Zentner wanted to tell Browne and that Stermer would not let him do it.

Now, Mr. President, that is not all. It appears that Stermer did not tell of this dastardly "plot" until April 30, 1910, and *then he told Browne for the first time.* Three weeks after he told Browne this statement that Stermer makes as his testimony *was written out.* Stermer himself testifies to that fact.

STERMER'S PRECISION OF MEMORY.

Now, then, Mr. President, this man Stermer, clearly not a man of great intelligence, who did not mention that conversation with White to his dear friend Browne for eight months, and then had it written out, yet gives it in the first Browne trial in a certain peculiar form, and when he was called before the subcommittee and is asked to tell the story, he gives the *same thing over again, word for word*, substantially.

Most Senators here are lawyers. Did any Senator here who has practiced in the courts ever see an example of manufactured testimony so absolutely convincing as this? I defy anyone to produce from the reports or textbooks manufactured testimony which shows on its face as much as this that it was manufactured.

And what was it manufactured for? Only for one purpose, and that was to discredit White's story. The same is true of Zentner, who swears that he had known Browne two years and White only a short time. It is exactly the same thing.

There is not, Mr. President, a circumstance in any case I ever knew of more condemning than the testimony of Stermer and Zentner.

Before proceeding further, I desire merely to call the careful attention of Senators to the difference between the testimony of Stermer on the first trial and Stermer before the committee; and the same of Zentner.

Here is Stermer's story as told in the Browne trial, and as told before the subcommittee months afterwards. Remember that it is Stermer's statement of White's conversation a year and more before; a story which Stermer admits was "*written out.*"

COMPARISON OF STERMER'S TESTIMONY AT THE BROWNE TRIAL IN AUGUST, 1910, AND BEFORE THE SUBCOMMITTEE IN OCTOBER, 1910.

TRIAL.

[Exhibit 1–W. K. F. L. 10/5/10.]

[From the testimony of W. H. Stermer, page 1411, volume 3, testimony in People *v.* Browne.]

Q. At that time and place and in that conversation did Charles A. White say this, or this in substance: That he was going to take a big trip in the fall and winter; that he was going to his home at O'Fallon, then down to New Orleans, then to Cuba, and up to New York; that he was going to have a big time in New York and then go back home again; and then did either yourself or Zentner say to White, "You must have a lot of money to spend for anything like that?" Did White then say, No, that he did not have a lot of money, but that he was going to get, and was going to get it without working; and then did Mr. Zentner ask White how he was going to do that, and did White then say, "Well, that Lorimer crowd and our old pal Browne, too, have got to come across good and hard when I say the word, and I am going to say it?" And then did you say to White, "Have you got anything on him?" And did White say, "No; I ain't. I got the worst of it down there in Springfield, but that makes no difference. I voted for LORIMER, and I am a Democrat, and I can say that I got money for voting for LORIMER. Do you suppose they could stand for that game? I guess they will cough up when I say the word to them." And then did you say to White or did Zentner say to White, "God, you would not treat Browne that way, would you?" and did White say, "I am looking out for White, and besides, Browne would not have to pay. That bunch behind him would pay that, and it would not hurt Browne." Did that conversation, or that in substance, occur at that time and place?—A. In substance; yes.

COMMITTEE.

Q. Will you just repeat the conversation once more?—A. He said he was going to take a big trip in the fall and winter; that first he was going home, to his home in O'Fallon, and from there he was going to New Orleans, from New Orleans to Cuba, from Cuba to New York City, where he expected to have a big time, and then he would come back home again. One of us asked him, or said to him, rather, that he must have a lot of money to take a trip of that kind. He said that he didn't have the money, but he was going to get it, and he said he was going to get it without working for it, too. Mr. Zentner asked him how he was going to do that. "Well," he says, "That Lorimer crowd and our old friend, Browne, has got to 'come across' good and strong with me when I say the word, and I am going to say it, too." Mr. Zentner asked him if he had anything on him, or them, rather. He says, "No, he hadn't." He said he got the worst of it at Springfield, but that didn't make no difference, he was a Democrat, and had voted for LORIMER, and he could say that he got money for it. He said, "Do you think they could stand for that game?" Mr. Zentner said, "My God, you wouldn't treat Browne that way, would you?" "Well," he said, "I am looking out for White, and besides," he said, "Browne wouldn't have to pay; the bunch back of him would have to do that; it wouldn't hurt Browne." That is about all that was said at that time.

Q. I will ask you to look at what purports to be your testimony, in reply to this same question, at the last trial of Lee O'Neil Browne, and ask you whether or not that is correct, and if it is, I will ask you to read it into the record.

The WITNESS. Do you want all of this?

Mr. AUSTRIAN. Is that correct?

Senator BURROWS. Well, he wants to know if he will read it through.

Mr. AUSTRIAN. Read it through. That is your testimony on this point, this exact conversation. Was that your testimony in reply to this same question?—A. Yes, sir.

Mr. AUSTRIAN. I desire to offer it in evidence.

The WITNESS. As near as I can tell; there may have been one or two words different, as I think at this time. Does that make any difference? In substance it is the same.

I have made a comparison as to the differences in these two statements, and I here present to the Senate these differences. Senators can judge for themselves how practically verbatim Stermer's story is on both occasions; and I repeat for the third time, for it is so important. This story that Stermer tells us was not mentioned by him for more than eight months after he says he heard it; that three weeks after he did mention it it was "written out." And now observe that Stermer repeats this "written out" story substantially word for word. The intellect of man does not work that way.

TRIAL.	COMMITTEE.
going to his home at O'Fallon.	was going home to his home in O'Fallon.
lot of money to spend for anything like that.	lot of money to take a trip of that kind.
did not have a lot of money.	didn't have the money.
old pal Browne.	old friend Browne.
good and hard.	come across good and strong.
I guess they will cough up when I say the word to them.	

As I have remarked, precisely the same thing is true of Zentner. I will print in parallel columns the same story as told by Zentner in the Browne trial and before the subcommittee:

COMPARISON OF ZENTNER'S TESTIMONY AT THE BROWNE TRIAL IN AUGUST, 1910, AND BEFORE THE SUBCOMMITTEE IN OCTOBER, 1910.

TRIAL.

[Exhibit 1–X. K. F. L. 10/5/10.]

[From the testimony of Fred Zentner, pages 1387 and 1388, volume 3, record in People *v.* Browne.]

Q. And at that time and place did Charles A. White say to you that he was going to have a big trip in the fall and winter; that he was going to his home in O'Fallon, and then to New Orleans, then to Cuba, and then up to New York; that he was going to have a large time in New York and then come home again; and did you say to him at that time and place in that conversation, "You must have a lot of money to take a trip like that," and did White say to you, "I don't have to have a lot of money, but I am going to get it and I am going to get it without work," and did you say to him at that time, "What do you mean?" And did White say to you, "Well, that Lorimer bunch and Browne have got to come across"? Did you then say to White, "What do you mean by that?" And did White say to you, "I got the worst of it at Springfield; I voted for LORIMER and I am a Democrat. If I say I got money for voting for him I guess they will come over, won't they?" And did you say at that time and place, "My God, White! you wouldn't do that to Browne, would you?" And did White, in response thereto, say, "I am looking out for Charlie, and besides, Browne won't have to stand for it?" Did that conversation occur at that time and place, or that conversation in substance?—A. Yes, sir.

COMMITTEE.

Q. Now, will you tell this committee exactly that conversation, as you remember it, and as you have testified to it on the two Browne trials?—A. The entire conversation?

Q. Yes, sir.—A. We were talking about this trip that we just returned from, from Michigan. We had been over to Michigan, and the little experiences, numerous experiences that happened on this trip, we were relating them to Mr. Stermer, and Mr. Browne said, or Mr. White said, then, he was going to take a trip that fall; he was going to his home in O'Fallon, down to New Orleans, over to Cuba, and up to New York, where he was going to have a good time, and then he was going home, and one of us asked him, we said, "You must have quite a lot of money to make a trip like that haven't you, Mr. White?" He said, "No; I haven't, but I am going to get it, and I am going to get it without working, too." I asked him then, I said, "How are you going to do that?" Well, he said, "You know that Lorimer crowd and their old pal Browne will have to 'come across' when I say the word, and I am going to say it, too." I asked him then what he meant; I said, "What do you mean?" "Well," he said, "I got the worst of it down at Springfield. I am a Democrat and I voted for LORIMER, and I can say I got money for it, can't I? Can they stand for that kind of game?" I said, "God, you wouldn't treat Browne that way?" White said, "No; I am looking out for White, and besides Browne wouldn't have to stand for it, anyway; it would be the bunch behind him." And that was about all the conversation. About 1 o'clock they closed the bar—promptly at 1—and we went out in the lobby of the hotel then and left Mr. Stermer.

You will see that, like Stermer, Zentner repeats his tale practically word for word. That Senators may have this more clearly, I read the differences in Zentner's testimony at the Browne trial and before the subcommittee, just as I have read the differences in the testimony of Stermer:

TRIAL.	COMMITTEE.
have a big trip in the fall and winter.	take a trip that fall.
going to have a large time in New York.	where he was going to have a good time.
I don't have to have a lot of money.	No; I haven't.
What do you mean?	How are you going to do that?
come across.	come across when I say the word, and I am going to say it too.
I guess they will come over, won't they?	I can say I got money for it, can't I? Can they stand for that kind of a game?
	it would be the bunch behind him.

And here is another point. Stermer fixes the 19th day of August, *six months after that time.* How? He says he knows that is the date because Zentner *six months afterwards* had a

ticket for a trip on the lake good for August 19, six months before. I want to read that:

Q. That is the only way you know?—A. The date; yes.
Q. And that is what you base it on; he had a ticket to go across the lake?—A. Going over; yes.
Q. And you asked him that in May of this year, 1910; is that correct?—A. Let me see; that was in May, yes.
Q. Of this year?—A. Yes, sir.
Q. And you and Mr. Zentner had never discussed the date of this conversation, from the time it happened up until after May, 1910; is that correct?—A. From that time up until May; yes, sir.
Q. And still you are willing to testify to this committee that that conversation, if one occurred, *occurred on the 19th of August, 1909*, are you?—A. Yes, sir.

And the reason given was that *six months afterwards* Zentner had a ticket for that very day. Now, that is asking too much for human intelligence to credit.

THE CONVENIENT AND MYSTERIOUS SIMMONS.

But worse than that, Mr. President and Senators, is the manufactured testimony of Simmons. It is short, and I ask you all, before you vote, to read it. This man Simmons, it appears, was a race-horse man at one time. That is nothing against him, no doubt, but consider it in connection with his testimony.

He says he had a telephone call from the Briggs House; he says he does not know who from. He went in response to this telephone call to the Briggs House. He did not meet the man who called him. He did not see the man who he supposed called him for three months afterwards.

Now, this man Simmons swears that he never saw Browne or White before in his life. He just happened to be called there by a mysterious telephone call at that particular time. And yet, never having seen Browne or White before, he swears that he saw Browne and heard White ask Browne to loan him some money; he saw Browne take out a roll of bills; he saw the denominations of the bills—five-dollar bills—and saw that he gave White $25; he heard every word of the conversation.

Happening to be called there by telephone, Simmons did not know from whom, he arrived just at the opportune time. That supports Browne and disputes White. Now, this man Simmons, having seen and heard all this, *never mentioned it until April, 1910, and then he remembered every detail of it.* Does anybody doubt that that testimony was manufactured; and if so, what for?

Mr. President, there has been one peculiar note to this debate, one that I can not explain. There has been denunciation for the officers of justice in Cook County and in Sangamon County and every place else because they made these men confess. There is tearful sympathy for Link and Beckemeyer and Wilson, bribe takers and bribe givers, because they were treated so badly by the officers of justice.

At one moment the committee melts with compassion for these bribe takers after they had been treated hardly by the officers of justice, and in the other moment they are denounced because they confessed to having taken bribes.

THE POLITICAL FATE OF THOSE INVOLVED IN THIS ELECTION.

But, Mr. President, what were we told the other day? I want to call particular attention to this. We were first informed by the Senator from Idaho [Mr. HEYBURN] that these men have been reelected. Then we were so told by other Senators. I could not see that it had anything to do with this case. But since Senators enlarge upon it, we must go into it, I suppose.

Very well, I want to show you how they were reelected. Browne refers to it in his testimony where he says that White had written to him to see that the other candidate did not employ the "plumping system." It appears that in Illinois under the constitution in order to insure a minority representation any voter may vote for one of three candidates or one and a half votes for two candidates or *plump 3 votes for one candidate.*

Now, Mr. President, I have taken the trouble to get these votes. It appears that in Browne's district Linds, Republican, got 10,000 and some votes; Scanlan, 12,000; that is one-half each; Browne, Democrat, 14,000—that would be less than 5,000 men voting for Browne—Doyle, Democrat 9,000; McDonald, Socialist, 2,700. I will put into the RECORD the votes all the candidates in the Wilson and in the Browne and in the Broderick districts got, so that Senators may see for themselves what an indorsement this meant.

Total vote in sixth district (Wilson's district), 77,192; Hagan, Republican, 17,407; Anderson, Republican, 13,344; Wilson, Democrat, 28,555; Hays, Prohibitionist, 10,016; Hardy, Socialist, 7,870.

There was no other Democratic nominee except Wilson; therefore he got three votes, while the Republican votes were divided between Hagan and Anderson, making it possible to elect Wilson.

Total vote in thirty-ninth district (Browne's district), 50,092; Linds, Republican, 10,687; Scanlan, Republican, 12,727; Browne, Democrat, 14,083; Doyle, Democrat, 9,879; McDonald, Socialist, 2,716.

The Browne Democrats plumped 3 votes for him instead of dividing between him and Doyle, which elected Browne. So we see what the boast of the people's "vindication" of those men amounts to.

What about the reverse of that proposition? What about the men who were defeated? I have taken the trouble to find that out.

The following senators who voted for the sitting Member failed to run for renomination:

Republicans: Downing, Billings, McCormick; Democrats: Jandus, Rainey.

The following representatives failed to run for renomination:

Republicans: Behrens, Black, Glade, Kowlaski, Lawrence, Lederer, McLean, McMahon, Sollitt, York; Democrats: Beckemeyer, Blair, Cermak, Corcoran, Espey, Forst, Geshewich, Link, Luke, O'Neil, Poulton, Staymates, Tippitt, White, F. J. Wilson.

Behrens and Black, Republicans, had Federal appointments; Lederer and Sollitt, Republicans, ran for the senate and were defeated; and McLean, Republican, was elected to the senate.

Forst, Democrat, was elected to the senate; Gesgewick, Luke, and O'Neil were dead; and F. J. Wilson ran for alderman and was elected.

The following senators who voted for the sitting Member ran and were defeated:

Cruikshank, defeated at primaries; Breidt, defeated at election.

The following representatives who voted for the sitting Member were defeated at election:

Republicans: Fieldstack, Gillespie, Shumacher; Democrats: Burns, De Wolf, Kannally, Riley.

The following representatives who voted for the sitting Member were defeated at the primaries:

Republicans: Beck, Brownback, Burgett, Bush, Durfee, Kittleman, Lane, Logan, Parker, Price, Stearns, Troyer, Zinger, Zipf; Democrats: Abrahams, Allison, Joe Clark, Lantz, McCollum, Murray, O'Brien, Shephard.

Stearns was defeated at primaries, and ran independent and was beaten.

Now, Mr. President, I do not know that that is so important. I mention it only because we have been told that Browne and Wilson and Broderick have been "vindicated" by their constituents by reelection. It is fair to know, then, that these men who were not even charged with bribes, except Shephard and the rest, but who voted for the sitting Member, when they *ran were defeated by their constituents either at the primaries or at the polls.*

Now, Mr. President, that concludes the testimony, and I once more come to a discussion of the law. First, we have shown the money paid to Broderick and the money traced; the money paid to White and the money traced; the money paid to Beckemeyer and the money traced; the money paid to Luke and the money traced; the money paid to Link was not discovered in his possession; the money paid to Clark was covered up by the Powers funeral certificate; the money paid to Shephard was not found in his possession, but he visited a safety-deposit box the very day he got it. It was said by White or Beckemeyer that Wilson had a $500 bill which he said he was instructed to give to Shephard.

IV. THE STATUTE AND THE RULINGS.

The election, Mr. President, as we all know, occurred under the statute. I beg the Senate's pardon for taking its time on the law after the exhaustive discussion that has been had, but still I shall attempt in a very few minutes to show that by the committee precedents the theory that has been here advanced can not be supported.

The statute says:

The joint assembly shall then proceed to choose by a viva voce vote of each member present—

Not a secret ballot, you see—

a person for Senator and *the person who receives a majority of all the votes of the joint assembly, a majority of all the members elected to both houses being present and voting,* shall be declared duly elected.

So we start out with the important thing, the determination of a quorum by the statute.

Now, then, what has been the construction of that statute by the Senate committee in the past? It was stated that unless the sitting Member knows of the bribery, countenances it or practices it, then enough votes must be tainted in order to destroy his honest majority. How many would be enough, Mr. President?

Ordinarily one would think enough to destroy the majority votes cast for the Senator. But the suggestion has been advanced and supported with much argument that if you deduct the corrupt votes from all those cast for the winning candidate you must also deduct them from the whole quorum.

First of all, Mr. President, let us see what has been the ruling of the Senate upon this in the Payne case in the views signed by Senators HOAR and FRYE.

If six only of Mr. Payne's votes in the caucus were procured by bribery, the result of the election of Senator was clearly brought about by that means.

Now, Mr. President, that point was not dissented from by the committee in the report of the majority, and in all the separate views that statement of Senators HOAR and FRYE was not disputed. The question, of course, never got to a vote, because Senators HOAR and FRYE thought we ought to investigate, and Senator PUGH and the rest of the majority thought there was no ground for an investigation. But on this statement of the law as applied to that caucus there was no dissent in the committee. I believe that will be conceded.

Now, Mr. President, let us see what that means. This was the case of a caucus. There were 79 Democrats who attended that caucus. Of this a majority, of course, was 40. Mr. Payne got 46; that is, he got 6 more than a majority, and if 7 were corrupt, says this report—6 they have got it, but that is a typographical error—the election was invalid.

Yet upon the theory now advanced for the first time, if 7 were corrupt in the Payne case *the election still was valid*, because 79 attended the caucus; 7 corrupt—deduct 7 from 79 and there were 72 "honest men," as the Senator from Texas says, in the caucus, of which a majority was 37.

Now, then, Payne got 46. Deduct 7 corrupt votes from 46 and it leaves Payne 39 "honest men," to use the language of the Senator from Texas. But 39 is a majority of 2 over 37 necessary to a choice, and 37 is a majority of 72.

Mr. BAILEY. Not the committee.

Mr. BEVERIDGE. Oh, well, I say this statement of the law by Senator HOAR and Senator FRYE was not disputed or dissented from by any member of the committee. Yet, according to the theory of the Senator from Texas, Payne was elected anyhow.

Now, let us take the Clark case. In the Clark case it is said by the committee:

He received 54 votes and there were 39 against him, leaving him an apparent majority of 15. If he attained through illegal and corrupt practices *8 votes which would otherwise have been cast against him, he was not legally elected.*

It is said that the statement I have read from the Clark case was a statement merely of the chairman, *but upon this point also there was no dissent.* Yet, Mr. President, if the theory which the Senator from Texas advanced is correct, *Clark would have been elected.*

Mr. BAILEY. Mr. President, may I interrupt the Senator a moment?

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Texas?

Mr. BEVERIDGE. Certainly.

Mr. BAILEY. I simply want to illustrate the Senator's method of argumentation. He says there was no dissent by the committee in the Payne case.

Mr. BEVERIDGE. From that point.

Mr. BAILEY. Of course the committee seldoms discusses the views of the minority. The minority very frequently discuss the views of the committee; but if the Senator is right in saying there was no dissent on the law, neither was there any dissent on the facts, and yet the Senator works out the facts so that Payne would not be elected according to Senator HOAR, and yet Payne, as the record shows, continued to serve his term out as a Senator in this body.

Mr. BEVERIDGE. That is true; but that was because the Senate voted that there should be no investigation. Is not that true?

Mr. BAILEY. But if the Senate was concluded and the committee was concluded by Senator HOAR's argument on one point, it must be deemed to have been concluded on the other. There was no more special dissent from his mathematics than there was from his law. If we must accept the law as he laid it down we must accept the facts on the same theory, because the committee did not controvert those facts.

I want to remind the Senator, however, who again ventures the explanation that this is a mistake, that that same mistake, as I observed on another occasion, is repeated in another paragraph of the views filed by Senator HOAR.

Mr. BEVERIDGE. I think myself it is probably the mistake of a stenographer. I have been searching for the original manuscript. The Senator, however, will agree that that is not material, because the point is there.

Mr. BAILEY. I think the mathematics is as bad as the law in that case.

Mr. BEVERIDGE. I call the attention of the Senator from Texas to the fact that the point of divergence of the committee in the Payne case was whether there should be any investigation or not. Senators HOAR and FRYE said there should be, because the facts stated by Mr. Butterworth and Mr. Little, taken in connection with the representations by the legislature, were such as to demand an investigation; but the other Senators said that that was not the case; that it was a thing which occurred in caucus, and they could not go into it. *On the law there was no disagreement.*

Pass that, Mr. President, and come down to the Clark case. There is no mistake of language in the Clark case; and yet, under the theory of the Senator from Texas, *Clark would have been elected.* Clark resigned, but he never would have resigned if he had heard of the theory of the Senator from Texas, because under that theory Clark was legally elected. In the Clark case there were 93 votes. Of those, 47 were necessary to a choice under the statute. There were 54 votes for Clark; that is, 7 majority for Clark. The committee's language is:

If he obtained through illegal and corrupt practices 8 votes, which would otherwise have been cast against him, he was not legally elected.

But according to the theory of the Senator from Texas he was legally elected, because deduct 8 corrupt votes from 93 votes, the whole quorum of the general assembly, and it leaves 85 "honest men," to use the phrase of the Senator from Texas. Of that number, 43 is necessary to a choice under the statute.

Now, deduct 8 corrupt votes from 54 votes cast for Mr. Clark, and it leaves 46 "honest men" voting for Mr. Clark. Forty-three was a majority of the honest quorum. So, according to the theory of the Senator from Texas, there was a legal majority of 3 for Clark. The same is true in the Powell Clayton case.

So we have the Clayton case, we have the Clark case, we have the Payne case—all of them holding that you can not deduct votes from the quorum as well as from the majority of votes cast; all of them holding directly and specifically against the position that has been advanced here, I believe, for the first time in the history of the Senate—advanced by the supporters of this election. Under the Clayton case, under the Payne case, and under the Clark case—there are the figures; there is the language of the committee—if any Senator believes that seven votes in the case before us were tainted this *election is invalid.*

Mr. President, I want to put this illustration. Perhaps the Senator from Iowa [Mr. CUMMINS] the other day put it still better in another form. It illustrates beyond any possibility of doubt that the novel theory of the Senator from Texas can not be sustained.

The Senator says that if seven votes were corrupt they must be deducted from the whole quorum of the general assembly, as well as from the votes cast for the sitting Member; which, of course, would still elect him, as it would have elected Clark and as it would have elected Payne. Suppose these seven votes had not been purchased or tainted; suppose that an emissary of the sitting Member had captured seven of these voters and locked them up until after the election occurred—will anybody say that the election would have been valid?

Yet, according to the theory of the Senator from Texas, it would be valid. They were not there; they were not a part of the general assembly; and they have no right to be counted, because they were not there. They therefore would be deducted from the whole amount of the general number of the votes cast in the general assembly, on the one hand, and from the number of votes cast for the sitting Member, on the other hand; and yet will any Senator say that if these seven voters had been captured, locked up, and kept away this election would have been valid? Why, certainly not, Mr. President; and yet that is not nearly as bad a case as where they were corrupted.

THE THEORY OF THE UPHOLDERS OF THIS ELECTION APPLIED TO A JURY.

There is still another thing. I should like to have the attention of all Senators who are lawyers upon this point as a test of the theory. I hold in my hand, Mr. President, and insert in the RECORD as a part of my remarks, a list of the States in which less than a full jury of 12 can report a verdict.

In many of the States three-fourths are enough—that is, nine; two-thirds in some are enough—that is, eight men out of the jury; in some States it is only in civil suits, while in others it is the same in criminal suits.

Arizona.—Three-fourths in civil and misdemeanor cases. (1891, chap. 5.)
California.—Three-fourths in civil cases. (C. C. P., 1897, sec. 618.)
Colorado.—Three-fourths in civil cases. (Unconstitutional, 28 Colo., 129; 1899, chap. 3.)
Idaho.—Three-fourths in civil cases. Five-sixths majority in misdemeanors. (Const., Art. I, sec. 7; 1891, p. 165.)
Kentucky.—Three-fourths in civil cases. (Stats., 1894, sec. 2268.)
Louisiana.—Three-fourths in crimes not capital. (Const., sec. 116.)
Montana.—Two-thirds in crimes not felonies (P. C., 2142); two-thirds in civil actions. (C. C. P., sec. 1084.)

Minnesota.—Legislature may provide for verdict by five-sixths of jury after six hours' deliberation. (Const., Art. I, sec. 4.)
Missouri.—Three-fourths in courts of record; two-thirds in other courts. (Civil cases, 1899, p. 381.)
Nevada.—Three-fourths in civil cases. (C. L., 1900, sec. 3270.)
Oklahoma.—In civil cases, and in criminal cases less than felonies, three-fourths of the whole number of jurors concurring shall have power to render a verdict. (Const., Art. II, sec. 19.)
South Dakota.—Three-fourths in civil cases. (Ann. S., 1899, sec. 6268.)
Texas.—In trials of civil cases, and in trials of criminal cases below the grade of felony in the district courts, nine members of the jury, concurring, may render a verdict. (Const., Art. V, sec. 13.)
Utah.—Three-fourths in civil cases. (Const., Art. I, sec. 10.)
Washington.—Ten of twelve jurors may render verdict in civil cases. (Ballinger's S., sec. 5011.)
Wyoming.—Three-fourths in civil cases. (R. S., 1899, sec. 3651.)

Mr. President, suppose that in a State where 9 out of 12 men can return a verdict it is discovered that 3 of them have been bribed; will any lawyer say that that verdict should be upheld? Yet it must be, according to this theory, and three bribed votes might be taken from the whole poll of the jury as well as from the ones that were cast and the verdict would stand.

Take it in those States where two-thirds of a jury—eight—may render a verdict. Suppose it were discovered that four had been bribed; would a verdict stand upon the ground that there were enough honest votes on that jury? Absurd! And yet is that nearly so grave a matter as the election of a Senator of the United States?

THE KNOWLEDGE AND RESPONSIBILITY OF THE SITTING MEMBER.

Now the question arises, did the sitting Member know? Into that, Mr. President, I do not intend to go. I have tried to handle this case with charity, and I do not intend to go into that except as the law goes into it; and upon that, Mr. President, I cite the English cases on the law of agency already read to the Senate. I believe that these authorities are unquestioned on the law of agency. They are recent authorities, not only on the law of agency, but on the law of agency in elections, and I will read some of them again:

If it were shown that the agent of the member bribed, even without the authority, and contrary to the express orders, of the member, his seat was forfeited—not by way of punishment to the member, but in order to avoid the danger that would exist if persons *subordinate to* the candidate during an election were led away, by their desire to benefit their superior, into illegal acts, the precise extent of which it was difficult to prove, but a single one of which, if proved, it was the policy of the law to hold, would have the effect of avoiding the proceeding. That a member was thus answerable for his agent at common law—his agent in the sense of *conducting the election, not merely in the sense of being authorized to bribe*—is perfectly clear. It was so laid down as clear by Lord Tenterden, before the act of the 17th and 18th Vict., c. 102, s. 36.

Now I ask the attention of the Senate to this statement of the law of agency—

That section where it speaks of agents must be construed by the light of the common law, and must be read as including *agents authorized in the conduct of the election or to canvass*, and not merely agents authorized to bribe.

Again, in the Blackburn case, the case from which I read the other day:

It was proved that on the 12th of October, that is about a month before the election, a circular was issued by an association in the town called the Conservative Association, addressed to "every manager, overlooker, and tradesman, and any other person having influence" in the town of Blackburn, requesting them to "secure in the municipal elections, as well as the parliamentary, the success" of the respondents; and it went on to say, "we venture to urge upon you most strongly the necessity of vigorous personal effort to secure the return."

Mr. Justice Willes said:

This circular must be taken as being the act of the respondents just as much as if each of them had written a letter to this effect.

I ask the attention of Senators who have any doubt as to whether the sitting Member is held by the law, to the following:

No matter how well the member may have conducted himself in the election, no matter how clear his character may be from any imputation of corrupt practice in the matter, yet if an authorized agent of his, a person who has been set in motion by him to conduct the election, *or canvass voters on his behalf*, is, in the course of his agency, guilty of corrupt practices, *an election obtained under such circumstances can not be maintained.* As it has been expressed from early time, that no person can win and wear a prize upon whose behalf the contest has not been legitimately and fairly carried on.

* * * * * * *

The amount of the injury done by the agent, if the injury has been done of the character which I have described, is immaterial.

* * * * * * *

It is not by way of punishment to the principal that the election is held void; it is not because the majority has been swayed or even affected by the malpractice that the election is held void, but it is because malpractices designated as corrupt by the common law and by the legislature in the corrupt practices act are so odious and are so dangerous that it is thought better to hold void an election where either such practices have generally prevailed, whether traceable to a member *or his agents or not*, or where a single instance of such corrupt practice has been distinctly traced to the member or to *an agent of the member*.

I defy any Senator to produce one authority which shows that the sitting Member is not held and bound by the acts of Browne, the agent.

CHANGE IN REPORT OF COMMITTEE.

But, Mr. President, the Senator from New York [Mr. DEPEW] referred to a report of the committee and caused me to refer to the first report of the committee. In so grave a matter as an election case it would be my duty in any event to refer to it, but the Senator from New York made me refer to it.

The theory is now advanced that you have got to deduct the corrupt vote from the total vote cast, as well as from the vote cast for the successful candidate. Mr. President, I read the following paragraph from the original report of the committee, but which was not reported, and I call particular attention to it.

This is from the report which the majority of this committee at first approved, on Saturday, December 17, 1910, and would have reported, but which, for some reason, was not made on Tuesday, December 20, 1910, when the report before us was authorized, which on Wednesday, December 21, was substituted for the first report.

The majority for Senator LORIMER in the joint assembly of the two houses of the General Assembly of the State of Illinois was 14. *Unless, therefore, 7 or more of these votes were obtained by corrupt means Mr.* LORIMER *has a good title to the seat he occupies in the Senate.*

Mr. President, that was the first report prepared by the committee at the time we first met—Saturday, December 17. It appears to have been the opinion of the committee on that date that *if 7 votes were corruptly cast the election was invalid.* But now the committee takes a radically different position.

Mr. President, I do not think it is even necessary for me to summarize the facts. We know that at least 7 votes were tainted—four voters got bribes and three gave the bribes. The law is clear in the Caldwell case, in the Payne case, and in the Clark case, that these 7 corrupt votes vitiate this election.

I have discharged my duty, Mr. President, and discharged it without ill will. I have borne none. I have not felt the fervor of advocacy, but I have felt the earnestness of a judge acting under oath in determining this deeply solemn and destiny-freighted question.

The matter of cowardice was mentioned the other day. Mr. President, it has not been an easy thing, it has not been a pleasant thing, to be compelled to take a position against the validity of the election of the sitting Member or any other man. I appeal to no man to meet this case with courage. I take it we all have courage equally; but if it took courage to do one thing more than another, it required courage to take a position against the validity of an election which would unseat a Member of this body.

CONKLING IN THE CALDWELL CASE.

Mr. Conkling made that plea in the Caldwell case. He was quoted by the Senator from Michigan [Mr. BURROWS]; but I wondered when the Senator from Michigan closed by quoting the appeal of the powerful Conkling, in which Conkling begged his colleagues to act under the law and not abandon it, in which he begged them to be brave and stand against public clamor, and not yield to it—I wondered why the Senator from Michigan did not tell this body what position Conkling took in the Caldwell case.

It was perhaps the greatest speech in the life of that amazing intellect. I believe, with one exception, it is considered Roscoe Conkling's masterpiece. It is weighty with learning, and yet it has the wings of an eloquence which only Roscoe Conkling could command, while its wit and its brightness make the reading of that speech as engaging an occupation for an hour as the reading of poetry or a novel.

Yet Roscoe Conkling in the Caldwell case took the position that the Senate *could not go into the question of bribery of a legislature in the election of a Member of this body.* Roscoe Conkling gave all his unusual ability and learning, all his overwhelming and dominant character, to try to persuade or coerce the Senate into holding that it was not any of our business whether anybody was bribed or not.

Why did not the Senator tell what Conkling's position was in that case? The older Senators will remember that from the time Roscoe Conkling took that position in that speech, which lasted two or three days on this floor, from that time on he began to sway and finally fell from the pedestal of confidence that the American people theretofore had in his judgment as a public man. That speech was the first, I believe, to destroy the public opinion of this Nation in Roscoe Conkling's soundness of judgment on public questions, a thing he never could recover.

It was only fair when the Senator from Michigan quoted, in the end of his speech, the eloquent words of Conkling, that he should have told us that Conkling spent all of that eloquence and all of that learning in trying to establish the proposition that we had no business to go into the bribery of an election to a seat in this body.

Oh, Mr. President, Conkling appealed to us to stand by the law then. Allen G. Thurman, sitting, I believe, about where the Senator from Missouri [Mr. STONE] sits now, said substan-

tially, at least it was his vigorously stated position: Yes, we will appeal to the law, but we are the Senate of the United States, and we have a right to go into the bribery, if any, by which this election was secured. Allen G. Thurman said that, in his opinion, the election was invalid on account of bribery. Conkling was opposed by Morton and Thurman, and most of the stronger, if less brilliant, men of his time. So Conkling's theory did not prevail, and Caldwell resigned his seat.

In the Caldwell case the Senate was again appealed to on the ground of Caldwell's blameless life, of his long period of years of toil and honorable business dealings; but that availed nothing, Mr. President, with the great judges of those earlier days. Judgment, Mr. President! What saith Holy Writ? "Thou shalt not wrest judgment."

OUR OWN RECORD TO THE REPUBLIC AND TO OUR CHILDREN.

We have not only a duty to perform; we have a record of our own to hand down, a record of our own vote—our own record to the Republic and to our children. It has to go down to our children and our children's children. How shall we hand down the record of our vote to our children and our children's children? For, Mr. President, the record is here, the testimony is here, the law is here, and they will last forever.

A pretty grave business—the validity of an election. It involves the life of the Nation. It involves the perpetuity of institutions which Senators whom I see before me went into the flaming rim of battle to give their lives for if necessary.

The name of Lincoln has been used in this case. It is fortunate. How would Lincoln look upon a question of this kind? None, I believe, had arisen up to his day. They have developed since. They seem to be the fruit of the commercialism of our time.

Washington's Birthday was day before yesterday. What do Washington and Lincoln mean to us? Our institutions, Mr. President, our free Government; which one did more than any other man to found, and the other did more than any other man to preserve. And yet our Government and our institutions are the things which really are at issue here.

We forget it in times of peace, but hundreds of thousands of lives have been yielded up, rivers of blood have flowed in order to give us the opportunity to vote, to have a Senate, to have a Government, and to have a flag. And shall that be treated lightly? Shall we dispose of it upon a false and simulated sympathy? Or shall we guard elections in this country, and especially to this body, as the very soul of American liberty?

Mr. President, way back in the time of the prophets the profound evil of bribery was known. What says the ancient Scriptures:

> The congregation of hypocrites shall be desolate, and fire shall consume the tabernacles of bribery.

And so it was. The peoples and the institutions of which that prophecy was uttered did die of fire, and their congregations of hypocrisy were desolate. It was true of Rome. It came well-nigh being true of England, but she saved herself.

Mr. President, the deepest students, and the most sympathetic with our institutions, more and more are asking the question, What is going to become of the American experiment for liberty? Is it to succeed or is it to fail? And there have not been wanting the ablest minds that doubted its success, because they have thought that the love of money and the love of office and finally the vice of bribery might undermine us.

I confess that to me it has been for years a serious matter what our future holds for us. Let us safeguard it, Senators, by our votes. And when, Mr. President, in that future, American institutions ask of the sentinel upon their walls, "Watchman, what of the night?" let us pray that that watchman shall not answer back in the words of the Hebrew prophet of old, "The congregation of hypocrites is desolate and fire has consumed the tabernacles of bribery."

No! Mr. President, let us hope and pray and vote that when the question is asked, "Watchman, what of the night?" the answer shall be, "Lo, the morn appeareth." [Applause in the galleries.]

The VICE PRESIDENT. Applause in the galleries is not permitted.

GOVERNMENT OFFICERS AND EMPLOYEES.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 836), which was read, and, with the accompanying papers, referred to the Committee on Civil Service and Retrenchment and ordered to be printed:

To the Senate:

In compliance with the following resolution of the Senate of December 21, 1910—

Resolved, That the President of the United States is hereby requested to furnish to the Senate for its use, if he does not deem it incompatible with public interest, the following information, with departmental classifications of the same:

First. The total number of appointments which are made by the President upon nomination to and confirmation by the Senate.

Second. The total number of appointments which are made by the President, but which do not require nomination to and confirmation by the Senate.

Third. The total number of officers and employees of the Government subject to civil-service regulations, specifying classification and number of postmasters.

Fourth. The total number of officers and employees subject to removal by the President without action on the part of Congress.

Fifth. Total number of officers and employees of the United States Government, exclusive of enlisted men and officers of the Army and Navy—

I transmit herewith reports from the heads of the several executive departments and independent bureaus of the Government giving the information requested.

WM. H. TAFT.

THE WHITE HOUSE, *February 24, 1911.*

During the reading of the message,

Mr. BEVERIDGE. Mr. President——

The VICE PRESIDENT. The Secretary is reading a message from the President of the United States.

Mr. BEVERIDGE. I have not yielded the floor, but I will yield while the message is being read.

The VICE PRESIDENT. The Chair would not have handed down the message but that the Senator from Indiana had resumed his seat before the Chair handed down the message.

Mr. BEVERIDGE. No; I have not sat down at all, I beg pardon of the Chair.

The VICE PRESIDENT. The Secretary will resume the reading.

Mr. BEVERIDGE. I have not been in my seat at all. However, I will still hold the floor.

The Secretary resumed and concluded the reading of the message.

CONSTITUTION OF NEW MEXICO.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 835), which was read and, with the accompanying paper, referred to the Committee on Territories and ordered to be printed:

To the Senate and House of Representatives:

The act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States, etc., passed June 20, 1910, provides that when the constitution, for the adoption of which provision is made in the act, shall have been duly ratified by the people of New Mexico in the manner provided in the statute, a certified copy of the same will be submitted to the President of the United States and to Congress for approval, and that if Congress and the President approve of such constitution, or if the President approve the same and Congress fails to disapprove the same during the next regular session thereof, then that the President shall certify said facts to the governor of New Mexico, who shall proceed to issue his proclamation for the election of State and county officers, etc.

The constitution prepared in accordance with the act of Congress has been duly ratified by the people of New Mexico, and a certified copy of the same has been submitted to me and also to the Congress for approval, in conformity with the provisions of the act. Inasmuch as the enabling act requires affirmative action by the President, I transmit herewith a copy of the constitution, which, I am advised, has also been separately submitted to Congress, according to the provisions of the act, by the authorities of New Mexico, and to which I have given my formal approval.

I recommend the approval of the same by the Congress.

WM. H. TAFT.

THE WHITE HOUSE, *February 24, 1911.*

SHERIDAN RAILWAY & LIGHT CO.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 9003) to authorize the Sheridan Railway & Light Co. to construct and operate railway, telegraph, telephone, electric power, and trolley lines through the Fort Mackenzie Military Reservation, and for other purposes.

Mr. WARREN. I move that the Senate disagree to the amendment of the House and request a conference with that body on the disagreeing votes of the two Houses, the Chair to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed as the conferees on the part of the Senate Mr. WARREN, Mr. BULKELEY, and Mr. TALIAFERRO.

FORT D. A. RUSSELL MILITARY RESERVATION.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 9904)

granting certain rights of way on the Fort D. A. Russell Military Reservation at Cheyenne, Wyo., for railroad and county road purposes.

Mr. WARREN. I move that the Senate disagree to the amendment of the House of Representatives and request a conference with that body on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed as the conferees on the part of the Senate Mr. WARREN, Mr. BULKELEY, and Mr. TALIAFERRO.

DELAWARE RIVER BRIDGE.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives returning to the Senate, in compliance with its request, the bill (S. 10632) to authorize the North Pennsylvania Railroad Co. and the Delaware & Bound Brook Railroad Co. to construct a bridge across the Delaware River from Lower Makefield Township, Bucks County, Pa., to Ewing Township, Mercer County, N. J.

Mr. KEAN. I move that the votes by which the bill was ordered to be engrossed for a third reading, read the third time, and passed, be reconsidered.

The motion to reconsider was agreed to.

Mr. KEAN. I move that the bill be indefinitely postponed.

The motion was agreed to.

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. HALE. I call for the regular order, which is the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 134) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

The VICE PRESIDENT. The regular order is the amendment of the Senator from Utah [Mr. SUTHERLAND] to the joint resolution of the Senator from Idaho.

Mr. KEAN. On which the yeas and nays have been ordered.

The VICE PRESIDENT. On which the yeas and nays have been ordered. The Secretary will call the roll.

Mr. SUTHERLAND. Mr. President, I had intended to say a few words at the conclusion of this debate, but there seems to be a general desire to take a vote on the amendment and I will therefore withhold my remarks and permit the vote to be taken.

Mr. SMITH of Michigan. The pending amendment, as I understand, is the amendment of the Senator from Utah.

The VICE PRESIDENT. It is.

Mr. SMITH of Michigan. Mr. President, I simply desire to say that I am in favor of the joint resolution of the Senator from Idaho providing for the election of Senators by direct vote of the people. In accordance with the action of the Republican State convention of Michigan, we are pledged to that course, and in good faith I propose to execute that promise so far as it lies in my power so to do.

I regret exceedingly that it seems necessary to complicate the question in order to bring this matter before the Senate. It would have been better to have confined the resolution to the direct election of Senators without complicating the question with other constitutional safeguards of incalculable importance to the American people. I am very anxious, Mr. President, that this joint resolution shall be passed by Congress.

I would cast no vote which in any manner could be construed as hostile to it. But mindful of the fact that this joint resolution must receive the sanction of two-thirds of the States, and believing that its purpose would be defeated if any other complication is to be introduced into it save the one providing for the direct election of Senators, and for the purpose of facilitating the disposition of this matter in a way which seems best calculated to finally obtain the result to which we are pledged, I shall vote for the amendment striking out of this joint resolution every other provision save the direct election of Senators. We can not afford to involve this question with sectional or race problems. Unrelated in any manner to the popular election of Senators by the people, a rider of this character would befog the question and introduce into the controversy matters of the most serious concern. We must deal fairly with the people and scorn the temptation to defeat this measure by indirection.

If the amendment should be rejected, I shall vote for the passage of the joint resolution presented by the Senator from Idaho, even with the race rider attached; but I shall call the attention of the legislature of my State to its far-reaching importance, glaring defects, and gross injustice to our countrymen. I simply desire now to make plain the fact that I favor the election of Senators by the people, and if I felt that my associates on this side of the Chamber were planning in any way to throttle that ultimate purpose, I would not for one moment identify myself with such an unworthy cause.

Mr. President, having confidence in the patriotism and the honor of my associates and believing that we will be permitted to take a vote upon the main question after this amendment shall have been disposed of, I shall vote to strip this question of every subterfuge, in order that it may be submitted to the people as they desire, and without further delay.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Utah [Mr. SUTHERLAND] to the joint resolution of the Senator from Idaho [Mr. BORAH], on which the yeas and nays have been ordered.

The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. PERCY (when Mr. MONEY's name was called). The senior Senator from Mississippi [Mr. MONEY] is absent because of sickness. He is paired with the Senator from Wyoming [Mr. WARREN]. If present, the Senator from Mississippi would vote "nay."

Mr. BACON (when Mr. TERRELL's name was called). My colleague [Mr. TERRELL] is necessarily detained from the Chamber by personal illness. On this vote he is paired with the senior Senator from Rhode Island [Mr. ALDRICH]. If they were both present, my colleague would vote "nay," and I understand the Senator from Rhode Island would vote "yea."

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. MONEY], as stated by the junior Senator from that State, and I therefore withhold my vote.

The roll call having been concluded, the result was announced—yeas 50, nays 37, as follows:

YEAS—50.

Beveridge	Crawford	Hale	Piles
Bradley	Cullom	Heyburn	Richardson
Brandegee	Curtis	Jones	Root
Briggs	Depew	Kean	Scott
Bulkeley	Dick	Lodge	Smith, Mich.
Burkett	Dillingham	Lorimer	Smoot
Burnham	Dixon	McCumber	Stephenson
Burrows	du Pont	Nelson	Sutherland
Burton	Flint	Nixon	Warner
Carter	Frye	Oliver	Wetmore
Clark, Wyo.	Gallinger	Page	Young
Clarke, Ark.	Gamble	Penrose	
Crane	Guggenheim	Perkins	

NAYS—37.

Bacon	Cummins	Newlands	Stone
Bailey	Davis	Overman	Swanson
Bankhead	Fletcher	Owen	Taliaferro
Borah	Foster	Paynter	Taylor
Bourne	Frazier	Percy	Thornton
Bristow	Gore	Rayner	Tillman
Brown	Gronna	Shively	Watson
Chamberlain	Johnston	Simmons	
Clapp	La Follette	Smith, Md.	
Culberson	Martin	Smith, S. C.	

NOT VOTING—4.

Aldrich	Money	Terrell	Warren

So Mr. SUTHERLAND's amendment was agreed to.

Mr. BACON. Mr. President, as I have previously stated in the course of this debate, I am in favor of the adoption of the joint resolution as it came from the committee, and if the measure were presented to the Senate in that shape I would certainly give it my support and my vote. As I have further stated in the progress of this debate, if the amendment just acted upon should be adopted, I would not vote for the joint resolution; and I still adhere to that determination.

I had no anticipation that this matter was coming up this afternoon. I had supposed that we would proceed with the Lorimer matter. I was surprised, really, when that was set aside and we proceeded to the consideration of this question.

I desire to have an opportunity to give some reasons, very briefly, why I do not now give this measure my support. I would be very glad if I could have some other opportunity to do so than the present, for the reason stated, that I had no anticipation it was coming up this afternoon. I have some matters that are not now within my reach that I wish to use in that presentation.

I will say to the Senate in all candor and frankness that in so doing, if I may have their indulgence, I will not detain them at very great length, and will in no manner attempt to interfere with the desire of the Senate to finally pass upon the measure.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. BACON. I do.

Mr. BORAH. I desire, if I can, of course, to convenience the Senator from Georgia as to the time in which he shall make his remarks, but I should like, if we could, in view of the crowded condition of the Calendar of Business, to have a time fixed when we could dispose of the joint resolution.

With that purpose in view, I ask unanimous consent that upon Monday next, at 2 o'clock, when this matter comes up in the ordinary course of business, we shall take up the joint resolution and dispose of it during that day.

The VICE PRESIDENT. The Senator from Idaho asks unanimous consent that the joint resolution be taken up at 2 o'clock on Monday, and that it be proceeded with until disposed of. Is there objection?

Mr. LODGE. Mr. President, I understand that such an arrangement would take a great deal of time. If we are to dispose of this and one or two other matters it can only be done, in my judgment, by agreeing on a time for a vote on the bill and amendments.

Mr. GALLINGER. Without debate.

Mr. LODGE. Without debate. I suggest that on Tuesday next at 2 o'clock, without further debate, we proceed to vote, in succession, on the constitutional amendment, the Lorimer case, and the tariff board bill.

Mr. BAILEY. The Senator from Massachusetts knows that no such agreement as that last will be made, for I have told him so.

Mr. LODGE. I was not aware that the Senator had told me so.

Mr. BAILEY. I told the Senator when it was reported.

Mr. LODGE. The objection, as I understand, is to the tariff board bill.

Mr. BAILEY. Of course.

Mr. LODGE. Very well, Mr. President.

Mr. BAILEY. If we will agree to omit that——

Mr. LODGE. I can not omit that.

Mr. BAILEY. Then I renew the request that we proceed to vote at 2 o'clock on Tuesday next on the joint resolution amending the Constitution and on the resolution touching the seat of the junior Senator from Illinois.

The VICE PRESIDENT. The Chair assumes that the Senator from Idaho yields for this purpose.

Mr. BORAH. I do.

Mr. HALE. Mr. President——

Mr. NEWLANDS. On what day?

Mr. BAILEY. On Tuesday was the request.

Mr. HALE. Will not the Senator vary it only as to the matter of time, and instead of saying at 2 o'clock say Tuesday morning immediately after the reading of the Journal? That gives us so much more advantage for the day.

Mr. LODGE. I think this is a matter where we ought all of us to make concessions to get these votes. I proposed an agreement on all three matters, two of which I am not interested in getting a vote on and one of which I am interested in getting a vote on. I think they had better go together.

Mr. BAILEY. The Senator from Massachusetts certainly does not couple the questions involving a seat in this Chamber, a mere legislative matter, as I understand, which we decide as judges, and which I understand all Senators want to have disposed of, with an agreement with respect to a purely administrative matter. It surprises me, I may be permitted to say, beyond expression. The Senator from Massachusetts, of course, does not want to put himself in the attitude of preventing an agreement with respect to these two propositions by coupling with it one totally unrelated to it, to which he knows objection will be made.

Mr. LODGE. So far as I am personally concerned, I desire to get a vote on all of them, and I have no desire to interfere with getting a vote on any one.

Mr. BAILEY. That is right.

Mr. LODGE. I made the proposition, I will say frankly, because from what had been said to me this afternoon I believed that in that way we could get unanimous consent for all. If it can not be done, I have made my effort and I withdraw the suggestion.

Mr. BAILEY. If the Senator will omit the last, the rest may be agreed upon.

The VICE PRESIDENT. The Senator from Texas asks, the Senator from Idaho consenting that the request be first put before his, that on Tuesday, immediately after the reading of the Journal, without further debate, the vote shall be taken upon the constitutional amendment, and following that a vote be taken upon resolution 315 disposing of the Lorimer case. Is there objection?

Mr. STONE. I object to the last proposition embraced in the request——

The VICE PRESIDENT. Objection is made.

Mr. STONE. That is, to vote on the election of Mr. LORIMER. If I may be permitted, I should like to say that I do not think these two ought to be coupled any more than the Tariff Board bill should be coupled with the other two. I have no objection whatever to having as early a vote as possible on the Lorimer case. I give absolute assurance that I have no wish to unduly delay that vote. But I have already given notice of a purpose to speak to that resolution, and possibly other Senators may desire to speak, not at length but briefly.

Mr. President, I could not consent to put these two together and have perhaps the entire intervening time consumed in the discussion of the constitutional amendment. I object to the request therefore for that reason, and I make a request for unanimous consent that we take the vote immediately after the reading of the Journal on Tuesday upon the constitutional amendment.

Mr. BAILEY. Say Monday. The Senator from Idaho has already preferred the request for Monday.

Mr. NEWLANDS. Mr. President, I shall have to object to Monday. It will be impossible for me to be here on that day.

Mr. STONE. I will put it Tuesday.

The VICE PRESIDENT. Objection is made to the request of the Senator from Idaho. The Senator from Idaho consents to the Chair putting the request of the Senator from Missouri?

Mr. BORAH. Mr. President, I will change the date to Tuesday, if it will suit better. I would prefer Monday, but if there is objection to it, of course, I will yield to that.

The VICE PRESIDENT. The Senator from Idaho, as the Chair now understands, requests that a vote upon the constitutional amendment be taken immediately after the reading of the Journal on Tuesday next.

Mr. HALE. Without further debate.

The VICE PRESIDENT. Without further debate.

Mr. NELSON. Unless opportunity is given to the Senator from Georgia [Mr. BACON] and others who feel disposed to be heard before the vote is taken upon the joint resolution, I shall object; but if opportunity is given to the Senator from Georgia and others who want to be heard, I will agree to the time. Otherwise, I will not agree to it.

The VICE PRESIDENT. The Chair can not——

Mr. NELSON. I will object to it in its present form.

The VICE PRESIDENT. Very good. Objection is made.

Mr. BACON. I will state for the benefit of my friend from Minnesota that I have no objection to that time being fixed. I have not any very extended speech to make, and I have no doubt I will find an opportunity between now and Tuesday to give the reasons why I shall vote against the joint resolution in its present shape as amended.

Mr. NELSON. Very well, if the Senator from Georgia has no objection to the request, I withdraw my objection to it.

The VICE PRESIDENT. The Senator from Minnesota withdraws his objection. Is there objection to the request of the Senator from Idaho?

Mr. KEAN. Let it be again stated.

The VICE PRESIDENT. That on Tuesday, immediately after the reading of the Journal, and without further debate, a vote shall be taken upon the constitutional amendment, Senate joint resolution 134. Is there objection?

Mr. DAVIS. Mr. President, I do not rise for the purpose of objecting to the proposition, but as I understand it the joint resolution can not be debated at the time the vote is to be taken.

Mr. HALE. Not on that day.

Mr. DAVIS. Not on Tuesday?

The VICE PRESIDENT. It can not be debated at that hour. At that hour debate is closed, and nothing is in order but voting on the joint resolution. Is there objection? The Chair hears none, and the order is entered.

SENATOR FROM ILLINOIS.

Mr. HALE. Now, Mr. President, I make a request for unanimous consent for Wednesday morning. I am thinking also of appropriation bills and other matters, but I think that business can be done if the Senate will agree to my request. I ask that on Wednesday morning upon the reading of the Journal, without further debate, a vote be taken upon what is known as the Lorimer case.

The VICE PRESIDENT. Senate resolution No. 315.

Mr. HALE. Yes. I think, Mr. President, that with that matter solved and out of the way, as we have already disposed of the question of time upon the other contested matter, we will be in a condition next week to pass all of the appropriation bills. I should hope that all Senators will agree to this proposition. It gives plenty of time between now and Wednesday morning for any Senator who desires to debate this question to do it. Senators understand that the unvarying courtesy of the Senate is that when a Senator desires to speak upon a matter that is pending no objection is made. The Senator from Missouri has never——

Mr. STONE. Will the Senator permit me a moment?

Mr. HALE. Yes.

Mr. STONE. After consultation with the Senator from Michigan [Mr. BURROWS], as far as I am concerned, giving notice to that effect, if I may be permitted to submit such remarks as I desire to-morrow morning after the routine business, I can have no objection to the request.

Mr. HALE. There will be no objection to that, I am sure.

Mr. STONE. I give that notice, then.

The VICE PRESIDENT. The Chair did not understand what the notice was.

Mr. STONE. I consent, as far as I am concerned, to the request of the Senator from Maine that, by unanimous consent, we agree to vote on the Lorimer case upon Wednesday, with the understanding that to-morrow morning, after the routine business, I may be permitted to submit such remarks as I care to make on that case.

The VICE PRESIDENT. The request of the Senator from Maine is that immediately upon the reading of the Journal on Wednesday next, without further debate, the vote be taken upon Senate resolution No. 315, known as the Lorimer resolution. Is there objection? The Chair hears——

Mr. BACON. I make no objection.

The VICE PRESIDENT. The Chair hears none, and the order——

Mr. LA FOLLETTE. Mr. President, wait.

The VICE PRESIDENT. The Chair understood that there was no objection.

Mr. CRAWFORD. I want to be heard.

Mr. OWEN. Mr. President, I should like to have an opportunity to be heard in regard to this matter at 2 o'clock on Monday. Beyond that I shall not venture to interpose any objection, nor shall I detain the Senate at any great length in regard to the matter at that time.

Mr. CRAWFORD. I am not going to raise any objection except to say that I want an opportunity for just a very few moments before the case is submitted to the Senate, because of the rather direct and personal allusions made to some remarks of mine. I do not want to have the matter foreclosed so that I may not have an opportunity. If the business is going to be so crowded that I may not have such an opportunity before the time suggested, I would not feel like consenting to it.

The VICE PRESIDENT. Does the Senator from South Dakota object?

Mr. CRAWFORD. I object until that matter is clearly settled.

Mr. BAILEY. I suggest then that we agree that before we adjourn on Wednesday a vote be taken.

The VICE PRESIDENT. The Senator from Texas asks unanimous consent that on Wednesday next, before adjournment, a vote be taken upon Senate resolution No. 315. Is there objection?

Mr. DAVIS. I object.

Mr. LA FOLLETTE. I object to the fixing of any time to vote upon the Lorimer case at this time.

The VICE PRESIDENT. Objection is made.

Mr. LA FOLLETTE. I want to say in this connection, Mr. President, that I may be entirely willing to consent, so far as I am concerned, to a vote being taken if it is proposed at a later time, but I have very sufficient reason for asking that this matter shall not be closed at this time. I do not care to state more than that now.

The VICE PRESIDENT. Objection is made.

Mr. BACON. I wanted to suggest to the Senator from Oklahoma [Mr. OWEN] that as the matter to which he wishes to address himself will not be disposed of until Wednesday, he may have an opportunity to speak on Tuesday. As the matter to which I wish to speak will be closed on Tuesday, I wish to ask him to let me take the time at 2 o'clock on Monday and transfer his notice to Tuesday.

Mr. OWEN. I would be very glad to acquiesce in that suggestion.

The VICE PRESIDENT. The Senator modifies his notice accordingly.

Mr. BACON. With the permission of the Senate, I will briefly and somewhat informally endeavor at 2 o'clock on Monday to give to the Senate the reasons why I can not vote for the amended joint resolution.

Mr. CURTIS. I ask unanimous consent that Order of Business 1075, known as the Sulloway pension bill, be made the unfinished business to follow the vote on the constitutional amendment.

Mr. BAILEY. I object.

The VICE PRESIDENT. Objection is made by the Senator from Texas.

Mr. PENROSE. I desire to give notice to the Senate that I will ask the Senate to proceed to the consideration of the Post Office appropriation bill on Monday morning next, after the routine morning business.

Mr. LODGE. Mr. President, I move that the Senate proceed to the consideration of executive business.

The VICE PRESIDENT. Will the Senator from Massachusetts withhold his motion?

Mr. LODGE. I will withhold it for a moment.

Mr. BURROWS. Mr. President——

Mr. LODGE. I withhold the motion and yield to the Senator from Michigan.

Mr. BURROWS. I ask that Senate resolution No. 315 be now laid before the Senate.

The VICE PRESIDENT. Is there objection? The Chair hears none. The Chair lays before the Senate the following resolution.

The SECRETARY. Senate resolution No. 315:

Resolved, That WILLIAM LORIMER was not duly and legally elected to a seat in the Senate of the United States by the Legislature of the State of Illinois.

Mr. BURROWS. I now move that the Senate proceed to the consideration of that resolution.

Mr. HALE. That is right.

The VICE PRESIDENT. The Senator from Michigan moves the consideration of the resolution just read.

The motion was agreed to.

RECIPROCITY WITH CANADA.

Mr. BURROWS. From the Committee on Finance I report back the bill (H. R. 32216) to promote reciprocal trade relations with the Dominion of Canada, and for other purposes, without amendment and also without recommendation. In connection therewith I also report the hearings had before the committee and ask that they be printed for the use of the Senate.

The VICE PRESIDENT. Is there objection to the request as to printing?

Mr. SMOOT. I should also like to have the report printed as a public document.

The VICE PRESIDENT. Is there objection to the printing of the report.

Mr. BAILEY. There is no report.

Mr. SMOOT. I mean the hearings before the committee.

Mr. BAILEY. The Senator said "report."

Mr. BURROWS. There is no objection to that.

The VICE PRESIDENT. In the absence of objection, the hearings will be printed as a public document (S. Doc. No. 834), as requested by the Senator from Utah. The bill will go to the calendar.

Mr. BAILEY. Mr. President, I could not concur in the action which has been reported to the Senate, because I felt that the committee was in duty bound to report this important matter back with some positive recommendation, either that it should pass or that it should not pass. Personally I preferred a recommendation that it should not pass, and I desire very briefly to record my reason for opposing this agreement between the United States and Canada.

In the first place I believe that the best interest of our people requires that their Government shall accord to all countries the same privileges, and I am persuaded that by extending special favors to some countries we shall inevitably provoke the hostility of other countries. But, sir, if I did not object to these trade agreements upon a general principle, I could not support the particular one now presented for our consideration, because, in my judgment, it shamefully sacrifices the interest of the American farmer to promote the interest of the American manufacturer. I could justify this criticism by specifying a number of items in each of the three schedules which have been made the subject of this agreement, but I will not at this juncture occupy so much of the Senate's time as that would require, and I will content myself with two which illustrate this policy and condemn this whole arrangement.

The duty on wheat is entirely removed, but a duty on flour is left. The civilized people among whom I live eat flour, not wheat, and therefore this does not help them. The duty on cattle is repealed, but a duty is left on meat; and it will not make living cheaper to take the duty off the cattle, which the butchers and packers buy from the people, and still leave a duty on the meat, which the people buy from the butchers and packers.

Mr. President, I am not unmindful of the fact that this agreement removes the duty on print paper and wood pulp, from the importation of which the Government now collects nearly $500,000 of annual revenue; and I have been informed by the business manager of a great newspaper that this provision is worth $5,000,000 to the newspapers of this country. I might be glad to relieve them of this burden if they were not able to bear it; but, sir, before I ever vote to take the tax off wood pulp and print paper imported by a very small and prosperous class, I demand that it shall be taken from the bread and meat,

which the industrious laborers of this Republic need to preserve their health and strength. Never, sir, will I give my consent to the enactment of a law which relieves the few who are rich and leaves the burdens on the millions who are poor.

Mr. HALE. Mr. President, concurring most heartily with what the Senator from Texas [Mr. BAILEY] has said, I wish to say further that I should have been better content if the Committee on Finance had submitted a report with a recommendation which represented the real sentiment of the committee. I do not improperly betray any secret of the committee when I say that a large majority was opposed to the reciprocity agreement and to reporting it favorably; but while that was the clear sentiment of the committee, and I have no doubt it is at this moment, so much clamor has arisen and so much charge that the committee intended to suppress the consideration of the reciprocity measure and to keep it from the Senate, that to meet that objection at last it was agreed, contrary to the majority feeling of the committee, that the bill should be reported and put upon the calendar for the action of the Senate; and, Mr. President, it is my understanding that it will take its course in accordance with the feeling and the desire of the Senate, whatever that may be. If the Senate, as is the case with a great many other measures that are reported and sent to the calendar, does not choose to take up the measure, that is a clear right of the Senate; and for anybody or any authority to claim the power to drive the Senate to do anything with regard to this measure would be an assumption of power unwarranted either now or at any time whatever.

I am willing that this bill shall be left just as the committee has left it—upon the calendar—to await such action or such nonaction as the Senate may desire.

Mr. STONE. Mr. President, like the Senator from Texas [Mr. BAILEY], I did not concur in the action of the committee. I believed the bill ought to have been reported to the Senate with a recommendation that it pass.

The Senator from Maine [Mr. HALE] says that a large majority of the committee voted to report the bill without recommendation. Mr. President, the majority was not very large, as I view majorities, but fearing that I might trench upon the proprieties by stating in public the action of the committee, I refrain from further observations upon that head.

Mr. President, I am for this bill, and if those opposing it shall consent to have it considered during this session, I will support it. I regard it as an act of wise and progressive statesmanship, and it challenges my unqualified approval. Perhaps I ought to modify that expression. When I say "my unqualified approval," it is not the kind of agreement that I would have made if I had had the making of it. I would have admitted flour and meat and other necessaries free, as well as wheat and cattle, and, as the Senator from North Carolina [Mr. OVERMAN] suggests to me, I would have insisted upon the admission free of duty of farming implements as well.

But, Mr. President, this bill is a step, as I view it, in the right direction in true economic legislation. I do not believe the passage of it would injure the farmers of the United States, nor do I intend by my vote or by what I may say when this bill is considered to impress the farmers of the United States that a protective tariff is necessary for them or beneficial to their interests.

I think, sir, that is all I care to say at this time.

Mr. LODGE obtained the floor.

Mr. BAILEY and Mr. YOUNG addressed the Chair.

The VICE PRESIDENT. Does the Senator from Massachusetts yield, and to whom?

Mr. BAILEY. If the Senator from Massachusetts will permit me just a moment, I simply want to say, in reply to the suggestion of the Senator from Missouri [Mr. STONE] that he will vote for the bill if those opposed to it will permit it to come to a vote, that so far as I am concerned I am ready to vote on it the hour after the Lorimer case is disposed of, and I will vote on it the more readily because I know that if it happens to pass, it will produce a political result in which I have great interest, for if it is true that this bill will reduce the cost of living, that reduction is going to come out of the farmers that live along the Canadian border, and as they have been furnishing the Republican majorities with which those States have been carried, I will feel a satisfaction in seeing them settle it with their friends. [Laughter.]

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 1 hour and 10 minutes spent in executive session the doors were reopened, and (at 6 o'clock and 50 minutes p. m.) the Senate adjourned until to-morrow, Saturday, February 25, 1911, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate February 24, 1911.

COLLECTOR OF CUSTOMS.

Clarence S. Hebert, of Louisiana, to be collector of customs for the district of New Orleans, in the State of Louisiana, in place of Henry McCall, whose term of office expired January 31, 1911.

ASSISTANT TREASURER.

John A. Wogan, of Louisiana, to be assistant treasurer of the United States at New Orleans, La., in place of Clarence S. Hebert, nominated to be collector of customs for the district of New Orleans, in the State of Louisiana.

UNITED STATES MARSHAL.

Dewey C. Bailey, of Colorado, to be United States marshal, district of Colorado. (A reappointment, his term expiring Feb. 26, 1911.)

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

Second Lieut. Charles H. Rich, Twenty-sixth Infantry, to be first lieutenant from December 14, 1910, vice First Lieut. William S. Mapes, Twenty-fifth Infantry, promoted.

Second Lieut. Paul C. Potter, Fifteenth Infantry, to be first lieutenant from December 28, 1910, vice First Lieut. Samuel A. Price, Twenty-eighth Infantry, promoted.

Second Lieut. Albert T. Rich, Twenty-sixth Infantry, to be first lieutenant from January 19, 1911, vice First Lieut. Fred E. Smith, Third Infantry, promoted.

Second Lieut. David P. Wood, Twenty-first Infantry, to be first lieutenant from January 21, 1911, vice First Lieut. Perrin L. Smith, Sixteenth Infantry, promoted.

PROMOTIONS IN THE NAVY.

The following-named midshipmen to be ensigns in the Navy from the 6th day of June, 1910, to fill vacancies existing in that grade on that date:

Edmund W. Strother and
Henry E. Parsons.

Maj. Cyrus R. Radford, assistant quartermaster, United States Marine Corps, to be lieutenant colonel, assistant quartermaster, in the United States Marine Corps from the 11th day of February, 1911, vice Lieut. Col. Thomas C. Prince, assistant quartermaster, United States Marine Corps, retired.

POSTMASTERS.

COLORADO.

William L. Williams to be postmaster at Fowler, Colo., in place of William L. Williams. Incumbent's commission expired February 7, 1911.

GEORGIA.

William M. Griffin to be postmaster at Manchester, Ga. Office became presidential January 1, 1911.

IDAHO.

Marcus O. Funk to be postmaster at Oakley, Idaho. Office became presidential January 1, 1911.

Samuel Perrins to be postmaster at Albion, Idaho. Office became presidential January 1, 1911.

ILLINOIS.

Walter W. Bartlett to be postmaster at Highwood, Ill., in place of William E. Cummings, removed.

IOWA.

James E. Wheelock to be postmaster at Hartley, Iowa, in place of James E. Wheelock. Incumbent's commission expired January 31, 1911.

KANSAS.

Walter L. Stocking to be postmaster at Goff, Kans., in place of Walter L. Stocking. Incumbent's commission expires February 28, 1911.

KENTUCKY.

Ellsworth McEuen to be postmaster at Calhoun, Ky. Office became presidential January 1, 1911.

Thomas A. Miller to be postmaster at Pembroke, Ky., in place of Charles E. Mann. Incumbent's commission expired December 1, 1907.

LOUISIANA.

James C. Brown to be postmaster at Jonesboro, La. Office became presidential January 1, 1910.

MASSACHUSETTS.

John S. Fay to be postmaster at Marlboro, Mass., in place of John S. Fay. Incumbent's commission expired February 18, 1911.

Frederick H. Greene to be postmaster at Ashburnham, Mass., in place of Frederick H. Greene. Incumbent's commission expires March 2, 1911.

Harry D. Hunt to be postmaster at North Attleboro, Mass., in place of Harry D. Hunt. Incumbent's commission expired February 7, 1911.

MICHIGAN.

William H. Goodman to be postmaster at Allegan, Mich., in place of William H. Goodman. Incumbent's commission expires March 2, 1911.

MISSOURI.

T. G. Buxton to be postmaster at Seneca, Mo., in place of Moses M. Adams. Incumbent's commission expired February 13, 1911.

John L. Schmitz to be postmaster at Chillicothe, Mo., in place of John L. Schmitz. Incumbent's commission expired January 28, 1911.

NEBRASKA.

Frank R. Wild to be postmaster at De Witt, Nebr., in place of Frank R. Wild. Incumbent's commission expired January 31, 1911.

NEW YORK.

John L. Kyne to be postmaster at East Syracuse, N. Y., in place of John L. Kyne. Incumbent's commission expires February 28, 1911.

H. D. Stebbins to be postmaster at West Winfield, N. Y., in place of Charles E. Morgan. Incumbent's commission expired February 13, 1911.

NORTH DAKOTA.

Thomas Jones to be postmaster at Linton, N. Dak., in place of Thomas Jones. Incumbent's commission expires March 2, 1911.

OHIO.

Edmund F. Moore to be postmaster at Lisbon, Ohio, in place of Edmund F. Moore. Incumbent's commission expired February 21, 1911.

Akin M. Richards to be postmaster at Hicksville, Ohio, in place of Akin M. Richards. Incumbent's commission expired March 3, 1907.

OKLAHOMA.

Poe B. Vandament to be postmaster at Glencoe, Okla. Office became presidential January 1, 1911.

OREGON.

Fred Davis to be postmaster at Madras, Oreg. Office became presidential January 1, 1911.

PENNSYLVANIA.

Barnett C. Fretts to be postmaster at Scottdale, Pa., in place of Barnett C. Fretts. Incumbent's commission expires March 2, 1911.

Samuel F. Booher to be postmaster at Kittanning, Pa., in place of Samuel F. Booher. Incumbent's commission expires February 25, 1911.

Adelbert E. Torrens to be postmaster at Conway, Pa. Office became presidential January 1, 1911.

SOUTH DAKOTA.

Adam Royhl to be postmaster at Arlington, S. Dak., in place of George Reed. Incumbent's commission expires February 28, 1911.

J. T. Smith to be postmaster at Scotland, S. Dak., in place of John Reich. Incumbent's commission expires March 2, 1911.

TEXAS.

George W. Burkitt, jr., to be postmaster at Palestine, Tex., in place of George W. Burkitt, jr. Incumbent's commission expired February 21, 1911.

UTAH.

Charles S. Wilkinson to be postmaster at Cedar City, Utah. Office became presidential January 1, 1911.

VERMONT.

Edward W. Bisbee to be postmaster at Barre, Vt., in place of Edward W. Bisbee. Incumbent's commission expires March 2, 1911.

Roscoe M. Cowles to be postmaster at Albany, Vt. Office became presidential January 1, 1911.

Fred B. Hammond to be postmaster at North Troy, Vt., in place of John L. Lewis, resigned.

WISCONSIN.

William Hausmann to be postmaster at West Bend, Wis., in place of William Hausmann. Incumbent's commission expires February 28, 1911.

Christ Legried to be postmaster at Cambridge, Wis., in place of Christ Legried. Incumbent's commission expires February 28, 1911.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 24, 1911.

POSTMASTERS.

MASSACHUSETTS.

Harry D. Hunt, North Attleboro.

PENNSYLVANIA.

Thomas B. Smith, Philadelphia.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 24, 1911.*

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

HELEN S. HOGAN.

Mr. CANTRILL. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution (H. Con. Res. 62), which I send to the desk and ask to have read.

The Clerk read as follows:

Resolved, That the Speaker of the House of Representatives and the President of the Senate be, and hereby are, directed to erase their signatures to the bill (H. R. 25081) for the relief of Helen S. Hogan, and that the said bill be reenrolled with the words "act of February 24" changed to "act of February 25."

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

CHANGE OF REFERENCE—NATIONAL M'KINLEY BIRTHPLACE MEMORIAL.

The SPEAKER. Without objection, reference of the bill (H. R. 32907) to incorporate the National McKinley Birthplace Memorial Association will be changed from the Committee on the Library to the Committee on the Judiciary.

There was no objection, and it was so ordered.

QUESTION OF PRIVILEGE.

Mr. HAMILL. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. HAMILL. Mr. Speaker, in the early part of the present session several measures were placed on the files of this House, to each of which my name was attached as the introducer. To say the least, some of them are rather startling in character. They are numbered and entitled, respectively, H. J. Res. 244, designating the 25th day of April in each and every year "American Day;" H. R. 27838, to construct a national auto highway along or near to the thirty-fifth parallel of north latitude from the Atlantic to the Pacific Ocean; and H. R. 27839, for the establishment of an experimental auto-coach rural service. Mr. Speaker, I of course appreciate the humor contained in these measures and if it were a matter merely personal to myself I would be inclined to view it in the manner in which the House evidently views it after hearing the disclosure of the titles. They were introduced, Mr. Speaker, without my knowledge or consent. I had intended to take no notice of them, but the newspapers of the country saw fit to comment on them, some newspapers treating them humorously, others critically, and still others in a strain that was rather caustic. I would still adhere to my determination to take no notice of them and to let them lie in the oblivion and contempt to which such legislation ought to be consigned, but I feel it is a matter of public interest which should not be ignored. I may at the same time take the opportunity to remark that the loose and informal way in which legislation is initiated in this House by the mere dropping of bills into a basket on the Clerk's desk renders it the easiest thing in the world for anybody to introduce anything in the shape of legislation with anybody's name attached to it. This legislation is printed at Government expense. However, I am not concerned about that now. My purpose to-day, Mr. Speaker, is to arrest the attention of the House for the purpose of clearing off the reflection, not upon me personally, but upon the House of Representatives as a body. Therefore, Mr. Speaker, I move that these measures introduced, as I have stated, without my consent, without my knowledge, bearing attached to them as introducer my name, unauthorized and unwarranted, be stricken from the files of this House. [Applause.]

The SPEAKER. The question is on the motion of the gentleman from New Jersey, that there be stricken from the files of the House the bills H. R. 27839, for the establishment of an experimental auto-post-coach rural service; H. R. 27838, to construct a national auto highway along or near the thirty-fifth parallel of north latitude, from the Atlantic to the Pacific Ocean, and House joint resolution 244, designating the 25th day of April in each and every year "America Day."

The question was taken, and the motion was agreed to.

VACANCY, BOARD OF REGENTS, SMITHSONIAN INSTITUTION.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent that the House reconsider the vote whereby Senate joint resolution 145 was passed yesterday. There was a mistake in the joint resolution. It was a resolution appointing a member of the board of regents of the Smithsonian Institution and John B. Henderson, jr., was designated as "of Virginia." Under the

law a Virginian could not be appointed to the class of regents in which there is now a vacancy; in any event Mr. Henderson is a resident of the city of Washington. I therefore ask unanimous consent that the vote whereby the resolution was passed be reconsidered.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that the vote whereby Senate joint resolution 145 was agreed to be reconsidered. Is there objection? [After a pause.] The Chair hears none.

Mr. DALZELL. Then, Mr. Speaker, I move that the Senate be requested to return the joint resolution to the House so that it can be amended.

Mr. FINLEY. Mr. Speaker, we can not hear what the gentleman says.

The SPEAKER. The gentleman from Pennsylvania has stated it, but the Clerk will read the title of the resolution.

The Clerk read as follows:

Senate joint resolution 145, providing for the filling of a vacancy which will occur on March 1, 1911, in the board of regents of the Smithsonian Institution of the class other than Members of Congress.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. DALZELL. Mr. Speaker, I move that the Senate be requested to return the joint resolution to the House.

The SPEAKER. The gentleman from Pennsylvania moves that the Senate be requested to return the joint resolution to the House.

The question was taken, and the motion was agreed to.

HENRY HALTEMAN.

The SPEAKER laid before the House the bill (H. R. 20603) for the relief of Henry Halteman, with a Senate amendment.

The Senate amendment was read.

Mr. COX of Ohio. Mr. Speaker, I move that the House concur in the Senate amendment.

The question was taken, and the motion was agreed to.

RIVER AND HARBOR BILL.

Mr. ALEXANDER of New York. Mr. Speaker, I call up the conference report on the bill H. R. 28632, the river and harbor bill, and ask that the statement be read in lieu of the report.

The SPEAKER. The gentleman from New York calls up the following conference report on the bill, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 28632) making appropriations for the construction, repair, and preservation of public works on rivers and harbors, and for other purposes.

The SPEAKER. And the gentleman asks unanimous consent that the statement be read in lieu of the report.

Mr. MANN. Mr. Speaker, I reserve all points of order upon the report.

The Clerk began reading the statement.

Mr. ALEXANDER of New York. Mr. Speaker, inasmuch as the report and the statement have been published in the RECORD of this morning, on page 3366, and is before all the Members of the House and is probably familiar to all present, I ask unanimous consent that the reading of the statement be discontinued and that the conference report be adopted.

The SPEAKER. Does the gentleman separate his request that the reading of the statement be dispensed with from the other?

Mr. ALEXANDER of New York. Yes.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none. The gentleman from Illinois reserved points of order upon the report.

Mr. ALEXANDER of New York. Mr. Speaker, I move that the unanimous report of the conferees be adopted.

Mr. MANN. Mr. Speaker——

The SPEAKER. The Chair will hear the gentleman from Illinois on the points of order.

Mr. MANN. Well, the report is subject to a point of order, as far as that is concerned, in reference to the agreement on amendment No. 10, but I do not know that I would care to insist upon the point of order if we can have a statement in reference to that provision. The conferees have attempted to amend it, I see.

Mr. ALEXANDER of New York. That is in regard to water-power development on the Coosa River?

Mr. MANN. The Coosa River lock and dam.

Mr. ALEXANDER of New York. Does the gentleman from Illinois desire any further statement than that given in the RECORD of this morning on page 3368? The amendment of the Senate as amended in conference comes strictly within the general dam act.

Mr. MANN. Apparently not.

Mr. ALEXANDER of New York. It not only allows the act to be altered or amended, but if at any time, in the interest of navigation, it becomes necessary to remove the power works, then such removal shall be done at the expense of the contracting parties and not at the expense of the Government.

Mr. MANN. Mr. Speaker, I withdraw the point of order.

The SPEAKER. The question is on the motion to agree to the conference report.

The question was taken, and the conference report was agreed to.

EXTENSION OF TIME ON DESERT-LAND ENTRIES.

The SPEAKER laid before the House the bill (S. 10318) authorizing the Commissioner of the General Land Office to grant further extension of time within which to make proof on desert-land entries, with a Senate amendment.

The Senate amendment was read.

Mr. MONDELL. Mr. Speaker, I move that the House concur in the Senate amendment.

The question was taken, and the Senate amendment was concurred in.

PENSIONS.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent that pension bills on the Private Calendar in order for to-day be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from New Hampshire [Mr. SULLOWAY] asks unanimous consent that business in order to-day upon the Private Calendar be considered in the House as in the Committee of the Whole.

PLACING PRIVATE BILLS ON CALENDAR FOR UNANIMOUS CONSENT.

Mr. MANN. Mr. Speaker, pending the motion of the gentleman from New Hampshire [Mr. SULLOWAY], I ask unanimous consent for the consideration of the following order, which I send to the Clerk's desk.

The SPEAKER. Pending which motion, the gentleman from Illinois [Mr. MANN] asks unanimous consent for the present consideration of the following order (No. 24), which the clerk will report.

The Clerk read as follows:

Ordered, That after Monday, February 27, 1911, and during the balance of this session, it shall be in order to place on the Calendar for Unanimous Consent bills on the Private Calendar.

The SPEAKER. Is there objection?

Mr. PRINCE. Mr. Speaker, a parliamentary inquiry. Does that mean claims bills?

The SPEAKER. All bills in order on the Private Calendar for unanimous consent.

Mr. PRINCE. I have no objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

So the order was agreed to.

FISH-CULTURAL STATION IN TENNESSEE.

Mr. WILSON of Illinois. Mr. Speaker, I ask unanimous consent to withdraw report on the bill H. R. 5196, a bill to establish a fish-cultural station in the County of Hickman, in the State of Tennessee, for the purpose of making an amendment.

The SPEAKER. The gentleman from Illinois [Mr. WILSON] asks unanimous consent to withdraw the report on the bill H. R. 5196, for the purpose of making an additional report. Is there objection?

There was no objection.

PENSIONS.

The SPEAKER. The gentleman from New Hampshire [Mr. SULLOWAY] asks unanimous consent that business in order to-day on the Private Calendar be considered in the House as in the Committee of the Whole. Is there objection?

Mr. FOSTER of Illinois. Reserving the right to object, Mr. Speaker, does that refer to pension claims alone?

The SPEAKER. It includes all bills on the calendar, as the Chair understands.

Mr. FOSTER of Illinois. I object, unless it refers just to those private claims. Did the gentleman make his request to include just pensions?

Mr. SULLOWAY. I said pensions.

The SPEAKER. Does the gentleman from New Hampshire [Mr. SULLOWAY] modify his request, and ask that pension bills in order to-day be considered in the House as in the Committee of the Whole?

Mr. SULLOWAY. I do.

The SPEAKER. Is there objection?

There was no objection.

MILITARY RECORDS OF CERTAIN SOLDIERS AND SAILORS.

The SPEAKER laid before the House House joint resolution No. 276, modifying certain laws relating to military records of certain soldiers and sailors, with a Senate amendment.

The Senate amendment was read.

Mr. STEVENS of Minnesota. Mr. Speaker, I move to concur in the amendment of the Senate.

The Senate amendment was concurred in.

PENSIONS.

The SPEAKER. The gentleman from New Hampshire [Mr. SULLOWAY] is recognized.

The Clerk will report the first bill.

AARON WAKEFIELD.

The first business on the Private Calendar was the bill (H. R. 10605) to amend the military record of Aaron T. Wakefield.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to so amend the military record of Aaron T. Wakefield, late of Company K, Fifteenth Regiment Maine Volunteer Infantry, as to indicate that he received an honorable discharge.

With the committee amendment, as follows:

Amend by striking out all after the enacting clause and inserting in lieu thereof the following:

"That in the administration of the pension laws Aaron Wakefield shall hereafter be held and considered to have been honorably discharged from Company K, Fifteenth Regiment Maine Infantry Volunteers, on the 17th day of September, 1864."

Mr. BARTLETT of Georgia. Is that a pension bill?

The SPEAKER. The Chair understands it is. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The title was amended to read: "A bill for the relief of Aaron Wakefield."

OMNIBUS PENSION BILL.

The next business on the Private Calendar was the bill (H. R. 32822) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Patrick Oates, late captain Company A, One hundred and thirty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Small, late of Company F, Eleventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Wilbur M. Root, late of Company C, Fourth Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Siewert E. Wierman, late of Comany F, Twenty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James L. Ballinger, late of Comany C, Fifty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Harvey D. Parmenter, late of Company A, Fifty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Vincent H. Gaskill, late acting assistant surgeon, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Gabriel Duffy, late of Company E, One hundred and third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now reciving.

The name of Joseph M. Lightell, late of Company H, Sixty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Isaac C. Spears, late of Company E, Thirty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Nichols, late of Company C, Thirty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George C. Stearns, late of Company C, Fifth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Milton Cooper, late of Companies I and B, Fourteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elizabeth Waters, widow of Shelah Waters, late major, Fifth Regiment Tennessee Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John Garrett, late of Company K, Eighth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Congdon, late of Company F, Sixty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Persis A. Gowen, former widow of William D. Walker, late captain Company E, Seventh Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Edward W. Currigan, late of Company H, One hundred and first Regiment, and Company B, One hundred and ninety-fifth Regiment, Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Elizabeth B. Stussy, widow of Andrew Stussy, late of Company A, One hundred and first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary J. Harwood, widow of George J. Harwood, late of Company D, Sixty-first Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Margaret C. De Cow, widow of Henry R. De Cow, late of Company D, Third Regiment, and first lieutenant Company I, Second Regiment, Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Elias Spaulding, late of Company D, Thirty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Malinda A. Hemstreet, widow of George W. Hemstreet, late second lieutenant Company G, Fifty-third Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Benjamin F. Thompson, late of Company I, Ninety-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Harriet E. Lewis, former widow of Francis A. Russell, late of Company I, First Regiment New York Volunteer Mounted Rifles, and pay her a pension at the rate of $12 per month.

The name of Frank B. Smith, late of Company C, Eighty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph E. McCabe, late of Company A, Seventeenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry M. Gifford, late of Company K, Third Regiment Massachusetts Militia Infantry, and pay him a pension at the rate of $15 per month in lieu of that he is now receiving.

The name of Samuel Creech, late of Company D, Forty-ninth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Homer Stevens, late of Company A, One hundred and seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William T. Miller, late of Company E, Fifth Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Matthias J. Brower, late of Company K, Twenty-second Regiment New Jersey Militia Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Margaret Trowbridge, widow of Peter Trowbridge, late of Company B, First Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John B. Eaton, late of Company C, Twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Margaret M. Stone, widow of Charles H. Stone, late of Company K, Third Regiment United States Reserve Corps Missouri Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Charles Bieger, late of Company B, Fifth Regiment, and Company B, Fourth Regiment, Missouri Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Eulalie Johnson, helpless and dependent child of Richard M. Johnson, late of Company E, Twenty-second Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Amanda M. Braley, former widow of Warren M. Foster, late second lieutenant Company M, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Thomas L. Jennison, late of Company G, Second Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel H. Greene, late of Company G, First Regiment Rhode Island Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Croak, late of Company E, Ninety-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of E. Lyman Kellogg, late of Company K, Fourth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lilburn Johnson, late of Company L, Seventh Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Hardenbrook, late first lieutenant Company H, Seventieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Battenfield, late of Company D, Fourteenth Regiment Ohio Volunteer Infantry, and Company G, One hundred and sixty-third Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Johnson, late of Company I, Eighth Regiment, and Company E, Thirty-eighth Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas L. Davidson, late of Company H, Twenty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Cupitt, late of Company E, One hundredth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Isaac Bowers, late of Company H, Thirty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert Boyce, late of Company C, Sixty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Milton M. De Witt, late of Company F, One hundred and thirty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of James M. Wilson, late of Company B, Sixteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Noah Smith, late of Company F, Third Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob N. Hamburger, late of Company G, Twelfth Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Griffin, late of Company F, One hundred and sixteenth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Doctor R. Hurst, late of Company D, Sixth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Warren M. Smith, late of Company I, One hundred and ninety-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Crago, late of Company H, One hundred and seventy-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Caroline K. Brennan, widow of George M. Brennan, late surgeon First Regiment United States Volunteer Sharpshooters, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ephraim B. Wilhoit, late of Company I, Twenty-second Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel W. Manear, late of Company G, Twelfth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edmund Messenger, late of Company I, Seventeenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William T. Little, late of Company C, One hundred and seventy-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James S. Case, late captain Company C, One hundred and thirty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William B. King, late of Company B, Sixty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John P. McCorkle, late of Company G, Eleventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Alonzo Douthit, late of Company H, Ninth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Fetzer, late of Company B, Twelfth Regiment Pennsylvania Reserve Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Joseph Bay, late of Company G, One hundred and twenty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Eli Newsom, late of Company A, One hundred and twentieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Smith, late of Company H, Fifty-third Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James A. Morrow, late of Company A, Thirty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John H. Elkins, late of Company K, Forty-seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Willard A. Corderman, late of Company E, Sixth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lewis Gentry, late of Company K, Third Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Nettie M. Howe, widow of Charles M. Howe, late of Company C, Tenth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Alice Howe, helpless and dependent daughter of said Charles M. Howe, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Nettie M. Howe, the name of said Alice Howe shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Nettie M. Howe.

The name of Christopher O. Ghearhart, late of Company I, One hundred and forty-eighth Regiment, and Company B, Two hundred and eleventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Arietta Saxe, widow of George Saxe, late of Company B, One hundred and second Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Obediah A. Bigley, late of Company E, Twenty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel E. Rice, late of Company I, Forty-eighth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John M. Brown, late of Company A, Sixty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hiram Gilmore, late of Company D, Fortieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Graves, late of Company I, Fifty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Josiah Jordan, late of Company A, Seventh Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Powley, late of Company H, First Battalion Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles G. Taylor, late of Company D, Sixteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin B. Brown, late of Company E, Thirtieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles W. Brackett, late of Company G, Seventh Regiment Maine Volunteer Infantry, and Company G, First Regiment Maine Veteran Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alonzo Ripley, late of Company D, Fortieth Regiment Massachusetts Volunteer Infantry, and Company H, Sixth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Annie T. Barclay, widow of Charles J. Barclay, late acting ensign and rear admiral, United States Navy, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of William Lisle, late of Company G, Ninety-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Solomon Blain, late of Company H, One hundred and twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin F. Ewan, late of Company H, Ninth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John F. Cozat, late of Company M, Eighth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ellen Strong, helpless and dependent child of Charles B. Strong, late of Company K, One hundred and sixty-fourth Regiment Ohio National Guard Infantry, and pay her a pension at the rate of $12 per month.

The name of Melvin Seward, late of Company A, One hundred and thirtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John W. Yetter, late of Company F, Fifth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Lynch, late of Company E, Forty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Marion Fulton, late of Company F, Twenty-first Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Josephus Mills, late of Company B, Twenty-first Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry Shaffer, late of Company L, Third Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Clark, late of Company B, Third Regiment Maryland Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Lyons, late of Company E, Ninetieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Andrew F. Sewards, late of Seventh Battery Ohio Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Wilson Tesson, late of Battery G, Third Regiment United States Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward Y. White, late of Company H, One hundred and forty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nancy A. Donaldson, former widow of Thomas J. Cain, late of Company A, Thirtieth Regiment Indiana Volunteer Infantry, and widow of William Donaldson, late of Company E, Fifty-third Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John D. Amick, late of Company E, Fifty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of James Hogg, late of Company A, Forty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Cornelius B. Ingels, late of Independent Battery C, Pennsylvania Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles Peters, late of Company E, Sixty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George H. Lunt, late of Company F, Thirty-first Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William A. Stewart, late of Company F, Fifty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob Kober, late of Company I, Thirty-second Regiment, and Company C, Sixteenth Regiment, Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Smith Redd, late of Company I, One hundred and seventeenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Howell, late of Company G, Seventy-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isaac Defenbaugh, late second lieutenant Companies D and E, Eighty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James B. Graham, late of Company E, Fourth Regiment Ohio Volunteer Infantry, War with Mexico, and Company H, Fifty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Peter Peterson, late of Company B, Fifteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Andrew Nelson, late of Company F, Second Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Clark Hewitt, late of Company F, First Regiment Wisconsin Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry Beavers, late of Company E, Twenty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James W. Kimble, late of Company E, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry C. Ketchum, late of Company E, First Regiment Vermont Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hiram B. Hawkins, late of Companies H and E, Fourth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Snyder, late of Company D, Sixty-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John R. Ryan, late of U. S. S. Allegheny and Kineo, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin Malam, late of Company B, One hundred and forty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Margreth Drudy, dependent mother of James M. Drudy, late of Company E, Third Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Mary E. Yaple, widow of Jacob Yaple, late captain Company C, One hundred and first Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Anna L. Yaple, helpless and dependent daughter of said Jacob Yaple, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Mary E. Yaple, the name of said Anna L. Yaple shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Mary E. Yaple.

The name of Asahel Ward, late of Company K, and sergeant major Seventeenth Regiment, and first lieutenant Company A, Forty-eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert Kelley, late of Company B, Second Battalion Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles P. Ellison, late of Company D, Third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ira B. Horner, late of Company K, Sixty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Levi M. Harris, late of Company F, Second Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elisha M. Darling, late of Company K, Fourteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sarah Jane Lush, widow of William Lush, late of Company M, Sixth Regiment Kentucky Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of John Breiner, late of Company F, One hundred and forty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary E. Gardner, former widow of Henry J. D. Minton, late of Company K, Twenty-first Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of James Y. Gooch, late of Company A, Thirty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nicholas Frankhouser, late of Company G, Eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James L. Johnston, late of Company E, Seventeenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Solomon Johnson, late of Company E, Twenty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Levi Lynch, late of Company F, Fifteenth Regiment, and Company L, Tenth Regiment, Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Straw, late of Company C, Second Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles W. Colbath, late of Company B, Third Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hiram Hawk, late of Company F, Thirty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Conkle, late of Company I, One hundredth Regiment Illinois Volunteer Infantry, and Company G, Fifteenth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elbert Sexton, late of Company G, Second Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Louis P. Theurer, late of Company F, Twenty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Seacrist, late of Company G, Tenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of James Bouley, late of Company L, Twelfth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Homer W. Johnson, late of Company E, Forty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James F. Brandon, late of Company B, Tenth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Jaquith, late of Company G, Twenty-first Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Coughlin, late lieutenant colonel Tenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $60 per month in lieu of that he is now receiving.

The name of Joshua Watters, late of Company A, Fifty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Henry C. Cutter, late of Company H, Fifth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Turner, late of Company C, One hundred and twenty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John L. Keifer, late of Company A, One hundred and tenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John C. Oliver, late of Sixteenth Independent Battery New York Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Nicholas Dittmore, late of Company D, Second Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Samuel Haines, late of Company F, Fifth Regiment New Hampshire Volunteer Infantry, and Company C, First Regiment United States Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George Hooper, late of Company G, Thirteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jesse W. Good, late of Company H, Sixty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John H. Downey, late of Company A, Second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Robert F. McDonald, late captain Company G, Twenty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Theodore M. Davis, late of Company E, Forty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Andrew P. Wall, late of Twenty-fourth Independent Battery Indiana Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Felthoff, late of Company B, Eighty-sixth Regiment Indiana Volunteer Infantry, and Company C, Eighth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Frances Miles, widow of John Miles, late of Company B, Thirty-third Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John E. Agler, late of Company K, Seventy-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Wallace A. Simmons, late of Company B, One hundred and twenty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isaac Isenhart, late of Company I, Seventeenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Franklin Van Auken, late of Company C, Twenty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Akin, late of Company C, First Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John J. Thompson, late of Company A, One hundred and forty-third Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John P. Roderick, late of Company E, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah Hook, widow of John W. Hook, late of Company E, Seventy-ninth Regiment Indiana Volunteer Infantry, and Company G, First Battalion, Fifth Regiment, Veteran Reserve Corps, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John B. P. Shannon, late of Company A, Forty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Philip B. Stoner, late of Company G, Eighty-fourth Regiment, and Company K, Fifty-seventh Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John McHugh, late of Company K, Fifth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Louisa Parsels, widow of Daniel E. Parsels, late of Company L, Fifty-sixth Regiment New York Volunteer Infantry, and Eighth Independent Battery, New York Volunteer Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Charles A. Engles, late of Company A, Purnell's Legion Maryland Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Bishop, late of Company F, Tenth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles Chrisler, late of Company E, One hundred and forty-first Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Seymour S. Peloubet, late of Company D, Thirty-ninth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Van Wagner, late of Company C, One hundred and forty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Noah Horner, late of Company A, Second Regiment Pennsylvania Volunteer Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Jones, late of Company B, Seventeenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of George W. Doty, late of Company H, Fourth Regiment New York Volunteer Heavy Artillery, and Second Company, Second Battalion, Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel Davids, late of Company C, Thirty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John C. Dempsey, late of Company D, First Regiment Eastern Shore Maryland Volunteer Infantry, and Company G, Eleventh Regiment Maryland Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Milton Buchanan, late of Twenty-eighth Independent Battery New York Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Esther M. Shenick, former widow of Alvah Stevens, late of Company K, Second Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Frederick Yahnkee, late of Company A, Sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Harriet V. Tiernon, widow of John Luke Tiernon, late first lieutenant, Third Regiment United States Artillery, and brigadier-general, United States Army, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Michael Cavanagh, late of Company B, Forty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Franklin Lovell, late of Company B, Thirty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James A. Zeller, late of Companies K and A, Fifty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John A. Meroney, late hospital steward Twelfth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James W. Vandervoort, late assistant surgeon Sixteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John B. Pasley, late of Company H, One hundred and fifty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of John J. Burtsfield, late of Capt. Lehman's company, One hundred and third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of George L. Johnson, late of Company B, Twelfth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lewis J. Cutter, late of Company B, Seventy-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Potter, late of Company D, Eighth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Anna C. Foulke, widow of Oliver E. Foulke, late of Company E, Ninety-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William H. Vasbinder, late of Company K, Sixty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob G. Crouse, late of Company G, Forty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William F. Bell, late of Company F, One hundred and seventy-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David Lucas, late of Company A, Twenty-fourth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Jemima Johnson, former widow of William Bowser, late of Company A, Fifth Regiment West Virginia Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Carrie E. Keepers, widow of Amos C. Keepers, late of Company D, Fifteenth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Alban H. Foster, late of Company D, First Battalion Pennsylvania Volunteer Infantry, and Company E, One hundred and eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isabella M. Appold, widow of Samuel A. Appold, late second assistant engineer, U. S. S. Seminole and Pinola, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John Dawson, late of Company I, One hundred and ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Miller, late of Company D, Eighteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Turner, late of Company H, Thirteenth Regiment Tennessee Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William F. Gibson, late of Company E, Twelfth Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jonathan Cooprider, late of Company K, Eighty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Cornelia E. Combs, widow of John M. Combs, late acting assistant surgeon, United States Army, and pay her a pension at the rate of $12 per month.

The name of Albert H. Rather, late of Company A, Fifty-second Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas E. Dittemore, late of Company D, One hundred and forty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lucy A. Carter, widow of James Carter, late of Company C, Sixth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of George K. Jones, late of Company F, Twenty-second Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John B. Hall, late of Company K, Fifty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name fo James L. Morrison, late of Capt. John B. Kennamer's company, Alabama Scouts and Guides, and pay him a pension at the rate of $12 per month.

The name of John L. McBeth, late of Company H, Twentieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Harriet L. Nichols, widow of Charles H. Nichols, late captain Company D, Sixth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John Woolery, late of Company C, Seventy-fourth Regiment Illinois Volunteer Infantry, and One hundred and fifty-seventh Company, Second Battalion Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Stephen Virtue, late of Company H, Thirty-eighth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Fountain P. Kephart, late of Company F, Fourth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mathew McKnight, alias Thomas McKnight, late of Companies K and C, Seventh Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John C. Hagen, late of Company I, Seventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew J. Hopper, late of Company H, Twenty-fifth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of John S. Wilson, late of Company H, Thirty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of George Riel, late of Company D, Seventeenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph B. Matthews, late of U. S. S. North Carolina, New London, and J. C. Kuhn, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Peter Hadley, late of Companies A and H, First Regiment New Jersey Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Hedges, late of Company D, One hundred and seventy-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Elpline, late of Company M, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Albert R. Dick, late of Company I, Twentieth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Peter Winsor, late second lieutenant Company E, Twenty-ninth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Margaret A. Bryant, widow of Walter B. Bryant, late of Company E, Thirty-seventh Regiment, and Company C, Twentieth Regiment, Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James H. Cloer, late of Company E, First Regiment Arkansas Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Catharine A. Carruthers, former widow of John S. Babbage, late of Company K, Seventeenth Regiment United States Infantry, and pay her a pension at the rate of $12 per month.

The name of Abraham Waddle, late of Company B, First Regiment Arkansas Volunteer Infantry, and Company M, Fourth Regiment Arkansas Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Emil Glaser, late of Company K, Seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Seth M. Young, late of Company K, Fourth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Isaac R. Steele, late of Company C, Twenty-eighth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles A. Howk, alias James Nelson, late of Company I, Sixth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sewall R. Reeves, late of Company B, Second Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elias Pearson, late of First Battery Kansas Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isadore V. Douglass, late of Company I, Twenty-first Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ellen F. Fahey, widow of Timothy Fahey, late of U. S. S. North Carolina and Amanda, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Richard Allen, late of Company A, One hundred and thirty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sylvester F. Wallace, late of Company G, One hundred and seventh Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James M. Hay, late of Company D, Thirty-fifth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Loren W. Lewis, late of Company E, Eighty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William M. Hovey, late of Company E, Fourth Regiment, and captain Company C, Thirteenth Regiment, West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James Hayden, late of Company G, Seventh Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joshua Widger, late of Company F, Twelfth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James J. Morrally, late of Company G, Second Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Martha W. Moore, widow of Jacob M. Moore, late of Company I, Thirteenth Regiment Maryland Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William Steadman, late of Company B, Fourth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William Swartz, late of Company I, Forty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary L. Kibler, widow of Richard Kibler, late of Company D, Sixteenth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

The name of John Chamberlain, late of Company I, Twentieth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Jones, late of Company C, Eighty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sallie A. Palmer, widow of James H. Palmer, late second lieutenant Company H, Twelfth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of William B. Davis, late of Company H, Seventh Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Moses R. Leland, late of Company E, Seventeenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Adelaide Heim, former widow of Joseph W. Lowe, late of Company C, Sixty-first Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Alonzo Fox, late of Company K, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Katie B. Meister, widow of Albert Meister, late of Third Independent Battery New York Volunteer Light Artillery, and pay her a pension at the rate of $16 per month, and $2 per month additional for each of the three minor children of said soldier until such children shall arrive at the age of 16 years, in lieu of that she is now receiving.

The name of William H. Griner, late of Company I, Sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eunice Ella Stockwell, widow of Charles Stockwell, late of Company F, First Battalion Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

The name of William H. Brown, late of Company B, Twenty-second Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Frank, late of Company E, One hundred and fifty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles K. Beecher, late first lieutenant Company B, Eighty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Martin Norton, late second lieutenant Company G, Twentieth Regiment Illinois Volunteer Infantry, and captain and assistant adjutant general, United States Volunteers, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Samuel M. Ream, late of Company F, Seventh Regiment Iowa Volunteer Infantry, and Company A, Seventh Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Milo A. Tucker, late of Company K, Twenty-third Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry C. Curtis, late second lieutenant Company K, Thirteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of James Taylor, late of Company B, Twenty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edmund Gannon, late of Company I, Fifty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert W. Van Riper, late of Company F, One hundred and eighty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry T. Clark, late of Company C, Eighteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John E. Fulkerson, helpless and dependent child of Philip Fulkerson, late of Company F, Eighty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Lynyear Fulford, late of Company H, Fourteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James A. Burk, late of Company K, Thirty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Moroni N. Fuller, late of Company G, Seventy-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Benjamin F. Patterson, late of Company G, First Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Emily Reed, widow of William Reed, late of Company B, Fifth Regiment New York Veteran Volunteer Infantry, and pay her a pension at the rate of $12 per month and $2 per month additional for each of the two minor children of said soldier until said children shall arrive at the age of 16 years.

The name of Phillip Cronin, late of Company F, First Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah Quinn, widow of James Quinn, late of Company A, Ninety-ninth Regiment Pennsylvania Volunteer Infantry, and Company C, Thirteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Michael Quinn, helpless and dependent son of said James Quinn, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Sarah Quinn, the name of said Michael Quinn shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Sarah Quinn.

The name of Leland P. Smith, late of Company K, Sixth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob C. Rosenberger, late of Company C, Forty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of George Housman, late of Company E, Third Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob B. Vannatter, late of Company H, Forty-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Leslie Norman, late of U. S. S. Dawn, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Maria Mulligan, widow of Joseph Mulligan, late of Company D, First Regiment New York Volunteer Engineers, and pay her a pension at the rate of $12 per month.

The name of David Sedore, helpless and dependent child of Isaac Sedore, late of Company A, Third Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Abraham Metheny, late of Company F, Thirty-first Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lydia S. Moore, widow of Seth Moore, late of Company G, Fourth Regiment New York Volunteer Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Henry W. Wisecup, late of Company A, First Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Augustus L. Dyer, late of Company E, Fourteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary A. Bullard, widow of David C. Bullard, late of Company H, One hundred and sixty-first Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Joseph Fortescue, late of Company I, Seventy-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel Rothwell, late of Company H, Seventh Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas J. Elton, late of Companies A and G, Third Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Waltshlager, late of Company D, First Regiment Missouri State Militia Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of William T. Colbert, late of Company A, Forty-ninth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Harrison Ferguson, late of Company C, Forty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Hammond, late of Company B, Fifteenth Regiment New York Volunteer Cavalry, and Company B, Second Regiment New York Provisional Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary Bolling, widow of William E. Bolling, alias Charles Davis, late of Company A, Thirty-eighth Regiment United States Colored Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Reuben Koch, late of Company E, One hundred and twenty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Clark, late of Company I, First Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Walters, late of Company H, One hundred and third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Walter Scott Ingalls, helpless and dependent child of Walter Ingalls, late of Company A, Twenty-fourth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Francis W. Burnham, late of Company G, Fifteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lidda Rusmisel, former widow of Henry Judy, late of Company D, Eleventh Regiment Indiana Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

This bill is a substitute for the following House bills referred to the Committee on Invalid Pensions:

H. R. 962. Patrick Oates.
H. R. 1746. William H. Small.
H. R. 1784. Wilbur M. Root.
H. R. 1823. Slewert E. Wierman.
H. R. 2808. James L. Ballinger.
H. R. 3491. Harvey D. Parmenter.
H. R. 4587. Vincent H. Gaskill.
H. R. 5316. Gabriel Duffy.
H. R. 5722. Joseph M. Lightell.
H. R. 6531. Isaac C. Spears.
H. R. 7805. John Nichols.
H. R. 8892. George C. Stearns.
H. R. 8959. Milton Cooper.
H. R. 10072. Elizabeth Waters.

H. R. 10377. John Garrett.
H. R. 10657. Thomas Congdon.
H. R. 11538. Persis A. Gowen.
H. R. 12480. Edward W. Currigan.
H. R. 12632. Elizabeth B. Stussy.
H. R. 12707. Mary J. Harwood.
H. R. 13564. Margaret C. De Cow.
H. R. 13609. Elias Spaulding.
H. R. 13777. Malinda A. Hemstreet.
H. R. 15341. Benjamin F. Thompson.
H. R. 15887. Harriet E. Lewis.
H. R. 15989. Frank B. Smith.
H. R. 15994. Joseph E. McCabe.
H. R. 16257. Henry M. Gifford.
H. R. 16578. Samuel Creech.
H. R. 16613. Homer Stevens.
H. R. 16643. William T. Miller.
H. R. 16997. Matthias J. Brower.
H. R. 17389. Margaret Trowbridge.
H. R. 17441. John B. Eaton.
H. R. 17566. Margaret M. Stone.
H. R. 17567. Charles Bieger.
H. R. 17835. Eulalie Johnson.
H. R. 17843. Amanda M. Braley.
H. R. 18035. Thomas L. Jennison.
H. R. 18040. Samuel H. Greene.
H. R. 18278. John Croak.
H. R. 19104. E. Lyman Kellogg.
H. R. 19211. Lilburn Johnson.
H. R. 19471. William Hardenbrook.
H. R. 19581. John Battenfield.
H. R. 19911. George W. Johnson.
H. R. 19995. Thomas L. Davidson.
H. R. 20116. John Cupitt.
H. R. 20233. Isaac Bowers.
H. R. 20458. Robert Boyce.
H. R. 21398. Milton M. De Witt.
H. R. 21739. James M. Wilson.
H. R. 22410. Noah Smith.
H. R. 22916. Jacob N. Hamburger.
H. R. 23045. Thomas Griffin.
H. R. 23091. Doctor R. Hurst.
H. R. 23107. Warren M. Smith.
H. R. 23623. Joseph Crago.
H. R. 23646. Caroline K. Brennan.
H. R. 24084. Ephraim B. Wilholt.
H. R. 24116. Samuel W. Manear.
H. R. 24179. Edmund Messenger.
H. R. 24245. William T. Little.
H. R. 24478. James S. Case.
H. R. 24977. William B. King.
H. R. 25320. Joseph P. McCorkle.
H. R. 25360. Alonzo Douthit.
H. R. 25484. George Fetzer.
H. R. 25545. Joseph Bay.
H. R. 25717. Eli Newsom.
H. R. 25728. Charles Smith.
H. R. 25748. James A. Morrow.
H. R. 25955. John H. Elkins.
H. R. 25992. Willard A. Corderman.
H. R. 26015. Lewis Gentry.
H. R. 26026. Nettie M. Howe.
H. R. 26162. Christopher C. Ghearhart.
H. R. 26302. Arietta Saxe.
H. R. 26325. Obediah A. Bigley.
H. R. 26493. Samuel E. Rice.
H. R. 26546. John M. Brown.
H. R. 26667. Hiram Gilmore.
H. R. 26674. William Graves.
H. R. 27024. Josiah Jordan.
H. R. 27035. William Powley.
H. R. 27131. Charles G. Taylor.
H. R. 27193. Benjamin B. Brown.
H. R. 27194. Charles W. Brackett.
H. R. 27220. Alonzo Ripley.
H. R. 27262. Annie T. Barclay.
H. R. 27323. William Lisle.
H. R. 27325. Solomon Blain.
H. R. 27328. Benjamin F. Ewan.
H. R. 27340. John F. Cozat.
H. R. 27345. Ellen Strong.
H. R. 27535. Melvin Seward.
H. R. 27536. John W. Yetter.
H. R. 27539. James Lynch.
H. R. 27601. Marion Fulton.
H. R. 27613. Josephus Mills.
H. R. 27615. Henry Shaffer.
H. R. 27654. John Clark.
H. R. 27659. John Lyons.
H. R. 27735. Andrew F. Sewards.
H. R. 27768. Wilson Tesson.
H. R. 27908. Edward Y. White.
H. R. 27932. Nancy A. Donaldson.
H. R. 27957. John D. Amick.
H. R. 27969. James Hogg.
H. R. 27974. Cornelius B. Ingels.
H. R. 27984. Charles Peters.
H. R. 27999. George H. Lunt.
H. R. 28051. William A. Stewart.
H. R. 28193. Jacob Kober.
H. R. 28266. Smith Redd.
H. R. 28271. George W. Howell.
H. R. 28450. Isaac Defenbaugh.
H. R. 28500. James B. Graham.
H. R. 28523. Peter Peterson.
H. R. 28538. Andrew Nelson.
H. R. 28540. Clark Hewitt.
H. R. 28587. Henry Beavers.
H. R. 28745. James W. Kimble.
H. R. 28750. Henry C. Ketchum.
H. R. 28755. Hiram B. Hawkins.
H. R. 28819. John Snyder.
H. R. 28840. John R. Ryan.
H. R. 29007. Benjamin Malam.
H. R. 29147. Margreth Drudy.
H. R. 29199. Mary E. Yaple.
H. R. 29243. Asahel Ward.
H. R. 29248. Robert Kelley.
H. R. 29255. Charles P. Ellison.
H. R. 29333. Ira B. Horner.
H. R. 29358. Levi M. Harris.
H. R. 29414. Elisha M. Darling.
H. R. 29529. Sarah Jane Lush.
H. R. 29536. John Breiner.
H. R. 29543. Mary E. Gardner.
H. R. 29612. James Y. Gooch.
H. R. 29716. Nicholas Frankhouser.
H. R. 29775. James L. Johnston.
H. R. 29819. Solomon Johnson.
H. R. 29837. Levi Lynch.
H. R. 29842. William H. Straw.
H. R. 29843. Charles W. Colbath.
H. R. 29875. Hiram Hawk.
H. R. 29876. George W. Conkle.
H. R. 29881. Elbert Sexton.
H. R. 29894. Louis P. Theurer.
H. R. 29901. Joseph Seacrist.
H. R. 29903. James Bouley.
H. R. 29918. Homer W. Johnson.
H. R. 29922. James F. Brandon.
H. R. 29997. William H. Jaquith.
H. R. 30005. John Coughlin.
H. R. 30011. Joshua Watters.
H. R. 30052. Henry C. Cutter.
H. R. 30055. Joseph Turner.
H. R. 30060. John L. Keifer.
H. R. 30207. John C. Oliver.
H. R. 30239. Nicholas Dittmore.
H. R. 30269. Samuel Haines.
H. R. 30304. George Hooper.
H. R. 30348. Jesse W. Good.
H. R. 30349. John H. Downey.
H. R. 30350. Robert F. McDonald.
H. R. 30364. Theodore M. Davis.
H. R. 30369. Andrew P. Wall.
H. R. 30426. Henry Felthoff.
H. R. 30459. Frances Miles.
H. R. 30489. John E. Agler.
H. R. 30511. Wallace A. Simmons.
H. R. 30557. Isaac Isenhart.
H. R. 30609. Franklin Van Auken.
H. R. 30654. James Akin.
H. R. 30664. John J. Thompson.
H. R. 30695. John P. Roderick.
H. R. 30766. Sarah Hook.
H. R. 30769. John B. P. Shannon.
H. R. 30771. Philip B. Stoner.
H. R. 30812. John McHugh.
H. R. 30813. Louisa Parsels.
H. R. 30869. Charles A. Engles.
H. R. 30874. William Bishop.
H. R. 30943. Charles Chrisler.
H. R. 30946. Seymour S. Peloubet.
H. R. 30947. George W. Van Wagner.
H. R. 30954. Noah Horner.
H. R. 30979. William Jones.
H. R. 31014. George W. Doty.
H. R. 31019. Daniel Davids.
H. R. 31030. John C. Dempsey.
H. R. 31086. Milton Buchanan.
H. R. 31216. Esther M. Shenick.
H. R. 31235. Frederick Yahnkee.
H. R. 31248. Harriet V. Tiernon.
H. R. 31251. Michael Cavanagh.
H. R. 31252. Franklin Lovell.
H. R. 31255. James A. Zeller.
H. R. 31263. John A. Meroney.
H. R. 31268. James W. Vandervoort.
H. R. 31289. John B. Pasley.
H. R. 31362. John J. Burtsfield.
H. R. 31363. George L. Johnson.
H. R. 31368. Lewis J. Cutter.
H. R. 31459. John Potter.
H. R. 31494. Anna C. Foulke.
H. R. 31495. William H. Vasbinder.
H. R. 31515. Jacob G. Crouse.
H. R. 31558. William F. Bell.
H. R. 31560. David Lucas.
H. R. 31569. Jemima Johnson.
H. R. 31572. Carrie E. Keepers.
H. R. 31585. Alban H. Foster.
H. R. 31607. Isabella M. Appold.
H. R. 31613. John Dawson.
H. R. 31626. William Miller.
H. R. 31631. William Turner.
H. R. 31675. William F. Gibson.
H. R. 31711. Jonathan Cooprider.
H. R. 31734. Cornelia E. Combs.
H. R. 31741. Albert H. Rather.
H. R. 31778. Thomas E. Dittemore.
H. R. 31814. Lucy A. Carter.
H. R. 31831. George K. Jones.
H. R. 31849. John B. Hall.
H. R. 31872. James L. Morrison.
H. R. 31878. John L. McBeth.
H. R. 31880. Harriet L. Nichols.
H. R. 31964. John Woolery.
H. R. 31983. Stephen Virtue.
H. R. 31994. Fountain P. Kephart.
H. R. 32024. Matthew McKnight, alias Thomas McKnight.
H. R. 32085. John C. Hagen.
H. R. 32105. Andrew J. Hopper.
H. R. 32108. John S. Wilson.
H. R. 32113. George Riel.
H. R. 32154. Joseph B. Matthews.
H. R. 32156. Peter Hadley.
H. R. 32190. George W. Hedges.
H. R. 32193. William Elpline.
H. R. 32194. Albert R. Dick.
H. R. 32254. Peter Winsor.
H. R. 32295. Margaret A. Bryant.
H. R. 32296. James H. Cloer.
H. R. 32300. Catharine A. Carruthers.
H. R. 32322. Abraham Waddle.
H. R. 32338. Emil Glaser.
H. R. 32364. Seth M. Young.
H. R. 32375. Isaac R. Stelle.
H. R. 32377. Charles A. Howk, alias James Nelson.
H. R. 32406. Sewall R. Reeves.
H. R. 32411. Elias Pearson.
H. R. 32422. Isadore V. Douglass.
H. R. 32423. Ellen F. Fahey.
H. R. 32454. Richard Allen.
H. R. 32464. Sylvester F. Wallace.
H. R. 32467. James M. Hay.
H. R. 32493. Loren W. Lewis.
H. R. 32501. William M. Hovey.
H. R. 32514. James Hayden.
H. R. 32515. Joshua Widger.
H. R. 32521. James J. Morrally.
H. R. 32523. Martha W. Moore.
H. R. 32548. William Steadman.
H. R. 32555. William Swartz.
H. R. 32561. Mary L. Kibler.
H. R. 32565. John Chamberlain.
H. R. 32569. John Jones.
H. R. 32588. Sallie A. Palmer.
H. R. 32592. William B. Davis.
H. R. 26120. Walter Scott Ingalls.
H. R. 32387. Francis W. Burnham.
H. R. 16235. Lidda Rusmisel.
H. R. 32596. Moses R. Leland.
H. R. 32597. Adelaide Heim.
H. R. 32600. Alonzo Fox.
H. R. 32601. Katie B. Meister.
H. R. 32650. William H. Griner.
H. R. 32653. Eunice Ella Stockwell.
H. R. 32689. William H. Brown.
H. R. 32692. John Frank.
H. R. 32694. Charles K. Beecher.
H. R. 32704. Martin Norton.
H. R. 32705. Samuel M. Ream.
H. R. 32734. Milo A. Tucker.
H. R. 1810. Henry C. Curtis.
H. R. 2801. James Taylor.
H. R. 7245. Edmund Gannon.
H. R. 12264. Robert W. Van Riper.
H. R. 13616. Henry T. Clark.
H. R. 14789. John E. Fulkerson.
H. R. 15335. Lynyear Fulford.
H. R. 22528. James A. Burk.
H. R. 24019. Moroni N. Fuller.
H. R. 25907. Benjamin F. Patterson.
H. R. 26142. Emily Reed.
H. R. 27054. Philip Cronin.
H. R. 28293. Sarah Quinn.
H. R. 28425. Leland P. Smith.
H. R. 28727. Jacob C. Rosenberger.
H. R. 28728. George Housman.
H. R. 28939. Jacob B. Vannatter.
H. R. 29844. Leslie Norman.
H. R. 31329. Maria Mulligan.
H. R. 31611. David Sedore.
H. R. 31897. Abraham Metheny.
H. R. 32405. Lydia S. Moore.
H. R. 32598. Henry W. Wisecup.
H. R. 32614. Augustus L. Dyer.
H. R. 32690. Mary A. Bullard.
H. R. 32703. Joseph Fortescue.
H. R. 32746. Samuel Rothwell.
H. R. 32761. Thomas J. Elton.
H. R. 32762. Joseph Waltshiager.
H. R. 32763. William T. Colbert.
H. R. 32773. Harrison Ferguson.
H. R. 32796. William Hammond.
H. R. 32797. Mary Bolling.
H. R. 31001. Reuben Koch.
H. R. 31952. Thomas Clark.
H. R. 32708. John Walters.

Mr. HAMLIN rose.

The SPEAKER. For what purpose does the gentleman from Missouri rise?

Mr. HAMLIN. Mr. Speaker, I rise to announce the death of Henry Feltholl. I have just been informed that he died recently.

Mr. SULLOWAY. Mr. Speaker, I move to amend the bill by striking out that paragraph. That is at the bottom of page 30.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

The next business on the Private Calendar was the bill (S. 10691) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Jacob Souder, late of Company K, One hundred and forty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Richard H. Bartlett, late of Company G, First Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William A. McGinety, late captain Company E, Seventh Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Jeremiah F. Blanchard, late acting ensign, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hugh Haggerty, late of Company F, Forty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Drown, late of Company A, First Regiment New Hampshire Volunteer Light Artillery, and Company A, Ninth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James C. Brown, late of Company C, Sixty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary A. Hortshorn, widow of Dana W. Hartshorn, late surgeon, United States Volunteers, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of John Blevins, late of Company D, Forty-ninth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George B. Black, late of Company H, Sixty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Arey, late of U. S. S. Ohio, Minnesota, and Alert, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Harry G. Morton, late of Company E, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hannah Lee, widow of Joseph A. Lee, late of Twenty-fourth Independent Battery, Ohio Volunteer Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Eli Avery, late of Company B, Seventh Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elmer Strickland, late of Company B, Sixth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Blue, late of Company I, One hundred and ninety-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Oscar H. Ford, late of Company H, Thirty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lemuel Dougherty, late of Company F, Forty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Asa N. Callahan, late of Company B, Sixth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James A. Dunlap, late of Company B, First Regiment, and Company L, Third Regiment, Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frederick R. Miller, late lieutenant colonel One hundred and forty-fourth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Blush, late of Company C, Fifty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Lewis, late of Second Battery Iowa Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Horatio N. Jenks, late of Company F, First Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Josiah Ackerman, late of Company B, Fifty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Albert Miller, late of Company H, Sixteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. McMullen, late of Company H, Twenty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elijah Knapp, late of Company I, Second Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Adoniram Judson Morgan, late of Company C, Ninth Regiment Illinois Volunteer Cavalry, and Company I, Sixth Regiment Michigan Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William V. Hopkins, late of Company K, Seventy-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Reuben Hurley, late of Company F, Fourth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George F. Johnson, late of Company A, First Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. White, late of Company E, One hundred and fourteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jairus D. Backus, late of Company D, One hundred and twenty-third Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Cooney, late of Company C, Second Regiment Minnesota Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thaddeus Parr, late of Company G, Twentieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Kinsey, late of Company D, One hundred and forty-seventh Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mathew Harris, late of Company B, Seventy-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Eber. W. Fosbury, late of Company B, Twenty-second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John J. Robinson, late of Company H, Eleventh Regiment West Virginia Volunteer Infantry, and unassigned, Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert Masters, late first lieutenant Company G, and captain Company B, Sixty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry W. Bradley, late of Company M, Fourth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Robinson, late of Company I, Seventh Regiment Wisconsin Volunteer Infantry, and Company A, Third Regiment Veteran Reserve Corps, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Michael Boston, late of Company E, Seventy-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David Earhart, late of Company D, Second Regiment Colorado Volunteer Infantry, and Company M, First Regiment Colorado Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Chancy W. Rickerd, late of Company I, Second Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph A. Durham, alias Joseph Anson, late of Company A, Sixty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Baird, late of Company I, Second Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel M. Bragg, late of Company A, First Regiment Maine Volunteer Cavalry, and Company K, First Regiment District of Columbia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joel P. Colvin, late of Company C, Tenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frank B. Carey, helpless and dependent son of Daniel J. Carey, late of Company G, Fifty-seventh Regiment Pennsylvania Volunteer Infantry, and Company E, Third Regiment Veteran Reserve Corps, and pay him a pension at the rate of $12 per month.

The name of Thomas C. Boggess, late of Company I, Third Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary E. Havens, widow of Joseph H. Havens, late paymaster's clerk, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James M. Owen, late of Company G, Second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Hiram Hoover, late of Company A, Seventy-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Murlin, late of Company H, Fifth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry H. Parmenter, late of Company H, Sixteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Dorious Neel, late second lieutenant Company I, Ninety-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lemuel Cohee, late of Company B, Eleventh Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Abraham G. Hendryx, late of Company A, First Regiment Illinois Volunteer Cavalry, and Company I, One hundred and forty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Christopher C. Jones, late of Company I, Seventh Regiment, and Company E, Sixth Regiment, Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Wood, late of Company I, Thirteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ellen Hungerford, former widow of John T. Consaul, late second lieutenant Company B, First Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of John F. Grayum, late first lieutenant Company E, Seventh Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Corydon G. Ireland, late of Company E, Second Regiment California Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Myron Heffron, late of Company B, First Regiment Michigan Engineers and Mechanics, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Julius Blessin, late of Company A, Twenty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John Freeman, late of Patterson's independent company, Kentucky Volunteer Engineers and Mechanics, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary C. At Lee, widow of Goodwin Y. At Lee, late of Company A, Third Battalion District of Columbia Militia Infantry, and pay her a pension at the rate of $12 per month.

The name of Henry R. Playford, late of Company G, Ninety-second Regiment, and Company I, Sixty-fifth Regiment, Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Franklin D. Morton, late of Company D, Eleventh Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Calvin L. Johnson, late of Company K, One hundred and forty-third Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Anderson, late captain and assistant quartermaster, United States Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel P. Travis, late of Company H, Ninety-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Goodwin, late of Company C, Twenty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hugh Price Wilson, late of Company C, Twelfth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Susan Reppeto, widow of John G. Reppeto, late of Company G, Eighty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John H. Reid, late of Company K, Twenty-first Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William R. Grumley, late of Company G, Fourteenth Regiment Connecticut Volunteer Infantry, and Company D, Twenty-fourth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Albert Hitchcock, late of Company H, Forty-ninth Regiment Massachusetts Militia Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Albert S. Granger, late first lieutenant Company G, Eighteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Harrison C. Boyster, late of Company D, Seventeenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Lehan, late of Company L, Thirty-second Regiment Massachusetts Volunteer Infantry, and Company A, First Battalion, Fifteenth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Roth, late of Company D, Second Regiment Ohio Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Richard L. Sturges, late of Company F, One hundred and thirty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James A. Morgan, late of Company K, One hundred and fifty-ninth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George M. Roberts, late of Company A, Nineteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David J. Bowman, late of Company K, Eighty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edwin W. Haynes, late of Company A, One hundred and seventeenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary A. Charles, widow of Francis M. Charles, late of Company H, Eighteenth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Harrison F. Roberts, late of Battery K, Fourth Regiment United States Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Erastus Smith, late of Company D, Seventh Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel Fisher, late of Company C, Twenty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William George Stark, late of Company B, Second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Warren P. Dwinnells, late of Company H, Seventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Orrin C. Leonard, late of Company G, Seventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Albert Koch, late of Company F, Ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Moles, late of Company D, Forty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James M. C. Jackson, late of Company B, Forty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert Clark, late of Company I, Eleventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Charles A. Rowell, late of Company I, Seventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John C. Neel, late of Company B, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Shannon, late of U. S. S. Macedonia, Katahdin, and North Carolina, United States Navy, and Company F, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Chandler, late of Company F, Second Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of John C. Ward, late of Company H, First Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Daniel Jordan, late of Company H, Fifth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Milton Pendergast, late of Company B, Sixty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Gorden, late of Company I, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Victoria M. Steele, widow of Samuel Steele, late chaplain Seventh Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Charles M. Renshaw, late second lieutenant Company H, Twenty-third Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Silas Fish, late of Company G, First Regiment Wisconsin Volunteer Heavy Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Valentine Lungwitz, late of Company C, Fourteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Catherine M. Walker, widow of John D. Walker, late captain Company E, Eleventh Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Sherman McBratney, late of Company M, Tenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Rude, late of Company H, Twenty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Michael Farrington, late of Company K, Eighth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James Haggerty, late of Company C, Eighteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Phelps, late of Company E, Second Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Robert Tarbet, late of Company B, Twenty-second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jasper N. Kinman, late of Company F, Tenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry Wentworth, late of Company C, Third Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Noyes, late of Company D, Ninety-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Warren F. Reynolds, late of Fourteenth Independent Battery Ohio Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Orin Kimball, late of Company F, Seventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William C. Hoffman, late of Company F, Seventy-fourth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph C. Kitchen, late captain and assistant quartermaster, United States Volunteers, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Isaac M. Couch, late of Company E, Forty-fourth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James Lindsey, late of Company H, Fourth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob Pinkett, late of Company C, Thirtieth Regiment United States Colored Volunteer Infantry, and landsman, U. S. S. Wabash, St. Lawrence, and Ben Morgan, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James B. West, late of Company H, First Regiment Delaware Volunteer Infantry, and Company B, First Regiment Delaware Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John S. Smith, late of Company I, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Adelaide A. West, former widow of Lorenzo M. Atwood, late of Company A, Sixth Regiment Vermont Volunteer Infantry, and widow of Robert C. West, late of Company A, Sixteenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Aaron Welty, late of Company H, Thirty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah M. Peterson, widow of Charles G. A. Peterson, late first lieutenant Company D, First Regiment Rhode Island Volunteer Cavalry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The name of William M. Wall, late of Company B, Seventy-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frank E. Martell, late of Company H, Sixth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Bethana Aseltine, widow of Alanson M. Aseltine, late of Company F, Tenth Regiment Vermont Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Lucie W. Carter, widow of Mason Carter, late captain, Fifth Regiment United States Infantry, and major, United States Army, retired, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Charles M. Merritt, late of First Battery Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Carpenter, late captain Company I, and major, One hundred and sixteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of William P. D. Foss, late of Company C, First Battalion, Eleventh Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Richard M. J. Coleman, late of Company K, One hundred and thirteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Emma J. Blake, widow of William H. Blake, late of Company F, Twelfth Regiment New Hampshire Volunteer Infantry, and Company D, First Regiment Veteran Reserve Corps, and pay her a pension at the rate of $12 per month.

The name of Andrew G. Scott, late of Company F, Seventy-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alphonso H. Mitchell, late of Company B, Twentieth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of twenty-four dollars per month in lieu of that he is now receiving.

The name of Fannie S. Haskell, widow of Joseph L. Haskell, late of Companies K and C, Fourteenth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of George W. Shaw, late of Company G, Eightieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John B. Dean, late of Company A, First Battalion Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John C. Whittaker, late of Company M, Eighteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Harriet W. Wilkinson, widow of Charles Wilkinson, late second lieutenant Company K, One hundred and second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of Alonzo J. Mosher, late of Company G, Nineteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas H. Whitman, late of Company E, Ninth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of James Jenkins, late of Company K, Forty-third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Timothy Egan, late second lieutenant Company F, Thirty-fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Uriah Renner, late of Company E, Eighty-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mahala Fausey, widow of William H. Fausey, late of Company D, Third Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary V. Webster, widow of George O. Webster, late major, Fourth Regiment United States Infantry, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving.

The name of Alonzo Hoding, late of Company D, Thirty-third Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Rickstrew, late of Company D, Sixtieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alice L. Walker, widow of John Walker, late of Company B, Twenty-sixth Regiment New York Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Nathan Baker, late of Company A, Twenty-eighth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elizabeth A. Marr, widow of James B. Marr, late of Company F, Second Regiment Maine Volunteer Cavalry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of death of Arthur R. Marr, helpless and dependent child of said James B. Marr, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Elizabeth A. Marr the name of the said Arthur R. Marr shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Elizabeth A. Marr.

The name of John Conroy, late of U. S. S. North Carolina, Otsego, and Wyalusing, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas B. Pulsifer, late of Company D, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

This bill is a substitute for the following Senate bills referred to the Committee on Invalid Pensions:

S. 303. Jacob Souder.
S. 712. Richard H. Bartlett.
S. 1244. William A. McGinety.
S. 3225. Jeremiah F. Blanchard.
S. 3226. Hugh Haggerty.
S. 3319. John Drown.
S. 3423. James C. Brown.
S. 3426. Mary A. Hartshorn.
S. 3429. John Blevins.
S. 3448. George B. Black.
S. 4097. William Arey.
S. 4100. Harry G. Morton.
S. 4214. Hannah Lee.
S. 4387. Eli Avery.
S. 4488. Elmer Strickland.
S. 4975. John Blue.
S. 5090. Oscar H. Ford.
S. 5091. Lemuel Dougherty.
S. 5172. Asa N. Callahan.
S. 5232. James A. Dunlap.
S. 5349. Frederick R. Miller.
S. 6004. Samuel Blush.
S. 6240. Joseph Lewis.
S. 6420. Horatio N. Jenks.
S. 6512. Josiah Ackerman.
S. 6653. Albert Miller.
S. 6699. George W. McMullen.
S. 6718. Elijah Knapp.
S. 6836. Adoniram Judson Morgan.
S. 7125. William V. Hopkins.
S. 7162. Reuben Hurley.
S. 7350. George F. Johnson.
S. 7354. William H. White.
S. 7411. Jairus D. Backus.
S. 7412. Thomas Cooney.
S. 7413. Thaddeus Parr.
S. 7591. John Kinsey.
S. 7682. Mathew Harris.
S. 7702. Eber. W. Fosbury.
S. 7704. John J. Robinson.
S. 7790. Robert Masters.
S. 7850. Henry W. Bradley.
S. 7862. George W. Robinson.
S. 7867. Michael Boston.
S. 7883. David Earhart.
S. 7893. Chancy W. Rickerd.
S. 7894. Joseph A. Durham (alias Joseph Anson).
S. 7929. William Baird.
S. 7930. Samuel M. Bragg.
S. 7939. Joel P. Colvin.
S. 7963. Frank B. Carey.
S. 8016. Thomas C. Boggess.
S. 8073. Mary E. Havens.
S. 8098. James M. Owen.
S. 8151. Hiram Hoover.
S. 8152. William Murlin.
S. 8203. Henry H. Parmenter.
S. 8272. Dorious Neel.
S. 8277. Lemuel Cohee.
S. 8279. Abraham G. Hendryx.
S. 8370. Christopher C. Jones.
S. 8371. John Wood.
S. 8428. Ellen Hungerford.
S. 8442. John F. Grayum.
S. 8458. Corydon G. Ireland.
S. 8507. Myron Heffron.
S. 8540. Julius Blessin.
S. 8585. John Freeman.
S. 8602. Mary C. At Lee.
S. 8638. Henry R. Playford.
S. 8639. Franklin D. Morton.
S. 8674. Calvin L. Johnson.
S. 8745. George W. Anderson.
S. 8784. Samuel P. Travis.
S. 8798. Thomas Goodwin.
S. 8805. Hugh Price Wilson.
S. 8815. Susan Reppeto.
S. 8827. John H. Reid.
S. 8852. William R. Grumley.
S. 8853. Albert Hitchcock.
S. 8854. Albert S. Granger.
S. 8857. Harrison C. Boyster.
S. 8919. William Lehan.
S. 8927. Charles Roth.
S. 8937. Richard L. Sturges.
S. 8938. James A. Morgan.
S. 8940. George M. Roberts.
S. 8944. David J. Bowman.
S. 8945. Edwin W. Haynes.
S. 8969. Mary A. Charles.
S. 8972. Harrison F. Roberts.
S. 8984. Erastus Smith.
S. 8989. Daniel Fisher.
S. 8993. William George Stark.
S. 9071. Warren P. Dwinnells.
S. 9080. Orrin C. Leonard.
S. 9081. Albert Koch.
S. 9082. Samuel Moles.
S. 9101. James M. C. Jackson.
S. 9169. Robert Clark.
S. 9171. Charles A. Rowell.
S. 9205. John C. Neel.
S. 9216. Joseph Shannon.
S. 9234. John Chandler.
S. 9287. John C. Ward.
S. 9322. Daniel Jordan.
S. 9323. Milton Pendergast.
S. 9337. John Gorden.
S. 9372. Victoria M. Steele.
S. 9382. Charles M. Renshaw.
S. 9407. Silas Fish.
S. 9408. Valentine Lungwitz.
S. 9459. Catherine M. Walker.
S. 9460. Sherman McBratney.
S. 9470. James Rude.
S. 9480. Michael Farrington.
S. 9502. James Haggerty.
S. 9551. George W. Phelps.
S. 9591. Robert Tarbet.
S. 9709. Jasper N. Kinman.
S. 9734. Henry Wentworth.
S. 9736. William Noyes.
S. 9737. Warren F. Reynolds.
S. 9746. Orin Kimball.
S. 9807. William C. Hoffman.
S. 9840. Joseph C. Kitchen.
S. 9844. Isaac M. Couch.
S. 9872. James Lindsey.
S. 9910. Jacob Pinkett.
S. 9913. James B. West.
S. 9947. John S. Smith.
S. 9952. Adelaide A. West.
S. 9990. Aaron Welty.
S. 10051. Sarah M. Peterson.
S. 10125. William M. Wall.
S. 10131. Frank E. Martell.
S. 10132. Bethana Aseltine.
S. 10170. Lucie W. Carter.
S. 10193. Charles M. Merritt.
S. 10196. George W. Carpenter.
S. 10202. William P. D. Foss.
S. 10265. Richard M. J. Coleman.
S. 10287. Emma J. Blake.
S. 10325. Andrew G. Scott.
S. 10334. Alphonso H. Mitchell.
S. 10358. Fannie S. Haskell.
S. 10370. George W. Shaw.
S. 10374. John B. Dean.
S. 10387. John C. Whittaker.
S. 10391. Harriet W. Wilkinson.
S. 10405. Alonzo J. Mosher.
S. 10406. Thomas H. Whitman.
S. 10419. James Jenkins.
S. 10420. Timothy Egan.
S. 10426. Uriah Renner.
S. 10430. Mahala Fausey.
S. 10445. Mary V. Webster.
S. 10481. Alonzo Hoding.
S. 10493. William H. Rickstrew.
S. 10494. Alice L. Walker.
S. 10495. Nathan Baker.
S. 10535. Elizabeth A. Marr.
S. 10600. John Conroy.
S. 10625. Thomas B. Pulsifer.

Mr. SULLOWAY. Mr. Speaker, I move to amend, on page 4, by striking out lines 3, 4, 5, and 6, the beneficiary, Elmer Strickland, being dead.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

The next business on the Private Calendar was the bill (S. 10818) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of James R. Vassar, late of Company G, Fifteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles L. Randall, late medical cadet, United States Army, and assistant surgeon, United States Volunteers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Amos Stewart, late of Company F, Fourth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Armstead Fletcher, late of Company E, First Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Spray, late of Company C, Thirty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David C. Nigh, late of Company C, One hundred and thirty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Josephus Clark, late of Company G, One hundred and twentieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles Maxwell Waterman, late of Company B, Thirty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eli F. Holland, late of Company C, Ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of David E. Fisher, late of Company E, One hundred and thirty-sixth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George F. Woods, late of Company G, Fifty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Olive C. Dodge, widow of Joseph O. Dodge, late of Company G, Twelfth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William Carpenter, late of Company G, Ninth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elvira E. Chase, widow of Thomas Chase, late of Company K, Thirtieth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Joseph D. Power, late of Company F, One hundred and thirty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lydia J. Taylor, widow of Martin Taylor, late of Company E, Thirty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of George H. Wallace, late of Company E, Eighty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Richard W. Capen, late of Company I, Fourteenth Regiment, and Company H, Forty-eighth Regiment, Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John D. Trevallee, late of Company A, Second Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Margaret H. Flint, widow of Wilbur F. Flint, late of Twenty-sixth Independent Battery, New York Volunteer Light Artillery, and second lieutenant Company B, Tenth Regiment United States Colored Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

The name of Francis M. Webb, late of Company A, Second Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he now receiving.

The name of George F. Cooper, late of Company D, Twenty-first Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Anton Zwinge, late of Company G, Ninth Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James W. Ward, late of Company I, Thirteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frank W. Sencebaugh, late of Company L, Fifth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William N. Johnson, late of Company K, Eleventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas H. Morris, late of Company F, Ninth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William C. Knox, late of Signal Corps, United States Army, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elijah C. Davey, late of Twelfth Battery Wisconsin Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert H. Johnson, late of Company I, Eleventh Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James W. Broom, late of Company F, One hundred and ninety-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Annie G. Long, widow of James W. Long, late captain, Second Regiment United States Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of George W. Rauch, late of Company I, Forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alfred Anderson, late of Company M, Sixteenth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John H. Iott, late of Company C, Battalion United States Engineers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Francis M. Ross, late of Company B, Forty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of General L. Boso, late of Company D, Thirteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Harvey W. Hewitt, late of Company D, Seventy-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Francis M. Truax, late of Company E, Thirteenth Regiment Missouri Volunteer Infantry; Company E, Twenty-second Regiment Ohio Volunteer Infantry; and Companies D and E, First Regiment Mississippi Marine Brigade Volunteer Infantry; and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Patrick H. Conarty, late of Company G, Third Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Patrick J. Conway, late captain Company G, Ninety-eighth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of John Richardson, late of Company E, One hundred and twenty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph M. Alexander, late of Company M, Second Regiment Pennsylvania Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John E. Moon, late first lieutenant Company B, One hundred and fifty-first Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David Riel, late of Company G, Fifteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Meece, late of Company D, Third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Chesley Payne, late of Company I, Third Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Elizabeth Lucas, widow of Benjamin M. Lucas, late of Company F, Twenty-seventh Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Robert Bell, late of Company D, Thirtieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Hiler, late of Company G, Third Regiment Missouri State Militia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew Pea, late of Company E, Fifty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Oliver Yake, late of Company K, Twenty-second Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Nobles, late of Company F, One hundredth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Stephen E. Taylor, late of Company H, Second Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin F. Johnston, late of Company A, Fifth Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Freeborn H. Price, late of Company A, Ninth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles H. Lamphier, late of Company F, Twenty-sixth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Patrick O'Brien, late of Company E, Tenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Malinda Wilson, widow of George Wilson, late of Capt. Ferris's company, First Regiment Northeast Missouri Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Fannie Ladd, widow of James A. Ladd, late captain Company C, Thirty-ninth Regiment Missouri Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Edward Tippens, late of Company C, Seventy-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Kinsman Boso, late of Company A, Ninth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Burris, late of Company I, Fifteenth Regiment, and Company I, Tenth Regiment, West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles C. Edwards, late of Company D, Fourteenth Regiment Connecticut Volunteer Infantry, and general service, United States Army, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Ellen M. Corsa, widow of William H. Corsa, late of Company G, Seventh Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Alexander McDonald, late of Company E, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Isaac N. Dysard, late of Company F, Fifty-fourth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Hills, late hospital steward, United States Army, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ira A. Kneeland, late of Company H, Tenth and Twenty-ninth Regiments Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Fernando S. Philbrick, late of Company G, Twenty-first Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Chandler Swift, late of Company F, Twenty-third Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Pleasant H. Latimer, late of Company D, Ninth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Bigley, late of Troop E, Third Regiment United States Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Gosset, late of Company B, Thirty-fifth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Murray, late of Company H, Eighty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Swinburn, late of Company A, Fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Morris Thomas, late of Company C, First Battalion, and commissary sergeant Sixteenth Regiment, United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Gullien Tullion, late of Third Independent Battery Minnesota Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel A. Sanders, late of Company I, Fourteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Winfield S. Janes, late of Company E, Sixth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William H. Fields, late of Company F, First Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Solomon Peck, late of Company B, Thirteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frank J. Clark, late of Company D, Fourteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Benjamin Bortz, late of Company G, Forty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Cyrus Wilson, late of Company G, Fifty-eighth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Perkins H. Bagley, jr., late of Company E, First Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Alfred L. Tucker, late of Company H, Eighteenth Regiment, and first lieutenant Company C, Thirty-second Regiment, Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Francis J. Trowe, late of Company C, Second Regiment Minnesota Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Melissa J. Kauffman, widow of Solomon Kaufman, late captain Company L, Third Regiment Indian Home Guards, Kansas Volunteers, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Lewis H. Shiery, late of Company E, Thirty-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Andrew Marsh, late of Company H, One hundred and fifty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William W. Fraser, late of Company I, Ninety-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph C. Monk, late of Company D, Eighty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eli N. Swerdfeger, late of Company I, Thirteenth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David H. Frink, late of Nineteenth Independent Battery New York Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eli Adams, late of Company A, Sixteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin F. Fulton, late of Company B, Eighth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frederick Shulley, late of Company G, Two hundred and ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David Stanard, late of Company A, One hundred and eighty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel Younker, late of Company C, Two hundred and third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin Bennett, late of Companies K and F, Twelfth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Margaret J. Brownell, widow of David Brownell, late of Company G, Seventy-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of T. Price Line, late quartermaster sergeant, One hundred and ninety-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Rose E. White, widow of Jacob O. White, late of Company K, One hundred and ninety-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John Hines, late of Company D, Twenty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Austin Betters, late of Company K, Tenth Regiment Vermont Volunteer Infantry, and Battery E, First Regiment United States Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas Posey, late of Company G, Seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Henry McBrien, late of Company D, Eighty-ninth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Arthur W. Cox, late hospital steward, Nineteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. H. Ranger, late of Company B, Sixteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James M. Chambers, late of Company A, Sixty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary C. Galbraith, widow of William J. Galbraith, late first lieutenant Signal Corps, United States Army, and pay her a pension at the rate of $12 per month.

The name of Wright T. Ellison, late of Company F, Thirteenth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin T. Stevens, late of Company D, Second Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Richard Dent, late of Company A, Fiftieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Rose, late of Company G, First Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mark Smith, late of Company H, Seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $55 per month in lieu of that he is now receiving.

The name of William B. Knapp, late of Company C, One hundred and fourth Regiment New York Volunteer Infantry, and Company K, Second Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary P. Meade, widow of Robert L. Meade, late brigadier general United States Marine Corps, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of William W. Edwards, late of Company F, Twenty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Essie Pursel, helpless and dependent daughter of Thomas C. Pursel, late captain Company B, Eleventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Andrew Schoonmaker, late of Company H, Forty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob Mathews, late musician, band, Seventeenth Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of George W. Fouts, late of Company A, Eightieth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. McAllister, late of Company B, Fourth Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles H. McCarroll, late of Company L, First Regiment Vermont Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward J. Miller, late of Eighteenth and Twenty-fifth Independent Batteries New York Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John M. Staples, late of Company I, Fifth Regiment Tennessee Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Harry G. Bingner, late of Company E, One hundred and thirty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Theodore Clark, late of Company I, Fourth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Michael Wiar, late of Companies G and B, Forty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William McGlone, late of Company D, Ninety-sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Alexander Wilson, late of Company A, Ninety-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Calvin Buntan, late of Company B, Eightieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Lucia W. Huxford, widow of William P. Huxford, late captain Company G, One hundred and sixty-second Regiment New York Volunteer Infantry, and major, United States Army, retired, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of James Doyle, late of Company K, Sixty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles O. Chapman, late of Company D, Eleventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John S. Cilley, late second lieutenant Company B, First Regiment New Hampshire Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James H. Thompson, late of Company E, One hundredth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Benjamin F. B. Holmes, late of Company C, First Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ida M. Elder, widow of Alvah Elder, late of Company K, Thirtieth Regiment Maine Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Thomas Loughney, late of Company L, Seventh Regiment, and Company A, First Regiment, Michigan Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William U. Thayer, late of Company C, Twenty-fourth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Walsh, late of Company B, Third Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate $24 per month in lieu of that he is now receiving.

The name of Marcellus E. McKellup, late of Company G, Tenth Regiment Kentucky Volunteer Cavalry, and Company C, Fifty-fourth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George T. Kerans, late of Company H, One hundred and eighty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Byron Rudy, late of Company C, Sixteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William A. Leech, late of Company I, Third Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Anna H. Fitch, widow of Butler Fitch, late captain Eighth Independent Battery New York Volunteer Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Andrew J. Fogg, late first lieutenant Company B, Third Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Otis Johnson, late of Company B, First Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph P. Pittman, late of Company K, Sixty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry G. Tuttle, late of Company E, Forty-first Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Hise, late of Company C, Twenty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James H. Morley, late of Company C, Twenty-sixth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frank N. Jameison, late of Company G, Eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edward J. Moss, helpless and dependent child of Benjamin R. Moss, late of Company G, Twenty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $12 per month.

This bill is a substitute for the following Senate bills referred to the Committee on Invalid Pensions:

S. 49. James R. Vassar.
S. 150. Charles L. Randall.
S. 361. Amos Stewart.
S. 689. Armstead Fletcher.
S. 1431. George W. Spray.
S. 2463. David C. Nigh.
S. 2532. Josephus Clark.
S. 2770. Charles Maxwell Waterman.
S. 3883. Eli F. Holland.
S. 4168. David E. Fisher.
S. 4177. George F. Woods.
S. 4469. Olive C. Dodge.
S. 4543. William Carpenter.
S. 4643. Elvira E. Chase.
S. 4883. Joseph D. Power.
S. 4979. Lydia J. Taylor.
S. 4994. George H. Wallace.
S. 5209. Richard M. Capen.
S. 5231. John D. Trevallee.
S. 5241. Margaret H. Flint.
S. 5347. Francis H. Webb.
S. 5590. George F. Cooper.
S. 5772. Anton Zwinge.
S. 6025. James W. Ward.
S. 7079. Frank W. Sencebaugh.
S. 7214. William N. Johnson.
S. 7236. Thomas H. Morris.
S. 7345. William C. Knox.
S. 7391. Elijah C. Davey.
S. 7439. Robert H. Johnson.
S. 7581. James W. Broom.
S. 7613. Annie G. Long.
S. 7754. George W. Rauch.
S. 7881. Alfred Anderson.
S. 7979. John H. Iott.
S. 8012. Francis M. Ross.
S. 8034. General L. Boso.
S. 8078. Harvey W. Hewitt.
S. 8079. Francis H. Truax.
S. 8204. Patrick H. Conarty.
S. 8212. Patrick J. Conway.
S. 8271. John Richardson.
S. 8288. Joseph M. Alexander.

S. 8291. John E. Moon.
S. 8350. David Riel.
S. 8372. William H. Meece.
S. 8374. Chesley Payne.
S. 8377. Elizabeth Lucas.
S. 8378. Robert Bell.
S. 8420. Joseph Hiler.
S. 8441. Andrew Pea.
S. 8448. Oliver Yake.
S. 8476. Charles Nobles.
S. 8495. Stephen E. Taylor.
S. 8496. Benjamin F. Johnston.
S. 8497. Freeborn H. Price.
S. 8552. Charles H. Lamphier.
S. 8597. Patrick O'Brien.
S. 8675. Malinda Wilson.
S. 8731. Fannie Ladd.
S. 8817. Edward Tippens.
S. 8818. Kinsman Boso.
S. 8836. William Burris.
S. 8855. Charles C. Edwards.
S. 8856. Ellen M. Corss.
S. 8858. Alexander McDonald.
S. 8859. Isaac N. Dysard.
S. 8866. William H. Hills.
S. 8889. Ira A. Kneeland.
S. 8893. Fernando S. Philbrick.
S. 8897. Chandler Swift.
S. 8925. Pleasant H. Latimer.
S. 8926. John Bigley.
S. 8975. William H. Gosset.
S. 8977. Thomas Murray.
S. 9022. William Swinburn.
S. 9209. Morris Thomas.
S. 9210. Gullien Tullion.
S. 9217. Samuel A. Sanders.
S. 9257. Winfield S. Janes.
S. 9261. William H. Fields.
S. 9265. Solomon Peck.
S. 9284. Frank J. Clark.
S. 9293. Benjamin Bortz.
S. 9294. Cyrus Wilson.
S. 9350. Perkins H. Bagley, jr.
S. 9414. Alfred L. Tucker.
S. 9444. Francis J. Trowe.
S. 9458. Melissa J. Kauffman.
S. 9545. Lewis H. Shiery.
S. 9548. Andrew Marsh.
S. 9562. William W. Fraser.
S. 9564. Joseph C. Monk.
S. 9567. Eli N. Swerdfeger.
S. 9593. David H. Frink.
S. 9609. Eli Adams.
S. 9612. Benjamin F. Fulton.
S. 9628. Frederick Shulley.
S. 9631. David Stanard.
S. 9680. Daniel Younker.
S. 9696. Benjamin Bennett.
S. 9700. Margaret J. Brownell.
S. 9703. T. Price Line.
S. 9704. Rose E. White.
S. 9735. John Hines.
S. 9741. Austin Betters.
S. 9752. Thomas Posey.
S. 9753. Henry McBrien.
S. 9792. Arthur W. Cox.
S. 9820. William H. H. Ranger.
S. 9861. James M. Chambers.
S. 9867. Mary C. Galbraith.
S. 9937. Wright T. Ellison.
S. 9939. Benjamin T. Stevens.
S. 10004. Richard Dent.
S. 10042. John Rose.
S. 10047. Mark Smith.
S. 10060. William B. Knapp.
S. 10062. Mary P. Meade.
S. 10064. William W. Edwards.
S. 10142. Essie Pursel.
S. 10150. Andrew Schoonmaker.
S. 10195. Jacob Mathews.
S. 10199. George W. Fouts.
S. 10222. George W. McAllister.
S. 10237. Charles H. McCarroll.
S. 10303. Edward J. Miller.
S. 10306. John M. Staples.
S. 10335. Harry G. Bingner.
S. 10340. Theodore Clark.
S. 10360. Michael Wiar.
S. 10393. William McGlone.
S. 10459. Alexander Wilson.
S. 10460. Calvin Buntan.
S. 10501. Lucia W. Huxford.
S. 10504. James Doyle.
S. 10511. Charles O. Chapman.
S. 10515. John S. Cilley.
S. 10587. James H. Thompson.
S. 10615. Benjamin F. B. Holmes.
S. 10639. Ida M. Elder.
S. 10645. Thomas Loughney.
S. 10650. William U. Thayer.
S. 10652. John Walsh.
S. 10654. Marcellus E. McKellup.
S. 10655. George T. Kerans.
S. 10656. Byron Rudy.
S. 10659. William A. Leech.
S. 10673. Anna H. Fitch.
S. 10674. Andrew J. Fogg.
S. 10689. Otis Johnson.
S. 10697. Joseph P. Pittman.
S. 10698. Henry G. Tuttle.
S. 10717. William Hise.
S. 10729. James H. Morley.
S. 10776. Frank N. Jameison.
S. 10797. Edward J. Moss.

The bill was ordered to be read a third time, was read the third time, and passed.

The next business on the Private Calendar was the bill (S. 10817) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Charles B. Flynn, late of Company K, First Regiment Nebraska Volunteer Infantry, War with Spain, and pay him a pension at the rate of $10 per month.

The name of George N. Holden, late of Company D, First Regiment West Virginia Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Humphrey L. Carter, late of Capt. P. C. Noland's Company B, Second Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of John Kenney, late of Company I, Ninth Regiment United States Infantry, Oregon and Washington Territory Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Duncan A. Gray, late of Thirteenth Company, United States Volunteer Signal Corps, War with Spain, and pay him a pension at the rate of $15 per month.

The name of William P. Armstrong, late of Battery H, Third Regiment United States Artillery, War with Spain.

The name of Christopher J. Rollis, late captain Company G, Thirty-fourth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel S. Householder, late of Company K, Third Regiment Missouri Volunteer Infantry, and Company F, Twentieth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $15 per month.

The name of Jesse P. Steele, late of Capt. McRay's company, Nauvoo Legion, Utah Volunteers, Utah Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Lillian A. Wilmot, widow of Willie C. Wilmot, late of Company C, First Regiment New Hampshire Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month and $2 per month additional on account of each of the minor children of the said Willie C. Wilmot until they reach the age of 16 years.

The name of George E. Seneff, late of Company K, Eighteenth Regiment United States Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William L. Parks, late of Capt. Benjamin Cherry's company, Tennessee Volunteers, Florida Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of John A. West, late of Capt. C. Hancock's cavalry company, Nauvoo Legion, Utah Volunteers, Utah Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Jen Rody Chauncey, late of Company H, Seventeenth Regiment United States Infantry, and pay him a pension at the rate of $16 per month.

The name of Gilford Ratliff, late of John S. Ford's company, Texas Volunteers, Texas and New Mexico Indian wars, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Polk R. Kyle, late of James H. Callahan's company, Texas Volunteer Rangers, Indian wars, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of John D. Smith, late of the United States Navy, and pay him a pension at the rate of $30 per month.

This bill is a substitute for the following Senate bills referred to the Committee on Pensions:

S. 5968. Charles B. Flynn.
S. 6710. George N. Holden.
S. 8616. Humphrey L. Carter.
S. 8833. John Kenney.
S. 9151. Duncan A. Gray.
S. 9868. William P. Armstrong.
S. 10043. Christopher J. Rollis.
S. 10137. Samuel S. Householder.
S. 10285. Jesse P. Steele.
S. 10343. Lillian A. Wilmot.
S. 10403. George E. Seneff.
S. 10480. William L. Parks.
S. 10588. John A. West.
S. 10686. Jen Rody Chauncey.
S. 10708. Gilford Ratliff.
S. 10709. Polk R. Kyle.
S. 10814. John D. Smith.

The bill was ordered to be read a third time, was read the third time, and passed.

AMOS M. BARBIN.

The next business on the Private Calendar was the bill (H. R. 22270) for the relief of Amos M. Barbin.

The bill was read, as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Amos M. Barbin shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a sergeant of Company A, Fifth Regiment West Virginia Volunteer Cavalry, on the 25th day of May, 1863: *Provided*, That no pension shall accrue prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

CHARLES T. GALLAGHER AND SAMUEL H. PROCTOR.

The next business on the Private Calendar was the bill (S. 608) for the relief of Charles T. Gallagher and Samuel H. Proctor.

The bill was read, as follows:

Be it enacted, etc., That in the administration of the pension laws Charles T. Gallagher and Samuel H. Proctor shall hereafter be held and considered to have been mustered into the military service of the United States as musicians of the First Unattached Company, Massachusetts Militia Infantry, on April 28, 1864, the date of their enrollment: *Provided*, That no pay, bounty, or back pension shall accrue or become payable by virtue of the passage of this act.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

JAMES M. SWEAT.

The next business on the Private Calendar was the bill (S. 7640) for the relief of James M. Sweat.

The bill was read, as follows:

Be it enacted, etc., That in the administration of the pension laws James M. Sweat, late of the Third United States Dragoons, Capt. John S. Sitgreaves's company, War with Mexico, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said organization on the 31st day of July, 1848: *Provided*, That no pay, bounty, or other emolument shall accrue or be payable by virtue of this act, and that the pensionable status herein granted shall date from the approval of this act.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

DAVID JAY JENNINGS.

The next business on the Private Calendar was the bill (S. 7804) for the relief of David Jay Jennings.

The bill was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, David Jay Jennings, who was a private in Company A, Second Regiment Connecticut Volunteer Heavy Artillery, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said company and regiment on the 8th day of November, 1864.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

On motion of Mr. SULLOWAY, a motion to reconsider the several votes by which the above bills were passed was laid on the table.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I offer the following resolution and move a suspension of the rules for its adoption.

The SPEAKER. The gentleman from Minnesota moves to suspend the rules and agree to the following resolution, which will be reported by the Clerk.

The Clerk read as follows:

Resolved, That upon the adoption of this resolution the House shall resolve itself into Committee of the Whole House on the state of the Union for the consideration of H. R. 32909, entitled "A bill making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1912, and for other purposes."

That the first reading of the bill in the Committee of the Whole House shall be by title and not otherwise;

Second, the consideration under the five-minute rule shall begin immediately after the title shall have been read, and the following portions only of the bill shall be open to consideration under the five-minute rule:

(*a*) The appropriation to enable the President to secure information under section 2 of the last tariff act, page 2.

(*b*) The appropriation for the investigation of departmental methods, pages 2 and 3.

(*c*) The appropriation for raising and removing the wreck of the battleship *Maine* (p. 118).

(*d*) The appropriation for rearranging and reconstructing the Hall of the House of Representatives (p. 211).

(*e*) The appropriation for canal fortifications (p. 229).

(*f*) And any original propositions that are germane and authorized by law not included in said bill.

Third. That upon the conclusion of the foregoing items in Committee of the Whole the committee shall rise and report the bill with all amendments to the House, with the recommendation that the bill do pass.

Mr. FITZGERALD. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from New York demands a second. Under the rule a second is ordered. The gentleman from Minnesota [Mr. TAWNEY] is entitled to 20 minutes and the gentleman from New York [Mr. FITZGERALD] to 20 minutes.

Mr. TAWNEY. Mr. Speaker, I think that all Members of the House will recognize the fact, by merely turning to the last page of this bill, which is page 232, that if it is to pass the House in time for any consideration whatever in the other body, some arrangement must be made for its consideration in some manner other than under the ordinary or regular rules of the House.

In the first place, let me say, Mr. Speaker, that, realizing that there would be more or less congestion in the House during the closing weeks of the session, and that it would not be possible to pass this bill in the House under the ordinary rules, the subcommittee having in charge the preparation of this bill have devoted more time and more care to the investigation of the estimates and to their recommendations to the full committee than has ever been done by a subcommittee on the sundry civil bill since I have been a member of the committee.

Ordinarily the hearings at a short session do not cover a great many pages; but you will observe that the hearings on this sundry civil bill, including the index, which contains only a few pages, cover 967 pages. That is exclusive of the hearings on canal fortifications and also exclusive of the hearings on the canal estimates.

Mr. HARRISON. Will the gentleman yield for a question?

Mr. TAWNEY. I have no time to yield just now. I will yield in a moment. So that this proposition excepts for consideration the items that are controverted or that in any way involve the question of politics or the adoption of new policies.

The first item excepted is the appropriation for the investigation by the President authorized in the last paragraph with respect to the cost of production at home and abroad. The second is in respect to the appropriation of $75,000 for the investigation into the departmental methods. Then the question of additional appropriation, which is very large, very much beyond what was stated would be necessary, the appropriation for the raising or removing of the wreck of the battleship *Maine*.

Also the appropriation for the fortification of the canal, which involves the inauguration of an entirely new policy, and which proposition ought to be considered fully and with great care by the House.

The propositions mainly that are to be reported back to the House with a recommendation that they do pass are the public-building items. In respect to these items I will say to the House that every dollar of money estimated by the Treasury Department as being possible for them to spend in the next fiscal year is carried in this bill and recommended by the Committee on Appropriations.

The same is true of the river and harbor revised estimates of the War Department. All that the department has estimated can be expended in the next fiscal year is recommended in this bill.

The other parts of the bill to be reported back to the House with a favorable recommendation are the annual appropriations for the various departments of the Government, including the field service.

Mr. HULL of Iowa. Will the gentleman yield at that point?

Mr. TAWNEY. Certainly.

Mr. HULL of Iowa. I see on page 109 the gentleman's committee has transferred the entire expense of the President's automobiles, carriages, and horses to the Quartermaster General of the Army and makes the Army carry that expense hereafter?

Mr. TAWNEY. I beg the gentleman's pardon, that is not the appropriation. It does not impose any expense on the War Department. It merely enables the Executive to tear down the old stable he has there now and keep the horses at the quartermaster's stable. It does not provide for maintenance of the horses, but simply to keep them in the quartermaster's stable.

Mr. HULL of Iowa. Will the gentleman yield for me to read the provision?

Mr. TAWNEY. I will.

Mr. Hull of Iowa (reading):

The Quartermaster General of the Army shall hereafter provide suitable accommodations for and maintenance of the horses, carriages, and other vehicles of the President, etc.

Mr. TAWNEY. That is not the purpose of that provision at all. It is not for the maintenance of the horses; it is the maintenance of the shed or the stable in which the horses are to be kept, and the reason for that is the fact that the stable has been condemned by the veterinarians, and the War Department has consented because they have more space in the barn than the quartermaster needs; the War Department has consented that the automobiles and horses of the Executive may be housed in that department stable. That is the only change authorized.

Mr. HULL of Iowa. Will the gentleman consent to strike out the words "and maintenance of"?

Mr. TAWNEY. If the gentleman thinks it is necessary, yes.

Mr. HARRISON. Will the gentleman yield?

Mr. TAWNEY. Yes.

Mr. HARRISON. Will the gentleman state how much time was devoted to this bill by the full committee, a bill carrying $140,000,000?

Mr. TAWNEY. About twice as much time as is usually devoted to it—three hours.

Mr. HARRISON. Three hours to a bill appropriating $140,000,000?

Mr. TAWNEY. Yes.

Mr. HARRISON. And now the gentleman comes in here and asks us to pass this bill practically under suspension of the rules, when only three hours have been devoted to it by the Appropriation Committee.

Mr. TAWNEY. The gentleman misstates what I said. The subcommittee of the Committee on Appropriations on this bill devoted to it more than eight weeks.

Mr. HARRISON. But the full committee has only given it three hours' consideration.

Mr. TAWNEY. The full committee is always in touch with the subcommittee.

Mr. HARRISON. I think it is too much power put in the hands of a few men.

Mr. LENROOT. Will the gentleman yield?

Mr. TAWNEY. Certainly.

Mr. LENROOT. If this rule is adopted, no points of order will lie against items in the bill?

Mr. TAWNEY. No.

Mr. LENROOT. There is new legislation in the bill?

Mr. TAWNEY. There is no original legislation in the bill except that where appropriations have already been made; there are no original propositions.

Mr. LENROOT. I noticed one on page 91, for instance, relating to the Interstate Commerce Commission, changing the method of the election of the chairman of the commission.

Mr. TAWNEY. Well, I will say to the gentleman that does relate to administration, and the reason for it was this: The two men who had conducted the investigations or negotiations between railroad employees and their employers were the former chairman of the Interstate Commerce Commission and the Chief of the Bureau of Labor. The chairman of the Interstate Commerce Commission has been promoted and is now chief justice of the Commerce Court. He is acquainted with the representatives of labor organizations and is acquainted with the questions that arise, and this change is for the purpose of enabling the President of the United States and the labor organizations to get the benefit of his experience and knowledge with respect to negotiations for the settlement of controversies of that kind. That is the only reason for that change.

Mr. KEIFER. Do we understand that the excepted matters that are subject to consideration under the five-minute rule are also subject to the points of order?

Mr. TAWNEY. Points of order may be made. They are all subject to the rules that apply in the Committee of the Whole

under the five-minute rule, subject to points of order, and subject to amendment as well.

Mr. BARTLETT of Georgia. When the resolution was read, as I understood, there was put into this category of questions that might be considered the items which propose to re-form this House of Representatives and to appropriate $360,000 for that purpose.

Mr. TAWNEY. That is excepted.

Mr. BARTLETT of Georgia. I am glad of that. I do not want that change made.

Mr. TAWNEY. Mr. Speaker, before I reserve the balance of my time I desire to say one other thing, and that is that the provision under F is for the purpose of enabling the Members of the House to offer in Committee of the Whole propositions that are germane and authorized by law, but not included in this bill. I will say that the gentleman from Maryland [Mr. TALBOTT] came to me a moment ago and requested the opportunity to offer an amendment to the appropriation for the immigrant station at the city of Baltimore. The appropriation that stands in the bill is $10,000. The appropriation as recommended by the committee and which was sent to the Printing Office was $110,000, so that original propositions that are germane to this bill and not included in it may be included. It is doubtless true that in several other cases the committee has omitted entirely items that Members think ought to be carried in this bill, and that have heretofore been carried in the bill, and they will have the opportunity of offering amendments of that character to the bill.

Mr. O'CONNELL. Will it be possible to offer an amendment to strike out a part of an appropriation?

Mr. TAWNEY. Of these excepted items, yes.

Mr. PEARRE. Will the gentleman offer that amendment with regard to the immigration station at Baltimore?

Mr. TAWNEY. Certainly.

Mr. TALBOTT. The gentleman from Minnesota will accept that amendment.

Mr. MOORE of Pennsylvania. Mr. Speaker, I desire to make an inquiry on the line of the one that has just been made; it is just a question.

The SPEAKER. The Chair has no power in the premises.

Mr. MOORE of Pennsylvania. I am sure the gentleman from Minnesota will answer the question which I propose to put.

Mr. TAWNEY. Mr. Speaker, if the gentleman will wait until I take the floor again I will be very glad to answer his question. Possibly the gentleman from New York [Mr. FITZGERALD] can answer it.

Mr. FITZGERALD. Mr. Speaker, the House should understand exactly the meaning of the proposed rule. This bill carries $140,000,000 of appropriations, and under the operation of this resolution, if it be adopted, the House will have an opportunity to consider items which carry $4,075,000. The other items, carrying $136,000,000, will be passed by the House without even being read for the information of the Members. It is true, as the gentleman from Minnesota [Mr. TAWNEY] has said, that the subcommittee which had charge of this bill devoted perhaps more time to its consideration and preparation than had been devoted ever before in the history of the Congress. Through the unfortunate illness of the gentleman from Kentucky [Mr. SHERLEY], he was unable to be present during the greater part of the consideration of the bill, so that so far as the minority is concerned but one Member of the minority has had the full and complete opportunity to know everything about the provisions contained in the bill.

This bill was reported to the House yesterday. It appears in print available for the use of Members of the House for the first time this morning, and before an opportunity is given to Members of the House to ascertain the provisions that are in the bill it is proposed that they vote in favor of a resolution that will prevent the bill being read for their information, or, after they have had an opportunity to ascertain what it contains, in any way attempt to modify the provisions, with the exception of the six provisions enumerated in this resolution. There are some circumstances, Mr. Speaker, under which I should be willing to pass a bill carrying these great sums in such a manner, but the situation does not exist at present which requires any such action on the part of this House. I shall not assume the responsibility of asking this House upon my assertion that items are proper and correct to pass a bill with $136,000,000 of appropriations in it, with which the Members are not familiar and have had no opportunity to familiarize.

It may be that if this House had had some time, ample time, to scrutinize this bill and to determine for itself whether the items were satisfactory, if the exigencies of the case demanded it, I should support a motion to pass the bill under suspension of the rules, but no such emergency exists at present.

Mr. JOHNSON of South Carolina. Will the gentleman yield for a question?

Mr. FITZGERALD. Yes.

Mr. JOHNSON of South Carolina. I want to say to the gentleman from New York that I went to the committee room of the Committee on Appropriations to get a copy of the hearings upon the bill in order that I might familiarize myself with the contents of the bill, and they were not printed and were not ready. That was day before yesterday.

Mr. FITZGERALD. The uniform practice has been not to make the hearings public until the committee has acted upon the bill, and as the bill was not acted upon by the committee until yesterday, it would account for the inability of the gentleman to obtain copies of the hearings until yesterday.

Mr. BARTLETT of Georgia. May I inquire of the gentleman if it would be possible and practicable to start in with the discussion of this bill, and after it had been under discussion in the Committee of the Whole House on the state of the Union, if it should develop the necessity of such a rule, we could then determine whether we should pass it? But we should not pass it before we know what is in the bill.

Mr. FITZGERALD. A stronger reason for my objection exists than that stated by the gentleman from Georgia. There is no disposition upon this side of the House unnecessarily to occupy time upon this bill. The naval appropriation bill was passed in two days without any attempt to waste time or delay it. Never in my experience in the House was the naval bill considered and enacted so quickly. There is no necessity for this bill reaching the Senate before Monday. This House can afford to sit late to-night, early to-morrow, late to-morrow evening, and, if necessary, part of Sunday and on Monday in a proper consideration of this bill. It did sit for two nights, or a greater part of them, to prevent the consideration of a bill.

There is no good reason why it should not spend at least an equal amount of time in the consideration of a bill of so much importance to the House and to the country, and so far as I am concerned, Mr. Speaker, I shall not support this resolution, because I would not, I repeat, assume the responsibility of asking Members of this House to vote to appropriate of the public revenues $136,000,000 for services that they have not had an opportunity to inquire into or exercise any judgment upon. It seems to me, so far as I am aware, there is no disposition to occupy time in general debate upon this bill, and much of it will be passed over without any controversy, but I believe it is an important matter that the House should have an opportunity properly to consider the various items and to determine their action upon this bill. How much time have I used, Mr. Speaker?

The SPEAKER. The gentleman has 13 minutes remaining.

Mr. FITZGERALD. I yield five minutes to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Speaker, it so happens that I have very little personal knowledge of the hearings or items in this bill, due to my absence from Washington on account of illness, but had I been in attendance at every hearing and had I intimate knowledge of every item of the bill, I would not want to be one of five men to assume the responsibility at this time of asking the House to take our judgment and pass the bill practically without consideration. There is no bill that is brought before Congress that covers such a multitude of subjects or needs more careful scrutiny than the sundry civil appropriation bill.

Its very name indicates its character. It starts with the reindeer in Alaska and winds up with the Samoan chiefs in the middle of the Pacific and misses practically nothing in between. In order that the House may have some little idea of some of the numerous items that are carried in this bill relating to subjects of importance, while the discussion was going on I hastily jotted down a few of the things that are covered—for instance, appropriations for Alaska, armories and arsenals, Lighthouse Service, the newly created Bureau of Mines, Coast and Geodetic Survey, Customs Service, Revenue-Cutter Service, Immigration Service, Bureau of Fisheries, Geological Survey, Government Printing Office, internal revenue, Department of Justice, Life-Saving Service, military posts, national homes, marine hospitals, public land. I had only time to get down that far.

Mr. COOPER of Wisconsin. And the Panama Canal.

Mr. SHERLEY. Unquestionably. Part of the Panama Canal is exempted under the rule, but only that part relating to fortifications.

Now, this is only a quick summary of a few items, and, as stated by my colleague, here is a bill carrying $141,000,000, and the House is to be given an opportunity to express its judgment upon $4,000,000 of it—certainly a very "generous" proposition!

I do not believe, and I do not believe the history of past Congresses warrants the notion, that we must pass this bill in this way in order to pass it at all. Take the short sessions of previous Congresses and you will see that this bill has been brought in just about this time in the session. We can, by attending to our business here, cutting out useless talk, cutting out general debate, and remaining in session during the day, to-night for several hours, to-morrow and to-morrow night for several hours, and, if necessary, as stated by the gentleman from New York [Mr. FITZGERALD], some of Sunday, we can present this bill to the Senate by Monday morning in ample time for consideration there.

There is no disposition on the part of this side of the House to unnecessarily delay matters, but it is asking too much of the House that the judgment of five men should be taken in the appropriation of $141,000,000. It is true the whole Committee on Appropriations considered the matter, but they considered it to this extent, which is usual, of new legislation which was in the bill and as to some of the major items, but it is impossible for that committee, with the work that it has, to go into a detailed examination of a bill of this kind, and only the subcommittee can do it.

I have not had time to count the number of instances of new legislation contained in this bill, but there are quite a number of them, justifiable in my judgment, and yet I am not so sure that my judgment is always right that I am willing to ask this House to accept it on matters not within the regular business of an appropriation bill; and yet that is the proposition presented by the gentleman from Minnesota [Mr. TAWNEY]. Let us turn in diligently and perform our duties here. If it so happens we do not get through in time the fault will not be ours, but let us not shirk our duties and pass the bill without consideration. [Applause.]

Mr. FITZGERALD. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. HARRISON].

Mr. HARRISON. Mr. Speaker, I hope the House will vote down this gag rule. Democrats are not trying to delay legislation at the end of this session. They are willing to cooperate with the other side of the Chamber to secure the proper and orderly passage of the proper bills through this House. The offering of this rule shows more clearly than anything else could do the fault of the system of investigation by the Appropriations Committee of this House—I mean investigation by subcommittee. Only two Democrats have had any opportunity to investigate these appropriations. Here is a bill of 232 pages carrying $140,000,000. Only two Democrats have had any opportunity to examine into the features of that bill. To be sure they are two of the best fighting Democrats in the House, but it is not fair to ask them to assume complete responsibility for their party in the premises.

This bill is one of those that excites most controversy year after year. It usually takes from 10 days to two weeks to pass it through the House. The Committee on Appropriations in full committee devoted but three hours to the consideration of the bill. This does not reflect in any way upon the members of the subcommittee of the Appropriations Committee, but, at least, we might be given an opportunity to express a difference of judgment, if any there be, as to these appropriations.

Gentlemen in this House who have been fighting for a liberalization of the rules to diffuse the powers of this assembly among the respective Members of the House should vote against a rule which places the most important function of the House of Representatives in the hands of five Members. Why, Mr. Speaker, the hearings, even, have not been printed. There is not a Member of this House who has had an opportunity to examine into this bill outside the members of this committee.

Mr. SMITH of Iowa. I will say to the gentleman that all of the hearings have been printed in considerable number, and they are accessible to every Member of the House.

Mr. HARRISON. When were they printed, may I ask? This morning only.

Mr. MACON. The bill itself was filed in this House only yesterday evening.

Mr. HARRISON. Yes; as the gentleman from Arkansas [Mr. MACON] well says, the bill itself was filed in this House only yesterday evening; and I protest against this endeavor to ram down the throats of the House of Representatives the most important appropriation bill of the session and pass it under a suspension of the rules. I hope the House will vote it down.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. FITZGERALD. Mr. Speaker, in justice to the Committee on Appropriations and its members I am impelled to make a statement in reply to my colleague the gentleman from New York [Mr. HARRISON]. All of the minority members of the Committee on Appropriations have had a full opportunity not only to know but to take part in the investigation of all of the bills in the Committee on Appropriations. While certain of the Members are specificially assigned to that work, the others are not excluded from it, and I am constrained to say, after an experience of six years, that to make the thorough and exhaustive examination and investigation required in the preparation of these bills I have come to the conclusion that, with more than five men designated to conduct the investigation, the hearings, as will be disclosed from an examination of hearings conducted where more than five men are assigned to that work, inevitably contain more of discussion between the investigators than they contain of replies from the men under examination. [Laughter.] I believe I should make this statement to correct an erroneous impression resulting from the statements of my colleague.

I yield, Mr. Speaker, the balance of my time to the gentleman from Georgia [Mr. BARTLETT]. How much time is it, Mr. Speaker?

The SPEAKER. Four minutes.

Mr. BARTLETT of Georgia. Mr. Speaker, I am not at this time in favor of this resolution, first, because I do not believe it is necessary in order to dispose of the business before the House and to pass this bill; nor am I willing to vote for a resolution which, if adopted, will prevent the consideration and discussion of many important items in this bill.

The gentleman from Minnesota says that in order to prevent an extra session it is necessary to adopt this resolution. This is another reason that we hear this morning why there shall be an extra session. We have seen in the newspapers and heard it stated as coming from high authority that we are to have an extra session in order to accomplish something else—in order to have considered and passed the Canadian reciprocity tariff bill.

For one, while I do not want to have an extra session, I want to state that if we shall have an extra session, as one Democrat I propose to vote and insist upon voting for a general reduction of the tariff between all the nations of the world before we proceed to take up any special legislation with respect to the tariff with any particular nation of the world. [Applause.]

I am opposed to this resolution which proposes that this bill shall be considered in this way, because this bill finds its way into the House about two days later than is usually the case with the sundry civil bill at a short session, and it is not necessary now to adopt such a measure in order to complete the public business.

Mr. ADAMSON. Will the gentleman permit a question?

Mr. BARTLETT of Georgia. If I have time; yes.

Mr. ADAMSON. If the President calls an extra session, will it not be tacitly understood that he intends to sign the tariff bill that we shall pass?

Mr. BARTLETT of Georgia. I do not think it can be understood as to just what the President will do, judging from recent expressions that, it is said, have come from the White House.

Now, there are many important matters in this bill. I am willing to stay here, and I am confident many Members of both sides of the House are willing to stay here and devote all the time that may be necessary to the consideration of this bill and to pass it decently and in order and not pass it in the manner proposed by this resolution. Let us undertake to pass it in the usual way, and if we find we have not time and can not do so, then we can resort to drastic methods and not resort to them now, when, at the beginning of the consideration of this bill we have not had time to read the bill or consider it at all and when the Members have not had sufficient time to examine the hearings taken before the committee which reported it. Let us not blindly proceed to consider the most important appropriation bill that the Congress is called on to enact and pass a law appropriating one hundred and forty odd millions of dollars without the bill even being read or it being suggested that it can be amended or without the opportunity to strike out items which are embraced in it contrary to the rules of the House and which may be subject to a point of order.

Mr. TAWNEY. Will the gentleman from Georgia permit me?

Mr. BARTLETT of Georgia. Yes.

Mr. TAWNEY. That statement is not exactly correct.

Mr. BARTLETT of Georgia. What statement?

Mr. TAWNEY. That no opportunity will be given for the consideration of any items in the bill or points of order.

Mr. BARTLETT of Georgia. I know what the rule is.

Mr. TAWNEY. The gentleman did not state it, if he knows it.

Mr. BARTLETT of Georgia. It is not necessary for me to state what every man in the House knows, unless it is the gentleman from Minnesota. [Applause on the Democratic side.] I said that this bill, excepting the items provided for in this resolution, appropriates some $136,000,000, and that there is to be

no opportunity to consider any part of the bill except the items provided for in the resolution. That is what I stated, and the gentleman knows I knew it, and he knows that everybody else who has paid any attention to the reading of the resolution knew it, and it was unnecessary for him to make any such unwarranted suggestion as that.

That is all I desire to say. I will not vote for this rule now. In order to carry on the public business, in order to avert an extra session, I may vote for a rule at a later time in the session, which may be necessary to pass this bill; but I will not vote for it now.

Mr. CLAYTON. May I ask the gentleman a question?

Mr. BARTLETT of Georgia. Certainly.

Mr. CLAYTON. It might be profitable for us to stay here two or three nights to consider this bill.

Mr. BARTLETT of Georgia. Yes.

Mr. CLAYTON. And I judge that the opposition would be willing to spend two or three nights in the high patriotic endeavor properly to consider a legislative measure of this importance and to save money to the people.

Mr. BARTLETT of Georgia. I think so, when they remained here two nights, and forced others to remain, in an effort to prevent the payment of just claims due to the creditors of the United States. [Applause.]

Mr. TAWNEY. Mr. Speaker, I want to use only four minutes of my time, and I will ask the Speaker to notify me when that time is consumed.

I want to call the attention of the House to the fact that the first 61 pages of this bill cover items authorizing appropriations for the purchase of sites and the construction of public buildings. The gentleman from Georgia [Mr. BARTLETT] is opposed to this rule, because, as he says, it affords no opportunity for making points of order. I do not know whether he has reference to the items in this bill which are subject to points of order, placed there at his request, but nevertheless it is true that there are some items here which increase the limits of cost where the Committee on Public Buildings and Grounds, after consideration, recommends such action on the part of the Committee on Appropriations, because of mistakes that were made in previous bills.

But, Mr. Speaker, they talk about jamming the bill through the House of Representatives. Unless some such measure as this is agreed to, it will be jammed through the other House of Congress without any consideration whatever. We know the character of amendments usually put on this bill in the other branch of Congress, and there will be no opportunity for consideration of such amendments at this session of Congress unless some such measure as this is agreed to.

Many Members in this House will recollect the scene witnessed on the floor of this House when, a few years ago, the House of Representatives was held up by one Senator for the purpose of coercing the House into an agreement in favor of an appropriation that nobody denies was unjust and unnecessary and unauthorized by law.

It is for the purpose of saving some time to the House for the consideration of the Senate amendments, not only on this bill, but on other House bills, that I have offered this provision.

And I want to call the attention of the House to the fact that this is not the first time that it has been proposed to pass the sundry civil bill under a suspension of the rules. It has been done frequently without any opportunity whatever given to the House for the consideration of controverted matters, such as is proposed in this rule. Every item of difference of any consequence carried in this bill is excepted in the rule or in the resolution which I offered. The time for consideration of these items is not limited under the five-minute rule, except as the rules of the House limit their consideration. The public building items, the appropriation for the Treasury Department, the collecting of revenues, the appropriation for the Bureau of Engraving and Printing, the appropriation for the Government Printing Office, the appropriation for the Soldiers' Home, the appropriation for the Interior Department, including the Land Service, the appropriation for the War Department, the appropriation for the Interstate Commerce Commission are all appropriations that pertain to the administrative affairs of the Government. There is nothing new in that, as I said before, except where some legislation was necessary in the administration of the appropriation, which necessity has arisen as a result of the experience of the department.

If we are going to consider this bill under the ordinary rules of the House, if we pass it at all, it will be too late for the House to give any consideration whatever to the propositions that we know are now pending and ready to be placed on it when it reaches the other end of the Capitol.

Mr. Speaker, I yield the balance of my time to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Speaker, this bill must pass both Houses and the conference report be agreed to in both Houses by a week from to-night or it can not pass at this session, because it takes all of Friday night to enroll the bill and have it signed by the President by noon of Saturday. If that be true, and this resolution be not adopted, it is beyond hope that this bill can get to the Senate to-morrow night. Unless this bill goes to the Senate to-morrow night it is practically impossible for the Senate committee to consider this bill and pass the bill through the Senate and give any substantial time for the conferees.

Mr. HARRISON. Will the gentleman yield?

Mr. SMITH of Iowa. Not now; I will later. If this bill has no time for consideration in the conference committee, it will mean the loss of millions in all probability to the people. That is our uniform experience, that we must have some time to thrash these matters out in conference, running into 250 or 300 amendments, if millions are not to be wasted.

These gentlemen who have been on this subcommittee complain that the House has not had adequate time to consider these questions. The gentleman from New York said that his colleague from New York and the gentleman from Kentucky were two of the ablest Members on the Democratic side. I say that they are two of the ablest Members on either side, and that their fidelity can not be questioned. [Applause.] Every Democratic Member of the whole committee has had an opportunity to attend these eight weeks of hearings.

Day before yesterday the bill was in the committee room for the observation of every Democratic Member of the committee, and has been there ever since. Yesterday it was considered by the whole committee, and yet all these gentlemen who are talking about gag law fail to point out one single item that needs consideration in this House that is not embraced in the resolution offered by the gentleman from Minnesota [Mr. TAWNEY]. Every man who votes against this resolution votes to bind and tie the hands of the House conferees and jeopardize millions of the public money, when he knows that every item in this bill has been carefully scrutinized by economic, prudent, able, careful Democrats, who would not report in favor of the expenditure of money needlessly. This resolution is therefore a resolution not only for economy of time but for economy of money. This resolution provides for the orderly transaction of business and not for a hasty and ill-considered action. It is somewhat amusing that gentlemen who but the other day were willing to discharge the Committee of the Whole House on the state of the Union from the consideration of a great tariff measure, to cut off every single amendment, and to put the bill upon its passage without reading are now shocked at a gag rule that takes up for specific consideration every proposition known to be in dispute in this bill and allows it to be fully fought out upon the floor of the House, and only asks that those measures, those provisions that have not been criticized be passed.

Mr. SHERLEY. Will the gentleman yield?

Mr. SMITH of Iowa. Yes.

Mr. SHERLEY. Does not the gentleman know that, for instance, items relating to the Geological Survey are always a matter of dispute and amendment on this floor?

Mr. SMITH of Iowa. I know that in this bill so completely is everything asked by the Geological Survey granted that the old fight is not in the bill this year.

Mr. SHERLEY. Well, but sometimes the position of men is not determined by the department.

Mr. TAWNEY. If my colleague will permit me, I will say the controversy heretofore has been over appropriations for the Technological Branch of the Geological Survey, which has now been transferred to the Bureau of Mines.

Mr. SHERLEY. Neither of the gentlemen means to say to this House that only the items contained in this rule are the items about which there is controversy.

Mr. SMITH of Iowa. I want to say right in that connection that I was one of those who went through this bill and conscientiously picked out the items that we thought would be in serious dispute in this House and put them into this resolution, and not one of the gentlemen familiar with this bill has undertaken to state to the committee a single matter that was in dispute in the committee or that he thought would be in dispute in the House and not excepted in this resolution.

The SPEAKER. All time has expired. The question is on suspending the rules and agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were—ayes 137, noes 108.

So (two-thirds not having voted in favor thereof) the motion was rejected.

Mr. TAWNEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 32909, the sundry civil appropriation bill. Pending that motion, I ask the gentleman from New York if we can agree upon any time for general debate?

Mr. FITZGERALD. No one, so far as I am aware, desires any time on this side.

Mr. TAWNEY. Then I ask unanimous consent that general debate be closed in ten minutes.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that general debate on this bill be closed in committee in 10 minutes. Is there objection?

Mr. SHERLEY. Mr. Speaker, reserving the right to object, I would like to suggest to the gentleman from Minnesota that I believe we can expedite the consideration of the bill by dispensing with the reading of some of the items relating to public buildings.

Mr. TAWNEY. I am going to ask unanimous consent to dispense with the reading of the bill entirely.

Mr. SHERLEY. I understand that, but should we not ask unanimous consent now to dispense with the reading of some particular items?

Mr. TAWNEY. We can do that in Committee of the Whole.

The SPEAKER. The Chair hears no objection and it is so ordered. The question is on the motion of the gentleman from Minnesota that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the sundry civil appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the sundry civil appropriation bill, with Mr. MANN in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 32909) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1912, and for other purposes.

Mr. TAWNEY. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. TAWNEY. Mr. Chairman, reference has been made in debate on the resolution that has just been under consideration to the amount carried in this bill. The aggregate amount is $141,115,030.62. The total estimates, including the regular estimates and the supplemental estimates, for appropriations under the sundry civil bill aggregate $155,576,633.99. The committee has reduced the estimates in the aggregate $14,461,503.37. The aggregate of this bill is in excess of the current sundry civil law. That excess, however, consists of two items. There is carried in this bill $16,579,725 more on account of public buildings than was carried in the current sundry civil act. The appropriations carried in this bill for the Isthmian Canal are in the aggregate $45,560,000, as against $37,885,000 carried in the current law. The appropriations for fortifying the canal are $3,000,000, which makes the total of $10,705,000 carried in this bill on account of the Panama Canal greater than the appropriations carried in the current law.

Now, it is not necessary, Mr. Chairman, for me to go into any lengthy explanation of any of the items of the bill inasmuch as the bill will be read under the five-minute rule. Every paragraph and any item can be fully explained when it is reached. I want to call the attention, however, of the committee to the fact that the committee, as a result of a very careful investigation of the estimates and scrutiny of the demands of the departments, has reduced the estimates more than $14,000,000. The committee also in the investigation of the estimates went to the Panama Canal and personally conducted hearings on the estimates there on the ground, as has been the custom of the committee for four years now, or almost ever since the beginning of the canal construction; and I hope before the adjournment of this Congress that some provision will be made to enable Members of the House who are now members and will be members of the Committee on Appropriations in the next Congress to visit the canal and there personally examine the estimates for canal appropriations for the fiscal year 1913. I am convinced after several visits there for that purpose that the result is a saving to the people of the United States in the expenditures that are going on on that zone. Two years ago, or a year ago last November, the committee visited the canal and investigated the canal estimates for expenditures for the fiscal year 1911. As a result of that visit the estimates for the canal were reduced over $11,000,000, and I express the hope now that opportunity will be given to Members of the House who will have this subject under consideration in the next Congress to visit the canal for the purpose of investigating canal estimates. I do not wish to occupy any more time, and I ask for a reading of the bill.

The Clerk read as follows:

EXECUTIVE.

To enable the President to secure information to assist him in the discharge of the duties imposed upon him by section 2 of the act entitled "An act to provide revenues, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, and the officers of the Government in administering the customs laws, including such investigations of the cost of production of commodities, covering cost of material, fabrication, and every other element of such cost of production, as are authorized by said act, and including the employment of such persons as may be required for those purposes; and to enable him to do any and all things in connection therewith authorized by law, $400,000, to continue available until the close of the fiscal year 1913, together with the balance unexpended July 1 next of the appropriation made for these purposes for the fiscal year 1911.

Mr. FITZGERALD. Mr. Chairman, I make the point of order on the paragraph.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. FITZGERALD. The paragraph is subject to the point of order because of the words contained in lines 14 and 15—

To continue available until the close of the fiscal year 1913.

This is one of the annual appropriation bills, and it provides the money for the support of the Government for the next fiscal year. Under the covering-in act any money appropriated for the service of the Government for a fiscal year remaining unexpended at the expiration of two years must be covered into the Treasury. The attempt to continue this appropriation available during the fiscal year 1913 is in fact to extend the appropriation made at this time beyond the two years fixed in the covering-in act. Moreover, Mr. Chairman, as this is a bill making annual appropriations for the support of the Government there is no authority that I have been able to find which justifies the appropriation for some future period beyond the fiscal year for which the appropriation is to be made.

The CHAIRMAN. Does the gentleman from New York contend this would be in contravention of the covering-in act?

Mr. FITZGERALD. The effect of it is.

The CHAIRMAN. In what respect, the Chair would ask?

Mr. FITZGERALD. It extends the time within which the appropriation will be available one year. Under the covering-in act an appropriation for a fiscal year is available two years beyond the expiration of the fiscal year.

Mr. TAWNEY. Will my colleague permit me to ask him a question there?

Mr. FITZGERALD. Yes.

Mr. TAWNEY. If your contention is right, then the covering-in act would prevent permanent appropriations such as are made at every session of Congress, because these permanent appropriations are made for an indefinite period of time.

Mr. FITZGERALD. I am not aware of any permanent appropriations that are made at every session of Congress. Permanent appropriations are made, and they continue available under the express terms of the covering-in act.

Mr. TAWNEY. I meant the continuing appropriations that are made by Congress every session. I did not mean permanent annual appropriations.

Mr. FITZGERALD. We reappropriate. We have the authority to reappropriate, and in that way it becomes a new enactment. But this does one of two things—it either changes the law by curtailing the time for which the appropriation was made available under the covering-in act or else it extends it beyond the time it is made available during the covering-in act. Under the covering-in act the appropriation for the fiscal year 1912 is available for two years after the expiration of that year. This purports to limit it to one year.

Mr. SMITH of Iowa. Oh, no. The gentleman misapprehends the meaning of it.

Mr. FITZGERALD. I may misapprehend what you intended to do, but I do not misapprehend the effect of this language.

Mr. SMITH of Iowa. I think the gentleman does.

Mr. FITZGERALD. And if it does not do that, Mr. Chairman, it does extend an appropriation made in this bill for the next fiscal year beyond the two years in which it must be covered into the Treasury.

Mr. GOULDEN. Will my colleague yield? I would like to ask him when this covering-in act takes effect, whether from the date of the passage of this bill or from the time the appropriation under it becomes available?

Mr. SMITH of Iowa. Neither.

Mr. GOULDEN. I wanted to find out when the two years began and when they would end.

Mr. SMITH of Iowa. It does not begin at either time suggested by the gentleman.

Mr. FITZGERALD. The covering-in act is in force all the time, and it applies to the appropriation at the time it becomes available. All of this appropriation is available the 1st of July, 1911.

Mr. SMITH of Iowa. If the gentleman will pardon an interruption, the covering-in act provides simply this: An appropriation for a fiscal year can only be used for expenses or contracts or obligations of that fiscal year. Until the passage of the covering-in act they could pay on contracts made within the fiscal year or the expenses of the fiscal year for any number of years in advance. The covering-in act simply provided that after the expiration of two years from the end of the fiscal year, if the appropriation was for the fiscal year, the money should be covered into the Treasury. That is what is known as the covering-in act. So it is to begin from the end of the period for which the appropriation is made. And in this case the appropriation is made for the next two years, and therefore would be two years from the end of the period for which the appropriation was made.

Mr. FITZGERALD. That is contrary to the practice of the House which has existed from the foundation of the Government and which has become as firmly fixed as one of its rules.

Mr. SMITH of Iowa. The words "to be available until expended" have appeared in nearly every appropriation and appear probably 50 times in this bill.

Mr. FITZGERALD. And they continued in it because nobody has taken them out on points of order.

Mr. SMITH of Iowa. You said it was contrary to the practice of the House.

Mr. FITZGERALD. It is clearly a violation of the rule. I call the attention of the Chair to a decision in volume 4 of Hinds's Precedents, to the effect that the general appropriation bills, except deficiencies, provide for the next fiscal year. While there is no written rule of the House limiting the appropriations carried in the bill for the next fiscal year, the uniform practice of the House since the foundation of the Government has confined these appropriations to one fiscal year.

The CHAIRMAN. Can the gentleman from New York [Mr. FITZGERALD] inform the Chair, under the covering-in act, if this appropriation were only made available for the next fiscal year, when the covering-in act would require the unexpended balance to be covered back into the Treasury in the general fund?

Mr. FITZGERALD. Well, the covering-in act provides——

Mr. TAWNEY. If the gentleman from New York will permit me——

Mr. FITZGERALD. All unexpended balances that shall have remained on the books of the Treasury for two years——

Mr. TAWNEY. For two fiscal years——

Mr. FITZGERALD. For two fiscal years, shall be carried to the surplus fund and covered into the Treasury.

Mr. TAWNEY. But there will be no balance in this until the end of the second fiscal year. The money is appropriated for two years.

Mr. FITZGERALD. Under the construction of the gentleman from Minnesota it would be possible in this bill to appropriate for three fiscal years, and as there would be no balance at the end of any fiscal year but the third the covering-in act would not apply until the end of the fifth year.

The CHAIRMAN. Is the gentleman from New York or the gentleman from Minnesota able to inform the Chair whether an appropriation made for the next fiscal year under the covering-in act would be covered into the surplus fund on July 1, 1913, or on July 1, 1914?

Mr. FITZGERALD. It would be July 1, 1914.

Mr. SMITH of Iowa. It would if the appropriation was for one fiscal year.

Mr. FITZGERALD. July 1, 1914.

Mr. SMITH of Iowa. Three years from July 1 next. If this were an ordinary fiscal-year appropriation, the balance would be carried to the surplus fund and covered into the Treasury.

Mr. FITZGERALD. I submit that, from the admission of the gentleman, this is, in effect, an amendment of the covering-in act, because that act makes the appropriation available only for the fiscal year 1913.

The CHAIRMAN. The Chair is prepared to rule. The item in the bill makes the appropriation continue available until the close of the fiscal year 1913. The covering-in act referred to, section 5 of a bill enacted in 1874 (18 Stat. L., p. 110 of pt. 3), provides that—

> From and after the 1st day of July, 1874, and each year thereafter, the Secretary of the Treasury shall cause all unexpended balances of appropriations which shall have remained upon the books of the Treasury for two fiscal years to be carried to the surplus fund and covered into the Treasury.

Then certain exceptions are provided for which do not include the item in this bill.

It will be noted that the law only requires that "unexpended balances of appropriations which shall have remained upon the books of the Treasury for two fiscal years" shall be carried to the surplus fund. That law will still operate if this item is enacted into law. The Chair can not see how it changes that law in the slightest degree.

Mr. SHERLEY. Will the Chairman permit a question?

The CHAIRMAN. Yes.

Mr. SHERLEY. Part of this section refers to an unexpended balance which may exist on July 1 next, which it is undertaken to reappropriate and make available until 1913. Now, if this section should be enacted into law, at what period of time would the covering-in act affect such unexpended balance of July 1?

The CHAIRMAN. The item in the bill is merely a reappropriation of an unexpended balance, and it has been repeatedly held that the House, even over the objection of a point of order, could appropriate an unexpended balance as an appropriation. The Chair overrules the point of order.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the words "to continue available until the close of the fiscal year 1913," in lines 14 and 15, and the words "four hundred," in line 13, and insert in place of "four hundred" the words "two hundred and fifty."

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will read.

The Clerk read as follows:

> On page 2, line 13, strike out the words "four hundred" and insert "two hundred and fifty."
>
> And in lines 14 and 15, strike out the words "to continue available until the close of the fiscal year 1913."

Mr. FITZGERALD. I wish the House to understand exactly what is proposed to be done at this point. This so-called Tariff Board appeared before the Committee on Appropriations in defense of its estimates, and in the hearings it was disclosed that the board believed it could expend $250,000 during the next fiscal year. At some place undisclosed and which the chairman of this so-called board could not exactly fix, the suggestion originated that the appropriation should be made available for two fiscal years, and that $150,000 additional be appropriated for the fiscal year 1913. It appeared from the hearings that the commission is expending now at the rate of $150,000 a year, and hopes to be able to expend $250,000 next year, if it obtains the money. To me it seems to be absolutely indefensible for the House to attempt to forestall action in the next House regarding any of the branches of the public service, so as to provide now the funds necessary, rather than wait until the proper time to provide them. Congress might just as well appropriate all the money needed for the fiscal year 1913 at this time and relieve the next House from the necessity and trouble of providing the funds to conduct the Government.

It will be interesting, however, Mr. Chairman, to ascertain just what this so-called tariff board is doing. The act under which the appropriation is made is to enable the President to secure information to assist him in the discharge of his duties. It would naturally be assumed that in the selection of a tariff board men would be selected who would be able to furnish the President with information to assist him in the discharge of his duties under the so-called maximum and minimum provisions of the Payne tariff act. One of the very first things done by this commission, however, was to employ an expert at the rate of $500 a month for the purpose of making for the commission a descriptive study of the iron and steel industry in general as related to the tariff, and from the technical point of view of the iron and steel man to analyze and criticise the items of the tariff and their classification, showing how far, if at all, the present classification is out of date, considered from the point of view of modern industry, and the relation of one item to another in the tariff.

So that after having appropriated $250,000 to enable the President to employ persons to assist him in obtaining information regarding items in the tariff bill, the gentlemen appointed by the President for this purpose find it necessary to employ other gentlemen to make a careful study of the meaning of the various provisions of the tariff bill for their benefit, so that they may be instructed as to the proper manner in which to take up the duty of obtaining information for the President.

And if this were to be carried to its logical conclusion, and if this expert, being familiar with the iron and steel business from the standpoint of modern industry, would believe it necessary to have somebody instruct him as to the meaning and the reason for the classification and arrangement of the items in the steel schedule under the tariff from the standpoint of tariff makers, it would be perfectly proper to give him an

assistant to instruct him, so that he might instruct the commission, so that the commission might give the President information and enable him to make suitable recommendation to Congress on the tariff.

Mr. SIMS. So that we might ignore them.

Mr. FITZGERALD. Now, the commission, without having done any work at all which has been of any benefit to anyone in connection with the revision of the tariff, has in its employ 66 men, with compensation aggregating $12,000 a month.

Most of us would imagine that with such an organization and such a force at the end of seven or eight months it would have been possible for this board or body to submit some intelligent report to the Committee on Ways and Means when it had under consideration the so-called reciprocity agreement. My information is that the committee desired any information that was in the possession of this board, but it had none which it could furnish to the committee for use in its work in connection with that bill.

This appropriation might more properly be designated "an appropriation to enable the administration to obtain, if possible, information which would aid it in the coming national campaign."

Apparently the Executive is not at all informed upon the question of the tariff. The board which he selects is unable to make an intelligent investigation until some one writes out a descriptive analysis of what the items in the tariff law mean.

After seven or eight months the commission, although it took up the investigation of the print-paper and wood-pulp tariffs, which had been exhaustively and thoroughly investigated by the committee presided over by the gentleman from Illinois [Mr. MANN], was unable to furnish any information whatever to the Committee on Ways and Means.

I believe, Mr. Chairman, that the administration should be satisfied with wasting half a million dollars in this way in two years without attempting to fasten this so-called body on the people for an additional year to run beyond the presidential campaign. The compensations fixed for the various employees of this commission are far in excess of the compensation fixed for any similar employment in any other department of the Government. The amendment which I propose simply tests the sincerity of the gentlemen who are advocating this item and will give to the commission all the money requested for the next fiscal year, and which will avoid the indefensible, unusual, and unheard-of practice of attempting to circumvent the result of the last election by taking from the coming Congress the power to determine whether any money shall be appropriated for a particular service.

Mr. GARRETT. Will the gentleman state whether there is any precedent for such a course?

Mr. FITZGERALD. I have been unable to find any similar situation. Some gentlemen justify it on the ground that as this is the policy of the administration they have a right now to provide the funds to enable the policy to be carried out regardless of whether it should be determined in the next Congress to have it carried out. I submit that it can hardly be defended on that ground; otherwise every appropriation carried in all the appropriation acts should be for the service not only during the next year, but during the following year.

There is no excuse and no explanation except perhaps one, and that is that there is such gross ignorance on the part of the administration about matters relating to the tariff that even though the country will not agree with the administration when the next election is held, it may be of some value to complete the education of some gentlemen which has already been initiated by the Congress.

Somebody else may suggest some other explanation, but when the President is given $250,000 to employ persons to assist him to obtain information to enable him to perform his duties, and he selects gentlemen for that purpose, and they employ at least two men at a compensation of $500 a month for the purpose of informing them as to the meaning of the tariff law about which they are to furnish information to the President, it seems quite apparent to me that the so-called tariff-board system will not work out as some gentlemen had hoped.

Mr. Chairman, so far as I am concerned, I not only believe that the board is illegal as at present constituted, because it violates the antiboard council provision enacted at the instance of the gentleman from Minnesota, but, as has been demonstrated, it is wholly worthless. I see the gentleman from Connecticut is honoring me with his attention. Although this tariff board has been at work some months on the wood-pulp and print-paper schedule, is it not a fact that the Committee on Ways and Means was unable to obtain any information from it of any value?

Mr. HILL. Does the gentleman desire my views on the subject?

Mr. FITZGERALD. I do not desire the gentleman's views now. The gentleman can take his own time to express his views.

Mr. MICHAEL E. DRISCOLL rose.

Mr. FITZGERALD. I will yield to the gentleman from New York for a question.

Mr. MICHAEL E. DRISCOLL. Does the gentleman think that $400,000 is too much for two years?

Mr. FITZGERALD. I do not know. The gentleman who appeared before the committee stated that they were now expending at the rate of about $150,000 a year. They believe that they could use $250,000 the next year, and that probably they would require $150,000 for the following year.

Mr. MICHAEL E. DRISCOLL. When the tariff commission bill was up for consideration it was stated that $250,000 would not be nearly enough to pay the expenses of the board, and it seems to me that the committee is economical in making it $400,000 for two years, for this commission is doing the same work.

Mr. FITZGERALD. Mr. Emery testified before the committee "we are convinced that $250,000 is all we ought to expend during the coming fiscal year."

Mr. TAWNEY. Mr. Chairman, I desire to answer one statement made by the gentleman from New York [Mr. FITZGERALD], and that is the charge that this board is illegal, that it has been created in violation of section 9 of the sundry civil act approved March 4, 1909. That act prohibits the expenditure of money on account of any commission, board, or other similar body not authorized by law; but this is an appropriation to enable the President of the United States to make certain investigations, which investigations are authorized by law, and to employ certain persons for the purpose of aiding him in the making of these investigations. He is at liberty to call the people employed by him whatever he may see fit to call them. He may constitute them in any kind of an organization he may see fit or deem advisable. The creation or existence of this board under the general authority of the tariff act is in no sense a violation of that provision, and the gentleman from New York knows it, or he would have made a point of order against the paragraph on that ground.

Mr. HILL. Mr. Chairman, I move to strike out the last word. I would like to say to the gentleman from New York [Mr. FITZGERALD] that I have not the slightest hesitation in expressing my views concerning this matter. As I look at it, this is the situation: The administration and one branch of the legislative part of the Government in the next two years will be politically antagonizing the other branch of the legislative part of this Government. I hold this opinion. I believe that it is courtesy for the Democratic House of Representatives to give to the officials of the Republican administration such facilities as are necessary for them to carry out their views in accordance with previous legislation; and at the same time, I believe it is due to the Democratic House of Representatives that they should have a free hand in carrying out their views as to certain matters concerning which legislation must be had; and I have suggested once or twice before on this floor that I thought the Democratic Ways and Means Committee should come before Congress and ask that provision be made for such necessary expenses. I am opposed absolutely, from start to finish, to the tariff propositions which I think the gentleman advocates, and will advocate in the next two years, and yet I am ready to vote to give them such facilities as will be necessary to carry out their ideas, believing that the whole country will choose between the respective policies and decide for legislation in the future, and for many years in the future, after this experiment has been tried, in favor of the views that I hold.

Mr. SHERLEY. Will the gentleman yield for a question?

Mr. HILL. Yes.

Mr. SHERLEY. What would the gentleman think of his Democratic colleagues if they acted upon the assumption that he would not vote as he has just stated he would?

Mr. HILL. I do not know. I do not know that I quite understand the gentleman's question.

Mr. SHERLEY. The gentleman says that he, as a Republican, would always be willing to help to provide the Democrats with the facilities to carry out their theory.

Mr. HILL. I think your party is entitled to that.

Mr. SHERLEY. What would the gentleman think of us if, because we did not believe that the gentleman would do what he said he would do, we should undertake by legislation to handle the matter ourselves?

Mr. HILL. Oh, I do not look at it in that way.

Mr. SHERLEY. But the Republican Party is undertaking to do things on the assumption that we will not do them.

Mr. HILL. I think the administration, in maintaining its political views, has just as much right to consideration as the Democratic Party has in antagonizing them.

Mr. SHERLEY. Undoubtedly; but here is the proposition: This Republican majority in this House is doing an unprecedented thing in making an appropriation for two years, on the theory that the next House being Democratic would not do something.

Mr. HILL. I do not look at it in that way at all.

Mr. TAWNEY. And I will say that we are also likely to do another unprecedented thing——

Mr. SHERLEY. Oh, I would not attempt to limit his party's ability in that regard.

Mr. TAWNEY. And that is that in the general deficiency appropriation bill there will be carried an item appropriating the amount which the chairman of the Democratic Committee on Ways and Means of the next House has asked for, for the purpose of enabling that committee to conduct its investigations.

Mr. SHERLEY. That is not unprecedented in any sense.

Mr. HILL. I am in favor of both propositions.

Mr. TAWNEY. So am I.

Mr. SMITH of Iowa. Mr. Chairman, if the gentleman from Kentucky [Mr. SHERLEY] will allow me to make one suggestion before he proceeds to address the committee, as I suppose he has the privilege of closing debate, I simply want to suggest, Mr. Chairman, that it is worth while to contrast conduct at times. A year ago when this appropriation bill was before this House that side of the Chamber voted practically solidly not to allow the President to make these investigations.

Mr. FITZGERALD. Has not the result justified our action in what has been done in that regard?

Mr. SMITH of Iowa. But the gentleman from Kentucky resents the aspersion that that side of the House would vote against it next year, whereas they are on record only a year ago as practically solidly voting against this appropriation. Now, what is the Republican attitude? The Republican attitude is that we want this money in the hands of these men authorized by the Payne law. We concede, however, that it is a partisan body, but we want the people to have full information, and so we put in the deficiency bill this year an appropriation to enable the Democratic Ways and Means Committee of the next House to obtain their side of this question. In other words, our attitude has been the same from the beginning, of appropriating money for a tariff board to obtain information, which we believe will be fair and impartial and which you might think will be partisan, and then we vote money for your agency to obtain information from your standpoint. But when the vote came in the House a year ago you said we should not have the money to make the investigation through the President of the United States and you did vote against it. A few days ago, notwithstanding the unanimous report from the Committee on Ways and Means in favor of a tariff board, the gentleman from New York [Mr. FITZGERALD], the prospective chairman of the Committee on Appropriations of the next House, headed a fight and led nearly all the Members upon that side of the House to follow him against the leader of the Democratic side of the House, in opposing any tariff board at all.

With this vote of a year ago against the appropriation, with this vote the other day against the existence of a tariff board, we hope we are not characterized as having unkindly feelings to the gentleman when we assume that if he gets a chance no money will be appropriated for this subject when they are in the majority.

Mr. FITZGERALD. But——

Mr. SMITH of Iowa. In a moment—we are willing to give the money, and we have put in the deficiency bill money to make the investigation from their standpoint, but as long as you have captured only one of the two Houses of Congress——

Mr. FITZGERALD. We did not have a chance at the other last year.

Mr. SMITH of Iowa. All right; we will give you a chance and all you want before we get through.

Mr. FITZGERALD. We will carry the whole works before we are through.

Mr. SMITH of Iowa. When you carry the whole works you will be in full possession of the Government, and not until then.

Mr. FITZGERALD. I want to ask the gentleman a question. The gentleman is going to provide money for the Democratic Committee on Ways and Means?

Mr. SMITH of Iowa. With pleasure.

Mr. FITZGERALD. Thirteen or fourteen thousand dollars?

Mr. SMITH of Iowa. All they asked.

Mr. FITZGERALD. That is what was asked?

Mr. SMITH of Iowa. Yes.

Mr. FITZGERALD. If the administration takes this appropriation, together with that made heretofore, $650,000, does not the gentleman think that is really an indication of the difference of intelligence on the tariff question between the two sides of the House? [Laughter and applause on the Democratic side.]

Mr. SMITH of Iowa. I will say, in my judgment, the information obtained by the gentleman's committee will come high at the price proposed. [Laughter on the Republican side.]

Mr. FITZGERALD. Not nearly so high in proportion as we pay to educate that side.

Mr. SMITH of Iowa. Now, Mr. Chairman, I want to ask the gentleman one question, because he has asked me one.

Mr. FITZGERALD. Well, I will answer.

Mr. SMITH of Iowa. I want to ask the gentleman, in view of his denunciation of this commission, in view of his vote a year ago, in view of his position on the Tariff Board at the time the bill was up at this session of Congress, if he does think we have good reason to believe that as chairman of the Committee on Appropriations he will not advocate appropriations next year for a tariff board? I would be glad to have that answered.

Mr. FITZGERALD. Now, the gentleman, of course, is leaving Congress and can assume anything——

Mr. SMITH of Iowa. I am not assuming anything——

Mr. FITZGERALD (continuing). Or some things I am not in a position to do, but let me say this: If in the next session the President of the United States should submit an estimate for an appropriation to enable him to obtain information to perform any part of his public duties——

Mr. SMITH of Iowa. And you pass upon what are his public duties——

Mr. FITZGERALD (continuing). And suggests as to the advisability of an appropriation, I should not feel justified in withholding from him moneys to enable him to perform those duties.

Mr. SMITH of Iowa. Never since the foundation of the Republic, so far as I know, has the President ever submitted a formal estimate to Congress, and, therefore, the gentleman says he would do it if something that is never done is done.

Mr. SHERLEY. Mr. Chairman——

Mr. TAWNEY. Mr. Chairman, if the gentleman from Kentucky will permit me, I move that all debate on this paragraph be closed in 10 minutes.

Mr. UNDERWOOD. Mr. Chairman, I wish to say I desire to make some remarks on this question and want at least 10 minutes.

Mr. TAWNEY. Then make it 15 minutes, and the gentleman from Kentucky [Mr. SHERLEY] and the gentleman from Alabama [Mr. UNDERWOOD] can have 10, and we can have five on this side.

The CHAIRMAN. The gentleman from Minnesota [Mr. TAWNEY] moves that debate close in 15 minutes, of which time the gentleman from Kentucky [Mr. SHERLEY] shall have five and the gentleman from Alabama [Mr. UNDERWOOD] 10. Is there objection?

Mr. TAWNEY. I said five minutes to the gentleman from Kentucky [Mr. SHERLEY] and five minutes to the gentleman from Alabama [Mr. UNDERWOOD] and five minutes on this side.

Mr. UNDERWOOD. Mr. Chairman, I ask to have at least 10 minutes.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 29708. An act to constitute Birmingham, in the State of Alabama, a subport of entry.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 31856) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1912, and for other purposes.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 7031) to codify, revise, and amend the laws relating to the judiciary, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HEYBURN, Mr. SUTHERLAND, and Mr. CLARKE of Arkansas as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill

(S. 5432) to authorize the city of Seattle, Wash., to purchase certain lands for the protection of the source of its water supply.

The message also announced that the Senate had passed without amendment the bill (H. R. 32341) to authorize the St. Paul Railway Promotion Co., a corporation, to construct a bridge across the Mississippi River near Nininger, Minn.

The message also announced that the Senate had passed without amendment the following resolution (H. Con. Res. 62):

Resolved by the House of Representatives (the Senate concurring), That the Speaker of the House of Representatives and the President of the Senate be, and hereby are, directed to erase their signatures to the bill (H. R. 25081) for the relief of Helen S. Hogan, and that the said bill be reenrolled with the words "act of February 26" changed to "act of February 25."

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

Mr. TAWNEY. I move, then, that the debate close at 2 o'clock, with the understanding that the gentleman from Alabama have 10 minutes and the gentleman from Kentucky have 5, and the balance of the time be used on this side.

Mr. HARRISON. Reserving the right to object, I would ask the chairman of the committee if he will not amend his request for unanimous consent and allow me five minutes also?

Mr. TAWNEY. No.

Mr. HARRISON. I object, then.

Mr. TAWNEY. Then I move that all debate be closed on this paragraph at 2 o'clock.

Mr. JAMES. The gentleman will save time to allow the gentleman from New York [Mr. HARRISON] five minutes.

The CHAIRMAN. The gentleman from Minnesota moves that all debate on this paragraph close at 2 o'clock. The question is on agreeing to the motion.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. HARRISON. Division, Mr. Chairman.

The committee divided; and there were—ayes 75, noes 57.

So the motion was agreed to.

The CHAIRMAN. The gentleman from Kentucky [Mr. SHERLEY] is recognized. The time for debate is limited to 2 o'clock.

Mr. SHERLEY. It is sometimes well to review recent history, and the most recent history of the Republican Party in this Congress is the repudiation of this board by the passage of a law to create another board to supersede it and by remarks of the leaders on that side in most severe arraignment and condemnation of the present existing board.

During the consideration of the reciprocity treaty Republican after Republican declared that this board had been absolutely useless; that it had failed to reply to requests for information; and that no information had been obtained from it; and that so far as they could judge its work was without value to the country.

I am willing to discount somewhat what they said. I know they were under great stress in finding such a division in their party; I realize that they were having trouble to keep their allegiance to their President and what they believe to be their allegiance to their party policies.

I have no special criticism of this board. What I resent, and I believe every sincere man ought to resent, is the proposition that there shall be contained in this bill an appropriation covering two years, and containing more than $150,000 more than the commission itself says it can use during the coming year. Why, this House, so far as it has taken any position, has by the passage of the recent act creating a new commission, assumed that the present commission will not be in existence even a year from now, let alone two years from now.

And yet they come in now with an appropriation that undertakes to make available more than $150,000 more than could be properly used during the current year. I agree with the position of the gentleman from Connecticut [Mr. HILL]. I would hate service in this House upon any other conditions. I believe the present minority, as a majority, would deal as I believe the present majority would deal with the minority, in good faith. I do not believe that this House has a right to assume, and speaking for myself, as only I have a right to speak, I say the assumption is entirely unwarranted that the next Congress will refuse to give to the President of the United States what facilities he may need to carry out his constitutional duties and obligations. I say that by the creation, as far as this body can create, of a new board, you yourselves have signified that you do not believe the present commission will be in existence even a year from now, and yet you ask us to vote $400,000 for two years, and, taking the statements of Republican leaders on that side as to the value of this board, it is $400,000 wasted money. I do not believe that. I believe the board is better than it is credited with being by Republicans. But if we are to accept the statements made on the floor, if we are to use the rule of the gentleman from Iowa, then we shall stand committed to the proposition that the present commission is worthless, and that any appropriation of money for it is wasted. I would gladly vote for $250,000 for the commission for the ensuing year, or for all that it can properly use or would use, but I object to this attempt indirectly to tie the hands of the next House. I say it is an insult to the patriotism of that body and is not warranted by any facts in the previous history of the Government; and when partisan politics runs to that extreme, it is, indeed, a sad situation for the country at large. [Applause.]

Mr. UNDERWOOD. Mr. Chairman, a year ago when this proposition was before the House, or a proposition similar to this, to make a blanket appropriation for a tariff board, to be appointed by the President without authority of law, I voted against it. Some months ago, when the Ways and Means Committee brought before this House a bill to establish a tariff board by law, I voted for it.

Now I desire to say to the House that my reason for voting against the one proposition and voting in favor of the other was that I was opposed to this proposition a year ago—and I am equally opposed to it to-day—for the fundamental reason, based on foundation principles, that the Constitution of the United States vests the power to levy taxes in the Congress of the United States, and that no tariff can be constitutional that is not levied for the purpose of raising taxes, and therefore in my judgment this House should not only control the raising of revenue, but should absolutely control the instrumentality by which revenue bills are written. And I do not think that it is proper as a governmental question for us to appropriate money to enable the President of the United States to employ persons to advise the Congress of the United States how to enact tariff legislation. That is what this proposition means.

Now, I am free to say that I believe there is no committee of this House that needs information in reference to the subject matter on which it works or upon which it desires information more than the Committee on Ways and Means. I do not entirely agree as to the wisdom of the bill that I voted for here a few months ago. I thought it was too expensive a proposition. But I voted for it because it proposed to select certain experts to obtain information that would be under the control of this House. I would like very much now to see a permanent board of experts under the control of this House, who would hold their offices year in and year out, and gather information for the benefit of the Committee on Ways and Means. But I am absolutely opposed to the proposition now before the House. It gives to the President the power to assemble the facts and communicate to Congress only such of those facts as he desires to communicate. You know as well as I that if you have got a grand piece of legislation here that depends on the accuracy and integrity of the facts presented to Congress and place the power to control the promulgation of those facts in the hands of the Executive, then, to a large extent, the Executive will have the power to control the legislation, and therefore I do not think it is an act of discourtesy to the President to vote down this appropriation. I do not think it is a question of not carrying out an Executive function, because there is not one line of law in the statute books of the United States that authorizes this appropriation. The provision that was passed on the tariff bill that was enacted 18 months ago provided for the employment of certain persons for the purpose of advising the President as to whether——

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. UNDERWOOD. I ask unanimous consent, Mr. Chairman, to continue for five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HILL. Then you would not concur with your colleague from Kentucky in the view that it would be improper or discourteous to vote down a further appropriation a year from now?

Mr. UNDERWOOD. No; I do not agree with him on that at all.

Mr. HILL. I understood you to say that awhile ago.

Mr. UNDERWOOD. I think this proposition is fundamentally wrong.

Mr. PICKETT. The gentleman from Kentucky did not state that he regarded this as coming within the official duties of the President, but he just made an application.

Mr. UNDERWOOD. I did not hear what the gentleman said.

Mr. HILL. I am heartily in favor of giving the advocates of both views on the pending question all the money they need within the next two years to carry out their ideas and then let the country decide.

Mr. UNDERWOOD. Well, I say that this proposition is not a question for the country to decide. I say that the President of the United States has no authority to place his views before this Congress in the way of shaping tariff legislation, except in so far as he desires to advise us in an annual message to Congress, whether tariff legislation is needed or not.

But I want to say this further: The gentleman has said that the Committee on Appropriations have offered this side of the House such appropriations as were wanted for tariff investigations. Well, that is not literally so. Assuming that there is going to be no extra session of Congress, a committee on this side of the House is charged with the responsibility of preparing tariff legislation. Now, we do not ask you to take away the clerk of the committee who holds until December, or the statistician of the committee who holds until December, or the stenographic clerk of the committee who holds until December.

All we have asked on the deficiency bill is that between now and December you provide us a sufficient appropriation to let us have a clerk to the committee, a statistician to the committee, and a stenographic clerk to the committee to help us in our work. That has nothing to do with the proposition that is before this House. Of course, if we have an extra session of Congress, we can organize our committee, we can vote it what money we want. We are not asking you to give us any money for independent investigation. Under the law the Republican side of this House now controls the great committees of the House. The Democratic Party, which is charged with responsibility for the legislation of this House after the 4th of March, has directed this side of the House to go to work and prepare bills that will save the time of this House after December. Instead of taking the time to write those bills after we come here then, and keeping you in a late session next year, they have directed us to prepare these bills during the vacation, and we merely ask the Appropriations Committee to provide us with the clerks that you yourselves have to-day. And I want to say to you that if you have any criticism on that proposition on that side of the House, strike it out and we will pay the expense out of our own pocket.

Mr. HILL. I do not believe there is a man on this side who criticizes it. The only criticism is to say, Why do you not ask for all you want?

Mr. UNDERWOOD. I think that is all we do want, to be candid with the gentleman.

Mr. HILL. Then there is no criticism on that side, if you have all you want.

Mr. UNDERWOOD. We went into a very thorough investigation of this tariff question 18 months ago. The witnesses that appeared before the Committee on Ways and Means then were impartially examined on both sides. If we should go into any further hearings, I do not know that we would develop any further light on the question now, because the testimony before us is only 18 months old. On that testimony, when the Payne tariff bill was written, a revenue tariff bill could have been written as well as the Payne tariff bill. We simply propose to take that testimony and the statistics and evidence that were before you gentlemen when you wrote the Payne tariff bill, and write a tariff bill in accordance with our principles.

Now, I do not want to ask of this Congress the expenditure of a dollar of public money unnecessarily, and I do not think we are doing so when we ask merely that we may organize the personnel of our committee. When we ask to organize it to-day instead of next December, I do not think that has anything in the world to do with this appropriation. I am opposed to this appropriation now. I was last year, and I would be next year, because I feel that it is fundamentally wrong.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. TAWNEY. Mr. Chairman, the remark of the prospective leader of the majority in the Sixty-second Congress are a sufficient justification for the recommendation of the Committee on Appropriations in appropriating $400,000, or the amount necessary to enable the President of the United States to continue the investigation into tariff matters during the remainder of his administration. I do not intend to occupy any time in discussing the necessity for this, because the gentleman from Alabama [Mr. UNDERWOOD] has conclusively shown that necessity by the statement that under no circumstances would he now, or in the next Congress, favor an appropriation to enable the President to make this investigation. I therefore call for a vote.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The question being taken, on a division (demanded by Mr. FITZGERALD) there were—ayes 51, noes 81.

Accordingly the amendment was rejected.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the first paragraph on page 2.

The question was taken, and the amendment was lost.

The Clerk read as follows:

To enable the President to continue, by the employment of accountants and experts from official and private life, to more effectively inquire into the methods of transacting the public business of the Government in the several executive departments and other Government establishments, with the view of inaugurating new or changing old methods of transacting such public business so as to attain greater efficiency and economy therein, and to ascertain and recommend to Congress what changes in law may be necessary to carry into effect such results of his inquiry as can not be carried into effect by Executive action alone, and for each and every purpose necessary hereunder, including the employment of personal services at Washington, D. C., or elsewhere, $75,000. And a report hereunder shall be submitted to Congress at the first regular session of the Sixty-second Congress and not later than December 31, 1911, which said report shall set forth the progress made, the results attained, and such recommendations therein as may be deemed advisable.

Mr. MACON. Mr. Chairman, I make a point of order on the paragraph just read on the ground that it is unauthorized and a change of existing law.

Mr. FITZGERALD. I ask the gentleman from Arkansas to reserve his point of order.

Mr. MACON. I will reserve the point of order if the gentleman desires to debate it, but I was trying to save time by making instead of reserving it.

Mr. FITZGERALD. Mr. Chairman, we appropriated $100,000 for the present fiscal year, and I was of the opinion that that should complete the work and that no further appropriation would be justified. On the explanation given before the committee I believe that unless this money be appropriated that the money heretofore expended will be wasted. I believe that the result of the investigation now being made will undoubtedly be of great benefit to the Government. This is the situation and what is being done. There is an entire lack of standardization in the requisitions, supplies, and services for the Government service. An attempt is being made, first, to enable every department and bureau of the Government to be in a position to state what its available balances are; secondly, to enable some one to ascertain from mere inspection of vouchers whether articles purchased have been purchased and paid for at a reasonable price; thirdly, to have some uniform system of purchase and some uniform method by which all of the various branches of the Government will pay the same price for the same articles under similar conditions.

I was convinced, although I approached the subject somewhat prejudiced against this appropriation, that the continuation of the investigation really would result in a vast improvement in the departmental service. I will suggest to the gentleman from Arkansas that, in my opinion, it will be of great advantage to us to have the work completed by the time the next regular session of Congress convenes.

Mr. COX of Indiana. Does the gentleman feel that it will pay for itself?

Mr. FITZGERALD. I do. At the outset I was under the impression that it was ill-advised, but they have got to the point where, unless this appropriation is made, the expenditure of the $100,000 already made will have been wasted. The groundwork established is such that valuable information and some economies will be effected which will be impossible unless this appropriation is made.

Mr. JOHNSON of South Carolina. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. JOHNSON of South Carolina. How much money has hitherto been spent?

Mr. FITZGERALD. $100,000.

Mr. JOHNSON of South Carolina. Is there an additional board provided for in the legislative bill making the same kind of investigation?

Mr. FITZGERALD. The appropriation for investigating and effecting economies in the Treasury Department did result in a substantial reduction of appropriations to the service this year, and it was the work undertaken in that department last year that finally induced this side of the House to permit the appropriation to be made for this year.

Mr. COX of Indiana. Does the gentleman believe that this appropriation will complete the work?

Mr. FITZGERALD. I am not sure that it will. It is difficult to say; but I believe from information given to the committee that the money will be well expended and furnish the next Congress information that will be of great value if an attempt is made to thoroughly investigate the public service of the various departments.

Mr. JOHNSON of South Carolina. As the gentleman is convinced of the wisdom of providing for this board, what does he

think about having a different board investigating the same question in one department?

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, we would like to know what is going on over on the other side; we can not hear a word.

Mr. JOHNSON of South Carolina. It would not influence the gentleman if he did.

The CHAIRMAN. The committee will be in order.

Mr. KENDALL. The committee is in order, but the gentleman from South Carolina does not speak above a whisper.

Mr. JOHNSON of South Carolina. Mr. Chairman, what I am saying is there is a provision in this bill making an appropriation for some business men to show the executive department how to do business. I asked the gentleman from New York, who seems to be convinced that this is a wise provision, if this board is provided to investigate all the departments, what he thought about having a separate board to examine into the Treasury Department alone. We have in the legislative bill an appropriation of $75,000 to pay some business men to teach the Treasury Department how to do business. Now, I think this one board ought to examine all of the departments, because if it is valuable, as the gentleman from New York seems to think it is, the work ought to be uniform.

Mr. FITZGERALD. But the persons employed under this authorization are not confining themselves to any particular department, but are trying to standardize methods in all of the departments.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I ask unanimous consent that it be extended for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MICHAEL E. DRISCOLL. I want to inquire if this board will make them buy at the same price. I have had one or two instances where one department bought the same kind of goods much cheaper than another department.

Mr. TAWNEY. I will say to the gentleman from New York that that is cured by a provision in the sundry civil appropriation bill for 1909, which authorizes the creation of this purchasing board. Purchases are no longer made under the old system.

Mr. MICHAEL E. DRISCOLL. But this is since 1909. It was only last year, and one department bought very much cheaper than another.

Mr. TAWNEY. Miscellaneous supplies?

Mr. MICHAEL E. DRISCOLL. Typewriters.

Mr. COOPER of Wisconsin. Of the same kind?

Mr. MICHAEL E. DRISCOLL. Yes, sir.

Mr. TAWNEY. Mr. Chairman, if the gentleman from Arkansas is going to make the point of order against this provision I wish he would make it. In my judgment it is not subject to a point of order.

Mr. MACON. Mr. Chairman, I am entitled to a word or two in reply to the gentleman from New York. I have never understood it was wise to send a good dollar out in search of a bad one, and I do not believe it is wise in this instance to send 75,000 good dollars out in search of the 100,000 bad dollars, so far as their further usefulness to the Government is concerned, which we appropriated for this purpose one year ago. Those dollars are gone from the Government forever, so far as that goes, and, therefore, they are worthless things in connection with the Government; but these 75,000 dollars yet belong to the Government, and I can not see any reason why we should send 75,000 good dollars out in search of 100,000 lost ones.

Unless my information is bad, Mr. Chairman, the board that has been conducting this examination was comprised of the heads of bureaus in this city, and the result of their work has never been reported to Congress officially, though the paragraph carried in the bill a year ago provided that the appropriation was made for the purpose of enabling the President to make a recommendation to Congress in regard to this matter. No official recommendation has ever been made, notwithstanding the expenditure of the $100,000.

As I said a moment ago, I am advised that the heads of the bureaus conducted this investigation, and as a result of that it was urged upon the floor of this House that each and every member of that board should have his salary increased in a certain appropriation bill that was pending before the House. Therefore the House will understand that in addition to expending the money for a commission or a board to make these investigations we are asked to increase the salaries of those officials to whom we are paying salaries to discharge their duties—to increase their salary as a reward for that investigation. I can not believe that it is right to the American people to pursue a policy of that kind. Feeling that way about it, I thought that a point of order ought to be made against this paragraph so as to stop this worthless expenditure, something out of which nothing has as yet come, in order that we may get rid of this one instrumentality of the Government which, in my judgment, has afforded no relief to the Government anywhere or in any way.

Mr. Chairman, I insist that there is no law authorizing this appropriation; it is simply a paragraph carried in the last appropriation bill which, as the Chair is well aware, does not warrant a continuance of an appropriation of this kind.

The CHAIRMAN. The time of the gentleman has expired. Does the gentleman insist upon the point of order?

Mr. MACON. I do.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

For salaries and expenses, including rental and furnishing, after the passage of this act, of offices at Washington, D. C., and necessary traveling expenses, and for the one-half of all reasonable and necessary joint expenses of the International Joint Commission incurred under the terms of the treaty between the United States and Great Britain concerning the use of boundary waters between the United States and Canada, and other purposes, signed January 11, 1909, $75,000, together with the balance unexpended July 1, 1911, of the appropriation made for said joint commission for the fiscal year 1911: *Provided*, That the salaries of the members of said commission on the part of the United States shall be fixed by the President, and the amount appropriated for the payment of salaries and other expenses hereunder shall be disbursed under the direction of the Secretary of State; that said commission or any member thereof shall have power to administer oaths and to take evidence on oath whenever deemed necessary in any proceeding or inquiry or matter within its jurisdiction under said treaty, and said commission shall be authorized to compel the attendance of witnesses in any proceedings before it or the production of books and papers when necessary by application to the circuit court of the United States for the circuit within which such session is held, which court is hereby empowered and directed to make all orders and issue all processes necessary and appropriate for that purpose.

Mr. MACON. Mr. Chairman, I make a point of order against that paragraph, or I will reserve it.

Mr. TAWNEY. Mr. Chairman, I will say to the gentleman that that is not subject to the point of order.

Mr. MACON. The language in here makes it subject to the point of order.

Mr. TAWNEY. This is authorized by a treaty that was approved and promulgated on the 13th of May, 1910, a treaty creating an international joint commission for the determination of questions arising between the Dominion of Canada and the United States respecting the use of boundary waters. That treaty especially obligates the Government of the United States to pay its share of the joint expenses of this commission. It also obligates itself to secure the enactment of such legislation as is necessary to enable the commission in the investigation of questions under the jurisdiction of the commission, to administer oaths, and to apply to the circuit courts of the United States for the purpose of obtaining process in order to compel the attendance of witnesses. The jurisdiction of the commission is final relative to all questions that arise between Canada and the United States growing out of the use of boundary waters by citizens of the two countries, both in respect to sanitation and domestic use, reclamatory purposes, and also for water-power purposes. The treaty obligates, as I say, the Government of the United States to do the things which are authorized in this act.

Mr. DALZELL. I desire to ask the gentleman if this is the first time this has been appropriated for.

Mr. TAWNEY. No; the last sundry civil bill carried $75,000 for the same purpose.

Mr. MICHAEL E. DRISCOLL. Is any of this to pay counsel?

Mr. TAWNEY. No; not specifically. The commission may employ counsel or necessary employees.

Mr. STAFFORD. Will the gentleman differentiate wherein this appropriation should be carried in the sundry civil bill and not in the diplomatic and consular appropriation bill?

Mr. TAWNEY. Well, the diplomatic and consular appropriation bill carries appropriations for the diplomatic and consular service and for services outside of the jurisdiction of the United States or outside of the territory of the United States. We have a number of joint commissions. We have now a joint commission that was created under a treaty and appointed under a treaty, some two years ago, I think, to investigate the question of the diversion and use of the waters of the St. John River, which is a boundary line between Maine and Nova Scotia. We have also another commission that is engaged in—and the work will be, I think, completed in the next year—locating the boundary between Canada and the United States on the Lakes, called the boundary commission.

Mr. MICHAEL E. DRISCOLL. Has this ever been before The Hague tribunal—this question of the boundary?

Mr. TAWNEY. No. I will say there are a great many important questions now pending in the State Department over all our boundary waters between Canada and the United States—the Milk River proposition, which Members may be acquainted with, and the Rainy River proposition.

Mr. MACON. Mr. Chairman, I will say the diplomatic and consular appropriation bill, which we passed day before yesterday, carried an appropriation of $100,000 for ascertaining the boundary line between the United States and Canada.

Mr. TAWNEY. No; I beg the gentleman's pardon.

Mr. MACON. Now, why should not this take in water boundaries as well as land?

Mr. TAWNEY. No; that was an appropriation——

Mr. FOSTER of Vermont. The gentleman is mistaken about it.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. MACON. Mr. Chairman, I ask that the gentleman may have further time if he wants it. I ask that he may have time to complete his statement.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSTER of Vermont. This is an entirely different project, I will say to the gentleman.

Mr. MACON. I did not say it was not different, but I said it was for the purpose of determining the boundary between the United States and Canada.

Mr. TAWNEY. A survey of the boundary has already been agreed upon between England and the United States, and there is a provision for Alaska——

Mr. FOSTER of Vermont. No; the gentleman is mistaken. That is another proposition. It is the boundary line between the United States and Canada. It consists of two parts—the western part, from Duluth west, and the other from the Great Lakes eastwardly to the St. John River. As I think I explained to the gentleman when we had under consideration the diplomatic and consular bill, that work will be completed in about a year; that is, we hope that the present appropriation of $95,000 will complete it. The item was carried in the diplomatic appropriation bill for this work. In addition, the bill carried an item providing for the marking of the dividing line between the United States and Alaska——

Mr. MACON. Seventy-five thousand dollars, I believe, was carried for that purpose.

Mr. FOSTER of Vermont. At least $75,000; but I think it was $100,000.

Mr. MACON. I thought it was $75,000.

Mr. FOSTER of Vermont. Those two things are entirely separate from the commission provided for in this item.

Mr. MACON. I understand that, but I was asking the question, why would that not include the waters?

Mr. FOSTER of Vermont. The gentleman was entirely within his right. I wanted to explain, so that there would be no misunderstanding.

Mr. TAWNEY. I will say to the gentleman from Arkansas that the jurisdiction of these two commissions is entirely different.

Mr. MACON. But that is the trouble. We are getting so many commissions that they duplicate the work.

Mr. TAWNEY. This commission is already authorized. It is in the nature of a judicial tribunal for the purpose of settling the questions involved or the legal rights of citizens of Canada or citizens of the United States in regard to the use of waters that bound the two countries. It has no relation whatever to the work of ascertaining the boundary, but it is a judicial investigation that this commission must make for the purpose of determining the rights of citizens of the two countries. That question is necessarily involved when you come to determine whether the citizens of Montana, for example, shall have a right to use all of the water of Milk River that flows from Canada into Montana and back into Canada.

Mr. MACON. Now, if the line between the two countries, the United States and Canada, is ascertained, would not that settle this matter?

Mr. TAWNEY. Oh, no; not at all. It does not involve the question of the boundary. It involves the question of the rights of citizens of the two countries growing out of the use of boundary waters. It does not involve the boundary question at all. This question is for the ascertainment, first, of the facts as to the effect of the use of water by the citizens of one country upon the rights of the citizens of the other country. And after ascertaining the facts, the commission judicially determines the law governing it, the rights of the respective parties in the two countries; and their determination is just as final under the treaty referred to in this paragraph as the determination of the highest judicial tribunal in either country. There are a great many important questions growing out of the use of water in connection with Niagara River; also the St. Lawrence River, and the St. John River—controversies between citizens of two countries. This does not relate at all to fixing the boundary or to the ascertainment of the boundary.

Mr. STAFFORD. Will the gentleman from Minnesota [Mr. TAWNEY] yield?

Mr. TAWNEY. I yield.

Mr. STAFFORD. Will the gentleman inform the committee upon whose recommendation this item was included in the sundry civil bill?

Mr. FOSTER of Vermont. I will answer that if the gentleman will permit.

The CHAIRMAN. The time of the gentleman from Arkansas [Mr. MACON] has expired.

Mr. FOSTER of Vermont. I ask unanimous consent for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MACON. I did not know that I had any time. I thought I was using the time of the gentleman from Minnesota [Mr. TAWNEY].

The CHAIRMAN. The gentleman from Vermont [Mr. FOSTER] is recognized for five minutes.

Mr. FOSTER of Vermont. I would like to say to the gentleman from Wisconsin [Mr. STAFFORD] that, as I explained the other day when the diplomatic and consular bill was up, this matter was not taken up by the Committee on Foreign Affairs at the last session and incorporated in the annual appropriation bill because the bill had been reported out of the committee before the matter came up. Thereupon the matter was taken up by the committee, and a separate bill was reported out, and placed on the calendar, involving this very proposition.

Mr. STAFFORD. I wish to correct a misstatement of the gentleman. The gentleman the other day stated, and he repeats it again, that this matter was not included in the diplomatic and consular appropriation bill, because it had not been reported.

Mr. FOSTER of Vermont. Because what had not been reported?

Mr. STAFFORD. Because it had not been reported from the Committee on Foreign Affairs. I wish to call his attention to the calendar of to-day——

Mr. FOSTER of Vermont. The gentleman misunderstands me. I said we did not include it in our appropriation bill last year, because the annual appropriation bill was reported out of the committee before this matter came to our attention. Thereupon, and I repeat what I said before, the Committee on Foreign Affairs reported out a separate bill to cover it. We failed to get that through at the last session of Congress. Some weeks ago I tried to get the bill up by unanimous consent and failed. The calendar was so congested that there seemed to be grave doubt as to whether we would be able to get a hearing on that bill at this session of Congress, and it was for that reason that the friends of the proposition, who feel that it is the absolute duty of the Government to secure this legislation before adjournment on the 4th of March next, suggested that the legislation be carried in this bill.

Mr. STAFFORD. My attention was called to the matter——

Mr. TAWNEY. I will state further that the State Department had sent to Congress a supplemental estimate when this bill was in process of preparation in committee, requesting that this item be carried in the bill.

Mr. STAFFORD. My attention was called to the matter some weeks ago, when the bill was on the Unanimous Consent Calendar, and I gave it some consideration at that time. I believe it is necessary, and I shall not object to the incorporation of this amendment in this bill.

Mr. MACON. Does the gentleman from Minnesota say that $75,000 will be sufficient to complete this work?

Mr. TAWNEY. I will say to the gentleman from Arkansas that it is difficult to determine when this work will be completed. The commission will be permanent in character, and it will have before it for consideration all questions arising out of the use of the boundary water by the people of Canada and of the United States. Of course the work of the commission will not cease with the expenditure of this particular appropriation. There are pending at the present time in the State Department a great many important questions growing out of the use of water, questions affecting the rights of citizens in both countries, and the settlement of those questions is what the commission was created for. As soon as the work of the commission is completed, then of course the life of the commission will cease.

Mr. MACON. I will say to the gentleman that I am not opposed to the prosecution of this particular work, but I think there should be some limitation placed on commissions of this kind. The gentleman knows that we are burdened with numerous commissions of this kind now, and if they are to be provided for in appropriation bills there is no telling to what extreme they will go.

Mr. FITZGERALD. The necessity for this commission arises out of the constant conflicts which occur between our citizens and the citizens of Canada, and the treaty was negotiated in order to provide a method of adjusting those differences. If hereafter an attempt is made to irrigate the lands on the northern border by the use of some stream coming down from Canada, new questions of controversy will probably arise, and my idea is that this is likely to establish a permanent court for the purpose of settling such disputes between the two countries.

Mr. MACON. I withdraw the point of order.

The CHAIRMAN. The gentleman from Arkansas withdraws the point of order.

Mr. MADDEN. Mr. Chairman, I reserve the point of order, in order to obtain some information on this subject. I want to know how many of these commissioners there are, how much compensation is paid to each commissioner, how long their term of service is to be, and what they have jurisdiction over.

Mr. TAWNEY. I will say to the gentleman from Illinois that there are three commissioners on the part of the United States and three on the part of Canada. They have not been appointed yet, because the treaty was not completed until last May. Their term of office is not fixed by the treaty, nor is their compensation fixed by the treaty. Under this provision the compensation to the United States commissioners will undoubtedly be the same as the compensation of the Canadian commissioners.

Mr. MADDEN. Then I would like to know how the Committee on Appropriations reached the conclusion that $75,000 was necessary.

Mr. TAWNEY. That was the estimate of the State Department two years ago, when we appropriated $75,000. It is again the estimate of the State Department as to the amount that will be required.

Mr. MADDEN. Has the gentleman from Minnesota any information in his possession, or any information that he cares to give to the House, showing the items that make up the $75,000?

Mr. TAWNEY. The committee has not the information in detail.

Mr. SMITH of Iowa. It is a new service, it should be remembered.

Mr. TAWNEY. Yes; it is a new service. The questions that this commission will have final jurisdiction over, as I said to the gentleman from Arkansas, are questions involving the rights of citizens of Canada and of the United States respecting the use of boundary waters, questions which include sanitation and the use of water for domestic purposes, and also for power purposes. Those are the three specific uses of boundary waters over which this commission is, by the treaty, given final and conclusive jurisdiction.

Mr. MADDEN. Mr. Chairman, inasmuch as there is nobody connected with the committee that reported the appropriation who knows anything at all about the reasons why the appropriation of $75,000 was made——

Mr. STAFFORD. Will the gentleman suspend a moment?

Mr. MADDEN. No; I have the floor.

Mr. TAWNEY. Let me say further in reply to the gentleman from Illinois that in the investigation and determination of these questions——

Mr. MADDEN. Let me state what I was going to say.

Mr. TAWNEY. I want to answer the gentleman's question.

Mr. MADDEN. I have not asked a question.

Mr. TAWNEY. In the determination of these questions, of course it will be necessary for the commission to employ engineers. There will have to be surveying for the purpose of determining various questions.

Mr. MICHAEL E. DRISCOLL. Has any part of the appropriation carried by the current law been expended?

Mr. TAWNEY. No.

Mr. MICHAEL E. DRISCOLL. So there will be $150,000.

Mr. TAWNEY. The commission has not been appointed.

Mr. MICHAEL E. DRISCOLL. Then why do you want to appropriate this $75,000?

Mr. MADDEN. I started out to say that inasmuch as no gentleman on the Appropriations Committee is able to give information, or if he has it is willing to divulge it, which will enable Members of the House to act intelligently upon the question of appropriating this $75,000, I make the point of order against the paragraph.

Mr. FITZGERALD. I ask the gentleman to withhold that for a moment.

Mr. MADDEN. No; I make the point of order.

Mr. FITZGERALD. The gentleman has made a statement. I wish he would withhold his point of order for a moment. Mr. Chairman, I should like to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. FITZGERALD. Mr. Chairman, before proceeding to discuss the rule I wish to say this: The statement of the gentleman from Illinois [Mr. MADDEN] is wholly unfair to the members of the committee. There are certain new services to be initiated under authority of law for which nobody is able to give any definite information as to the amount required for the service. The gentleman from Illinois supported an item appropriating $250,000 in this bill for the creation of a tariff commission, about which there was less information than there is about this particular item.

The treaty defines the duties of this commission. It is impossible to fix the compensation of the commissioners at this time, because it is desired, as far as possible, to have the compensation adjusted to correspond with the compensation of the commissioners who will represent the Dominion of Canada. Until they organize it is impossible to ascertain the extent of the work that will devolve upon them or to determine when it will be necessary for them to meet or how many hearings it will be necessary for them to have, what witnesses must be called, or other proceedings had. With this situation confronting a committee of the House, nothing other than a mere guess can be made regarding the amount of money that will be required.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. FITZGERALD. The gentleman from Illinois [Mr. MADDEN] supported the appropriation for the tariff commission for the present year, and the commission will not be able to expend over about $150,000 of the $250,000 for which the gentleman voted. There was absolutely no information about that item last year, not even an estimate, as there is for this. He can not criticize the committee for doing in this instance what suited his purpose when it was perhaps to the benefit of his own party. This is not political.

Mr. MADDEN. There is no politics in it with me.

Mr. MICHAEL E. DRISCOLL. We appropriated $75,000 last year and put it into the current law. As none of that has been expended, why do you appropriate $75,000 more in addition to the $75,000 carried over? That means a total of $150,000, whereas last year you estimated that $75,000 a year was all that was necessary.

Mr. FOSTER of Vermont. Not this committee. This committee did not do any estimating.

Mr. FITZGERALD. This committee had nothing to do with it until this year. It simply has followed the suggestion of the State Department. This is not a political service. It is not a body to do political work, to advance the interests of any political party. This is to establish a body to adjust the rights of the citizens of the two countries, and we are under obligation to furnish the means by which the treaty can be carried out. I submit that an appropriation to carry on work provided to be done under a treaty is work authorized by law, and is in order on an appropriation bill.

The CHAIRMAN. The Chair is prepared to rule. Does the gentleman from Illinois insist on his point of order?

Mr. MADDEN. I insist on the point of order.

The CHAIRMAN. The proviso is clearly legislation, and the Chair therefore sustains the point of order.

Mr. SMITH of Iowa. Mr. Chairman, I offer as an amendment the language, excluding the proviso.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

For salaries and expenses, including rental and furnishing, after the passage of this act, of offices at Washington, D. C., and necessary traveling expenses, and for the one-half of all reasonable and necessary joint expenses of the International Joint Commission incurred under the terms of the treaty between the United States and Great Britain concerning the use of boundary waters between the United States and Canada, and other purposes, signed January 11, 1909, $75,000, together with the balance unexpended July 1, 1911, of the appropriation made for said Joint Commission for the fiscal year 1911.

Mr. MADDEN. Mr. Chairman, I make a point of order against that also.

The CHAIRMAN. The Chair will hear the gentleman from Illinois on the point of order.

Mr. MADDEN. It seems to me that if the item stricken out is legislation, this is surely legislation. There is no distinction between the two propositions; they are exactly alike. If

the one is subject to a point of order, the other is. In addition to the $75,000 appropriated, or proposed to be appropriated in the original proposition stricken out on the point of order, the suggestion of the gentleman from Iowa makes $75,000 more available, giving $150,000.

Mr. SHERLEY. That does not go to the question of the point of order, Mr. Chairman, but is on the merits of the proposition. I object to the gentleman from Illinois debating the merits of the proposition.

Mr. MADDEN. The gentleman from Kentucky is technical about it——

Mr. SHERLEY. The gentleman from Kentucky is not fractious; he is observing the rules of the House.

Mr. MADDEN. The gentleman from Kentucky is anxious to debate questions in the way he wants to, and he need not be so technical when other gentlemen on the floor have something to say about questions as they arise. I make the point of order against the proposition, Mr. Chairman.

Mr. SHERLEY. Mr. Chairman, speaking to the point of order, a treaty is as much a law of the land as a statute, and the treaty clearly authorizes the appropriation here, because the amendment offered by the gentleman from Iowa clearly limits the appropriation by carrying out the terms of the treaty.

The CHAIRMAN. The Chair will ask the gentleman from Kentucky if the treaty authorizes the appropriation proposed in this item.

Mr. SHERLEY. The treaty authorizes the appointment of commissioners, three on the part of the United States and three on the part of the United Kingdom, and defines their duties. Manifestly it is in order to appropriate money for the commissioners authorized by the treaty to carry out the duties imposed upon them.

Mr. FITZGERALD. The treaty itself provides how the commissioners shall meet and organize, and provides for the appointment of engineers, clerks, and so forth.

The CHAIRMAN. The Chair has examined the treaty, and without taking the time to read the provisions of the treaty, will have them inserted in the RECORD. The Chair is of the opinion that the provisions of the treaty authorize the expenditure proposed in the amendment offered by the gentleman from Iowa, and the Chair therefore overrules the point of order.

The paragraphs in the treaty are as follows:

ART. VII. The high contracting parties agree to establish and maintain an international joint commission of the United States and Canada, composed of six commissioners, three on the part of the United States appointed by the President thereof, and three on the part of the United Kingdom appointed by His Majesty on the recommendation of the governor in council of the Dominion of Canada.

ART. XII. The international joint commission shall meet and organize at Washington promptly after the members thereof are appointed, and when organized the commission may fix such times and places for its meetings as may be necessary, subject at all times to special call or direction by the two Governments. Each commissioner, upon the first joint meeting of the commission after his appointment, shall, before proceeding with the work of the commission, make and subscribe a solemn declaration in writing that he will faithfully and impartially perform the duties imposed upon him under this treaty, and such declaration shall be entered on the records of the proceedings of the commission.

The United States and Canadian sections of the commission may each appoint a secretary, and these shall act as joint secretaries of the commission at its joint sessions, and the commission may employ engineers and clerical assistants from time to time as it may deem advisable. The salaries and personal expenses of the commission and of the secretaries shall be paid by their respective Governments, and all reasonable and necessary joint expenses of the commission, incurred by it, shall be paid in equal moieties by the high contracting parties.

The Clerk read as follows:

Abbeville, S. C., post office: For a site and continuation of the erection of building under present limit, $10,000.

Mr. TAWNEY. Mr. Chairman, in printing the bill there have been a number of omissions and errors. The Supervising Architect is now comparing the print with his original estimates, and will send a corrected list to the committee. I ask unanimous consent to pass over the reading of the public-buildings items until a later time, when the Supervising Architect will have his list ready. I ask unanimous consent to pass over without reading items up to line 15, on page 61.

Mr. RUCKER of Missouri. Mr. Chairman, reserving the right to object, I want to ask the gentleman a question. I notice that the bill carries appropriations for beginning the construction of a good many buildings, but it omits some. Can the gentleman explain why all are not included?

Mr. TAWNEY. I will say that there is no appropriation for the construction in this bill under authorizations carried in the public-buildings bill passed at the last session of Congress. The estimates, as submitted under the authorization of the bill of 1910, included estimates only for the amount necessary to purchase the site, and where the site and building are authorized 20 per cent of the authorization is estimated for in every case for the site.

Mr. RUCKER of Missouri. There is nothing in this bill for the buildings authorized this last year.

Mr. TAWNEY. Not under the act of 1910 for construction, with three exceptions. Two exceptions are in cases where the building authorized is located in the capital of a State—one in Texas and the other in Washington—and the other exception is at Gettysburg, Pa., which the department estimated could be completed before the fiftieth anniversary celebration of the Battle of Gettysburg.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota to pass over the items referred to without prejudice?

Mr. RUCKER of Missouri. Mr. Chairman, reserving the right to object, I desire to ask the gentleman another question. Will there be any appropriations carried in another bill to be reported by the gentleman's committee for buildings authorized in 1910?

Mr. TAWNEY. Not at this session, because no estimate has been submitted, and no estimate will be submitted, and if an estimate were submitted and if appropriations were made, the money would simply lie idle until the fiscal year 1913, because the department has estimated for all the money that the department can expend on authorizations in the construction of buildings that are now authorized and for which plans and specifications have been or are being prepared.

Mr. RUCKER of Missouri. Those are buildings authorized prior to the act of 1910?

Mr. TAWNEY. Yes; buildings authorized prior to the act of 1910 will go on. The appropriations are made for them.

Mr. ADAMSON. Mr. Chairman, I was about to ask the gentleman a question, but I think the gentleman from Minnesota has substantially answered the question I desired to ask him. My understanding was that in cases of authorizations made in the last public-building bill for which this bill does not carry appropriations the reason is that it is esteemed impossible for the department to reach that work before another Congress convenes?

Mr. TAWNEY. That is exactly it.

Mr. ADAMSON. And therefore no estimates were sent in?

Mr. TAWNEY. Yes; it would be bad policy to segregate from the revenues of the fiscal year 1912 money on account of appropriations that could not be expended until 1913.

Mr. ADAMSON. In other words, you are appropriating in this bill all of the money for all the work the department can do?

Mr. TAWNEY. Yes; and we are treating every man in the House who has an authorization on an equal footing, except in the three cases that I have named, and have given the reasons for the exceptions. The reason I want this unanimous consent is that if we reach these provisions when I get the revised lists from the Supervising Architect, we will have to return and correct them.

Mr. MARTIN of South Dakota. Mr. Chairman, reserving the right to object, is it the understanding of the chairman of the committee that these appropriations for public buildings cover all the buildings authorized by the bill of 1908?

Mr. TAWNEY. Yes; all the money they can expend in the next fiscal year on the 1908 authorization.

Mr. MARTIN of South Dakota. Does it cover the authorizations for buildings, the sites of which were provided in the 1908 bill?

Mr. TAWNEY. Yes; the bill authorized in 1908.

Mr. MARTIN of South Dakota. Provided they are ready?

Mr. TAWNEY. Yes.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota? [After a pause.] The Chair hears none, and it is so ordered. The Clerk will read.

The Clerk read as follows:

General expenses of public buildings: To enable the Secretary of the Treasury to execute and give effect to the provisions of section 6 of the act of May 30, 1908 (35 Stat., p. 537, pt. 1): For additional salary of $1,000 for the Supervising Architect of the Treasury for the fiscal year 1912, and for compensation of skilled draftsmen, civil engineers, computers, and such other services as the Secretary of the Treasury may deem necessary and specially order, to be employed only in the office of the Supervising Architect exclusively to carry into effect public building legislation, including the administrative work in connection with the annual appropriations under the control of the Supervising Architect's office: *Provided*, That the expenditures on this account for the fiscal year ending June 30, 1912, shall not exceed $400,000; for compensation of supervising superintendents, superintendents, and junior superintendents of construction, inspectors of public buildings, and inspectors of mechanical and electrical engineering, in connection with the erection and inspection of work on public buildings, at rates of compensation to be determined by the Secretary of the Treasury, but in no case exceeding $8 per day, Sundays included: *Provided*, That the expenditures on this account for the fiscal year ending June 30, 1912, shall not exceed $240,000; for compensation of mechanical labor force, including carpenters, plumbers, machinists, and such other services as the Secretary of the Treasury may deem necessary and specially order, including the compensation of superintendents and assistant superintendents of repairs, engaged in work incident to repair of buildings,

mechanical equipment, and vaults, safes, and locks, at such rates of compensation as may be determined by the Secretary of the Treasury, but in no case to exceed for any one person the rates current for similar services at the time and in the place where such services are performed: *Provided*, That the expenditures on this account for the fiscal year ending June 30, 1912, shall not exceed $80,000; for expenses of superintendence, including traveling expenses of building and furniture inspectors and other officers and employees, on duty or detailed in connection with work on public buildings and the furnishing and equipment thereof, under orders from the Treasury Department, office rent, and expenses incident thereto, for superintendents, including temporary stenographic and other assistance incident to the preparation of reports and the care of public property, and so forth; for commissions to disbursing agents in accordance with law for cost of advertising; for office supplies, including drafting materials, specially prepared paper, typewriting machines and exchange of same, and furniture, carpets, and office equipment, stationery, telephone service, and such other articles and supplies as the Secretary of the Treasury may deem necessary and specially order or approve for the use of the office of the Supervising Architect, not including heat, light, janitor service, awnings, curtains, or any expenses for the general maintenance of the Treasury building, but including not exceeding $1,500 for books of reference, technical periodicals and journals, subscriptions to which may be paid in advance, and also for contingencies of every kind and character, including compensation and expenses of judges to select plans, care of sites acquired for public buildings, commissions to architects under the provisions of the act approved February 20, 1893, traveling expenses of site agents, recording deeds and other evidences of title, telephone service at completed public buildings for use of custodians, photographic instruments, chemicals, plates, and photographic materials, and such other minor and incidental expenses not enumerated, connected solely with work on public buildings and the acquisition of sites, and the administrative work connected with the annual appropriations under the Supervising Architect's office, as the Secretary of the Treasury may deem necessary and specially order or approve, but not including surveys, plaster models, progress photographs, test pit borings, or mill and shop inspections; in all, for the foregoing objects for general expenses of public buildings, $800,000.

Mr. MACON. Mr. Chairman, I reserve the point of order upon the paragraph for the purpose of asking the chairman of the committee a question. On line 22, page 63, there is a provision for an additional salary of $1,000 to the Supervising Architect for the fiscal year 1912. Is that authorized under existing law?

Mr. TAWNEY. That is carried in the current sundry civil act.

Mr. MACON. But not authorized by law?

Mr. TAWNEY. It was held in order a year ago as being authorized.

Mr. MACON. I think not. I think it went out on the point of order and, perhaps, was put in in the Senate.

Mr. TAWNEY. My recollection is that the Chair held it in order. I may be mistaken.

Mr. MACON. I think just the other way.

Mr. TAWNEY. I know the gentleman made the point of order against it, but I think it was not sustained.

Mr. MACON. I think it was sustained because unauthorized by existing law.

Mr. TAWNEY. This is the same amount as carried in the current appropriation act. The Supervising Architect of the Treasury Department has more responsibility and more work now than he has ever had, and he has under his jurisdiction now disbursements of over twenty-one millions of dollars.

Mr. MACON. I will let it go for one year. I withdraw the point of order.

The Clerk read as follows:

Hereafter all disbursements of money appropriated for the construction of public buildings under the control of the Treasury Department shall be made by the Treasury Department at Washington, District of Columbia, except in cases of public buildings located so remote from the seat of government as to occasion hardship by undue delay in making payments to contractors; in every such exceptional case the Secretary of the Treasury may, in his discretion, require the collector of customs at or nearest the place where such building is being constructed to make the disbursement, as provided in section 1765 of the Revised Statutes of the United States, but in such exceptional cases no additional compensation shall be paid to any collector of customs for disbursements made hereunder; and hereafter no compensation or commissions shall be allowed for the disbursement of any appropriation for the construction, extension, enlargement, remodeling, or repairs of any public building under the control of the Treasury Department, except to disbursing agents heretofore appointed and who have qualified by giving bonds.

Mr. CRUMPACKER. Mr. Chairman, I reserve the point of order against the paragraph. If the gentleman from Minnesota will give his attention to the paragraph just read, I want to know how it operates in regard to the payment for construction of public buildings. Hereafter they are to be made through the Treasury at Washington. I understand the custom has been heretofore to appoint a local disbursing agent and to deposit funds subject to the order of this agent and have him pay the contractor.

Mr. TAWNEY. That is not only the custom, Mr. Chairman, but that has been the law, and this provision will not interfere with any existing disbursing officer who has qualified and given bond. Now, the purpose of this is simply this: The work of various disbursing officers is purely nominal, for which service they receive three-eighths of 1 per cent of the cost of the building. If this provision is incorporated into the law, it saves to the Government of the United States $30,000. It does not inconvenience the contractor in the least and will result in better administration.

Mr. CRUMPACKER. How does it save anything to the Government?

Mr. TAWNEY. It saves what the Government is now paying for the disbursement because the disbursement is made directly from the Treasury Department under this amendment. The checks are sent from here and the disbursing officer here works on a salary, and no matter how much money he disburses he gets no more salary on account of the increased disbursements.

Mr. CRUMPACKER. Well, I think the explanation is satisfactory. All of us who have public buildings in our district are called upon to designate or recommend somebody to disburse funds in the construction of a building——

Mr. TAWNEY. Yes; but hereafter we will be relieved—that is, those who are in the next Congress will be relieved from that burden.

Mr. CRUMPACKER. There is no money to the disburser in the three-eighths of 1 per cent; it is a very small compensation at any rate.

Mr. TAWNEY. And there is no work in it either.

Mr. CRUMPACKER. There is no work, and it is usually a banker who is designated, and the bank has the prestige of being the custodian of public funds.

Mr. TAWNEY. But the bank has not the custody——

Mr. SMITH of Iowa. That used to be the practice.

Mr. CRUMPACKER. The reason I made this inquiry was because a couple of days ago I made a recommendation of a banker as disburser of public funds for a public building in one of the districts of Indiana outside of my own. I withdraw the point of order.

Mr. DOUGLAS. Mr. Chairman, I reserve the point of order. I would like to ask the gentleman, for I did not understand what was said, the amount that would be saved.

Mr. TAWNEY. Thirty thousand dollars a year. It is the three-eighths of 1 per cent expended on the public building.

Mr. DOUGLAS. The gentleman spoke in such a low tone that I did not know to what it applied.

Mr. TAWNEY. It does not apply to any existing disbursing officer.

Mr. DOUGLAS. But is it not true now that the money for these buildings goes to the local bank?

Mr. TAWNEY. Oh, no.

Mr. SMITH of Iowa. The disbursing agent is required to deposit in a subtreasury of the United States, and he used to be required to put it in the local bank.

Mr. DAVIDSON. I would like to ask the gentleman if this is not bound to make a delay in payments?

Mr. TAWNEY. Oh, no.

Mr. DAVIDSON. Would not the estimate first have to come to the Treasury or to the customs officer?

Mr. TAWNEY. No; there will be no delay except the possibility in some remote point, and there the collector of customs in that district adjacent to the territory in which the building is located can be designated as the disbursing officer, and he does not have to qualify; he does not have to give any bond, as his duties may be added to by the order of the Secretary of the Treasury. Otherwise there will be no delay to the contractor at all.

The Clerk read as follows:

For salaries of 290 keepers of life-saving and lifeboat stations and of houses of refuge, $276,800.

Mr. O'CONNELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 69, at the end of line 5, insert the following:
"*Provided*, That no part of this appropriation shall be expended as salary for the keeper at City Point Life Saving Station, Boston, Mass."

Mr. SMITH of Iowa. Mr. Chairman, I reserve the point of order in order to ascertain what the gentleman is driving at.

Mr. O'CONNELL. Mr. Chairman, I do not think this is subject to the point of order, and I want to call the attention of this House to the fact that we have a life-saving station at City Point, Boston, Mass., and to a situation in connection with the management of the station that should be immediately corrected for the benefit of the people. It is very necessary to have a life-saving station at City Point, but last summer we had the remarkable situation of two accidents—drownings—within 100 feet of that station, and in both instances a life was lost, besides numerous other instances of almost willful neglect. In one

instance a woman, the mother of seven children, a splendid long-distance swimmer, became exhausted within a hundred feet of the station at about half past 11 o'clock in the daytime. The man swimming ahead of her yelled for help, and no assistance came. A man who was rowing around came to their assistance and towed them to the life-saving station. The woman died. She did not recover consciousness. On another occasion a very fine lady swimmer fell overboard with her companion, and there were cries for help loud enough to attract the attention of the captain of a boat who was sleeping three times the distance away.

Mr. FITZGERALD. During what month of the year?

Mr. O'CONNELL. One on the 5th of August and the other on the 10th of October. It seems very strange to me that such a situation as that should be permitted to continue, and in order to overcome it I have introduced this amendment.

Mr. CRUMPACKER. Will the gentleman allow a question?

Mr. O'CONNELL. Yes.

Mr. CRUMPACKER. If the amendment is adopted it will result in the abolition of that station altogether.

Mr. O'CONNELL. No. My amendment is simply to the salary of the keeper who is in charge there.

Mr. SMITH of Iowa. It does not say anything about the present keeper at all, does it?

Mr. O'CONNELL. The present keeper. I am not looking out for future or past keepers.

Mr. CRUMPACKER. It seems to me the gentleman's criticism ought to be directed toward the removal of the present keeper. His amendment would practically close that station altogether.

Mr. O'CONNELL. I would not have the station closed, and it should not be closed, as it is a very useful and necessary station. But what are you going to do with a situation when a man is put in charge of a station and he is absolutely derelict in his duty, as the keeper has undoubtedly been down there?

Mr. HULL of Iowa. Have him removed.

Mr. O'CONNELL. How are you going to do it? Or by what method better than this one I propose?

Mr. HULL of Iowa. It seems to me the gentleman's statement would cause his removal by anybody having charge of his removal.

Mr. POINDEXTER. Has the gentleman ever called the attention of the officer in charge to this neglect and misconduct on the part of this keeper?

Mr. O'CONNELL. No; but there have been reports against it by other parties.

Mr. SHERLEY. Has the gentleman personally ever taken it up with the superintendent here in Washington?

Mr. O'CONNELL. I took it up, and he said they made an investigation and they exonerated the captain because there was no proof. But this fact is plain—that two people met their death within a hundred feet of a life-saving station maintained by the United States, and we are paying enormous sums of money to patrol the coast to guard against and prevent such occurrences. Here were men who evidently were sleeping in their bunks in a life-saving station in waters that are not very troublesome, but are dangerous simply because of the amount of boating, and they could not hear a cry of distress within 50 feet of the station. Surely something is wrong when such men are continued in office and when men are exonerated because testimony can not be found. I think it is time for this House to say that that man shall not continue longer in that office. [Applause.]

Mr. DOUGLAS. I would like to ask the gentleman a question.

The CHAIRMAN. Will the gentleman from Massachusetts yield?

Mr. O'CONNELL. I will; yes.

Mr. DOUGLAS. I did not catch the gentleman's reply to the question of the gentleman from Washington [Mr. POINDEXTER], whether he himself has ever gone to the superior officer of this man and made any representations as to his negligence. It does not do to say that complaints have been made, and all that, but did he himself call it to the attention of those who could discipline the man if he had done wrong?

Mr. O'CONNELL. Did I personally call it to his attention?

Mr. DOUGLAS. Yes.

Mr. O'CONNELL. No; because it had been called to their attention. And to verify it I called up Supt. Kimball this morning to find out what had been done about it. He said that nothing had been done about it.

This letter was written last October by the brother of the girl who was drowned:

UNITED STATES LIFE-SAVING STATION,
Washington, D. C.

DEAR SIRS: Francis J. Lyons, brother of Lillian Lyons, requests this department to look into the matter of time elapsed from time of rescue of Thomas McCorey, 2.25 a. m. till 5.30 a. m., on October 15, 1910. Why had not the keeper of the City Point Life-Saving Station looked for the body immediately after the arrival of McCorey at station.

The girl, being an excellent swimmer, must have drifted 2½ miles to Carson Beach, for if the girl had drowned she would have sank. The water front of accident is well equipped with lights and easy to see anyone afloat in the water, and in my estimation and many others of this vicinity it was a criminal case of carelessness, and a man of his position I should say used very poor judgment.

Hoping to hear from you without delay, I am,
Respectfully, yours, FRANCIS J. LYONS.

I asked Mr. Kimball, the superintendent, this morning if that letter had been answered. He said, "No; but we investigated the case and found that the girl could not be saved." But the girl drifted five hours in Dorchester Bay and was an expert swimmer, and her male companion was rescued. In the dusk and darkness she was not seen, but ought to have been heard if the life-saving officials were properly doing their duty. A man on the boathouse, twice as far away, heard her cries and heard his cries.

I would like, Mr. Chairman, to send to the Clerk's desk a few statements concerning this incident, and several others equally bad, and ask to have them read.

The CHAIRMAN. The time of the gentleman has expired.

Mr. O'CONNELL. Mr. Chairman, I ask unanimous consent to be allowed to proceed for five minutes more.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to be allowed to proceed for five minutes more. Is there objection? [After a pause.] The Chair hears none. The Clerk will read.

The Clerk read as follows:

LIFE SAVERS REFUSED TO ASSIST—FIVE RESCUED MEN IN CRITICAL CONDITION TURNED AWAY FROM UNITED STATES LIFE-SAVING STATION—OCTOBER 9, 1910—STORY AS TOLD BY JOHN F. STOUT, 47 OLD HARBOR STREET, SOUTH BOSTON.

Sunday afternoon, October 9, Mr. and Mrs. Walter Tighe, Mr. and Mrs. Benjamin Weston and three daughters, Mrs. Stout and myself were out in my boat, the *Beatrice III*, a launch, and went around Squantum——

Mr. O'CONNELL. Mr. Chairman, if the Clerk will allow me, I would like to read those statements myself. I would like to read them in such a way that they can be understood. [Laughter.]

The Clerk read as follows:

Sunday afternoon, October 9, Mr. and Mrs. Walter Tighe, Mr. and Mrs. Benjamin Weston and three daughters, Mrs. Stout, and myself were out in my boat, the *Beatrice III*, a launch, and went around Squantum and came up and around the east side of Thompsons Island. While I was below I heard a noise as if it was a splash, and Mr. Tighe told me to come up in a hurry. I did so, and I saw several men struggling in the water. There were five men in the water, just north of Wards Island and directly east of the life-saving station in Dorchester Bay. The day was clear, and if there was a man on the lookout on the station I do not understand how he could have failed to see the men in the water. They were in danger of drowning; there is no doubt of that. There were two sailboats near at hand, and their two tenders were out trying to do what they could.

Well, the five men were taken from the water and into my boat, and then we started up Dorchester Bay. Two of the men were pretty far gone, and the women attended to them as best they could. One man was absolutely helpless and could not move a limb. Three were completely exhausted, besides the other two who could not move and were very nearly all in.

We started right for the life-saving station and went up alongside, and we sang out to the man up on the bridge, who was on watch, telling him that we had saved five men who had capsized down below, and that they required immediate assistance. He turned around to some one else, evidently higher in authority, and spoke to him. The second man, with a cap and blue suit on, asked me where the men belonged. I turned to the five men in my boat and asked them, but their condition was such that not one of them could answer very well. They could just whisper, and I learned that one lived in South Boston and two of them in the South End, and I told this to the man on the station who had asked me. He then said to me, "Are you not going to land?" and I said that I was, but that the men in my boat required immediate attention, as they were in pretty bad shape. "Well, do not you think that you can take them ashore?" said the man to me, as he looked right down and could see the men in my boat. I said, "Can not you take them on your station and attend to them?" and he again repeated the question as to whether I could not take them ashore, and I said I could, of course.

We took the five men to the Mosquito Fleet Yacht Club, and there they were attended to.

SLOOP IN DISTRESS—LIFE SAVERS NOTIFIED, BUT FAILED TO GO TO THEIR ASSISTANCE—OCTOBER 2, 1910—STORY AS TOLD BY JOHN F. STOUT, 47 OLD HARBOR STREET, SOUTH BOSTON.

On Sunday, October 2, I was down the harbor, with about 14 friends from the Western Union Telegraph Co., on board my boat, *Beatrice III*. The wind was blowing very heavy. As we were going by Thompsons Island, near Spar Buoy, we saw a sloop yacht at anchor and with the American flag upside down, a sign or signal of distress. I was going to try and get in close to the sloop but was told, and I realized, that it would be hazardous, as the sea was so rough. The men said they were all right for awhile, but for me to go to the life-saving station and tell them there that they wanted assistance.

We went to the life-saving station, and with much difficulty got alongside. It was about 3.45 in the afternoon then, and I said to the man on watch, "There is a yacht in trouble down below there, on the north side of Thompsons Island, and he must have assistance right away. You can see the flag is upside down." He said: "Yes; that will be all right."

Well, we then started for the Mosquito Fleet Yacht Club, and all the way I kept looking back at the life-saving station. I could see the two

launches in that cut-under at the stern of the station, and I could see the big launch, the steam launch, near the station. I watched and watched all the time we were approaching the yacht club, and I stood on the yacht club raft and kept watching. For more than 20 minutes I had my eyes on the life-saving station, and I am positive that not a boat put out from the station in that 20 minutes. Not a man stirred away from the station. I am certain that no one from that life-saving station went to the assistance of that sloop in distress within the 20 minutes after I had notified them.

DROWNED NEAR THE STATION—MISS LILLIAN LYONS SHOULD HAVE BEEN RESCUED BY LIFE-SAVERS OCTOBER 15, 1910.

The Boston papers of Saturday evening, October 15, 1910, told the story of the capsizing of a tender alongside the power boat named the *Gertrude*, enrolled in the Boston Yacht Club, and which was anchored 50 feet from the live-saving station, and the drowning of Miss Lillian Lyons, of 26 P Street, South Boston, and the rescue of Thomas H. McCorry, of 161 O Street, South Boston, by Capt. Baker, the latter of a house boat used as restaurant, etc., in Dorchester Bay. Miss Lyons was 28 years of age, an expert swimmer, and McCorry about the same age.

Stories differ as to what they were doing on the boat at night. McCorry told a newspaper reporter that they had been out on a short trip, and arriving back between 9 and 10 o'clock at night (Friday, October 14), the wind was too strong and the water too rough to then attempt to go ashore. They waited until shortly after midnight.

From the fact that the girl's watch stopped at 1.48, and the story of McCorry, it is believed that they started to board the tender to go ashore about 1.30, or shortly afterwards.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. O'CONNELL. Mr. Chairman, I ask unanimous consent to allow the Clerk to finish reading those papers. I will ask for five minutes. I shall conclude in five minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

The Clerk continued reading, as follows:

McCorry's story then continues:

"Miss Lyons stepped into the tender, which was just alongside the *Gertrude*, and I went below to put out the lights and to lock the cabin doors. I heard her scream, and I rushed out on the deck. She was in the tender, leaning to one side, inside toward the *Gertrude*, and holding on to the painter, or the rope, and she was partly in the water. I suppose her weight was all on one side, thus tipping the boat. Anyway, I jumped into the tender and it then upset. We were both in the water.

"I caught Miss Lyons the first thing. I put an arm about her so that it was under one arm, about her back, and my hand around near her other arm and was holding her up and in good shape, and I struck out for the *Gertrude*. She cried out to me, as she struggled to free herself from me, 'For God's sake, Tom, let go of me, and I'll be all right.' At first I did not let go, but when she insisted and we were quite near to the steps on the side of the *Gertrude* I let go of her, believing that she was all right, as she said she was, and that she would grab the steps.

"The *Gertrude* was not more than 50 feet from the life-saving station and about three times as far as that from the houseboat. We yelled for fully 15 minutes. It seemed hours to me. She called for help, and my voice was good and I kept yelling all the time.

"I could see Miss Lyons at times, her head just above water, and she was swimming in good shape, and I thought sure she would be all right.

"Capt. Baker, of the houseboat, rescued me. He took me out of the water just as I was about to give up. He had been asleep on the houseboat, way down in his room, and he said that our cries had awakened him. He put out in his boat and came just in time to get me.

"Capt. Baker took me to the life-saving station, and we had a hard time trying to rouse somebody on the station. They looked after me there, and then I came ashore."

When the affair was reported to the police of Station 12 it was stated that Capt. Baker had a hard time of it trying to attract attention of those on the life-saving station.

In Station 12, when Capt. Hamilton, of the life-saving station, was asked how he could account for it that the Lyons girl and McCorry had been yelling and crying out for help while they were in the water and there was not a stir or response of any kind from the station, Capt. Hamilton answered, "I don't know how it could be. There should have been a man on watch there."

The body of the Lyons girl was found on Carson Beach, the further end (western end) of Dorchester Bay, shortly before 7 o'clock. It was considered remarkable by every one, especially the yachtsmen, that she could have gone from near the life-saving station way up to the other end of the bay in five hours. From the story of McCorry and the fact that the girl was an expert swimmer, it is generally believed that she swam the whole or the greater part of Dorchester Bay, and then, becoming exhausted, gave up when near Carson Beach.

INTERFERED WITH POLICE—REFUSED ADMITTANCE TO PATROLMEN AFTER A CRIME HAD BEEN COMMITTED—ABOUT AUGUST 1, 1909.

At about 11.45 at night (Aug. 1, 1909, or thereabouts) hundreds of people at City Point, all along the Strandway, in yacht clubs and on the shore, heard terrific, wild screams coming from Dorchester Bay.

As the story of the affair developed, it was that Miss Esther Goldstein was on a power boat with two or more men and the attempted criminal assault upon her. It was her screams that were heard. Capt. Hickey, of the volunteer life-savers (headquarters in the headhouse), went out in a boat with two or three others. They came upon the power boat in which the trouble had occurred. Capt. Hamilton, of the volunteer life-savers, was there ahead of Capt. Hickey and the others. He had boarded the boat and, at the point of a revolver, had stopped the men and commanded them to make for the shore. This they did.

Capt. Hamilton, Esther Goldstein, and two or three men landed at the raft of the South Boston Yacht Club and were there for more than 15 minutes.

The screams had been heard by Patrolmen Scanlan, Dorsey, and Stickney, of Division 12, who hastened to the South Boston Yacht Club.

The three policemen rapped at the door of the yacht club and peered through the windows of the door and on each side of the door.

The policemen afterwards reported to their superior that they had rapped at the door and the windows. They saw Capt. Hamilton in the vestibule, just on the inside, and he was talking to the people whom he had brought ashore and was taking names, etc.

The police called to Capt. Hamilton to open the door and let them in. He said that he had no right to open the door, and, anyway, he said, he had no key. The policemen asked him what the trouble was, and he answered, "Oh, it's nothing; it's nothing." The patrolmen urged for some explanation, and Capt. Hamilton said that he could not open the door and that there was nothing the matter. On being further pressed, Capt. Hamilton, talking through the door, said that it was nothing only that the girl had got frightened. The policemen took his word for it and went away.

Twenty minutes afterwards another policeman found Esther Goldstein at the corner and P and East Second Streets in an hysterical condition, and she asked for a carriage. She was sent to her home.

As the affair developed, days afterwards, the Goldstein girl told the police the full story and a warrant was asked for and granted for the arrest of a man named Bruilandt on the charge of attempted rape on Esther Goldstein, etc., and in the South Boston court Bruilandt was bound over to the superior court. There the case was not-prossed. Nothing more was done. The South Boston police sent the whole story to headquarters, but nothing further came.

Mr. O'CONNELL. Mr. Chairman, we can dispense with the further reading of the others. Of course I realize that it is difficult for me to ask the House to take my judgment on the facts at this time, but these incidents brought to your attention ought to make the House realize that something is going on there that is radically wrong. My amendment could be enacted now, and between to-day and the time this bill is considered in the Senate, if the facts are not verified, the original language can be restored, and the House can then agree with the Senate in conference.

The secret of the matter is contained in this last paragraph of a letter that I received from a very reputable citizen of Boston:

Women visit the station in large numbers and are entertained aboard. This is very frequent. Very few yachtsmen can be found who will talk. They seem to be afraid, and, again, many of them enjoy privileges of bringing their friends out on the station and being entertained. Yachtsmen have said to me that there ought to be a crew of experienced men, and married men at that.

During this season of 1910 there have been no Coston signals nor signal balls nor anything at the head-house shore with which to signal the station.

These comments follow such charges as the following, contained in this same letter:

Either Thursday or Friday, August 4 or 5, of this year, Mrs. Mahegan, wife of a South Boston letter carrier, started on her usual swim from the head house to the life-saving station, of course intending to swim back again. Ahead of her was a fireman named Sterns. Both were very heavy people. Mrs. Mahegan became exhausted within less than a hundred feet of the life-saving station. Sterns caught her and held her up, waving and shouting repeatedly at the man on watch at the station. No notice was taken of their cries for help. Teddy Shepheard, formerly janitor of the Columbia Yacht Club, was out in a small boat, and he called to Sterns to catch on to the stern end of his (Shepheard's) boat and at the same time keep hold of Mrs. Mahegan. Sterns did so, and Shepheard brought them to the life-saving station. Until late that afternoon (from 11 a. m. to 4 p. m.) Mrs. Mahegan was kept on the life-saving station, then taken home, and the next day to the city hospital, where she died of an internal hemorrhage.

There's one story.

Then, again, early in June of 1909, on a Saturday night when it was blowing and raining fiercely, two men in a small boat were upset in Pleasure Bay while attempting to go out to a sloop. Their yells were heard by the volunteer life-savers, who burned a Coston light for the United States life-savers, but got no response. The volunteers launched their own frail boat, and 100 feet from shore were upset. They pushed their boat ashore, bailed her out, and then launched her again, went out and rescued two men who were just about exhausted. It was just 50 minutes from the time they started until the volunteers got back to their quarters and attended to the two men rescued, and then 10 minutes later Capt. Hamilton came ashore and wanted to know what was the matter.

Now, gentlemen of this House, it seems to me that a case has been made out in these statements that calls for action on our part.

Mr. MOORE of Pennsylvania. I know the gentleman does not wish to do any injustice to a very valuable branch of the Government service, and I ask him if he will not describe the conditions round about this place? Is it a summer resort, where a large number of people go upon the water in small boats, or is it a remote point, like those at which many of the life-saving crews are stationed?

Mr. O'CONNELL. It is probably the most crowded yachting rendezvous on the face of the earth. There are more small boats gathered within a radius of 1 mile of that one point than can be found, probably, in a dozen others of the very crowded spots on the whole globe. It is a very important place, and a life-saving station, maintained up to the highest kind of efficiency, should be maintained there. The greatest care should be exercised in selecting a proper crew, and particularly in the choice of a good officer to supervise and superintend the station. No man of any careless tendencies should be allowed to direct or preside over that station.

Mr. BURKE of Pennsylvania. Inasmuch as the gentleman desires to penalize an individual and not abolish the station, I

suggest that he insert the word "present" before the word "keeper."

Mr. O'CONNELL. I am willing to accept that. Mr. Chairman, let the Clerk report the modification.

The Clerk read as follows:

Insert the word "present" before "keeper," so that it will read: "Salary of the present keeper of City Point Life-Saving Station."

The CHAIRMAN. If there be no objection, the amendment offered by the gentleman from Massachusetts will be modified in the manner indicated.

There was no objection.

The CHAIRMAN. The question is on the amendment of the gentleman from Massachusetts.

The question being taken, on a division (demanded by Mr. O'CONNELL) there were—ayes 35, noes 19.

Mr. SMITH of Iowa. I demand tellers.

Tellers were refused, 16 Members, not a sufficient number, rising in support of the demand.

Accordingly the amendment was agreed to.

The Clerk read as follows:

REVENUE-CUTTER SERVICE.

For expenses of the Revenue-Cutter Service: For pay and allowances of captain commandant and officers of that rank, senior captains, captains, lieutenants, engineer in chief and officers of that rank, captains of engineers, lieutenants of engineers, two constructors, cadets, cadet engineers, two contract surgeons, two civilian instructors, and pilots employed, and rations for pilots; for pay of warrant and petty officers, ships' writers, buglers, seamen, oilers, firemen, coal heavers, water tenders, stewards, cooks, and boys, and for rations for the same; for allowance for clothing for enlisted men; for fuel for vessels, and outfits for the same; ship chandlery and engineers' stores for the same; actual traveling expenses or mileage, in the discretion of the Secretary of the Treasury, for officers traveling on duty under orders from the Treasury Department; commutation of quarters; for maintenance of vessels in the protection of the seal fisheries in Bering Sea and the other waters of Alaska, and the enforcement of the provisions of law in Alaska; for maintenance of vessels in enforcing the provisions of the acts relating to the anchorage of vessels in the ports of New York and Chicago, and in the Kennebec River, and the movements and anchorage of vessels in St. Marys River; for temporary leases and improvement of property for revenue-cutter purposes; not exceeding $7,000 for the improvement of the depot for the service at Arundel Cove, Md.; not exceeding $150 for medals for excellence in marksmanship; contingent expenses, including wharfage, towage, dockage, freight, advertising, surveys, labor, and all other necessary miscellaneous expenses which are not included under special heads, $2,288,000.

Mr. PETERS. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 72, after line 7, insert:

"The two revenue cutters authorized by the act entitled 'An act authorizing the Secretary of the Treasury to provide two new revenue cutters, and for other purposes,' approved April 21, 1910, or either of them, may, upon request of the Secretary of the Treasury, and at the discretion of the Secretary of the Navy, be constructed in any navy yard on the basis of the actual cost of construction."

Mr. SMITH of Iowa. I make a point of order against that.

Mr. PETERS. Will the gentleman reserve his point of order until I can make a statement on the merits?

Mr. SMITH of Iowa. If the statement is not too long I will reserve the point of order.

Mr. PETERS. Mr. Chairman, last year Congress passed a bill providing for the construction of two additional revenue cutters. This legislation was enacted as a result of the unanimous report of the Committee on Interstate and Foreign Commerce and at the recommendation of the Secretary of the Treasury. Pursuant to the authority given by that act, the Secretary of the Treasury advertised for bids and estimates for the construction of these revenue cutters. No one complied with the request, and no bids were made. On December 20 a letter was sent from the Secretary of the Treasury, Mr. MacVeagh, asking that legislation be enacted which would authorize the Secretary of the Navy to construct these two revenue cutters in the navy yards of the United States. From the letter I read a part:

The Revenue-Cutter Service is very much in need of the two new cutters that have been authorized by Congress, and is seriously embarrassed by the fact that no proposals can be obtained for their construction. The best solution of the difficulty appears to be the construction of the vessels in a navy yard at the actual cost of labor and materials, and with this end in view the draft of the inclosed joint resolution has been prepared.

The Committee on Interstate and Foreign Commerce reported a bill which gave to the Secretary of the Navy this authority. The report of that committee was unanimous, and the bill so reported was placed on the Calendar for Unanimous Consent. Unfortunately for its fate, the bill was reached on a day when one of the Members here, feeling that he had a grievance, objected to unanimous consent on all bills which came up. Without regard to the merits, and with no objection to the bill, it was refused unanimous consent. Therefore it went off the Unanimous Consent Calendar and is now on the House Calendar, and so will not be reached this year. It is to carry out the intentions of this bill that the amendment which I have just offered is submitted.

There is very urgent need in the Revenue-Cutter Service for these vessels. Vessels of the Revenue-Cutter Service are obliged to go out on the sea in storms, meeting the conditions which we have on our Atlantic seaboard in all seasons and in all weathers. In addition to the ordinary maintenance of the Treasury service in the collection of customs, revenue cutters are called on constantly to lend their aid to vessels in distress. In the fiercest of our winter gales the vessels of the revenue service put to sea, and never a winter passes without numbers of vessels owing their safety to the timely aid of these hardy craft which each winter save many human lives and preserve much property and many vessels from loss.

The present vessels are, several of them, old ones and antiquated in design, and new and more efficient boats should be provided.

The Treasury Department has failed under the present conditions to obtain bids on the vessels, and this proposal will help the organization of the navy yards and also furnish the Revenue-Cutter Service with these much-needed craft. I hope the gentleman will withdraw the point of order through the urgent necessity of this measure.

Mr. SHERLEY. Will the gentleman yield?

Mr. PETERS. Certainly.

Mr. SHERLEY. Would the adoption of the gentleman's proposed amendment serve to take off the limit of cost?

Mr. SMITH of Iowa. Mr. Chairman, if I can get an agreement to close debate on the amendment at this time I will withdraw the point of order.

Mr. MOORE of Pennsylvania. Then I will reserve the point of order.

Mr. SMITH of Iowa. Then I shall make the point of order.

Mr. MOORE of Pennsylvania. Against the amendment?

Mr. SMITH of Iowa. Yes.

Mr. MOORE of Pennsylvania. Mr. Chairman, I do not want to defeat the construction of these revenue cutters.

Mr. SMITH of Iowa. There is no use in wasting any more time on this proposition.

Mr. MOORE of Pennsylvania. I have no desire to waste any time or defeat the construction of these revenue cutters.

The CHAIRMAN. Is there objection?

Mr. MOORE of Pennsylvania. I do not object.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Pay of assistant custodians and janitors: For pay of assistant custodians and janitors, including all personal services for the care of all public buildings under control of the Treasury Department outside of the District of Columbia, and washing towels, sprinkling streets, and removing rubbish, in connection with said buildings, exclusive of marine hospitals, mints, branch mints, and assay offices, $2,500,000; and the Secretary of the Treasury shall so apportion this sum as to prevent a deficiency therein.

Mr. DAVIDSON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 78, line 18, after the word "herein," insert the following: "*Provided*, That the salary of janitors shall in no case be less than $65 per month."

Mr. SMITH of Iowa. Mr. Chairman, I reserve a point of order to that.

Mr. DAVIDSON. Mr. Chairman, I hope the point of order will not be made. If it is I hope it will not be held in order, because it seems to me that this is the only possible way that we can increase the salary of janitors of public buildings. They are now very inadequately paid. In some cases they get $55 per month, and yet janitors of some city high schools, courthouses, and normal schools get from $75 to $90 a month. In many cases they not only get $75 a month, but they get quarters in the building. And some get light and heat. In school buildings they get three months' vacation in the summer. And yet here we have a system under which the janitors in public buildings get as low at $50 or $55 a month. It seems to me that there ought to be some way to increase it. The only increase in this item is that made necessary by additional public buildings. I have examined the hearings, and I find that there is nothing there to indicate that they propose to increase the salaries of the janitors in any instance. The whole process of fixing the compensation is left to somebody up in the Treasury Department. There is no system about it by which the payment is equalized, and it seems to me that where the janitor of a public building gives his entire time and services and has the responsibility of caring for and looking after Government property he should be paid at least $65 per month. The amend-

ment I have offered is simply a limitation on the appropriation. It will check the tendency of the department—which I think exists—of paying some janitors much higher compensation than is paid to others simply by associating with the title of janitor the title of fireman or messenger or something of that kind.

There are only a few of these men, one in each of the smaller towns where a public building is located. In the larger cities the janitors do not have the responsibility, because they have a custodian and engineer and different officers. But in the smaller cities the janitor has entire charge of the building and has to take care of the heating plant and all that sort of thing, and it seems to me that this provision ought to go into the bill.

Mr. SMITH of Iowa. Mr. Chairman, I think it is subject to a point of order. The allowance for labor and janitor service is now discretionary with the Secretary of the Treasury. It is proposed to take from him that discretion, or at least limit it, so as not to enable him to place it below the amount named. It is not customary, Mr. Chairman, to assign a janitor to every public building, but to assign a laborer.

The expense of this work alone under this item has grown up with tremendous rapidity. An examination of the record will show that the appropriation for 1903 was a million dollars; it has now gone up to $2,500,000, because of the increased number of Government buildings; and so rapidly has this grown that to-day the expense for fuel and janitor service for a building in a small town costs more than the rent, fuel, and light of a rented building, and these gentlemen who are trying to hoist these expenses are doing what they can to prevent the Government erecting public buildings in these small towns. There is not a town of 5,000 people in the United States where you can not get the store building necessary for a post office with fuel and lights for $1,000 a year, and yet it is insisted that if we build these buildings we ought to pay almost as much for janitor service alone as the total cost was under the rental system.

Gentlemen are standing in the light of the people of this country in trying to hoist the expense of caring for these Government buildings beyond all reason. A mere laborer charged with the care of a Government building in a small town of 5,000 people is not employed all day. He is but a part of his day employed, and he is amply paid at less than that suggested by the gentleman in such cases, and to put a statutory minimum on this salary is to vastly increase this amount and to insure a deficiency under this head of the appropriation and to make it more difficult to get buildings for small towns.

Mr. STAFFORD. Can the gentleman inform the committee as to the minimum salary paid to these janitors?

Mr. SMITH of Iowa. I can not from memory, but I think it is $60.

Mr. DAVIDSON. I think $55 for the janitor in my own town.

Mr. SMITH of Iowa. I think the gentleman has not got a janitor in his own town, but a laborer.

Mr. DAVIDSON. It is the compensation, and he comes under that head and is paid as such. Mr. Chairman, I ask unanimous consent to withdraw the amendment which I offered and substitute the one which I now have written in its place.

The CHAIRMAN. The gentleman asks unanimous consent to withdraw his amendment. Is there objection?

There was no objection.

Mr. DAVIDSON. I offer the following amendment.

The Clerk read as follows:

Provided, That no part of this appropriation shall be paid to the janitors of public buildings who receive a salary of less than $65 per month.

Mr. SMITH of Iowa. Mr. Chairman, I make the point of order against that.

Mr. CRUMPACKER. Mr. Chairman, I want to suggest a thought or two upon the point of order. There are three or four public buildings in the district that I have the honor to represent. They are not in very large towns. The probabilities are that the janitors in charge of them do not get $65 a month. I think they ought to get something, but the proposed amendment, if it is in order, must be construed, of course, to withhold from that class of men any pay at all. If they are to get pay at the rate of $65 a month, then the amendment is not in order. The question is how the department would construe the amendment—whether it would conclude that it was the intention of Congress to discharge all of the janitors throughout the country that are now receiving less than $65 a month, and allow the public buildings to go without them, or whether the department would construe it that Congress was in at least a lucid interval when it enacted this legislation and did not intend to do a thing like that, but intended, on the other hand, to increase the salaries of janitors to $65 a month.

Mr. SMITH of Iowa. I think it is entirely plain that under this provision the postmaster must sweep out himself, just as he used to before he got the Government building.

Mr. CRUMPACKER. I doubt if the executive department of the Government would put any such interpretation on it, because when Congress desires to abolish an office—and it is such a rare occasion that it does—it employs apt language and it does not attempt to conceal its purpose in any such fashion as this, and the departments would conclude that this proposition is an increase of salary. If it does not provide for an increase of salary, I am against the amendment, for it would prevent the payment of any salary at all.

The CHAIRMAN (Mr. OLMSTED). The Chair is ready to rule. It seems to the Chair that the manifest purpose of this amendment is to control the discretion at present vested in the officer who fixes the salaries of janitors by fixing the minimum amount of the salary at $65 per month. If enacted into law, it would be construed naturally as requiring the payment of that salary, which is higher than is now required by law, thus changing existing law. It is therefore in violation of the provision of section 2 of Rule XXI, which says:

Nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto.

The Chair sustains the point of order.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. Curtis, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 10849. An act to authorize the city of Shreveport to construct a bridge across Red River.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MCCALL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 9903) to authorize the Sheridan Railway & Light Co. to construct and operate railway, telegraph, telephone, electric-power, and trolley lines through the Fort Mackenzie Military Reservation, and for other purposes, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. BULKELEY, and Mr. TALIAFERRO as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 9904) granting certain rights of way on the Fort D. A. Russell Military Reservation at Cheyenne, Wyo., for railroad and county-road purposes, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. BULKELEY, and Mr. TALIAFERRO as the conferees on the part of the Senate.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Suppressing counterfeiting and other crimes: For expenses incurred under the authority or with the approval of the Secretary of the Treasury in detecting, arresting, and delivering into the custody of the United States marshal having jurisdiction dealers and pretended dealers in counterfeit money and persons engaged in counterfeiting Treasury notes, bonds, national-bank notes, and other securities of the United States and of foreign governments, as well as the coins of the United States and of foreign governments, and other felonies committed against the laws of the United States relating to the pay and bounty laws, and for no other purpose whatever, except in the protection of the person of the President of the United States, $135,000: *Provided*, That no part of this amount be used in defraying the expenses of any person subpœnaed by the United States courts to attend any trial before a United States court or preliminary examination before any United States commissioner, which expenses shall be paid from the appropriation for "Fees of witnesses, United States courts."

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 80, line 22, after the word "laws," "and an investigation and suppression of all crimes committed in the Treasury Department."

Mr. TAWNEY. Mr. Chairman, I make a point of order against the amendment.

Mr. MICHAEL E. DRISCOLL. Well, I do not think the gentleman will seriously claim that it is subject to the point of order.

Mr. TAWNEY. I shall seriously claim it is subject to the point of order. It is transferring to the Treasury Department jurisdiction over the investigation of crimes, which is now under the control of the Department of Justice.

Mr. MICHAEL E. DRISCOLL. It has not been questioned but what this is within the law. It simply provides that the Secret Service force may be employed by the Secretary of the Treasury in the investigation, detection, suppression, and punishment of crimes in the department. That question was up before two years ago and nobody raised the question that it was subject to the point of order or that it was not within the law.

Mr. TAWNEY. I will say, Mr. Chairman, as I heard the amendment read, it enlarges the scope of the activities of the Secret Service to the investigation of all crimes against the United States——

Mr. MICHAEL E. DRISCOLL. No; in the Treasury Department; simply confined to that department.

Mr. TAWNEY. I did not so understand it.

Mr. MICHAEL E. DRISCOLL. It is only in the Treasury Department.

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection, and the amendment was again reported.

Mr. TAWNEY. Well, Mr. Chairman, it says "all crimes committed in the Treasury Department." I suppose what the author of the amendment means is all crimes committed against the United States over which the Treasury Department has jurisdiction.

Mr. MICHAEL E. DRISCOLL. Certainly.

Mr. TAWNEY. The Treasury Department now has two bureaus, the Customs Bureau and the Internal-Revenue Bureau, where men are employed for the purpose of enforcing internal-revenue and customs laws, and this, of course, changes the existing law governing the employment of other employees in the bureau.

Mr. BENNET of New York. Will the gentleman yield for the purpose of my suggesting that possibly the attention of my colleague has not been directed to the language on the top of page 75, where provision is already made in this bill for the use of these various agents for the very purpose which my colleague desires.

Mr. TAWNEY. I was going to call the attention of the gentleman to the fact that provision has already been made.

Mr. MICHAEL E. DRISCOLL. Then I take it the chairman of the committee has been enlarging the powers and usefulness of this force since two years ago.

Mr. TAWNEY. No; I will say to the gentleman from New York that a year ago we provided for a detail of not to exceed three from any one of these bureaus for service in connection with any investigation within the jurisdiction of the Secretary of the Treasury that he might desire to make. Now he has reported to the committee that, in his judgment, he ought to have four instead of three, and we have increased the number to four instead of three, as heretofore carried.

Mr. MICHAEL E. DRISCOLL. I would like to ask the gentleman, since this section provides and has provided for some time back that the Secret Service men could be used only for the detection and punishment of counterfeiters and the protection of the person of the President, whether since two years ago any laws have been enacted by which the Secret Service force may be used for the protection and punishment of other crimes or for the violation of other laws?

Mr. TAWNEY. None whatever, except in the cases which I have just mentioned, where he is at liberty to employ during this fiscal year not to exceed three and in the next fiscal year, if this provision should pass, he will be authorized to employ four.

Mr. MICHAEL E. DRISCOLL. Can not he employ some of these for the protection and punishment of crimes against the customs laws?

Mr. TAWNEY. He has four, and his authority for the employment of as many Secret Service men outside of the Secret Service in his department as he may desire is unlimited.

Mr. CRUMPACKER. Will the gentleman allow me to ask him a question? Did not the law providing for the Secret Service, in the first place, confine it to counterfeiting and offenses against bounty and to pension investigations?

Mr. TAWNEY. That is a fact.

Mr. CRUMPACKER. That is, subsequent legislation authorized the use of the Secret Service for the personal protection of the President in addition?

Mr. TAWNEY. Yes.

Mr. CRUMPACKER. And that is as far as the law goes now?

Mr. TAWNEY. Except, in the last session of Congress, we permitted the Secretary to employ not to exceed three men for the purpose of investigating any crime committed against any law which the Treasury Department is charged with the duty of administering.

Mr. CRUMPACKER. Was that a permanent appropriation, or for the fiscal year?

Mr. TAWNEY. That was permanent, but we changed it in this case, increasing it to four.

The CHAIRMAN. The Chair would like to ask the gentleman from New York [Mr. MICHAEL E. DRISCOLL] if there is any authority of law for the investigation or suppression of crime committed in the Treasury Department not existing in the Secretary of the Treasury?

Mr. MICHAEL E. DRISCOLL. I do not think there is any provision of law for anything in this section. And if you require original statute law for it, all of it can be stricken out, but if the rest of it is allowed to stand, then this amendment is germane and is not subject to a point of order.

Mr. BARTLETT of Georgia. May I ask the gentleman a question? I want to know if this is not a provision for payment of inspectors for investigating offenses which the Department of Justice may choose to investigate, but confined to the Treasury Department?

Mr. TAWNEY. Oh, no. This relates exclusively to the men employed in the Treasury Department.

Mr. BARTLETT of Georgia. That is what I asked.

Mr. TAWNEY. Under the Secret Service appropriations for the detection of alleged counterfeiting and the protection of the person of the President.

Mr. BARTLETT of Georgia. And the customs service?

Mr. TAWNEY. It does not relate to the customs service at all.

Mr. BARTLETT of Georgia. Then the inspectors or agents that the Government has sent out for the investigation of violations of the postal service and those used by the Department of Justice are entirely different from these that you provide for?

Mr. TAWNEY. Yes, sir.

The CHAIRMAN. The Chair is ready to rule. The Chair has not stopped to investigate nor to inquire whether there is authority of law for the paragraph in its existing form, no point of order having been made against it, but, assuming that a point of order would have lain against the existing paragraph, nevertheless this amendment proposes a new substantive proposition, giving authority for the investigation and suppression of something for which there is not now authority of law. The Treasury Department has many branches and divisions. The investigation and suppression of crime comes under the general authority of the Attorney General's Department. The same point was ruled upon June 16, 1910, the gentleman from Connecticut [Mr. TILSON] being in the chair, and it was held that—

> Although an unauthorized appropriation may be permitted to remain in an appropriation bill, yet this does not permit an amendment adding another germane but unauthorized appropriation.

The present occupant of the chair thinks that was a proper ruling. The point of order is sustained.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I wish to offer another amendment here for the purpose of asking another question. On page 80, line 21, strike out the word "other."

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

> Page 80, line 21, strike out the word "other."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. FITZGERALD. Mr. Chairman, I reserve a point of order against that. Let us see what the effect of that amendment will be.

Mr. TAWNEY. The word "other" refers——

Mr. FITZGERALD. I do not think we should make our legislation ungrammatical even to satisfy the gentleman from New York [Mr. MICHAEL E. DRISCOLL], and to serve what he may believe is a good purpose.

Mr. TAWNEY. It says "counterfeiting;" and the other felonies referred to there are against the pay and bounty laws of the United States.

Mr. MICHAEL E. DRISCOLL. Then it would seem to me the idea would be expressed by leaving out the word "other."

Mr. TAWNEY. That language has been carried in the appropriation bills time out of mind, and I do not think we are justified on the floor of this House now in changing it, as it may result in an entirely different construction of the language than has heretofore been made upon it.

Mr. MICHAEL E. DRISCOLL. For the purpose of clearness it ought to be stricken out.

Mr. TAWNEY. Well, I do not agree with the gentleman as to that.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

No part of any money appropriated by this act shall be used in payment of compensation or expenses of any person detailed or transferred from the Secret Service Division of the Treasury Department, or who may at any time during the fiscal year 1912 have been employed by or under said Secret Service Division.

Mr. BENNET of New York. Mr. Chairman, I move to strike out the last word——

The CHAIRMAN. The gentleman from New York moves to strike out the last word——

Mr. BENNET of New York. For the purpose of asking the gentleman from Minnesota if there has been found any difficulty under this limitation, with which he and I are somewhat familiar [laughter], in paying the three persons paid by the appropriation for suppressing counterfeiting and other crimes, and whether he thinks there will be any difficulty in paying the four persons appropriated for this year; and if not, why not?

Mr. TAWNEY. There has not been any difficulty in paying the compensation of the three men detailed, and there will be none hereafter, I may say to the gentleman from New York; and I will say, further, that it is very infrequently that the Secret Service men are called upon by the Secretary of the Treasury. Recently there was a theft in the Treasury Department of a small amount of money, and Secret Service men were detailed temporarily for the purpose of detecting the person or persons who had committed that theft. Then, in the case of the Customs Division of the Treasury Department, there was a temporary detail of Secret Service men there, but there is no permanent necessity for their detail. There has been no difficulty heretofore, and there will be none hereafter.

Mr. BENNET of New York. The Comptroller of the Treasury raised no question?

Mr. TAWNEY. He raised no question.

The Clerk read as follows:

Hereafter the number and compensation of special agents to be appointed by the Secretary of the Treasury under section 2649 of the Revised Statutes of the United States shall be as follows:

Mr. MACON. Mr. Chairman, unless the gentleman in charge of the bill——

Mr. STAFFORD. Mr. Chairman, I reserve a point of order.

Mr. MACON. I was going to say, Mr. Chairman, that I will reserve a point of order on that paragraph unless the gentleman in charge of the bill will agree to wait until we finish reading line 6, on page 83, so that all points of order can be reserved on this language at that time.

Mr. TAWNEY. I consent to that, because it is all embodied in one proposition. I will waive the question of the right to make the point of order.

Mr. STAFFORD. Mr. Chairman, I suggest that unanimous consent be asked that all the paragraphs be considered as one.

Mr. TAWNEY. I ask unanimous consent, Mr. Chairman, that all after line 11, of page 82, down to and including line 6, of page 83, be considered as one paragraph, involving the same thing.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

One supervising agent who shall supervise and direct the special agents of the Treasury Department and who shall receive, in addition to the necessary traveling expenses actually incurred by him, a compensation of $4,500 per annum;

Ten special agents who shall each receive, in addition to the necessary traveling expenses actually incurred by him, a compensation to be fixed by the Secretary of the Treasury, not to exceed $12 per day;

Ten special agents who shall each receive, in addition to the necessary traveling expenses actually incurred by him, a compensation to be fixed by the Secretary of the Treasury, not to exceed $10 per day; and

Ten special agents who shall each receive, in addition to the necessary traveling expenses actually incurred by him, a compensation to be fixed by the Secretary of the Treasury not to exceed $8 per day.

Mr. MACON. Now, Mr. Chairman, I reserve the point of order upon the paragraph just read.

The CHAIRMAN. The gentleman from Arkansas reserves a point of order on the paragraph.

Mr. MICHAEL E. DRISCOLL. Does he reserve it on all that paragraph?

Mr. MACON. Yes. The language is all considered as one paragraph.

Mr. TAWNEY. Mr. Chairman, the effect of this provision is this—and I trust I may have the attention of the committee when I explain the reason for the change in the existing law with respect to this appropriation. At the present time there are 28 special agents. Their minimum salary is $6 a day, and their maximum salary is $8 a day. This provision will increase the number from 28 to 30, and it will increase the compensation of the minimum from $6 to $8, and of the maximum from $8 to $12.

The Members of the House are familiar with the activity of the collector of customs at the Port of New York during the past two years and with the result of his efforts to prevent smuggling and to prevent frauds upon the customs revenues. As he stated when before the committee, the collector would be practically powerless were it not for the corps of efficient special agents that he has, whom it is necessary for him to retain if he is to continue the administration of the law as he has been administering it in the past. For example, he stated to the committee that as the result of the work of the special agents employed at the port of New York alone—

I may mention that since the 1st of last December—

That is, December, 1910; and this statement was made January 21, 1911—

they have uncovered undervaluations which have resulted in importers coming and paying to me, up to the time I left New York, $580,000 in actual cash deposited in the subtreasury. In offers of compromise which are now being adjusted we have in sight $50,000 to $60,000 more, which I will take up when I get back.

Over $600,000 collected as a result of the activity of the special agents who are employed at the port of New York in aid of the collector who is charged with the duty of administering this law.

Mr. BARTLETT of Georgia. That does not include the sugar frauds?

Mr. TAWNEY. No; that does not include the amount collected on account of the sugar frauds, nor does it include another very large and important case, the Duvene case, in which we will probably recover $2,000,000 as a result of the efforts of these special agents.

He goes on in his testimony and calls attention to the fact that some of these men who have been in the service a long time are invaluable. Some of them are good and well-qualified lawyers, who remain in the service because of their love for it. It requires a peculiar character of ability for this service. As Mr. Loeb said to us, a good detective would not make a good special agent and a special agent would not make a good detective. Their work involves judgment, discretion, and diplomacy, and it is only by giving to them the support which the collector there has given to these men that they have been able to unearth frauds that have been committed on the revenues of the Government, and it is only because of their enthusiastic loyalty to the collector that he has been able to make the showing that he has in the matter of the enforcement of the customs revenue laws.

Now, this compensation was fixed away back in 1878 and has not been changed since that time. Let me call attention to a circumstance related to the committee by the collector of customs of New York in respect to one man who was detailed on the Panama hat case. He was first sent to Texas. He went there and moved his family there at his own expense. He was not there very long when the developments in the Panama hat case necessitated his being returned to the Port of New York because of his peculiar ability in investigating matters of this kind. He was therefore ordered back to the city of New York. Again he had to move his family back at his own expense. That man's maximum compensation is $8 a day. In the Panama hat case alone he placed in the Treasury, as a result of his labor and effort, an amount that would pay the salaries of the entire force for a number of years.

In view of the fact that it requires the skill, ability, and judgment, and diplomacy it does, and that these men whom they have now in the service possess the ability, it is the desire of the collector to retain them; and the salaries having been fixed away back in 1878, when conditions as to cost of living and so forth were altogether different than they are now, this collector is very desirous that this change should be made, increasing the number of special agents by two and raising the minimum of their compensation from $6 to $8 and the maximum from $8 to $12 a day. I trust that the gentleman from Arkansas will not insist on the point of order, because I think the service rendered by these men justly entitles them to the compensation asked.

Mr. WEEKS. Are these men all stationed at the Port of New York?

Mr. TAWNEY. No; they are not, but the same questions arise and the same investigations are going on at the Port of Boston as at the Port of New York. At the Port of Philadelphia only recently a special agent discovered, after a great deal of careful work, that frauds were being committed there in the way of undervaluation in the woolen and cotton schedules, and as a result a great deal of money has been turned into the Treasury.

Mr. COX of Indiana. How can these frauds go on if the collector of the port does his duty?

Mr. TAWNEY. The gentleman from Indiana knows that the collector does not make the investigations as to undervaluations and that he could not personally perform that duty. He could not make the appraisement on the imports of merchandise. He must rely upon those officials that the Government furnishes him.

Mr. COX of Indiana. I suppose it depends on the men constituting the organized force.

Mr. TAWNEY. But the work of the special agents in the administration of the customs office is so naturally related that it is impossible for the one to succeed without the efficient service and aid of the other. The undervaluation cases are handled by special agents after the goods are brought into the country.

For example, an investigation was made of the undervaluation on the part of importers of model gowns. There have been great frauds perpetrated by these importers. Three of them, it was discovered, were guilty of undervaluation, and they were arrested. The newspapers announced the next morning that there was a general undervaluation by all importers of model gowns and that the collector intended to make a general raid on all of them. The very next day came into the collector's office voluntarily men engaged in the business and confessed that they had been guilty of the violation, and under the law came there and admitted it, and then agreed to settle on whatever basis the collector would permit them within his discretion under the law.

Mr. COX of Indiana. And the gentleman said that that was the work of these special agents?

Mr. TAWNEY. It was the work of the special agents in the three cases. I might mention a great many other cases cited by Collector Loeb.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. TAWNEY. Certainly.

Mr. MOORE of Pennsylvania. Will the gentleman indicate how many agents have been at work in Philadelphia?

Mr. TAWNEY. I do not know; there was a Mr. Chance, who has served for a long time and is a very able man.

Mr. MOORE of Pennsylvania. Can the gentleman tell how much has been recovered at the port of Philadelphia?

Mr. TAWNEY. If the gentleman will read Collector Loeb's testimony before the committee he will ascertain; he made a statement there.

Mr. MOORE of Pennsylvania. I am frank to say that I had not heard of the incident which the gentleman refers to, and I wanted to know to what extent special agents were sent to the port of Philadelphia and the port of Boston.

Mr. TAWNEY. In the work done at the port of New York it is not only beneficial to the Government in the amount of revenue collected there, but when a fraud of that kind is discovered in New York the method of committing the fraud is also discovered, and instantly the special agents at all other ports are supplied with the information, and their investigations proceed at other ports along the lines discovered at this port.

Mr. MOORE of Pennsylvania. The gentleman has indicated wool as being a subject for investigation at Philadelphia. I will say that I have not heard of any inquiry of that kind. My information has been that the inspection at the port of Philadelphia was highly creditable to that port, and I am surprised at the information which the gentleman furnishes, and I hope and believe that he is mistaken.

Mr. TAWNEY. I know that a statement of that kind was made by Collector Loeb.

Mr. MOORE of Pennsylvania. I want to say, further——

Mr. TAWNEY. I want the gentleman to understand that I am not criticizing the collector at the port of Philadelphia or any officer there.

Mr. MOORE of Pennsylvania. That was the inference to be drawn from the gentleman's statement.

Mr. TAWNEY. Not at all; I was simply speaking of the value of the services of these men and the benefit that they are to the service.

[The time of Mr. TAWNEY having expired, at the request of Mr. MOORE of Pennsylvania his time was extended five minutes.]

Mr. MOORE of Pennsylvania. I would like to put a question to the gentleman from Minnesota and ask him whether it is not a fact that the proper administration of the law at the customhouses of the country, such as we have recently had at the port of New York, so much to the credit of the present collector, would not help increase the revenues of the country and amply repay all of the expenditures made for inspection?

Mr. TAWNEY. The testimony of Collector Loeb further on is that within the last year the result of the activity of the special agents in the port of New York alone has brought in $11,000,000 revenue collected from importers, where the merchandise imported had already passed into the market.

Mr. MOORE of Pennsylvania. Now, I would like to have the gentleman from Minnesota explain to the House why it is that all the sugar imports that come from foreign countries and pay duty are entered at the port of New York, while the sugar coming from our colonial possessions, which pays no duty, enters at the port of Philadelphia?

Mr. TAWNEY. That is a question I can not answer.

Mr. MOORE of Pennsylvania. It is a very interesting question, and I wish the gentleman would study it.

Mr. TAWNEY. I have no doubt the gentleman has more information on that subject than have I.

Mr. MOORE of Pennsylvania. I have some information, indicating that most of the profitable business goes to the port of New York, while great refineries on the Delaware at Philadelphia are closed.

Mr. BENNET of New York. Does this decrease the number of special agents in any way?

Mr. TAWNEY. It increases the number by two.

Mr. STAFFORD. I understand that under the program recommended by the committee the salaries of 10 of these special agents would be increased $1,200 and 10 increased $600.

Mr. TAWNEY. The increase will be from six to eight, the minimum, and from eight to twelve, the maximum. Now, of course, as a general rule the agent in charge is the man that will probably receive the highest salary. That is, they have one agent in charge. These men are all under that agent in charge, and then the salaries of the others will range from eight to ten, and ten to twelve.

Mr. STAFFORD. Does the gentleman recall any other similar instance where there has been such a wholesale increase of salaries as that provided by this bill whereby you increase in one year the salary from $2,400 to $3,600, making that computation upon 300 working days in the year?

Mr. TAWNEY. Well, I do not recall any specific instance of increase of salaries where the salary was fixed on that basis in 1878, but I think that there are a great many cases where salaries fixed in 1878 have been increased since that time proportionately more than we propose to increase these salaries.

Mr. STAFFORD. I have no objection to a reasonable increase, but a jump from $2,400 to $3,600 seems to me rather inordinate.

Mr. TAWNEY. We must take into consideration the character of the service rendered by these men and the benefit to the Government directly of efficient service, and I do think that if there is any one thing in which the Government of the United States makes a mistake it is in not paying adequate salaries where the service performed results in a direct benefit to the Treasury of the United States.

Mr. YOUNG of New York. Will the gentleman yield?

Mr. TAWNEY. Yes.

Mr. YOUNG of New York. Mr. Chairman, I want to say in this connection that the men who are employed in this service are worth more money than they can ever get from this Congress. I believe that the men employed in this service are worth more than $5,000 a year, and it is the best investment that can possibly be made to retain men of the qualifications of those employed in the special customs service. As has been said by the gentleman from Minnesota, there has been saved to the Government of the United States in the last two years over $11,000,000, largely owing to the magnificent service of the men who are employed and are being paid from $6 to $10 a day. Those men are worth in commercial life $10,000 a year, and I am surprised that the service of such men can be procured by the Government at the salaries that are now being paid them.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. TAWNEY. Mr. Chairman, I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TAWNEY. Mr. Chairman, I want to call the attention of Members who question the wisdom of this to the services of one man in this service, which resulted in turning into the Treasury of the United States over $3,000,000, and whose service in that one case covered a period of about three years.

Mr. COX of Indiana. When did that occur?

Mr. TAWNEY. It ended last summer and it began about three years before that. His name is Richard Parr, of the city of New York. That man was followed and every member of his family was followed for more than two years by detec-

tives of the Sugar Trust. He was shadowed wherever he went. He was offered $100,000 by the Sugar Trust if he would get out of the service—quit the service.

And as a result of the hounding and shadowing of that man, Dick Parr, when he concluded that service, was practically a physical wreck. That is the kind of men the Government must have; that is the kind of integrity that is required of men in this service and that kind of men and that kind of integrity can not be obtained for a nominal sum. It was Dick Parr who first discovered the method by which the Sugar Trust was defrauding the Government of the United States in the weighing of sugar at the Port of New York. I may also say, Mr. Chairman, that it was Dick Parr who instituted the investigation that has recently led to the disclosure of the frauds perpetrated in the rebates paid on imported molasses, and the aggregate result of that investigation, I am told, will amount to in the neighborhood of $3,000,000.

Mr. COX of Indiana. How much was Parr paid for that work?

Mr. TAWNEY. He was paid at the rate of $8 a day.

Mr. COX of Indiana. Did not he get some bounty from the Government for that?

Mr. TAWNEY. He got just what other men get; what under the seizure he was entitled to.

Mr. COX of Indiana. But how much?

Mr. TAWNEY. Eighty-five—$100,000.

Mr. COX of Indiana. I thought so.

Mr. TAWNEY. But I am talking for the men who are performing this service daily——

Mr. FITZGERALD. And if my colleague will permit me, I want to say there are few of these men who do work which enables them to make these seizures.

Mr. TAWNEY. I was going to say it was only occasionally one of these men has an opportunity to make a seizure. Now, the way Parr became entitled to the money under the law was the fact that as soon as the discovery was made in the weighing of the sugar he seized a cargo which was valued at something over $400,000, if I am not mistaken. He seized that cargo of sugar, and having made that seizure it entitled him to the moiety, or payment in lieu of moiety, under the statutes of the United States. But notwithstanding the fact in doing that he did not know that he would ultimately get an opportunity to seize this cargo or any property, but he kept on working, kept on in his investigations, and during all that time he was hounded by the detectives of the Sugar Trust, offered bribes in order to get him to go out of the service, but he refused and continued his investigations until the end, and it was through his instrumentality, more than through the instrumentality of any other man, that these frauds were discovered and the revenues paid into the Government and many of the perpetrators of the frauds, including the treasurer of the Sugar Trust, punished.

Mr. COX of Indiana. Will the gentleman yield for a question? Is there not a criminal statute that would run against the parties who undertook to bribe him; and if so, was any prosecution brought?

Mr. TAWNEY. I know there was no prosecution, but I do not know——

Mr. COX of Indiana. My recollection is the statute would lie against such a case.

Mr. TAWNEY. I am simply stating the facts, and I hope the Members of the House will appreciate the importance of this service and not make a point of order against this provision.

Mr. MACON. Mr. Chairman, the gentleman in his able and eloquent appeal on behalf of these per diem men has won me over, so far as they are concerned, and I am not going to make the point of order against their increase, but——

Mr. COX of Indiana. If the gentleman withdraws the point of order, I renew it.

Mr. MACON. I have not withdrawn it yet. I propose to make the point of order, however, beginning in line 11, page 82, commencing with the word "hereafter," and on the language found in lines 15, 16, 17, and 18 and ending in 19 on the same page. I make the point of order against that language. I withdraw the point of order on the other.

Mr. COX of Indiana. I make the point of order, Mr. Chairman, to the paragraph on page 82, beginning with line 20 and ending in line 23 and beginning with line 24, bottom of page 82——

Mr. FITZGERALD. It is all one paragraph.

Mr. COX of Indiana (continuing). And ending with the word "day," paragraph 2, page 83.

The CHAIRMAN. The Chair understands the gentleman makes the point of order on the paragraph commencing with line 11, page 82, down to and including line 6, on page 83. Is that correct?

Mr. COX of Indiana. I understood the gentleman from Arkansas made the point of order on the paragraph beginning with line 11 and ending with line 19, on page 82.

Mr. MACON. Mr. Chairman, I only made the point in line 11, on the one word "hereafter," so as to read:

The number and compensation of special agents to be appointed by the Secretary of the Treasury under section 2649 of the Revised Statutes of the United States shall be as follows:

The CHAIRMAN. The gentleman from Indiana makes a point of order on the entire paragraph?

Mr. COX of Indiana. On the entire paragraph, beginning with the word "hereafter," in line 11, and ending with the word "day," on page 83, line 6.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

In all, $1,156,100, which shall include the amount necessary for the medical inspection of aliens, as required by section 17 of the act of Congress approved February 20, 1907.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. On page 42 provision is made for an appropriation of $150,000 for the New York Marine Hospital. This was passed by common consent a little while ago, to be taken up later. I desire at this time to ask the chairman of the committee if the building which it is proposed to construct in New York for the marine hospital is under the direction of the Public Health and Marine-Hospital Service?

Mr. TAWNEY. The construction of the building is under the Treasury Department.

Mr. MOORE of Pennsylvania. Would its management be under the jurisdiction of the Public Health and Marine-Hospital Service, or is there a separate service?

Mr. TAWNEY. That is a building under the jurisdiction of the Treasury Department. The Public Health and Marine-Hospital Service is one of the bureaus of the Treasury Department.

Mr. MOORE of Pennsylvania. And the marine hospital is not under the control of the Treasury Department?

Mr. TAWNEY. In one sense; but the Supervising Architect is custodian.

Mr. MOORE of Pennsylvania. Is there not a separate marine hospital there, under the jurisdiction of the State of New York, apart from the Public Health and Marine-Hospital Service of the United States?

Mr. TAWNEY. No; there is no other officer there that has any control.

The Clerk read as follows:

American ethnology: For continuing ethnological researches among the American Indians and the natives of Hawaii, including the excavation and preservation of archeologic remains, under the direction of the Smithsonian Institution, including salaries or compensation of all necessary employees and the purchase of necessary books and periodicals, including payment in advance for subscriptions, $42,000.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on that paragraph.

Mr. DALZELL. If I understand it, this appropriation is the same as it was last year?

Mr. TAWNEY. Yes.

Mr. DALZELL. The estimate was for $54,000, or $12,000 more for certain exploration work out West, as I understand it, and also certain ethnological work in Hawaii and Samoa.

Mr. TAWNEY. Yes. The additional amount was to defray the expense of the additional activities contemplated in the next fiscal year, and that the committee did not see fit to approve. I will say that the estimate was $52,000 for the fiscal year 1911, and they were given $42,000. The language which authorized the increase and scope of their activities was stricken out. We have, however, included in this paragraph language which has not been in any preceding paragraph, but which covers work that the Smithsonian Institution has been doing. There was a question whether they were authorized to do this work, and we incorporated the language expressly authorizing the doing of that which they are now doing. The additional amount was asked for on account of certain work they wanted to do in Hawaii and in Samoa, and I think in one or two of the Middle States, among them the State of Indiana. My colleague on the committee [Mr. SMITH] is more familiar with this matter than I am, and may be able to give the gentleman from Pennsylvania more accurate information on the subject than I can.

Mr. DALZELL. I supposed the language that was put in this bill and in the previous bill was intended to cover the work for which that $12,000 of additional estimate was asked. At the same time, while the language was put in the bill, the $12,000 was not appropriated.

Mr. SMITH of Iowa. We did not put the language in, either; neither the language nor money was put in.

Mr. STAFFORD. I wish to say, Mr. Chairman, that the language in respect to archeology is new, but it is not new work.

Mr. TAWNEY. It is not new work, but new language.

Mr. SMITH of Iowa. They proposed to extend this work to Samoa and to other places, and we refused to permit them to do so. Now, personally, I did not believe they were doing this work of the preservation of archeological remains, and I did not believe it was authorized by statute, and it was only put in in order to legalize in the future what they were doing under the present appropriation.

Mr. DALZELL. The language was put in but the appropriation was left out?

Mr. SMITH of Iowa. The gentleman is mistaken. The language that was thought to be put in was to extend this work to Samoa, and we refused to increase the work over anything they are doing now. But we did put in the language to cover what they are now doing. We refused to increase the appropriation for that work over what they are doing now, but we did put in new language simply sufficient to cover what they are now doing.

Mr. DALZELL. In order to legalize what they are now doing?

Mr. SMITH of Iowa. Yes. I did not believe they were entitled under the former language to repair archeological ruins.

Mr. STAFFORD. Mr. Chairman, as the new language is simply to cover work which the institution has been engaged upon heretofore, I withdraw the point of order.

The CHAIRMAN. The gentleman from Wisconsin withdraws the point of order.

The Clerk read as follows:

Astrophysical Observatory: For maintenance of Astrophysical Observatory, under the direction of the Smithsonian Institution, including salaries of assistants, the purchase of necessary books and periodicals, including payment in advance for subscriptions, apparatus, making necessary observations in high altitudes or in Mexico, repairs and alterations of buildings, and miscellaneous expenses, $18,000.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order on the paragraph.

Mr. STAFFORD. My purpose is to ascertain from the chairman of the committee the purpose of the new language, extending this work to Mexico.

Mr. TAWNEY. Well, I do not know that I can explain it, except to say that it is to enable the gentleman in charge of the Astrophysical Observatory to conduct scientific investigations in a more authoritative or more accurate and more scientific manner than he and his assistants are able to conduct them now. It is on account of certain currents of air which they want to investigate, both in Mexico at the point contemplated as well as in other parts of the United States.

Mr. SMITH of Iowa. I will add to that, if the gentleman from Minnesota will permit me. As the gentleman from Wisconsin knows, the Astrophysical Observatory is engaged chiefly in studying the sun and the sun's rays, and it becomes desirable to make observations at different places and at different altitudes in order to discover accurately what are really changes in the rays of the sun and what changes in the atmosphere produce effects appearing to be changes in the rays of the sun.

Mr. STAFFORD. Why should this favoritism be limited to Mexico?

Mr. TAWNEY. They have in this country two stations, one on Mount Whitney and one on Mount Wilson, where they have been engaged in this work, and it is believed that by means of some temporary observations made on one of the mountains in Mexico they can make certain whether these manifestations are sun manifestations or whether in a measure they have been influenced by the air or the conditions of the earth's atmosphere.

Mr. STAFFORD. I assume that work of this character is being performed by our institutions of learning in other countries, and——

Mr. SMITH of Iowa. No; the gentleman is in error on that point. This particular work is being conducted chiefly, or I might say exclusively, in this institution, although other institutions elsewhere are making studies along a similar line, but not exactly the same.

Mr. STAFFORD. I think Harvard University is making some investigations outside of this country along that line.

Mr. SMITH of Iowa. This is an investigation of the sun and its rays.

Mr. TAWNEY. Mr. C. G. Abbott, the director of the Astrophysical Observatory, said to us when he appeared before us at the hearings conducted by our committee:

The work we are doing has not been duplicated anywhere. They are just coming to the point of following us in carrying on such work as this is. The Weather Bureau has established quite a number of pyrheliometers in the United States in the last year, and it has used as the standard of those instruments instruments which were furnished them by the Astrophysical Observatory.

Mr. STAFFORD. Will the gentleman, who has for years been very strict in insisting that the Government shall not enter into the realm of private enterprises, and shall not do the work of private institutions of learning, be kind enough to explain wherein this is a proper governmental function? If we undertake this outside investigation, why should we not then duplicate or parallel the work of Harvard University and other scientific institutions which have branch observatories in other countries?

Mr. SMITH of Iowa. They have not branches for the prosecution of astrophysical study in other countries.

Mr. STAFFORD. They have, to my knowledge, branch institutions elsewhere than in this country for astronomical research.

Mr. SMITH of Iowa. This is a part of the ultimate solution of the question as to whether weather forecasts can be made far into the future.

Mr. STAFFORD. I do not question but that the Government could investigate many subjects in the realms of science if we gave it authorization. I make the point of order, Mr. Chairman, on the words "in Mexico."

Mr. TAWNEY. Mr. Chairman, I want to say that this is a public work that is being carried on under the authority of law, and there is no limitation as to the territory in which this investigation shall be conducted.

I do not think that the words "in Mexico" are subject to a point of order.

The CHAIRMAN. Is the gentleman from Minnesota able to cite any statute which authorizes these investigations in Mexico?

Mr. TAWNEY. There is no statutory authorization other than the appropriation originally made, which has been continued year after year for this service, and the work is going on. It is a public work in progress. They have an observatory here, as the Chair well knows, being one of the regents of this institution.

Mr. CRUMPACKER. Have they one in Mexico?

Mr. SMITH of Iowa. They want to take certain observations in Mexico.

Mr. TAWNEY. This is merely to enable them to take certain observations in Mexico on this mountain. I read from the hearings:

Mr. ABBOT. Mr. Chairman, I told the committee at the meeting a year ago that I had made an expedition to the summit of Mount Whitney. We were unfortunate in 1909 in having only one day which was suitable for the observations. The remainder of the time after the apparatus was adjusted was either cloudy or snowy. Accordingly we repeated this expedition in 1910, and I was fortunate in having two weeks of good weather on the summit of Mount Whitney, which is the highest mountain in the United States. I carried on there complete measurements, which were simultaneous with those carried on at Mount Wilson. We have now reduced the observations made both at Mount Wilson and Mount Whitney, and we have found that the results obtained at Mount Whitney check and substantiate completely the work we were doing on Mount Wilson. Therefore, having established a standard scale of measurement and having shown that we get the same results, whether we make the observation at the sea level at Washington, at Mount Wilson (1 mile elevation), or at Mount Whitney (3 miles elevation), we are now able to state the value of the solar constant of radiation. This value is of an importance equal to that of the distance of the sun in astronomical work, but it was unknown at the time we began this work within limits of two or three fold, so that statements were in the books ranging from 1.75 calories to 3 calories. Our work now of this year has established the value of that constant within 1 per cent.

Now, for the purpose of making this observation, to check it up, at a higher altitude in Mexico than can be reached in the United States, in order to check up the results of the investigations made on Mount Whitney and Mount Wilson, the words "in Mexico" are here inserted.

Mr. DALZELL. I think the words "in Mexico" are a limitation.

The CHAIRMAN. The Chair undertands that the gentleman from Wisconsin [Mr. STAFFORD] makes a point of order against the words "in Mexico." Is that correct?

Mr. STAFFORD. That is correct.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

National Zoological Park: For continuing the construction of roads, walks, bridges, water supply, sewerage, and drainage; and for grading, planting, and otherwise improving the grounds; erecting and repairing buildings and inclosures; care, subsistence, purchase, and transportation of animals; including salaries or compensation of all necessary employees; and general incidental expenses not otherwise provided for, including purchase, maintenance, and driving of horses and vehicles required for official purposes, and not exceeding $100 for the purchase of necessary books and periodicals, including payment in advance for subscriptions, $100,000; one half of which sum shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States.

Mr. DALZELL. I move to strike out the last word. I see that the total appropriation for the Zoological Park is $100,000. The estimates covered an item for buildings, for an aviary, and also for the readjustment of boundaries. Both those items were stricken out by the committee, were they not?

Mr. TAWNEY. They were. One involved the purchase of additional land on the west and on the south. The other item was for a bird cage, and the committee thought they could get along very well with the one they now have for another year.

The proposition to buy this land is one that has been before us a number of times, and the committee were not willing to appropriate the amount that is necessary in the judgment of the superintendent of the park for the purchase of this land, either by voluntary purchase or by condemnation.

Mr. DALZELL. That was $40,000?

Mr. TAWNEY. Yes.

The Clerk read as follows:

The President of the United States, from and after the passage of this act, is authorized to designate from time to time any member of the Interstate Commerce Commission or of the Court of Commerce to exercise the powers conferred and the duties imposed upon the chairman of the Interstate Commerce Commission by the provisions of the "act concerning carriers engaged in interstate commerce and their employees," approved June 1, 1898; and the member so designated, during the period for which he is designated, shall have the powers now conferred by said act on the chairman of the Interstate Commerce Commission.

Mr. BARTLETT of Georgia. Mr. Chairman, I reserve a point of order on that provision for the purpose of obtaining certain information about it. This is new legislation. I am not disposed to make a point of order if I can find out about it.

Mr. TAWNEY. It is legislation.

Mr. BARTLETT of Georgia. Does the gentleman think it is necessary and proper?

Mr. TAWNEY. I made a statement this forenoon in which I explained why this legislation is necessary.

Mr. BARTLETT of Georgia. I am very sorry that I did not hear the gentleman.

Mr. TAWNEY. The Erdman Act, so called, is mandatory as to who shall constitute the commission.

Mr. BARTLETT of Georgia. Yes.

Mr. TAWNEY. The chairman of the Interstate Commerce Commission——

Mr. BARTLETT of Georgia. And the Commissioner of Labor.

Mr. TAWNEY. Now, the gentleman knows that the former chairman of the Interstate Commerce Commission has been appointed one of the justices of the Commerce Court. He can no longer serve in the capacity of arbitrator under the Erdman Act.

Yet, in view of his long experience in that service, in view of his intimate and favorable acquaintance among the representatives of labor organizations and also the employers of labor, it was by his associate commissioner deemed of the utmost importance that this legislation should be enacted, so that his services might be availed of as an arbitrator in the future, as heretofore, in the event the President of the United States deemed it advisable and necessary.

Mr. BARTLETT of Georgia. Mr. Chairman, I realize the propriety and importance of having the President of the United States designate someone to act as chairman of the Interstate Commerce Commission when the chairman is absent, but I do not think it wise to transfer that power to the Commerce Court. By the way, the gentleman must amend this bill, I think, because he calls it the Court of Commerce in this bill. I am familiar with the services that Mr. Knapp has rendered in these controversies, but he has been appointed as a member of the Commerce Court. I do not know whether he will be chairman of that court or not.

Mr. TAWNEY. I was under a misapprehension if he is not.

Mr. BARTLETT of Georgia. At any rate, I am not willing, on the reasons given by the gentleman from Minnesota, to consent to this legislation, which transfers a member of the Commerce Court who is not a permanent occupant of the bench of the Court of Commerce, because the provisions are that the members shall only occupy their positions for a certain length of time and then shall become members of the judiciary of the United States. I say I am not willing that that legislation should include judges of that court.

Mr. TAWNEY. I think the gentleman misunderstood me, or I misstated the fact. This is to enable the President of the United States to avail himself of the services of the former chairman of the Interstate Commerce Commission. Now, it will not only apply to Mr. Knapp as a member of the Commerce Court, but if he goes back as the judge of the circuit court it would apply. It is to enable the President to utilize the services of a man who has by reason of his experience obtained a relation to the men that must be dealt with that a new man has not obtained.

Mr. BARTLETT of Georgia. How is the President to obtain his services after his term has expired as a member of the Commerce Court?

Mr. TAWNEY. If the gentleman will read the language——

Mr. BARTLETT of Georgia. It says that—

He may designate from time to time any member of the Interstate Commerce Commission and of the Commerce Court.

Now, Judge Knapp at the expiration of a certain time will cease to be a member of the Commerce Court and can no longer be designated under this law to carry out that act, because the acts creating the Commerce Court provide that he shall be a member of the Commerce Court only for a certain length of time.

Mr. TAWNEY. We are only dealing with the immediate present.

Mr. BARTLETT of Georgia. But you are making permanent law.

Mr. TAWNEY. It is hoped by that time that the man who succeeds him may have become familiar with the duties sufficient to qualify him in the case.

Mr. BARTLETT of Georgia. Mr. Chairman, I do not want to make a point of order captiously, because I never do so. I do not think that this legislation would be wise, and take the circuit judge, for that is what he is, an additional circuit judge, who is a member of the Commerce Court, and say that he can designate any member of that court for this work. The Interstate Commerce Commission, or the commissioners, are the ones to deal with this matter, and if the gentleman will confine his provision to any member of the Interstate Commerce Commission, I shall have no objections. I am willing to give the President authority to select any member of the Interstate Commerce Commission he sees fit to do.

Mr. TAWNEY. I do not wish to accept the amendment offered by the gentleman from Georgia, because that defeats the whole purpose. I think the gentleman from Georgia fails to appreciate the importance of the negotiations that are carried on the Erdman Act.

Mr. BARTLETT of Georgia. I do not.

Mr. TAWNEY. Then the gentleman would not insist on putting an inexperienced man in the position of conducting these negotiations. If the gentleman will pardon me, it is only recently that the services of these two men, in negotiations carried on between many thousands of railroad employees and employers in the city of Chicago, resulted in averting what was soon to become one of the most serious strikes for many years.

It was only by reason of the tact, the peculiar qualifications, of the men in charge of the negotiations that that strike was settled, and I hope the gentleman from Georgia will accept the judgment of the Interstate Commerce Commission itself as well as the President and the members of the Commerce Court.

Mr. BARTLETT of Georgia. Mr. Chairman, I appreciate the importance of the service rendered by a member of the Interstate Commerce Commission, its chairman, and of the Commissioner of the Bureau of Labor. I do not, however, appreciate the suggestion that there is no one else whom the President can appoint to the Interstate Commerce Commission—no other man in the United States who can fill the position that Judge Knapp formerly occupied upon the Interstate Commerce Commission. I believe there are men now upon that commission—I believe if a vacancy occurs the President can find a man to appoint upon the Interstate Commerce Commission who will discharge the duties efficiently and satisfactorily to the parties who may be at controversy, although I have not a word of criticism—far from it—and only words of commendation for the services rendered by Judge Knapp.

If Judge Knapp was so indispensable to the country in the services which he rendered as chairman of the Interstate Commerce Commission, why did not the President keep him there and not appoint him to the Commerce Court? If you set an example of this kind, where a man is appointed to fill some public position, is later transferred to some other position, and then feel you must change the law so that he may be able to carry out the law that he carried out on that other particular tribunal, then you will have a rule of men and not a rule of law. I will not accept with approval the suggestion that there is no one else in the United States, and no one else can be found either now or in the near future, who can discharge the duties formerly discharged by that gentleman.

Mr. ESCH. Would the gentleman find an additional objection to this provision in this fact, that acting as arbitrator he might subsequently, as a member of the Commerce Court, be required to adjudicate upon his own findings?

Mr. BARTLETT of Georgia. Mr. Chairman, I thank the gentleman for the suggestion. That was one of the reasons which I was going to give. He is a circuit judge, and he might at times be called upon to decide the very questions which were at issue which he settled as arbitrator, and I do not think that we ought to complicate the law in that way, nor do I think that we ought to enact this provision into law.

Mr. Chairman, I therefore make the point of order upon the words "or Court of Commerce," occurring in line 3.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

To enable the Interstate Commerce Commission to keep informed regarding and to enforce compliance with acts to promote the safety of employees and travelers upon railroads, including the employment of inspectors, $150,000.

Mr. ESCH. Mr. Chairman, I notice this provision is very materially different from the corresponding provision in the sundry civil act of last year. In that act of last year there was specified the various laws for which an appropriation was to be made. Does the gentleman believe that the addition of $25,000 in this item will be sufficient to carry out the new laws enacted just before the last sundry civil bill became effective?

Mr. TAWNEY. What page is that?

Mr. ESCH. Page 91, the middle paragraph. These acts are the original safety appliance acts——

Mr. TAWNEY. I will say to the gentleman that the reason we dropped all those titles was because it is unnecessary to carry them and keep continually reprinting them in the law, so we made them all broad enough to authorize the expenditure of all the sum in the enforcement of all these safety appliance laws. That is the reason we did it.

Mr. ESCH. Does the gentleman think that the language used is sufficient to include the law of May 6, 1910?

Mr. TAWNEY. Yes; I do.

Mr. ESCH. Does the gentleman think an appropriation of $25,000 is sufficient to carry out that law?

Mr. TAWNEY. Yes.

Mr. ESCH. I notice in the hearings that Judge Clements testified it would not be necessary, for the present at least, to establish a new force to make investigations of important railroad accidents; that he thought he might detail some experts he now has in the office. Does the gentleman think the experts now employed to carry out the safety-appliance law, the standardization act, and so forth, would have the necessary knowledge, experience, and skill to investigate an important railroad wreck?

Mr. TAWNEY. I certainly do, Mr. Chairman, and I can not think that the gentleman from Wisconsin can doubt their ability to make such investigations, knowing, as we both do, the character and the ability of the men who are employed in that investigation of safety appliances. I am satisfied that the men who are qualified to make the investigation of mechanical devices that are now employed on trains and on engines for the safety of employees and the traveling public are sufficiently intelligent and qualified to investigate and inquire into the causes of any railroad accident. They are peculiarly qualified for it, in my judgment, because of their experience in the investigation of those things that are required now by law to protect the public and the employees from injury on account of railroad accidents.

Mr. ESCH. Mr. Chairman, I do not question the competence of these inspectors to administer the safety appliance acts as to car equipment, but it does seem to me we would have to have a higher order of skill and knowledge in order to make the necessary investigation and report upon the accidents that would carry weight with Congress.

Mr. TAWNEY. Mr. Chairman, in reply to that I want to say that if the gentleman can point out any class of railroad employees from the president down to a brakeman, who by reason of his experience and his knowledge in railroading is better qualified than the men now employed for the inspection of safety appliances, I do not know who they would be unless it would be the chief of the motive power and machinery of railroads, because in average intelligence these men are equal to any other class of employees who are employed by railroad companies in the operation of railroads. I do not think it is wise for us to duplicate service. I think the commission is entirely right in requiring the experts that they now have employed in the inspection of safety appliances to make these investigations and report on the causes of railroad accidents. I do not know to what branch of railroad service the commission could go to find men who are more fitted by reason of their experience and knowledge of railroading, railroad operation, and railroad appliances, than the men who have been selected from all over the United States, from among the active railroad operatives, to test or investigate safety appliances.

Mr. ESCH. I should expect the Government to confine its selection in these investigations to men who are experienced in railroad matters, but the inspectors who now have to investigate mere car equipment, safety appliances, and so forth, are not paid the amount of money which would enable the Government to get the best possible talent, that talent which is necessary to make this accident law most effective.

The Clerk read as follows:

That the jurisdiction of the Interstate Commerce Commission to extend the period within which any common carrier shall comply with the provisions of section 3 of the act entitled "An act to supplement 'An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes,' and other safety-appliance acts, and for other purposes," approved April 14, 1910, shall apply to cars actually placed in service between the date of the passage of said act and the 1st day of July, 1911, in the same manner and to the same extent that it applies to cars actually in service upon the date of the passage of said act.

Mr. CRUMPACKER. Mr. Chairman, I reserve the point of order against that paragraph in order to get an explanation of it.

Mr. TAWNEY. Mr. Chairman, I would ask the chairman of the Committee on Interstate and Foreign Commerce, who is more familiar with the provision and at whose suggestion this was incorporated, to explain the necessity for this legislation.

Mr. BOUTELL took the chair.

Mr. MANN. Mr. Chairman, at the last session of Congress we passed a law in reference to uniformity of safety appliances upon railroad cars, and so forth. That law provided the Interstate Commerce Commission might fix the appliances and provide for the uniformity, and might extend the time as to compliance on cars that were in operation at the time of the passage of the act. In other words, that as to the cars which were in service on the date of the passage of the act the commission might extend the time within which those cars should be made to comply with the uniform regulation.

There has been considerable work done between the railroads and the railroad employees in connection with an agreement among themselves, which was submitted to the Interstate Commerce Commission providing for uniform appliances. It has not yet been settled, and the Interstate Commerce Commission has issued an order fixing the appliances which shall be put upon cars after July 1 next. Of course, that would apply to cars that went into service between the date of the passage of the act and July 1.

The commission has not authority under the existing law to extend time for fixing those cars that went into service after the date of the passage of the act. This was inserted at the request of the Interstate Commerce Commission at the request of the railroads and at the request of the railroad employees.

Mr. CRUMPACKER. That explanation is entirely satisfactory, and I see the purpose of the paragraph, and therefore withdraw the point of order.

The Clerk read as follows:

Repairing roadways to national cemeteries: For repairs to roadways to national cemeteries which have been constructed by special authority of Congress, $12,000: *Provided*, That no railroad shall be permitted upon the right of way which may have been acquired by the United States to a national cemetery, or to encroach upon any roads or walks constructed thereon and maintained by the United States: *Provided further*, That no part of this sum shall be used for repairing any roadway not owned by the United States within the corporate limits of any city, town, or village.

Hereafter no part of any appropriation for national cemeteries or the repair of roadways thereto shall be expended in the maintenance of more than a single approach to any national cemetery.

Mr. CANDLER. Mr. Chairman, I move to amend that paragraph, in line 17, page 98, after the word "owned," by inserting "or controlled," so that it will read:

Provided further, That no part of this sum shall be used for repairing any roadway not owned or controlled by the United States within the corporate limits of any city, town, or village.

The CHAIRMAN. The gentleman from Mississippi [Mr. CANDLER] offers an amendment, which the Clerk will report:

The Clerk read as follows:

Page 98, line 17, after the word "owned," insert "or controlled."

Mr. SMITH of Iowa. Mr. Chairman, to that I make a point of order that it changes existing law. The existing law is that no appropriation shall, except as otherwise authorized, be used in any work of improvement except upon land belonging to the United States, and this changes the general fundamental law of public improvement.

Mr. CANDLER. Now, then, if the gentleman from Iowa will hear me just a moment, I take it for granted that out of the kindness of his heart and great generosity he will withdraw his point of order——

Mr. SMITH of Iowa. I reserve the point of order.

Mr. CANDLER (continuing). In order that justice may be done.

While, Mr. Chairman, I will not concede the point of order, I want to reason with my good friend just a moment.

In the city in which I live—Corinth, Miss.—there is a national cemetery, which is within the corporate limits of the city of Corinth. The whole roadway, which leads from the national cemetery to the center of the town, is also, of course, necessarily within the corporate limits of the city. When that roadway was constructed several years ago the city of Corinth deeded to the United States the streets over which it passes. The part of the roadway outside of the corporate limits of the city—and there was a part of it outside of the corporate limits at that time, the corporate limits having been extended since—was deeded by the owner of the land, Mrs. M. A. Mitchell, over which the road passed at that time for the construction of this roadway. In the two deeds there was a condition placed which provided that the roadway should be kept open for passage. In view of the fact that the city was giving up certain streets within the corporate limits of the city of Corinth to the Government and the owner of the land outside of the corporate limits at that time was conveying that part of the right of way to the United States Government to construct a roadway to reach the national cemetery, they had a right to and did place in the deeds the above-mentioned conditions.

At the last session of Congress I offered an amendment which put into the law the words "owned by the United States." Prior to that time the provision was that no money should be used for the roadway or roads leading to the national cemeteries which were within corporate limits of a city or town. I believed at that time that the amendment which I offered would cover the condition which existed. This condition exists not only in my own town, but also in other cities and towns in the United States. But the department has held, I am informed, that in view of the condition in these deeds providing that the roadway should be kept open for passage to the public, that it is not a fee-simple title, and that the Government does not in the full sense own the road, and, therefore, they have held that the part of the roadway within the corporate limits could not be improved under this provision. Now, then, the Government refuses to improve the road and refuses to permit the city to improve it, and there we stand, up in the air, not being permitted to improve it ourselves and with the Government refusing to improve it.

Mr. SMITH of Iowa. I always like to be gracious, and if the gentleman will offer an amendment ceding the right to the city, I will cheerfully waive the point of order.

Mr. CANDLER. Let me, then, to meet the objection of the gentleman, state further that the Legislature of the State of Mississippi passed an act authorizing the city of Corinth to convey to the Government of the United States these streets over which the road passes; and the city did convey them, and hence I am in no position to offer the amendment which he suggests, but I insist, as the Government owns the streets and controls them, it should keep them in repair.

Mr. SMITH of Iowa. We could very readily obtain gifts of all the streets and avenues in all the cities of the United States if we would guarantee to pave them. They are very generous about that. [Laughter.]

Mr. CANDLER. I do not question that, but our city is not trying to have the United States take care of all its streets.

Mr. SMITH of Iowa. They are the streets of the gentleman's city.

Mr. CANDLER. They are, in one sense of the word; but they are streets which have been conveyed by the city of Corinth by legislative enactment to the United States.

Mr. SMITH of Iowa. Who authorized the Government of the United States to accept them?

Mr. CANDLER. The Government accepted those streets, but refused to improve them until the legislature made this act of cession. I have right here the deed from the city of Corinth, conveying the streets to the Government of the United States.

Mr. SMITH of Iowa. What conceivable act of Congress, may I ask the gentleman, ever authorized the streets of his city of Corinth to be dumped on the Government of the United States? [Laughter.]

Mr. CANDLER. The Legislature of the sovereign State of Mississippi authorized the city to convey them to the United States, and the United States accepted them by taking possession of them and building the road thereon. Do you want to have the United States Government act the part of "dog in the manger" and refuse not only to improve those streets itself, but also refuse to let us improve them? [Applause.]

Mr. SMITH of Iowa. I have already told the gentleman that if he will offer an amendment ceding the streets back again to the city of Corinth, I will move its adoption immediately and speak in behalf of it. [Laughter.] I do not think the Congress of the United States should grant money from the Federal Treasury to improve the streets of the city of the gentleman, and I think the Government ought not to take the streets.

Mr. CANDLER. Does the gentleman believe that the Government of the United States should improve the streets that belong to the United States?

Mr. SMITH of Iowa. I do not believe it should improve many of them.

Mr. CANDLER. This Government is too great and too generous to take streets from the city of Corinth and then refuse to the city of Corinth the right to improve them and refuse to improve them itself, or to attempt to drive us off the streets and then say to us that it will permit the Government streets to go to wreck and ruin without improvement. [Applause.]

Mr. SMITH of Iowa. I should say that the Representatives of the State of Mississippi, and particularly the Representative from the city of Corinth, are too smart to be imposed upon in that way.

Mr. CANDLER. The Government has made some bad trades, according to the judgment of the gentleman, but I do not think it has made a bad trade in this instance. I think the roadway owned by the Government in the city of Corinth is not only an honor to the city, but also an honor to the Government itself. [Applause.]

Mr. SMITH of Iowa. Mr. Chairman, I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. CANDLER. Mr. Chairman, I ask that I may be permitted to extend by remarks in the RECORD in order to include the deeds I have in my hand showing that the Government of the United States does own these streets.

Mr. SMITH of Iowa. I have no objection, Mr. Chairman, to the gentleman extending his remarks and putting the deeds in the RECORD, provided that does not establish or imply acceptance on the part of the United States. [Laughter.]

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to extend his remarks in the RECORD. Is there objection? The Chair hears none. Without objection, it will be done.

The deeds are as follows:

M. A. MITCHELL—DEED TO THE UNITED STATES.

In consideration of $1 and the benefits likely to accrue to me, I convey to the United States of America to be used as a right of way on which to construct and maintain a macadamized or gravel road, the land described as follows:

A strip of land 66 feet wide and 760 feet long, to extend from the point where Meigs Street intersects the corporation line on the east boundary of the city of Corinth, County of Alcorn, State of Mississippi, to the northwest corner of the United States national cemetery situated near said city, said 66 feet in width to be 33 feet on the north side and 33 feet on the south side of said line running from the center of Meigs Street N. 82° E. to the northwest corner of said cemetery. Also sufficient land on the north, west, and south sides of said cemetery and parallel thereto to make, added to the land already owned by the United States on each of said sides, a strip of land 66 feet wide on the outside of the wall inclosing said cemetery, all the land herein conveyed being situated in and a part of the NE. ¼ sec. 12, T. 2, R. 7 E., in Alcorn County, State of Mississippi.

This deed is made, executed, and delivered on condition that the land herein above described and conveyed is to be used as a right of way on which to construct and maintain a macadamized or gravel road.

Witness my signature this the 15th day of October, A. D. 1888.

M. A. MITCHELL.

STATE OF MISSISSIPPI, *County of Alcorn:*

This day personally appeared before me R. P. Barnhill, clerk of the circuit court of Alcorn County, State of Mississippi, the withinnamed M. A. Mitchell, who acknowledged that she signed and delivered the foregoing instrument on the day and year herein mentioned.

Given under my hand and official seal this 15th day of October, 1888.

R. P. BARNHILL,
Clerk of the Circuit Court, Alcorn County, Miss.

STATE OF MISSISSIPPI, *Alcorn County:*

I, F. P. Morrison, clerk of the chancery court of said county, certify that the foregoing instrument was filed for record here on the 16th day of October, 1888, and has been duly recorded in deed book 12, page 490.

Given under my hand and seal this the 16th day of October, 1888.

F. P. MORRISON,
Clerk of the Chancery Court for Alcorn County, Miss.

STATE OF MISSISSIPPI, *County of Alcorn:*

I, O. M. Hinton, clerk of the chancery court in and for said county and State, certify that the foregoing instrument is a full, complete, and perfect copy of the deed from M. A. Mitchell to the United States of America, as shown of record in my office in deed book No. 12, on pages 490 and 491, of records of deeds of said county.

Given under my hand and official seal this the 2d day of February, A. D. 1911.

O. M. HINTON,
Clerk of Chancery Court, Alcorn County, Miss.

CITY OF CORINTH DEED TO THE UNITED STATES OF AMERICA.

By virtue of authority and power conferred upon me as the mayor of the city of Corinth, by ordinance and resolution passed by the city council of the city of Corinth, composed of the mayor and aldermen of the city of Corinth, on the 7th day of January, A. D. 1889, and in

consideration of the benefits likely to accrue to the city of Corinth, I, as mayor of the city of Corinth, hereby convey and quitclaim to the United States of America all the title, right, and interest of the city of Corinth to the following portions of streets, to wit: That portion of Filmore Street from the point from where said street crosses the Memphis & Charleston Railway extending south to Wick Street; thence that portion of Wick Street extending east from Filmore Street to Penn street; thence that portion of Penn Street extending south from Wick Street to Meegs Street; thence that portion of Meegs Street extending east from Penn Street to the corporation line of the city of Corinth, Alcorn County, Miss., to be by said United States of America used as a right of way on which to construct a macadamized or gravel road; said right of way being granted subject to any rights which have formerly been granted to cross any of said streets, and this deed is made, executed, and delivered on condition that no part of said road within the corporation of the city of Corinth shall be fenced, but that said road when constructed shall be kept open to the public and the public be permitted to use it as a public highway and to cross at any place where a street shall cross the same.

Witness my signature the 7th day of January, A. D. 1889.

S. M. SANDERS,
Mayor of the City of Corinth, in Alcorn County, Miss.

Attest:
T. E. HENRY,
Clerk of the City of Corinth, in Alcorn County, Miss.

—

STATE OF MISSISSIPPI, *Alcorn County:*

Personally appeared before me, F. P. Morrison, clerk of the chancery court of said county, the within-named S. L. Sanders, mayor, etc., of the city of Corinth, who acknowledges that he signed and delivered the foregoing instrument on the year therein mentioned as his act and deed.

Given under my hand and seal this the 11th day of January, 1889.

F. P. MORRISON,
Chancery Clerk for Alcorn County, Miss.

—

Filed for record this January 11, 1889, A. D., at 1 o'clock p. m., and truly recorded in deed book No. 12, page 560, this the 15th day of January, 1889.

F. P. MORRISON, *Clerk.*

—

STATE OF MISSISSIPPI, *Alcorn County:*

I, O. M. Hinton, clerk of the chancery court in and for said county and State, certify that the foregoing instrument is a full, complete, and perfect copy of the deed from the city of Corinth to the United States of America as appears of record in my office in deed book 12, pages 560 and 561, of records of deeds of said county.

Given under my hand and official seal this the 2d February, 1911.

[SEAL.] O. M. HINTON,
Clerk of Chancery Court, Alcorn County, Miss.

The Clerk read as follows:

Hereafter no part of any appropriation for national cemeteries or the repair of roadways thereto shall be expended in the maintenance of more than a single approach to any national cemetery.

Mr. THISTLEWOOD. Mr. Chairman, I raise a point of order against that paragraph, commencing on line 19 and including line 22, on page 98.

Mr. SMITH of Iowa. Mr. Chairman, I shall insist, contrary to the Chairman's first impression, that it is not subject to a point of order. I wish to be heard upon it, because I know the impression of the Chairman is apt to be in the gentleman's favor.

The CHAIRMAN. The Chair will hear first the ground for the point of order made by the gentleman from Illinois [Mr. THISTLEWOOD].

Mr. THISTLEWOOD. The point I make, Mr. Chairman, is that this is general legislation. It not only seeks to control this appropriation, but any appropriation that may follow. I will read it. It says—

Hereafter no part of any appropriation—

Mark the word "hereafter"—

for national cemeteries or the repair of roadways thereto shall be expended in the maintenance of more than a single approach to any national cemetery.

Of course, it is new legislation and general legislation.

Mr. SMITH of Iowa. Mr. Chairman, in order that this point of order may be understood I deem it my duty to call the attention of the Chair to the fact that in the last sundry civil bill exactly this language was carried, except that the word "hereafter" was not in it. That is, it read:

No part of any appropriation for national cemeteries or the repair of roadways thereto shall be expended in the maintenance of more than a single approach to any national cemetery.

That is, no part of any appropriation heretofore or hereafter made.

Mr. THISTLEWOOD. It did not have the word "hereafter" in it.

Mr. SMITH of Iowa. But the gentleman from Illinois succeeded in getting a ruling from the Attorney General that, notwithstanding this language was that no part of any appropriation for national cemeteries or the repair of roadways thereto shall be expended in the maintenance of more than a single approach to any national cemetery, yet that that was only a limitation upon the appropriation of that year. With all possible respect for the Attorney General, I dissent from his opinion as to the proper construction of the language of last year. I submit that if his construction is correct, that it was simply a limitation upon the annual appropriation, when it applied to any appropriation, either heretofore or hereafter made, then, certainly, this language, being limited only to appropriations hereafter made, is also only a limitation.

The CHAIRMAN. Will the gentleman from Iowa inform the Chair, if his contention is correct and this legislation is in the last sundry civil appropriation act, why it is necessary to reenact it with the word "hereafter" inserted?

Mr. SMITH of Iowa. I have just explained to the Chair that the gentleman from Illinois [Mr. THISTLEWOOD], notwithstanding the language was plain and unambiguous, as I think, succeeded in getting a ruling from the Attorney General of the United States, advising the Treasury Department that such language was only a limitation upon the annual appropriation, and therefore it became necessary to reenact it.

Mr. FOSTER of Illinois. Then you want to make permanent law out of it this time?

Mr. SMITH of Iowa. I am using more narrow language than before, because the words of the act of last year referred to appropriations heretofore and hereafter made, and now we only refer to hereafter.

Mr. FOSTER of Illinois. Did you not find that the law of last year was no good?

Mr. SMITH of Iowa. No; it was perfectly good, but it did not go as far as I thought it went.

The CHAIRMAN. The Chair sustains the point of order.

Mr. SMITH of Iowa. Then I offer the same language with the word "hereafter" stricken out, and that language has been construed by the ruling of the Attorney General to be simply a limitation. I understand it has been repeatedly held by the Chair that the construction of administrative statutes by the Department of Justice will be followed by the Chair, because that is the way the laws are being executed.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 98, after line 18, insert the following:

"No part of any appropriation for national cemeteries or the repair of roadways thereto shall be expended in the maintenance of more than a single approach to any national cemetery."

Mr. THISTLEWOOD. I make a point of order against that, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois makes a point of order. The Chair would ask the gentleman in charge of the bill if he has the exact language of the last act and the opinion of the Attorney General upon it?

Mr. SMITH of Iowa. I am not in possession at this time of the opinion of the Attorney General, but the gentleman from Illinois [Mr. THISTLEWOOD] will confess that the Attorney General has so construed the law, and the gentleman from Illinois is very proud of that fact.

Mr. THISTLEWOOD. I withdraw the point of order.

The CHAIRMAN. The gentleman from Illinois withdraws his point of order. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. FOSTER of Illinois. I suggest that we get the opinion of the Attorney General and clear up this matter.

Mr. SMITH of Iowa. It will not clear it up.

The CHAIRMAN. The Chair has examined the opinion of the Attorney General, and in view of that decision will overrule the point of order, and ask that the opinion of the Attorney General be inserted in the RECORD in connection with the decision of the Chair. Is there objection?

There was no objection.

The opinion of the Attorney General is as follows:

MOUND CITY NATIONAL CEMETERY—ABANDONMENT OF ROADS LEADING THERETO.

DEPARTMENT OF JUSTICE,
November 21, 1910.

SIR: I have considered your letter of October 10, 1910, with its accompanying papers, in which you ask my opinion whether Congress has indicated an intention to abandon two of the three roads approaching the Mound City National Cemetery, near Cairo, Ill., by the following proviso of the sundry civil act of June 25, 1910 (36 Stat., 723):

"No part of any appropriation for national cemeteries or the repair of roadways thereto shall be expended in the maintenance of more than a single approach to any national cemetery."

I am of opinion that this proviso does not indicate such an intention.

Of course, the proviso is not expressly an abandonment of any roads, and the only question is whether it is impliedly so.

As I view the subject, it is unnecessary to consider whether a final and irrevocable abandonment of a roadway would be brought about by an act of Congress providing generally that no appropriation should be used in the future for its maintenance, for in this case I think the proviso quoted is intended only to limit the use of appropriations carried by the particular act, thereby suspending repairing for only one year. If this is the true construction of the proviso, then, of course, it does not imply an abandonment of the road, for only an actual cessation of use, and that for a considerable length of time, is deemed to have such

an implication. (Lewiston v. Proctor, 27 Ill., 417; Washburn on Easements and Servitudes, 4th ed., 199.) In the Lewiston case the court stated the rule as follows:

"A transient or partial nonuser will not suffice. * * * It is insisted that as this road at the point of obstruction had not been repaired by the corporate authorities it was not regarded by them as a public highway. But all of the evidence to that point shows that from the nature of the ground it was never required. This being true, the law will not require a useless act. Had it been necessary, and it had never been repaired, that fact, with others, would have been proper for the consideration of the jury in determining whether it was regarded by those having charge of the highways as a public road. Of itself that fact is not sufficient to vacate a legally acquired public highway."

There are several reasons why I am of opinion that the proviso is properly to be construed as applicable only to the appropriations carried by the act in which it appears, notwithstanding the fact that the language of the clause, not being in terms explicitly limited, is, standing alone, open to the other construction.

The policy of Congress in these appropriation bills appears to have been long settled against the inclusion of any general legislation. For example, the proviso contained in the paragraph next preceding the clause under construction prohibits any railroad from encroaching upon any of these cemetery roads, and though, in terms, it is just as general in its language as the clause under construction, it has been specifically reenacted by Congress year after year in every sundry civil act from 1895 to the present time. This annual reenactment of such clauses is the common practice in these acts, and in my opinion it indicates plainly a general policy of Congress to limit their scope to the year covered by the act.

The policy is also indicated by the rules of both of the Houses, the Senate rule (XVI, par. 3) being as follows:

"No amendment which proposes general legislation shall be received to any general appropriation bill;"

and the House rule (XXI, par. 2) being as follows:

"No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress; nor shall any provision changing existing law be in order in any general appropriation bill or in any amendment thereto."

Also the title of the act, "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1911, and for other purposes," tends to repel the idea that general legislation was intended.

Again, the context of the particular clause points to the same conclusion. This context, including the clause itself, is as follows:

"Repairing roadways to national cemeteries: For repairs to roadways to national cemeteries which have been constructed by special authority of Congress, $12,000: *Provided*, That no railroad shall be permitted upon the right of way which may have been acquired by the United States to a national cemetery, or to encroach upon any roads or walks constructed thereon and maintained by the United States: *Provided further*, That no part of this sum shall be used for repairing any roadway not owned by the United States within the corporate limits of any city or village.

"No part of any appropriation for national cemeteries or the repair of roadways thereto shall be expended in the maintenance of more than a single approach to any national cemetery.

"For the completion of a protective fence along the roadway leading from Mounds to the national cemetery near Mound City, Pulaski County, Ill., and for the drainage of the ponds or borrow pits caused by the construction of said roadway, $3,000, to be expended under the Quartermaster General." (36 Stat., 723.)

It appears, therefore, that the paragraph immediately preceding and the paragraph immediately following are both necessarily limited to the particular appropriation carried by the statute, and it would require a more explicit statement than the clause itself contains to differentiate it from these surrounding provisions.

The congressional history of the legislation also leads me to the same conclusion. On March 14, 1908, and again on December 14, 1909, your department called the attention of Congress to the fact that there were three different approaches to this cemetery: First, the Mound City Road; second, the Cache River Road; and third, the Mounds Junction Road; and that the latter two of these roads had been constant sources of annoyance, owing chiefly to the excessive proportion which they absorbed out of the total annual appropriations for maintaining all the cemetery roadways in the United States. In this connection your department requested that an item be inserted in the forthcoming sundry civil bill providing for the transfer of these two roads and restricting your department from maintaining more than one approach to any national cemetery. Thereupon a clause was inserted in the appropriation bill, as it first came before the House Committee of the Whole, covering expressly both the recommendation for transfer of the roads, and the recommendation for restriction of the repairs. This paragraph was as follows:

"For the completion of a protective fence along the roadway leading from Mounds to the national cemetery near Mound City, Pulaski County, Ill., and for the drainage of the ponds or borrow pits caused by the construction of said roadway, $3,000, to be expended under the Quartermaster General: *Provided*, That immediately after said work shall have been completed or said appropriation expended the Secretary of War is authorized and directed to convey to the commissioners of Pulaski County, Ill., whatever right or title the United States may have to roadways and the land on which they have been constructed from said national cemetery to Mounds, formerly known as Mounds Junction, and from said cemetery to the Cache River; and if said commissioners fail or refuse to accept such conveyance, the United States from that time abandons said roads and they shall no longer be maintained by the United States: *And provided further*, That hereafter no part of any appropriation for national cemeteries or the repair of roadways thereto shall be expended in the maintenance of more than a single approach to any national cemetery." (Cong. Rec., vol. 45, pt. 7, p. 6933.)

A point of order was made against this paragraph on the ground that it was general legislation in an appropriation bill, and therefore in violation of the policy of the House as declared by the aforesaid rules, and this point of order was sustained and the paragraph went out of the bill.

Later the proviso restricting the use of appropriations was restored, and the same point of order was made against it, but the point was overruled, the Chairman saying:

"It is a clear limitation on the appropriation in this bill, and is in order."

Under all these circumstances I do not think this clause should be construed as having the effect of the whole paragraph as originally introduced and then eliminated.

In the context of the clause as quoted above, it will be noted that explicit provision is made for the completion of a protective fence along the Mound City Road. The existence of this provision seems to me of some weight in corroboration of this view of the intention of Congress, for if the clause is to be construed as an abandonment of two out of the three roads to this cemetery, and if your department had been intended to have full power to select which of the two roads should be abandoned, Congress would hardly have prescribed the building of this fence, because it might be that your department would decide that that very road should be itself abandoned.

All these considerations seem to me to outweigh the circumstance that at one stage in the progress of the bill the clause read—

"No part of any appropriation herein for national cemeteries or the repair of roadways thereto shall be expended in the maintenance of more than a single approach to any national cemetery."

It was in this form that the original amendment offered in the House on May 26, 1910, was passed by the House. The Senate struck it out, but in conference the House committee insisted upon it, and the conference report of June 23, 1910, states that "the House provision is restored." How the word "herein" happened to be dropped out in the final form of the bill does not appear, but in my opinion its absence is not controlling as against numerous other considerations above stated.

I am of opinion, therefore, that the proviso was not intended to be general legislation, and, therefore, that it should not be construed as indicating an intention to abandon any of the roads in question.

I feel the more assured in this conclusion because of the general principle that the jurisdiction and property rights of the United States should not be lessened except upon the clearest expression by Congress.

I return all papers herewith.

Respectfully, GEORGE W. WICKERSHAM.

The SECRETARY OF WAR.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. THISTLEWOOD. Mr. Chairman, I came to this House about three years ago, and was immediately confronted with this cemetery proposition. The Quartermaster's Department seems determined to throw the roads back on the people. I live within 5 miles of this cemetery, and I feel as if I could not go home and raise my head if the Congress refused to take care of this national cemetery. You might as well go to that brick monument that has been reared there and chop out the bottom as to refuse to take care of the road and paths that run to this cemetery. It is an injustice to the people who live there.

At the time the cemetery was established there were not 500 people living in the county. In Mound City, which is a mile from the cemetery, there are only about 2,000 people now. Yet there have been 6,000 Union and Confederate soldiers buried there. The brave Gen. Turgeon, who came here from Austria, is buried there. I say this Government would be unjust and recreant to its duty if it refused to make ample provision for the care of this cemetery. What is the amount appropriated for all the roads to the national cemeteries in the country? Twelve thousand dollars. It is a mere pittance, a mere bagatelle, and I feel as if it was almost a personal attack on me.

Mr. MICHAEL E. DRISCOLL. Do they need more than one road to this cemetery?

Mr. THISTLEWOOD. Yes; there are three.

Mr. MICHAEL E. DRISCOLL. Does the gentleman want them all kept up?

Mr. THISTLEWOOD. Yes; we want them all kept up; we want to be fair to all of the people that come to that cemetery. We are burying people there to-day who are entitled to be buried here, and I think it is only just that the Government should take care of the cemetery and not remove the flowers until the chief mourners have passed by. Gentlemen, do you want to tear down the monument that was erected to the valor of these men who made the monuments of this country, not only on the Union side, but on the Confederate side? I was reading to-day of a company of the Sixteenth Minnesota Regiment which was almost wiped out at the battle of Gettysburg, and yet not a man was taken prisoner and scarcely one-tenth escaped, but stood there like a wall. This cemetery, together with its roads, are a monument to the valor of the American soldiery and ought not to be cut down. [Applause.]

Mr. SMITH of Iowa. Mr. Chairman, I trust that I have as much admiration for the Union and Confederate soldier as the gentleman from Illinois, although I did not, like him, have the privilege of serving in that great struggle. I have so much admiration for the First and other Minnesota regiments that I would spend a part of the money to maintain the cemeteries where they are buried. This gentleman and his predecessors have succeeded in getting three highways to this national cemetery covering most of the roads in the county and relieving the people from maintaining the roads, and the record shows that this one cemetery he is talking about has consumed 40 per cent of all the money appropriated for all of the roads to all of the national cemeteries within the limits of the United States. It is a question not of doing honor to the soldier dead, but whether he is to monopolize all of the money of all

the soldier dead for the few soldiers buried in the cemetery at Mound City. [Applause.] I ask that the amendment be agreed to, and that he be given, like everybody else, one road into the national cemetery at national expense.

Mr. THISTLEWOOD. I would like to ask the gentleman if he knows how much money was spent on this national cemetery last year?

Mr. SMITH of Iowa. I hope there was not any spent but upon one road, for that was the law.

Mr. THISTLEWOOD. Not one penny.

Mr. SMITH of Iowa. The record shows that 40 per cent of all the money appropriated for all the roads in the United States was spent at this cemetery.

Mr. THISTLEWOOD. It does not make any difference what the hearings say. It is there as a monument to the heroes of the country. [Cries of "Vote!"]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa.

The question was taken; and on a division (demanded by Mr. THISTLEWOOD) there were—ayes 70, noes 17.

So the amendment was agreed to.

The Clerk read as follows:

NATIONAL MILITARY PARKS.

Chickamauga and Chattanooga National Park: For continuing the establishment of the Chickamauga and Chattanooga National Park; for the compensation and expenses of three civilian commissioners, maps, surveys, clerical and other assistance, including $300 for necessary clerical labor under direction of the chairman of the commission, office expenses, and all other necessary expenses; foundations for State monuments; mowing; historical tablets, iron and bronze; iron gun carriages; for roads and their maintenance; the purchase of small tracts of lands heretofore authorized by law, including $8,000 for completing the improvement and maintenance of the road owned by the Government from Stevens Gap by way of Davis's Cross Roads to Crawfish Springs in the park; in all, $60,000.

Mr. SMITH of Iowa. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 101, at the end of line 25, insert:

"*Provided*, That the Secretary of War is hereby authorized to convey to N. C. Steele, of Chattanooga, Tenn., the north 5 feet of the lot conveyed by him to the United States in 1902, situated in Hamilton County, Tenn., on the payment by him of $200 as consideration therefor."

Mr. HULL of Iowa. Mr. Chairman, I reserve the point of order until I can have some explanation of this.

Mr. SMITH of Iowa. Mr. Chairman, I will say that this was recommended by the War Department, but the subcommittee did not feel that it was important enough to put it into this appropriation bill. Since the hearings, however, the gentleman from Tennessee [Mr. MOON], who represents that district, has convinced us that it is a proper thing to have in this bill, and I will yield to him to make further explanation.

Mr. MOON of Tennessee. Mr. Chairman, I will ask the gentleman from Iowa to withdraw his point of order. This is a very small matter to the Government, but a matter of some importance to Dr. Steele. He conveyed a small tract of land to the Government of the United States upon which to build the Ohio monument. His residence adjoins this piece of land. By mistake he conveyed a little more of his land than he ought to have conveyed, not leaving enough room between the Government land and his own land for a wagon road into his back yard. At this time he passes over the Government's reservation in order to reach the back part of his premises. This proposition is simply to reconvey to him a strip of land 5 feet by 150 feet, so as to enable him to have a right of way into his premises and avoid going over the land of the Government.

Mr. KEIFER. Mr. Chairman, I want to know whether the gentleman is satisfied there is no historic marking of any kind in connection with the part that would be affected by the sale of this small strip of land.

Mr. MOON of Tennessee. None whatever. I have seen the land and the Commissioner of the Chattanooga Military Park has examined it. It does not interfere with anything at all. It simply enables this man to have a right of way into his back premises. At present he goes over the grounds of the Government to get there. That the commission desires to stop, and as a matter of course could stop, if it wished to do so and was harsh to this gentleman.

Mr. SMITH of Iowa. May I ask the gentleman whether there is any fence or other thing marking the Government boundary at that point?

Mr. MOON of Tennessee. The fence there is 5 feet from Mr. Steele's house, between the Government land and his premises. It divides it there. The Government property is open and uninclosed in front but it is inclosed on either side by fences belonging to resident owners.

Mr. SMITH of Iowa. The Government does not own this fence so that it would be to the expense of moving it?

Mr. MOON of Tennessee. No; it does not own the fence at all and it does not interfere with any of the Government property. It does not diminish the size of the premises in the least. Dr. Steele conveyed his land to the Government for about $125; that is, of the amount that was paid the proportion of this strip to the whole would about equal that amount. He is proposing to pay back to the Government $200, the amount recommended by the War Department for that purpose.

Mr. HULL of Iowa. Do I understand that this is recommended by the department and by the commissioners of the park?

Mr. MOON of Tennessee. Yes; by the War Department and the Commissioners of the Chattanooga and Chickamauga National Military Park.

Mr. HULL of Iowa. Mr. Chairman, while I really think this is a bad way to legislate, as there are committees having jurisdiction of these matters that ought to have them submitted to them, yet, with the statement of the gentleman from Tennessee, I withdraw the point of order.

Mr. MOON of Tennessee. I thank the gentleman from Iowa.

The Clerk read as follows:

Gettysburg National Park: For continuing the work of establishing the national park at Gettysburg, Pa.; for the acquisition of lands, surveys, and maps; constructing, improving, and maintaining avenues, roads, and bridges thereon; making fences and gates; marking the lines of battle with tablets and guns, each tablet bearing a brief legend giving historic facts, and compiled without censure and without praise; preserving the features of the battle field and the monuments thereon; providing for a suitable office for the commissioners in Gettysburg; compensation of three civilian commissioners, clerical and other services, expenses, and labor; the purchase and preparation of tablets and gun carriages and placing them in position, and all other expenses incidental to the foregoing, $55,000.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I move to strike out the last word. I wish to ask if it is proposed to buy any more land out at the Gettysburg National Park?

Mr. SMITH of Iowa. Well, there is nothing contemplated by this item. This is a reduction of $8,000 below last year's ordinary expenditures. I believe there is some land in the vicinity of the cavalry field that it is contemplated at some time in the remote future to buy.

Mr. HULL of Iowa. That would not come in here; that is an extension of the maneuvering ground.

Mr. MICHAEL E. DRISCOLL. It is not intended to cover the additional purchase of land.

Mr. SMITH of Iowa. The gentleman asks if it is in contemplation to buy any land, and I did not feel at liberty to say it was not contemplated, because it is in the future, but not at all out of this appropriation.

Mr. MICHAEL E. DRISCOLL. There is a provision for it here.

Mr. SMITH of Iowa. That is the language used in all these items with reference to general expenses if they wanted to buy a little land.

The Clerk read as follows:

Vicksburg National Military Park: For continuing the work of establishing the Vicksburg National Military Park; for the compensation of three civilian commissioners; for clerical and other services, labor, iron gun carriages, the mounting of siege guns, monuments, markers, and historical tablets giving historical facts, compiled without praise and without censure; maps, surveys; roads, bridges, restoration of earthworks, purchase of lands, purchase and transportation of supplies and materials; and other necessary expenses, $44,000.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert, at the end of line 2, page 104:

"Whenever a vacancy shall occur in any national military park commission it shall not be filled."

Mr. KEIFER. Mr. Chairman, I make a point of order on that—I will reserve the point of order.

Mr. FITZGERALD. If some gentleman wishes an explanation, I am perfectly willing to make it.

Mr. MICHAEL E. DRISCOLL. May I ask that the amendment be again reported?

The amendment was again reported.

Mr. KEIFER. Mr. Chairman, I would like to know what this means.

Mr. FITZGERALD. Mr. Chairman, the amendment is very clear. These commissions are filled at present. For one of these parks there now is an appropriation of $27,000, and more than $10,000 of that sum is paid to the commissioners and one or two clerks. There is no excuse for continuing that system beyond the life of the gentleman now occupying those places.

Mr. DOUGLAS. I understood the gentleman to state there was one of these parks, where, out of an appropriation of $27,000, they expended $10,000 for salaries of commissioners and clerks. Which commission is that?

Mr. FITZGERALD. Which commission? Shiloh National Park Commission. But at all these parks the compensation of the commissioners is about 20 per cent of the appropriations for the work, and there is no excuse for it.

Mr. DOUGLAS. I do not think that——

Mr. HULL of Iowa. I want to say, after a considerable investigation of this matter, I think the gentleman's amendment does not go far enough. What we ought to do is to consolidate these commissions and not have more than five of them for all the parks.

Mr. FITZGERALD. I agree with the gentleman; but here is the difficulty: At present these commissions exist, and upon them are certain gentlemen who have served with some distinction in the war. It would be impossible to consolidate the commissions at this time so as to eliminate some of these gentlemen from their positions.

Mr. HULL of Iowa. And one reason I think the amendment ought to be adopted is that I hope it will lead to a consolidation.

Mr. FITZGERALD. But if we provide first that the places of those members, who will only leave the commissions as they die, should not be filled, it will be very easy later, when sufficient vacancies occur, to bring about a consolidation and the creation of one commission, which will have control of military parks. I think the gentleman from Iowa realizes that one commission could adequately and properly perform the duties properly devolving upon them.

Mr. HULL of Iowa. These parks are all practically finished now, and the Committee on Military Affairs has reported a bill on two occasions to consolidate them, but they have never been able to get it through; but it should be done by the Congress not only for the better administration of the parks, but in the interest of economy.

Mr. FITZGERALD. It would be much easier to enact legislation consolidating the commissions when those now upon it have passed out, and we should provide that the places should not be filled.

Mr. HULL of Iowa. The theory has always been that one representative of each of these boards would be on the new commission, so that each park would be represented, and that would make a commission not to exceed five, and make it more efficient, less cumbersome, and much more economical.

Mr. BENNET of New York. How are these commissioners appointed, by whom, and for what term?

Mr. FITZGERALD. They are appointed by the President. It is my impression that they serve until they die.

Mr. BENNET of New York. Well, I think what my colleague contemplates is, that when one of these gentlemen who is appointed usually for some service, dies, his place shall not be filled?

Mr. FITZGERALD. That is it.

Mr. BENNET of New York. But if these men are appointed for definite terms of office——

Mr. CANDLER. They are not so appointed, but during the continuance of the commission.

Mr. SMITH of Iowa. If the gentleman will pardon me, I will make a suggestion which I think is not occurring to the minds of all the Members. When these parks were created the great feature was to locate every historical point on the field, and these commissions passed upon the inscriptions on the monuments as to whether they were correct or not, and approved or rejected.

A great study of each battle field was required at that time, and it was desirable that there should be one Union and one Confederate soldier upon each commission. That time of the marking of the battle fields has passed away, and it is a mere question now of caring for and preserving them, and yet if an attempt should be made by act of Congress to abolish any one of these commissionerships each of the commissioner's friends would regard that as detrimental to his interests. The bill reported has been repeatedly defeated, or has failed to pass I might more properly say.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SMITH of Iowa. I ask to be recognized in my own right for one moment, Mr. Chairman. While it seems to me that this provision offered by the gentleman from New York [Mr. FITZGERALD] will not do all that ought to be done—namely, to create a new commission in charge of all the parks, with one representative on the new board from each of the old commissions—it will make it, as my colleague from Iowa [Mr. HULL] suggested, a matter of saving to the Government until these commissioners get down to one to a park, and at the same time it will make it much easier to establish a new principle and pass a right law that will provide one commission for them all. Nobody will claim that the provision of the gentleman from New York [Mr. FITZGERALD] is a remedy. It will be an improvement on the condition. We do not need three men where all the historic sites have been located, where all the plans for the improvement of the parks have been made. Two men or one man can do the work, and then have little to do. We will economize and we will advance to a state where the enactment of ideal legislation is possible, and I hope the gentleman from Ohio [Mr. KEIFER] will be able to see his way clear not to make the point of order.

Mr. COX of Indiana. How much salary do these commissioners draw?

Mr. SMITH of Iowa. From $3,000 to $5,000 apiece.

Mr. BARTLETT of Georgia. Mr. Chairman, I am not in favor of this amendment. While I did not make the point of order, I do not think that this is the kind of a commission that we should attack and abolish. There have been and are numerous commissions established and provided simply to make places for people, some of them Members of Congress going out, and who have for some reason or other abandoned public life, possibly by being defeated at the polls. None of these parks are in the district I represent. Each one of these acts establishing the military parks provides the number of the commissioners and the manner of their appointment, and they provide that these commissioners shall be men who were participants in the battle which the park is established to commemorate, upon either side of the contest.

All of these men are old men. They are old soldiers. They are men who took a prominent part in that great struggle. It will not be long until they will all be gone. We can provide hereafter——

Mr. SMITH of Iowa. Does the gentleman quite fully understand that the gentleman does not propose to remove anybody?

Mr. BARTLETT of Georgia. I understand that.

Mr. SMITH of Iowa. And that these men are to serve their lives out in this work?

Mr. BARTLETT of Georgia. Yes; but some may die early—within a few days or a few months. No one can tell when they will pass away. And yet their places are not to be filled, and this work is not to go on.

Mr. SMITH of Iowa. The work is finished.

Mr. BARTLETT of Georgia. It is not all finished, and I do not believe that we ought to attack, for economy's sake, this work that we have undertaken to establish and carry on, to perpetuate the heroism and patriotism of the men on both sides of that great struggle; and for one I hope it will not be stricken out.

Mr. KEIFER. Mr. Chairman, I shall not occupy more than a moment or two of time. Something was said about the work being finished. Such work is never finished. These park commissions have charge of the parks, and they have important business all the time. The several commissions that have charge of Antietam, and Gettysburg, and Chickamauga, and Vicksburg, are always employed. Some of the work which they did originally, or some of the work which they superintended, perhaps, such as marking the positions where the troops were placed in battle, and the positions where they fought and where gallant deeds were performed—much of that work is done, and yet disputes as to locations are going on continually, and the commissioners often relocate those important places. The work of that kind that has been done has usually been done through consultation with the representatives of the military organizations, either Confederate or Union, and that work has not been completely finished. This plan of undertaking to get rid of these commissions by piecemeal, through vacancies occurring by death or resignation, is not a good one, in my judgment.

If the Congress of the United States at some time determines that it is wise to have but one commission—and I think that time is not near at hand—then it will be time enough to adopt it, but I do not think it is wise to go to work and crumble away these commissions, so as to destroy their efficiency and destroy their potential character and their ability to keep up these parks in proper order

I was recently on the battle field of Waterloo, and was very much disappointed to see how poorly the authorities in charge had marked the different positions on that field. I inquired about various places which, according to my reading, were important places and positions in the battle, and few of the guides could tell me anything about them. But if you will go up here to the Antietam battlefield or to any of these other places, where parks are found, you will see how faithfully and completely the battle fields are marked. It is easy to understand the great difference and importance of the work done, historically, which is of interest not alone to those who were

not there, but of special interest to those who participated in the battles, and it is gratifying to see how well the positions are marked. Mr. Chairman, I insist on the point of order.

Mr. SMITH of Iowa. May I ask the gentleman a question?

The CHAIRMAN. Does the gentleman yield?

Mr. KEIFER. Yes.

Mr. SMITH of Iowa. I would like to ask the gentleman from Ohio whether he does not think that at Shiloh, where we make an appropriation of $27,000 for continuing the work of establishing that park and for the compensation of three civilian commissioners, and where they have besides an overhead superintendent, whether the overcharges are not getting pretty high in the administration of that particular park?

Mr. KEIFER. I am not particularly informed as to the administration of the Shiloh Park, or as to the exact figures, but I know that recently we have been making some purchases of land and restoring some of the buildings on the battlefield of Shiloh, and I think that battlefield has been very well marked. If there has been anything wrong with the administration, I hope that will be corrected.

Mr. SMITH of Iowa. It is the administration of the parks that is wrong.

The CHAIRMAN. The point of order made by the gentleman from Ohio [Mr. KEIFER] is sustained. The Clerk will read.

The Clerk read as follows:

For removing fence and wall around the Botanical Gardens and such grading, soiling, seeding, and sodding as may be incident thereto, $2,500.

Mr. DOUGLAS. I move to strike out the last word. This item provides for removing the fence and wall around the Botanical Gardens. I thought that matter had been settled once, and that it was decided that that fence was not to be removed.

Mr. SMITH of Iowa. There is an express statute requiring it to be removed.

Mr. DOUGLAS. How long has it been in existence?

Mr. SMITH of Iowa. About eight years, but the money has never been appropriated.

The Clerk read as follows:

The Joint Committee on the Library is directed to report by bill at the next session of Congress for the removal of the Botanical Gardens and their relocation in some more suitable location on public grounds of the United States in the District of Columbia, and to also secure and report as accurate estimates as possible of the entire cost of such change, including both the cost of removing the buildings and other property which ought to be removed from the old location and the replacing of such of said property as may be suitable therefor in the new location, and also of the cost of such additional improvement as should be made upon the new site.

Mr. DOUGLAS. I reserve a point of order against that paragraph.

Mr. BARTLETT of Georgia. I make a point of order against it.

Mr. HAY. I make a point of order against it.

Mr. ADAIR. I make a point of order against it.

The CHAIRMAN. The gentleman from Ohio, the gentleman from Virginia, the gentleman from Georgia, and others make a point of order against the paragraph. Does the gentleman from Iowa [Mr. SMITH] desire to be heard?

Mr. SMITH of Iowa. I think not. The law now requires the Joint Committee on the Library to report this proposition, and they have failed to obey the law.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BARTLETT of Georgia. I apprehend that the law is in a general appropriation bill, just like this.

The CHAIRMAN. The Chair has sustained the point of order.

Mr. DOUGLAS. Regular order!

Mr. BARTLETT of Georgia. Mr. Chairman, I move to strike out the last word. I intend to say what I have to say, Mr. Chairman, in spite of the loud and sonorous demand of the gentleman from Ohio that we have the regular order.

Mr. SMITH of Iowa. I can not interfere with the gentleman's right to speak, but we struck out the only paragraph that has been read recently, and the gentleman has no right to go back to a previous paragraph.

Mr. DOUGLAS. I ask unanimous consent that the gentleman from Georgia be given five minutes.

Mr. BARTLETT of Georgia. Mr. Chairman, I merely want to say that the law called attention to by the gentleman from Iowa is probably a paragraph in another appropriation bill, and it looks to me like absolute folly for the Congress of the United States to undertake to instruct, at this session of Congress, what any committee of the next Congress or the next Congress itself shall do.

Mr. SMITH of Iowa. Mr. Chairman, we will agree on that, that nobody can control the next Congress at all, not even its Members.

Mr. BARTLETT of Georgia. The gentleman's side of the House would have been in much better condition if somebody had been able to control them on some subjects that came before the last session of this Congress. [Applause on the Democratic side.]

The Clerk read as follows:

The Quartermaster General of the Army shall hereafter provide suitable accommodations for and maintenance of the horses, carriages, and other vehicles of the President and of the Executive Office in the stables maintained in the District of Columbia by and for the use of his department.

Mr. HULL of Iowa. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. HAY. I make the point of order.

Mr. SMITH of Iowa. Mr. Chairman, I understood that the chairman of the Military Committee would be satisfied if this section was amended by striking out the words "and maintenance of." I will say that I believe the words never had the meaning that the gentleman thought they have.

Mr. HAY. And also strike out the word "hereafter."

Mr. HULL of Iowa. I would suggest that we now have a law providing for the destruction of the Executive stables, and that if we strike out the word "hereafter" and the words "and maintenance of" it would leave a future Congress to provide the proper place for the Executive horses and carriages.

Mr. SMITH of Iowa. I will say, Mr. Chairman, that inasmuch as this is subject to a point of order I will agree to almost any modification that gentlemen may suggest.

Mr. HAY. I make the point of order.

Mr. SMITH of Iowa. Do I understand the gentleman from Virginia to say that if we strike out the word "hereafter" that will be satisfactory to him?

Mr. HULL of Iowa. I suggest to my friend from Virginia that if we strike out the word "hereafter" and the words "and maintenance of" it will simply authorize the quartermaster to care for the Executive horses during the next fiscal year.

Mr. SMITH of Iowa. Let me suggest to the gentleman from Virginia that it is claimed, and rightfully, I assume, that the present White House stable is not fit for occupancy. It was complained in the last administration that the animals there were sick, and they were taken out of this stable. The new administration tried to use the stable and found again that the animals were afflicted with disease; that the place was infected; and that it was impossible, in that low ground, to make the stable suitable for the keeping of animals. And thereupon the President, I presume by virtue of his office as Commander in Chief of the Army, supposed he had a right to put the White House horses and cow in the quartermaster's stable, and they are there now. I personally have very little doubt of his right to do so without any special act to that effect. It was not the intention to impose upon the Army the cost of the maintenance of any of these animals or automobiles. The idea of the committee was to impose on the Quartermaster General's Department the maintenance of the stable room, not the maintenance of the animals themselves or of the automobiles.

Mr. HAY. I will withdraw the point of order, with the understanding that the amendment will be made.

Mr. SMITH of Iowa. We will have to make the amendment; but I think the gentleman will agree that inasmuch as we have provided for tearing down the White House stable, and that the President has no place to keep the horses, we might make provision for keeping them in the quartermaster's stable, where there is a surplus of room.

Mr. HULL of Iowa. Mr. Chairman, I desire to say a word in answer to my colleague. The gentleman believes that the President as Commander in Chief of the Army and the Navy has a right to have his horses kept in the Quartermaster's Department. It has never been so held, and the Congress has always provided for the President in another bill. The law specifically provides for the number of horses each officer of the Army shall have forage and care for, and the quartermaster's stable is to provide for the care of these horses. The law at no place prescribes for the horses of the President and Commander in Chief, and there is no law on the statute book except that carried in the legislative bill which provides specifically for the White House and its needs and the necessities for the President in the discharge of his duties, not as Commander in Chief, but as Executive of the Nation. The President should be and is always fully cared for as a proposition independent of the Army.

The Army has been charged with a great many expenses that are not legitimately military, and to my mind this was a proposition to load the Army with the care of the Executive's horses and vehicles, including automobiles, and had nothing whatever to do with Army expenses. And it not only goes that far, but some of the clerks have carriages and horses. There is nothing in the law that authorizes the purchase or maintenance of a single horse for the Executive of this country out of the Army appropriation. I am in favor of making the most ample

allowance for the maintenance of the Executive office, but it should be done in a proper way. It has always been carried in the executive, legislative, and judicial bill, and that bill, now in conference, makes ample provision, and I can see no reason for a double appropriation or for hereafter transferring this item to the appropriation for the Army.

Mr. HAY. Mr. Chairman, I call attention to the paragraph immediately following, which provides for the ordinary care, repair, and refurnishing of the Executive Mansion, and for the purchase and maintenance of driving horses and vehicles.

Mr. SMITH of Iowa. That shows that the committee had no idea of charging the Quartermaster's Department with the maintenance of the horses and carriages.

Mr. HAY. Mr. Chairman, I withdraw the point of order and will move to amend.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 16 strike out the word "hereafter," and in line 17 strike out the words "and maintenance of."

Mr. SMITH of Iowa. Mr. Chairman, I desire to make a few remarks. I am for the amendment under the circumstances, but I want to say that the gentlemen on the Military Committee have suddenly, it seems to me, grown very anxious about the War Department appropriation being loaded with the expenses of the Executive. The gentleman from Iowa doubtless knows that horses have in times past been bought for the White House stable and paid for out of the appropriation for cavalry horses for the Army.

Mr. KEIFER. When was that?

Mr. SMITH of Iowa. Never mind when it was.

Mr. HULL of Iowa. I never knew of but one case of that kind.

Mr. SMITH of Iowa. The gentleman from Iowa doubtless knows that additional clerical help at the White House in times past has been detailed from the Quartermaster General's office on the theory that it was detailed to the office of the Commander in Chief of the Army.

Mr. COX of Indiana. When was that?

Mr. SMITH of Iowa. The gentleman from Iowa doubtless knows that employees at the White House stable have been detailed from the force of the Quartermaster General of the Army under theory that they were assigned to duty at the stable of the Commander in Chief of the Army. It is only when we have no stable for the White House vehicles and horses and when there is surplus room in the quartermaster's stable of the Army, when it is discovered that a bad precedent will be established by putting them under our own roof. [Laughter.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Executive Mansion: For ordinary care, repair, and refurnishing of Executive Mansion, and for purchase, maintenance, and driving of horses and vehicles for official purposes, to be expended by contract or otherwise, as the President may determine, $35,000.

Mr. COOPER of Wisconsin. Mr. Chairman, I would like to know if it would not be well, under the circumstances, to change the words "Executive Mansion" to "White House." In discussing the previous paragraph, both the gentlemen from Iowa [Mr. HULL and Mr. SMITH] and the gentleman from Minnesota [Mr. TAWNEY] used the phrase "White House." The stationery of the President is all printed "White House," and the words "Executive Mansion" are too formal for this country. I move to strike out the words "Executive Mansion," in lines 21 and 22, and in lieu thereof insert the words "White House."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 21, strike out "Executive Mansion" and insert "White House."

Line 22, strike out "Executive Mansion" and insert "White House."

Mr. TAWNEY. Mr. Chairman, I trust the amendment will not prevail. "Executive Mansion" is the title that has been carried in all of the laws of the United States that are descriptive of the building occupied by the Chief Executive of the Nation. The Committee on Appropriations has been importuned for years to change this title from "Executive Mansion" to "White House," but Congress has never seen fit to adopt that recommendation. The words "White House," of course, have some significance here in the city of Washington, but there are a great many white houses all over the United States. There is only one Chief Executive Mansion, and all of the appropriations carried in the sundry civil bill for expenditures on account of the maintenance of the home of the Chief Executive and the grounds surrounding that home are described in the law as for the Executive Mansion, and they have been so described from the beginning of our Government down to the present time. I trust the amendment will not prevail.

Mr. COOPER of Wisconsin. The gentleman says "Chief Executive Mansion."

Mr. TAWNEY. It is the "Executive Mansion."

Mr. COOPER of Wisconsin. You will find an executive mansion in every State in the Union.

Mr. TAWNEY. Yes; and it applies to the home of the chief executive of the State just as this is descriptive of the home of the Chief Executive of the United States.

Mr. SMITH of Iowa. It is the term used in the law authorizing its construction.

Mr. TAWNEY. Yes.

Mr. FITZGERALD. The difference is that one is the official title and the other is the popular, social appellation, and in our laws we should not put in the popular phrases and expressions. We should keep the strict word of the law.

Mr. COOPER of Wisconsin. Of course the "popular appellation" would have to go out.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Hereafter no greater sum shall be paid any company for lighting any gas or electric lamp in the public grounds, or for installing or moving the same, than is paid by the District of Columbia for similar services, and no contract shall be required to be entered into for lighting the public grounds. Any settlement for arc lighting under the existing contract with the Potomac Electric Power Co. effected by the Commissioners of the District of Columbia shall apply to the contract with the same company for arc lights for the public grounds and highway bridge.

Mr. BENNET of New York. Mr. Chairman, I reserve the point of order on that. What is the exact purpose of the language in lines 4 and 5, page 111?—

And no contract shall be required to be entered into for lighting the public grounds.

Mr. TAWNEY. Mr. Chairman, I will say to the gentleman from New York that is the exact provision carried in the District appropriation bill with reference to the contract with the lighting company for the lighting of the city of Washington. Heretofore they were required to enter into a contract for three years at a time. That has been found to be absolutely impracticable, and they would have to enter into a contract for a year at a time under the general law. This is made to conform to the lighting of the city, which lighting is done by the same company that lights the grounds, and then there is another reason for it. The Superintendent of Public Buildings and Grounds contemplates within the next year attaching the lights in some of the grounds around the White House to the plant in the State, War, and Navy Department. They have sufficient current and capacity there to do that, and he wants the privilege and the opportunity of experimenting with it for that purpose.

Mr. BENNET of New York. The gentleman thinks that provision is in the interest of good administration and ultimate economy?

Mr. TAWNEY. Yes.

Mr. BENNET of New York. I withdraw the point of order.

The Clerk read as follows:

Unveiling statue of John Paul Jones: For unveiling and dedicating the statue of John Paul Jones and for each and every purpose connected therewith, including erecting and taking down reviewing stands and putting the grounds in sightly condition, to be available until expended, $2,500.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I reserve the point of order against that paragraph. Where is that statue to be unveiled?

Mr. TAWNEY. The statue is to be constructed at the foot of Seventeenth Street. It has been authorized.

Mr. MICHAEL E. DRISCOLL. Has the gentleman any idea that it will be completed within the next fiscal year?

Mr. TAWNEY. Yes; otherwise we would not have made this appropriation.

Mr. MICHAEL E. DRISCOLL. I did not suppose there was any chance of its being completed by that time.

Mr. TAWNEY. We are informed it will be in the fiscal year 1912.

Mr. GARRETT. Is that the usual provision in these monument matters, "to be available until expended?" Is that the usual expression?

Mr. TAWNEY. Yes.

Mr. GARRETT. I know that is the usual amount.

Mr. TAWNEY. That is the usual amount and that is the language in which all these appropriations are carried, because you can not tell accurately the date when the unveiling will take place.

The Clerk read as follows:

For subsistence, including the same objects specified under this head for the Central Branch, $119,852.

Mr. ANTHONY. Mr. Chairman, I would like to offer an amendment increasing the amount in that paragraph from $119,852 to $179,852, it being a typographical error.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 5, page 127, strike out "one hundred and nineteen thousand" and insert "one hundred and seventy-nine thousand," so as to read "$179,852."

Mr. ANTHONY. It is a typographical error.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The Chair will call the attention of the gentleman from Minnesota to line 22, page 126, where it says "specified under its head" it should be "this head."

Mr. TAWNEY. The word should be "this" instead of "its."

The CHAIRMAN. Without objection, on line 22, page 126, the word "its" will be changed to "this."

There was no objection.

The Clerk read as follows:

For subsistence, including the same objects specified under this head for the Central Branch, $122,171.

Mr. COX of Ohio. Mr. Chairman, I move to strike out the last word, primarily to get some information from the gentleman in charge of the bill. I notice there is an increase in each item for subsistence, and I would like to ask the chairman to tell the committee whether this is made upon the recommendation of the board of managers?

Mr. TAWNEY. I will say that it is. All estimates for subsistence for each home have been increased and the amount of the estimated increase has in every case been allowed by the committee. That is due to the fact they have increased the amount of the daily ration to all inmates.

Mr. COX of Ohio. Was there a reason given for this?

Mr. TAWNEY. Yes.

Mr. COX of Ohio. What was it, please?

Mr. TAWNEY. I say that the reason is that they have increased the amount of the daily ration.

Mr. COX of Ohio. Well, because of what?

Mr. TAWNEY. Because of the cost.

Mr. COX of Ohio. The cost of living?

Mr. TAWNEY. The cost of living is one cause to which it is attributed and which was given for that increase, and also because the men as they grow old need a different kind of ration. They have changed the ration in some respects so as to include articles which were not heretofore included in it.

Mr. COX of Ohio. Now, Mr. Chairman, is it not true that when this bill was up a year ago the statement was made upon the floor of this House, supplemented by a report from the Inspector General's office of the War Department, that the daily ration in the homes, exclusive of service and preparation, cost per man 14.89 cents; that in one home it was as low as 11 cents—less than that given to the prisoners confined in the Federal penitentiaries at Leavenworth and Atlanta——

Mr. KEIFER. About the same.

Mr. COX of Ohio (continuing). And is it not true, furthermore, that when that contention was made a statement was read on this floor from the board of managers seeking to disprove the contention that the men were not getting a sufficient ration? I ask the chairman whether he will confirm that statement.

Mr. TAWNEY. I remember indistinctly the controversy between the gentleman from Ohio and members of the committee respecting the ration that is provided for, but in so far as statements were made by gentlemen on either side of the controversy, I can not verify the statement of the gentleman from Ohio; I know from all the indications the result of the controversy was very satisfactory last November to the gentleman from Ohio, but I can not be explicit and verify all of the statements or the grounds upon which gentlemen argued pro and con on the proposition a year ago.

Mr. COX of Ohio. The facts are that the people in some parts of the country, Ohio and other places, were rather discriminating when they approached the polls last fall, in November. [Laughter.]

Mr. TAWNEY. Not in all cases, I would say. [Laughter.]

Mr. COX of Ohio. The gentleman from New York read into the RECORD a statement of Maj. Harris, if I remember correctly, tending to show that the ration was sufficient. Now it develops that Maj. Harris makes a different statement to the Committee on Appropriations. He says that—

The ration cost on the estimate submitted to the committee is now 20 cents per day, which includes the cost of service, etc.

I think the board was somewhat influenced by the agitation as to the feeding of the men in the homes, brought about by the reports of the inspectors general that they considered the amount expended too small, and so after very careful consideration they fixed it at 20 cents.

Now, in addition to that, Mr. Chairman, it develops that Maj. Brewster, in submitting his report to this Congress, called the attention of this body again to the fact that the situation with reference to rations had not been improved, but that the board had promised to make the proper recommendations to this Congress.

Mr. TAWNEY. And that increase was 1.2 cents per day.

Mr. COX of Ohio. That increase, nevertheless, amounts to $260,000.

Mr. TAWNEY. But, as a matter of fact, the increase is 1.2 cents per day to each inmate of the home.

Mr. COX of Ohio. It amounts to almost $40,000 in the Dayton Home, alone, or over $100 a day. But I want to make this observation at this juncture, and what I have said is stated for that specific purpose alone, that the Board of Managers or some one connected with that organization has sought to keep the facts with reference to the management of these homes from Congress, and in the statement now made to your committee the effort is made to impress upon the country and this Congress that the ration has been increased to 20 cents, when, as a matter of fact, it has been only increased to 16.87 cents. In speaking of the Army ration and other rations, it is customary to speak of the naked ration alone, without the cost of service and preparation, and so the Board of Managers in seeking to impress the 20-cent ration on the mind of this Congress are evading the facts once more.

I simply wished to make these observations for the truth of the history of the thing; that is all. The contention which I advanced a year ago the board now confirms. Incidentally it shows that congressional ventilation of bad administration serves a very wholesome purpose. I withdraw the pro forma amendment.

Mr. TAWNEY. Well, if the gentleman is satisfied with the truth of history, I am satisfied.

The Clerk read as follows:

In all, for National Home for Disabled Volunteer Soldiers, $4,031,282.

Mr. ANTHONY. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert, page 133, between lines 14 and 15:

"*Provided*, No part of the appropriation for subsistence at national soldiers' homes shall be expended for oleomargarine or substitutes for butter."

Mr. ANTHONY. Mr. Chairman, last November I made a visit——

Mr. SHERLEY. Mr. Chairman, I reserve a point of order on that.

Mr. ANTHONY. Last November I made a visit to the western branch of the National Soldiers' Home at Leavenworth. I spent the day out there, and in view of the discussion that took place in this House last year on how the men at these soldiers' homes are being fed, I went particularly into the question of subsistence.

I found at the Leavenworth Home the men were being well fed and well taken care of in every respect, but there was the absolute necessity that it was apparent with those old men—thousands of them, with an average age of perhaps from 70 to 75, many of them 85 to 90 years—there is an absolute necessity of their getting more and better food. They can not subsist now upon the kind of food they could at one time when they were hale and hearty.

Mr. FITZGERALD. Do you not think good oleomargarine is much better than the bad butter that they get there?

Mr. ANTHONY. We propose to give them good butter. These men need more butter, and they need milk, and they need eggs. It would be nothing more than humanity to give them those things. The meal that I inspected out there was good in every respect except the fact that oleomargarine was served at the table. The men told me that oleomargarine, coming on that table three times a day, in a very short time became absolutely revolting to their stomachs. I do not blame them for it, and I believe it would be the decent thing to do in behalf of these old soldiers, these brave men who went out and saved the Union in the dark days from 1861 to 1865, to treat them as well as we would ask that we ourselves be treated in our old age.

Now, there is not a man here, not even Mr. FITZGERALD, of New York, who would eat oleomargarine——

Mr. FITZGERALD. I never eat oleomargarine, or butterine, either. [Laughter.]

Mr. ANTHONY. I hope the House now will fully debate this amendment and inaugurate this reform.

Mr. SHERLEY. If the gentleman is sure that the old soldiers will be furnished with better butter than the oleomargarine they are now served with, I will withdraw my point of order.

Mr. ANTHONY. I am sure they will be. These soldiers' homes are inspected with the utmost rigidity, and I may add for the gratification of the gentleman that even the whisky they use there is the best whisky that is made in the State of Kentucky. [Laughter.]

The CHAIRMAN. The gentleman from Kentucky [Mr. SHERLEY] withdraws the point of order.

Mr. CRUMPACKER. Before the motion is put, I want to make a suggestion.

Mr. FITZGERALD. Mr. Chairman, the gentleman from Kansas either speaks very disingenuously or without information about oleomargarine. He speaks as though oleomargarine were a deleterious food substance. Had he been in this House within a very few years when the pure-food bill was under consideration, or even when we had under consideration that very indefensible bill which placed a tax of 10 cents a pound on uncolored oleomargarine, he would have learned that oleomargarine is a very much better foodstuff and is purer and less objectionable from every standpoint than 70 or 80 per cent of the butter that is sold and is consumed by those who eat butter.

Mr. COX of Ohio. I would like to ask the gentleman whether oleomargarine is served to soldiers in the Army?

Mr. FITZGERALD. I do not know as to that. It is immaterial whether it is or not. For myself, I may say that I eat neither oleomargarine nor butter. I am not prejudiced in favor of either foodstuff, but I know something about foodstuffs, and I assert now that the gentleman from Kansas, even though he does represent an agricultural district, would not be able to tell oleomargarine from butter if the oleomargarine were colored the same as the butter which the people sell.

Mr. ANTHONY. Yes, Mr. Chairman; but these old soldiers can tell it, and if the gentleman were to go into one of these soldiers' homes he would quickly find out what they think about it.

Mr. FITZGERALD. The gentleman's imagination is running away with his judgment. The taste of these old soldiers is not quite so acute as are the senses of the gentleman from Kansas. But, assuming that he is an expert on good butter—which, considering the surroundings of his habitat, I venture greatly to doubt—I am of opinion that he would not be able to tell oleomargarine from butter, if neither one of them were colored, or if both of them were equally colored. It is preposterous to assert that any class of people who use oleomargarine would say that it would be revolting to them. It is simply a pretense to try and urge a boom in the butter market, perhaps for the benefit of the butter producers of Kansas.

Mr. ANTHONY. Let me tell the gentleman something about the use of oleomargarine in cooking, for instance.

Mr. FITZGERALD. One moment, please. Oleomargarine, Mr. Chairman, is——

Mr. ANTHONY. It is made out of steer fat, and it absolutely poisons the flavor of anything that it is cooked with.

Mr. MACON. I must dispute that statement, Mr. Chairman. It is made out of cottonseed oil—the purest product on the face of the earth. It is a purely vegetable substance.

Mr. FITZGERALD. If the gentleman knew something about the renovated butter that he seems to be trying to have these old soldiers use, he would very quickly withdraw from his position.

Mr. ANTHONY. Oh, all the renovated butter is sent to New York City. [Laughter.]

Mr. FITZGERALD. I do not think this House should attempt to discriminate against any foodstuff that is in itself healthful and that is approved by all the medical profession, even including the distinguished gentleman who sits in the House [Mr. FOSTER of Illinois]. [Laughter.]

Mr. COX of Indiana. Except the gentleman from Illinois. [Laughter.]

Mr. FITZGERALD. We have already done enough to drive oleomargarine out of the market.

Mr. FOSTER of Illinois. I will say to the gentleman that I prefer butter, myself. [Laughter.]

Mr. FITZGERALD. Oh, the gentleman does not know the difference. The gentleman imagines he prefers butter. [Laughter.]

Mr. ADAMSON. Probably the gentleman is able to pay 60 cents a pound for gilt-edge butter at the neighboring dairies, but he should remember that there are 60,000,000 of people in the country who are not able to pay that much.

Mr. CRUMPACKER. I desire to say only a word on this subject. If the managers of the Soldiers' Home at Leavenworth, Kans., supply the members of that home with the kind of oleomargarine that the distinguished gentleman from Kansas [Mr. ANTHONY] has described, they are getting a spurious article of oleomargarine. The ordinary oleomargarine is just as wholesome and just as nutritious as butter. It is a pure-food product from every standpoint.

When the oleomargarine-tax proposition was pending in this House Dr. Wiley, the great American food expert, said to me that he would rather eat oleomargarine than the average dairy butter that can be bought in the markets of the country, and that the family he was boarding with then used it on the table.

I have no doubt that the uncolored oleomargarine is a little bit obnoxious, because it does not look much like butter. It is not in the oleo itself, but it is in the imagination, the squeamishness of the appetite. We associate a certain natural color with butter. My judgment is that there has never been, since the organization of this Government, a more flagrant abuse of the taxing power, in destroying one industry for the benefit of another, than the imposition of the 10-cent tax on oleomargarine. [Applause].

I do not think this amendment ought to go into this bill, but if the veterans in the National Soldiers' Home at Leavenworth object to oleomargarine because of its color, or for any other reason, the managers of the home ought not to buy it and should supply them with butter. I believe in providing members of soldiers' homes with every comfort and convenience of life, but the law should not further discriminate against oleomargarine.

Mr. TAWNEY. Will the gentleman permit me to interrupt him?

Mr. CRUMPACKER. I will, in view of the gentleman's connection with that legislation.

Mr. TAWNEY. In view of my connection with the oleomargarine law, I must challenge the statement made by the gentleman that that law was for the purpose of taxing one industry for the benefit of another industry.

Mr. CRUMPACKER. That was its avowed purpose.

Mr. TAWNEY. The purpose was altogether different. The purpose was to tax fraud. That is what the tax was on, the fraud practiced by the oleomargarine manufacturers upon the consumers of butter, by selling their product for that which it was not.

Mr. MACON. Will the gentleman allow me to ask him how it was a fraud?

Mr. TAWNEY. I do not intend to delay the passage of this bill by getting into a discussion about the relative merits of oleomargarine and butter.

Mr. CRUMPACKER. I remember the able fight the gentleman from Minnesota made in favor of that law, and he was leading the insurgent forces in the House at that time. He distinguished himself as an insurgent leader, in favor of the Grout bill, I think it was.

Mr. TAWNEY. That is right.

Mr. CRUMPACKER. I voted against it. There is no oleomargarine manufactured in the district that I represent, and none that I know of in the State of Indiana; but I know something about oleomargarine and something about dairy butter. I prefer what we call creamery butter to oleomargarine for table use; but the ordinary dairy butter, in my judgment, is not as good as oleomargarine properly colored. And most of the butter that is sold in the markets is artificially colored; but perhaps they use innocuous coloring ingredients, such as annatto and saffron, and two or three other things that are entirely harmless.

I felt prompted to say these few words in defense of oleomargarine, and I hope the time will soon come when the tax of 10 cents a pound will be materially reduced, so as to bring that excellent food product within the reach of the great mass of the people of the United States.

Mr. MACON. Mr. Chairman, I have been informed that oleomargarine is made of cottonseed oil, a pure vegetable production that would not harm anyone unless used excessively.

Mr. ANTHONY. I agree with the gentleman in regard to oleomargarine made from cottonseed oil, but the oleomargarine that is purchased for the soldiers' homes that I am familiar with comes from the packing-house centers, where it is made from the refuse steer fat.

Mr. MACON. I know nothing of that brand of oleomargarine, but I understand that the gentleman's amendment proposes to exclude all oleomargarine.

If that is so, then he is legislating against a pure product that would be wholesome for anyone to eat, whether he was an old soldier or anyone else.

Mr. ANTHONY. I think the word "oleo" means steer fat. So an imitation butter made from cottonseed oil would pass as butterine, technically speaking, instead of oleo. I believe that if you could get a good butterine made from cottonseed oil it would be all right.

Mr. MACON. I think the gentleman should legislate against butter on that theory, because I have seen it unfit for a dog to eat, much less for a human being, but I have not seen any oleomargarine in that condition. I was sorry to hear the gentleman from Minnesota suggest a moment ago that he was in favor of the tax on oleomargarine because it was a fraud. I did not think the gentleman from Minnesota would be willing to tolerate a fraud for the sake of securing a tax.

Mr. TAWNEY. If the gentleman from Arkansas will pardon me, it was not because I was in favor of tolerating fraud that I favored the tax, but for the purpose of suppressing a fraud, a fraud that was being perpetrated on the consumers of butter.

Mr. MACON. If it is fraudulent, it ought to be legislated out of existence; no one ought to be allowed to manufacture it or deal in it in any way. I do not believe the gentleman from Minnesota was justified when he found it to be a fraud to attempt to tax it out of existence. My idea is that when you find a fraud, you should suppress it at once, and do it by the strong arm of the law, and not say virtually to it, "You can exist in this country, Mr. Fraud, if you will only pay a certain license fee for so doing."

Why, sirs, you never saw oleomargarine that was tainted with tuberculosis in your life. Yet we find butter upon almost every table in this day and generation that is tainted with that dread disease. If the gentleman from Kansas will stop and think for a moment and properly consider the great interests of these old soldiers, I am sure he would try to place upon every table in the soldiers' homes this pure vegetable product, one that would be wholesome and healthy to have, and not try to legislate it out of existence, and put in its stead poisonous butter that might cause them to contract a deadly disease that would soon send them to untimely graves.

Mr. ANTHONY. I would like to ask the gentleman from Arkansas if he uses oleomargarine on his table.

Mr. MACON. I have not had an opportunity for some time, but I would like to have a table with some of it spread on it right now. [Laughter.]

Mr. TAWNEY. Mr. Chairman, I move that all debate on the paragraph and pending amendment be now closed.

The CHAIRMAN. The gentleman from Minnesota moves that all debate on the pending paragraph and amendment be closed.

The motion was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Kansas.

The question was taken; and on a division (demanded by Mr. ANTHONY) there were 14 ayes and 17 nays.

So the amendment was lost.

Mr. SULZER. Mr. Chairman, this bill contains a provision appropriating an additional sum of $350,000 to continue the work of raising the battleship *Maine* in Habana Harbor. Heretofore $300,000 have been appropriated for this purpose, and we are informed the money carried in this bill for the purpose will complete the job and comply with the mandate of Congress. I hope this is so, and that the work of raising the *Maine* will soon be accomplished.

In my opinion it is a matter of congratulation among all patriotic people that at last the wreck of the ill-fated battleship *Maine* is to be raised. Thirteen years and more have come and gone since the *Maine* was blown up in the harbor of Habana. That catastrophe made history, wrote a large page in our annals, and changed the map of the world. But the *Maine* was apparently forgotten, and nothing was done by the Government in all these years to raise the wreck and bring home and bury, with naval honors, in Arlington Cemetery, the remains of the sixty-odd brave and gallant sailors entombed in that hulk in the muck and slime of the harbor of Habana.

The records in the Navy Department show that 231 men were killed when the *Maine* was blown up; that 24 bodies were immediately recovered and buried in Key West, Fla.; that later 144 bodies were recovered and buried in Habana; that these bodies were subsequently brought home and buried in the national cemetery at Arlington; that at least 63 bodies were never recovered or accounted for, and are now entombed in the wreck of the *Maine*. Our dereliction in this matter was in strange contrast to our boasted patriotism. The work must go on, and every patriotic man in America wants it finished as soon as possible.

There are three reasons why we should relax no effort to raise the wreck of the *Maine*. First, because the wreck is a menace to navigation in the harbor of Habana and must be removed from the channel. Secondly, the *Maine* must be raised to ascertain how she was destroyed, so that the truth shall be known beyond peradventure; and, thirdly and most important of all from a patriotic point of view, that the remains of the Nation's dead now entombed in the hulk shall be recovered and brought home for burial with naval honors in Arlington Cemetery.

Public sentiment has demanded for years that the wreck of the *Maine* be raised; that the truth of her destruction be told; that the derelict be removed from the channels of navigation; that the bodies of these brave sailors who sacrificed their lives on the altar of their country be recovered and decently interred in the national cemetery. When this additional appropriation is available, we are assured by the Army engineers that the work will diligently proceed to a final and successful completion; and to that end I favor appropriating this additional sum of money and trust no more funds will be required and no further delay tolerated.

Mr. Chairman, I now send to the Clerk's desk and ask to have read in my time and as a part of my remarks several letters from Maj. John F. O'Rourke, the eminent engineer and the president of the O'Rourke Engineering Construction Co., of New York, which will throw some light on the subject matter and show that if my suggestions had been followed in the first instance the work of raising the *Maine* would be finished ere this, and for a sum much less than now seems to be required by the Army engineers.

The Clerk read as follows:

O'ROURKE ENGINEERING CONSTRUCTION CO.,
345 Fifth Avenue, New York, July 26, 1910.

Hon. WILLIAM SULZER,
115 Broadway, New York City.

DEAR SIR: I had an interview yesterday at the War Department in Washington with the Hon. Robert Shaw Oliver, Acting Secretary of War, at which I submitted to Secretary Oliver plans showing my method for raising the *Maine*, together with a letter explaining the method in detail, and a proposition under which the O'Rourke Engineering Construction Co. would do the work. The following is a copy of this letter, which is dated July 23:

"I had the honor of writing you on July 5 in regard to a plan I have devised for the raising and docking of the *Maine*, and also inclosing a letter from Hon. George W. Wickersham, Attorney General, kindly presenting my project and myself to your consideration.

"I am now in a position to lay before you the manner in which my company is prepared to do this work, and discuss the question of arranging for having the work done, should you decide to raise the ship at this time.

"The method is as follows:

"To construct on both sides of the ship and about 20 feet therefrom, two ordinary wharves on piles, sink pneumatic caissons between the wharves and the ship to a depth of about 10 feet below the bottom of the *Maine*, these caissons to have cables on them every 4 feet; the cables opposite one another being of different sizes; in one case a plow-steel cable of about 200 tons capacity, and in the other a small hauling cable of perhaps ¾ inch diameter. These cables are then carried down outside the caissons from their tops to and underneath the cutting edges, the ends being coiled in the air chambers before the sinking is begun. A small pipe is pushed through the bottom from one air chamber to the other, and through this pipe the ends of the small cables are passed to the opposite air chamber, after which the pipe is pulled into that air chamber over the ends of the cables, leaving the latter lying exposed in the mud. The ends of the big cables opposite these little ones are then attached to the latter, which readily hauls them out from under the cutting edge, and under and around the *Maine* to the top of the opposite caisson.

"In this manner cables are passed underneath the ship every 4 feet from the top of one caisson to the top of the opposite caisson, the combined strength of the cables being four times the weight of the battleship.

"The air chambers are filled with sand, the wharves are carried over on top of the caissons, which are cut off to the proper level therefor, and then a strong framework is erected with double columns every 4 feet. This structure would be about 30 feet in height, strongly braced and guyed, and fitted at the tops of the posts with a casting connecting the posts and braces, and providing a seat with a universal joint for a screw jack of at least 100 tons capacity. The screws of the jacks end in a head like that of an eye-bar, and the clamps which grip the cable are finished in two similar eye-bar heads, giving a connection with the screws by means of a 3½-inch pin, which is over 100 tons in strength.

"When the framework is in place and the screw jacks are connected to the cables, a strong tension is taken in the cables with the jacks, and then water corresponding to the weight of the *Maine* is pumped from the cofferdams of the caissons. By this means the caissons are prepared to receive the weight of the *Maine* without imposing any additional weight on the mud bottom upon which the caissons rest. I might say that the caissons are made sufficiently large and strong to still contain 50 per cent more weight of water than the ship weighs, so that there is a margin of about 3,000 tons of water which can be drawn upon should occasion require. When the caissons are thus prepared for receiving the weight, the connection between the mud and the bottom of the ship is broken by any one of several well-known methods, after which, by a proper manipulation of the screws, the vessel is first brought to an even keel and then made level fore and aft.

"After the above work has been accomplished, the screws are gradually slacked off in pairs, fleeted down to their fullest extent, reclamped on the cables, after which the tension is restored and other screws are fleeted downward in like manner until all the screws have been lowered to their greatest extent, so that all of them are ready for a lift upward of about 10 feet. This part of the work is very safe and certain, because sufficient strength is provided to carry the *Maine* with one-half the cables and screws that are employed. The operation of fleeting the screws down and lifting the ship up is repeated again and again until the vessel is brought out of the water in the same condition in which she sank—that is, so far as any interference with her during these operations is concerned.

"A platform above water under the ship is then constructed between the caissons and a dry dock of ample strength and extent affords every facility for examination and repairs. In some respects this dock is superior to the ordinary lifting dock, because wherever a supporting cable may be in the way it can be slacked off and moved to some other

point, where it will perform its part in supporting the vessel just as well as where it belonged, instead of having fixed keel and bilge blocks to deal with.

"It will be noticed that in the process described there are no chances taken with any attempt to introduce something involving experiment; but, on the contrary, I have confined myself to things with which we have had great practical experience. The wharf building, the caisson sinking, the passing of pipes between air chambers, the raising of the cables underneath and around the ship, the construction of the lifting structure, and the fitting and operation of the screw jacks are all operations well understood, easily carried out, and independent of any questions of depth of mud or condition of the ship. The mud, however deep, does not complicate the question or add materially to the cost, and should there be obstructions at any point preventing the passage of the cable, tunneling to and removal of the obstruction is a simple matter. Damages to the ship, however great, would not prevent its being brought up intact because of the distribution of the weight and the flexibility, contiguity, as well as rigidity of the means employed.

"The method, however, is entirely novel, and the uses made of all the well-known operations employed are new.

"The plan of pumping water from the cofferdams of the caissons of a weight equivalent to that to be thereafter applied to them is a way of conducting operations over a mud bottom possessing no dependable supporting power, and deriving from the water pressure under the bottoms a support as efficient and reliable as solid rock.

"The whole plan is one of great simplicity, and though it perhaps would be better appreciated by an engineer than a layman, it is easily understood by everybody.

"In sinking caissons alongside of large buildings supported on quicksands the writer devised and patented a method of conducting the compressed air escaping from the air chamber up alongside the caisson on the side opposite the building, leaving the support of the latter entirely undisturbed. Some of the largest buildings in New York that are supported over spread foundations on quicksands have had caissons provided with this high cutting edge on the distant side of the caisson sunk alongside them without producing any settlement whatever. It is proposed to use this device on the caissons surrounding the *Maine*, so that the mud underneath the ship would remain undisturbed until the ship is carried on the cables. There are numerous other improvements in caisson work devised by the writer that would also be employed, so that the work would be carried on with entire safety, certainty, and speed, and the results sought would be obtained without question in the same manner that any other great engineering operation of the usual character would be carried out.

"In my letter to the Attorney General I stated that in disclosing this method I would expect to be protected. In dealing with your department I am satisfied that my rights will be as safe in your hands as if the patents now applied for had already been granted.

"It might appear at first that the appropriation made for this work is inadequate for the purpose, but I think that it is most likely that much of the Government's resources could be employed in addition to its money—for instance, one of the repair ships now in southern waters could be utilized for carrying the necessary plant and giving the required power, while there is nothing more appropriate than that one of the regiments of the Army should man the jacks while they are lifting their dead comrades out of the water. A fair idea of the power to be employed is given by the fact that these jacks require approximately 1,000 men. Should the Government care to thus utilize its present facilities and concede certain things the actual cost in cash would not be very great.

"The O'Rourke Engineering Construction Co., of which I am the president, would undertake this work and agree to deliver the ship in the dock already described within a period to be agreed upon. The company at the present time is fully equipped with the necessary plant, and has an organization of men of great experience in this character of work, who would be set to work as fast as the supplies required could be procured. We would also bear in mind that this operation would be watched by the whole world, and that not only the credit of the company but of the country itself was involved in the successful completion of this undertaking in a manner worthy of the occasion and in record time."

After some discussion of the matter in which I explained my plans, Secretary Oliver gave the plans and letter to Gen. Bixby, who will refer them to a board of engineers which will be shortly appointed to consider the subject.

During the interview Gen. Bixby showed me a copy of my letter to you of the 11th instant, in which I brought to your notice the fact that I had a method for raising the *Maine* along lines with which I am familiar, and concerning the efficiency, cost, and independence of local conditions, there is no question, so that if desired the work of raising the ship and docking her for examination and repairs could be begun at once.

Very truly, yours, JOHN F. O'ROURKE.

O'ROURKE ENGINEERING CONSTRUCTION CO.,
345 Fifth Avenue, New York, August 30, 1910.

Hon. WILLIAM SULZER,
115 Broadway, New York City.

MY DEAR SIR: I have just returned from the interview with President Taft at Beverly, which was arranged through your kindness.

The President was most cordial, and gave me an opportunity to fully explain my plans and propositions to him and also to Mr. Meyer, Secretary of the Navy, who happened to be calling on the President at the time. Mr. Taft gave most careful attention to the plans, which showed in detail the manner in which the work was to be done, and after a full discussion of the ways and means I made him the following proposition:

That the O'Rourke Engineering Construction Co. would agree to raise the *Maine* in the manner shown by the plans for a cost not to exceed $500,000 to the Government; any costs that might be incurred above that figure to be borne by the O'Rourke Co. Second, that we would consent to any form of contract which would insure to the Government that we would only be paid for the actual cost of the work, with no allowance for profit. Third, that no payment would be asked for until after the *Maine* had been raised out of the water, properly docked for examination and disposal, as shown by the plans.

The President seemed favorably impressed by my plans and by the offer to do the work, and invited me to come to Washington for another conference on the 25th of next month, when he expected to be there for a few days. There was a question in his mind in regard to whether he was authorized by the bill and the Government regulations to make such a contract, and told me that in the meantime he would read the bill himself, and also obtain from the Attorney General an opinion as to his powers in the matter.

He also wired Gen. Bixby in my presence, directing him to have a report by the 25th of September from the board of engineers who were considering the raising of the *Maine*, in regard to the conditions which they found in Habana Harbor.

I told him that my present information was sufficient to enable me to make a binding offer now, as the method which I was proposing to use was independent either of the character of the bottom or the condition of the *Maine*.

Since seeing the President I have decided to go to Habana next week, and will ask Col. Black, chairman of the board, for permission to take part with them in their investigations.

Very truly, yours, JOHN F. O'ROURKE.

O'ROURKE ENGINEERING CONSTRUCTION CO.,
345 Fifth Avenue, New York, September 21, 1910.

Hon. WILLIAM SULZER,
115 Broadway, New York City.

DEAR SIR: I returned yesterday from Habana, where I spent all of last week taking part in the borings and examinations which the Board of Engineers is now carrying on at the wreck of the *Maine*. I also talked with a number of people who were eyewitnesses of the explosion, so that I feel familiar with the conditions surrounding the loss of the ship and the nature of the bottom of the harbor where she now lies.

The first boring was made off the stern of the *Maine*, where the drill reached hard bottom at 105 feet below surface. There is 35 feet of water, then 30 feet of mud of practically no consistency whatever, after which it gradually grows harder, until at 85 feet down it is quite hard, and at 105 feet it is probably rock. The next boring was made off the bow, where the depth of water was just the same, but it was found to be about 90 feet below the surface before any degree of hardness was found in the bottom, and hard bottom was encountered at 118 feet down.

On Saturday morning, before sailing for home, I made a test, from the deck of the Government scow in the presence of the engineers, with my own hands, using a 1-inch pipe, which I readily pushed down 55 feet, at which point I could lift the pipe up and down unaided, showing that at that depth the bottom is nothing but mud. As this is the point at which I would stop my proposed caissons, it was very gratifying to find that the conditions were ideal for the method which I propose.

It is most likely that very little difference will be found in any of the future tests. It is quite possible that hard bottom may in some instances be found nearer the surface, but this would not alter the situation any as regards the use of a cofferdam, which is being discussed, because the governing factor in such a case is not the high points, but the low points; and a cofferdam that could be used there with success would have to be a very strong structure resting on hard bottom and possessing sufficient stability in itself to resist the tendency of the water and mud to overturn it, unaided by interior bracing, as the latter is impracticable. The expense of this method would be enormous, the time required would be very great, and its subsequent removal would be much more of an undertaking than the raising of the ship itself is now.

I have called the attention of the Board of Engineers to this fact, and I trust they will not be led into the adoption of any cofferdam method; or if they are, that they will make adequate plans for doing the work so that the disgrace of a failure may be avoided.

The relation of certain uninjured parts of the ship to high water was easily attained, and from the known dimensions, as given in the plans, I have been able to fix the position of the bottom of the ship as 48 feet below water. This, I understand, is 5 or 6 feet deeper than the ship was found to be sunk to at the time of the accident, and several men who work in boats around the harbor told me that she is sinking deeper year by year. The condition of the mud as described at 55 feet below the surface would indicate this to be true. Another evidence of the continual sinking of the ship is plainly shown in a comparison of the photographs made at the time of the accident and ones that I took myself last week.

I am going to Washington next Monday to meet the President, as arranged at Beverly. I hope to be able to place all these facts before him, as they correspond exactly with the conditions assumed in my interview with him last month and verify all that I said at that time.

Very truly, yours, JOHN F. O'ROURKE.

O'ROURKE ENGINEERING CONSTRUCTION CO.,
345 Fifth Avenue, New York, September 29, 1910.

Hon. WILLIAM SULZER,
115 Broadway, New York City.

DEAR SIR: I returned last night from Washington, where I expected to see President Taft by appointment, but found that his engagements did not permit of receiving me.

Had a couple of interviews, however, with Attorney General Wickersham, to whom I explained the situation at Habana, particularly the character of the bottom surrounding the *Maine*, which I told him was so soft as to entirely preclude the idea of using a cofferdam. Also made a sketch of the borings at the bow and stern of the *Maine* and showed him a sample of the material at 55 feet below the surface, which clearly indicates its light and unstable character.

I waited about two hours at the White House before Secretary Norton told me that the President would be unable to see me, and that he had left the matter in the hands of the Attorney General and the Board of Engineers of the War Department.

As the amount of the appropriation at present available for raising the *Maine* is $300,000, while waiting to see the President I prepared an offer, which I gave to Mr. Wickersham, who promised to show it to the President at luncheon, in which I proposed to build the temporary platforms, sink the caissons, and put all the cables in place under and around the ship, with the ends resting on the caissons on each side, for the lump sum of $290,000, it being understood that I would complete the remainder of the work and raise the *Maine* without waiting for a further appropriation, trusting to Congress to be paid later for doing the balance of the work.

I stated that if allowed to go on within a reasonable time from now with the work that I would guarantee to raise the ship out of the water on February 15 next, the thirteenth anniversary of its sinking. This I could easily do, because the amount of work involved is no greater than I have often done under conditions less favorable, and besides, there is nothing experimental about anything that is involved.

I stated, as a basis of future payments, that the remainder of the work, including the subsequent removal of platforms and caissons, would be done for the lump sum of $210,000, or, if preferred, for the net cost of materials and labor and prevailing rates for use of plant and equipment, the vessel to be raised from the water and turned over to the War

Department, as shown in the plans, ready for inspection and for repairs or dismemberment as might be subsequently decided.

I was a little disappointed at not seeing President Taft, as my understanding with him on August 29 at Beverly was that a conference would be arranged between himself and the Attorney General, the Secretary of War, and the Army engineers, at which I was also to be present. The question of authority for making the contract would be settled in the meantime, and I had been looking forward to making an immediate arrangement to raise the ship, according to some form of contract, which, as I have already told you, I left entirely to the President.

Very truly, yours, JOHN F. O'ROURKE.

O'ROURKE ENGINEERING CONSTRUCTION CO.,
345 Fifth Avenue, New York, February 15, 1911.

Hon. WILLIAM SULZER,
House of Representatives, Washington, D. C.

MY DEAR MR. SULZER: Apropos to the *Maine*, the New York Herald of September 26, 1910, the date on which I went to Washington to see the President, contained an interview with me in which I called attention to the impracticable character of the proposition to use a cofferdam in connection with the raising of the wreck. It was such a positive and unmistakable warning and so publicly given that the quoting of this in connection with the interview with Mr. Wickersham and the fatuous report of the engineers of a few days later make strikingly significant my letter describing the Washington trip.

The report of Gen. Bixby to the President, transmitting the report of the board of engineers and his, to me, preliminary estimate is just as silly as the plan he was indorsing, when you compare his promises with their performances. The work that they are doing at Habana now is of the simplest character, and the placing of steel sheet piling in such soft and comparatively uniform material is a most inexpensive operation when properly conducted. I imagine that they have involved themselves in all sorts of expense, keeping dredges on hand at a price of perhaps several hundred dollars per day, when, if they knew their business, they would obtain them after they had completed their cofferdam and were ready to put them into use.

The possible interference of wreckage from the explosion or anything in the nature of sunken obstacles in the way of the sheet piling could be better removed by some grappling contrivance than by a dredge, and the same machinery which handles the steam hammer used for driving the piles could be just as useful in operating a grapple.

I should be sorry not to see the appropriation they are looking for given them, because it would always be said that they failed for want of favorable congressional action, and if they are honest in thinking that they can do the work, as they are proposing to, it seems only fair, since the chance was accorded them, that they should be permitted to go on to the end.

There is no doubt, however, that in view of your connection with this raising of the *Maine* and the position you have already taken with the President in the matter, that the reading of my letters and the claim on your part that you had procured for the President an opportunity to have this work done under terms which did not admit of the loss of a dollar to the Government in the case of its failure and a saving of money to the Government in the case of its success, as well as the prompt execution of the work, should be strongly brought out.

To-day is the thirteenth anniversary of the sinking of the *Maine*, and if I had had my way to-day would have witnessed the raising of that ship from out of the water. There is so little imagination or appeal to the national pride in the plan that has been adopted that one can hardly dream that men having the authority vested in that board would be so shortsighted and narrow-minded as to refuse to approve of a plan like mine of such startling novelty and absolute certainty in execution.

The very conditions surrounding the *Maine*, while piling up almost unsurmountable difficulties against the construction of a safe cofferdam, actually facilitated the ease and success of my method, and nothing is less reasonable or could be more insincere than the ground taken by the engineers that the lifting of the wreck in a flexible cradle of cables would so deform its present shape that one could not tell if there had been an external explosion.

You might just as well claim that to take in your hand a battered tin can, that its weight upon your hand would cause the indentations to disappear, as to claim that a ship which is as strong in proportion to its weight as the tin can is in proportion to its weight, would likewise lose its indentations and have its shape changed by reason of resting upon a support as flexible and distributed over the whole area of the ship's bottom as the palm of your hand would be beneath the tin can which I am using as an illustration. This talk about the forward part of the ship being so thoroughly destroyed is without reason, because eyewitnesses, and even the testimony taken by the board of naval officers at the time of the disaster, shows that she remained afloat too long after the explosion to have been in any such condition. For the reduction of the forward third of the ship to a semidetached mass of wreckage, incapable of excluding water from within, would simply mean that that part of the ship was a dead weight, which would have pulled her down head first, like a dog with a stone tied to his neck, but even if it were true that the forward third of the ship is in this condition my cradle method would have brought it up without the bending of a single plate or the dislocation of any of its parts from the position they now occupy with relation to the rest of the ship.

As you may recall, my final proposition included the placing of cables every 2 feet apart, and the application of power independently to each cable, so that if it were found that any one cable was yielding to tension at a greater rate than its neighbors, that cable could have the tension applied to it reduced so as not to come up any faster than the others, and the strength of the cables were such that not more than one in every three need be strained at all, and those which were, were fully competent to do all the lifting required. Moreover, I put no limit on the number of cables that would be used, if desired; so that, even if they criticized my cable every 2 feet, I could put them much more frequently and arrange them in any manner that circumstances should require.

I do not know whether I have already informed you that I applied for a patent involving the principles devised for this work, but such was done, and the claims, in themselves most basic in nature, were allowed by the Patent Office without reference to any existing patent, publication, or known state of the art, which is perhaps the most striking testimony possible as to their originality, novelty, and invention.

As regards the granting of the appropriation, I sincerely trust this will be done, but at the same time I think the engineers should be required to give in detail the manner in which the first appropriation has been expended, and I think you will find that what I have said about useless dredges retained at great cost and other forms of mismanagement due to inexperience will be disclosed.

Most sincerely, yours, JOHN F. O'ROURKE.

The Clerk read as follows:

State or Territorial homes for disabled soldiers and sailors: For continuing aid to State or Territorial homes for the support of disabled volunteer soldiers, in conformity with the act approved August 27, 1888, including all classes of soldiers admissible to the National Home for Disabled Volunteer Soldiers, $1,200,000: *Provided*, That no part of this appropriation shall be apportioned to any State or Territorial home that maintains a bar or canteen where intoxicating liquors are sold: *Provided further*, That for any sum or sums collected in any manner from inmates of such State or Territorial homes to be used for the support of said homes a like amount shall be deducted from the aid herein provided for, but this proviso shall not apply to any State or Territorial home into which the wives or widows of soldiers are admitted and maintained.

Mr. COX of Ohio. Mr. Chairman, I would like to offer an amendment to line 11, page 134.

The Clerk read as follows:

On page 134, line 11, after the word "maintained," insert the words "or where oleomargarine is served."

Mr. FITZGERALD. I reserve a point of order on that that it is not germane.

Mr. COX of Ohio. Mr. Chairman, the statement was made in the matter of oleomargarine that no discrimination should be made between it and butter. It is apparent, however, that the gentleman from New York is seeking to make a discrimination between soldiers of the national military home and the soldiers now in the active service. When he was asked whether the soldiers in the Army were served with oleomargarine, he said he did not know. It is perfectly fair to assume that if he had any information in the negative he would have stated it. Now, if oleomargarine has all the healthful qualities claimed for it by my distinguished friend from Arkansas and my colleague from New York, I should like to inquire why they do not make a requisition on the gentleman in charge of the House restaurant for oleomargarine on the table in the House restaurant downstairs?

If it is not good enough for the Members of Congress to have served in the House restaurant, then why should it be given to the men who served the country in the days of darkness and uncertainty?

Mr. GARRETT. Will the gentleman permit a question?

Mr. COX of Ohio. Certainly.

Mr. GARRETT. The good quality of it would be better than the butter that they serve downstairs sometimes.

Mr. COX of Ohio. I think that butter comes from Tennessee. The truth is that there is absolutely nothing too good for these old men in the homes. I do not want to engage in any useless sentimentality, but the average age of these men is over 75. They are sitting there waiting for the setting sun, and they are entitled to the most wholesome food that can be purchased for them by this Government.

The kind of oleomargarine served them, with all the uncertainty as to its composition, is one of the jokes of the soldiers' homes. A wit in the Dayton Home very properly called it "bull butter." If it is not good enough for Members of this House nor for soldiers in the Army, it ought not to be served to the old veterans in the homes.

The Clerk read as follows:

Capitol power plant: For lighting the Capitol, Senate and House Office Buildings, and Congressional Library Building, and the grounds about the same, Botanic Garden, Senate stables and engine house, House stables, Maltby Building, and folding and storage rooms of the Senate; pay of superintendent of meters, at the rate of $1,600 per annum, who shall inspect all gas and electric meters of the Government in the District of Columbia without additional compensation; for necessary personal and other services; and for materials and labor in connection with the maintenance and operation of the heating, lighting, and power plant, and substations connected therewith, to be expended by the Superintendent of the Capitol Building and Grounds under the supervision and direction of the House Office Building Commission, $90,000: *Provided*, That hereafter the heating, lighting, and power plant constructed under the terms of the act approved April 28, 1904, shall be known as the Capitol power plant; and hereafter all vacancies occurring in the force operating said plant and the substations in connection therewith shall be filled by said superintendent with the approval of said House Office Building Commission.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 137, lines 1 and 2 and line 9, strike out the words "House Office Building Commission," where they occur, and in lieu thereof insert the words "commission in control of the House Office Building, appointed under the act approved March 4, 1907."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

For chemical and physical researches relating to the geology of the United States, $20,000.

Mr. MONDELL. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 147, line 2, strike out the word "twenty" and insert "including researches with a view of determining geological conditions favorable to the presence of potash salts, 40."

Mr. TAWNEY. Mr. Chairman, on that I reserve the point of order.

Mr. MONDELL. Mr. Chairman, I think the amendment is not subject to the point of order. I think it is clearly in order. This is the paragraph providing for chemical and physical researches relating to the geology of the United States, and I propose to add $20,000 to the item, and provide that these researches shall include such as will afford information as to the geological conditions favorable to the occurrence of potash salts.

Mr. TAWNEY. Mr. Chairman, if the gentleman from Wyoming will permit, I am not opposed to the investigation which he authorizes by this amendment. What I am opposed to is authorizing two different departments of the Government to make the same investigation. I endeavored to keep out of the agricultural appropriation bill the sum of $12,000, which was carried for the purpose of making this investigation under the jurisdiction of the Agricultural Department. It has no business there. It is not one of the functions of the Agricultural Department to conduct geological researches of any kind, but the House did not agree with me.

The provision that passed the House, as I understand it, has been agreed to by the Senate. I think the Geological Survey is the bureau that ought to be clothed with the authority and given the appropriation for making this investigation. I do not think it is wise for us to have two departments of the Government investigating the same subject. Unless the gentleman will couple with his amendment a proviso that no moneys appropriated in any other appropriation bill for this investigation shall be available for that purpose I would have to insist upon the point of order. The investigation is one of the most important ones, I think, that Congress has ever authorized any bureau of the Government to make, and I do not think we ought to duplicate the service in this manner. There is another thing I want to call attention to, and that is that the Agricultural Department has no equipment. The Geological Survey is equipped for making this investigation, because it will require a drilling equipment. They are not going out through the country traveling over the desert and pick up these potash salts, but they have to conduct a series of drilling operations; and for that service the Geological Survey is now equipped and has a great many of these drills that they have used in the exploration and investigation of land for the purpose of ascertaining whether or not there are under the land mineral oils. If the gentleman would accept some provision of that kind that no other appropriation made in any other appropriation bill for this purpose shall be available, I shall not insist on the point of order.

Mr. MONDELL. Mr. Chairman, I have no objection personally to that, but I want to remind the gentleman that when the amendment was offered to the agricultural appropriation bill I called attention to the fact that it was a useless appropriation; that the only investigation that the Agricultural Department could carry on would be an investigation as to the possibility of the production of phosphate salts as a by-product.

Why, our grandmothers developed that line of investigation in the old days, when they used to put wood ashes in a barrel and leach them out and make homemade soap, and that is as far as that kind of an investigation can be carried to any useful purpose. The only extensive potash deposits known in the world now are in Germany.

Mr. FINLEY. I will state to the gentleman to-day I received a letter from a former constituent of mine who said that at Montague, N. Mex., there is a deposit of potash.

Mr. MONDELL. Mr. Chairman, there may be deposits of potash of which we know nothing, but the commercial potash of the world practically all comes from Germany, where it is found in extensive deposits of the salts laid down and then covered by an impervious layer of clay, and if potash is to be found anywhere else in the world in any great quantity it must be found practically under those conditions, for potash is a very soluble salts, and it is not found as the other salts are—in open spaces, in lake beds, and the like.

Mr. FINLEY. The gentleman has no information that there are not potash salt deposits in the arid countries such as New Mexico and Arizona.

Mr. MONDELL. Gentlemen connected with the Geological Survey believe there are in parts of Utah, Wyoming, Nevada, and elsewhere geological conditions that are favorable to the existence of valuable potash deposits.

The CHAIRMAN. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent that I may proceed for five minutes.

The CHAIRMAN. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none.

Mr. MONDELL. Germany has the world by the throat in this matter of potash at this time. A short time ago the American users of potash for fertilizers, for soap, and for the cyanide treatment of ores, and other purposes, made very large contracts with certain German miners of potash, but that did not suit the German potash trust, and they were powerful enough and influential enough to have an export duty placed on potash, and the result is that the American users of potash are now paying a great tribute to the German trust. Practically all the potash of the world, of which we imported $12,000,000 worth last year, comes from these deposits.

Mr. GARRETT. Is the gentleman sure that figure is correct—$12,000,000?

Mr. MONDELL. I have the figures before me. In 1910 it was $12,716,000. Those were the imports for 1910.

Mr. GARRETT. I had an impression it was about $8,000,000.

Mr. MONDELL. I think these figures are correct. The increase in the use of potash is shown by the fact that in 1900 our imports were $5,750,000; in 1905, $8,922,000; and in 1910, $12,716,000, as I have just stated. It has increased at the rate of about 10 or 15 per cent a year, and we are dependent entirely on Germany for this mineral, and the deposits in Germany are controlled by a great trust that has recently advanced the price very considerably.

Mr. SIMS. The question I would like to ask the gentleman is this: Does the export duty have a tendency to reduce the price to the German consumer or to increase the price paid by people outside?

Mr. MONDELL. It increases it outside, because the German user of potash has a very great advantage over the potash user anywhere in the world——

Mr. SIMS. In other words, he gets it lower on account of the export duty?

Mr. TAWNEY. The export tax does not affect the local market in Germany at all.

Mr. SIMS. That is what I wanted to understand.

Mr. TAWNEY. There is no application whatever.

Mr. MONDELL. It affects them in this way: Our potash importations are of the crude potash, and the German manufacturer of potash secures the raw material very much more cheaply than our manufacturers, and that gives him an advantage. I think the increase is something like 20 to 25 per cent above what we paid for potash a year ago. The result is that fertilizers are costing much more.

Mr. KEIFER. More than double.

Mr. MONDELL. More than double, the gentleman tells us.

Mr. SIMS. We pay the export duty?

Mr. MONDELL. Yes, sir.

Mr. SIMS. Which does not reduce it at all.

Mr. BARTLETT of Georgia. Is it not a fact that the manufacturers and farmers of this country who have contracts with the producers of potash in Germany have had their contracts repudiated because of this recent imposition?

Mr. MONDELL. The German trust has been able to make it almost impossible for them to fill their contracts, because they have prorated the amount which can be mined at the various mines and have given the mines which were exporting to the United States but a small amount.

Mr. TAWNEY. I would ask the gentleman from Wyoming [Mr. MONDELL] to come to the practical question of whether we ought to carry it in two bills.

Mr. MONDELL. Mr. Chairman, I regret there is a $12,000 appropriation in the agricultural bill. It can be of little practical use, it seems to me. But we are now on the bill that ought to carry this appropriation. There is nothing more important before the American people to-day than an investigation of potash deposits, and we are on the appropriation bill where that expenditure can be properly provided for.

Mr. TAWNEY. But the House has said this investigation ought to be made in the Department of Agriculture.

Mr. STAFFORD. Was not a similar amendment proposed during the consideration of the agricultural appropriation bill?

Mr. MONDELL. Oh, yes; there was an appropriation of $12,000.

Mr. STAFFORD. Was not that proposed by the gentleman from Wyoming?

Mr. MONDELL. It was not. The gentleman from Wyoming opposed it on the ground that it was a useless expenditure of public money in an investigation that could lead to nothing, because the Agricultural Department could not make this geological investigation. They have not the information, they have not the equipment, and it is not within the proper field of their operation. However, I hope they may be able to spend that appropriation for some useful purpose, but I doubt it.

Mr. SMITH of Iowa. But they have the language in the bill.

Mr. MONDELL. Well, we will have the language in this bill if we adopt the amendment I offer.

Mr. TAWNEY. Mr. Speaker, I insist on the point of order. If the Chair holds the amendment is in order, I will move to amend.

The CHAIRMAN (Mr. MANN). The Chair will inquire of the gentleman from Minnesota if there is any direct or specific authority for the item in the original paragraph?

Mr. TAWNEY. The organic law creating the Geological Survey, back in 1878, specifically authorizes the work that is included in the paragraph that is proposed to be amended. I am free to say that I think this is a part of the work of the Geological Survey, but if the amendment is held to be in order and is to be adopted, I trust that some provision may be added somewhere, before it becomes a law, to prevent the expenditure of money appropriated in other departments that have no jurisdiction whatever over this subject, that have heretofore been made.

The CHAIRMAN. The Chair is prepared to rule.

Mr. LEVER. Mr. Chairman——

The CHAIRMAN. Does the gentleman from South Carolina [Mr. LEVER] desire to be heard on the point of order?

Mr. LEVER. I would like to have the amendment reported again.

The CHAIRMAN. The Chair will report it in a moment. The paragraph in the bill to which the amendment is offered is:

For chemical and physical research relating to the geology of the United States, $20,000.

The gentleman from Wyoming [Mr. MONDELL] offers an amendment, so that the paragraph would read:

For chemical and physical researches relating to the geology of the United States, including researches with a view of determining geological conditions favorable to the presence of deposits of potash salts, $40,000.

There seems to be, so far as the Chair is informed, no specific authority for this paragraph in the language of the paragraph, at least. The paragraph provides for chemical and physical researches relating to the geology of the United States. That is a very much broader authority than is included in the amendment offered by the gentleman from Wyoming [Mr. MONDELL], and unquestionably includes the authority to make researches with a view of determining geological conditions favorable to the presence of potash-salt deposits. And as to the item in the paragraph, whether it was or was not subject to a point of order, is now before the committee. No point of order having been made, the Chair is of the opinion that it is in order to direct special attention to something which is included within the scope of general language already in the bill, and the Chair therefore overrules the point of order.

Mr. KEIFER. Mr. Chairman, I would not take any of the time of the House at this hour of the evening, but for the fact that I have given some attention to this very question. Without being able to give from memory the exact figures, I think I can give them substantially aright. Our dealers in potash have been obliged, as has been stated by the gentleman from Wyoming, to go to Germany to make their contracts to purchase potash. Some months ago they went over there and made their contracts for potash to be shipped from that country, and agreed to pay, I would say, $18 per ton in the crude state. This price is according to my recollection now. They made these contracts in the last year and for a number of years' supply with a new company there that was not under the domination or control or ownership of the German authorities. Thereupon the German authorities succeeded in having put on the potash of that kind for export a tax of about $23 a ton, so that the price that was paid, including the export tax, brought the contract price up to $41 per ton or thereabouts. Now, the United States has not been idle in regard to this matter. Our Government sent representatives to Germany to see if we could not get that tax taken off, as it worked unjustly against our people. The contractors have hitherto paid the other company, according to my recollection, about $22 a ton, and there was then no export tax. It will be seen that we have a controversy going on with Germany at the present time as to whether or not they are discriminating against the United States.

Now, so much for that. This is a most important matter, a matter which I have taken up on my own account in the last few days. I have succeeded in getting a great salt company in the West to attempt to go through their present vein of rock salt and below it, with the expectation of finding potash there in paying quantities, as they find it in the mines of Germany. It is said that potash in desirable quantity lies below the formation of rock salt in a salt region, or below the place where we find salt brine. There is found in the State of Kansas the most remarkable rock-salt veins in the world, and there is every reason to believe, from my own personal knowledge and investigation and that of others, that there may be found potash there. There are at present in parts of Kansas rock salt veins 235 feet in thickness, and almost pure all the way through and below black sand rock. The general depth at which rock salt has there been struck is somewhere between 600 feet and 700 feet. I have no particular interest in this now, although I once had, but I have had influence enough with a salt company to induce it to undertake the discovery of potash suitable to be mined. I think the Government ought to do it. It is worth, as the gentleman from Wyoming has said, millions of dollars to this country, and it may cut off the possibility of the very trouble that now exists between this country and Germany, which would cut off the injustice that comes now to the consumers of potash in this country. Potash is in almost universal use in the United States for many purposes.

Instead of getting potash for about $4 per ton less than formerly, our importers are now obliged to pay for it nearly double the price they formerly paid, on account of the export tax that has been put on it by the German Empire. I hope the amendment will be agreed to.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment to the amendment, which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

After the word "dollars," in line 2, insert "and no other money appropriated in this or any other act shall be used for the objects of this appropriation during the fiscal year 1912."

Mr. LEVER. Mr. Chairman, I make the point of order on that.

Mr. TAWNEY. Mr. Chairman, that is a limitation upon any appropriation that may have been made in any other bill for this same service. I do not think it is subject to a point of order.

The CHAIRMAN. It seems to the Chair that the amendment offered by the gentleman from Minnesota is not a limitation upon the appropriations carried in this bill at all, and the Chair therefore sustains the point of order.

Mr. LEVER. Mr. Chairman——

The CHAIRMAN. The gentleman from South Carolina.

Mr. LEVER. I want to call the attention——

Mr. TAWNEY. Has the Chair ruled that the amendment is not in order?

The CHAIRMAN. The Chair so held.

Mr. TAWNEY. Then I move that all debate on the paragraph be now closed.

Mr. LEVER. O, Mr. Chairman, I have the floor. I do not think the gentleman from Minnesota can take me off the floor.

The CHAIRMAN. The gentleman from South Carolina was recognized before the motion was made.

Mr. LEVER. I want to call the attention of the committee to the fact that when the agricultural appropriation bill was under consideration a few days ago an amendment was inserted in that bill providing for explorations and investigations for the purpose of locating, if possible, potash and nitrate deposits in the United States. An appropriation of $12,500 for that purpose was provided. I read to the committee at that time a letter from the Chief of the Bureau of Soils, in which he made the statement that his bureau was well prepared to make these investigations, and that they can be made with the appropriation provided in that amendment.

Since that time I have received a letter from the Secretary of Agriculture, which I do not happen to have with me at this

time, saying that the department is well prepared to do this very work provided for in the amendment offered by the gentleman from Wyoming [Mr. MONDELL]. Now, it seems to me that this is too important a proposition for us to be working at cross purposes on it. I don't want any juggling about it.

Mr. TAWNEY. Will the gentleman from South Carolina permit an interruption?

Mr. LEVER. Yes.

Mr. TAWNEY. I presume you can get an admission from the Agricultural Department that they are qualified to run the Army and Navy as well as the Geological Survey.

Mr. LEVER. I presume that admission could be obtained from the Interior Department as well.

Mr. SHERLEY. That is true of all of them.

Mr. LEVER. And also the Geological Survey. Now, Mr. Chairman, the soil chemists of the Department of Agriculture assure me that they are prepared to make this investigation, and to make it with an appropriation far less than that provided for in the amendment of the gentleman from Wyoming [Mr. MONDELL]; and I do not see any reason why we should duplicate this work and provide that one department shall make it and that another department shall make it, with the result in the end that neither department will make it. I am afraid of the situation which the amendment now under discussion will bring about. It offers too good an opportunity for this whole undertaking to be defeated.

Mr. MONDELL. Does the Agricultural Department expect to get potash salts out of the soil? Is that where they expect to get them?

Mr. LEVER. The Department of Agriculture expects to make the chemical investigation. Their plan is not to make borings for potash salts, as the Geological Survey would do.

Mr. MONDELL. Then why does the gentleman oppose this amendment?

Mr. LEVER. The proposition of the Geological Survey to make borings will require, in my judgment, not only $20,000 but half a million dollars, and maybe much more; but the Department of Agriculture will make surface examinations, and from those surface examinations indicate to private individuals the fact that at certain places potash salts ought to be found, and let private individuals make the borings.

Mr. MONDELL. Are there any geologists in the Agricultural Department?

Mr. LEVER. Oh, I do not know; there are plenty of soil chemists there. Are there any soil chemists in the Geological Survey?

Mr. MONDELL. Does the gentleman know of any place on earth where potash is gotten out of the soil? Potash deposits lie hundreds of feet deep. How can you tell anything about a potash deposit by examining the surface of the soil?

Mr. LEVER. My information is that the top surface always indicates the presence of potash salts.

Mr. MONDELL. That is very extraordinary.

Mr. LEVER. And I understand that is the way that the Geological Survey finds out about the location of oil as well.

Mr. MARTIN of South Dakota. They might take a witch-hazel stick!

Mr. MONDELL. The gentleman from South Dakota [Mr. MARTIN] suggests that a witch-hazel stick might also be valuable, as well as soil analysis.

Mr. LEVER. Oh, well! I repeat, Mr. Chairman, that the Agricultural appropriation bill carries this authorization to do this work. The Senate Committee on Agriculture have reported the bill with this provision in it, and I see nothing in this amendment except the purpose to take from the Agricultural Department some authority and transfer it to the Geological Survey, and perhaps develop a situation which will cause the loss of both appropriations. This is too important a matter to take any chances on. I therefore appeal to my farmer friends to stand by the Agricultural Department, which already is practically assured of the authority to do this work.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. TAWNEY. Mr. Chairman, I move that all debate on this paragraph and amendment be now closed.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken; and on a division (demanded by Mr. MONDELL) there were 37 ayes and 36 nays.

So the amendment was agreed to.

The Clerk read as follows:

For the investigation as to the causes of mine explosions, methods of mining, especially in relation to the safety of miners, the appliances best adapted to prevent accidents, the possible improvement of conditions under which mining operations are carried on, the use of explosives and electricity, the prevention of accidents and other inquiries and technologic investigations pertinent to the mining industry, $310,000.

Mr. ENGLEBRIGHT. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 148, line 14, strike out the word "ten" and insert the word "sixty," so that it will read "$360,000."

Mr. ENGLEBRIGHT. Mr. Chairman, the amendment I have offered increases the appropriation for the investigation of mine explosions and their causes from three hundred and ten to three hundred and sixty thousand dollars, being the amount estimated in the book of estimates for this work. The Bureau of Mines is comparatively a new institution, and has been doing good work in the investigation of mine explosions, mining accidents, and the various purposes for which it is established. The work is young, but it is very necessary that the work should be continued and to some extent enlarged. We have seen in the papers to-day some very serious accidents that have happened in the mines at Tonopah, Nev., a class of accidents that so far the Bureau of Mines has not had an opportunity to investigate; and in many ways, which it is not necessary for me to enlarge upon it is proper that this appropriation should be increased. I hope that the motion will pervail.

Mr. SMITH of Iowa. Mr. Chairman, the gentleman from California says that this service is young, and he might have added that it is very lusty. For in 1909 they expended $150,000 for this purpose. In 1910, $150,000. Last year, when the Bureau of Mines was organized, we raised it to $310,000, and now the gentleman is insisting that we raise it to $360,000. It is very young but growing handsomely.

Now, Mr. Chairman, there was no showing before the committee to warrant this enormous increase. The evidence shows that the work is not yet fully organized, that it is impossible to tell how much they need annually for this service, and it would be a gross waste of public money to grant the increase on the showing before the committee.

Mr. GOULDEN. Will the gentleman yield?

Mr. SMITH of Iowa. I will.

Mr. GOULDEN. What justification was there in the hearing for increasing the amount $160,000 over last year?

Mr. SMITH of Iowa. This was increased on the floor, as I remember it, for this new Bureau of Mines. Now, this force is not yet fully organized. There are no salaries yet fixed by Congress. They are proposing to fix some that seem to be very exorbitant and this has grown so vastly that it would be in my judgment a scandalous waste of public money to give this increase with no better showing than has been made before the committee.

Mr. GOULDEN. Have the results justified the expenditure of $150,000 a year?

Mr. SMITH of Iowa. I do not know of any results yet, but I am not blaming the bureau for that.

Mr. TAWNEY. Mr. Chairman, I want to state one reason why it was not reported at $360,000. At the time this appropriation was made at the last session, Members of the House will recollect the fact that the gentleman from Montana on the floor of the House, the House acting under the influence of sympathy for the miners who are destroyed and killed in mining accidents, increased the appropriation $100,000 here on the floor, on the statement that these branch stations were to be extended into the State of Montana and some other States.

Now, the fact is that instead of following the policy that was contemplated at that time the Bureau of Mines has adopted a different policy of furnishing relief in cases of accident and also of instructing miners and mine operators in the use of safety appliances. They have now a car, or several cars, and the railroad companies furnish free transportation for that car and all of the men who are engaged in the service. Consequently, the Bureau of Mines is doing a greater work to-day with far less money than it would have been possible to have done under the increased appropriation if the plan had proceeded of using the permanent relief stations, as I believe they were called, throughout the various mining States.

Mr. GOULDEN. I am very glad to hear the gentleman's explanation. It is entirely satisfactory to me.

Mr. TAWNEY. That is one of the reasons why the appropriation is not necessary this year.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. MONDELL. Mr. Chairman, I wish to ask the chairman of the committee if he has information as to how much the bureau now owes on the cars that it has purchased. I understand that they have purchased equipment that is not all paid for. Is that true?

Mr. TAWNEY. I can not say that it is paid for. I think it is paid for or will be paid for out of the current appropriation.

Mr. SMITH of Iowa. They had no right to buy it without paying for it.

Mr. TAWNEY. I do not see how they could buy it without paying for it, but I want to say for the Bureau of Mines that this equipment has been purchased at a very low cost. These cars they purchased from the Pullman Co. in Chicago, and have been equipped, and if gentlemen will take the trouble to read the hearings, the testimony of Mr. Holmes, the chief of the bureau, they will see there exactly the amount paid for the cars and what it cost to equip them, how they are equipped, and everything about it. I know that the cost is very reasonable, and I was impressed with the fact that the price paid by the Government for these cars was comparatively small.

Mr. MONDELL. Mr. Chairman, I think we are all very much interested in this work, and I want to be very certain that the committee in cutting down the estimates has not cut them so low as to hamper this bureau in its work. It is doing a splendid work, a magnificent work. I think the change from the original plan of permanent stations to that of cars is very helpful and beneficial, very advantageous. These cars are purchased at low cost and they are equipped with rescue apparatus and are stationed at some mining center and moved from one mining camp to another, and the miners and operators are instructed in the use of safety appliances and in the method of the prevention of accidents. The mine operators of my own State are very greatly pleased with the work, and the work of the bureau has led to a very considerable expenditure by the mine operators themselves. I think there has been very much more spent by the operators themselves, through the influence of this bureau, than the bureau has expended.

Mr. SMITH of Iowa. I want to ask the gentleman if he does not think it a strange proposition for him to say that he wanted to be assured that the committee had not cut this too much in place of saying he wanted some assurance that they needed this increase?

Mr. MONDELL. I imagined that they had not asked for more than they needed.

Mr. SMITH of Iowa. Upon that assumption this bill would carry one hundred and fifty-five million. If we are to assume that in all cases anything these bureaus ask for they need, then, indeed, we are not going to be able to meet these expenses. Does not the gentleman think that there should be some showing that they need an increase before we give it to them?

Mr. MONDELL. I have been under the impression they need what they asked for, and I was anxious to know if the committee had gone into that very thoroughly and was sure the bureau would not be crippled.

Mr. SMITH of Iowa. They had an opportunity to show that they needed an increase and they did not do it.

Mr. MONDELL. That is, they did not do it to the satisfaction of the gentleman from Iowa.

Mr. SMITH of Iowa. And all the rest of the members of the committee.

Mr. TAWNEY. Oh, no; they do not want any more increase.

Mr. MONDELL. I want to emphasize the value of this work and the splendid way in which it is being carried on and the great benefit it is to the miners of the United States. I hope the committee has given the department all that it needs.

Mr. FITZGERALD. It has given more than it needs.

Mr. FOSTER of Illinois. Mr. Chairman, I just want to say a word with reference to the Bureau of Mines. This bureau, which has been established now about a year, has, to my mind, started on a great work. They have purchased at a very low price a few cars, which have been fitted especially for the work of going to the mines and instructing the miners and operators in the work of rescuing miners when accidents occur, and the best way to prevent these accidents.

They have established these stations in different places where these cars are located, and when necessary they are taken directly to the mine in order to help rescue those who may be entombed and who have met with these serious accidents. I observe the director of the bureau asked the committee for $360,000. The hearings show this.

This bureau is established not only for the rescue of those who may meet with accidents in mines, but for the prevention of accidents. It has much to do with the saving of life and to prevent the crippling of men. I do not want to see any money thrown away or to give any department more money than is needed, but in this kind of work I believe they should have sufficient money to carry on the operations they have started. [Applause.]

Mr. WILSON of Pennsylvania. Mr. Chairman, I hope that the amendment offered by the gentleman from California [Mr. ENGLEBRIGHT] will prevail. The gentleman from Iowa has said, and said correctly, that this bureau is a young bureau, but that it is a vigorous bureau. That is true. It is not yet thoroughly organized according to the statement made by the director himself. If this appropriation of $360,000 is not made, the bureau will be handicapped in completing its organization——

Mr. TAWNEY. Will the gentleman from Pennsylvania permit me to interrupt him there——

Mr. WILSON of Pennsylvania. Certainly.

Mr. TAWNEY. This $310,000 appropriation has nothing whatever to do with the organization of the Bureau of Mines.

Mr. WILSON of Pennsylvania. No; but it has to do with the work conducted by that organization.

Mr. TAWNEY. No; this is an appropriation that relates to the investigation of the causes of mine disasters.

Mr. WILSON of Pennsylvania. Exactly.

Mr. TAWNEY. And it is an appropriation from which all the paraphernalia and equipment is purchased for the work of instructing men and mine operatives regarding the use of safety appliances. Now, I just want to add this word. The appropriation was made at $360,000 a year ago by an amendment of $100,000, offered by the gentleman from Montana, upon the theory that it would be necessary to equip these permanent relief stations. Now, since then they have abandoned the policy of permanent relief stations and are pursuing a policy of portable stations in the form of cars, and therefore do not need for this purpose one-half the money that was given to them a year ago for the establishment of permanent relief stations.

Mr. WILSON of Pennsylvania. It is true that they have abandoned the idea of permanent relief stations.

Mr. TAWNEY. And therefore need less money.

Mr. WILSON of Pennsylvania. They have substituted therefor these cars with the equipment in these cars, and in doing so they have made these stations available for a larger territory and in a quicker time after an accident had occurred than otherwise would have been the case.

But that is only one part of the work of this bureau, the investigation of the causes of mine disasters; and the bureau, from this appropriation, has been conducting experiments and expects to conduct experiments with the dust to be found in the different coal mines when it comes up in the air; with the gases to be found in the mines, and with the introduction of electrical machinery and other matters of that kind; with the introduction of moisture and of shale dust, and other materials that are being experimented upon. They are being experimented on for the purpose of preventing these mine accidents. So far as the experiment in the cars themselves is concerned, that equipment is very useful, and has been found extremely useful when an accident has occurred, in that it enables expert workmen to get on the ground immediately and enter the mine with oxygen helmets and bring relief to the men when the accident has occurred. But the greater value of the bureau is the determining of the causes of these mine disasters so as to prevent them, and the bureau is working along those lines. It has done some very fine work in that direction, and this appropriation ought to be made at $360,000 instead of $310,000 to enable them to continue the work along the line; not merely of rescuing men after accidents have occurred, but to determine the cause, so that these accidents can be prevented in the future. I hope the amendment will prevail. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from California [Mr. ENGLEBRIGHT].

The question was taken; and the Chair announced that the noes seemed to have it.

Mr. WILSON of Pennsylvania. Division, Mr. Chairman.

The committee divided; and there were—ayes 21, noes 37.

So the amendment was rejected.

The Clerk read as follows:

Care and custody of the insane of Alaska: For the care and custody of persons legally adjudged insane in the District of Alaska, including transportation and other expenses, $50,000.

Mr. FOSTER of Illinois. Mr. Chairman, I move to strike out the last word.

Last year, I remember, we passed a bill in this House, which, I think, became a law, providing for suitable places for taking care of the insane in Alaska. I would like to inquire of the chairman of the committee if anything has been done toward the work of erecting those buildings and taking the proper care of these unfortunate people?

Mr. SMITH of Iowa. If the gentleman has such information, it has not come to me. This is done under a contract with continental United States. They are brought down here.

Mr. FOSTER of Illinois. Did we not pass a law last year with reference to the insane in Alaska?

Mr. SMITH of Iowa. I would not like to say we did not, if the gentleman says we did, but I have no recollection of it.

Mr. FOSTER of Illinois. I know we passed such a bill through the House.

Mr. COLE. It did not pass the Senate.

Mr. SMITH of Iowa. These are brought back here and taken care of under contract with the United States.

Mr. FOSTER of Illinois. My understanding is that the governor of Alaska kept them in the jail, where they could be taken care of by one set of guards. Has the gentleman any such information.

Mr. SMITH of Iowa. I can not deny anything the gentleman suggests, but I have no such information.

Mr. FOSTER of Illinois. I will ask the gentleman from New York [Mr. FITZGERALD] if he has any information in reference to the care of the insane in Alaska?

Mr. FITZGERALD. They are very adequately cared for under this appropriation in the United States, and they do not need the asylum in Alaska.

Mr. FOSTER of Illinois. What is done with them until they are brought to the United States?

Mr. FITZGERALD. As soon as they find them they bring them to the United States.

Mr. FOSTER of Illinois. I do not think the gentleman means that they are brought here immediately. They must be taken care of for awhile there.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. FOSTER] has expired.

Mr. FOSTER of Illinois. Mr. Chairman, I ask unanimous consent for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FITZGERALD. At the time the gentleman from Illinois and some others induced the House to pass this bill to provide an insane asylum or detention asylum, I think it was in Alaska, some very exaggerated statements were made as to the conditions under which the insane were temporarily detained there.

Mr. FOSTER of Illinois. It is a question whether that was exaggerated or not.

Mr. FITZGERALD. Of course, it is well known that these places in Alaska are not palaces, but so far as this committee has ever been informed——

Mr. COLE. Will the gentleman yield?

Mr. FITZGERALD. In just a moment.

Mr. COLE. The insane have been humanely cared for.

Mr. FOSTER of Illinois. They have been kept in jails in Alaska with the prisoners of Alaska.

Mr. FITZGERALD. Oh, well, I have known very estimable gentlemen who have been glad to obtain positions where they have charge of jails and live in jails, and have not found any particular fault as long as their salary was continued. A jail in itself is not an opprobious place, except when a person is compelled to live there against his will.

Mr. FOSTER of Illinois. That is the case with those people who are insane.

Mr. FITZGERALD. The insane, of course, are detained there, but they are detained in an asylum.

Mr. FOSTER of Illinois. No; they are detained in a jail.

Mr. FITZGERALD. I understand that the facilities there are as good as could reasonably be expected.

Mr. HOUSTON. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Tennessee?

Mr. FOSTER of Illinois. Yes, sir.

Mr. HOUSTON. From the nature of the point that the gentleman raises, I take it that the provisions he refers to are those providing buildings for the care of the insane in Alaska which have not been completed yet. They are not in a position, as I understand, to care for them yet. The gentleman knows they are not in a position to care for them.

Mr. FOSTER of Illinois. I understand that nothing has been done. In fact, I understand they have not tried to do anything.

Mr. FITZGERALD. This appropriation is to provide for the care of the insane under a contract with the State of Washington. What the gentleman from Illinois [Mr. FOSTER] has been discussing is an appropriation of $25,000, if my recollection is correct, to build a small hospital or asylum where those persons who are found to be insane would be incarcerated until the time came when they could be sent to the United States. While that bill passed the House, I do not believe it passed the Senate.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. HOUSTON. Mr. Chairman, I ask that the gentleman from Illinois have five minutes more. I want to make another suggestion.

The CHAIRMAN. The gentleman from Tennessee asks that the gentleman from Illinois [Mr. FOSTER] be allowed five minutes more. Is there objection? [After a pause.] The Chair hears none. The gentleman's time is extended for five minutes.

Mr. HOUSTON. I understand the gentleman says that nothing has been done to further the building of this institution. That being the case, some provision must be made to care for those people in the State of Washington, as has been done heretofore.

Mr. FOSTER of Illinois. My question is, What has been done with those people in Alaska, where we provided for an appropriation of $25,000 to put up a suitable building for them until they could be brought back to the States?

Mr. HOUSTON. The gentleman does not object to that?

Mr. FOSTER of Illinois. No. I understand those unfortunate people are still cared for in a jail, just as they have been all the time heretofore.

Mr. HOUSTON. I think the measure referred to by the gentleman from Illinois [Mr. FOSTER] and by the gentleman from New York [Mr. FITZGERALD] is a very wise and wholesome one and ought to be carried out.

Mr. COLE. Will the gentleman yield a moment?

Mr. FOSTER of Illinois. Yes; I shall be glad to yield to the gentleman.

Mr. COLE. This matter was before the Committee on Territories, of which the gentleman from Tennessee is a member, and of which also is the gentleman from Illinois a member. My recollection is that most of these unfortunate people in Alaska lost their mental faculties because they were in Alaska. We did not think it proper to retain them there, in the same climate that was responsible for their mental condition, and therefore we thought it best to bring them back to some institution in the States.

My recollection is—and it is just a little dim at the present time—that they are cared for in an institution in Portland, Oreg., which is conducted by an eminent doctor by the name of Coe, and my information is that it is one of the best institutions of its kind in the United States. My recollection is, further, that we were opposed at that time to the establishment of an insane hospital in Alaska for the reason that the climate there was not a proper climate for people afflicted in that way.

Mr. HOUSTON. We were in favor of establishing those hospitals, and they were established so far as the action of this House was concerned—that is, the House passed the measure but the Senate——

Mr. SMITH of Iowa. Mr. Chairman, I was perfectly willing that the gentleman from Ohio should make this statement, but there is nothing pending before the committee at all now.

Mr. FOSTER of Illinois. Mr. Chairman, I asked to strike out the last word, and I still have the floor on that proposition.

Mr. SMITH of Iowa. No. The gentleman has not got the floor. There is nothing now pending.

Mr. FOSTER of Illinois. I yield to my friend from New York [Mr. GOULDEN].

Mr. SMITH of Iowa. Mr. Chairman, I want to get ahead with this bill. There is nothing before the committee.

Mr. GOULDEN. Mr. Chairman, I should like to ask the gentleman from Illinois [Mr. FOSTER] whether that appropriation of $25,000 which passed the House last year became a law?

Mr. FOSTER of Illinois. I understand it did.

Mr. GOULDEN. I understand it did not. I understand the purpose of it was for a detention hospital, and the evidence produced before the committee of this House was certainly sufficient to justify the erection of such a detention hospital.

Mr. SMITH of Iowa. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The regular order is proceeding.

Mr. SMITH of Iowa. The time has long since been exhausted.

The CHAIRMAN. The gentleman from Iowa is mistaken. The time of the gentleman from Illinois [Mr. FOSTER] was extended five minutes, by unanimous consent, a few moments ago.

Mr. SMITH of Iowa. Has not that five minutes yet expired?

The CHAIRMAN. It has not expired.

Mr. SMITH of Iowa. I was sure it had expired.

The CHAIRMAN. It will not expire while the time of the gentleman from Illinois is taken with other matters.

Mr. GOULDEN. If the gentleman will permit me just a moment further, my impression is that that bill failed to become a law; but I heartily agree that a detention hospital in the District of Alaska is necessary if the evidence produced before this committee was true.

Mr. FOSTER of Illinois. I think the gentleman is entirely correct.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

Education in Alaska: To enable the Secretary of the Interior, in his discretion and under his direction, to provide for the education and support of the Eskimos, Aleuts, Indians, and other natives of Alaska; for erection, repair, and rental of school buildings; for textbooks and industrial apparatus; for pay and necessary traveling expenses of general agent, assistant agent, superintendents, teachers, physicians, and other employees, and all other necessary miscellaneous expenses which are not included under the above special heads, $200,000; so much of which sum as may be necessary for the purchase of supplies shall be immediately available: *Provided*, That no person employed hereunder as special agent or inspector, or to perform any special or unusual duty in connection herewith, shall receive as compensation exceeding $200 per month, in addition to actual traveling expenses and per diem not exceeding $4 in lieu of subsistence, when absent on duty from his designated and actual post of duty: *Provided*, That of the sum hereby appropriated not exceeding $7,000 may be expended for personal services in the District of Columbia.

Mr. COOPER of Wisconsin. Mr. Chairman, what personal services are here referred to, under this appropriation of $7,000, which may be expended for that purpose in the District of Columbia?

Mr. SMITH of Iowa. Personal services in connection with matters in Alaska; for instance, the employment of teachers, and the like.

Mr. COOPER of Wisconsin. That is all done here?

Mr. SMITH of Iowa. All done here.

The Clerk read as follows:

Yosemite National Park, Cal.: For protection and improvement of the Yosemite National Park and the construction and repair of bridges, fences, and trails, and improvement of roads other than toll roads, $50,000.

Mr. ENGLEBRIGHT. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from California offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 152, line 17, insert after the word "dollars" the words "to be immediately available."

Mr. STAFFORD. I reserve a point of order on that, Mr. Chairman.

Mr. ENGLEBRIGHT. I trust the chairman of the committee will not object to the amendment.

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] reserves a point of order on the amendment.

Mr. ENGLEBRIGHT. The object of this amendment is to make this money available earlier in the season. The season in Yosemite Park commences about the 1st of May, and the working season runs from about that time until some time in October. Work on the roads and in the park can be done to much better advantage early in the year than later, and if the appropriation is not available until the 1st of July the work runs so late that some of it has to be carried over, and so the work is divided.

Mr. SMITH of Iowa. It is with great pleasure that I assure the gentleman that if that is true this year, it was true last year, and they must have a lot of money left over from last year's appropriation to spend this spring.

Mr. ENGLEBRIGHT. Oh, they have not.

Mr. SMITH of Iowa. They must have, from the gentleman's assurance that the money can not be spent for work between July and October.

Mr. ENGLEBRIGHT. That is why we want to get the work started, so that it can be going on, and so that the money can be expended in work to be done by the first of November.

Mr. SMITH of Iowa. One of two things is true. Either they have plenty of money from last year's appropriation or else the gentleman is mistaken in saying that it can not be spent after the first of July.

Mr. ENGLEBRIGHT. Will you advise me how much they have on hand now?

Mr. SMITH of Iowa. I can not advise the gentleman, but I know that one of two things is true. Either the gentleman is in error in saying that they can not utilize the money between the first of July and the closing of the season, or else they have money left over, because they had as much money last year as they have this.

Mr. FITZGERALD. They had $12,000 more last year than this.

Mr. ENGLEBRIGHT. A good deal of this work will be done by contract, and if the whole thing is made available now, they can make contracts to better advantage.

Mr. STAFFORD. Has anyone in the department made the request that this money shall be made immediately available?

Mr. ENGLEBRIGHT. No; but I have some information about it.

The CHAIRMAN. The Chair overrules the point of order. The question is on the amendment.

The question was taken, and the amendment was lost.

The Clerk read as follows:

Mount Rainier National Park, Wash.: For protection and improvement of Mount Rainier National Park, construction of bridges, fences, and trails, and improvement of roads, $3,000.

Mr. MARTIN of South Dakota. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

After the word "dollars," in line 8, page 154, insert "Wind Cave National Park, S. Dak.: For the improvement and protection of the Wind Cave National Park, $2,500."

Mr. MARTIN of South Dakota. Mr. Chairman, the Wind Cave National Park was created by an act of Congress in 1903 on the recommendation of the Secretary of the Interior calling attention to that great natural wonder and on a bill prepared in the Department of the Interior. The sum of $2,500 has been appropriated every year since for the maintenance and development of the cave and park. The same amount was carried in the estimates this year, but a clerk from the Interior Department seems to have been before the subcommittee on the subject of parks and in one sentence at the bottom of page 403 of the hearings testified before that committee that the Secretary of the Interior had recommended that the Wind Cave National Park and the Sullys Hill National Park, and the Platt National Park, of Oklahoma, should be ceded to the various States in which they are situated. He proceeds to give no testimony whatever on the Wind Cave National Park, but does give an account of a trip he made to Sullys Hill, in whatever State it may be situated—I have no knowledge—and recounts his difficulty in finding that park, and says it has no practical utility. He then proceeds to a somewhat similar discussion on the Platt National Park, of Oklahoma. The committee appears to have dropped out all three of the parks without any testimony of any value upon the Wind Cave National Park—none whatever except what I have referred to.

It certainly would be a mistake not to continue the appropriation for this park. It is situated in Custer County, S. Dak.

Mr. TAYLOR of Ohio. How do you get to the Wind Cave National Park?

Mr. MARTIN of South Dakota. Easiest thing in the world. If there is any impression such as the gentleman's question implies——

Mr. TAYLOR of Ohio. Not at all. I wanted to know how to get there.

Mr. MARTIN of South Dakota. It is situated 10 miles immediately north of Hot Springs, S. Dak. Hot Springs is on two great trunk lines, the Chicago & Northwestern and the Chicago, Burlington & Quincy. The park is reached by automobile lines every day. Hot Springs is where the national sanitarium for the national home is situated and where the State Soldiers' Home of South Dakota is situated. Wind Cave is within 40 or 45 minutes' run over a good road by automobile.

It was visited, as the returns showed, by 3,400 people last year.

Mr. TAYLOR of Ohio. What are the particular natural beauties that make it so wonderful?

Mr. ADAMSON. Hot air! [Laughter.]

Mr. MARTIN of South Dakota. The gentlemen here seem to have some merriment over a subject that has attracted the interest of sight-seers and those interested in great natural phenomena for many years.

Mr. Chairman, notwithstanding the late hour, I propose to call the attention of the committee to this curiosity. It is probably the largest known cavern in the world. It is supposed to be what has been left from the extinct geyser similar to those found in the Yellowstone National Park. A series of chambers extending over many miles with narrow passages between, and the expenditures by the Government for improvement have been mostly in making openings from one cavern to another. It has reserved 10,000 acres of the surrounding country for a park on the theory that the cave being so extensive it might be penetrated by private enterprise if the park was of a smaller area. I may say before the Government took over this natural curiosity speculators were making large incomes by charging $1 admission to this cavern on public land, and by taking out some of the most beautiful specimens and selling them. It was with a view of preserving its natural beauties in these large chambers and making it accessible to the people of the entire country that the Government reserved the area as a park.

[The time of Mr. MARTIN of South Dakota having expired, by unanimous consent he was granted five minutes more.]

I want the committee to clearly understand that whatever criticism has come upon this park in this proceeding has been because of the grouping of it with these apparently needless parks referred to in the bill. It is upon an entirely different basis, and I will call the attention of the committee to the first official utterance upon the subject in the record. This is in the statement of the Secretary of the Interior in his report of 1900:

> The attention of the department was directed to what is known as the Wind Cave, in South Dakota, the entrance to which is in sec. 1, T. 6 S., R. 5 E., Black Hills meridian, about 12 miles southeast of the town of Custer, as being a cavern of considerable size and possessing wonders of such surpassing interest as that it should be set apart as a park or pleasuring ground for the people. An investigation of the cave was accordingly made by two geologists of the Geological Survey, and from their report, which is set forth more fully in the report of the Commissioner of the General Land Office, it appears that the cave is of large dimensions, of great interest and beauty, having many miles of galleries branching and reticulating along the joined planes of carbonaceous limestone, and numerous chambers with stalactitic and stalagmitic formations. Owing to the existence of a number of unperfected entries covering lands around the mouth of the cave, it would not be advisable at this time to have the same set apart as a national park. With a view, however, to future action by Congress in the premises, a temporary withdrawal has been made of the necessary lands subject to any and all valid rights acquired by virtue of existing entries.
>
> The report of the Geological Survey referred to by the Secretary is here submitted:
>
> "The Wind Cave was visited by two of the geologists of this survey in 1898, who spent several hours in examining its principal points. The cave is of great extent, having many miles of galleries branching and reticulating along the joint planes of the carboniferous limestone. There are numerous chambers of considerable size. There are the usual stalactitic and stalagmitic formations, some of very notable beauty, and much unique 'box work' of thin intersecting veins of carbonate of lime projecting from the walls and ceilings. Altogether the cave is regarded as one of great interest and beauty. It attracts a large number of visitors—over 1,000, it is said, in the summer of 1899. A fee of $1 is charged for admission to and guidance through the cave. This service appears to have been satisfactory.
>
> "It is the opinion of this office that the cave is of sufficient extent and importance to be reserved as a national park."

On June 10, 1902, the honorable Secretary of the Interior addressed a communication to the chairman of the Committee on Public Lands of the Senate and House of Representatives, as follows:

> DEPARTMENT OF THE INTERIOR,
> *Washington, June 10, 1902.*
>
> SIR: I have the honor to transmit herewith a copy of a letter of the 6th instant from the Commissioner of the General Land Office to the department, with its inclosures, among which is a draft of a proposed bill, prepared in his office on my direction, to set aside certain lands in South Dakota as a public park, to be known as Wind Cave National Park, which contains caverns, chambers, and natural formations of extreme beauty and of most wonderful character.
>
> The letter of the commissioner sets forth the extreme desirability of the creation of the park and of its preservation from spoliation, and he has recommended therein that every effort be made to secure favorable action on the bill during the present session of the Congress.
>
> I concur in the views of the commissioner, and recommend that the bill be enacted into law at the earliest possible date.
>
> I have addressed a like communication to the chairman of the Committee on the Public Lands, House of Representatives.
>
> Very respectfully, E. A. HITCHCOCK, *Secretary.*

This bill became a law in January, 1903.

Mr. TAYLOR of Ohio. The gentleman's amendment provides for $2,500.

Mr. MARTIN of South Dakota. I simply restore the item that is carried every year.

Mr. TAYLOR of Ohio. Will the gentleman tell me how much of that is used for salaries of persons to look after this cave?

Mr. MARTIN of South Dakota. Nine hundred dollars per year is used for the superintendent of the cave.

Mr. TAYLOR of Ohio. How much for other salaries?

Mr. MARTIN of South Dakota. No other salaries whatever.

Mr. TAYLOR of Ohio. What is the balance used for?

Mr. MARTIN of South Dakota. The balance of the estimate for this year is $700 for the building of a barn for the superintendent's horses and other animals.

Mr. TAYLOR of Ohio. Why does he need a horse in a cave? [Laughter.]

Mr. MARTIN of South Dakota. He does not keep his horse in the cave.

Mr. TAYLOR of Ohio. I speak seriously, and what I am getting at is how much is needed to keep the natural beauty of the place and how much for the superintendent and the horses and the barns, and so on.

Mr. MARTIN of South Dakota. Nine hundred dollars per year is used for the superintendent's salary, and the balance is used for the further exploration and opening up of new caverns, for the building and protecting of roads, and the maintenance of buildings on the place. There is a public stopping place at the mouth of the cave, a house over the entrance way, then there is a superintendent's house, and some thousand or two acres under fences, and all that is maintained from year to year.

Mr. TAYLOR of Ohio. Do I understand the superintendent receives $900, and has a house and a barn and horses to run that cave with? Is that the cost?

Mr. MARTIN of South Dakota. It is the smallest appropriation I believe that is carried for the maintenance of any national park.

Mr. HUGHES of New Jersey. Will the gentleman yield for a question?

Mr. MARTIN of South Dakota. Yes.

Mr. HUGHES of New Jersey. Does this cave produce anything else but wind? [Laughter.]

Mr. MARTIN of South Dakota. It produces something of interest to the public, that is all. I may say, Mr. Chairman, the record as put in here from the Interior Department shows that 3,400 visitors registered at that place during the past year. Of course that is not a large number of visitors in comparison with the Yellowstone Park or the Yosemite, but still if you consider that everyone who goes there comes from some distance to witness this natural curiosity, and the fact that the season when it is mostly visited is not to exceed six months of the year, it means 20 people every day for the season, Sundays included. Before the Government made it a national park its beauties were being despoiled, and as I say, when it became a national park it was by virtue of the action of the department itself in transmitting to this House in June, 1902, a bill prepared by the department, and asking its passage.

Now, something ought to be done to continue the preservation of this natural curiosity. No proposition has been worked out to cede this land to the State. If it were to be closed, it would be again despoiled as it was before.

The CHAIRMAN. The time of the gentleman from South Dakota has again expired. The question is on the amendment offered by the gentleman from South Dakota.

The question was taken; and the Chair announced the noes appeared to have it.

On a division (demanded by Mr. MARTIN of South Dakota) there were—ayes 20, noes 38.

Mr. MARTIN of South Dakota. Mr. Chairman, I call for tellers.

The CHAIRMAN. Three gentlemen have arisen, not a sufficient number, and tellers are refused.

So the amendment was rejected.

Mr. FERRIS. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

> After line 8, on page 154, insert the following paragraph:
> "Platt National Park: For maintenance and protection of Platt National Park, to be expended under the direction of the Secretary of the Interior, $5,000."

Mr. FERRIS. Mr. Chairman and gentlemen of the committee, my amendment should be adopted. It is right. It is but common justice. The fate of my predecessor does not afford me any flowery beds of ease or allow my hopes to reach any

great proportions, but the facts, gentlemen, tersely stated, are these: In 1902 the Government of the United States purchased 640 acres of land from the Choctaws and Chickasaws, a portion of which was at that time covered by the beautiful city of Sulphur. They converted that into a national park, erected bridges and piped the streams, and erected bathhouses and beautified the springs, and beautified scenery there. The springs are bromide and sulphur and have great mineral properties in them beyond all question. It is the only park within our State. The land was paid for by the Government. Later on in 1904 the Government purchased 208 acres more, paying $60 an acre for that, annexing it to the park. They have removed brick buildings and hotels and other buildings and forced men to abandon their homes and forced families to be ejected from the land condemned and ousted them in order to create this park. The park is very much sought after by both the Indians and white people of our State, and it does not cost but a very small amount to maintain the park. The Government has paid a large amount for it, and the people of the State are not able to maintain it and appropriate for it while the State is new.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. FERRIS. I will.

Mr. FITZGERALD. Is this a very valuable park?

Mr. FERRIS. Yes; it is. I am proud of it. It means much to our State. The water has great mineral properties and there can be no doubt about it. It is naturally a beautiful spot. It should be appropriated for. My amendment should be adopted.

Mr. FITZGERALD. Can the gentleman estimate its value?

Mr. FERRIS. We can but partially judge by what the Government paid for it, for it has great mineral properties in the water. The acreage value is but a small part of it.

Mr. FITZGERALD. What did the Government pay?

Mr. FERRIS. The Government paid $20 an acre for the first 640 acres in its wild state, and for the last 208 they paid $60 an acre, and they removed brick buildings and one very large hotel I have in mind and numerous residences. They had to pay for them also.

Mr. FITZGERALD. The gentleman remembers last session the committee reported a provision donating this park to your State.

Mr. SMITH of Iowa. And you did not want to take it.

Mr. FITZGERALD. And you declined to accept it.

Mr. FERRIS. The gentleman speaks the entire truth about that. My State has been admitted for four years, and any new State has many hardships to undergo and has many burdens to bear, but for the Government to come and crowd these people out of their homes and take this land away from them and create a national park I think it is hardly well taken or generous or liberal or even bordering on justice for the United States Government to come and say, while the State is new and struggling and trying to get a start, "We will dump this expense upon Oklahoma."

Mr. SMITH of Iowa. Was not there a solemn contract with the Indians at the time the park was created?

Mr. FERRIS. Now, I was going to speak of that. I know the kind of provision the gentleman is referring to, but by three or four distinct positive legislative enactments the United States Government has completely taken full jurisdiction of the park, which, in effect, fully repeals the provision of recession to the State.

Mr. SMITH of Iowa. It always had jurisdiction of the park.

Mr. FERRIS. And in the enabling act it is expressly stated, in regard to the question of jurisdiction, that no ownership and jurisdiction shall remain in the State. They then waived their right to recede this park to the State.

Mr. SMITH of Iowa. We do not deny we have jurisdiction if we want to hold it, but did not we make a treaty with the Indians by which we created this park, and was it not provided in that treaty that upon the organization of the State government that this park should be ceded to the State?

Mr. FERRIS. You did not make any treaty at all. You passed an act of Congress with a proviso on the end of it reciting approximately what the gentleman says, and in three distinct enactments since that time you have overturned that and repealed it.

Mr. SMITH of Iowa. Not at all.

Mr. FERRIS. And so what the gentleman from Iowa says is absolutely of no consequence. [Laughter.] Mr. Chairman, I do not mean to be disrespectful; I do not mean to treat the gentleman's statement lightly; but I hold in my hand the three acts which absolutely repeal the act the gentleman relies upon.

Mr. SMITH of Iowa. The gentleman will pardon me.

Mr. FERRIS. While I may have been extravagant in my statement about the gentleman's remarks, I feel sure I was in all things correct in what I stated.

Mr. SMITH of Iowa. I have the acts, and I do not agree with him as to repealing the acts at all.

Mr. FERRIS. If I had the time I could present them; I will present them later so the House can ascertain that I am correct.

It is contended by the gentleman from Iowa and, in fact, the whole Committee on Appropriations, that the original grant makes a recession of the park imperative.

I deny it, and submit to you the law on the subject that conclusively shows that while the original grant makes such reference of recession to the State upon admission into the Union, still the following acts of Congress, which I am submitting here at length, conclusively show complete repeal of that provision:

LAWS AND REGULATIONS RELATING TO PLATT NATIONAL PARK, OKLA.

[Extract from act of July 1, 1902 (32 Stat., 641, 655).]

An act to ratify and confirm an agreement with the Choctaw and Chickasaw Tribes of Indians, and for other purposes.

Be it enacted, etc., That the following agreement, made by the Commission to the Five Civilized Tribes with the commissions representing the Choctaw and Chickasaw Tribes of Indians on the 21st day of March, 1902, be, and the same is hereby, ratified and confirmed, to wit:

* * * * * * *

64. The two tribes hereby absolutely and unqualifiedly relinquish, cede, and convey unto the United States a tract or tracts of land at and in the vicinity of the village of Sulphur, in the Chickasaw Nation, of not exceeding 640 acres, to be selected, under the direction of the Secretary of the Interior, within four months after the final ratification of this agreement, and to embrace all the natural springs in and about said village and so much of Sulphur Creek, Rock Creek, Buckhorn Creek, and the lands adjacent to said natural springs and creeks as may be deemed necessary by the Secretary of the Interior for the proper utilization and control of said springs and the waters of said creeks, which lands shall be so selected as to cause the least interference with the contemplated town site at that place consistent with the purposes for which said cession is made, and when selected the ceded lands shall be held, owned, and controlled by the United States absolutely and without any restriction, save that no part thereof shall be platted or disposed of for town-site purposes during the existence of the two tribal governments. Such other lands as may be embraced in a town site at that point shall be disposed of in the manner provided in the Atoka agreement for the disposition of town sites. Within 90 days after the selection of the lands so ceded there shall be deposited in the Treasury of the United States, to the credit of the two tribes, from the unappropriated public moneys of the United States $20 per acre for each acre so selected, which shall be in full compensation for the lands so ceded, and such moneys shall, upon the dissolution of the tribal governments, be divided per capita among the members of the tribes, freedmen excepted, as are other funds of the tribes. All improvements upon the lands so selected which were lawfully there at the time of the ratification of this agreement by Congress shall be appraised, under the direction of the Secretary of the Interior, at the true value thereof at the time of the selection of said lands, and shall be paid for by warrants drawn by the Secretary of the Interior upon the Treasurer of the United States. Until otherwise provided by law the Secretary of the Interior may, under rules prescribed for that purpose, regulate and control the use of the water of said springs and creeks and the temporary use and occupation of the lands so ceded. No person shall occupy any portion of the lands so ceded, or carry on any business thereon, except as provided in said rules, and until otherwise provided by Congress the laws of the United States relating to the introduction, possession, sale, and giving away of liquors or intoxicants of any kind within the Indian country or Indian reservations shall be applicable to the lands so ceded [see section 2139 U. S. Revised Statutes, as amended by the act of July 23, 1892 (27 Stat. L., 260), and the act of January 30, 1897 (27 Stat. L., 506), in relation to introduction and sale of liquors in the Indian country. See also act of May 2, 1890 (26 Stat. L., 81, 97), and section 8 of act of March 1, 1895 (28 Stat. L., 693)], and said lands shall remain within the jurisdiction of the United States court for the southern district of Indian Territory: *Provided, however*, That nothing contained in this section shall be construed or held to commit the Government of the United States to any expenditure of money upon said lands or the improvements thereof, except as provided herein, it being the intention of this provision that in the future the lands and improvements herein mentioned shall be conveyed by the United States to such territorial or State organization as may exist at the time when such conveyance is made.

[Extract from the Indian Department appropriation act of April 21, 1904 (33 Stat., 220).]

SEC. 18. That the Secretary of the Interior is hereby authorized and directed to withhold from sale or other disposition the irregular tract of land containing seventy-eight and sixty-eight one-hundredths acres, more or less, lying in the northwest quarter of section 2 and the northeast quarter of section 3, township 1 south, range 3 east, and being within the exterior boundaries of the proposed town site of Sulphur, in the Chickasaw Nation, Indian Territory, and excluded from said town site by order of the Secretary of the Interior, of October 20, 1903, and also to withdraw and withhold from disposition the tract of land within the exterior boundaries of said proposed town site, lying south of and adjacent to the tract above mentioned, containing in the aggregate 138 acres, more or less, and mentioned in the report of Gerard H. Matthes, of December 27, 1903, to F. H. Newell, Chief Engineer United States Geological Survey, and shown upon the map accompanying said report by a yellow line.

The land hereby reserved shall be paid for by the United States at the rate of $60 per acre and in the same manner as the land acquired in accordance with paragraph 64 of the act of Congress approved July 1, 1902, entitled "An act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," and

such money as may be necessary to carry out this provision is hereby appropriated, from any money in the United States Treasury not otherwise appropriated, and made immediately available.

All improvements upon said land, at the passage of this act, shall be appraised and paid for as provided in said paragraph 64 of the act of July 1, 1902.

The land hereby reserved shall, immediately upon payment therefor by the United States, be and become a part of the reservation heretofore established at the said village of Sulphur, and shall be subject to all the provisions of said section 64 of the act of July 1, 1902, respecting the care, control, direction, use, and occupancy thereof, as if they had been included in the original segregation: *Provided*, That the Secretary of the Interior is hereby authorized, in the absence of other provisions for the care and management thereof, to designate an officer or employee of his department to take charge of the land, whether acquired under said section 64 of the act of July 1, 1902, or under this act, and to enforce rules and regulations for the control and use thereof, and of the waters of the springs and creeks within the reservation: *Provided further*, That the Secretary of the Interior is hereby authorized, in his discretion, to sell or dispose of any buildings upon the land hereby reserved and upon the land originally reserved, and all money received from such sales, as well as all money heretofore received or that may hereafter be realized for the use of said waters or for the use and occupancy of the land or the buildings thereon, through leases, permits, or otherwise, may be expended under the direction of the Secretary of the Interior for the care and management of said lands and the preservation of the improvements thereon: *And provided further*, That if any person, firm, or corporation shall willfully violate any of the rules and regulations prescribed by the Secretary of the Interior relative to the use of the waters of said springs and creeks and the use and occupation of the lands in said reservation, such person, firm, corporation, or members or agents therof, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than $5 and not more than $100, and may be imprisoned for a term of not more than six months for each offense.

The Secretary of the Interior is hereby directed to appraise, at their actual value at the time of such appraisement, all town lots held by citizens of the United States within the limits of the tract of land ceded to the United States by the Choctaw and Chickasaw Nations, at or near Sulphur Springs, in the Chickasaw Nation, Ind. T., and pay for the same to such lot holders severally, or to their legal representatives, the appraised value of such lots by warrants drawn by the Secretary of the Interior upon the Treasurer of the United States; and the amount necessary to pay the same is hereby appropriated from any money in the Treasury not otherwise appropriated. The foregoing appraisal of lots shall be completed within three months from the passage of this act.

[Extracts from the act of June 16, 1906 (34 Stat., 267).]

An act to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government, etc.

SALE, ETC., OF INTOXICATING LIQUORS.

SEC. 3. (The above provision was incorporated into the State constitution of Oklahoma, adopted July 16, 1907, as art. 1, sec. 7.) * * * And said convention shall provide in said constitution— * * * Second. That the manufacture, sale, barter, giving away, or otherwise furnishing, except as hereinafter provided, of intoxicating liquors within those parts of said State now known as the Indian Territory and the Osage Indian Reservation and within any other parts of said State which existed as Indian reservations on the 1st day of January, 1906, is prohibited for a period of 21 years from the date of the admission of said State into the Union, and thereafter until the people of said State shall otherwise provide by amendment of said constitution and proper State legislation. Any person, individual or corporate, who shall manufacture, sell, barter, give away, or otherwise furnish any intoxicating liquor of any kind, including beer, ale, and wine, contrary to the provisions of this section, or who shall, within the above-described portions of said State, advertise for sale or solicit the purchase of any such liquors, or who shall ship or in any way convey such liquors from other parts of said State into the portions hereinbefore described, shall be punished, on conviction thereof, by fine not less than $50 and by imprisonment not less than 30 days for each offense: *Provided*, That the legislature may provide by law for one agency under the supervision of said State in each incorporated town of not less than 2,000 population in the portions of said State hereinbefore described; and if there be no incorporated town of 2,000 population in any county in said portions of said State, such county shall be entitled to have one such agency, for the sale of such liquors for medicinal purposes; and for the sale, for industrial purposes, of alcohol which shall have been denaturized by some process approved by the United States Commissioner of Internal Revenue; and for the sale of alcohol for scientific purposes to such scientific institutions, universities, and colleges as are authorized to procure the same free of tax under the laws of the United States; and for the sale of such liquors to any apothecary who shall have executed an approved bond, in a sum not less than $1,000, conditioned that none of such liquors shall be used or disposed of for any purpose other than in the compounding of prescriptions or other medicines, the sale of which would not subject him to the payment of the special tax required of liquor dealers by the United States, and the payment of such special tax by any person within the parts of said State hereinabove defined shall constitute prima facie evidence of his intention to violate the provisions of this section. No sale shall be made except upon the sworn statement of the applicant in writing setting forth the purpose for which the liquor is to be used, and no sale shall be made for medicinal purposes except sale to apothecaries as hereinabove provided unless such statement shall be accompanied by a bona fide prescription signed by a regular practicing physician, which prescription shall not be filled more than once. Each sale shall be duly registered, and the register thereof, together with the affidavits and prescriptions pertaining thereto, shall be open to inspection by any officer or citizen of said State at all times during business hours. Any person who shall knowingly make a false affidavit for the purpose aforesaid shall be deemed guilty of perjury. Any physician who shall prescribe any such liquor, except for treatment of disease which after his own personal diagnosis he shall deem to require such treatment, shall, upon conviction thereof, be punished for each offense by fine of not less than $200 or by imprisonment for not less than 30 days, or by both such fine and imprisonment; and any person connected with any such agency who shall be convicted of making any sale or other disposition of liquor contrary to these provisions shall be punished by imprisonment for not less than one year and one day. Upon the admission of said State into the Union these provisions shall be immediately enforceable in the courts of said State.

RETENTION OF FEDERAL JURISDICTION.

SEC. 7. (The above provision was substantially covered by the State constitution of Oklahoma, adopted July 16, 1907, as art. 1, sec. 3.) * * * *Provided*, That nothing in this act contained shall repeal or affect any act of Congress relating to the Sulphur Springs Reservation as now defined or as may be hereafter defined or extended, or the power of the United States over it or any other lands embraced in the State hereafter set aside by Congress as a national park, game preserve, or for the preservation of objects of archaeological or ethnological interest; and nothing contained in this act shall interfere with the rights and ownership of the United States in any land hereafter set aside by Congress as national park, game preserve, or other reservation, or in the said Sulphur Springs Reservation, as it now is or may be hereafter defined or extended by law; but exclusive legislation, in all cases whatsoever, shall be exercised by the United States, which shall have exclusive control and jurisdiction over the same; but nothing in this proviso contained shall be construed to prevent the service within said Sulphur Springs Reservation or national parks, game preserves, and other reservations hereafter established by law, of civil and criminal processes lawfully issued by the authority of said State, and said State shall not be entitled to select indemnity school lands for the thirteenth, sixteenth, thirty-third, and thirty-sixth sections that may be embraced within the metes and bounds of the national park, game preserve, and other reservation or the said Sulphur Springs Reservation, as now defined or may be hereafter defined.

LAWS OF TERRITORY OF OKLAHOMA EXTENDED OVER STATE.

SEC. 13. (The above provision was substantially covered by the State constitution of Oklahoma, adopted July 16, 1907, as art. 24, sec. 2, under the head of Schedule.) * * * and that the laws in force in the Territory of Oklahoma, as far as applicable, shall extend over and apply to said State until changed by the legislature thereof.

[Joint resolution of June 29, 1906 (34 Stat., 837).]

Joint resolution directing that the Sulphur Springs Reservation be named and hereafter called the "Platt National Park."

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to change the name of the Sulphur Springs Reservation, an Indian reservation now in the State of Oklahoma, formerly in the Indian Territory, so that said reservation shall be named and hereafter called the "Platt National Park," in honor of Orville Hitchcock Platt, late and for 26 years a Senator from the State of Connecticut and for many years a member of the Committee on Indian Affairs, in recognition of his distinguished services to the Indians and to the country.

RULES AND REGULATIONS.

[Regulations of June 10, 1908.]

Pursuant to the authority conferred by the acts of Congress approved July 1, 1902 (32 Stat., 656), April 21, 1904 (33 Stat., 220), and the Oklahoma statehood act of June 16, 1906 (34 Stat., 272), the following rules and regulations for the government of the Platt National Park (formerly Sulphur Springs Reservation), in Oklahoma, are hereby established and made public:

1. It is forbidden to injure in any manner any of the springs, mineral deposits, or natural features within the park.

2. It is forbidden to cut or injure any timber or plants growing on the park lands or to deface or injure any Government property.

3. No camping shall be permitted within 1,000 feet of any spring, nor upon any land except such as may be specifically designated for that purpose by the superintendent. Fires shall not be lighted except by the express permission of the superintendent; when so allowed, campers shall use only dead or fallen timber for fuel, and the utmost care must be exercised at all times to avoid setting fire to the timber and grass.

4. It is forbidden for any person to deposit garbage or refuse upon the park lands, except at places designated for that purpose by the superintendent, or to contaminate any of the springs or streams therein, or to divert or conduct the waters of such springs or streams from the natural or regular course.

5. No person shall remove from any of the bromide, iron, or soda springs more than 1 gallon of water in any one day, nor remove from any of the other springs more than 5 gallons in any one day, nor shall any water be taken therefrom for commercial purposes, except in pursuance of a license issued by the Secretary of the Interior. Whenever in his judgment the circumstances warrant, the superintendent may prohibit the use of the waters of any of the springs in the park other than for immediate drinking purposes at such springs, the facts in such case to be reported to the Secretary of the Interior.

6. Hunting or killing, wounding or capturing any bird or wild animal on the park lands, except dangerous animals when necessary to prevent them from destroying life or inflicting an injury, is prohibited. The outfits, including guns, traps, teams, horses, or means of transportation used by persons engaged in hunting, killing, trapping, ensnaring, or capturing such birds or wild animals, or in possession of game killed on the park lands under other circumstances than prescribed above, will be taken up by the superintendent and held subject to the order of the Secretary of the Interior, except in cases where it is shown by satisfactory evidence that the outfit is not the property of the person or persons violating this regulation and the actual owner thereof was not a party to such violation. Firearms will only be permitted in the park on written permission from the superintendent thereof.

7. Fishing with nets, seines, traps, or by the use of drugs or explosives, or in any other way than with hook and line, is prohibited. Fishing for purposes of merchandise or profit is forbidden. Fishing may be prohibited by order of the superintendent in any of the waters of the park, or limited therein to any specified season of the year, until otherwise ordered by the Secretary of the Interior.

8. No person will be permitted to reside permanently, engage in any business, or erect buildings or other improvements in the park without permission, in writing, from the Secretary of the Interior.

9. The herding, grazing, or otherwise trespassing of cattle or loose stock of any kind within the park is strictly forbidden. Stock or cattle may be driven across the park, but must be confined to the roads and kept in motion under competent care while in the reservation.

10. No vehicles will be permitted to travel through the park except upon the roads designated for such traffic by the superintendent, and

driving or riding over roads or bridges at a high rate of speed is prohibited.

11. Private notices or advertisements shall not be posted or displayed within the park, except such as may be necessary for the convenience and guidance of the public.

12. The sale of intoxicating liquors in the park is strictly forbidden.

13. No gambling or game of chance shall be permitted within the limits of the park; nor shall any person use profane or obscene language, commit or maintain a nuisance, or be guilty of disorderly conduct or any act involving immorality therein.

14. Persons who render themselves obnoxious by disorderly conduct or bad behavior, or who violate any of the foregoing rules, will be summarily removed from the park and will not be allowed to return without permission, in writing, from the Secretary of the Interior or the superintendent of the park.

No lessee or licensee shall retain in his employ any person whose presence in the park shall be deemed and declared by the superintendent to be subversive of the good order and management of the reservation.

15. Any person who violates any of the foregoing regulations will be deemed guilty of a misdemeanor, and be subjected to a fine, as provided by the act of April 21, 1904, of not less than $5 nor more than $100 and may be imprisoned for a term of not more than six months for each offense.

GENERAL LEGISLATION.

[Sec. 5391, Rev. Stats., U. S.]

PROSECUTIONS UNDER STATE LAWS WHERE NO FEDERAL LAWS ARE APPLICABLE.

If any offense be committed in any place which has been or may hereafter be, ceded to and under the jurisdiction of the United States, which offense is not prohibited, or the punishment thereof is not specially provided for by any law of the United States, such offense shall be liable to and receive the same punishment as the laws of the State in which such place is situated, now in force, provide for the like offense when committed within the jurisdiction of such State; and no subsequent repeal of any such State law shall affect any prosecution for such offense in any court of the United States.

[Act of July 7, 1898 (30 Stat., 717).]

An act to protect the harbor defenses and fortifications constructed or used by the United States from malicious injury, and for other purposes.

* * * * * * *

SEC. 2. That when any offense is committed in any place, jurisdiction over which has been retained by the United States or ceded to it by a State, or which has been purchased with the consent of a State for the erection of a fort, magazine, arsenal, dockyard, or other needful building or structure, the punishment for which offense is not provided for by any law of the United States, the person committing such offense shall, upon conviction in a circuit or district court of the United States for the district in which the offense was committed, be liable to and receive the same punishment as the laws of the State in which such place is situated now provide for the like offense when committed within the jurisdiction of such State, and the said courts are hereby vested with jurisdiction for such purpose; and no subsequent repeal of any such State law shall affect any such prosecution.

[Act of Mar. 3, 1875 (18 Stat., 481).]

CUTTING TIMBER ON RESERVED LANDS, DESTROYING FENCES, ETC.

Be it enacted, etc., That if any person or persons shall knowingly and unlawfully cut, or shall knowingly aid, assist, or be employed in unlawfully cutting, or shall wantonly destroy or injure, or procure to be wantonly destroyed or injured, any timber-tree or any shade or ornamental tree, or any other kind of tree, standing, growing, or being upon any lands of the United States, which, in pursuance of law, have been reserved, or which have been purchased by the United States for any public use, every such person or persons so offending, on conviction thereof before any circuit or district court of the United States, shall, for every such offense, pay a fine not exceeding $500, or shall be imprisoned not exceeding 12 months.

SEC. 2. That if any person or persons shall knowingly and unlawfully break or destroy any fence, wall, hedge, or gate inclosing any lands of the United States, which have, in purusance of any law, been reserved or purchased by the United States for any public use, every such person so offending, on conviction, shall, for every such offense, pay a fine not exceeding $200, or be imprisoned not exceeding six months.

SEC. 3. That if any person or persons shall knowingly and unlawfully break, open, or destroy any gate, fence, hedge, or wall inclosing any lands of the United States, reserved or purchased as aforesaid, and shall drive any cattle, horses, or hogs upon the lands aforesaid, for the purpose of destroying the grass or trees on the said grounds, or where they may destroy the said grass or trees, or if any such person or persons shall knowingly permit his or their cattle, horses, or hogs to enter through any of said inclosures upon the lands of the United States aforesaid, where the said cattle, horses, or hogs may or can destroy the grass or trees or other property of the United States on the said land, every such person or persons so offending, on conviction, shall pay a fine not exceeding $500, or be imprisoned not exceeding 12 months.

Provided, That nothing in this act shall be construed to apply to unsurveyed public lands and to public lands subject to preemption and homestead laws, or to public lands subject to an act to promote the development of the mining resources of the United States, approved May 10, 1872.

[Act of June 3, 1878 (20 Stat., 89), as amended by sec. 2 of the act of Aug. 4, 1892 (27 Stat., 348).]

CUTTING TIMBER ON LANDS OF THE UNITED STATES.

* * * * * * *

SEC. 4. After the passage of this act it shall be unlawful to cut, or cause or procure to be cut, or wantonly destroy, any timber growing on any lands of the United States in public-land States, or remove, or cause to be removed, any timber from said public lands with intent to export or dispose of the same; and no owner, master, or consignee of any vessel, or owner, director, or agent of any railroad, shall knowingly transport the same, or any lumber manufactured therefrom; and any person violating the provisions of this section shall be guilty of a misdemeanor, and, on conviction, shall be fined for every such offense a sum not less than $100 nor more than $1,000.

I beg to refer you to a recent resolution by the Sulphur Chamber of Commerce, which states quite succinctly the present status of this park. This beautiful young city is deeply interested in this park. Investments have been made on the strength of this Government park and the Government feigns great generosity in tendering this park to the State. The letter follows:

SULPHUR CHAMBER OF COMMERCE AND THIRTY THOUSAND CLUB—PLATT NATIONAL PARK—THE GREATEST ALL-THE-YEAR-ROUND HEALTH AND PLEASURE RESORT IN THE SOUTHWEST—SULPHUR, OKLA.

At a mass meeting of the citizens of Sulphur, Okla., held on January 25, 1911, the following preamble and resolutions were unanimously adopted:

Whereas the honorable Secretary of the Interior, in his last annual report, has stated that Platt National Park, at Sulphur, Okla., is not of sufficient national importance to be maintained by the Government; and

Whereas we do not believe that this report would have been made had he known of the true conditions of the said park and the treaty by which it was acquired by the Government: Therefore be it

Resolved first, That the park was acquired by the Government by treaty with the Choctaw and Chickasaw Indians with the provisions that it be kept and maintained as a national park and reservation, for the free use of all the people forever, and that to abandon it now by the Government would be in violation of that treaty, and the land, valuable as it is, would revert to the said nations, and they would dispose of it as other unallotted lands, thereby destroying its usefulness as a health and pleasure resort and a greater loss to the sick and afflicted who come here to be benefited.

Resolved second, That one of the chief considerations that caused the people of Sulphur residing on the land taken by the park at the time it was segregated to give up their holdings there was that it should be kept by the National Government for all time as a health and pleasure resort "free for all people for all time," and to abandon it now by the Government would be in violation of that agreement and work a great wrong on them.

Resolved third, That the said park was named for the late Senator Orville H. Platt, of Connecticut, to commemorate his memory and his liberal ideas of conservation, and for the Government now to abandon it would be like destroying a monument erected to his memory and show great ingratitude for his long and useful service to his country.

Resolved fourth, That we furnish a copy of this preamble and these resolutions to each of the United States Senators and Members in Congress and urge them, on behalf of all that has been stated herein, and in behalf of the thousands of sick and afflicted people who visit this park to drink of the waters and enjoy its health-giving climate, to not allow Platt National Park to pass from the control and management of the United States Government.

T. F. GAFFORD, *Chairman.*
A. P. LEVER.
H. W. BROADBENT.
CHAS. F. ROGERS.
T. E. MOLACEK.

The hostility of the Committee on Appropriations is not borne out by the letters from the Interior Department for the years 1909 and 1910, respectively:

DEPARTMENT OF THE INTERIOR,
Washington, October 21, 1909.

Hon. SCOTT FERRIS,
House of Representatives.

SIR: In further reply to your letter complaining of the insanitary conditions in Platt National Park, it will be seen from the accompanying report of the superintendent of the park, to whom the matter was referred, that the condition complained of is principally due to the fact that the sewerage, etc., from the municipality of Sulphur drains into the reservation. The only remedy for the present condition of affairs is the construction of a sanitary sewer, and the work on this can not be inaugurated until Congress shall have made an appropriation therefor. The present unexpended balance of revenues for this park is only sufficient to provide for the administration therein, without making any improvements whatever until June 30, 1910. An estimate in the sum of $25,000 for administration in this reservation and the construction of a sanitary sewer system has been forwarded to the honorable Secretary of the Treasury for transmission to Congress.

Very respectfully, FRANK PIERCE, *Acting Secretary.*

DEPARTMENT OF THE INTERIOR,
Washington, January 28, 1910.

Hon. SCOTT FERRIS,
House of Representatives.

SIR: Your letter has been received inquiring as to the appropriations to be made for the Platt National Park during the next fiscal year.

In response thereto I have to state that in the estimates of appropriations for the service of the Government during the year ending June 30, 1911, H. Doc. 177, Sixty-first Congress, second session, an estimate in the sum of $25,000 was submitted by this department for the protection and improvement of Platt National Park, including the construction of a sewer in that reservation.

The revenues from this reservation, which are now used in the administration and improvement of the park, will be exhausted by June 30, 1910, and unless an appropriation is made by Congress for the administration of this park after the 1st of July the department will be compelled to dispense with the services of the superintendent and all the employees connected therewith.

Very respectfully, R. A. BALLINGER, *Secretary.*

I beg to call your attention to a letter from the superintendent of the park—Col. A. R. Greene—of 1900. This shows a condition that the Government should have corrected long ago. It ought

to be corrected now, and the Government under existing law is morally, at least, bound to correct.

DEPARTMENT OF THE INTERIOR, PLATT NATIONAL PARK,
Sulphur, Okla., October 4, 1909.

Hon. C. B. EMANUEL,
Mayor, City of Sulphur, Okla.

DEAR SIR: I am in receipt of a letter from the honorable Secretary of the Interior under date of September 29, 1909, inclosing a letter from Hon. Scott Ferris in regard to the insanitary conditions existing in Platt National Park by reason of the drainage of the sewage of the city of Sulphur into the same. The Secretary requests me to at once look into this matter and submit a report as to the conditions complained of and what steps are necessary to remedy the same.

The object of this letter to you is to invite suggestions as to the proper remedy for the insanitary conditions prevailing, and to this end I trust you will give this matter immediate and earnest attention.

In this connection I may be permitted to quote at length from a letter which I addressed to the department on March 18 last, and which in my views covers the situation as it exists to-day:

"Commencing at Fifth Street east and extending to Fourteenth Street west, including the whole semicircular sweep on the north side of the park, there is a dense settlement the whole drainage of which is emptied into Travertine and Rock Creeks through numerous ravines and gullies which make down from the steep hillsides of the town. This general condition is aggravated at certain points as follows: At the corner of Wapanucka Avenue and Second Street is the Odneal Hotel, which empties its sewage into Travertine Creek near a fresh-water spring from which perhaps 20 families obtain their domestic supply. Near the corner of Davis Avenue and Division Street stands the Deaf Institute, a State institution with 200 attendants the sewage of which courses down a ravine through the most picturesque portion of East Central Park to Travertine Creek at a point frequented by thousands of visitors annually. At the corner of Davis Avenue and First Street west, in the boulevard and immediately adjoining the park boundary, is an unsightly septic tank, which is, however, but little better than a cesspool, and which discharges a large volume of sewage continually down the ravine, which is the natural boundary between East Central Park and West Central Park, into Travertine Creek a few rods above Lincoln Bridge, just completed. The odor from this discharge is so offensive as to be an occasion of unfavorable criticism by visitors and the public generally. It discolors and contaminates the water to such a degree that thirsty animals refuse to drink it. At the south end of Third Street west an artesian well, situated upon block 176, discharges its water through a ravine across the middle of West Central Park into Rock Creek a short distance above the mouth of Travertine Creek. Near the corner of Fifth Street west the discharge from one of the largest artesian wells of the city finds its way across the boundary and enters Rock Creek opposite the center of block 195. A short distance west of the latter is a slight depression in the surface through which is discharged into Rock Creek a constant flow of sewage from the Frisco depot and vicinity. Rock Creek itself at the crossing of Davis Avenue is contaminated by sewage from the north part of town to such a degree as to make the surface highly offensive in appearance and the water so impure that domestic animals refuse to drink it. Immediately west and but a few rods from the bank of Rock Creek is another septic tank in the middle of the boulevard, the discharge from which aggravates the conditions in Rock Creek referred to. From the latter point, following the whole course of the park boundary, the conditions are most insanitary and offensive. Hotels and private houses, barns, livery stables, and outbuildings of every character find their drainage across the park into Rock Creek.

"Manifestly such a condition as I have herein stated can not long exist without destroying the value of the park as a health and pleasure resort."

Also, in a letter to the department, under date of July 5, 1909, I referred to the necessity for the construction of a sanitary sewer in the park. If you have any suggestions to make by which a temporary relief could be obtained from the insanitary conditions existing to tide over until such time as money may be available for the construction of such a sewer, I shall be glad to confer with you in regard to them.

Very respectfully, A. R. GREENE, *Superintendent.*

The CHAIRMAN. The time of the gentleman has expired.

The question is on agreeing to the amendment.

Mr. CARTER. Mr. Chairman, I would like to be heard for just a moment.

The CHAIRMAN. Is the gentleman from Oklahoma [Mr. CARTER] opposed to the amendment?

Mr. CARTER. I am for the amendment.

Mr. SMITH of Iowa. I ask unanimous consent that the gentleman have five minutes, and that I have five minutes to reply.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CARTER. Mr. Chairman, the gentleman from Iowa [Mr. SMITH] has spoken about the solemn treaty obligation with the Indian. We hear a great deal about solemn treaty obligations in this Chamber, but it is a sentiment seldom expressed when any real rights of the Indian are actually at stake. This obligation may be very solemn so far as the gentleman from Iowa is concerned, but does not matter one whit to the Indian, and he knows it, and I fail to see any solemn binding obligation on the part of Oklahoma, when the State was not even in existence when the treaty was made. The State of Oklahoma has had nothing to do with the making of that agreement, and recently its legislature has passed an act which I want to read to the committee. It is very short and will not take much time. It is as follows:

House concurrent resolution.

Whereas under the provisions of an act of Congress of the United States entitled "An act to ratify and confirm an agreement with the Choctaw and Chickasaw Tribes of Indians, and for other purposes," approved July 1, 1902, whereby certain lands in the Chickasaw Nation were reserved from allotment and provisions made for the payment to the Indian tribes therefor by the United States Government, at the rate of $20 per acre, and which said land having been reserved, maintained, and used as a pleasure resort commonly known as "Platt National Park," situated in Murray County; and

Whereas it is expressed in said act of Congress that it is the intention that the lands so reserved from allotment should in the future be conveyed by the United States Government to such Territorial or State organization as might exist when such conveyance was made; and

Whereas the Secretary of the Interior has construed said last-named provision in said act as casting a cloud on the title of the United States Government to said lands, and has recommended that no appropriation be made for said lands as a pleasure resort by reason of the cloud on the title thereto: Now therefore be it

Resolved by the house of representatives (the senate concurring therein), That the said State disclaim any right, title, or interest in and to the lands aforementioned, the same being lands now embraced in what is known as "Platt National Park" adjoining the city of Sulphur, in said Murray County: And be it further

Resolved, That the Congress of the United States is requested and memorialized to make a suitable appropriation to maintain, preserve, protect, and care for said lands for the purpose of a public pleasure resort as it has heretofore done.

Passed the house of representatives this the 13th day of December, 1910.

W. B. ANTHONY,
Speaker of the House of Representatives.

Passed the senate this 14th day of December, 1910.

J. ELMER THOMAS,
President Pro Tempore of Senate.

Mr. SHERLEY. Will the gentleman yield?

Mr. CARTER. Yes.

Mr. SHERLEY. Inasmuch as the United States wants to get rid of it, and Oklahoma will not have it, do you think we ought to appropriate any money for it?

Mr. CARTER. Well, I will tell you about that. The Federal Government has quite a lot of improvements in this park. There are a lot of bridges and other property of that character. These things will all go to rack if Federal supervision is abandoned. We have a new State down there. On the side of the State where this park lies we have no public internal improvements whatever—no improved roads nor bridges, no courthouses, no public school buildings; and we had to begin the business of State building from the very first foundation stone. Moreover we were handicapped by having a large portion of our property—the Indian lands—nontaxable, so that our young State can ill afford to contract any such obligation as should be embraced in the development and maintenance of this park.

The time will come when the ownership of this park will be sought rather than evaded by this Congress.

Mr. TAYLOR of Ohio. Have you a superintendent of that park?

Mr. CARTER. Yes, sir.

Mr. TAYLOR of Ohio. How much do they pay him?

Mr. CARTER. Fifteen hundred dollars.

Mr. SMITH of Iowa. And four rangers?

Mr. CARTER. Two rangers, I think.

Mr. TAYLOR of Ohio. And how about horses and buggies and buildings to house them in?

Mr. CARTER. They have one or two houses.

Mr. TAYLOR of Ohio. And they all live in one house?

Mr. CARTER. I don't know.

Mr. TAYLOR of Ohio. And what is the total expense of keeping them all in that nice park and paying their board?

Mr. CARTER. I really could not give the gentleman that information.

Mr. TAYLOR of Ohio. I again revert to the question of the gentleman from Kentucky [Mr. SHERLEY] as to why, if the State of Oklahoma does not want it, and the Government does not want it, should the Government appropriate for a nice home for five gentlemen and their families in a nice park down there?

Mr. CARTER. I tried to explain that once, and if the gentleman from Ohio [Mr. TAYLOR] does not understand, it is not the fault of the gentleman from Oklahoma.

Mr. TAYLOR of Ohio. But I have a pretty clear understanding about this park proposition myself.

Mr. ADAMSON. I very much doubt if the Indians would accept them if we gave this park and the Wind Cave Park back to the Indians.

Mr. SMITH of Iowa. This park is a little over a section in size. It takes five men to take care of it down there. That is the first object of the national park—to take care of these five men. [Laughter.] Just above the park is the town of Sulphur, which has constructed a sewer system and is delivering its sewage into the park and into these springs, so that the second chief object of this great national park is to receive into its springs the sewage system of Sulphur. [Laughter.]

Mr. FERRIS. Mr. Chairman, may I ask the gentleman to yield?

The CHAIRMAN. Does the gentleman from Iowa yield?

Mr. SMITH of Iowa. I can not. Now, regarding these great national purposes [laughter], on the recommendation of the Secretary of the Interior we refused to recommend the appropriation of any more money to be expended on this park. I say to the gentleman from Oklahoma [Mr. CARTER] and I say to the gentleman from South Dakota [Mr. MARTIN] that so far as I am concerned if they want to offer amendments ceding these two great national parks to their respective States I will make no point of order against them, but graciously accede to their request. [Laughter.]

Mr. FERRIS. Will the gentleman yield for a question?

Mr. SMITH of Iowa. I regret I can not. We have a solemn compact with the Indians that should never be broken, with respect to those parks, and I hope we will keep the compact. [Laughter.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. CARTER].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The Clerk will read.

Mr. DICKSON of Mississippi. Mr. Chairman, I offer an amendment which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

After line 8, on page 154, insert:

"That the sum of $5,000, or so much thereof as may be required, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of constructing a walk from the national military cemetery at Natchez, Miss., to the sidewalks of the city of Natchez, at the present terminus of the street car line near the city hospital, a distance of about 3,000 feet, the said funds to be expended under the direction of the Secretary of War."

Mr. SMITH of Iowa. Mr. Chairman, to that amendment I raise the point of order that it is not in order; that this land, where it is proposed to put this sidewalk, does not belong to the Government of the United States.

Mr. DICKSON of Mississippi. Mr. Chairman, one year ago I introduced a bill in accord with the sentiment of the women of Natchez. That bill is left unrequited. We are here to appeal to the Nation's sense of justice; the opposing sentiment of the mercantile age with characteristic merit.

In answer to the gentleman from Iowa, I may risk the opinion that he is in error.

I was so advised by citizens of Natchez, and visited the Secretary of War, the Hon. Jacob M. Dickinson, who advised me a year ago that the funds requisite were not at hand and available for the purpose of constructing this walk. There are some 2,000 and more soldiers of the Republic buried there who died or were killed during the Civil War north of Natchez. This 3,000 feet of gap is now nothing in the world but that which we might correctly term a country road. The Secretary of War, Mr. Dickinson, acceded as to the correctness of my solicitation regarding this, at the instance of the citizens of Natchez, and it does seem to me that it is not without the pale of propriety in any sense whatever. This is a well-kept cemetery, dedicated to the sacred rest of the Nation's honored dead. I am here to-day only to ask that this recognition of a connection with a great and growing city may be had by this small sum of money appropriated to give the opportunity now lacking to those who love to visit this spot. There are but few places along the Mississippi River that are more attractive to those who wish to while away an hour than that beautiful cemetery, kept by the Nation, yet unapproachable during one-half of the time in that latitude of ours, of such humid atmospheres.

That gentleman to whom I refer, the Secretary of War, approved this project in his oral discussion of the matter with me. One year ago I submitted this bill. There has been no report upon it. Accordingly, there is nothing left for me to do but to ask the consideration by the House of this bill, in order that the citizens of the Republic resident and visiting in that community may have access and opportunity for visiting this resting place of the Nation's dead. The sum of money called for by this amendment is but $5,000. Save the mails and a few other incidental items, to which I might revert, there is but little that my people receive from the Federal Government, and I come as a Mississippian, as the son of a soldier of the Republic in one war and a soldier under another banner in another war, asking that this opportunity be afforded to the women who promise to maintain it if this walk of 3,000 feet connecting the city of Natchez is constructed—the largest city in my district and the most important city between New Orleans and Memphis—that they may have opportunity added to their desire to visit the resting place of the soldiers of the Republic, I move the adoption of the amendment. [Applause.]

Mr. SMITH of Iowa. Mr. Chairman, I insist upon the point of order, that it is not the property of the United States, at all.

The CHAIRMAN. The Chair asks the gentleman from Mississippi whether the property is owned by the Government?

Mr. DICKSON of Mississippi. I am told that it is owned by the Government.

Mr. SMITH of Iowa. This is a highway. Where does the gentleman obtain the information that enables him to say that the Government has title to this highway?

Mr. DICKSON of Mississippi. I am told that the city of Natchez ceded the title to the Government; confirmed by the records of the War Department. In conclusion, I do not begrudge any satisfaction derived by the honorable gentleman from Iowa, and leave to him his quarrel with the dead.

The CHAIRMAN. The Chair is prepared to rule. The amendment is not germane to this part of the bill, and no definite information has been given to the Chair that the property where the sidewalk is proposed to be located is now the property of the Government. The Chair therefore sustains the point of order.

The Clerk read as follows:

For completing the power, heating, and lighting plant, remodeling the electric layout, and substituting electrically driven for steam-driven machinery, and for other purposes incident thereto, $60,000, which sum shall be paid from money in the Treasury which has accrued to the hospital from pensions under the act of February 20, 1905, and be immediately available.

Mr. FOSTER of Illinois. I move to strike out the last word. I desire to take only a moment's time. A little while ago in a discussion here it was doubted that we had passed a law for a detention hospital for the insane in Alaska. I now have before me the law, which was approved on June 25, 1910, providing for an appropriation for a hospital at Fairbanks and one at Nome. I want to state that my friend from Tennessee [Mr. HOUSTON], who coincided with me and said that the law had been passed, was correct.

Mr. GOULDEN. Will the gentleman yield?

Mr. FOSTER of Illinois. Yes.

Mr. GOULDEN. I should like to ask the gentleman why no appropriation was made to carry out the law?

Mr. FOSTER of Illinois. The appropriation has been made.

Mr. GOULDEN. Then why has not the hospital been erected?

Mr. FOSTER of Illinois. That is what I am trying to find out from the committee.

Mr. GOULDEN. Perhaps the chairman of the committee can tell us.

The Clerk read as follows:

For the construction of a suitable building for cold storage and conveyer runways at the central heating plant of the Freedmen's Hospital and Howard University, to be immediately available, $7,500.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 158, line 4, strike out the word "cold" and insert the word "coal."

The amendment was agreed to.

The Clerk read as follows:

Suits to set aside conveyances of allotted lands, Five Civilized Tribes: For the payment of necessary expenses incident to any suits brought at the request of the Secretary of the Interior in the eastern judicial district of Oklahoma, to be expended under the direction of the Attorney General, $50,000: *Provided*, That the sum of $10,000 of the above amount, or so much thereof as may be necessary, may be expended in the prosecution of cases in the western judicial district of Oklahoma, and not to exceed $10,000 of said sum shall be available for the expenses of the United States on appeals to the Supreme Court of the United States.

Mr. CARTER. Mr. Chairman, I move to strike out the last word. I should like to ask the gentleman in charge of this bill if the proviso in this paragraph is not a duplication of the second paragraph on page 163?

Mr. TAWNEY. What proviso?

Mr. CARTER. In the third paragraph on page 164.

Provided, That the sum of $10,000 of the above amount, or so much thereof as may be necessary, may be expended in the prosecution of cases in the western judicial district of Oklahoma, and not to exceed $10,000 of said sum shall be available for the expenses of the United States on appeals to the Supreme Court of the United States.

The other paragraph that I refer to begins with line 6, on page 163.

Mr. TAWNEY. There is no appropriation in line 6, page 163. That is—

For the payment of any and all expenses incurred or to be incurred in or about the prosecutions for crimes committed in the United States or the Republic of Mexico in conection with the false making or unlawful procurement of conveyances purporting to affect title to lands in Oklahoma allotted to Kickapoo Indians, $20,000, at the discretion of the

Attorney General, the provision of section 3648 of the Revised Statutes to the contrary notwithstanding.

Mr. SMITH of Iowa. Those are exclusively criminal prosecutions, and the others, referred to on page 164, are substantially all civil cases.

Mr. CARTER. No; the others are criminal cases, too:

Provided, That the sum of $10,000 of the above amount, or so much thereof as may be necessary, may be expended in the prosecution of cases in the western judicial district of Oklahoma, and not to exceed $10,000 of said sum shall be available for the expenses of the United States on appeals to the Supreme Court of the United States.

Mr. SMITH of Iowa. Those are civil cases.

Mr. CARTER. No; there is nothing in the language to justify such assumption; that appropriation has been used in the past for criminal prosecutions of the gentlemen who are alleged to have perpetrated the Kickapoo land frauds.

Mr. SMITH of Iowa. Does the gentleman know that the $10,000 to be used on appeals to the Supreme Court of the United States is for criminal prosecutions?

Mr. CARTER. No; I am questioning the first part of the language after the word "*Provided*."

Mr. SMITH of Iowa. There is nothing in this paragraph on page 164 which indicates that it is for criminal prosecutions.

Mr. CARTER. That is what it has been used for.

Mr. TAWNEY. It says here in line 11:

Suits to set aside conveyances of allotted lands.

That is not for criminal prosecutions.

Mr. FITZGERALD. The gentleman from Oklahoma is mistaken.

Mr. CARTER. The gentleman from Oklahoma is not mistaken.

Mr. FITZGERALD. That is to be used in those suits that the gentleman contended were improperly brought.

Mr. CARTER. The gentleman from New York is himself mistaken. That is not the case at all. This refers to matters in the western district of Oklahoma, and the suits the gentleman from New York has in mind are in the eastern district of Oklahoma.

Mr. FITZGERALD. The gentleman is mistaken; I am familiar with both items and I have gone over them with him.

Mr. CARTER. I will say to the gentleman that he and I have never had any conversation either personally or before his committee about the prosecution of any suits in the western district of Oklahoma.

Mr. FITZGERALD. I know that; the gentleman is interested in the eastern district.

Mr. CARTER. Yes; these are known as the kicking Kickapoo land-fraud suits, the same thing as is referred to on page 163.

Mr. TAWNEY. I will say to the gentleman from Oklahoma that there will be no duplication. The officials of the Department of Justice were before the committee, and the understanding was that in one case it was to prosecute criminal cases and in the other to prosecute civil cases.

Mr. CARTER. O Mr. Chairman, the gentleman from Minnesota is mistaken. I am sure these two items contemplate the same cases. The matter is not in my district, however, and I shall make no further objection.

Mr. TAWNEY. That is the understanding that we obtained from the officers of the Department of Justice. I do not think the department would be so unfamiliar with the business as to come to the committee and ask for two appropriations for identically the same thing. Our understanding is that one is for the prosecution of criminal cases and the other for civil cases.

The pro forma amendment was withdrawn.

The Clerk read as follows:

For pay of bailiffs and criers, not exceeding three bailiffs and one crier in each court, except in the southern district of New York and the northern district of Illinois: *Provided*, That all persons employed under section 715 of the Revised Statutes shall be deemed to be in actual attendance when they attend upon the order of the courts: *Provided further*, That no such person shall be employed during vacation; of reasonable expenses actually incurred for travel and maintenance of circuit and district judges of the United States and the judges of the district courts of the United States in Alaska, Hawaii, and Porto Rico, consequent upon their attending court or transacting other official business at any place other than their official place of residence, not to exceed $10 per day, said expenses to be paid by the marshal of the district in which said court is held or official business transacted upon the judge's written certificate; of meals and lodgings for jurors in United States cases, and of bailiffs in attendance upon the same, when ordered by the court; and of compensation for jury commissioners, $5 per day, not exceeding three days for any one term of court, $250,000.

Mr. BARTLETT of Georgia. Mr. Chairman, I move to strike out the last word, in order to ask the chairman of the committee a question: Does this change the law in reference to the payment of district judges when they are absent on official business away from their place of residence in their own district? I do not object to it. If it changes the law, I am glad of it. I will give the gentleman briefly the reason of my inquiry. The law as it now stands does not permit a district judge who may be holding court in a subdivision of his district other than his residence to receive pay when he goes to hold court. I hope this does change the law, and that the judges may get pay when they go beyond the division of their residence.

Mr. TAWNEY. I will say to the gentleman that the necessity for this comes from the act passed by Congress, I think two years ago, which makes all the circuit court judges subject to call to sit in cases where it is necessary to expedite business and where they are taken out of their circuits.

Mr. BARTLETT of Georgia. Yes; and there is one provision that requires three circuit judges.

Mr. TAWNEY. That is a fact. We had before our committee the case of a circuit court judge in California who has been taken into the State of Idaho and into the State of Washington for the purpose of meeting the requirements of that law.

Mr. BARTLETT of Georgia. I agree with the gentleman that it is perfectly proper. But you say here "and the district judges also."

Mr. TAWNEY. Yes; it applies to the district judges where a district judge is required to hold court in his district at a place other than his home. He would then be entitled to traveling expenses.

Mr. BARTLETT of Georgia. He is not so entitled under the law.

Mr. TAWNEY. He is not.

Mr. BARTLETT of Georgia. Then this changes the existing law.

Mr. TAWNEY. It changes the existing law in that respect.

Mr. BARTLETT of Georgia. I want to congratulate the gentleman, because it is an act of justice to these judges.

Mr. ADAMSON. There is no doubt about that, and it ought to have been done long ago. This matter was brought about in this way: Some years ago Chief Justice Fuller and this artist from Philadelphia, who is a noted artist, whose name I do not know——

Mr. COOPER of Wisconsin. Rosenthal.

Mr. TAWNEY. It was at the request of the Chief Justice of the United States, for the purpose of getting together, collecting, and painting portraits of the Justices of the Supreme Court of the United States, that the work was initiated. The work has been done. The Committee on Appropriations has had submitted to it photographs of the portraits that have been painted, and judging from the photographs of the portraits of the men who are now living, in the judgment of the committee, and also based upon the reputation of the artist, we concluded that this is practically the only opportunity we have of preserving the portraits of the men who have served upon the Supreme Court of the United States. There is no other country in the world that has not preserved the portraits of the justices of its supreme judicial tribunal.

Mr. MICHAEL E. DRISCOLL. Who owns those old portraits now?

Mr. TAWNEY. They belong to the man who painted them—Rosenthal, at Philadelphia—and I am sorry that the gentleman has not taken the trouble to look at the hearings. He would see the pains taken for the purpose of getting accurate data regarding the appearance of the men who have passed and gone, before the portraits were painted.

Mr. MICHAEL E. DRISCOLL. Did he have any promise from anybody in authority that they would be bought by the Government?

Mr. TAWNEY. He had no promise, so far as I know, from anybody. He had a conference with the Justices of the Supreme Court, and with the late Chief Justice Fuller. We have portraits of the Chief Justices of the Supreme Court, but we have no portraits of any of the associate justices.

Mr. COOPER of Wisconsin. Is the artist now living?

Mr. TAWNEY. Yes; he was before the committee and his testimony is in the hearings.

Mr. COOPER of Wisconsin. Did the gentleman say that these were portraits of the justices from the foundation of the court? He must have called on his imagination for the portraits, because many of them died long before the artist was born.

Mr. STAFFORD. Mr. Chairman, I have read the hearings and am somewhat acquainted with the artist. In the hearings he said he had the original photogravures of the former justices. Ten of the 15, as he states, have been painted from life. His testimony is on page 896.

Mr. COOPER of Wisconsin. Are they as lifelike and beautiful as some of the portraits in the hall just to the south of the Chamber?

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAWNEY. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TAWNEY. I want to call the attention of the committee to the fact that the Government of the United States preserves the likenesses of cabinet officers, not only heads of departments, but in some cases the chiefs of bureaus. All of these portraits are painted at the expense of the Government, and I think it is only an act of justice to the Supreme Court of the United States and the Associate Justices of the Supreme Court of the United States that we should preserve the likenesses of the men who have served on that bench.

Mr. COOPER of Wisconsin. Has the gentleman from Minnesota seen the portraits?

Mr. TAWNEY. We have seen photographs of the portraits.

Mr. COOPER of Wisconsin. Does the gentleman know anything about the tints, whether the chiaroscuro is proper, and so forth?

Mr. KEIFER. I do not know what that word means.

Mr. COOPER of Wisconsin. Neither do I; but I have seen it in connection with paintings.

Mr. Chairman, I will not buy a pig in a poke and pay several thousand dollars for it. I therefore raise the point of order.

Mr. MICHAEL E. DRISCOLL. But it has already been raised.

Mr. COOPER of Wisconsin. Then I make it.

The CHAIRMAN. Does the gentleman insist upon the point of order?

Mr. MACON. The gentleman from Wisconsin made the point of order.

Mr. MICHAEL E. DRISCOLL. The gentleman from Wisconsin has made the point of order.

Mr. COOPER of Wisconsin. I will withdraw it temporarily in order to say a word.

Mr. MICHAEL E. DRISCOLL. If you are going to insist upon it, what is the use of talking about it?

Mr. COOPER of Wisconsin. I think I would feel easier if I were to say a word, in view of the fact that I will make the point of order.

Mr. MICHAEL E. DRISCOLL. Has the gentleman reserved it?

Mr. COOPER of Wisconsin. Yes.

Mr. TAWNEY. He said that he withdrew it in order that he might relieve himself.

Mr. MICHAEL E. DRISCOLL. I reserve the point of order, and if the gentleman does not insist upon it I will.

Mr. COOPER of Wisconsin. Mr. Chairman, if I myself were possessed of financial means to purchase 15 portraits for $12,000, I would not do it without having seen the pictures. I would not do that with my own money if I were possessed of that amount of money, and I can not vote away the money out of the United States Treasury to buy something which no Member of the House apparently has ever seen.

Mr. TAWNEY. Will the gentleman permit me to interrupt him?

Mr. COOPER of Wisconsin. Yes.

Mr. TAWNEY. Is the gentleman aware that he has already voted $9,000 for painting of pictures you have not seen?

Mr. COOPER of Wisconsin. Yes; I know, and that is the reason I will not vote for any more. [Laughter.]

Mr. TAWNEY. We have already authorized the reproduction of these things that hang on the wall out here, called pictures of past Speakers, and appropriated $9,000 for that purpose without knowing anything at all about what the result would be, whether it would be any improvement on those we have already or not.

Mr. MONDELL. Do I understand the gentleman to say he was opposed to these portraits because he had seen some of these pictures out here?

Mr. TAWNEY. There is only one completed, which is that of the distinguished gentleman from Ohio; probably that is the reason the gentleman from Wisconsin objects.

Mr. COOPER of Wisconsin. Has this same artist painted——

Mr. STAFFORD. He has only painted portraits of eminent men.

Mr. MACON. Does the gentleman from Wisconsin remember the handsome picture which was bought by Members of the House of the Hon. John Sharp Williams and placed out here in the hall——

Mr. BARTLETT of Georgia. That was a good likeness, too.

Mr. MACON. And that was a pig in a poke, and we paid $500 for it.

Mr. COOPER of Wisconsin. I could not recognize it until Williams went out there and told me that was his picture. [Laughter.]

Mr. FOSTER of Illinois. Is it the same man who painted the portrait of the chairman of our Appropriations Committee?

Mr. COOPER of Wisconsin. Mr. Chairman, I make the point of order. I would like to have the portraits brought down and exhibited.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Stonington River (Conn.) Light Station: For repair of sea wall about Stonington Point, Conn., $500.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 177, line 23, after the word "Stonington" strike out the word "River."

The question was taken, and the amendment was agreed to.

Mr. THOMAS of North Carolina. Mr. Chairman, I would like to ask the chairman if he will accept an amendment?

Mr. TAWNEY. No; not now. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. STEVENS of Minnesota having assumed the chair as Speaker pro tempore, Mr. MANN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 32909, the sundry civil appropriation bill, and had come to no resolution thereon.

CONSTITUTION OF NEW MEXICO.

The SPEAKER pro tempore laid before the House a message from the President, which was read and referred to the Committee on the Territories.

To the Senate and House of Representatives:

The act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States, etc., passed June 20, 1910, provides that when the constitution, for the adoption of which provision is made in the act, shall have been duly ratified by the people of New Mexico in the manner provided in the statute, a certified copy of the same shall be submitted to the President of the United States and to Congress for approval, and that if Congress and the President approve of such constitution, or if the President approve the same and Congress fails to disapprove the same during the next regular session thereof, then that the President shall certify said facts to the governor of New Mexico, who shall proceed to issue his proclamation for the election of State and county officers, etc.

The constitution prepared in accordance with the act of Congress has been duly ratified by the people of New Mexico, and a certified copy of the same has been submitted to me and also to the Congress for approval, in conformity with the provisions of the act. Inasmuch as the enabling act requires affirmative action by the President, I transmit herewith a copy of the constitution, which, I am advised, has also been separately submitted to Congress, according to the provisions of the act, by the authorities of New Mexico, and to which I have given my formal approval.

I recommend the approval of the same by the Congress.

WM. H. TAFT.

THE WHITE HOUSE, *February 24, 1911.*

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 18542. An act for the relief of Thomas C. Clark; and

H. R. 26290. An act providing for the validation of certain homestead entries.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 7640. An act for the relief of James M. Sweat.

LEAVE OF ABSENCE.

By unanimous consent, Mr. ASHBROOK was granted leave of absence for five days, on account of sickness of self and wife.

ADJOURNMENT.

Mr. TAWNEY. Mr. Speaker, I move that when the House adjourns it adjourn to meet at half past 10 o'clock to-morrow.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. TAWNEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 21 minutes p. m.) the House adjourned to meet at 10.30 a. m. Saturday, February 25, 1911.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Acting Secretary of War, submitting an estimate of appropriation for pay of the Army (H. Doc. No. 1407); to the Committee on Appropriations, and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting with comment as to phraseology copies of the acts for the relief of E. C. Young and Phoebe Clark, respectively (H. Doc. No. 1408); to the Committee on Appropriations, and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting an estimate of appropriation for salaries and expenses of agents and subordinate officers of Internal Revenue (H. Doc. No. 1409); to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. WILSON of Illinois, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 5196) to establish a fish-cultural station in the State of Tennessee, reported the same with amendment, accompanied by a report (No. 2250); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. WASHBURN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 30273) for the relief of the city of Quincy, the towns of Weymouth and Hingham, and the Old Colony Street Railway Co., all of Massachusetts, reported the same with amendment, accompanied by a report (No. 2251); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HOBSON, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 32127) to encourage the development of the American merchant marine and to promote commerce and the national defense, reported the same with amendment, together with the views of the minority, accompanied by a report (No. 2253); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PARKER, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 9693) to provide for the payment of the traveling and other expenses of the United States circuit and district judges when holding court at places other than where they reside, reported the same with amendment, accompanied by a report (No. 2254), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the resolution of the House (H. Res. 980) making inquiry relative to action of Department of Agriculture against Hydro Electric Co. of California, reported the same with amendment, accompanied by a report (No. 2248), which said resolution and report were referred to the House Calendar.

Mr. SMITH of Texas, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 32883) for the relief of the city of Quincy, the towns of Weymouth and Hingham, and the Old Colony Street Railway Co., all of Massachusetts, reported the same with amendment, accompanied by a report (No. 2249), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. TILSON, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 9529) for the relief of Alexander Wilkie, reported the same without amendment, accompanied by a report (No. 2245), which said bill and report were referred to the Private Calendar.

Mr. GORDON, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 9624) for the relief of Hansell Hatfield, of McMinn County, Tenn., reported the same with amendment, accompanied by a report (No. 2246), which said bill and report were referred to the Private Calendar.

Mr. PRINCE, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 12814) for the relief of John J. Adams, reported the same without amendment, accompanied by a report (No. 2247), which said bill and report were referred to the Private Calendar.

Mr. KAHN, from the Committee on Military Affairs, to which was referred the bill of the House (H. R. 32047) for the relief of Eli Helton, reported the same with amendment, accompanied by a report (No. 2252), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were thereupon referred, as follows:

A bill (H. R. 32918) for the relief of Henry C. Adams and others; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 32915) for the relief of Timothy Donahoe; Committee on Military Affairs discharged, and referred to the Committee on Naval Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred, as follows:

By Mr. ROBINSON: A bill (H. R. 32927) to authorize the county of Ouachita, in the State of Arkansas, to construct a bridge across Ouachita River; to the Committee on Interstate and Foreign Commerce.

By Mr. FORDNEY: A bill (H. R. 32928) to authorize a credit in the accounts of various States with the Treasury Department, and for other purposes; to the Committee on Ways and Means.

By Mr. HULL of Iowa (by request): A bill (H. R. 32929) concerning the Alaskan cable and telegraph system; to the Committee on Military Affairs.

By Mr. HOWELL of Utah: A bill (H. R. 32930) for the establishment of a national sanitarium for disabled soldiers at Becks Hot Springs, in the State of Utah; to the Committee on Military Affairs.

By Mr. TAYLOR of Colorado: A bill (H. R. 32931) to authorize cities and incorporated towns to purchase coal lands; to the Committee on the Public Lands.

By Mr. STANLEY: A bill (H. R. 32932) to prohibit persons engaged in the manufacture and sale of railroad cars, locomotives, railroad rails, and structural steel, or in the mining and sale of coal from becoming directors or other officers or employees of railroads engaged in interstate commerce; to the Committee on the Judiciary.

By Mr. NORRIS: Resolution (H. Res. 995) requesting certain information from the Attorney General of the United States; to the Committee on the Judiciary.

By Mr. CARY (by request): Resolution (H. Res. 996) providing for the investigation of the Weather Bureau of the Department of Agriculture; to the Committee on Rules.

By Mr. HAWLEY: Memorial of the Legislature of Oregon, concerning pensions for soldiers of Indian wars; to the Committee on Pensions.

Also, memorial of the Legislature of Oregon, concerning manufacturing industries of the United States; to the Committee on Interstate and Foreign Commerce.

Also, a memorial of the Legislature of Oregon concerning pensions of the veterans of the late Civil War; to the Committee on Invalid Pensions.

Also, a memorial of the Legislature of Oregon concerning the Canadian reciprocity agreement; to the Committee on Ways and Means.

Also, a memorial of the Legislature of Oregon concerning soldiers who served in the Spanish-American War; to the Committee on War Claims.

By Mr. HANNA: A memorial of the Legislature of North Dakota favoring the Sulloway pension bill; to the Committee on Invalid Pensions.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred, as follows:

By Mr. ANDREWS: A bill (H. R. 32933) granting an increase of pension to Elizabeth Mundell; to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 32934) granting an increase of pension to Joseph S. Murphy; to the Committee on Invalid Pensions.

By Mr. CAPRON: A bill (H. R. 32935) granting an increase of pension to Thomas Lyghton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32936) granting an increase of pension to Laura C. Hyer; to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 32937) granting an increase of pension to James A. Beard; to the Committee on Pensions.

By Mr. KINKAID of Nebraska: A bill (H. R. 32938) granting an increase of pension to William Green; to the Committee on Invalid Pensions.

By Mr. LOWDEN: A bill (H. R. 32939) granting an increase of pension to Martin Piper; to the Committee on Invalid Pensions.

By Mr. MOXLEY: A bill (H. R. 32940) granting an increase of pension to Philander H. Graves; to the Committee on Invalid Pensions.

By Mr. ROBINSON: A bill (H. R. 32941) for the relief of Lizzie E. McCord, administratrix of Moses S. McCord, deceased; to the Committee on War Claims.

By Mr. SCOTT: A bill (H. R. 32942) for the relief of Ira Haworth; to the Committee on the Public Lands.

By Mr. YOUNG of Michigan: A bill (H. R. 32943) granting a pension to Susanna A. Laplant; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Colorado: A bill (H. R. 32944) granting public land to the city of Boulder, Colo., for public-park purposes; to the Committee on the Public Lands.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the House of Representatives of Porto Rico, for Committee on Insular Affairs and other Members of the House to visit Porto Rico; to the Committee on Insular Affairs.

By Mr. ANDERSON: Petition of citizens of Sandusky, Ohio, against a parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of National Association of Merchant Tailors of America, against increase of postal rates; to the Committee on the Post Office and Post Roads.

Also, petition of the Association of Military Surgeons of Washington, D. C., for Senate bill 6049; to the Committee on Agriculture.

By Mr. ASHBROOK: Petition of Congress Grange, No. 1726, West Salem, Ohio, for election of Senators by popular vote; to the Committee on the Judiciary.

By Mr. BURLEIGH: Petition of International Brotherhood of Paper Makers, Solon, Me., and Hartland (Me.) Grange, No. 452, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. BINGHAM: Papers to accompany House bill 32863; to the Committee on Ways and Means.

By Mr. CLARK of Florida: Petition of Commercial Club of Sanford, Fla., favoring construction of the Mississippi to Atlantic waterway; to the Committee on Rivers and Harbors.

By Mr. DALZELL: Petition of Councils Nos. 896 and 295, Junior Order United American Mechanics, Putneyville, Pa.; Washington Camp No. 635, Patriotic Order Sons of America; Union No. 890, Brotherhood of Carpenters and Joiners, of Pittsburg, Pa., urging enactment of House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of Polish National Alliance, Chicago, Ill., against further restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of General Assembly of the Presbyterian Church of United States of America, for State control of the liquor traffic; to the Committee on Interstate and Foreign Commerce.

By Mr. DAWSON: Petition of American Live Stock Association, against reciprocity with Canada; to the Committee on Ways and Means.

By Mr. DICKINSON: Paper to accompany the bill (H. R. 27947) granting an increase of pension to James W. Orvis; to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of business men of Granville and Fort Edwards, N. Y., for Senate bill 3776; to the Committee on Interstate and Foreign Commerce.

By Mr. DUREY: Petition of the Woman's Home Missionary Society, of Burnt Hills, N. Y., favoring the enactment of the Miller-Curtis and other prohibition measures; also petition of the Woman's Home Missionary Society, of Cohoes, N. Y., favoring the same measures; to the Committee on the Judiciary.

Also, resolution adopted by the National Gas and Gasoline Engine Trades Association, opposing any increase in postage rates; to the Committee on the Post Office and Post Roads.

Also, telegrams, protesting against an increase of postal rates on magazines, received from James M. Johnston, Charles W. Corbett, jr., David F. Kemp, Isaac Goldmann Co., Perkins Goodwin Co., Langer & Williams, The Century Co., the Christian Herald Co., and the publishers of Every Woman's Magazine, all of New York City; to the Committee on the Post Office and Post Roads.

By Mr. ELLIS: Petition of W. A. Betts and 48 others of Astoria, Oreg., for Senate bill 5677, promoting efficiency of Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

By Mr. FORNES: Petition of Catholic Benevolent Legion, Buffalo, N. Y.; Pictorial Review Co., Manufacturers Color & Printing Co., and Printing Inks, New York, against increase in postage rates on second-class matter; to the Committee on the Post Office and Post Roads.

Also, petition of the Macmillan Co., publishers, against increase of postal rates on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of citizens of Illinois, against a parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of the American Paper and Pulp Association, against provisions of the McCall bill admitting paper and pulp free of duty; to the Committee on Ways and Means.

Also, petition of the Polish National Alliance, against restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the Tacoma (Wash.) Commercial Club, for an appropriation of $50,000 for roads around Mount Tacoma; to the Committee on the Public Lands.

Also, petition of the St. Louis (Mo.) Advertising Men's League; Rev. A. D. Traveller, Rockford, Ill.; William Wilson, Ottawa, Ill.; and R. V. Collins Publishing Co., of Minneapolis, against increase of postal rates on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. GARDNER of Massachusetts: Petitions of secretary of Gloucester Board of Trade, estimating that proposed admission of fish free of duty from Canada would result in the saving of an average of 1 cent a year to the inhabitants of the United States in the price of foodstuffs, and protesting against the Canadian reciprocity treaty, also urging defeat of proposed fish schedule of reciprocity pact; the Crown Packing Co., fish business, Gloucester; the Provincetown Board of Trade; the Gloucester Municipal Council; E. K. Burnham Fish Co.; the New England Fish Exchange, of Boston; the Gloucester Business Men's Association; Cape Ann National Bank, Gloucester; Gloucester Mackerel Co., Gloucester; Cape Ann Anchor Works, Gloucester; Cape Ann National Bank, Gloucester; Frank E. Davis Fish Co., Gloucester; Cape Ann Savings Bank, Gloucester; John Bishop, boat builder, Gloucester; 44 fresh-fish dealers of T Wharf, Boston; and J. F. Snow, secretary Board of Trade, Gloucester, all in the State of Massachusetts, protesting the reciprocity treaty with Canada; to the Committee on Ways and Means.

By Mr. GARRETT: Petition of the General Assembly of the State of Tennessee, urging the immediate enactment of House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. GOULDEN: Petition of Colliers Weekly, against increase of postage on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. GRIEST: Petition of Geo. D. Boggs & Son, of Elizabethtown, Pa., against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. HENRY of Texas: Petition of many Italian citizens of Texas, favoring House bill 27270, to make October 12 a legal holiday, to be known as Columbus day; to the Committee on the Judiciary.

By Mr. HIGGINS: Petition of Ledyard Grange, Conn., against the establishment of a local rural parcels-post service; to the Committee on the Post Office and Post Roads.

Also, petition of Hartford (Conn.) Court of Common Council, for Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of Groton Grange, of Connecticut, for a full and complete parcels-post bill; to the Committee on the Post Office and Post Roads.

By Mr. HOWELL of New Jersey: Petition of Washington Camp No. 116, Patriotic Order Sons of America, of Elberon, N. J., against bill introduced by Delegate ANDREWS, relative to land in New Mexico; to the Committee on the Public Lands.

By Mr. HOWELL of Utah: Petition of citizens of Utah, for building of battleship *New York* in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of Bingham Labor Union, of Utah, for the enactment of legislation restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of C. H. Carlquist, W. A. Clay, and other citizens of Utah, against increase of postal rates on second-class matter; to the Committee on the Post Office and Post Roads.

Also, petition of Decker Patrick Co., Shupe Williams Co., Syms Utah Grocer Co., and other firms in Utah, against passage of a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. HILL: Petition of Court of Common Council, Hartford, Conn., for reciprocity with Canada; to the Committee on Ways and Means.

Also, petition of Easton Grange, No. 149, for a full and complete parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of Rippowam Grange, No. 145, of Springdale, Conn., against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. HUMPHREY of Washington: Petition of the Seattle Chamber of Commerce, for legislation making available Alaskan coal; to the Committee on the Territories.

Also, petition of citizens of Washington, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. JAMES: Petition of citizens of Alcade, Normal, and Xenia, Ky., for more restrictive immigration laws; to the Committee on Immigration and Naturalization.

By Mr. KELIHER: Petition of Legislature of Massachusetts, favoring Canadian reciprocity; to the Committee on Ways and Means.

By Mr. LAFEAN: Petition of Washington Camps Nos. 646, Stovertown; 779, Hunterstown; and 783, Stewartstown, Pa., Patriotic Order Sons of America; to the Committee on Immigration and Naturalization.

By Mr. LANGHAM: Petition of American Paper and Pulp Association and Susie S. Gouer, of Leechburg, Pa., against increase of postage on magazines; to the Committee on the Post Office and Post Roads.

Also, petition of Stull Hill Coulter Co., Leechburg, Pa., for Senate bill 5899; to the Committee on the Judiciary.

By Mr. LAWRENCE: Petition of J. Franklin Jameson, Alfred T. Mahan, and John B. McMaster, executive committee of the American Historical Association, for a national archives building; to the Committee on Public Buildings and Grounds.

By Mr. LOUD: Petition of J. V. O'Brien and 25 other residents, of Midland, Mich.; D. S. Ross and 43 other residents, of Gladwin County, Mich., for a general parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of Mrs. H. S. Bristol and 80 others of the Wolverine Woman's Christian Temperance Union, for the Miller-Curtis bill; to the Committee on the Judiciary.

Also, petition of J. William Anderson, of Harrisville, Mich., against the establishment of a local rural parcels-post service; to the Commitee on the Post Office and Post Roads.

By Mr. McCALL: Petition of Board of Trade of Somerville, Mass., favoring Boston Navy Yard for construction of revenue cutters; to the Committee on Naval Affairs.

By Mr. McMORRAN: Petition of E. L. Sawyer and others, of Almont, Mich., favoring the Miller-Curtis bill; to the Committee on the Judiciary.

Also, petition of residents of Memphis, Tenn., against Senate bill 404 and House joint resolution 17; to the Committee on the District of Columbia.

Also, petition of residents of Macomb County, Mich., for a general parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. MAGUIRE of Nebraska: Petition of citizens of Table Rock, Julian, Elmwood, Havelock, and Lincoln, Nebr., against a parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of College View and other localities, against Sunday legislation for the District of Columbia; to the Committee on the District of Columbia.

By Mr. MALBY: Petitions of Champion Paper Co., Carthage; Diana Paper Co., Harrisville; H. J. Bull, F. A. Parsons, and E. J. Pickett, of Saranac; Hon. John B. Riley, county judge of Clinton County; Hon. A. G. Senecal, mayor of Plattsburg; Hon. John M. Wever and G. F. Tuttle, of Plattsburg; Mark Teirney, sheriff of Clinton County; Wallace Turner, president Clinton County Agricultural Society; Messrs. Weeds, Conway & Cotter, Plattsburg; J. W. Hinxson, W. B. Graves, C. W. Smith, L. E. Gale, E. P. Gale, and W. B. Britton, of Piercefield; Joseph T. Weed, secretary Business Men's Association, Ticonderoga; Gouverneur Dairy Board of Trade, by William T. Clark, secretary; Farmers and Grangers, of Depeyster; Farmers and Grangers, of Hammond; St. Lawrence County Pomona Grange; Mooers Grange, No. 837; Edwards Grange, No. 968; Richville Grange, No. 942; Wadhams Grange; Russell Grange, No. 1037; Kendrew Grange; Macomb Grange, No. 768; Bombay Grange, No. 924; Nicholville Grange, No. 797; Gouverneur Grange, No. 303; Whallonsburg Grange, No. 954; Sherman Grange, No. 1128; Scotch Bush Grange, No. 699; Adirondack Grange, No. 971; West Parishville Grange, No. 542; Burke Grange, No. 932; Harriettstown Grange; Peru Grange, No. 938; Clinton Grange, No. 1029; Malone Board of Trade; Chateaugay Board of Trade; Essex County Agricultural Society; St. Lawrence County Dairymen's Board of Trade; Adirondack Grange, No. 927; Ticonderoga Grange, No. 1130; Brasher Falls Grange, No. 554; and Chazy Grange, No. 981, all in the State of New York, against House bill 32216, to promote reciprocal trade relations with Canada; to the Committee on Ways and Means.

By Mr. MOORE of Pennsylvania: Petition of Eugene A. Kemper, James K. Fennell, Joseph W. Bowers, J. A. Canfield, J. H. Rathburn, H. F. Williams, William J. O'Connor, John J. O'Connor, and Alfred S. Bletz, of Philadelphia, Pa., against the increase of mail rates on magazines; to the Committee on the Post Office and Post Roads.

Also, petition of the Manufacturers' Club of Philadelphia, Pa., protesting against the enactment of the reciprocity agreement; to the Committee on Ways and Means.

Also, petition of Belsano Council, No. 182; Francis Daniel Pastorius Council, No. 1; Latrobe Council, No. 80; American Star Council, No. 49, Order of Independent America, favoring enactment of illiteracy test; to the Committee on Immigration and Naturalization.

Also, petition of the Consumers' League of Philadelphia, for House bill 27068, providing for a children's bureau; to the Committee on Expenditures in the Interior Department.

By Mr. O'CONNELL: Petition of Legislature of Massachusetts for reciprocity with Canada; to the Committee on Ways and Means.

By Mr. RUCKER of Colorado: Petition of W. B. Longwith and others, of Eaton, Colo., for House bill 53; to the Committee on Rivers and Harbors.

By Mr. SIMMONS: Petition of Local Union No. 1151, United Brotherhood of Carpenters and Joiners of America, for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. SMITH of Michigan: Petition of Fenton B. Beebe and 21 others, of Holly, Mich., against parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petitions of members of Grange No. 1418, Baraga County; Delta Grange and 37 others, of Delta County; Joseph Forman and 29 others, of Wexford County; George Schulty and 11 others, of Ottawa County; S. J. Harvey and 27 others, of Iron County; E. L. Clark and 21 others, of Clinton; Peter Peterson and 19 others, of Mason County, all in the State of Michigan, for a general parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of John Britting and 11 others for a parcels-post bill; to the Committee on the Post Office and Post Roads.

By Mr. STURGISS: Petition of Walls & Shaffer Co. and Frank T. Shaeffer, Kingwood, W. Va., against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. SWASEY: Petition of Sandy River Grange and Mount Cutter Grange, No. 152, in the State of Maine, against Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of citizens of East Livermore, Me., for eight-hour day and for the construction of the battleship *New York* in the Brooklyn Navy Yard; to the Committee on Naval Affairs.

Also, petitions of Progressive Council, Farmington and Crystal Lake Council, Weld, Me., Junior Order United American Mechanics, for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. SULZER: Petition of Military Order of the Loyal Legion of the United States Commandery of Pennsylvania, for change of name of United States Avenue to Hunt Avenue on the field of Gettysburg; to the Committee on Military Affairs.

By Mr. TILSON: Petition of court of the common council, Hartford, Conn., for reciprocity with Canada; to the Committee on Ways and Means.

Also, petitions of Hoddam Neck Grange, No. 177, Easton Grange, Groton Grange, and Ledyard Grange, for a full and complete parcels post; to the Committee on the Post Office and Post Roads.

By Mr. WANGER: Resolutions of the Philadelphia Board of Trade, in favor of additional pay for ocean-mail steamship service; to the Committee on the Merchant Marine and Fisheries.

By Mr. WEBB: Petition of Cullasaja Council, No. 158, Franklin; Rohebeth Council, Terrell; and Sandford Council, Sandford, Junior Order United American Mechanics, in the State of North Carolina, for House bill 15413; to the Committee on Immigration and Naturalization.

SENATE.

SATURDAY, *February 25, 1911.*

The Chaplain, Rev. Ulysses G. B. Pierce, D. D., offered the following prayer:

O God, our help in ages past, our hope for years to come, we rejoice that we, Thy children, though we seem but creatures of a day, yet share Thine eternity. Because Thou livest, we live; and because Thy years have no end, therefore are we without beginning of days or end of life. As we this day commemorate those who have labored with us for the common good, deepen in us, we beseech Thee, the assurance of Thy grace, and quicken in us the hope of life eternal. Grant, we implore Thee, that neither life nor death may separate us from Thee, in whom we live, move, and have our being.

And so may God, our Father, who hath loved us and hath given us eternal comfort and good hope through grace, comfort our hearts and establish them in every good work and word. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting supplemental estimates for increase in certain items for the Public Health and Marine-Hospital Service, etc. (S. Doc. No. 837), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

CIVIL GOVERNMENT FOR PORTO RICO.

The VICE PRESIDENT laid before the Senate a communication from the speaker of the House of Delegates of Porto Rico, informing the Senate that a resolution had been adopted by that body inviting the appropriate committees from Congress to visit that island, and requesting that action on the pending Porto Rican government bill be suspended until conditions there have been investigated, which was referred to the Committee on Pacific Islands and Porto Rico.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had passed the bill (S. 10691) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 10605. An act for the relief of Aaron Wakefield;

H. R. 22270. An act for the relief of Amos M. Barbin; and

H. R. 32822. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

S. 608. An act for the relief of Charles T. Gallagher and Samuel H. Proctor;

S. 5432. An act to authorize the city of Seattle, Wash., to purchase certain lands for the protection of the source of its water supply;

S. 7640. An act for the relief of James M. Sweat;

S. 7804. An act for the relief of David Jay Jennings;

S. 10318. An act authorizing the Secretary of the Interior to grant further extensions of time within which to make proof on desert-land entries in the counties of Benton, Yakima, and Klickitat;

S. 10817. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

S. 10818. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

H. R. 28632. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes;

H. R. 29708. An act to constitute Birmingham, in the State of Alabama, a subport of entry;

H. R. 32341. An act to authorize the St. Paul Railway Promotion Co., a corporation, to construct a bridge across the Mississippi River near Nininger, Minn.; and

H. J. Res. 276. Joint resolution modifying certain laws relating to the military records of certain soldiers and sailors.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented resolutions adopted by the Pan-Hellenic Union, of Boston, Mass., favoring the annexation of Crete with Greece, which were referred to the Committee on Foreign Relations.

Mr. CULLOM presented memorials of sundry citizens of Illinois, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Granite City and Chicago, in the State of Illinois, remonstrating against any change being made in the present law relative to the printing by the Government of bonds, checks, and securities, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Illinois, praying for the enactment of legislation to prohibit the interstate transmission of race-gambling bets, which were referred to the Committee on the Judiciary.

Mr. SCOTT. I present a letter from Edward O. Skelton, publisher, of Boston, Mass., relative to the so-called Sulloway old-age pension bill. I ask that the letter lie on the table and be printed in the RECORD.

There being no objection, the letter was ordered to lie on the table and to be printed in the RECORD, as follows:

BOSTON, *February 23, 1911.*

To N. B. SCOTT.

SENATOR: The pension bill known as the "Sulloway bill," which passed the House and is now under consideration by the Senate, is one which is not rightly understood by the public. The curtailed references to it in the newspapers are misleading, inasmuch as they do not fully explain the slight increase in this bill over the present one under which pensions are distributed. The Sulloway bill does not increase the amount to be expended $55,000,000 yearly, as some of the Senators in their speeches claim. I have been informed that when the Committee (Senate) on Pensions were considering this bill, an expert from the Pension Bureau was called upon to make a statement of just what the increase would be the first year, and he stated that it would be less than $30,000,000; that it would be less each succeeding year. But notwithstanding this official statement, certain Senators, for reasons which are readily apparent, are giving unwarranted publicity to an erroneous figure. Now, passing by the arguments which are advanced against this pension bill and which have been so freely given publicity in the press, I fail to have observed one instance where the daily press gave in any detail the reasons favorable to it, and they are many.

In his message to Congress at the beginning of the session, President Taft urged enactments for the benefit of the Civil War veterans, and up to the present time he has not uttered one word in opposition to the bill under consideration, notwithstanding misleading reports of impending vetoes are freely circulated; and in view of his well-known and often-expressed sentiments that this country can not ever do too much for the Civil War veterans, it is safe to assume that that bill, if it is ever presented to him, will receive his approval. Do these Senators who are so strong in their opposition ever stop to think that if it were not for the men and boys who 50 years ago answered the call to protect the flag, and who through four years of that deplorable fratricidal war, fighting over 2,000 engagements, fought for the preservation of the Union, that there would not to-day be a United States; that there would be no Congress in which they could serve; and that in all probability this country to-day would be a dependency of one or more foreign powers, for defeat of the North would have caused long ago European powers to have swooped down upon us and dismembered what was left of the Republic? Should not consideration be given to-day to the words of that most beloved of Americans, President Lincoln, who, in his second inaugural, at its conclusion, just 40 days previous to his death, uttered this prayer: "With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the Nation's wounds, to care for him who shall have borne the battle, and for his widow and his orphan," etc.

And now, 46 years after that prayer was uttered, when there are less than 500,000 left of the 2,750,000 who offered their very lives if necessary to save the Union, and when they are passing away at the rate of one every 10 minutes of the 24 hours, are bent with age and infirmities, past the time when they can earn sufficient to care for their families, is this Government to forget President Lincoln's promise to them? Is it to ignore President Taft's request? I am fully sensitive to the fact that this Government has done more for the veterans than any nation on the globe ever did for its soldiers; that we have many soldiers' homes in which thousands of the old defenders have a comfortable place in which to pass their remaining days. And in this connection there exists the sad fact that many of them were compelled to go there that their pension, small as it is, might go to the dear wife, the companion who had these long, many years cared for him and his comfort, that she might have the little to keep the breath of life in her. And as the years go on, many, many more will come to the "parting of the ways," and the dear old people separate. Is it right that this Nation should compel its defenders, its saviors, in their hour of extreme need, when they are almost to the setting of life's sun, to make this sacrifice?

The old soldiers do not ask charity; they ask that justice which the Nation's lawmakers have so often and loudly talked of for the veteran be now given to them; that President Lincoln's promise to them be recognized by the Government of the United States, which they made possible of perpetuity.

Very respectfully,

EDWARD O. SKELTON.

Mr. SCOTT presented memorials of the Tri-State Wool Growers' Association of West Virginia, remonstrating against

the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

Mr. BRISTOW presented an affidavit in support of the bill (S. 6838) for the relief of James Anderson, which was referred to the Committee on Military Affairs.

He also presented memorials of Peter J. Kaufman, of Moundridge; of L. N. Lydick, of Anthony; and of W. J. Todd, of Clay County, all in the State of Kansas, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

He also presented a petition of Local Farmers' Institute, of Berryton, Kans., praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of Manhattan Grange, No. 748, Patrons of Husbandry, of Riley County, Kans.; and a memorial of Pleasant Ridge Grange, Patrons of Husbandry, of Kansas, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

Mr. GALLINGER presented a memorial of Meriden Grange, No. 151, Patrons of Husbandry, of Meriden, N. H., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was ordered to lie on the table.

He also presented telegrams in the nature of memorials from Stevens W. Perkins, deputy, New Hampshire State Grange, of Exeter; F. B. Atherton, of Greenfield; Herbert L. Woodward, master of Wilmot Grange, of West Andover; and of Lester M. Hall, master of Nashua Grange, of Nashua, all in the State of New Hampshire, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

Mr. BURROWS presented a petition of Gilead Grange, No. 400, Patrons of Husbandry, of Gilead, Mich.; and a petition of sundry citizens of Chippewa County and Plymouth, Mich., praying for the passage of the so-called parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of Local Granges, Patrons of Husbandry, of Olivet, Williamston, Alta, Rodney, Montague, Prattville, Flat Rock, Ortonville, Bronson, Morley, Williamsburg, Lansing, Quincy, and Onsted, and of sundry citizens of Delta Township and Wexford and Missaukee Counties, and of James J. Brakenberry, Charles Hahn, E. A. Hahn, Harvey Palmer, Joseph Mowry, George C. Wattles, M. R. Wattles, H. E. Mowrey, V. M. Mowry, John Maher, C. W. Laeffler, W. P. Lunn, W. H. Hauser, Mrs. William Armstrong, Charles A. Webb, and E. R. Cornell, all in the State of Michigan, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

He also presented petitions of the Henry George Association of Detroit, the Wholesalers' and Manufacturers' Association of Detroit, the Commercial Club of Kalamazoo, the Board of Commerce of Detroit, the Soo Business Men's Association of Sault Ste. Marie, the Board of Trade of Grand Rapids, and of sundry citizens of Detroit, all in the State of Michigan, praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

He also presented petitions of the Women's Home Missionary Society of the Grand River Avenue Methodist Episcopal Church, of Detroit, and of the Woman's Christian Temperance Union of Bay City and Ashley, in the State of Michigan, praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors into prohibition districts, which were referred to the Committee on the Judiciary.

Mr. KEAN presented the petitions of Albert E. Holmes and Walter E. Terry, of Newark, N. J., praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

He also presented memorials of Local Grange No. 128, of Cape May; Franklin Grange, No. 130, of Bergen County; Local Grange No. 172, of Salem; Titusville Grange, No. 162, of Mercer County; Local Grange No. 98, of Allentown; Local Grange No. 150, of Burlington County; and of Blue Anchor Grange, No. 166, all of the Patrons of Husbandry; of W. H. White, of Robbinsville; R. E. Haines, of Robbinsville; William R. Conover, of Manalapan; and of John T. Cox, of Whitehouse Station, all in the State of New Jersey, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

He also presented a petition of the Woman's Christian Temperance Union of East Orange, N. J., praying for the enactment of legislation to prohibit the interstate transmission of race-gambling bets, which was referred to the Committee on the Judiciary.

He also presented a petition of the Master Printers' Association of Elizabeth, N. J., praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which were ordered to lie on the table.

He also presented memorials of the Batemen Manufacturing Co., of Greenlock; A. T. Bell, of Atlantic City; H. R. Hawk, of Camden; and W. A. McClurg, all in the State of New Jersey; and of Photo-Engravers' Union No. 1, of New York City, N. Y., remonstrating against any change being made in the rate of postage on periodicals and magazines, which were ordered to lie on the table.

He also presented the memorials of Guy M. Betts, H. B. Young, Peter J. Grathwohl, William H. Rodgers, John C. Reinbold, A. W. Barnes, William H. Fick, H. E. Lyon, Robert N. Heath, Mrs. Otto von Stein, William D. Newman, John W. Freeman, W. H. D. Mearns, W. H. Berehott, M. J. Brestet, Charles A. Linkroun, and C. P. Cafred, all of Hackensack; of S. K. Patterson, of Merchantville; of Local Union No. 1785, Brotherhood of Carpenters and Joiners, of Palisades Park; of the Federated Trades Council of Orange; and of Washington Camp No. 147, Patriotic Order Sons of America, of Passaic, all in the State of New Jersey, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

He also presented memorials of Charles Seebeck and Mark Robbins, of West Hoboken; of Thomas Somerville, jr., of Bayonne; of A. E. Caster and John N. Vogler, of Rutherford; and of Dudley G. Cummings, William A. Schierloh, and Harry W. Boehm, of Jersey City, all in the State of New Jersey, remonstrating against any increase being made in the rate of postage on periodicals and magazines, which were referred to the Committee on Post Offices and Post Roads.

Mr. WETMORE presented a memorial of Chepachet Grange, Patrons of Husbandry, of North Scituate, R. I., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was ordered to lie on the table.

Mr. BURNHAM presented memorials of Local Grange No. 13, of Nashua; Meriden Grange, No. 151, of Meriden; Wilmot Grange, No. 309, of Wilmot, of the Patrons of Husbandry; and of A. O. Harrington, deputy of New Hampshire State Grange, of Peterboro; Orville P. Smith, general deputy of New Hampshire State Grange, of Ashland; F. B. Atherton, of Greenfield; and Stevens W. Perkins, deputy of New Hampshire State Grange, of Exeter, all in the State of New Hampshire, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

Mr. DEPEW presented memorials of McGrawville Grange, No. 462; Rathbone Grange, No. 656; Moravia Grange, No. 1095; Mentz Grange, No. 1156; Webster Grange, No. 436; Upton Lake Grange, No. 802; Bloomingburg Grange, No. 1197; Grange No. 1149; Beaver Falls Grange, No. 554; Lowville Grange, No. 71; Susquehanna Valley Grange, No. 1132; Romulus Grange, No. 1181; Adams Grange; Great Bend Grange, No. 642; Greece Grange, No. 311; Elba Grange, No. 783; Voorheesville Grange, No. 910; East Lansing Grange, No. 792; Warsaw Grange, No. 1088; Ethan Allen Grange, No. 961; Eureka Grange, No. 46; Cape Vincent Grange, No. 599; Lake View Grange, No. 970; Pomona Grange, of Orange County; Salem Union Grange, No. 1100; Victor Grange, No. 322; Barre Grange, No. 1026; Waneta Grange, No. 1055; Clarendon Grange, No. 1083; Barrington Grange, No. 1101; Westville Grange, No. 540; Canisteo Grange, No. 460; Pittsford Grange, No. 424; Avoca Grange, No. 176; Darien Grange, No. 1063; Androscoggin Local Union, No. 15, International Brotherhood of Papermakers, of Lisbon Falls; Local Union No. 269, International Brotherhood of Stationary Firemen, of Fort Edward; and of sundry citizens of Lisbon Falls, Ticonderoga, Glen Falls, Livermore Falls, Ithaca, Westfield, Carthage, Ballston Spa, Lowville, Niagara Falls, Fort Edward, Watertown, Medina, and Rushville, all in the State of New York, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

He also presented petitions of Niagara Council, Junior Order United American Mechanics, of Lockport; of National Lodge, No. 556, International Association of Machinists, of Brooklyn; of Local Union No. 26, of Syracuse; and of Local Union No. 380, of Herkimer, United Brotherhood of Carpenters and Joiners, all in the State of New York, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of Eureka Lodge, No. 434, International Association of Machinists, of New York City, N. Y., praying for the construction of all United States battleships in Government navy yards, which was referred to the Committee on Naval Affairs.

He also presented a petition of the lodge of Good Templars of Orange County, N. Y., praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors into prohibition districts, which was referred to the Committee on the Judiciary.

He also presented a memorial of Washington Camp No. 111, Patriotic Order Sons of America, of Asbury Park, N. J., remonstrating against the donation of 300,000 acres of land in the Territory of New Mexico to the archbishop of the Roman Catholic Church of Santa Fe., N. Mex., for the establishment of a manual training school, which was referred to the Committee on Territories.

Mr. HALE presented memorials of Prestile Grange, No. 504; Local Grange of Hartland; Local Grange of Ripley; and Eastern Star Grange, Patrons of Husbandry, all in the State of Maine, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table and be printed in the RECORD.

Mr. ROOT presented a petition of the Jewish Morning Journal, of New York City, N. Y., praying that an increase be made in the rate of postage on periodicals and magazines, which was ordered to lie on the table.

Mr. WARREN. I present resolutions adopted by the Carbon County Wool Growers' Association, of Wyoming, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

Whereas a treaty has been negotiated by the Departments of State of these United States and of the Dominion of Canada for the purpose of promoting reciprocal trade relations between the two countries, and a bill has been introduced and passed in the House of Representatives of the United States confirming such treaty; and

Whereas by the terms of the proposed treaty the import duty on live stock, consisting of sheep, cattle, horses, and mules, imported into the United States from Canada will be entirely removed, and the import duty on agricultural products imported into the United States from Canada will also be removed, while the duty on manufactured products of the United States exported to Canada will not be removed by the Canadian Government; and

Whereas the duties upon meats, the dressed products of live stock, imported from Canada into the United States, will not be removed; and

Whereas there had heretofore been created by the Congress of the United States a Tariff Commission to investigate the various articles imported into the United States for the specific purpose of ascertaining the amount of duty that should be placed upon such importations by the Government of these United States in order to equitably protect the United States producers of such articles, and in accordance with the principles of protection for American industries; and

Whereas such Tariff Commission or Board has not as yet reported to the Congress of the United States upon any of the articles referred to and covered by the proposed treaty, and to be admitted without duty into the United States by the terms of such treaty, so that the Congress of the United States and the people thereof are unable at this time to know whether or not such lowering or removal of duties will be detrimental to the producers in the United States; and

Whereas the removal of the duty from live stock to be imported into the United States and the retention of the duty upon meat products is detrimental to the farmers of the entire country and to the stock growers of Wyoming, while being favorable to the packing industries of the United States; and

Whereas the adoption of the bill ratifying and confirming said proposed treaty would mean the giving up of the Republican doctrine of protection and the adoption of the Democratic theory of free trade, and would prove to be the opening wedge for the adoption of such free-trade theory; and

Whereas the Republican doctrine of reciprocity has always called for the admission to this country of the products of other countries not competing with those produced here, and the admission, free of duty, by such foreign government of our manufactured and other products of which we have a surplus, causing an equal and equitable exchange of products of the two countries, with a resulting promotion of the balance of trade in favor of this country: Now therefore be it

Resolved, That the members of the Carbon County Wool Growers' Association are absolutely opposed to the passage of the House bill ratifying and confirming the proposed reciprocity treaty between the United States of America and Dominion of Canada, upon the grounds that the same, if adopted, would be adverse to the interests of the American farmer and the western stock grower; would constitute a reversal of the Republican doctrine of protection in favor of the Democratic theory of free trade; would be an overthrow of the Republican doctrine of due investigation by the Tariff Board before revision of duties upon any article imported into the United States; would be the adoption of a principle that has heretofore been tried by this country through a reciprocity treaty with Canada in the year 1855, and found to be detrimental to the interests of the American producers; and be it further

Resolved, That we do hereby petition our Representatives in Congress, Hon. FRANCIS E. WARREN, Hon. C. D. CLARK, and Hon. FRANK W. MONDELL, to use every effort in their power to prevent the adoption and confirming of this reciprocity treaty in its present form.

CARBON COUNTY WOOL GROWERS' ASSOCIATION,
By JOHN A. DOMREL, *President*.

Attest:
[SEAL.] M. W. DALES, *Secretary*.
Dated at Rawlins, Wyo., this 21st day of February, A. D. 1911.

PRESERVATION OF ELK IN WYOMING.

Mr. WARREN. I present a memorial of the Legislature of Wyoming, which I ask may be read.

There being no objection, the memorial was read, as follows:

House joint memorial No. 1.

A joint resolution relating to the preservation of big game in the State of Wyoming and memorializing the Congress of the United States to make an adequate appropriation to aid the State of Wyoming in providing winter food for and otherwise protecting the big game which range in the national park and in the Jackson Hole region of this State alternately.

Be it resolved by the house of representatives (the senate concurring):

Whereas the principal remnant of the big game of the United States, comprised of moose, elk, and deer, range alternately during the winters in the national park and game reserve and the Jacksons Hole section of the State of Wyoming, south of the national park; and

Whereas during the winters suffer greatly and perish from famine in large numbers, which could be, in a great measure, prevented by adequate and systematic provision for feeding and protecting them during storms and blizzards; and

Whereas the State of Wyoming has been and is making appropriations of large sums of money and using every available means within its power to preserve said big game; and

Whereas the sufficient and thoroughly adequate protection of said big game is too expensive and burdensome to be borne alone by the State of Wyoming: Therefore be it

Resolved by the Legislature of the State of Wyoming, That the Government of the United States be, and is hereby, requested to cooperate with the State of Wyoming in feeding, protecting, and otherwise preserving the big game which winters in great numbers within the confines of the State of Wyoming; and the Congress of the United States is hereby memorialized and requested to make an adequate appropriation of money, to be used aiding and cooperating with the State of Wyoming in the laudable and desirable effort to feed, protect, and preserve from extinction the principal remnant of the big game of the United States which range during the winters principally within the territory of the State of Wyoming; be it further

Resolved, That engrossed copies of this memorial and request be sent to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to the Secretary of the Interior, asking their aid in bringing the object of this memorial and request before Congress and in securing from same an adequate appropriation of public moneys for the noble, humane, and national purpose herein set forth; and be it further

Resolved, That engrossed copies of this memorial and request be sent to the Senators from Wyoming in the Congress of the United States, viz, Hons. CLARENCE D. CLARK and FRANCIS E. WARREN, and our Representative in said Congress, Hon. FRANK W. MONDELL, asking them to use their best efforts to secure favorable action upon the request embodied herein.

Approved February 17, 1911.

STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, *State of Wyoming, ss:*

I, Frank L. Houx, secretary of state of the State of Wyoming, do hereby certify that the annexed has been carefully compared with house joint memorial No. 1 and is a full, true, and correct copy of the same and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 21st day of February, A. D. 1911.
[SEAL.] FRANK L. HOUX, *Secretary of State*,
By C. P. MACGLASHAN, *Deputy*.

The VICE PRESIDENT. The memorial will be referred to the Committee on Forest Reservations and the Protection of Game.

Mr. WARREN. Mr. President, I wish to state that the memorial which has just been read was passed in the closing hours of the session of the Wyoming Legislature, after it had appropriated, as it had done for some years before, money for the preservation of elk. Severe storms have occurred since, and I have in my hand a telegram from the governor of Wyoming, which I ask may be read. I wish to say that I shall offer an amendment to the agricultural appropriation bill, which I hope we will take up to-day, and will submit it to the Senate for its consent in making an appropriation to feed and remove those animals.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The telegram was read and referred to the Committee on Forest Reservations and the Protection of Game, as follows:

CHEYENNE, WYO., *February 23, 1911.*

Hon. F. E. WARREN,
United States Senator, Washington, D. C.:

Wyoming is spending $20,000 annually to protect elk; this herd largest in United States—probably 35,000. They drift with first snows to settled valleys and destroy haystacks and fences in quest of food. The State is trying to save several thousand from starvation. Such men as Easton Kendrick, game warden, and others say it is practicable in spring and fall to move the surplus elk, which die annually from starvation, to the Big Horn and other mountains where there is an abundance of food without interfering with stock interests. The State has good game laws and is doing everything possible to protect the elk. When the elk are fat, they are in Yellowstone Park; when starving, they are in the settled valley. Can you and your associates get $20,000 in an appropriation and a company of cavalry to aid in moving the surplus elk? This driving must be in part this spring; finish next fall. Two hundred mounted men required. Experienced cattlemen will aid. State has available appropriation to do its part. The herd may be saved, otherwise they will have to starve or be destroyed.

JOSEPH M. CAREY, *Governor*.

Mr. LODGE. I present a letter from Prof. Hornaday, of the New York Zoological Park, on the same subject, which I shall be glad to have printed in connection with the telegram which has been read.

There being no objection, the letter was ordered to lie on the table and to be printed in the RECORD, as follows:

NEW YORK ZOOLOGICAL PARK,
ONE HUNDRED AND EIGHTY-FIRST STREET AND SOUTH BOULEVARD,
New York, February 14, 1911.

Hon. HENRY CABOT LODGE,
United States Senate, Washington, D. C.

DEAR SIR: This appeal is addressed to you, because you are a member of the Committee on Forest Reservations and the Protection of Game, and I have been informed that the chairman of that committee, Senator BRANDEGEE, is ill.

I have just been informed by a reliable person in Jacksons Hole, Wyo., Mr. S. N. Leek, that "5,000 elk will perish in Jacksons Hole within the next two weeks unless fed." I have been personally acquainted with Mr. Leek for the past 13 years, and I know that he would not thus appeal for outside help in behalf of the starving elk unless the need for it was very great. I am aware of the fact that the Legislature of Wyoming is about to appropriate $5,000 for the purchase of hay for the distressed elk herds; but that will be only half sufficient to meet the necessities of the case.

I respectfully point out to you, and to Congress, the fact that the 30,000 elk from the Yellowstone Park, and now wintering in Jacksons Hole, belong, at least one-half of them, to the people of the United States. If our vested right in that elk herd were attacked, our National Government would be quick to defend it. Does it not now become the imperative duty of the National Government to contribute something to save those elk from perishing by thousands, even as occurred in the winter of 1908 and 1909, in spite of the help that was afforded by the State of Wyoming? At that time $7,000 were expended by the State, and the conditions to-day are much more serious than they were then.

I respectfully suggest that the Senate Committee on Forest Reservations and the Protection of Game should at once procure the passage of a joint resolution, appropriating $5,000 for immediate use by the Bureau of Forestry in the purchase of hay for the starving elk. It will be an easy matter for Congress to safeguard the whole transaction.

The final settlement of all questions pertaining to the permanent conservation of the Wyoming elk herds in winter can be taken up in the future; and it now seems clear that the problems involved can not be solved a day too soon. It is, however, utterly impossible for anyone to say, just at this moment, what should be done to place our great elk herd on a basis that hereafter will be permanently satisfactory all the year around. I think the questions involved can best be settled by the Biological Survey and the Forestry Bureau, after a thorough investigation of all conditions. The need of the hour, however, is for an emergency measure that will avert an impending calamity.

Very respectfully, yours,
W. T. HORNADAY,
Chairman Committee on Game Protective Legislation and Preserves.

Mr. BRANDEGEE. In connection with the matter just presented by the Senator from Massachusetts, as the writer of the letter suggested that the Committee on Forest Reservations and the Protection of Game should report a joint resolution in accordance with his recommendation, I desire to say that the committee thought, upon consultation with the Senators from Wyoming, it would be much more likely to pass at this stage of the session if the course indicated by the Senator from Wyoming were adopted.

NATIONAL ARCHIVES BUILDING.

Mr. LODGE. I present a memorial from a committee of the executive council of the American Historical Association relative to the construction of a national archives building. I move that the memorial be printed as a public document and referred to the Committee on Public Buildings and Grounds (S. Doc. No. 838).

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to which was referred the amendment submitted by Mr. GALLINGER on the 22d instant, proposing to appropriate $65,000 toward the erection of an armory building for the National Guard of the District of Columbia, etc., intended to be proposed to the sundry civil appropriation bill, reported it with an amendment and moved that it be printed and, with the accompanying paper, referred to the Committee on Appropriations, which was agreed to.

Mr. NIXON. From the Committee on Coast Defenses I report back favorably with amendments the amendment submitted by the senior Senator from Virginia [Mr. MARTIN] on the 6th instant, proposing to appropriate $150,000 for the acquirement by the Secretary of War of certain lands at Cape Henry, Va., and so forth, intended to be proposed to the fortifications appropriation bill, which I ask may be printed and referred to the Committee on Appropriations. I submit a letter from the Acting Secretary of War in reference thereto, which I ask may accompany the amendment to the Committee on Appropriations.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. DILLINGHAM, from the Committee on Immigration, to which was referred the amendment submitted by Mr. FOSTER on the 20th instant relative to the proposed enlargement, equipment, and effective operation of the immigrant station at New Orleans, La., etc., intended to be proposed to the sundry civil appropriation bill, reported it with amendments, submitted a report (No. 1248) thereon, and moved that it be printed and referred to the Committee on Appropriations, which was agreed to.

Mr. OWEN. I submit my views as a member of the minority of the Committee on Post Offices and Post Roads on House bill 31539, the Post Office appropriation bill, relating to the item of the rate of postage on second-class matter, which I ask may be printed.

The VICE PRESIDENT. Without objection, the request of the Senator from Oklahoma will be complied with. (Rept. No. 1242).

M. H. PLUNKETT.

Mr. GALLINGER. From the Committee on Naval Affairs I report back favorably with an amendment the bill (S. 1342) placing M. H. Plunkett, assistant engineer, United States Navy, on the retired list with an advanced rank, and I submit a report (No. 1241) thereon. I call the attention of the Senator from Maryland [Mr. SMITH] to it.

Mr. SMITH of Maryland. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment was, in line 9, to strike out the words "June 29, 1906," and insert "the passage of this act," so as to make the bill read:

Be it enacted, etc., That M. H. Plunkett, assistant engineer, United States Navy, retired with the rank of lieutenant (junior grade), may, in the discretion of the President, by and with the advice and consent of the Senate, be placed on the retired list of the Navy in the grade of passed assistant engineer with the rank of lieutenant, and that this promotion and the increased pay incident thereto shall take effect from the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARINE BIOLOGICAL STATION IN FLORIDA.

Mr. OVERMAN. From the Committee on Fisheries I report back favorably, without amendment, the bill (H. R. 10430) to authorize the establishment of a marine biological station on the Gulf coast of the State of Florida, and I submit a report (No. 1246) thereon.

On behalf of the Senator from Florida [Mr. TALIAFERRO] I ask for its present consideration. I wish to say that a similar bill passed the Senate, except the Senate bill carried an appropriation. This House bill has exactly the same provisions in it except the appropriation as passed by the Senate.

The VICE PRESIDENT. The Secretary has not the correct print of the bill at his desk.

Mr. OVERMAN. The chairman of the committee handed me the bill. Is it not with the papers?

Mr. CLARKE of Arkansas. While looking for that bill, I ask unanimous consent for the present consideration of Order of Business No. 1140.

The VICE PRESIDENT. The bill is not here. It is necessary for the Secretary to have the correct print of the bill at the desk. Unless the Senator from North Carolina objects, the Chair will leave the matter on the desk until the Senator has found the correct bill.

Mr. CLARKE of Arkansas. Mr. President——

Mr. BURKETT. I ask for the regular order.

The VICE PRESIDENT. The Senator from Nebraska asks for the regular order, which is equivalent to an objection.

OUACHITA RIVER BRIDGE, ARKANSAS.

Mr. MARTIN. From the Committee on Commerce I report back the bill (S. 10882) to authorize the county of Ouachita, Ark., to construct a bridge across Ouachita River, and I submit a report (No. 1243) thereon. I ask for its present consideration.

Mr. BURKETT. I ask for the regular order. There was unanimous consent given for the Senator from North Dakota [Mr. MCCUMBER] to proceed at the conclusion of the morning business.

The VICE PRESIDENT. The regular order is demanded. The bill will go to the calendar.

H. S. ROBINSON.

Mr. OLIVER. From the Committee on Claims I report back the bill (H. R. 18512) for the relief of H. S. Robinson, of Allegheny County, Pa. I should like to have unanimous consent——

The VICE PRESIDENT. The Senator from Nebraska has requested that the regular order be proceeded with, which is equivalent to an objection.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred, as follows:

By Mr. WARREN:

A bill (S. 10889) granting an increase of pension to Isabella S. Snyder (with accompanying papers); to the Committee on Pensions.

A bill (S. 10890) for the payment of certain claims for damages to and loss of private property; to the Committee on Claims.

By Mr. FOSTER:

A bill (S. 10891) granting a pension to Clementine Chapman (with accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 10892) granting an increase of pension to Christopher C. Showalter (with accompanying papers); to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BRIGGS submitted an amendment proposing to appropriate $45,000 for improving Absecon Inlet, N. J., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. DIXON submitted an amendment relative to the protection of game in Alaska, etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. BANKHEAD submitted an amendment relative to the commissions of pharmacists in the Navy, etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

He also submitted an amendment relative to the status of mates in the Navy, etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate $3,650.05 in settlement of the claim of Rittenhouse Moore, etc., intended to be proposed by him to the general deficiency appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. MARTIN submitted an amendment proposing to appropriate $35,000 for establishing an adequate system of lighting in the channel leading to Norfolk Harbor, Va., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. GUGGENHEIM submitted an amendment relative to the settlement of the accounts of volunteer officers of the Navy who served in the War with Spain, etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. JONES submitted an amendment proposing to appropriate $12,000 for the suppression of the traffic in intoxicating liquors among the natives of Alaska, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Territories and ordered to be printed.

Mr. MARTIN submitted an amendment authorizing the Attorney General to institute suit against all persons and corporations or others who may have or pretend to have any right, title, claim, or interest to land along any part of the Anacostia River or Eastern Branch, etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. OWEN submitted an amendment proposing to appropriate $50,000 to investigate and test the underflow of the streams, and also the artesian waters, in western Oklahoma, etc., intended to be proposed by him to the Agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

He also submitted an amendment relative to the issuance and publication of periodical publications, etc., intended to be proposed by him to the Post Office appropriation bill, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

INSURANCE COMPANIES IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER submitted the following resolution (S. Res. 369), which was considered by unanimous consent and agreed to:

Resolved, That the Committee on the District of Columbia be, and is hereby, directed to continue, during the Sixty-second Congress, the preparation of the Code of Law for the regulation and control of insurance companies doing business within said District, authorized by Senate resolution of May 16, 1910, with all the powers conferred therein.

INDIAN DEPREDATION CLAIMS.

Mr. HALE submitted the following resolution (S. Res. 370), which was considered by unanimous consent and agree to:

Resolved, That the Attorney General be directed to transmit to the Senate a list of judgments rendered by the Court of Claims in favor of claimants in Indian depredation cases, not heretofore reported, requiring an appropriation by Congress.

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. BORAH. I ask that the joint resolution (S. J. Res. 134) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States, which was reported by me from the Committee on the Judiciary on the 11th ultimo, be printed with the amendments omitted.

The VICE PRESIDENT. Without objection, it is so ordered.

TRIBUTE TO THE LATE SENATOR DOLLIVER.

Mr. YOUNG. On the 18th instant, when I submitted my remarks in memory of the late Senator DOLLIVER, I was unable to procure a copy of a letter which I desired to incorporate in order that it might be in the permanent volume. I now have that letter in print, written by Gen. James S. Clarkson, who knew Mr. DOLLIVER better than any other one living knew him. I ask leave to present it, not to be read, but to become a part of the memorial volume when it is printed, it being necessary to its completion.

The VICE PRESIDENT. Without objection, the letter presented by the Senator from Iowa will be prinfed as requested.

Mr. YOUNG. I ask that it may be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MR. CLARKSON'S FAREWELL TRIBUTE TO DOLLIVER.

[From the Des Moines (Iowa) Register and Leader.]

In a telegraphic dispatch I have already responded in part to the request of the Register and Leader for "an expression on the death of Senator DOLLIVER." In that I expressed my sense of the Nation's loss and of my own personal grief in this untimely end of his great career. There will be those who will think that his death, largely if not wholly due to his incessant and faithful overwork in the cause of the people, will have contributed even more than he could have done if living to the cause that he espoused so earnestly and powerfully, and this may be true. Yet, for my part, I believe that he was plainly in the line of destiny to serve a still greater part in this cause than he had yet been able to do, much as he had done. He had already become the leader of the public thought of the Nation on the great reforms so imperatively demanded in some of our leading national policies and in our business systems, and to me he was becoming plainly the choice of the people for the supreme leader in the final action which will put these demands for change and reform in the national statutes, or such reforms as will bring the country and its business and its people back to normal balance, with corporations and property having all the protection that they deserve and yet with human rights always having preeminence over property and all material things.

DOLLIVER'S heart was as much the embodied heart of the American people, the struggling and "uncounted millions," as he so fondly and so felicitously termed them, or the great masses who in their relative poverty have a fairer and larger life in this Republic than the same class of people have in any other country of the world, just as much as the heart of Lincoln was the embodied heart, not only of all the struggling and suffering millions but also of all patriotic Americans in the years before the Civil War. Besides this almost divine sympathy for the people at large and his desire to save the working people of this country from being degraded to a peasantry similar to the peasantries of Europe, as Lincoln desired to free the millions of human beings from slavery at that time, he also spent long years of studious and incessant investigation into all economic questions and learned to know the just basis on which the readjustment in this country should and must and will finally be made. He was among the earliest to see the force of the resistless evolution which has been going on in this country particularly, and also all over the world in a lesser degree, and among the first to know that the tide could not longer be resisted.

Instead of his views as so conspicuously announced in his speeches of unequalled power and persuasion in the debates in the Senate on the Payne tariff bill—the speeches which so unprejudiced an authority as the Springfield Republican, first of all political and literary critics in New England, pronounced as having brought the Senate debates of this time to be judged as equal in merit with the debates of the days of Webster, Clay, Randolph, and Calhoun—being the zealous views of a new convert, I personally know them to have been in fact his own personal views for many years, for these views long have been my own, and I often talked them over with him in the intimacy existing between us, and we both agreed, over 20 years ago, that no tariff duty should any longer be imposed, except in such measure as would protect the American laborer in the difference between American and European wages. These were not only his private views but often as frankly expressed public views. In fact I have always felt that it was the plank in the Iowa Republican platform in 1895, as I remember the date, in the State convention held in Cedar Rapids, declaring that "the tariff shall never be allowed to become a shelter of monopoly," and which was presented by George Roberts and DOLLIVER, that put Iowa in the lead of a rising revolt against any further high or increasing tariff. It was this plank that ushered in what finally became

nationally known as "the Iowa idea." In the years since then I talked frequently with Mr. DOLLIVER, and found him increasingly in favor of lowering instead of increasing the tariff duties. I talked with him several times during the debate on the Payne bill, when he came to New York hunting for the actual facts as to the important schedules into which he made such complete and unsparing investigation, and consulted with me and other customs officials in this port. He never stopped until he got the entire truth in detail, which truth he used with such terrific effect in his speeches in the Senate and with such overwhelming proof as ought to have defeated the schedules that he assailed.

Besides his own tireless work and overwork, which at last and not slowly brought to him the fatal penalty which his country now deplores, in investigating for the truth, he had the service for several years, and in the last year or more the constant service, of Henry D. Tichenor, the best posted man of this time in all the intricate details of the tariff—the son and student of Col. George C. Tichenor, the greatest tariff expert this Nation has ever had and who, as a high official of the Treasury Department, was the expert authority and adviser of Congress in the preparation and enactment of the Wilson bill, the McKinley bill, and the Dingley bill. Thus, his speeches in the Senate were based not only on his own long and profound study of the economic conditions of this country, but also on ascertained and established official facts gained by him with such an exhaustless and exhaustive research and with such hard labor on his own part, and through the invaluable help of the first tariff experts, as no other public official had ever attempted or utilized.

This great testimony of incontestible facts which he gave in the Senate served the one great purpose of convincing the great masses of the people—"the uncounted millions," as he termed them—but failed to convince the majority of the Senate, which had determined not to be convinced. Thus did he place on the great trestle board of the Nation's progress the truth, so imperiously demanding long-needed reform in the reduction of the tariff, and with it the plan for accomplishing it. This plan that he thus presented to the wisdom of the Nation and the conscience of Congress will surely yet be enacted into law; and it is more than probable that he himself would have been called to the Presidency as the insurance of its being done. He had not lived to lead in fulfilling his utterance as a prophet, but in a not distant time his prophecies will have become the statutes of the land and the full protection of the people.

That Senator DOLLIVER worked with Senator CUMMINS in the final struggle in Washington was from the fact that Senator CUMMINS was right also and not because anyone or any power than his own conscience led DOLLIVER to take what his own 20 years' experience in Congress had shown him to be the only thing left to do. I was in sympathy with the most that he did, and yet, as a much older man and a man of the older generation that had passed, could not share fully in the views of the new generation in holding so many of the old party leaders as having been unfaithful. For they had served in a far different period in the evolution and upbuilding of this Nation, and had, in my opinion, served as faithfully the demands of their time as were DOLLIVER and the other leaders of the new generation proceeding to fulfill their duties now. While I approved his general course of protest and appeal in the Senate, and had plainly increasing admiration for him for the rare powers he was so plainly and so constantly showing, I advised him to vote at last for his party under protest, and place the responsibility on it. Yet I am free to say that in this he showed himself possessed of more courage and more loyalty to the people's interest than I did, or the courage of this newer and braver and perhaps better era in politics. In any event he plainly met his duty as he saw it, and died proud of his action; and the coming time is not unlikely to find posterity calling it not only the bravest, but the greatest of all his many acts in his long and brilliant and always faithful career.

One who has lived as long as I have and personally watched the course of things in 50 years of politics can look with admiration upon the great leaders of the new day and the new order without joining in the too prevalent present tendency to impugn the motives of the great leaders who led in the great legislation in the generation just passed. For my part, I believe that these denunciations should cease and the party be brought together to agree upon the legislation which is to enact in the statutes the reforms now so irresistably demanded by the public interest and the public will. The party should be brought together instead of daily being separated more and more. I do not mean that there should be the least surrender on the part of the new convictions or any lessening of the demands for changes so imperatively needed, but I do believe that 95 per cent of the Republicans of this country want to find in an amicable manner the right way to settle these questions. All that is needed is to ascertain and to enact into law what will be just to property and the people alike, and yet with the rights of the people always above the rights of property. In my judgment, two such great leaders as Senator ELIHU ROOT, so consummate in knowledge of corporation law and corporation rights, and yet conscious of the rights of the people, and Senator DOLLIVER, representing so completely the interests and wishes of the people, could have come together any time in the past two years and made a draft for three or four statutes which would have ushered in and made the laws of the land what the people are so imperatively demanding and will continue to demand until their will and wish are complied with. The great, greedy 1 per cent, or the capitalists, who constitute not over 1 per cent of the population of this country, who have had their way too much and too long, will not much longer continue to defeat the people in their determination to readjust the Government to a basis absolutely just to all interests alike.

On the personal side of Mr. DOLLIVER'S life I could easily fill a whole page of the Register and Leader—or even all its pages—and I will venture to add something on that line to an article already too long. His life readily groups itself into four stages:

First, the stage of his boyhood and education in Virginia, where under the loving care of his father and mother he was making the struggle of the son of a poor preacher for a liberal education. Those who knew the parents know that he had an inspiration from them both which was almost divine, for both were of the best of earth; and those who knew him intimately, and especially in his early days in Iowa, know his love for them amounted almost to worship. His father—who as a minister rode the lonely circuits of the mountain districts of Virginia, carried more than even the gospel of the Master to a frontier people—was himself a great man, and a man who was so devout and so human himself as to be one of the greater pioneers in the vast and faithful work and uplift of the people of the early Republic. Much of the rare power of oratory Senator DOLLIVER possessed came from his own devout nature, inherited from his parents, with whom the Bible was always the highest platform not only for human thought, but for human action; and nearly every great speech he ever made was informed and made, nearly inspired, by apt and irresistible quotations from its sacred pages. In a speech that he delivered on Abraham Lincoln, on Lincoln's birthday, before the Republican Club of this city four years ago, he naturally found in the character and career of Lincoln an inspiration to quote from the highest summits of the Bible; and it was to such splendid and impressive effect as to elicit from President Roosevelt, who was present, the remark to me that he thought it was the greatest and most impressive speech he had ever heard. It may be said that the church gave Senator DOLLIVER to public life and to his great work on such a high plane, and also made him to be what the Tribune, of this city, calls him to-day, "an orator without a rival in either of the great parties."

The second stage of his life begins when, fresh from college and law schools, he started West to earn his own living and to aid in the support of his father, who had been largely incapacitated by the loss of a leg. He stopped first in Illinois one winter to teach school; but nature and temperament and perhaps a higher power kept his great abilities from being long employed within such narrow borders, and he went on to Iowa to practice law at Fort Dodge and to enter into the great career which he finally achieved. The gates of Iowa never opened in more of fortune to the State than when they opened to admit this young pioneer from Virginia. The record to be written now, the record which will grow constantly larger as time will pass, is that while a great State has bestowed its greatest honors upon this poor young immigrant since that time, he has in return bestowed still greater honors upon it in the theater of the wider field of the whole world. For in faithful and mighty measure he has added to the respect, the admiration, and the love which the world has come to have for the Commonwealth now so great, then just rising into its promise of challenging greatness.

I first saw Mr. DOLLIVER late in the winter of 1884 at Fort Dodge, where I had gone to see Gov. Carpenter, the lovable man who was one of the noblest and the best of Iowans. The governor, who knew the Register was always watching for new stars arising in Iowa, told me of DOLLIVER and said he was the making if not already the greatest orator in the State, and asked me if I would not stay over until the next day and he would have a meeting called in the courthouse with a speech by DOLLIVER. I told him my engagements required I should be in Des Moines that night, and the governor started to take me to the train in his buggy from the farm. As he was driving through a street in Fort Dodge he suddenly said, "There's DOLLIVER now," and drove up to a group of men working in the street; and there, working in a ditch in the street, in his bare feet, working out his poll tax, was the future great Senator. It was typical of the man, for while he had not yet come to have any income as a lawyer only of the slenderest size, he was meeting his duty as a citizen by manual labor, which honored him, and living in his little law office, with an oil stove, doing his own cooking, and sending all possible money that he could earn and save to his father in Virginia. Later in the same year, when he was brought into the national campaign and won such an instant and complete victory as an orator and won so much praise, Chairman Jones, of the national committee, expressed to me this fear that such great and high praise would turn the head of any young man. I told him then of this instance in Fort Dodge and said that a man who started in life in such a manner would always be secure against any mere flattery or any undue vanity.

This day in Fort Dodge Mr. DOLLIVER met me in such a manner, and his greatness was so brimming in him even then and in everything he said, that I was immediately won by him, and there began one of the two or three most cherished intimate friendships of my life, and which through all the passing years has changed only to deepen and increase. I at once decided to stay over and hear the new orator and see the new star in his own orbit. He more than justified Gov. Carpenter's ardent measurement of him.

In March or April he had our State convention to elect the Iowa delegates to the national convention of 1884. Gov. Carpenter and I used our influence with the State committee and had Mr. DOLLIVER chosen temporary chairman of the State convention. There he made the famous speech which not only surprised and delighted the convention and all the people of Iowa, but also captured the country at large and was published in many papers. From that day DOLLIVER'S fame and future high usefulness were certain and secure.

In that year Iowa gave its vote and its heart to Blaine. I was made the member for Iowa of the Republican committee—one of the generous State's many gracious kindnesses to me—with Mr. Blaine finally insisting that I should go to New York for the campaign as a member of the executive committee, which I reluctantly did, although I then not only had no ambition for national reputation, but instead had firmly resolved never to leave or to desire a larger field than Iowa, a resolve which I have often regretted I had not always kept. In a conference between the committee and Mr. Blaine in choosing the larger speakers for the national campaign, I suggested DOLLIVER, and the other members, mainly eastern men with the usual prejudice against the West, thought it personal partiality on my part. But Mr. Blaine spoke up and said, "If that's the young man who has been showering Iowa and the West with epigrams, we certainly want him, for his speeches show him to be a man of rare and unusual power." So DOLLIVER was invited. He reached New York while the executive committee was in session, and I had him brought into the room and introduced him. He had the natural timidity of a young man among famous men, knowing that he was under critical and none too friendly inspection. After he left the room I said to Mr. Hobart (afterwards Vice President): "You are to have an opening meeting to-morrow night at your home in Paterson in the big skating rink which you say holds 10,000 people and will be filled. All of us on the committee here will accept an invitation to spend to-morrow night with you and attend the meeting. I want you to invite DOLLIVER to speak there. If he does not then more than prove all that I have said of him, he will go back to Iowa." We went; the great rink was filled to overflowing. Hobart presided, and we as fellow committeemen sat around him as wax figures for the occasion. Hobart put up other speakers, and gradually the audience began to melt away. I finally told him if he wanted to save his audience to put up DOLLIVER, and I would guarantee that no more people would go out, and that in less than five minutes the applause he would receive would call back the people who had left. He reluctantly consented and put DOLLIVER up, and in less than five minutes he had captured the audience and New Jersey and, through the papers printing his speech next day, the country at large. After that that national committee could not send DOLLIVER to one in a hundred of the places he was wanted and asked for. Mr. Blaine asked to see him, and at once took him on a special train with him for an oratorical tour of New Jersey and Pennsylvania. This completed the final arrival of DOLLIVER in the lists of national fame, and from that time until the close of the campaign he was kept away from Iowa and in the national service until the election.

His first great personal feat in American politics was in the great speeches he made in Ohio in the campaign made that year for the State election in October for the election of a State ticket. His campaign was so inspiring and his persuasion so infectious that he gave new life to the Republican Party there, and it was admitted that he had saved the State from what had been expected to be a Democratic victory. Mr. Blaine always held Mr. DOLLIVER not only in great admiration for his rare ability as an orator and leader, but also in much of personal affection; and gradually and quickly the young western leader came to be greatly beloved of all the principal party leaders of the Nation.

The third stage in Mr. DOLLIVER'S evolution into a great career was in the years when, in 1889, he was elected as a Member of the lower House of Congress; his early rise to unusual power and influence in that body; his four reelections to the House, and the constant increase of his prestige and usefulness; his large participation as a member of the Ways and Means Committee in the creation of the McKinley tariff law, where he learned much of the information which he used in the debate on the Payne bill; and finally, after he had become one of the accepted leaders and greater orators of the party, his transference to the Senate, where he came into such close and intimate relations with Senator Allison, so loved and honored alike by all Iowans and all Americans, who accepted him as a colleague who could give as well as receive strength and help. He grew to have still more affection for the venerable leader than he had had before, and proved a very Jonathan and a very pillar of strength to him in his later years, extending to such a defense of him in that last pathetic year of life and such a defense of equally unexampled devotion and strength as no Iowa man had ever before been given. DOLLIVER'S campaign in Iowa for Allison's last election was such a demonstration of strength and courage as no other Iowa man has ever shown. Himself a man of the newer generation and the new order, instead of going the safe and easy way of affiliation with his own generation and making sure of his future without doubt or hardship, he voluntarily and gladly took up the cause of a great and noble man, who at best was very near the end of his days, and cheerfully and gladly gave him his support, and such a support and based on such devotion, and despite the very possible sacrifice of himself, as not one man in a million would ever give even to his dearest friend. This one act of lofty courage and fidelity should and will in a State with hearts such as the people of Iowa have, of itself make the name of DOLLIVER forever sacred and loved by the people who honored him so much and so often, and who in loyal and grateful return honored them still more.

The fourth stage in DOLLIVER'S life, or last, covers the closing years, which will now always have an historical pathos which will be inseparable from his undying fame. It covers the two years of his greatest achievements, of his proudest victories in his service to the people, which will always be a model because of its usefulness and purity as well as for the luster of its legitimate greatness.

In the widening circle of his growing power he had come into the consecrated approval of the people of the whole Nation—a people who had already come to look upon him as the desirable and inevitable man for the supreme place in the near future. He had made his way to this high place purely by his own ability. He had such help alone as the inspiration of the devoted love and help, first of his parents, and next of his wife, who was so worthy of him in all his greatness and of his ambitions and purposes, and the loving help of his noble sisters, and all the others who found a new joy and pride in being admitted to his friendship and unchanging affection. His own sad and sudden death recalls to those who knew and loved the brother, too, for his many noble qualities, the sudden death of his brother Victor.

For Iowa it may be said—and I remember as I say it many thousands and tens of thousands of good hearts I personally know in the State, a State I love as I love no other—that in none of its many acts which it has rendered for the benefit of the world and the service of mankind has it honored itself more than in giving to the public service of the Nation and to the cause of the people a man so pure and so great and so useful as Senator DOLLIVER.

In the closing years of my life, when, with everyone who is nearing the end of the long journey, I find a greater and yet more radiant and revealing light shining on the acts of all men, I discover even in the earlier public acts of Senator DOLLIVER more of useful contribution to the public good and more of lasting benefit to his fellow men for all time than I discovered then. They were the forerunning prophecies and promises of the greater things to come in his ministry and help since for the waiting millions whom Lincoln consecrated with the now sacred title of "the plain people." And as I see now the fruitage of the great results of those early efforts, and review the unselfishness and the purity as well as the greatness of his life and his work, I find it one of the proudest titles I can set down for myself that I was given to gain the confidence and the unchanging friendship and affections of the man whose name, not only in the years but in the centuries to come, will be quoted as that of one of the Americans most to be quoted for the emulation of all young men, and to the honor of a Republic which could develop such a man for the larger service of his own and all other people. Plainly, and from the first, he "lifted his eyes unto the hills, from whence all strength cometh."

JAMES S. CLARKSON.

AFFAIRS IN ALASKA.

Mr. GUGGENHEIM. I present an article by Rex Beach, taken from the Saturday Evening Post, on "What is the matter with Alaska?" I ask that the article be printed in the RECORD and referred to the Committee on Territories.

The VICE PRESIDENT. The Senator from Colorado asks for the printing of certain matter. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

WHAT IS THE MATTER WITH ALASKA?

What is the matter with Alaska? It is generally agreed that she is sick, but no one seems to have diagnosed her ailment. Much has been written to prove her invalid condition; publishers have prescribed their own patent medicines; consultations have been held in Washington—which broke up when the doctors began to pull hair and gouge and accuse each other of unprofessional conduct—but no one has thought to ask the patient herself how she feels or exactly where the pain lies.

As a matter of fact there is nothing serious the matter with Alaska. The trouble lies with her self-appointed doctors. She suffers from overadvertising.

There is a certain industrious body of men in the theatrical profession who have never trod the boards and who never intend to, whose duty it is to sit at roll-top desks and dream out advertising schemes. They are the ones who meet incoming steamships with brass bands, rob prima donnas of diamonds, arrange milk baths for leading ladies, and marry chorus girls to dukes. They worship space, not truth; 10 sticks of type are to them more sacred than the Ten Commandments. Whether Alaska's press agents have been unscrupulous or blindly enthusiastic matters little; she has been vastly overtouted. She has been boomed as a land overflowing with milk and honey, a land inlaid with gold and with billions in coal and minerals, from which we common people are kept by the strong-armed, hairy-chested trusts. Certain magazines are, in the main, responsible for this misconception; also certain individuals who have endeavored to serve their own political ends by wholesale exaggeration. The former are in need of sensations—the latter are quacks; neither have paid much attention to truth or to actual conditions. It is, perhaps, unchivalrous to liken anything so harsh and cold and tough as Alaska to a music-hall artist; yet she has been exploited in quite the same theatrical manner. She has seen her rhinestone bracelet described as a necklace of blue-white diamonds, her rabbit skins changed to sable and ermine, and her voice heralded as a thing of surpassing richness. Yet, when it came her time to go on and do her turn, the stagehands began to fight and she was forced to wait in the wings. She knew she was a headliner, for she had read all the advance stuff; but the audience was interested in the rough-and-tumble and forgot all about her. The operator in the balcony turned his spotlight on the commotion; and when it was all over the crowd decided it was time for them to go home. The next day the police closed the house.

It was a very bad opening, but she still believes she can sing if she gets a chance. Her press agents continue to enthuse over that diamond necklace, they have discovered a plot to steal her furs, they give her all the publicity the papers will stand—but she can not eat press notices; she wants work. She has enough pawn tickets now to paper a skating rink, but if she is not booked before long she will not have sufficient wardrobe left to appear in when she does get a job.

Much has been said lately about the conditions and needs of Alaska; there has been also a certain amount of speculation as to who owns it—the corporations or the Government. Both claimants have been heard; in fact, everybody has been heard except the Alaskans themselves, but no decision has been rendered. I claim to be a "sourdough" by temperament and experience if not now by actual residence; consequently I believe I know something about the country and its needs, just as I know something about the fellows who live there and their wants.

Comfortable gentlemen who have never been north of the Canadian border have decided that, first of all, Alaska needs a new form of government; but they are hung up over the question of whether it shall be territorial or commissional. As a matter of fact, Alaskans are so restless under present conditions that most of them don't care a tinker's hoot whether their officials are appointed from Washington or chosen by cutting the high card in the Bucket of Blood Saloon, at Fairbanks, so long as they get some land laws. That is what they need most—land laws and a settlement of the coal controversy; for the latter is the key to the whole situation and until it is disposed of they can not develop their Territory on a permanent basis. In addition to this they want capital and transportation, which in a way are synonymous. Neither of these is possible, however, until definite and lasting titles to the land are established.

When De Lesseps was digging at the Panama Canal the Paris office at one time sent him a shipload of snow shovels. With equal judgment Congress has saddled Alaska with a set of hot-weather coal regulations that are quite as useless as were the snow shovels at Colon. There are ample laws in Alaska to safeguard the life and liberty of the inhabitants and, on the whole, her form of government is probably as good as anything Congress could or would give her until she is ready for complete territorial government—which is not yet. But her land laws are in bad shape.

Alaska sends a Delegate to Congress; but why she does so nobody seems quite to know, for he has no vote and is about as useful to his constituents as a tailfeather to a frog. Under the present inadequate, chaotic, and conflicting land laws a large part of her development has ceased. Unless something is done quickly she will go broke, not in minerals, perhaps, but in men and in ambition, which are quite as valuable.

I said in starting that she has been overadvertised. I might better have said overguessed, for very little is known about her, up to date. This is no attempt to minimize her resources, which are even now considerable, although nothing like what some enthusiasts claim. I do intend, however, to show that under existing conditions she offers a most unattractive field both for the poor man and for the rich man, and until these conditions are improved neither men nor money will flow northward. She will require more capital and more men than any country we know of, yet opportunities for the prospector are not now what they were a few years ago; and the capitalist who would invest there under existing restrictions would certainly need to have his head thumbed by a phrenologist.

Let us begin with those resources of which we have heard so much and find out what they really are. Gold in large quantities has been coming from the placer fields for 10 years, but the supply from proved camps is rapidly decreasing and, unless the Iditarod surpasses expectations, Alaska has certainly reached the maximum of her placer production for an indefinite period. So far, the production of quartz has been confined to the coast range of mountains and almost entirely to the southeastern part of the country, but after 30 years of lode mining there are in all of Alaska, which has an area one-fifth the size of the United States, but four—possibly five—gold-quartz mines on a dividend-paying basis; and three of these are on Douglas Island. There are others that produce some ore and there are many prospects, for hope runs high in the Northland; but smelter checks are very rare.

Copper is found in various sections of the country, but cheap prices for that metal have closed down all low-grade properties. There are but three high-grade copper mines along the entire coast—one is shipping considerable ore, another is shipping a little, the third is reported to be worked out and upon the verge of abandonment.

The completion of the Copper River & Northwestern Railway this year will afford transportation for a large copper-bearing district toward the interior, a section about which much has been written and more has been predicted as to richness and extent, but in which little ore had been developed. The Bonanza mine, owned by the Alaska Syndicate—meaning the Morgan-Guggenheim combination—is the only one with sufficient ore in sight to ship.

TOP-HEAVY FINANCE IN ALASKA.

It is worthy of note here that when the Guggenheims bought the Bonanza it was claimed that there were from $25,000,000 to $60,000,000 of copper ore blocked out and measured up; in consequence, this district was heralded as the coming source of the world's supply. As development has progressed, however, these figures, perhaps owing to the

Alaska climate, have shrunk amazingly, until they now total but $6,000,000. The Alaska Syndicate expects to reap a profit out of the Bonanza, over and above the mine expense, of about $5,000,000; but, in order to do so, it is spending $20,000,000 for a railroad to haul the ore after it is mined. Now, though it is true that this road will serve the rest of the copper belt if it ever develops into a copper belt, and will also serve the Bering River coal fields if they are opened up on a shipping basis, nevertheless its construction represents such a top-heavy investment that level-headed Alaskans have been badly frightened for some time lest the "Morgan-heims" get discouraged and quit, thus putting an end to the only railway project of consequence in the entire Territory and seriously retarding the development of the country at large. No one seems to know precisely where or how they are going to get back that other $15,000,000 after the Bonanza is worked out, and it is public gossip that, had George W. Perkins, Mr. Morgan's partner, gone to Alaska prior to the summer of 1909 and before so much money had been actually sunk in the enterprise, the syndicate would never have gone ahead with its $20,000,000 railroad, but would have closed down and waited at least for a settlement of the coal controversy.

One thing seems to be certain from all that can be ascertained, namely, that the "Morgan-heims" are not overdelighted with their railroad investment as it stands to-day, regardless of all we hear to the contrary; realizing, as they must, that it is certain to be many years before any Alaska trunk railway can pay for itself. The ultimate financial success of such a road will even then hinge upon many contingencies that no man is wise enough to forecast with any surety.

I have no doubt that even this plain statement of fact will shift me from the ranks of the muckrakers and gild me with Guggenheim gold; but, to an observer who is familiar with the real, not the magazine, resources of Alaska, the actual and not the theoretical conditions, it seems that the Morgan-Guggenheim outfit has been very neatly and very effectually promoted. No one who is posted seems to think they would do it all over again; and yet their investment promises to result in the one and only permanent improvement that Alaska will have for some time to come, the one and only means of transportation that will afford a medium for development.

To return to her inventory of resources—a workable deposit of gypsum has been opened up on Baranof Island and a marble quarry on Prince of Wales Island. Tin, zinc, lead, and antimony are found, but not in quantities to pay.

The furs of Alaska amount to practically nothing and, broadly speaking, the timber is fit only for local use. The fish, however, are of great value and with proper husbanding will constitute a source of wealth for generations. The fisheries are and have been for years very well developed. Large areas of coal are found in all sections of the country, but only in the Bering River and Matanuska fields is it found in such location and of such grade as to make it of general commercial value. Surface showings indicate large veins in both of these fields, but no development work has been done and all estimates of tonnage are wild guesses.

Engineers are agreed that the quality of the coal is such as to give it wide commercial use and the quantity is sufficient to justify the construction of railroads from tidewater, although the surface in both regions indicates extensive faulting, which will diminish the minable areas. More than 900 coal claims have been located in these two fields, but not one has been patented and no coal whatever can be mined until some of the claims are allowed to go to patent or until Congress provides another way of getting at the matter.

FARMERS WITHOUT A MARKET.

Let us take the one remaining resource, which is agriculture. In certain favored spots experimental stations have grown lovely lettuce, fat potatoes, crisp radishes, and other nice, toothsome vegetables, together with some hay and certain grains; but in the whole length and breadth of the country, which, as we have said, is one-fifth that of the United States, there is not one thrashing machine and not more than half a dozen mowing machines. Alaska offers a wide diversity of soil and climate, to be sure; but the population is so scattered that farming does not pay, and, even if transportation is provided and a permanent population grows up, it is extremely doubtful if she will ever be able to grow more than enough for her own consumption. I have heard it stoutly maintained that her agricultural possibilities are equal to or better than those of Norway and Sweden, but no sensible Alaskan believes it. He would dearly love to see farming put on a paying basis, but he is perfectly willing that somebody else should try it.

It seems reasonable to forecast that Alaska will never export enough produce to make farming pay, but with the building of roads and the settlement of her mineral areas she will develop a market of her own and thus make agriculture profitable to a limited extent. If it were undertaken now on a large scale, however, the farmers would have to eat their own fodder; not until the country's present needs are satisfied will these conditions change.

To summarize briefly: Her fisheries and her placer gold fields are producing their maximum; there are five dividend-paying gold-quartz mines and two established copper mines, with a third about to be opened up; some gypsum and marble. Add to this her coal and her uncertain farming possibilities, and we have a very meager total.

It is rather a disappointing outlook in view of all we have read about Alaska's untold wealth, our heritage in her precious metals and our per capita share in her many hidden treasures. As a matter of cold fact, the developed resources of the country are at present incapable of sustaining a larger population than she now possesses—some 37,000 white people—and when the placer mines are exhausted to the point where the individual miner can not work his ground at a profit she will lose 10,000 of those 37,000. That may occur at any time, and once it comes to pass there will cease to be many opportunities for the poor man. Even now it is a country essentially for large capital, well directed.

Whatever the resources may be in the future, it is certain that the tremendous exaggeration that now prevails can do nothing for the permanent and lasting benefit of the country. Unless the truth is known and capital is encouraged in every proper and legitimate way, we can look for very little advancement during this generation.

At present the crying need is for proper and efficient land laws and an immediate settlement of the coal dispute. President Taft advocates a commission government, but it will do no great good to appoint a body of six or a dozen men to supplant the present governor, unless they are given more power than he has. Unless they are clothed with authority to administer the public domain they will merely fill the place that is now occupied very successfully by one man. It is hardly to be expected that Congress will ever part with its authority over the public land, hence it is up to that august body to get busy on a proper code and let the actual form of government take care of itself.

In puncturing these iridescent bubbles I do not wish to give a wrong impression. Alaska is rich, but her riches are locked away securely, and it will take long years of extensive and expensive development to get at them. The poor man will continue to delve with pick and shovel at the gold placers, and his contribution to the total output will not be insignificant, but so far as real, permanent, and extensive values go there are, so far, but three proved sources, namely, the fisheries, the lodes, and the coal fields. The fisheries are well developed, and are producing about $10,000,000 a year; the lodes are yielding in a few places, as we have seen above, and show promise of increasing their production as the country grows; but the coal, which it is claimed contains the greatest value of all, is the one resource that will afford the country permanence. Under present conditions, not only the exploitation of the lode deposits, but also the establishment of railroads depends largely upon the development of this fuel. No coal, however, can be mined until Congress or the Department of the Interior takes some action.

Before we inquire into the real commercial value of the Alaskan coal deposits let us first sketch a brief history of them and explain how they came to be tied up to the serious detriment of the country. To begin with, let us eliminate the vast deposits that are scattered over the interior, the practical value of which at present is absolutely nothing, and confine ourselves to the Bering River and Matanuska fields, which seem to contain the best qualities and are for various reasons the only ones possible of development. The former field is within about 100 miles of a deep-water harbor, the latter, approximately 200 miles. In extent they are much larger in the aggregate than the Pennsylvania fields, and they contain both soft and hard coals—bituminous and anthracite—some of which is equal to the best found in Pennsylvania or Wales. It is the only coal fit for naval purposes found on the Pacific coast.

In June, 1900, Congress, realizing that some coal regulations were necessary in Alaska, passed an act extending to that country the provisions of the United States laws. It was some time before the nature of this merry jest became apparent. The United States laws provided that none but subdivided, marked-out, and plotted land could be taken up by a claimant. At that time there was not a land survey in the whole of Alaska, and the rest of Federal action in that bedeviled land has been of a piece with that grim and egregious folly. The next joke was nearly as humorous, for it provided that only tracts of 160 acres could be located, and took no account of the impossibility of attempting to work a tract of that size in the wilderness. That was as possible and profitable as truck gardening on a city lot in the Sahara.

Under this second act, passed in 1904, about 50,000 acres were located, boundaries fixed, notices filed, surveys made, and in many cases the purchase price of $10 an acre was paid. Alaska is a difficult country. Supplies and tools with which to prospect were packed on men's backs from 20 to 200 miles, trails were cut, cabins built. Surveyors do not work for nothing, and I am told that the development and survey of a single 160-acre tract often cost $5,000. In the Matanuska district $300,000 or more was spent in this way and over $4,000,000 on a railroad. In the Bering River fields an equal amount was expended. Then, on November 12, 1906, all coal lands in Alaska were withdrawn from entry and so far as coal development was concerned everything stopped abruptly.

This is now A. D. 1911 and the coal is still locked up. The Alaska Central Railway is rapidly becoming a streak of rust; the coal claimants are hustling grubstakes and waiting for Congress to do something.

Let us see why these coal lands were withdrawn. According to the law of 1904, under which most of the land was staked, a locator was required to swear that he had made no promise or deal beforehand either to sell or receive money for his coal land; in short, that it was intended for himself, and himself alone. Theoretically that sounds very fine as a conservative measure; but, inasmuch as it is a physical and financial impossibility to open a profitable coal mine on 160 acres, particularly in a wilderness without railroads or other transportation, the parties seeking to enter the land began to think of consolidations. This was prohibited by law and made perjurers out of nine-tenths of the miners. The abuse of the power of attorney law also made itself felt and the locators began charging each other with fraud. The titles in both fields became so obscured in an atmosphere of suspicion that President Roosevelt ordered the withdrawal of all public lands in Alaska on which "workable coal is known to occur."

That happened in November, 1906, more than four years ago, but not one of those disputed claims has gone to patent. There were many bona fide, honest locators among the total number, but the innocent and the guilty have suffered alike.

In 1908, to be sure, Congress, realizing the injustice that was being done, passed another act designed to relieve coal locators from any possible fraud by reason of an ultimate intention to work more than 160 acres in conjunction, and permitting the grouping of 2,560 acres. Now, there are some who stoutly maintain that even this amount of land is insufficient to justify the expenditures for plant and equipment under the existing physical conditions; but, whether it is or whether it is not, there is another proviso in the law that renders it absolutely futile so far as permanent development of the coal goes.

COAL IN PLENTY BUT NONE TO BURN.

The act provides that, should two or more of these groups be thrown together, should there be any combination in restraint of trade, any selling of coal by a joint understanding, or anything in the nature of a trust, the title to the land shall be forfeited to the Government. Now, the object aimed at is commendable; but, as may be shown in a few words, it effectually bars out the necessary capital to open up the fields—for who would put money into an Alaskan property the title to which might be invalidated at any moment by some act of the men in control, unknown to their backers? An attempt has been made to have this part of the law changed so that the acts above mentioned should constitute a criminal offense and thus serve the purpose equally well, but so far this attempt has been without success.

This, then, is the status of the coal resources of Alaska: Ten years have elapsed and no entries have been perfected. Twice the law has been amended to permit the perfection of titles, but both attempts have failed in their purpose; and meanwhile, with enough good coal underfoot to supply the entire Pacific coast for a thousand years—to quote certain authorities—Alaska imports a million dollars' worth of poor coal every year from British Columbia.

If the existing claims, or those of them that prove valid, are allowed to go to patent, or if Congress will enact laws permitting the mining of coal, the industry is capable of supplying a means of livelihood for several thousand people; and, in addition, it will aid vitally in the mineral development of the country at large.

It is laughable to think of a country that is so badly in need of transportation forcing a railroad to import inferior coal from Canada, at a

high price, when its own tracks run over coal beds of infinitely better quality. It is more laughable still—to every one except the railroad people—to think that they have to pay a stumpage tax of 50 cents a cord for all the timber they cut for fuel along their right of way. On the Yukon there is bituminous coal at the edge of the river, but the steamers have to use cord wood cut from the banks or import fuel oil from California, several thousand miles distant. There is a little railroad up in the Tanana Valley that burns wood in a most wasteful manner and pays $15 a cord for it plus the stumpage. Part of the roadbed is laid over an extensive bituminous coal field, but if a fireman picked up a lump of that outcrop to throw at a hen ptarmigan there would be a riot that could be heard in Patagonia.

This winter the residents of Alaska, many of whom believe that they own the best coal on the Pacific coast, are paying from $10 to $15 a ton for a British Columbia grade at Cordova and from $25 to $30 a ton at Fairbanks. Those coal miners who can't afford to buy coal are chopping wood and paying the benign Government a tax of 50 cents a cord for the blessed privilege. It is a remarkable situation and one demanding immediate relief if for no other reason than for the sake of Alaska herself. She needs fuel more than any section of our country and she surely ought to have the right to burn her own coal.

HONEST MINERS IN HARD LUCK.

Suppose a real-estate owner agreed to sell you a piece of land and entered into a contract of sale at a fixed price, and you made him a substantial payment on account. Then suppose you came around to pay the balance and take title, but he refused to carry out his agreement and insisted upon keeping the land. What would you do? If you considered it a good purchase you would probably try to force him to live up to his contract, or perhaps sue him for damages. Suppose, in addition, he not only refused to pass title, but also refused to return you the money you had given him. Would that make you sore? That is precisely what our Government has done with the fellows who located the Alaska coal measures. Of course there were certain fraudulent entries, and these should be refused; but there are others that were made in good faith, and those men ought to have their land. There are honest miners even in Alaska, and conservation doesn't spell highway robbery.

It is generally understood that Alaska's coal is of supreme commercial importance to the whole Pacific coast, and that there is a plot on foot to gobble it all. It is claimed that, once this coal is opened up, we shall see a reduction in the cost of fuel from Seattle to San Diego, unless the corporate interests combine to hold up the price; and that by exacting a substantial royalty from the coal tonnage our Government will realize a fabulous sum for us fellows who sit around at home. This seems to be of a piece with the general exaggeration and misconception that prevail about Alaska resources in general.

As a matter of fact, Alaska coal will have to compete with California oil, of which there is an abundant supply, and the cheaper grades of Washington and British Columbia fuel. Unless workable deposits of iron ore are found easily accessible to the Pacific coast it will take many years to develop a market for Alaska coal. California oil is being delivered at the Treadwell mine in southeastern Alaska at a coal equivalent of $2.80 a ton; and it is estimated that the Bering River coal will cost $2 a ton on top of the ground, leaving transportation, profit, and royalty still to be reckoned with. By many it is doubted if Alaska coal could be landed in the State of Washington at a cost low enough to warrant its use for steaming purposes, although the hard coal would doubtless find a ready market for household uses. On the other hand, a geological expert estimates that there is a present annual market for some half million tons of Alaska coal and another market for, say, a million tons, in which it would have at least equal chances with that from other fields. He says, however, that these estimates are little more than guesses, and it is worthy of note that in his reports he has used exceedingly low freight rates and low fixed charges.

To eliminate tiresome statistics, it seems that Alaska coal is available for local consumption and will have a limited market on the Pacific coast provided cost of production can be made as low as it is in the United States; but the wild estimates of the wealth represented by those deposits are quite on a par with the usual method of reckoning profits in the poultry business. One can buy six hens and a rooster and then, with the aid of a pencil and pad, figure himself out to be the owner of 10,000 laying fowls in the course of two years. It doesn't work out in practice, however, and neither does the Alaska coal.

As a matter of fact, that fuel will need to be worked on a conservative basis by capital that is content with a low rate of interest, and a market will have to be gradually built up. Our per capita share of that "heritage" will figure out mighty small.

This is no excuse, however, for keeping it locked away securely in the Interior Department, nor does it give Congress any cause for permitting the continuance of the present land laws. There is one reason outside of Alaska's needs that should be sufficient in itself to put an end to the apathy regarding the matter—and that is the need of our Navy. Alaska has the only coal on the Pacific coast fit for naval use, and yet the fuel burned in our Pacific ships is hauled from West Virginia, Pennsylvania, or Wales, around the Horn, at a cost greatly to exceed the cost of coal from that north country.

It is sufficiently humiliating to a proud Nation to realize that in case of war she would have to buy foreign ships to transport coal to her battleships; but why rub it in by making her buy foreign coal with which to load those foreign bottoms when she has plenty of her own close at hand? No fleet can be permanently stationed on our Pacific coast without a vast extravagance for want of Alaska's fuel. Our prosperity and safety demand that it be developed.

TEN YEARS ON THE OPERATING TABLE.

Mr. Carnegie, Mr. TAWNEY, and others scoff at the possibility of war with—let us say—Japan, for instance, stating that we are amply safeguarded by our isolation; and yet we are not isolated at all toward the West. On the contrary, we are spraddled out all over the map and are spending $400,000,000 to build the Panama Canal, largely for the purpose of increasing the efficiency of our Navy. We are fortifying that canal, moreover, and we are fortifying Hawaii also. Other authorities, perhaps, as intelligent as the ones just mentioned, are equally certain that we shall have war with Japan. While we are spending countless millions to build naval strongholds in the Pacific, why not develop enough coal for the Navy to burn and save sufficient money in the process to fortify the Alaska coaling stations? It will help to put us on a war footing and aid in developing a country that is badly in need of assistance. Alaska may some day prove the key to the strategic mastery of the Orient. At any rate, economy, if not patriotism, should compel us to burn her coals in our battleships' boilers.

Alaska's population has grown from a few score Americans to about 40,000; her trade, from a bare nothing to exceed what we have with China and its open door, or the Philippines with their millions of people and their millions of cost. Traffic has grown from one steamship a month to about 30 on regular runs. Her gold and copper fields, despite the current exaggeration, compare favorably with those of our richest States. She has the largest per capita production of any community, Territory, State, or country in the world; and yet the one resource that will make her permanent is securely locked away by a governmental policy that can in no sense be put down to anything except ignorance and indifference. Congress has had the patient on the table now for 10 years, and this is a plea to quit bickering and get the operation over before she dies from the ether.

Her two prime needs are land laws and transportation. How badly she needs the latter is shown by the fact that the annual freight bill for every white man, woman, and child in the interior is $350. Her present paralysis shows the need for the former. The Interior Department must determine the validity or invalidity of the titles to the coal land, and Congress must adopt some method of disposition of the public lands in general before the population can increase. Her needs are few, but such as they are they must be attended to or her development will halt; she will remain a land of scanty and unstable population. Once a comprehensive and efficient system of land laws is determined upon, Congress must then adopt some plan for securing cheap and uninterrupted transportation to the interior, where are the only lands to which a population will attach itself. It is doubtful if any railroad through the coast range will be able to maintain itself for the first 10 years without assistance—and yet the railroads must come before the population does.

A WORD ABOUT THE LOBBY.

This does not mean that governmental aid should be offered to every meal-ticket railroad scheme that comes up, for it is this very class of enterprise that is responsible for a large share of her present troubles. A competent board of Army engineers should do the recommending; and assistance should be rendered only in a way to give open and fair opportunity to all and secure the maximum results from a minimum guaranty.

There is a perennial crop of mischievous railway promoters and lobbyists hanging about Washington, and they are worthy of a word in closing. During the past five years a number have wintered there at the expense of their victims, trying to persuade Congress to grant railroad franchises with a guaranty of interest on bonds for construction. These men have been and are opposed to any scheme for the development of transportation that does not make their own particular projects the subject of its legislative favor.

Railroads must be built; and if the Government will not build them she will be called upon to assist, for, once the land laws are properly framed and the coal made available, it is the railroads that will lend Alaska the secret of bloom—the magic of economic creation. Without them she must remain locked away in the dark of her mountain shadows, her potentiality sealed in the womb of something that never was and never will be.

PENSIONS AND INCREASE OF PENSIONS.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 10691) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, which was, on page 4, to strike out lines 3 to 6, inclusive.

Mr. McCUMBER. I move that the Senate concur in the House amendment.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Military Affairs:

H. R. 10605. An act for the relief of Aaron Wakefield; and

H. R. 22270. An act for the relief of Amos M. Barbin.

H. R. 32822. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, was read twice by its title and referred to the Committee on Pensions.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, Executive clerk, announced that the President had, on February 24, 1911, approved and signed the following acts and joint resolutions:

S. 574. An act to authorize J. W. Vance, L. L. Allen, C. F. Helwig, and H. V. Worley, of Pierce City, Mo.; A. B. Durnil, D. H. Kemp, Sig Soloman, J. J. Davis, S. A. Chappell, and W. M. West, of Monett, Mo.; M. L. Coleman, M. T. Davis, Jared R. Woodfill, jr., J. H. Jarrett, and William H. Standish, of Aurora, Lawrence County, Mo.; and L. S. Meyer, F. S. Heffernan, Robert A. Moore, William H. Johnson, J. P. McCammon, M. W. Colbaugh, and W. H. Schreiber, of Springfield, Greene County, Mo., to construct a dam across the James River in Stone County, Mo., and to divert a portion of its waters through a tunnel into the said river again, to create electric power;

S. 8736. An act providing for the releasing of the claim of the United States Government to arpent lot No. 44, in the old city of Pensacola, Fla.;

S. 9443. An act providing for the naturalization of the wife and minor children of insane aliens making homestead entries under the land laws of the United States;

S. 10011. An act for establishing a light and fog-signal station on the San Pedro Breakwater, Cal.;

S. 10404. An act to authorize the Secretary of War to grant a right of way through lands of the United States to the Buckhannon & Northern Railroad Co.;

S. 10431. An act to authorize the Argenta Railway Co. to construct a bridge across the Arkansas River between the cities of Little Rock and Argenta, Ark.;

S. 10574. An act to amend an act entitled "An act providing for the withdrawal from public entry of lands needed for townsite purposes in connection with irrigation projects under the reclamation act of June 17, 1902, and for other purposes," approved April 16, 1906;

S. 10596. An act to authorize the Rainy River Improvement Co. to construct a dam across the outlet of Namakan Lake at Kettle Falls, in St. Louis County, Minn.;

S. 10690. An act providing for aids to navigation along the Livingstone Channel, Detroit River, Mich.;

S. 10757. An act to amend an act entitled "An act permitting the building of a dam across the Mississippi River at or near the village of Sauk Rapids, Benton County, Minn.," approved February 26, 1904;

S. 10836. An act to authorize the Minnesota River Improvement & Power Co. to construct dams across the Minnesota River;

S. J. Res. 131. Joint resolution authorizing the Secretary of War to receive for instruction at the Military Academy at West Point two Chinese subjects, to be designated hereafter by the Government of China; and

S. J. Res. 140. Joint resolution authorizing the Secretary of War to loan certain tents for the use of the Confederate veterans' reunion, to be held at Little Rock, Ark., in May, 1911.

BATTLESHIPS FOR ARGENTINE REPUBLIC.

The VICE PRESIDENT. Certain resolutions come over from a former day. The Chair will not lay them before the Senate because the Senator from Wisconsin [Mr. LA FOLLETTE] requested the Chair not to do so yesterday, and the Senator from Wisconsin seems not to be present at this time.

PEND OREILLE RIVER BRIDGE IN WASHINGTON.

Mr. HEYBURN. Mr. President, during the morning hour I ask unanimous consent for the present consideration of the bill (S. 10785) to legalize a bridge across the Pend Oreille River in Stevens County, Wash. A statement of a word will perhaps justify my request.

Congress enacted a law authorizing the construction of the bridge referred to in the bill. There was a lapse between the passage of the act and the approval of the plans for the bridge by the War Department. This bill is intended to ratify the act that was done pursuant to the act of Congress, but not in time. It will take but a moment to pass the bill.

The VICE PRESIDENT. The Senator from Idaho asks unanimous consent for the present consideration of the bill named by him.

Mr. BURKETT. What is the character of the bill?

Mr. HEYBURN. It is a bridge bill.

Mr. BURKETT. I ask that the bill may go over. The Senator from North Dakota [Mr. MCCUMBER] has given notice to the Senate of his desire to speak this morning; and as we know our time is somewhat limited, I ask for the regular order. I object to the consideration of the bill.

The VICE PRESIDENT. The regular order is demanded.

RECIPROCITY WITH CANADA.

Mr. MCCUMBER. Mr. President, I ask the Chair to lay before the Senate the bill relative to the Canadian reciprocity agreement, for the purpose of permitting me to make some remarks thereon.

The VICE PRESIDENT. The Chair lays before the Senate the bill referred to by the Senator from North Dakota, the title of which will be stated.

The SECRETARY. A bill (H. R. 32216) to promote reciprocal trade relations with the Dominion of Canada, and for other purposes.

Mr. MCCUMBER. Mr. President, there was laid before this body for its consideration yesterday evening a bill which, in its ultimate results, is more important not only to the agricultural interests of the country, but, to my mind, as well to the manufacturing industries of the country, than any that has been before this body since I have been a Member of it. I have tried to give the matter adequate consideration; I have tried to ascertain whether there were two sides to the question, but I have been unable to find anything but the evil side. I shall, therefore, in the brief argument which I shall present to the Senate, consider its immediate effect upon all of the agricultural interests of the country and its resulting effect upon all our other great industries.

Mr. President, several years ago, in addressing a gathering of farmers in my State upon the question of a protective tariff and their relation and duties in reference thereto, I stated in substance:

There are no people in the world to-day whose interest demands the retention of the protective tariff more than does the interest of the farmers of the Northwest. With that policy maintained in its vigor as a national principle, the agricultural horoscope shows a more resplendent field of progress and prosperity than has ever been within their fairest dreams. We are to-day upon the threshold of conditions heretofore unknown in this country. Our food-consuming population has increased enormously out of proportion to our food-producing population. In 1870 the population in this country was about two-thirds agricultural; to-day it is one-third agricultural. In less than 40 years the protective system has changed this country from a condition in which two men were producing the food for one man to eat to a condition where one man is producing the food for two men to eat. You are to-day reaping the benefit of the latter condition in the enhanced value of your every commodity. That system has built up vast cities and mighty populations to consume the farmer's products right at his door, and not from three to six thousand miles away where they must compete with the world's products. That system is rapidly reducing our surplus of food products, and we all know that it is the surplus that depresses the price of any article. A very small surplus will always greatly depreciate, and a very little deficit will always greatly increase the value of any commodity. Hence the very best and only proper way to enhance the value of our farm products is to increase the home demand until we lower and finally extinguish the surplus.

Slowly and patiently you have been working toward this end. For years you have borne the greater burden of a protective policy, with the conviction that the time would soon come when you should receive equal benefits and others should equally share in its burdens. For years, without serious complaint, you have sold your surplus in the unprotected markets of the world, while you have purchased all of your necessities in the highly protected markets of this country. In this you have manifested a patriotism for the upbuilding of your country and the cause of your fellow laborers unknown elsewhere in the whole land.

Now, when you are about to reap the full direct benefit of the policy you have by your vote sustained, will you be able to maintain that policy? I tell you frankly a great danger confronts you. And as surely as night follows day, great injury and injustice will befall you unless you are so organized that you can defend your own interest. For when our grain production in this country no longer exceeds our consumption, and our farming population for the first time in its history finds a market, not depressed by that everlasting surplus, and we are about to secure the full benefit of that condition in increased values, there will then be a cry over the whole manufacturing section of the East and in all the large cities for free food—for an untaxed loaf of bread—and the effectiveness of that cry will not be lessened by the fact that it requires less expended energy on the part of the laborer or other purchaser to buy the loaf of bread than on the part of the farmer to produce the grain that enters into it.

This is no idle fear. I tell you again that the greatest opportunity that ever knocked at the farmer's door is knocking to-day. And back of that opportunity is the jailer Fate with shackles to bind you for another century. You can open the door to this opportunity, which will emancipate you from an industrial thralldom that has existed for ages, or you can by inactivity allow the gyves to be placed about your wrists.

And, Mr. President, knowing what was coming, I have been for years pleading with the farmers of the country for such an organization as should enable them to make their wants known and their voices heard in the Halls of Congress, as every other industry in the country has been organized, and that they should be ready to meet this issue, which was sure to come.

And, Mr. President, we have had some result, I think, in my State from the addresses I have given there for the last few years in support of a protective policy, for when our legislature this winter passed a resolution condemning the proposed reciprocity agreement, which places all farm products on the free list, they emphasized the fact that our State is a protective State and that we will stand for protection, not only to the farming interests, but to every other industry in the country.

In the direction of organization they have made some progress. And wherever they have organized you have heard their protest against this greatest industry in the country being sacrificed for the benefit of practically every other industry.

And, Mr. President, when the great assault was made upon the protective policy by the whole press of the country because of our failure to put print paper on the free list in 1909, I did as much as was in my power to keep the farmers of my State from being stampeded by the violence of that assault, again and again warning them that the very first blow that would be struck by reason of this crusade would be struck at their own interests.

Mr. President, I am now coming directly to the question, Do we, the farmers of the country, need any protection? I have heard it stated here so often in discussing the question of farm prices that those prices were made by Liverpool—that erroneous proposition has been made so often that it seems that Senators and Representatives are themselves beginning to believe it. What is it that fixes the price of the food products of the world? It is not Liverpool any more than it is Hamburg or New York or Minneapolis or any other grain center in the whole world.

The world will require for the year 1911 a certain amount of food products; it will require for 1912 a certain additional amount of food products, and just so far as the world's product is equal to that demand, just to that extent will our prices be normal; but whenever the world's supply is a little short of the world's demand prices go up, and when the supply is in excess of the world's demand prices go down. So, it may be said, as a general proposition, that the price of food products is deter-

mined by the world's supply and demand, modified by the local conditions; and it is the local conditions, Mr. President, that most directly concern us.

Mr. BEVERIDGE. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Indiana?

Mr. McCUMBER. Certainly.

Mr. BEVERIDGE. For a question. The Senator has studied this matter carefully. Is it not a fact that the demand for food products, not only in this country, but throughout the world, is increasing more rapidly than the supply of food products in this country and in the world, and that the disproportion has been steadily widening?

Mr. McCUMBER. No; Mr. President, a greater error could not be uttered——

Mr. BEVERIDGE. I am asking the question.

Mr. McCUMBER. And before I get through I am going to be able to demonstrate even to the satisfaction of the Senator from Indiana that within 10 years Canada alone will be able to produce more wheat along our own border line than we will need in the whole United States, although we should raise not a single bushel.

Mr. BEVERIDGE. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield further to the Senator from Indiana?

Mr. McCUMBER. Certainly.

Mr. BEVERIDGE. The Senator did not mean it in that way I know, but he did not answer the question. My question is not in relation to the future. I am asking now on this point of the Senator's argument, whether it is not a fact that the demand for foodstuffs, not only in this country but in the world, has been increasing more rapidly than has the supply of foodstuffs in this country and the world?

Mr. McCUMBER. No, Mr. President, the world's supply has been able to meet the world's demand.

Mr. BEVERIDGE. That is not the question I am asking.

Mr. McCUMBER. And without any great increase in the price of any commodity.

Mr. BEVERIDGE. That is not the question I am asking; and, of course, if it is not agreeable to the Senator to answer I will take my seat.

Mr. McCUMBER. It is perfectly agreeable, and I shall be glad to elucidate the proposition in answer to any question that any Senator may desire to ask.

Mr. BEVERIDGE. I am asking for information. I think it is quite the gravest subject that confronts our own or any other country. The question is whether it is not the fact that the demand for food products in this country and throughout the world has been steadily increasing faster than the supply of foodstuffs in this country and the world—not whether the world has managed to get along, but whether it is not the case that the pressure of consumption is constantly growing heavier on the sources of production? Is not that the fact? I will state it again, so that the Senator will get it if I am unfortunate enough not to make it clear.

Mr. McCUMBER. I understand.

Mr. BEVERIDGE. Is it not the fact that for years the demand for food products, not only in this country but in the world, has been increasing more than the supply of food products in this country and in the world? I do not ask what the future may bring; I do not ask whether we have gotten along or whether the world has gotten along, but if that is not the fact?

Mr. McCUMBER. I thought I answered the question before, but I will answer it again. So far as the world's product is concerned, no; so far as consumption in the United States as compared with production in the United States is concerned, yes, certainly. As I stated in the beginning, we have changed this country in 40 years from a condition in which two men were producing the food for one man to eat to a condition in which one man now is producing the food for two men to eat. That answers the Senator's proposition.

Mr. BEVERIDGE. Mr. President, may I ask the Senator two specific questions, then? Is it not the fact that not only our exports of wheat are gradually falling off, but also that the exports of wheat from Russia, which is the next great wheat producer, are also steadily falling off?

Mr. McCUMBER. That is an academic question that follows the other.

Mr. BEVERIDGE. No; that is a question of fact.

Mr. McCUMBER. As long as the increase of our city population is so much greater than the increase of the rural population, of course a greater percentage of our products will be consumed in the United States and a less percentage of them will go into the export trade.

Mr. BEVERIDGE. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Indiana?

Mr. McCUMBER. Yes.

Mr. BEVERIDGE. With the Senator's permission, so far from its being an academic question, it is a specific question which can be answered by statistics, and that is whether or not not only our wheat exports are gradually diminishing, but also those of Russia. Then I will ask the Senator another question, if the Senator will just answer that "yes" or "no."

Mr. McCUMBER. Propound your other question. I have answered the first one.

Mr. BEVERIDGE. I do not think you did, and other Senators think likewise.

Mr. McCUMBER. Then they were likewise inattentive.

Mr. BEVERIDGE. Take the question of the supply of rice. Is it not a fact that the supply of rice is diminishing in comparison with the consumption of rice? I merely take those two illustrations.

Mr. McCUMBER. Yes; there is a greater demand, probably, for rice now. It is becoming more of a universal diet and, of course, takes the place of some other diet. For example, the consumption of wheat per capita in the United States a few years ago was about eight bushels. To-day it is only about six bushels. The reason is that we are consuming rice and other articles of that kind.

Mr. BEVERIDGE. Is it not true that the reason——

Mr. McCUMBER. But I intend to cover all these matters before I get through. I have now answered the Senator——

Mr. BEVERIDGE. If the Senator——

The VICE PRESIDENT. The Senator from North Dakota intimates that he would prefer not to further yield.

Mr. BEVERIDGE. Very well.

Mr. McCUMBER. I can go into the details of that——

Mr. WARREN. Will the Senator from North Dakota yield to me for one question?

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Wyoming?

Mr. McCUMBER. Certainly.

Mr. WARREN. The Senator has said whereas two farmers produced food for one person originally, now one farmer produces the food for two. What is the Senator's opinion of that condition? Is it not because the profits of the farmer are less than the profits in other vocations, and if we reduce those profits, will we not reduce the production instead of increasing it?

Mr. McCUMBER. That is because the flow of population will always be in the direction of the greatest remuneration for a given amount of expended energy, and people will go to the city just as long as they can live better in the city than they can in the country.

Mr. WARREN. I thank the Senator.

Mr. BEVERIDGE. May I ask the Senator a question on that?

Mr. McCUMBER. Yes.

Mr. BEVERIDGE. The Senator states as a proposition that the flow of population to the cities is because they get more wages there than they can make on the farm. Do I understand the Senator to say that?

Mr. McCUMBER. You understood the Senator to say that.

Mr. BEVERIDGE. Very well. Now, I want to ask the Senator if it is not a fact that one cause of the drainage of the country population to the cities is not at all because it gives a greater remuneration, but because of the greater variety of city life, the greater amusements of city life, the establishment of trolley systems, bringing the farmers' boys and girls into town, where they have more amusements and many things than they think they can get on the farm? Is not that recognized as one of the great causes which is gradually draining our country population to the cities and not at all because they can make more there?

Mr. McCUMBER. That argument reacts on itself.

Mr. BEVERIDGE. But is it not a fact?

Mr. McCUMBER. I will give the Senator the statement and give him the facts. First, the earning capacity of the dwellers in the city is entirely out of proportion to the earning capacity of the inhabitants of the rural districts. Secondly, the farmer will be able to have practically as many of those comforts, because he is now situated generally near a city, if he has an earning capacity that will allow him to have those luxuries. As I stated before, it is because of the drift of our population into the cities that we are draining the country, and it is because there are greater remuneration, more comforts, more luxuries for a given amount of expended energy in the cities.

I want to change this condition, modify it until the earning capacity of the two sections shall be about the same.

Now, Mr. President, I would like to go on with this discussion. Senators comprehend very little about the country that is immediately north of the United States and lying west of the Red River of the North. There are five or six great Provinces, and any one of those Provinces would make five or six of the average States of this Union, and every one of them is fertile and every one of them is capable of producing a greater per-acreage crop than can be produced in the United States.

I am going to call attention to only three of them. I will take the Province of Saskatchewan, which lies right north of the western portion of my State and of eastern Montana. It has 160,416,000 acres, and it has a tillable acreage of 86,826,240 acres. I will ask that this table may be inserted without reading it all. But I want to call attention to the salient points in it.

Manitoba has 27,000,000 acres of tillable land. Alberta has 100,000,000 acres of tillable land. I think there is considerably more than that, but that is a very conservative estimate. That means 213,826,248 acres of tillable land in those three Provinces, and the average of wheat production for 1909 was 21 bushels per acre in those Provinces.

But let us suppose that all of the tillable land was cultivated and the yield only 10 bushels to the acre, and I am speaking now only of these three Provinces and the tillable sections thereof. If it was 10 bushels to the acre those Provinces alone would produce 2,138,000,000 bushels of wheat. I want to compare the size of any one of these Provinces that Senators may comprehend the danger that lies at our door with any of the great wheat-producing States in the Union.

Let us take Saskatchewan, with her 250,000 square miles. That is as large as the States of Idaho, Iowa, Illinois, and Michigan combined, all of them great agricultural States, and that Province is capable of producing as much or more than all of them combined. That is only one Province.

Here is Manitoba. It is larger than North Dakota. Here is Alberta, with its 253,000 square miles; larger than Minnesota, North Dakota, and South Dakota combined.

I ask that this table may be printed with my remarks.

The table referred to is as follows:

Area of Provinces and States.

Provinces and States.	Number of acres.	Number of acres tillable land.	Number of square miles.
Saskatchewan	160,416,000	86,826,240	250,650
Manitoba	47,188,480	27,000,000	73,732
Alberta	162,000,000	100,000,000	253,125
Total	369,604,480	213,826,240	577,507
Minnesota	53,353,600	----------	83,365
North Dakota	45,307,800	----------	70,795
South Dakota	49,696,000	----------	77,650
Nebraska	49,606,000	----------	77,510
Idaho	54,272,000	----------	84,800
Iowa	35,856,000	----------	56,025
Illinois	36,256,000	----------	56,650
Michigan	37,705,600	----------	58,915
Wisconsin	35,865,600	----------	56,040
Total	397,919,000	----------	621,750

Manitoba larger than North Dakota.
Saskatchewan equal in size to Idaho, Iowa, Illinois, and Michigan.
Alberta equal in size to Minnesota, North Dakota, and South Dakota.

Mr. McCUMBER. Again I want to call attention, by the use of a map, to what is regarded as the wheat-producing States and the wheat-producing section of Canada west of the Red River of the North. This map, with its colored sections, will give you the comparative area of the several divisions in Canada and also in the United States, with their acreage and their possibilities for the future.

Mr. President, I know something about the productive capacity of that section of the country, and I know almost all about its size and the land that can be put under cultivation. It will take you 36 long hours of riding over a fertile country from Winnipeg up to Edmonton, upon the Canadian Northern Railway. It will take you about 20 hours to ride south from there until you get down as far as Calgary, on the Canadian Pacific, and it will take you another 30 hours to get back to Winnipeg, and all of the country you will traverse is, every acre of it, tillable land. There are little bunches of timber here and there, just enough to furnish firewood for the farmers who may settle that country in the near future.

And all the grain that can be produced in these Provinces will be in competition with the grain of the United States. And while I am speaking of Liverpool prices, let me have the attention of those Senators who declare we will not suffer any by reason of placing our products on the free list. Let us see whether we will suffer or not. For the last 10 years, although we have been exporting, I think, in that time as high as 125,000,000 bushels of wheat in a single year from this country, nevertheless our range of wheat prices throughout the Dakotas and Minnesota has been on an average of 10 cents a bushel better than on the Canadian side. The Great Northern Railway runs through our State for 400 miles east and west. The main line is about 100 miles south of the Canadian border, and every 25 to 35 miles there is a spur that runs up and across the Canadian line, and there are little towns on these spurs or feeders on each side of the boundary. One instance is that of Portal and North Portal. It is all one city, with the British flag flying on the north side of the street and the American flag on the south side of the street of the same town.

Just before this reciprocity matter was reported to Congress, and having an idea of what was coming, I wrote to my friends along the border line to get the market price for wheat in every one of those towns, and I have 27 of these towns here in a table which I have prepared which shows the difference in the value of wheat and barley on one side and on the other side of the line and which will be of value in determining whether protection does protect our cereals.

Mr. NELSON. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Minnesota?

Mr. McCUMBER. Certainly.

Mr. NELSON. I wish the Senator would read some of those figures.

Mr. McCUMBER. I am going to do that, Mr. President.

Mr. BEVERIDGE. Do I understand that the prices are on one side of the street and the prices on the other side of the street in the same town?

Mr. McCUMBER. Absolutely. Go up to Portal, and if you will buy wheat on the side over which the British flag flies you will pay 10 cents a bushel for it less than you will on our side to-day, or at least that was the case until this reciprocity agreement came before Congress.

I will give the Senator the figures—and Portal is one of the towns and North Portal another. But I am not only going to give him the figures now, but I intend in another table to give him the figures that will cover every Saturday evening quotation for two years, so there can be no question about the fact that it is the rule and not the exception.

I will take December 31, 1910. Wheat in Kermit, in the United States, 90 cents a bushel. The nearest town in Canada is Estevan, where the price was 76 cents a bushel. These towns are 15 miles apart, and there is 14 cents difference in price of wheat, and the freight is exactly the same where the grain goes through the United States in bond.

January 10, Pembina, in the United States, wheat, 97 cents. In Emerson just over the line, about 4 miles apart, 82 cents—a difference of 15 cents.

Mr. BEVERIDGE. Will the Senator permit me to ask him a question?

Mr. McCUMBER. Certainly; just a question.

Mr. BEVERIDGE. I just wish to recall the first British quotation that he gave and the second British quotation that he gave.

Mr. McCUMBER. The first was Kermit, in the United States, and Esteven, in Canada.

Mr. BEVERIDGE. No; I mean to say——

Mr. McCUMBER. Pembina, in the United States, and Emerson, in Canada.

Mr. BEVERIDGE. Now, what was the Estavan quotation for wheat and the Emerson quotation for wheat?

Mr. McCUMBER. You want to cross them? All right; I will do that if you wish.

Mr. BEVERIDGE. I wish the two British quotations.

Mr. McCUMBER. I have given them. Do you wish me to repeat them?

Mr. BEVERIDGE. Yes.

Mr. McCUMBER. Let me repeat them. Kermit, the American city, wheat, 90; Estevan, the British city, 76—14 cents difference. On January 10 Pembina wheat was 97 and Emerson 82.

Mr. BEVERIDGE. I wish to ask the Senator a question there.

Mr. McCUMBER. Yes.

Mr. BEVERIDGE. He gives the two British quotations for towns in practically the same neighborhood, in the same region.

Mr. McCUMBER. Yes.

Mr. BEVERIDGE. In the British towns one was 76 and the other 82—a difference of 6 cents.

Mr. McCUMBER. The price quoted in the first instance was for December 31 and in the second for January 10. Wheat fluctuates. It may go down considerably in a few days.

Mr. BEVERIDGE. That was within 10 days.

Mr. McCUMBER. There is the same difference on this side; but the difference between the Canadian and United States towns is about 10 cents a bushel right along. The Senator will find these figures correct and very interesting.

Now, I come to Portal. Portal, December 31, 1910; wheat, 90 cents a bushel on the American side. North Portal, across the street, 75 cents a bushel; 15 cents a bushel difference. That is the town the Senator asked me about.

Mr. DU PONT. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Delaware?

Mr. McCUMBER. Yes.

Mr. DU PONT. Does the Senator think the difference, the lower prices of Canada, are due to a restricted market?

Mr. McCUMBER. Due to what?

Mr. DU PONT. The restricted markets or a less cost of production?

Mr. McCUMBER. It is due to the tariff. That is all. The Canadians have to pay the duty, or, rather, the duty is divided, as it is on most articles, between the producer and the importer, and the difference in the market value ranges just about, on the average, half of the tariff.

Mr. BEVERIDGE. Does it cost more to produce a bushel of wheat immediately across the line than it does to produce a bushel of wheat just this side of the line?

Mr. McCUMBER. Yes.

Mr. BEVERIDGE. Wait a minute—outside of the value of the land?

Mr. McCUMBER. No.

Mr. BEVERIDGE. No; I thought not.

Mr. McCUMBER. Very little.

Mr. BEVERIDGE. There is no difference in the cost of production?

Mr. McCUMBER. At least not in the Northwest section. In my section of the country that you are speaking of there is practically no difference in the scale of wages.

Mr. BEVERIDGE. In the cost of production?

Mr. McCUMBER. In the scale of wages. The cost of production depends upon the cost of your machinery and your horses and your cattle and the value of the land.

Mr. BEVERIDGE. Ah, the value of the land!

Mr. McCUMBER. These other things go into the cost of production, and on our side it costs a great deal more.

I shall go over one or two other items. I do not want to tire the Senate on this. I will take St. John. On December 31, 91 cents. Boisseran, on the other side of the line, 81 cents, and so I can go on through the whole table.

But here is another cereal which will be still more seriously affected by this reciprocity agreement, and that is barley.

January 10, 1911, barley in Pembina was 67 cents a bushel, and in Emerson, 4 miles from there, 42 cents, or 25 cents a bushel difference.

Barley, January 10, 1911, in Neche was 66 cents and in Gretna it was 38 cents, or a difference of 28 cents.

Mr. President, I ask to have the table inserted.

The table referred to is as follows:

Comparative prices of wheat and barley in United States and Canada.

Date.	Kind of grain.	Name of town in United States.	Price per bushel.	Name of town in Canada.	Price per bushel.	Difference in price.	Distance apart.	Tariff per bushel.
Dec. 31, 1910	Wheat	Kermit	$0.90	Estevan	$0.76	$0.14	15 miles apart	$0.25
Jan. 10, 1911	do	Pembina	.97	Emerson	.82	.15	4 miles apart	.25
Do	do	Neche	.96	Gretna	.81	.15	2 miles apart	.25
Dec. 31, 1910	do	Portal	.90	North Portal	.75	.15	Just across line	.25
Jan. 11, 1911	do	Walhalla	.96	Haskett	.83	.13	6 miles apart	.25
Dec. 31, 1910	do	St. John	.91	Boissevan	.81	.10	15 miles apart	.25
Do	do	Hannah	.90	Snowflake	.77	.13	4 miles apart	.25
Do	do	Neche	.91	Gretna	.81	.10	2 miles apart	.25
Do	do	Sarles	.89	Clearwater	.75	.14	Just across line	.25
Jan. 10, 1911	do	Westhope	1.00	Colter	.85	.15	15 miles apart	.25
Do	do	do	1.00	Lyleton	.84	.16	20 miles apart	.25
Do	do	do	1.00	Malita	.86	.14	30 miles apart	.25
Do	do	St. John	.96	Boissevan	.86	.10	15 miles apart	.25
Do	do	Hansboro	.90	Cartwright	.77	.13	8 miles apart	.25
Dec. 31, 1910	do	Antler	.91	Lyleton	.78	.13	5 miles apart	.25
Jan. 10, 1911	do	Portal	.92	Boscurvis	.75	.17	15 miles apart	.25
Do	Barley	Pembina	.67	Emerson	.42	.25	4 miles apart	.30
Do	do	Neche	.66	Gretna	.38	.28	2 miles apart	.30
Do	do	St. John	.66					

Mr. SMITH of South Carolina. Will the Senator from North Dakota allow me to ask him a question?

Mr. McCUMBER. Certainly.

Mr. SMITH of South Carolina. I was very much interested year before last, when we had the tariff under discussion, in hearing a very eloquent speech from the Senator in regard to the prosperity that comes to our country from the tariff. Last year I was appointed on the committee to look into the cost of living. That condition went on from the time we began until the present, and it is no less acute. It has reached such a stage that the President of the United States has recommended this Canadian reciprocity agreement. Were we not informed during the discussion of the tariff that the tariff had no direct influence upon the cost of living, and do I understand the Senator now to be claiming that the price of wheat must be raised and the price of flour must be raised? Then what is going to become of the consumer?

Mr. McCUMBER. I am going to come directly to that point in a very few moments, and I will answer the Senator. While there was no such claim made, I will show that it would add little if anything to the price to the ultimate consumer, but it would add very much to the price to the producer, because the price to the ultimate consumer is so many hundred per cent greater than the price the farmer receives for it, and the percentage of duty that the farmer gets for it is so infinitesimal when compared with what it is retailed and sold for, that it would not and could not be a factor of any moment in influencing the cost of living.

Mr. SMITH of South Carolina. Mr. President——

The PRESIDING OFFICER (Mr. GAMBLE in the chair). Does the Senator from North Dakota yield further to the Senator from South Carolina?

Mr. McCUMBER. Certainly.

Mr. SMITH of South Carolina. If I caught the Senator aright, he said we paid the difference of duty, and the duty is 25 cents a bushel. So the tariff duty would be 12 or 12½ cents a bushel. It takes 4 or 4½ bushels of wheat to produce a barrel of flour. The duty now is 60 cents. It costs about 60 cents on the wheat to produce a barrel of flour to get it from Canada or to protect the Americans on this side, and the difference is $1.20 a barrel extra to the consumer, and the ordinary family consumes 2 or 3 barrels a year.

Mr. McCUMBER. The duties are not added, necessarily, to the price to the producer. I have stated that it was shared, in my opinion, about equally between the producer and the immediate purchaser.

Now, I want to call attention, so as to clinch this argument, to a table which I have used before in the discussion of this matter. What is the effect of this reciprocity upon the barley crop of the United States? Do we need protection? If we are not receiving too much for our barley to-day, if we need all we are receiving, then we need the protection to hold it up to its present price.

I want to meet the proposition of those in Indiana, Ohio, and other places who represent both the farming and the manufacturing interests. I want to show to the Senator from Indiana and the Senator from Ohio just how much we have suffered and how much we will suffer in our barley products by the removal of the tariff on barley. For whose benefit will the removal of duties be? For the benefit of the ultimate consumer? No; not by any means, Mr. President, but for the benefit of the American brewery interests in the United States.

Mr. CRAWFORD. If the Senator will permit me——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from South Dakota?

Mr. McCUMBER. Certainly.

Mr. CRAWFORD. It no doubt has struck the Senator, as it has me, as being a very significant fact that in this schedule barley malt is made to bear a tariff of 40 cents a hundred pounds while the oats and the barley of the farmer must come in free.

Mr. McCUMBER. Every manufacturing interest is looked after in this agreement. Here is a table upon the rates of duty upon barley showing the amount we imported, the value during the time when barley was upon an ad valorem basis of 30 per cent, which was about 12 cents a bushel, and when it is upon a basis of two and one-half times that, or 30 cents a bushel.

In 1895 barley was then on an ad valorem duty of 30 per cent, and we imported from Canada 2,074,076 bushels. We were importing more than two millions at that time. The importations remained about two millions until 1897, when we passed the Dingley law and made the rate 30 cents a bushel, and they immediately dropped from an importation of about 2,000,000 bushels to 10,220 bushels. If you will look over the schedule of values in this table you will see that the prices of barley advanced as importations declined.

So all the way through this table there is conclusive evidence, Mr. President, that we are receiving the benefits that are derived from a protective tariff, and the whole question is, Shall we surrender those benefits for the benefit of the American brewers of the United States? I submit the table, as follows:

Barley.

Fiscal year ended June 30—	Rate of duty.	Quantity.	Value.	Duty collected.	Average.	
					Value per unit of quantity.	Ad valorem rate of duty.
		Bushels.	*Dollars.*	*Dollars.*	*Dollars.*	*Per ct.*
1894	30 cents per bushel.	862,083.41	392,078.60	258,625.03	0.45	65.96
1895	do	80	35.00	24.00	.44	68.56
	30 per cent	2,074,076	851,717.90	255,515.36	.41	30.00
1896	do	826,017.28	312,224.15	93,667.23	.378	30.00
1897	do	1,254,968.78	388,259.81	116,477.94	.31	30.00
1898	do	10,220	3,194.00	958.20	.312	30.00
	30 cents per bushel.	104,208	37,590.53	31,289.42	.36	83.24
1899	do	110,320.32	53,699.35	33,096.10	.487	61.63
1900	do	161,613.83	78,257.52	48,484.15	.484	62.00
1901	do	178,320.07	87,468.45	53,496.04	.49	61.21
1902	do	57,414.66	33,250.17	17,224.41	.579	51.80
1903	do	59,523.34	28,567.38	17,857.00	.48	62.51
1904	do	88,254.55	44,997.63	26,476.37	.501	58.84
1905	do	79,182.47	38,566.30	23,754.75	.487	61.59
1906	do	19,980.25	10,825.83	5,979.07	.543	55.23
1907	do	11,815	6,608.00	3,544.50	.559	53.64
1908	do	181,607.95	133,627.35	54,482.41	.735	40.16
1909	do	2,671.79	1,471.50	801.54	.551	54.47

Mr. McCUMBER. Mr. President, I have another table here which I promised the Senator from Indiana I would introduce. It gives the quotations of wheat in Winnipeg and in Minneapolis on the Saturday of every week, commencing with July 10, 1909, and ending with January 28, 1911.

It is a most interesting table to those who want information upon this subject. I will call attention to a few of the items. Remember now, this covers several years, and remember also that the Winnipeg quotations are made on Fort William delivery. Winnipeg, as I understand, has no great terminal elevators, and the grain purchased upon the Winnipeg market means delivery at Fort William, while that purchased at Minneapolis is delivered in Minneapolis. So we will probably have to deduct from the Winnipeg quotations sufficient to cover the cost from Winnipeg to Fort William. I may possibly be in error about that at the present time, but I think I am correct.

Now, we will take Saturday, August 9, 1909. The closing price in Winnipeg was $1.12. That was when wheat was rather high. At Minneapolis it was $1.28. On the 14th of August, at Winnipeg it was $1.10, and in Minneapolis $1.43. That last quotation is not a fair average, as I think there was a corner upon the Minneapolis market at that time, and the result was that the prices were out of proportion. But let us follow this down.

Coming now to 1910, on January 8 the Winnipeg price was $1.05; Minneapolis, $1.15⅝.

The next week, Winnipeg, $1.03½; Minneapolis, $1.13½.

The next week, Winnipeg, $1.03⅝; Minneapolis, $1.14⅜.

So we can follow down to the very last item, January 7, 1911, Winnipeg, 93½ cents; Minneapolis, $1.08½.

On the 21st, Winnipeg, 94½ cents; Minneapolis, $1.04⅜.

On the 28th, Winnipeg, 94½ cents; Minneapolis, $1.03⅝.

The table referred to is as follows:

Comparative figures.

[Winnipeg, No. 1 Northern; Minneapolis, No. 1 Northern.]

Date.[1]	Winnipeg closing price 1°.	Minneapolis closing price 1°.	Over or under.
1909.			
July 10	131⅞	130⅜	1½
July 17	131⅛	131⅛	⅛
July 24	125	126½	1½
July 31	119	132	13
Aug. 9	112	128	16
Aug. 14	110	143	33
Aug. 21	111	132½	21½
Aug. 28	97	99⅜	2⅜
Sept. 4	97	99½	2½
Sept. 11	98⅛	99⅝	1½
Sept. 18	98	98⅜	⅜
Sept. 25	94⅜	100	5⅝
Oct. 2	95⅜	100⅛	5¼
Oct. 9	97½	101½	4
Oct. 16	98⅛	105½	7
Oct. 23	96¼	104¼	8
Oct. 30	97⅜	105⅛	7⅝
Nov. 6	97	102½	5½
Nov. 13	97⅜	106¼	8⅞
Nov. 20	98⅛	105⅜	7¼
Nov. 27	99½	105½	6
Dec. 4	95	106¼	11¼
Dec. 11	96⅜	112⅜	16
Dec. 18	102½	114⅝	12⅛
Dec. 25	[2]		
1910.			
Jan. 1	[2]		
Jan. 8	105	115⅜	10⅜
Jan. 15	103⅛	113⅛	9⅞
Jan. 22	103⅜	114⅜	10½
Jan. 29	103⅜	113½	10
Feb. 5	101½	110¾	9¼
Feb. 12	102	[2]	
Feb. 19	102¼	115	12¾
Feb. 26	103	114⅜	11⅜
Mar. 5	102⅜	112⅞	10½
Mar. 12	104½	114½	10
Mar. 19	105½	113⅝	8⅛
Mar. 26	105⅝	115⅝	10
Apr. 2	105⅜	114⅜	9
Apr. 9	104⅜	113½	8⅛
Apr. 16	101⅜	108⅜	6⅛
Apr. 23	101½	111	9½
Apr. 30	98½	109½	10⅞
May 7	[2]	113¾	
May 14	98½	112⅝	13⅛
May 21	94½	109⅜	15⅜
May 28	88⅝	104⅛	15½
June 4	88⅜	105⅞	17⅝
June 11	89½	105	15½
June 18	91⅜	106⅜	15⅛
June 25	95⅜	112	16½
July 2	[2]	[2]	
July 9	108	120½	12½
July 16	116½	130	13½
July 23	116½	126	9½
July 30	108⅛	120½	12⅜
Aug. 6	108⅛	120½	12⅜
Aug. 13	111⅛	114½	1⅜
Aug. 20	106⅜	110¼	3⅞
Aug. 27	108½	112⅝	4⅛
Sept. 3	105⅛	112⅜	7⅛
Sept. 10	102	111⅛	9⅛
Sept. 14	100	111⅛	11⅛
Sept. 24	101	112⅛	11⅛
Oct. 1	98⅜	109⅜	11⅛
Oct. 9	99	111⅜	12⅜
Oct. 15	97	107⅛	10⅛
Oct. 22	94⅜	104⅛	9⅞
Oct. 29	91⅛	102⅛	11
Nov. 5	90⅛	101⅜	11⅛
Nov. 12	91⅝	103⅝	12
Nov. 19	94⅜	104⅜	10⅛
Nov. 26	92⅛	102⅛	9⅞
Dec. 3	91	104⅛	13⅛
Dec. 10	89⅛	101⅜	12⅛
Dec. 17	90⅛	101⅜	11⅜
Dec. 24	[2]	103⅛	
Dec. 31	91⅛	103⅛	12⅜
1911.			
Jan. 7	93½	108⅛	14⅝
Jan. 14	95⅛	108⅛	12⅞
Jan. 21	94⅛	104⅜	10⅛
Jan. 28	94⅛	103⅝	9⅝

[1] The day cited in each case is Saturday. [2] Holiday.

Mr. McCUMBER. Now, I want to call your attention, Mr. President, to a most significant fact. On the 7th day of January there was 14 cents difference in our favor. On the 14th there was still a difference of 13 cents in our favor. On the 21st it was about the same. On the 28th, after we had a report of the effect of this reciprocity agreement and its likelihood to pass this Congress, Winnipeg went up and Minneapolis

went down. Winnipeg went up about 1½ cents, from 93 to 94½, and Minneapolis went down from $1.08 to $1.03; so it made a difference of about 6½ cents a bushel, resulting from the fact that the bill had been reported to the Congress of the United States.

Mr. SMITH of Michigan. Temporary?

Mr. McCUMBER. No; not temporary, but permanent. That is the condition now. The difference is very little at this time.

Mr. President, I want to bolster up this proposition and I want to clinch it again with indisputable argument from the trade reports as they are published in the Minneapolis Journal. I will take the Minneapolis Journal of February 11, 1911. Here is the heading:

May wheat declined 4½ cents this week. Possibility of reciprocity principal cause of severe break. Little in developments to favor the holders of wheat. Some slight improvement shown in the flour market.

The price of wheat goes down and some improvement is shown in the flour market.

I want Senators, if they will do me the honor, to listen to two or three of these trade reports. I will take the Minneapolis Chamber of Commerce, February 11, 1911.

Minneapolis Chamber of Commerce, February 11.—The bottom broke out of the wheat market late this week and prices suffered the worst decline in several months. Early prices registered moderate declines, and this was followed by a moderate reaction. Both May and July closed Saturday below the dollar mark. This severe break was caused principally by the developments favorable to the adoption of reciprocity with Canada.

On Monday Minneapolis May opened at $1.02⅞@⅞ and early Monday sold at $1.02⅞, the week's highest price. Following there was a moderate and gradual decline to 99⅞ cents. On Wednesday and Thursday there was a moderate reaction and the near month sold up to $1.02 late Thursday. On Friday and Saturday prices suffered the sharpest break in several weeks. May sold down to 98⅜ cents, the lowest price for this contract since August, 1909. The near month fluctuated in a range of 4½ cents for the week, and the same contract in Chicago showed a difference of only 3⅜ cents. It was thought that reciprocity with Canada would have a more depressing effect on the price of Minneapolis wheat than Chicago, because of the geographical situation. The price fluctuations of this week seem to confirm this theory.

Of course it does, because the grain that enters into the Chicago market can not get to Minneapolis; the cost of freight is too high. We need all of our North Dakota and Minnesota wheat for home consumption. We can use this year considerable of the same kind of wheat from Canada, for the purpose of mixing with the different grades of the softer wheat of the Middle and more Southern States, so as to secure high standard grade of flour, and that maintains the price of wheat along the entire border at a higher rate than it otherwise would be, were it not, first, for the tariff protection; secondly, for the home demand, and thirdly, the question of freight rates, and so forth, which always enter into these matters. Let me read a little more, Mr. President:

There was little in the developments of the general situation to encourage holders of wheat. News was mostly all depressing in regard to the price of wheat. The sharp decrease in local receipts was fully offset by the increase in stocks and the heavy amount of wheat in store in local terminals. European countries are being offered wheat at prices that would not be profitable for Americans to export it.

Now, I want Senators to understand that, especially those Senators who claim that Liverpool fixes our prices.

The decline of this week has put the United States nearer an export basis, but still further declines will be necessary to allow this country to enter the European market with any profit.

What does that mean, Mr. President? Why, simply that the Liverpool market is way below our market, taking into consideration the freight, and so forth. The American wheat could not go into the Liverpool market at all prior to February 11. Now, with the present prices and the Canadian reciprocity, our wheat price will go down until it reaches the level of the world's prices. That is exactly what this dispatch signifies:

Many of the local trade were predicting that domestic prices would decline until this country was on an export basis.

That is what reciprocity means to the farmers of the United States.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Minnesota?

Mr. McCUMBER. With pleasure.

Mr. NELSON. I desire to call the Senator's attention to the fact that the large terminal elevator companies of Minneapolis, who are buying and keeping wheat for profit, both in the wheat and in the storage, are now very anxious that this reciprocity bill should be postponed until another crop. The price of wheat has gone down so that it would entail great loss upon them if the bill should pass at this time, and they want it to go over until another crop, so that they can dispose of the wheat they bought at higher figures before the reciprocity agitation began.

Mr. McCUMBER. The Senator is correct, Mr. President. I want now to address myself to the representatives of Michigan, whose State produces some barley, as does Wisconsin and Minnesota; some barley is produced in Indiana and considerable in Illinois, and I want to bring home to Senators here the effect of this Canadian reciprocity upon the barley market to-day. Until this reciprocity idea was brought forth barley was selling as high as a dollar a bushel in Milwaukee. Now, let us see what the effects of this reciprocal arrangement are. Here is a letter from the Cargill Commission Co., and it calls my attention to the condition of the barley market as reported by a concern in Milwaukee, the city that consumes the greatest amount of our product. In this letter the writer says:

CARGILL COMMISSION CO.,
Duluth, Minn., February 9, 1911.

Hon. PORTER J. McCUMBER,
Washington, D. C.

DEAR SIR: The malting barley of the United States is raised almost exclusively in Wisconsin, Minnesota, North Dakota, South Dakota, and Iowa. These States have been encouraged to go into the raising of barley because the duty of 25 or 30 cents per bushel allowed them a fair price. When the duty was 10 cents per bushel, Ontario raised practically all of the barley used by eastern maltsters—

I call attention to the table which I introduced a few moments ago, and which showed the great amount of importation during the period when the duty was about 10 cents.

Mr. WARREN. I ask the Senator whether barley is used as an edible product for mankind, or if it is used for beer; and beer is 5 cents a glass.

Mr. McCUMBER. Practically.

When the duty was 10 cents per bushel Ontario raised practically all of the barley used by Eastern maltsters. Owing to the very light crop raised this year barley, up to the announcement of the proposed reciprocity treaty with Canada, advanced steadily, selling at $1 per bushel in Milwaukee, Chicago, and Buffalo, and 95 cents in Minneapolis.

To-day there is practically no barley market and barley is almost unsalable at a decline of anywhere from 12 to 20 cents per bushel. We quote the following letters received to-day from commission firms in Chicago and Milwaukee.

And this is most interesting reading, Mr. President, to those farmers who were receiving a dollar a bushel in Milwaukee for their product, and who will receive it never again if this agreement becomes a law.

Berger-Crittenden Co., Milwaukee, say:

The market was as dull as ever with only a few cars of Wisconsin sold. Outside of this a few cars of Minnesota were sold, whereas all the other cars carried over for the last three or four days were again carried over to-day, maltsters and brewers still holding back. We naturally will have to await developments.

What developments? The Canadian reciprocity agreement.

Here is another from the Mohr-Holstein Commission Co., of Milwaukee. They say:

Our market is perfectly lifeless—nothing doing. Not any of our maltsters would make a bid on anything to-day. It certainly does not look at all encouraging to us. The trade here feels bearish on account of the pending reciprocity treaty with Canada.

And yet speakers go through this country and assert that the farmers will not be at all affected. I take another report. This is from the Brewers' Daily Bulletin of January 31. Remember that this agreement was made public upon the 25th of January:

It is very evident that the brewers are in a waiting mood and that purchases of malt are confined to what is absolutely necessary to carry on business. The uncertainty which exists in the minds of the trade in regard to the Canadian reciprocity treaty and the possibility of its ratification has created a bearish sentiment and the trade in general is disposed to await further developments before supporting the market with buying orders.

These communcations are so pertinent to our barley interests that I am going to take time to read another:

I feel that a grave injustice is being done the farmers and grain trade. Barley, from the States named, is rarely sold for feeding purposes and is used almost exclusively for malting. If the duty is removed, it will undoubtedly shut out these Northwestern States from the eastern market and will probably reduce the price an average of fully 20 cents per bushel. Now, all of this will simply go into the hands of the brewers and as between the brewer and farmer, it seems to me that it would be an economic blunder and a political crime to favor the brewer. Barley in no sense is a food product and there can be no excuse for putting it on the free list, if the only objects in this reciprocity treaty are to cheapen the cost of living and broaden our trade with Canada.

I trust, therefore, that you can at least prevail upon Congress to omit barley from the free list. It will cause untold injury to our farmers and, as already stated, will benefit only the brewers. It would not even give cheaper beer.

Barley is selling to-day at 49 cents in Winnipeg; top grades in Minneapolis and Duluth, 84 cents; Chicago and Milwaukee, 86 cents.

Yours, very truly, A. M. PRIME.

Notice the difference. Here is a telegram that I ought to read, so that it may go into the RECORD, from a man who well knows the crop conditions and the prices. He wired me on February 15, as follows:

LEWISTOWN, MONT., *February 15, 1911.*

P. J. McCUMBER,
United States Senator, Washington, D. C.:

Please wire me here whether, in your opinion, reciprocity will pass the Senate or not. Twin City papers not reliable; wheat has dropped 12 cents or more per bushel at Minneapolis since reciprocity announced.

J. E. PHELAN.

And, Mr. President, remember that we are receiving a great deal less for our wheat this year than we received for the last two years, when we were raising a great deal more in the United States. Our product this year can not exceed 625,000,000 bushels of wheat, and yet it is lower than it has been for the last two or three years.

I will read another from a member of the American Society of Equity, and this is from Chicago:

CHICAGO, ILL., *February 10, 1911.*

Senator PORTER J. MCCUMBER, *Washington, D. C.:*

Wheat declined 3 cents on rumor reciprocity had passed House.

JOHN R. MAUFF.

And it had already declined 5 or 6 cents on previous rumors.

I will read another from the Society of Equity, in which the writer states:

Wheat 5 cents, barley 13 cents, oats 3 cents lower to-day than day before reciprocity agreement was made public.

Mr. SMITH of South Carolina. Mr. President, I have not seen the figures presented by the Senator from North Dakota, and I inquire if he will allow me to ask him a question?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from South Carolina?

Mr. MCCUMBER. Certainly.

Mr. SMITH of South Carolina. The quotations, I take it, as to the contraction in the market are based upon the threatened reciprocity with Canada. I tried to pay as strict attention to the Senator as I could. Do I understand that in the malt business it is complained that they can not put out their contracts for fear that this great influx of barley will tend to lower the price still further?

If I caught the Senator's argument correctly, the people on this side who produce wheat and are dealing in wheat are afraid that if this agreement goes into operation the price of wheat would break and there would not be a profit—a reasonable profit, to use the phrase used on the other side—to the producer. Is it not reasonable to suppose that if the price of wheat declines the price of flour will likewise decline, or does the Senator contend that, though wheat declines, the manufacturers of that article who put it in form for the people to eat will still maintain their monopoly of the manufactured article? That is the point I want to get at.

I just want to get this point: Will it tend to cheapen the cost of the food products to the great mass of the people who on one side do not own the farms and on the other side do not own the factories and are dependent upon the sweet will of their employers to know how much they are going to get to meet these exigencies?

Mr. MCCUMBER. I am going to answer that proposition thoroughly before I get through.

Mr. SMITH of South Carolina. I shall be very glad to hear the Senator.

Mr. MCCUMBER. I have been pointing out, Mr. President, the immediate danger to and the immediate effect of this agreement upon our farm products. Now I want to go into the question of its effect in the future. I have given you the table and the map, showing the vast area of wheat and barley producing country in Canada, whose very nearest market would be Duluth and Minneapolis.

I know that despite facts and figures we find many people in this country, some in my own State, who still contend that we not only now are not benefited, but we will not be benefited in the future by retaining our protective duties on food products. They speak without consideration. To all such let me ask this question: The demand over the country for reduction of tariff on food products is in response to the cry of the "high cost of living." Now, if our tariff on wheat, barley, rye, poultry, eggs, vegetables, and cattle is in any way responsible for this high cost of living, it must be because it raises the value or price of those commodities and because the farmer receives more for his product. If it does not raise the price, as they claim, then it certainly is doing no harm and need not be changed.

We must accept one horn or the other of the situation—either that the tariff does raise the price and the farmer gets the benefit of it, or that the removal will not reduce the cost of living. That is the first branch of the proposition.

The fact that farm products are the only ones that are placed on the free list is conclusive evidence that the framers of this reciprocity agreement conceded that our farmers were benefited by a tariff and the Canadians would be benefited by having that tariff taken off and free access given to the American market for all their food products.

Mr. President, the people of this country, and especially those who have had to do with this reciprocity agreement, have little conception of the vast product of Canada which in the near future will be dumped into this country, and the gross injustice that will be perpetrated upon the farming portion of this country. Let me show you the danger that confronts the farmer.

I want to go back to a single one of these Provinces whose wonderful advancement in the production of wheat is challenging the attention of the world. Saskatchewan in 1898 raised 4,780,000 bushels. I want Senators to comprehend the meaning of the figures I am about to quote. Saskatchewan in 1898, with only a minute portion of tillable land under cultivation, raised 4,780,000 bushels of wheat. The same Province 11 years afterwards raised 90,215,000 bushels of wheat—several thousand per cent of increase—with only about 12 per cent of her occupied land under cultivation. In 1898 that Province raised 1,500,000 bushels of oats; in 1909 it raised 105,500,000 bushels of oats; that Province raised in 1898, 182,000 bushels of barley; it raised in 1909, 7,750,000 bushels of barley; that Province raised in 1898 not a single bushel of flax; it raised in 1909, 4,448,000 bushels.

I will ask that the details of this statement be printed in my remarks without further reading.

The PRESIDING OFFICER. In the absence of objection, permission is granted.

The entire statement referred to is as follows:

Growth of wheat production, Saskatchewan.

	Wheat.	Oats.	Barley.	Flax.
1898	4,780,440	1,589,412	182,859	----------
1899	6,083,508	2,518,248	160,604	----------
1900	3,443,671	1,604,561	150,822	----------
1901	11,956,069	5,517,886	354,703	----------
1902	13,110,330	6,975,796	298,632	153,709
1903	15,121,015	9,164,007	655,593	285,697
1904	15,944,730	10,756,350	589,336	166,434
1905	26,107,286	19,213,055	893,396	398,359
1906	37,050,098	23,965,228	1,316,415	710,689
1907	27,691,601	23,324,903	1,350,265	1,364,716
1908	50,654,529	48,379,838	3,965,724	2,589,352
1909	90,215,000	105,455,000	7,833,000	4,448,700

Mr. MCCUMBER. Now, remember that the wheat acreage of Saskatchewan for the year 1909 was 4,080,000 acres. The total area of grain acreage for 1909 was 7,016,000 acres. This area, owned by 80,000 farmers, was less than 12 per cent of the estimated arable acreage in the Province south of parallel 55. Suppose it is about one-tenth and they raised 90,000,000 bushels of wheat in 1909, what will they raise in this section when you come to multiply the acreage by 10? They will then raise over 900,000,000 bushels.

Mr. SMITH of South Carolina. Mr. President, I should like to ask the Senator a question.

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from South Carolina?

Mr. MCCUMBER. Certainly.

Mr. SMITH of South Carolina. I am interested in these figures, and I am trying to get the Senator's line of argument so as to follow him intelligently. Does he consider the proximity of these great Canadian wheat fields, with their fertility and the vast increase in their production, as a menace to American welfare? Is that what I understand him to mean?

Mr. MCCUMBER. Certainly, Mr. President. If I did not think so, I would not be here arguing this case.

Mr. SMITH of South Carolina. Now, do I——

Mr. MCCUMBER. I call the Senator's attention to the map in my hand. He will see the red portion in Canada and he will see the corresponding red portion in the United States. That red portion represents the wheat-producing capacity of the two countries west of the Red River. There is more wheat land west of the Red River of the North in Canada than west of the Mississippi River in the United States, and it is all so situated that its product can be dumped upon our nearest markets, Duluth and Minneapolis, and that would be the course of the trade.

Mr. SMITH of South Carolina. Then the Senator contends that it would be a terrible disaster to America to have cheap bread. Is that his argument? I would like for the Senator to answer that question.

Mr. MCCUMBER. Oh, Mr. President, I am going to show the Senator, if he will have patience with me, that it will not make any material difference in the cost of a loaf of bread.

Mr. SMITH of South Carolina. I would be glad if the Senator would do that, for that is the very point that I want brought out.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from New Hampshire?

Mr. MCCUMBER. With pleasure.

Mr. GALLINGER. I have been denied the privilege of listening to the Senator until this moment, but he touches upon a

point that interests me. I have seen it stated in high quarters that we need not fear any disaster to our agricultural or other interests because of this agreement, for the reason that Canada does not produce enough to make appreciable inroads on our markets. I want to ask the Senator if we give Canada a market will not Canada produce enough, has she not the soil, has she not cheap labor, and has she not everything that gives her farmers an advantage over ours?

Mr. McCUMBER. In her eastern section she has better soil, for it has not been worn out as badly as ours, and cheaper labor; in the western section she has very much cheaper land, with equally good soil, and labor comparatively the same.

Mr. GALLINGER. And plenty of land.

Mr. McCUMBER. And plenty of land now and for a century to come to furnish us all the wheat we will need for bread.

Mr. SMITH of South Carolina. Would not that mean cheaper bread? Has the Republican Party in its protective ideas got to where it wants to tax the bread of the people?

Mr. McCUMBER. Bread is as cheap a thing as there is in the market to-day.

Mr. SMITH of South Carolina. Well, what is it made of?

Mr. McCUMBER. It is so cheap that when you go down to the Senate restaurant they do not charge you any more for it than they do for a glass of water, and the farmer can not produce it for very much less than it is being sold for to-day.

Mr. SMITH of South Carolina. I ask why do you then insist that wheat shall be protected?

Mr. McCUMBER. The Senator is impatient.

Mr. SMITH of South Carolina. I am.

Mr. McCUMBER. I can only take up one section of a proposition at a time. I will assure the Senator that I will answer his proposition before I get through. I am now discussing the immense field of wheat supply we have just across the Canadian border.

Mr. President, the commissioner of agriculture of Canada, in his report of the 1908 crop, places the yield of that portion of the empire west of the Red River as 125,000,000 bushels of wheat. The acres under cultivation were 8,000,000. The same report shows 125,000,000 acres of practically the same kind of land already occupied awaiting only the plow to become equally productive. In a few years this section of the country can raise enough wheat to supply the demand in the United States. There has been an increase of about 650 per cent in eight years in the production of wheat in Manitoba and contiguous territory.

Where is the nearest market for this grain? Right over the North Dakota and the Minnesota line in the United States. And the moment our prices, through the increase of home consumption, reach a stage above the world's level of prices, that moment the Canadian current of grain trade will be turned wholly into our territory, and the farmer for another century will have to be content to sell his product in competition with the free product of the world.

Mr. President, in the year 1909 even this small percentage of Saskatchewan cultivated land advanced Saskatchewan to third place in comparison with the States of the Union and the Provinces of the Dominion as a producer of wheat and oats, the wheat crop for Saskatchewan being, according to Government figures, 90,215,000 bushels, and the oat crop 105,465,000 bushels. Minnesota, the greatest wheat-producing State, with 94,000,000 bushels of wheat, and North Dakota with 90,700,000 bushels of wheat, are the only States that produced more wheat in 1909 than did Saskatchewan; and remember that Province as a grain producer has come into existence during the last decade.

The average yield in Minnesota was 16.8 bushels per acre, North Dakota 13.7, the United States 15.8, and Saskatchewan 22.1 bushels per acre. Only two States in the Union produced in 1909 more oats than did Saskatchewan, namely, Illinois with 159,000,000 bushels and Iowa with 116,000,000 bushels, as against Saskatchewan with 105,500,000 bushels. Saskatchewan also produced in 1909 7,833,000 bushels of barley and 4,488,700 bushels of flax.

Mr. President, we can scarcely comprehend the enormous opportunity for the development of the great Canadian northwest. With our immensely increasing population in the United States and with all that we could possibly hope for, Canada would be exporting grain to this country for at least 100 years to come, if we were to open our market for all of her products.

Not only in Canada but in Sibera there are millions of acres that will in the future be producing wheat; in South America the grain product can be multiplied tenfold, and the ability of food production in Mexico is almost beyond computation.

I now want to return to the Senators from the Eastern and Southern States, and the Southeastern States, and call to their minds a little of the history of this country. There was a time when your lands in New Hampshire, in Vermont, in Connecticut, and in Massachusetts were worth $100 to $150 per acre.

Then suddenly the great Illinois prairies began to be turned over and to produce, and that was followed by Kansas and Iowa and Wisconsin and Minnesota and the two Dakotas, and in a very short time your farmers were entirely out of business and left their farm lands and went to the cities in order to earn a livelihood. That blight which struck you about 50 years ago you never recovered from until within the last 10 years, when consumption and production so nearly equaled each other that the farmer saw in the future a possibility of bettering his welfare, and your lands began to rise.

I could have bought about 160 acres of good land in the State of New Hampshire when I first came to the Senate 12 years ago, with buildings on it that you could not have duplicated for $3,000, with a beautiful little stream running through it, and with a beautiful little lake on its border, for $850. It is to-day worth three or four times that. Its value has increased because consumption and production can now look each other in the face and each feel that it has no great advantage over the other.

Then, as the prairies began to be turned in Minnesota and North Dakota, land in the State of Ohio which had been worth a hundred dollars and a hundred and fifty dollars dropped down to $60, $50, and $40 an acre.

What was the cause of this? You could not compete with the great prairies of the Northwest. Your lands began to decline in their fertility. In order to make a living you were compelled to skimp and to exhaust your land as rapidly as possible, without giving any portion of the acreage a rest. You went on in that way until the fertile prairies of the Northwest brought wheat to your doors cheaper than you could raise it yourself.

Mr. President, with all of those conditions your farmers went struggling on, trying to live, hoping for the better time when there would be a greater demand for their products, and you had to wait until the population grew sufficiently to consume the great surplus, or a portion of it, right here at home.

But we are reaching the time in the United States when we will consume about all we raise. While population will keep on increasing, until the ocean runs dry we will not be able to increase our available acreage one foot.

Mr. SMITH of South Carolina. Right on that point——

Mr. McCUMBER. The farmer is getting the benefit of that. Remember, we can still produce in the United States all the wheat and cereals we need and can keep abreast of consumption for many years. North Dakota, I think, has less than 25 per cent of her prairie sod turned over, and yet she raises, under normal conditions, more than 90,000,000 bushels of wheat, besides all her other products. Eastern Montana has not yet been scratched by the plow, and its lands are about the same as western North Dakota. Other sections of our country, now virgin soil, can be cultivated, and they will be cultivated, just as soon as farming is made as profitable as occupations in city life.

Mr. SMITH of South Carolina. I want to ask a question right in this connection. I thought the Senator was going to try to explain why it was that he was so anxious to keep this wheat up. He said in his argument that the eastern part of the country went out of business because the western part could produce wheat, the basis of bread, cheaper than the eastern part of the country. Now he is making an argument to prove that the time has come when consumption and production have reached their limit and are running neck and neck, and therefore that in order to keep the people from getting the benefit of God's great wheat fields of other countries he would put this wall around America and mulct the people who eat bread in order to benefit the few farmers who own the wheat fields.

Mr. McCUMBER. Oh, the great trouble with the Senator from South Carolina is that he does not distinguish between wheat and bread.

Mr. SMITH of South Carolina. I never did see the difference——

The VICE PRESIDENT. The Senator from South Carolina must not interrupt until he has first addressed the Chair and has the consent of the Senator occupying the floor to proceed.

Mr. SMITH of South Carolina. I beg pardon. I will not be guilty of that again, but it seems to me——

Mr. McCUMBER. I make no complaint——

Mr. SMITH of South Carolina. It seems to me if the Senator from North Dakota would come to that point, I would not have felt it necessary to commit that breach.

Mr. McCUMBER. Let me call the Senator's attention again to what I have stated over and over again, that the little protection which the farmer receives upon his raw products is so infinitesimal when compared with the retail price of the finished product that it should hardly be taken into consideration.

There is no more relation between a bushel of wheat and a loaf of bread served down there in your restaurant than there

is between a Texas steer and a four-dollar order of steak down there.

Mr. SMITH of South Carolina. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from South Carolina?

Mr. McCUMBER. Yes.

Mr. SMITH of South Carolina. I just want to ask this question. The Senator says the protection on the farmers' wheat is so infinitesimal that it does not affect the price of the manufactured article. Why, then, should the western wheat grower, with his fertile acres and his abounding wheat, drive the eastern grower out of the market?

Mr. McCUMBER. Because he can put, not bread, but wheat, cheaper at his door. Now, I have answered that four times. I have made my proposition absolutely clear.

Mr. SMITH of South Carolina. If the Senator will allow me——

The VICE PRESIDENT. Does the Senator further yield?

Mr. SMITH of South Carolina. Did not the bakers of the country threaten, while we were in session considering the cost of food products, to shorten their loaves if we could not do something to lower the price of flour? The Senator from North Dakota wants to be fair in this argument. Is it not a fact that flour has advanced from 50 to 75 per cent? A barrel that could have been bought for $4 is now from $7.50 to $8, and bread is made out of flour.

Mr. McCUMBER. And is it not equally a fact that while wheat has gone down 10 cents a bushel since this reciprocity treaty was made public flour has gone up?

Mr. SMITH of South Carolina. I am——

The VICE PRESIDENT. Will the Senator from North Dakota further yield to the Senator from South Carolina?

Mr. McCUMBER. Certainly.

Mr. SMITH of South Carolina. If the Senator will examine the market reports——

The VICE PRESIDENT. Does the Senator further yield?

Mr. McCUMBER. Certainly.

Mr. SMITH of South Carolina. I think if the Senator will examine the market reports right now he will find that flour has declined at a greater ratio than wheat. If the Senator has the reports, I would be glad for him to read them. I have some.

Mr. McCUMBER. I have had the reports where it has gone up, but I do not think it has declined materially. I will reach the point in a moment. I will ask the Senator to be patient, because I want my argument to be logical.

There is not a single Senator here, including my friend who has just addressed me, who will have the audacity to say that the taking of the tariff off of any article which the farmer produces will materially affect the cost of living. There is not a Senator in this Chamber who does not know that the increase in the cost of a raw product by reason of the tariff is such an insignificant percentage of the retail price of an article made from it that it would not, and could not, be computed as a factor in the retail price.

Now, as I have shown, I think, the farmer ordinarily gets a protection of about half of the amount of the duty; that about half of it is paid by the producer on the other side of the line, and the farmer gets the other half of the protection. I have noticed in 10 years of observation that our grain is about half the amount of the tariff higher than on the Canadian side; and now I am coming right down to the proposition that was asked by the Senator.

Suppose that our present tariff therefore raises the price of a bushel of wheat 10 cents. A bushel of wheat will make about seventy-five 5-cent loaves of bread, on which there would be realized by the retailer $3.75. If the 10 cents a bushel were therefore added to the cost of a loaf of bread, it would make a difference of one thirty-seventh of 1 cent per loaf. That is the difference it would make if it were added to it. If it were taken from it, it would take from it one thirty-seventh of 1 cent on that loaf. After we have secured free trade, will a loaf of bread be sold for four and thirty-six thirty-sevenths of a cent, or will it be sold in the market at 5 cents a loaf?

Now, here is something about Quaker Oats. A bushel of oats, we will say, has 7½ cents protection. A bushel of oats will probably make the equivalent of 23 packages of Quaker Oats, sold at 10 cents a package, which would realize to the retailer $2.30. The tariff would therefore amount to about seven two hundred-and-thirtieths of 1 cent a package, or about one thirty-third of 1 cent.

Not only this, but while the farmer would receive, say, about 33 cents a bushel, the retailer would receive $2.30 a bushel, an increase of 700 per cent, excluding the value of the by-products, which probably could be sold to an advantage which would be equivalent to another hundred per cent, or 800 per cent higher than what the farmer receives for it.

I will take another article, which is the most expensive article of diet—meat. The agricultural experiment station's report is to the effect that the dressed weight of a beef is on an average of about 65 per cent of its live weight. I especially want to present this to the farmer Senators, who will verify what I am saying. This dressed beef may be divided into percentages, as follows: Ribs, 9 per cent; loins, 19; chucks, 27; plates, 13; shank, 3; rounds, 23; flanks, 3; suet, 3; total, 100 per cent.

I have a table here based upon the market price of these several kinds of meat in this city, and from it we are able to realize what a steer that weighs 1,200 pounds would realize at the market where we buy our products. The following table is based upon the evidence of a retailer. For some unaccountable reason I notice, however, that the bills which we receive give very much higher charges than he places in his bill. But we will assume his figures to be correct.

I will introduce the table, but will call attention to some of its items now. For instance, here are 72 pounds of ribs. They are sold at 18 cents a pound, the loin at 23, chucks 15, plates 8, shank 3, rounds 15, flank 8, suet 4.

I am a little inclined to think that some of the plates become loin, and once in a while the chucks will be ribs when they are delivered. But I will assume that he is a good, honest dealer and we are getting just exactly what we bargained for. The table is as follows:

	Ribs.	Loins.	Chucks.	Plates.	Shanks.	Rounds.	Flank.	Suet.
Weight.....pounds..	72	152	216	104	24	184	24	24
Price per pound, cts.	18	23	15	8	3	15	8	4

According to this table, an 800-pound carcass will retail at $120.90. Add to this about $12 for hide and by-product and the retail price would be about $133. The farmer probably received from fifty to sixty dollars for this beef. The retailer's gross profit would be about 125 per cent.

If you would then follow the same beef, as I have on another occasion stated, into what would be called a first-class restaurant in this city, the percentage of increases would be enormous.

I gave you a table, I think, about a year ago in which I showed that the steer that the farmer sold for about $80 would realize about $2,500 at your best restaurants.

Here is another matter that I want to speak of for the benefit of my friend who has asked me questions about the price of our products. The Senator from South Carolina thinks that the price of bread is always dependent upon the price of the grain that enters into it. The price of bread is a great deal more dependent upon the price of the labor that goes into manufacturing it after the grain leaves the farmer's hands, and the high-priced city labor compared with the farmer's low-priced labor, where he and his family work for absolutely nothing but their board and clothes.

The value of farm labor that enters into the grain is almost nothing in comparison with the labor which is employed in manufacturing it, and changes it into gold after it leaves the farmers' hands.

J. R. Cahill, an investigator for the labor department of the Board of Trade of England, was sent over here to investigate the prices of food products, laborers' wages, and so forth. We were then shipping a great deal of wheat to England. Speaking to a Chicago Tribune reporter, he says:

> I can not understand how we can buy bread in England for one-third the price you pay in Chicago, when you send us our wheat.

That will begin to answer the Senator's question.

> You have to pay 5 cents for 14 ounces of bread, while we get a loaf weighing 64 ounces for 10 cents, made out of your own wheat. Our 4-pound loaf never costs more than 12 cents, and usually only 10 cents.

Mr. SMITH of South Carolina. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from South Carolina?

Mr. McCUMBER. In just a moment.

It is not surprising the Britisher was puzzled, and the answer to the puzzle is that the cost of labor placed upon that wheat in Great Britain in converting it into flour and baking it into bread is less than one-half of what it is in this country, and a much less profit is demanded by the baker. In other words, this last labor is nearer on a par with the farmer's labor.

Mr. SMITH of South Carolina. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from South Carolina?

Mr. McCUMBER. Yes.

Mr. SMITH of South Carolina. The Senator is getting down to just the point that I wanted to bring out in the beginning of my questions to him.

Mr. McCUMBER. I am glad I am approaching it.

Mr. SMITH of South Carolina. He states that the cost of conversion, the high price of labor that enters into the making of this bread, is largely responsible for the additional cost. This additional high-priced labor comes necessarily through high protection to the manufacturer. If the manufacturer were not protected he could not pay the labor this high price.

Mr. McCUMBER. That is certainly true to a certain extent, but if he did not have protection he would not be able to buy at a much less price.

The VICE PRESIDENT. One moment. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. Senate resolution 315, relative to the election of WILLIAM LORIMER as a Senator from the State of Illinois.

Mr. BURROWS. I ask that the unfinished business be temporarily laid aside to enable the Senator from North Dakota to conclude.

The VICE PRESIDENT. The Senator from Michigan asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none, and the Senator from North Dakota will proceed.

Mr. SMITH of South Carolina. I will just finish this question, and I think it is the last one I will ask the Senator.

Mr. McCUMBER. The Senator can ask any question he likes. I shall make no complaint.

Mr. SMITH of South Carolina. I should like to state in this connection that I intend now to ask permission to address the Senate upon this subject immediately upon the conclusion of the remarks of the Senator from Georgia [Mr. BACON] upon Monday, but I want to state right here, for fear that I may not have that opportunity, that I shall attempt to bring out the fact that in the President's message Mr. Taft has shown himself in this emergency as the greatest patriot who has occupied the White House in several generations by insisting that the American people shall have relief in spite of the fact that his party stands pledged that they shall not have the relief.

Mr. McCUMBER. I am afraid they will all need relief if this reciprocity bill passes.

Mr. President, I wish the people of this country, including the Senator who has just spoken, could appreciate how little the tariff affects retail prices. If they could be once made to understand that, there would be an end to the cry that our tariff was in any way responsible for the high cost of living or the raise in the cost of living, and the political demagogue would be compelled to invent some new device to mislead the public.

What is true of food products, Mr. President, is also true of manufactured products. I want to give a little illustration here. A Senator told me the other day that he bought a couple of little woolen stocking caps for two of his children. The Senator is one who has had a great deal to do in the handling of wool and manufacturing it into cloth, and he understands what the raw material costs, what it costs to manufacture, and also what profit the manufacturer reaps. Will the Senator excuse me if I use the illustration? He says he paid $2.50 apiece for those little woolen caps. He then weighed them and began to compute, because he has a good analytical mind; and if I remember his figures correctly, he stated that the wool for each cost the manufacturer about 15 cents, and that 15 cents additional would be a good price for the manufacturing of each of them. That would make the cost about 30 cents each.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Utah?

Mr. McCUMBER. Certainly.

Mr. SMOOT. So that the Senator will have it absolutely correct——

Mr. McCUMBER. I want it that way. My memory may be in error.

Mr. SMOOT. I want to call attention to the fact that the wool in the two caps costing retail $5 amounted to 46 cents.

Mr. McCUMBER. In the two?

Mr. SMOOT. In the two. The cost of making them could not have exceeded 15 cents apiece, which would amount to 30 cents, making a total of 76 cents.

Mr. McCUMBER. That is correct, Mr. President, and yet——

Mr. SMOOT. They were sold for $5.

Mr. McCUMBER. The golden touch of American labor was laid upon that wool, and it immediately advanced from the farmer's and the manufacturer's price 1,000 per cent.

Mr. STONE. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Missouri?

Mr. McCUMBER. Certainly.

Mr. STONE. I wish to say to the Senator from Utah and to the Senator who is now addressing the Senate that if the wool in the two caps cost only 23 cents and the labor about the same amount, as I understood the Senator from North Dakota to say, I should like to know why those Senators made a law two years ago which made that thing possible in this country. I simply want to know who is to blame for that sort of thing.

Mr. McCUMBER. I will answer what is to blame for it. The law had nothing to do with the principal cause. Its our course of doing business, the intermediate handling of the goods, the many different profits to be made by many different men handling them. Answering the query of the Senator from Missouri, I will give him another reason why we did not try to lower the labor cost. First, we wanted to maintain the price of labor in the United States. We wanted to allow the laborers in this country to live in the same kind of homes that they had been living in, we wanted them to have the same leisure, the same opportunity to clothe and to care for and to educate their children that they had been having in this country. We wanted them to be prosperous as they had been in this country; and we rather expected that if we continued that policy they would compliment us, the farmer element, by, at least, wishing us godspeed in our own prosperity. Instead of that it seems that many of them are coming here and asking for the highest character of protection upon their products and asking that the farmer be relieved of any protection that he has on his own.

That is but a partial answer. I am going to answer it more in detail as I reach another phase of this argument, but I can say generally that it is in the course of trade. It is in the vast number of people who have been driven from the farm into the city who have to make a living, and therefore have to receive enormous profits on the things which they sell in order to pay their rent, pay for the money invested in their business, and pay the overhead charges, and such like.

Mr. SMOOT. And for advertising.

Mr. McCUMBER. And the immense sums that are paid out for advertising their wares. That is what adds to the cost of living.

Now, Mr. President, I want to give another illustration, not for the purpose of bringing up the old ghost of tariff reform, but for the purpose of showing to what a small extent the tariff enters into the retail price of any article. I have here the analysis of the cost of all-worsted men's winter suits from the raw material to the retail selling price, which I will ask to have printed in the RECORD.

The matter referred to is as follows:

Analysis of cost of an all-worsted men's winter suit from the raw material to the retail selling price.

Fourteen pounds grease wool in 3¼ yards finished cloth.

Net mill cost of 1 yard of cloth	$1.19
Net selling price of 1 yard of cloth	1.28
Net mill profit on 1 yard of cloth	.09

This cloth is sold to the wholesale clothier for $1.28 net per yard.

Calculating liberally for the amount of cloth required for one suit at 3¼ yards, we have the cost in one man's suit as:

3¼ yards at $1.28	$4.48
Cutting, making, and trimming	3.62
Shop expense (which includes a profit) 10 per cent	.81
Finished cost of suit to wholesale clothier	8.91
This suit is sold at wholesale for $12.50, less 10 per cent for cash	11.25
And is retailed to the consumer at	18.00

Recapitulation of the respective profits on a suit of men's clothing of the wool dealer, the manufacturer of the cloth, the wholesale clothier, and the retail clothier:

	Profit.
Wool dealer, 14 pounds grease wool, at 1½ cents per pound	$0.21
Manufacturer of the cloth, 3¼ yards, at 9 cents per yard	.31½
Wholesale clothier $11.25, less cost $8.91	2.34
Retail clothier $18, less $11.25	6.75

Analysis of cost of an all-worsted man's winter suit from the raw material to the retail selling price.

Thirteen pounds grease wool in 3¼ yards finished cloth.

Net mill cost of 1 yard of cloth	$1.19
Net selling price of 1 yard of cloth	1.28
Net mill profit on 1 yard of cloth	.09

This cloth is sold to the wholesale clothier for $1.28 net per yard.

Calculating the average quantity of cloth required for one suit of ready-made clothing is 3¼ yards, we have the cost in one man's suit as:

3¼ yards, at $1.28	$4.16
Cutting, making, and trimming	3.35
Finished cost of suit to wholesale clothier	7.51
This suit is sold at wholesale for $9	1.49
And is retailed to the consumer at	15.00

Recapitulation of the respective profits on a suit of man's clothing of the wool dealer, the manufacturer of the cloth, the wholesale clothier, and the retail clothier:

	Profit.
Wool dealer, 13 pounds grease wool, at 1½ cents per pound	$0.19½
Manufacturer of cloth, 3¼ yards, at 9 cents per yard	.29¼
Wholesale clothier	1.49
Retail clothier	6.00

Estimate of an all-wool suit costing $40 to $50, showing the amount of wool furnished and the farmers' protection on the same.

Three and one-half yards cloth, at $1.25, $4.38.
Three pounds raw wool to 1 yard cloth.
Average price paid the farmer for wool January, 1911, was 17½ cents per pound.
Ten and one-half pounds wool, at 17½ cents per pound, $1.83.
Farmers' protection on same (11 cents per pound tariff), $1.15½.

Mr. McCUMBER. I call attention to the fact that it takes 14 pounds of wool in the grease to make the 3½ yards that are necessary to make the cloth. The net mill cost of that yard of cloth was $1.19. The net selling price of that yard of cloth was $1.28 or a profit of 9 cents a yard.

This cloth sold to the wholesale clothier for $1.28 net per yard. Calculating liberally for the amount of cloth required for one suit at 3½ yards, we have the cost in one man's suit as follows:

Three and one-half yards, at $1.28, $4.48.
Cutting, making, and trimming, $3.62.
Shop expenses, including 10 per cent profit, 81 cents.
Finished cost of suit to wholesale clothier, $8.91.

This suit is sold at wholesale for $12.50, less 10 per cent for cash, or $11.25, and is retailed to the consumer at $18. Therefore the wool dealer furnished 14 pounds of greased wool, and at 1½ cents profit he received 21 cents. That is the farmer's interest in it. The manufacturer of the cloth received 31½ cents profit. The wholesale clothier received $2.34 profit, and the retail clothier $18, less $11.25, or $6.75 profit.

I am not complaining that the retailer charges any too much. If you will walk down the business streets in this city you will find them lined not with large stores, as a rule, but with little shops having only one little room just large enough to turn around in, commanding a rental of from $300 to $400 a month. The products handled have to be sold high in order to pay those enormous rents, charges, clerk hire, advertising, insuring, and so forth, and still allow a fair profit. I am not complaining of retail charges.

I also introduce, on the same subject, without reading, two other items showing the cost of producing an ordinary suit of clothes that would run from $40 to $50 tailor-made.

Mr. SMOOT. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Utah?

Mr. McCUMBER. Certainly.

Mr. SMOOT. I desire to call the Senator's attention to the fact that there is not a woolen mill in the United States that would not be perfectly willing and anxious to make contracts for every yard of their product, not only for one year but for a number of years, if they could but receive a profit of 7 cents a yard. All the profit that they could possibly receive in a suit of clothes would be three and a half times 7 cents a yard, which would be 24½ cents for a suit of clothes. I might add that many of them would be satisfied with a profit of only 5 cents, making 17½ cents upon a suit of clothes.

Mr. GRONNA. That fixes the blame on the retail merchant.

Mr. SMOOT. It fixes the blame upon the mode of distribution in this country, the expensive mode of distribution.

Mr. McCUMBER. I have just stated that I did not consider that the retail merchant was getting any too much, for he has all the overhead charges, and the wholesaler's profit, the commission man's profit, the transportation, the insurance, the storage, and the thousand and one things that have to be added, to pay for which he must charge the customer.

Mr. GRONNA. If my colleague will yield to me for a moment, I want to call the attention of the Senate to the fact that less than 5 per cent of the retail merchants of the United States succeed in their business.

Mr. McCUMBER. That is true, Mr. President.

Now, what fixes the price of any commodity? You say supply and demand. Mr. President, that is not sufficiently accurate. Ability to buy is what makes the price. Ability to buy bread has very much to do with the cost of bread in the United States. Inability to buy bread in Great Britain reduces it to one-third of what it is in the United States, although they get the wheat from the United States that enters into it. All prices are based upon the financial ability of the public. If the earning capacity of the public is increased, everything will go up to meet that increase.

Our method of doing business now admits of so little competition that it is ability to buy rather than ability to do a living business that establishes prices.

I understand that all the necessaries of life sell 25 per cent higher in the city of Washington than they do in the city of Baltimore. Why? Because the earning capacity of the people of Washington is so much higher than the average earning capacity of the people of Baltimore. The merchant here sells for what he can get. The merchant in Baltimore sells for what his customers are able to pay.

Prosperity, Mr. President, always makes high prices. The first wave in the increasing tide of prosperity is always manifested by higher wages to labor and all commodities produced by labor advance because of the advance in labor values. And all other commodities respond to a certain extent because the laborer is better able to buy them.

Mr. President, we do not need Canadian reciprocity in order to secure lower prices. The values of all commodities are bound to depreciate, including farm products, because of our threat to surrender the general protective policy and the consequent return to hard times.

Mr. President, I have here the expense account of a reciprocity Senator at one of the leading hotels in the city of New York. He rides from the depot to the hotel, a few blocks, and he pays for hack hire $1.50. He can ride upon one of the trains of the railroads 75 miles for exactly the same price. He pays for his breakfast $1.25; for his lunch, $1.75; for his dinner, $2; for 3 cigars, 75 cents; 3 tips to the waiter, $1.50; tip to the bell boy and elevator boy, $1; and then here is another item which I will not mention, $4—Mumm's the word. [Laughter.] He pays for his room $15, making $19.75.

Now, Mr. President, that is for only one day's expense at a great hotel for this reciprocity Senator. As this Senator steps out and looks across the street he sees a dairy lunch sign, "Fresh buttermilk, 5 cents a glass." The exorbitant price of that farmer's beverage makes him dizzy, and he comes into the Senate Chamber and records his vote against the excessive cost of buttermilk. Had he entered the neat little lunch place he would probably have been able to read a sign in good, clear print, "Try our 15 cent farmer's dinner."

Ah, Mr. President, what a fraud is this cry that the price of the farmer's product is responsible for the higher cost of living. To bring into relief our monstrous extravagance and to show how infinitesimal is the farmer's share in these prices, I want to reduce these items in this Senator's expense account for a single day to their equivalent in the products of the farmer in my own State, at the prices the farmer has been generally receiving.

Without spying, Mr. President, I will ask permission to follow this Senator from the time he leaves the train until he returns to it after a day's sojourn at the hotel.

As he leaves his cab he pays fare for having been driven, say, 8 or 10 blocks, 6 bushels of oats, and as a compliment to the driver for his very moderate charge he tosses him 15 heads of cabbage. He registers at the hotel, and is shown by the bell boy to the elevator. As he nears the tenth story he responds to the expectant look of the elevator lad with 3 dozen eggs. The bell boy lingers at the door of his room and is rewarded for his anxiety over the comfort of the guest with a bushel and a half of barley. It takes a quarter of a ton of hay for this Senator's breakfast. [Laughter.] He gives the waiter 2 bushels of potatoes. His noon lunch is an average size sheep, with a bushel and a half of carrots for the waiter. In the evening he consumes 4 bushels of rye, and the waiter has a bushel of onions to dream on. When he settles for his room the landlord is the recipient of a half carload of turnips.

Mr. President, it is the grossest extravagance that makes the high cost of living. The actual cost of the articles that make up our diet is but the slightest percentage of the cost of living. It is the service that we are receiving.

Let me illustrate: There was a tramp here in the city the other morning, as I have read, who met a business man, and he said: "Please, Mister, I am starving; I have not had anything to eat for three days; will you not give me just a nickel?" With the usual activity of the Washington resident the nickel was forthcoming, but as the tramp opened his hand to receive it the stranger saw a quarter in his palm. He said to him: "Why, you have got a quarter there already." "Oh, yes;" replied the tramp, "but that is to tip the waiter." [Laughter.] That is the trouble, Mr. President; it is the service and not the cost of the article itself.

Did it ever occur to you Senators that the farmer does not get 4 cents out of the average meal consumed by you?

The fraud in this whole scheme is the fraud on the farmer. Why is he singled out for slaughter? Why is it that no other article that is liable to come from Canada is placed on the free list? I know of only a few things that Canada could give us—agricultural products, lumber, a little coal, and probably some lead ore. We will get no machinery from Canada, because we are exporting machinery to Canada.

I do not know any place where she manufactures any machinery that we would accept on this side of the line.

What will the farmer secure from Canada as a partial return for his sacrifice? Will he get pineapples from Labrador? Will

he get oranges from Assiniboia? Will he get peaches from Manitoba? Will he get fence wire from Saskatchewan? Will he get farm machinery from Alberta?

But, you say, maybe he can get lumber a little cheaper. Without stopping now to compute the exact difference (I think there is about 75 cents a thousand difference), let us suppose he builds a house and uses 5,000 feet of lumber once in 50 years, at 75 cents a thousand you can estimate how much lumber profit he gets out of this scheme; and if you divide that profit by 50 you will get an average of how many cents he will save in a single year in his lumber bill by reason of Canadian reciprocity.

But while he is securing a little advantage, which may amount to 5 or 10 cents a year, he is losing $1.50, $2, or $3 an acre every year. But my friend from South Carolina is looking after the interests of the ultimate consumer. Well, what does he get out of this agreement? The Beef Trust gets the Canadian steer free, but the dear people still have to pay for protected meat. The millers have free wheat, but the people have protected flour. The brewer gets free barley, but he sells protected beer. The sheep with the wool on his back comes in free, but the farmer with sheep's wool on his back gets fleeced 80 per cent.

Will the shoe factories of British Columbia come to the farmers' rescue? Will the woolen and cotton mills of Winnipeg furnish fabrics to clothe his family?

Mr. President, I noticed the other day that the lower branch of the Legislature of Kansas voted in favor of this reciprocity agreement. What is the gold brick that the farmer legislator of that body bargained for in that resolution for reciprocity? You increase the purchase price of everything the farmer buys which under this bill would be exported to Canada by the well-known law that increased demand increases the cost. The greater the demand for wagons the less liability there is for a decrease in the price of those wagons. If you are to increase the output of your factories into Canada you increase the demand, if there is anything in it, in Canada, and therefore prevent a decrease in the product itself to the American consumer, while the American farmer has to sell his products in competition with the cheaper products of the entire world.

Mr. President, that is the farmers' side of it. Now, let us see what the manufacturer is to get out of it.

It is said we need this reciprocal agreement because we want to increase our trade with Canada; we want to import American goods into Canada. It is said we do not want to gauge this proposition by the yardstick of commercial equality, but by some sort of ethical rule that shall recognize people of our own blood, and to carry out this idea we give Canada everything and we receive nothing in return.

We are like the good lady I read about once who had $12 which she intended to expend for herself and her two daughters for grand opera, but on the afternoon of that day her conscience seemed to smite her, and so she took the $12 and gave it to a poor woman, who had also two daughters, that they might purchase clothes and necessaries, and she felt contented and happy during the balance of the day because of her generous, thoughtful deed. But what was her astonishment and consternation to learn on the next day that this poor woman and her two daughters had used her $12 for three tickets to the grand opera, while she and her daughters had remained at home. [Laughter.]

This is the position, Mr. President, which the United States is asked to occupy in this matter of Canadian reciprocity. It is altogether too altruistic for one who knows the injuries that will result from it.

But do we need this agreement even for our manufacturers? Not at all. I am afraid those people who are looking for so much expansion in the exportation of manufactured articles into Canada have forgotten to inquire how much Canada imports and what proportion of her imports we already have. We are increasing our imports without any reciprocal agreement. The only benefit that will be derived will be to those who are now exporting into Canada and who will be relieved of the higher duty. Whatever they save in duty they will be able to add to the profit side of their ledger, but the people, the consumers, will get no benefit.

I do not believe, Mr. President, that we will increase our export trade to any appreciable extent. Why? Simply because we have practically all of the Canadian trade now. Certainly about all that we could hope to get. I find that the total imports received in Canada for 1909 were $376,000,000; the imports from the United States were $223,000,000; leaving a balance of imports from other sources of $153,000,000. Canada therefore imports from the United States now more than 60 per cent of her total imports. She can not import tea and coffee and sugar and spices and the thousands of oriental and South American products. They can not be imported from this country, and I think that I am perfectly safe in saying and that it is a conservative estimate that we could not increase our exports more than 10 per cent. We would then have practically all of the Canadian imports, except what she would have to import from these oriental and South American countries. We would then have, say, about 70 per cent of her imports, or about 10 per cent more than we are exporting without any trade agreement. And what does Canada secure in return for this slight increase in our manufactured products?

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from New Hampshire?

Mr. McCUMBER. Certainly.

Mr. GALLINGER. I ask the Senator if there is not a pretty interesting object lesson in our former experience with Canada under a reciprocity treaty?

Mr. McCUMBER. There is a painful one.

Mr. GALLINGER. That treaty existed from 1854 to 1865. At that time we were exporting $9,000,000 worth of goods to Canada, while at the end we were exporting but $15,000,000 worth; in other words, we had increased our trade $6,000,000. Canada, previous to that time, was importing into this country $12,000,000 worth, and when the reciprocity treaty was abrogated she was importing into this country $27,000,000 worth. So we had given Canada $15,000,000 of trade and we had received an increase of $6,000,000 in return. When the reciprocity treaty was first agreed to we were selling Canada twice as much as Canada was buying, and when it was renounced Canada was selling us about twice and a half what we got from Canada.

Mr. McCUMBER. Let me predict right here that if this treaty goes into effect we will increase our importations into Canada not to exceed $15,000,000 worth, and Canada will increase hers $150,000,000 worth.

Mr. GALLINGER. There is no doubt of it.

Mr. McCUMBER. That is true beyond any possible question.

Now, what does Canada secure in return for giving us, say, $15,000,000 more of importations? She secures a market for 167,000,000 bushels of wheat at the present time and for a billion bushels in a comparatively few years; a present market for 55,398,000 bushels of barley; a present market for 2,213,000 bushels of flax; a present market for 353,466,000 bushels of oats; a present market for immense quantities of poultry, eggs, live stock, butter and cheese, hay, potatoes, and garden vegetables.

Ah, Mr. President, we are courting Canada for a $15,000,000 addition to our manufactured exports, and Canada is asking us to give her in return a market for $150,000,000 of importations of wheat alone into this country and a market for as much more in other agricultural products. Why do we not treat Great Britain the same way if we want to really help the man who buys clothes, and so forth? We sell to Great Britain an average of over $500,000,000 worth of goods a year and buy back only about $200,000,000 worth a year. There is an opportunity for us to enter into a reciprocal agreement where we could get great benefit if cheaper goods are a great benefit. I do not admit they are a benefit when secured at the expense of closing our own mills and pauperizing our own labor. I am for holding the tariff prohibition against Great Britain and every other country whose standard of living is below ours. But if we want a consistent reciprocity, we should look to our British trade. If we want to consider language and history and blood, there is an opportunity to do so. You shudder when you contemplate allowing manufactured articles to come in free, but look complacently on a proposition to swamp the country with all the agricultural products of Canada.

Mr. President, as we are not to secure any appreciable benefit for our manufactures and as the farming public will suffer beyong measure, what is the secret back of all this demand for reciprocity? The public press makes the sentiment; the press wants free print paper; and to give the press what they say will be worth $6,000,000 a year to them, we are to punish our people in an amount that would be equivalent to a loss of more than $150,000,000 annually.

To a certain extent, Mr. President, the farmers of the country are themselves responsible for the condition that confronts them at this time. In a period of temporary excitement they forgot the faith of their fathers and bowed to the will of the god of yellow journalism. In 1909 the press of the country, through its representatives, made a demand upon Congress—upon the Republican majority of the Committee on Ways and Means and the Finance Committee, which would be responsible for tariff legislation—for free print paper. If they received that concession, it mattered little what the rest of the tariff bill might be. If they received that concession, they would be satisfied to pursue their course, following whatever fad,

fancy, folly, or falsehood their management might decide upon to quicken public interest and increase their circulation. If they did not receive it, the whole tariff proposition would be attacked and the wrath of the press and the journals would be visited upon the administration and the party.

They did not secure all that they demanded, and we all know the result. They made good. We secured, in my opinion, the best tariff bill that we could under all the conditions. It was not perfect; none has ever been perfect; and undoubtedly with proper information, which could be secured through a commission or a board, we could without unsettling business in the least remedy any defects in the law.

While the tariff measure was under consideration it was made manifest by the press that every man who should vote for the final measure should be marked for slaughter, and every Representative or Senator who should surrender to their demands should be crowned with journalistic glory.

A campaign was started which, for rankness, has never been equaled in the country. A single man was selected in the Senate and one in the House, blackened, horned, and winged like a vampire, until the public regarded him as a political monster. The political virtue of every man in Congress was measured by the number of times he happened to escape voting the same way as these blackened individuals on any question or any amendment. If he voted half of the time the same as the chairman of the Committee on Finance of the Senate he was half as bad, no matter what the proposition might be. The question of the right or the wrong of it was wholly immaterial. If he never voted once the same way he was a patriot and pure. Courage of conviction was a sin and craven fear a virtue. And no explanation of a vote, no question of its propriety, was discussed or considered. The atmosphere was systematically and persistently poisoned, and when the fever was high argument was not demanded; it was enough to charge that some one voted with the "interests." How, where, or in what way, or to what extent his vote affected any interest was carefully concealed. It was a wonderful opportunity for those who love gallery play. Men in Congress and out of Congress reveled in the press applause and notoriety. Natural conservatism lost her balance and everything in the tariff measure was condemned. That we needed money to run the Government was lost sight of, and a wave of free-tradism that would have destroyed every vestige of protection and left the Government without revenue swept over the country.

Each section, while holding fast to the protection awarded its particular wares, was anxious to destroy protection on the products of every other section. Connecticut, Massachusetts, and New Jersey demanded that no duty should be levied on foodstuffs and condemned their Representatives because they had permitted a duty on them. Wisconsin, Minnesota, Iowa, and the Dakotas demanded that the protection should be lifted from all manufactured goods and condemned any one of their Representatives who had consented to any duty upon them.

Under these conditions men of the Middle West were destroyed because they allowed protection on fabrics and thereby increased the cost of living. The men of the East were destroyed because they allowed protection on food products and thereby increased the cost of living.

Out of this turmoil a new political creed was born, and the hero of each locality was he who cried, "Protection on everything that we produce and free trade on everything the rest of the country produces." This is the Fossism of the present day.

I knew to what end all this madness tended. I knew that when the public frenzy should begin to crystallize into hostile and punitive legislation the farmer, whose forces were disorganized, would be the first victim of the very mob whose numbers he had helped to swell, and to whose clamorous cries he had added his own voice. But he, too, had been poisoned with a virus with which the political atmosphere had been impregnated, and in too many instances he, like all the others, turned against those who had labored for his benefit and either destroyed them or punished them with greatly diminished majorities.

What mattered it that the Representatives of Ohio fought day and night to protect the sheep growers and woolgrowers of Ohio; to protect their dairies, their poultry, their farm and garden products? They were marked for destruction. What mattered it that the Senators from Wyoming and Montana, the great cattle and sheep sections of the country, fought valiantly for months to defend the cattle and hide schedule, the wool and the sheep schedule? The appreciation of their efforts by their farmer constituencies was shown by lessened votes or Democratic legislatures which should displace them in the Senate.

This was equally true of the appreciation of those who defended the barley, rye, wheat, flax, and every other farm product. It mattered little what their Representative or Senator had done to care for the interest of the State he represented. It was on record that he had several times been caught voting the same way as the chairman of the Committee on Finance had voted, and all of the magazines and all of the great press declared that that was conclusive evidence of treason.

And upon such specious argument as this many an earnest and honest man who had rather be right all of the time than be popular some of the time went down to political death.

Do Senators remember when we had before us the tariff bill as it came over from the House of Representatives that through the influence of the brewers the duty on barley had been reduced 5 cents a bushel? I had the old rate put back again in the Senate. Good Republicans, who had defended the interest of barley raisers in Indiana and Ohio, when they returned to their constituencies, filled with pride for their part in defending the interest of the farmer against the brewer, had to dodge the beer bottles of the brewer coming at them from one direction and the barley fork of the farmer coming at them from the other direction. Benefits were lost sight of. There seemed to be but one impulse—destroy the party and destroy any man who stood for protection on any article.

In this state of the public mind it was impossible to get a fair hearing. Of what avail was it to say to these farmer constituencies that the mob spirit which was created by the press would by the very same press turn its wrath against them.

Let me ask the farming population of the whole country at this time: What proportion of the great press and the magazines is defending your interest? Not a single one of them.

There is an old saying that "Whom the gods wish to destroy they first make mad," and the gods of yellow journalism first made mad our farming constituencies and now are proceeding to complete the adage by destroying them.

Mr. President, this spirit of hostility against everything, which was given strength and impetus by Members of this Congress, has now got beyond the control of those Members. The fire which was fanned into a flame on this floor has become a conflagration, and those whose breath brought it into existence are now forced to fight fire.

We need not censure the President for bringing this treaty before Congress. He did not originate this reciprocal scheme. It was the sequence of all this hostility, and has the universal support of the press. You farmers by your vote at the primaries last year and by your vote last fall said you did not have much use for the Representatives who defended your interests in the tariff legislation, and that meant that you did not care whether you were protected or not.

And the moment your attitude was so manifested, the great press of the whole country said, "Well, take it away from them, quick." And with the whole press of the country calling for Canadian reciprocity, and your own vote negativing your interest in the matter, what was left for the President to do but to make the agreement and to put it up to the representatives of the country?

Mr. President, the farmers of my own State stood squarely for the protective principle. Only a few were stampeded by the press attack on the tariff measure, and in the resolutions from the State legislature opposing this agreement they emphasize their belief in that doctrine, but equitably applied to all our products. Is it any wonder that the President believes in the universal popularity of this measure, when every magazine and every one of the great papers are supporting it so forcefully?

Ah, Mr. President, we had a hearing here the other day and there appeared farmers from the State of Massachusetts who were worked up to a high state of excitement over this matter, who, with tears in their eyes and their voices trembling with emotion, asked the committee to save them from the dire calamity that was to befall them by reason of this reciprocity agreement. What right had those men from the State of Massachusetts to complain? What part had they played in formulating this measure and in bringing it before Congress? Why, Mr. President, if you will go back only four months, you will find that those same farmers in the State of Massachusetts supported and elected by an overwhelming majority a governor whose only creed was free food and Canadian reciprocity. What right have those people to come here now and lay the blame on the President for bringing forward a measure for free food and Canadian reciprocity? The President took them at their word, that is all, and brought this matter before Congress; and I think if it would stay long enough the President himself would be satisfied that the great majority of the farming element and all of that element near the Canadian border are solidly against the proposed agreement, notwithstanding the fact that the residents of the cities and the press are in its favor.

But, Mr. President, that is not all. Here is the venerable Senator from Maine [Mr. HALE]. If I have ever had any complaint to make against him during the time I have known him, it has been because of his unceasing toil in looking after the

interests of the State that he represents, so much so that I sometimes thought he forgot about the other States; but the farmers from that State, after having sent to the next Congress by their own votes a man who believes, or must believe if he follows the tenets of his own party, in free trade in farm products, come to us to-day and complain that we are giving them what they voted for and they criticize the President because he has listened to their voice upon that subject.

But, Mr. President, I do not believe in retributive punishment, certainly not for the mild offense of being misled by the press and magazines of the country. And so I am going to take the unpopular side again and to the best of my ability defend the interests of the farmers of this country against the press of the country. I prefer to take what I know to be the right course rather than the easy one, that of floating with the current.

Mr. President, since the beginning of history there never has been a time when the tillers of the soil have occupied a plane of financial or social equality with the artisan or the trader. Through the toiling, dreary ages, through the lagging centuries, patiently, heroically, has the tiller of the soil suffered the condition of serfdom. Since the day of creation upon his shoulders has been laid the whole burden of the world. His strong hands have produced the wealth that others might live in luxury. He has partaken only of the coarsest of the fruits which his children's toil have lured from the earth. If by his great strength he has raised himself, Atlas-like, he has raised the world with him. Still upon his shoulders rests its ponderous weight; still he feeds and clothes not only the vast army of the idlers of the earth, the drones of this artificial society of ours, but also the vaster hordes that wait upon them. I want to place him upon a position of equality with the dwellers of the cities if it is possible for me to do so.

Answering appeals to war, he has beaten his plowshare into a sword, conquered, and returned again to his lowly sphere, cheerfully dividing his toil-earned store with him whose delicate hands could not be darkened with the touch of soil.

His world has ever been a world of chance, and his life a continued war of defense against every form of nature's destructive agencies. The tares, the wild oats, the mustard, the cactus, the French weed, the thistle, infest his lands with a tenacity worthy of a holier cause. The demon of disease hovers over his stock and his poultry, and the rust and the chinch bug are ever alert for favorable breeding weather. The cutworm attacks his vegetables in the garden and the cutthroats attack his grain in the elevator. The wheat ring combines against his grain, the Beef Trust against his cattle.

But despite all of these enemies he has, with courage invincible, labored to reach that goal toward which the star of protection has been guiding him—toward that new day when consumption should overtake production and he could meet every other industry in the country on a plane of equality. And when the morn of that day begins to dawn and its first streaks of light herald this glorious day so long foretold by the prophets of protection, he suddenly finds every other industry in the country up in arms against him, determined to bind him to his old, enthralled, unjust, and subservient condition for another century.

Mr. President, the dome of this Capitol looks benignly down upon the great Center Market of the city. The same rising sun that gilds its towers finds the wives and daughters of farmers who have driven miles through the darkness with their vegetables, their eggs, or butter, that they may be ready with their wares to greet the early shoppers; and there they stand in their frayed and faded ginghams, in sun or in shower, disposing of the fruits of their labors. Here is a little girl 14 or 16 years of age, wearing away her young life, while your daughters are embellishing theirs with the priceless gift of education. Here is a little boy remaining home during the hot, sultry days, knowing no recreation, producing the vegetables and fruits for mother and sister to sell, while yours are running their autos, their sailboats, or their yachts.

Here are the farmers in the near vicinity of the city of Washington, knowing no vacation, summer or winter, while half the population of this city is off touring Europe or fishing in the summer and growing fat on lean Congressmen during the winter, and begrudging this farmer's wife the little sum of 5 cents for three bunches of celery.

Mr. President, I am awakened every morning at half past 4, winter and summer, by the clatter of the slow and tired horse of the farmer that has traveled 6 miles to bring in the milk and have it ready to deliver for breakfast. And when I think of the work—the good wife getting up at 2 or 3 o'clock in the morning, the son going out to milk the cows to have the fresh milk ready for such early delivery—and when I think of the hardships of that life the greatest regret that is in my heart is that I do not have to pay three times as much for milk as I do. I could stand it and so could the rest of the world stand it if they would cut off a few of the luxuries of life in which they are indulging, because the price paid the farmer is only a very small measure of the cost of living.

Mr. President, the foundation and the excuse for this reciprocity agreement is that our food may cost us less and the poor laborers of the cities be benefited thereby.

Let us look at this feature a moment.

Are you to benefit the laborers of the country by injuring the farmer? I have given a few instances showing that upon the principal products of the farm—upon the principal items that go upon the laborer's table—the protection which the farmer receives will not and can not add to the cost of his living. It will help out the middleman to some extent.

The laborer in the great cities is not suffering because of the price that he pays for his food products. What he is suffering from is the excessive and unreasonable price he must pay for rent or for a place to build a home. And this condition is due to the very thing which is accentuated by this bill by increasing city profits and decreasing country profits—by sacrificing the country for the benefit of the city.

This leads me directly to another proposition, upon which I was questioned by the Senator from South Carolina. It leads directly to the consideration of another most important feature bearing upon the high cost of living—that of the improper and unequal distribution of wealth as between city and country. I reiterate again that since the very beginning of history the tillers of the soil have always had to pay tribute to the dwellers of the city, until the value of city property has so enormously increased, out of proportion to the value of all other property, that it becomes a mighty burden upon both the poorer class in the cities and in the country; to those excessive values both the laborer and the farmer pay tribute. Let me illustrate: Here is a quarter of a block, we will say, in the city of New York, a little piece of God's earth, just big enough for a modest home and room to walk around it. Its market price, we will say, is $5,000,000. The interest on the investment in the land for a place to do business would be, say, $300,000 a year. Some one must pay that $300,000. Some one must pay the rent charges for the structure built upon this foundation of gold. If it is goods that are to be sold or stored, there must be added to their value, or their storage above the price of handling, the $300,000 of interest on the land alone. The public pays for this in the enhanced value of everything it buys. That and the higher price of the city labor which handles food or other products is why they sell from 200 to 1,000 per cent more than the raw product costs.

How may this unequal distribution of wealth be remedied? It is not to be remedied by revolution. It ought not to be remedied by taxing incomes and taxing property until you tax them to death. There is a much better and a more statesmanlike way of dealing with that proposition.

Mr. President, unequal distribution of wealth comes from unequal remuneration for labor employed. It is because of the higher prices paid for city labor over the prices paid for country labor, paid to the farmer, and greater return upon investment in the cities, that enables the accumulation of such vast wealth in the city, engenders the speculative spirit in purchasing and holding vast tracts of land to meet the growth of the city, increasing with every incoming wave of growth or expansion, and laying tribute upon the labor of the city, either directly or indirectly, to sustain these high prices.

I think to-day the bricklayer in the city of New York, Philadelphia, Chicago, or Washington will receive at least 40 cents an hour for his labor. His labor is certainly no more intelligent than that of the farmer.

It does not require as much skill, as much brains, to lay a brick wall, with a plumb line, a square, and a level, as it does to build a hay stack or a wheat stack that will shed water and at the same time will not tip over, and I leave that to the Senator from Minnesota [Mr. NELSON] for corroboration.

If we allowed 40 cents an hour for farmer's wages, if we allowed as much to the farm wife as we allow to the seamstress or the cook, if we allowed as much to the farm boy as we allow for the clerk in the store, there is not a farmer in the United States who would not find himself absolutely bankrupt in a single year.

I have made an estimate of about what would be received from a farm of 640 acres of land in my State in an average year, with land, say, worth $50 an acre, estimating the farmer's

labor and that of his family at only about half the wages of the artisan and those engaged in the ordinary city trades.

I am going to ask that the table be printed in the RECORD.

Mr. NELSON. Mr. President——

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Minnesota?

Mr. McCUMBER. Yes.

Mr. NELSON. Does the Senator take into account that the farmers have to put in from 16 to 18 hours a day. We can not resort to the eight-hour law on the farm.

Mr. McCUMBER. And that is not all. You farmers have to work away two-thirds of your working life before you become the owners of the land in which your capital is invested. Here is the cost of producing wheat on a farm in my county, 640 acres, allowing about half as much for the farmer and his wife as would be allowed a bricklayer or colored cook.

Cost of production of wheat on a farm of 640 acres in North Dakota.

VALUE OF FARM, MACHINERY, AND HORSES.

Cost of farm, 640 acres, at $50 per acre		$32,000.00
Cost of farm implements		1,616.00
Farm horses		2,400.00
Total investment		36,016.00

EXPENSES.

Seed grain, labor	$5,831.00	
Interest on investment at 6 per cent on investment	2,160.96	
Taxes and depreciation in value of implements and horses	460.08	
Total expenses		8,452.04

PROCEEDS.

8,320 bushels of wheat, at 90 cents per bushel	7,488.00
Loss to farmer	964.04

In this I make no allowance for a loss of crop. I think it may be estimated that, taking out partial losses and otherwise by hail and everything else, we can figure that about one crop in ten is lost to the farmer.

The only reason that the farmer is not running behind is that he makes no charge in his account for interest on investment; that he and his family receive for their work only board and cheap clothes, and that he spends almost nothing except for the bare necessities of life.

Another thing, Mr. President, bearing upon this investment: I made a careful investigation and I find that the lands in my State are worth on an average 25 per cent more per acre than those on the Canadian side in the near vicinity, and if we get farther from the well-settled portion, land is worth four or five times as much as it is on the Canadian side; and remember, also, in estimating our profits we must take our capital employed and balance it against half as much capital employed in Canada. We must also take into consideration the higher prices that we must pay for everything that we buy and balance that with the lower prices in Canada.

There is not a farmer in the country that would not be running behind if he allowed himself the wages that are allowed the ordinary city laborer. It is only because of his rigid economy, denying himself every luxury and probably the majority of the comforts of life, that he is able to exist at all.

But you say that he lives better than the average laborer in the city. Nothing is more untrue than this. That he has a home to sleep in, and that he will always have food to eat; that neither starvation nor lack of shelter can ever face him; that he will always have clothes to wear, whether the rest of the world do or not, is true. The meat of his cattle will furnish him food, and, if need be, the hides will clothe him.

But he has none of the leisure, none of the hours of recreation or amusement that the laborer has in the city. Go down here in the month of June and watch the laborers at work on your public buildings, when the hour of 4 o'clock in the afternoon has arrived and the sun is high in the heavens will not the hammers fall from the hands of the workmen with a nail half driven; will not the mortar dry in the already hoisted hod? Will the laborer not be on his way to his home before you hear the last chime of the stroke of 4? But the farmer, with the great beads of perspiration running down his sunburned cheeks, will have four hours of labor and two hours to do chores in after that before his day is completed.

I know the laborers in the city among the lowest class live rather meagerly. It is not because of lack of earning capacity, but excessive spending capacity. It is not because of the cost of the farmer's product, the necessities of life, but because of the cost of the unnecessaries of life.

Here is a table, Mr. President, I will ask to insert, which will explain this proposition:

Amounts paid during the year 1909 for—	
Wines, liquors, etc	$1,750,000,000
Meats	1,500,000,000
Tobacco	800,000,000
Lumber	685,000,000
Cotton goods	650,000,000
Woolens and worsted goods	460,000,000
Boots and shoes	435,000,000
Flour	435,000,000
Potatoes	205,000,000

Let me analyze it. I want the Senators who claim that these laborers benefit and that the farmer is getting too much to listen to this. In the year 1909 the American people paid for wines and liquors and beers $1,750,000,000, and they paid for flour $435,000,000, or more than four times as much for liquors as for their bread; and yet some of the consumers complain of us. The brewer wants cheaper barley and wants the farmer to produce it for him for less compensation.

I find also that the laborers and the rest of the American people spent $205,000,000 for potatoes in 1909 and they spent $800,000,000 for tobacco, or nearly $4 for tobacco to $1 for potatoes.

I find that they spent for boots and shoes only four hundred and thirty-five millions, and that they spent billions for the unnecessaries of life. I wish I also had a record of the hundreds of millions of dollars that are expended for theaters, football, baseball, horse racing, and other expenses for amusements that we might comprehend to what extent our extravagances constitute the cost of living.

Mr. President, let the laborer of the city practice only one-quarter of the thrift, of the economy, of the farmer and he will never need to complain of the price of farm products. Let us increase the wealth of the country and more nearly equalize the remuneration received by the dwellers of both city and country. We will thereby add to the comforts of the country and take away some of the useless extravagances of the city and benefit both alike.

But you say the boys are leaving the farms. Yes; they are leaving the farms, and, as I stated before, they are leaving the farms not because the city life is more attractive, but because it is more valuable in every line of business. Men go from here to Alaska and stay there in the cold of winter for years in order to secure wealth, but not for immediate comfort or pleasure. It is for money. Give the farmer the money to get his luxuries and his comforts and he will stay home on the farm. That is the whole secret of the boys leaving the farm. And I want to keep the farmer boys on the farm. I want to take some of your surplus meat men that are trying to make a living in the cities selling 100 pounds of meat a day and put them back on the farm and make them good producers. For when you do that there will not be so many meat men to whom you will have to pay a profit and your meat will become cheaper without injury to the farmer.

Mr. President, I do not know that the farmer is any more honest than any other man. I never have given him credit for that. I believe that honesty is something that is learned at the mother's knee, and once instilled into the heart of a boy it will ever remain there. But at the same time I do believe that there is something in living and in performing our labors between the green earth and the azure skies, fanned by the breezes and kissed by the sunshine—something that tends to give character, something that tends to give broadness of vision, something that tends to give honesty of purpose, something that tends to make men more patriotic, something that tends to make them more law-abiding. And I want to say to Senators that the fungus of anarchy never yet had its growth in a purely agricultural section of the country.

Mr. President, there are too many in the cities. We will never get them out of the city until we make farming life more profitable than it is to-day.

If you will drive along one of the great avenues in this city for a distance of about seven blocks, passing through two or our beautiful circles, you will find it a street of palatial magnificence. And if you make inquiry you will find that practically all of these homes are occupied not to exceed three months in a year. Think of the backs that have bended low to produce these useless monuments of extravagance and ostentatious social rivalry. Think of the wasted human energy that has been expended by the many for the pleasure of the few. Think of the thousands upon thousands who have had to be supported, clothed, and fed while all their energies are being expended for that which is worse than useless. Some one pays for this. It is not the nonproducer. Other labor must clothe and feed the laborers, whose energies are thus wasted.

I am preaching no socialistic doctrine when I declare that this unequal, artificial, and wasteful social status of to-day can

not and will not continue, that the country must and will have its share of the wealth of the Nation. There can be no grain of comfort in this assertion to the advocates of socialism or paternalism. Any man who is possessed of sufficient reasoning power to understand the simplest mathematical problem knows that all human advancement must ever rest upon individual industry and that individual industry is never a matter of choice, but of necessity, that human nature needs both the halter and the whip, without both of which degeneracy must inevitably follow. We need ever before us the Goddess of Ambition, with her star of hope to lure us on, and ever behind us the God of Necessity, to accelerate our lagging zeal. The evils of the unequal and wrongful present social status are infinitesimal when compared with the degenerating evils of socialism. But this must be brought about, Mr. President, by increasing the value of the farm, bringing the wealth, there is only so much of it in existence, bringing the energy, only so much of it can be expended, away from the city and developing the country until it is on an equal footing with the city.

Let me, however, Mr. President, give one note of warning to those Senators who represent the great cities, with their enormous wealth, with their palatial homes, with their costly edifices, their galleries of art, their great libraries—all made possible because of the advantage of city over country earning capacity. Let me say to those who represent the great manufacturing industries, with their millions of dependent laborers, that this protective structure of America which has enabled them to prosper and develop during the last 40 years must either stand as a whole or fall as a whole.

I warn them to remember that it is they who strike the first blow to undermine not a mere sectional but a national edifice; that it is they who have declared the war. It is they who have sown the winds, and it will be they who shall reap the whirlwind.

And I think it is not out of place here to suggest to them that every great conflict is not determined in favor of him who strikes the first blow, but in favor of him who is able to strike the last blow. By this treaty you strike the great cereal and stock interests of the Northwestern States a staggering blow, but they will arise and return that blow with interest.

In every great war it is not the first battle that counts. It was not the glorious victory of Austerlitz that settled the destinies of Europe; it was the tragic Battle of Waterloo. It was not Bull Run that determined the fate of the Confederacy; it was Gettysburg. It will not be the advantage gained to the manufacturing interest by Canadian reciprocity that will settle the great fundamental protection policy of the country; it will be the swift stroke of retributive justice that will follow.

Heretofore I have had some doubts about the feasibility and even the propriety of taking up the tariff proposition schedule by schedule or subject by subject. When this Canadian compact becomes the law, every doubt will have vanished. By it we are taking up the proposition schedule by schedule. The first schedule is the agricultural, and against it is combined every other interest in the country, and every article is placed on the free list. But take up the tariff schedule by schedule and in schedule after schedule the protective idea will be crushed to death by the determined votes of the representatives of the outraged farming population of this country.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had passed the bill (S. 10849) to authorize the city of Shreveport to construct a bridge across Red River.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 23015. An act to protect the dignity and honor of the uniform of the United States; and

H. R. 24153. An act for the relief of John Marshall.

The message further announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 31856) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1912, and for other purposes; asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GARDNER of Michigan, Mr. TAYLOR of Ohio, and Mr. BURLESON managers at the conference on part of the House.

The message also announced that the House insists upon its amendments to the bill (S. 10177) to authorize additional aids to navigation in the Lighthouse Establishment, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. MANN, Mr. STEVENS of Minnesota, and Mr. ADAMSON managers at the conference on part of the House.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GALLINGER. I ask the Chair to lay before the Senate the action of the House of Representatives on the District of Columbia appropriation bill.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 31856) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1912, and for other purposes, and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate agree to the further conference asked by the House of Representatives, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. GALLINGER, Mr. CURTIS, and Mr. TILLMAN conferees on the part of the Senate.

SENATOR FROM ILLINOIS.

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, which will be announced.

The Secretary read Senate resolution 315, submitted by Mr. BEVERIDGE on January 9, 1911, as follows:

Resolved, That WILLIAM LORIMER was not duly and legally elected to a seat in the Senate of the United States by the Legislature of the State of Illinois.

Mr. STONE. Mr. President, I had intended to address the Senate to-day on this resolution and had made preparation with that view. The Senator from North Dakota has occupied several hours in the very interesting speech he has made. It is now more than half past 3, with a special order set for 5 o'clock. I am not seeking to delay the consideration of this resolution or coming to a vote upon it; I am willing to contribute what I can to that end; but I do not care, under the circumstances, to address the Senate this evening.

I would like to ask the Senator from Michigan, if no other Senator is ready to proceed this afternoon on this resolution, if he would not consent to let it go over until Monday, so that I might begin, by the unanimous consent of the Senate, immediately after the reading of the Journal on Monday morning. I could then come near to the conclusion of my remarks by 2 o'clock, so near, indeed, that I am sure I could appeal to the courtesy of my friend from Georgia [Mr. BACON] for a few minutes after 2 o'clock, but of course not to interfere with the notice he has given.

Mr. BURROWS. I could not understand the request of the Senator.

Mr. STONE. My request was that the Senator from Michigan, unless some other Senator is ready to proceed now to occupy the remainder of the time until 5 o'clock in discussing the Lorimer resolution, would consent that it be laid aside temporarily, to be taken up Monday morning immediately after the reading of the Journal, that I might then conclude what I have to say, so as not to interfere with the Senator from Georgia.

Mr. PENROSE. Mr. President, I simply desire to remind the Senate that I have given notice I would like to ask the Senate to proceed to the consideration of the Post Office appropriation bill Monday morning. I take it we will all have to inconvenience ourselves considerably during the next week in order to get through with the business of the Senate, and unless an agreement can be reached to vote on the Lorimer case I think we ought to proceed with it. Others of us have rights here and conveniences to be consulted.

Mr. BURROWS. I will inquire of the Senator from South Dakota [Mr. CRAWFORD] if he is not prepared to occupy some time this afternoon.

Mr. CRAWFORD. Mr. President, I had not expected to take up very much of the time of the Senate in what I have to say, not more, I think, than 15 minutes. I can do that this afternoon if it seems necessary, although the time occupied by me will be so brief it is hardly a material element in determining this question. I have not been feeling very well to-day, and as a matter of personal preference I would rather not take the matter up, but I will do so if it seems to be necessary under all the circumstances.

Mr. STONE. I had supposed that the Senator from Wyoming [Mr. WARREN] was ready perhaps to proceed with the consideration of the Agricultural appropriation bill.

Mr. PENROSE. Let us fix a time to vote. That will settle the question.

Mr. STONE. I have no objection to that, but other Senators might interpose an objection.

Mr. BURROWS. I presume there will be no objection to fixing a time to vote on the matter, and that might relieve the situation somewhat. I therefore ask unanimous consent that a vote may be taken next Wednesday before adjournment.

The VICE PRESIDENT. The Senator from Michigan asks unanimous consent that on Wednesday next, before adjournment, a vote be taken upon Senate resolution 315. Is there objection?

Mr. OWEN. Mr. President, I recall the attention of the Senate and of the Senator from Michigan to the suggestion made by the Senator from Wisconsin [Mr. LA FOLLETTE] that he desired to present some views with regard to this matter, and that he did not feel willing to give consent at this time. For that reason I feel that in his absence I am justified in objecting.

The VICE PRESIDENT. The Senator from Oklahoma objects.

Mr. STONE. Let me inquire of the Senator from Oklahoma if he would object to fixing a later day in the week for taking the vote.

Mr. OWEN. I was simply giving voice to the expression of the Senator from Wisconsin, who is not present.

Mr. BURROWS. Does the Senator object?

Mr. OWEN. At this time I object.

Mr. BURROWS. Then I see no way except to proceed with this matter.

Mr. HALE. Mr. President——

The VICE PRESIDENT. Does the Senator from Michigan yield to the Senator from Maine?

Mr. BURROWS. Certainly.

APPROPRIATION BILLS.

Mr. HALE, from the Committee on Appropriations, to which was referred the bill (H. R. 32866) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1912, reported it with amendments and submitted a report (No. 1244) thereon.

Mr. PERKINS, from the Committee on Appropriations, to which was referred the bill (H. R. 32865) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, reported it with amendments and submitted a report (No. 1245) thereon.

Mr. HALE. I give notice that at as early a time as possible next week the Committee on Appropriations will call up these two bills for consideration.

The VICE PRESIDENT. The bills will be placed on the calendar.

SENATOR FROM ILLINOIS.

Mr. WARREN. I ask the Senate to take up House bill 31596, the agricultural appropriation bill.

Mr. OVERMAN. Will the Senator yield to me a moment?

Mr. WARREN. I ask the Senator to wait until I get the bill up.

The VICE PRESIDENT. Does the Senator from Wyoming request that the unfinished business be temporarily laid aside?

Mr. NELSON. I request that the unfinished business be temporarily laid aside.

Mr. WARREN. I had assumed that that matter had been arranged; but the Senator from Michigan is here and can tell us whether he wishes to proceed with the resolution.

Mr. BURROWS. I am exceedingly anxious, as I am sure the Senate must be, to proceed with and close this matter. May I ask the Senator from Oklahoma whether he will consent to a vote on Thursday at 5 o'clock?

Mr. OWEN. I have already advised the Senator from Michigan that I was merely giving voice to the expressed wish of the Senator from Wisconsin, who is not here. He did not feel at that time yesterday afternoon that he was prepared at this time to agree upon a fixed time for the vote.

Mr. BURROWS. That would leave four days for debate next week.

Mr. OWEN. He doubtless will be in the Chamber in a few minutes, and he can speak for himself.

Mr. BURROWS. I think we had better proceed, then, with the matter.

Mr. PENROSE. Regular order!

The VICE PRESIDENT. The question is on agreeing to the resolution. Senators in favor of the resolution will say aye.

Mr. BEVERIDGE. Mr. President——

Mr. CRAWFORD. Mr. President, I object.

The VICE PRESIDENT. An objection does not prevail.

Mr. CRAWFORD. I desire to address the Senate.

The VICE PRESIDENT. Very good. The Chair recognizes the Senator for that purpose. The Chair did not understand the Senator to ask for recognition. He thought the Senator simply objected. The Chair, of course, recognizes the Senator to discuss the resolution.

Mr. CRAWFORD. Mr. President——

Mr. STONE. If the Senator will yield to me, I move that the Senate adjourn.

The VICE PRESIDENT. Does the Senator from South Dakota yield for that purpose?

Mr. CRAWFORD. I yield to the Senator.

The VICE PRESIDENT. The Senator from South Dakota yields to the Senator from Missouri, who moves that the Senate do now adjourn. [Putting the question.] The noes appear to have it.

Mr. STONE. Upon that I ask for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. BACON. I will inquire if the junior Senator from Maine [Mr. FRYE] has voted.

The VICE PRESIDENT. He has not voted.

Mr. BACON. I am paired with that Senator, and therefore withhold my vote.

Mr. OVERMAN (after having voted in the negative). I wish to state that I am paired with the senior Senator from Washington [Mr. PILES], and therefore I withdraw my vote.

The result was announced—yeas 6, nays 70, as follows:

YEAS—6.

Bristow	Rayner	Taliaferro	Taylor
Owen	Stone		

NAYS—70.

Bailey	Crane	Gronna	Penrose
Bankhead	Crawford	Guggenheim	Percy
Beveridge	Culberson	Hale	Perkins
Bourne	Cullom	Heyburn	Richardson
Bradley	Cummins	Johnston	Root
Brandegee	Curtis	Jones	Scott
Briggs	Davis	Kean	Shively
Brown	Depew	La Follette	Smith, Mich.
Bulkeley	Dick	Lodge	Stephenson
Burkett	Dillingham	McCumber	Sutherland
Burnham	Dixon	Martin	Thornton
Burrows	du Pont	Money	Tillman
Burton	Fletcher	Nelson	Warner
Carter	Flint	Newlands	Warren
Chamberlain	Foster	Nixon	Watson
Clapp	Gallinger	Oliver	Young
Clark, Wyo.	Gamble	Page	
Clarke, Ark.	Gore	Paynter	

NOT VOTING—15.

Aldrich	Frye	Simmons	Swanson
Bacon	Lorimer	Smith, Md.	Terrell
Borah	Overman	Smith, S. C.	Wetmore
Frazier	Piles	Smoot	

So the Senate refused to adjourn.

Mr. WARREN. Assuming that the Senator from Michigan——

The VICE PRESIDENT. The Senator from South Dakota [Mr. CRAWFORD] has the floor. Does he yield to the Senator from Wyoming?

Mr. CRAWFORD. I yield to the Senator.

Mr. WARREN. If the Senator is about to proceed with a speech, I will not make the motion I was going to make.

Mr. CRAWFORD. I will yield if the Senator desires.

Mr. WARREN. I was about to move to take up the agricultural appropriation bill, but I am perfectly willing to defer that motion if the Senator wishes to proceed.

Mr. CRAWFORD. I will yield for that purpose.

Mr. STONE. If I can have a moment——

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from Missouri?

Mr. CRAWFORD. I do.

Mr. STONE. I desire to say by way of apology that when I made the motion to adjourn I did not for the moment have in mind the special order for eulogies at 5 o'clock. If I had my motion would have been to take a recess until 5 o'clock instead of moving to adjourn.

Mr. CRAWFORD. Mr. President, I prefer not to go on to-day. The remarks I expected to make will not be extended. I had requested simply that I be given an opportunity briefly to speak on this matter before it is disposed of. I have not been feeling well to-day and I would prefer not to go on now.

Mr. BURROWS. Mr. President——

Mr. CRAWFORD. But I will do it if it is necessary to be whipped into it now——

Mr. BURROWS. Mr. President——

Mr. CRAWFORD (continuing). Instead of having an opportunity to say a few words on Monday.

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from Michigan?

Mr. CRAWFORD. I do.

Mr. BURROWS. The Senator from South Dakota advised me some hours ago that he was not feeling well and would prefer not to go on to-day. In view of that and the statement he now makes, I ask unanimous consent that the unfinished business be laid aside so that the Senator from Wyoming may call up the agricultural appropriation bill.

The VICE PRESIDENT. The Senator from Michigan asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection?

Mr. BAILEY. Mr. President, I want to say that, in my judgment, no matter of higher importance is before or can come before the Senate than the question which affects the right of a Member to his seat. We are now within one week of final adjournment, and while I do not think it vital that this question shall be disposed of to-day or Monday or even the next day, I do think the Senate owes it to itself and owes it to the country to settle the question before the present Congress expires. I can not bring myself yet to believe, in spite of what seems to be evidence of a purpose to filibuster against the decision that Senators who must act as judges in this matter desire to prevent a judgment being rendered on it; but unless we can have some agreement for a vote, I shall insist on the regular order, if every appropriation bill fails. With that notice, I will not now interfere with the arrangement proposed for this particular bill.

Mr. HALE. I hope the Senator does not mean in any way to convey the idea that he believes the pressure for the consideration of the appropriation bills, which of course must be passed and under the practice of the Senate have precedence, is in any way connected with a filibuster against the Lorimer matter.

Mr. BAILEY. I do not.

Mr. HALE. It is just the reverse.

Mr. BAILEY. I do not. Mr. President, I cheerfully acquit those in charge of the appropriation bills of such a purpose, but I have simply made what I believe to be a fair statement of the situation.

Mr. STONE. Will the Senator from Texas yield to me a moment?

Mr. BAILEY. Certainly.

Mr. STONE. I wish to say that so far as I am concerned I am not engaged in any filibuster. I have said that I am entirely willing now to fix a day or an hour next week to vote upon this resolution. I have not interposed any objection to fixing a day to vote.

Mr. BAILEY. Mr. President, it was not even necessary for the Senator from Missouri to say that, because the RECORD shows just exactly what he has stated—that he consented to any reasonable time for a vote, reserving only the right to address the Senate. I had no thought of including the Senator from Missouri in the suggestion of a filibuster, and I do not make that suggestion against any Senator, because I will not merely make a suggestion when I become satisfied that a filibuster is intended, but I will declare it without using soft words.

I do not now declare that Senators are now ready to indulge in a filibuster on this question. I confidently believe that it will come to a vote, and that it will be decided before the present Congress adjourns exactly as the majority of Senators think it ought to be decided.

But I felt it was due to those in charge of the appropriation bills to give them notice that I deem it just as important, or more important, to decide this question than to pass the appropriation bills, because, notwithstanding the country may not agree with me in that respect, I am not sure an extraordinary session of Congress will be a public calamity. We have been ordered by the people of the United States to do certain things, and if they are to be done, then, in my opinion, it is well to do them with as little delay as possible. I am willing to come back to do it.

The VICE PRESIDENT. Does the Senator from Texas object to laying aside the unfinished business informally?

Mr. BAILEY. I do not.

The VICE PRESIDENT. Is there objection to laying aside the unfinished business temporarily? The Chair hears no objection and the unfinished business——

Mr. PENROSE. I should like to make an inquiry. Does that interfere with its remaining the unfinished business?

The VICE PRESIDENT. It does not. The Chair hears no objection, and the unfinished business is temporarily laid aside.

AGRICULTURAL APPROPRIATION BILL.

Mr. WARREN. I ask unanimous consent that the Senate proceed to the consideration of the agricultural appropriation bill.

The VICE PRESIDENT. The Senator from Wyoming asks unanimous consent that the Senate proceed to the consideration of the agricultural appropriation bill. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 31596) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1912, which had been reported from the Committee on Agriculture and Forestry with amendments.

Mr. WARREN. I ask unanimous consent that the formal reading of the bill be dispensed with and that the bill be read for amendment, the committee amendments to be first considered.

The VICE PRESIDENT. Is there objection to the request of the Senator from Wyoming? The Chair hears none, and it is so ordered.

Mr. WARREN. I should now like to have read a statement, which I send to the Secretary's desk.

The VICE PRESIDENT. Without objection, the Secretary will read the statement which the Senator from Wyoming sends to the desk.

The Secretary read as follows:

AGRICULTURAL APPROPRIATION BILL.

Official estimate for fiscal year 1912		$16,012,066
Amount carried by the Senate bill	$16,980,196	
Amount carried by House bill	16,723,511	
Actual increase of the Senate bill over House bill		256,685
Estimate for the fiscal year 1911		13,367,136
House bill carried last year		13,330,276
Senate bill carried last year		13,512,636
Net increase in appropriation over last year		3,492,560
This bill carries for Forestry Service		6,523,100
(This does not include amount in Appalachian Forest bill, ten or eleven million dollars.)		
Amounts carried in this bill for appropriations under the Hatch and Adams Acts		1,440,000
Amount carried in other bills for aid of agricultural colleges, under Morrill Acts, for fiscal year 1912		2,500,000

The Secretary proceeded to read the bill.

The first amendment of the Committee on Agriculture and Forestry was, under the head of "Department of Agriculture," on page 2, line 2, before the word "dollars," to strike out "four thousand five hundred" and insert "five thousand," so as to read:

Salaries, office of the Secretary of Agriculture: Secretary of Agriculture, $12,000; Assistant Secretary of Agriculture, $5,000; solicitor, $5,000; chief clerk, $2,500, and $500 additional as custodian of buildings.

The amendment was agreed to.

The next amendment was, in the item for salaries in the office of the Secretary of Agriculture, on page 2, line 21, before the word "hundred," to strike out "four" and insert "six," and on page 3, line 4, before the word "hundred," to strike out "six" and insert "eight," so as to read:

One telegraph and telephone operator, $1,600; 2 clerks, class 4; 6 clerks, class 3; 10 clerks, class 2; 18 clerks, class 1; 8 clerks, at $1,000 each; 5 clerks, at $900 each; 10 clerks, messengers, or laborers, at $840 each; 16 clerks, assistant messengers, or laborers, at $720 each; 1 chief engineer, who shall be captain of the watch, $1,800.

The amendment was agreed to.

The next amendment was, on page 4, line 12, to increase the total appropriation for the maintenance of the office of the Secretary of Agriculture from $275,550 to $276,450.

The amendment was agreed to.

The next amendment was, under the head of "Weather Bureau," on page 6, line 11, before the word "preservation," to strike out "and," and in line 12, before the word "of," where it occurs the first time, to insert "and improvement," so as to make the clause read:

Contingent expenses, Weather Bureau: For fuel, lights, repairs, and other expenses for the care, preservation, and improvement of the public buildings and grounds of the Weather Bureau in the city of Washington; for stationery and blank books, furniture and repairs to same, and freight and express charges; for subsistence, care, and purchase of horses and vehicles, and repairs of harness, for official purposes only; for advertising, dry goods, twine, mats, oils, paints, glass, lumber, hardware, ice, washing towels, and other miscellaneous supplies and expenses not otherwise provided for in the city of Washington, $25,000.

The amendment was agreed to.

The Secretary continued the reading of the bill to the end of line 7, on page 7.

Mr. HALE. Mr. President, before passing from the part of the bill relating to the Weather Bureau and meteorological matters, I wish the Senator in charge of the bill would inform the Senate what is the scope of the bill relating to the Weather Bureau. A Senator at my right suggests there is nothing that we can do to control the weather, which is undoubtedly true, but if we have

aa expensive bureau, whose business it is to prognosticate, it ought once in a while to make a lucky guess as to the weather. All know that this winter the predictions of the Weather Bureau have been the laughingstock of everybody. With the exception of certain phrases about winds along certain coasts being fresh and southerly and southeasterly and westerly and northwesterly, the guesses that the bureau has made have pretty much all been wrong. It is not simply a matter of joke. It is unfortunately the case that there are many credulous persons who take stock in the guesses of the Weather Bureau, as a great many credulous persons read predictions and statements in newspapers, which are taken back the next day. Of course we all understand that when the newspapers say that such and such a thing is going to be done to-day, and to-morrow they say it is not going to be done, the newspapers depend upon the forgetfulness of the public; that to-morrow the public will not remember what has been said to-day. But the Weather Bureau, Mr. President, ought not to be conducted on that basis. We are spending a great deal of money, and we are spending it upon a service that ought to be of use—of use to many interests in the country, of use to shippers and shipping, to manufacturers, to the different trades, and to a great many things that enter into the general business of the country. The Weather Bureau ought not to go upon the theory when it predicts to-day, and to-morrow that prediction is found to be absurd, that the country will forget it and forgive it.

The fact that the Weather Bureau seems to have no actual knowledge upon which it can base any prediction is a very calamitous fact. It is calamitous because, as I have said, it involves real and important interests, and I wish the Senator would tell us—not that I suppose he could put into an appropriation bill a provision that will give any man the power of unerring guesswork—but I wish he would tell us whether his committee, in considering this subject and perhaps in dealing with the Weather Bureau, had representatives of that bureau before it; and if so, what the bureau said in reference to this condition and to the estimate that the public has gained, especially this winter, of its not only apparent uselessness but perhaps of its harmfulness. Will the Senator tell us what the Weather Bureau propounded to the Committee on Agriculture as the basis of this guesswork?

Mr. WARREN. Mr. President, the Weather Bureau has grown in size, expense, and usefulness, like other branches of the Government. Not many years ago it was a sort of side issue in the War Department, under the charge of an officer of the Army; but upon representations of the shipping interests of the country, the agricultural interests, and others, it was enlarged and finally made of general application and carried to the Department of Agriculture. I have to submit, and admit without hesitation, that there must be in this service more or less guesswork or miscalculation.

While I have not had my attention called particularly to the fallibility of the service this winter, I have only to compare it with the guesses of what may be going on in the human mind as to what may happen from time to time and what has happened. From some time last summer along through November and up to the present time a great many guesses have gone wild. I do the service the justice——

Mr. BAILEY. Does the Senator think that the weather could change its mind like folks?

Mr. WARREN. Not as rapidly, but sometimes it gets just as variable as do the people.

Mr. BAILEY. You see the things that happened during the time to which the Senator has referred came about through a change of mind.

Mr. WARREN. Which the weather sometimes affects.

Mr. BAILEY. Very greatly affects.

Mr. WARREN. Undoubtedly when the mind is "sou'-sou'-east" and a man has not yet had his coffee and he meets a disagreeable party on the street, he is not as affable as he is later in the day when the wind has changed to south and his bodily wants have been properly cared for.

Mr. BAILEY. I submit that the Senator from Maine ought to be entirely satisfied with that explanation. [Laughter.]

Mr. HALE. Mr. President, I admit that that is the best explanation that the Senator can give. As he says, we have all sorts of guesswork going on about different things, but we do not pay for that guesswork.

Mr. WARREN. Excuse me, but the Government pays a very great deal for each session of the Senate, and a man who will undertake in the morning to guess what will be done during the day will generally have another guess coming.

Mr. HALE. But it is not part of the duty of a legislator to decide what is to be done during the day. He deals with things from hour to hour as they come up. But the mission of the Weather Bureau, if it is entitled to recognition and entitled to maintain itself, is quite another thing. It is to predict with some degree of accuracy what is going to happen by reason of currents and winds and all of the things that go to make up a weather condition. It is not a matter of joke; it is a matter that ought to be something more than guesswork; and I think the Senator himself must realize that.

Mr. WARREN. Mr. President, it is true that while the uncertainties of the weather furnish most of the conversation from time to time, and conveniently fill up gaps in conversation always, while predictions in regard to weather are more or less of a joke, nevertheless, joking aside, I will say that the Weather Bureau, which is now costing sixteen hundred and odd thousand dollars annually, is supported to an extent that causes a pressure, not from the bureau itself, but from different communities and different interests. I have been subjected to much pressure during all the years that I have spent upon the Committee on Agriculture—and it is the first committee to which I was assigned. This year the bureau itself is not asking for any enlargement. The head of this bureau was called before the committee to answer certain charges made by an employee, who had resigned following some difficulty. He explained the matter satisfactorily, but he did not ask for any enlargement of appropriation or extension of the bureau. The committee, however, was besought by representatives from the cotton-growing region, from the plains region of the West, and from the ocean-shipping people, who, while admitting that the prognostications are not always correct, followed with the statement——

Mr. HALE. They are rarely correct.

Mr. WARREN. That was not the testimony. I will say in all seriousness that since the first establishment in the West some thirty-odd years ago of a weather bureau station very near where I live, interests that have arisen which desire information beforehand upon the weather have found that in some seasons it will run almost without exception along the lines of the prognostications and at others there will be a miss now and then. It is considered, however, to be at least nine times right where it is one time wrong. Therefore the interests that can protect themselves by knowing in advance what the weather may be consider it a good investment on the part of the Government to maintain the Weather Bureau; at least, the Committee on Agriculture is probably pressed harder by more people to extend the Weather Bureau than it is to extend any other bureau represented in this appropriation bill.

Mr. YOUNG. Mr. President, after hearing the inquiry propounded by the Senator from Maine [Mr. HALE], which implies a doubt relative to the value of the crop and weather service, I feel like saying a word of encouragement. I personally know that the farmers of the Mississippi Valley give careful attention to the reports made by the Weather Bureau and that they are much benefited by the same. I would favor liberal appropriations for the continuance of this service. If the men in charge are found to be incompetent, somebody else better qualified should be found. The service has made wonderful scientific progress in the last 25 years, and, in my judgment, is growing more reliable. The scientific mind is busy all the time discovering new means of observation in relation to the great mysteries of the elements—the sky, the clouds, and the wind—and, as a result, the weather. These are the elements that make weather, and we ought to be thankful that we have a climate of our own that is not subject to the winds of the universe, which would add very materially to the uncertainty. But when we know that the barometer at sea can foretell a typhoon and give a vessel an opportunity to sail a thousand miles out of her way to avoid that typhoon, we ought to know that, relatively, weather observations are making progress on land. The farmer could not do without the crop and weather service, and I hope it may be continued.

The VICE PRESIDENT. The Secretary will continue the reading of the bill.

Mr. WARREN. Mr. President, before we leave that subject, I will ask to have inserted in the RECORD a letter received by a Member of the other House in regard to this service. Many similar letters have been received by members of the committee regarding the service.

The VICE PRESIDENT. Without objection, the letter will be printed in the RECORD.

The letter referred to is as follows:

NEW ORLEANS COTTON EXCHANGE,
New Orleans, November 19, 1910.

Hon. A. S. BURLESON,
Member of Congress from Texas, Washington, D. C.

DEAR SIR: You will remember that when you were in New Orleans during July last I promised to write to you in connection with that most valuable branch of the Government service to commercial and agricultural interests, the Weather Bureau.

During the last 10 years we have noted great improvements under Chief Willis L. Moore's direction, in the efficiency of the services rendered to the general public. The collection and distribution of weather data and forecasts have been systematized and improved until the value of the information can not be estimated in money terms. In the last two or three years, however, Congress seems to have adopted a policy of retrenchment in the amount of appropriations to the Weather Bureau which, if continued, will, in our opinion, seriously impair the efficiency of the service in addition to lessening its value.

With the end in view of obviating this serious setback and of increasing efficiency in the weather service we see the necessity for further extension in the interests of commerce and agriculture, and, therefore, would appreciate your services in obtaining necessary congressional action in securing sufficient appropriations enabling the bureau to continue and further enlarge its valuable field of usefulness.

We especially desire that you aid in having the daily reports from Birmingham, Ala.; Macon, Ga.; Key West, Fla.; Savannah, Ga.; Augusta, Ga.; Wilmington, N. C.; Asheville, N. C.; and El Paso, Tex., telegraphed to Weather Bureau stations in the Southern States. These formerly appeared on the daily maps, but have been discontinued, owing to the reduced appropriations.

The extension of the agricultural area in the State of Texas and especially in the western part of that State have created a want for more data relative to the weather, etc., of that section, consequently the following additional special cotton-region stations would, in our opinion, be of immeasurable value to the trade, viz: San Diego, Duval County; Clarendon, Donley County; Hondo, Medina County; Llano, Llano County; Haskell, Haskell County; Eastland, Eastland County; Snyder, Scurry County; Spur, Dickens County; El Paso, El Paso County.

Thanking you for your consideration of this request, and assuring you of our appreciation thereof, I am

Yours, very truly, E. J. GLENNY, *Vice President.*

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, on page 7, line 25, after the word "repairs," to insert "and improvements," so as to make the clause read:

For rent of offices and repairs and improvements to buildings now completed and located outside of the District of Columbia and care and preservation of grounds, including construction of sidewalks on public streets abutting Weather Bureau grounds, $97,500.

The amendment was agreed to.

The next amendment was, on page 8, line 11, before the word "hundred," to strike out "two hundred and ninety thousand seven" and insert "three hundred and fifteen thousand seven," so as to make the clause read:

For telephone rentals and for telegraphing, telephoning, and cabling reports and messages, rates to be fixed by the Secretary of Agriculture by agreements with the companies performing the service, $315,700.

The amendment was agreed to.

The next amendment was, on page 9, line 4, to increase the total appropriation for general expenses of the Weather Bureau from $1,252,780 to $1,277,780.

The amendment was agreed to.

The next amendment was, on page 9, line 6, to increase the total appropriation for the maintenance of the Weather Bureau from $1,590,950 to $1,615,950.

The amendment was agreed to.

The next amendment was, on page 9, line 12, before the word "dollars," to insert "five hundred," and in line 13, before the word "dollars," to insert "two hundred and fifty," so as to read:

Salaries, Bureau of Animal Industry: One chief of bureau, $5,000; one chief clerk, $2,500; one editor and compiler, $2,250.

The amendment was agreed to.

The next amendment was, on page 11, line 12, to increase the total appropriation for salaries, Bureau of Animal Industry, from $346,700 to $347,450.

The amendment was agreed to.

The next amendment was, on page 13, after line 15, to strike out:

The act of August 30, 1890, is hereby amended so as to authorize the Secretary of Agriculture, within his discretion, and under such joint regulations as may be prescribed by the Secretary of Agriculture and the Secretary of the Treasury, to permit the admission of tick-infested cattle from Mexico into that part of Texas below the southern cattle-quarantine line.

The amendment was agreed to.

The next amendment was, on page 15, line 23, to increase the total appropriation for the maintenance of the Bureau of Animal Industry from $1,654,000 to $1,654,750.

The amendment was agreed to.

The reading of the bill was continued to the end of line 31, on page 15.

Mr. WARREN. I ask at this point to offer the amendment I send to the desk.

The SECRETARY. On page 15, after line 21, insert the following paragraph:

For the feeding, protecting, and removal to safety of elk in the country known as Jacksons Hole and the Teton locality, in the State of Wyoming, $20,000, or as much thereof as may be necessary.

The amendment was agreed to.

Mr. WARREN. It is evident, since there is a special notice or order of a privileged nature at 5 o'clock, that we shall not be able to complete the consideration of the bill this evening. Several Senators have important matters which they wish to bring up and get into conference. I therefore ask to lay the bill aside, and I give notice that I shall call it up at the very earliest possible moment next Monday.

The VICE PRESIDENT. The Senator from Wyoming withdraws the bill from present consideration.

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. JONES. I desire to give notice that following the speech of the Senator from Georgia [Mr. BACON] on Monday I shall submit some remarks on the joint resolution providing for the election of Senators by direct vote of the people.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 31856) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1912, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 11, 20, 30, 31, 37, 38, 39, 46, 50, 59, 65, 69, 75, 78, 79, 80, 83, 84, 85, 86, 101, 104, 107, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 123, 129 134, 137, 140, 142, 143, 147, 150, 152, 159, 164, 165, 171, 172, 175, 176, 181, 187, 188, 190, 191, 196, 199, 200, 202, 203, 204, 205, 209, 213, 220, 222, 230, 231, 232, 235, 238, 239, and 240.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 7, 8, 9, 10, 12, 13, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 35, 36, 40, 41, 42, 43, 44, 45, 47, 51, 52, 53, 54, 55, 56, 57, 58, 60, 61, 62, 63, 64, 66, 67, 68, 70, 71, 72, 73, 74, 76, 77, 82, 87, 88, 91, 92, 96, 97, 98, 99, 100, 103, 108, 119, 120, 122, 124, 125, 126, 127, 128, 130, 131, 135, 138, 139, 141, 144, 146, 153, 154, 158, 162, 166, 167, 168, 169, 170, 173, 174, 177, 180, 182, 183, 184, 189, 193, 194, 197, 206, 210, 212, 214, 215, 216, 217, 221, 223, 224, 225, 226, 227, 228, 229, 233, 234, 241, 242, 243, 244, 245, 246, 247, 248, and 249, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,600"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$117,086"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "The provisions of the act approved March 15, 1898, as amended by the act approved July 7, 1898, regulating leave of absence to employees of the Federal Government, are hereby made applicable to the regular annual employees of the government of the District of Columbia, except the police and fire departments, and public-school officers, teachers, and employees"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$179,810"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "two cataloguers, at $540 each"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,940"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$123,650"; and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 89 and 90, and agree to the same with amendments as follows: Transpose said amendments and insert the same on page 33 of the bill, after line 26, amended as follows: In line 8 of amendment numbered 89 strike out the

word "seventy-five" and insert in lieu thereof the words "one hundred"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$65,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$130,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with amendments, as follows: In lieu of the sum proposed insert "$260,000," and on page 35 of the bill, in line 24, after the word "specifications," insert the following:

"*Provided further*, That whenever it shall appear to said commissioners that the work now performed under contract, namely, street sweeping and cleaning alleys and unimproved streets, can, in their judgment, be performed under their immediate direction more advantageously to the District, then, in that event, said commissioners are hereby authorized to perform any part or all of said work in such manner, and to employ all necessary personal services, and purchase and maintain such street-cleaning apparatus, horses, harness, carts, wagons, tools, and equipment as may be necessary for the purpose, and of this appropriation the sum of $40,000 is hereby made immediately available."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Interior Park: For the condemnation of land in the interior of square 534, within the limiting lines shown on approved plans in the office of the Engineer Commissioner of the District of Columbia, and for the development of the land so acquired as an interior park: *Provided*, That the said land shall be condemned by a proceeding in rem in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia within six months after the date of the passage of this act: *And provided further*, That of the amount found to be due and awarded by the jury in said condemnation proceedings as damages for and in respect of the land to be condemned, plus the cost and expense of said proceeding, not less than one-third thereof shall be assessed by the jury as benefits, $78,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$46,495"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$13,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$23,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: In lieu of the number proposed insert "forty-six"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 133, and agree to the same with an amendment as follows: In lieu of the number proposed insert "sixty"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 136, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$940,009.50"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$536,170"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$31,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$128,800"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "The Commissioners of the District of Columbia are hereby directed to make an investigation as to the necessity of installing a high-pressure fire-service system in the business section of the city of Washington, and to report the results of such investigation to Congress at its next regular session"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 155, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "*Provided*, That hereafter any inspector of dairies and dairy farms may act as inspector of live stock when directed by the health officer"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment as follows: On page 68 of the bill, in line 6, strike out the word "ten" and insert in lieu thereof the word "fifteen"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For the construction of a pound and stable, to be immediately available, $10,000: *Provided*, That the Commissioners of the District of Columbia are authorized to build said pound and stable on public space owned or controlled by said District adjacent to James Creek Canal"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 160, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,740"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Deputy financial clerk, $1,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$28,380"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 178, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,600"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 179, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert the following: "$900"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$840"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 186, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$27,015"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 192, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$34,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 195, and agree to the same with an amendment as follows: On page 84 of the bill, in line 16, strike out the words "four hundred and eighty" and insert in lieu thereof the words "six hundred"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 198, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,220"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 201, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$48,220"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 207, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "stableman, $300"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 208, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,480"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 211, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$13,930"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 218, and agree to the same with an amendment as follows: In line 22 of said amendment, after the word "workhouse," insert the following: "or in the Washington Asylum and Jail"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 219, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$48,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 236, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$80"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 237, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$80"; and the Senate agree to the same.

J. H. GALLINGER,
CHARLES CURTIS,
B. R. TILLMAN,
Managers on the part of the Senate.

WASHINGTON GARDNER,
E. L. TAYLOR, Jr.,
A. S. BURLESON,
Managers on the part of the House.

The report was agreed to.

CONSIDERATION OF THE CALENDAR.

Mr. SMOOT. I ask unanimous consent that we take up the calendar, under Rule VIII, and proceed to the consideration of bills under unanimous consent.

The VICE PRESIDENT. The Senator from Utah asks unanimous consent that we proceed to the calendar, under Rule VIII, for the consideration of such bills as shall be called up by Senators, as the Chair understands the Senator from Utah. Let the Chair understand the Senator. Not that we follow the calendar, but take up such bills as are called up by individual Senators?

Mr. SMOOT. Such as are called up by individual Senators.

The VICE PRESIDENT. Is there objection?

Mr. OVERMAN. I will say to the Senator, before that is done, I have a report I should like to make.

Mr. SMOOT. I will yield as soon as the request for unanimous consent is agreed to.

The VICE PRESIDENT. Let the Chair understand first whether that will be done. Then it will be very easy to proceed with other matters by unanimous consent. Is there objection to the request of the Senator from Utah? The Chair hears none.

Mr. GALLINGER. I ask unanimous consent for the present consideration of——

MARINE BIOLOGICAL STATION IN FLORIDA.

Mr. OVERMAN. I am directed by the Committee on Fisheries, to which was referred the bill (H. R. 10430) to authorize the establishment of a marine biological station on the Gulf coast of the State of Florida, to report it. There was a mistake made this morning. On behalf of the Senator from Florida I ask unanimous consent for its present consideration. I will say the same bill has passed the House, except that the appropriation was stricken out by the House. It passed the Senate.

The VICE PRESIDENT. The Senator from North Carolina asks unanimous consent for the present consideration of the bill indicated by him. Is there objection?

Mr. SMOOT. Let it be reported first.

The Secretary read the bill.

The VICE PRESIDENT. Is there objection? The Chair hears none.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of Commerce and Labor to establish a marine biological station on the Gulf of Mexico at a point on the coast of the State of Florida, to be selected by him, at a cost not to exceed $50,000.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOCATORS OF OIL AND GAS LANDS.

Mr. FLINT. I ask unanimous consent for the present consideration of the bill (H R. 32344) to protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States, or their successors in interest.

The Secretary read the bill.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. LODGE. This seems to me an extremely important bill. I do not profess to understand it.

Mr. FLINT. I can explain it to the Senator in a moment.

Mr. LODGE. It seems to involve the whole matter of oil and gas lands.

Mr. FLINT. The Senator from Massachusetts is entirely mistaken. It does not involve anything of the kind. It is simply to correct a decision that has been rendered in reference to oil lands. The bill is recommended by the department in that very decision, and this bill should pass. It is simply to make a correction.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment, on page 2, line 3, to strike out "entry into possession thereof covered by any withdrawal" and to insert "inception of development on or under such claim withdrawn from mineral entry," so as to make the bill read:

Be it enacted, etc., That in no case shall patent be denied to or for any lands heretofore located or claimed under the mining laws of the United States containing petroleum, mineral oil, or gas solely because of any transfer or assignment thereof or of any interest or interests therein by the original locator or locators, or any of them, to any qualified persons or person, or corporation, prior to discovery of oil or gas therein, but if such claim is in all other respects valid and regular, patent therefor, not exceeding 160 acres in any one claim, shall issue to the holder or holders thereof, as in other cases: *Provided, however*, That such lands were not at the time of inception of development on or under such claim withdrawn from mineral entry.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

RECIPROCITY WITH CANADA.

Mr. YOUNG. I wish to give notice that on Tuesday, immediately following the Senator from Oklahoma [Mr. OWEN], I desire to submit some remarks upon the proposed reciprocity contract with Canada.

CHARLES A. CASWELL.

Mr. BURNHAM. I am directed by the Committee on Claims, to which was referred the bill (H. R. 26606) for the relief of Charles A. Caswell, to report it favorably, and I submit a report (No. 1247) thereon. To it I call the attention of the Senator from Massachusetts [Mr. LODGE].

Mr. LODGE. I ask for the present consideration of the bill.

There being no objection, the Senate as in Committee of the Whole proceeded to consider the bill. It proposes to pay to Charles A. Caswell, of Chicopee, Mass., $1,056 to compensate him for the accidental death of his son, Arthur O. Caswell, killed while in the employ of the Government on the Panama Canal.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SMOOT and Mr. HALE addressed the Chair.

Mr. BAILEY. I ask unanimous consent——

Mr. HALE. Mr. President——

Mr. BAILEY. For the present consideration of the bill (H. R. 5453) for the relief of the legal representatives of M. N. Swofford, deceased.

Mr. HALE. Mr. President——

The VICE PRESIDENT. Does the Senator from Maine desire to say something about the bill last passed?

Mr. HALE. Yes.

I undertook to get the floor, as did the Senator from Utah. I wish the Senator in charge of this matter would explain it. We are paying a year's salary to the father of an employee of the Government at Panama. I wish the Senator would state what reason and what precedent there is for such a measure; and I wish Senators would bear in mind what it means when Congress starts in, because an employee of the Government anywhere, even through the fault of the Government, is injured or killed, on the practice that the Government shall pay, as I understood this provision, a year's salary. Mr. President, that opens——

Mr. LODGE. We have a general law on that subject, the workmen's compensation act, which does exactly that.

Mr. HALE. I wish the Senator would have that provision read.

Mr. LODGE. What? The workmen's compensation act?

Mr. HALE. Yes.

Mr. LODGE. It was passed by this Congress, I think.

Mr. HALE. I know——

Mr. SMOOT. No.

Mr. DEPEW. I think that that compensation act does not reach the employees on the Panama Canal.

Mr. LODGE. Certainly it does not. It does not reach the employees on the Canal Zone.

Mr. HALE. I did not understand that it did.

Mr. LODGE. I did not say it reached them. I said we had passed a workmen's compensation act. But we recognized that principle. This applies to a man killed on the Panama Canal work, as I understand.

Mr. HALE. I did not understand that the workingmen's compensation act applied to such employees.

Mr. LODGE. I do not understand it does, but I have not examined it with that in view.

Mr. HALE. And I do not understand that by analogy it does.

Mr. LODGE. It does by analogy.

Mr. SMOOT. I want to ask the Senator who reported the bill whether the amount reported is just a year's salary, or was there some other amount added to it for expenses?

The VICE PRESIDENT. The amount reported was $1,056.

Mr. BURNHAM. That is a year's pay; but I may say in this connection that, as I understand, the act was passed the 1st of May, 1908, and this man was killed June 1 of the same year.

Mr. HALE. I wish somebody would have read the workingmen's compensation act.

LEGAL REPRESENTATIVES OF M. N. SWOFFORD, DECEASED.

Mr. BAILEY. While Senators are searching for the law, I ask unanimous consent for the present consideration of the bill (H. R. 5453) for the relief of the legal representatives of M. N. Swofford, deceased.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to the legal representatives of M. N. Swofford, deceased, the balance that now stands to the credit of the decedent for services from January 1 to May 31, 1861, amounting to $2,965.92, as mail contractor on three routes in the State of Louisiana.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES A. CASWELL.

Mr. SMOOT. I ask unanimous consent for the present consideration of the bill (H. R. 30570) to authorize the receipt of certified checks drawn on national banks for duties on imports and internal taxes, and for other purposes.

Mr. HALE. To dispose of the other matter, I will object to it, and that will carry it over. Then we can hunt up the law.

Mr. LODGE. Do not object to it.

The VICE PRESIDENT. Objection is made to the consideration of the bill, which was supposed to have been passed a moment ago.

Mr. LODGE. That will require reconsideration.

Mr. HALE. Oh, no; it had not been passed.

Mr. LODGE. It certainly had.

The VICE PRESIDENT. The Chair had announced it from the desk.

Mr. LODGE. Certainly.

The VICE PRESIDENT. Without objection, the votes by which the bill was read the third time and passed are reconsidered, and the bill goes over.

Mr. LODGE subsequently said: I ask that the bill (H. R. 26606) for the relief of Charles A. Caswell, which was laid aside, may be disposed of.

There being no objection, the Senate resumed the consideration of the bill.

Mr. HALE. I find on an examination that while the case does not technically come under the law, the technicality is so narrow and the equities are so broad, I do not think it is worth while to make further objection.

The bill was ordered to a third reading, read the third time, and passed.

PAYMENT OF CUSTOMS AND INTERNAL-REVENUE TAXES.

Mr. SMOOT. I ask unanimous consent for the present consideration of the bill (H. R. 30570) to authorize the receipt of certified checks drawn on national banks for duties on imports and internal taxes, and for other purposes.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. OVERMAN. I should like to hear the bill read.

The Secretary read the bill, which had been reported from the Committee on Finance with amendments.

Mr. OVERMAN. Let the Secretary state the amendments.

The SECRETARY. On page 1, line 5, after the word "national," strike out "banks" and insert "and," so as to read "national and State banks."

The amendment was agreed to.

The next amendment was, in line 6, to strike out "and trust companies."

Mr. OVERMAN. I object to the amendment.

In many States the trust companies are doing a strictly legitimate banking business. There is one in my State, with a million dollars capital, the largest one we have, and it is called a bank and trust company. Why trust companies should not issue these checks just as well as State or national banks, I can not understand. The Senate committee has recommended that amendment. I object to it.

Mr. BAILEY. I will state to the Senator from North Carolina that I am perhaps responsible for the action of the committee. Trust companies were not organized to conduct the business of a commercial bank, and their very existence is due to the fact that the banks could not safely carry certain transactions.

The banks do not undertake to transact the business of a trust company, and if they did the comptroller would call them to account very promptly and properly.

If it is not safe for a commercial bank to transact a trust-company business, then, certainly, it is not safe for a trust company to transact the business of a commercial bank.

Mr. OVERMAN. Why should not——

Mr. BAILEY. In just a moment. Let me finish. My own opinion is that no trust company ought to be permitted to receive deposits payable on demand, because, in the nature of things, they invest their funds in enterprises and in ways which would result in no little embarrassment to them if they were called upon to meet considerable withdrawals in a short time.

We know, as a matter of fact, that more than once in the existence of these trust companies there have been financial disturbances due to a withdrawal of deposits from them, which withdrawals they were not prepared to meet. That is the only objection I myself have to the bill, and that is the only objection which it seems to me is tenable.

But it does seem to me that if the banks are not permitted by law to go into the business of trust companies, these trust companies ought not to be encouraged by the law to go into the business of a bank. That is the whole case. It was a matter of doubt with me whether the Government ought to accept anything but its own coin or its own notes. But as every citizen accepts these checks, I thought the Government might prudently do so, but I thought it ought to be confined to purely commercial banks. For a long time the Government of the United States would not accept its own notes in payment of customs dues. Of course that was due to the fact that the interest on the public debt was payable in coin. The collections through the customhouses were reserved for the payment of the interest on them in coin.

We have passed that time. All of our notes are redeemable in coin on demand of the holder, and obviously it is absurd for the Government any longer to make a distinction at any of its counters, whether the customhouses or internal-revenue offices, between the different kinds of money which it circulates. I am willing to go this step further, because I believe it will be a public convenience and entirely safe, in view of the fact that the check certified one day will be cashed the same day or the next.

Mr. OVERMAN. A few of the leading banks in my State are banking and trust companies, doing nothing but a banking business. One is one of the largest banks we have. Why should that be made an exception to, and the State banks be given the privilege?

There is another bank there—the leading bank in the State, with over a million dollars capital, doing a banking business. Why should it be excepted and not allowed to give these checks? There are trust companies all over the country that do a banking business, and strictly a banking business, and why, under the amendment of the Senate committee, should they be cut out? I do not think the amendment ought to be adopted.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. OVERMAN. On that I ask for a division.

Mr. LODGE. Unanimous consent was given for the consideration of unobjected bills.

Mr. SMOOT. This is nearly through.

The VICE PRESIDENT. Unanimous consent was given for the consideration of this bill.

The Senate divided.

The VICE PRESIDENT. The noes have it, and the amendment is rejected.

Mr. GRONNA. I submit an amendment to this bill.

The VICE PRESIDENT. The Senator from North Dakota offers an amendment to the bill which the Secretary will report.

The SECRETARY. Strike out all after the enacting clause and insert:

That the Secretary of the Treasury shall, at his discretion and under such regulations as he may prescribe, permit the receipt of certified checks drawn on banks in payment of all public dues, direct the deposit of the same in depositary banks to the credit of the Treasurer of the United States, and authorize the transfer of such deposits to the credit of disbursing officers in subtreasury cities as elsewhere.

SEC. 2. That all acts and parts of acts inconsistent with this act are hereby repealed.

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from North Dakota to the bill. [Putting the question.] By the sound, the noes have it.

Mr. GRONNA. I ask for a division.

The Senate divided.

The VICE PRESIDENT. The noes have it, and the amendment is rejected.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill to authorize the receipt of certified checks drawn on national and State banks for duties on imports and internal taxes, and for other purposes."

DEPOSITS IN NATIONAL BANKS.

Mr. BRANDEGEE. I ask unanimous consent for the consideration of the bill (H. R. 18014) to amend section 996 of the Revised Statutes of the United States as amended by the act of February 19, 1897.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend section 996 of the Revised Statutes of the United States as amended by the act of February 19, 1897, so as to read as follows:

SEC. 996. No money deposited as aforesaid shall be withdrawn except by order of the judge or judges of said court, respectively, in term or in vacation, to be signed by such judge or judges, and to be entered and certified of record by the clerk; and every such order shall state the cause in or on account of which it is drawn.

In every case in which a right to withdraw money so deposited has been adjudicated or is not in dispute, and such money has remained so deposited for a period of five years unclaimed by the person entitled thereto, it shall be the duty of the judge or judges of said court, respectively, to cause such money to be deposited in the Treasury of the United States in the name of and to the credit of the United States: *Provided always*, That any person entitled to such money may thereafter, on petition and notice to the United States attorney, and full proof of his right thereto, obtain an order of said court directing payment of such money to himself; and this act shall constitute and be taken and held to be a permanent appropriation of the funds needed for the payment of all such orders.

The bill was reported to the Senate without amendment.

Mr. BRANDEGEE. Since reporting the bill, which was a report of the Judiciary Committee, the Attorney General suggests that it be amended as indicated by a mark on the paper I have sent to the Secretary's desk. I ask that the amendment be read.

The VICE PRESIDENT. The Senator from Connecticut offers an amendment, which will be read.

The SECRETARY. Strike out all of the print on the second page, beginning with the words "In every case," in line 1, and insert:

In every case in which the right to withdraw money so deposited has been adjudicated or is not in dispute and such money has remained so deposited for at least five years unclaimed by the person entitled thereto, it shall be the duty of the judge or judges of said court, or its successor, to cause such money to be deposited in the Treasury of the United States, in the name and to the credit of the United States: *Provided*, That any person or persons or any corporation or company entitled to any such money may, on petition to the court from which the money was received, or its successor, and upon notice to the United States attorney and full proof of right thereto, obtain an order of court directing the payment of such money to the claimant, and the money deposited as aforesaid shall constitute and be a permanent appropriation for payments in obedience to such orders, and this act is applicable to all money deposited in the Treasury of the United States in accordance with section 996, Revised Statutes of the United States, as amended February 19, 1897.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

MEMORIAL OF BATTLE OF LAKE ERIE.

Mr. PENROSE. I ask unanimous consent for the consideration of the bill (S. 10792) to promote the erection of a memorial in conjunction with a Perry's victory centennial celebration on Put in Bay Island during the year 1913 in commemoration of the one hundredth anniversary of the Battle of Lake Erie and the northwestern campaign of Gen. William Henry Harrison in the War of 1812. I do not think it will give rise to any debate.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to appropriate $250,000 toward the erection of a memorial in commemoration of the victory of Commodore Oliver Hazard Perry on Lake Erie and in aid of the Perry's victory centennial celebration to be held during the year 1913 on Put in Bay Island, Lake Erie, Ohio, the same to be disbursed by the Perry's Victory Centennial Commission.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. KEAN. Let the preamble be stricken out.

The VICE PRESIDENT. Without objection, the preamble will be stricken out.

Mr. CULLOM. I ask leave to call up House bill 32440.

Mr. HALE. Let us have the regular order.

Mr. LODGE. I yield to the Senator from North Dakota to give a notice.

RECIPROCITY WITH CANADA.

Mr. GRONNA. Mr. President, I give notice that on Tuesday, February 28, immediately after the Senator from Iowa [Mr. YOUNG] has concluded his address, I shall make some observations on the proposed Canadian agreement.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE LOVERING.

Mr. LODGE. Mr. President, I ask the Chair to lay before the Senate the resolutions of the House of Representatives on the death of Hon. WILLIAM C. LOVERING, late a Representative from the State of Massachusetts.

The VICE PRESIDENT. The resolutions will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES,
June 5, 1910.

Resolved, That the House of Representatives has heard with profound sorrow of the death of Hon. WILLIAM C. LOVERING, late a Member of this House from the State of Massachusetts, which occurred in this city on February 4, 1910.

Resolved, That the business of the House is now suspended that opportunity may be given to pay tribute to his memory.

Resolved, That as a particular mark of respect to the deceased and in recognition of his distinguished public service the House, at the conclusion of the memorial exercises of this day, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

Mr. LODGE. Mr. President, I offer the resolutions which I send to the desk, and I ask for their adoption.

The resolution (S. Res. 371) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate expresses its profound sorrow on account of the death of the Hon. WILLIAM C. LOVERING, late a Member of the House of Representatives from the State of Massachusetts.

Resolved, That the business of the Senate be now suspended in order that fitting tributes may be paid his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Mr. LODGE. Mr. President, practically all of Mr. LOVERING's long life was spent within the district which he so well represented for almost 14 years. His parents moved to Taunton in 1837, and here he made his home. His delicate health made it impossible for him to enter college, but he studied in private schools and at an early age he entered the cotton business with his father, who was one of the pioneer cotton manufacturers of that part of the State. When the Civil War opened he was prompt to offer his services, but ill health made it impossible for him to continue in the army. From that time on he took an ever-increasing part in the management of the cotton business, not only in the mechanical arrangements, but in the designing of the pattern of the fabric, and it was largely to his skill both as a manager and a designer that the success of the firm was due. This thorough knowledge of all branches of the cotton manufacturing was recognized later by his selection as head of the Arkwright Club and the New England Association of Cotton Manufacturers. But his experience was not confined merely to this industry. He had other large interests which brought him in touch with all sections of the country and gave him a clear and comprehensive understanding of the fundamental principles of banking and of the problems of foreign trade.

His public service began in the State senate of Massachusetts in 1874, and it was during his term there that a bill was passed, the first, I believe, in any State, which attempted to regulate and limit the hours of labor. Although he continued his interest in State and national politics and served as delegate to one of the national conventions, he did not enter public life actively again until 1896, when he was elected to the Fifty-first Congress and thereafter served continuously to the time of his death.

He was 60 years old when he entered the House, and he brought to his duties a large experience and a practical training which gave much weight to his views on banking and currency and the drawback provisions of the tariff, subjects to which he had given long and careful study. Mr. LOVERING was not a man who through powers of oratory sought to enforce his views, but his work, quiet and unobtrusive though it was, was none the less effective, and his ability was fully recognized and his advice sought on these matters.

It is with financial and customs legislation that his name is most associated, but he was actively interested in many other matters. His district, with its long stretch of dangerous coast, made him familiar with the perils and hardships of the life-saving corps, and to him more than any other are due the laws which helped to improve the service and to raise it to the present high plane of efficiency. He was an early advocate of legislation to regulate by Federal law the hours of labor throughout the country, and he believed thoroughly in the power and duty of the Government to prevent dealings in "futures," subjects which are once again engaging the attention of Congress.

He was devoted to the interests of his district, widely diversified as they are, and yet he never hesitated to pursue the course which he believed to be right, even at the cost of seeming unpopularity. He was a man who thought deeply and who reached his own conclusions through force of reason. In these conclusions he differed many times from the majority of his party, and although himself a strong party man he never sacrificed his convictions to the will of the majority. Always kindly and courteous, a man of refined tastes, with a high character and an integrity which was never questioned, he was an example of the unselfish and devoted public servant. The patriotism which led him to the Army in the Civil War remained with him throughout his life and inspired all his public service.

Mr. WETMORE. Mr. President, Mr. LOVERING was born in Rhode Island of Massachusetts parents, who shortly afterwards moved to Taunton, Mass., where and at Cambridge he received his education, and then for two years was with his father in the business of cotton manufacturing.

At the outbreak of the Civil War he became an officer in a Massachusetts brigade, but was obliged shortly afterwards to retire, owing to serious illness. From this time, and for the rest of his life, he was interested principally in the manufacture of cotton.

In addition to his own business, he held, at different times, important positions in a number of enterprises, as well as in charitable and other associations.

Before entering the Congress of the United States Mr. LOVERING had service in the legislature of his State and had been a delegate to and presided over Republican conventions. Mr. LOVERING was elected to the House of Representatives of the United States in 1896 to the Fifty-fifth Congress from the twelfth Massachusetts district, and was reelected from the same district to the two following Congresses, and then, when the State was redistricted, from the fourteenth district for four additional terms, and thus had consecutive service for more than 13 years. With one exception, he received at his last election (in 1908) the largest plurality his constituents ever gave him.

During Mr. LOVERING'S congressional service he was an active and influential member of some of its most important committees. On public questions in general his views were liberal. He was particularly interested in matters relating to finance, taxation, commerce, and manufactures, on which he was well qualified to speak with authority.

Mr. LOVERING'S clear-cut features, expressive eyes, well-modulated voice, quiet and unobtrusive manners, coupled with a slight appearance of reserve, all went to make a very attractive personality.

The large attendance at Taunton on the bleak and wintry day of his funeral, a little more than a year ago, gave ample evidence of the high regard in which Mr. LOVERING was held in his State and at his home town.

Mr. CRANE. Mr. President, WILLIAM CROAD LOVERING, although a native of Rhode Island, passed most of his life in the State which honored him with membership in the National House of Representatives. His father was born in Massachusetts, and returned to the State and took up his residence in Taunton in 1837, when the future Member of the House of Representatives whom we mourn to-day was only 2 years old. When Mr. LOVERING had completed his education in the Cambridge High School and the Hopkins Classical School, he entered upon a business career with his father in the Whittenton Mills of Taunton. He gave himself earnestly to his work, and eventually became the president of the company. He was also interested in many other concerns.

His excellent and long business training and the active interest he always took in the affairs of his city equipped him for taking up the problems before him when he entered the State senate and enabled him to deal with the questions affecting labor which arose when he was a member of that body and later when he became a Representative in Congress. He was in the Army during the Civil War as quartermaster of engineers, but owing to ill health was obliged to retire from the service after a brief period. Even his short service, however, bound him ever after to those of his community who had served their country on the field, so that he was an earnest member of the Grand Army Post of his city. His business experience, thorough investigation of industrial questions, and his excellent judgment made him a valuable man on the two most important committees on which he served, those of Banking and Currency and of Interstate and Foreign Commerce. His counsel was much sought. At a time of life when most men, after arduous business pursuits, are ready to lay aside all active work, public honors came upon him, and he pursued his work here with the interest of a much younger man and the devotion which he had given to his own private interests for so many years. He was loyal to his constituents, serving them with great earnestness and fidelity, and he had their confidence in an unusual degree.

MEMORIAL ADDRESSES ON THE LATE REPRESENTATIVE TIRRELL.

Mr. LODGE. Mr. President, I ask the Chair to lay before the Senate the resolutions of the House of Representatives on the death of Hon. CHARLES QUINCY TIRRELL, late a Representative from the State of Massachusetts.

The PRESIDING OFFICER (Mr. CURTIS in the chair). The Chair lays before the Senate resolutions of the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES,
February 12, 1911.

Resolved, That the business of the House be now suspended that opportunity may be given for tributes to the memory of Hon. CHARLES QUINCY TIRRELL, late a Member of this House from the State of Massachusetts.

Resolved, That as a particular mark of respect to the memory of the deceased and in recognition of his distinguished public career, the House, at the conclusion of the exercises of this day, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

Mr. LODGE. Mr. President, I offer the following resolutions and ask for their adoption.

The resolutions (S. Res. 372) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate expresses its profound sorrow on account of the death of the Hon. CHARLES QUINCY TIRRELL, late a Member of the House of Representatives from the State of Massachusetts.

Resolved, That the business of the Senate be now suspended in order that fitting tributes may be paid his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Mr. LODGE. Mr. President, CHARLES QUINCY TIRRELL, whose memory we commemorate here to-day, was born in Sharon, Mass., December 10, 1844. His parents were the familiar, sturdy type of the time, and while their son was still a young boy they moved from Sharon to Westfield. From all accounts he was the usual normal boy, participating in the sports of his playmates and doing generally what boys of that age and generation did for recreation and pleasure. He attended the public schools and entered Dartmouth College, from which he graduated in the class of 1866, one year after the close of the Civil War. After graduation from college his first employment was as a school-teacher. He was principal of Peacham Academy, at Peacham, Vt., for one year, and for the next two years he was principal of the high school at St. Johnsbury, in the same State.

In the three years that he was engaged in teaching he found time to take up the study of the law, and finally, giving up his position as teacher, he went to Boston and entered the law office of R. H. Dana, jr., distinguished lawyer and jurist, and in 1870 was admitted to practice before the Suffolk County bar.

He was a resident of Weymouth during the first year or two of his law work, and in 1872 was elected to the general court from that town. In 1873 he married Miss Mary F. Hollis, of Natick, to which place he removed, and it was here that he made his home up to the time of his death.

In 1881 he was elected to the Massachusetts Senate and was reelected the following year. He served as a presidential elector for his district in 1888. He entered the House in 1900 as a

Member of the Fifty-seventh Congress, and was reelected to the Fifty-eighth, Fifty-ninth, and Sixtieth Congresses, his service ending with his death on July 31, 1910.

It will be seen from this record of Mr. TIRRELL's service that he was always deeply interested in public affairs, and as early as 1869, while residing in Weymouth, he was a member of the school board and continued a member until his removal to Natick. In his home town he was always foremost in any movement of a public nature, and for many years he served as moderator of the town meetings.

He was a leader in Masonic and temperance organizations, and reached in time the highest office in the State body of Odd Fellows.

In business Mr. TIRRELL was active in banking and in the law, and was conspicuously successful in both. He was a quiet, painstaking, and methodical worker. Whether as a teacher, banker, or lawyer, he was always trusted and relied upon, and when he entered upon his service here in Washington it was his careful and assiduous application to his duties which made him of such value to his district, his State, and the Nation. His committee assignments were varied and important, but he could always be counted upon to do his work thoroughly and with an eye single to the best interests of the Government.

He was an upright, high-minded man, and his death was a loss to his State and to the House of Representatives. I knew Mr. TIRRELL first in 1881, when he was serving as a member of the State senate, and our friendship remained unbroken until his death. To me his death is not only a public loss but a personal sorrow.

Mr. CRANE. Mr. President, it was my good fortune to know CHARLES Q. TIRRELL for many years. A native of the Old Bay State, he spent his entire life there, with the exception of the period of his course at Dartmouth College and three years during which he taught at Peacham and St. Johnsbury, Vt. I had known him as an able and high-minded lawyer before he came to Congress 10 years ago. He took a special interest in all questions pertaining to the welfare of the town of Natick, which was his home after his marriage in 1873, and his devotion to the work of upbuilding the community was recognized by his people, his popularity at home being attested by the fact that he was chosen as moderator of the town meetings year after year.

Mr. TIRRELL was an ardent advocate of the temperance cause, and his attitude toward this subject was shown in the stand he always took in the halls of Congress whenever that cause was under consideration.

He served a year in the Massachusetts House of Representatives and two years as State senator. In 1888 he was a presidential elector. His service in the National House of Representatives continued through almost five terms. In all of his public life he was actuated by a desire not merely to serve his constituents with fidelity, but at all times to do what seemed to him to be right and in accord with his own conscience and judgment. He studied all public questions with a desire to understand them thoroughly before taking action. It was this faculty which made him so valuable a committee worker in the House of Representatives, and his membership upon the important Committee on the Judiciary afforded him a large field for the exercise of his legal talents and knowledge. He took full advantage of the opportunity thus offered and was exceedingly helpful in the investigation of many important measures with which that committee was called upon to deal. His devotion to his duties in Washington was especially noteworthy during the last year or two of his life here, for in spite of poor health which came upon him he continued his attendance upon his committees and the House and gave his strength to the work in hand. In fact, he was never physically strong, but the determination and strength of character which he possessed made it possible for him to accomplish much. He will always be remembered as a helpful, earnest worker, not only for his town and community, but for his Commonwealth and for his country.

The uncertainty of life is brought home to us to-day when we recall that on June 5, 1910, CHARLES Q. TIRRELL delivered an address in the House of Representatives upon the life and character of William C. Lovering, who died February 4, 1910, and that we are now met to express our appreciation of the service of Mr. TIRRELL, who passed away July 31 last, only about seven weeks after he had spoken in the historic hall at the other end of the Capitol of the work of his colleague.

Mr. LODGE. Mr. President, as a further mark of respect to the memory of Mr. LOVERING and Mr. TIRRELL, late Members of the House of Representatives, I move that the Senate adjourn.

The motion was unanimously agreed to; and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until Monday, February 27, 1911, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February 25, 1911.*

The House met at 10.30 o'clock a. m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GARDNER of Michigan. Mr. Speaker, I desire to submit a conference report on the bill (H. R. 31856) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year 1912, together with a statement of the conferees, and ask that the same be printed under the rule.

Mr. JOHNSON of Kentucky. Mr. Speaker, I reserve all points of order on the conference report.

The SPEAKER. This being the first of the last six days, the report can be printed under the rule or be acted upon at this time.

Mr. GARDNER of Michigan. Mr. Speaker, I desire to give notice that I will call up this report early at the Monday session.

The SPEAKER. As the gentleman chooses. He may call it up now if he desires. The Chair would suggest to the gentleman, as this is the first of the last six days of the session, and only two of the appropriation bills have been enrolled, if he does not think it is practicable to get it out of the way?

Mr. GARDNER of Michigan. Mr. Speaker, I would like to call it up now, if it does not seem to take any advantage of gentlemen who may have objection to the report. I would say that it is a full and complete agreement.

The SPEAKER. Which passes on the report first, the House or the Senate?

Mr. GARDNER of Michigan. The Senate has already passed it. Now it is for the action of the House.

The SPEAKER. It is important that these bills should be disposed of. If it goes back to conference, it is doubly important.

Mr. JOHNSON of Kentucky. It is equally important, Mr. Speaker, that the bill should not embody legislative provisions for nearly 500 Members.

The SPEAKER. The gentleman from Kentucky has made a point of order, but has not stated what it is about. Does the gentleman from Michigan [Mr. GARDNER] desire to call his report up now?

Mr. GARDNER of Michigan. I do, and ask unanimous consent to have the statement read in lieu of the report.

The SPEAKER. Is there objection?

Mr. JOHNSON of Kentucky. I object.

The SPEAKER. Objection is heard, and the Clerk will read the report.

(For report see Senate proceedings of Friday, February 24, 1911, page 3251.)

The statement of the House conferees is as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 31856) making appropriations for the government of the District of Columbia for the fiscal year 1912 submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying report as to each of the said amendments, namely:

On amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14, relating to the executive offices: Increases the salaries of the commissioners from $5,000 to $6,000 each, one stenographer and typewriter from $720 to $840, the purchasing officer from $2,500 to $2,750, one clerk from $1,200 to $1,300, three clerks from $600 each to $720 each, the inspector of buildings from $2,750 to $3,000, reimburses two elevator inspectors for maintenance of motor cycles at $15 per month each, and strikes out the proposed increase of salary of the storekeeper from $900 to $1,000.

On amendment No. 15: Extends to the employees of the District other than those in the public-school system and police and fire departments the same provisions of leave of absence as is provided for by law for employees of the executive departments.

On amendments Nos. 16 and 17: Increases the salary of the clerk and stenographer in charge of the force for care of the District Building from $1,800 to $2,000.

On amendments Nos. 18 and 19: Provides for an additional clerk at $720 in the assessor's office.

On amendment No. 20: Provides for extra labor in the preparation of tax-sale certificates in the sum of $800, as proposed by the House.

On amendments Nos. 21, 22, 23, and 24, relating to the auditor's office: Makes a verbal correction in the text of the bill, and provides for an additional clerk at $1,000.

On amendments Nos. 25 and 26: Provides for an additional stenographer at $840 in the office of the corporation counsel.

On amendments Nos. 27, 28, and 29: Increases the salary of a clerk in the office of the superintendent of weights, measures, and markets from $1,000 to $1,200.

On amendments Nos. 30, 31, 32, 33, and 34, relating to the engineer commissioner's office: Strikes out the proposed increase in the salaries of the engineer of highways and the superintendent of sewers from $3,000 to $3,300 each; increases the salary of the chief clerk from $2,000 to $2,250, and of one clerk from $1,350 to $1,400.

On amendments Nos. 35 and 36: Appropriates $2,500 for a gasoline-motor truck for the municipal architect's office.

On amendments Nos. 37, 38, and 39: Strikes out the proposed increase in the salaries of two clerks from $1,200 to $1,300 each in the special assessment office.

On amendments Nos. 40, 41, 42, and 43, relating to the office of the superintendent of insurance: Increases the salary of the examiner from $1,500 to $1,700, the statistician from $1,500 to $1,700, and of one clerk from $1,000 to $1,200.

On amendments Nos. 44 and 45: Increases the salary of an assistant computer from $825 to $900 in the surveyor's office.

On amendments Nos. 46, 47, 48, and 49, relating to the Free Public Library: Strikes out the proposed increase in the salary of the assistant librarian from $1,500 to $1,600, provides for one additional assistant at $720 and for one additional cataloguer at $540.

On amendment No. 50: Appropriates $34,500, as proposed by the House, instead of $37,500, as proposed by the Senate, for contingent expenses of the government of the District of Columbia.

On amendment No. 51: Appropriates $10,000, instead of $9,000, as proposed by the Senate, for postage.

On amendments Nos. 52 and 53, relating to the coroner's office: Makes the appropriations available for the "purchase and maintenance of means of transportation" instead of "for livery of horses or horse hire," and inserts the provision, proposed by the Senate, relating to juries of inquest.

On amendment No. 54: Appropriates $500, as proposed by the Senate, for erection of historical tablets.

On amendment No. 55: Limits the use of the fees of the recorder of deeds for purchase of typewriters to those of the year 1911 instead of the years 1911 and 1912.

On amendment No. 56: Makes available during the fiscal year 1912 the appropriation of $10,000 made for the year 1910 for repair of buildings that may be injured by fire.

On amendment No. 57: Inserts the provision proposed by the Senate authorizing purchases without advertising for proposals in amounts not exceeding $25.

On amendment No. 58: Appropriates $500, as proposed by the Senate, for purchase of apparatus for the office of the inspector of asphalts and cements, and inserts a provision authorizing the establishment of a municipal asphalt plant.

On amendment No. 59: Strikes out the appropriation proposed by the Senate of $3,000 for alterations in the repair shop.

On amendment No. 60: Appropriates $340,000, as proposed by the Senate, instead of $180,000, as proposed by the House, for assessment and permit work.

On amendment No. 61: Appropriates $10,000, as proposed by the Senate, for paving roadways under the permit system.

On amendments No. 62, 63, and 64: Appropriates $79,500, as proposed by the Senate, instead of $61,500, as proposed by the House, for work on streets and avenues.

On amendments Nos. 65, 66, and 67: Strikes out the appropriation of $27,000, proposed by the Senate, for removing granite block and repaving with asphalt Seventh Street, from K Street to P Street; appropriates $14,000 for grading and improving Seventeenth Street NW., as proposed by the Senate; and makes the appropriation of $8,000, proposed by the House, available, as proposed by the Senate, for connecting Belmont and Fifteenth Streets NW.

On amendments Nos. 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, and 81: Appropriates $123,650, instead of $77,850, as proposed by the House, and $161,600, as proposed by the Senate, for the construction of certain county roads and public streets; and provides that the appropriations in detail for such construction shall constitute one fund.

On amendment No. 82: Inserts the provision, proposed by the Senate, requiring the Anacostia & Potomac River Railroad Co. to remove and relocate certain of its tracks.

On amendments Nos. 83, 84, and 85: Strikes out the appropriations, proposed by the Senate, of $2,500 for replacing sidewalks on the east side of the White Lot, $1,500 for new sidewalks around the Patent Office, and $2,500 for replacing sidewalks around the old Post Office Building.

On amendments Nos. 86 and 87: Appropriates $140,000, as proposed by the Senate, instead of $130,000, as proposed by the House, for repairs of county roads.

On amendment No. 88: Appropriates $16,000, as proposed by the Senate, instead of $15,000, as proposed by the House, for construction and repair of bridges.

On amendments Nos. 89 and 90: Appropriates $100,000, instead of $75,000, as proposed by the Senate, toward constructing a bridge across Rock Creek on the line of Q Street.

On amendments Nos. 91, 92, 93, and 94, relating to sewers: Appropriates $44,500, as proposed by the Senate, instead of $43,000, as proposed by the House, for the sewage pumping service, and makes the sum available for the maintenance of motor vehicles; appropriates $65,000, instead of $67,000 as proposed by the Senate and $60,000 as proposed by the House, for main and pipe sewers; and $130,000, instead of $161,000 as proposed by the Senate and $110,000 as proposed by the House, for suburban sewers.

On amendment No. 95: Appropriates $260,000, instead of $270,000 as proposed by the Senate and $250,000 as proposed by the House, for sprinkling, sweeping, and cleaning streets.

On amendment No. 96: Strikes out the provision, proposed by the House, which limits the cleaning of snow and ice only from sidewalks in front of public spaces.

On amendment No. 97: Appropriates $128,600 for a stable and storeroom for the street-cleaning department, as proposed by the Senate.

On amendments Nos. 98 and 99: Increases the salary of the watchman at the bathing beach from $450 to $480.

On amendments Nos. 100 and 101: Makes the appropriation for playgrounds immediately available and restores to the bill the requirements, proposed by the House, that the appropriation for salaries of persons connected with the playgrounds be paid wholly out of the revenues of the District.

On amendment No. 102: Appropriates $78,000, instead of $125,000, as proposed by the Senate, for the establishment of the interior park.

On amendments Nos. 103, 104, 105, and 106, relating to the electrical department: Increases the salary of the assistant electrical engineer from $1,800 to $2,000; strikes out the provision for one additional electrical inspector at $1,200; and appropriates $13,500, instead of $14,000 as proposed by the Senate, and $13,000 as proposed by the House, for general supplies.

On amendment No. 107: Inserts the provision proposed by the House, instead of the one proposed by the Senate, to effect a settlement with the Potomac Electric Power Co. for services heretofore rendered.

On amendment No. 108: Appropriates $35,000, as proposed by the Senate, for the preservation and repair of Cabin John Bridge.

On amendment No. 109: Strikes out the provision, proposed by the Senate, authorizing a new highway plan for that portion of the District in the vicinity of Piney Branch parkway.

On amendments Nos. 110, 111, 112, 113, 114, 115, 116, 117, and 118, relating to the public schools: Strikes out all of the changes proposed by the Senate with reference to teachers.

On amendments Nos. 119 and 120: Fixes the salary of the janitor for the Western High School at $900, as proposed by the Senate, instead of $1,000, as proposed by the House.

On amendment No. 121: Appropriates $23,500, instead of $25,000 as proposed by the Senate and $22,000 as proposed by the House, for tools and machinery for instruction in manual training.

On amendment No. 122: Appropriates $15,000, as proposed by the Senate, instead of $14,550, as proposed by the House, for furniture for new school buildings.

On amendment No. 123: Strikes out the appropriation of $2,600, proposed by the Senate, for a motor delivery wagon for public-school supplies.

On amendments Nos. 124, 125, 126, 127, and 128, relating to new school buildings: Appropriates $10,000 for grounds adjacent to the Fillmore School; $75,000 toward a normal-school building for colored pupils, to cost not exceeding $200,000; $40,000 for a four-room building in the vicinity of the Burrville School; $54,000 for site and building in the twelfth division; and $60,000 for a site for a new M Street High School; and strikes out

$24,000, proposed by the House, for an addition to the Deanwood School.

On amendments Nos. 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, and 139, relating to the Metropolitan police: Strikes out the provision for an additional inspector at $1,800; increases the pay of four surgeons from $600 to $720 each; provides for an additional lieutenant at $1,320, for one additional sergeant at $1,250, one additional private of class 1 at $900, and for allowance to one additional officer, mounted, at $260; provides for repairs of a motor patrol; and strikes out the provision, proposed by the Senate, authorizing the deposit to the credit of the police and firemen's relief fund the receipts from licenses other than liquor licenses in addition to the revenues now authorized by law, such sums as may be necessary from time to time to prevent deficiencies in said fund.

On amendments Nos. 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, and 152, relating to the fire department: Strikes out the provision for an additional battalion chief engineer at $2,000; increases the salary of the superintendent of machinery from $1,800 to $2,000; strikes out the increase in salaries of 23 engineers and 2 marine engineers from $1,150 to $1,200 each; provides for an additional hostler at $600; and inserts the provision, proposed by the Senate, regulating leaves of absence to members of the fire department; strikes out the proposed increase from $15,000 to $16,000 for purchase of horses; appropriates $31,000, instead of $32,000 as proposed by the Senate, and $30,000 as proposed by the House for forage; strikes out the appropriation of $20,000, proposed by the Senate, for a repair and storage building; and inserts a provision requiring a report as to the necessity for a high-pressure fire service system.

On amendments Nos. 153, 154, 155, 156, and 157, relating to the health department: Increases the salary of the poundmaster from $1,200 to $1,500; inserts the provision, proposed by the Senate, requiring inspectors of dairies and dairy farms to act as inspectors of live stock; provides for the prevention of communicable diseases other than those specified in the law; increases the amount that may be expended for personal services from $10,000 to $15,000 out of the appropriation to prevent spread of contagious diseases; and appropriates $10,000 for a new pound.

On amendments Nos. 158, 159, and 160, relating to the juvenile court: Increases the salary of the judge from $3,000 to $3,600, and strikes out the provision for an additional bailiff at $700.

On amendments Nos. 161, 162, 163, 164, and 165, relating to the police court: Provides for a deputy financial clerk, instead of a deputy clerk, to be known as financial clerk, at $1,500; increases the salary of the janitor from $540 to $600; and appropriates $1,000, as proposed by the House, instead of $2,000, as proposed by the Senate, for repairs of the police-court building.

On amendments Nos. 166, 167, 168, and 169, relating to the municipal court: Provides for an additional assistant clerk at $1,000, and increases the salary of the janitor from $480 to $600.

On amendment No. 170: Authorizes the employment of an alienist at $1,000 per annum in connection with the expenses of execution of writs of lunacy.

On amendment No. 171: Strikes out the provision, proposed by the Senate, authorizing purchases in open market.

On amendment No. 172: Appropriates $48,000, as proposed by the House, instead of $50,000, as proposed by the Senate, for support of convicts.

On amendments Nos. 173 and 174: Increases the salaries of 5 laborers from $480 to $600 each in the courthouse.

On amendments Nos. 175, 176, 177, 178, and 179, relating to the Court of Appeals Building: Strikes out the provision for a mechanician, at $1,200, and an additional watchman, at $600; provides for an additional laborer, at $480; and appropriates $900, instead of $1,500, as proposed by the Senate, for miscellaneous expenses of the building.

On amendment No. 180: Appropriates $40,840, as proposed by the Senate, for maintenance of jail prisoners.

On amendment No. 181: Appropriates $25,000, as proposed by the House, instead of $26,000, as proposed by the Senate, for miscellaneous expenses of the supreme court of the District.

On amendments Nos. 182 and 183: Increases the salary of the secretary of the Board of Charities from $3,000 to $3,500.

On amendments Nos. 184, 185, and 186: Increases the salary of the superintendent of nursing at the Washington Asylum and jail from $720 to $840.

On amendments Nos. 187 and 188: Appropriates $25,000, as proposed by the House, instead of $26,000, as proposed by the Senate, for provisions and miscellaneous expenses for the Home for the Aged and Infirm.

On amendments Nos. 189, 190, and 191: Appropriates $500, as proposed by the House, for plans for an additional building, to cost not exceeding $40,000, for the Reform School for Girls.

On amendments Nos. 192, 193, 194, 195, 196, 197, 198, 199, 200, and 201, relating to medical charities: Appropriates $34,000, instead of $35,500 as proposed by the Senate and $32,500 as proposed by the House, for the Freedmen's Hospital; appropriates $11,000 as proposed by the Senate, instead of $10,000 as proposed by the House, for the Eastern Dispensary; $4,000 as proposed by the Senate, instead of $3,000 as proposed by the House, for the George Washington University Hospital; provides for an assistant cook at $360, increases the salary of the laundryman from $480 to $600, strikes out the proposed increase in the salary of the engineer from $720 to $900, and increases the salary of the farmer from $300 to $360, in the Tuberculosis Hospital; and strikes out the increase in the appropriation proposed by the Senate, from $1,000 to $1,500, for repairs and improvements to buildings and grounds for that institution.

On amendments Nos. 202, 203, 204, 205, 206, 207, 208, 209, 210, and 211, relating to child-caring institutions: Strikes out the provision for an additional placing officer at $1,000 and the increase in the salary of an investigating clerk from $900 to $960 for the Board of Children's Guardians; increases the salary of two assistant caretakers from $300 to $360, and provides for a stableman at $300 for the Industrial Home for Colored Children; strikes out the increase, from $6,000 to $7,500, for maintenance and from $250 to $450 for furniture and equipment for the institution.

On amendments Nos. 212 and 213: Inserts the provision, proposed by the Senate, authorizing the acceptance as a donation the property known as the Night Lodging House, and strikes out the appropriation of $5,000, proposed by the Senate, for the Columbia Polytechnic Institute.

On amendment No. 214: Prohibits the use of any appropriation heretofore made as well as of appropriations contained in the act for 1912 for a reformatory, asylum, or workhouse in Virginia or Maryland within 10 miles of Mount Vernon, except the one at Occoquan.

On amendments Nos. 215, 216, 217, and 218, relating to the workhouse at Occoquan: Appropriates $193,000, instead of $288,000, with $80,000, instead of $91,000, thereof immediately available, for maintenance and operation, and inserts the provision, proposed by the Senate, relative to the delivery to and custody of male and female prisoners in the institution.

On amendments Nos. 219, 220, 221, 222, 223, 224, 225, 226, 227, and 228, relating to the militia: Appropriates $48,000 instead of $49,000, as proposed by the Senate, and $47,000, as proposed by the House, for expenses of camps; $2,250, as proposed by the Senate, for cleaning uniforms; $1,250, as proposed by the House, instead of $1,500, as proposed by the Senate, for expenses of target practice, and inserts provisions into the text of the appropriation for payment of troops, proposed by the Senate.

On amendment No. 229: Appropriates $100,000, as proposed by the Senate, toward the improvement of the Anacostia River Flats.

On amendment No. 230: Strikes out the appropriation of $210,000, proposed by the Senate, for the purchase of Carpenter (Pennsylvania Avenue) tract of land.

On amendment No. 231: Strikes out the proposed authorization of an appropriation of $300,000 for the acquisition of the land known as the Klingleford Valley.

On amendment No. 232: Authorizing the purchase and maintenance of a motor runabout for the water department.

On amendment No. 233: Authorizes the use of $70,000, as proposed by the Senate, instead of $65,000, as proposed by the House, for personal services in connection with the execution of public works in the District of Columbia.

On amendments Nos. 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, and 249, relating to public lighting: Authorizes rates of $15, as proposed by the Senate, instead of $14.50, as proposed by the House, for 40-candlepower incandescent lamps on overhead wires; $17.50, as proposed by the House, instead of $19, as proposed by the Senate, for 60-candlepower incandescent lamps on overhead wires; $80, instead of $85, as proposed by the Senate, and $72.50, as proposed by the House, for 528 and 550 watt series inclosed and multiple inclosed arc lamps; $72.50, as proposed by the House, instead of $75, as proposed by the Senate, for 320 watt magnetite or other arc lamps; requires replacing of certain electric lights by April 1, 1914, as proposed by the House, instead of 1915, as proposed by the Senate; fixes the limit of cost of lamp-posts and equipment at $60, as proposed by the House, instead of $50, as proposed by the Senate; authorizes a reduction of $6.60, as proposed by the House, instead of $4.40, as proposed by the Senate, from the price of electric arc lamps if the commissioners furnish the equipment therefor; provides that in the event the commissioners have to adopt forms of electric street lighting other than those provided for in the bill, a fair sum for the cost of

maintenance may be allowed; prohibits public electric lighting by overhead wires within the existing fire limits of the District; makes certain necessary verbal corrections; and inserts a provision imposing a penalty of $25 per day for failure on the part of any gas light or electric-light company to furnish or discontinue any street lamp that the commissioners may direct.

WASHINGTON GARDNER,
EDWARD L. TAYLOR, Jr.,
A. S. BURLESON,
Managers on the part of the House.

During the reading of the statement,

Mr. JOHNSON of Kentucky. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. JOHNSON of Kentucky. For the purpose of making a point of order.

The SPEAKER. The Clerk will have to finish reading the report before anything else is in order, unless there is unanimous consent.

Mr. JOHNSON of Kentucky. I was going to withdraw my demand for the reading of the whole report for the purpose of making a point of order just here.

The SPEAKER. The gentleman withdraws his demand for a reading of the report. The gentleman will state his point of order.

Mr. JOHNSON of Kentucky. I make a point of order against amendment No. 58, which is entirely new matter. It is to be found on pages 3455 and 3456 of the RECORD.

The SPEAKER. Is it at the top of page 3456, first column?

Mr. JOHNSON of Kentucky. Yes; Mr. Speaker.

The SPEAKER. The Chair will hear the gentleman from Kentucky.

Mr. JOHNSON of Kentucky. Mr. Speaker, this matter was stricken out on a point of order in the House. It went over to the Senate, and the Senate did not make provision for this, but the committee on conference itself has done so. Therefore it is new legislation, unauthorized by law; and these conferees, 4, or 5, or 6 of them, have undertaken to legislate about a matter that this House knows nothing about. Nearly 500 men in these two bodies are without information concerning it. I have not been given an opportunity to know anything about it, and for that reason I object to it and make a point of order.

The SPEAKER. Does the gentleman make any other point of order?

Mr. BARTLETT of Georgia. Mr. Speaker, I apprehend it is true also, as the gentleman states, that this matter was never in dispute between the two Houses, and is not an amendment to anything as to which the Houses were at variance.

Mr. JOHNSON of Kentucky. There is no dispute between the two Houses about this item at all. The conferees have inserted it.

Mr. BARTLETT of Georgia. The conferees have inserted it without the matter being before either House, whether by amendment or by the original bill that went to the Senate. It has not been put on by any amendment of the Senate. I repeat, there is none of the subject matter either in the original bill or in the bill as it left the Senate. It is an entirely new matter.

Mr. JOHNSON of Kentucky. It may be one of the best items in the bill, but still it is a matter on which the two Houses have no information. If it is a matter that involves the employment of convict labor, or would make paving cheaper, the two Houses have a right to know something about it.

Mr. OLMSTED. Will the gentleman reserve his point of order until he can hear from the gentleman from Michigan?

Mr. JOHNSON of Kentucky. Yes, sir; I will reserve my point of order.

Mr. GARDNER of Michigan. Mr. Speaker, this matter was discussed very thoroughly before the committee, and then it was brought before the House. I will say in justification of the action of the conferees——

Mr. OLMSTED. The gentlemen who objected are not paying attention.

Mr. GARDNER of Michigan. If I could have the attention of the gentlemen who are attacking this provision I would be very glad. We have heretofore had, gentlemen, competition here on the question of asphalt laying. Now there is no competition. The companies have consolidated. Since the consolidation they have advanced the price 32 cents per square yard. We have now to submit to receiving bids from only one company, for no outside company can come here and afford to establish a plant and take the chances of making a bid. There is in excess of half a million dollars to be expended in repairs and in the laying of new asphalt work, remember, without any competition. This matter was taken up openly and squarely and discussed in the House. The committee was unanimous and clear upon this. The bill went to the Senate, and the item was inserted there, and there went out on a point of order. But the Senator making the point of order subsequently said:

I would not have made the point of order had I been informed as to the true status of the situation.

With this understanding, the conferees felt justified, for the protection of the interests of the city and in order that the city government should not be held up by a single concern, in agreeing on a provision to authorize the establishment of the plant. It does not necessarily follow that a plant will be authorized, but this, as I say, is in the way of protection. It is a good proposition. And not only that, but——

Mr. GOULDEN. Will the gentleman yield for a question?

Mr. GARDNER of Michigan. Yes; in just a moment. The committee in its investigation of the subject found that there are a very considerable number of cities throughout the country that now have their own asphalt plants. The city of New York has, as the gentleman who is now on his feet [Mr. GOULDEN] is doubtless aware, and in Detroit they have saved about $50,000 a year by the operation of the municipal asphalt plant.

In addition to this, we have now at Occoquan a workhouse where a large number of prisoners can be employed to get out the stone that will make a foundation upon which to rest this asphalt. If this provision is taken away, it will deprive the city of an outlet for much of the labor that is now at the command of the commissioners. We frankly state that this is in the nature of legislation, but the conferees of both Houses believe that we are not only justified in incorporating this provision, but required in the interest of the city so to do under the circumstances. The provision would have been in the bill when it went to conference if the Senator who made the point of order against it had understood it.

Mr. GOULDEN. Mr. Speaker, I want to indorse what the gentleman from Michigan [Mr. GARDNER] has said regarding the plant in the city of New York. It has proven a very economical investment to the city. I would like to ask this question: What has been the cost hitherto per cubic yard for laying this asphalt?

Mr. GARDNER of Michigan. A very low price, I think; $1.45 per cubic yard.

Mr. GOULDEN. And now they have raised it 32 cents?

Mr. GARDNER of Michigan. Yes; and no competition, with a contract of half a million dollars staring you in the face.

Mr. GOULDEN. Making an increase of fully 20 per cent on the cost price?

Mr. GARDNER of Michigan. Yes.

Mr. GOULDEN. With the probability of its going higher unless there is competition.

Mr. GARDNER of Michigan. That is the expectation.

Mr. JOHNSON of Kentucky. Mr. Speaker, when this matter came before the House when the District appropriation bill was under consideration, I say that not more than four men on this floor had ever heard of this proposition before. Instead of its being taken up through the regular channel and the regular committee being advised as to what was sought to be done, the subcommittee of the Committee on Appropriations alone knew about it. Nobody else did know about it; and because nobody else did know about it I oppose the principle of three men legislating for this entire body without the knowledge or consent of the rest of the body.

Mr. GARDNER of Michigan. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. GARDNER of Michigan. The hearings before the subcommittee were printed, and every Member of the House had access to them.

Mr. MADDEN. Do I understand the gentleman from Kentucky to say that this matter was not discussed when the bill was under consideration in the House?

Mr. JOHNSON of Kentucky. No; the gentleman misunderstood me if he understood any such thing as that. I said that when it was brought on the floor of this House nobody had heard anything about it except the subcommittee of the Committee on Appropriations.

Mr. MADDEN. Oh; up to the time it had been brought to the House?

Mr. JOHNSON of Kentucky. Yes.

Mr. MADDEN. But, as a matter of fact, it was very thoroughly discussed on the floor.

Mr. JOHNSON of Kentucky. It was not very thoroughly discussed.

Mr. MADDEN. Oh, I beg the gentleman's pardon.

Mr. JOHNSON of Kentucky. There was nobody then able to tell me, and I venture there is nobody able to tell me yet, the extent to which this property which is to be converted into this plant is leased. There is nobody prepared to tell me now to what extent the lessees of this property where this plant is to be

situated are to be damaged, and yet here you are called upon to cancel leases and contracts without any knowledge whatever as to the extent that parties may be injured, and nobody yet knows, as I said, how many people, honest workingmen in the District of Columbia, will be thrown out of employment instantly almost.

Mr. MADDEN. In what way?

Mr. JOHNSON of Kentucky. By the employment proposed of convict labor to run this establishment.

Mr. MADDEN. Does the gentleman think they will employ convict labor down here at this yard where it is proposed to erect this plant, in the center of the city?

Mr. GARNER of Texas. That is what the gentleman from Michigan said.

Mr. JOHNSON of Kentucky. That is what the gentleman said. I object to it, not upon the merits of the case, for I do not know anything about the merits, and neither does anybody else except the three members of the subcommittee; but I object because I do not know anything about it, and because this membership does not know anything about it, and because this House heretofore refused to include it, and because the Senate refused to include it. I make the point of order.

Mr. BURLESON. Mr. Speaker, I hope the gentleman will not make the point of order until I am given an opportunity to be heard.

Mr. JOHNSON of Kentucky. Then I simply reserve the point of order.

Mr. MADDEN. Mr. Speaker, of course I realize that this is subject to a point of order, in view of the fact that the item is placed in the bill by the conferees, and the item not having been in dispute; but I think it is one of the most meritorious——

Mr. JOHNSON of Kentucky. Does the gentleman say that the item was not in dispute?

Mr. MADDEN. I say, I admit it is subject to a point of order.

Mr. GARNER of Texas (addressing Mr. JOHNSON of Kentucky). He is confirming your position.

Mr. MADDEN. I think it is one of the most meritorious items in the bill. The District Commissioners, in letting contracts for paving a year or more ago, were able to get bids of $1.45 per square yard for asphalt paving work. The last time they advertised for bids——

Mr. JOHNSON of Kentucky. Will the gentleman yield?

Mr. MADDEN. Yes.

Mr. JOHNSON of Kentucky. I wish to be clearly understood that I do not wish to discuss the merits of the proposition, or to raise objection as to the merits of it. I do not know anything about it, but I do object to this class of legislation. The commissioners of this District have had ample opportunity to bring this bill before the proper committee of this House to be thrashed out and its merits gone into, and they have failed to do it.

Mr. MADDEN. Mr. Speaker, I am endeavoring to state the facts as I understand them. The commissioners were able to get bids at $1.45 a square yard for asphalt paving work a year ago, and the next time they advertised for bids they discovered that the price had gone up to $1.77 or $1.78 a yard. They discovered upon investigation that two or three companies which existed in this District had consolidated. There was only one company from which they could get a bid. They discovered upon investigation that if these companies continued to combine the price would likely go higher. They concluded, and I think wisely, that the way to prevent this condition of things was to get authority to esablish an asphalt plant in which they could do their own paving and repair work. There is no reason why this plant should ever be constructed, but if the commissioners had authority to construct it, it stands there as a club to prevent monopoly and excessive charges for street paving in this city.

If they have not the authority, the people of the District will be obliged to pay a greater price for the work that is to be done than they would otherwise be called upon to pay. I know nothing at all about the condition of the leases they granted on the property which is sought to be used for this asphalt plant.

Mr. JOHNSON of Kentucky. And neither does anybody else, and that is my objection.

Mr. MADDEN. But I presume the Commissioners of the District would not do an injustice to any person having a lease upon any part of this property and that when they give notice of vacation they would give such notice as would not do any injury to those people who would be obliged to move as a result of the notice. I assume that the men who have leases on the place have them subject to notice and that no man having a lease upon a place sought to be used for the construction of this plant took that lease with any understanding that he was to have an indefinite occupation of the premises. I assume he leased with a distinct understanding that he is to move from it whenever notified. Although this item is subject to the point of order, wise business judgment would dictate that it ought to remain in the bill and I do not believe that any Member of the House can justify opposition to it, for there is no item so well calculated to safeguard the Public Treasury in so far as it has to do with the District of Columbia as this special item to which the gentleman from Kentucky refers. I sincerely hope that before the discussion closes he will be generous enough to withdraw his point of order against it.

Mr. STAFFORD. Mr. Speaker, the gentleman from Kentucky is clearly within his rights in insisting upon the point of order, but I undertake to say that he is assuming a grave responsibility in making a point of order that will permit the District to be mulcted by representatives of the Asphalt Trust. It appears in the hearings before the Subcommittee on Appropriations, which gave this matter consideration and reported thereon, that the price charged by the Asphalt Trust last year in the city of Washington was $1.45 a square yard, and for the coming year, without any reason for the advance except they are carrying out their autocratic will, the price is to be $1.77 a square yard. No city in the country, I venture to say, with the area of streets that is covered by Washington, has as much covered by asphalt as in this District. We are held up here by the question whether we should continue to be mulcted in the price of $1.77 or whether this District should have the same privilege that has been adopted by other cities—Kansas City, St. Louis, Detroit, and Indianapolis—where they have established municipal plants. This is not a new proposition, I wish to say to the gentleman from Kentucky.

Mr. FOSTER of Illinois. May I ask the gentleman, Do they work convict labor in these municipal plants the gentleman has mentioned?

Mr. STAFFORD. Oh, you can not bring in the question of convict labor in this discussion.

Mr. FOSTER of Illinois. I have not brought it in; the gentleman from Michigan brought it in.

Mr. STAFFORD. There is nothing in the hearings that shows the character of labor that will be performed. The question is whether the District is going to be held up by this exorbitant charge of $1.77 per square yard, an increase of nearly 20 per cent in one year without any cause whatever.

Now, the gentleman from Kentucky [Mr. JOHNSON] says that this matter has not been considered. Why, I remember distinctly that this House gave consideration to the proposition for more than half an hour when it was was under consideration in connection with the District appropriation bill. Of course, we did not give it full consideration. We can not give full consideration to matters of this character——

Mr. FORNES. Mr. Speaker——

The SPEAKER. Will the gentleman from Wisconsin yield to the gentleman from New York?

Mr. STAFFORD. In just a minute. That would have taken up the entire day——

Mr. FORNES. The city of New York, under competition, only pays $1.15 per square yard.

Mr. MANN. Regular order, Mr. Speaker.

The SPEAKER. Regular order is demanded. The regular order is disposition of the point of order on the conference report.

Mr. JOHNSON of Kentucky. I make the point of order, Mr. Speaker.

Mr. BURLESON. Mr. Speaker, I desire to be heard for a moment or two. I move to suspend the rules and agree to the conference report.

The SPEAKER. The gentleman from Texas moves to suspend the rules and agree to the conference report. Is a second demanded?

Mr. JOHNSON of Kentucky. I demand a second. I make a point of order on that.

The SPEAKER. The gentleman has made a point of order, but if the rules should be suspended it will not be subject to the point of order. It is a motion to suspend the rules and give the House an opportunity to dispose of this report, the same as any other motion.

Mr. FOSTER of Illinois. I demand a second, Mr. Speaker.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] demands a second. The gentleman from Texas [Mr. BURLESON] is entitled to 20 minutes and the gentleman from Illinois to 20 minutes.

Mr. BURLESON. Mr. Speaker, I had hoped that I would not be compelled to make this motion before I was heard by the

House, because I am confident if the Members of this body can be made to understand the pending proposition that not a single Representative would be found objecting to it. Undoubtedly the gentleman from Kentucky is clearly within his rights, under the rules of the House, when he makes a point of order against this item, and ordinarily it would go out. But, Mr. Speaker, there has been a general misapprehension as to the purpose of this provision and what it is intended to accomplish. Prior to last year there were two or three asphalt companies or corporations engaged in competing with each other for the privilege of laying the streets within the District. Last year one of these corporations succeeded in acquiring control of the other, and as a result competition was destroyed. At the time the combination took place the District of Columbia had a contract for $1.45 a square yard for laying asphalt pavements. Immediately after the combination the price for laying asphalt pavements was advanced, and under the next contract that was made by the Commissioners of the District of Columbia the District and Government were compelled to pay $1.77 a square yard for laying the same character of asphalt pavements.

Mr. JOHNSON of Kentucky. Will the gentleman yield for a question?

Mr. BURLESON. Certainly.

Mr. JOHNSON of Kentucky. He makes the assertion that in the city of Washington, under the very nose of the law department of the United States, a contract has been made in restraint of trade and competition and it has gone unnoticed.

Mr. BURLESON. That is extraneous matter, Mr. Speaker. I do not control the action of the Department of Justice, and neither can the gentleman from Kentucky. What the House wants to know now are the facts justifying the establishment of this asphalt plant. This advance in the cost of asphalt pavements was made. There was no legislation coming from the District Committee during this session of Congress to meet this situation, to afford relief——

Mr. JOHNSON of Kentucky. There should have been.

Mr. BURLESON (continuing). For some reason or other, I do not know why, no action has been taken by the District Committee to relieve the District of Columbia and the Government from the exactions of this asphalt combination.

Now, the question arises, when the Committee on Appropriations, dealing with this matter in the interests of economy, with a single purpose to save the money of this District and the General Government, bring a proposition before this body that will relieve the situation and protect the people of this District against the exactions of this trust, shall it be voted down?

Mr. Speaker, there has been much said about the use of convict labor in this work. Everyone who knows anything about it knows that the only convict labor contemplated to be used would be at Occoquan, Va., where the convicts are engaged in breaking stone, and the District Commissioners, if this proposition is retained in the bill, may utilize that stone for the purpose of laying the base for the streets, if they be driven by the exactions of the asphalt combine to undertake the laying of streets on municipal account. The District Commissioners, if this proposition is approved, will utilize this stone, broken, as I have described, for laying the base of the streets.

Gentlemen in opposition to this provision would leave the impression that we would have convict labor here in the District of Columbia engaged in laying the streets. There has never been a suggestion to do anything like this from any source whatever.

Mr. OLMSTED. Will the gentleman yield for a question at this point?

Mr. BURLESON. Certainly.

Mr. OLMSTED. I want to ask the question in all sincerity, because I am opposed to the asphalt combine and to all other combines and trusts, as we all are. But how will the appropriation of this item of $500 assist in bringing about the breaking up of this combination?

Mr. BURLESON. The item carries an appropriation of $50,000.

Mr. OLMSTED. The item against which the gentleman from Kentucky [Mr. JOHNSON] made the point of order is an item of $500, as I understand.

Mr. BURLESON. There is no question but that the corporation which seeks to do this street improving will get fair treatment if this provision goes in. The Engineer Commissioner of the District, who has no selfish interests to serve, says this is a most important item and will insure fair treatment for the District. If we get this item through, then the asphalt trust can not hereafter seize the District by the throat and advance the price at its own sweet will.

There has been much said here about the canceling of leases held by those now using the land where this asphalt plant is to be erected. Some express the fear that injustice or wrong may be done them, but——

Mr. COX of Indiana. Will the gentleman yield——

Mr. BURLESON. But in every one of these leases is a clause providing that the lease may be terminated on notice given by the District Commissioners. The committee in charge of this bill has been very careful to guard the interests of every individual that may be affected by this item.

Mr. COX of Indiana. Will the gentleman yield for a question?

Mr. BURLESON. Certainly.

Mr. COX of Indiana. In order to break up this trust, does the gentleman believe that the commissioners should go to the length of actually establishing this asphalt plant, or is it the idea just to hold this power over the trust in order to enable the commissioners to hold down the price of asphalt?

Mr. BURLESON. I will say that anyone who reads the item will see, if same becomes law, that it rests in the discretion of the District Commissioners to erect this plant; and if justice can be had from this asphalt company in the price that it fixes for laying our streets, this municipal asphalt plant will probably not be constructed or established. But if we do not get a just and fair bid for asphalt paving, then the District Commissioner says that under this authorization the District can be protected, that he can erect the asphalt plant and lay the streets at a reasonable cost. That, gentlemen, is the whole situation in a nutshell.

Mr. SIMS. Will the gentleman yield for a question?

Mr. BURLESON. Certainly.

Mr. SIMS. In line with the same thing that the gentleman has stated, is it not true that the city would also be profited if it owned its own garbage and incinerating plant?

Mr. BURLESON. Yes; and I hope the time will come when we will be able to effectively deal with that situation.

Now, gentlemen, there is nothing complicated or difficult to understand about this matter. All that it was necessary to know about this proposition was plainly stated by the gentleman from Illinois when the bill was before the House for consideration, and, but for the fact that the item was stricken out by a point of order, there is no doubt in my mind that the item would have been retained in this bill by the vote of an overwhelming majority. Let everyone here act upon his own responsibility. The only question is whether this House is going to leave this District and the Government in the grasp of a combination, or whether Members of this House will serve the best financial interest of the District and the people by allowing this item to remain in the bill.

Mr. Speaker, I reserve the remainder of my time.

Mr. GARNER of Texas. Will the gentleman yield?

Mr. BURLESON. Certainly.

Mr. GARNER of Texas. I understand the gentleman from Michigan [Mr. GARDNER] made a motion to suspend the rules and agree to this conference report, and I understand the item to which the gentleman from Kentucky [Mr. JOHNSON] objects is the item under the engineer commissioner, appropriating $500 for the purchase of apparatus for the office of the inspector of asphalt and cement. It seems to me the House ought to have some information why the House receded from its disagreement to amendments increasing the salaries of the different employees.

Mr. BURLESON. Mr. Speaker, I did not know there was any issue raised on that item. I reserve the balance of my time.

Mr. FOSTER of Illinois. Mr. Speaker, I yield five minutes to the gentleman from Kentucky [Mr. JOHNSON].

Mr. JOHNSON of Kentucky. Mr. Speaker, I am advised by the chairman of the Committee on the District of Columbia that no bill contemplating this asphalt plant has ever been introduced into this House and that the commissioners have never come to him with one word about it, asking for it or suggesting its establishment.

The chairman of the District Committee is here on the floor now, and he says that no bill of this kind was ever brought there, and neither was any suggestion of it ever made to his committee; but here they come, and they expect within a few minutes to pass a bill about which this committee knows nothing. It may be that if it had come before the committee and had been discussed—if it had been properly brought before this House—it may have received a unanimous vote. We have no opportunity to know, except from the statements made by the gentleman from Michigan, as to whether honest labor is to be driven out from this work and supplanted by convict labor or

not, and I say that it is not to the measure upon its merits that I object, but it is against this class of legislation. I say that no man can do himself justice here in voting to support this measure until he has been given full and fair opportunity to know all about it, and for that reason I object. Two hundred and forty-four amendments are pending in this bill, and it is now proposed to pass them all, under a suspension of the rules, without even reading them, and I trust the House will refuse to transact business that way. I yield back the remainder of my time.

The SPEAKER. The gentleman from Kentucky used four minutes.

Mr. FOSTER of Illinois. I yield four minutes to the gentleman from New York [Mr. BENNET].

Mr. BENNET of New York. Mr. Speaker, I shall vote against the motion of the gentleman from Texas [Mr. BURLESON] for several reasons. In the first place, this is the wrong way to legislate. Here is the situation: The Senate inserted this amendment No. 58, page 27, for the purchase of apparatus for offices of the inspector of asphalt and cements, $500. On that amendment, which may be proper or improper—I do not know—these conferees have hung an asphalt manufacturing plant. Whether it is proper to construct an asphalt manufacturing plant I do not know, and I ought not to be called upon to pass judgment until a regular committee of this House, charged with the duty of ascertaining, has gone into the question. What is this asphalt plant going to cost? Nobody knows. The only limit is that the total expenditure for the building shall not exceed $50,000.

Mr. OLMSTED. For the plant.

Mr. BENNET of New York. For the plant. Nothing in connection with maintenance, and yet it must be maintained; nothing to limit the manner in which the work is to be done. I do not know what the regulations of the District of Columbia are as to the use of convict labor, but it may be possible that if this House, without any information at all, adopts this report, you gentlemen who come back here in the extra session will see——

Mr. BUTLER. Extra session of what?

Mr. BENNET of New York. Of the Sixty-second Congress—will see upon the streets of the city of Washington convicts working in stripes, with a ball and chain about their legs, not under the direction of the District Commissioners, but under the direction of contractors, as we see under the worst form of contract convict labor. The gentleman says, "Oh, no!" He does not know and I do not know.

Mr. MANN. Will the gentleman yield for a question?

Mr. BENNET of New York. Yes.

Mr. MANN. Is there any better thing to do with convicts in the way of labor than to have them do municipal work of this sort?

Mr. BENNET of New York. If I had more time I could go into that whole question. I have only four minutes. This House ought not to decide whether it is right or not without a report of a regular committee.

Mr. PAYNE. I desire to ask my colleague if that has not been the policy of his State and mine?

Mr. BENNET of New York. Not in the part in which I have the honor to live.

Mr. PAYNE. The law is that the convicts shall labor and make articles for the use of municipalities, and there was a clause in it also for the making of roads, even.

Mr. BENNET of New York. I have never seen a convict on the roads, and I doubt if my colleague has.

Mr. PAYNE. I have seen convicts on them.

Mr. BENNET of New York. Now, another reason, Mr. Speaker. When this conference report went to conference on the 15th of February the gentleman from Michigan, as far as he could honorably as a conferee, promised the gentleman from Illinois [Mr. FOSTER] that we would have a separate vote on the question of increasing the salaries of the commissioners. Now, the proposition is made that the vote will be allowed on a motion to recommit the conference report. I acquit the gentleman of knowledge of the fact that after the other House has acted, as it has acted in this case, and discharged its managers, a motion to recommit a conference report is not in order, so that on a vote for the motion to suspend the rules and adopt the conference report we can not have a separate vote on anything in this bill. It is the wrong way to legislate. If we need a municipal asphalt plant let the District Committee report, and let it come here on the floor and let us have some idea of how it is to be conducted, how much it is going to cost, and what it will be. I hope the motion will be defeated.

Mr. FOSTER of Illinois. I yield two minutes to the gentleman from Missouri [Mr. BORLAND].

Mr. BORLAND. Mr. Speaker, although a member of the District Committee this whole business was new to us until it came on the floor of the House. It is stated here that this is for the purpose of defeating the asphalt combine. I am as much against the asphalt combine or any other kind of a combine as any man in the House, but it seems to me that if it is true that the District of Columbia was getting asphalt pavements at $1.45 until competition was driven out of the work and then the price was raised to $1.77 the combine may have been in the $1.45 as being an unreasonably low price. I do not know of any city in the country getting asphalt pavements at $1.45, and in our city they are getting them at $1.80, $1.85, and $1.87. Now, I do not think the District of Columbia, with its own plant, can put asphalt pavement down for $1.77, or any less, or will save a dollar by building this asphalt paving plant. Why should we engage in this undertaking at this expense? Why should this piece of legislation, even if it were a good piece of legislation, be slipped in this bill in this unparliamentary way? It is because the pocketbooks of the big property owners of the District of Columbia will be affected, and for no other reason. There is a great deal of legislation in the interests of the people of the District of Columbia that ought to be passed by this Congress, but here is one piece of legislation that finds some way to get before the Congress, and it gets there by reason of the fact that the pocketbooks of the property owners of the District are affected.

Mr. MADDEN. In what way?

Mr. BORLAND. I can not yield in two minutes. The gentleman has had his time——

The SPEAKER. The time of the gentleman has expired.

Mr. BURLESON. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. FORNES].

Mr. FORNES. Mr. Speaker, the statement has been made here that the asphalt pavements can not be laid down properly at less than $1.45 a square yard. Those who make that statement have never studied the price at which asphalt pavement is put down in the various cities of this country. In my city—New York—it has been as low under competition as $1.10 per square yard. Why the city of Washington should have ever been obliged to pay even $1.45 is beyond my comprehension, and must be beyond the conception of all men who understand the real cost of putting down asphalt pavements. It is a clear case, then, that a combination or trust was formed in this city to advance the price to $1.77 per square yard. Who pays the excessive profit but the taxpayers or the people of this country? If it is within the rule that a tax can be levied, we certainly have the power of legislation to prevent such an unjust tax. I believe that the conferees have studied this matter carefully, and they have based their conclusion upon this theory, that whenever prices are too high competition will and should enter, and being unable to obtain competition to regulate those prices, they have adopted the natural course—that is, that the District of Columbia will become the competitor. How can it in any way——

Mr. JOHNSON of Kentucky. Will the gentleman permit a question?

Mr. FORNES. Yes.

Mr. JOHNSON of Kentucky. Will the gentleman please tell this House how much asphalt will cost a square yard after this plant down here has been built?

Mr. FORNES. If it did not cost less the plant would not be built. I trust to the good sense of the commissioners, and I believe asphalt can be laid down in this District, or in the city of Washington, at profitable prices at from $1.25 to $1.35 per square yard.

Mr. JOHNSON of Kentucky. Will the gentleman please tell us why the commissioners have taken this route to establish this plant instead of the regular route by a bill introduced for that purpose?

Mr. FORNES. It was the only route open to them, and I believe that it was the proper course, to take the only route left, in order to avoid this outrageous charge for the asphalt for this District.

Mr. COX of Ohio. Will the gentleman yield?

Mr. FORNES. Certainly.

Mr. COX of Ohio. Is my colleague from New York aware of the fact that members of the District Committee suggested to Maj. Johnson a year ago the propriety and expediency of buying a repair plant, and suggested further that he bring it to the attention of the District Committee, and that he paid absolutely no attention to it, except by bringing it to the Appropriations Committee and having it made part of the appropriation bill submitted to this House?

Mr. FORNES. I am not aware of the fact, but I presume if conditions existed at that time as they do to-day the parties

would have taken the proper course to protect the interests of the District, the same as they are doing now.

Now, Mr. Speaker, it seems to me that it is self-evident that the objections to establishing this plant must come largely from those who are directly interested in putting down the pavements of this city, and therefore I believe that the conferees have adopted the sensible course, and the right one, to protect the city against an unusual monopoly, as it might be considered under the present circumstances. It is a purely business proposition, and we know that the business of this country is best maintained and the profits are most just where competition exists. Where competition does not exist, it is proper to say that robbery steps in; and I believe that the committee ought to be sustained, and I shall certainly give my vote to sustain it. [Applause.]

Mr. FOSTER of Illinois. Mr. Speaker, I yield two minutes to the gentleman from Indiana [Mr. CULLOP].

Mr. CULLOP. Mr. Speaker, I am opposed to this rule because it inaugurates a new manner of legislation here in this House. It also prevents us from determining other questions than the one that is involved in this discussion. Under the lighting contract, one of the items that was under discussion when this bill was before the committee, it was determined to pay the company $72.50 upon a contract that could not have been enforced in a court and not a single dollar could have been collected on it, is here raised to $80 per light. It is a pure and simple gift out of the pockets of the taxpayers of this country of a large amount of money. The Senate, now, in this bill makes it $85, the original price which was agreed to be paid in the contract, a most unreasonable and excessive price. The conference committee has reduced that to $80, $20 more per light than is paid in any other honestly administered city of the same size in the United States, and $20 per light more than ought to be paid here in the city of Washington. Now, it is a gift of $20 out of the pockets of the taxpayers of the District of Columbia and of the United States and which ought not to be permitted; and if this conference report is adopted under the motion of the gentleman from Texas [Mr. BURLESON], we will have no opportunity to send it back to conference again in order to have that price properly regulated. The lighting company could not go into court in a suit on its contract and enforce it, because of its plain and palpable violation of the same. It here secures in this respect an undue advantage, and if this motion is carried the people are powerless. It attempts to gain here that which it could not secure in any other way. The Congress is delegated with the power to legislate and not a conference committee.

If this motion carries, we can not oppose the increase of salaries incorporated in this report, a measure this House repudiated when the bill was before the House.

There are many other propositions involved in this matter which I would like to discuss, but can not for the want of time. The motion pending I hope will be defeated and the bill returned for conference again.

Mr. FOSTER of Illinois. Mr. Speaker, I yield three minutes to the gentleman from Arkansas [Mr. MACON].

Mr. MACON. Mr. Speaker, I will not undertake to discuss the merits of this asphalt proposition in the three minutes accorded to me by the gentleman. But I see by the RECORD that the House has receded from 131 amendments that were placed upon this bill by the Senate. To adopt the motion of the gentleman from Texas [Mr. BURLESON] to suspend the rules and adopt this conference report would be for this House to surrender consideration of 130 amendments placed upon the bill by the Senate. It would have no opportunity of questioning a single one of them. It does not understand the merits of the 130 other amendments, and to now adopt this motion in order to secure a settlement of this one question is asking too much, I think, at the hands of the House. If the gentleman's motion is voted down, then the proposition can again come before the House after it has had an opportunity of considering the other 130 Senate amendments that have not been passed upon by the House at all, and the asphalt question can be taken care of at that time. I do not think that the question of settling this proposition for the city of Washington is of sufficient moment or importance to justify the House waiving aside 130 other amendments, thereby saying that we will subordinate all of them and everything contained in them to this single proposition.

Mr. Speaker, this asphalt evil, if it does exist, can not last always. There will be another Congress in session within the next nine months, if not sooner, and I undertake to say that rather than deny the House the consideration of 130 other amendments that it knows nothing of, in order to accept this one proposition and thereby say that all the disagreements between the House and Senate upon this bill shall be bottomed upon the asphalt question alone, it will be better to postpone the asphalt amendment until the convening of the Sixty-second Congress. Nobody understands that asphalt question in its entirety. Nobody knows what the cost of this proposed plant will be. Nobody knows what the cost of its maintenance will be. It is possible that it will cost the city of Washington more per square yard of asphalt than the city is now paying, if this proposition is adopted.

The SPEAKER. The time of the gentleman has expired.

Mr. FOSTER of Illinois. Mr. Speaker, I yield one minute to the gentleman from Illinois [Mr. PRINCE].

Mr. PRINCE. Mr. Speaker, the question before the House is not a point of order, but it is a question whether the House will suspend the rules and vote in favor of the conference report and proceed to business. There are 391 Members in this House. I look over the directory of the State of New York and find this, that Mr. FORNES for two terms, from January, 1902, to January, 1906, was president of the Board of Aldermen of New York City. By virtue of the position that he held, he must of necessity have knowledge that ought to be convincing to this House. For that reason, and for the reason that he, through his long experience and the fact that he was at the head of a board that had to do with matters of the kind that we are discussing, has intimate knowledge of this subject, his judgment would influence my judgment, and I will vote to suspend the rules and agree to this conference report and thereby pass the bill. [Applause.]

Mr. FOSTER of Illinois. Mr. Speaker, I yield two minutes to the gentleman from Georgia [Mr. BARTLETT].

Mr. BARTLETT of Georgia. Mr. Speaker, this is not a question of the proper administration of municipal affairs, and if a Member of this House had been mayor of New York for 40 years and knew all about all the municipal administrations of all the cities in the land, that fact would not induce me to vote for the proposition that the House is to permit three of its Members to enact legislation which the House and Senate have never had before them. That is the question, and not the value or the propriety or the justice of the legislation.

Now, I am not to be frightened from my position by suggestions that this is against the Asphalt Trust and the suggestion that I will vote in its favor by voting for this proposition. Such a suggestion as that is unworthy to be made on the floor of this House. Both sides of this House, when the great tariff bill was in conference, refused to consent to the proposition that the conferees should put shoes upon the free list and change tariff upon leather until they had requested this House to grant special permission by a rule or resolution to do it. The gentleman from New York [Mr. PAYNE] and his conferees, both in the House and in the Senate, did not undertake to violate their duty in this regard, as the gentlemen in this conference report have undertaken to violate theirs in this case. I do not know whether this is for the benefit of this city or not; I do not know whether it will cheapen the price of asphalt for paving in this city or not; but I do know that it is in violation of all the decent and orderly rules of legislation, and therefore I oppose it. [Applause.]

Mr. FOSTER of Illinois. Mr. Speaker, I yield one minute to the gentleman from New York [Mr. OLCOTT].

Mr. OLCOTT. Mr. Speaker, I have no desire to discuss the merits of this proposition. The question of the establishment of an asphalt plant never came to the consideration of the members of the District of Columbia Committee. Some time ago somebody suggested that the District Committee should take this matter up with the commissioners, and the commissioners were notified, but they never paid the slightest attention to it. I rise to protest most strenuously and vehemently against this everlasting criticism of the District of Columbia Committee. There is not a harder working committee than that in the House. We have come before this House with bills of great importance for the city of Washington and, in fact, for the entire country time and time again on the days when the rules prescribe that we shall have the right of way, and we have been steam rollered, run over, and bill after bill that should be put upon the statute books has not even had time for consideration. I will not sit quietly by and hear this constantly recurring criticism, even from the great Committee on Appropriations. [Applause.]

Mr. BURLESON. Mr. Speaker, I yield three minutes to the gentleman from New York [Mr. YOUNG].

Mr. YOUNG of New York. Mr. Speaker, I, as in the case of the gentleman from New York, my colleague [Mr. FORNES], have given considerable thought to and have had opportunities to study this asphalt question in a comprehensive way. In New York we were beset by the same conditions exactly as con-

front the District of Columbia to-day, where when there was competition the asphalt was furnished at $1.45 per yard, but after a combination was formed or said to have been formed the price was advanced to $1.77 per yard. The only remedy, the only check that can be given to such trusts and combinations in opposition to the interests of the people is the establishmen of an asphalt plant such as the municipality proposes to make in this instance. In my own case I worked industriously in New York in the public service to secure the establishment of an asphalt plant that would relieve us from the difficulties which now confront the District of Columbia, and the gentleman from New York [Mr. FORNES], as the president of the board of aldermen had before him this same matter. New York established an asphalt plant for its protection, and as a result we have had cheaper asphalt, and very much cheaper than we could otherwise have secured. It is a good principle; it is one worthy of serious consideration and adoption by this House as a safeguard against the expenditure of this money to combinations in restraint of trade and economy. You have the opportunity now, and I think there should be no objection on either side of this House to the establishment of a municipal plant that would hold in check such combinations. It is not necessary nor is it provided that this plant should absolutely be established, but it gives the opportunity to the House, Mr. Speaker, of putting a check upon those who would advance the prices to such an extent as to become burdensome, not on the District of Columbia, but on the people of this whole country. I therefore strongly favor the proposition that the experiment shall be made. The limitations are all sufficient. I think it would be a good thing for this House to adopt this proposition. [Applause.]

Mr. FOSTER of Illinois. Mr. Speaker, have I two minutes remaining?

The SPEAKER. The gentleman from New York has two minutes.

Mr. FOSTER of Illinois. Mr. Speaker, on yesterday, in the consideration of the sundry civil appropriation bill, this House, on the recommendation of the Committee on Appropriations, passed a paragraph which provided that the asphalt made in this city should not exceed a certain price. That is going to become law. Nobody has any objection to it.

Mr. BURLESON rose.

Mr. FOSTER of Illinois. I have not the time to yield.

Mr. BURLESON. Yes; but that price is $1.85.

Mr. FOSTER of Illinois. That is not the only question in this conference report which ought not be adopted at this time. These conferees have agreed to an increase in the salary of these commissioners which was denied before the committee of which it was asked. Another thing, the conferees on the part of the House very willingly insist that the amendment which was placed there by the Senate which appropriated $5,000 to help the blind of this city—those people who are attempting to support themselves by the little appropriations they get so that they will not be objects of charity—they willingly insist that the amendment shall be stricken out which was placed there by the Senate, but also insist that this increase of salary shall be made to these commissioners. I ask you gentlemen of the House, are you willing under a suspension of the rules to pass this kind of a conference report this morning because you are told that on account of stress of time it ought to be done. Send this report back to these conferees with instructions to look out for the interests of the people of the District, and give us a chance to vote upon some of the items in this bill which ought to be voted upon by this House. [Applause.]

Mr. BURLESON. Mr. Speaker, I yield the remainder of my time to the gentleman from Michigan [Mr. GARDNER].

Mr. GARDNER of Michigan. Mr. Speaker, there are involved in this bill 250 disagreements. For four days the conferees of the two Houses met and sought to harmonize the differences, and finally succeeded in doing so. It is a matter of give and take in a conference where there is a difference of more than a million dollars, as there was in this case, involved between the two Houses, so that when we conclude our work no party gets all he wants; no one is thoroughly satisfied. It is a compromise, but it was the belief of the House conferees that not in the legislative experience of those conferees has there been a better and more satisfactory bill as a whole reported back to the House than that now under consideration.

It seems to be, with regard to salaries, that we did agree that the commissioners should be advanced a thousand dollars, and the conferees have no apology to make. That did not go out on a vote of the House; it went out on an objection of a single Member; and I appeal to the membership of this House, if we are worth $7,500 a year as Members of Congress, are not the commissioners, charged with more responsibilities than is the average Member of this House, worth $6,000?

Mr. BARTLETT of Georgia. How many could be elected in your district or mine, I would like to know?

Mr. BUTLER. Will the gentleman permit a question?

Mr. GARDNER of Michigan. Just a question.

Mr. BUTLER. Will the gentleman be kind enough to tell us, as he goes along, how many items are in serious dispute? Is there anything here in serious dispute but the increase in pay of the District Commissioners?

Mr. GARDNER of Michigan. Oh, yes; what is called the asphalt plant, which upon its merits it is conceded to be proper, but it seems to have resolved itself into a question of jurisdiction between two of the important committees of the House.

Personally I have no sympathy with any assault upon the District Committee. We have lived in harmony together all these years, and I sympathize with them in the unfortunate condition they have been in at this session, and it has not been upon my vote that they have been placed in that position. Now, with regard to there being more recessions on the part of the House than the Senate, let me say to the gentleman that every item that looked for an increase of colored school facilities in this city was stricken out on the point of order. They did not propose to give a dollar—simply went out on the point of order. Can one gentleman rise here and strike out a system like that? The conferees believed, and believe now, that justice to the colored people, justice to the children of the colored race, entitled them to recognition in the division of public moneys necessary for their education. That counts for a very considerable number of recessions on the part of the House. The gentleman from Illinois speaks with reference to the blind. Not an item of hearings in either House with regard to that. Some years ago——

Mr. FOSTER of Illinois rose.

Mr. GARDNER of Michigan. Wait a moment. Some years ago there was a proposition to do this, to give $5,000, and every dollar was licked up in the payment of private individuals for advancements that had been made and no result. Now, again, with regard to the work of criminals. Does anybody think we are going to bring criminals here into the city to work upon our streets? We have three or four hundred men who have been idle in the jails for years down at Occoquan, there by your vote and direction. On the tract of land is a quarry of stone that can be utilized. These prisoners are simply to work out and beat that stone into a condition that will be a basis for this asphalt. Again, the establishment of this asphalt plant is permissive, not mandatory. It is to enable the House and the Congress to say to this trust, You shall not hold us up; if necessary, we will establish a plant, but if you will do the fair thing we will let it stand and it will give you a reasonable profit.

The SPEAKER. The time of the gentleman has expired; all time has expired. The question is on the motion to suspend the rules and agree to the conference report.

The question was taken; and the Chair announced that, in the opinion of the Chair, two-thirds had voted therefor——

Mr. FOSTER of Illinois. Division, Mr. Speaker.

The House divided; and there were—ayes 160, noes 69.

Mr. FOSTER of Illinois. Mr. Speaker, I call for the yeas and nays. [Cries of "No!"]

The yeas and nays were ordered.

The question was taken; and there were—yeas 160, nays 114, answering "present" 6, not voting 103, as follows:

YEAS—160.

Alexander, N. Y.	Fairchild	Higgins	Lundin
Austin	Fassett	Hill	McCreary
Barnard	Fitzgerald	Hinshaw	McGuire, Okla.
Bartholdt	Focht	Hollingsworth	McKinlay, Cal.
Bartlett, Nev.	Fordney	Howell, N. J.	McKinley, Ill.
Bennett, Ky.	Fornes	Howell, Utah	McKinney
Bingham	Foss	Howland	McMorran
Boutell	Foster, Vt.	Hubbard, Iowa	Madden
Broussard	Fuller	Hubbard, W. Va.	Malby
Burke, S. Dak.	Gardner, Mass.	Hull, Iowa	Mann
Burleson	Gardner, Mich.	Humphrey, Wash.	Massey
Butler	Gillespie	Joyce	Miller, Kans.
Calderhead	Gillett	Keifer	Miller, Minn.
Campbell	Goebel	Keliher	Mondell
Cassidy	Good	Kendall	Morse
Cole	Goulden	Kennedy, Iowa	Moxley
Cowles	Graff	Kennedy, Ohio	Needham
Crow	Graham, Pa.	Kinkaid, Nebr.	Nelson
Crumpacker	Grant	Knapp	Nicholls
Dalzell	Greene	Knowland	Norris
Dawson	Griest	Kopp	Nye
Diekema	Guernsey	Kronmiller	Olmsted
Dodds	Hamer	Küstermann	Padgett
Douglas	Hamilton	Langham	Palmer, H. W.
Draper	Hanna	Langley	Parker
Driscoll, M. E.	Harrison	Lawrence	Payne
Dwight	Haugen	Lindbergh	Pearre
Ellis	Hawley	Livingston	Pickett
Elvins	Hayes	Longworth	Plumley
Esch	Heald	Loud	Pray
Estopinal	Henry, Conn.	Lowden	Prince

Pujo	Sims	Sturgiss	Volstead
Reeder	Slemp	Sulloway	Vreeland
Roberts	Smith, Iowa	Swasey	Washburn
Rodenberg	Smith, Mich.	Tawney	Wiley
Rucker, Colo.	Sperry	Taylor, Ala.	Wilson, Ill.
Scott	Stafford	Thistlewood	Wilson, Pa.
Sharp	Steenerson	Thomas, Ohio	Woods, Iowa
Sheffield	Stephens, Tex.	Tilson	Young, Mich.
Simmons	Sterling	Townsend	Young, N. Y.

NAYS—114.

Adair	Cox, Ohio	Houston	Peters
Adamson	Cullop	Hughes, Ga.	Poindexter
Aiken	Dent	Hughes, N. J.	Rainey
Alexander, Mo.	Denver	Hull, Tenn.	Randell, Tex.
Anderson	Dickinson	Humphreys, Miss.	Rauch
Ansberry	Dies	Jamieson	Richardson
Barnhart	Dixon, Ind.	Johnson, Ky.	Robinson
Bartlett, Ga.	Dupre	Johnson, S. C.	Roddenbery
Beall, Tex.	Edwards, Ga.	Kitchin	Rucker, Mo.
Bell, Ga.	Fish	Korbly	Sheppard
Bennet, N. Y.	Floyd, Ark.	Latta	Sherwood
Boehne	Foster, Ill.	Lee	Slayden
Booher	Garner, Tex.	Lever	Smith, Tex.
Borland	Garrett	Lively	Sparkman
Brantley	Glass	Lloyd	Spight
Burgess	Godwin	Macon	Stanley
Byrns	Gordon	Maguire, Nebr.	Sulzer
Candler	Graham, Ill.	Martin, Colo.	Talbott
Cantrill	Hamill	Mays	Taylor, Colo.
Carter	Hamlin	Mitchell	Thomas, Ky.
Cary	Hammond	Moon, Tenn.	Thomas, N. C.
Chapman	Hardwick	Morrison	Tou Velle
Clark, Mo.	Hardy	Moss	Turnbull
Clayton	Hay	O'Connell	Underwood
Cline	Heflin	Olcott	Watkins
Conry	Helm	Oldfield	Webb
Cooper, Wis.	Henry, Tex.	Page	Wickliffe
Covington	Hitchcock	Palmer, A. M.	
Cox, Ind.	Hobson	Parsons	

ANSWERING "PRESENT"—6.

Burnett	Currier	Lamb	Pou
Carlin	Ferris		

NOT VOTING—103.

Ames	Driscoll, D. A.	Lafean	Pratt
Andrus	Durey	Law	Ransdell, La.
Anthony	Edwards, Ky.	Legare	Reid
Ashbrook	Ellerbe	Lenroot	Rhinock
Barchfeld	Englebright	Lindsay	Riordan
Barclay	Finley	Loudenslager	Rothermel
Bates	Flood, Va.	McCall	Sabath
Bowers	Foelker	McCredie	Saunders
Bradley	Fowler	McDermott	Shackleford
Burke, Pa.	Gaines	McHenry	Sherley
Burleigh	Gallagher	McLachlan, Cal.	Sisson
Byrd	Gardner, N. J.	McLaughlin, Mich.	Small
Calder	Garner, Pa.	Madison	Smith, Cal.
Capron	Gill, Md.	Martin, S. Dak.	Snapp
Clark, Fla.	Gill, Mo.	Maynard	Southwick
Cocks, N. Y.	Goldfogle	Millington	Stevens, Minn.
Collier	Gregg	Moon, Pa.	Taylor, Ohio
Cooper, Pa.	Havens	Moore, Pa.	Wallace
Coudrey	Howard	Moore, Tex.	Wanger
Craig	Huff	Morehead	Weeks
Cravens	Hughes, W. Va.	Morgan, Mo.	Weisse
Creager	James	Morgan, Okla.	Wheeler
Davidson	Johnson, Ohio	Mudd	Willett
Davis	Jones	Murdock	Wood, N. J.
Denby	Kahn	Murphy	Woodyard
Dickson, Miss.	Kinkead, N. J.	Patterson	

So (two-thirds not having voted in favor thereof) the motion was rejected.

The Clerk announced the following pairs:

For the session:

Mr. MURDOCK with Mr. RHINOCK.
Mr. MOREHEAD with Mr. POU.
Mr. ANDRUS with Mr. RIORDAN.
Mr. CURRIER with Mr. FINLEY.

Until further notice:

Mr. DENBY with Mr. GALLAGHER.
Mr. WOOD of New Jersey with Mr. PATTERSON.
Mr. COCKS of New York with Mr. LAMB.
Mr. LANGLEY with Mr. SABATH.
Mr. LAFEAN with Mr. GILL of Missouri.
Mr. MILLINGTON with Mr. MAYNARD.
Mr. KAHN with Mr. LINDSAY.
Mr. GARNER of Pennsylvania with Mr. LEGARE.
Mr. DUREY with Mr. KINKEAD of New Jersey.
Mr. DAVIS with Mr. JONES.
Mr. DAVIDSON with Mr. HOWARD.
Mr. CREAGER with Mr. HAVENS.
Mr. CALDER with Mr. GOLDFOGLE.
Mr. BURLEIGH with Mr. GILL of Maryland.
Mr. BRADLEY with Mr. ELLERBE.
Mr. BATES with Mr. DANIEL A. DRISCOLL.
Mr. BARCLAY with Mr. DICKSON of Mississippi.
Mr. ANTHONY with Mr. FLOOD of Virginia.
Mr. AMES with Mr. REID.
Mr. WOODYARD with Mr. BOWERS.
Mr. BARCHFELD with Mr. CARLIN.
Mr. LOUDENSLAGER with Mr. GREGG.
Mr. MARTIN of South Dakota with Mr. MCDERMOTT.
Mr. MCLAUGHLIN of Michigan with Mr. MOORE of Texas.
Mr. MOON of Pennsylvania with Mr. RANSDELL of Louisiana.
Mr. SOUTHWICK with Mr. SAUNDERS.
Mr. STEVENS of Minnesota with Mr. SHACKLEFORD.
Mr. TAYLOR of Ohio with Mr. SHERLEY.
Mr. WANGER with Mr. SISSON.
Mr. WHEELER with Mr. WALLACE.
Mr. WEEKS with Mr. SMALL.
Mr. MADISON with Mr. WILLETT.

For the balance of the session:

Mr. HUGHES of West Virginia with Mr. BYRD.

From Saturday until end of session:

Mr. SMITH of California with Mr. CRAVENS.

From 12 m. Thursday until end of session:

Mr. SMITH of Michigan with Mr. CLARK of Florida.

Until 2 p. m. Saturday:

Mr. MOORE of Pennsylvania with Mr. MCHENRY.

From Thursday until Saturday, inclusive:

Mr. HOWELL of New Jersey with Mr. BURNETT.

For this day:

Mr. GARDNER of New Jersey with Mr. ASHBROOK.
Mr. MCCALL with Mr. JAMES.

From February 21 until February 27, inclusive:

Mr. MORGAN of Oklahoma with Mr. FERRIS.

Until Monday noon:

Mr. LAW with Mr. WEISSE.

Until Monday afternoon:

Mr. PRATT with Mr. ROTHERMEL.

On this vote:

Mr. GAINES with Mr. COLLIER.

The result of the vote was announced as above recorded.

Mr. JOHNSON of Kentucky. Mr. Speaker, I renew the point of order. The point of order was pending.

The SPEAKER. The Chair sustains the point of order.

Mr. HUGHES of New Jersey. Mr. Speaker, I move that the House further insist on its disagreement.

The SPEAKER. The gentleman from Michigan [Mr. GARDNER] has not yet lost control of the floor.

Mr. GARDNER of Michigan. Mr. Speaker, I move that the House insist on its disagreement to the Senate amendments and ask for a further conference.

The motion was agreed to.

The SPEAKER announced the following conferees:

Mr. GARDNER of Michigan, Mr. TAYLOR of Ohio, and Mr. BURLESON.

PROTECTION OF THE UNIFORM OF THE UNITED STATES.

The SPEAKER laid before the House from the Speaker's table the bill H. R. 23015, an act to protect the dignity and honor of the uniform of the United States, with Senate amendments.

The Senate amendments were read.

Mr. HOBSON. Mr. Speaker, I move that the House concur in the Senate amendments.

The Senate amendments were agreed to.

AIDS TO NAVIGATION.

The SPEAKER also laid before the House the bill (S. 10177) to authorize additional aids to navigation in the Lighthouse Establishment, and for other purposes, with House amendments disagreed to by the Senate.

Mr. MANN. Mr. Speaker, I move that the House insist on its amendments and agree to the conference asked for by the Senate.

The motion was agreed to.

The SPEAKER announced the following conferees:

Mr. MANN, Mr. STEVENS of Minnesota, and Mr. ADAMSON.

JOHN MARSHALL.

The SPEAKER laid before the House the bill (H. R. 24153), for the relief of John Marshall, with a Senate amendment.

The Senate amendment was read.

Mr. BENNET of New York. Mr. Speaker, I move that the House do concur in the Senate amendment.

The motion was agreed to.

BRIDGE ACROSS RED RIVER.

The SPEAKER laid before the House the bill (S. 10849) to authorize the city of Shreveport, in the State of Louisiana, to construct a bridge across Red River, a similar bill, H. R. 32824, being on the House Calendar.

The bill was ordered to a third reading, was read the third time, and passed.

The bill, H. R. 32824, was ordered laid upon the table.

WITHDRAWAL OF PAPERS.

Mr. KNOWLAND, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, papers in the case of Charles R. Stevens, Fifty-fifth Congress, no adverse report having been made thereon.

Mr. KRONMILLER, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, papers in the case of the American Towing & Lightering Co., Sixty-first Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

Mr. CRAVENS, by unanimous consent, was granted leave of absence indefinitely on account of sickness.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill, H. R. 32909, the sundry civil appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 32909) making appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1912, and for other purposes, with Mr. MANN in the chair.

Mr. THOMAS of North Carolina. Mr. Chairman, I offer an amendment which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

On page 177, in line 25, after the word "dollars," insert "for range lights in Bogue Sound, N. C., $2,500."

Mr. TAWNEY. Mr. Chairman, I make a point of order against that. It is not germane to the provision.

The CHAIRMAN. The gentleman from Minnesota makes the point of order that it is not germane to the provision.

Mr. THOMAS of North Carolina. Oh, Mr. Chairman, these lights are authorized by existing law.

Mr. TAWNEY. I do not think they are authorized. If it is in order at all on this bill, it is in connection with the appropriation for the Lighthouse Service.

Mr. THOMAS of North Carolina. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. THOMAS of North Carolina. Mr. Chairman, this amendment is offered to the paragraph in the sundry civil bill providing for lighthouses, beacons, fog signals, light vessels, and other works under the Lighthouse Service. Of course this proposed amendment is for work under the Lighthouse Service. It is for range lights in Bogue Sound, a sound in eastern North Carolina. As to the point of order that it is not authorized by existing law Mr. Chairman, I will say that it is authorized under the act of June 17, 1910.

Mr. STAFFORD. Mr. Chairman, I make the point of order that it is not authorized by existing law.

The CHAIRMAN. Will the gentleman from North Carolina send to the Chair a copy of the act referred to?

Mr. THOMAS of North Carolina. Yes, sir. I send it up. The Chairman is familiar with it, because it came from the Chairman's committee.

The CHAIRMAN. Does the gentleman from Minnesota desire to be heard on the point of order?

Mr. TAWNEY. I desire to know, Mr. Chairman, whether it is authorized by law.

Mr. THOMAS of North Carolina. It was authorized by the act of June 17, 1910.

The CHAIRMAN. The gentleman from North Carolina has furnished the Chair with a copy of the act approved June 17, 1910, providing for additional aids to navigation in the Lighthouse Establishment, in which this item occurs:

Be it enacted, etc., That the Secretary of Commerce and Labor be, and he is hereby, authorized to establish and provide the following additional aids to navigation in the Lighthouse Establishment, under the Department of Commerce and Labor, in accordance with the respective limits of cost hereinafter respectively set forth, which shall in no case be exceeded:

* * * * * * *

Range light, Bogue Sound, N. C., at a cost not to exceed $2,500.

Inasmuch as the item is authorized by law, the Chair overrules the point of order. The question is on agreeing to the amendment.

Mr. THOMAS of North Carolina. Mr. Chairman, I would like to be heard briefly.

Mr. TAWNEY. Mr. Chairman, I can not find that the item has been estimated for by the department. I would like to know where it can be found.

Mr. THOMAS of North Carolina. I will give the chairman of the committee the estimate from the department contained in the hearings before the Committee on Interstate and Foreign Commerce. I will read it to the gentleman. In response to a letter from the Hon. JAMES R. MANN, chairman of the Committee on Interstate and Foreign Commerce, addressed to the Lighthouse Board and asking as to the necessity and cost of lights in this sound, the Assistant Secretary of Commerce and Labor, Benjamin S. Cable, sent the following letter:

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, D. C., January 19, 1910.

DEAR SIR: Referring to your letter of December 14, 1909, and to the reply of this department of December 20, 1909, relative to the bill (H. R. 2220) providing beacon lights in Bogue Sound, Carteret County, N. C., I beg to state that the Lighthouse Board is of the opinion that 10 beacons, to consist of 3 pile structures with 8 day-post lanterns, should be established to mark the dredged cut in Bogue Sound, and that the amount named in the bill, $2,500, will be sufficient for the construction of these beacons.

I concur in the views of the Lighthouse Board, and therefore recommend that the bill in question be passed.

Respectfully, BENJ. S. CABLE, *Assistant Secretary.*

Hon. JAMES R. MANN,
Chairman Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D. C.

There is the estimate in the hearings.

Mr. TAWNEY. That is not an estimate. That is a letter stating the desirability of providing for that authorization.

Mr. THOMAS of North Carolina. It is more than that, Mr. Chairman, I will say to the chairman of the committee. It states that $2,500 is necessary for the construction of these lights, and the Secretary of Commerce and Labor and the Lighthouse Board assent to the necessity for their construction.

Mr. TAWNEY. I do not understand that that is a formal estimate. It is a statement in a letter.

Mr. THOMAS of North Carolina. As I understand the point the gentleman makes, it is that on this particular item, my amendment, the Department of Commerce and Labor has not sent the usual estimates to the Secretary of the Treasury and the Secretary of the Treasury transmitted them to the House. But if this item in my amendment is authorized by existing law, and if it has the approval of the former Lighthouse Board and the Secretary of Commerce and Labor and the Committee on Interstate and Foreign Commerce, of which the gentleman from Illinois [Mr. MANN] is chairman, why should it not go into the bill? I will say to the chairman of the committee that there are a number of items included in this bill which are not authorized by existing law. I do not wish to make a point of order against any of them, because they ought to be in the bill, and I do not propose to do it under any circumstances, but I think this little item in my amendment of $2,500 for range lights in this sound in North Carolina, recommended by the Department of Commerce and Labor and recommended by the Interstate Commerce Committee and authorized by Congress, ought to go in this bill and the money be appropriated for the work.

Mr. TAWNEY. Mr. Chairman, it seems from the act of June 17, 1910, that a range light on Bogue Sound, N. C., is authorized, to cost not to exceed $2,500. The Department of Commerce and Labor, or the Lighthouse Service, has not deemed the establishment of this range light of sufficient importance to estimate for the appropriation for that purpose. The Lighthouse Service, as Members will recollect, was reorganized a year ago, or since the light was authorized——

Mr. BARTLETT of Georgia. Oh, no; if the gentleman will permit me?

Mr. TAWNEY. The reorganization was not effected under this act until some time after the passage of the act. Now, the reorganized Lighthouse Board has not submitted any estimate for this range light. Let me call the attention of the committee to the fact that in submitting the estimate they group them into three classes. Group No. 1 includes those that they deem absolutely necessary and essential to the service, and in group No. 2 they put those they regard as not so important, and in the third group they put those that they can get along without. The gentleman's proposition is to appropriate for a range light not included in either group.

Mr. THOMAS of North Carolina. I would like to ask the gentleman a question.

Mr. TAWNEY. Certainly.

Mr. THOMAS of North Carolina. Have you not put some items in the first group, which you say the Lighthouse Bureau says are very essential, which are not authorized at all by existing law?

Mr. TAWNEY. We have on the testimony or recommendation of the reorganized Lighthouse Service, which is regarded as more efficient than the former organization, and on the

testimony of members of the committee, of which the gentleman is a member, that these were absolutely essential.

Mr. THOMAS of North Carolina. I agree to that, but I think my item being authorized by Congress ought to go into this bill.

The CHAIRMAN. The question is on the amendment of the gentleman from North Carolina.

The question was taken; and on a division (demanded by Mr. TAWNEY) there were—ayes 59, noes 53.

Mr. TAWNEY. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed as tellers Mr. TAWNEY and Mr. THOMAS of North Carolina.

The committee again divided, and the tellers reported that there were 83 ayes and 73 noes.

So the amendment was agreed to.

The Clerk read as follows:

Brandywine Shoal Light Station, Del.: For rebuilding and improving the present light and fog-signal station at Brandywine Shoal, Delaware Bay, Del., on the present or an adjacent site, $75,000.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the last word. There appeared in to-day's RECORD a number of clippings from newspapers relative to the use of power presses in the Bureau of Engraving and Printing. They are apparently inspired articles to give the side of those who are in favor of the substitution of power presses for hand presses.

Mr. TAWNEY. By whom were they inserted?

Mr. FITZGERALD. They were inserted in another body. It gives the side of those who advocate the power presses in place of the hand presses for printing Government money. So that both sides may have an opportunity to present the facts, I ask to insert some material giving the reasons for retaining the hand presses in printing Government money in the Bureau of Engraving and Printing.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

SECURITY V. CHEAPNESS—SHALL THE MONEY OF THE PEOPLE BE PRINTED IN THE HIGHEST STYLE OF THE ART—THE DANGER FROM COUNTERFEITING SHOULD BE AVOIDED.

In chapter 546, page 605, Thirtieth Statutes at Large, is the following law:

"*Provided*, That hereafter all bonds, notes, and checks shall be printed from hand-roller presses."

By the passage of that law Congress determined that the securities of the Government should be printed in the highest style of the money-making art. It was an expression to the effect that Congress would reserve to itself the right to control this matter.

A proposition is in contemplation to repeal the above law at this session of Congress and lodge this discretion in the Secretary of the Treasury.

We give in this booklet the reasons why Congress should not surrender this discretion to the Secretary of the Treasury, and also why the present law should remain on the statute books.

INTERNATIONAL PLATE-PRINTERS' UNION OF NORTH AMERICA
(AFFILIATED WITH AMERICAN FEDERATION OF LABOR).

SECURITY V. CHEAPNESS.

RECENT DISCUSSION.

There has in recent months been considerable discussion in the newspaper and periodical press of the relative merits of hand-press and power-press methods of printing money. The Government now prints its national-bank notes, Treasury notes, bonds, checks, and other securities by the hand-press method. It is proposed to repeal the law which provides that our securities must be printed on hand-roller presses and install machines known as power presses.

NOT OPPOSED TO PROGRESS.

The plate printers are intelligent, skilled workmen. Their calling requires ability of a high degree. Great care, skill, and judgment must be exercised in order to produce good work. Neither as a body nor as individuals are they opposed to progress. Whenever it shall be demonstrated that the product of machines can successfully and satisfactorily supplant their handicraft, they will be quick to admit it.

SATISFACTORY AND SAFE.

They claim that the most satisfactory, because the most "secure," work ever done has been done and is now being done by them on the hand-roller presses. The handling, the heating, the putting on of the ink, the wiping of the plate, now heavy, now light, to bring out the effect intended by the engraver, the temperature of the hand, the texture of the skin, all requiring the constant exercise of forethought, judgment, and fine skill (human effort entirely), are attributes that belong solely to the printer and can not be supplied by machines.

PLATE PRINTERS' HANDICRAFT EVERYWHERE.

The product of the skill of the engraver and plate printer is to be seen in every walk of life where artistic beauty and refinement reign. In the homes of our people are hung steel engraved pictures; in lawyers and doctors' offices are their diplomas, plate printed on sheepskin; in our choice literature are seen the photogravure illustrations; the wedding invitations of our sons and daughters are all plate printed; calendars, letterheads of many leading business houses, are printed by hand from finely engraved plates. The United States Government also should use the finest printing in the production of its securities. This is absolutely necessary in order to maintain the present high artistic standard of our money, a standard which all the world acknowledges to be the highest and best. An additional, and more important, reason for maintaining this high standard is that the maximum of safety against counterfeiting shall be guaranteed our people.

PRINCIPAL POINTS.

In plate printing the principal points are to reproduce in relief the lines the engraver cuts into the steel; that is, to have the lines, both heavy and light, hold the maximum amount of ink which produces the high and light shades of the engraver's art and gives tone and expression to the product. To do this requires skill, thought, and time. Rare skill must be exercised in the wiping of the plate with a cloth or rag, as it is commonly called in the trade. If you will notice, in different notes the engaved lines run in every direction—horizontal, perpendicular, and circular; in fact, any way that the designer plans. As the "wiper" on a power press can only wipe in one direction, which is a half circular one, and as the weight of it is over 200 pounds, it can readily be seen that that part of the line which runs in the same direction as that of the wiper is bound to be wiped out, or nearly so, while on the other hand, the printer on a hand press can manipulate his rag in every direction, always wiping against the line, and consequently leaving the maximum amount of ink necessary therein. On the power press, in order to permit the printer to polish the plate, it is necessary to lower the wiper very close to the plate. The weight of the wiper, combined with the force which is necessary to remove the ink, wipes the plate very clean and close, and consequently produces an impression that has no color or life and is flat in appearance. It also eliminates the detail of an impression, which is the hardest part of a note to produce; that is, the fine lines on the face of a portrait or a shading behind the titles. In examining counterfeit notes, a person can readily see that in nearly every particular the detail is lacking. On a hand press, in wiping a plate, various parts of the plate are wiped differently. For instance, on a portrait, the background, which is always delicately engraved, is wiped very lightly and smoothly, while the coat, which is generally heavy, is wiped down so as to give it a smooth appearance. If the plate is worn, it is wiped carefully; if too black or strong, it is wiped close. The wiper on the power press, being mechanical, wipes the whole plate in the same manner without any regard for the different parts of the engraving or whether the plate is worn or new. As the wiper on the power press wipes the plate so close, it is necessary to use a great deal of pressure to bring up or print what remains in the engraved line. The pressure thus used calenders the paper and lessens the life of the note, because it breaks down the linen fibers in the paper. In bank-note printing all the paper is wet so as to soften it in order to force it down into the engraved lines. As it is manifestly impossible to wet every sheet exactly alike, the hand pressman, when he comes to a dry sheet, pulls it slowly through the press, and vice versa with a wet sheet. The power press pulls all sheets alike at the same rate of speed.

POWER PRESSES NOT IMPROVED.

The point may be urged that the power press has improved in the past few years. This is not a fact. The only changes made are that the motive power has been changed from steam to electric power, hence the new name, "power presses"; several minor attachments which improve the mechanical working of the press, such as more speed and smoother running; also safety appliances, which partially protect the printer and assistants from injury. But there positively has been no improvement in the work executed by the press. In fact, the increased speed has lowered the quality of the product.

MANY OBSTACLES.

For more than 20 years the builders of the power presses have been trying to improve them, but have not succeeded in overcoming these obstacles, namely, the wiper, the filling-in roller, and the enormous pressure. The basic principle in plate printing is to fill all the engraved lines full of ink. The power press filling-in roller does not do this, as it can only pass over the plate once, filling in only the bottom of the engraved lines. Anyone who examines the plate after it has passed under the filling-in roller can very easily see the engraved lines through the ink, when if it were filled in properly none of these lines would be visible. It can plainly be seen that the press starts off wrong in the beginning of its operation by not putting enough ink in the lines to produce a perfect impression. The next operation of the press is to remove enough ink from the plate to allow the printer to polish it clean. The wiper is a contrivance which weighs approximately 200 pounds, and it takes two men to remove it from the press. The part of it which rests on the plate is a flat pad about 2 feet long and 1 foot wide. This pad is covered with felt, and under it and directly over the plate passes the wiping rag. This rag is about 80 yards in length and is wound on a spindle and placed on top of the wiper; as it is used up it is rewound on another spindle. The pad or wiper comes down on the face of the plate and wipes across the plate in a certain fixed way. On an engraved plate the lines run in every direction, and, of course, a great many of them in the same direction the wiper takes. These lines, consequently, are wiped out, or nearly so, on account of the fact that the wiper, being mechanical, can not exercise any refinement of judgment. There is one more thing about the wiper on the power press. It wipes with a great deal of force, being screwed down very close to the plate. This is necessary in order to remove the ink so that the printer can polish the plate, which he has to do very rapidly, as the plate is in continuous motion. In fact, he is reaching toward it as it comes to him or as it goes away. Its position is changing all the while, and he has to jump after it as it moves. It is plain to the average person that it is impossible for any man to polish the plate as clean as can the man on a hand press, where the plate is stationary and where the man has time to judge and decide conditions.

After the plate leaves the printer it passes under the printing roller, which is covered with felt blankets. As the plate has very little ink left in the lines on account, first, of not being properly filled in, and, second, of being wiped so close by the wiper, enormous pressure is necessary in order to bring up what remains of the ink in the lines. Consequently the impression has a flat, dull appearance, approaching a lithograph, and is easily reproduced by the counterfeiter. The enormous pressure calendars the paper, rendering it more difficult to print the reverse side of the note and also lessening its life.

WHY THE WORK IS FLAT.

Another reason for the flatness is that in order to use these presses the ink must be much thinner and weaker than the hand-press ink in order that it will flow freely from the ink fountain, which is immediately over the filling-in roller. Weak ink having a great deal of linseed oil in its composition always will produce a poor impression.

HAND PRINTING METHODS.

The method of printing by hand is entirely different from that of printing by power. In handwork the plate lies stationary on a small gas stove, the stove being used to slightly warm the plate so that

the ink can be removed without using any force. The printer carefully and evenly charges his roller with ink, then rolls it over the surface of the plate from four to six times, filling in all engraved lines so that none of them are visible. He then takes his wiping rag, which is a piece of starched cheesecloth about 5 feet in length by 3 in width, folded to suit his hand, and carefully and swiftly wipes the plate. In using the rag he is careful to wipe across the lines of the plate. If the rag which he is using followed the lines of the plate, he would wipe out the ink and leave an imperfect impression. He avoids anything of the kind by passing the rag across the plate. Different parts of the plate are treated by the hand-press man in different ways. If the lines are heavy, he is likely to wipe more from them than when they are light. The rag folded in the printer's hand forms a springy pad, full of elasticity, which precludes the wiping of the plate close. The hand-press man then carefully polishes the plate evenly until the surface shines and every particle of ink is removed. The plate is then lifted into the press and the assistant lays on the sheet, which has first been dampened and brushed by her, "as it is manifestly impossible for the wetting division to wet every sheet alike, owing to the fact that the bureau prints hundreds of millions of sheets a year." The printer, if the sheet is dry, pulls the press slowly to allow the paper to sink down into the engraved lines; if it is too wet, vice versa. The power press, on the other hand, pulls all sheets alike, at the same speed. The sheet is then removed from the plate by the assistant, and if examined by anyone the difference between it and the power-press impression can easily be detected. The hand impression shows life and strength, every line and detail is there, the color is rich, and it is indeed a work of art.

ALIEN COUNTERFEITERS.

Many thousands of aliens arrive in this country every year. A certain percentage of them are criminals and they take readily to counterfeiting. Then we have the criminally inclined among our own people, who await the best opportunity to counterfeit. The mere statement of these facts would seem to be all the argument necessary to have the standard of our money so high that it will be impossible for these people to imitate it.

The point has been raised that Canada has her money printed on power presses. This is a fact, but Canada is an agricultural country, with a population of approximately 7,000,000 people. It has few large cities, and its population is widely scattered. Naturally the number of criminals is much lower than with us. Hence the question of security is not so strong as it is in our country. A comparison of their currency with ours shows that our notes are very much superior in engraving and printing. It is a significant fact that the Canadian Government has its notes of highest denomination printed by the hand-press method. The reason for this is obvious.

Bankers, business men, statesmen, and others who have traveled abroad have been struck with the artistic beauty of our money, especially when compared with that of other countries. They declare that in apearance, designs, engraving, and printing it is the superior of the money of all countries. In view of the great amount of counterfeiting of the currency of other countries which is known to exist, they can not understand why it is seriously proposed to alter or disturb the present high artistic standard of our securities.

GOVERNMENT SHOULD NOT LOWER STANDARD.

Instead of lowering the standard of our notes it should be the duty of the Government to try to improve it, if possible, by throwing more security around our circulating medium. It is proposed to place a multicolored tint and a watermark on the notes. These changes will help, as they compel the counterfeiter to use additional labor and ingenuity, but they can also be counterfeited by skilled criminals. The most difficult barrier, however, which the counterfeiter has to overcome is the engraving and printing. If the standard of these is lowered, his work of counterfeiting is that much easier.

BOTH METHODS SHOULD BE SEEN.

In the past when Congress investigated this question, exhibits in the form of impressions purported to be from power presses and impressions said to be from hand presses were presented by the other side for comparison. Naturally people will always strive to present as good an argument as possible for their side. Therefore exhibits of this kind should not have much weight in arriving at a conclusion.

The proper way to learn the merits of the power and the hand press is to visit the Bureau of Engraving and Printing and examine the work as it comes from the power and hand presses. Then the good and bad points can easily be seen, even by a layman. One of the best methods of proving the superiority of the hand-press method over the power-press method is to take a plate and print an impression by the power-press method. Then stop the press, fill in the same plate with ink by hand, wipe and polish it by hand, and then print it. The difference in the two impressions will be so marked that anyone can notice it immediately.

It is not improbable that specimens of our money printed on the power presses will be shown to legislators in an endeavor to convince them that the standard of work is as high as that produced from the hand-roller presses. To get a result even approximating the excellence of our notes by the present process the printing by the power presses must be done from newly engraved plates. Such a result is impossible from a plate which has been in use even a week. We challenge successful contradiction of this statement, and stand ready to make a convincing practical demonstration to any committee of Congress.

The argument has been advanced that outside firms use these presses and that the work is satisfactory. Some outside firms do use the presses, such, for instance, as the American Bank Note Co., of New York, but no fair comparison can be made between the United States Government and the American Bank Note Co., as the latter is a commercial institution conducted for profit, and dividends must be paid to the stockholders; therefore the question of security and duty to its customers and the public is not so high as that which Congress owes to the American people.

THE PEOPLE WOULD SUFFER.

The question, in our opinion, is a very important one, not only to the plate printers, but to all the men, women, and children in the United States who have in their pockets paper notes. For instance, if a poor man who earns small wages should, in receiving change while paying his debts, have a counterfeit note foisted on him, the loss would fall on him and his family. But the blame for this crime against him and his wife and little ones would lie with his Government if by cheapening the process of making its money it facilitated the work of counterfeiters. In fact, all the citizens of the United States are vitally interested in the integrity of the work of the Bureau of Engraving and Printing and in the greatest degree of security which can be guaranteed by the Government in its issues, such as United States currency, gold and silver certificates, national-bank notes, bonds, checks, internal-revenue stamps, etc. The banker, the merchant, the farmer, all classes of the community, have the highest right to demand that Congress shall provide every possible safeguard which our National Legislature in its wisdom and experience shall be able to enact.

SECURITY FROM SPURIOUS ISSUES.

So long as the Government makes the money of the people it is bound to protect those securities from the taint of spurious issues. Such protection is assured in the greatest degree by the excellence of American engraving and hand-roller printing. Each is necessary to the other. If the hand-roller process is abandoned for the power-press process the present high standard of our engraving must be lowered. For it is a fact that does not admit of controversy that the power presses can not print securities from the excellently engraved plates now prepared for the hand-roller presses. And it is also true that the art of steel-plate engraving can not progress beyond the ability of hand-roller printers to produce printing of equivalent excellence.

COUNTERFEITERS' METHODS.

Usually there are three methods employed by counterfeiters. First, steel engraving; second, photography, or photo-engraving; and lithography.

Steel engraving, of course, produces the best counterfeits. For instance, the $100 Munro counterfeit note, engraved by Taylor & Redell, of Philadelphia, several years ago was so good that the Government was obliged to call in all the notes of that denomination, and the banks refused to accept them for fear of taking a spurious one. This note was no doubt the best counterfeit that has appeared in years. It is a well-known fact among detectives of counterfeit money that one of the first things examined on a counterfeit note is the printing, and also the process by which it was executed. Every line on the face and back is gone over by the expert, with the help of a powerful magnifying glass, and if one of the engraved lines is broken or mashed, or if the color is off, any minute difference between the counterfeit and the genuine note is carefully noted and is incorporated in a circular letter which is sent out all over the country as a warning. One of the methods the experts employ in the Redemption Division of the Treasury Department to detect counterfeit notes is to closely examine the backs of all bills. As a rule counterfeiters do not pay as much attention to the back of a bill as they do to the face. The high standard of engraving and printing on the back enables these experts more easily to detect the counterfeit notes. One expert alone has caught 400 by this method.

$100 COUNTERFEITS.

Last year a counterfeiter of the name of Crahan counterfeited $20,000 worth of $100 gold notes; the faces of these notes were nearly perfect, but fortunately the color of the gold ink was a little off. This enabled the secret-service officials to effect his capture and save the Government and the people thousands of dollars. This shows that every process of printing on our notes should be executed in the finest manner possible.

POWER-PRESS WORK COUNTERFEITERS' DELIGHT.

Power-press plate printing is easier for the counterfeiter to reproduce than hand press. First, the action of the wiper on a power press is such that an impression is produced that has a flat, colorless appearance, approaching a lithograph; the reason for this is that only a scum of ink is left in the lines and the beautiful shades of light and dark are eliminated. The portraits and the vignettes have no expression, as the details are missing. In order to print even the work which the power presses now produce it is necessary to engrave coarse designs, thus enabling the counterfeiter the more easily to ply his vocation.

SECRET SERVICE REPORT.

The report of the Secret Service Division of the Treasury Department shows that that division during the fiscal year ended June 30, 1910, captured $490,765.55 of counterfeit notes and coins. Of this amount, $467,221 was in foreign money, leaving a balance of $23,534.55 of our money which was spurious. This one item shows conclusively that our money, because of its high standard, is the hardest in the world to imitate.

The report further states that in contraband property captured was 100 counterfeit United States Navy Department blank checks, photographs of United States drafts, forged paymasters' checks, and trade checks. Thus is emphasized the wisdom of Congress in including the word "checks" in the present law on the statute books. Experts state that the greatest difficulty the counterfeiter has to meet in copying an engraving from a steel plate is largely due to the relief which the impression has. As the power-press impression is very flat and the hand-press impression stands clearly forth in bold relief, it can easily be seen which is the more difficult to counterfeit.

CHEAPNESS VERSUS SECURITY.

The question of economy or cheapness should not prejudice judgment on this proposition, because it is not true economy to print cheap money which can easily be imitated and cause the people of our country to lose many thousands of dollars annually. The confidence of the citizen in the Government and its issue should never be shaken. This confidence has reached its highest point in the United States and it should forever be maintained, even if the cost of printing our money is higher than by power presses. The security that our notes afford against counterfeiting, by reason of the high character of the engraving and printing, is worth tenfold the amount of money which it is alleged can be saved.

It would seem not to need argument to carry home conviction of the grave danger that lies in experimenting, for the sake of cheapness, with the securities of the people. To resort to the cheaper method proposed would, in addition to the great losses which ultimately must be entailed upon the people, put the Government to great additional expense in hunting down counterfeiters and prosecuting them.

POCKET NERVE OF PEOPLE.

There is no function of our Government which more intimately concerns all the people than that of making money. It is a function which reaches out and touches the pocket nerve of every citizen. Apparently, the people are satisfied. If they have any complaint to voice, surely it is not with the artistic and mechanical quality of their money. They have not been heard from, demanding that their money be more cheaply made. There is no popular demand for a change. It has not been made an issue in any kind of a campaign. What Senator or Representative has heard from his people, his bankers, manufacturers, farmers, small business men, wage earners, demanding that he shall vote to put in jeopardy of counterfeiting their circulating medium? We question

whether one single demand of this nature has come up from the people. And until there shall be such a popular demand for a change we contend that the safe policy is to permit the present law on the subject to remain on the statute books. When there shall be a change, let it be in response to popular demand and after a full and free discussion in committees and in both Houses of Congress.

FORMER DISCUSSION.

There is no new subject in Congress. It has been discussed many times. For the benefit of those who are to give it renewed consideration, we submit herewith some pertinent excerpts from former discussions:

The minority of the Committee on Banking and Currency having under consideration H. R. 150, the second session of the Forty-third Congress, whose recommendations were accepted, in referring to the Bureau of Engraving and Printing, said: "From the bureau so organized, employing the highest obtainable skill and using none but the best procurable materials and exacting from every employee his best effort, we should naturally expect satisfactory results. And we are not surprised therefore at the unrivaled character of the work, nor that it received the highest award for bank-note engraving at the Vienna Exposition of 1873. A lower degree of excellence would be a discreditable failure. As one security against counterfeiting our public obligations, the highest style of artistic and mechanical execution is very important. Against all forms of counterfeiting which depend for success upon imitation by means of manual dexterity, this obviously is a complete defense" (p. 12). "In the bureau the plates are prepared by the best methods, the expense being but a secondary consideration" (p. 17).

The Committee on Expenditures in the Treasury Department who, in 1888, thoroughly investigated this question by having appear before them Government officials, engravers, transferrers, plate printers, examiners, and other experts, made the following report to the House. House report 3220, Fiftieth Congress, second session, they say, in part:

"INCREASED EXPENSE OF SECRET SERVICE.

"Granting that Mr. Graves's figures are absolutely correct, and that the use of the steam presses effects an actual saving of 18 per cent in the expenses of his bureau, there remains the increased expense of maintaining the Secret Service Division, which must be incurred so long as the obligations and securities of the Government can be readily and successfully imitated, an expenditure which can readily be reduced as soon as the Government shall be able to make it impossible to counterfeit them. And when this degree of excellence in printing our notes shall be reached, there will be the further saving of expenses attending the prosecution of captured counterfeiters. But the committee can not agree that the mere question of economy in printing the obligations and securities of the Government merits consideration in this connection. In their opinion there is but one point at issue in considering this bill, and that is the duty of the Government to afford the citizens the greatest attainable security against counterfeit notes; and being satisfied that this security can be obtained in a greater degree by using the hand-roller press exclusively, they are unanimously of the opinion that the steam presses should be discarded.

"For the reasons heretofore stated, the committee reports back the bill with the following amendment: In line 4 of the first section, after the word 'notes,' strike out the word 'checks' and insert the words 'internal revenue,' and after the word 'stamp' strike out the words 'and drafts,' so that the section will read:

"'That from and after the passage of this act all Government securities, bonds, notes, and internal-revenue stamps shall be printed in the highest style of the art of plate printing from hand-roller presses, and as amended the committee recommend that the bill be passed.'"

STEAM-PRESS WORK INFERIOR.

Hon. John Sherman, when Secretary of the Treasury, appointed a committee to investigate this question. This committee made an exhaustive investigation, and their report is in part as follows:

"After a careful, patient, and as thorough an examination as practicable, the committee have arrived at the conclusion, from the facts disclosed by the evidence in our examination of the question submitted, that work done by the steam press does not attain as high a standard as that done by the hand-roller presses."

NOT EQUAL TO HAND PRINTING.

Mr. E. O. Graves, former Chief of the Bureau of Engraving and Printing, and one of the strongest advocates of the steam press, in a statement to the Committee on Finance in 1888, states: "As to the comparative merits of steam printing and hand printing, it may be said that, speaking in the widest sense, steam printing is not equal to hand printing, that is to say, the steam press has not shown the capacity to print the finest grades of work, such as the black faces of notes, bonds, and drafts. This is the conclusion of all of the committees which have looked into the subject, and it is accepted by the management of this bureau."

Mr. Lorenzo J. Hatch, reputed to be one of the finest engravers in the world, and who is at present employed by the Chinese Government as director of the new Chinese bureau of engraving and printing, wrote the following letter on the subject, page 382, Senate hearings, Committee on Finance:

EXCELLENCE AND PROTECTION.

Mr. E. L. JORDAN, *Washington, D. C.*

SIR: In answer to your request for my opinion of steam power plate printing, I would say that steam presses such as now are in use can have no proper place in the production of Government securities if it is the policy of the Government to depend upon excellence of work for its protection. The high standard of work which the United States Government has demanded in the past has developed the profession of engraving, transferring, and printing bank notes to a perfection that has attracted repeated orders of millions of dollars from other countries. If the standard is lowered the profession must follow just as surely as they rose to meet the high demand. While realizing that steam printing, if the work could be done properly, would be an advantage to engravers, inasmuch as it would by reducing the cost open up a larger field for the adaptation of the art, I do not believe that machines ever can do the work equally well if hand printing were done under the best conditions possible, and I can not but feel disheartened at the growing tendency to substitute poor methods of giving expression to so noble an art, and that the feeling of "good enough" should be creeping into a business that has earned this country a world-wide reputation.

Respectfully, LORENZO J. HATCH.

It might be well to add in connection that the committee of Chinese experts who were sent to this country by their Government to investigate the methods used in this country, after visiting all the large printing houses and bank-note companies, recommended to their Government that the methods of conducting the Bureau of Engraving and Printing of this country should be adopted by the Chinese Government when their bureau was installed.

John S. Bell, former Chief of the Secret Service Division, in his communication to the Committee on Expenditures in the Treasury Department, said in part:

"In my judgment the printing can be best done and in a higher state of art when done by hand than that which is printed by steam press."

SAFETY THE WISE POLICY.

The subsequent act of Congress in enacting a law requiring that the Government securities be printed from hand-roller presses demonstrated its desire to throw around the people's money the greatest safeguard against counterfeiting, regardless of the greater cost of hand-press printing. This wise policy of Congress was well expressed by the Committee on Banking and Currency in its report on H. R. 150, the second session of the Forty-third Congress:

"All these circumstances have satisfied the committee that the best methods of printing, numbering, sealing, and issuing of the securities of the United States ought to be adopted which will approach the nearest to be absolutely secure against error and fraud, even if such method should be more expensive than others which have less guarantee of protection."

On page 2 of their report the committee states that the first requisite is, of course, "security," and on page 3 they emphasize, if possible, this truism by saying: "But not only is actual security, but the confidence of the people that their obligations are secure."

INTERNATIONAL PLATE PRINTERS' UNION OF NORTH AMERICA
(AFFILIATED WITH AMERICAN FEDERATION OF LABOR).

[From the Washington (D. C.) Herald, Feb. 19, 1911.]

FIVE HUNDRED PLATE PRINTERS DENOUNCE STORY—UMBRAGE TAKEN AT EFFORT TO DISCREDIT UNION—STATEMENT FOR PRESS—DECLARE THEY ARE MAKING A CLEAN FIGHT FOR RIGHTS—EMPHATIC DENIAL THAT SENATOR SMOOT WAS REFUSED AN INTERVIEW—ASSERT THAT FULL PENALTY OF THE LAW BE METED OUT TO THE PERSONS GUILTY OF THE ACT—SAY NOTHING HAS BEEN DONE IN SECRET—SHOCK TO MEMBERS.

Five hundred plate printers of the Bureau of Engraving and Printing, at a meeting in Typographical Temple last night, denounced the story that anonymous and threatening letters had been received by Senator SMOOT, Secretary of the Treasury MacVeagh, Assistant Secretary Andrew, and Director Ralph.

The letters were instigated by the efforts to install power presses in the bureau to take the place of the hand presses now in use. A statement was prepared following an animated discussion. It follows:

SHOCK TO MEMBERS.

"The story in a morning paper to the effect that anonymous letters had been received by Senator SMOOT, Secretary of the Treasury MacVeagh, Assistant Secretary Andrew, and Director Ralph threatening those gentlemen with dire consequences for their efforts to install power presses in the Bureau of Engraving and Printing was more of a shock to the members of our union than to any other class of citizens.

"It reflected on the character of our union individually and collectively, and therefore concerns us keenly. The Washington public, business and private, is well acquainted with the 800 members of our union. They know we are law-abiding, country-loving citizens. We discharge our full duty as good citizens, and the record will warrant the statement that, so far as our craft is concerned, there is no necessity for the existence of criminal courts.

"We abhor and condemn the despicable crime of writing anonymous and threatening letters. Those who would be guilty of such acts should be made to suffer the extreme penalty of the law. We assert with the fullest confidence that the members of our union are not and can not be guilty of such a crime. We further recognize that a cause would be weak, indeed, if its advocates were called upon to resort to such reprehensible methods. Our cause is just, and it is, in our opinion, the cause of the whole people of the United States. It is on such a high plane that we have appealed openly to our legislators. We have done nothing in secret. We know the art of money-making, and we feel that in this respect no other class of people is so well qualified to speak for the entire body of our citizens.

"We know that no method of printing our securities is comparable to the hand-roller process. To make our money by any other process necessitates the cheapening of the engraving, and the resultant printing will inevitably be so inferior as to endanger the money of the people. Counterfeiters will hail with joy the news that the United States Government has adopted the cheaper and inferior method of printing money, and immense quantities of spurious notes are certain to be injected into the volume of our circulating medium.

"What need of men engaged in such a cause to resort to the methods of the 'black handers'? We are conscious of the rectitude of our intentions, and we appeal to the public and the press of Washington to spurn for us, as we do ourselves, the suggestion that we are in any degree responsible for these anonymous writings of criminals.

"GEORGE P. FOSTER,
"*Chairman Executive Committee Plate Printers' Union.*"

Mr. Foster, whose signature is affixed to the statement, said late last night that the union had conducted a clean fight and that the threatening letters had been sent to the officials named by persons outside the organization. He also branded as false the statement that Senator SMOOT had been refused an interview by the plate printers' officials.

The Clerk read as follows:

Miah Maul Shoal Light Station, Delaware Bay: For completing the construction of the light and fog-signal station at Miah Maul Shoal, Delaware Bay, $30,000.

Mr. KRONMILLER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 178, after line 22, insert the following:
"Fort McHenry Channel, Md.; Range light, $125,000."

Mr. KRONMILLER. Mr. Chairman, at the last session of Congress there was an authorization making an expenditure of $125,000 for two range lights at Fort McHenry Channel, Baltimore. The object of my amendment is to make this appropria-

tion available. I have here a report, "Additional Aids to Navigation and Bureau of Lighthouses," containing a letter from the Secretary of the Department of Commerce and Labor. This letter so completely covers the question that I will ask the indulgence of the House while I read a few extracts from it so that the House may know what this proposition means.

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, January 12, 1910.

DEAR SIR: I have the honor to acknowledge the receipt of your letter of January 5, 1910, inclosing a copy of H. R. 16356, "to authorize additional aids to navigation in the Light-House Establishment," and in reply to your request for the views of this department concerning the bill, I respectfully ask attention to the following extract from the Annual Report of the Lighthouse Board for 1909, page 66, which is herewith approved:

"Fort McHenry Channel range, Maryland: Baltimore is one of the leading shipping ports on the Atlantic seaboard, its exports during the year ended June 30, 1909, amounting to $77,475,293 and its imports to $24,020,333. Congress has recognized its importance by providing liberally for the ship channels leading to its harbor, and the improvement of its approaches by water has resulted in a channel 35 feet in depth throughout, from the capes to the city, and 600 feet wide for the greater part of its length. To render these facilities thoroughly effective adequate lights must be provided. This has been done for the upper channels, except in the case of the channel between Fort Carroll and Baltimore Harbor, known as the Fort McHenry Channel. Since the obstruction of the Lazaretto Point Light a few years ago by the erection of buildings along the river front there is no guide to the harbor. The range lights of the Craighill Channel and those of the Brewerton Channel lead the incoming vessel as far as the Fort McHenry Channel, but there she is left without a guiding light to bring her through the fairway into port. This is a serious deficiency and to a considerable extent lessens the advantages accruing from the work done in the improvement of the waterways. Vessels bound to Baltimore arriving off Annapolis at night frequently come to anchor there, owing to the lack of a complete system of lights to lead them to the quarantine station, which is opposite the Fort McHenry Channel. The matter of lighting this channel has been agitated for a number of years, the proposition for range lights having been discussed even before the obscuration of the Lazaretto Point Light. As the best means of lighting it, it is recommended that a range be established with its front light at or near the intersection of the Brewerton and Fort McHenry Channels, which would serve also as a turning point for vessels coming into or going out of the harbor, and with its rear light on the shoal near Rock Point, west side of the Patapsco River. The location of one of the structures in the city of Baltimore is not considered advisable, as its light would be likely to be obscured when most needed by the smoke of the numerous factories and from other sources, and there would also be the liability of confusion with the lights of the city. The estimated cost of the two structures which will be required is $125,000, and the board recommends that an appropriation of that amount be made for the purpose specified."

2. As the part of the river to be lighted by the proposed range is known as the Fort McHenry Channel it is suggested that the sentence "on that part of the Craighill Channel not now lighted by range lights, lying between the mouth of the harbor of Baltimore at Fort McHenry and that portion of the channel already lighted by range lights" in lines 9, 10, 11, and 12, be omitted in the bill and the words "in the Fort McHenry Channel" be substituted therefor.

3. I therefore recommend that the bill, modified as suggested above, be passed.

Respectfully, BENJ. S. CABLE, *Assistant Secretary.*

Hon. JAMES R. MANN,
Chairman Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D. C.

I want to read a few lines further from the lighthouse hearings of 1910:

Mr. STEVENS. I want Col. Craighill to state in the record anything that may be added to the report of the Lighthouse Board contained on page 66. That is rather complete, but is there anything additional that you want to say?

Col. CRAIGHILL. These are two range lights to mark the Fort McHenry division of the Baltimore Channel. This is the last part of the channel before you reach the city, and consequently is the one which has the most traffic in it.

Mr. STEVENS. Business is greatly congested there?

Col. CRAIGHILL. Yes.

Mr. STEVENS. It is difficult for vessels to pass?

Col. CRAIGHILL. A great many anchor in there, and it is very difficult for them to pass. The present mark which has been used for years is on the old Lazaretto Point. There have been some manufacturing plants built in front of it, so that at times it is impossible to see it, so that very little use can be made of it.

Mr. STEVENS. What is the estimated expense?

Col. CRAIGHILL. One hundred and twenty-five thousand dollars for two range lights.

Mr. TAWNEY. Mr. Chairman, I do not know the document from which the gentleman has read, nor could I hear him very plainly, but he is offering an amendment to appropriate $125,000 for the construction of a channel range light in Chesapeake Bay. It is true the department estimated for that appropriation to be expended in the next fiscal year; it is also true, however, that the department has prepared no plans or specifications for the construction of these channel range lines, nor do they have any idea to-day what they will cost. This appropriation was estimated for upon estimates made by the former engineer of the Lighthouse Board, but any Member of this House who has had any experience with the judgment and testimony of the former engineer of the Lighthouse Board as to the Lighthouse Service would have done just exactly what the members of the Committee on Appropriations have done, knocked out this item until the present lighthouse organization has an opportunity of making an intelligent estimate, so that they will be able to state with some degree of accuracy what the probable cost of these lights will be. For that reason the committee did not feel justified in coming to the House with an appropriation of $125,000 with no more testimony than we had, both as to the necessity of the light and as to the amount of money necessary for the purpose of constructing it. That was the reason the Committee on Appropriations did not recommend the amount estimated by the department. We did not think we were justified in following the former engineer for the Lighthouse Service who made the estimates upon which this estimate is based, because it had so frequently happened in the past, where we have followed his recommendations and on his estimate recommended appropriation, that they have discovered after obtaining the appropriations that there was no necessity for them and the money was never used. We therefore concluded we would give the present organization an opportunity to make a careful and intelligent estimate of the cost before recommending any appropriation whatever.

I trust that the amendment will not be agreed to.

Mr. PEARRE. Mr. Chairman, this amendment was embodied in the bill which was introduced by Mr. GILL of Maryland at this session of Congress, but which has not yet had a favorable report from the committee. Substantially the same matter was comprehended in the bill which was introduced by Mr. GILL at the last session of Congress, and was embodied in an omnibus bill providing for additional aids to navigation. Therefore it has been authorized by law, and as the distinguished occupant of the Chair has already held with regard to the item as to Bogue Sound, which was exactly in the same condition, is not subject to the point of order which was made as to the other item by the distinguished chairman of the Committee on Appropriations.

Mr. Chairman, the mere fact that Mr. GILL, who introduced this bill covering this item, is too ill in Baltimore to be here does not justify the remaining members of the delegation from Maryland in neglecting an opportunity to protect the interests of Baltimore City, one of the greatest ports in the United States.

Mr. Chairman, the report which has been read here by my distinguished colleague from Maryland, representing one of the Baltimore districts, Mr. KRONMILLER, who has offered this amendment, develops the fact—a well-known fact ascertained and based upon investigation and proper inquiry—that the port of Baltimore has a commerce of over $100,000,000; over $77,000,000 of exports through that port and over $24,000,000 of imports.

But to say that the channel which has been improved and widened and deepened by appropriations of the Congress of the United States at Baltimore should not be properly lighted simply because it would cost $120,000, does not seem to me, sir, to comport with proper and cautious statesmanship. Why, Mr. Chairman, as I said before, Baltimore is one of the greatest ports in the United States. The gentleman objects because the new Lighthouse Board has found that this appropriation for range lights in order to light the way through the harbor and up to the harbor of Baltimore and up to the docks in the harbor of Baltimore is not necessary. What right has the distinguished chairman of the committee to say that the former engineer or the old lighthouse commissioner was not just as competent, just as painstaking, just as patriotic, just as honest, and just as diligent in maintaining proper economies in the performance of the duties of his office, one part of which consists in making estimates and recommendations with regard to the light of harbors and the protection of lighthouses and the providing of range lights, and so forth, in matters like this—what right has the distinguished chairman to animadvert against the former lighthouse commissioner and the former Lighthouse Board and the former lighthouse engineer, who were charged with this duty, and say, Mr. Chairman, that the recommendations of those gentlemen, under their obligations and as officials of the United States, should not be followed; and, forsooth, that the recommendations of other individuals who occupy exactly the same official position, charged with the same official responsibility, should be recognized and adopted by the House of Representatives.

Mr. GOULDEN. Will the gentleman yield?

Mr. PEARRE. I can not yield.

Mr. GOULDEN. I just want to ask the gentleman the amount of the appropriation.

Mr. PEARRE. One hundred and twenty-five thousand dollars is the estimate, Mr. Chairman, $100,000 of which should be made available at once, in order that the work may be done, as the whole $125,000 could not be used within the year. But that does not alter the matter at all. Now, why ought the Government of the United States through its Congress go to

the enormous expense in the development of this harbor, or improvement of it? We have now a channel, first 30 feet deep and then increased to 35 feet, through the recommendations of the Committee on Rivers and Harbors, by its appropriations through this House, concurred in by the Senate committee, in bills which had the approval of the President of the United States. Mr. Chairman, we now have a channel of 600 feet wide, and, as this report shows, unless these range lights are constructed here, a great deal of the good which has arisen to the commerce of the people of the United States through the improvement of the harbor of Baltimore will be impaired, if not destroyed, unless these range lights shall be erected as recommended by the department, and therefore I submit, Mr. Chairman, that this amendment should be adopted.

Mr. ADAMSON. Mr. Chairman, I did not hear the amendment read, but I judge from the remarks of the gentleman from Maryland [Mr. PEARRE] that this is a project authorized, on a report from the Committee on Interstate and Foreign Commerce, for range lights in the harbor or the channel approaching Baltimore.

Mr. PEARRE. The gentleman is right.

Mr. ADAMSON. I have some knowledge of the situation there, Mr. Chairman, and I do not believe there is in the United States a more meritorious project than this [applause] or a more necessary aid to navigation, and I believe that every member of that great committee to which I belong will agree with me. I appreciate that pretenses at economy have been manifested by orders from the administration all down the line to cut down estimates and send small estimates to Congress in order that a good showing can be made, and I only regret that the practice has not been more frequent in the past and more sincere in its application. I know the great Committee on Appropriations of this House is just and true and faithful and industrious. I believe the gentleman from Minnesota and his associates are conscientious and are trying to do right by this House and by the country, but I protest against their claiming here, as a valid excuse and justification for omitting a small necessary thing like this, the failure of the department to estimate properly. The department did estimate for this properly, but probably failed to weigh the comparative merits of all the things considered. This is a small matter compared with other matters involving millions, but which are of no more importance relatively than this. The commerce of the city of Baltimore depends largely upon the easy and safe use of this channel. This channel without these lights can not be easily, safely, and profitably used.

Mr. TAWNEY. How long has it been used without these lights?

Mr. ADAMSON. It has been used to some extent, I will say to the gentleman; but I am talking about effectual and efficient use.

Mr. TAWNEY. How many lights are there now?

Mr. ADAMSON. I will frankly say that, not expecting this to be contested, and not expecting to have to remember, I did not count. It has been some time since I saw them, but I have looked at the entire course from one end to the other; I have looked at the difficulties in the way of navigation, and have had them explained to me by sailors, and I say to the gentleman this item ought to be allowed if any item in any bill ought to be allowed, and I hope the gentleman will consider efficiency as important in this particular instance as economy. Let us save somewhere else where it is not so important and where the lights are not so badly needed. We authorized the expenditure for these lights because we knew those lights were needed. [Applause.]

Mr. BARTLETT of Georgia. Mr. Chairman, this is an amendment to carry out the authorization made by Congress last year upon the bill reported by the Committee on Interstate and Foreign Commerce for aids to navigation. Amongst the aids to navigation recommended by that committee and passed by this House and concurred in by the Senate was the one which is now offered for incorporation in this bill by the amendment presented by the gentleman from Maryland [Mr. KRONMILLER].

The gentleman from Maryland [Mr. GILL], who we all know is now absent on account of illness, appeared before the committee of which the gentleman from Illinois [Mr. MANN] is the honored chairman and of which I am a member, and demonstrated to that committee that, clearly, there was necessity for this aid to navigation and that committee, following the policy adopted, guided by the care and scrutiny which is given to these projects by the chairman of the committee and the members following that guide, recommended the sum now offered to be put into this bill by this amendment. It is error to assert that the Secretary of the Treasury did not recommend this appropriation for this aid to navigation, because in the estimate submitted to the House under authority of law by the Secretary of the Treasury, on page 329, we find these words:

> Works considered essential for the immediate needs of navigation and for the efficient equipment of the Lighthouse Service:
> Fort McHenry Channel Lighthouse, Maryland: For the establishment of range lights to properly mark the Fort McHenry Channel leading to Baltimore, Md., $125,000, as authorized by the act of June 17, 1910.

The Secretary of the Treasury in recommending this appropriation says that it is essential for the immediate needs of navigation, as the Fort McHenry Channel is the only channel from the Chesapeake Bay to Baltimore not adequately lighted. The Lazeretto Point Light is now obscured by the erection of high buildings.

Now, I have no criticism to make on the Committee on Appropriations for not including this in the bill, but I do not think they should single out this particular work, when it is said by the Secretary of the Treasury that the immediate needs of the service require the erection of these lights. The gentleman from Maryland [Mr. GILL], who was very earnest and insistent before our committee and who presented the claims of the city of Baltimore for this additional aid to navigation and upon whose presentation the committee recommended it, has not for the reason I have given been able to present it, and I join with his colleagues from Maryland in saying to the House that the evidence offered before the committee was such that we deemed it an essential aid to navigation, and under the recommendation of the Secretary of the Treasury and the estimates which he submits and the reasons which he gives, I hope the amendment will be adopted.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FITZGERALD. Mr. Chairman, I hope the amendment will not be adopted. From the statement made by the gentleman from Maryland I had supposed that the Committee on Interstate and Foreign Commerce, in making this recommendation, had acted upon some professional and technical information, however bad it may have been demonstrated to have been. So little confidence was had in the recommendation of the former Lighthouse Board that the Committee on Interstate and Foreign Commerce reported a bill for the complete reorganization of that board and the placing of that service in control of an entirely different force. It seems from the statement of the gentleman from Georgia, however, that the gentleman from Maryland was mistaken. The committee did not rely upon professional or technical information. That information, however erroneous it might have been, might nevertheless have justified the committee in its action. But it seems they relied wholly upon the statement of a very distinguished Member of this House who has a very excellent standing at the bar of his community, but, as the Members of the House are aware, has no special knowledge which would justify him in posing as an expert upon the necessity of providing additional aids to navigation.

I have no doubt that the gentleman is accurate in the statement that the gentleman from Maryland was very earnest in advocating this proposed improvement. Those of us who have served upon committees realize that all Members of the House are very much in earnest when they advocate improvements for the localities which they represent.

The Lighthouse Service has been reorganized, and it is hoped that a great improvement in the administration of the service will result in consequence of that reorganization. The committee believed it to be desirable to permit this new service——

Mr. ADAMSON. Will the gentleman permit an interruption?

Mr. FITZGERALD. In just a moment. The committee believed it to be desirable to permit this new service to have an opportunity to make an independent investigation and determine whether the two lights heretofore recommended would be adequate, and whether the estimate was proper and reasonable, and until that is done the committee believed that, since the present conditions have existed some time without any great detriment to the interests of navigation of the city of Baltimore, it was the part of wisdom to permit that situation to continue a while longer.

Mr. ADAMSON. Mr. Chairman, when I requested the gentleman to permit an interruption, he had just referred to the fact that the lighthouse system had been reorganized. The gentleman from Minnesota had made the same reference—I suppose in explaining the omission to appropriate for this item. I want to ask the gentleman if in any way that reorganization could affect or undo any necessary authorizations for projects of this kind?

Mr. FITZGERALD. It might necessarily affect them and result in legislation that would undo them, because the chief cause, Mr. Chairman, as the gentleman from Georgia and the Chairman are well aware, of the reorganization of the

Lighthouse Service was the conviction of everybody who had anything to do with that service, whether from the standpoint of expenditures or otherwise, that the service was not of the kind and character required by the necessities of the public service. The gentleman from Georgia performed a distinct public service when he was instrumental, in cooperation with others, in securing the reorganization of the service and the elimination of the old system, which had proved so inadequate.

Mr. ADAMSON. If the gentleman will permit me right there, I was going to call attention to the fact that the same great committee reported both pieces of legislation, and we did not see any inconsistency and did not intend any inconsistency. We wanted a better board and a better system to carry out the work that had been begun.

Mr. FITZGERALD. Of course the committee would not have reported both bills if they had deemed them inconsistent, but after the House has had opportunity to see the effect of the reporting of both bills, it is apparent to others who did not participate in that work that there was a seeming inconsistency. If they recommeded the reorganization of the service because it was incompetent, it is reasonable to assume that the recommendations based upon the report and information furnished by an incompetent service might perhaps have been erroneous.

Mr. BARTLETT of Georgia. Will the gentleman allow an interruption?

Mr. FITZGERALD. In a moment.

Mr. BARTLETT of Georgia. The gentleman is mistaken if he undertakes to convey the idea that the present lighthouse commission and those who are now in the service under the reorganization do not think that this is a necessary work.

Mr. FITZGERALD. One moment; I was present at the hearing, and I know what Mr. Putnam said. Not only that, but I saw him. I saw the witness, and I know from the way that he testified that it would be to the advantage of the service to have a further investigation made as to the desirability of the location and as to the additional estimate for the work.

Mr. BARTLETT of Georgia. I do not know what his manner was, for I did not see him. All I can judge from is the report of his testimony, which I hold in my hand, which is printed and furnished by the Committee on Appropriations.

Mr. FITZGERALD. I have already called attention to the fact that the gentleman from Georgia based his support not upon any professional or technical information, but upon the fact that the gentleman from Maryland [Mr. GILL] had presented the case in such an admirable manner.

Mr. BARTLETT of Georgia. The gentleman is mistaken about that.

Mr. FITZGERALD. No; I am not mistaken.

Mr. ADAMSON. I went and examined the premises.

Mr. FITZGERALD. The gentleman from Georgia bases his support of this item upon the fact that the gentleman from Maryland [Mr. GILL] had made such an admirable showing before the committee, and had been so earnest in the committee that he had convinced the committee; and it confirms my opinion that since the former lighthouse board was not reliable and the committee based its recommendation upon the statements of men who did not have professional or technical information, but of those who are very much interested in the proposed item, that the committee had perhaps in this instance given a more careful consideration of this item than it required.

One other statement: The gentleman from Georgia asked why the committee singled out this item for elimination from the bill and did not eliminate other items recommended by the department.

Mr. BARTLETT of Georgia. Will the gentleman allow an interruption?

Mr. FITZGERALD. Yes.

Mr. BARTLETT of Georgia. The committee also put in this bill appropriations for a number of aids to navigation which were neither recommended by the Committee on Interstate and Foreign Commerce or by the Secretary of the Treasury.

Mr. THOMAS of North Carolina. And which would be subject to a point of order if it were made.

Mr. FITZGERALD. But which, Mr. Chairman, have since been incorporated in a bill reported by the Committee on Interstate and Foreign Commerce and passed by this House. If the committee that incorporated the items in an appropriation bill merely anticipated the action of the Committee on Interstate and Foreign Commerce, it could hardly be criticized for the fact that perhaps it realized more quickly than that committee the propriety and necessity of these aids to navigation.

Mr. TAWNEY. Mr. Chairman, I move that all debate on this item close in eight minutes and that the gentleman from Maryland have five minutes.

The CHAIRMAN. The question is on the motion of the gentleman from Minnesota.

Mr. BARTLETT of Georgia. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BARTLETT of Georgia. I desire two minutes to reply, and if the gentleman will give it to me I will not object.

Mr. TAWNEY. The gentlemen from Georgia have had two arguments in favor of the proposition and I thought that was sufficient. I will modify my request and make it 10 minutes and give the gentleman from Georgia [Mr. BARTLETT] two minutes to reply to the gentleman from New York.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that all debate upon the amendment shall be closed in 10 minutes, of which the gentleman from Georgia shall have two minutes. Is there objection?

There was no objection.

Mr. BARTLETT of Georgia. Mr. Chairman, just one word. The Committee on Appropriations have recommended expenditures of three items which were not authorized by Congress, but which the Secretary of Commerce and Labor considered desirable that early provision should be made for.

Mr. FITZGERALD. Which items are they?

Mr. BARTLETT of Georgia. I will read them to you. I am not making this statement without knowing what I am talking about. Staten Island Depot, N. Y.; Livingstone Channel, Detroit River, aids to navigation, Detroit, Mich.; Brandywine Shoals Light, Del.

Mr. FITZGERALD. Has not a bill since passed the House reported from the gentleman's committee with those items in it?

Mr. BARTLETT of Georgia. I think so; but the gentleman now passes items in an appropriation bill in anticipation of what our committee will do, and then refuses to carry out the purposes which our committee last session reported and which Congress passed into law.

Mr. TAWNEY. Will the gentleman yield?

Mr. BARTLETT of Georgia. No; I have not the time.

What right have they to criticize the Committee on Interstate and Foreign Commerce, when they, in anticipation that the committee will pass legislation, put in the appropriation bills those projects that are not authorized, give priority to those not authorized, and refuse to include in those bills those that have already for a year been authorized? I have no interest in this matter. I am simply endeavoring to take care of an appropriation which was thought by the committee, by the Secretary of the Treasury, and by the Commissioner of Lighthouses in the testimony before the committee to be necessary, and for that reason I have undertaken to advocate this amendment because I think it ought to be adopted.

Mr. COVINGTON. Mr. Chairman, the discussion on the pending amendment has drifted away from its real merits. I am not, however, concerned with any question of conflict of jurisdiction between the Committee on Appropriations and the Committee on Interstate and Foreign Commerce in the general matter of legislation concerning lighthouses. Moreover, I have no doubt that the members of the Committee on Appropriations, within the limited time they can necessarily give to individual items in department estimates, gave the estimate for the Fort McHenry Channel range lights the careful consideration they always do to appropriations of such character. An examination of the hearings on the item shows the lights proposed in the amendment to be greatly needed. I find from these hearings that Mr. Putnam, Commissioner of Lighthouses, notwithstanding the gentleman from New York, stated that these lights were to be a guide to the most important channel leading into the harbor of Baltimore, and he stated they were very necessary. The only instance where Mr. Putnam was not specific in his testimony was when he referred to the precise amount of money that might be expended in the construction of the lights during the fiscal year of 1912. He did state that there might be about $25,000 that would not be used during that fiscal year. That is the only matter about which he was indefinite.

Now, Mr. Chairman, in regard to the merits of this proposition, it does happen that I am familiar with the harbor of Baltimore. I come in frequent contact with the men who are engaged in its navigation, and I do know that the great steamboat captains who traverse the waters of Chesapeake Bay and into the Port of Baltimore are intimately concerned about the additional lights for the main channel of Baltimore Harbor. The erection of buildings around the city of Baltimore and its harbor in the last few years has tended to obscure the old lights. There has been opened up an additional main channel way as the result of recent appropriations for river and harbor improvements, and to-day navigation in the upper Patapsco River at Baltimore absolutely needs the appropriation provided for by the Interstate and Foreign Commerce Committee in its authorization of one year ago for the lights now provided in the pending amendment.

I want also to call the attention of the House to one other significant situation. Assuming that the Committee on Appropriations gave to this item all of the consideration which time warranted, it is a fact that a committee from the Committee on Interstate and Foreign Commerce actualy visited Baltimore Harbor and examined into the necessity for these lights. The Chairman of this Committee of the Whole at the present time was of that committee, and after an inspection of the locality they returned and included the item in the authorization bill of last year. I therefore earnestly hope that this amendment, necessary to provide aids to the navigation of the great city of Baltimore, and especially necessary in order that the channel ways in the upper harbor of Baltimore shall have additional facilities for navigators, will not meet with further objection, but will be adopted by a decisive vote. [Applause.]

Mr. TAWNEY. Mr. Chairman, I think the House ought to be in possession of the information that the committee had when it declined to recommend the appropriation for this project. Members of the House are familiar with the passage of the bill reorganizing the Lighthouse Service. Members of the House know, as the Department of Commerce and Labor knows, that there were a great many items included and authorized in that bill that would not have been reported out of the Committee on Interstate and Foreign Commerce if it had not been deemed necessary in order to secure the passage of the reorganization bill. The reorganization of that service was regarded as of such importance that they were willing to carry in that bill authorizations for aids to navigation, not with any idea that they would be used and appropriated for in the next year or in the next two years, but that possibly in the future they might be necessary.

Let me say, Mr. Chairman——

Mr. BARTLETT of Georgia. May I say——

Mr. TAWNEY. No; I decline to yield; I have only three minutes. Let me say, further, every Member of this House knows that when the Committee on Interstate and Foreign Commerce reports out a bill authorizing aids to navigation they do not report on one bill alone, but it is generally an omnibus bill, and it is for the purpose of supplying the needs of navigation not only for the next year but for the next 5 or 10 years, possibly, with the idea——

Mr. ADAMSON. Will the gentleman permit a question——

Mr. TAWNEY. I decline to yield—with the idea that the department shall determine the time and the immediate necessity for the establishment of these aids and then ask for an appropriation to make them. Now, this estimate here has been placed by the committee and the Department of Commerce and Labor in the second class. They put this item in the second class as not of any immediate necessity, and then, in addition to that, we were told when Mr. FITZGERALD asked the superintendent:

> Have you prepared estimates for the construction of these lights?
> Mr. PUTNAM. Yes, sir; general estimates have been prepared.
> Mr. FITZGERALD. I know; but you made the general estimate when you asked for the authorization. Now you are asking for the money. Have you not any more specific information?
> Mr. PUTNAM. No, sir; there has been no more detailed estimates made for the items authorized last June.

And before that he says that this estimate of $125,000 is based upon the estimate of the engineer who was the engineer under the old organization, which organization was so inefficient that the Committee on Interstate and Foreign Commerce brought in a bill here to abolish and reorganize that service, and now that committee is contending that because it authorized this project as one of the second class, estimated for by an organization they have repudiated, that the Committee on Appropriations is not justified in refusing to appropriate the money for a project thus estimated for by an organization that they themselves abolish because of its inefficiency.

Mr. COVINGTON. I would like to ask the gentleman a question, whether as a matter of fact there are included here several items——

Mr. TAWNEY. There are several items included here for which a law is not yet passed authorizing them. Bills have been reported by the Committee on Interstate and Foreign Commerce, however, authorizing them. Under the new organization they condemn many bills authorized in this general act as not having any necessity whatever for them, and have not asked for an appropriation, while they have also in their investigations discovered that there are projects required in aid of navigation that are of more importance than those that are included as of the first class, and they estimate upon those, and upon the testimony of the chief of that service we have recommended the appropriation. I hope the amendment will not be adopted.

The CHAIRMAN. The time of the gentleman has expired—all time has expired.

Mr. ADAMSON. Mr. Chairman, I ask unanimous consent that the gentleman may have time to answer a question.

The CHAIRMAN. All time has expired, and the question is on the amendment.

The question was taken, and the Chair announced the ayes appeared to have it.

On a division (demanded by Mr. TAWNEY) there were—ayes 51, noes 35.

Mr. TAWNEY. Tellers, Mr. Chairman.

Tellers were ordered.

The committee again divided; and the tellers [Mr. TAWNEY and Mr. KRONMILLER] reported that there were—ayes 60, noes 41.

So the amendment was agreed to.

The Clerk read as follows:

> Depot for the second lighthouse district: For establishing a lighthouse depot on the site belonging to the War Department on the south or southwesterly end of Castle Island, Boston Harbor, Mass., authority is hereby granted for the transfer of the site to the Department of Commerce and Labor, and the authority to establish a lighthouse depot on Governors Island, in Boston Harbor, is hereby repealed.

Mr. O'CONNELL. Mr. Chairman, I make the point of order against the paragraph.

The CHAIRMAN. Does the gentleman from Minnesota desire to be heard on the point of order?

Mr. TAWNEY. No.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

> Salaries, Lighthouse Service: For salaries of 17 lighthouse inspectors and of clerks and other authorized permanent employees in the district offices and depots of the Lighthouse Service, exclusive of those regularly employed in the office of the Bureau of Lighthouses, Washington, D. C., $465,960.

Mr. BARTLETT of Georgia. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

> Amend, on page 182, line 3, after "Columbia," by inserting: "*Provided*, That the salary of the lighthouse inspectors shall not exceed $3,600 for one inspector in the third district, and shall not exceed $3,000 each for the other inspectors: *And provided further*, That the total of the salaries of the 17 inspectors shall not exceed $46,800."

Mr. TAWNEY. Mr. Chairman, I reserve the point of order.

Mr. BARTLETT of Georgia. Mr. Chairman, under the act reorganizing the Lighthouse Service and to establish the Bureau of Lighthouses there were provided inspectors for 19 districts, 3 of which were to be served by members of the Army and Navy. This amendment does not increase the amount appropriated for the salary on account of inspectors for the Lighthouse Service. It is not proposed to increase it, because the proposed amendment will require time to secure competent men for these posts, and the whole authorized amount is not likely to be required for the first year. The act of June 17, 1910, reorganizing the Lighthouse Service, limited the salaries of lighthouse inspectors to $2,400, except in the Third Lighthouse District, where the salary of $2,600 was authorized.

In order to successfully carry out the plan of reorganization, it is believed the salary of $2,400 is inadequate in many of the districts. The effect of the proposed amendment would be to increase the average salary in the other districts to $2,700, and to permit the salaries to be graded from $2,400 to $3,000, according to the responsibility involved in the work of the districts, but not to increase the amount appropriated for salaries.

Mr. FITZGERALD. Will the gentleman yield? I think he inadvertently made a misstatement.

Mr. BARTLETT of Georgia. I will yield, of course.

Mr. FITZGERALD. The effect of this is to increase salaries?

Mr. BARTLETT of Georgia. I said the effect was not to increase the amount appropriated for salaries.

Mr. FITZGERALD. I think the gentleman made the statement that it would increase the salaries.

Mr. BARTLETT of Georgia. The gentleman misunderstood me, because I read it from the paper.

Mr. FITZGERALD. I wanted it accurate in the RECORD anyway.

Mr. BARTLETT of Georgia. I was accurate, but the gentleman misunderstood me.

Now, the aggregate difference in salaries between the provision in the bill and those in the proposed amendment is $4,800. But this amendment limits, if you will read it, the amount in the second proviso, in that the total of the salaries of 17 inspectors shall not exceed $46,800, which is the amount appropriated under this bill for salaries. The purpose of this amendment is solely intended, if possible, to give to the Commissioner of Lighthouses and Deputy Commissioner of Lighthouses the right to grade these salaries—some of them $2,400.

Mr. TAWNEY. Will the gentleman from Georgia [Mr. BARTLETT] permit me to interrupt him?

Mr. BARTLETT of Georgia. Yes.

Mr. TAWNEY. How are these men appointed?

Mr. BARTLETT of Georgia. They are appointed by the Commissioner of Lighthouses.

Mr. TAWNEY. Under civil-service rules?

Mr. BARTLETT of Georgia. I think so, though I am not certain. But I do not know as I would undertake to say that. None of them have been appointed yet.

Mr. TAWNEY. They are civilian officers.

Mr. BARTLETT of Georgia. Yes, sir; civilian officers.

Mr. TAWNEY. And I do not think they are under the classified service.

Mr. BARTLETT of Georgia. I think not. Now, I call attention to the testimony of Mr. Putnam, the Commissioner of Lighthouses, in which he said this:

I should call your attention also to the fact that there is a slight increase in the salaries over the amount named in the act reorganizing the service, which provided that one inspector might be paid $3,600 and the other inspectors $2,400 a year. We believe it is too small an amount for many of the districts. There are six districts in which the annual expenditures exceed $400,000 in the district, and we think that a man to take charge of such a district and be the right kind of a technical man should receive a somewhat higher pay. We are asking that limit on the salary be $3,000 instead of $2,400. The inspectors should be men of high character and qualifications, including technical knowledge as to engineering and nautical affairs, and should have business ability.

In the organization of the Lighthouse Service a number of the superintendents of construction and of the masters of lighthouse tenders are paid $2,400 a year. If the salary of the lighthouse inspector——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT of Georgia. Mr. Chairman, I ask unanimous consent for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BARTLETT of Georgia. If the salary of the lighthouse inspector is restricted to $2,400, then an inspector would receive no higher compensation than the several of the employees under him, although he is charged with wider responsibility. The pay and allowances of Army and Navy officers assigned to lighthouse duty in the same district, under the former organization, and assuming that the former devoted one-third of their time to this work, was about $90,000. If we do not provide for this, the President can still, under the act of 1910, have the Army and Navy officers act as inspectors, and that service costs the Government $90,000. The salaries of the Army and Navy officers who discharge the duties of inspectors——

Mr. STAFFORD. Will my colleague yield to me for a question?

Mr. BARTLETT of Georgia. Yes.

Mr. STAFFORD. Has this matter been presented to the Committee on Interstate and Foreign Commerce at this session?

Mr. BARTLETT of Georgia. No, sir; it has not.

Mr. FITZGERALD. It has been presented to the Committee on Appropriations, but that committee did not, in view of the fact that this appropriation——

Mr. BARTLETT of Georgia. The gentleman is taking up my time. I will give him time in just a moment. It did, in fact, come before the Committee on Appropriations, and as I have just read, the statement of the Lighthouse Board before the committee shows that some of the lighthouse districts are so much more important and involve so much greater responsibility and expenditure of funds than others that it is not desirable that the inspectors of the districts should all receive the same salary. We recognized that fact, and in the New York district we provided that instead of the inspector having $2,400 salary he should receive $3,000.

The inspectors probably will be required to act as disbursing officers and give bonds, and will be put to the expense of obtaining bonds. The amount of funds handled in some of the districts will be very large. During the past year the disbursements in the various districts ranged from about $1,200,000 to $72,000. Under the reorganization the inspector is in immediate charge of the entire work of the district, a responsibility formerly divided between two officers.

Now, Mr. Chairman, I know that this amendment is subject to a point of order, but nevertheless I have presented it in the hope that it will be accepted because it will benefit the service. I am satisfied it will benefit the Bureau of Lighthouses, and after consulting with the men who are in charge of this work and who are efficient and familiar with their duties, men who have had long experience in the service, I earnestly urge the adoption of this amendment.

I have no purpose in view except the good of the public service, because I live in an inland district where there is not a Government lighthouse anywhere within 200 miles of it, and I am not actuated by any motive except a desire to promote the efficiency of the service of this important bureau of the Government which we have recently established and reorganized. Because I am familiar with the history of its reorganization, because I took part in the legislation that reorganized the Lighthouse Service and established the Bureau of Lighthouses, and because I was on the Committee on Interstate and Foreign Commerce and on the conference committee between the two Houses, whose action finally resulted in the establishment of this Bureau of Lighthouses, I have become deeply interested in its success; and I believe that the amendment which I have offered, based upon the facts which I have given as to why it should be adopted, furnished me by those who know, will aid in promoting that desirable object. Therefore, Mr. Chairman, I present this amendment. I hope the gentleman will not make a point of order.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. TAWNEY. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Minnesota wish to discuss the point of order?

Mr. TAWNEY. No; I wish just to speak for a moment concerning this amendment. The amendment offered by the gentleman from Georgia was submitted to the Committee on Appropriations, with the estimates for service. The committee took into consideration the argument made in favor of this proposition, but we realized that the Committee on Interstate and Foreign Commerce, in a law passed less than a year ago, had fixed these salaries at $2,400, with a salary to one inspector of $3,600, and, knowing the thoroughness with which the Committee on Interstate and Foreign Commerce does its work, we did not feel justified in recommending to the House a change in its conclusions as to the salaries which these men ought to receive.

But, Mr. Chairman, there is another reason why I can not, after listening to the gentleman and thinking the matter over, accept the amendment, and that is the fact that inside of a very years all these inspectors—16 of them, or 17 of them—will be receiving the maximum salary.

It is true that they tried to grade the salaries, but the services of these men are almost identical. The Committee on Interstate and Foreign Commerce recognized the fact that their responsibility was practically equal, and therefore gave them a uniform salary, and for that reason I think the law, as the committee reported it and as Congress adopted it, ought to remain at least more than a year, or until the new organization had an opportunity to determine the necessity for changes in existing salaries. I therefore make the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Cape Vincent (N. Y.) Station: Superintendent, $1,500; skilled laborer, $720; machinist, $960; 2 firemen, at $720 each; 2 laborers, at $600 each; in all, $5,820.

Mr. MONDELL. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 193, after line 5, insert a new paragraph:
"Wyoming Station, for land and buildings."

Mr. TAWNEY. Mr. Chairman, to that I make a point of order.

Mr. MONDELL. I hope the gentleman will reserve the point of order.

The CHAIRMAN. Does the gentleman from Minnesota reserve his point of order?

Mr. TAWNEY. As I understand, this is to purchase the land and erect the buildings.

Mr. MONDELL. Yes.

Mr. TAWNEY. It is not authorized by law.

Mr. MONDELL. It will be if it is put in this bill. [Laughter.]

Mr. TAWNEY. I want to get along with the bill as fast as possible. Can the gentleman get along with two minutes?

Mr. MONDELL. Two or three minutes.

Mr. TAWNEY. Mr. Chairman, I reserve my point of order for three minutes.

Mr. MONDELL. Mr. Chairman, Wyoming is the crown of the continent. She has in her hundred thousand square miles of mountain and plain more beautiful trout streams than any like area on the face of the earth. Amid her mighty mountain masses arise the crystal springs which form the headwaters of every important stream in the United States west of the Alleghenies. From her great central ranges flow north, south, east, and west beautiful, purling, crystal, dashing, emerald, mountain streams whose waters finally mingle with the mighty billows of both the Atlantic and the Pacific. [Applause.] So favored are conditions in Wyoming to the growth of trout that

in that magnificent Commonwealth they climb 10,000 feet above the billows of either ocean, and at this magnificent height, nearly 2 miles above the ocean level, they cross the continental divide and pass from the waters of the Atlantic into the waters of the Pacific. [Applause.]

Now, Mr. Chairman, it is not in accordance with sound public policy that these magnificent game trout should not be under Federal control and supervision in these days of conservation. Here is a magnificent food product, the finest brain food in the world, and millions of it not under Federal control, not being conserved, not being properly cared for, and I only propose an appropriation which means a dollar a mile for each mile of trout brook in Wyoming. I hope the amendment will be adopted.

Mr. TAWNEY. Mr. Chairman, notwithstanding the persuasive eloquence of my friend from Wyoming, I must insist on the point of order.

The CHAIRMAN. Does the gentleman from Wyoming concede the point of order?

Mr. MONDELL. The gentleman from Wyoming, with great regret, concedes the point of order.

The Clerk read as follows:

Bozeman (Mont.) Station: Superintendent, $1,500; fish culturist, $900; 2 laborers, at $600 each; in all, $3,600.

Mr. SHERLEY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

For the establishment of a fish-cultural station in Kentucky, including the purchase of site, construction of buildings and ponds, and equipment, $25,000.

Mr. FOSTER of Illinois. Mr. Chairman, I reserve a point of order on that.

Mr. SHERLEY. Mr. Chairman, I shall not attempt to rival the eloquence of the distinguished gentleman that recently spoke, but instead of eloquence I shall try to give a few facts to justify the creation of this hatchery.

There is an area of 300,000 square miles of which Kentucky is the center where there is no fish hatchery, and into which the Federal Fish Commission is shipping annually large quantities of spawn at considerable cost in the distribution. The territory itself is peculiarly adapted to the propagation of fish, and particularly the black bass, which is very difficult to propagate in hatcheries ordinarily, and for which there is great demand over the country. Three times there has been reported to this House by the Committee on the Merchant Marine and Fisheries a bill for the establishment of a fish hatchery in the State of Kentucky. There has passed at this Congress, through the Senate, a bill for that purpose appropriating the sum of money named in the amendment, and that bill has now been reported by the House committee and is on the House Calendar.

The lateness of the year, coupled with my absence from Washington, has made it impossible to hope to get this bill acted upon through the usual channels. Therefore I appeal to my friend from Illinois to withdraw his point of order.

Mr. FOSTER of Illinois. Mr. Chairman, I observe by the calendar that there are 21 bills now here to establish fish hatcheries, and in view of this fact I shall insist upon the point of order.

Mr. SHERLEY. I would like to know the ground of the point of order.

Mr. FOSTER of Illinois. It is not authorized by law.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Alaska Fisheries Service: For protecting the seal fisheries of Alaska, including the furnishing of food, fuel, and clothing and other necessities of life to the natives of the Pribilof Islands, Alaska, transportation of supplies to and from the islands, expenses of travel of agents and other employees, purchase, hire, and maintenance of vessels, including crews for same, and for all other expenses necessary to carry out the provisions of the act of April 21, 1910, entitled "An act to protect the seal fisheries of Alaska, and for other purposes; and for the protection of the salmon fisheries of Alaska, including travel, hire of boats, employment of temporary labor, and all other necessary expenses connected therewith," $100,000, to be immediately available.

Mr. MONDELL. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 204, after line 24, insert: "That not more than $25,000 of the appropriations for the Bureau of Fisheries shall be used for land and buildings as a station in Wyoming."

Mr. COX of Indiana. Mr. Chairman, on that I make the point of order.

Mr. SMITH of Iowa. Mr. Chairman, I reserve the point of order.

Mr. MONDELL. Oh, I doubt if the amendment is subject to the point of order.

Mr. SMITH of Iowa. Mr. Chairman, if the gentleman questions it, I shall make it to please him. [Laughter.]

Mr. MONDELL. Mr. Chairman, the gentleman from Kentucky called attention to the fact that he had a bill for a State hatchery that had been reported four times. The bill for the Wyoming hatchery had been reported about eight times and has passed the Senate, if I recollect correctly, six or seven times. This amendment will prohibit the use of more than twenty-five thousand in money for a hatchery in Wyoming, and there is such great public necessity for such a hatchery in Wyoming that the commissioner might feel disposed to use more than that, except for that limitation.

Mr. STAFFORD. Is this the same proposition the gentleman propounded a short time ago in such eloquent language?

Mr. MONDELL. This prohibits the commissioner from using more than $25,000 for this hatchery.

Mr. SMITH of Iowa. The law prohibits them from spending any of it as it is now.

Mr. MONDELL. And we are strengthening that prohibition by providing that he can not use more than $25,000, even though he might think $50,000 was necessary.

Mr. SMITH of Iowa. If it means anything it means that he is authorized to spend $25,000, and it is subject to a point of order.

Mr. MONDELL. It simply prohibits the commissioner from spending more than $25,000.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

In all, $170,700.

Mr. BENNET of New York. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman in charge of the bill a question. This is in connection with Ellis Island. While the committee has appropriated the items that have just been read, I note that Commissioner Williams further asks for a ferry steamer at $125,000, and to complete the construction of new buildings $365,000, some pipe tunnels, and heating apparatus in kitchen, and so forth.

Mr. SMITH of Iowa. Oh, he asks for enough.

Mr. BENNET of New York. Which were not given him.

Mr. SMITH of Iowa. That is true.

Mr. BENNET of New York. Inasmuch as the head tax produces an annual surplus of something in the nature of $1,000,000——

Mr. SMITH of Iowa. When?

Mr. BENNET of New York. Every year.

Mr. SMITH of Iowa. Oh, no. The gentleman is in error. Part of the time—most of the time.

Mr. BENNET of New York. Well, I do not remember any year when it did not produce a surplus.

Mr. SMITH of Iowa. I do.

Mr. FITZGERALD. That is why we repealed it.

Mr. BENNET of New York. The gentleman will find they changed their method of bookkeeping in the department. They used to charge against this appropriation in the same year the sums which were appropriated in full and the funds which were expended under appropriations, and then they changed that.

Mr. SMITH of Iowa. They applied for a deficiency one year, and that is the reason the appropriation was refused.

Mr. BENNET of New York. But I understand the reason for creating the deficiency was the charging up to the sums which were appropriated and which had not yet been spent; for instance, in the Galveston matter.

Mr. SMITH of Iowa. Since the gentleman is reflecting so seriously upon the administration of this, he will perhaps understand why we are not willing to do all they ask.

Mr. BENNET of New York. That is the reason. They were not allowed——

Mr. SMITH of Iowa. That is one reason, but the reason, so far as this vessel is concerned, is that they have got one vessel. They have got all they need, except they think they ought to have a reserve. Of course, if we have to duplicate everything in the Government service, and are constantly asked to do it, we can not possibly meet the expenses of the Government. Every branch of the Government wants a duplicate set of everything as a reserve in case of an emergency.

Mr. BENNET of New York. I will say to the gentleman I am not making this speech for the purpose of getting it in the RECORD——

Mr. SMITH of Iowa. I understand.

Mr. BENNET of New York. Now, as to the new building and the extension of the main island on the northern side.

Mr. SMITH of Iowa. It was the judgment of the committee, after hearings, that the chief desire for this new building was to balance the architecture of the island.

Mr. BENNET of New York. That does not appear from the hearings.

Mr. SMITH of Iowa. It appears from the hearings and what we know about the situation. There is no need of the building.

Mr. BENNET of New York. There have been pretty serious statements made to the effect that there is no room now for detention, and a very prominent Member of this House, whom I can see without turning my head very far, sent me a letter not long ago from a man in his city, who was a man of very high standing and a member of the common council of that city, protesting in the most vehement terms—and he is not a New York City man—in the interest of humanity against the crowding that is now going on at Ellis Island. I am not going to offer an amendment, because I bow to the better aggregate judgment of the members of the Appropriations Committee.

Mr. SMITH of Iowa. I thank the gentleman for not saying the separate better judgment.

Mr. FITZGERALD. The gentleman realizes the difficulty one has to get anything from the committee.

Mr. BENNET of New York. I will not be here next year, but I do hope the Members who remain here will not pass this over on any idea that it is for the purpose of balancing the architectural features of that island.

Mr. AUSTIN. May I suggest to the gentleman, in regard to the relief of the crowded condition at Ellis Island, that we get through some legislation which will restrict the undesirables coming into this country.

Mr. BENNET of New York. I will leave that answer to my colleague, who will be here next year.

Mr. FITZGERALD. There are no undesirables coming into Ellis Island; if there were, they would be deported.

Mr. AUSTIN. There is no accounting for some people's taste.

The CHAIRMAN. The time of the gentleman has expired. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

IMMIGRATION SERVICE.

Expenses of regulating immigration: For all expenses of the enforcement of the laws regulating the immigration of aliens into the United States, including the contract-labor laws; for the costs of the reports of decisions of the Federal courts, and digests thereof, for the use of the Commissioner General of Immigration; for salaries and expenses of all officers, clerks, and employees appointed to enforce said laws; for the enforcement of the provisions of the act of February 20, 1907, entitled "An act to regulate the immigration of aliens into the United States" and acts amendatory thereof; for expenses of necessary supplies, alterations, and repairs, and for all other expenses authorized by said act; also for preventing the unlawful entry of Chinese into the United States, by the appointment of suitable officers to enforce the laws in relation thereto, and the expenses of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expense of conveyance of Chinese persons to the frontier or seaboard for deportation, and for the refunding of head tax upon presentation of evidence showing conclusively that collection was made through error of Government officers; all to be expended under the direction of the Secretary of Commerce and Labor, $2,525,000: *Provided*, That from and after July 1, 1911, all moneys paid into the Treasury to reimburse the Immigration Service for expenses of detained aliens paid from the appropriation for expenses of regulating immigration, shall be credited to the appropriation for the expenses of regulating immigration for the fiscal year in which the expenses were incurred.

Mr. STAFFORD. Mr. Chairman, I reserve the right to object to the paragraph. I believe the proviso is a new provision in the bill.

Mr. SMITH of Iowa. Mr. Chairman, I think the gentleman when he understands will not insist upon his point of order.

Mr. STAFFORD. That is why I reserved the point of order, in order to ascertain the purpose.

Mr. SMITH of Iowa. The steamship lines are required by law to pay all the expenses of detention of these aliens who are not permitted to enter, and we find it necessary to put these people frequently in hospitals and the like for care pending their deportation.

These hospitals and other institutions in which we have placed them refuse to look to the steampship companies, but require us to pay them for the service they are called on to do. We, in turn, receive that money from the steamship companies, but, having paid it out of the appropriation, in the absence of a provision of this kind, the money would be covered into the miscellaneous receipts of the Treasury, and the immigration branch would lose that much of the appropriation for the expenditure of the service. Unless this provision is carried, we must largely increase the appropriation, and it is in order to keep this appropriation down as much as possible that this provision is inserted. If we increase the appropriation, it increases, at their discretion, the expenditure of money in the Immigration Service. Now, all this amounts to is this, that if they take a certain amount of money from this appropriation and pay the hospitals and then present the bills to the steamship companies and get the money, they can put it back into the appropriation and use it again, whereas if they are not allowed to do that we must have that much additional annual appropriation.

Mr. STAFFORD. As a part of this expense that is borne by the steamship companies, they bear that themselves direct, but, as to that which is borne by the Government, that part has to be made a claim against the steamship companies, and under the existing law is turned into the Treasury. And this is to obviate that necessity by using appropriations for that purpose?

Mr. SMITH of Iowa. Of appropriating a larger sum for that service.

Mr. STAFFORD. I withdraw the reservation of the point of order.

Mr. BENNET of New York. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I notice the committee has struck from this paragraph this language:

Provided, That not to exceed $50,000 of said sum may be expended, as provided in section 24 of the act of February 20, 1907, entitled "An act to regulate the immigration of aliens into the United States."

I also note that that is on the recommendation, I assume, of the Secretary of Commerce and Labor. The committee, I presume, took his judgment—that with that proviso it would be well to continue to administer the contract-labor law the same way as he has.

Mr. SMITH of Iowa. He was exceedingly anxious to avoid these subdivisions, because the same men enforce, in a measure, the contract-labor law and other provisions, and it is practically impossible to keep the expense separate and divide the men's salaries up as between this limited amount and the balance of the appropriation. If a man is employed a part of the time under the contract-labor law and part of the time in general work, it is practically impossible to arrange what should be a fair division of his salary. And the Secretary is anxious to avoid these subdivisions of appropriations as much as possible.

Mr. BENNET of New York. My personal judgment is, if he assumes to employ men as he has in the past, and it was the desire of Congress he should, by putting them on the rolls and bluebooks, where their names can be ascertained by the steamship companies, he will find difficulty with the Comptroller of the Treasury. But as he is the man who is administering the law the responsibility, I presume, is his.

Mr. SMITH of Iowa. It was his desire that this be done.

Mr. BARTHOLDT. Mr. Chairman, I wish to submit some remarks on the subject on page 133 of the bill, and I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

Miscellaneous expenses, Division of Naturalization: For compensation, to be fixed by the Secretary of Commerce and Labor, of examiners, interpreters, clerks, and stenographers, for the purpose of carrying on the work of the Division of Naturalization, Bureau of Immigration and Naturalization, provided for by the act of Congress approved June 29, 1906, entitled "An act to establish a Bureau of Immigration and Naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States," and for their actual necessary traveling expenses while absent from their official stations, including street-car fares on official business at official stations, subject to such rules and regulations as the Secretary of Commerce and Labor may prescribe; and for the actual necessary traveling expenses of the officers and employees of the Division of Naturalization in Washington while absent on official duty outside of the District of Columbia; for telegrams, verifications to legal papers, telephone service in offices outside of the District of Columbia; not to exceed $3,600 for rent of offices outside of the District of Columbia where suitable quarters can not be obtained in public buildings; and for the purpose of carrying into effect that part of section 13 of the act of June 29, 1906 (34 Stat., p. 896), which provides: "And in case the clerk of any court collects fees in excess of the sum of $6,000 in any one year, the Secretary of Commerce and Labor may allow to such clerk from the money which the United States shall receive additional compensation for the employment of additional clerical assistance, but for no other purpose, if in the opinion of the said Secretary the business of such clerk warrants such allowance:" *Provided*, That the total compensation for the additional clerical assistants authorized by that portion of the said section quoted above to be employed by the clerks of courts shall in no case exceed one-half of the gross amount of fees collected by such clerks in naturalization cases during the fiscal year immediately preceding, and that the expenditures from this appropriation shall be in the manner and under such regulations as the Secretary of Commerce and Labor may prescribe, $175,000.

Mr. COX of Indiana. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. SMITH of Iowa. Mr. Chairman, I am about to offer some amendments to the paragraph, and I suggest, by agreement, the amendments be offered and the section perfected, with the right reserved to make a point of order at that time.

Mr. COX of Indiana. That is satisfactory.

The CHAIRMAN. The gentleman from Iowa [Mr. SMITH] asks unanimous consent that this paragraph may be subject to amendment, with the reservation of points of order after the paragraph is through, if amended. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Iowa [Mr. SMITH] offers an amendment, which the Clerk will report.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike out the words "that part of," at the first portion of line 8, page 208; to insert after the word "ninety-six," on same page, line 10, "as amended by the act approved June 25, 1910," and to strike out the balance of the paragraph down to and including the word "preceding," in line 32.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 208, line 8, strike out the words "that part of," after "ninety-six," in line 10, and insert "as amended by the act approved June 25, 1910;" strike out after "ninety-six" the remainder of line 10 and all down to and including the word "preceding," in line 23.

Mr. SMITH of Iowa. Mr. Chairman, the text in the bill, in my judgment, should be adopted without modification, but it is undoubtedly subject to a point of order. Not only has the gentleman reserved a point of order on the section, but I have been notified by other gentlemen that they intend to make a point of order against the section in its present form. I am usually very much inclined to yield on reasonable amendments if I am about to lose on a point of order, and in order, as I think, to avoid this being subjected to a point of order, I offer those amendments.

Mr. COX of Indiana. Mr. Chairman, I do not know that I have any disposition to press the point of order, but——

Mr. SMITH of Iowa. Other gentlemen have conveyed intimations to me that they will press it——

Mr. COX of Indiana. My object in reserving the point of order was to elicit information. The information I desire to elicit is, What compensation would be paid to these additional clerks? They are to get one-half of the gross receipts paid into the clerks' offices as their salaries. How much would that amount to?

Mr. SMITH of Iowa. It varies vastly, as the gentleman will understand, in the different State courts.

Mr. COX of Indiana. What would it be in the larger places?

Mr. SMITH of Iowa. In the largest places it might amount to $7,000 or $8,000 a year. I concede that it can be stricken out on a point of order.

Mr. COX of Indiana. I withdraw the point of order.

The CHAIRMAN. The Chair would like to inquire of the gentleman from Iowa whether the word "that" should not come out on line 23?

Mr. SMITH of Iowa. That is not the proposition of the gentlemen who are "negotiating" to make a point of order, Mr. Chairman. I have taken the amendment as they offered it. I think not; however, I think it ought to stay in.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The CHAIRMAN. The Chair understands the point of order is withdrawn. The Clerk will read.

The Clerk read as follows:

UNDER LEGISLATIVE.

Statement of appropriations: For preparation, under the direction of the Committees on Appropriations of the Senate and House of Representatives, of the statements showing appropriations made, new offices created, offices the salaries of which have been omitted, increased, or reduced, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriation bills passed during the third session of the Sixty-first Congress, as required by the act approved October 19, 1888, $4,000, to be paid to the persons designated by the chairmen of said committees to do said work.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I reserve a point of order against the paragraph.

The CHAIRMAN. The gentleman from New York reserves a point of order against the paragraph.

Mr. MICHAEL E. DRISCOLL. I think it is new legislation, and I do not see much use of it.

Mr. SMITH of Iowa. It is not new legislation. On the contrary, it is ancient legislation, and very valuable.

Mr. MICHAEL E. DRISCOLL. I do not see why the men who are doing the work now can not simply make up the statement required. The clerks of the committees know all about the subject.

Mr. SMITH of Iowa. Well, Mr. Chairman, it is well understood that this is additional compensation to the clerks of the two committees, respectively, of the House and Senate. It is compensation well earned, and it has been allowed for a long time. It is not new at all. The work is specially required by law to be done.

Mr. MACON. Mr. Chairman, I reserve the point of order. I want to ask the gentleman if this is not an increase of their compensation without authority of law?

Mr. SMITH of Iowa. Oh, no. This has been done right along.

Mr. MACON. I ask the gentleman if there is any authority of law for it?

Mr. SMITH of Iowa. If the gentleman from Arkansas means in addition to their other compensation, I will say yes. The law requires this work to be done by the clerks of the House and Senate Committees on Appropriations, respectively. This law appropriates $4,000 for this work, and requires that the work shall be done by the clerks of the Appropriation Committees.

Mr. MACON. When you designate somebody to do a particular work who is already in the service, and pay that somebody for doing the particular work, then you increase his compensation, do you not? Why can not these clerks do this work without extra compensation? They have nothing else to do at the time they do this work.

Mr. SMITH of Iowa. If you strike this out, it virtually reduces the appropriation for the salaries regularly paid to the clerks to the Committees on Appropriations of the House and Senate.

Mr. MACON. There are so many ways of getting around the law, many ways of twisting the law around in one direction and then in another, so as to increase compensation that it is hard to keep up with the many increases that are made upon appropriation bills. I withdraw the point of order.

The Clerk read as follows:

For refrigerating apparatus for the House wing of the Capitol and House Office Building, and for each and every purpose connected therewith, including the cooling of the air supplied to the Hall of the House, completion of the ice-water plant at the House Office Building, for labor, materials, and personal services, $36,100, to be immediately available, and together with the two following sums to be expended under the direction and supervision of the commission in control of the House Office Building appointed under the act approved March 4, 1907.

Mr. COX of Indiana. Mr. Chairman, I reserve the point of order. Is this item based on existing law?

Mr. SMITH of Iowa. Measurably on existing law.

Mr. COX of Indiana. What does the gentleman mean by saying "measurably?"

Mr. SMITH of Iowa. I mean that the existing law provides for the House Office Building, and one of the decent and necessary things to do would be to furnish drinking water there.

Mr. COX of Indiana. But the law authorizing the House Office Building does not provide for a cold-storage plant, does it?

Mr. SMITH of Iowa. This is for ice water to be consumed by the occupants of the House Office Building, or a plant to chill the water in connection with the House Office Building, and it also includes a part of the remodeling of this Chamber, which is now authorized by law. I think that explains my former answer as to "measurably."

Mr. COX of Indiana. The language in the paragraph under consideration is "including the air supplied to the Hall of the House." This appropriation is not devoted to that one thing?

Mr. SMITH of Iowa. It is not. It is very largely, and I emphasize the word "very," to provide gentlemen with suitable drinking water in the House Office Building.

Mr. COX of Indiana. It is contemplated to use a part of this appropriation for that purpose.

Mr. SMITH of Iowa. Yes; and for chilling this room. That is a very moderate part of it. It is to produce the ice, and it is a mere step from the ice to cool the water for the 400 rooms in the House Office Building. It is not to cool the rooms themselves.

Mr. COX of Indiana. Has the gentleman's committee taken into consideration whether or not there can be any economy in the way of making the ice?

Mr. SMITH of Iowa. A very great economy in the production of the ice.

Mr. BARTLETT of Georgia. So far as I have learned, we have not been able to have any ice or ice water in our rooms in the House Office Building.

Mr. SMITH of Iowa. I am well aware of it, and that is why we want to provide for it.

Mr. BARTLETT of Georgia. We have waited a long time expecting to be provided with it.

Mr. SMITH of Iowa. But the gentleman will not be provided with it now if this appropriation does not go through.

Mr. BARTLETT of Georgia. I may not be here long enough to get it now.

Mr. SMITH of Iowa. The gentleman will get it next year if this appropriation goes through.

Mr. COX of Indiana. Mr. Chairman, I make the point of order against it on the ground that it is new legislation.

Mr. FITZGERALD. No; it is not legislation.

Mr. COX of Indiana. It is not authorized by existing law.

Mr. FITZGERALD. What part of it is not authorized by existing law?

Mr. COX of Indiana. The entire paragraph.

Mr. SMITH of Iowa. The remodeling of the Hall of the House is authorized by express statute.

Mr. FOSTER of Illinois. And appropriated for.

Mr. SMITH of Iowa. No; there is an appropriation in here to provide the money.

Mr. FOSTER of Illinois. Why was not this put in with it?

Mr. SMITH of Iowa. Because we are going to use one plant for the two buildings. The arranging and remodeling of this room is expressly authorized by law, and I trust it will include a ventilating system, and this is merely a ventilating system. I trust the gentleman from Indiana will not make the point of order.

Mr. FITZGERALD. I am not sure that it is subject to a point of order.

Mr. COX of Indiana. Mr. Chairman, I must make the point of order.

Mr. FITZGERALD. In the House Office Building there is a drinking-water apparatus as a part of the equipment of the building, and this is a proper device for the purpose of cooling the water to be furnished through that apparatus. Alterations and changes in the House have been authorized, and any device in connection with the conduct of the business of the House is a part of the work in progress and is in order on an appropriation bill.

Mr. COX of Indiana. Has the gentleman the statute on which you propose to base this appropriation—the organic law itself, if there be any?

Mr. FITZGERALD. We do not need an organic law, because both buildings are in existence. It is a continuation of a work in progress. Repairs to a building are always in order.

Mr. COX of Indiana. The gentleman does not regard the items contemplated in this paragraph as being repairs to buildings?

Mr. FITZGERALD. Which part of it does the gentleman object to?

Mr. COX of Indiana. I object to the whole of it.

Mr. FITZGERALD. The gentleman can not successfully do that.

Mr. COX of Indiana. I do not know whether I can or not, but I will unless there is a statute cited here to base it upon.

Mr. SMITH of Iowa. Will the gentleman from Indiana permit me to suggest that, as he well knows, I have no further interest in the condition of the House Office Building. But it is the universal complaint that one can not obtain a decent drink of water in that great building.

Mr. BARTLETT of Georgia. Yes; most of us buy it for ourselves.

Mr. SMITH of Iowa. It seems to me that we ought not to economize by cutting off the drinking water from Members of Congress. [Laughter.]

Mr. COX of Indiana. I think it is rather late. [Laughter.] I have occupied the House Office Building, and I never heard any objection to the water over there.

Mr. FITZGERALD. But the gentleman has not been on the commission to hear the complaints.

Mr. COX of Indiana. I have no complaint to make.

Mr. FITZGERALD. Some gentlemen never have any use for drinking water. [Laughter.]

Mr. SMITH of Iowa. I have frequently tried the water in the Office Building, and I found it not very pleasant to the taste.

The CHAIRMAN. The time of the gentleman from New York has expired, and the Chair sustains the point of order.

The Clerk read as follows:

To provide gratings for the area ways of the House Office Building, including labor and materials for same, $3,500, to be immediately available.

Mr. MACON. Mr. Chairman, it looks to me as though that might as well go out on a point of order. I reserve the point of order on that.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. SMITH of Iowa. Mr. Chairman, the situation in reference to that is very simple. The area ways are very deep over there. One boy fell down and was nearly killed and was in the hospital for weeks.

Mr. MACON. If there is any danger about it, I will withdraw the point of order.

The CHAIRMAN. The gentleman withdraws the point of order.

Mr. FITZGERALD. Mr. Chairman, I offer an amendment to that paragraph, which I send to the desk and ask to have read.

Mr. COX of Indiana. Mr. Chairman, I reserve the point of order.

The CHAIRMAN. But there is nothing to reserve the point of order on. The gentleman from New York offers an amendment, which the Clerk will read.

The Clerk read as follows:

Page 210, at the end of line 14, insert: "Together with the following sums to be expended under the direction and supervision of the commission in control of the House Office Building appointed under the act approved March 4, 1907."

Mr. COX of Indiana. Mr. Chairman, on that I reserve the point of order.

Mr. FITZGERALD. Mr. Chairman, I will explain the purpose of the amendment to the gentleman. There are two commissions. One was a commission to have control of the construction of the building and the other a commission in charge of the building. The construction of the building has practically been completed. The commission is ready to make its final report. It consists of the Speaker, the gentleman from Iowa [Mr. SMITH], and Mr. Richardson, of Tennessee. Mr. Richardson is not a Member of the House. The gentleman from Iowa intends to resign from the commission, and it is to make certain that only Members of the House shall have control of the expenditure of the money.

Mr. COX of Indiana. Is not this also one of the purposes of the gentleman's amendment, to get the benefit of the provisions contained in the preceding paragraph, which was stricken out on a point of order?

Mr. FITZGERALD. Not at all. The gentleman will understand there were three items here providing appropriations in connection with the House Office Building. In the first a provision was inserted so that there would be no misunderstanding under what control the appropriations would be. That item has gone out of the bill. Now I offer the language to the item which has remained in the bill, and it will only cover whatever items remain in it. It is not in the bill at all now. We want to make it clear and unquestionable that somebody will have authority over the expenditures.

Mr. COX of Indiana. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The Clerk read as follows:

To provide suitable transportation for freight and other purposes in the subway leading from the Capitol to the House Office Building and in the subbasement corridors of the House Office Building, and for each and every purpose connected therewith, including temporary operation, $18,237.20.

Mr. MACON. Mr. Chairman, on that I reserve the point of order. I will make it.

The CHAIRMAN. The Chair will hear the gentleman from Arkansas on the point of order.

Mr. MACON. It is legislation upon an appropriation bill. This provides for suitable transportation for freight and other purposes. I suppose "other purposes" means automobiles to take Members from here to the House Office Building in the subway, and that being the case, I am opposed to it. It might mean the building of a street car in the subway. So far as carrying freight over is concerned, they seem to have facilities for doing that now, for I have seen them rolling it over there time after time since the subway was constructed. It is legislation upon an appropriation bill.

The CHAIRMAN. It seems to the Chair, and the Chair hopes he is not in any way biased about it, that to provide for suitable transportation for freight and other purposes in the subway is like providing for any other of the ordinary things about a building which are necessary—the same as providing for a carpet or repairs in the Hall of the House. The Chair overrules the point of order.

Mr. CRUMPACKER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

At the end of line 20, page 210, insert:
"*Provided*, That no part of such appropriation shall be used for the purchase, rent, or operation of automobiles for the conveyance of persons."

Mr. CRUMPACKER. Mr. Chairman, the purpose of this amendment is to prevent the use of any part of the appropriation for the establishment of a line of automobiles in the subway between the Capitol and the House Office Building for the transportation of Members of the House and their clerks, employees, and so forth, back and forth between the House Office Building and the Capitol.

Mr. MICHAEL E. DRISCOLL. Does it say that?

Mr. CRUMPACKER. It does not, but it covers it. The attempt was made, I remember, when the sundry civil bill was

up last year to provide for a line of automobiles between the House Office Building and the Capitol.

Mr. KENNEDY of Ohio. Will the gentleman yield for a suggestion? I suggest that the gentleman amend his amendment so that it will read "automobiles or mules."

Mr. CRUMPACKER. No; I do not think this Congress ought to make the amendment so broad and comprehensive as to prescribe what mode of transportation may be established in the next Congress.

Mr. KENNEDY of Ohio. They will have mules then.

Mr. CRUMPACKER. But, in all seriousness, I do not believe that the commission or the managers of the House Office Building ought to establish a line of automobiles between the Capitol and the House Office Building for the accommodation of Members.

Mr. DOUGLAS. Why not?

Mr. CRUMPACKER. Because Members can walk back and forth between the Capitol and that building. We might as well provide automobiles to convey Members from the Capitol to their homes or hotels. It would be better and more convenient and would save the Members carfare at the expense of the Government. Occasionally, if a Member should not be able to come here without artificial means of transportation, we would have every right to provide for bringing him here; but to establish a line of automobiles for the convenience of Members generally in going back and forth between the Capitol and the House Office Building, to my mind, is objectionable, and therefore I propose this amendment.

Mr. DOUGLAS. Of course, Members can walk if they want to anyway, and many would probably prefer to walk; but there are a number of committee rooms over there and Members are required to be there for the purpose of transacting their business and in attendance upon committees; and while they are over there the bell rings and they are required to be here to vote, and it takes in the neighborhood of 5 or 10 minutes' time to walk over here. I believe it would expedite the public business.

Mr. CRUMPACKER. That would accentuate the embarrassment we are laboring under year after year regarding the absence of a quorum. It does not make any difference how a Member gets here, after a call of the House has been ordered, which occupies from 30 to 50 minutes' time. There is no Member who can not get here before the call is concluded. He has an abundance of time; but the idea of appropriating out of the public money for automobiles to convey Members of the House these few yards between the Capitol and the House Office Building I think is going a little beyond the limit of propriety.

Mr. GARRETT. Will the gentleman permit me a suggestion?

Mr. CRUMPACKER. I will.

Mr. GARRETT. The suggestion of the gentleman from Ohio is not practicable, because when the call comes every one over there is in a hurry, and you could not have an automobile big enough to carry the Members.

A MEMBER. They might have a line of them.

Mr. SMITH of Iowa. Nobody has contemplated or dreamed of the idea of automobiles I was going to say for the purpose of enlightening the gentleman.

Mr. CRUMPACKER. If nobody has dreamed of starting automobiles, this amendment will not disturb anybody, and it is a safeguard against the purchase of automobiles for the purposes which I have described.

Mr. BURKE of South Dakota. Would the gentleman have elevators in public buildings?

Mr. CRUMPACKER. Of course I would have elevators in public buildings.

Mr. BURKE of South Dakota. There men have to go up two or three flights of stairs, and according to the gentleman's idea we ought not to appropriate a lot of money to make it possible to help people up and down.

Mr. CRUMPACKER. Elevators and chimneys and ventilators and windows and doors have come to be necessary parts of public buildings generally, but where is there outside of the National Capital, in any State capital or elsewhere, provision to haul by automobiles the members of the State senate and house of representatives to and from their hotels or an office building? None.

Mr. BURKE of South Dakota. Mr. Chairman, the State of North Dakota owns and operates a railroad between the State capitol and the city where the capitol is located.

Mr. CRUMPACKER. Then I suppose the gentleman from South Dakota hopes this amendment will not go through, while the gentleman from Iowa [Mr. SMITH] tells us there is no probability of it; that it is not contemplated to establish automobiles.

Mr. SMITH of Iowa. I did not tell the gentleman what was to be done, but if the gentleman will listen, I will be glad to tell him what is in contemplation.

Mr. CRUMPACKER. The gentleman will have opportunity when the sand runs out at the end of the five-minute "hour-glass" that belongs to me. Then the gentleman will have a turn at the wheel of oratory, and he can explain fully.

Mr. SMITH of Iowa. After the gentleman has spent five minutes in fighting a man of straw.

Mr. CRUMPACKER. It is harmless, then. It is utterly innocuous; but I want the amendment in the bill as a matter of safety.

Mr. SMITH of Iowa. Mr. Chairman, I think it is only fair to the House to state just what is contemplated. It is not to put what are commonly called automobiles into this passageway, but to run cars upon a track with a single rail, narrow cars, which will be supported in an upright position by that which will take the place of an ordinary trolley. They will be operated by electric power, and they will complete the circuit around the lower halls of the Office Building. The gentleman knows that after you enter the Office Building it is two blocks, and very long blocks at that, to the offices at the southeast corner, and I think his office is in that portion of the building.

Mr. CRUMPACKER. As far as it is possible to get away from the Capitol.

Mr. SMITH of Iowa. So that the distance from the Capitol to offices in the southeast corner would be in the neighborhood of three blocks or more. Frequently the delay in men getting here from the House Building on the call of the House or on calling the yeas and nays compels the reading clerks to call the roll slowly, in order to assemble the necessary majority here, and delay takes place in the House itself. It is proposed to have these little electric cars, furnished with power from the existing plant, going to and from the Office Building and completing the circuit of the corridors in the basement. It will so expedite the business of the House as to more than compensate for the expense. It is due to the older Members of this House, and they are found in every House. But we are not going to put in any automobiles in the ordinary acceptation of that term—not gasoline wagons, as the gentleman facetiously said as he rose—but we are proposing to put in these cars.

Now, whether the gentleman's prohibition of investment in automobiles will interfere with the construction of the railroad to which I have referred is gravely doubtful. Not knowing what was proposed, and the gentleman assuming that they would be automobiles, as they are in the Senate, therefore he so drew his amendment. It is only fair to him to tell him it is not proposed to put anything in there in the nature of an automobile.

Mr. CRUMPACKER. Will the gentleman allow a question?

Mr. SMITH of Iowa. Certainly.

Mr. CRUMPACKER. Will he inform me as to the proper legislative language that will describe the thing they propose to put in?

Mr. SMITH of Iowa. I can not.

Mr. CRUMPACKER. I do not know how to frame an amendment to cover that new railway system, but I do believe that unless it runs on a rubber rail, with a rubber——

Mr. SMITH of Iowa. It is a steel rail.

Mr. CRUMPACKER. With a steel rail it will make such noise and din that nobody can walk in the subway when it is running without risk of losing his hearing.

Mr. SMITH of Iowa. I have told the true plan in order that the gentleman might know what is doing and the House might know what is doing.

Mr. FITZGERALD. Mr. Chairman, I think it is only proper to make another statement in connection with the statement of the gentleman from Iowa [Mr. SMITH].

When the rooms were distributed in the House Office Building the gentleman now occupying the chair made the statement to the House that means of transportation would be furnished between the House and the Office Building, and upon that statement a number of the committees which had rooms in the Capitol voluntarily agreed to go to the House Office Building.

There are a number of Members somewhat along in years, some men, unfortunately, who are suffering from physical disabilities, and it is a considerable inconvenience and at times a great injustice to compel them to make the trip from the farther part of the House Office Building to the Capitol on some emergency when their presence is required here. The Superintendent of the Capitol Building and Grounds has submitted a tentative plan which will provide some method of conveyance, not only from the Capitol to the House Office Building, but around the building on the lower floor; and if at any time,

Mr. Chairman, some one should devise a system by which the personal responses in the calling of the roll could be eliminated and Members enabled to vote by a mechanical system, it would be absolutely essential that some method should be provided to come from the House Office Building to the Capitol more quickly than it can be done by Members walking. Fortunately I am not afflicted in any way that prevents me from walking to and fro between the House Office Building and the Capitol, and I hope that I shall not have an office in the House Office Building in the next Congress, but one in the Capitol.

I know that it does take considerable time for men walking hurriedly from where my office is located in the Office Building to this House. If plans were drawn and successfully carried out for the installation of a system by which the Members could be conveyed quickly, it would be very desirable to do so. I recall that at the time the House Office Building was first occupied it was through the understanding that some such system would be installed that many Members of the House were induced to give up their offices in the Capitol Building and go over there to the House Office Building. The original plans should be carried out as a matter of convenience and necessity.

Mr. FOSTER of Illinois. The gentleman does not mean that there should be machines over there like that one that was tried a year or two ago, by which the proceedings of the House would be communicated automatically to all of the rooms in the House Office Building, so that Members would know what is going on in the House?

Mr. FITZGERALD. Oh, no. It has been suggested, though, and seriously considered, that there can be devised some mechanical apparatus by which Members could vote from their places in the House without wasting 30 minutes or 45 minutes in calling the roll. I have no doubt, if this House continues to enlarge from time to time, that some such method as that will be found imperative if the public business is to be transacted, and knowing the conditions under which many Members of the House labor and knowing the great injustice, and in some instances the pain, occasioned by the trip over and back, I believe this system should be installed.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I move to amend the amendment by striking out the whole paragraph.

The CHAIRMAN. It is first necessary to perfect the paragraph.

Mr. MICHAEL E. DRISCOLL. Then I wish to speak to that question. I do not think there is any need whatever for this appropriation. The only excuse for it is that some sort of a monorail vehicle will be placed in the tunnel for the accommodation of Members of the House in going to and coming from the House Office Building and this Chamber.

Now, I am getting to be along in years myself, older than the average Member of this House, and I certainly do not need any sort of a vehicle to bring me here or take me back, and I do not expect I shall need it for several years to come. It is better for every Member here, because the mortality has been great and is now great, to take a little exercise, physical exercise, and if a Member will not take it in any other way it is better that it should be forced upon him. It would be beneficial for the Members if they were obliged to walk back and forth from the northwest to this Capitol every day. Every Member would feel the better for it. It is better for the Members to walk above ground and get the fresh air than to ride or to walk in the subway.

Mr. TAWNEY. This is not a question of what is best for the Members, but it is a question of what is best for the administration and conduct of business in the House.

Mr. MICHAEL E. DRISCOLL. What is best for the Members here is best for the conduct of the House, because unless the Members have good health and have good vitality they will not be able to do good business. Besides, we ought not here, in the closing days of this term, grab this little amount for our own luxury and accommodation. It looks as though we were determined to get all the luxuries and comforts for ourselves when other employees of the Government do not get the same consideration.

Besides, the roll is called twice on every roll call for the yeas and nays. By the time you reach the second roll call every man, even if he is a cripple and has to come over on crutches, can get here from the House Office Building. So what is saved? There are always a few absentees, and therefore the roll will always have to be called a second time, and by the time the first roll is called every man can be here to answer on the second call, and therefore I say that the whole paragraph should be eliminated. This appropriation is not relatively large, but by striking it out we show our good faith and our disposition not to impose on the taxpayers a heavier burden than is necessary.

Mr. SAUNDERS. Mr. Chairman, this is essentially a business proposition, and I am astonished to see any Member of this House oppose the recommendation of the bill. You might as well advocate a plan to eliminate all of the elevators in the public buildings, and in the hotels, on the theory that our health would be better if we were obliged to climb the stairs. The gentleman from New York refers to the time that is consumed in the first and second roll calls. If we could come over more expeditiously from the Office Building there would be fewer Members absent from the first roll call. Hence the second roll call would consume less time, and on the whole the roll would be called more expeditiously. There are many occasions when a man who is located, or engaged at a remote point of the Office Building, does not care to consume the time involved in walking to and fro through the subway. He wishes to come over and return in the least possible time, so as to get back to his work, just as a man on the first floor of one of these public buildings does not care to walk to the third or fourth, or fifth floor, as the case may be. He goes up by the elevator. The provision of the bill simply makes us, who are the servants of the public, more efficient, by enabling us to get to and from our work with the least possible expenditure of time.

Mr. CULLOP. Does not the gentleman think that a method of this kind would result in having more roll calls and preventing attendance here?

Mr. SAUNDERS. How in the world, Mr. Chairman, a gentleman can work out such a result from the scheme proposed, I can not see. We have a system like the proposed in operation in the subway leading from the Senate Chamber to the Senate Office Building. It works perfectly, works satisfactorily, for the movement of property, and the transportation of the Senators, and of the public. There has never been any criticism of that system on the part of any living soul that I am aware of.

Mr. MICHAEL E. DRISCOLL. Has not our method of walking to and fro through the subway worked well?

Mr. SAUNDERS. There is no compulsion in this matter, the gentleman from New York can walk if he pleases. We will not compel him to ride. He can take all the exercise he wants. [Laughter.]

Mr. MICHAEL E. DRISCOLL. I want to make the rest of the gentlemen walk for their health.

Mr. SAUNDERS. I do not want to be compelled to walk, when it is to the prejudice of the public service. The cars will be used by the officials—and the public—as well as by the Members. By far the larger use will be by others than Members.

Mr. TAWNEY. Mr. Chairman, I move that all debate on the paragraph be closed in five minutes.

The CHAIRMAN. The gentleman from Minnesota moves that all debate close in five minutes.

Mr. MICHAEL E. DRISCOLL. But, Mr. Chairman, I want to offer an amendment to the whole paragraph.

The CHAIRMAN. The question is on agreeing to the motion.

The motion was agreed to.

Mr. GARRETT. Mr. Speaker, I want to ask the gentleman from Minnesota a question. There might be no objection to this matter if it is a practicable proposition. One or two cars, such as they have at the Senate end, would not answer for the purposes for which this is designed. One or two cars with the same capacity as those that they have at the Senate end would not be sufficient. In a busy time when several committees are sitting in the House Office Building there may be 50 men over there, and in addition to committees others in their offices engaged in necessary work. The bells will ring and there will be a rush for these cars, and they will quickly be overcrowded. May I ask the gentleman if he can tell us whether these cars would be large enough to give reasonable accommodation?

Mr. TAWNEY. I will say to the gentleman that the plan the Superintendent of the Capitol has in mind—the system of rail transportation—will reasonably accommodate all of the Members of the House in the House Office Building within a reasonable time. If it requires three cars or four cars, that number which is required will be in use there. It will be a regular belt line, and Members who are occupying offices in the farthermost parts of the House Office Building will have access to that belt line as it comes around. They will be able to come over to the Capitol Building, and it will be operated in a sort of continuous round—something on the order of a moving sidewalk. Members will get on and come over as fast as they can, and they will be able to get away as quickly as they can. [Laughter.]

Mr. GARRETT. The gentleman has no doubt that it will be a thoroughly practicable proposition?

Mr. TAWNEY. The cars which the superintendent has in contemplation will accommodate from 12 to 14 Members, and they will have as many of these cars as the necessities of the service require.

Mr. RUCKER of Missouri. Mr. Chairman, I want to ask the gentleman a question. Is it contemplated that these cars will be perpetually in motion?

Mr. TAWNEY. Oh, no; not at night, when the House is not in session.

Mr. RUCKER of Missouri. I mean when Congress is in session.

Mr. TAWNEY. Yes; when it is in session.

Mr. RUCKER of Missouri. Then they will begin at 12 o'clock and run until the House adjourns.

Mr. TAWNEY. They will probably begin before the House starts. That is a matter of detail which will be worked out as the necessity of the service demands.

Mr. RUCKER of Missouri. Does the gentleman believe that will facilitate and make more certain the attendance of Members?

Mr. TAWNEY. I do.

Mr. RUCKER of Missouri. Would it not tend to cause confusion and induce everybody to wait for a car rather than walk from the Office Building, and hence cause greater delay in securing attendance?

Mr. TAWNEY. Oh, they would not have to wait.

Mr. RUCKER of Missouri. Another question——

Mr. TAWNEY. Any man can walk over if he wants to.

Mr. RUCKER of Missouri. I am fully in sympathy with the gentleman from New York, who believes that walking is beneficial to the Members.

Mr. TAWNEY. I want to say this: The necessity for some means of transportation, I think, must be recognized by every Member of the House who attends sessions of the Committee of the Whole House on the state of the Union when we are considering appropriation bills. It is seldom that we have more than 100 men on the floor of this House, and between the two sides of the House those 100 men are very often greatly disproportionate.

Now, when we have a vote by tellers, it is impossible for Members of the House to get over here to vote by tellers. Of course it is impossible for them to get here in time to vote on a rising vote, and tellers are frequently demanded merely for the purpose of affording Members in the Office Building an opportunity to get here. If we had some system of transportation that would enable them to come here in a shorter time than five to eight minutes, they could come here and participate in the votes in Committee of the Whole.

Mr. RUCKER of Missouri. I would like to ask the gentleman another question. Within the last few days I have been elsewhere than in this Chamber, and I have heard a suggestion of no quorum made when it was stated that only seven or eight Members were present, and I have seen Members summoned to their place of duty, and when they answered to the roll call they would immediately leave again. Now, if we had railroad facilities running all the way around the building, would it not tend to cultivate a habit here that exists in some other place, namely, that of Members coming in, answering to their names or walking between tellers, and then immediately going out to take a ride on this new-fangled train contemplated by the provision under consideration?

Mr. TAWNEY. The case the gentleman cites is not parallel. The case he has in mind is where a gentleman was speaking and the men entitled to seats on the floor do not care to listen to him.

Mr. RUCKER of Missouri. I grant that.

Mr. TAWNEY. And as soon as they went into the Chamber and answered to their names they went into the cloakroom again and enjoyed their cigars. I am talking about the transaction of the public business; I am not talking about entertainments or speeches.

Mr. RUCKER of Missouri. Oh, yes, I understand; but gentlemen who want to participate in the transaction of public business know when the House convenes and they will remain here unless you and the other gentlemen who are supporting this item make it so easy for them to leave as to invite them to do so.

Mr. TAWNEY. Unfortunately, if they do know when the House convenes and is conducting public business, yet they are not here.

Mr. RUCKER of Missouri. They might not come if you give them an opportunity to ride.

Mr. TAWNEY. Of course, it is entirely within the control of the House, and if it should transpire that this should keep Members away from the floor, they could tear up the railroad track at any time.

Mr. RUCKER of Missouri. I for one am not willing to advertise that the membership of the House is so decrepit that we can not walk to the Office Building and back to the Capitol in the discharge of duty.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Indiana.

The question was taken, and the amendment was rejected.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I move to strike out the whole paragraph.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Beginning at line 15, page 210, strike out down to and including 20.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and on a division (demanded by Mr. MICHAEL E. DRISCOLL) there were—ayes 31, noes 68.

Mr. MICHAEL E. DRISCOLL. I demand tellers.

The CHAIRMAN. The gentleman from New York demands tellers. As many as are in favor of ordering tellers will rise and stand until counted. [After counting.] Fourteen gentlemen; not a sufficient number, and tellers are refused.

So the amendment was rejected.

Mr. CLAYTON. Mr. Chairman, I move to strike out the last word. I notice that this paragraph endeavors to perpetuate the present commission controlling the House Office Building, and it adds to that commission Mr. CHAMP CLARK.

Mr. FITZGERALD. The gentleman is mistaken; it is not the House Office Building Commission.

Mr. CLAYTON. Yes; I think so.

Mr. FITZGERALD. No; under the law providing the alteration of this Chamber another commission was appointed.

A MEMBER. Who were they?

Mr. FITZGERALD. It consists of the Speaker, the gentleman from Massachusetts [Mr. MCCALL], the gentleman from Illinois [Mr. MANN], the gentleman from Georgia [Mr. HOWARD], and that commission had authority to make a contract. I wish the gentleman to have these facts, and then he can go on with his statement. The commission have authority to make a contract for the alteration of this Hall. Before attempting to enter into any contract the commission reported to the Committee on Appropriations that it preferred that the House should have an opportunity to pass upon this question, and that if the alterations were to be made they felt that the gentleman who has already practically been selected as Speaker in the next House should be in a position to have something to do with the work. It is not, however, the House Office Commission.

Mr. CLAYTON. Well, I thank the gentleman for that explanation, and I desire to ask now if I am correct in stating that the personnel of this commission will be entirely Republican, except Mr. CHAMP CLARK——

Mr. FITZGERALD. It continues Mr. HOWARD.

Mr. CLAYTON. But Mr. HOWARD is not a Member elect to the next House.

Mr. FITZGERALD. That is true, but unless he should resign, under some previous rulings he would continue to be a member of that commission.

Mr. CARLIN. But Mr. HOWARD would not want to continue—he is not drawing any salary—and that would leave us with only one Democratic representative on the commission.

Mr. MCCALL. This commission was provided for before it was known the gentleman from Georgia would not be a Member of the next House, and I think everybody will agree with me that no more competent gentleman could be selected for that work. He was a member of the commission which had authority under the statute, which I think the gentleman from Alabama assisted in having passed, to make a contract for this work. Now, the gentleman from Georgia is perfectly willing to retire. It seems to me that as he has been with the commission up to the present time it would assist very much and it would be very advantageous to the House to have him continue in the position, and he was willing to do that. But it also seemed to me the next Speaker of the House should be added to the commission. I will say to the gentleman from Alabama that I shall be very willing to have any other Member added here that his side of the House desires, so that with the gentleman from Georgia that side will have at least three Members. I would say that the plans have been practically perfected in regard to this work, and I should dislike not to have the gentleman from Georgia be a member of the commission.

Mr. TAWNEY. Will the gentleman permit me to ask—has the contract been let——

Mr. CLAYTON. Mr. Chairman, I believe I have the floor, and I desire to have some small part in the colloquy. [Laughter.] I may say, Mr. Chairman, in reply to the suggestion of the gentleman from Massachusetts, that I quite concur in his desire which he has expressed to have the House avail itself of the services and the experience of Mr. HOWARD of Georgia, but I think, Mr. Chairman, it is not fair to a Democratic House

to have a commission that is going to provide for the expenditure of such a sum—I believe $350,000 is the amount it is going to cost—with only one Democratic Member on that commission. It hardly seems fair, and I suggest to the gentleman from Massachusetts that while he is adding Mr. CLARK, and while he wants to retain Mr. HOWARD, why not add, say, two other Democrats to it?

Mr. McCALL. Mr. Chairman, I should be very glad, and I suppose it is in order now to move to add other Members to the commission—to make the motion at the proper time for two gentlemen to be added from that side of the House.

Mr. CLAYTON. And I would be quite content.

Mr. McCALL. The gentleman from Alabama had some part in this work two years ago, and he or some gentleman, like the gentleman from Kentucky or the gentleman from New York, of the Committee on Appropriations——

Mr. CLAYTON. I hope the gentleman will make some such suggestion at the proper time. But I would prefer that the gentleman permit me in that connection to say that I think it would be better for him to add some Member from the Appropriations Committee, somebody else rather than the "gentleman from Alabama." I am not seeking any more work.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KEIFER. Mr. Chairman, I move to strike out the entire paragraph.

Mr. McCALL. Mr. Chairman, is it in order for us to perfect the paragraph?

The CHAIRMAN. It is.

Mr. McCALL. I will move to add the names of the gentleman from New York [Mr. FITZGERALD] and the gentleman from Kentucky [Mr. SHERLEY].

The CHAIRMAN. The gentleman from Massachusetts offers an amendment which the Clerk will report.

The Clerk read as follows:

After the word "CLARK," in line 16, page 211, insert: "Representative JOHN J. FITZGERALD and Representative SWAGAR SHERLEY."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. KEIFER. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Ohio [Mr. KEIFER] offers an amendment which the Clerk will report.

The Clerk read as follows:

Strike out the paragraph, lines 9 to 17, both inclusive.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, before that is voted on I want to ask the gentleman from Massachusetts [Mr. McCALL] a question.

The CHAIRMAN. The gentleman from Ohio has the floor.

Mr. MICHAEL E. DRISCOLL. Then, I will ask the gentleman from Ohio [Mr. KEIFER] a question. I would like to know whether or not he knows that the contracts for the changes here have been already made?

Mr. KEIFER. I understood the gentleman from Massachusetts answered that question a moment ago and to say that they had not.

Mr. McCALL. They have not.

Mr. KEIFER. Now, Mr. Chairman, I will say but very little on this subject.

Mr. ADAMSON. I will ask the gentleman from Ohio [Mr. KEIFER] to allow me to ask him one question.

Mr. KEIFER. If it is not to be taken out of my time.

Mr. ADAMSON. As an expert, you having been Speaker of this House, I want to ask if it is not possible to avoid that change and that expense by the Speaker's requiring each Member to remain at his desk while he is in the House, and to preserve order?

Mr. KEIFER. That needs no expert to answer. If every gentleman would remain in his seat and preserve order, we would always have order, and we could be well heard anywhere in this Hall.

Mr. ADAMSON. That is not the question, if the gentleman will pardon me. I asked if it is not possible for the Speaker to compel them so that we can have the benefit of the Hall to do business?

Mr. KEIFER. I do not believe this body of men, composed as it is of gentlemen desirous, as they are, of always preserving their good behavior, can be kept in that situation by any Speaker in the world.

Mr. ADAMSON. Then you have lost my vote. I was going to vote with you.

Mr. KEIFER. You will have to vote on other grounds. I have high respect for you, but I think sometime or other you would violate the rule you would like the Speaker to enforce, notwithstanding the Speaker might try to have you obey a good rule.

Mr. LONGWORTH. I might suggest that the gentleman ask the gentleman from Missouri [Mr. CLARK].

Mr. KEIFER. I did not care to get into this colloquy. I have seen efforts made by different Speakers to keep this Hall in good order, and I think gentlemen believe they are doing their duty sometimes even when they talk too loud and keep out of their seats and get down in front of the desk. At times they can be required to keep their seats, but they will not keep them constantly.

Now, Mr. Chairman, I do not believe that the proposition to change this Hall, which has grown sacred in its use for so many years, is going to be a successful one. I understand perfectly that it is a box with halls around it, and no sunlight directly coming into it except that which is strained in through the colored glass over us, and we hardly ever get any pure air here except that which is pumped in by some process or other; and yet I understand that when the new plan is carried out we are to have that same condition, only a little exaggerated from what it is now.

This Hall is not an easy one for persons to be heard in. Unless the Members keep the order that my friend would like to have, it is not an easy one. But the proposition to change it and to alter it is not one that commends itself, I think, to anybody who has given any attention to it.

Mr. BARTLETT of Georgia. Will the gentleman yield for a question?

Mr. KEIFER. An enlargement of the Hall will not help the accoustics of the Hall. Yes; I will yield to the gentleman.

Mr. BARTLETT of Georgia. I agree with the gentleman, and I want to ask but one question. I want to ask him if he does not think we ought to be rather reluctant now, in the present condition of the Treasury, to spend $350,000 for our own convenience and simply to beautify and improve this Chamber, where for a number of years we have assembled satisfactorily, and to which we are all anxious to come back? [Laughter.]

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. KEIFER. Mr. Chairman, I would like to have five minutes. I did not have the last minute. [Laughter.]

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to extend his time five minutes. Is there objection? The Chair hears none.

Mr. KEIFER. I thank the House. We have heard a great deal about spending the people's money, and the gentleman may be right in his opinion that this experiment of undertaking to make a better Hall and provide better conveniences here by the expenditure right now of $350,000 just as the Democratic majority—pretended, at least—is coming into power, and to make all these improvements for their convenience in the Hall, is an experiment of doubtful propriety. It may be that that is a good argument against making the change. I was recently in the hall of the popular legislative body in Brussels, Belgium. It is differently constructed from this one. It is not so large, and it has not so great a floor space as this, and the desks are much smaller and have many conveniences which our desks lack. I think if our desks here were modeled on those we would not have so much room here for trash and truck about us that are always in our way, but we would have room enough to write letters if we wanted to, and to keep some papers conveniently near us for examination and for use in case we made speeches.

I was particular in looking at the models of desks in that legislative chamber and their arrangement, and with those arrangements, if they were installed here and these cumbersome desks taken out, I am sure we can provide for that monstrous House that is to meet here, not in the Sixty-second Congress but in the Sixty-third Congress, and that the 433 or more Members of it can well be provided for and have as much comfort and convenience, at least, as we have here now.

So I make my motion, although I am not interested personally in the result of it. I make the motion to strike out the clause, not that I am objecting at all to the names of the persons who are to have charge of this matter of altering or changing this Hall, in case it is to be changed.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. McCALL. Mr. Chairman, just a moment——

The CHAIRMAN. The gentleman from Massachusetts is recognized.

Mr. McCALL. Mr. Chairman, I always listen to the gentleman from Ohio with great respect, but I think that he is wrong in this instance. The House of Representatives in the last Congress, after the question had been discussed, voted to authorize this change without a division. This Chamber is by far

the largest chamber that any legislative body in the world has, and one reason, it seems to me, why this House of Representatives is not regarded outside of it as the greatest legislative body in the world is because it is trying to do business in the greatest legislative chamber of the world. The floor area of this House is nearly three times that of the British House of Commons. If we want to see ourselves as others see us, we have only to look at the estimates made of this House by writers of authority who have looked upon it from the galleries. We all know that the case is an exceptional one when we go to the gallery with a friend and that friend is able to hear anything that is being said in debate.

This hall has been written about by writers of authority. The leading one, perhaps, is Mr. James Bryce, now the ambassador of Great Britain in this country, and he says:

> It is more than thrice as large as the English House of Commons, with a floor about equal in area to that of Westminster Hall, 139 feet long by 93 feet wide and 36 feet high. * * * The proportions are so good that it is not till you observe how small a man looks at the farther end, and how faint ordinary voices sound, that you realize its vast size. * * *
>
> When you enter, your first impression is of noise and turmoil, a noise like that of short, sharp waves in a Highland loch fretting under a squall against a rocky shore. The raising and dropping of desk lids, the scratching of pens, the clapping of hands to call the pages—keen little boys who race along the gangways—the pattering of many feet, the hum of talking on the floor and in the galleries, make up a din over which the Speaker with the sharp taps of his hammer, or the orators straining shrill throats, find it hard to make themselves audible. I never heard American voices sound so harsh or disagreeable as they do here. Nor is it only the noise that gives the impression of disorder. Often three or four members are on their feet at once, each shouting to catch the Speaker's attention. * * * Less favorable conditions for oratory can not be imagined, and one is not surprised to be told that debate was more animated and practical in the much smaller room which the House formerly occupied.

And then we have the same thing from a high American authority, President Woodrow Wilson, now governor of New Jersey, in which he expresses himself very emphatically in criticism of the House of Representatives, the great popular body of the American people, attempting to transact its business in a hall of such enormous size as this.

Only recently in one of the magazines Prof. Goldwin Smith, who before his death came to be the first man of letters of the British Empire and who was a warm friend of our country and our institutions, gave an estimate of this House as seen from the gallery, and it comported closely with that given by Mr. Bryce and Mr. Wilson. Now, Mr. Chairman, this House has not attracted the attention that it should have received, not because its Members have lacked in ability, because the greatest men who ever served in the Senate have also served in the House of Representatives. Henry Clay made some of his greatest speeches in yonder Hall; Daniel Webster was also an ornament of the House, and John Quincy Adams, as we all know, made almost his greatest record as a representative of the people. We have had very many great men here who were never in the Senate. We have had Presidents like Lincoln, Garfield, and McKinley, and we have had other eminent statesmen, orators, like Henry Winter Davis, Thomas B. Reed, and Speaker Crisp who were not in the other House.

But it is admitted, I believe, by those who have studied the House of Representatives that debate in this body does not have the practical effect and the influence that it had when the House was in a smaller chamber.

In the revised plans that have been prepared with very great care the commission has not been hasty in reaching a decision. We do remedy the defect spoken of by the gentleman from Ohio [Mr. KEIFER]; we carry the House through to the outer air on the south side of the Chamber. We reduce the floor area of the Hall by over 2,200 feet, and we reduce its cubical contents by about 140,000 cubic feet, so that in contents it is but little larger than the Senate Chamber. I believe that the one thing that is indispensable to give this House the place that belongs to it under our Constitution, to secure its efficiency and to put it where historians will recognize its merit, is to adopt the pending proposition and make the appropriation that has already been authorized by law. [Applause.]

Mr. PARKER. Mr. Chairman, I can not help speaking a word on this matter.

Mr. TAWNEY. Mr. Chairman, may I interrupt the gentleman a moment? I ask unanimous consent that all debate on the paragraph and the motion of the gentleman be closed in 10 minutes.

The CHAIRMAN. The gentleman asks unanimous consent that all debate be closed in 10 minutes. Is there objection?

Mr. NYE. I object.

Mr. SHERLEY. Mr. Chairman, I move that all debate on the paragraph and all amendments thereto close in five minutes.

The CHAIRMAN. Does the gentleman from New Jersey yield for that purpose?

Mr. PARKER. I yield for that purpose.

The CHAIRMAN. The question is on the motion of the gentleman from Kentucky, that all debate on the paragraph and all amendments thereto close in five minutes.

The question was taken, and the motion was agreed to.

Mr. PARKER. Mr. Chairman, I want to talk of this as a practical matter. We may all agree, and do all agree, that we would rather speak in a smaller hall. That can be tried. A partition on either side of the Speaker's desk from north to south, with galleries east and west, would give large rooms under the galleries for the gathering of Members on either side, Democratic and Republican.

I can not agree that it is well to carry this hall clear back to the windows of the south wall. That will not help ventilation. The windows are there now, which would ventilate if people would let them be open. They are now in a lobby, and if in the Hall of Congress there would be still more objection to our opening any of those windows. I can not agree that ventilation is now impossible. Air is like a rope—more easily pulled than pushed. We have been following the plan of pushing in hot air and letting it out at the top. The hot air that comes in goes up in a column to the top and leaves the foul air here.

Mr. CLAYTON. Does not the gentleman think that we generate a great deal of hot air. [Laughter.]

Mr. PARKER. Mr. Chairman, that is not to be taken out of my time.

Mr. McCALL. We ventilate both above and below.

Mr. PARKER. We do not draw the air from where it is fouled, at the height of a man's head, so as to clear the hall of that foul stratum of air. Mr. Chairman, a single fireplace fixed in the wall up to the height of 8 feet from the ground would give more ventilation than anything that we have here.

I want to say besides that that room in the rear is absolutely essential. We go around this House from one side to the other by passing through that lobby. Take it away and you will find you have absolutely lost any power of going from one side of the House to the other without going out in another direction. It is our best room for consultation. That is so in the Senate Chamber, where it is the marble room. It is necessary here.

I maintain we ought not to try to make such great changes. It is easy to put benches in the center of this Hall and a partition on either side, giving to each party in the House plenty of room for a lobby and reading room, with books, facilities for writing, lockers for each Member's papers, opportunity for consultation, and giving aid to the House for independent action, which does not exist now. This is the best plan. If we insist on separate desks, we could roof that room, make a gallery incline, with desks enough for the Members in those galleries, leaving a pit in which the speaking could be done. There are plenty of ways to accommodate the House, but this particular plan is not complete. It takes away the desks and does not provide adjoining rooms where writing can be done. And it is premature. The act providing for 430 Members is not yet a law, and it is not likely to pass, from the looks of things at present, at least at this session. This new plan leaves the Cherokee Strip and puts part of the House so far on each side that they are really behind the Speaker. It perpetuates the folly of binding each Member to one seat instead of leaving him free to sit where it may be convenient as business proceeds. It is an incomplete plan. The matter can properly be put over until further consideration is given to alternative plans. I therefore favor the amendment of the gentleman from Ohio that this paragraph should be struck out of the bill.

The CHAIRMAN. The question is on agreeing to the amendment to strike out the paragraph.

The question was taken; and on a division (demanded by Mr. KEIFER) there were—ayes 44, noes 65.

So the amendment was rejected.

The Clerk read as follows:

> Printing Investigation Commission: The authority vested in the Printing Investigation Commission to examine into the general subject of the public printing and binding of Congress and the various executive departments, as now existing under authority of an act making appropriations to supply deficiencies, approved March 4, 1909, is hereby continued during the term of the Sixty-second Congress; and the said commission shall consist of three Senators who are members of the Joint Committee on Printing and three Members of the House elected to the Sixty-second Congress, to be appointed by the Speaker, and the sum of $10,000 is hereby appropriated, to continue available until July 1, 1912, for the expenses of said Printing Investigation Commission.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

> After the word "appropriated," in line 6, on page 212, insert "to be immediately available and."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 212, line 5, insert after "Speaker" "and to serve until the convening of the Sixty-second Congress."

Mr. FITZGERALD. Mr. Chairman, the effect of that amendment is simply to cover over the recess.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

GOVERNMENT PRINTING OFFICE—PUBLIC PRINTING AND BINDING.

Office of the Public Printer: Public Printer, $5,500; purchasing agent, $3,600; attorney, $3,000; chief clerk, $2,500; accountant, $2,500; assistant purchasing agent, $2,500; cashier and paymaster, $2,500; clerk in charge of the CONGRESSIONAL RECORD at the Capitol, $2,500; assistant accountant, $2,250; chief timekeeper, $2,000; 1 clerk, $2,000; paying teller, $2,000; telegrapher and clerk, $1,800; 10 clerks of class four; 11 clerks of class three; 6 clerks of class two; 6 clerks of class one; 9 clerks, at $1,000 each; 4 clerks, at $900 each; 6 clerks, at $840 each; 12 clerks, at $720 each; paymaster's guard, $1,000; chief doorkeeper, $1,200; doorkeeper, $1,200; 6 assistant doorkeepers, at $1,000 each; 2 messengers, at $840 each; chief delivery man, $1,200; 5 delivery men, at $950 each; tenephone switchboard operator, $720; 3 assistant telephone switchboard operators, at $600 each; 5 messenger boys, at $450 each; in all, $133,780.

Office of the Deputy Public Printer: Deputy Public Printer, $4,500; inspector of paper and material, as provided for in section 20 of an act to provide for the public printing and binding, approved January 12, 1895, $2,000; 2 clerks of class one; 1 clerk, $900; 1 chemist, $1,600; 1 messenger, $840; 1 messenger boy, $420; in all, $12,660.

Watch force: Captain of the watch, $1,200; 2 lieutenants of the watch, at $900 each; and 64 day and night watchmen, at $720 each; in all, $49,080.

Holidays: To enable the Public Printer to comply with the provisions of the law granting holidays and the Executive order granting half holidays with pay to the employees of the Government Printing Office, $180,000.

Leaves of absence: To enable the Public Printer to comply with the provisions of the law granting 30 days' annual leave to the employees of the Government Printing Office, $340,000.

Mr. MURPHY. Mr. Chairman, I reserve the point of order on the words "chief clerk, $2,500," line 15, page 212.

Mr. MACON. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. TAWNEY. Mr. Chairman, if the gentleman from Missouri insists upon the point of order we will have to reinsert the language of the present law which makes this man private secretary to the Public Printer. We intended to give him something to do by making him chief clerk instead of private secretary to the head of the organization.

Mr. MURPHY. If the gentleman will put in the salary fixed by law, I will withdraw the point of order.

Mr. TAWNEY. The salary is not changed at all.

Mr. MURPHY. The salary is $2,250 by law, and you have made it $2,500 only for the year in the last appropriation bill.

Mr. TAWNEY. We give him the salary we are giving him now.

Mr. MURPHY. But the law fixes the salary at $2,250.

Mr. TAWNEY. There is no law fixing the salary, except in the current appropriation law he appears as secretary to the Public Printer, $2,500; and the committee thought, and the Public Printer recommended, that it had better be changed so that he might be assigned to duty as chief clerk, instead of serving as secretary to a single officer.

Mr. COOPER of Pennsylvania. Mr. Chairman, I would like to ask the gentleman if this stands as it is if it would affect the office of the Deputy Public Printer?

Mr. TAWNEY. In no way. The duties of the Deputy Public Printer are defined by law. There is not a single duty that the Deputy Public Printer performs to-day that he will not be required and have an opportunity of performing after this provision becomes a law.

Mr. COOPER of Pennsylvania. I think the gentleman is in error as to that.

Mr. TAWNEY. I know there is an attorney in the Government office who thinks that the effect of this appropriation in the appropriation bill will be to change the law with respect to the duties of the Deputy Public Printer as defined by law.

Mr. COOPER of Pennsylvania. In section 36 of the general printing law of 1895 the chief clerk therein designated is the man to act as Public Printer in case of death, resignation, and so forth.

Mr. TAWNEY. But a subsequent law changed——

Mr. COOPER of Pennsylvania. That is the law of May 27, 1908, but is it not a fact now that if you change the title of secretary back to chief clerk, it will have the effect of wiping out the functions of the Deputy Public Printer?

Mr. TAWNEY. It will have no effect whatever, except to enable the Public Printer to impose upon this officer the performance of duties that he can not now perform as private secretary. That is the only effect.

Mr. COOPER of Pennsylvania. I think you will relieve the Deputy Public Printer of any duties at all, except what the Public Printer may assign to him. As the law stands it looks as if you re-create the office of chief clerk, which was prior to the act of 1908, and practically wipe out the office of Deputy Public Printer.

Mr. TAWNEY. We do not affect the office or duties of the Deputy Public Printer by this change, and it is not contemplated by anyone, either the Public Printer or any member of the committee who recommends this change. This is simply for the purpose of enabling the Public Printer to assign to this man duties which he otherwise could not do.

Mr. MURPHY. Will the same man who is now private secretary be the chief clerk?

Mr. HULL of Iowa. Do I understand the chief clerk takes the place of the Deputy Public Printer?

Mr. TAWNEY. No.

Mr. HULL of Iowa. Where do you provide for the Deputy Public Printer in here?

Mr. TAWNEY. In the following paragraph. The next paragraph provides for the Deputy Public Printer.

Mr. COX of Indiana. Mr. Chairman, I would like to ask the chairman in charge of the bill a question. Is there any law now authorizing this attorney at $3,000?

Mr. TAWNEY. Nothing except the existing or current appropriation act.

Mr. COX of Indiana. I want to make a point of order on that.

Mr. MURPHY. I would like to ask the gentleman from Minnesota one other question. Will the gentleman who is secretary now to the Public Printer be made chief clerk?

Mr. TAWNEY. That I can not answer. I have no control over the personnel of the office. I do not think the Public Printer contemplates changing the personnel in his office at all under this provision. Of course he could do it anyhow, if he wanted to.

Mr. MURPHY. The private secretary is now under the civil service. Would this chief clerk be under the civil service?

Mr. TAWNEY. The gentleman is misinformed. The private secretary is not under the civil service.

Mr. MURPHY. Yes; I beg the gentleman's pardon, but Mr. Roosevelt covered him into the civil service. He is a Missourian, and we have been looking after him.

Mr. TAWNEY. The rules of the Civil Service Commission expressly authorize the appointment of private secretaries by the head of any bureau or head of department or other Government establishment. But the chief clerk has to be appointed under the civil-service rules.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. TAWNEY] has expired.

Mr. TAWNEY. Now, if the point of order is insisted upon, Mr. Chairman——

Mr. MURPHY. Mr. Chairman, I withdraw the point of order.

Mr. COX of Indiana. I want to make a point of order, Mr. Chairman, on line 14, page 12, "attorney, $3,000."

The CHAIRMAN. The gentleman from Indiana makes a point of order against the language, "attorney, $3,000."

The Chair will ask the gentleman from Minnesota whether there is any authorization for this?

Mr. TAWNEY. There is no statutory authorization, except in the appropriation bill.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MACON. Mr. Chairman, I reserved a point of order on the paragraph for the purpose of including this attorney. He has gone out now on the point of order, and I withdraw the point of order on the paragraph.

The Clerk read as follows:

For the public printing, for the public binding, and for paper for the public printing and binding, including the cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for lithographing, mapping, and engraving for both Houses of Congress, the Supreme Court of the United States, the supreme court of the District of Columbia, the Court of Claims, the Library of Congress, the Smithsonian Institution, the Interstate Commerce Commission, the International Bureau of American Republics, the Executive Office, and the departments; for salaries, compensation, or wages, of all necessary employees additional to those herein specifically appropriated for, including the compensation of the foreman of binding and the foreman of printing; rents, fuel, gas, electric current, gas and electric fixtures, and ice; bicycles, horses, wagons and harness, electrical vehicles, and the care, driving, and subsistence of the same, to be used only for official purposes, including the purchase, maintenance, and driving of horses and vehicles for official use of the officers of the Government Printing Office when in writing ordered by the Public Printer; freight, expressage, telegraph and telephone service; furniture, typewriters, and carpets; traveling expenses, stationery, postage, and advertising; directories, technical books,

and books of reference, not exceeding $500; adding and numbering machines, time stamps, and other machines of similar character; machinery (not exceeding $100,000); equipment, and for repairs to machinery, implements, and buildings, and for minor alterations to buildings; construction of roof over vacant walled space west of the H Street Annex to the Government Printing Office; necessary equipment, maintenance, and supplies for the emergency room for the use of all employees in the Government Printing Office who may be taken suddenly ill or receive injury while on duty; other necessary contingent and miscellaneous items authorized by the Public Printer; and for all the necessary materials and equipment needed in the prosecution and delivery of the work, $4,581,230.

Mr. COX of Indiana. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. MACON. Mr. Chairman, I make a point of order upon the two words "electrical vehicles," in line 9, page 215. It seems to be new.

Mr. KEIFER. Mr. Chairman, I understand that is one of the means of equipment of this establishment.

Mr. MACON. I understand it is, and so would automobiles be, and so would a street car be, or anything else that the gentleman might appropriate for in this paragraph.

Mr. KEIFER. Then your point is you would not have it equipped at all?

Mr. MACON. Oh, yes; but I am against an equipment of that kind.

Mr. KEIFER. That is as much equipment as bicycles and wagons.

Mr. MACON. Oh, you might appropriate for an automobile for the Speaker or an automobile for each Member of the House on an appropriation bill if bills of that kind can carry an appropriation for electrical vehicles for the Public Printer.

Mr. KEIFER. This is an automobile such as we have been providing for you in the future.

Mr. MACON. I fought against that, sir; and tried to get it out on a point of order.

Mr. FITZGERALD. Is the gentleman referring to electrical vehicles at the Printing Office?

Mr. MACON. Yes.

Mr. FITZGERALD. The Public Printer explained to the committee that by utilizing the space he has there and by roofing it over and substituting motor-propelled vehicles for horses and wagons he could make a very substantial reduction in the cost of transportation in the office.

Mr. MACON. I am advised it would cost $75,000 to $100,000 to make the changes provided for in this paragraph.

Mr. FITZGERALD. The gentleman is mistaken. The Public Printer can utilize the vacant space by roofing it over and using it as a stable.

Mr. MACON. The electrical vehicles can be used for any purpose for the Public Printer to ride in in this city, Maryland, or Virginia, or wherever else he sees fit to go.

Mr. FITZGERALD. That is not the purpose of the amendment.

Mr. MACON. You ought to show what the purpose is.

Mr. FITZGERALD. I have no desire to furnish the Public Printer with an automobile——

The CHAIRMAN. The Chair will ask the gentleman from New York [Mr. FITZGERALD] if he can inform the Chair whether the Public Printing Office now has means of transportation.

Mr. FITZGERALD. The Public Printer has horses and wagons for the purpose of transporting materials to be utilized by the Public Printer in the conduct of his office. I am not certain whether he has one electrical vehicle or not.

Mr. COX of Indiana. It is not carried in the language of the last bill.

Mr. FITZGERALD. I am not certain about it. I am not certain whether the Public Printer has any motor vehicles or not. I will ask the chairman of the committee if he has.

Mr. TAWNEY. No; they have none. The purpose is to substitute the motor vehicles; that is, to replace the hauling vehicles with electrical trucks, and by adopting this provision the Public Printer will be able to abolish or abandon the stable entirely and save all the expense incident to the maintenance of the stable for the horses that they are now using for the transportation of freight, and utilize another building for the mechanical equipment necessary to maintain the automobile. The saving to the Government is $12,000 a year in rent.

Mr. COX of Indiana. Under the language in the bill here, "electrical vehicles," it will be possible, will it not, to absolutely supplant the present means of transportation and substitute therefor electrical vehicles?

Mr. TAWNEY. That is the purpose of it.

Mr. COX of Indiana. Then I shall object to it. What is the present equipment worth?

Mr. TAWNEY. A saving of approximately $12,000 a year will result. We asked the Public Printer:

Mr. SMITH. Where will the saving come in?

Mr. DONNELLY. First, in the item of rent. We are now paying $2,400 a year for a stable.

Mr. SMITH. Do you propose to substitute all electrical vehicles?

Mr. DONNELLY. Yes, sir; here is a statement [exhibiting]. The expense of operating the stable at the present time is $31,113.58 per annum.

Mr. COX of Indiana. How much is that?

Mr. TAWNEY. $31,000. Then he proceeds:

The cost of operation, maintenance, and repair of electrical vehicles would amount to $21,917.50.

Mr. MALBY. What does the $31,000 represent?

Mr. DONNELLY. It is made up of these items: Wages of foreman and stablemen, $10,113.59; wages of drivers, $12,666.21——

Mr. MALBY (interposing). Does it represent the purchase of horses, for instance?

Mr. DONNELLY. Yes, sir.

Mr. SMITH. How much would it cost, in addition to the $8,000, to equip the Government Printing Office with these electrical vehicles in lieu of the others?

Mr. DONNELLY. It will cost $30,000.

Mr. MALBY. Could you get more service out of the electrical vehicles?

Mr. DONNELLY. Much more service and more efficient service. Our stable is, for a heavy truck team, about 10 minutes from the Government Printing Office, going and coming. This lot is 100 yards from our shipping and receiving platforms.

Mr. COX of Indiana. What is the present outfit worth—the horses, harness, and so forth?

Mr. TAWNEY. Let me read a little further:

Mr. SMITH. What size electrical vehicles are you expecting to use, trucks?

Mr. DONNELLY. One 4-ton truck, three 3-ton trucks, three 1-ton trucks, 2 mail wagons, and 3 light electrical vehicles for delivery and conveyance purposes.

Mr. SMITH. What do you say as to whether you would immediately have to raise the salary of the chauffeurs above the salary of the drivers, whether or not a higher-priced man is not necessary to operate an electrical vehicle than to drive a team in Washington?

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAWNEY. Mr. Chairman, I ask for two minutes more.

Mr. COX of Indiana. I ask that the gentleman may be accorded five minutes more.

The CHAIRMAN. The gentleman from Indiana asks that the gentleman from Minnesota may have five minutes more. Is there objection? [After a pause.] The Chair hears none.

Mr. TAWNEY. To that question the Public Printer answered:

No, sir; we would instruct the present force of drivers to operate the machines.

Now, anyone familiar with the operation of electric-motor vehicles knows that it requires less skill to operate an electric-motor vehicle than it does to operate a gasoline or power motor.

Mr. COX of Indiana. If the Public Printer shall substitute the electrical vehicles for the horses and wagons that he now has, has he any information as to what the present value of the horses and wagons is which would be dispensed with by the use of electrical vehicles?

Mr. TAWNEY. I have not, Mr. Chairman, except by inference, from the amount that is expended annually on the purchase of horses.

Mr. COX of Indiana. Let me ask the gentleman this question: If it be the purpose to dispense with the horses and wagons——

Mr. TAWNEY. Yes; to substitute electric vehicles entirely for horses and wagons.

Mr. COX of Indiana. If the gentleman will wait until I put the question to him, I would be glad. If it is the purpose to dispense with the horses and wagons and substitute electric vehicles, then what was the necessity of carrying in this bill the old vehicles, horses, wagons, harness, and so forth? In other words, if we are going to dispense with the old equipment and use the electric vehicles alone, why did the gentleman carry the other equipment along in the bill?

Mr. TAWNEY. Mr. Chairman, the Public Printer can not change from one kind of transportation to another in an instant, or in a day or a month. It can not be done instantly. It will have to be done gradually.

Mr. COX of Indiana. This appropriation does not become effective until July next?

Mr. TAWNEY. Not until July 1.

Mr. FITZGERALD. The change in the building could not be made until that time.

Mr. TAWNEY. The Public Printer can then prepare for the change. The expenditure, however, for horses and wagons will not be made. The expenditure for electrical apparatus or vehicles will be made after the 1st of July. But provision must be made for the maintenance of the horses until the substitution is made.

Mr. COX of Indiana. Under this language it is broad enough to buy electrical motors for the superintendent to ride around in.

Mr. TAWNEY. It is not. The Public Printer himself states the number of machines that he intends to purchase with this appropriation and the character of them, and there are none of them for his own personal use.

The CHAIRMAN. Does the gentleman from Arkansas insist on the point of order?

Mr. MACON. Yes; I insist on the point of order.

The CHAIRMAN. The Chair will inquire of the gentleman from Minnesota——

Mr. MACON. I desire to have a word in reply.

The CHAIRMAN. The Chair desires to have a word. The Chair desires to inquire of the gentleman from Minnesota whether the Public Printing Office now maintains any system of transportation.

Mr. TAWNEY. The means of transportation is authorized. The law establishing the Government Printing Office clothes the Government Printer, the head of the department, with the authority to do the public printing and necessarily includes the authority for the equipment.

The CHAIRMAN. The Chair asked the gentleman whether, as a matter of fact, the Government Printing Office is now maintaining a system of transportation.

Mr. TAWNEY. Oh, certainly; I did not understand the inquiry of the Chair.

Mr. MACON. Mr. Chairman, a few years ago the President of the United States was not furnished with automobiles, and when it was desired to change his transportation by horses and vehicles to automobiles it was necessary to provide for them in an orderly way and not upon an appropriation bill.

In this particular instance, they have a system of transportation in connection with the Public Printing Bureau, but it is with horses, wagons, and so forth, and they still provide in this paragraph for the continuation of the horses, wagons, and harness for transportation facilities. In addition to that, they bring in new matter and try to authorize an entirely new system of transportation, to wit, that of electrical machines. So that under this paragraph, if it is held to be in order, the Public Printer can provide himself with an electric carriage or any other kind of an electrical vehicle that he saw fit to use, and in doing so would be given a privilege that is in direct violation of the rules of this House when it prohibits new matter being carried upon an appropriation bill. I do not think it will do to say that because some department in the city of Washington is now furnished with horses and carriages—the Secretary of War, for instance, or the Secretary of the Navy, who are provided with horses and carriages—that upon an appropriation bill it could be provided that that character of transportation could be dispensed with, and a $20,000 automobile substituted therefor. It is my contention that this is new matter on this appropriation bill and not authorized under existing law.

The CHAIRMAN. The Chair is ready to rule. The Public Printing Office is maintained in accordance with law, and in the course of its business, as the Chair understands it, is required constantly to transport paper and other supplies and printed matter from one part of the city to another and to and from the Printing Office and to the various departments. The gentleman from Arkansas is quite correct in stating that in an appropriation bill it would not be in order to provide automobile transportation for some official of the Government without authority of law, but in this case there exists the authority and the necessity for providing transportation for the Public Printing Office in order that it may conduct the business for which it is organized.

The bill and the law carries other forms of transportation—bicycles, horses, wagons, and so forth, to be used only for official purposes. This paragraph includes the additional form of transportation by electrical vehicles. The Chair thinks the Government Printing Office, under the law, is entitled to transport its products and the articles from which it manufactures its products. And it seems to the Chair that the item is entirely different from those items where it is sought to provide for a particular kind of transportation for a particular official for his personal or official use. The Chair therefore overrules the point of order.

Mr. MADDEN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 16, line 6, after the word "dollars," insert:
"*Provided*, That from and after the passage of this act the compensation of pressmen employed in the Government Printing Office shall be at the rate of not less than 55 cents per hour."

Mr. TAWNEY. Mr. Chairman, on that I reserve the point of order.

Mr. MADDEN. Mr. Chairman, I simply wish to call the attention of the House to the fact that the associated printing trades in great cities like Chicago are paying men from 60 to 65 and 70 cents an hour, and the Government of the United States is paying only 50 cents an hour. I think the United States can pay 55 cents an hour without jeopardizing the rights of the people. These men are all experienced men, men trained in the art of printing, and 55 cents an hour is as little as is paid in any of the trades throughout the country. This certainly is not an exorbitant sum, and I hope the amendment will prevail.

Mr. FORNES. Are the printers in the private printing offices throughout the country given work the year round as in the Public Printing Office?

Mr. MADDEN. Of course there is no certainty about that.

The CHAIRMAN. Does the gentleman from Minnesota insist upon the point of order?

Mr. TAWNEY. I shall insist on the point of order, but I want to say, in reply to the gentleman from Illinois, that I do not do so simply because this is a change of existing law, but because the men who are employed in the Government Printing Office enjoy privileges and receive compensation that men employed in the regular commercial printing offices do not receive. For example, these men receive 30 days' leave of absence, with pay. They receive pay for all of the holidays; and if members of the committee will take the trouble to read the paragraph on page 214 of the bill, they will find there is $180,000 appropriated for compensation on account of holidays. Then, we also carry an appropriation for leaves of absence that aggregate $340,000. All of that is distributed among the employees of the Government Printing Office, which the employees in commercial establishments do not receive. I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. GILLETT. Mr. Chairman, I submit herewith, to be printed in the RECORD for the information of the House, the second conference report on the legislative, executive, and judicial appropriation bill and the statement accompanying it:

SECOND CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 29360) "making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1912, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 30, 31, 32, 33, 200, 201, and 218.

That the House recede from its disagreement to the amendments of the Senate numbered 85, 86, 103, 104, 105, 106, 107, 108, 109, 202, and 205 and agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$90,000"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$100,000"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,500"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$71,820"; and the Senate agree to the same.

On amendments numbered 99, 100, 101, and 102 the committee of conference have been unable to agree.

F. H. GILLETT,
JOSEPH V. GRAFF,
L. F. LIVINGSTON,
Managers on the part of the House.

F. E. WARREN,
E. J. BURKETT,
MURPHY J. FOSTER,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 29360) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year 1912, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying report as to each of said amendments, as follows:

On amendments Nos. 30, 31, 32, and 33: Strikes out the proposed increase in the salaries of the official reporters and stenographers to committees of the House.

On amendments Nos. 41 and 42: Appropriates $90,000, instead of $100,000, as proposed by the Senate, and $75,000, as proposed by the House, for the increase of the Library of Congress.

On amendments Nos. 44 and 45: Appropriates $7,500, instead of $10,000, as proposed by the Senate and $6,000, as proposed by the House, for the salary of the Secretary to the President.

On amendments Nos. 85 and 86: Appropriates $6,000, as proposed by the Senate, instead of $5,500, as proposed by the House, for the salary of the Director of the Bureau of Engraving and Printing.

On amendments Nos. 103, 104, 105, 106, 107, 108, and 109, relating to certain assay offices: Appropriates for those at Helena, Mont., New York, N. Y., and Salt Lake City, Utah, as proposed by the Senate.

On amendments No. 200 and 201: Strikes out the appropriation of $5,000, as proposed by the Senate, for an additional assistant secretary of Commerce and Labor.

On amendment No. 202: Extends the investigation of trade relations abroad by the Department of Commerce and Labor to the United States and the insular possessions.

On amendment No. 205: Appropriates $10,000, as proposed by the Senate, instead of $8,000, as proposed by the House, for collating and publishing tariffs of foreign countries.

On amendment No. 218: Restores the appropriation of $25,000, proposed by the House, for completing the testing machine at Pittsburg.

The committee of conference have been unable to agree on amendments Nos. 99, 100, 101, and 102, relating to the assay office at Charlotte, N. C.

FREDK. H. GILLETT,
JOSEPH V. GRAFF,
L. F. LIVINGSTON,
Managers on the part of the House.

SUNDRY CIVIL APPROPRIATION BILL.

The Clerk read as follows:

For printing and binding for Congress, including the proceedings and debates, $1,861,850. And printing and binding for Congress chargeable to this appropriation, when recommended to be done by the Committee on Printing of either House, shall be so recommended in a report containing an approximate estimate of the cost thereof, together with a statement from the Public Printer of estimated approximate cost of work previously ordered by Congress, within the fiscal year for which this appropriation is made.

Mr. COOPER of Pennsylvania. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 216, after line 24, insert as a new paragraph:

"In case any Senator, Representative, or Delegate shall fail to pay the cost of printing extracts from the CONGRESSIONAL RECORD or other documents ordered by him to be printed in accordance with section 37 of the act approved January 12, 1895 (28 Stat. L., p. 606), the Public Printer shall certify the amount due to the Sergeant at Arms of the House or the financial clerk of the Senate, as the case may be, and the Sergeant at Arms or the financial clerk shall deduct from any salary due to said delinquents the said amount or as much thereof as the salary due may cover, and pay the amount so obtained to the Public Printer to be applied by him to the satisfaction of the indebtedness."

Mr. WANGER. Mr. Chairman, I reserve the point of order on that.

Mr. SMITH of Iowa. Mr. Chairman, I do not know anything about this, and I would like to hear something about it.

Mr. COOPER of Pennsylvania. I would say to the gentleman that there is a similar provision applying to the stationery room, directing the Sergeant at Arms to retain out of the pay of Members and Delegates any balance that may be due to the stationery clerk. This is extending the law so as to give the Public Printer the benefit of the same provision in case Members should order the printing of speeches and other printing done and neglect to pay for it. It is putting the Public Printer on the same basis with the stationery clerk, under the rule.

Mr. CRUMPACKER. A question or two, Mr. Chairman. I assume that the Public Printer required payment in advance for all orders for speeches printed or extracts from the CONGRESSIONAL RECORD. Now, I understand that in some instances he has granted a little leniency in time of payment, but if this amendment shall be made, will it not open up a general credit system to Members of the House?

Mr. COOPER of Pennsylvania. I do not think so.

Mr. CRUMPACKER. Will it not be regarded as the opening up of accounts to Members to be certified over to the Sergeant at Arms for payment?

Mr. COOPER of Pennsylvania. It only applies to delinquents. The gentleman will find the word "delinquents" is in the amendment.

Mr. CRUMPACKER. I think the amendment is all right if the Public Printer will continue to insist upon payment in advance, but of course occasionally a Member may not have his check book in his pocket, who would be granted time to make payment later, and who might go away and forget it, and there ought to be a way of reaching such a case.

Mr. COOPER of Pennsylvania. I regret to say to the gentleman there is necessity and occasion for this amendment.

Mr. SMITH of Iowa. Necessity and occasion—does the gentleman mean, and I will not press him further, that there are debts of this kind existing?

Mr. COOPER of Pennsylvania. I do.

Mr. SMITH of Iowa. Then, so far as I am concerned, the man who owes them can make the point of order.

Mr. WANGER. Mr. Chairman, it seems to me this proposed amendment is a reflection upon the membership of the House, but as I am going out and as the gentleman has declared there is necessity for the adoption of the amendment, I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn.

The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

OFFICE OF THE SUPERINTENDENT OF DOCUMENTS.

For superintendent of documents, $3,500; assistant superintendent of documents, $2,500; 1 clerk of class 4; 4 clerks of class 3; 4 clerks of class 2; 8 clerks of class 1; 8 clerks, at $1,000 each; 6 clerks, at $900 each; 11 clerks, at $720 each; 1 cataloguer in charge, $1,800; 2 cataloguers, at $1,500 each; 3 cataloguers, at $1,200 each; 1 cataloguer, $1,100; 7 cataloguers, at $1,000 each; 5 cataloguers, at $900 each; cashier, $1,600; 1 librarian, $1,500; shipper in charge, $1,200; stock keeper, $1,100; 3 stock keepers, at $1,000 each; 5 stock keepers, at $900 each; 2 stock keepers, at $720 each; 2 assistant messengers, at $720 each; 3 mailers, at $840 each; janitress, $626; 2 folders, at $626 each; 11 laborers, at $626 each; 5 messenger boys, at $420 each; in all, $100,384.

Mr. MACON. Mr. Chairman, I am going to have another try at a point of order. I make the point of order on the increase of salary to be found on page 222, in line 5, "$3,500."

The CHAIRMAN. The Chair understands the gentleman to make the point of order to the words "five hundred?"

Mr. MACON. I do.

The CHAIRMAN. The Chair sustains the point of order.

Mr. TAWNEY. Mr. Chairman, I move to amend by substituting "$3,000"——

The CHAIRMAN. It does not require any amendment. The gentleman simply moves to strike out the words "five hundred."

The Clerk read as follows:

FORTIFICATIONS, ISTHMIAN CANAL.

For construction of seacoast batteries on the Canal Zone, $2,000,000.

Mr. TAWNEY. Mr. Chairman, I ask unanimous consent to pass——

Mr. KEIFER. One moment, Mr. Chairman; I reserve the point of order——

Mr. TAWNEY. But the paragraph has not been read.

The CHAIRMAN. The gentleman from Ohio reserves the point of order on the paragraph.

Mr. TAWNEY. Mr. Chairman, I want to ask unanimous consent to pass these two paragraphs and read the remainder of the bill, beginning with section 2. That will complete the bill, then, with the exception of fortifications and the items for public buildings.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to pass over the paragraph, lines 13 to 18, page 229. Is there objection? [After a pause]. The Chair hears none.

The Clerk read as follows:

SEC. 3. All funds collected by the government of the Canal Zone from rentals of public lands and buildings in the Canal Zone and the cities of Panama and Colon, and from the zone postal service, and from court fees and fines, and collected or raised by taxation in whatever form under the laws of the government of the Canal Zone, are hereby appropriated until and including June 30, 1912, as follows: The revenues derived from the postal service to the maintenance of that service; the remaining revenues, including any balances unexpended in prior years, after setting aside a miscellaneous and contingent fund of not exceeding $10,000, to the maintenance of the public-school system in the zone; to the construction and maintenance of public improvements

within the zone; to the maintenance of the administrative districts; to the maintenance of Canal Zone charity patients in the hospitals of the Isthmian Canal Commission, and to the maintenance of administrative district prisoners. A detailed and classified statement of all receipts and expenditures without the duplication of items under this paragraph shall be submitted to Congress after the close of the fiscal year 1912.

Mr. GARRETT. Mr. Chairman, I move to strike out the last word. I want to ask the gentleman a question bearing on section 2. It says, "Hereafter the Panama Railroad Co. shall carry no insurance to cover marine or fire losses." What is the purpose of that, may I ask?

Mr. TAWNEY. The purpose of that is to save to the Government of the United States about $40,000 a year in the premiums paid to the insurance companies for marine and fire insurance in the past. The reason for it—of course the gentleman from Tennessee knows that the Government carries no insurance on its property, or, rather, it carries its own insurance. The Government of the United States owns all the stock of the Panama Railroad Co. It is virtually a Government institution and belongs to the Government, and the premiums we paid prior to incorporating this into law averaged about $40,000 a year. Now, the gentleman will remember, I think it was about three years ago when this provision was first inserted, and it was then provided that the Panama Canal Commission, in case of loss, was authorized to loan to the Panama Railroad Co. an amount sufficient to enable the company—or to pay to the Panama Railroad Company an amount sufficient to reimburse it for the loss—so that the railroad company, that furnishes and maintains a commissary on the Canal Zone, would have money with which to buy new supplies to meet those which were destroyed by fire.

But since that time the earnings of the Panama Canal Railroad have increased and the credit of the Panama Railway Co. is such now that, in case of loss of that kind, it could borrow from the banks where necessary to meet any emergency that might arise. And for that reason the commission has recommended that the change be made as we provided here in section 2.

Mr. GARRETT. I understand perfectly well the good policy of the Government in not carrying its own insurance. I have to confess that I am not very familiar with marine insurance, however, and I was just wondering——

Mr. TAWNEY. That is insurance on the vessels alone.

Mr. GARRETT. That is what I was going to inquire. Is it on the vessels alone or on the cargo?

Mr. TAWNEY. It is on the vessels. The Government of the United States is in no way responsible for the loss of the cargo. Of course, in these cases, nearly all of it is our own cargo.

Mr. GARRETT. Yes; I understand that.

Mr. TAWNEY. If the loss is of the vessels, of course the Government will stand that loss.

Mr. NORRIS. I would like to ask a question concerning that same paragraph. I notice it provides that no further payment of principal or interest be made. Have there been losses?

Mr. TAWNEY. That relates to another matter. I will say that two years ago last summer there was a loss, and it was made good by a provision to make it good to the railroad company. It was something like $60,000 or $70,000. The language I think which the gentleman from Nebraska is inquiring about relates to notes that were given at the beginning of this project.

Mr. SMITH of Iowa. And since——

Mr. TAWNEY. Now, the Panama Railroad Co. is relocated, or will be relocated, at the end of the next fiscal year, and this is done for the purpose of relieving the Treasury Department from the necessity of this bookkeeping transaction, because that is all it was. At the beginning of this project we did not own all of the stock of the Panama Railroad Co. There were outstanding shares, and all money that was appropriated for the reconstruction of the railroad was loaned to the Panama Railroad Co., since which time we have obtained possession of every share of the stock, and of course it is a debt we all owe now to ourselves, and it is merely to obviate the necessity of taking money out of one pocket and putting it into another.

Mr. GARRETT. Of course I take it that in acquiring the stock there was a full settlement with the stockholders as to the interest and the notes.

Mr. TAWNEY. Of course, the original stockholders were fully compensated.

Mr. JOHNSON of South Carolina. Mr. Chairman——

Mr. TAWNEY. I yield to the gentleman from South Carolina [Mr. JOHNSON].

Mr. JOHNSON of South Carolina. I understood the gentleman to say that the Government owned every share of stock in the Panama Railroad Co.

Mr. TAWNEY. Yes, sir.

Mr. JOHNSON of South Carolina. If it be true that the Government owns every share of stock in the Panama Railroad Co., why is it necessary that there should be kept in New York expensive offices and expensive officers of that railroad company—general counsel, headquarters, and all that sort of thing?

Mr. TAWNEY. I will say to the gentleman from South Carolina that while the Government owns the stock, the Government is operating the railroad and a steamship line under the charter given to it from the State of New York. That is its official residence.

The official residence of the Panama Railroad Co. is in New York, and it must have offices there in order to transact its business, because, while it owns the Panama Railroad, that runs from Colon to Panama, it also owns a line of steamboats that ply between New York and Colon.

Mr. NORRIS. That is, the railroad company owns the steamboats?

Mr. TAWNEY. The railroad company.

Mr. NORRIS. And they must maintain the corporation the same as any other corporation?

Mr. TAWNEY. They must maintain their corporate status in New York the same as any other corporation, and they must have their office and transact their business there. They can not do otherwise. If they did not maintain a corporate organization there they would lose their charter, and we would have to operate the whole thing with purely departmental officers at the seat of government or some place else.

Mr. JOHNSON of South Carolina. I thought the railroad was operated by the Secretary of War.

Mr. TAWNEY. The railroad is not operated by the Secretary of War.

Mr. JOHNSON of South Carolina. Did not the Secretary of War, not very many months ago, make a contract with a company that runs boats from San Francisco?

Mr. TAWNEY. As an officer of the Panama Railroad Co.; yes. He is an officer of the Panama Railroad Co., and the chairman of the Isthmian Canal Commission is the president of the railroad. The Secretary of War is one of the directors of the company, and I suppose he has general charge of the business policy, possibly.

Mr. JOHNSON of South Carolina. Then I want to ask the gentleman another question in that connection. Is it true that he made a contract with a steamship company on the Pacific side, giving them perhaps twice as much of the tonnage as was hitherto allowed?

Mr. TAWNEY. Allowed to whom?

Mr. JOHNSON of South Carolina. To the company owning and operating steamships carrying freight from San Francisco to New York.

Is it not true that he or his subordinates, whoever they were, during the past year entered into a contract with that company, giving them something like twice the proportion of charges that they hitherto received?

Mr. TAWNEY. I can not answer the question positively. I would say it is not true on general principles, but I have no information upon the subject.

Mr. JOHNSON of South Carolina. Then how much does it lack of being true?

Mr. TAWNEY. I do not know. I know that a contract of some kind was made.

Mr. JOHNSON of South Carolina. The newspapers reported the fact that there was a tremendous difference in the business given to that steamship line, giving them a freight charge much larger and a larger proportion of the freight than they had hitherto received.

Mr. TAWNEY. I do not know whether it was the result of a contract or not, but whatever was the cause, the steamboats of the Panama Railroad Co. plying between Colon and New York are carrying anywhere from twice to three times the amount of freight from the Pacific coast now that they were carrying a year ago. I do not know what the cause of it is, but I understand that is a fact.

Mr. JOHNSON of South Carolina. I do not know how a privately owned steamship line could have all the freight to haul.

Mr. SULZER. Mr. Chairman, I am opposed to any increase in the postal rates on second-class mail matter. The amendment proposed to be put on the Post Office appropriation bill in the Senate to do so is a tax on intelligence and an imposition on the reading people of our country. I trust it will be signally defeated in the Senate when the matter comes to a vote. In this connection I now send to the Clerk's desk and ask to have read in my time, as a part of my remarks, a splendid letter written by our former colleague, the Hon. William R. Hearst, to his friend Col. John Temple Graves, which was published yesterday in the Washington Post, and elucidates

the whole question in an able way and a commendable manner. I hope every taxpayer in the country will read this patriotic letter of Mr. Hearst, and then write to his Member of Congress about what he thinks of the iniquity to increase postal rates on second-class mail matter.

The Clerk read as follows:

HEARST ASSAILS MAGAZINE TAX.

WASHINGTON, *February 24, 1911.*

The Washington Post publishes the following:

The views of William R. Hearst on the proposition to increase the postage rate on magazines are given in the following letter, received from Mr. Hearst by John Temple Graves in this city:

FEBRUARY 17, 1911.

DEAR MR. GRAVES: I have heartily supported many of Mr. Taft's measures, and did so simply because I considered them valuable to the country and worthy of my support and of every man's support.

The measures, therefore, of Mr. Taft's which I supported were considered entirely upon the basis of propriety and the general welfare. The question of excessive magazine taxation, which I am going to oppose, I am considering wholly upon the same basis.

It is true that I and a member of my family are interested in magazines and that I would be somewhat affected by magazine taxation; but that fact, I am quite confident, has had no influence whatever upon my position on this question. I think I am above financial considerations of that kind.

I supported Mr. Taft's corporation tax, although 11 of my publications are incorporated and have to pay the tax. Furthermore, I continue these publications in corporate form and pay the tax, although I could at any moment transform them into personal possessions and avoid the tax.

Furthermore, I am one of the most ardent advocates of Mr. Taft's income-tax plan, although I will also be a considerable taxpayer under that system when it becomes a law.

It is only reasonable, therefore, to assume that in opposing this excessive magazine tax I am not seeking to avoid legitimate taxation, but am merely trying to prevent the passage of a measure which would not only be unjust to all magazine publishers, but injurious to the public generally.

What are the magazines upon which it is proposed to levy this tax? A magazine may be described as a collection of the best literature and the most valuable informative articles in so cheap and convenient and popular a form that this educational matter is easily obtained and assimilated by the great mass of the reading public.

I consider the gradual reduction of the price of the magazine from 35 cents to 10 and 15 cents to have been one of the most beneficial achievements of the nineteenth century, since it placed this good literature and valuable information within the reach of almost every American citizen and added what may be called a post-graduate course to the education furnished by our public schools.

The magazine is so creditable a production and so valuable an influence in American life and growth that it is almost as important that magazines of good character should be cheap as that public schools should be free.

The attempt to return magazines to the previously expensive basis I consider almost as serious a blow to popular education as a proposition to place the public schools upon a pay-school basis.

If, therefore, the Post Office Department were, as it asserts, carrying the magazines at a loss, it would merely be doing a creditable thing. But the Post Office Department is not carrying the magazines at a loss. It is merely carrying the magazines at a cheap rate, and there can be no question about the desirability of the Government performing this service nor about the duty of the Government to perform it.

Any attempt to make the people's press a high-priced press, out of the reach of the mass of the reading public, is just as serious a blow at a free and popular press as an attempt to restrict its liberties of utterance.

The magazines which are so cheap nowadays as to be within the reach of all are not cheaply produced. On the contrary, they are very expensively produced. They are produced on the best paper, with the best type, with the best art work, and with the best literature, and they can only be sold at a cheap price because of the advertisements which they carry. The profit on these advertisements is the thing which enables the best class of artists and the best class of writers to be engaged, and high-class art work and high-class literature to be disseminated at a small price to the general public.

The attempt to tax these advertisements, therefore, is an attempt to tax out of existence either the high quality of the magazine or the low price of the magazine. Either of these results would be most disastrous to the general welfare of the community, and therefore this proposition of the Post Office Department is, to my mind, so dangerous as to call for the opposition of every patriotic citizen in the United States.

I would go so far as to say that if this measure should become a law it would be the simple duty of every thoughtful American citizen who believes in popular education and realizes that the safe conduct of a republic depends upon the educated intelligence of its people to do his utmost to administer the severest possible rebuke to the administration responsible for so dangerous and disastrous a measure.

It is asserted, and of course admitted, that the Post Office Department is conducted at a loss. So are the State Department, and the Army and Navy Departments, and the Interior Department, and the Agricultural Department, and the Labor Department, and the Judicial Department, and the Executive Department—sometimes at a heavy loss, but, let us hope, always for the benefit of the people.

I am willing to admit, however, that the Post Office Department should not be conducted at a loss if it is possible properly and advantageously to conduct it at a profit.

There are two ways of transforming a deficit into a surplus. One plan is by increased taxation, which has been the refuge of every incompetent government in the history of the world, and the other plan is by economical business administration, and this has always been the distinguishing mark of those governments which have deserved the approval of the people and the considerate attention of history.

Any blundering incompetent can plunder the public to raise money to conduct a department extravagantly. The test of ability in public or private business is to conduct a proposition successfully without excessive expenditure, but with such intelligent economy and such elimination of useless expense as to create a surplus instead of a deficit.

The choice of the Post Office Department in the present instance lies between reckless taxation and economical administration, and if the Government would give as much attention and as much effort to conducting the Post Office Department economically as it is now giving to the attempt to tax a valuable educational institution out of existence, the Government would deserve the high praise, instead of the stern censure, of the community.

I know something about the cost of distribution of publications. I know something about the reasons for the excessive cost of distribution in the post office. And I say that the high cost of distribution in the post office is largely due to loose and careless and reckless methods, to antiquated systems and incompetent management.

It is estimated that 40 per cent of the charged weight of mail matter is composed of cumbersome mail bags and their heavy iron locks and fastenings.

How absurd to imagine that a man who wanted to break into a mail bag would be deterred by a ponderous lock.

The Post Office Department might as well insist that a burglar-proof lock be affixed to every letter, under the inane impression that the only way to tear open a letter would be to pick a lock.

I know, too, personally and positively, of an instance where the great mass of western mail was sent over one railroad and when the bulk of it was transferred to another railroad all the postal clerks previously employed were maintained on the first railroad for over two years after the mail had been transferred.

Of course, the cost of distributing the mail is great under such loose and clumsy business methods.

The Evening Journal, without any of the powers of the great United States Government behind it, distributes its product for seven-tenths of a cent a pound, and included in this average is the 1-cent-a-pound rate paid to the Government for copies mailed. Obviously, then, the proportion of the product which is not carried by the post office is delivered for much less than seven-tenths of a cent per pound.

The New York American distributes by mail and express 303,584 pounds of daily and Sunday papers every week at a cost of $1,655.17, or little over one-half a cent per pound. This average includes 28,028 pounds sent by mail at 1 cent per pound, so, obviously, the average of matter not distributed by mail is less than one-half a cent per pound.

The New York American sends 67,268 pounds of these papers over the Pennsylvania Railroad at one-fourth of a cent per pound, or one-fourth the rate paid to the United States Post Office Department.

That same rate—one-fourth of a cent per pound—is exactly the rate charged by the Canadian Government for carrying magazines by mail through its post office department and for distributing them over a thinly populated territory even greater than the United States.

If, then, the Pennsylvania Railroad can make a profit carrying printed matter at a rate of one-fourth of a cent per pound, and the Canadian post office under more difficult conditions than ours can carry mailed magazines at one-fourth of a cent per pound, how ridiculous to assert that the United States Government, with all its opportunities and facilities, can not distribute the magazines profitably at 1 cent a pound.

The express companies carry publications in bulk, in many instances, far cheaper than the Government mails will carry them. They would carry those publications individually cheaper if the Government would allow a private institution to conduct that branch of the governmental business. The magazine publishers could get together and distribute their own product as cheaply as the Government now distributes it, or more cheaply if the Government would allow the magazines to have the privileges which it arrogates to itself.

How absurd, then, to assert that the Government can not distribute the magazines profitably at this present rate when it handles the magazines along with all other mail distributed and without any particular extra expense because of them.

Even if, as I said, the Government were handling the magazines at a loss, it would be doing a creditable thing. But it is not handling the magazines at a loss. It is carrying them at a profit, and if it taxes the magazines out of existence it will compel the Postal Department to be conducted at a greater loss than the loss at which it is now conducted.

What inconsistency, too, for the administration to advocate a Government subsidy to restore a United States merchant marine and at the same time advocate a measure to put out of existence a much more important American institution.

If it is a Republican policy to promote business and encourage industry, and a proper Republican and American policy to take money out of the United States Treasury to subsidize a private business in order to create an industry, why is it not a proper Republican and American policy to continue to provide a cheap mail rate in order to maintain a great American industry and perpetuate a mighty educational influence already existent?

WILLIAM RANDOLPH HEARST.

The Clerk read as follows:

SEC. 6. Hereafter the Panama Railroad Co. shall not be required to give bond, either with or without surety, in contracts which it may make to furnish services, materials, or supplies to the Army, Navy, Marine Corps, or other departments of the Government, and such contracts may be made for periods less than one year, as may be agreed on, and formal contracts in writing shall not be required unless agreed on.

Mr. GARRETT. Mr. Chairman, I reserve the point of order on section 6.

The CHAIRMAN. The gentleman from Tennessee reserves a point of order on the paragraph.

Mr. TAWNEY. I suppose the gentleman wants some information in regard to it.

Mr. GARRETT. Yes.

Mr. TAWNEY. The Panama Railroad Co., being a corporate organization, or ostensibly an independent organization in the Government service, when it sells provisions to the Navy Department or to the Marine Corps, is required to give a bond, and the expense of that bond cost the Government of the United States in one instance, as I recall now from the hearings, $193. The effect of this provision is to enable the Panama Railroad Co. to deal with other departments of the Government on the Canal Zone with respect to furnishing supplies and materials that apply generally to all departments or any department of the Government dealing with another department of the Government. It is to relieve the company from the necessity of giving a bond.

Mr. GARRETT. I think I understand.

Mr. TAWNEY. The head of the commissary department down there urged this very strongly, for two reasons: One is the amount of time lost in advertising and the annoyance in complying with all of the rules and regulations that are imposed upon outside companies doing business with the Government; the other was the requirement of a bond.

Now, for example, when he, at the head of the commissary department, makes an offer or accepts a bid of the Marine Corps for subsistence, he must make a bid for a period of six months. He bids higher at the time, for the purpose of covering any possible increase in the price of articles of subsistence that may occur during the six months or a year, and it is costing the Marine Corps and Navy Department more for articles of subsistence than it would if simply furnished by the Navy Department and paid for in the ordinary way of doing business between the various bureaus of the department.

Mr. GARRETT. This is to do away with a system which has been rendered archaic by virtue of the Government becoming the sole owner of the Panama Railroad?

Mr. TAWNEY. That is right; the word "archaic" is exactly right. Mr. Chairman, this completes the reading of the bill, with the exception of two items—the fortification of the Panama Canal and the public-building items, which cover the first 60 pages of this bill. The Supervising Architect has gone over all of the public-building items of the bill, has corrected all the typographical and other errors, including the one in respect to the immigrant station at Baltimore, where the bill carries only $10,000 while the committee recommended $110,000. I do not know whether the Members of the House care to remain here to-night for the purpose of reading or having read these 61 pages of public-building items. I think they have all had time to carefully examine them. Every Member who has any appropriation in that bill seems to be satisfied with the action of the committee. I have heard no complaints thus far against the recommendations of the committee.

Members of the House understand that the committee has treated them absolutely on the square; there has been no favoritism shown, except in the three instances I referred to yesterday—one in Texas and the other in Washington where the buildings are located at the capital of the State, the only two that are so located, and the other at Gettysburg, where it is desired to complete the building in time for the celebration of the fiftieth anniversary of that battle.

I was going to ask unanimous consent, Mr. Chairman, that we consider as read, beginning at page 5, line 19, down to and including page 61, line 15. That includes all of the public-building items and nothing but public-building items.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I would like to ask the gentleman a question. On page 26, provision for Greenwood, Miss., post office, it says, "for site and completion of present building, $30,000." The amount authorized by the public-buildings bill is $60,000.

Mr. TAWNEY. The other $30,000 has been appropriated. If the gentleman will look at the document furnished by the Supervising Architect he will find there all the appropriations under existing authorizations up to the present time, and the reason that there is only $30,000 carried in this bill for that item is that you have had the other $30,000.

Mr. GARRETT. Mr. Chairman, there is a similar case in the matter in which I am interested. That is for Union City, Tenn.

Mr. TAWNEY. That is for the continuation. The limitation of cost is $50,000.

Mr. GARRETT. Yes; I understand the situation.

Mr. TAWNEY. I will yield to the gentleman from Pennsylvania.

Mr. WANGER. Mr. Chairman, there is an item on page 13 of the bill—

Bristol, Pa., post office: For site and continuation of building under present limit, $40,000.

The Secretary of the Treasury acquired the site in 1909, but no work has been done upon it. Since the alignment of the Philadelphia & Trenton Railroad through Bristol, being a part of the great Pennsylvania line to New York, has been shifted, so that the present post-office site, which was adjacent to the railroad station, will be half a mile from the new station, it is desired that the Secretary of the Treasury should at his discretion have the authority to exchange that site for a suitable site nearer the new station, and for such an amount of cash as might represent the difference in value, if any, between the two sites; and if he receives cash that amount shall be appropriated, together with the appropriation carried in the bill. The proposition is entirely on the side of the Government. It is favored by the Secretary of the Treasury, who has written a letter to the honorable chairman of the committee, and I ask unanimous consent that the amendment which I send to the desk may be agreed to.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

The Clerk read as follows:

At the end of line 7, on page 13, strike out the period and insert a colon and the following:

"*Provided*, That the Secretary of the Treasury be, and he is hereby, authorized and empowered, in his discretion, in lieu of erecting the said post-office building upon the site at the south corner of Pond and Mulberry Streets, to exchange said site for (a) a suitable site in the vicinity of the railroad station about to be established in the neighborhood of Prospect Street, Beaver Dam Road, and Jefferson Avenue, in the said borough of Bristol, on the new alignment in said borough of the Philadelphia & Trenton Railroad, and (b) the payment by the owner or owners of such new site to said Secretary of such amount in cash as may equal the fair difference in value, if any, between such sites. In the event of such exchange, the Secretary of the Treasury is authorized and directed to erect the post-office building upon the site so acquired, and to execute a quit-claim deed to the person or persons conveying such new site to the United States, conveying all rights, title, claim, and interest of the United States in and to said site at the south corner of Pond and Mulberry Streets. And in the event of the Secretary of the Treasury receiving a payment in such exchange, the amount thereof in addition to the foregoing sum of $40,000 is hereby appropriated toward the erection of said post-office building."

Mr. TAWNEY. Mr. Chairman, I understand that the necessity for this legislation grows out of the fact that the station in close proximity to which the site was purchased and the building located has been moved by the railroad company to half a mile from the present site of the railroad station. And I find from the letter of the Secretary of the Treasury that he recommends this change, and the amendment which has been offered does not increase the limit of cost so that there could be no greater expenditure by reason of the change. Unless the Committee on Public Buildings and Grounds, which has jurisdiction of this legislation, objects, I will not interpose any objection to the amendment offered by the gentleman from Pennsylvania.

Mr. WANGER. Mr. Chairman, I will say that I submitted this to the chairman of the Committee on Public Buildings and Grounds, and he said he had no objection to it at all, that he thought it was in the public interest, and that the amendment should be adopted.

The CHAIRMAN. Then the gentleman from Minnesota, as the Chair understands, asks unanimous consent that that portion of the bill, beginning with line 18, on page 4, and ending with line 15, on page 61, which was heretofore passed without prejudice, shall now be considered as having been read, subject to the amendment to be offered by the gentleman from Pennsylvania.

Mr. TAWNEY. Yes; and also three minor amendments, which are made necessary by reason of corrections sent to the committee by the Supervising Architect. For example—I will read so that there will be no misunderstanding—on page 6, line 1, strike out the word "Michigan" and insert the word "Minnesota." It was printed "Anoka, Mich.," instead of "Anoka, Minn."

Then on page 8, in line 22, before the word "ten," insert the words "one hundred and," so that it would read "$110,000." That is the Baltimore immigrant station.

On page 30, line 4, strike out the words "and courthouse." They have inadvertently inserted those words in connection with the Huntington, Ind., post office, when there is no authorization for anything other than a post office.

The CHAIRMAN. The Chair will again state the requests for unanimous consent of the gentleman from Minnesota, that that portion of the bill beginning with line 18, page 4, and ending with line 15, page 61, heretofore passed without prejudice, shall now be considered as read, and the amendment offered by the gentleman from Pennsylvania, which has been read to the committee, and the amendments just read by the gentleman from Minnesota, be considered as agreed to. Is there objection?

There was no objection, and it was so ordered.

Mr. TAWNEY. Mr. Chairman, I ask unanimous consent that the Clerk may be permitted to correct all totals in the bill made necessary by the amendments, to correspond with the amended amounts.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TAWNEY. Mr. Chairman, in respect to the Panama Canal fortification item, which is now left, I ask unanimous consent that one hour be allowed the gentleman from Iowa [Mr. SMITH] and one hour the gentleman from Ohio [Mr. KEIFER], with the right to yield to Members for and against the proposition such time as they may desire. I will say that this does not preclude the possibility of further debate at the expiration of the two hours. I do not want Members to think that

this will cut off any opportunity for debate under the five-minute rule.

Mr. SMITH of Iowa. I will say to the gentleman I hope it does not provide that we shall continue debate for two hours if we do not want to.

Mr. TAWNEY. No; it is understood that the debate need not continue for two hours unless there is demand for it.

Mr. SMITH of Iowa. And that the vote shall be taken whenever the debate is closed.

Mr. TAWNEY. Yes; the vote should be taken when debate closes, either under this arrangement or, if debate is continued under the five-minute rule, the vote is to be taken at the conclusion of debate under the five-minute rule. Of course, debate under the five-minute rule is under the control of the committee, and the committee can close debate at any time. This subject is one that involves the establishment of an entirely new policy, and it is one of the most important questions that Congress has considered at this session. For that reason I make this request.

Mr. ADAMSON. Mr. Chairman, while I am not a member of the Committee on Appropriations and while I very rarely endeavor to break in on debate on a matter coming from any other committee but my own, yet I have worked on this canal matter for about 14 years, and I hope some time before this debate closes I can get a few minutes.

Mr. TAWNEY. I think the gentleman from Georgia will be given opportunity.

Mr. FITZGERALD. Does the gentleman from Minnesota have any idea now as to how long he would care to have debate run?

Mr. TAWNEY. I think anywhere between now and 9 o'clock.

Mr. FITZGERALD. That probably will accomplish it.

Mr. TAWNEY. Anywhere between now and 9 o'clock.

Mr. FITZGERALD. General debate——

Mr. TAWNEY. Two hours for general debate and then under the five-minute rule, and Members have opportunity to extend their remarks if they desire to do so.

The CHAIRMAN (Mr. OLMSTED). The gentleman from Minnesota asks unanimous consent that that portion of the bill——

Mr. CLAYTON. Mr. Chairman, I would like to know what the limitation is as to debate.

The CHAIRMAN. The Chair will state it so that the gentleman will understand. The gentleman from Minnesota asks unanimous consent that that portion of the bill beginning with line 13, on page 229, and ending with line 18, on the same page, relating to fortifications of the Isthmian Canal, heretofore passed without prejudice, shall now be considered, and debate in the nature of general debate may proceed for two hours, one hour to be controlled by the gentleman from Iowa [Mr. SMITH] and the other by the gentleman from Ohio [Mr. KEIFER], and neither to be required to occupy all the time [applause], and at the expiration of that time debate under the five-minute rule shall be as usual.

Mr. TAWNEY. Shall proceed under the rules of the House.

The CHAIRMAN. Not to be affected by this unanimous consent. Is there objection?

Mr. UNDERWOOD. Mr. Chairman, reserving the right to object, I understand some gentlemen on this side of the House, on both sides of the proposition, probably, want to speak. Now, if you exhaust the two hours of general debate, of course, under a strict interpretation of the rule, there are but two five-minute speeches on a side.

Mr. TAWNEY. I will say to the gentleman from Alabama there is no disposition on my part, or on the part of any man who is opposed to this proposition, to take advantage of the rule. Opportunity is to be given, at least until 9 o'clock, and that is only tentative, for full discussion of this proposition.

Mr. UNDERWOOD. As I understand the gentleman from Minnesota, there will be full opportunity under the five-minute rule.

Mr. TAWNEY. Yes; under the five-minute rule. This is done in order to present this matter fully from the standpoint of both sides of the House.

Mr. UNDERWOOD. I have no objection.

Mr. TAWNEY. And the minority members of the committee, before I made this request, had agreed to the division of the time between the gentleman from Iowa and the gentleman from Ohio as representing the two opposing sides on this question.

Mr. UNDERWOOD. I have no objection to the gentlemen on the two sides having this time for general debate. The only thing I wanted to have understood was that there would be ample opportunity under the five-minute rule for gentlemen on this side of the House.

Mr. TAWNEY. That will be accorded to members of the committee, of course.

The CHAIRMAN. Is there objection?

Mr. TAWNEY. Mr. Chairman, the time consumed in the discussion and determination of the question of order is not to come out of the two hours allotted to the gentleman.

The CHAIRMAN. The Chair understands that the two hours' debate is to be consumed before the question of order is determined. The point of order has been reserved and that question can remain in abeyance until the close of debate. Is there objection? [After a pause.] The Chair hears none.

Mr. SMITH of Iowa. Mr. Chairman, in 1850 there was ratified what is known as the Clayton-Bulwer treaty between Great Britain and the United States with reference to the construction of an isthmian canal. For reasons which are quite manifest it was then agreed that neither nation would alone construct this great canal. With the lapse of years we desired to build this canal by ourselves and entered into negotiations with Great Britain for the abrogation or modification of the Clayton-Bulwer treaty of 1850. That treaty in express terms forbade the fortification of the canal therein contemplated, and when the new treaty, known as the Hay-Pauncefote treaty, was negotiated it contained an equally positive prohibition of the fortification of the new canal. That treaty contained a provision by which the United States and Great Britain jointly adopted certain rules for the neutralization of the new canal, and contained a further provision that the other nations of the world would be invited to adhere to the stipulations of neutralization.

When that treaty came before the Senate of the United States it was amended, not by striking out the prohibition of fortification, but by inserting a provision that the United States might defend the canal, and by striking out the provision that the nations of the world should be invited to adhere to the provisions for its neutralization. It has been lately frequently suggested that this canal could be defended and protected by treaties with the nations of the earth, guaranteeing its neutrality. I want to call your particular attention to the fact that it was the American people and not the British people that instituted negotiations for the first Hay-Pauncefote treaty, that it contained such a guaranty from England, and providing for inviting the nations of the earth to adhere to that declaration of neutralization; and it was the Senate of the United States that struck out the provisions for inviting the nations of the world to adhere to the neutralization provisions of that treaty.

When this treaty as amended by the Senate was transmitted to the British Government it refused to accept the treaty as thus amended, and did it for several reasons, prominent among which was the fact that we had stricken out the provision to invite the other nations of the earth to adhere to the provisions with reference to the neutralization of this canal. And Great Britain took the position that she could not afford to be bound by a contract to respect the canal and its neutrality alone of all the great nations of the earth; that if we were unwilling to invite the other nations to adhere she would be bound to respect this canal, and no belligerent with whom she might be at war would be so bound.

The hour had struck, it seems to me, for the United States to determine then whether it wanted to neutralize this canal by treaties with the nations of the earth or whether it intended to depend upon the military and naval forces of the United States for its defense and rely upon our own strength. We refused, even in the treaty that we were seeking to negotiate, to allow a provision to remain that would invite the nations of the earth to adhere to these neutralization provisions. What an attitude would we be in if applying for a treaty to enable us to build this canal, we caused its rejection by refusing to accede to a provision that we would invite the nations of the earth to adhere, and thereby lost the treaty we desired, to announce to the world with a vacillating temper that we want to do those things by which we lost this treaty rather than to do.

When these negotiations terminated because of our refusal to invite the nations of the earth to adhere, new negotiations took place for a new treaty that could meet the objections of the various parties to the old Hay-Pauncefote treaty. And a new treaty was made, and I now read from a memorandum from Lord Lansdowne, which was sent to be shown to the British ambassador here, with reference to the new, or the second, Hay-Pauncefote treaty. He says:

> While the amendment reserving to the United States the right of providing for the defense of the canal is no longer pressed for, the first portion of rule 7, providing that no fortification shall be erected commanding the canal or the adjacent waters, has been omitted. The latter part of the rule has been incorporated in rule 2 of the new draft.

It was no longer necessary to explicitly provide for the right of defense on the part of the United States when we had stricken from the Clayton-Bulwer treaty and the first Hay-Pauncefote treaty the provision that the canal should not be fortified.

For more than 50 years we had been bound not to fortify this canal, bound by solemn treaty obligation; and now, with both parties considering the question, we struck from this new treaty the provision against fortification. And yet gentlemen would have us believe that this alteration, to which attention was called on both sides of the Atlantic, meant nothing whatever and we still had no right to fortify the canal.

I again read from the memorandum of Lord Lansdowne:

In form the new draft differs from the convention of 1900, under which the high contracting parties, after agreeing that the canal might be constructed by the United States, undertook to adopt certain rules as the basis upon which the canal should be neutralized. In the new draft the United States intimate their readiness "to adopt" somewhat similar rules as the basis of the neutralization of the canal. It would appear to follow that the whole responsibility for upholding these rules, and thereby maintaining the neutrality of the canal, would henceforward be assumed by the Government of the United States.

The change of form is an important one; but in view of the fact that the whole cost of the construction of the canal is to be borne by that Government, which is also to be charged with such measures as may be necessary to protect it against lawlessness and disorder, His Majesty's Government are not likely to object to it.

This new treaty not only struck out the provision against fortification and struck out the provision that we would invite the nations of the earth to adhere to rules for the neutralization of this canal, but it went further, and the United States alone adopted certain rules for the neutralization of this canal in place of the United States and Great Britain, as in the former treaty. Having refused the treaty in which England joined in the neutralization in part by reason of its inviting other nations to share in the defense of the canal with us, it is now suggested that we go back to England and tell her that with vacillating mind we rejected it then, but that we would be glad to have it now, and would be glad to have her give us the treaty now that we then refused to accept. [Laughter.]

Now, nothing can be more important in construing the last treaty than the memorandum of the American Secretary of State, sent to the Senate when it was considering that treaty, and explanatory of it as it was understood on the American side at that time. I have here that memorandum, and I want to call the attention of the members of this committee to some of the matters contained in Secretary Hay's memorandum on that subject.

Mr. NORRIS. Mr. Chairman, will the gentleman yield there?

Mr. SMITH of Iowa. Oh, certainly.

Mr. NORRIS. Was that memorandum submitted to Great Britain?

Mr. SMITH of Iowa. That memorandum was not submitted to the British Government, but it will be discovered on reading Lord Lansdowne's memorandum and this memorandum that both understood it alike.

Mr. NORRIS. I submit that the memorandum submitted by our Secretary of State and not submitted to the other party should not be considered as final.

Mr. SMITH of Iowa. I am only considering it as part of the res gestae while this treaty was being considered in the Senate. The great Secretary of State who had been making it one of the great works of his life to negotiate this treaty sends to the American Senate his impressions of it, his views and opinions concerning it.

Mr. CLAYTON. Your contention is that the position you take now in regard to this is in line with the memorandum?

Mr. SMITH of Iowa. That is the memorandum both of Lord Lansdowne and Secretary Hay.

Mr. CLAYTON. I agree with you.

Mr. JOHNSON of South Carolina. Do you have to go to other papers to ascertain the meaning?

Mr. SMITH of Iowa. I think not; but gentlemen have contended that in some way it forbids fortifications.

AS TO THE RIGHT OF THE UNITED STATES, NOTWITHSTANDING THE NEUTRAL RULES ADOPTED BY THE TREATY, TO DEFEND ITSELF BY ITS OWN FORCES, AND TO SECURE THE MAINTENANCE OF PUBLIC ORDER, COVERED BY WHAT WAS GENERALLY KNOWN AS THE DAVIS AMENDMENT.

His Majesty's Government criticized the vagueness of the language employed in the amendment, and the absence of all security as to the manner in which its ends might at some future time be interpreted; but thought that, however precisely it might be worded, it would be impossible to determine what might be the effect if one clause permitting defensive measures and another clause (which has now been omitted) prohibiting fortification of the canal were allowed to stand side by side in the same convention.

Great Britain thought that there ought not to be a provision there that we might defend the canal as an amendment to the treaty which forbade its fortifications, and that matter was settled in the second treaty by striking out the prohibition of fortification.

This amendment was strenuously objected to by Great Britain as involving a distinct departure from the principle of neutrality which had theretofore found acceptance by both Governments, inasmuch as it would, as construed by Lord Lansdowne, permit the United States in time of peace as well as in time of war to resort to whatever warlike acts it pleased in and near the canal, which would be clearly inconsistent with its intended neutral character and would deprive the commerce and navies of the world of the free use of it.

It was insisted that by means of the amendment the obligation of Great Britain to respect the neutrality of the canal under all circumstances would remain in force, while that of the United States, on the other hand, would be essentially modified, and that this would result in a one-sided agreement, by which Great Britain would be debarred from any warlike act in or near the canal, while the United States could resort to any such acts, even in time of peace, which it might deem necessary to secure its own safety.

Moreover, it was insisted that by this amendment, in connection with the third amendment, which excluded other powers from becoming parties to the contract, Great Britain would be placed at a great disadvantage as compared with all other powers, inasmuch as she alone, with all her vast interests in the commerce of the world, would be bound under all circumstances to respect the neutrality of the canal, while the United States, even in time of peace, would have a treaty right to interfere with the canal on the plea of necessity for its own safety, and all other powers not being bound by the treaty could at their pleasure disregard its provisions.

AS TO THE AMENDMENT STRIKING OUT THE ARTICLE IN THE TREATY AS SUBMITTED TO THE SENATE WHICH PROVIDED FOR AN INVITATION TO THE OTHER POWERS TO COME IN AND ADHERE TO IT.

This was emphatically objected to, because if acquiesced in by Great Britain she would be bound by what Lord Lansdowne described as the "stringent rules of neutral conduct" prescribed by the treaty, which would not be equally binding upon the other powers, and it was urged that the adhesion of other powers to the treaty as parties would furnish an additional security for the neutrality of the canal.

In the hope of reconciling the conflicting views thus presented between the former treaty as amended by the Senate and the objections thereto of the British Government, the treaty now submited for the consideration of the Senate was drafted.

The substantial differences from the former treaty are as follows:

First. In the new draft of treaty the provision superseding the Clayton-Bulwer treaty as a whole, instead of being parenthetically inserted, as by the former Senate amendment, was made the subject of an independent article and presented as the first article of the treaty. It was thus submitted to the consideration of the British Government in connection with the other substantial provisions of the treaty which declared the neutrality of the canal for the use of all nations on terms of entire equality.

Second. By a change in the first line of Article III, instead of the United States and Great Britain jointly adopting as the basis of the neutralization of the canal the rules of neutrality prescribed for its use as was provided by the former treaty, the United States now alone adopts them.

This was regarded as a very radical and important change and one which would go far toward a reconciliation of the conflicting views of the two Governments.

It relieves Great Britain of all responsibility and obligation to enforce the neutrality of the canal, which by the former treaty had been imposed upon or assumed by her jointly with the United States, and thus meets the main stress of the objection which seemed to underlie or be interwoven with her other objections to the former Senate amendments. The United States alone, as the sole owner of the canal, as a purely American enterprise, adopts and prescribes the rules by which the use of the canal shall be regulated, and assumes the entire responsibility and burden of enforcing, without the assistance of Great Britain or of any other nation, its absolute neutrality.

It was also believed that this change would be in harmony with the national wish that this great interoceanic waterway should not only be constructed and owned, but exclusively controlled and managed, by the United States.

Third. The next important change from the former treaty consists in the omission of the words "in time of war as in time of peace" from clause 1 of Article III.

Mr. KEIFER. That is in the treaty.

Mr. SMITH of Iowa. Not in that part or in the same connection.

Mr. KEIFER. It was better arranged.

Mr. SMITH of Iowa. It does not mean the same thing.

Mr. KEIFER. It meant exactly what it said.

Mr. SMITH of Iowa. Let us see what John Hay said:

No longer insisting upon the language of the Davis amendment—which had in terms reserved to the United States express permission to disregard the rules of neutrality prescribed, when necessary to secure its own defense, which the Senate had apparently deemed necessary because the provision in Rule I, that the canal should be free and open "in time of war as in time of peace" to the vessels of all nations—it was considered that the omission of the words "in time of war as in time of peace" would dispense with the necessity of the amendment referred to, and that war between the contracting parties, or between the United States and any other power, would have the ordinary effect of war upon treaties when not specially otherwise provided, and would remit both parties to their original and natural right of self-defense and give to the United States the clear right to close the canal against the other belligerent, and to protect it and defend itself by whatever means might be necessary.

We struck those words from this treaty that we might insure that this treaty would not be binding in time of war as well as in time of peace. For it is fundamental that treaties not made in contemplation of war terminate upon war arising between the parties to the treaty. But a treaty made in contemplation of war remains in force in war as in peace, and so we struck out from this provision in the old treaty the words "in time of war as in time of peace" that this treaty might end with war so far as this feature was concerned and give us the right to defend the canal against all mankind.

Fourth. In conformity with the Senate's emphatic rejection of Article III of the former treaty, which provided that the high contracting parties would, immediately upon the exchange of ratifications, bring it to the notice of other powers and invite them to adhere to it, no such provision was inserted in the draft of the new treaty.

Because the Americans and not the British have rejected the theory of international neutrality it was omitted from this treaty. We had lost the other treaty because England wanted that and we refused it.

It was believed that the declaration that the canal should be free and open to all nations on terms of entire equality (now that Great Britain was relieved of all responsibility and obligation to enforce and defend its neutrality) would practically meet the force of the objection which had been made by Lord Lansdowne to the Senate's excision of the article inviting the other powers to come in, viz, that Great Britain was placed thereby in a worse position than other nations in case of war with the United States.

Fifth. The next change from the former treaty is the omission of the provision in clause 7 of Article III, which prohibited the fortification of the canal, and the transfer to clause 2 of the remaining provision of clause 7, that the United States shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

Now, it is true, as suggested by the gentleman from Ohio [Mr. KEIFER], that this treaty does contain the same language about "in time of war as in time of peace" in another connection, and I am going to discuss its meaning in that connection in discussing some of the provisions of this treaty. I have here the final Hay-Pauncefote treaty as ratified.

The first provision I desire to call attention to is that the canal shall be free and open to the vessels of commerce and war of all the nations "observing these rules." Now, if any nation attempts to violate the neutrality of this canal it is no longer entitled to the use of this canal. The canal is free and open to the ships of all nations that observe these rules, and not others, and there is not a thing in this treaty to prevent our excluding by force from the use of this canal any nation that does not observe these rules. I hope that every Member will be deeply impressed with the meaning of this phrase, "open to the vessels of commerce and war of all nations observing these rules;" not making a treaty to observe them; not making a treaty guaranteeing the neutrality of the canal, but every nation of this earth shall be entitled to the privileges of the canal so long, and only so long, as it observes the rules.

"The canal shall never be blockaded." In our strength and our courage and our pride we said we would not invite the nations of the earth to maintain the neutrality of this canal, but that the United States would itself adopt these rules, among them that this canal shall never be blockaded.

How are you going to prevent a blockade if you have not got any guns? The smallest naval power on earth can blockade this canal unless we have there in some form the instrumentalities of war to break the blockade. We did not specify how we would guarantee that this canal should not be blockaded, whether by ships of war or land defenses, but our solemn faith is plighted to the proposition that we will always protect this canal against blockade.

The provisions of this article shall apply to waters adjacent to the canal within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any one time, except in case of distress.

This treaty provided that, though we are not in a strict sense sovereigns there, this treaty shall cover the usual 3 marine miles from shore, and that that shall be deemed a part of the canal that we are solemnly pledged that we will protect against blockade. I propose to insist upon the fortification of this canal, first, because when we struck from the treaty with Great Britain the provision to ask the nations of the earth to guarantee, and thereby forced her to renounce her guarantee of neutrality, we declared a great national policy, that, as we owned the canal, we would ourselves defend it against all comers.

I shall defend the fortification of this canal, because when we struck from the treaties of 50 years the provisions against fortification it was the plain understanding of both parties that we had the right to fortify. I shall defend the fortification of this canal, because the solemn faith of the Republic is pledged that we will protect this canal against blockade, and I shall insist that fortifications are essential to protect the canal against blockade, even by an inferior power. I shall insist that this canal shall be fortified, because it is the property of the Republic, and we have got the right to defend it against the whole world. [Applause.]

Now, if the United States wants to utilize this canal in time of war, to consolidate its fleet upon either coast, a single battleship stationed at the far end of the canal could prevent the passage of a gigantic fleet through the canal.

It is essential that those who do not observe the provisions for the neutralization of the canal shall be kept at such a distance that the American fleet can sail through and form and not be attacked one vessel at a time as it comes through this canal. We said we would not allow it to be blockaded. Much less will we allow it to be blockaded as against our own commerce and our own Navy.

We will have spent $400,000,000 chiefly for the purpose of increasing the power of the American Navy, and yet an utterly insignificant force at one end of this canal can absolutely preclude our passing through the canal and utilizing it for the purposes for which we spent $400,000,000 unless we can defend the ends of the canal and keep this enemy at a distance until our fleet can form after it has passed through the canal. Shall we take all the pains to get a treaty excluding the prohibition of fortification; shall we proudly repudiate an adherence of other nations and proclaim our purpose of having the canal in our own strength and then break our solemn pledge to the world that nobody shall be permitted to blockade this great ocean highway? Others may defend the fortification of the canal upon what grounds they please. Some may assert that we would be justified, even in violation of the treaty, in time of emergency in defending ourselves as best we could. I am not here to defend any proposition so shocking to public and to private morals. I am here to insist that we have the right to fortify the canal; that it is more than a right—we have contracted to preserve its neutrality and to protect it against blockade, and this makes it a solemn duty of this people to fortify the entrance of this canal as securely as any of the ports in the world. Now, Mr. Chairman, I will reserve the balance of my time——

Mr. NYE. Will the gentleman permit one question?

Mr. SMITH of Iowa. Most certainly.

Mr. NYE. Assuming it is wise to fortify, is it essential to pass this appropriation at this time?

Mr. SMITH of Iowa. It is, and I take pleasure in explaining why. We have upon the canal the greatest organization that ever existed for the installation of concrete work. The emplacements of these fortifications will cost more than $4,000,000, and it is essential, as the work upon the locks draws to a close, that this great force shall not be scattered, but shall proceed with its splendid present organization to do this work much more cheaply, as it can be done by it, than by any other force. It will be a waste of money, a waste probably of millions if this be delayed for a single year, and I think that proposition would alone be sufficient, but it has been my experience in the work of eight years upon the Fortifications Committee that no great fortification is completed inside of two to three years from the time of the making of the appropriation, and seldom in so short a time as that. This canal will now be done before these fortifications will be completed. If we ought to have them at all, we certainly ought to have them when the canal is finished, and for their protection against destruction we need fortifications even before the canal is finished. Now, unless there are some other questions desired to be asked, I will reserve the balance of my time. How much time have I remaining?

The CHAIRMAN. The gentleman from Iowa has 20 minutes remaining.

Mr. KEIFER. Mr. Chairman, the magnitude of the question and the whole scope of the debate is so great that it is impossible to undertake to cover the ground in an hour, and I am not at liberty to use that hour myself. I will take but a few minutes in my opening remarks on this subject.

Mr. Chairman, there has been a great effort in this country—and my friend from Iowa [Mr. SMITH] has fallen into the same line of discussion—to convince people that neutralization of a piece of property, like a canal, that is to be used for public purposes by all the world, is capable of being or may be fortified, notwithstanding it is by treaty and otherwise guaranteed that it shall be neutralized. And great efforts are being made to make black seem white. Neutralization and fortification and its consequent blockade can not go together. In all international treaties neutralization means the exclusion of everything connected with war. Neutralization excludes everything, and my friend argues that unless you forbid something to be done by express provision in a neutralization treaty you may neutralize and at the same time vote war measures all along the line, however much they may conflict with neutralization and other expressly forbidden things.

Mr. SMITH of Iowa. That is on the theory that we will have peace if we have to fight for it.

Mr. KEIFER. There is where another trouble of the gentleman comes in. There never was any occasion in the world for neutralization in peace. Neutralization is for war and for war conditions. But the gentleman argues that you may blockade the canal by seacoast defenses, although the treaties all expressly say it is never to be done. That is the argument, that is the testimony, that the first thing that is proposed to be done, as reported by the Fortification Board, is to put seacoast de-

fenses at either end of this canal to blockade it. The gentleman says any nation could blockade it from without. A blockade never comes that way, but you do not need that. Any little roving ship of any kind that floats the sea, even if you have got a thousand battleships on the canal, can still blockade it from all the commerce of the world.

I am not going to go into the discussion now at length. The gentleman reads largely from a communication which he says was prepared by John Hay and sent to the United States Senate. He is misled about that. John Hay never prepared it, and it was a matter of remark that he did not do it. The document which he reads from was not prepared by him, but by somebody, possibly by a clerk, in the State Department that wanted to make an argument that way, and it was disregarded by the Senate. The treaty speaks for itself, and Hay negotiated and indorsed it, including all its neutralization. When the Senate came to deal with the treaty, the Senators, by action of their own, declared that the treaty neutralized the canal and forbade fortification. I am speaking of the treaty of November 18, 1901. But there was a man about the administration of this Government at the time the treaty was made and at the time it was sent to the Senate for ratification who was supposed to have known something about it, who passed some judgment on it, and he had something to say with reference to it. This is a part of what he declared:

> The treaty of November 18, 1901, was prepared to preserve the general principle of neutralization embodied as the settled policy of the United States Government in the Clayton-Bulwer treaty more than 50 years before.

That is what he declared constituted the November 18, 1901, Hay-Pauncefote treaty.

Mr. SHERLEY. Who said that?

Mr. KEIFER. The man who said that was Theodore Roosevelt, President of the United States, when he submitted it to the Senate and asked them to ratify it. They took him at his word. Some of them said, "No; we do not want that. Although it has been the settled policy of this Government since the Clayton-Bulwer treaty of 1850, we want the right to fortify the canal." There were six of them, as I recollect, who desired to retain a right to fortify and blockade the canal. They made motion after motion and offered amendment after amendment to amend that treaty so as to give such right, and they were always voted down. Then the treaty was ratified with the understanding that it subjected the canal to neutralization, nonfortification, and nonblockade.

I have not time to read the proceedings in the Senate, but I will put them in my remarks.

I now yield to the gentleman from Georgia [Mr. ADAMSON] for 10 minutes.

Mr. ADAMSON. Mr. Chairman, as we have such a fine audience, I regret that I have not two or three hours at my command. This audience makes up in quality as much as it loses in numbers. [Applause.] The fixing of a limit for general debate is a signal for a hegira of the Members to escape long, dry speeches and return to vote at a time fixed; but some of my associates, learning that I was to speak at this time, have been kind enough to remain. I hope some of my absent brethren, who may vote wrong, will, when they read my speech, not consider me immodest to suggest that they might have avoided error by remaining and keeping their minds open to information on this subject. [Applause.]

I am glad on this occasion to be able to compliment both the distinguished leaders of this debate that in a measure they are both right. I can honestly take the time from the gentleman from Ohio [Mr. KEIFER] and he can properly yield me time, because I am going to vote for his motion to strike out this section. I could not accept time from the gentleman from Iowa [Mr. SMITH], though while I agree with most of his propositions when the time comes to make them applicable, I am going to vote against him now. It is something remarkable that I should be able to agree with either of the gentlemen. Our schools of political thought are so different, because of environment, education, and party alignment, that when I find myself in accord with either I am reminded of those old ridiculous lines of Goldsmith's about—

> His conduct still right, with his argument wrong,
> The coachman was tipsy, the chariot drove home.

The canal should be fortified, as contended by the gentleman from Iowa, but not now. It should also be neutralized, as insisted by the gentleman from Ohio, but by us alone, unaided by other nations.

Now, as to whether or not to fortify the Panama Canal depends upon the angle of vision from which you view the subject. If you regard this Government as a commercial machine, making a canal for the benefit of either American commercial adventurers as a method of ship subsidy or as a free gift to the world in perpetual gratuity, you can talk about it as the gentleman from Ohio does. But if you take a correct view of it, as is taken by the gentleman from Iowa [Mr. SMITH], after we build this canal as a constitutional war and navy measure, the only warrant we ever had to build it, you can very readily reach the right conclusion and agree with me that the strip across the Isthmus of Panama ought to be used primarily for military and naval purposes. We have constructed it for those purposes, and we should so use it as to accelerate the passage of our own ships to and fro across the Isthmus and we should use it as a necessary and useful military and naval base. We could make an attractive and beautiful healthy park out of it there in the Tropics, while utilizing it for military and naval stores, for armament and equipment that would make us invincible and invulnerable upon either ocean in time of war.

And in periods of peace—and we hope they will be either frequent or lengthy—in times of peace and prosperity we should invite commerce, and we should make the tolls low enough not only to compete with the route around the Horn and the route through the Suez Canal, but also to enable us to compete with the transcontinental railroads, which so long obstructed and prevented the construction of that canal.

And I may say right here, as I said in the Fifty-fifth Congress, that these corporate influences operating against the construction of the canal were so powerful that if the Representatives who believe in the construction of the canal, as I do, had not been willing to vote for it solely as a military and naval measure the canal proposition would never have been commenced and no dirt would be flying at Panama. But we took a constitutional view of it, and we proceeded to pass that act in spite of the opposition of the corporations, and I hold to all the views to which I then held, not only that we have the right to make it an instrument of strength and power both for offense and defense for the United States, but I go further and agree with the gentleman from Ohio [Mr. KEIFER] that it ought to be absolutely neutral. But I do not agree with him that we ought to go cringing and fauning and begging all the nations of the earth to come here and help us violate and repudiate the Monroe doctrine to help us in our administration of our rights and duties on the Western Continent by agreeing with us how to manage our affairs. [Applause.]

I propose, as I proposed in the beginning, Mr. Chairman, that by the might and power of the United States we should say to all the earth, as we promised England, that we will not only police this canal strip, we will not only protect it against ever being blockaded, but we will see that all the nations who observe the rules of this canal management shall pass through the canal on absolutely equal and fair terms, and we will attend to the job ourselves. No other nation is invited to interfere or take a hand in any respect.

All these questions of our right and duty to fortify and neutralize the canal on our own account and by our own power were thrashed out during the Fifty-fifth, Fifty-sixth, and Fifty-seventh Congresses. The Clayton-Bulwer treaty contemplated a purely commercial canal, which Congress had no authority to construct. That treaty forbade a military canal, the only kind we were warranted to construct. I took the position that if we could not amend the Clayton-Bulwer treaty so as to conform to our purposes, we ought to denounce it to a final end and go on with our plans; but I assert the belief that by proper effort we could amend it. We tried and succeeded. We are now building a canal according to our own ideas and constitutional authority. In due time we will finish it. Then we will devote the canal and canal strip to the use of our Army and Navy, incidentally inviting commerce to pass through and deriving some financial return therefrom. We should fortify at both ends of the canal, placing all around both Panama and Limon Bays and in the islands within Panama Bay the most powerful batteries in the world, invincible and invulnerable, secured and protected in the best manner known to the art of war. We should mount guns with sufficient range, accuracy, and carrying capacity to command and clear the offing for miles out to sea, so that under their protection our Navy, emerging from either end of the canal, may be able to form in battle array before proceeding to take care of itself and destroy any hostile fleet.

The only standing order, always observed by our Navy, is understood to be "Either destroy or capture all the enemy's ships." If as predicted by some apprehensive gentlemen, airships becoming dangerous, threaten to fly over the fortifications and thereby annul their usefulness, some Yankee will soon invent a gun that will find their range and bring them down. Other nations can not object to our fortification plans. Certainly England can not until she dismantles Gibraltar and

all her fortified positions off our eastern coast, stretching in long line from Labador to the southern seas. If those guns off our coast are not aimed at us nobody knows their purpose, yet we do not whine and complain of threatened and immediate hostility. Neither can any other nation complain that we fortify, making a military reservation of the strip in order to protect our property and protect all shipping, military and commercial, which we invite to pass through the canal, just as we are entitled to security in passing through Suez, whether protected by immediate physical power or by the imputed power and prestige which is known to exist, resting ultimately and fundamentally upon the power and prestige of British arms.

But, Mr. Chairman, every boy, I suppose, as soon as he begins to think about it, expects to get married some day, but he does not want to do that until he is grown and has learned how to get married. [Laughter.] He expects to occupy his house as soon as he builds it but he does not move in until it is ready. In every one of the last two or three Congresses I have had to resist premature efforts of gentlemen to legislate finally for the canal and the canal strip. I have always said, "Let us wait and build the canal first. Let us not allow any excitement or anything else to get us out of the track of proceeding to the work and finishing the canal."

When we have the canal ready to open for our own use, primarily, and secondarily for the use of the commerce of the world; when we know that we are going to be there permanently, and know what we are going to have there, and know how we are going to use it, and just what we can do and what is necessary to do, then let us provide permanent legislation for the operation of the canal and for the management and government of whatever the United States sees proper to encourage and use and keep on that canal strip. [Applause.] And let it all be done on our own motion and neutralized by our own invitation and power. If we should pursue any other course we would sacrifice our ascendency on this continent and justly lose the respect of the world. [Applause.] But this legislation at this time is premature. The end of material things is not coming with the death of this Congress. There will undoubtedly be other Congresses, and several of them, before the canal is finished. Some of us fear we will have an opportunity to begin legislation before we want it. It is not a very long time even to next December, even if a Republican President can refrain from the extraordinary act of calling together a Democratic Congress without promising to sign the bills that pass. If he should be illogical enough to convene a Democratic Congress prematurely, under the delusion that they will champion his measures, gratuitously, rashly, and ridiculously, or if he should be insincere enough to call a Democratic House together in extra session, without intending in good faith to approve the measures which he knows it is their duty to pass, and which he knows the people instructed that Congress to pass, we will welcome the call.

The people will hold him and his party responsible for his peculiar conduct. Unless he intends to approve the reform legislation the people have determined upon, he can depend upon it that his pet measures will receive the last and least attention. Nobody need become excited or get in a hurry about fortification or any other legislation about the regulation of the canal or the canal strip. Our business is now, and will be for several years to come, to try to finish that canal, and it requires an effort on our part to divest the subject of irrelevant questions and premature suggestion and action. There are no perceptible war clouds on the horizon. The people of no nations are lying awake of nights meditating assaults on us. Occasionally we hear an excitable lecture or speech, or read sensational articles in newspaper and magazines, but no reason yet appears to precipitate permanent legislation for the strip or for the fortification and management of the canal years in advance of its probable opening. When Culebra quits sliding, when that volcanic débris assumes its natural slope as does all dirt of whatever character, when the locks are finished and tried out and the dams are pronounced secure beyond peradventure, when we know what we are doing and are willing to risk our own battleships and invite the commerce of the world, we will surely have foreseen it long enough to have begun and completed preparations, not only for the protection of the canal and canal strip, but also for the permanent regulation and operation and government thereof. It is, however, entirely unnecessary to become hysterical and begin to hurry now about permanent legislation. If fortifications presented the only proposition at this time I might have afforded to refrain from these remarks, but in other bills and other places we have seen that efforts are being made to anticipate by present legislation everything that can ever become necessary to be done in connection with the canal under favorable circumstances and with verification of the hope of the most optimistic. Plans have been made and are being carried forward now to push all these measures through before this Congress dies a week from to-day, as if there were never to be another Congress, and may the good Lord vouchsafe to us that there may never be another Republican Congress. This is all premature. I have heard all the arguments in favor of it and all the reasons on which they are based. Accepting the assertions made in the premises, some of them appear plausible at first glance, but on examination and reflection the plausibility disappears. There is no sound reason to justify such legislation at this time. [Applause.]

Mr. KEIFER. Mr. Chairman, I yield to the gentleman from Virginia [Mr. SAUNDERS].

Mr. SAUNDERS. Mr. Chairman there are two inquiries involved in the proposition to fortify the Panama Canal:—

First:—Is it competent for the United States to erect these fortifications, under the stipulations of existing treaties?

Second:—Conceding the right, should this right be exercised to the exclusion of any other policy?

A treaty of neutralization, concluded between this country, and the great powers of the world, would be in harmony with the spirit and policy that directed all the negotiations which preceded the formal beginning of that mighty work at Panama, which is destined to change the trade relations, and I might almost say, the destinies of the world. Such a treaty would protect the canal in the most effective manner, without burden or expense to this country, without any impingement upon our national interests, and without derogation of our national dignity, and self-respect. It is a recent discovery of the jingo spirit, that national honor and self-respect, are involved in the construction of great military works, and the maintenance of a costly military force on the Isthmus. The Clayton-Bulwer treaty of 1850, expressly provides, that the contracting parties shall guarantee the neutrality of a canal through Central America, and that neither "will ever erect, or maintain, any fortifications commanding the canal, or the vicinity thereof."

In the course of the debate it has been suggested, that in some mysterious way, the Monroe doctrine is involved in the fortification of the canal by this Government, and that any effort to neutralize it through a treaty with the European, and other countries, would be a violation of this doctrine. This attitude merely illustrates the straits to which the advocates of fortification are driven, to provide arguments in support of their position. The Monroe doctrine was to the front in a far more acute form, during the long period preceding the Civil War, than it has been at any time in the last 40 years. Yet the statesmen and Presidents of that time, never apprehended that the maintenance of this doctrine was inconsistent with the neutralization of an interoceanic canal through international agreement. In 1826 President Adams declared in his instructions to the American representatives to a Panama congress, that if an interoceanic canal should be executed so as to admit of the passage of sea vessels from ocean to ocean, the benefits of it ought not to be exclusively appropriated to any one nation, but should be extended to all parts of the globe upon the payment of a just compensation, or reasonable tolls. In 1835 the Senate of the United States adopted a resolution requesting President Jackson to undertake negotiations with the Governments of Central America, and New Granada (now Colombia), to effectually protect by appropriate treaties, such individuals, or companies, as might desire to establish communication between the Atlantic and Pacific Oceans, by the construction of a ship canal across the Isthmus, and to insure, forever, by the stipulations of these treaties, the free and equal right to navigate such canal, to all nations, on the payment of reasonable tolls. A like resolution was adopted in 1839, by the House of Representatives, which concluded as follows: "For the purpose of ascertaining the practicability of effecting a communication between the Atlantic, and Pacific Oceans, by the construction of an isthmian canal, and of securing forever, by suitable treaty stipulations, the free and equal rights of navigating such canal, to all nations."

In 1846, the United States negotiated a treaty with New Granada, (now Colombia) by which the former power guaranteed the perfect neutrality of the Isthmus "with the view that the free transit from the one, to the other sea, shall not be interrupted or embarrassed, at any future time."

It may be objected that the parties to these negotiations are all nations of the Western Hemisphere. True, but go with me a step further. A little later, to be precise, in December 1849, an effort was made on the part of President Taylor, through his Secretary of State, to induce England to effect a treaty with Colombia, then New Granada, by which the former would guarantee the neutrality of the Isthmus. At the same time, the American minister to Colombia was directed to urge upon that

country, the wisdom of making such a treaty with Great Britain. So far from holding that participation of the European powers in the neutralization of the canal, would be an infraction of the Monroe doctrine, President Buchanan welcomed the co-operation of these powers. The following extract is taken from the President's reply to a communication from Great Britain, suggesting a treaty between Great Britain, France, and the United States, to secure the freedom and neutralization of the transit route over the Isthmus of Panama:

The President fully appreciates the importance of that route, to the commercial nations of the world, and the great advantage that must result from its entire security, both in peace, and in war, but he does not perceive that any new guaranty is necessary for this purpose, on the part of the United States. By the treaty concluded with New Granada on the 12th, of December 1846, to which your lordship has referred, this Government guaranteed the neutrality of the Isthmus, and also the rights of sovereignty, and property over it, of New Granada.

A similar measure on the part of England and France, would give additional security to the transit, and would be regarded favorably, therefore, by this Government. But any participation by the United States, in such a measure, is rendered unnecessary, by the arrangements already referred to. The President hopes that by general consent of the maritime powers, the interoceanic lines, with the harbors of immediate approach, may be secured beyond interruption, to the great purpose for which they were established.

This invitation to England and France, to supplement by independent action, the undertaking into which this Government had entered to neutralize any interoceanic line of transportation, followed the Clayton-Bulwer treaty of 1850, which was ratified by the Senate on March 22, of that year. It may be almost said, that this treaty was the outcome of President Taylor's message of December 1849, in which he insisted that an isthmian canal should be constructed under the common protection of all nations, for the equal benefit of all. But whether it is true that this message was the parent of the negotiations that culminated in the treaty, it is none the less true, that this treaty was in harmony with the established attitude of this country, that any canal across the Isthmus, should be effectually neutralized, and open to the ships of all countries. There was no war-breathing jingo of that day, to oppose the co-operation of Great Britain in guaranteeing the neutralization of the canal, on the ground that such co-operation would be an interference with the Monroe doctrine. At least if such a jingo existed, he did not make his protest effectual.

President Pierce, in his message of 1854 actually insisted that an effort should be made to make the "doctrine of neutralization a principle of international law, by means of special conventions between the several powers of Europe, and America."

The Clayton-Bulwer treaty is too elaborate a document for reproduction in its entirety, but a few pregnant citations will be afforded. In Article I, it is declared, among other things, that:—"The Governments of the United States, and Great Britain, hereby declare, that neither the one, or the other, will ever obtain, or maintain for itself, any exclusive control over said ship canal, agreeing that neither will ever erect, or maintain any fortifications commanding the same, or in the vicinity thereof." Later, it is declared in Article V, that the signatory powers "will protect the completed canal from interruption, seizure, or unjust confiscation, and guarantee its neutrality, so that the said canal may be forever free and open." The parties to this guaranty were amply able to make it good, and a canal constructed under the protection of this treaty would have been neutralized forever and a day, without a fort, or a garrison along its route, or any increase of the national burdens of the contracting parties. By the express provisions of the treaty, the canal was to be open on like terms to the citizens, and subjects, of every other State. The gentlemen who oppose neutralization by the powers, on the ground that it is in conflict with the Monroe doctrine, will find little support for this view, in the attitude expressed in Article VIII, of the foregoing treaty. Without reservation, the contracting parties engage, in that article, to invite every other State, with which either, or both, have friendly intercourse, to enter into stipulations with them, similar to those which they have entered into with each other, and in Article VIII it is provided that the canal shall be open on like terms, to the citizens, and subjects, of every other State.

The Monroe doctrine is difficult of exact definition, but certainly it has never been hitherto invoked, to prohibit the powers of the world from participating in a great scheme of peace, through the effective neutralization of an international highway. We impeach the wisdom and foresight of our forefathers, if not their patriotism, by the suggestion that the Monroe doctrine forbids any effort to neutralize the canal by international convention. It is passing strange that in the voluminous correspondence, public documents, and official communications, relating to this subject, no trace is found of any lurking belief, on the part of anyone concerned with forwarding this great project, that the cooperation of foreign countries with this Government, to preserve the canal from every form of hostile interruption, was an impingement upon a principle so fundamental, and respected, as the Monroe doctrine. Such a suggestion is not well taken. The Monroe doctrine was neither assailed, nor weakened, when the Clayton-Bulwer treaty stipulated the neutrality of the canal. The Monroe doctrine is a principle of peace. So is the principle of neutralization. They are in harmony, not in conflict. Why not welcome every aid that will tend to keep inviolate from the profaning hands of hostile attack, the mighty work which we will hold, in its completed form, as a trustee for the world? If the world is to participate on equal terms in the benefits of this enterprise, why may not the nations of the world act in concert to preserve its integrity, and thus relieve this country from a burden, which we may be able to carry, but which we would willingly put aside, if such action may be taken without prejudice to material interests, loss of national power, or standing in international councils? The former attitude of this country, and the facts of the case, alike repel the contention, that the principles of the Monroe doctrine forbid the neutralization of the Panama Canal, through international compact.

The United States could neither build, nor acquire supreme control of this canal, under the Clayton-Bulwer treaty. Hence, when it was decided that this enterprise should take a national form, it was necessary to negotiate another convention. This was done under the auspices of President McKinley, and is known as the Hay-Pauncefote treaty. This treaty specially provides for neutralization, adopting in substance the rules of neutralization found in the rules of 1888, relating to the Suez Canal, and declaring that the canal shall be free and open, in time of war, as in peace, to the vessels of commerce, and of war, of all nations, on terms of entire equality. In one of the later provisions, it is provided that, "no fortifications shall ever be erected, commanding the canal, or the adjacent waters." This treaty was ratified by this country in 1900, a little over 10 years ago, when our jingoes had not learned, that mighty fortifications, and a great army at Panama, were vital to the defense of this country. If it is suggested, that this provision against fortifications, escaped the attention of the Senate, such a suggestion is repelled by the facts of record. An amendment to strike out this clause was offered in the Senate, and rejected by a large majority. The Hay-Pauncefote treaty of 1900 was approved by the Senate, but rejected by Great Britain. A rejection on our part might have been properly related to the clause against fortifications. But the action of Great Britain can not be explained on this ground. In 1901, a subsequent Hay-Pauncefote treaty was negotiated under the direction of President Roosevelt, and approved both by this country, and England. If the right to fortify the canal is claimed under the latter treaty, that claim should be supported by a clear and explicit declaration. No ambiguous reference would be sufficient to support a claim which the United States had been willing to forego in its entirety, within the previous year. For the purposes of intelligent discussion, the text of the present treaty, omitting the formal preliminaries, and conclusion, is herewith reproduced:

ARTICLE I. The high contracting parties agree that the present treaty shall supersede the aforementioned convention of the 19th April, 1850.

ART. II. It is agreed that the canal may be constructed under the auspices of the Government of the United States, either directly at its own cost or by gift or loan of money to individuals or corporations, or through subscription to, or purchase of, stock or shares, and that, subject to the provisions of the present treaty, the said Government shall have, and enjoy, all the rights incident to such construction, as well as exclusive right of providing for the regulation, and management of the canal.

ART. III. The United States adopts as the basis of neutralization of such ship canal, the following rules, substantially as embodied in the convention of Constantinople, signed the 28th October, 1888, for the free navigation of the Suez Canal—that is to say:

1. The canal shall be free and open to the vessels of commerce, and of war, of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect to the conditions, or charges of traffic, or otherwise. Such conditions, and charges of traffic, shall be just and equitable.

2. The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

3. Vessels of war of a belligerent shall not revictual nor take any stores in the canal except so far as may be strictly necessary, and the transit of such vessels through the canal shall be effected with the least possible delay, in accordance with the regulations in force, and with only such intermission as may result from the necessities of the service. Prizes shall be in all respects subject to the same rules as vessels of war of the belligerents.

4. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the canal, except in case of accidental hindrance of the transit, and in such case the transit shall be resumed with all possible dispatch.

5. The provisions of this article shall apply to waters adjacent to the canal, within 3 marine miles of either end. Vessels of war of a belligerent shall not remain in such waters longer than 24 hours at any

one time, except in case of distress, and in such case shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within 24 hours from the departure of a vessel of war of the other belligerent.

6. The plant, establishments, buildings, and all works necessary to the construction, maintenance, and operation of the canal shall be deemed to be part thereof, for the purposes of this treaty, and in time of war, as in time of peace, shall enjoy complete immunity from attack or injury by belligerents and from acts calculated to impair their usefulness as part of the canal.

ART. IV. It is agreed that no change of territorial sovereignty or of the international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty.

Mr. SHERLEY. Is not the gentleman aware of the fact that when New Granada undertook to sound some of the European powers as to the guaranteeing of the neutrality of the proposed canal, that America said to her then that she would consider such intervention on the part of foreign powers as an unfriendly act?

Mr. SAUNDERS. On the contrary the Government of the United States through its minister to Colombia directed the Government of Colombia to take up with Great Britain and negotiate with her, a treaty by which the latter country should guarantee the neutrality of the then contemplated canal. Those are the facts of history. Now I wish to say another thing in this connection. It is asserted that we should not call in the aid of the world to neutralize this canal. Who then shall neutralize it? The Government of the United States? In all history did a country ever undertake to say that it should be neutral, and its property neutralized? Neutralization, as a matter of necessity, contemplates the cooperation of others, and when we declared in the Hay treaty in favor of the great principle of neutralization, and that is the one thing that is thrust to the front in that treaty, we announced a principle, and assumed an attitude, which committed us to invite the cooperation of others to make effective the neutralization of the canal. A few days since President Taft announced that it is the exclusive duty of the United States to preserve the neutrality of the canal.

I would like to ask one question, and perhaps the gentleman from Kentucky, who has just risen, can answer it, in connection with the question he proposes to ask. My question is this: Where do we find in the Hay treaty, and I now have it before me, any clause which says that it shall be the sole duty of the United States to neutralize the Panama Canal.

Mr. SHERLEY. Without reading the treaty, I can not answer the gentleman categorically.

Mr. SAUNDERS. I invite any gentleman on this floor to point out the clause of that treaty which says it shall be the duty of the United States singly, and alone, to neutralize the Panama Canal.

Mr. SHERLEY. Is the gentleman aware that President Arthur, in a message to Congress, September 6, 1881, declared—

This Government learned that Colombia had proposed to European powers to join in the guaranty of the neutrality of the proposed Panama Canal, a guaranty which would be in direct contravention of our obligation as the sole guarantors—

And so forth——

Mr. SAUNDERS. I am well aware of that.

Mr. SHERLEY. And then goes on to state that his predecessor——

Mr. SAUNDERS. I am perfectly well aware of that.

Mr. SHERLEY. But the gentleman denied it.

Mr. SAUNDERS. No, I did not. The Monroe doctrine was more to the front before the Civil War, as a burning question so to say, that it has been since that time, and yet during President Taylor's administration the minister of this country to Granada was directed by the President to urge upon that country the propriety of negotiating a treaty with England by which the latter was to neutralize the canal in aid of the neutralization of the United States Government.

Mr. GARRETT. When was that? if I may ask the gentleman.

Mr. SAUNDERS. I will give the gentleman the date in a few moments. There is no question that this was done.

Mr. HUGHES of New Jersey. Does the gentleman differentiate that statement, from the statement of the gentleman from Kentucky?

Mr. SAUNDERS. No. I do not. Both statements are true, and recite the actual occurrences. They present two opposing attitudes. President Taylor's attitude represented the attitude of our country when, as I have said, the Monroe doctrine was far more to the front in public discussion than it is to-day. Now, I wish to call the attention of this House to another proposition.

Mr. SHERLEY. Will the gentleman permit a question?

Mr. SAUNDERS. Certainly.

Mr. SHERLEY. Will the gentleman explain why Article III of the treaty adopted says that "the United States adopts, as a basis of the neutralization of such ship canal, the following rules," whereas the treaty that was not ratified had it that the high contracting parties were to adopt.

Mr. SAUNDERS. The language used merely emphasizes the extent to which this country was willing to go in adopting the principle of neutralization. As England was a party to the Suez pact, it was not necessary to say that she was consenting to an application of the Suez rules to Panama. It is splitting hairs, it seems to me, to undertake to say that the provision cited shall be construed in such a way as to announce that the obligations of the high contracting parties under section 4, does not include an obligation of Great Britain to guarantee on its part the neutrality of the canal.

Mr. CLINE. Will the gentleman permit a question?

Mr. SAUNDERS. Yes.

Mr. CLINE. If the right to fortify is conceded, I want to ask the gentleman if that does not carry with it the right to blockade the canal, and consequently is a violation of the treaty.

Mr. SAUNDERS. Certainly. If the right to fortify is conceded, then by the exercise of that right the United States can establish that very blockade which the treaty forbids.

If we have the right of blockade, if we have the right to maintain armies, if we have the right to establish bristling fortifications on the canal, without any authority to that effect afforded by the terms of the treaty, why was it necessary for the treaty to give this country in explicit terms the authority to maintain military police to protect the canal against lawlessness. This inferior right would be included, as a matter of course, in the other and larger power.

Mr. SHERLEY. Will the gentleman permit?

Mr. SAUNDERS. Certainly.

Mr. SHERLEY. He must bear in mind that the Clayton-Bulwer treaty made certain obligations on both England and America, and expressly denied to America certain rights that ordinarily she would possess.

Mr. SAUNDERS. I understand that.

Mr. SHERLEY. Now, in order that there may be no doubt as to her abusing those rights when it adopted the terms of the Clayton-Bulwer treaty, setting out the powers that belonged——

Mr. SAUNDERS. If all that is true, I would like to make this comment: This treaty does not require England to do anything save to be bound by the obligations which she incurred as a high contracting party. What were, and are these obligations, if the duty of guaranteeing neutrality at Panama, is not one of them? Our rights and duties are determined by this treaty. We should live up to them, like an individual to his contract.

Mr. CLINE. The President of the United States in his speech in New York on the night of the 21st of January did not rest the right to fortify on our sovereignty. He said we secured that right out of a nullification of the Bulwer treaty and the Spooner Act of 1902.

Mr. SAUNDERS. Let me refer to the Spooner Act. That was an act of this Government, and by no principle of interpretation with which I am acquainted, can the act of one party to a contract, be held to be the interpretation of the instrument, in the sense that it has ascertained the rights, and presented the views of both. Never has that been ascertained to be true. So that when you suggest the Spooner Act as an interpretation of the Hay-Pauncefote treaty I ask you by virtue of what authority was the Spooner Act passed? We must look to the treaty itself, to determine our rights, and the authority of the Government to pass the Spooner Act.

Mr. SMITH of Iowa. Will the gentleman permit a question?

Mr. SAUNDERS. Certainly.

Mr. SMITH of Iowa. Does he not think it strange that so many gentlemen upon this floor now voted for the Spooner Act, which expressly provided that the President is authorized to enter into such contract as may be deemed necessary for the proper excavation, construction, and completion of the defense of such canal?

Mr. SAUNDERS. No. Just as I will not be surprised to see the fortification of the canal ordered, though it is in violation of the terms of this treaty.

Mr. SHERLEY. If that act was in violation of that treaty——

Mr. SAUNDERS. How in the name of high heaven can the individual act of one contracting party, supersede the obligation of a joint instrument?

Mr. SHERLEY. I can simply answer you by saying that this Government has on several occasions terminated a treaty by act of Congress, and the Supreme Court has recognized the validity of such action.

Mr. SAUNDERS. I recognize, of course, that if the United States Government wishes to break a treaty, there is nothing that restrains her except force, but surely no one will ad-

vance the argument that because we have the force to do that which is wrong, that therefore the force with which a thing is done, makes the act right.

Mr. SHERLEY. I do not agree with the gentleman's assumption that it is a violation of the treaty, but if it was it would supersede the treaty.

Mr. SAUNDERS. You are suggesting that this act indicated that we proposed to terminate that treaty.

Mr. SHERLEY. No; I have not suggested it.

Mr. SAUNDERS. What is your suggestion, then?

Mr. SHERLEY. I simply said that, taking your assumption, the effect of it was to abrogate the treaty.

Mr. SAUNDERS. On the contrary, I simply said it might indicate our purpose to abrogate it. It was passed without regard to the binding effect of the treaty, but it could never abrogate it, unless the United States clearly indicated that it did not intend to be bound by the terms of its own solemn compact.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KEIFER. I yield more time to the gentleman.

Mr. SAUNDERS. I wish to say in conclusion, that I shall vote to oppose the fortification of the canal, because I believe that it is contrary to our treaty stipulations. I shall oppose and vote against the fortification of the canal, because in the contemplation of the gentlemen who know the war game, gentlemen like Admiral Evans and the distinguished gentleman from Ohio who has spoken on this subject, and many others, the effect of these fortifications will be to weaken, and not strengthen, our line of defense.

I shall vote against the proposition to fortify the Panama Canal, because if after our professions of peace, we really favor peace, the mightiest contribution that we could make to the peace of the world, will be the neutralization of this great international highway.

The most casual examination of this treaty, will reveal that it does not contemplate that the canal shall be an exclusive possession of the United States, in time of war. The chief purpose of this pact, was not to change the attitude of the contracting parties, toward the great principles of neutralization, and universal use, but to enable the Government of the United States to construct an isthmian canal, if desired, at its own cost, and to afford this country, subject to the provisions, and limitations of the treaty, the exclusive right of "providing for the regulation, and management of the same." It is expressly provided that the canal shall be free and open to the vessels of commerce, and of war, of all nations observing these rules, on terms of entire equality. It is further provided that the canal shall never be blockaded. Mighty fortresses erected by this country, commanding and controlling the approaches and use of the canal, will constitute a blockade, whenever they are utilized to exclude the ships of another nation in time of war. The chief argument of the gentlemen who insist upon fortifying this highway is, that we will need it in time of war, for the transfer of our war vessels from one ocean, to another. But suppose our antagonists desire to use it for the same purpose? Will it be competent for this Nation to exclude them, under authority of this treaty, and if it does exclude them by its forts, and military garrisons, will not such act bc that blockade which is forbidden by Article II?

If it was not intended that the canal should be used by Great Britain, in the event of war with this country, and such a war is as likely as any that is suggested, what does the treaty mean when it declares that the canal shall be free and open to the vessels of war, of all nations observing the rules of neutralization, that the same shall never be blockaded, nor any right of war, or act of hostility, exercised within it, and that vessels of war of a belligerent shall not revictual, or take any stores in the canal, except so far as may be strictly necessary? These rights would be enjoyed by the nations of the world, whether or not they became parties to this international agreement designed to preserve and secure them. Thus they possess the present right of free use of the canal, without any obligation to preserve the property. The United States is not a party to the Suez pact, but during the War with Spain, we were informed that the use of that canal was open to us, in the event we desired to send our warships to the Orient by that route. But if the nations of the world will enjoy the right to use the Isthmian Canal, why not emphasize the value of that right, by inviting their cooperation to preserve the integrity of the same in perpetuity? Surely no one will seriously contend, that the right to build frowning fortresses, and maintain great armies on the route of the canal, will be found in the section which provides that the United States shall be at liberty to maintain such military police, along the canal, as may be necessary to protect it against lawlessness, and disorder? These words convey an obvious meaning, and refer to the ordinary conditions likely to exist on a work of this character, in a country subject to periodic disorders. No one would include a standing army, or fortifications of such extensive character that the prime cost will run into the millions, under the head of military police. It will be noted that the language of the act is most specific and emphatic, when a sweeping right is intended to be conveyed.

Article II, provides that the United States "shall have, and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation, and management of the canal." This confers a right, as it should be conferred, clearly and unambiguously. If it was intended that this treaty should confer upon this Government, the right heretofore expressly denied, namely, to erect and maintain fortifications commanding the canal, and the waters adjacent thereto, we would expect to find this authority granted in explicit and unambiguous terms, and not lying perdu in a clause authorizing the use of military police to preserve the canal against lawlessness, and disorder. These are not apt words to describe a state of war, or to convey authority to prepare against the same, by the construction of vast forts, and the establishment and maintenance of a strong army, on the route of the canal. President Taft in a recent address on this subject, declares that the Hay treaty shows, not only that the canal was to be built, owned, and operated by the United States, but that the neutrality of the canal should be maintained by the United States, and that nothing in the treaty would prevent the United States from fortifying the canal, or closing the same, to the shipping of the enemy. In sole support of this proposition he cites, not the treaty itself, but the Spooner Act of 1902, directing the President to build the canal, and make proper defenses. But this act was our own, and not a joint act. Hence it can not be considered an authoritative interpretation of a treaty, which, of necessity is a joint instrument. Again, the President insists that the right to fortify the canal, and close it to the shipping of an enemy, must have been insisted upon by the Senate. But the Senate did nothing of the sort. On the contrary that body ratified a measure, in the first instance, which expressly excluded the United States from the exercise of this right, and by an overwhelming majority, voted down an amendment designed to strike out the provision forbidding fortifications.

The President is further in error, in suggesting that under the treaty with England, it is this country which guarantees the neutrality of the canal, thus excluding, even England, the other high contracting party, from participation in the guaranty. Article IV, clearly imposes this obligation upon both contracting parties. If this is not intended, what does this article mean, when it provides that "no change of territorial sovereignty, or of the international relations of the country, or countries traversed by the canal, shall affect the general principle of neutralization, or the obligation of the high contracting parties, under the present treaty." In what portion of the instrument do we find the provision, either in terms, or by necessary implication, that the neutrality of the canal shall be exclusively guaranteed by the United States? The treaty confers only one exclusive right upon this country, the right to provide for the regulation, and management of the canal. What are the obligations imposed upon the high contracting parties to this convention, if the obligation to preserve the neutrality of the canal, is not one of them? Evidently, Article IV contemplates that there will be certain obligations of a joint character imposed by the treaty, else its language is meaningless, and largely superfluous. Among these obligations, whatever they may be, what obligation is so obvious and paramount, as the obligation to preserve the neutrality of the highway proposed, in order that its benefits may be secured, not oaly to the contracting parties, but to the other nations which are included within its terms? Our rights upon the Isthmus are treaty rights, measured and determined, by those treaties. Under what view of the Hay-Pauncefote treaty will this Government undertake to exclude the vessels of Great Britain, in time of war with that country, and at the same time keep its faith, and carry out our undertaking, that the canal shall be free at all times, to the vessels of war, of all nations, and that the same shall never be blockaded, nor any right of war, or act of hostility, be committed within it?

The exclusion of the war vessels of Great Britain from the free use of the canal in time of war, will in itself constitute the very blockade against which we have undertaken to provide, and which we have guaranteed shall not occur. Garrisons and armies in the zone, intended to make this blockade effective, will merely serve to emphasize our breach of faith, and the worthlessness of our guaranty. Our national honor is touched in this suggestion. It is no longer a question of what the terms of the compact should be. We are concerned merely with the ascertainment of the provisions of the existing compact, and

with the maintenance of good faith, in our relations to the other contracting party.

The President asserts further, that he would be "glad to have all the powers come in, and consent to the neutrality of the canal, as a treaty obligation," but expresses the fear that even then, a possible injury might be done to the canal by some irresponsible belligerent. Such a fear is most remote. If the great powers of the world unite to protect the canal, and add their sanction to the joint undertaking of this country, and Great Britain, there is no responsible, much less irresponsible belligerent, who would dare to commit one act of mischief along the entire course of the canal, and thus challenge the irresistible combination committed to its protection. Such a course on the part of any responsible nation is unthinkable. This Government will be able to deal with irresponsible persons under the police power which is fully accorded to it, by the Hay-Pauncefote treaty. Some opponents of neutralization insist that there is no analogy in the neutralization of the Suez Canal, resting this contention on the ground that the land through which the Suez Canal runs, is not within the jurisdiction of England, or of any of the five great powers.

But this objection does not go to the principle of neutralization, which is always secured by treaty compacts, and mutual agreements. The Suez Canal was neutralized with the consent of the power which exercises jurisdiction over the territory through which it runs. Conceding that we possess titular sovereignty over the zone, and are fully competent to enforce our authority, and preserve our property, these facts would give a flattering character to our invitation to the powers to unite with us in neutralizing the canal. Such an invitation would be an earnest of our desire for universal peace, and evince our readiness to work to that end, in disregard of the suggestions of a false pride, that we carry a great burden alone, merely because the enterprise is on our territory. This fact presents no hindrance to the enactment of a sufficient treaty of neutralization. The suggestion of ownership, is merely intended to quicken a feeling of vanity on our part, and is fully as mischievous as the contention that our right to erect fortifications at Panama, is upon the same footing as our right to fortify the harbor of New York, or Pearl Harbor in the Hawaiian Islands. If the latter contention be true, the question may well be asked: Why was it necessary to negotiate a further treaty with Great Britain, before proceeding with the enterprise? If the zone is our soil in the same sense as Hawaii, then any treaty stipulations with any European country, preliminary to the construction of a canal, were a superfluity. But the analogy of New York, or Pearl Harbor, does not hold good. Our rights at Panama, so far as they relate to the canal, as well as our obligations, are largely treaty rights, and the terms of the treaties must determine the extent, and character of these rights. Not only is there no loss of national dignity, in an invitation to the nations to join with us in a compelling treaty of neutralization, but this action on our part would give incomparable impetus to the movement for universal peace. Such a treaty would surround the gigantic work at Panama, with the benefits of a world-compelling sanction.

Think of such a consummation, secured without money, and without price. Extend to the great powers an invitation to aid us in this practical fashion, to secure the canal against the possibilities of harm, and immediately there will ensue a universal realization, that after all, the blessings of peace, which are now sought through the costly way of military preparations, may be secured by the preferable way of mutual compact, thus avoiding not only war, but war's alarms. It is the disposition to stand on national dignity, when that dignity is not involved; it is the willingness to hearken to the suggestions of a false pride, which hinders the progress of universal peace. On all hands it is admitted that international cooperation will afford a permanent and effective neutralization of the canal, but pride whispers in our ear that we should reject neutralization without cost, in favor of a policy that will afford less positive and definite results, though involving the expenditure of millions that could be utilized in far more helpful enterprises of national progress and uplift. Away with this costly and burdensome alternative, product of a diseased vanity. Sink deeper than ever plummet sounded the suggestion that we will lose dignity, prestige, or standing, by neutralizing the canal through the friendly cooperation of the other powers. As well contend that no friendly compact of practical neutralization should have been arranged with Great Britain, for the Great Lakes, but that we ought to protect our side of the line against hostile incursions, by bristling fortifications at every lake port, and frowning fortresses crowning every eminence on the long frontier between Canada and this country. I am unable to perceive that the Hay treaty affords this country the authority necessary to construct fortifications at the terminals, and along the course of the canal, and thereby arrange to make effectual a blockade which, in terms, the treaty forbids.

But conceding that we possess this right, a wise policy indicates that it should be waived in favor of neutralization. Unless we abrogate the Hay treaty, and repudiate the terms upon which the compact was secured, this country enjoys no exclusive right to the use of the canal, even in time of war. I freely agree that the United States is financially able to establish, and maintain any fortifications that the military experts may recommend. Our resources are practically inexhaustible, but this fact furnishes no reason why we should enter upon a scheme of fantastic and useless expenditures. Men who know the war game, men like Admiral Evans, and Gen. KEIFER, and many others, are agreed that fortifications at Panama will weaken our line of defense. Unless the garrisons are maintained on a war footing, they will be captured before relief arrives, in the event of an unexpected declaration of war. If they are continuously maintained on such a footing, the prime cost of the fortifications, added to this cost of maintenance, may well give us pause. It is the opinion of competent military men that the physical character and climatic conditions of the country of the zone, are such that terminal fortifications will defend the canal to little purpose against expeditionary forces landed in time of war and operating from the adjacent territory. The ends of the canal are well out in either ocean, so that a hostile fleet lying beyond the range of the forts, could attack our fleet as it emerged from the canal, and before it could form in line of battle. Hence in the result, it is our fleet that will protect the canal, and hinder the landing of expeditionary forces. Two ex-Secretaries of this Government, have declared against this scheme of fortification. Ex-Secretary of State Olney challenges the assertion, that the Hay treaty confers upon this country the right to fortify the canal, and propounds the trenchant inquiry: If the United States meant to secure in the Hay treaty, and Great Britain intended to concede, the absolute ownership, and control of the canal, with the consequent right to fortify the same, what was the occasion, or the reason, for this country to ask, and Great Britain to concede, the right to police the canal? True. The right to fortify and blockade, would include the lesser right to police the zone against lawlessness and disorder.

In a real sense, the United States is a trustee of this international highway, under the treaty stipulations. Hence the significance of the provision that it shall have the police authority necessary to protect the canal, and its works, against sporadic lawlessness. This authority properly attaches to such ownership and control as are provided for in the treaty. But the larger duty to afford complete protection against hostile attack, is a joint obligation, lodged in the two contracting parties. Ex-Secretary of the Navy, John D. Long, holds that a naval force at either end of the canal, with a moderate garrison on shore, will be ample force to protect the canal against irresponsible depredators. In his opinion, extensive fortifications are unnecessary. But I will not undertake to discuss the military and strategic features of the proposition to establish formidable batteries, and maintain an extensive army at Panama. Fortunately this phase, as all other phases, for that matter, of this situation has been exhaustively discussed by the Member from Ohio, Gen. KEIFER, who brings the knowledge of a soldier, with the prescience of a statesman, to the elucidation of this problem. The admirable speech which he has printed in the RECORD, is a mine of information for all who seek light on this subject, and it will remain a monumental contribution to the debate on this great question. The arguments on military grounds, which he advances against the proposition to fortify the canal, are of so cogent and convincing a character, that I reproduce them in full in this connection:

> Barring all questions of the policy of neutralization of the Panama Canal, in the interest of and for the promotion of commerce, and universal peace among the nations, and putting aside all treaty obligations to neutralize it, or the Canal Zone, and regarding the canal only as to its value in time of war to which the United States is a party, and for strategic reasons alone, I believe that it is easy of demonstration that the United States should have its neutrality guaranteed by an international treaty, similar in terms and character to the Suez Canal treaty—1888—now in effect, embodied in the Hay-Pauncefote treaty.
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> If this Government was at war with a great maritime nation possessed of a superior army and navy, and otherwise strong enough to wage successfully an offensive war distant from its own shores, it would be a fearful misfortune to our country to have to maintain an army on the line of the Panama Canal and a navy in the waters of both oceans at its ends sufficiently strong to protect it from seizure and destruction.
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> If such a belligerent nation had a navy or fleet which we could whip on the sea with our Navy, we could find it in either ocean and destroy it. If it had one with which our Navy could not cope, then the enemy could soon blockade the canal and starve out and capture whatever army and navy, unless very large, we were unfortunate enough to have in the fortifications and at the terminals of the canal. Such a belligerent, with such a fleet, could soon, if necessary, pass around the Horn or through the—neutralized—Straits of Magellan, as did Capt. Clark with the *Oregon* during the late War with Spain in 1898; and the more, in such case, of our Army and war vessels we had sta-

tioned to protect the Panama Canal the weaker we would be for offensive or defensive work at more important places. If we should be at war with a weak naval power, a fortified canal would be of no possible strategic importance to us; and so if at war with a superior naval power the canal would not only be of no strategic importance, but a positive source of weakness to us.

If open, neutralized, never blockaded, and not fortified, as guaranteed by existing treaties, and the ships of war of a nation with which we were at war could pass through the canal unmolested, they would not do so until a base for coal, ammunition, and other absolutely necessary supplies were first established. Such a base would be impossible to find on the Atlantic or Pacific shores.

A war fleet on the ocean without an established base of supplies, unless near enough to its home base to keep up quick, certain, and regular communication by transports, would need no adverse fleet to destroy it. Such a fleet thus situated would be even worse off than an army on land campaigning without a base of supplies for food, forage, and ammunition in a country where they could not be found. Imagine Cervera's Spanish fleet leaving Spain in 1898 for America without a friendly harbor in which to take refuge and receive coal and other supplies. We heard much of Admiral Schley's troubles about not blockading Cervera's fleet for want of suitable or ample coal barges from which to coal the American Fleet.

Before our splendid Atlantic Fleet—16 ships—could start—1907—around the world we had to arrange for coal at foreign ports, and we expended for coal alone used on its voyage $2,984,900.41, at an extra cost of $1,619,843.32, the total expense of the entire voyage being $13,460,512.

The most serious objection to fortifying the Panama Canal, aside from the impracticability of it, is the fact that, in peace as well as war, the United States would have to keep an army and navy of substantial size and strength on the line and in the waters at the termini of the canal to defend it from attack should war suddenly break out. The example may be cited of Japan—February, 1904—seizing the harbors at Port Arthur and Chemulpo and capturing or destroying all the Russian vessels at Chemulpo, and capturing, destroying, or closely blockading Russia's warships and her best army, 25,000 effectives, then stationed at Port Arthur. Had these places been neutralized, or even abandoned, the Russian war vessels then in the Orient could have been in combined fleet at Vladivostok, or other place of comparative safety, from whence it could have operated effectively. As it was, the Russian naval power in the East was substantially destroyed or rendered inefficient the opening day of the war. And the subsequent attempt to hold and protect Port Arthur by Stoessel's Russian Army was equally unfortunate and fatal to success. The Russian strategists and critics, with those of other countries concurring, will never cease to attribute Russia's defeat to the mistake of trying to hold Port Arthur. They believe that if Stoessel's army could have been in concentration with the other Russian forces at the Yalu the Japanese never could have crossed it, and that the war would speedily have come to an end without the humiliation of Russia; that there would have been no destruction—1905—of the Russian fleet under Rojestvensky in the Japan Sea.

The sequel shows the supreme folly of the Russian's persistence, with one of its best armies and a remnant of its warships, in trying to hold Port Arthur until its other armies were beaten on several fields, and then finally losing Port Arthur and Stoessel's army with it in time for the Japanese army (Noga's) that captured it to join and take part in the final overthrow of the Russian main army at Mukden. And Russia's divided navy was annihilated as a natural consequence of such bad strategy.

In case our country should be at war our Army and Navy, to be effective, should be in concentration for offensive or defensive purposes against the enemy wherever he could be found—not engaged protecting a piece of property, however valuable.

Circumstances might possibly arise when, without fortifications, our Navy might be called on to protect the canal at the entrances or in the open sea, but then it would have the aid and cooperation of the powers which join in guaranteeing its neutralization.

With a large Army and Navy the canal might, at great peril elsewhere to the United States when engaged in war, be protected by the United States alone, but during such time no commerce could pass through it and no revenue would be derived from it, as a single warship of the enemy on either ocean could capture or prevent the entry or safe exit of any ships laden with commerce. Only batteries on high places near the entrances could blockade or defend the canal from injury by belligerent battleships. Possibly, only they could be erected and made available on one or more of the islands owned by the United States near its Pacific entrance. Battleships to protect the entrance would have to lay a good distance at sea, otherwise, at an inside-made harbor, from whence they could only move out one at a time, they could be shut in by an outside inferior fleet, aided, if necessary, by batteries on islands or the mainland not owned by the United States. Fortifications could be erected by an enemy on such islands or the mainland to command the channel entrances of the canal.

Indeed, the 5 miles limit of the Canal Zone on either side of the canal is, in this day of guns capable of accurately throwing shot 9 or more miles, far from being protective of it from batteries located on foreign territory. The Gatun, Pedro Miguel, and Miraflores locks could easily be put out of commission by guns located on heights not in the Canal Zone should the business of fortifying be entered upon. Panama, neither by its own—1903—nor by the New Granada treaty, is expressly forbidden to fortify on the line or adjacent shores of the canal; and judging by the past and present disturbed Central American conditions there is always danger of Panama becoming or being under the sovereignty of a country unfriendly to the United States.

All these dangers will be overcome by international neutralization and by the United States abiding strictly by the treaties. Authorized police regulations will amply protect the canal from the lawless and preserve order, and grim batteries on the shores at the entrances to it and at intervals along its line, with the most modern guns and armed men within them, will not dispense with such policing.

No ship would enter the canal to destroy it, even of a nation with which the United States was at war. Its own safety would be of first importance, and a nation would not desire to bring down upon it the guaranteeing powers while already engaged in war.

If a ship of any description entered the canal, pretending to acquiesce in its neutralization, but to do mischief, a thing hardly conceivable, it would not be entitled to protection if its purpose was discovered. Fortifications, however great, would not prevent a secret attempt by a ship or lawless band to injure the canal.

It has been suggested that a ship flying a flag of some country without right might enter the canal to dynamite its locks. This would mean its own destruction, and fortifications would be no protection against such, or like, deception. Again, I repeat, that only a ship of some nation has rights to be respected, and neutralization does not secure any rights save to those acting peaceably and in good faith. Guns need not be placed to fire on ships in the canal or in its locks.

All such dangers are, however, provided against, as the treaties expressly authorize the United States to "maintain such military force along the canal as may be necessary to protect it against the lawless."

Fortifications, batteries of great guns, at the entrances and on the line of the canal will be wholly useless for any purpose of its defense except to blockade it. Battleships will never enter it to attack or destroy it. They would be helpless there, unable to maneuver. They could not reach or injure the dams forming the lakes, and the destruction of the lakes or locks would be their own destruction. They will only enter to pass peaceably through the canal. So of all belligerent vessels. Fortifications can therefore only be of use to blockade the canal and could be otherwise of no practical use. Neutralization extends 3 marine miles beyond the canal ends, consequently a hostile fleet could not come within that limit without violating the treaties.

Admiral George Dewey, who is possessed of great knowledge and much experience, whose great success at Manila, May 1, 1898, resulted practically in overthrowing and destroying the Spanish fleet the first day of the Spanish War, when asked to approve the proposed fortifications and armament on the Panama Canal, is reported to have said:

"Fortifications? Why, of course not. As I understand it the canal is to be and should be a neutral commercial pathway between the two great oceans. To fortify it would simply result in making it a battle ground in case of war. Fortifications would be enormously expensive and ought not to be erected."

This summary of Admiral Dewey states well the extreme danger in time of war of having to employ forces in distant parts to protect property. The scattered fleets of Spain, when war came in 1898, afforded another striking example of bad strategy.

The fact that Spain tried to defend the far-off Philippines resulted in the same prompt discomfiture that befell Russia at the opening of the war with Japan.

Unless large forces, both Army and Navy, were constantly maintained on and adjacent to the Panama Canal, however fortified, a similar disaster would, if war came, most likely befall the United States.

To thus maintain an army and navy would be at great annual cost of treasure and of life. It would require the material increase of both our Army and Navy, now generally regarded as too small.

The report of the Panama fortification board, January 4, 1911, unless carefully examined, might be misleading as to the necessary cost of fortifications, though not as to their purpose. Their principal purpose is clearly stated to be the blockade of the canal against all comers; they are, in large part, described as "seacoast defenses for the termini of the canal * * * seacoast fortifications." The report also recommends naval stations and their equipment, including dry docks, searchlights, fire control, and so forth, at the termini, and whatever else is incident thereto.

It may be said that such war preparations do not mean blockade only as necessity arises; that there might be neutralization still. Their erection will be an act of war forbidden by all treaties, and they mean blockade of the canal, likewise forbidden, in war or peace, by the treaties.

The preliminary initial estimate in the board's report, as originally made, was $19,546,843, but it is cut for the present, under instructions, to $12,475,328, not including anything for "the cost of construction for naval purposes" nor for the Navy, the necessary "naval establishments," nor for the naval equipment, emplacements, armament, and forces to occupy them recommended by the board. Important points at both termini deemed necessary by the board for sufficient fortifications are also excluded from the present estimate, and only 12 companies of Coast Artillery, 4 regiments of Infantry, 1 battalion of Field Artillery, and 1 squadron of Cavalry—ordinarily, as now recruited, about 5,000 effective men; no naval forces—are estimated for as "an army garrison to be maintained on the Canal Zone in time of peace." This would be an average of about 100 men to the mile—not a respectable police force. Stoessel was shut up and finally captured in 1905 by Japan at Port Arthur with an army garrison strongly fortified, stationed in time of peace, of 25,000 men. To fortify and garrison a zone thus feebly 50 miles in length would only invite prompt capture by an enemy if war broke out.

If the canal is to be fortified and blockaded, it should be done with such ample works, armament and garrisons, naval stations and forces, and vessels of war as would defy the greatest naval power. There dare not be fortifications with garrisons and naval stations and navy only sufficient in time of peace.

If the United States assumes, as to the canal, an attitude of war, it must always there keep on a war footing, otherwise it would be seized before the defenses could be enlarged or reenforced. This would only be modern experience. Wars break out suddenly now, differing from earlier times. If fortifications, naval stations, and so forth, are to be established on the canal they should be adequate and kept ready at all times for strong war.

An estimate to cover the original cost for ample fortifications, armament, garrisons, permanent camps and barracks, naval stations, dry docks, searchlights and fire control, marines, purchase of sites, ships to be constantly at the stations, and so forth, of $100,000,000 will prove far too low; likewise, an estimate for their annual maintenance, including sanitation, of $10,000,000 is too low.

In my estimates I include nothing in the way of military and naval construction not recommended by the Fortification Board; and I have omitted from them the cost of positions outside of the Canal Zone on the mainland and islands, which the board seem to regard as important.

There seems to be a well-grounded belief among our high military officers that the fortifications on our main, or continental coasts, and our small Regular Army and Navy are far from adequate for our protection in the event of war, and that many millions of dollars should be promptly spent to put our country in only scant preparedness for war. If this is true, then it alone furnishes a most important reason why we should not fortify the Panama Canal if it can otherwise be protected.

Our continental coast line, excluding bays and inlets and the Alaskan coast, is above 32,000 miles in length, one and a third times the circumference of the earth at the Equator.

An army constantly kept on the Isthmus would be subject to the ravages of disease common to it, unless the sanitation now maintained thereon at an annual cost aside from administration of about $2,000,000 was kept up. But for such sanitation the canal would not be built, as the Chagres River-Isthmus region is naturally the most deadly one from disease, yellow fever and the like, in all the world, as its history for above 400 years proves. It is not proposed to maintain such general sanitation beyond the time of its completion.

Our Army and Navy, to meet the new and additional requirements resulting from the United States having constantly to protect the Panama

Canal, would have to be increased from their present inadequate strength at least 25 per cent before there would be any well-grounded security in case of a sudden outbreak of war. The strength of the Regular Army on October 15, 1910, was 4,310 officers and 67,459 enlisted men. The cost of creating such increases and the necessary additional cost of maintaining continuously a considerable number of soldiers, sailors, and marines on the canal and its adjacent waters would be comparatively very great, as all their wants would have to be supplied from long distances; in time of war convoyed to them.

This country should hesitate long before taking upon it such an additional and oppressive burden at a time when there is little or no room to doubt that existing international treaties completely guarantee the neutralization of the canal, and also when a more general international treaty, easily negotiated, will effectually and perpetually protect it in a state of neutralization without special expense to the United States and by which it will forever, irrespective of the events of war, have its title thereto guaranteed, with all the revenues receivable therefrom.

The foregoing are only some of the principal reasons why, for strategic purposes in time of war to which the United States is a party, it should on every consideration of interest rejoice over the neutralization of the Panama Canal.

The tendency of this age is toward the neutralization of waterways and of countries, in the interest of peace. The Black Sea, a large portion of the Danube, the Bosphorus, the Dardanelles, the Straits of Magellan, Switzerland, Belgium, Norway, the Rio Grande, and many other rivers, all have been neutralized by effective treaties. For over 75 years, the Rush-Bagot arrangement has been in operation, neutralizing, to all intent, the Great Lakes and the St. Lawrence River.

The neutralization of our great waterway through international agreement, will be a majestic contribution to the cause of universal peace. There is but one country that can take the initiative in this matter. That country is the United States. This is the day of our opportunity, if we would go forward as peacemakers. Prudence, sound policy, and material interest alike counsel us to extend an invitation to the powers of the world, to participate in a conference to neutralize the canal. Such a step will be the inevitable beginning of universal neutralization, a consummation most devoutly to be wished. The construction of the Panama Canal is the crowning achievement of an age of material wonders. Wonderful indeed have been the triumphs of the Anglo-Saxon people over the physical world.

We have tunneled the heart of darkness, we have traveled the upper air,
For who shall write in the book of man, this thing thou shalt not dare?
So we of the race of dominance, lords of hand, and of brain,
Have wielded the staff of Moses, and cloven the land in twain.

The races of men will mingle, when the seas of the earth are wed,
The ships of a hundred nations, the path of the sun will thread,
And the golden galleys of commerce, borne by the winds of fate,
Will cast their magnificent anchors, hard by the Golden Gate.

[Loud applause.]

Mr. SHERLEY. Mr. Chairman, it is a curious fact that in all the discussions relative to the fortification of the Panama Canal—a subject that has been acute not only in the minds of the American people, but of the world for the past few months—no voices have been raised, save those of Americans, to deny the power of this country to fortify and protect the Panama Canal.

Is it not a very curious fact, if the position of these gentlemen be correct, that England should remain silent now for eight years after an express declaration on the part of America that we propose to fortify the canal? Is it not a curious fact that in the year 1903 the treaty made with Panama, by which we acquired the sovereignty which enables us to build the canal, carried expressly a provision stating that we had the right to fortify the canal?

If that was in contravention of the Hay-Pauncefote treaty, then was the time for England to declare her opposition and to let this country know that in her opinion she would consider an attempt at fortification on our part a violation of the treaty. But nothing has occurred on the part of the other contracting party to indicate that she considers that we are violating her rights. When we passed the Spooner Act no protest came from England to declare that that act was in contravention of the treaty; and yet if it be true that the treaty denied the power to fortify, the fact that that act expressly instructed the President not only to build but to make provision for the defense of the canal made it a violation of that treaty.

But, gentlemen, how absurd in the light of the history that surrounds the building of the great American canal this contention must seem! We entered into a treaty in 1850 with England, known as the Clayton-Bulwer treaty, and I state that that treaty had more to do with the delaying of the building of the Panama Canal than any other single thing. Shortly after it was entered into American statesmen realized, because of the geographical condition of this country and the development of the great West of America, that we could not afford to have a canal across the Isthmus which was not an American canal, controlled by Americans, policed by Americans, and, if need be, defended by Americans.

And so it was that negotiations were begun and continued for years to get away from the binding effect of that treaty, and Mr. Blaine, in one of his papers to the British Government, called attention to the various reasons why this country could not rest content to leave that treaty in existence without limit of time; that conditions had so changed as to make it essential that America should be free to build and defend her own canal. And when, after years of such negotiation, a treaty was submitted by President Roosevelt that left some doubt on this question, it was rejected by the Senate of the United States, and another treaty was found to be necessary, and as a result we have the treaty of November, 1901.

Is it not a curious fact that in that treaty not only is the first article a repeal of the Clayton-Bulwer treaty, but the statement that the contracting parties shall be the guarantors of the neutrality of the canal that was in the first Hay-Pauncefote treaty is omitted, and it is provided that the United States itself shall guarantee that neutrality?

Mr. KEIFER. Will the gentleman please indicate that clause? I am perfectly certain there is no such clause in the treaty at all.

Mr. SHERLEY. The gentleman should not be so sure about it.

Mr. KEIFER. If the gentleman will read it, he will find that it relates to the adoption of the neutralization provided for under the Clayton-Bulwer treaty.

Mr. SHERLEY. It does relate to the adoption of a basis of neutralization, but this fact is to be borne in mind, that the treaty prior to that in dealing with the same subject of the adoption of rules of neutralization declared that the high contracting parties adopted, and so forth. Why, then, in this treaty the unusual language that the United States adopts, and so forth? If there was meant to be no difference, if the same idea was to be conveyed, why bring into the matter a question of doubt? Why change the usual language in diplomatic agreements and bring in an unusual term?

Mr. KEIFER. It was in the preamble.

Mr. SHERLEY. I do not know what the gentleman means, but what I have stated I hope is plain to the committee.

Now, Mr. Chairman, I do not want to take the very brief time allotted to me in a statement as to our right to fortify.

To my mind, no man can approach that question with an open mind and read all of the treaties relating to it and come to any other conclusion, particularly in view of the silence of the nations that might have a right to protest. I say again that it is curious that some of us here should be the only ones to find a violation of treaty obligations.

But assuming that we have the right to fortify, I want to discuss somewhat briefly the reasons why we should fortify. I shall never willingly consent to the proposition that, having spent $400,000,000 to create this canal joining the two oceans, a canal that was built largely because of what we believed was a military necessity, for it remains yet to be determined whether economically we have been justified in this vast expenditure of money—I say I shall never agree after having expended that amount of money to leave that canal open in a time of war to our enemy upon the same conditions as we could use it ourselves. Such a proposition seems to me almost idiotic. Neutrality when we are at war, for that is what you have to consider, presents one of two propositions: Either the canal must be closed to both the United States and its enemy, or open to both during the war. In either event we give our enemy everything and get nothing. It has been repeatedly stated that the justification of the canal was that it made our fleet twice as effective; that it enabled it if in the Atlantic to go through into the Pacific, and if in the Pacific to go through into the Atlantic; and yet, if this canal is to be neutralized in the sense in which these gentlemen mean it, in case of war with Germany and our fleet happened to be on the Pacific, we could not use the canal, or if we could use it Germany could use it also. If we had war with Japan and our fleet was in the Atlantic, the same thing would be true. In other words, we destroy the material advantage we should have from building the canal.

Mr. TAWNEY. Will the gentleman yield for an interruption?

Mr. SHERLEY. I will.

Mr. TAWNEY. I assume that the gentleman is familiar with the debates, especially in the Senate, where the matter was debated at great length as to whether we should authorize the construction of the canal. Has the gentleman been able to find, or can he point to but one sentence in that debate, uttered by Senator Hanna, to the effect that we would authorize or propose to authorize the canal as a military asset or for military purposes?

Mr. SHERLEY. I am not familiar enough with the debates to tell the gentleman. Even assuming that the gentleman's statement is correct, it would not necessarily determine any-

thing. Why, if we had to determine what laws meant by what is said on this floor as to what they mean, Lord have mercy upon us and the administration of justice! There are enough opinions given every day on every bill that comes up here to substantiate any contention.

But I go back to the proposition as to what is our duty as a Nation looking forward to the events of the future. Neutrality is a beautiful dream, but neutrality has never yet stayed the hand of a nation that felt its national life imperiled. I would like to see possible the Utopian dream of these gentlemen when men shall cease to go to war, and when everything shall be decided in a great international court of justice, but that day is far, very far away. We are told of the neutrality of the Suez Canal. Prior to the adoption of the convention of 1888 did England observe the neutrality of the Suez Canal when she went to war?

Mr. KEIFER. Yes.

Mr. SHERLEY. By no means. She seized part of the canal and made it the base of her operations. That was her conception of neutrality when she felt the necessity of the moment. Not only that, but she has never yet agreed in so many terms, and within recent years has through a high official denied, that she had fully given her consent and was bound by the terms of the Suez agreement.

I say to you another thing—that if she did, the conditions are in no sense similar to those in America. The Suez is her route to India and to Australia, yet the route around the Cape of Good Hope is not much greater than it is through the canal. The Panama Canal is our route to the Pacific, but it is infinitely shorter than the route around South America. Not only is that true, but England has always depended for her supremacy on the navy—on the fact that she maintains a navy equal to the strength of any two other nations. She looks to that to protect her rights and she looks to Gibraltar and to the fortifications that she has put right at the mouth, so to speak, of the Suez to enable her to maintain her position. But let us take up another contingency. Suppose Suez was captured or taken by an enemy of England. It would in no sense imperil her safety, but if Panama falls into the hands of an enemy of America the situation is entirely different. The cases are in no sense parallel. But we hear much of the neutralization of certain countries. Men speak of Switzerland, and yet Switzerland maintains an army of extreme effectiveness in order to make certain that neutrality. They talk of the neutrality of Belgium, and yet when the Franco-Prussian War came on it was the marching of the Belgian soldiers along the frontier that preserved her neutrality to her. I am not willing to leave what I believe to be practically a coastline of America to the uncertainties of the observance of treaty obligations, even though all the nations of the earth enter into them.

Mr. KEIFER. Will the gentleman yield?

Mr. SHERLEY. Yes; for a question.

Mr. KEIFER. I wanted to know the date of the time the gentleman says England seized the Suez Canal.

Mr. SHERLEY. I can find it in a moment, but the gentleman can hardly expect me to go through papers now. I will give it to him personally in a few moments. Let me suggest another thought to the members of this committee. What happens in the case of the violation of neutrality? Who is to do the punishing? Where is the great international force that shall guarantee the observance of international agreements? Suppose we have a war with a foreign country, do you suppose all the other nations of the earth are going to be on our side? No; the moral support of a number of them will be with our opponents. Do you suppose that in case of violation of neutrality by our opponent that those whose sympathies or whose interests lie with our opponent are going to come in and punish? Gentlemen should remember that the Panama Canal is American property, a natural place for an enemy to seek to seize, and he can well risk the uncertain and future punishment of neutrals whose interests are not involved for the great advantage he would have in striking almost a deathblow at his enemy. If we want to make certain the neutrality of this Isthmus we must do it by our own power, by our own force. [Applause.]

Mr. SAUNDERS. Will the gentleman from Ohio give me about 10 seconds?

Mr. KEIFER. Certainly.

Mr. SAUNDERS. My friend from Tennessee asked a question, and I desire now to give him the information in order to have it go in the RECORD. In December, 1849, the President instructed Mr. Foote, then our minister to New Granada, to urge upon that Government to take measures to negotiate a treaty with Great Britain to secure a guaranty of neutrality for the Isthmus of Panama.

Mr. KEIFER. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. CLINE].

Mr. CLINE. Mr. Chairman, I am somewhat surprised at the statement of the gentleman from Kentucky, whom I have always regarded as absolutely correct when he discusses a proposition. I am surprised at the statement that he makes that this canal was constructed primarily as a military basis of operations. Why, Mr. Chairman, for more than 75 years every message that was sent to Congress by the Presidents of the United States dealt with this question purely upon a commercial basis. The gentleman talks about this canal being a matter of strategic importance as a military point and was chiefly built for that purpose. I want to call his attention and the attention of this committee to the fact that after we had the War with Spain, after we had sent the *Oregon* around the Horn in 1898, two years after that, President McKinley sent a message to Congress, and with it a treaty, asking that this canal, when built, should not be fortified, should never be blockaded, but should be open in time of war and in time of peace to all nations and to all flags.

Mr. TAWNEY. If the gentleman will permit me, President Roosevelt, subsequent to the recommendation of President McKinley when sending the first Hay-Pauncefote treaty to the Senate, made the same recommendation.

Mr. CLINE. He did the same thing, Mr. Chairman, and I call attention to the message of President Roosevelt in 1904, in which he reiterated the same proposition. Talk about the neutrality of the Suez Canal! Why, Mr. Chairman, the Suez Canal has always been on a basis of absolute neutrality; and in 1887, when Russia intimated that she would blockade that canal, which never has been blockaded and has always been open to the trade of every nation on the globe, England submitted to Russia that she would consider any attempt to blockade it as an interference with her interests in India, and as a result of that the six great nations of Europe met at Constantinople in 1888 and signed an agreement whereby they were to maintain the canal absolutely on the basis of neutrality——

Mr. SHERLEY. Will the gentleman yield?

Mr. CLINE. No; I can not yield.

Mr. SHERLEY. Has England ever signed that agreement?

Mr. CLINE. I can not yield. Absolutely on a basis of neutrality. I want to call the gentleman's attention to another proposition, viz, that we never have negotiated a treaty with South America and never negotiated a treaty with England or with any other power with reference to a transcontinental route over the Isthmus, but what we urged as the very basis of that treaty the absolute neutrality of the canal. Now, I want to call attention to another fact which seems to me to be important. When the treaty of 1901 was before the Senate it contained, which were afterwards adopted, these provisions:

The canal shall be free and open to the vessels of commerce; that it never should be blockaded; that vessels of war of belligerents shall not revictual nor take any stores in the canal except so far as may be strictly necessary; that no belligerents shall embark or disembark troops; that the provisions of this article shall apply to waters adjacent to the canal, within 3 marine miles of either end. It contains all the elements of neutrality. Now it happened at that time Mr. CULBERSON of Texas offered this resolution:

> It is agreed, however, that none of the immediately foregoing conditions and stipulations in sections Nos. 1, 2, 3, 4, and 5 of this article shall apply to measures which the United States may find it necessary to take for securing by its own forces the defense of the United States and the maintenance of public order.

What did the Senate of the United States do with that proposition? It voted it down by a vote of 44 to 26. Does that look as though they wanted to constitute the canal a strategic point in times of war and fortify it? Another proposition that was made there was made by Mr. TILLMAN, that we should strike out the provision for the neutrality of that canal based upon the provisions of the Constantinople agreement.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. CLINE] has expired.

Mr. KEIFER. I yield two minutes more to the gentleman.

Mr. CLINE. Mr. TILLMAN offered a proposition that we should strike out the very basis of this neutralization that was found in the Constantinople agreement. And the Senate of the United States refused by a vote of 65 to 15 to do that. Then come back and tell me that we reserved in that treaty the right to fortify? Why did not the United States say so in the treaty if it proposed to reserve the right to fortify? That is the proposition. Why did it not do so in that treaty? I call the attention of the committee to the fact that the Congress of the United States in adopting that treaty knew that the agreement was that England had conceded to us the right simply to protect

the canal against lawlessness and disorder by policing it; and not to fortify.

And another fact, England refused to ratify that treaty, and the correspondence is here, until the United States should make as the basis of it the provisions for neutrality as embodied in the Constantinople convention.

Mr. Chairman, I ask unanimous consent that I may extend my remarks in the RECORD.

Mr. HUGHES of New Jersey. Is the Constantinople convention the one that dealt with the Suez Canal?

Mr. CLINE. Yes, sir.

Mr. KEIFER. How much time have I remaining, Mr. Chairman?

The CHAIRMAN. Eighteen minutes.

Mr. TAWNEY. Mr. Chairman, before he left the floor I asked the gentleman from Iowa [Mr. SMITH] if it was satisfactory to him if at 7 o'clock, inasmuch as it was due to the Members who have remained here and have not yet had an opportunity to get anything to eat, to take a recess until 8 o'clock. Members have gone away with the idea and understanding, which was, in fact, made upon the floor of the House, that this debate would continue until half past 7 o'clock, and that the debate under the five-minute rule would not commence until then. So it would not be fair for us to go on and conclude the consideration of this matter now.

Mr. HINSHAW. Some of us have stayed here for two hours now, expecting to vote.

Mr. TAWNEY. I suggest we take a recess until 8 o'clock.

Mr. JOHNSON of Kentucky. I object to that. I have stayed here all the time without knowing anything about that arrangement.

Mr. HUGHES of New Jersey. Mr. Chairman, reserving the right to object to the unanimous consent reserved by the gentleman, I would like to know if there are any gentlemen who desire to be heard further?

Mr. TAWNEY. The gentleman from Iowa [Mr. SMITH] has consumed all of his time except 5 minutes, and he said there was no demand for it, and the gentleman from Ohio [Mr. KEIFER] has consumed all of his time except 18 minutes.

Mr. SHERLEY. I think he reserved the five minutes himself, in the event that he might want to close the debate.

Mr. TAWNEY. I will say that he reserved that for himself. Let us take a recess, say, until 7 o'clock and 30 minutes, then. I have not had anything to eat since breakfast. At the suggestion of gentlemen around me, I move that we take a recess until 7.40 p. m.

The CHAIRMAN. The Chair would suggest to the gentleman that the committee will have to rise before taking a recess.

Mr. TAWNEY. Mr. Chairman, I then move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BENNET of New York having assumed the chair as Speaker pro tempore, Mr. MANN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the sundry civil appropriation bill and had come to no resolution thereon.

Mr. TAWNEY. Mr. Speaker, I move that the House take a recess until 7.40 p. m.

Mr. HINSHAW. Mr. Speaker, what is the regular order?

The SPEAKER pro tempore. The regular order is anything the House may bring before it.

Mr. HINSHAW. I am in favor, Mr. Speaker, of the regular order. I want the House to go ahead and read this bill. Some of us have stayed here two hours, now, expecting this vote, and I am not going to stay here for it until the time mentioned, and I think some others are of the same opinion, if you are going to take a recess.

The SPEAKER pro tempore. The gentleman from Nebraska [Mr. HINSHAW] demands the regular order, which is equivalent to an objection.

Mr. TAWNEY. What is the regular order?

Mr. BUTLER. To go back into committee.

Mr. TAWNEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 32909, the sundry civil appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 32909, the sundry civil appropriation bill, with Mr. MANN in the chair.

Mr. SIMS. Mr. Chairman, this is too important a debate to be carried on before empty desks. If we are going to stay here and debate, I do not see why the Members should not be here.

Mr. SHERLEY. I suggest to the gentleman that he make his point; let him go ahead and make it.

Mr. SIMS. Very well. Mr. Chairman, I make the point of no quorum.

The CHAIRMAN (after counting). Fifty-seven gentlemen are present—not a quorum. The Clerk will call the roll.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Adair	Ellerbe	Knapp	Plumley
Aiken	Ellis	Knowland	Poindexter
Alexander, Mo.	Elvins	Korbly	Pou
Alexander, N. Y.	Englebright	Kiestermann	Pratt
Ames	Estopinal	Lafean	Prince
Anderson	Fassett	Langley	Pujo
Andrus	Ferris	Latta	Rainey
Ansberry	Fish	Law	Randell, Tex.
Anthony	Focht	Lawrence	Ransdell, La.
Ashbrook	Foelker	Legare	Rauch
Barchfeld	Fordney	Lever	Reid
Barclay	Foss	Lindsay	Rhinock
Barnard	Foster, Vt.	Lively	Richardson
Barnhart	Fowler	Livingston	Riordan
Bartholdt	Fuller	Lloyd	Roberts
Bartlett, Ga.	Gaines	Longworth	Rodenberg
Bates	Gallagher	Loud	Rothermel
Bennett, Ky.	Gardner, Mass.	Loudenslager	Rucker, Colo.
Bingham	Gardner, Mich.	Lowden	Rucker, Mo.
Boehne	Gardner, N. J.	Lundin	Sabath
Boutell	Garner, Pa.	McCall	Saunders
Bowers	Gill, Md.	McCreary	Scott
Bradley	Gill, Mo.	McCredie	Sharp
Broussard	Gillespie	McDermott	Sheffield
Burke, Pa.	Gillett	McGuire, Okla.	Sherley
Burke, S. Dak.	Glass	McHenry	Simmons
Burleigh	Goebel	McKinlay, Cal.	Sisson
Burleson	Goldfogle	McKinley, Ill.	Slayden
Byrd	Gordon	McKinney	Slemp
Byrns	Graff	McLachlan, Cal.	Small
Calder	Greene	McMorran	Smith, Cal.
Calderhead	Gregg	Madison	Smith, Mich.
Campbell	Griest	Malby	Smith, Tex
Capron	Guernsey	Martin, Colo.	Snapp
Carter	Hamer	Martin, S. Dak.	Southwick
Cassidy	Hamilton	Maynard	Sperry
Clark, Fla.	Hammond	Miller, Minn.	Stafford
Clark, Mo.	Hardy	Millington	Stanley
Cline	Harrison	Mondell	Steenerson
Cocks, N. Y.	Havens	Moon, Pa.	Stevens, Minn.
Cole	Hay	Moon, Tenn.	Sulzer
Cooper, Pa.	Hayes	Moore, Tex.	Swasey
Coudrey	Heald	Morehead	Talbott
Covington	Heflin	Morgan, Mo.	Taylor, Ala.
Cox, Ohio	Henry, Conn.	Morgan, Okla.	Taylor, Colo.
Cravens	Henry, Tex.	Morrison	Taylor, Ohio
Creager	Higgins	Morse	Thomas, Ky.
Crow	Hill	Moss	Thomas, N. C.
Crumpacker	Hitchcock	Moxley	Tilson
Currier	Howard	Mudd	Tou Velle
Dalzell	Howell, N. J.	Murdock	Townsend
Davidson	Howell, Utah	Murphy	Volstead
Davis	Hubbard, Iowa	Needham	Vreeland
Dawson	Hubbard, W. Va.	Nelson	Wallace
Denby	Huff	O'Connell	Washburn
Denver	Hughes, Ga.	Olcott	Webb
Dickinson	Hughes, W. Va.	Olmsted	Weeks
Dickson, Miss.	Hull, Iowa	Padgett	Weisse
Dies	Humphrey, Wash.	Page	Wheeler
Dodds	James	Palmer, A. M.	Wiley
Douglas	Johnson, Ohio	Palmer, H. W.	Willett
Draper	Jones	Parker	Wilson, Ill.
Driscoll, D. A.	Joyce	Parsons	Wood, N. J.
Dupre	Kahn	Patterson	Woodyard
Durey	Kelliher	Payne	Young, Mich.
Dwight	Kennedy, Iowa	Pearre	Young, N. Y.
Edwards, Ky.	Kinkead, N. J.	Peters	

Under the rule the committee rose; and Mr. BENNET of New York having taken the chair as Speaker pro tempore, Mr. MANN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the sundry civil bill and, finding itself without a quorum, the Chairman, under the rule, instructed the Clerk to call the roll, and he returned herewith a list of the absentees.

The SPEAKER pro tempore. One hundred and eight Members are present—a quorum—and the committee will resume its sitting.

Mr. MILLER of Kansas. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MILLER of Kansas. The two hours for general debate having expired, would it be in order to ask for the reading of the bill under the five-minute rule?

The CHAIRMAN. The time for general debate has not expired.

Mr. KENDALL. Mr. Chairman, the time for general debate expired at 7.20.

The CHAIRMAN. The gentleman is mistaken; it did not.

Mr. KENDALL. Does the Chair have any disinclination to advise the House when it will expire?

The CHAIRMAN. It will expire after two hours of general debate.

Mr. GOULDEN. Mr. Chairman, the matter of protecting the valuable property of the country—when finished $400,000,000 will have been expended—is of grave importance to the Nation.

I realize that an honest difference may exist as to the propriety of fortifying the Isthmian Canal.

Having had the satisfaction of visiting this great enterprise and investigating the matter as fully as my limited time would permit, I am convinced that the Committee on Appropriations acted wisely in making this provision, so as to permit the inauguration of the proper fortifications.

I am heartily in favor of the plan to fortify the canal. It is too great a risk to trust to peaceful measures. Treaties and neutralization are all right, but in case of war I had rather trust to proper fortifications and a well-disciplined and fully equipped Army and Navy.

The other day we discussed the urgency of adding 430 officers to the Regular Army. This was intended to supply the National Guard of the States, the mainstay of the Nation in time of domestic trouble or foreign invasion. The false spirit of economy in vogue in this Congress caused that necessary addition to be cut down to 230. Prudence would have justified an increase instead of a decrease, and I trust that the body at the other end of the Capitol will at least restore the number to 430.

I have great faith in the National Guard, the nucleus of grand volunteer armies, upon which the country must rely in case of war, of which, thank God, no cloud is visible anywhere. The views of that distinguished engineer in charge of the Isthmian Canal, Col. Goethals, whom we had the satisfaction of hearing in this Chamber last week, confirms me in my conviction that fortifications should be started at once and completed as early as practicable.

It will afford me special pleasure to vote for the appropriation of $3,000,000 recommended by the Appropriations Committee in this bill. [Applause.]

Mr. SMITH of Iowa. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. If the Chair is correct, the gentleman has 5 minutes and the gentleman from Ohio has 18 minutes remaining.

Mr. KEIFER. Mr. Chairman, I am not going, as I indicated in the first place, to make any systematic answer to the various things that have been stated here. I only wish now to call attention to some mistakes that have been made by gentlemen who have preceded me. The gentleman from Kentucky [Mr. SHERLEY] finds, on looking at his memorandum, that the incident in which he says England seized the Suez Canal and violated the treaty at one time was in 1878, just 10 years before the treaty was formed. [Applause.]

England did do certain things at that time in violation of some things that the Khedive of Egypt, under the Sultan of Turkey, was trying to maintain which was thought not to be honorable; but it was out of this and for the purpose of preventing that very thing from ever occurring again that the great nations of Europe, consisting of Russia, Turkey, Germany, Austria-Hungary, Italy, the Netherlands, Spain, France, and England, entered into the Suez Canal treaty, and it has never been violated from that day to this. According to my inquiry, not a single dollar has ever been expended looking to the fortification of the Suez Canal in any way. No fortifications have been built or exist for its blockade or defense.

Mr. SMITH of Iowa. Does the gentleman claim that the treaty of Constantinople has ever gone into effect by its terms?

Mr. KEIFER. Absolutely; and the United States in June, 1898, appealed to Great Britain, that controlled it largely, to know whether under the terms of it we might send a fleet through the canal without interruption, and it was said that we could, and Spain, with whom we were then at war, assented to it. [Applause.] I put the correspondence between the State Department and the English authorities in my speech here of May 17, 1910.

Mr. KOPP. Will the gentleman yield?

Mr. KEIFER. Certainly.

Mr. KOPP. In the case of the Suez Canal, would it ever have been practicable to operate the canal except by international treaty?

Mr. KEIFER. With or without an international treaty in time of peace. I suspect that the gentleman has in his mind the proposition that international treaties are only made for peace and not for war, but the rule is that they are made for war and never for peace. Neutralization for peace! That is the most absurd suggestion that was ever made. Neutralization is to prevent war involving certain property or territory when war exists. But for war there would and could be no such thing as neutralization. No nation can alone neutralize its own possessions. It requires an international treaty to guarantee neutralization and to make it effective. International treaties neutralizing a great common-carrier public highway like the Panama Canal is designed to be, in which all the nations of the world have a common interest, never have been and never will be disregarded. Such treaties are wholly different from treaties between two nations or treaties merely to neutralize a territory or country solely for the benefit of its inhabitants. The latter treaties may sometimes be broken, the former never are.

I might say about this document the gentleman from Iowa [Mr. SMITH] read from, that if he will look at the title he will find it was prepared by somebody advocating, doubtless, the ratification of the treaty of November, 1901, regardless of what its stipulations were, not by John Hay, who had negotiated it for the United States, but the document was prepared with reference to the operation of the Clayton-Bulwer treaty, and the only thing John Hay had to do with it was to send it up to the Senate, where they disregarded it all the way through. He knew the treaty spoke for itself and was plain and easy of construction.

Mr. DIEKEMA. Mr. Chairman, the gentleman from Iowa [Mr. SMITH] makes the positive statement that this communication was sent by Mr. Hay.

Mr. KEIFER. That is true.

Mr. DIEKEMA. And the gentleman from Ohio denies it. What reason has he for denying that this is the authentic statement made that Mr. Hay sent it to the Senate?

Mr. KEIFER. I say he stated the truth if he stated it in that way, and that is exactly what the paper says. There is some fine print in brackets here, under the heading on page 2, which reads:

Prepared in the Department of State and sent by Mr. Hay to the Senate Committee on Foreign Relations.

Mr. KENDALL. Did it not go there with his authority?

Mr. KEIFER. Oh, the gentleman is making a discussion about it. Why did he not prepare it? Because he concurred in what President Roosevelt said, that the treaty carried with it all the neutralization policies that had been maintained in this country for 50 years, and as embodied in the Clayton-Bulwer treaty; and that is the reason he did not prepare any such stuff as that. But they say the Clayton-Bulwer treaty was superseded, both the gentleman from Iowa and the gentleman from Kentucky, and they talk as though they believed that. In the proclamation the President of the United States, Mr. Roosevelt, says that the Clayton-Bulwer treaty was set aside.

Without impairing the general principles of neutralization established in Article VIII of that convention.

The preamble to this Hay-Pauncefote treaty recites that it is made to remove all objection to the construction by the United States of a canal that may arise out of the terms of the Clayton-Bulwer treaty—

Without impairing the general principle of neutralization established in Article VIII of that convention.

I turn now to Article IV of the same treaty and read:

It is agreed that no change of territorial sovereignty or of the international relations of the country or countries traversed by the beforementioned canal shall affect the general principle of neutralization or the obligations of the high contracting parties under the present treaty.

This I read from the treaty of November 18, 1901, now in force. Nothing is plainer than that all the neutralization established by the 1850 Clayton-Bulwer treaty was continued and still remains in full force.

Mr. SMITH of Iowa. I would like to ask the gentleman what he has to say with reference to the first article of the existing treaty, which is that the high contracting parties agree that the present treaty shall supersede the aforementioned convention, which was the Clayton-Bulwer treaty.

Mr. KEIFER. The gentleman asks a question that seems to come too late, as it is plainly declared in the opening part of the treaty that the neutralization of the Clayton-Bulwer treaty is to be preserved, as the President of the United States in his proclamation, which I hold in my hand, states; and the fourth article thereof, that I have just read, says the same thing. So the neutralization of the Clayton-Bulwer treaty was readopted in the Hay-Pauncefote treaty, and it remains still in full force. Now, I want to call attention to another mistake on this same line. The gentleman from Kentucky [Mr. SHERLEY], I think it was, who talked about a clause in the treaty by which we preserved only certain principles of the Clayton-Bulwer treaty, and he was as careless about that as some other things, for where that is spoken of in the treaty nothing is said about the Clayton-Bulwer treaty at all. I read the first paragraph of article 3, to which he referred:

The United States adopts as a basis of neutralization of such ship canal the following rules, substantially as embodied in the convention of Constantinople, signed October 28, 1888, for the free navigation of the Suez Canal.

And there is not a word in that article or any article of the treaty in relation to the Clayton-Bulwer treaty at all, but it only adopts the neutralization principles—nonfortification, no act of war, and no blockade—of the Clayton-Bulwer treaty,

which is continued in force, and by Article III the rules of neutralization "substantially as embodied" in the Suez Canal treaty are also adopted and, in effect, made part of the Hay-Pauncefote treaty and made applicable to the Panama Canal.

Both the gentlemen from Iowa and Kentucky, with apparent earnestness, refer to and quote from paragraph 1, Article III, of the Hay-Pauncefote treaty and exclaim loudly that it shows that the United States alone guarantees the neutralization of the canal, and they pretend to think that it could do so.

There is not a word in that paragraph about the United States or any nation guaranteeing neutralization; it only refers to the basis of neutralization. It reads:

The United States adopts as the basis of the neutralization of such ship canal the following rules.

And so forth. This claim is hardly ingenuous.

Article IV, as I have shown, and other parts of the treaty speak of "the obligation of the high contracting parties" to neutralize the canal.

Now, Mr. Chairman, one other thing. Somebody says that we made a treaty with the Republic of Panama by which we expressly provided for the fortification of the canal. Now, if I wanted to go on record, I would say there was no such treaty ever made and nobody ever discovered one of that kind.

Let me read from the treaty, the last one in date. It speaks for itself, and if gentlemen are right that the November (1901) treaty means nothing, we have had the silliest, most foolish, and most ignorant class of people at the head of this Government for some years past that could possibly be conceived of. Turn to the eighteenth article of the treaty with the Republic of Panama, which bears date of November 18, 1903, and after the Spooner Act was passed that gentlemen here have been talking about, signed two years to a day after the Hay-Pauncefote treaty of 1901:

The canal, when constructed, and the entrances thereto shall be neutralized in perpetuity and shall be open upon the terms provided by section 1 of Article III of and in conformity with the stipulations entered into by the Governments of the United States and Great Britain on November 18, 1901.

That is the sort of agreement for fortifications we find; but, to nail down the question, turn to Article XXV of the same treaty, which reads: "For the better performance of the engagements of this convention and to the end of an efficient protection of the canal and the preservation of its neutrality the Government of the Republic of Panama will" do so and so. Protection; they talk about that as though it meant something. In the Suez Canal treaty is a provision for protection, and in the Hay-Pauncefote treaty, now in force, of November 18, 1901, is a provision for protection, and in the twenty-third article of the Panama treaty there is a like provision for protection when necessary and when neutralization is assailed. Article XXIII of the Panama treaty does not permit any preliminary or precautionary preparations, only measures to be taken when found necessary. But nobody ever dreamed of neutralization or of maintaining it always by purely peaceable means. Why not fight to maintain it in case of attack? The treaties all provide, in effect, to defend neutralization when it is assailed, and indemnity for violating would be required. The Suez Canal treaty provides that the signatory powers of that great treaty may keep two ships at either end of the canal at Port Said or Suez, not to do anything more than to protect it in case its neutralization is assailed. That is all; and we have a provision in our treaty providing that we may do the same thing.

I notice my friend MILLER of Kansas here who read the other day a clause of the Panama treaty and insisted on keeping out of his speech the only provisions in it that provided for neutralization. Now, let us see what the United States may do. Under the second section or paragraph of Article III of the 1901 treaty we find this:

The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it.

If it stopped there, the United States might have seemed to have been shut out, for neutralization shuts out every act of war. But, prudently, they shift over, as they said in the Senate, and as the draftsman said, they shifted the clause that was to take the place of section 7 of Article II of the 1901 treaty, which section expressly forbade fortifications, so as to take the place of the section but to have the same effect. I now read what immediately follows the clause I have just read:

The United States, *however*, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

That is to say, notwithstanding all the neutralization, notwithstanding all the prohibition against blockade or acts of war, the United States may have such military police along the canal as to protect it against lawlessness and disorder. *However*, the United States, the treaty says, may do certain specified things.

Now, some of these gentlemen here are lawyers and judges. Will they say that, having expressed these things in the treaty, it means to include everything else, or is the rule of the law, as laid down by the Judges of the Supreme Court with reference to treaties or with reference to contracts and compacts, that wherever you express a right or a power, that is to the exclusion of all others? Gentlemen seem to proceed on the idea here that, by omitting the word "fortifying" in one place or "in time of war as in time of peace" in another, the United States is authorized to do that which will override other provisions of the treaty, to wit, fortify and blockade at the same time. Later on I shall speak more at length on this matter.

The notion about fortifying the canal and still not blockade it, as my friend from Iowa suggests, is like a man who, being afraid that some burglar will break into his house and steal his goods, hires policemen to stand at his front and back doors to keep them open so that the burglars can get in without any trouble instead of breaking the doors.

Strategy, says my friend from Kentucky [Mr. SHERLEY]. That is also where we differ. I have cited examples before in my speeches and can do so now. If we are to have a war, if we throw down the gauntlet of war on the canal, we will, at least, have to have half of our Army as now constituted and more than half of the Navy down there to protect the canal, or we will lose it. If the enemy is on the Pacific, we will go there and defeat him. If the enemy is on the Atlantic, we will go there. If he is in both places, we will deal with him in detail. If he is so strong that he will beat us in either place, the canal will not help us or him. It is ridiculous to suppose that we should have to tie up a part of our Army and Navy to protect a piece of property. Neutralization of the canal is different from a declaration of a neutralization of a country like Switzerland. That is where the people have the protection of others from attack and enjoy their neutrality. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of Iowa. Mr. Chairman, in January of this year the Senate adopted a resolution as follows:

Resolved, That a brief history of the amendments proposed and considered relative to the Clayton-Bulwer treaty be printed as a public document.

In pursuance of that resolution Senate Document No. 746 was printed. It starts with this heading:

A brief history of the amendments proposed and considered since the action of the Senate on the former canal treaty with Great Britain and which have resulted in the treaty now submitted.

Referring to the present existing treaty between Great Britain and the United States:

Prepared in the Department of State and sent by Mr. Hay to the Senate Committee on Foreign Relations.

It seems to me a mere caviling about words to say that this is not the information furnished by that greatest of modern American diplomats, John Hay, to the Senate in support of the ratification of the existing treaty with Great Britain. It was from this document that I read at length at the opening of this debate.

I was very glad to hear the gentleman from Ohio [Mr. KEIFER] avow, and, I should call it, admit that it was no use to talk about neutralization except with a power to enforce neutralization; that the treaty of Constantinople, which he says is in force, but which I do not think by its terms has yet taken effect, provided for naval vessels to enforce the neutrality. In that case the nations adhering to the treaty mutually guaranteed the neutrality. In this case the United States repudiated international guaranty of neutrality, and it has proclaimed neutrality which I concede will be generally applicable in time of war.

But it is senseless for the United States to declare that it will maintain neutrality with popguns against the navies of foreign nations that have not agreed to respect the neutrality of the canal. The very purpose, and the prime purpose, of fortification is the same purpose contemplated in the treaty of Constantinople—to maintain the neutrality and see that it is not violated.

Now, Mr. Chairman, I do not care to pursue this debate further, and I yield back the balance of my time, trusting that if anything should arise in the five-minute debate requiring a reply I may be permitted to reply.

Mr. BORLAND. The gentleman from Iowa says that the United States agreed with Panama——

Mr. SMITH of Iowa. Oh, no; agreed with Great Britain. I did not say anything about Panama.

Mr. BORLAND. The United States is under obligation to Panama by its treaty to guarantee its neutrality.

Mr. SMITH of Iowa. I did not say that.

Mr. BORLAND. Does the gentleman concede that to be a fact?

Mr. SMITH of Iowa. I do not care to assume any such thing.

Mr. BORLAND. If that is correct, does it not entail upon the United States at least a moral obligation to obtain from foreign powers a treaty for the neutralization of the canal?

Mr. SMITH of Iowa. The treaty I referred to was repudiated in the American Senate, and the Senate would not accept a treaty of that kind. We are in no position now to say that. Having a treaty to that effect and refusing to take it, and announcing our ability and courageous purpose to defend it with American manhood, we are now going to back out and say we can not defend our own property.

Mr. BORLAND. After the British treaty was concluded, we have since entered into a treaty with Panama to secure its neutrality.

Mr. SMITH of Iowa. Oh, no; there is no such provision. We are proposing to maintain neutrality and maintain it with big guns.

Mr. KEIFER. To maintain it in violation of the treaty. There is a provision as to how we are to do it, and the gentleman is proposing to violate it and bring on trouble before the canal is built. [Cries of "Rule!" "Rule!"]

Mr. HAUGEN. Mr. Chairman, when the Post Office appropriation bill was up for consideration I sought an opportunity to discuss certain provisions of the bill, but as time was limited I was prevented from doing so, and now avail myself of the opportunity to call attention to the exorbitant rate paid to the railroad companies by the Government for carrying the mail; to point out this undue activity on the part of the railroads in favor of parcels post and the impossibility of establishing parcels post that would be beneficial and self-supporting. I believe this matter worthy of the most careful and thoughtful consideration. To begin with, How are the transportation companies paid? The present rates per pound weight were first fixed by the act of March 3, 1873. These were reduced 10 per cent by the act of July 12, 1876, and 5 per cent more by the act of June 17, 1878, and 5 per cent more by the act of March 2, 1907. First, the pay is based solely on the average weight of the mail carried daily the whole length of the route, but when a full railway post-office car is added to the train the Post Office Department pays to the railroad a rental for the entire car, based upon its length, or an average of $5,427.62 a car. The cars cost about $5,500 or $6,000 each, and are maintained and repaired at an annual cost of about $1,200. They are built and owned by the railroad companies and rented to the Post Office Department. The pay for a line of these cars is $25 a mile for 40-foot cars, $30 for 45-foot cars, $40 for 50-foot cars, and $50 for 55 or 60 foot cars.

I include in my remarks a schedule of rates of railway mail transportation which covers the present and recent laws on that subject:

Schedule of rates for railway-mail pay.

Average weight of mails per day carried over whole length of route.	Pay per mile per annum.					
	Act of March 3, 1873.	Act of July 12, 1876.	Act of June 17, 1878.	Act of March 2, 1907.	Land-grant railroads.	Intermediate weight warranting allowance of $1 per mile under the law.
						Pounds.
200 pounds	$50.00	$45.00	$42.75	$42.75	$34.20	
200 pounds to 500 pounds						12
500 pounds	75.00	67.50	64.12	64.12	51.30	
500 pounds to 1,000 pounds						20
1,000 pounds	100.00	90.00	85.50	85.50	68.40	
1,000 pounds to 1,500 pounds						20
1,500 pounds	125.00	112.50	106.87	106.87	85.50	
1,500 pounds to 2,000 pounds						20
2,000 pounds	150.00	135.00	118.25	118.25	102.60	
2,000 pounds to 3,500 pounds						60
3,500 pounds	175.00	157.50	149.62	149.62	119.70	
3,500 pounds to 5,000 pounds						60
5,000 pounds	200.00	180.00	171.00	171.00	136.80	
5,000 pounds to 48,000 pounds						80
For every additional 2,000 pounds over 5,000 pounds and under 4,800 pounds	25.00	22.50	21.38	20.30	16.24	
For every 2,000 pounds over 48,000 pounds	25.00	22.50	21.38	19.24	17.10	
RAILWAY POST-OFFICE CARS.						
Railway post-office cars 40 feet in length	25.00			25.00		
Railway post-office cars 45 feet in length	30.00			27.50		
Railway post-office cars 50 feet in length	40.00			32.50		
Railway post-office cars 55 feet in length	50.00			40.00		

Act of July 12, 1876, decrease of 10 per cent.
Act of June 17, 1878, decrease of 5 per cent.
Act of March 2, 1907, decrease of 5 per cent on each 2,000 pounds in excess of 5,000 pounds.
Land-grant roads receive 80 per cent of rate.

The Postmaster General states in his report for the fiscal year ending June 30, 1910, that the expenditures for that year for transportation of mails on railroads was $44,654,515.97 and $4,686,122.27 for railway post-office car service, or a total of $49,340,638.24. This Government pays the railroads practically $50,000,000 a year for carrying the mail. If we have the amount paid and the number of pounds carried, it is an easy matter to determine the average rate paid per pound. In compliance with the directions of the provisions of the act of March 2, 1907, in the post-office appropriation bill, all mail matter and equipments used in connection therewith and empty equipments dispatched were weighed for the period from July 1 to December 31, 1907, and which is reported in Table B to be: Total weight of mail matter, 618,130,722.15 pounds; equipment carried in connection therewith, 414,073,490.9 pounds; empty equipment dispatched, 53,848,134.1 pounds; total weight of domestic mails and equipments, 1,086,052,348.2 pounds, for six months. If you multiply it by two you have total mail matter, 1,236,261,444.3 pounds; total equipments, 935,843,250.6 pounds; or a total of 2,172,104,696.4 pounds. These figures, of course, are necessarily estimates, because the mail carried in the first six months of the year varies from the amount carried in the last six months. When the post-office appropriation bill was under consideration last year the distinguished chairman of that committee furnished this House with this information. (See CONGRESSIONAL RECORD, Feb. 24, p. 2348.) The department estimates the net weight of the mails for 1908 as follows:

	Pounds.
First class	167, 502, 610
Second class	785, 833, 110
Third class	179, 694, 654
Fourth class	58, 889, 400
Franked	4, 531, 080
Departmental	43, 092, 474
Foreign	60, 814, 956
Total	1, 300, 358, 284

In order to ascertain the average rate paid per pound to railroads for carrying the mail, we should deduct from this amount about 200,000,000 pounds which is not carried by the railroads—for instance, all of the local delivery, much of the free in the county, as well as much mail matter sent out on star routes and rural free delivery. Much of the foreign mail matter is not carried by railroads, as much of it is sent direct from post offices in the larger cities with ports, such as New York, Boston, Baltimore, Philadelphia, and others, and in all probability the railroads do not carry more than 1,100,000,000 pounds. If so, and if they are paid $50,000,000, the rate paid is more than 4½ cents a pound. But we will be liberal and grant that they carry one and a quarter billion pounds. The appropriations for 1911 for transportation by railroads and railway post-office cars was $50,000,574. That amount makes it more than 4 cents a pound, but you say that in determining the average rate paid railway companies the weight of equipments should be included. By so doing the rate paid railway companies would be less, but the Government gets paid for mail matter only, express companies get paid for actual weight of packages handled, and equipments are furnished by both the Government and the express companies; hence in making the comparison the weight of equipments has nothing to do with it.

It is fair to assume that the Government pays on an average at least 4 cents per pound for carrying mail matter. Compare this with the rate charged by the express companies for carrying express, not what the express companies pay the railroads for carrying express, but the rate charged the public by express companies for services rendered. If you will look over the Interstate Commerce Commission's first annual reports of the statistics of express companies in the United States for the year ending June 30, 1909, you will find that the average revenue received per piece was $0.5049, the average revenue paid per pound $0.0154, the total revenue $35,856,551.56 for handling in the aggregate 2,329,342,192 pounds in three months, as for April, August, and December, 1909. The number of pounds transported in three months is about twice the amount of mail matter transported in a year. The revenue of express companies is a little more than 1½ cents per pound as compared with 4 cents paid per pound by the Government. The Government then pays the railroads for carrying mail matter nearly three times the amount charged the public by express companies, and about seven times the amount the express companies pay railroads for carrying express. I quote from the report of the Interstate Commerce Commission of December 21, 1910, page 27.

The statistical information contained in this report covers the operations of 13 companies. The names of these companies, as also the mileage over which each operates, are as follows:

Classification of mileage covered by operations on June 30, 1909.

Name of carrier.	Total mileage.	Steam road mileage.	Electric line mileage.	Steamboat line mileage.	Stageline mileage.
Adams Express Co.	34,360.00	30,676.00	196.00	3,405.00	83.00
American Express Co.	48,224.78	45,668.08	475.70	2,058.50	22.50
Canadian Express Co.	7,794.27	6,964.27	66.00	737.00	27.00
Canadian Northern Express Co.	3,129.62	3,107.62	22.00	.....	.....
Globe Express Co.	1,889.85	1,889.85	.....	.....	.....
Great Northern Express Co.	7,412.16	7,031.57	169.59	211.00	.....
National Express Co.	1,714.25	1,416.25	6.00	292.00	.....
Northern Express Co.	6,757.75	6,488.75	8.00	261.00	.....
Pacific Express Co.	22,672.54	21,721.20	343.00	608.34	.....
Southern Express Co.	33,181.00	30,936.00	80.00	2,165.00	.....
United States Express Co.	24,206.00	20,286.34	3,604.96	314.70	.....
Wells, Fargo & Co.	65,698.43	59,316.90	1,438.76	4,081.65	861.12
Western Express Co.	3,456.39	3,448.39	4.00	4.00	.....
Total	260,507.04	238,961.22	6,414.01	14,138.19	993.62

The character of the business transacted by the express companies is indicated by the following statement, which shows for the months of April, August, and December, 1909, the number of pieces carried, their aggregate weight, the average weight per piece, the total revenue, the average revenue per piece, and the average revenue per pound. The expenses incident to the compilation of the information by the express companies deterred the commission from requiring such a compilation for all the months of the year, but the combined results for the months selected may be accepted as typical of the business for the year.

Summary of traffic for April, August, and December, 1909.

Number of pieces		71,013,295
Aggregate weight	pounds	2,329,342,192
Average weight per piece	do	32.80
Revenue		$35,856,551.56
Average revenue per piece	cents	50.49
Average revenue per pound	do	1.54

Now, having pointed out the difference in the rate paid by the Government and the rate charged by express companies, I want to say a word about parcel posts and the express companies.

With these facts before us it seems to me they ought to settle the question for all time to come that under the present arrangements and with the present rate paid railroad companies for carying mail matter parcels post can not be made beneficial to the public or self-supporting, and with the present rates paid, in order to make the service of any value whatever, a heavy draft must be made on the Treasury. It also ought to ease the minds of those who are laboring under the delusion that the express companies fear Government competition and are opposed to parcels-post legislation. Certainly a corporation or individual who can carry parcels at a profit at $1.54 a hundred has nothing to fear from a competitor where the service costs the competitor three times the amount he is performing the service for, and, mind you, the revenue paid railroad companies for carrying mail matter is but a small part of the total expense of handling mail matter by the Government. The total expense of the Post Office Department for the fiscal year ending 1910 was $229,509,680.36. If the total weight was 1,250,000,000 pounds, the average cost was more than 18 cents a pound. Why this difference in cost? To begin with, the business of the express company is conducted by business men and on business lines, the Post Office Department is conducted by Congress and the department, and like all other business conducted by the Government, it is the most expensive, and until Congress and the departments adopt business methods and conduct its business as business men do, it of course can not compete with individuals or corporations.

Much has been said about the express companies exerting their influence against parcels-post legislation, and I regret to say that this claim is made by many who know, or ought to know, better. What are the facts? The express companies are merely subcompanies of the railroad companies. The express business properly belongs to the railroads, but the railroads, like many other large companies, the management, or those in control, organize subcompanies for the purpose of robbing their costockholders or the railroads of part of the profit as, for instance, in the Beef Trust subcompanies are organized, and but few of those in control of the company own and control the stock of the subcompanies. With the Beef Trust the by-products are sold to the subcompany at low prices, thus robbing their costockholders or the trust of part of the profit and for their own special benefit. So with the railroads; those in power and control proceed to organize a company; they call it an express company. They elect themselves to office. The officers or directors are generally a self-perpetuating body. (I quote from the Interstate Commerce Commission's report:)

The directors of this company are a self-perpetuating body, although it is provided in the articles of association and agreement that when shareholders owning two-thirds in amount of the shares of the company shall request it in writing, a meeting of shareholders for the election of directors shall be held. No such meeting has been held since 1862.

Article 8 of the articles of association and agreement reads in part as follows:

But it is hereby expressly understood and agreed that no director herein named and that may hereafter be elected shall be concerned or interested in any business or thing detrimental to the interest of said company or in opposition thereto.

Among the directors of the United States Express Co. are Mr. Stetson, general counsel for the Northern Pacific Railway and Southern Railway, also director of the Chicago-Erie Railroad and the Erie Railroad.

Mr. Weir, director, is chairman of the board of managers of the Adams Express Co. and director in a number of railway companies.

SOUTHERN EXPRESS CO.

One of the directors of the company is M. F. Plant, who is also a director of the Atlantic Coast Line Railroad, Chicago, Indianapolis & Louisville Railway, and in the Peninsula & Occidental Steamship Co. The number of stockholders is 30.

In the Wells-Fargo Co., by referring to the names of the directors, it will be found that the Erie Railroad and the Harriman lines are strongly represented on the board of directors. The directors of the company on June 30, 1909, were Dudley Evans, F. D. Underwood, E. H. Harriman, J. J. McCook, W. V. S. Thorne, A. K. Vandeventer, William Mahl, F. V. S. Crosby, and H. W. de Forest, all of New York, and H. E. Huntington, George E. Gray, and W. F. Herrin, all of San Francisco, Cal., and J. Kruttschnitt, of Chicago, Ill. Of these, Mr. Underwood was the president of the Erie Railroad and president or director of 80 or more railway and industrial companies; Mr. Harriman then headed the Harriman system of railways; J. J. McCook was of the firm of Alexander & Green, attorneys, and was director in certain insurance and banking concerns; Messrs. Kruttschnitt, Thorne, Van Deventer, Herrin, Mahl, and Crosby were officers of the Harriman lines, while Mr. de Forest was a director of the Southern Pacific Co. Mr. Kruttschnitt was also a director of the Pacific Express Co.

The Western Express Co. has six stockholders. The board of directors June 30 was composed of the following: E. Pennington, W. L. Martin, C. W. Gardner, and H. B. Dike, all of Minneapolis, Minn., and W. F. Fitch, of Marquette, Mich. Of these, Messrs. Pennington, Martin, Dike, and Gardner were officers of the Minneapolis, St. Paul & Sault Ste. Marie Railway and Mr. Fitch was president of the Duluth, South Shore & Atlantic Railway.

In the Pacific Express Co. the number of stockholders is given as 12. On June 30, 1909, the company was controlled through stock ownership by the Missouri Pacific Railway (40 per cent), Union Pacific Railroad (40 per cent), and Wabash Railroad (20 per cent). The directors of this company on June 30, 1909, were James Eggleston, C. S. Clarke, S. B. Schuyler, and E. B. Prior, of St. Louis, Mo.; F. A. Delano and J. Kruttschnitt, of Chicago, Ill.; and Erastus Young, of Omaha, Nebr. Of these, Mr. Clarke and Mr. Schuyler were officers of the Missouri Pacific Railway, Mr. Prior and Mr. Delano of the Wabash Railroad, Mr. Young of the Union Pacific Railroad and the Southern Pacific Co. and director of Wells, Fargo & Co.

In the Northern Express Co. the total number of stockholders is given as six, and the directors are Howard Elliott, J. M. Hannaford, and C. W. Bunn, all of St. Paul, Minn; and J. N. Hill and George H. Earl, both of New York, N. Y., all of whom were officers of the Northern Pacific Railway.

In the National Express Co. the number of shareholders is eight. The directors are Johnston Livingston, Lewis Cass Ledyard, James C. Fargo, Francis F. Flagg, and William C. Fargo, all of New York, N. Y. The first four names are also directors of the American Express Co.

In the Great Northern Express Co. the total number of stockholders is six. This company is controlled by the Lake Superior Co. (Ltd.), through stock ownership. The directors are R. I. Farrington, Louis W. Hill, E. Sawyer, J. M. Gruber, and W. W. Broughton, all of St. Paul, Minn., and all officers of the Great Northern Railway.

In the American Express Co., among its directors are two directors of the New York, New Haven & Hartford Railroad,

and $3,000,000 of its shares are owned by the New York Central & Hudson River Railroad. James C. Fargo, one of its directors, is also director of the Chicago & Northwestern Railway and the National Express, president and director of the Westcott Express Co. Ledyard, one of its directors, is a director of the Hartford Railroad, Northern Pacific Railroad. Mr. Pratt, one of its directors, is treasurer and director of the Standard Oil Co. of New Jersey and director of the Long Island Railroad, New York, New Haven & Hartford Railroad.

ADAMS EXPRESS CO.

The managers of this company (who acted as directors) as of June 30, 1909, were Levi C. Weir, William M. Barrett, Charles Steele, Basil W. Rowe, Dumont Clarke, and George F. Baker, all of New York, and William H. Damsel, of Chicago, Ill.

Mr. Weir was a director of the Des Moines & Fort Dodge Railroad, Iowa Central & Western Railway, Iowa Central Railway, Minneapolis & St. Louis Railroad, Norfolk & Western Railway, United Express Co., and also in various steamship, banking, insurance, and land companies.

Mr. Steele was of the firm of J. P. Morgan & Co., and was a director in a number of railway lines, among them the Atchison, Topeka & Santa Fe Railway, Central Railroad of New Jersey, Cincinnati, Hamilton & Dayton Railway, Erie Railroad, Lehigh Valley Railroad, Northern Pacific Railway, and Southern Railway; and also in various other railway and industrial corporations.

Mr. Rowe was a director in the subsidiary companies of the Adams Express Co. and of the Standard Trust Co.

Mr. Clarke was a member of the board of managers of the Delaware & Hudson Co. and director of the Long Island Railroad, of the Manhattan Railway, and of certain industrial, financial, and insurance companies.

Mr. Baker was a director in the Central Railroad of New Jersey, Chicago, Burlington & Quincy Railroad, Cincinnati, Hamilton & Dayton Railway, Colorado & Southern Railway, Delaware, Lackawanna & Western Railroad, Erie Railroad, Lake Shore & Michigan Southern Railway, Lehigh Valley Railroad, Michigan Central Railroad, New York Central & Hudson River Railroad, Northern Pacific Railway, and Pere Marquette Railroad, and also in numerous banking, trust, and industrial companies.

It will be observed that four of the seven managers (directors) were interested in the management of railway lines.

This, I believe, is sufficient to show that the express companies are owned, officered, controlled, and managed by the very men who control, manage, and practically own the railroads; that the express companies are simply subcompanies and a part of the railroads, and it seems unnecessary to state that as long as they get more money from the Government for carrying mail matter or parcels post than they themselves charge for the service that they have no objections to parcels post.

Suppose that you were engaged in the transportation business and your average charge for hauling 100 pounds was $1.54 for collecting, transporting, and delivering and some one came to you and offered you $4 a hundred for simply transporting it and relieved you of part of the service of collecting and delivery as well as part of the responsibility, would you accept or reject such a proposition? You might reject the proposition, but the railroads are not so scrupulous as to stand in their own way or against any such proposition. The high rate paid the railroad companies for carrying mail matter, I take it, accounts for the persistent and concentrated effort put forth by railroads for the establishment of parcels post. And I am not finding fault with the railroads putting forth every possible effort in increasing its revenue, but I object to the railroads putting it on the ground that it is in the interest of the public, and especially those living in the rural districts, and I have pointed out these facts to show that this movement on the part of the railroads is not to benefit the public, but the object sought is to enable the railroads to further drain the Treasury and to enhance its revenue. Be not deceived; railroads are not spending their millions in advertising, in maintaining a lobby in Washington and elsewhere—yes, and electing their own men to Congress and defeating those who are not in accord with their schemes—nor are railroad attorneys instigating contests in election cases in the interest of the public. Like other special and corporate interests, they are without soul and conscience to reckon with. First, last, and all the time the question with them is not to benefit but how to do the public and how their greed and avarice can best be subserved.

What does this extension of the service mean to the railroads? Suppose that through legislation one-eighth of the express business, or, say, only 1,000,000,000 pounds of express, is transferred to the post office. Its pay for carrying the 1,000,000,000 pounds for the Government at the present rate of 4 cents a pound would amount to $40,000,000, as compared with $15,400,000 now received by express companies—a net gain of $24,000,000 to the railroad companies.

If the Government carries the billion pounds at $1.54, the same rate as charged by the express companies, its receipts would be $15,400,000. If it cost the Government, say, 10 cents a pound for handling parcels post—and when you consider that the present average cost of handling mail matter is more than 18 cents a pound, of course it would cost more than 10 cents a pound to handle parcels post, but for the sake of argument we will say that it costs only 10 cents a pound—the total cost then for handling the billion pounds would be $100,000,000; total receipts $15,400,000, or a net loss of $84,600,000. But you say that this is not a fair comparison; that the parcels handled by the Post Office Department are less in weight and much greater in number than those handled by the express companies, and they require more space in cars and help in sorting and handling, and therefore the Government should pay more per pound for carrying mail matter than express companies should pay for carrying express. I admit the first, but not the last. The railroads have nothing to do with sorting mail matter. Mail matter is handed to them in lots from a single letter to trainload lots, the bulk of it in carload lots. Railroads simply carry it, and the Government sorts and looks after it while in transit, and the Government paid last year $19,385,496.51 for railway mail service, or for sorting the mails when in transit. Besides, it paid $1,630,638.48 for transportation of mails in screen wagons, $1,497,971.52 for mail-messenger service, and $810,568.29 for this pneumatic-tube service. Hence, on the one hand the Government pays all expense for sorting, receiving, and delivering mail matter, except at certain points where the railroads do receive and deliver the mail at the post office; on the other hand the express companies carry all sorts of parcels from the domicile in the cities to the station, thence by rail, sort, and deliver at the terminal city. For the Government the railroads perform part of the service of transporting mail, and receive nearly three times the pay per pound that the express companies do for rendering the whole service, and it seems to me that if the express companies can give this service at about one third the rate paid by the Government for part of the service and still make their millions of dollars annually, the rate paid by the Government must be excessive.

WHY THIS EXCESSIVE RATE.

Compare the contracts made by the Government with the railroad companies and those made by the express companies, and you will find that, while the Government gets pay for the actual weight of mail matter only, it enters into an agreement with the railroad companies to pay rent for cars and for carrying all equipments. On the other hand, the express company pays a commission or tonnage on actual weight of packages handled and the railroad companies are required to furnish the express companies with special or exclusive express trains when warranted by the volume of the express traffic. The railroad companies furnish the necessary cars, keep them in good repair, furnish heat and light, and carry the messengers of the express company, as well as the safes, packing trunks, and all necessary equipment, and horses, wagons, and supplies required by express companies may be transported in express cars or shipped by freight. Railroad companies furnish such room in all its depots, stations, and buildings as may be necessary for the loading, unloading, transferring, and storage of express matter, provided the furnishing of such facilities shall not interfere with the business of the railway company. The railroad companies further agree to transmit free of charge the messages to express companies over telegraph lines which the railroad company operates along its line of roads, so far as it may be permitted to do so under its contract with telegraph companies. With all of this extra service, the express companies pay less than one-sixth the rate that this Government pays for part of the service. Will anyone contend that the Government is paying a just rate? With these facts before us, will Congress tolerate this injustice and permit this drain on the Public Treasury to continue? If express rates are high—and there is no doubt in my mind but they are too high—that is an absolute reason for Congress not to increase the rate by extending the postal service until the rate paid by the Government to the railroad companies has been readjusted and the rate made reasonable and fair. If express rates are high they should be reduced, and now that the express companies have been placed under the jurisdiction of the Interstate Commerce Commission, same as railroad companies are, there is no excuse

for these high rates. If rates are too high it is the duty of the commission to fix a just and reasonable rate.

Gentlemen, the total revenue of all classes of steam roads for the year ending June 30, 1910, was $2,787,266,136.64, an amount equal to about $147 per family in the United States, yet the railroads are not content. They have been clamoring for an increase of 10 per cent freight rates and for parcels post that will give them an increase of 600 per cent in express rates. Every railroad president and every lobbyist who can be employed are working overtime in promoting this scheme, and every inch of space that can be obtained in magazines and newspapers is utilized to this end. The net earnings of the railroads exceed $940,000,000, and if you will make the proper deduction from operating expenses not properly charged to operating expenses and credit that amount to net revenue, the railroads will have a much larger net revenue. It seems to me that the railroad companies ought to be satisfied and that they can get along for a time, at least, without any further increase. To me there seems no necessity for an immediate increase, either in freight rates or express rates.

But is it possible to establish parcels post and make it self-supporting and of any value to the public, even if you reduce the rates paid the railroad companies? If you reduce the pay or the rate 25 per cent, the rate is still about four times as much as the rate paid by the express companies. Cut it 50 per cent and it is still nearly three times the rate paid by express companies, and when you have reduced the rates 2 cents a pound, still the average cost of handling mail matter is 16 cents a pound; and suppose that parcels post cost the Government only half what the present average cost is for handling mail matter, still the cost is five times as great as the rate charged by express companies for carrying express.

Much is said about parcels post in other countries, especially in Germany. Yes, Germany does a parcels-post business on a large scale, but Germany owns its own railroads. The parcels post is a separate business from the post-office business and is carried in separate cars and on separate trains, stored in separate buildings, and they are separate as much as the post-office and express business are here, except there the two are conducted by the Government, while here only one. But Germany, with her dense population, can not be compared with our sparse population. The German Empire has 208,830 square miles, with a population of 58,500,000, or 280 to the square mile. The United States has 3,000,000 square miles, a population of only 92,000,000, or 31 to the square mile.

Of course if the Government owned the railroads it ought to carry freight and express as well as mail matter, but as nearly all countries carrying parcels post own and operate the railroads, and as the United States does not own and operate railroads, except in Panama, no comparison can be made. I will insert in my remarks a communication from the Department of Commerce and Labor, which gives the countries owning and operating railroads:

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, February 4, 1911.

SIR: In compliance with your recent request for information showing the mileage of railroads in leading countries owned and operated by private companies and by the Governments, respectively, I have the honor to inclose herewith a table, copied in the Bureau of Statistics from the thirty-fifth number of the British Statistical Abstract for Foreign Countries, giving these data for the end of the calendar year 1907.

The more important changes in the respective mileage figures since 1907 are due to recent action of several European Governments in extending the mileage of the State owned and operated lines. Thus the Italian Government a few years ago took over the operation of all important national lines, which until then had been leased to three large companies. The extent of the lines operated by the Italian Government on June 30, 1909, was 8,789 miles. On January 1, 1908, the Austrian Government took over some lines owned and operated by private companies. As a result, at the end of the year the mileage of lines operated by the Government, including lines owned and operated as well as lines merely operated by the Government, was 11,105 miles out of a total railroad mileage in Austria on that date of 13,613 miles. Finally, the French Government owns and operates at present, in addition to the 1,758 miles of the so-called "old system" given in the inclosed statement, 3,700 miles, represented by the former French Western Railroad.

On the American Continent the most important change is due to the action of the Mexican Government, taken in the beginning of 1909, in amalgamating the two principal railway systems of the country, the Central and National Railways, into the Ferrocarriles Nacionales de Mexico, and in taking over one-half of the $230,000,000 worth of shares issued after the amalgamation. The operation of the railroads affected remains, however, in the hands of the companies.

Hoping that the inclosed information may prove of service to you, I am,

Respectfully, BENJ. S. CABLE, *Acting Secretary.*

Hon. GILBERT N. HAUGEN, M. C.,
House of Representatives, Washington, D. C.

Length of railways in various countries, distinguishing as far as practicable the lines which belonged to private companies and to the State, respectively, for the year 1907.

	Company roads.	State roads.
	Miles.	*Miles.*
Russia in Europe (exclusive of Finland)	13,271	21,133
Russia in Asia	559	6,173
Norway	238	1,353
Sweden	5,542	2,696
Denmark	908	1,189
German Empire:		
Prussia, Mar. 31[1]	1,210	21,846
Alsace and Lorraine, Mar. 31[1]	17	1,067
Bavaria, Dec. 31	714	4,054
Saxony, Dec. 31	3	2,095
Wurttemberg, Mar. 31[1]	166	1,219
Baden, Jan. 1[1]	11	1,072
Total length of lines, German Empire	2,715	32,180
Holland	1,017	1,161
Belgium	330	2,547
France	27,940	1,758
Switzerland	1,216	1,525
Portugal	866	558
Spain	8,961	.....
Italy	10,378	.....
Austria	6,113	7,315
Hungary	6,896	4,873
Bulgaria	236	751
Servia	5	427
Roumania	.....	1,979
Turkey in Europe	1,239	.....
Egypt	.....	1,441
Greece	845	.....
United States	227,455	.....
Mexico	13,095	.....
Costa Rica	.....	394
Peru	1,498	.....
Chile	1,682	1,536
Brazil	10,943	.....
Uruguay	1,217	.....
Argentine Republic	11,852	1,838
China	.....	2,394
Japan, Mar. 31	1,692	3,377
United Kingdom	23,108	.....

[1] Of the year following.

Data taken from the Statistical Abstract for the Principal and Other Foreign Countries, No. 35, issued by the British Board of Trade, 1910.

Unfortunately, under the rules of the House, any amendment to the Post Office appropriation bill proposing to reduce or readjust the rates would be subject to a point of order, and the only way this matter can be considered and determined is in the Committee on the Post Office and Post Roads or the Rules Committee, by bringing in a bill or rule.

I want to avail myself of this opportunity to appeal to the Committee on the Post Office and Post Roads to give this matter most careful consideration, and upon careful investigation I believe it would find it compatible with its duty to report a bill to this House so that this all-important matter may be considered and determined. I believe that justice demands speedy consideration. Congress should fix a just and reasonable rate. Railroads are entitled to such; nothing more and nothing less. Besides, there is a strong sentiment in favor of parcels post, and it is the duty of Congress to investigate and determine whether it can be made self-supporting and beneficial to the public. It must be clear to everybody that if the parcels post is to be established under present conditions, either a heavy draft on the Treasury must be made or the cost of the service to the Government must be materially reduced or the rate of postage must be increased.

Various suggestions have been made as to how this deficit could be made up.

One contention is that the express companies should be prohibited by law from carrying second-class matter, and that would make up a part of the deficit. If it costs the Government, as estimated by the Postmaster General, 9 cents a pound to handle second-class matter and it charges only 1 cent, for every dollar it receives it pays out $9, and is out $8 on every $9 transaction. I do not see how you can increase the net revenue of the department by increasing the second-class mail-matter business. Another contention is the rate on magazines and second-class matter should be increased, and that would increase the net revenue. The present rate on second-class mail matter is 1 cent a pound, yet with that low rate much of the second-class matter is now sent by express, much of it is carried at a half cent a pound; for instance, from Philadelphia to Kansas City, a distance of over a thousand miles, the rate is 50 cents per 100 pounds. If the publishers can save money by shipping magazines and second-class matter by express with the present low rate of 1 cent are they likely to send their publications through the mails when we increase the rate to 4 or 10 cents a pound? The fact that the express com-

panies carry second-class matter at half the rate that the Government does and at one-eighteenth of what it actually costs the Government to carry second-class matter is further evidence that the Government can not, under present conditions, compete with private and corporate interests.

Some have suggested that $40,000,000 can be saved by the discontinuance of the rural free delivery; that $32,000,000 can be saved by discontinuing the city-delivery service. That, of course, is out of the question, and I take it that nobody will seriously suggest that either of the two services shall be discontinued. Others have suggested that franking privileges should be discontinued. Well, as there is only 4,531,080 pounds of franked matter going through the mail, if the average cost is, as estimated by the department, 9 cents a pound, then less than half a million dollars can be saved. That will not go far in making up a probable deficit of $100,000,000. Another suggestion is that the rate on second-class matter shall be increased to the rate which it actually costs the Government for handling second-class matter, which is estimated at 9 cents a pound, and that this would increase the revenue to the extent of $60,000,000.

The policy of Congress has been to disseminate knowledge not only by the distribution of public documents, but by encouraging worthy and legitimate publications—the weekly, the semi-weekly, the dailies, and other periodicals. It has given newspapers and magazines a rate of postage not with a view of making money out of transporting the periodicals, but for the diffusion of knowledge and to promote education and happiness, and in so doing it has had the welfare of our people at heart. Its object has been toward enlightenment and a march onward and upward. Are we now to take a backward step? If so, advance the rate on second-class mail matter and deprive the legitimate and worthy publishers of this low rate and discontinue the distribution of public documents. If this is done, you will undoubtedly reduce the deficit. But can we afford to do it?

Now, one word about establishing a parcels post on rural routes. That has already been provided for. The carrier may carry merchandise for hire on request of patrons residing on their respective routes whenever the same shall not interfere with the proper discharge of their official duties and under such regulation as the postmaster may prescribe. My understanding is that the regulations of the department restrict the carrier to carrying unmailable matter only. The privilege of carrying parcels is left to the discretion of the Postmaster General.

If he will remove these restrictions, or if Congress will provide that all parcels shall be carried by the rural carrier for hire, and, if necessary, fix a maximum rate, the service can be had at a much lower rate than the one proposed, and these people can be just as well accommodated. This privilege was granted carriers at first and until Congress and the Postmaster General placed restrictions on the carriers, which was done with a view of insuring the people living in the rural districts a better service. It goes without saying that a carrier carrying a light load can and will give better and more prompt service than one carrying a heavy load, and for that reason the restrictions were made. Under present arrangements the carriers may, when requested by the patrons residing on the route, carry packages of any weight (all proposed amendments limit the weight of parcels to 11 pounds); if so, instead of expanding the service the result would be, if proposed legislation is enacted, to contract the service instead of expanding it.

If additional packages are to be carried the carrier's compensation should be increased. Under the present arrangement the carrier gets the fee and therefore has no claim on the Government. But if the parcels are to be carried and the fee paid the Government, the carrier will have a just claim for an increase of salary, and of course would demand it, and in justice to him his salary would have to be increased. In my opinion the increase of salary would largely exceed the increase in receipts. If the Postmaster General does not care to assume the responsibility of impairing the service by extending it through the removal of these restrictions, Congress can do it, if in its judgment it is deemed advisable. But the contention is that this arrangement will not reduce the deficit. Why should the farmer and country storekeeper make up a deficit not caused by him, but which is due to other causes, such as the carrying of certain mail matter at a loss, especially second-class matter, the franking privilege, and the exorbitant rates paid railroad companies?

The CHAIRMAN. General debate is closed under the order of the House.

Mr. KEIFER. Only the general debate to be controlled by the gentleman from Iowa and myself.

The CHAIRMAN. General debate is closed, but debate under the five-minute rule is now in order.

Mr. SMITH of Iowa. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SMITH of Iowa. Was not the order of the House to the effect that the point of order should come after all debate?

The CHAIRMAN. Of course, the gentleman from Ohio is in control as to when the decision shall be called for on the point of order. At present the point of order is reserved, and the proceedings will be under the five-minute rule.

Mr. SMITH of Iowa. Is the paragraph subject to amendment pending the reservation?

Mr. SHERLEY. Mr. Chairman, I insist that the point of order be either withdrawn or made.

Mr. SMITH of Iowa. Mr. Chairman, I, too, think it ought either to be made or withdrawn.

The CHAIRMAN. Does the gentleman from Ohio insist upon his point of order?

Mr. KEIFER. I think the provision is subject to a point of order. I think the arrangement was that the debate was to be concluded, and then we would see. I think the notes will show that.

The CHAIRMAN. The Chair is ready to rule.

Mr. TAWNEY. What is the point of order?

The CHAIRMAN. The point of order is made that the items in the bill are not in order, not being authorized by law.

Mr. TAWNEY. The understanding was that at the conclusion of general debate of two hours an opportunity would be given for debate under the five-minute rule.

The CHAIRMAN. The recollection of the Chair is, although the present occupant was not in the chair at the time, that unanimous agreement was for two hours' general debate, and at the end of that time the paragraphs should be considered in the usual manner under the five-minute rule. The point of order being pending, it is to be disposed of at the demand of any member of the committee.

Mr. SHERLEY. And must necessarily be disposed of before the items are opened to amendment.

Mr. SMITH of Iowa. I assume that the Chair has examined the Spooner Act, which is the only general act under which these items are authorized.

Mr. KEIFER. Well, Mr. Chairman, I want to be heard on that.

The CHAIRMAN. The Chair will hear the gentleman from Ohio.

Mr. KEIFER. I do not understand that it is necessary to refer to the Spooner Act to find out whether the Pacific seacoast defense is to be provided for in the paragraph just read. In the first place the Spooner Act does not provide for anything more than is provided for in the treaty, a paragraph of which I have recently read, giving the right to the United States to neutralize and the provision against blockading and the right to protect it against lawlessness and disaster. If the act provides for a violation of existing treaties the act is nugatory, and it antedates the neutralization provided for in the treaty with Panama. And there are two other reasons, Mr. Chairman. One is that we propose now by this provision to empower the War Department, through its fortification board, as appears by the matter sent here from the Quartermaster General, forwarded by the President, which shows that the work proposed is to be done by the War Department independently of the commission that the President has been authorized to appoint for the construction of the canal.

Moreover, there has been no appropriation made for many years under the Spooner Act. Why? Because we have been obliged to reenact the power that the President is to exercise under each one of the appropriation bills from year to year. This bill contains the same provision—authorizing the construction and use of the money in accordance with that act, that having exhausted itself in various ways. If the chairman has the act before him he will see that it was exhausted as soon as we had appropriated not to exceed $139,000,000. Let me read:

Section 5 of the Spooner Act: And the President is hereby authorized to cause to be entered into such contract or contracts as may be deemed necessary for the proper excavation, construction, completion, and defense of said canal and harbors and by the route finally authorized by and under the provisions of this act. Appropriations therefor shall from time to time be hereafter made not to exceed in the aggregate the additional sum of $135,000,000 if the Panama route be adopted, and $180,000,000 should the Nicaragua route be adopted.

The CHAIRMAN. Can the gentleman from Ohio inform the Chair whether the limit of authorization has not been increased since that time?

Mr. KEIFER. Never, except as we increased it annually.

Mr. SMITH of Iowa. Oh, yes.

Mr. KEIFER. If the gentleman has a statute that shows it, then I am mistaken. We have annually in this same bill increased it, because we have made this extension to it and nothing more. Gentlemen say, "Oh, yes;" but if they can not refer me to a statute increasing such authorization, I must insist that there is none.

Mr. TAWNEY. If my colleague will permit me——

Mr. KEIFER. Certainly.

Mr. TAWNEY. I would like to ask whether he considers the authorization in the tariff act for a bond issue as authorizing the increased cost of the canal?

Mr. KEIFER. That does not affect the question of the cost of the canal any further than it may furnish what is necessary to carry it on. The Spooner Act exhausted itself long ago. There is no doubt about that.

The CHAIRMAN. The Chair is prepared to rule.

Mr. KEIFER. Mr. Chairman, I am told there is a limit of cost fixed in the Payne-Aldrich bill.

The CHAIRMAN. The Chair has not before him the act increasing the limit of cost. The Chair recollects when the lock type of canal was agreed upon that there was an increase in the limit of cost, and if not, it was, the Chair thinks, when the Payne tariff bill was passed. The Chair would like to be informed when the lock type of canal was agreed upon. The Chair's recollection is that the limit of cost was increased to $375,000,000.

Mr. KEIFER. Mr. Chairman, this is important enough to get the act and try to find out.

Mr. SMITH of Iowa. The Payne tariff bill did increase the amount of bonds beyond the limit of cost fixed in the special act, but I call the Chair's attention to what I understand to be the well-settled parliamentary rule of law, that even though there was no law when Congress passed the first appropriation increasing it, authorizing that increase, yet the passage of that law was such an abandonment of the limit of cost that further appropriations could be made for it as for a work in progress, even though the amount was in excess of the limit fixed. I think there are a number of decisions to that effect.

Mr. KEIFER. No such rule as that applies in any parliamentary body that I ever heard of.

The CHAIRMAN. The Chair has not the act before him, but the Chair feels quite confident that the limit of cost was increased up to $375,000,000, and the Chair would like to be informed as to that fact.

Mr. KEIFER. I understand we have appropriated something in the neighborhood of $400,000,000.

Mr. SMITH of Iowa. Not that much.

Mr. OLMSTED. Then I would like to ask the gentleman from Ohio this: Suppose the limit of cost to have been fixed at $375,000,000 in some act of Congress. I understand the gentleman to say that Congress has since appropriated enough more to make the amount $400,000,000. Does not the appropriation of $25,000,000 more amount to a repeal of that limitation of cost?

Mr. KEIFER. Only to the extent of the twenty-five millions.

Mr. SMITH of Iowa. That is not the ruling.

Mr. SHERLEY. I suggest to the Chair that there is still another ground for the fortification of this canal. It is the property of the United States of America, and the same right that we have to fortify the Philippines or Alaska or the Hawaiian Islands applies also to the Panama Canal.

Mr. KEIFER. Oh, no. Neither the Philippines nor Alaska are or can be neutralized as the Panama Canal is by existing treaties, and can be further neutralized by a general international treaty with the principal powers of the world.

Mr. TAWNEY. The total appropriations for the Panama Canal are $248,001,458.58, and to that there should be added the appropriation carried in this bill of $45,560,000.

The CHAIRMAN. The Chair is prepared to rule. The Clayton-Bulwer treaty of April 19, 1850, contains this provision in Article I:

> The Governments of Great Britain and the United States hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship canal; agreeing that neither will ever erect or maintain any fortifications commanding the same or in the vicinity thereof, or occupy, or fortify, or colonize, or assume or exercise dominion over Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America, etc.

For many years there were bills pending, some of which were reported, in reference to the construction of an isthmian canal, a number of them relating in recent years to the Nicaraguan Canal in aid of the Maritime Canal Co. On December 12, 1898, the Hon. William F. Hepburn, who was then the chairman of the Committee on Interstate and Foreign Commerce, the committee of this House which had jurisdiction of legislation relating to the Isthmian Canal, introduced a bill which for the first time proposed that the Government itself should construct the canal. That bill provided, among other things, that the President of the United States—

> be, and he is hereby, authorized to acquire by purchase from the States of Costa Rica and Nicaragua full ownership * * * of certain territory on which to excavate, construct, and defend a canal of such depth and capacity, etc.

That was at the third session of the Fifty-fifth Congress. At the first session of the Fifty-sixth Congress, on December 7, 1899, Mr. Hepburn introduced another bill to the same effect, that the President, and so forth, be authorized to acquire territory on which to excavate, construct, and defend a canal of such depth and capacity. Following the introduction of that bill on the 5th of February, 1900, a treaty was signed by Mr. Hay and Sir Julian Pauncefote, commonly known as the first Hay-Pauncefote treaty, which referred to the Clayton-Bulwer treaty as follows:

> The United States of America and Her Majesty, the Queen of the United Kingdom of Great Britain and Ireland, etc., being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, and to that end to remove any objections that may arise out of the convention of the 19th of April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the "general principle" of neutralization established in Article VIII of that convention, etc.

Among other provisions in this Hay-Pauncefote treaty was this in Article II:

> The high contracting parties, desiring to preserve and maintain the "general principle" of neutralization established in Article VIII of the Clayton-Bulwer convention, adopt as the basis of such neutralization the following rules.

It will be noticed that this article places the responsibility for maintaining the principle of neutralization not upon the United States alone, but upon the United States and Great Britain. Paragraph 7 of Article II of that treaty contains this provision:

> No fortification shall be erected commanding the canal or the waters adjacent. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

When that treaty was submitted to the Senate of the United States various amendments were suggested in the Senate, but in the end the treaty was not ratified by either party. Following the sending of that message to the Senate of the United States and its consideration in the Senate on May 3, 1900, Col. Hepburn introduced this bill:

> A bill to provide for the construction of a canal connecting the waters of the Atlantic and Pacific Oceans.
>
> That the President of the United States be, and he is hereby, authorized to acquire from the States of Costa Rica and Nicaragua, for and in behalf of the United States, control of such portion of territory now belonging to Costa Rica and Nicaragua as may be desirable and necessary on which to excavate, construct, and protect a canal of such depth and capacity, etc.

Here were bills pending in Congress, one of which was reported before the treaty had been agreed upon and ratified between the United States and Great Britain abrogating the Clayton-Bulwer treaty, providing that the United States should construct and defend or protect a canal. The first Hay-Pauncefote treaty did not contain a provision directly abrogating the Clayton-Bulwer treaty. There was then before the two countries a proposition presented by a legislative committee of this House having control of the subject, a proposition that the United States should construct and defend or protect an Isthmian canal and a provision that the Clayton-Bulwer treaty could be, if not abrogated, changed to allow that.

The Hay-Pauncefote treaty, which was finally ratified, contained a provision that the high contracting parties agree that the present treaty—that is, the last Hay-Pauncefote treaty—shall supersede the aforementioned convention of the 19th of April, 1850, the Clayton-Bulwer treaty.

The Clayton-Bulwer treaty, therefore, is entirely abrogated. Article III of the Hay-Pauncefote treaty provides that the United States, not the United States and Great Britain, but the United States adopts as a basis of neutralization of such ship canal the following rules substantially as embodied in the convention of Constantinople of October 28, 1888, for the free navigation of the Suez Canal. That is to say, the canal shall be free and open to the vessels of commerce and of war of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect to the conditions, of charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

And there are various other rules. Article II of that treaty provides that—

> The canal may be constructed under the auspices of the Government of the United States, either directly at its own cost or by gift or loan of money by individuals, etc.

And that—

subject to the provisions of the present treaty, the United States shall have and enjoy the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal.

Paragraph 2 of Article III provides:

The canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

And the provision which was in the first Hay-Pauncefote treaty, "that no fortification shall be erected commanding the canal or the waters adjacent," was deliberately left out of the treaty which was ratified.

The present occupant of the chair has endeavored to read all of the correspondence which has been published in any form upon this subject, and has no hesitation in saying that in his opinion it was the design in the treaty to leave to the Government of the United States the right to determine how it should police the canal, and what regulations it should make.

Following the ratification of the Hay-Pauncefote treaty, which was ratified in November, 1901, came an act of Congress based upon the Hepburn bill, which had passed the House and for which a substitute was made in the Senate. That act, commonly known as the Spooner Act, is the act of June 28, 1902. It provided:

That the President is hereby authorized to acquire from the Republic of Colombia, for and on behalf of the United States, upon such terms as he may deem reasonable, perpetual control of a strip of land, the territory of the Republic of Colombia, not less than 6 miles in width, and extending from the Caribbean Sea to the Pacific Ocean, and the right to use and dispose of the waters thereon, and to excavate, construct, and to perpetually maintain, operate, and protect thereon, a canal of such depth and capacity, etc.

Another provision of that act is section 5, reading:

That the President is hereby authorized to cause to be entered into such contract or contracts as may be deemed necessary for the proper excavation, construction, completion, and defense of said canal, harbors, and defenses, by the route finally determined upon under the provisions of this act.

The route finally determined upon was the Panama Canal route, and it is said that the convention or treaty entered into between the United States and Panama would not permit the United States to fortify the canal.

Article XVIII of the treaty between the United States and Panama provides:

The canal, when constructed, and the entrances thereto shall be neutral in perpetuity, and shall be opened under the terms provided for in section 1 of Article III of, and in conformity with all the stipulations of, the treaty entered into by Great Britain and the Government of the United States October 18, 1901.

But the neutralization under the treaty (the Hay-Pauncefote treaty) is to be maintained by the United States, not by the United States and Great Britain.

It is said that the limit of cost has been exceeded. The original limit of cost for the canal was based upon the estimate of the engineers, but when Congress adopted the lock-type of canal at the time it did, it was well known that the original limit of cost would be exceeded.

The chairman is not now certain what provision was made at that time in reference to the limit of cost, but in the Payne tariff bill it was provided, among other things, in reference to the issuance of bonds, that there might be issued the additional sum of $290,569,000 of bonds, which sum, together with the $84,631,900 already borrowed by the issuance of 2 per cent bonds under section 8 of the act of June 28, 1902, equals the estimate of the Isthmian Canal Commission of the amount required to cover the entire cost of the canal from its inception to its completion; and if there be no other change of authorization it is quite certain that the adoption of this estimate by the authority to issue bonds to cover the estimate of cost would be, of itself, an adoption of the estimate.

The Chair personally has been very much at sea in reference to the desirability of fortifying the canal, but in deciding the point of order the Chair does not pass upon that in any respect. It seems to the Chair that whereas it is provided that the United States shall preserve the neutrality of the canal for the benefit of all nations alike, and that the United States shall provide military police upon the canal to preserve it from disorder, and whereas Congress has provided that the Government shall construct, maintain, operate, and protect the canal, it is quite within the power of the House to determine in what way it should be protected, and whether fortifications are necessary. If fortifications are necessary for protection, then the items in the bill are in order. [Applause.] The Chair therefore overrules the point of order. [Applause.]

Mr. SMITH of Iowa. I believe, Mr. Chairman, that the item of $2,000,000 for the construction of seacoast batteries has already been read. I wish to offer an amendment to the next paragraph, if I am right in my conclusion. I send the amendment to the Clerk's desk and ask that it be read.

The Clerk read the next paragraph in the bill, as follows:

For the purchase, manufacture, and test of seacoast cannon for coast defense, including their carriages, sights, implements, equipments, and the machinery necessary for their manufacture at the arsenals, $1,000,000.

Mr. SMITH of Iowa. Now, Mr. Chairman, I offer the following substitute for those lines.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will read.

Mr. KEIFER. Mr. Chairman, we have not passed the first one, unless you couple them together.

The CHAIRMAN. Does the gentleman from Ohio desire to submit an amendment with reference to the first paragraph?

Mr. KEIFER. I have no objection to leaving the matter open until I am allowed to make the motion to strike out both paragraphs. But if I am to be kept off on that, I will make a motion as to the first one. If I can have the right to make the motion applicable to both paragraphs, I would prefer it.

The CHAIRMAN. The gentleman from Ohio desires to have the two paragraphs treated as one.

Mr. SHERLEY. Does that propose to consider both paragraphs as one?

The CHAIRMAN. It will be treated as one paragraph, unless there is objection. Is there objection? [After a pause.] The Chair hears none.

Mr. KEIFER. Then I ask that the Chair consider a motion pending to strike out both paragraphs with that understanding.

The CHAIRMAN. The gentleman from Ohio will have opportunity at the proper time. The Clerk will read the amendment offered by the gentleman from Iowa [Mr. SMITH].

The Clerk read the amendment offered by Mr. SMITH of Iowa, as follows:

On page 229, strike out lines 15 to 18, inclusive, and insert in lieu thereof the following:

"For the purchase, manufacture, and test of seacoast cannon for coast defense, including their carriages, sights, implements, equipment, and machinery necessary for their manufacture at the arsenals, to cost ultimately not to exceed $1,966,000, $1,000,000; the same to be immediately available and to continue available until expended."

Mr. SMITH of Iowa. Mr. Chairman, this amendment does not increase the limit of cost.

Mr. KEIFER. I think that is subject to a point of order, Mr. Chairman. I make the point of order upon that amendment.

Mr. SMITH of Iowa. I think not.

The CHAIRMAN. The gentleman from Ohio makes the point of order on the amendment.

Mr. SMITH of Iowa. That is not subject to a point of order, Mr. Chairman, I think.

Mr. HULL of Iowa. Mr. Chairman, is not that legislation fixing the ultimate limit of cost?

Mr. SMITH of Iowa. It is fixing the amount as originally proposed, but within the limit of cost.

Mr. HULL of Iowa. It is fixing legislation limiting the cost.

Mr. SMITH of Iowa. If any gentleman wants to take the responsibility of raising a point of order on the fixing of the limit of cost, he can make it, so far as I am concerned.

Mr. KEIFER. Mr. Chairman, I will withdraw the point of order. [Applause.]

Mr. TAWNEY. Mr. Chairman, I would like to have the amendment again reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection.

The Clerk again reported the amendment.

Mr. SMITH of Iowa. Mr. Chairman, that simply fixes the same amount as in the bill, but limits the cost and the amount estimated to this particular purpose.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Iowa [Mr. SMITH].

Mr. HOBSON. Mr. Chairman, is the vote now to be taken on the amendment?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. SMITH].

Mr. CRUMPACKER. Mr. Chairman, I want to ask a question and make a suggestion. In the first place, if we enter upon the policy of fortifying the canal, we must fortify it most thoroughly, and I want to know upon what basis of cost and efficiency of fortification this limitation is predicated.

Mr. SMITH of Iowa. It seems to me, Mr. Chairman, that the committee may well allow this amendment to be adopted in order to perfect the section, but I will explain to the gentleman that the board went to Panama, and there made as careful an estimate as possible of the entire cost of this work. This $1,966,000 is an estimate for the heavy guns and carriages and

the like. Now, it is believed by the Chief of Ordnance that he has no right to enter upon a work that will cost more than the appropriation without the limit being fixed, and the purpose is simply to fix, at exactly the estimate for this work, the limit of cost.

Mr. CRUMPACKER. It seems to me that it is impossible for anybody, expert or otherwise, to determine the cost of the necessary fortifications for that canal when we undertake that work.

Mr. SMITH of Iowa. I do not see why it is not possible to do it just as well as to estimate the cost of anything else. A very competent board has been down there and made the best estimate they can. They may be mistaken in it, but as far as I am concerned, I propose to take the estimate of these men rather than to take my own.

Mr. CRUMPACKER. My motion is that we ought to do this work thoroughly if we enter upon it, and let that be the limitation.

Mr. SMITH of Iowa. This estimate is only to let him begin that part of the work which he estimates for.

Mr. CRUMPACKER. He must do it all within this limitation.

Mr. SMITH of Iowa. Oh, no; this is not to complete the work, but only for the work that he starts on.

Mr. CRUMPACKER. I supposed that covered the whole cost of the fortifications, and I thought we were getting off very cheap. [Laughter.]

Mr. KEIFER. Mr. Chairman, there was a statement made by the chairman of the committee, Mr. MANN, that I do not agree to. The chairman stated a little while ago that the Hay-Pauncefote treaty abrogated the Clayton-Bulwer treaty. I hardly ever heard that before until it was stated this evening. The first article of the Clayton-Bulwer treaty says nothing of the kind, but says the present treaty, that is the Hay-Pauncefote treaty, was to be taken in lieu of that which the Hay-Pauncefote treaty provided for in two places—that the neutralization of the Clayton-Bulwer treaty is to be retained and continued to perpetually neutralize the canal.

Another statement has just been made that a board of competent people was sent down to Panama to make a report about the cost of fortifying and blockading the canal, and that they had reported that it would cost so much. That board reported a rather comprehensive scheme for an army and navy establishment, but it did not report an estimate cost of its completion. It first reported something over $19,000,000 to start the military part of it, and after being requested to cut this preliminary estimate down, it reduced it to twelve million and something more to do a portion of the estimated initial cost. The board in its report says:

> The following table gives the estimate of cost for the defense contemplated by the board for the necessary accessories, for the construction of posts, for preparation of camp site, but does not include the cost of construction for naval purposes.

Down at the bottom of its report this language is used:

> The board records its opinion that the naval estimates, provided with such facilities as the Navy Department shall consider necessary, are an essential part of the defense of the canal and should be provided equally with the projected land force.

Now, what does the Navy want? What do they recommend? They recommend two harbors, one at either end of the canal, where there is no harbor at all and excavations can not be made, and protection for these harbors can not be made at a cost less than $100,000,000.

The board also provides in its report that there shall be two naval stations; that there shall be dry docks; that there shall be a multitude of things that would require more than $100,000,000 to complete. Let us not shut our eyes to the fact that we are simply being drawn into vast expenditures by a proposition to provide a little seacoast defense to start with. I agree with the distinguished gentleman from Indiana [Mr. CRUMPACKER] that if we are to fortify this canal against the world, that it should be done right. Let us go in with the understanding that we are to put in $100,000,000 now and provide more battleships and more Army to protect it or we will lose it in the end. Mr. TAWNEY has given a fair estimate of the cost of maintaining the proposed fortifications. I am in favor of doing this thing right, if at all, and not do a little chipmunk work down there and lose the canal. [Laughter.] That is the point I make, that it must be fortified or not fortified. Neutralization will protect and preserve the Panama Canal to the United States in perpetuity. At the risk of some repetition I submit, somewhat at length, a reply to things said here and elsewhere to justify the abandonment of the long existing policy of the United States to neutralize the canal across the Isthmus of Panama.

REPLY TO CERTAIN STATEMENTS.

The statements made in debate here and in the public prints to justify a violation of existing treaties by which the United States is bound with other nations to neutralize the Panama Canal must be excused, if at all, because their authors have not had time or opportunity to examine the treaties and have accepted what was stated by persons who supposed they possessed knowledge on the subject and were possessed of an overdesire to enlarge the Army and Navy in time of peace.

Some of the statements are made as though the neutralization of the Panama Canal by international treaty had some relation to the neutralization of forts and strongholds of nations established as a means of protecting them. They do not seem to understand that the canal is to be a public carrier of the commerce of the world, on which tolls are to be collected—the only possible source of revenue to its owner.

When the gentleman from Alabama [Mr. HOBSON] asks why Russia did not neutralize Port Arthur, or why the Japanese have not undertaken "to strengthen its defense through neutralization," and why the British "have not neutralized Gibraltar," we are bound to assume that he spoke without reflection. Nothing is more plainly absurd than to suppose any one nation can alone neutralize its own territory or property, unless, possibly, it is more absurd to suppose that fortified places purely for national defense, like Gibraltar, could be neutralized by international treaty or otherwise. War conditions and neutralization can not exist together. The one excludes the other. There is likewise no possible reason for one nation to neutralize a military or naval stronghold of another, if that were possible.

Mr. distinguished friend [Mr. HOBSON] also says: "The entrance to the Suez Canal is at Gibraltar." Gibraltar is about 2,400 miles from Port Said, the Mediterranean entrance to the Suez Canal, and Gibraltar is about 300 miles more distant from that entrance than the fortifications of New York Harbor are from Colon, the Atlantic entrance to the Panama Canal.

He and others say the Suez Canal is fortified. This statement is absolutely unwarranted. All around me are men who have been through it and can speak from personal knowledge. The Suez Canal treaty of 1888 guarantees its neutralization and nonfortification, and that treaty has never been, and never will be, violated. And so as to all such treaties. Whatever fortifications the British, French, Turkish, or other Governments have in or along the Mediterranean or the Red Sea or their connecting waters are for purposes other than to fortify the canal, and have no more relation to fortifying, blockading, or protecting the Suez Canal than has Gibraltar, or the fortifications at New York City, New Orleans, or San Francisco have to the Panama Canal.

There has not been one dollar spent by any of the signatory powers to the Suez Canal treaty to fortify or to protect it from harm. In all cases, as I have on a former occasion shown, where property, seas, navigable rivers, or straits have been neutralized, all military forts and war preparations, if any before existed, as on the Danube, Black Sea, and so forth, have been torn down and forbidden.

He says the British did not regard the neutralization of the Suez Canal in 1878. The treaty of neutralization bears date October 29, 1888, 10 years later.

Another Member, Mr. KOPP, of Wisconsin, has made a like mistake in his speech on the same subject. There is not time to point out and answer much else of like character.

Mr. HOBSON, somewhat defiantly, exclaimed here in speaking of the Suez Canal treaty, that—

> in that treaty the word used is that the contracting powers "agree" and not "guarantee." The British insisted on striking out the word "guarantee."

He should have read the treaty before announcing such an erroneous statement.

Its opening sentence reads:

> Guarantee of the free use of said canal by all the powers, and providing that it shall not be fortified or blockaded, and that it shall be open in time of war as in time of peace.

My distinguished friend, Mr. MILLER of Kansas, in a talk here had the misfortune, when referring to the treaty with Panama of November 18, 1903, to refer or quote only Article XXIII thereof, which article has no reference to the neutralization of the canal at all, but only, as he then said, to a right that existed without any stipulation, namely, to protect it "if it should become necessary," a right nobody and no treaty has ever denied, but all treaties provide for. He wholly, though requested, neglected to refer to Articles XVIII and XXV of the same treaty, which in explicit terms provide for its neutralization, as stipulated in the Hay-Pauncefote treaty, which adopts and applies to the Panama Canal the neutralization embodied

in both the Clayton-Bulwer and Suez Canal treaties. Articles XVIII and XXV will be quoted later.

He makes an ineffectual attempt to have it appear that President Hayes alone of the Presidents from Monroe to President Taft had opposed the neutralization of the canal. He quoted from a message of President Hayes of March 8, 1880, which had no reference to its neutralization, but only to its control by the United States, and he fails to quote President Hayes's later annual message of December 6, 1880, in which he, following his great Secretary of State, Mr. Evarts, recognized with approval that the United States, by its treaty obligations with Colombia, was bound to forever "guarantee the neutrality" of any canal or transit line of any character in the Isthmus of Panama, I have quoted his language in my January 19, 1911, speech delivered here.

He and others pretend to think that the great preparations for war in foreign countries through enlarged armies and navies are a sufficient reason for the United States to, in violation of treaty obligations, erect fortifications on the canal, enlarge our Army and Navy, and to prepare for war on and around it, rather than to have its safety guaranteed by the powers of the world.

The more danger from strong armed forces of other nations there may be the more reason there is for effectual neutralization.

There are some persons here and elsewhere who say existing law authorizes the fortification of the Panama Canal. It does not. But Congress can not set aside an international treaty or make legal its violation. This is hardly as rational an excuse for the United States to violate the guaranteed neutralization of the canal as the one so often used, based on the claim that the United States ought to promptly violate its treaty obligations and sacrifice its pledged national honor for fear some other nation will not observe its like obligations, honor, and good faith.

Still others say the United States alone is bound to neutralize the Panama Canal, and therefore it can do as it pleases about it—that is, the greater the obligations it has assumed in relation to the canal the less it is bound to fulfill them. How ridiculous!

Such attempts are never convincing. They only demonstrate the desperation advocates of war and war measures are driven to resort to.

And, surprisingly, men of distinction, when forced to admit that existing treaties neutralize the canal and prohibit its fortification and blockade, have put forth the theory that fortifications are, notwithstanding, justified to prevent a foreign country from blockading the canal, as though blockade could come from without. This is the weakest attempt to find an excuse for violating the treaties yet mentioned. It is analogous to a man who, fearing that burglars might break and enter his house to steal, proposes to protect his property by keeping a strong police at his front and back doors to keep them open so the burglars could safely enter without breaking.

MONROE DOCTRINE.

There are still persons who assert that neutralization violates the Monroe doctrine and is unpatriotic. The Monroe doctrine, proclaimed by Monroe in 1823, has reference only to European nations not interfering with American Republics, and not to matters of an international character relating to commerce.

The action of the United States Senate in 1835 and of the House of Representatives in 1839 in passing neutralization resolutions, and the Senate in ratifying neutralization treaties with European countries, and the advocacy by Presidents Monroe, John Quincy Adams, Andrew Jackson, Polk, Taylor, Fillmore, Buchanan, Lincoln, Grant, Hayes, Garfield, Harrison, Cleveland, McKinley, and Roosevelt; also by Webster, Clay, Clayton, Everett, Evarts, Blaine, Hay, and other great statesmen in advocation of treaties of neutralization with European powers, show they did not regard them in violation of the Monroe doctrine, or as unpatriotic.

NEUTRALIZATION—WHAT IT IS.

The Panama Canal is neutralized by the treaty of 1846 with New Granada, now Colombia, by the Hay-Pauncefote treaty of November 18, 1901, which includes the neutralization of the Clayton-Bulwer and Suez Canal treaties; by the treaty with the Republic of Panama of November, 1903, and by the requirements of the franchise granted by New Granada May 17, 1878, purchased by the United States of the New Panama Canal Co.—the French company—April 23, 1903.

These treaties are now in full force, and the United States in taking over said franchise, which now constitutes its only warrant to build the Panama Canal at all, became bound by its terms of neutralization. And the canal can be neutralized by a general international treaty.

Those who contend the United States should fortify the Panama Canal do so because they seem to believe neutralization by international treaty will not safeguard it from seizure or destruction by some nation; that strategically it should be closed when the United States is at war; that neutralization is not operative in a state of war in which the United States is engaged; that an international guaranty could or would not be enforced by the guarantors.

Some pretend to believe such treaties are not always observed, and that this constitutes a sufficient reason for the United States to violate its national honor by breaking them. Such belief is entertained without information or reflection. And recent rules and regulations of war adopted by 42 of the nations of the earth prohibits a belligerent from firing on or destroying undefended, nonfortified property of the enemy. These rules and regulations were adopted in 1907 at The Hague Conference, and the United States then signed them, and it has since ratified and proclaimed them as of binding force. So have other nations.

But, first, what is meant by neutralization?

Neutralization when applied to a property in public use like the Panama Canal has never accomplished and never could, and never was intended to accomplish any purpose unless its owner was at war or apprehended war. Then it exempts neutralized property from war, and the exigencies of war.

In times of peace or of war, when its owner is not a belligerent, it is wholly unnecessary, as such property is respected without it. The seizure or injury of the canal by a belligerent would itself be a declaration of war against the guarantors of its neutrality. No nation already at war would, or ever did, violate an international treaty guaranteeing the neutralization of property it was permitted to enjoy, whether at war with its owner or not.

Neutralization can have no application when and where it is not needed. It admits of no combined conditions of peace and war. It is a jealous mistress of peace. When the United States is not at war, the Panama Canal needs no neutralization. Then vessels of commerce and of war will, unmolested, pass in and out of it as they do in times of peace in all our harbors. Neutralization of the canal will except it at all times from war conditions. It accomplishes that object and no other. When long ago—1850—a canal across the Isthmus was talked about as a possibility, the United States and Great Britain agreed to guarantee its neutralization in perpetuity, though neither then owned or expected to own or have any interest in it or any sovereignty over the territory through which it might be built. Their guaranty then was and now is of absolute freedom from war and all war conditions in time of war, regardless of the belligerents engaged.

The United States can not alone neutralize its own property; that is impossible. The United States can not neutralize its own territory or any part thereof in time of peace; it then needs no neutralization.

Our predecessors and the great men of other times and lands understood exactly what neutralization meant, and at no time in history has it been supposed that a nation could neutralize its own territory or property. Who could complain of a withdrawal or a violation of such attempt at neutrality?

Neutralization means something. The first consequence of the neutralization of the Danube—1865-1818—was to raze all forts and to remove all guns and troops from its banks; and the neutralization—1817—of our great northern lakes resulted in no ship of war ever thereafter being placed thereon and no fort or gun being erected on its shores for the protection of the American coast and the cities thereon from a foreign foe.

So as to other neutralized property or water highways.

Neutralization is to exempt from war, or acts of war—to secure peace; it has no application to a state of peace, only to preserve it.

When at peace the canal enjoys neutralization naturally.

Other nations at war will always respect the canal, either as required under universally recognized international law or under the recently adopted rules and regulations of war. Neutralization, fortifications, or blockade are therefore wholly unnecessary and inapplicable, save to protect the canal when the United States is at war.

Obviously, in such case, if not bound by such law or rules and regulations, a belligerent would not invite war with the United States by wantonly attacking the canal. A nation at war with one nation does not provoke war with another. The neutralization provided for the canal in all the treaty and other obligations has reference only and strictly to a state of war in which the United States is a belligerent. The stipulations in the treaties granting free access and ingress of vessels of commerce and of

war of foreign nations relate to mere matters of comity and interest in securing on reasonable and equitable terms revenue to the United States, and are only incident to neutralization. The neutralization of the Panama Canal is not like the neutralization of a country, not to be used or enjoyed by the guarantors or other nations, but which is to be enjoyed alone by the people of the neutralized country.

The statement that the Clayton-Bulwer treaty was modified to secure the right of the United States to own land through which a canal could be built, and to "regain the power to fortify the canal, which it had parted with in 1850," has no support in fact.

The Clayton-Bulwer treaty of 1850 never took from the United States a right to fortify any canal. It neither then, theretofore, nor since enjoyed, nor did it then or ever seek to enjoy, such right.

The Clayton-Bulwer treaty was a mutual agreement between Great Britain and the United States that neither of them would—

ever obtain or maintain for itself any exclusive control over any ship canal, agreeing that neither would ever erect or maintain any fortifications commanding the same, or in the vicinity thereof.

The canal then in contemplation, as stated in the treaty, was "by the way of the river San Juan de Nicaragua," through one or both of Lakes Nicaragua or Managua, and wholly in Nicaragua territory. Neither Great Britain nor the United States then had any ownership or proprietary interest in or right of any kind to build or fortify any canal when built. The treaty was an advance pledge that neither of these countries would ever acquire or assume any such right; and coupled with this pledge was a guaranty that if the canal was built "by any parties having the authority of the local governments through whose territory the same may pass," it should be neutralized, never fortified or blockaded. At that time, and for more than 50 years thereafter, neither Great Britain nor the United States owned or permanently controlled any territory in Central America. Article VIII of the Clayton-Bulwer treaty stated that the neutrality and protection provided in it for the Nicaraguan route might be extended to any other practicable route by canal or railway across the Isthmus of Panama.

In both the 1900 and the 1901 Hay-Pauncefote treaties it is recited that both the United States and Great Britain—

being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end to remove any objection which may arise out of the convention of the 19th of April, 1850, commonly called the Clayton-Bulwer treaty, to the construction of such canal under the auspices of the United States, without impairing the general principle of neutralization established in Article VIII of that convention.

President McKinley, in submitting for ratification the one dated February 5, 1900, and President Roosevelt on February 22, 1902, in proclaiming the ratification of the one dated November 18, 1901, used the same language in substance in declaring the purpose of the respective treaties. Not one word was said in either treaty or by either President or by anybody on the subject of securing to the United States the right to own land through which a canal could be built; and both treaties provided for the neutralization of any canal the United States might build as stipulated for in the Clayton-Bulwer treaty, also according to the rules governing the neutralization of the Suez Canal established by the convention of Constantinople of date of October 28, 1888. Both treaties in express terms neutralize the canal and prohibit blockade and fortifications, and require it to be—

free and open to the vessels of commerce and of war of all nations.

When the first Hay-Pauncefote treaty (1900) was signed, and later (Dec. 16, 1900) when it was ratified, the United States had not acquired or sought to acquire any right to any territory over which to build a canal across the Isthmus.

At the time the 1901 treaty was signed and ratified the United States had acquired a conditional right merely to build a canal through Nicaraguan territory, but without attempting to acquire any sovereignty over any territory proposed to be occupied. It did not acquire its present right to the Canal Zone until after November 18, 1903, nor was the President authorized to acquire any territory over which to build a canal until June 28, 1902. As showing conclusively that there was no purpose on the part of the United States to acquire the right to fortify the canal it might build, a clause in paragraph 7 of Article III of the 1900 treaty expressly prohibited fortification in these words:

No fortification shall be erected commanding the canal or the waters adjacent.

President McKinley and his great Secretary, John Hay, favored this clause and asked the Senate to ratify it, and the Senate, by a large majority on several yea and nay votes, refused to strike this prohibition out of the treaty or to modify it.

In the 1901 treaty it was thought best and safest to remove all doubt as to what the United States might do or not do toward protecting the canal, to specifically define what it was empowered to do. So, for paragraph 7 of Article III of the older treaty this language was used:

The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

This clause fully recognized that the neutralization provisions of the treaty prohibited all acts of or preparations for war, and hence there was used the language "The United States, however," meaning that, notwithstanding such provisions and prohibition, the United States might "be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder;" nothing more.

This limited its separate military and police power. Whatever right not thereby granted was, of course, excluded. Having defined the power reserved or granted to the United States, no other could be exercised under the treaty. And we shall soon see that the Senate of the United States, in ratifying each of the Hay-Pauncefote treaties, understood fully that each prohibited fortifications on the canal.

The provision was made a part of section 2, Article III, of this treaty as a substitute for the clause in section 7 of the 1900 Hay-Pauncefote treaty expressly to prevent the misunderstandings apprehended by the British authorities if they ratified the earlier Hay-Pauncefote treaty as amended by the Senate. The provision was not to weaken but to retain and strengthen the neutralization of the canal, so much desired, as stated in the correspondence, by both countries.

The whole section reads:

The canal shall never be blockaded, nor shall any act of war be exercised, nor any act of hostility be committed within it. The United States, however, shall be at liberty to maintain such military police along the canal as may be necessary to protect it against lawlessness and disorder.

It would not be excusable to again refer to the nature of the treaties and the settled rules for their construction if those who favor violating the plain provisions of neutralization in the several treaties did not attempt to justify themselves by insisting that under them the United States may do what is not in them expressly prohibited, even though other provisions of the treaties would be overthrown thereby. As for instance blockade of the canal is expressly prohibited, yet it is insisted the canal may be fortified, though to fortify it will absolutely blockade it.

The same rules of construction apply to treaties as to other compacts.

An express exception only saves a general provision from being exclusive.

The Supreme Court has spoken on this subject:

A treaty is primarily a compact between independent nations. It depends for the enforcement of its provisions on the intent and the honor of the governments which are parties to it. (118 U. S., 598.)

In its construction the same rules which govern other compacts properly apply. (9 How., 127.) There is no rule of interpretation applicable to treaties or to private contracts which would authorize either of the parties to make exceptions by construction, where the parties have not thought proper to make them. (8 Wheat., 464, 488, 489; 12 Pet., 722.)

As indicative of the accepted rule of interpretation of treaties, the language of Mr. Justice Field (133 U. S., 271) is significant:

It is a general principle of construction with respect to treaties that they shall be liberally construed, so as to carry out the intention of the parties.

Manifestly the draftsmen of the Hay-Pauncefote treaty understood the meaning of language, used it properly, and were familiar with the rules of construction.

While the 1900 treaty was pending for ratification in the Senate on December 1, 1900, President McKinley, through Secretary Hay, negotiated a protocol with Nicaragua by which it agreed to settle a plan by which the United States might build a canal through Nicaraguan territory, the United States expressly agreeing therein that it should be neutralized as stipulated in the 1900 Hay-Pauncefote treaty then pending for ratification in the United States Senate. Such treaty, as stated, in terms prohibited fortifications.

When President Roosevelt sent to the Senate for ratification the 1901 Hay-Pauncefote treaty, he and Secretary Hay understood that the language defining the powers the United States might exercise to protect the canal excluded fortifications and blockade, and they made this clear to the Senate. The President in his letter of transmittal forcefully stated that the treaty was concluded with a view to preserve the—

General principle of neutralization embodied as the settled policy of the United States Government in the Clayton-Bulwer treaty more than 50 years before.

Neutralization and nonfortification were central and principal provisions of the Clayton-Bulwer treaty.

The Senators had the same understanding, and they accordingly voted down every effort to take out of the 1901 treaty such prohibition, and likewise voted down by large majorities every motion to amend it so as to secure to the United States the right to fortify the canal, even though built wholly at its expense. They understood neutralization, fortifications, and blockade could not go together.

All the treaties require neutralization and prohibit blockade or acts of war, and if they contained no other stipulations, fortifications could not be established under them, and the fortifications proposed by the Fortification Board mean only blockade, which is expressly prohibited in all the treaties.

Since the first Hay-Pauncefote treaty was negotiated in February, 1900, nothing was done by the United States to secure the right to fortify the canal when built, save by a few Senators whose efforts failed. Even the amendment to the first treaty which caused its rejection by Great Britain did not provide any right, at any time, to fortify the canal. It purposely left paragraph 7 of Article III unaffected which, we have just seen, prohibited fortifying the canal. President McKinley and Secretary Hay December 1, 1900, after the first treaty was signed and before its ratification was acted on, negotiated with Nicaragua for the mere right to build a canal through its territory.

So it clearly was not the purpose in making any Hay-Pauncefote treaty to acquire the right to secure land through which to construct a canal or to fortify it when built.

The statement that the correspondence between Lord Lansdowne and Mr. Hay, and Mr. Hay's statement to the Senate in transmitting the treaty finally ratified shows that it was recognized by both parties to the treaty that the neutrality of the canal was to be maintained alone by the United States; that nothing in the treaty would prevent the United States fortifying the canal, and that in case of war between the United States and England or other country, nothing in the treaty would prevent the United States from closing the canal to shippers of an enemy, and that the Senate insisted on these things, is unwarranted. No fact supports it. The Hay-Pauncefote treaties speak for themselves. Each party to them plainly bound itself jointly with the other to neutralize the canal. The only thing found in the correspondence directly bearing on what countries were bound by them was in Lord Lansdowne's communication on the subject of the amendment put on the earlier Hay-Pauncefote treaty, where he said:

> If the amendment were added the obligations to respect the canal in all circumstances would, so far as Great Britain is concerned, remain in full force.

His view was that the amendment might be construed, in some event, to release the United States and leave Great Britain still bound to keep its guaranty of neutralization. The later treaty was negotiated, excluding the amendment, and leaving both nations bound to guarantee neutralization; and to avoid doubt arising as to the rights of the United States, in peace or war, pertinent language was used, as I have pointed out, defining just when the United States could use a military police force, and exclusively for what purpose, viz—

> to protect it against lawlessness and disorder.

Thus both treaties prohibited fortifying the canal. Mere neutralization as stipulated for in each treaty prohibits fortifications as everywhere understood and enforced.

The second Hay-Pauncefote treaty is now in full force. The Senate, when engaged in ratifying each treaty, understood that each prohibited fortifying the canal, and it favored neutralization and nonfortification, as its proceedings in executive session conclusively show.

The principal amendment adopted by the Senate to the earlier Hay-Pauncefote treaty reads thus:

> It is agreed, however, that none of the immediately foregoing conditions and stipulations in sections Nos. 1, 2, 3, 4, and 5 of this article shall apply to measures which the United States may find it necessary to take for securing by its own forces the defense of the United States and the maintenance of public order.

This was to add to paragraph 5, Article III of that treaty, and it left section 7 unaffected, which expressly prohibited fortification. The amendment did not grant any right to the United States to fortify the canal or to do anything with its own forces save when it became necessary to defend "the United States and the maintenance of public order."

It was adopted December 15, 1900, with the full understanding that it would not give such right. This is shown by the proceedings in the Senate.

Senator Elkins, December 20, 1900, moved to add to this amendment the following:

> But nothing contained in this treaty shall be construed to prevent the United States from acquiring at any time sufficient territory, and sovereignty over the same, upon which to build, manage, operate, defend, protect, and control said canal, or for any other purpose, as the United States may deem best in its own interests.

This amendment was intended to give the United States the right to acquire territory and "to build—defend, protect—said canal" as the United States might deem best in its own interest. It was voted down—yeas 25, nays 45.

On the same day Senator Teller moved to strike out sections 3 and 4, a clause in section 5, Article II of the treaty, and the clause in section 7, Article II, prohibiting fortifications, which was likewise voted down.

Then Senator Butler moved to strike out the nonfortification clause of paragraph 7, which was voted down—yeas 26, nays 44.

Later, same day, Senator Mason moved to insert in Article II, after section 7, the following:

> *Provided*, Nothing herein contained shall prevent the United States from protecting said canal in any way it may deem necessary, if the United States shall construct said canal at its own expense.

This was likewise voted down—yeas 25, nays 44.

Later still, same day, Senator Teller moved to strike out of Article II the words "in time of war as in time of peace," and the words "and of war," which was also voted down.

Then immediately Senator TILLMAN moved to strike out the amendment agreed to and to insert in lieu thereof this:

> It is agreed, however, that none of the foregoing conditions and stipulations of this article shall apply to measures which the United States may find it necessary to take for securing by its own forces the defense of the United States and the maintenance of order.

This amendment was rejected—yeas 27, nays 43. Other motions to the same effect were voted down, and the treaty was, December 20, 1900, ratified—yeas 55, nays 18.

Nothing could be more conclusive of the Senate's understanding and desire that this treaty forbid fortifications, even though the canal should be built at the expense of the United States, and that it should forever, in time of peace or war, be open and free to the ships of the world.

The Senate never changed this understanding and desire.

This treaty not being satisfactory to Great Britain, because of the amendment, a new one—dated November 18, 1901—was negotiated to get rid of its objection.

As already shown, a clause was so placed in the later one as to define just what, and only what, the United States might do, namely—

> be at liberty to maintain such military force along the canal as may be necessary to protect it against lawlessness and disorder.

This clause recognized the universally accepted rule that neutralization itself prohibited fortifications or other war preparations, and it declared what, in a particular case, the United States might be at liberty to do to protect the canal "against lawlessness and disorder."

It was a very proper provision, and it left no room for a misunderstanding, and it excluded all other right; and it was so understood by the President, as stated in transmitting the treaty to the Senate, and by it when it ratified the treaty, as its proceedings amply show.

When this later treaty came up for ratification, Senator CULBERSON—December 16, 1901—moved to insert in it the principal amendment the Senate had added to the former treaty, but his motion was voted down—yeas 15, nays 65.

The clause which gave the United States the liberty to "maintain such military police along the canal" as it might find necessary to "protect it against lawlessness and disorder" was, by the Senate, regarded as all the separate right desired or that should be asked in view of the neutralization.

As a further test, Senator McLaurin—December 16, 1901—moved to strike out of Article III of the treaty the words:

> Substantially as embodied in the convention of Constantinople, signed the 28th of October, 1888, for the free navigation of the Suez Canal.

His motion was rejected and the treaty was then ratified without amendment—72 yeas, 6 nays—and it is still in full force.

The provisions of this Hay-Pauncefote treaty are so plain and explicit as not to admit of doubt as to its meaning.

It provides for neutralization. How, then, can the canal be taken possession of and fortified? It provides that the "canal shall be free and open to vessels of commerce and of war of all nations;" how, then, can it be closed to such vessels by military force? It provides that the "canal shall never be blockaded, nor shall any right of war be exercised nor any act of hostility be committed within it;" how, then, can fortifications, which, as the report of the Fortification Board shows, are to blockade the canal, and an army be maintained on the line of the canal? It provides that while in "the canal, vessels of war of a belligerent shall not revictual nor take any stores" except when strictly necessary, nor "embark or disembark troops, munitions of war, or warlike materials, except in case of accidental hindrance of the transit, and shall not remain in the canal more than 24 hours," nor "depart within 24 hours from the departure of the vessels of war of the other belliger-

ent;" how are vessels to do this if no vessel of a belligerent is to be admitted at all?

The neutralization provided for in the treaty is to "apply to waters adjacent to the canal, within 3 marine miles of either end;" how can this be if the United States is at liberty to blockade or fortify the canal and thus prevent all neutralization?

It provides that "the plant, establishment, buildings, etc., of the canal shall be deemed a part thereof—and in time of war as in time of peace shall enjoy complete immunity from attack or injury by belligerents;" how is this right to be enjoyed if the United States assumes the right to close the canal whenever, in peace or war, it pleases to do so?

Nothing in this treaty gives the United States greater authority in time of war than in time of peace, whether it is a party to a war or not. Article IV provides that no change of territorial sovereignty will give any right to build a canal, save under the neutralization and obligations of the treaty. When this (1901) treaty was made the United States had no sovereignty of any kind over any territory on the Isthmus. It first acquired a limited authority over the Canal Zone from Panama under a treaty dated November 18, 1903. Clearly the United States by acquiring the Zone did not acquire any right to violate its treaty obligations.

The statement that the "treaty with Panama reaffirms the treaty with England of 1900 and expressly gives the power of fortifications" is worse than inaccurate.

The Panama treaty does not refer to the 1900 Hay-Pauncefote treaty at all, and both treaties provide for neutralization and prohibit fortifications, as I have pointed out.

And the Panama treaty—November 18, 1903—neutralizes the canal by adopting the existing Hay-Pauncefote treaty.

Article XVIII reads:

> The canal, when constructed, and the entrance thereto, shall be neutral in perpetuity and shall be opened upon the terms provided for by section 1 of Article III of, and in conformity with all the stipulations of, the treaty entered into by the Governments of the United States and Great Britain on November 18, 1901.

And Article XXV of the same treaty provides for "the efficient protection of the canal and the preservation of its neutrality."

It is true that Article XXIII of this treaty says the United States may "employ armed forces for the safety and protection of the canal or of the ships which make use of it" when, and only when "it should become necessary," and "grants the right to use its police and its land and naval forces to establish fortifications for these purposes," but for no others.

There is not one word in the treaty which by any reasonable construction authorizes the United States, or any country, to fortify or blockade the canal, or any part of it. Article XXIII gives no right that would not exist without it, and whatever authority it does give is consistent with the neutralization, nonfortification, nonblockade, and so forth, provided for in existing treaties and as expressly required by Articles XVIII and XXV of the Panama treaty.

It must always be remembered that guaranteed neutralization may require force to maintain it, and that there is no restriction on the guarantors as to the force they may use for that purpose.

Neutralization may be fought for as well as any other thing. Why not fight to maintain peace rather than for conquest, or for the love of war?

The theory that the treaty with England only binds the United States to "guarantee the neutrality of the canal" needs no further comment. Our country can not neutralize its own territory, and the treaty obligates both countries to guarantee neutralization for the canal.

SEE ITS PREAMBLE AND ARTICLE IV.

Have Presidents, statesmen, and Senators been engaged for almost a century making treaties to secure neutralization only to find they could only bind one party, and that one had the right, at will, to violate it, or could do as it pleased about it? There are also other treaties neutralizing the Panama Canal.

If the United States only is bound to neutralize the canal, has the time arrived for it to violate its obligation and put the Panama Canal on a war footing against all the world?

It will not be seriously claimed that the United States has to preserve the canal as a transit for belligerents in time of war when the United States is not engaged. This absurd claim assumes that the treaties in some way provide for a time of war when the United States is not involved. Not a word is found in any treaty giving the United States any rights when at war that it does not possess in time of peace or when other nations are at war. No nation not at war or seeking war with the United States would attack the canal, although at war with another nation, hence the provision of the 1901 treaty, paragraph 6, Article III, already referred to, granting "in time of war as in time of peace complete immunity from attack or injury by belligerents" can only refer to belligerents engaged in war with the United States. Such was the interpretation given the treaty by its draftsmen, by the President of the United States, and by the Senate.

COST OF FORTIFICATIONS AND THEIR MAINTENANCE.

The statement minimizing the cost of fortifying the Panama Canal is made on imperfect information.

The $12,475,328 estimate for the purpose of commencing fortifications is, as the fortification board states, only sufficient to start the work. Its earlier estimate was $19,545,843, and this did not, as the board states, include anything for "the cost of construction for naval purposes" nor for necessary "naval stations," "naval establishments," including harbors at both ends, dry docks and battleships for each end of the canal in peace or war, nor for an adequate army of occupation, permanent camps and barracks, sites therefor, and other expensive matters deemed necessary by the fortification board. A substantial increase of our Army and Navy, now regarded as too small, will necessarily be required. So as to our Navy.

Instead of the cost of maintaining the Army and Navy and their establishments on and at the ends of the canal not exceeding $500,000, it will run into millions. The sanitation alone necessary to be maintained will far exceed that sum. Its cost last year on the zone was above $1,800,000, and it may exceed this sum if the canal is to be kept constantly on a war footing by an Army of occupation and a Navy.

Fortifications and naval stations not provided at all times with an adequate Army, guns, and battleships would be the worst of folly should a war suddenly break out. They are absolutely useless except in case of war, hence if necessary at all they must always be ample for war. There would also have to be large depots for Army and Navy supplies of all kinds, quartermaster, commissary, ordnance, coal, and the like, as in time of war transportation would become impossible save under the convoy of a strong fleet of battleships.

There are no harbors at either terminus of the canal, and none can be made at any reasonable cost for battleships to ride in. Not even Panama City, on the Pacific side, or Colon or Cristobal, on the Atlantic side, has a harbor suitable for such ships or for a naval station. The so-called bays have now to be dredged for a considerable distance into the oceans for extensions of the canal channel to get the required 50 feet depth. On the Pacific end the dredging extends beyond the islands belonging to the zone and far out from the mainland. At Balboa, formerly called La Boca, there is now about completed a breakwater extending from the shore of the mainland to the island of Naos to protect the canal channel. On the Atlantic side, if warships could even be anchored within Limon Bay, which they can not, the frequency and hurricane character of storms would drive them out or destroy them. What it would cost to make suitable harbors to meet the recommendations of the fortification board will be hard to compute. The expenditure of $100,000,000 would not suffice for the purpose.

Just now we understand Congress is expected to authorize the United States to establish coaling and other supply stations solely for vessels arriving at the canal; also dry docks for repairing ships, and for whatever else may be required to aid and promote navigation and commerce. This will be right and proper under the treaties, but they could not be used in time of war to which the United States was a party unless neutralization obtains, or for our battleships at any time. Transports carrying supplies for such purposes, with colliers for coal, and so forth, would have, in time of such war, or even apprehended war, to be convoyed by a fleet of battleships to insure their safety. If the canal is fortified, on the same principle fleets of battleships should be provided to constantly convoy supply ships to and fro to prevent them from capture on a sudden outbreak of war. Neutralization will avoid all expense of fortifications and of such fleets and insure freedom from danger.

INTERNATIONAL TREATIES ARE NOT VIOLATED.

Treaties or engagements signed by many nations never have been violated and they never will be. Why did the United States enter into the treaties and subscribe to the rules and regulations adopted by the great Hague Peace Conference and then ratify and proclaim them to all the world of binding force if they were never intended to be observed?

Thus far I have barely referred to the treaty now in force between the United States and New Granada (now Colombia) dated December 12, 1846, by which the United States in express terms "guarantees positively and efficaciously the perfect neutrality—the free transit from one to the other sea—not to be interrupted or embarrassed in any future time." This treaty was brought about by negotiations first initiated by President John Quincy Adams and earnestly advocated by Daniel Webster

and Henry Clay and especially urged by President Andrew Jackson; also indorsed by a Senate resolution of March 3, 1835, and a like House resolution of 1839.

FRANCHISE UNDER WHICH CANAL IS BUILT.

And I should refer again to the Colombia franchise, under which the United States is now building the canal and for which we paid the New Panama Canal Co. (the French company) $40,000,000 for its rights under it, and we also paid $10,000,000 more to the Republic of Panama for confirming it, and further agreed to pay it $250,000 yearly forever, to commence November 18, 1912, and to transport through the canal and over its auxiliary railroad its vessels, troops, and munitions of war free at all times, and we also guaranteed its independence forever.

A provision of this franchise, dated May 17, 1878, is a guaranty of neutrality "for all time" of the canal to be built under it, in these words:

ART. V. The Government of the Republic declares neutral for all time the ports at both ends of the canal and the waters of the same from one ocean to the other; and, in consequence, in case of war between nations, the transit of the canal shall not be interrupted, and the merchant vessels and individuals of all the nations of the world can enter said ports and pass through the canal without being molested.

Articles VIII and XII of the Panama treaty authorized the New Panama Co. (the French company) to sell and transfer its rights under said franchise to the United States, and it bound itself in its purchase from that company to maintain the canal as provided in the franchise.

RULES OF WAR NEUTRALIZE CANAL.

It should also be again observed that the 1907 Hague Peace Conference adopted rules of war and regulations to govern the rights and duties of neutralized places, which severally prohibit bombardment of undefended ports, neutral territory and neutral waters, or the commission of other acts which would be a violation of neutralization or which would result in the destruction or seizure of any property of the enemy in time of war, save when imperatively necessary.

These rules and regulations were signed severally by 42 of the powers of the world, the United States heading the list, Russia, Japan, England, France, Germany, Austria, Spain, Argentina, Colombia, and Brazil, and all other great powers being among the number. The United States later, by and with the advice and consent of the Senate, ratified all these rules and regulations, and President Taft, February 28, 1910, proclaimed them of binding force—

to be observed and fulfilled with good faith by the United States and the citizens thereof.

It will be seen that, without treaty guaranties of neutralization, if the canal is undefended, all the powers of the world are solemnly bound not to fire upon or destroy it, even in time of war in which the United States is a party. The moral force as well as the binding character of these rules and regulations insure their observance.

POLICY OF NEUTRALIZATION.

The policy of the United States, at least since Monroe's administration, should also be respected. Presidents, Secretaries of State, statesmen and patriots, Senators and Representatives have, in unbroken line, favored complete neutralization of any isthmian canal. This is made manifest by messages, Executive papers, correspondence, Senate and House resolutions, treaties, and otherwise, which I have referred to and quoted liberally from in my recent speech of January 19, 1911.

The Presidents and great statesmen from Monroe to President Taft did not regard international neutralization treaties as infringing the Monroe doctrine.

No instance during that time will be found where the right to neutralize the canal when built was opposed, or the right of the United States to fortify it was advocated, unless, possibly, by a very small minority of Senators during the proceedings to ratify the Hay-Pauncefote treaties, and they hardly went so far as to favor such right.

STRATEGIC IMPORTANCE OF NEUTRALIZATION.

The strongest reason, however, even stronger, if possible, than the treaty obligations, is the strategic importance to the United States of neutralizing the Panama Canal in case it is engaged in war. In that event it would not have to defend the canal; its safety would be guaranteed beyond peradventure; its revenues and that of its auxiliary railroad would not be interrupted; our Army and Navy would be free to pass and repass through it and to operate when and where needed; the great expense for fortifications, harbors, naval stations, dry docks for our Navy, and the like, and for additions to the Army and Navy of the United States, including a substantial increase of officers and men, also battleships, and for other necessary offensive and defensive war preparations and for the cost of sanitation; for transports to continuously carry supplies, and for other expenses of maintenance and the keeping of the canal and its auxiliary railroad on a continuous war footing, would also be saved.

To close the canal, in time of war, to other nations or to the enemy would secure no advantage, nor would any strategic advantage be lost to the United States by keeping it open. If the enemy had a fleet in Atlantic waters, we would meet him there, and if in Pacific waters we would meet him there, and if he had a divided fleet, one in each ocean, we would concentrate our warships and beat him in detail.

If we fortify the canal, we must maintain an army of occupation of great strength at its ends and on its line, likewise fleets of ships to support the Army, and if the canal should not be held it would be lost to the United States. In time of war the United States will need its military and naval forces elsewhere.

But by no possibility would the canal be lost to the United States if neutralized, not even by defeat in war. A treaty of neutralization is never broken, and its guarantors would enforce it; and should it, by any possibility, be violated they would require ample indemnity.

PEACE.

Peace, general peace, would be promoted by neutralization, the most important of all considerations. The Panama Canal was designed to promote commerce, not war. In the century of discussion over the practicability and necessity of connecting the Atlantic and Pacific Oceans by a canal across the Isthmus of Panama not a suggestion has been made, until very recently, by anybody, either by a President or statesman or by either branch of Congress or any Member thereof, that such canal should be built as a necessary war measure. As commerce does not flourish in war times, neutralization has always been insisted on to preserve commerce in time of war as in time of peace. It has been a promise to the civilized world ever since a canal across the Isthmus of Panama was thought practicable that it should, in perpetuity, be neutralized—kept open and free to the ships and flags of all nations "in time of war as in time of peace."

The Republic of the United States, with all its boasted Christian civilization, should be the last to break this sacred promise and to violate the policy of neutralization so long proclaimed by our predecessors.

The duty of the United States to neutralize the canal is both of obligation and interest.

It should be neutralized for strategic as well as economic reasons and to promote peace on earth.

Mr. RICHARDSON. Mr. Chairman, I have listened with a great deal of interest to the learned opinion expressed by the Chair a few moments since. I do not hesitate to say that I differ with the Chair in the construction that is given to the different treaties referred to. It was my pleasure and my honor, Mr. Chairman, as the Chair well knows, to be associated with the Chair in the Interstate and Foreign Commerce Committee at the time that the Hepburn bills were being introduced. I say that I challenge anyone here to-night to say that the Clayton-Bulwer treaty of 1850 related to anything else except that Great Britain and the United States should neither one own any land that the Isthmian Canal was to pass over, or own any stock in any company or any private corporation that was organized to construct that Isthmian Canal, and it went one step further than that. It proposed to confer with the different nations of the world and invite them to join with them in guaranteeing that that canal should never be fortified.

I know just as well as any gentleman on this floor knows that this canal was not built under the Clayton-Bulwer treaty, but that treaty expresses the idea and an opinion that never can be removed or destroyed. It expresses the opinion that Great Britain had, that the canal should be constructed under those circumstances where neither the British Government nor the United States of America had any land interest or any stock in it, and should never be fortified. It expressed the opinion, in which our Government agreed, that all the nations of the world should be invited to join in that guaranty. I ask these intelligent gentlemen here to-night what was the next step that has power and influence in controlling the settlement of this question here to-night?

The Hay-Pauncefote treaty came along in the year 1900. What was the purpose of it? What object did it have in view? What did it propose to accomplish? It was nothing but to regain and secure the power that they had lost in the Clayton-Bulwer treaty. That is, to fortify the canal. Nobody questions but what that was the purpose of the Hay-Pauncefote treaty. The chairman of the committee in reading his opinion, which meant nothing else except that the canal could be fortified by authority of law—I ask him and I ask any well-informed

gentleman on this floor to-night what sentence, what paragraph of law has been referred to in these proceedings that tends to convince you or anyone else that there is authority of law to put fortifications there.

Why, Mr. Chairman, the Hay-Pauncefote treaty does not say so. It is absolutely silent on that subject. What treaty is there, then, that says so? I ask what treaty and where is the authority that it came from? None but the treaty that Mr. Roosevelt, as President of the United States, entered into with the little Panama Republic that we created in the wrong way. That is the treaty and the only treaty that justifies or allows anyone to say that there is any authority of law.

Mr. Chairman, I can not vote this amount of money or any amount of money for the fortification of the canal, when I remember, Mr. Chairman, that in all the wars that our country has engaged in in the past that we have always attacked the foreign power and that no foreign power has ever attacked us. If we follow the precedents of our past, what need will we have for fortifications? To decline to fortify, in my opinion, opens broad the way of peace and preserves friendly relations with all other powers. To fortify means that we are looking for war; and, looking for it, we will sooner or later find it. I am an advocate of the preparations for peace and not for war. We ought not, Mr. Chairman, at this time to forget the manner in which this Government acquired the canal strip in Panama. Mr. Chairman, a darkened spot lives in the career of Frederick II of Prussia, when in profound peace he swooped down with his army on Silesia, an undisputed part of the domain of the Empress of Austria, and possessed it for his own purposes. Our Government threw its marines into Panama on the pretext of suppressing a revolt engaged in by hardly a score of men, and prevented the soldiers of Colombia, with which we had an honorable treaty, from suppressing the pantomime revolt. We then proceeded to recognize Panama as a Republic, and formed with that Republic a treaty that gave us the only authority to fortify the canal. Our Government will yet be held to account for that wrong and injustice to the Republic of Colombia. I can not vote to build fortifications at Panama. It means that a standing army will be constantly on guard at Panama to man these fortifications. No man can surmise the expense that this Government will be subjected to for this policy of fortifications. It all means war instead of peace.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOBSON. Mr. Chairman, The gentleman from Ohio [Mr. KEIFER] has referred to certain mistakes that he assumed the gentleman from Kentucky [Mr. SHERLEY] had made. I wish to refer to certain mistakes that the gentleman from Ohio has made. I refer first to the position of Admiral George Dewey. The gentleman from Ohio stated that Admiral Dewey had opposed the fortification of the Panama Canal. I have a letter from Admiral Dewey, dated February 1, which reads as follows:

> The remarks quoted as coming from me in Gen. KEIFER'S speech of January 19 last, that I was opposed to fortifying the Isthmian Canal, were made several years ago before we had any right under the then existing treaties to fortify it and, indeed, when there was doubt whether there ever would be a canal there.
>
> I am now in favor and am on record, as president of the general board and the joint board, as strongly indorsing and urging the fortification of the canal.
>
> GEORGE DEWEY.

[Applause.]

I wish to refer, in the second place, to another mistake of the gentleman in quoting the late President of the United States. I am reliably informed that not only is the late President himself strongly in favor of the fortification of the canal, but that he has stated that the British ambassador, in answer to a direct question of his at the time of the ratification of the Hay-Pauncefote treaty, had declared that Great Britain acknowledged and willingly accepted the right of the United States to fortify the canal under the terms of the treaty.

Now, Mr. Chairman, it seems to me that in some ways the bulk of this discussion has been wide of the field. It has seemed to hinge around technicalities or interpretations of treaties. I wish to ask, Has any nation yet registered any protest against the United States fortifying the canal? Not one. Since the adoption of the treaty with Panama granting us the right to fortify that canal, has any nation yet questioned that right? Again, has there been any nation or group of nations that has ever requested us to neutralize that canal? Not one. For years America's rights have been tacitly acknowledged by all the world. It is unnecessary and gratuitous to inject foreign nations into this American question. When a great question like this arises, the way to move for a nation as for a man is to get the simple, fundamental facts, to stand upon the elemental truth, the laws of nature, and find the straight and narrow path of duty, and, having found the path of duty, to follow it without hesitation. [Applause.] Where does duty lead us in this crisis? As much with the nation as with a man, the first law in nature, and therefore its first duty, is self-preservation. The law of self-preservation dictates that this Nation shall fortify the canal and control it when questions of national defense arise. I will illustrate. The question of passing through the canal would be vital to the success or the failure of war in which this Nation's destiny will be involved. Can there be any question among patriotic Americans whether they should leave the control of the canal and the success or the failure of the war in the hands of any other power or group of powers? To-day there are two existing conventions of nations to guarantee international rights and the vital interests of individual nations. One is in the case of Manchuria. The United States took the initiative and secured the cooperation of all the great powers of the world to guarantee the territorial integrity of China and the principle of the open door.

The CHAIRMAN. The time of the gentleman from Alabama has expired. [Cries of "Vote!" "Vote!"]

Mr. FITZGERALD. How much time does the gentleman want?

Mr. HOBSON. I would like to have five minutes more.

Mr. FITZGERALD. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HOBSON. I will say, gentlemen, I do not intend to abuse your patience; I know you are ready to vote, and I know you are going to vote like Americans and like patriots. Now, in the neutralization of Manchuria, America secured a solemn pledge from the very same nations that we would get a pledge from to-day if we neutralized the Panama Canal, but in the short time that has elapsed China has been the field of battle of two nations that made the neutralization guaranty of the integrity of China and the open-door policy, one of those nations declaring that the object of its going to war was to guarantee the integrity of Korea and the open-door policy of Manchuria. That nation itself has absorbed Korea and in large measure dominates Manchuria.

The other case of international neutralization is that of the treaty of Berlin, in which the integrity of the Balkan Provinces is guaranteed by the same nations and much the same treaty or kind of treaty by which the Panama Canal would be guaranteed. This is one of the most solemn treaties ever signed by civilized nations, all the great nations agreeing to jointly guarantee the integrity of the Balkan Provinces.

Only two years ago, with that treaty still in full effect, Austria, backed by Germany, two signatories of the Berlin treaty, proceeded to seize Herzegovina and Bosnia, the Adriatic Provinces, to violate the pledge of the treaty, and not a voice was raised in protest. What nations are these that were reduced to point of impotency where they were compelled to confide their vital interests to international neutralization? The Empire of China and the Kingdom of Turkey. My patriotic fellow Americans, are we in the category of China and Turkey? Must we depend for the security of our vital interests upon the fickle pledges of other nations?

There is no power above treaties to compel their observation. Only when international treaties have international armies and navies to guarantee their fulfillment can a nation be justified in giving over its vital interests to the keeping of such an international agreement.

The absolute exclusive control of the canal in war is a fundamental duty we owe to our country. The canal is an integral part of our vital coast line on which we have thirty-seven billions of our property and thirty millions of our citizens living within gunshot of the water. The digging of that canal places the whole Gulf and Atlantic seaboard, with our thirty-seven billions of property and inhabitants in proportion, within striking distance of the developing powers of Asia. It places our Pacific coast and all of our interests in that great ocean within striking distance of the great nations of Europe. We have doomed ourselves to a one-fleet Navy. Without the canal that fleet can not operate or give protection in the opposite ocean. Without the absolute and exclusive control of the Panama Canal we are doomed to see constantly one of our great coast lines absolutely defenseless. Shall we voluntarily, gratuitously, be guilty of the folly of committing ourselves to one fleet, as we have done, and then leave that fleet to protect both coasts, with the canal at the mercy of an enemy, imposing upon our fleet the impossible task of operating by the route around Cape Horn? It is idle to pretend that other powers would protect the canal against an

act that would be disavowed by the enemy's government after it had blocked the canal or after the enemy's fleet beyond the entrance destroyed our fleet as it emerged one vessel at a time.

We owe it to ourselves, our self-preservation, to our vital interests, to the first law of nature, to fortify and control that canal for our exclusive use in time of war. [Applause.] We further owe it as a duty to the nations in this hemisphere.

By digging this canal we have thrown the nations of Central and South America into new dangers of attack; nations on the Pacific coast to attack from Europe; nations on the Atlantic coast to attack from Asia. We must be able to neutralize this added danger.

For a hundred years America has given the outside world to understand that in this Western Hemisphere no foreign monarchy should further extend its political influence. When the French Panama Canal was being constructed, President Arthur notified Colombia that the interference of any European power in attempting to control that canal would be regarded as an unfriendly act by the United States. We proclaimed that even a foreign-built and foreign-owned canal would have to be controlled exclusively by America. Shall we now invite in European and Asiatic monarchies that have never acknowledged the Monroe doctrine and give over to them the control of an American-built canal? If we do, the Monroe doctrine, held sacred by our fathers, will perish by the act, the voice of monarchy and militarism will resound in our hemisphere, our own safety and tranquillity will end, our liberal institutions will perish in a colossal neglect of duty—our duty to ourselves, our duty to the Western Hemisphere, our duty to mankind.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOBSON. Mr. Chairman, I ask for five minutes more. [Cries of "Vote!"]

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to proceed for five minutes. Is there objection?

Mr. TAWNEY. Mr. Chairman, I said when this agreement was made that we would try and vote as near 9 o'clock as possible. The gentleman has already had 10 minutes. There are other gentlemen who desire to speak, and therefore I will have to object to any further extension.

Mr. KEIFER. Mr. Chairman, I think it is due to me to make a response to the gentleman of only five minutes. This is the appropriate time to make the answer. [Cries of "Vote!"]

The CHAIRMAN. Does the gentleman from Ohio wish to offer an amendment?

Mr. KEIFER. I desire to be heard in answer to the last speech. I move to strike out the last word. [Cries of "Vote!"]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. SMITH].

The question was taken, and the amendment was agreed to.

Mr. TAWNEY. Mr. Chairman, I now offer the following amendment to both paragraphs as a limitation.

The CHAIRMAN. The gentleman from Minnesota [Mr. TAWNEY] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert, after line 18, on page 229, the following:

"*Provided*, That no part of this sum shall be available for expenditure until the President shall have determined, after proper endeavor by and through the treaty-making power vested in him by the Constitution, that he is unable to negotiate and conclude a treaty with a majority of the leading maritime nations of the world joining the United States in guaranteeing the proper preservation, protection, and safety of the Panama Canal and the entrances thereto, including protection from danger of blockade and the protection of vessels entering or desiring to enter therein, and the commerce thereon, in time of war as in time of peace, and other stipulations and provisions deemed necessary to protect the United States in its ownership, possession, control, sanitation, right to police, and to perpetually maintain said canal and the entrances thereto for the uses and purposes for which it is being constructed or may be adapted, and guaranteeing at all times to the signatory powers thereto the full and free use of said canal upon such terms and under such rules, regulations, and government as may be prescribed by the United States.

If the President be unable to negotiate such a treaty, he shall so signify by a proclamation made in the usual form to the people of the United States, and then, and not until then, shall this appropriation be available for expenditure for the purposes named therein."

Mr. SHERLEY. Mr. Chairman, on that I make the point of order.

The CHAIRMAN. The gentleman from Kentucky makes a point of order. The Chair will hear the gentleman on the point of order.

Mr. SHERLEY. The point of order, Mr. Chairman, is that it changes existing law, and while it is in the form of a limitation, yet it prevents the use of appropriation until the doing of certain acts by the Executive which are directed and which he is not obligated by existing law to perform.

Mr. DOUGLAS. I suggest to the gentleman this, also, that those acts may not be accomplished within the year for which the appropriation is made.

Mr. TAWNEY. That is immaterial. The appropriation will continue available anyway.

The CHAIRMAN. The amendment provides that no part of this sum shall be available for expenditure until the President shall have done certain things. It seems to the Chair that it is a limitation, not a direction to the President to do anything.

Mr. SHERLEY. If the Chair will continue to read, he will find that the President is directed.

The CHAIRMAN. The point that the gentleman from Kentucky refers to, I think, is this:

If the President shall be unable to negotiate such a treaty, he shall so signify by a proclamation, made in the usual form, to the people of the United States, and then, and not until then, shall this appropriation be available for the purposes named therein.

Mr. SHERLEY. But, Mr. Chairman, while it professes to be a limitation, the whole trend of the amendment is to direct the President, and that is clearly shown by the amendment then stating how the President shall inform the country as to whether or not he has succeeded in doing the things that he has been directed to do. It is very plain, as it seems to me.

Mr. TAWNEY. If the last paragraph is deemed by the Chair to make the amendment not in order, it is immaterial, and it can be stricken off. I ask unanimous consent to have the last paragraph stricken out.

The CHAIRMAN. The gentleman from Minnesota [Mr. TAWNEY] asks unanimous consent to strike out the last paragraph of his amendment. Is there objection?

Mr. SHERLEY. I object.

Mr. FITZGERALD. Mr. Chairman, I suggest that the Chair rule upon it first.

Mr. MACON. Yes; let the gentleman from Minnesota get a ruling from the Chair first.

Mr. RICHARDSON rose.

The CHAIRMAN. For what purpose does the gentleman from Alabama rise?

Mr. RICHARDSON. I rise, Mr. Chairman, to ask the gentleman from Minnesota a question. I desire to know if the United States shall be required to communicate with all the other world powers before this money can be used?

Mr. TAWNEY. I was unable, Mr. Chairman, to hear the question of the gentleman from Alabama.

Mr. RICHARDSON. I could not hear the resolution over here distinctly, but I wanted to ask the gentleman from Minnesota if the purport of the gentleman's resolution was to the effect that before the money provided in this paragraph of the bill could be used the President of the United States should consult and negotiate with the other powers in reference to the guarantee of the neutrality of the canal?

Mr. TAWNEY. That is the effect of it. [Cries of "Rule!" "Rule!"]

Mr. SHERLEY. Mr. Chairman, a further reading of the amendment offered by the gentleman from Minnesota confirms me in my belief that it is subject to a point of order. But this is a matter going to the very vital aspect of the proposition now before the House. I, for one, am perfectly willing to leave the proposition embodied in the amendment offered by the gentleman from Minnesota to the wisdom of the House, and in order that the House may vote directly upon it, I withdraw my point of order on it.

The CHAIRMAN. The gentleman from Kentucky withdraws his point of order against the amendment offered by the gentleman from Minnesota. The question is on agreeing to the amendment offered by the gentleman from Minnesota.

Mr. TAWNEY. Mr. Chairman, thus far this debate has been confined almost entirely to the question of our right to fortify the Panama Canal. The question of whether or not we should enter upon the policy of fortifying this great international waterway when completed, what that policy will mean to the American people in the future in the way of permanent and extensive financial burdens, and whether it will be effective as a means of protecting the neutrality of the canal has not been considered.

I will not take issue with gentlemen who contend for our right to fortify the canal. We may concede that right, and yet, in my judgment, to exercise it will not only impose unnecessary financial burdens upon the people, but will jeopardize both the neutrality and the safety of the canal.

Every Member of this House knows and realizes that our determination of this question here to-night means the adoption of a permanent policy. If we decide to fortify the canal, those fortifications must be not only constructed but also maintained for all time to come. From time to time they will have to be renewed. In addition to this, it will be necessary to maintain on the Canal Zone a standing army to protect the fortifications as long as they remain there. Therefore, independent of the

question of our right to fortify the canal, we must look to the effect of that policy upon future generations, as well as its effect upon the fulfillment of our solemn treaty obligations to insure the neutrality of the canal and our duty to protect the canal itself.

I was a Member of this House when the construction of the Panama Canal was authorized. If the proposition to enter upon the policy of fortifying the canal at the admitted cost of that policy had then been contemplated, or if it had been claimed that it would be necessary to fortify it, the construction of the canal would not have been authorized. Members who served in that Congress will recall that much of the opposition to our embarking upon that great project was based upon the enormous cost contemplated. They will recall that at that time it was represented and believed that the cost of constructing the canal would not exceed $150,000,000. I doubt, Mr. Chairman, had it been known or believed at that time that the construction of the canal would cost the American people practically $400,000,000, exclusive of the expense of constructing and maintaining fortifications, whether the friends of the proposition would ever have succeeded in securing votes enough to adopt it. [Applause.]

When the matter was under consideration in Congress at that time the proposition that it would ever be necessary to fortify the canal, or that it was our purpose and intention in authorizing its construction, to utilize it as a military asset was not even suggested. The proposition then was not to construct the canal for our own benefit alone, nor, as I have frequently heard my distinguished colleague from Iowa on the Committee on Appropriations say, for the purpose of utilizing it as a military asset, but for the benefit of the commerce of the entire world. By treaty obligations we have bound ourselves to give to the nations of the world the right to use the canal on terms of equality with ourselves in times of peace as in times of war. We have, therefore, thus conferred upon the nations of the world a property right in the canal, for we have given them the right to use, and the right to use is a property right. Now, after spending almost a half billion dollars for the benefit of the world and its commerce in the construction of the canal, it is proposed to fasten upon the American people, in addition to the great expense incident to the maintenance of the canal, the enormous expense necessary to the construction of fortifications and thereafter a perpetual annual charge of many millions of dollars for the protection of these fortifications.

Mr. Chairman, what will this cost mean to our people? Since the conclusion of the consideration of the sundry civil appropriation bill this evening I have roughly estimated that cost, including the cost of maintaining and operating the canal itself. First, we have authorized the issue of $375,000,000 of bonds, bearing 3 per cent interest, to meet the expense of constructing the canal for the benefit of the world. The annual interest charge on these bonds will be $11,255,000. The estimated annual cost of maintaining the canal, including depreciation, is about $7,000,000. The cost of fortifying the canal, according to the judgment of one of the best-informed engineers in the Army; one, too, who knows more than any other about the canal and the cost of fortifying it under the plan of the fortification board, will aggregate not less than $60,000,000. The annual interest charge on that sum at 3 per cent would be $1,800,000, and depreciation, estimated at 10 per cent, would be $6,000,000. The pay, subsistence, and transportation of the Army, which, it is claimed, will have to be maintained permanently on the Canal Zone, will amount to $8,400,000 annually. Lieut. Gen. Wood, when before the Committee on Appropriations, said that it will be necessary to have on the Canal Zone not less than 7,000 men, including Coast Artillery, Cavalry, and Infantry. According to his testimony, our experience shows that in the United States a thousand troops can not be maintained for less than $1,200,000. The cost of maintaining 7,000 men on the Canal Zone will, therefore, be $8,400,000.

It may be said that if these 7,000 men were not stationed permanently on the Canal Zone, they would have to be paid and subsisted in the States and that, therefore, the only additional cost would be the difference between the cost in the States and the cost on the Canal Zone. Mr. Chairman, does anyone here to-night believe that if these 7,000 men are taken from the Army now stationed at different points in the States, the Army will not be able to secure an increase in the standing Army sufficient to meet the loss occasioned by the withdrawal of troops for the protection of the fortifications of the canal? At this session of Congress we have already increased the number of officers in the Army by 250. It is also proposed to place the National Guard of the several States on the pay roll of the Federal Government, thereby increasing our cost for preparation for war about $8,000,000 annually. The same influences which have secured this increase in the number of officers, and which will place the National Guard on the pay roll of the Federal Government, can very easily secure the increase in the standing Army necessary to take the place of those troops which are withdrawn for service in the Canal Zone. We may therefore very properly charge to the fortification of the canal the pay, subsistence, and transportation of the Army which it is proposed to maintain there permanently as a means of protecting the fortifications and the canal.

But, Mr. Chairman, there is another item which will constitute a perpetual annual charge, the magnitude of which can be estimated only by the expenditure for the same purpose during the construction of the canal. The presence of the troops on the Canal Zone, as proposed, will necessitate continuing the system of sanitation which we have been obliged to maintain, and the cost of which will not be less than from one to one and a half million dollars a year. The annual cost of maintaining our system of sanitation during the construction of the Panama Canal has equaled almost $2,000,000. It may be said that we would have to provide for the sanitation of the Canal Zone in any event. In a sense that is true, because we will have a few people there employed in connection with the operation of the canal. But when the Committee on Appropriations visited the zone last November for the purpose of examining the estimates for canal expenditure, Col. Gorgas, who is in charge of the sanitary department, informed a member of the committee that the sanitation necessary on account of the operation of the canal will not cost the Government more than $15,000. The difference in cost is due to the number of men who would be distributed throughout the Canal Zone and who would have to be protected against those insects which infest that tropical country and which transmit malaria and fever germs.

The aggregate annual expense, therefore, of operating and maintaining the canal for the benefit of the world, and maintaining the troops on the zone for its protection and the protection of the fortifications, will amount in round numbers to $36,000,000.

Mr. Chairman, it is proposed to fasten on the American people this perpetual annual charge for the purpose, as the Commanding General of the Army, before the Committee on Appropriations, in effect said, of being prepared to prevent other nations from using the canal, or, in other words, prepared to violate our solemn treaty obligations, if in the judgment of the Government such violation is desirable.

The highest estimate thus far made of the receipts accruing to the Government in the operation of the canal is $4,000,000 annually. We have, therefore, a net annual loss to the American people in the event we fortify the canal, including the loss sustained in consequence of the operation and maintenance of the canal, of about $32,000,000.

Mr. Chairman, if it were desirable to invite the nations of the world to destroy the Panama Canal, no better method of extending that invitation could be adopted than to fortify it. We will thereby say to the world that we will insure and protect the neutrality of the canal so long as we deem it necessary or convenient to do so. But when we no longer deem the neutralization of the canal necessary to our interests we will be prepared to violate our solemn treaty obligations with other nations by terminating the neutrality of the canal. In proof of this statement, let me read from the testimony of Gen. Wood:

> The CHAIRMAN. Is it not a fact that in the last analysis the purpose of fortifying the canal is to insure to the United States its use as a military asset in case of war?
>
> Gen. WOOD. That is undoubtedly the most important of all the purposes of fortifying the canal.

Again:

> Mr. FITZGERALD. The purpose of the board (the fortification board) is to secure to the United States the exclusive control of the canal in time of hostilities?
>
> Gen. WOOD. That is the principal purpose of fortifying the canal.

Again Gen. Wood said:

> But, as I look at it, one thing is certain. We shall build the canal and maintain it for the use of all countries in time of peace and control it in time of war as our safety and interests demand.

This declaration of purpose, coming from Lieut. Gen. Wood, Chief of Staff, when read in the light of our solemn treaty obligations with Great Britain, contained in article 3 of that treaty, which says that "The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules"—that is, the rules governing the neutralization prescribed in the treaty—discloses a national purpose in respect to our relations

with the other nations of the world more in keeping with the diplomatic policies of nations during the Middle Ages than with the high standard of national honor which all nations now profess and endeavor to follow. [Applause.]

Mr. Chairman, in fortifying the canal we make it the legitimate object of prey when we have a war with another nation, or when two nations having the right to use the canal are at war with one another. I say, therefore, that instead of protecting the canal by fortifying it, we are jeopardizing our property, for we make it the legitimate object of war. To my mind this proposition is incomprehensible. To my mind it is equivalent to saying to the nations of the world: "Although we have given to you a property right, or the right to use the canal in time of peace as well as in time of war, we are not willing to rely upon your honor or your fidelity in the exercise of that right, and, therefore, we must be prepared to prevent you from exercising your right to use the canal whenever we believe that such use would jeopardize either the canal or the interests of the United States."

In my judgment and, I believe, in the judgment of the great majority of the American people who have not been hypnotized by the policy of militarism, it would be far better for us to rely upon the material interest which every nation in the world has in maintaining the integrity of the canal and protecting it than to construct fortifications for that purpose. If we can not rely for the protection of the canal and its neutrality upon the honor and good faith of the nations for whose benefit the American people, at a cost of $400,000,000, have constructed it, then we can not protect the canal and its neutrality with fortifications.

Therefore, Mr. Chairman, I have offered the amendment which has just been read, which, if agreed to, will enable the President of the United States within the next year to ascertain whether or not the principal maritime powers are willing to unite with us in a convention or treaty whereby they will be bound not only not to injure or destroy the canal themselves, but to aid us in protecting it against any nation which might declare its purpose to do so. If that can be done it ought to be done. The attempt should at least be made before embarking upon a policy which will necessitate a perpetual annual charge upon our people, one that will grow more burdensome as time goes by, and one that may make it necessary in the future to construct additional fortifications and to maintain permanently on the Canal Zone an army three times the size of the army now proposed, for no man can predict, once we have embarked upon the policy of fortifying the canal, the extent to which these fortifications may be enlarged and extended in the future.

I hope, therefore, that this amendment will be agreed to. If it is, the President will then have an opportunity to ascertain whether the nations of the world are willing, in consideration of the enormous expense the American people have incurred in the construction of the canal for their benefit, to give bond that they will not under any circumstances interfere with the right of the United States to prescribe rules and regulations for the use of the canal, and that they will not, intentionally or otherwise, injure or attempt to destroy it. [Applause.]

Mr. SHERLEY. Mr. Chairman, let no man mistake the purpose of this limitation. If adopted, it practically nullifies the appropriation carried in this bill; and that is its purpose, not even its veiled purpose. [Applause.] By the terms of this limitation it would be impossible for the President of the United States under a series of years to comply therewith, and in the meanwhile the Panama Canal will have been finished and opened to the traffic of the world. The proposition, therefore, involved in the amendment is the basic proposition of whether we will fortify or not. The gentleman from Minnesota [Mr. TAWNEY] presents a wonderful array of figures. I might recite figures half or a quarter as low and they would have just as much basis in fact as his, because they would represent my guess as against his guess without sufficient information in either instance to make that guess worth while. Not only is that true, but against the statement that 7,000 men will be needed to police the canal, I say to you that the highest authority that I know of in regard to the Panama Canal, the man who has done most to make it a reality and not a dream, does not share any such extreme ideas as to numbers or cost of the policing of the canal. The gentleman from Minnesota said fortifying it is an invitation to attack. I say to you that neutrality not only of a belligerent against us, but in the case of two other powers will be observed only when there is force to make the observance necessary. [Applause.] Do you suppose without any means of making good the neutrality of the canal, that if a strong nation had pressed a weak nation's fleet and that fleet takes shelter in the harbor at either end of the canal, the strong fleet realizing the opportunity by a decisive blow to settle the fate of the war, is going to stop to weigh the question of violation of neutrality? It will destroy its enemy and argue the question of the violation of neutrality afterwards.

Let the gentlemen who talk about neutrality being observed point to the instances where there has been any real punishment of a nation that has seen fit to violate neutrality. Has Japan been punished by any of the great nations for her violation of the treaty obligations in regard to Manchuria? Has Austria-Hungary been punished for the violation of the treaty agreements in regard to the Balkan States? Do you suppose that Belgium's neutrality would have been preserved during the Franco-Prussian War if it had not been for the show of force made by Belgium herself? Is Switzerland maintaining an army for nothing? Her neutrality has been guaranteed. It may be that in the far distant future the time will come when international agreements may be observed without any other force than the moral one that should sustain them, but there is nothing in the past history of the world that warrants the assumption that that time is now. Talk about cost! What folly it is, after having expended four hundred odd millions of dollars, to hesitate to spend a few more to protect what is practically a new coast line of America! [Applause.] Let nobody be deceived by the comparison of the Panama with the Suez Canal. If England did not depend for her position upon having a navy equal to that of any other two nations, she would not be so secure or content in regard to the neutralization of the Suez. Bear in mind, also, that the Suez Canal in its geographical relation is not of prime importance to England.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SHERLEY. Bear in mind also that she is protecting the entrances there, but remember that Panama is right at our door. What means neutrality as gentlemen construe it? It means one of two things, as I said earlier in the debate. Either that in case of war between America and another country the canal shall be closed to both countries or open to both. Have we spent this money in vain? Have we made possible the passage of our fleet from one ocean to the other and then when the need for that passage comes we will agree that it shall not take place except with the long, impossible trip around the Horn? Or take the other proposition that the canal shall be kept open to both belligerents. Shall we throw away all of our advantage; shall we give to the attacking enemy the right to come through that canal; and if it had the right to come through it, do you believe it would hesitate to seize it? What would matter the violation of neutrality compared with the possession of one of the greatest assets of the Nation?

Mr. TAWNEY. A fleet would have to go there before it could enter there and 3½ miles off the shore belongs to the world.

Mr. SHERLEY. What does that mean, that it has to go there? It means that practically you have got to have a fleet in both oceans. But suppose you have a fleet in the Pacific Ocean and the war is with an enemy in the Pacific and it defeats your fleet. If we had the canal fortified what was left of the fleet could go into that canal, could join the Atlantic Fleet or the Atlantic Fleet could come through as a reenforcement. But what would you have as a result of the neutrality? The destruction of your fleet would mean instant seizure of the canal, and bear in mind this, in regard to paying the penalty for violation of neutralization, what will it weigh according to the advantge that would come to the enemy by the seizure of such property as the Panama Canal? The seizure and successful holding of that canal would be sufficient to force this country into terms of peace, and, bigger than any danger that it might suffer hereafter in the way of punishment, would be the advantage it gained by its possession. Gentlemen, it is resting upon an idle dream to hope that when the stress of war comes that nations will be so restrained as not to take advantage of the tremendous temptation that would be held out to them by the nonfortification of this canal. Better abandon the fortification of your seacoast and ask of the world that it enter into agreement to make neutral in time of war your coasts, because practically you have created now a most important coast line of America. [Loud applause.]

Mr. HOBSON and Mr. WANGER rose.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WANGER] is recognized.

Mr. WANGER. Mr. Chairman, I offer the following substitute for the amendment offered by the gentleman from Minnesota [Mr. TAWNEY].

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WANGER] offers a substitute, which the Clerk will report.

The Clerk read as follows:

Substitute a colon in lieu of the period at the end of the last paragraph and insert the following:

"*Provided*, That no part of the sums appropriated in this and the preceding paragraph shall be expended until the President, after reasonable effort, shall fail to secure from each of the other nations than Great Britain and Panama the assurance that they will observe the rules specified and cited in the canal treaty made between the United States and Great Britain in 1901."

Mr. WANGER. Mr. Chairman——

Mr. TAWNEY. Will the gentleman yield to me while I ask that five minutes' time be given to the gentleman from Pennsylvania [Mr. WANGER], and five minutes to the gentleman from New York [Mr. FITZGERALD], and five minutes to the gentleman from Iowa [Mr. SMITH],

Mr. HOBSON. Mr. Chairman, I desire to be heard for five minutes on this question.

Mr. TAWNEY. Mr. Chairman, I move that debate on this paragraph and amendments thereto be closed in 15 minutes.

Mr. HOBSON. Mr. Chairman, I desire to be heard on the motion.

The CHAIRMAN. The motion is not debatable. The gentleman from Minnesota moves that all debate on this paragraph and amendments thereto be closed in 15 minutes. The question is on agreeing to that motion.

The motion was agreed to.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WANGER] is recognized.

Mr. WANGER. The amendment offered by the gentleman from Minnesota, it seems to me, is objectionable, in that it calls for a treaty with the other nations, who assume with the United States the functions of preserving order on the Canal Zone. In other words, it invites a large number of those entangling alliances and bargains against which we were warned so solemnly by the Father of Our Country.

Now, the way to maintain the neutrality of the canal and the way to preserve American supremacy therein is to make it for the interest of all the nations of the world that the American flag shall be dominant there. The reason why treaties have been violated in the past has been the fact that there was not a strong interest on the part of the great signatory powers to maintain them. But when the United States builds this great work and gives to all other nations the right of using the canal upon equal terms, every other nation than our particular enemy will be interested in our supremacy and in our peaceful possession of that canal and in the continuance of its opportunity without unreasonable cost to those other nations.

Why should any nation interfere with what was done in the Balkans, unless it was the interest of that nation in preserving some ancient treaty? Why has Russia never been able to get her ships of war freely out of the Black Sea? It is because other nations would rise up and declare that the old treaties must stand. They do it because their own interests prompt them to do it. And so, in the event of war between the United States and some other nation, all the other nations than the belligerents would want the Panama Canal kept open and free from bombardment and injury, and therefore they would do that for us which would cost us thousands of millions to do, not a hundred million merely, but more millions than have been and will be required for the complete construction of this great ocean way by the United States. [Applause.]

Mr. SMITH of Iowa. Mr. Chairman——

The CHAIRMAN. Is the gentleman from Iowa for or against the amendment?

Mr. SMITH of Iowa. I am against the amendment and defending the text of the bill. Mr. Chairman, during the years of our service together it is seldom that I have differed from the distinguished chairman of the Committee on Appropriations. But I feel constrained to-night to suggest what seemed to me to be defects in his figures. He tells us that the annual cost of the bond issue for building of the canal will be $11,256,000, evidently having estimated the entire interest at 3 per cent, when eighty-four millions have been sold at 2 per cent. He tells us that the annual maintenance for the canal will be $7,000,000, when the report was that it would be two and one-half million dollars. I understand he has included 10 per cent depreciation. The annual interest on the fortification bonds he puts at $1,800,000, whereas it will be $360,000 upon all the money spent for fortifications proper. Whether we in the future shall embark in the policy of a great naval station and dry-docks there and running up the expense to $60,000,000 I do not know, and that is not before the House now. To build seacoast fortifications, to build batteries for the canal, to build quarters for the soldiers, will only cost about $12,000,000, and the mistake in charging interest upon sixty millions in place of twelve millions has caused this error.

I simply mention these facts to show that I think the chairman exaggerates the expense of the maintenance of this defense. But I do not care whether he is right or wrong in his estimate, for I am for the fortifications anyway. [Applause.] I do not believe we built this canal purely as a commercial enterprise. It is a great commercial enterprise, it is true, but when the *Oregon* sailed around the Horn it fixed the building of this canal that the American Navy might more readily cross from sea to sea. [Applause.] That is what we are building this canal for, and if we are not to preserve it for that then we had better blow up the canal and quit work to-night on that great project. Better far stop the building of the canal and strike out all these appropriations for building it than to build it to be seized and utilized by our enemies in time of war. I care nothing, so far as I am concerned, whether the chairman's figures are correct or not. This is a proposition to repudiate the solemn action of this Government in saying, when the Hay-Pauncefote treaty was up, that we would have no one else aid us in defending the canal, that we would defend it by our own strength and our own power. This proposition of the chairman is to recede from that courageous stand and depend upon other people to defend the canal. It is an old saying to "Trust in God, but keep your powder dry." I am willing to trust in the fidelity of the nations of the earth, but I am going to put guns down there to see that they keep the faith with us. [Applause.]

Mr. FITZGERALD. Mr. Chairman, a much broader question than one merely of dollars and cents is involved in the action to be taken to-night. Upon the determination of the House will depend the contribution to be made by the American people to the progress and advance of Christian civilization. The gentleman from Iowa [Mr. SMITH] bases his support of the proposition to fortify the canal upon the action of the American Government in negotiating the latest Hay-Pauncefote treaty. The Clayton-Bulwer treaty provided that an Isthmian Canal should be constructed by Great Britain and the United States, and that neither party should in any way fortify or colonize the surrounding country. When the United States undertook to cancel that treaty and to provide that it should have the exclusive right to construct the canal, it determined that that right should not be impaired in any way by the concurrent right of some other power to participate in any manner whatever in its defense or neutralization. Such a position was essential as a matter of national pride and dignity, and our Government properly declined to enter into a treaty which would give it the right to construct the canal and at the same time give to some other nation the right to participate in its defense or neutralization.

But, Mr. Chairman, we have passed that point. The American people have established their right to construct the canal and to act regarding it as they please. The opportunity is now, and for the first time, presented to the Congress to determine whether it will take a step which will tend to perpetuate the present tremendous armaments of the world, or whether it will initiate a movement which will tend to reduce the great armaments of the world and promote some other method than war for the settlement of disputes between nations.

Our action to-night will mark an epoch in our history. With our unchallenged supremacy among the nations, with our unrivaled resources, and with our marvelous opportunity to promote peace on earth, and good will among men, the time is at hand when it must be determined whether our influence shall be cast into the balance in favor of incalculable war preparations and expenditures or exerted to lift from the already overburdened peoples of the earth the weight of militarism and the blight upon industrial effort and progress resulting from vainglorious and peace-menacing policies. To-night a message may be sounded throughout the civilized world that this liberty-loving and peace-abiding people, at enmity with none other, will by its example promote the notion of friendly concord with other nations, or the message will be one of universal distrust and anticipated discord.

If this appropriation be made in the way proposed, we are forever committed to the policy of largely augmenting the naval and military forces of the United States, not such from necessity to protect ourselves, but because of our lack of faith in all of the peoples of the earth. Could I bring myself to believe, as some gentlemen here seem to believe, that the nations of the earth had descended to such depths of depravity as have been depicted, I should be unwilling to trust them in the

slightest in dealings upon any question, however insignificant; but to assert in advance that the great nations of the earth would willingly enter into solemn obligations to keep the canal neutral, to protect it for the benefit of all the people of the world, with the express intention of violating such an agreement, is a slander upon the nations of the world that I am unwilling to utter or to join with others who do.

Mr. Chairman, no one can estimate the cost in money to the United States from the policy proposed. Uncertain and unreliable are the estimates of our military experts as to the ultimate cost involved. On the 10th of August, 1910, the estimates submitted by the board for the fortification of the canal were $19,900,000. On the 4th of January, 1911, because of some opposition to the whispered reports as to the ultimate expenditure involved, a revised estimate was submitted which contends that the fortifications will cost not to exceed $12,000,000. When military experts can not make their estimates any more accurately, or can not remain fixed within 33 per cent of their estimates more than six months, it requires careful consideration by this Congress before the initiation of any project based upon such estimates.

The people of the United States have built this canal for the benefit of mankind; they have opened their inexhaustible treasury to the enterprise; they have spared neither men nor treasure in the work. Four hundred millions will be ungrudgingly expended upon this enterprise, the accomplishment of which has been the dream of civilized men for more than four centuries. This marvelous monument to the ingenuity, capacity, enterprise, and resourcefulness of our people is to be dedicated to mankind, to promote commerce and the peaceful pursuits of civilization. To initiate now an expenditure which may require fifty millions more of money to protect the canal from the assaults of those for whose benefit it will be completed will be the greatest crime of all time against civilization and progress.

The pending amendment will serve a beneficial purpose. It will place our Government in the attitude of extending the olive branch to the nations of the earth; it will set an example which may awaken a reaction against the present unbridled tendency to indefensible military enterprises; it will enable all people to begin a lasting movement to eliminate force and substitute reason as the controlling element in determining differences between nations. Let this opportunity pass, and it will never return, but we shall be committed to a policy which will plague us forever and will tend more and more to divert us from those useful pursuits that tend to elevate and promote the happiness of mankind, while our thoughts and energies are exerted to repel enemies more imaginary than real. [Applause.]

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The question is on the amendment offered by way of substitute by the gentleman from Pennsylvania to the amendment offered by the gentleman from Minnesota.

The question was taken, and the substitute was rejected.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from Minnesota.

The question was taken; and on a division (demanded by Mr. TAWNEY) there were—ayes 63, noes 130.

So the amendment was rejected.

Mr. KEIFER. Mr. Chairman, I move to strike out the paragraph.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out the paragraph.

The CHAIRMAN. The question is on the amendment of the gentleman from Ohio.

The question was taken; and on a division (demanded by Mr. KEIFER) there were—ayes 51, noes 135.

So the amendment was rejected.

Mr. TAWNEY. Mr. Chairman, when the bill was under consideration a point of order was made against the proviso beginning on page 4 in line 1. The point of order was made by the gentleman from Illinois [Mr. MADDEN], whom I do not see here at present.

The CHAIRMAN. The gentleman from Illinois informed the Chair that he withdrew the point of order.

Mr. TAWNEY. Then I ask unanimous consent to return to that proviso, for the purpose of offering it as an amendment.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TAWNEY. Mr. Chairman, I move to restore the paragraph which was stricken out of the bill on a point of order.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 4, line 1, after the word "eleven," insert: "*Provided*, That the salaries of the members of said commission on the part of the United States shall be fixed by the President, and the amount appropriated for the payment of salaries and other expenses hereunder shall be disbursed under the direction of the Secretary of State; that said commission or any member thereof shall have power to administer oaths and to take evidence on oath whenever deemed necessary in any proceeding or inquiry or matter within its jurisdiction under said treaty, and said commission shall be authorized to compel the attendance of witnesses in any proceedings before it or the production of books and papers when necessary by application to the circuit court of the United States for the circuit within which such session is held, which court is hereby empowered and directed to make all orders and issue all processes necessary and appropriate for that purpose."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. TAWNEY. Mr. Chairman, I move that the committee do now rise and report the bill and amendments to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to

Accordingly the committee rose; and Mr. OLMSTED having assumed the chair as Speaker pro tempore, Mr. MANN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration House bill 32009, and had instructed him to report the bill back to the House with certain amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. TAWNEY. Mr. Speaker, I move the adoption of the amendments and the bill to final passage, and on that motion I ask the previous question.

The SPEAKER pro tempore. The gentleman from Minnesota moves the adoption of the amendments and demands the previous question upon them and upon the bill to final passage.

The question was taken, and the previous question was ordered.

The SPEAKER pro tempore. The question is upon the adoption of the amendments.

The question was taken, and the amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time——

Mr. FITZGERALD. Mr. Speaker, I move to recommit the bill with the following instructions.

The SPEAKER pro tempore. The gentleman from New York moves that the bill be recommitted with the following instructions, which the Clerk will report.

The Clerk read as follows:

Recommit with instruction to report forthwith, amended by adding, after "dollars," line 18, page 229, the following:

"*Provided*, That no part of this sum shall be available for expenditure until the President shall have determined, after proper endeavor by and through the treaty-making power vested in him by the Constitution, that he is unable to negotiate and conclude a treaty with a majority of the leading maritime nations of the world joining the United States in guaranteeing the proper preservation, protection, and safety of the Panama Canal and the entrances thereto, including protection from danger of blockade and the protection of vessels entering or desiring to enter therein, and the commerce thereon, in time of war as in time of peace, and other stipulations and provisions deemed necessary to protect the United States in its ownership, possession, control, sanitation, right to police, and to perpetually maintain said canal and the entrances thereto for the uses and purposes for which it is being constructed or may be adapted, and guaranteeing at all times to the signatory powers thereto the full and free use of said canal upon such terms and under such rules, regulations, and government as may be prescribed by the United States.

"If the President be unable to negotiate such a treaty he shall so signify by proclamation, made in the usual form, to the people of the United States, and then, and not until then, shall this appropriation be available for expenditure for the purposes named therein."

Mr. FITZGERALD. Mr. Speaker, I demand the previous question on the motion.

The SPEAKER pro tempore. The question is upon the motion of the gentleman from New York, and upon that he demands the previous question.

The question was taken, and the previous question was ordered.

The SPEAKER pro tempore. The question is upon the motion offered by the gentleman from New York, to recommit with instructions.

Mr. FITZGERALD. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 81, nays 123, answered "present" 10, not voting 170, as follows:

YEAS—81.

Adair	Butler	Cullop	Flood, Va.
Alexander, Mo.	Carlin	Denver	Floyd, Ark.
Anderson	Clark, Mo.	Dickinson	Foster, Vt.
Barnhart	Clayton	Dickson, Miss.	Garner, Tex.
Bartlett, Ga.	Cline	Dixon, Ind.	Hamlin
Bell, Ga.	Conry	Edwards, Ga.	Hanna
Booher	Cox, Ind.	Ferris	Haugen
Borland	Crumpacker	Fitzgerald	Hollingsworth

Hubbard, Iowa	Lamb	Nicholls	Sherwood
Hubbard, W. Va.	Latta	Norris	Sims
Hughes, N. J.	Lawrence	Nye	Sisson
Hull, Tenn.	Lindbergh	Oldfield	Stephens, Tex.
Humphreys, Miss.	Lloyd	Page	Tawney
Jamieson	McCreary	Palmer, A. M.	Tou Velle
Johnson, S. C.	Macon	Peters	Turnbull
Jones	Maguire, Nebr.	Rainey	Wanger
Keifer	Mays	Rauch	Watkins
Kelliher	Mitchell	Roddenbery	Wilson, Pa.
Kitchin	Moore, Pa.	Rucker, Colo.	
Korbly	Morse	Saunders	
Küstermann	Moss	Sheppard	

NAYS—123.

Adamson	Ellerbe	Kennedy, Iowa	Reeder
Aiken	Esch	Kennedy, Ohio	Rodenberg
Alexander, N. Y.	Fairchild	Kinkaid, Nebr.	Rucker, Mo.
Austin	Finley	Knapp	Shackleford
Barchfeld	Focht	Kopp	Sheffield
Bartlett, Nev.	Foss	Kronmiller	Sherley
Beall, Tex.	Garrett	Langham	Simmons
Bennett, Ky.	Godwin	Lee	Slemp
Bradley	Good	Lever	Smith, Iowa
Brantley	Graff	Lively	Smith, Tex.
Burgess	Graham, Ill.	McKinney	Snapp
Burke, S. Dak.	Graham, Pa.	McLaughlin, Mich.	Southwick
Byrns	Grant	Madden	Sparkman
Calderhead	Greene	Madison	Steenerson
Cantrill	Hamer	Malby	Sterling
Chapman	Hamilton	Mann	Stevens, Minn.
Cooper, Pa.	Hardwick	Martin, Colo.	Sturgiss
Cowles	Hawley	Massey	Sulloway
Craig	Heflin	Miller, Kans.	Sulzer
Currier	Henry, Tex.	Moon, Pa.	Taylor, Colo.
Dalzell	Higgins	Olcott	Thistlewood
Davidson	Hill	Olmsted	Thomas, Ky.
Denby	Hinshaw	Parker	Thomas, N. C.
Dent	Hobson	Parsons	Thomas, Ohio
Dickema	Houston	Payne	Tilson
Dodds	Howell, Utah	Pearre	Washburn
Douglas	Howland	Pickett	Wickliffe
Draper	Hughes, Ga.	Pray	Wilson, Ill.
Driscoll, M. E.	Hull, Iowa	Prince	Young, Mich.
Durey	Johnson, Ky.	Randell, Tex.	Young, N. Y.
Dwight	Kendall	Ransdell, La.	

ANSWERED "PRESENT"—10.

Burnett	Foster, Ill.	McCall	Richardson
Collier	Helm	McMorran	
Fornes	Lenroot	Nelson	

NOT VOTING—170.

Ames	Elvins	Johnson, Ohio	Plumley
Andrus	Englebright	Joyce	Poindexter
Ansberry	Estopinal	Kahn	Pou
Anthony	Fassett	Kinkead, N. J.	Pratt
Ashbrook	Fish	Knowland	Pujo
Barclay	Foelker	Lafean	Reid
Barnard	Fordney	Langley	Rhinock
Bartholdt	Fowler	Law	Riordan
Bates	Fuller	Legare	Roberts
Bennet, N. Y.	Gaines	Lindsay	Robinson
Bingham	Gallagher	Livingston	Rothermel
Boehne	Gardner, Mass.	Longworth	Sabath
Boutell	Gardner, Mich.	Loud	Scott
Bowers	Gardner, N. J.	Loudenslager	Sharp
Broussard	Garner, Pa.	Lowden	Slayden
Burke, Pa.	Gill, Md.	Lundin	Small
Burleigh	Gill, Mo.	McCredie	Smith, Cal.
Burleson	Gillespie	McDermott	Smith, Mich.
Byrd	Gillett	McGuire, Okla.	Sperry
Calder	Glass	McHenry	Spight
Campbell	Goebel	McKinlay, Cal.	Stafford
Candler	Goldfogle	McKinley, Ill.	Stanley
Capron	Gordon	McLachlan, Cal.	Swasey
Carter	Goulden	Martin, S. Dak.	Talbott
Cary	Gregg	Maynard	Taylor, Ala.
Cassidy	Griest	Miller, Minn.	Taylor, Ohio
Clark, Fla.	Guernsey	Millington	Townsend
Cocks, N. Y.	Hamill	Mondell	Underwood
Cole	Hammond	Moon, Tenn.	Volstead
Cooper, Wis.	Hardy	Moore, Tex.	Vreeland
Coudrey	Harrison	Morehead	Wallace
Covington	Havens	Morgan, Mo.	Webb
Cox, Ohio	Hay	Morgan, Okla.	Weeks
Cravens	Hayes	Morrison	Weisse
Creager	Heald	Moxley	Wheeler
Crow	Henry, Conn.	Mudd	Wiley
Davis	Hitchcock	Murdock	Willett
Dawson	Howard	Murphy	Wood, N. J.
Dies	Howell, N. J.	Needham	Woods, Iowa
Driscoll, D. A.	Huff	O'Connell	Woodyard
Dupre	Hughes, W. Va.	Padgett	
Edwards, Ky.	Humphrey, Wash.	Palmer, H. W.	
Ellis	James	Patterson	

So the motion to recommit was rejected.

The Clerk announced the following additional pairs:

For the session:

Mr. McMORRAN with Mr. PUJO.

Until further notice:

Mr. TAYLOR of Ohio with Mr. TALBOTT.

Mr. ANTHONY with Mr. ANSBERRY.

Mr. BARCLAY with Mr. BOEHNE.

Mr. BARNARD with Mr. BROUSSARD.

Mr. BINGHAM with Mr. CANDLER.

Mr. BURKE of Pennsylvania with Mr. COVINGTON.

Mr. CAPRON with Mr. COX of Ohio.

Mr. CASSIDY with Mr. HOWARD.

Mr. COLE with Mr. GALLAGHER.

Mr. HEALD with Mr. KINKEAD of New Jersey.

Mr. DAWSON with Mr. ESTOPINAL.

Mr. DAVIS with Mr. GOLDFOGLE.

Mr. ELLIS with Mr. GORDON.

Mr. FASSETT with Mr. GOULDEN.

Mr. MORGAN of Oklahoma with Mr. HAMMOND.

Mr. FORDNEY with Mr. HARDY.

Mr. GILLETT with Mr. HARRISON.

Mr. JOHNSON of Ohio with Mr. HITCHCOCK.

Mr. KNOWLAND with Mr. WILLETT.

Mr. LONGWORTH with Mr. MOON of Tennessee.

Mr. LOUD with Mr. O'CONNELL.

Mr. McKINLEY of Illinois with Mr. SHARP.

Mr. MONDELL with Mr. SPIGHT.

Mr. MOXLEY with Mr. STANLEY.

Mr. HENRY W. PALMER with Mr. TAYLOR of Alabama.

Mr. PLUMLEY with Mr. UNDERWOOD.

Mr. ROBERTS with Mr. WEBB.

Mr. VREELAND with Mr. HAY.

Mr. WEEKS with Mr. ROBINSON.

Mr. WILEY with Mr. MOORE of Texas.

For balance of day:

Mr. LOWDEN with Mr. FOSTER of Illinois.

Mr. HENRY of Connecticut with Mr. GLASS.

Mr. HAYES with Mr. PADGETT.

Mr. CARY with Mr. CARTER.

Mr. SCOTT with Mr. BURLESON.

On the proposition to fortify the Panama Canal:

Mr. BARTHOLDT with Mr. HELM.

Mr. BOUTELL (in favor) with Mr. SLAYDEN (against).

Mr. BENNET of New York (in favor) with Mr. RICHARDSON (against).

Mr. MARTIN of South Dakota (in favor) with Mr. NELSON (against).

Mr. GUERNSEY (in favor) with Mr. GILLESPIE (against).

Mr. DUPRE (in favor) with Mr. CAMPBELL (against).

Balance of day on fortification:

Mr. FORNES (in favor) with Mr. LIVINGSTON (against).

Mr. NEEDHAM (in favor) with Mr. DIES (against).

Mr. COOPER of Wisconsin (in favor) with Mr. LENROOT (against).

From 2.30 p. m. until Monday morning:

Mr. HUMPHREY of Washington with Mr. MORRISON.

Thursday morning until March 1:

Mr. SPERRY with Mr. McDERMOTT.

From 5 p. m. until midnight:

Mr. GRIEST with Mr. McHENRY.

From 12 m. until Monday morning:

Mr. CALDER with Mr. HAMILL.

Mr. McCALL. Mr. Speaker, I voted "aye," but I am paired with the gentleman from Kentucky [Mr. JAMES]. Therefore I would like to withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the final passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. TAWNEY, a motion to reconsider the vote by which the bill as amended was passed was laid upon the table.

VETO MESSAGE—MARGARET PADGETT.

The SPEAKER laid before the House the following message from the President of the United States, which was read:

To the House of Representatives:

I return herewith, without my approval, House bill 25569, authorizing a patent to be issued to Margaret Padgett to certain public lands therein described. The reasons for my action are stated in the accompanying letter from the Secretary of the Interior.

WM. H. TAFT.

THE WHITE HOUSE, *February 25, 1911.*

Mr. PAYNE. Mr. Speaker, I move that the message and accompanying papers be referred to the Committee on the Public Lands.

The motion was agreed to.

REPRINT OF A REPORT.

Mr. HAMER. Mr. Speaker, I ask unanimous consent for a reprint, with corrections, of Report No. 2227, accompanying Senate bill No. 10791.

The SPEAKER pro tempore. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 10691) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War, and certain widows and dependent relatives of such soldiers and sailors.

Also that the Senate further insisted on its amendments to the bill (H. R. 31856) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1912, and for other purposes, disagreed to by the House of Representatives and agreed to the conference asked for by the House, and had appointed as conferees on the part of the Senate Mr. GALLINGER, Mr. CURTIS, and Mr. TILLMAN.

The message further announced that the Senate agreed to the report of the committee of conference on the bill (H. R. 31856) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1912, and for other purposes.

The message also announced that the Senate had passed the bill (S. 1342) placing H. M. Plunkett, assistant engineer, United States Navy, on the retired list with an advanced rank, in which the concurrence of the House of Representatives was requested.

MESSAGE FROM THE PRESIDENT.

A message from the President was communicated to the House by Mr. Latta, one of his secretaries, who also announced that the President had, on February 24, 1911, approved the following bills and joint resolution:

H. R. 27837. An act to amend the provisions of the act of March 3, 1885, limiting the compensation of storekeepers, gaugers, and storekeeper-gaugers in certain cases to $2 a day, and for other purposes;

H. R. 20072. An act for the relief of Hans N. Anderson;

H. R. 21613. An act for the relief of Francis E. Rosier;

H. R. 23695. An act to provide for sittings of the United States circuit and district courts of the northern district of Mississippi at the city of Clarksdale, in said city; and

H. J. Res. 146. Joint resolution creating a commission to investigate and report on the advisability of the establishment of permanent maneuvering grounds, camp of inspection, rifle and artillery ranges for troops of the United States at or near the Chickamauga and Chattanooga Military Park, and to likewise report as to certain lands in the State of Tennessee proposed to be donated to the United States for said purposes.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 10817. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

S. 10318. An act authorizing the Secretary of the Interior to grant further extensions of time within which to make proof on desert-land entries in the counties of Benton, Yakima, and Klickitat;

S. 10818. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 608. For the relief of Charles T. Gallagher and Samuel H. Proctor;

S. 5432. An act to authorize the city of Seattle, Wash., to purchase certain lands for the protection of the source of its water supply;

S. 7804. An act for the relief of David Jay Jennings;

S. 10691. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 10849. An act to authorize the city of Shreveport to construct a bridge across the Red River.

Mr. WILSON, from the Committee on Enrolled Bills, announced that that committee had examined and found truly enrolled bills and joint resolution of the following titles, when the Speaker signed the same:

H. R. 32341. An act to authorize the St. Paul Railway Promotion Co., a corporation, to construct a bridge across the Mississippi River, near Nininger, Minn.;

H. R. 29708. An act to constitute Birmingham, in the State of Alabama, a subport of entry;

H. R. 28632. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; and

H. J. Res. 276. Joint resolution modifying certain laws relating to the military records of certain soldiers and sailors.

BILLS SENT TO THE PRESIDENT.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills and joint resolution:

H. R. 26018. An act for the relief of James Donovan;

H. R. 19756. An act for the relief of Michael B. Ryan, son and administrator de bonis non of John S. Ryan, deceased;

H. R. 9221. An act for the relief of James Jones;

H. R. 26290. An act providing for the validation of certain homestead entries;

H. R. 18542. An act for the relief of Thomas C. Clark;

H. R. 16268. An act for the relief of Thomas Seals;

H. R. 32400. An act to authorize the North Pennsylvania Railroad Co. and the Delaware & Bound Brook Railroad Co. to construct a bridge across the Delaware River from Lower Makefield Township, Bucks County, Pa., to Ewing Township, Mercer County, N. J.;

H. R. 32220. An act to authorize the board of supervisors of the town of High Landing, Red Lake County, Minn., to construct a bridge across the Red Lake River;

H. R. 32571. An act to consolidate certain forest lands in the Kansas National Forest;

H. R. 31538. An act to authorize the Pensacola, Mobile & New Orleans Railway Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels above the city of Mobile, Ala.;

H. R. 28632. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes;

H. R. 29708. An act to constitute Birmingham, in the State of Alabama, a subport of entry;

H. R. 32341. An act to authorize the St. Paul Railway Promotion Co., a corporation, to construct a bridge across the Mississippi River, near Nininger, Minn.; and

H. J. Res. 276. Joint resolution modifying certain laws relating to the military records of certain soldiers and sailors.

ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 20 minutes p. m.) the House adjourned until Sunday, February 26, 1911, at 12 o'clock m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. STAFFORD, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 32842) to authorize the Controller Railway & Navigation Co. to construct two bridges across the Bering River, in the District of Alaska, and for other purposes, reported the same without amendment, accompanied by a report (No. 2257); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HOWLAND, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 32907) to incorporate the National McKinley Birthplace Memorial Association, reported the same with amendment, accompanied by a report (No. 2255); which said bill and report were referred to the House Calendar.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 32908) to authorize Ouachita County, Ark., to construct a bridge across the Ouachita River, reported the same with amendment, accompanied by a report (No. 2256), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 32945) providing for acquiring a site for a public building at Las Vegas, N. Mex.; to the Committee on Public Buildings and Grounds.

By Mr. HIGGINS: A bill (H. R. 32946) to provide for the purchase of a site and the erection of a public building thereon at Mystic, in the State of Connecticut; to the Committee on Public Buildings and Grounds.

By Mr. FORNES: A bill (H. R. 32947) to amend section 657 of the Code of Law for the District of Columbia; to the Committee on the District of Columbia.

By Mr. PRAY: A bill (H. R. 32948) to accept the cession by the State of Montana of exclusive jurisdiction over the lands embraced within the Glacier National Park, and for other purposes; to the Committee on the Public Lands.

By Mr. CARY: Joint resolution (H. J. Res. 293) directing the Civil Service Commission to strike certain names from the eligible list; to the Committee on Reform in the Civil Service.

By Mr. HOUSTON: Memorial of the Legislature of Tennessee urging Congress to enact the recommendations of the Immigration Commission as to illiteracy test; to the Committee on Immigration and Naturalization.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 32949) granting an increase of pension to William Updegraff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32950) granting an increase of pension to Charles Schmidt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32951) granting an increase of pension to George E. Gleason; to the Committee on Invalid Pensions.

By Mr. FLOYD of Arkansas: A bill (H. R. 32952) granting a pension to Mary C. Fowler; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 32953) granting a pension to James Campbell; to the Committee on Pensions.

By Mr. MARTIN of South Dakota: A bill (H. R. 32954) granting an increase of pension to Daniel Remington; to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 32955) granting an honorable discharge to William T. King; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAIR: Petition of Rosa Davis and others against Senate bill 404 and House joint resolution 17, Sunday legislation in the District of Columbia; to the Committee on the District of Columbia.

By Mr. ANDERSON: Petition of "Coterie," of Fremont, Ohio, for repeal of the 10-cent tax on whisky; to the Committee on Agriculture.

Also, petition of National Piano Manufacturers' Association of America, for reciprocity with Canada; to the Committee on Ways and Means.

By Mr. ANSBERRY: Petition of Philadelphia Peace Association, for neutralization of the Panama Canal; to the Committee on Military Affairs.

Also, petition of Sedan Grange, Williams County, Ohio, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. ASHBROOK: Petition of Perry Grange, Tunnel Hill, Ohio, against the increase of mail rates on magazines; to the Committee on the Post Office and Post Roads.

Also, petition of Philadelphia Peace Association, against fortifying the Panama Canal; to the Committee on Military Affairs.

By Mr. BELL of Georgia: Petition of J. C. Moore, for more restrictive immigration laws; to the Committee on Immigration and Naturalization.

By Mr. BUTLER: Petition of Washington Camp No. 275, Patriotic Order Sons of America, Chester Springs, Pa., for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. CAPRON: Petition of Thomas A. Burke, of Westerly, R. I., for a Lincoln memorial road from Washington to Gettysburg; to the Committee on the Library.

Also, petition of representatives in the General Assembly of Rhode Island of fishing interests in and around Newport, R. I., against Canadian reciprocity; to the Committee on Ways and Means.

Also, papers to accompany bills for relief of Laura C. Hyer, Thomas Lyghton, and Anna Angell; to the Committee on Invalid Pensions.

Also, petition of Rhode Island quarterly meeting of Society of Friends and Smithfield quarterly meeting, Society of Friends, of Rhode Island and Massachusetts, against the expenditure of public funds to fortify the canal and in warlike preparations; to the Committee on Military Affairs.

Also, petition of Rhode Island Antituberculosis Association, favoring investigation of causes of tuberculosis, typhoid fever, and other diseases originating in dairy products; to the Committee on Agriculture.

Also, petition of town councils of Warren and Tiverton, R. I., for Senate bill 5677, promoting efficiency of Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

By Mr. CARY: Petition of Federated Trades Council of Milwaukee, Wis., urging enactment of House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. DAVIS: Petition of State Senate of Minnesota, favoring suspension of action on reciprocity treaty with Canada until December, 1911; to the Committee on Ways and Means.

By Mr. DRAPER: Petition of Philadelphia Peace Association of Friends, against fortifying the canal; to the Committee on Military Affairs.

Also, petition of citizens of Greenwich, N. Y., against the establishment of a local rural parcels-post service; to the Committee on the Post Office and Post Roads.

Also, petitions of citizens of Whitehall and Cambridge, N. Y., for Senate bill 3776; to the Committee on Interstate and Foreign Commerce.

By Mr. ELLIS: Petition of Commercial Club of Hermiston, Oreg., against the indefinite suspension of land entries; to the Committee on the Public Lands.

By Mr. FOCHT: Paper to accompany bill for relief of Arthur V. B. Souders; to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of Ed. Zachn, secretary of Cigar Makers' Union, Peru, Ill., against increase of postal rates on second-class matter; to the Committee on the Post Office and Post Roads.

Also, petition of the Wilson Grocery Co., of Peoria, Ill., for the Esch phosphorus bill (H. R. 30022); to the Committee on Ways and Means.

Also, petition of Philadelphia Peace Association of Friends, against the expenditure of public funds to fortify the canal and in warlike preparations; to the Committee on Military Affairs.

By Mr. GLASS: Petition of citizens of Lynchburg and East Radford, Va., against a parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of sixth Virginia congressional district, against Senate bill 404, relative to Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

By Mr. GOULDEN: Petition of National Piano Manufacturers' Association of America, favoring Canadian reciprocity; to the Committee on Ways and Means.

By Mr. GRIEST: Petition of Washington Camp No. 700, Patriotic Order Sons of America, Lancaster, Pa., urging the enactment of House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. HAMILL: Petition of Edgar L. Young, pastor of Methodist Church, Portalis, N. Mex., against the proposed constitution and asking for an investigation by the President and Congress of the facts and charges and of the alleged election for ratification of said constitution of New Mexico; to the Committee on the Territories.

By Mr. HANNA: Petition of citizens of North Dakota, against increase of postage on magazines; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Wimbledon, N. Dak., against Senate bill 404 and House joint resolution 17, Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

Also, petition of citizens on rural delivery routes in North Dakota, for increase of salaries of rural deliverers; to the Committee on the Post Office and Post Roads.

By Mr. HILL: Petition of Tunxis Grange, No. 30, Patrons of Husbandry, Bloomfield, Conn., against Canadian reciprocity treaty; to the Committee on Ways and Means.

By Mr. HOUSTON: Paper to accompany bill for relief of H. B. Crowell and William H. Jones; to the Committee on Invalid Pensions.

By Mr. HOWELL of Utah: Petition of George T. Odell, Moses C. Davis, and other citizens of Utah, against passage of a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of W. M. Piggott, of Ogden, Utah, for more restrictive immigration laws; to the Committee on Immigration and Naturalization.

By Mr. KRONMILLER: Petition of Friendship Council, Junior Order United American Mechanics, for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. McLACHLAN of California: Petition of soldier citizens of the Civil War of the seventh congressional district of California, against an officers' retired list; to the Committee on Military Affairs.

Also, petition of citizens of California, against Senate bill 404 relative to Sunday rest in the District of Columbia; to the Committee on the District of Columbia.

By Mr. MONDELL: Petition of residents of Wyoming, against a parcels-post system; to the Committee on the Post Office and Post Roads.

Also, senate joint memorial No. 1, Wyoming Legislature, for legislation granting to the State of Wyoming 2,000,000 acres of the public land within the boundary of said State for creation of a fund for public highways within the State; to the Committee on the Public Lands.

By Mr. McMORRAN: Petitions of T. W. Wiley and others, of Marlette; August Gombert, of Armada; Mathew Smiley and Henry Stork, of Metamora; and R. Potter and others, of Attica, all of the State of Michigan, protesting against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. MOORE of Pennsylvania: Petition of Lumbermen's Insurance Co., Philadelphia, for the Esch bill, relative to white-phosphorus matches; to the Committee on Interstate and Foreign Commerce.

Also, petitions of John F. Hartranft Council, No. 381; Tube City Council, No. 378; Shamokin Council, No. 630; William Penn Council, No. 64; Manayunk Council, No. 768; Jas. E. Hyatt Council, No. 923; Starlight Council, No. 147; Science Council, No. 127; Concord Council, No. 545; Allegheny Council, No. 112; Coventryville Council, No. 863; Goshen Council, No. 607; Clearfield Council, No. 394; Camac Council, No. 315; Centralia Council, No. 1006; Freeland Council, No. 348; Francisville Council, No. 837; Ontelanee Council, No. 985; Mount Pleasant Council, No. 37; Landisville Council, No. 1007; Freedom Council, No. 194; Scranton Council, No. 33; and Olney Council, No. 7, Junior Order United American Mechanics, urging enactment of illiteracy test relative to immigrants; to the Committee on Immigration and Naturalization.

By Mr. MORGAN of Missouri: Petition of citizens of the fifteenth congressional district of Missouri, against a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. O'CONNELL: Petition of citizens of Massachusetts, adopted at Faneuil Hall February 17, 1911, for annexation of the island of Crete with Greece; to the Committtee on Foreign Affairs.

By Mr. A. MITCHELL PALMER: Petition of Washington Camp No. 742, Patriotic Order Sons of America, for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. SHEFFIELD: Petition of Washington Camp, Patriotic Order Sons of America, of Providence, R. I., urging enactment of House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. SULZER: Petition of Philadelphia Peace Association, of Philadelphia, against fortifying the Panama Canal; to the Committee on Military Affairs.

By Mr. TILSON: Petition of the Durham Grange, West Hartford Grange, Meriden Grange, and Weathersfield Grange, for a general parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. WOOD of New Jersey: Petition of Titusville (N. J.) Grange, No. 163, Patrons of Husbandry, against reciprocity with Canada; to the Committee on Ways and Means.

Also, petition of New Jersey Congress of Mothers, against increase of postage on second-class matter; to the Committee on the Post Office and Post Roads.

Also, petition of Kingward Grange, No. 106, Patrons of Husbandry, against Canadian reciprocity; to the Committee on Ways and Means.

HOUSE OF REPRESENTATIVES.

SUNDAY, *February 26, 1911.*

The House was called to order at 12 o'clock noon by the Clerk, Hon. Alexander McDowell, who read the following letter:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., February 26, 1911.

I hereby designate Hon. J. A. T. HULL as Speaker pro tempore for this day.

J. G. CANNON, *Speaker.*

Mr. HULL of Iowa assumed the chair as Speaker pro tempore.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who art supremely wise and good, just and merciful, pure and holy, our God and our Father, we thank Thee that no night of sorrow can obscure the light of Thy countenance from those who put their trust in Thee. No disappointment so deep, so poignant, that Thou canst not turn to hope. Hence we pray most fervently for those who were bound by the ties of love and friendship to the departed statesmen, who strove earnestly to reflect in their lives and deeds the image of their Maker. Grant that the history recorded this day may be an inspiration to those who read, to pure motives, clean living, and noble endeavor, that, though dead, their works may live and bear the fruits of the spirit thus reflected in their lives. Help us, we beseech Thee, so to live that when we pass to the great beyond we shall be missed and cherished by those who knew and loved us, and song of praises we will ever give to Thee in the name of Him who taught us to live well, and when the summons comes to pass serenely on with perfect faith and confidence in Thee, O God, our Father. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE LATE SENATOR DOLLIVER.

Mr. HUBBARD of Iowa. Mr. Speaker, I offer the following resolutions (H. Res. 997).

The Clerk read as follows:

Resolved, That the House has heard with profound sorrow of the death of Hon. JONATHAN P. DOLLIVER, late a Member of the United States Senate from the State of Iowa, which occurred at his home, in the city of Fort Dodge, October 15, 1910.

Resolved, That the business of the House be now suspended that opportunity may be given to pay tribute to his memory.

Resolved, That as a particular mark of respect to the deceased and in recognition of his distinguished public service the House, at the conclusion of the memorial exercises of the day, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

The resolutions were agreed to.

Mr. HUBBARD of Iowa. Mr. Speaker, I ask unanimous consent that general leave for five days be granted to Members to print remarks on the life and character of the late Senator DOLLIVER.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent that leave be given for five days for Members to print remarks on the life and character of Senator DOLLIVER. Is there objection?

There was no objection.

Mr. HUBBARD of Iowa. Mr. Speaker, the first I knew of JONATHAN P. DOLLIVER, or J. P., as he was familiarly called, was about 1882. In my memory he was then a tall, almost slender, yet powerful youth, with a great voice not yet touched in its melody with that certain roughness which later became habitual. He was full of a boyish fun and already looked out upon life with that quaintly cynical humor, which saw the absurd in every sham, the queer and almost comical self-deception in every wrong, and half overlooked the sham, and half forgave the wrong for the delight he found in their very absurdity.

I met him through that most lovable of men, Maurice D. O'Connell, his lifelong mentor and friend, and even now remember the prankish play of wit and fun with which the young fellow tickled and teased the older man. At home he was the life of every crowd, the joy of the town, welcome alike to the philosophers of the drygoods box, as they reasoned sagely of "fate, free-will, fore-knowledge absolute," and to the boys out for a good time.

The first notes of his eloquence were sounding. With all their apparent ease, they were the results of arduous training. I have been told that in those days it was his wont, whenever in reading or in his own meditations or in talk, he encountered a striking thought, a witty turn, a suggestive parallel, to note it upon a slip of paper, pin this conspicuously on his bedroom wall, and rehearse it over and over until it became a part of his mental furniture. He called these his "repertoire," and would recite them oratorically to his intimates with all conceivable variations, as might some violinist strive for perfect expression upon the trembling strings. His earlier speeches quivered with epigram, each sentence rounded, complete; an argument in a witty phrase; an heroic picture in a gleaming word. Such was the speech at the Republican State convention in 1884 which first introduced him to the State and sent him to Congress in 1890. So light and joyous were these children of his brain that men in their laughter and applause forgot the earnest purpose behind the wit and satire. Stupid commonplace exacted the usual bitter penalty from him who had the wisdom to make men laugh. He was an earnest man, although he did not clothe his earnestness in pompous phrase. He laughed in the face of poverty, yet took prudent and anxious care for those of his own household.

To his revered father he was a son indeed; to his brothers and sisters he was a brother indeed. Who that has been privileged to see it can ever forget the reverent care which surrounded the aged and crippled father? His was the seat of honor, the voice of authority. To the day of his death he ruled

like a patriarch in the household of his son. And wife and children—who shall tread within the circle of their grief? With what brave humor he took up the seeming burdens of life and bore them so gladly that they ceased to be burdens and became as precious adornments.

Born into the Methodist Church, in all his jovial and free commerce with the world he never wandered from his Father's house. Nowhere did he appear to better advantage than in the councils of his church, and nowhere did he render more faithful service. In my own town is a college, struggling upward from weakness into strength—Morningside College. To no man after Bishop Lewis does this growing foundation owe more than to JONATHAN P. DOLLIVER. Last fall, even as his body lay waiting for the grave, there came a new era to the little college, an era of expanding life under Luther A. Freeman. At the inauguration of Dr. Freeman Senator DOLLIVER was to speak. When his name was reached on the program, the great audience rose with one impulse and stood with tearful eyes, a blessing on their lips. His memory will linger long as a fragrance in those halls.

Judge Birdsall, GILBERT HAUGEN, and I spent a winter with him here in Washington, dwelling in his house. We called ourselves the Pirates. What boyish, simple fun we had. And in the evening when the fire was blazing in the grate, how prodigally he poured forth the riches of his mind. How wide his reading. There seemed to be no subject he had not studied, no theme he had not pondered.

This was the year of the rate bill. There came to Senator DOLLIVER, in the struggle over that bill, a broadening vision, a fuller realization of the tremendous forces at work upon a revolution in the life of the Republic. Then for the first time he feared. Then for the first time there dwelt upon his lips the phrase, afterwards so familiar to the end, "the integrity, the freedom, of the American market place." He saw the consolidation of the railway, shop, and bank, of transportation, industry, and finance, into one huge, overmastering system, dictating to men and to communities the terms of living. Of course the people are masters if they will, but will they? Can they endure the steady, unceasing, organized attack of concentrated interests? Can they endure with patience, stand the brunt of hard times, go hungry, if need be, for a principle, or will they, like some huge, unwieldy animal caught in the nets of the hunter, struggle wildly for a time and then supinely yield to him who gives food—"bread and circuses?"

I do him wrong if I depict any sudden, Saul-like conversion to a new gospel. The railroad question was not new to him. As he himself says:

> The fact is, I live in a community which for 40 years has been studying the railroad question. We got started in the study in the time of Gov. Cyrus C. Carpenter. He gave us a sentence in Iowa that has been more upon the lips of our people than any other political maxim, a phrase, if you please, "the skeleton in the corncrib."

When in 1906 Senator DOLLIVER had the fight for the rate bill he did it with the ripest knowledge and with a matured and earnest purpose:

> To prevent, with all the power that this Government has or can acquire, those abuses which in 20 years have converted our market place into an industrial oligarchy more powerful even than the Government of the United States.

So with the tariff debate he was upon no new ground; no new question surprised him. He was the devoted follower of Blaine. He was the loving friend of William McKinley. He had defended to the uttermost the Kasson treaties when men's voices were dumb. He had spoken in warning to deaf ears. Had the policies of Blaine and McKinley, had the treaties of reciprocity negotiated through them been honestly interpreted and honestly maintained, we should not to-day have the tariff question agitating and vexing the business of the land. I was in the Iowa Legislature when that body named him Senator. I heard his speech of acceptance. No one there present can forget the profound impression made by his deep earnestness.

> The design of protective tariff laws—

He said—

> is to prevent our home industries from being overborne by the competition of foreign producers, and it may safely be said that no American factory making an unequal or even precarious fight with its foreign rivals will ever look in vain for help and defense to the people of Iowa. But we are not blind to the fact that, in many lines of industry, tariff rates which in 1897 were reasonable have already become unnecessary and even absurd. They remain on the statute books, not as a shield for the safety of domestic labor, but as a weapon of offense against the American market place itself.

That last sentence might stand as the text for his whole tariff contention. He came to that great controversy armed cap-a-pie, not so much in any new awakening as in response to an aroused public opinion. He was in the full maturity of his powers. No English-speaking orator of his time was so equipped with every resource of his art. The theme was one upon which he had meditated long and earnestly. He had helped to frame the Dingley tariff, and for many months before the extra session began, had studied every detail of the schedules. So when the time for action came, no other man alive was so well prepared. The months that followed revealed him to his countrymen as he had not been known before. The harvest time had come. The climax of it all was that last great speech when he seemed to rise to prophetic heights, when doubts vanished and faith reigned. He cried aloud with exultation:

> For the day is coming—it is a good deal nearer than many think—when a new sense of justice, new inspirations, new volunteer enthusiasms for good government shall take possession of the hearts of all our people. The time is at hand when the laws will be respected by great and small alike; when fabulous millions, piled hoard upon hoard, by cupidity and greed, and used to finance the ostentations of modern life, shall be no longer a badge even of distinction, but of discredit rather, and it may be of disgrace; a good time coming, when this people shall so frame their statutes as to protect alike the enterprises of rich and poor in the greatest market place which God has ever given to His children, and when the rule of justice, intrenched in the habits of the whole community, will put away all unseemly fears of panic and disaster when the enforcement of the laws is suggested by the courts. It is a time nearer than we dare to think. A thousand forces are making for it. It is the fruitage of these Christian centuries, the fulfillment of the prayers and dreams of the men and women who have laid the foundations of this Commonwealth, and with infinite sacrifice maintained these institutions.

This was his swan song. A few weeks more and he lay at rest among his loving and beloved people. So passed this master of speech, this gentle, human, loving man, with whom little children played, with whom his neighbors joked and gossiped, toward whom a nation turned with listening hearts. For him I refuse to mourn, rather would I uplift a song of triumph, thanksgiving, and praise. He hath fought the good fight.

Mr. WOODS of Iowa. Mr. Speaker, this day has been set apart to honor the memory of Senator JONATHAN PRENTISS DOLLIVER, who, though born of humble parentage, became one of the mightiest forces in the Nation for better government and the uplift of American citizens.

What may be said here to-day will add little to his fame. If we can but call the attention of the American youth to the great career of Senator DOLLIVER the day will have been well spent. The record of his life will be an inspiration to every boy in the Nation, whether among the high or yet among the lowly and the poor.

Mr. DOLLIVER was born February 6, 1858. His father, Rev. James J. Dolliver, was a minister of the Methodist Episcopal Church; his mother's maiden name was Eliza Jane Brown. The place of Mr. DOLLIVER's birth was on a farm a few miles from Kingwood, Preston County, W. Va. When he was 12 years old the family moved to Morgantown, in that State, where he attended the public schools. He finished his education in the University of West Virginia, graduating from that institution in 1875 at the age of 17. After graduating from the university he took up the study of law and was admitted to the bar in 1878. He then began looking about for a suitable location, selecting the little city of Fort Dodge, Iowa, where the hills, undulating back from the river Des Moines, were an ever pleasant reminder of his early home.

Mr. DOLLIVER brought to his chosen State a purpose to succeed, a character seasoned by the vicissitudes that come to the families of ministers of the gospel in following their calling in the sparsely settled districts, a strong constitution, the result of clean living and the invigorating air of a mountain climate. Born on a farm, spending his early boyhood in the rough and hilly country, he learned to love nature for its own sake. Little wonder that later on in life his great speeches were filled with the music of the songs of birds and the ripple of the mountain brooks. His nature partook of those early surroundings, which supplied him with the many qualities that afterwards gained for him national recognition, for there was in his eloquence and word pictures the grandeur of the mountain storm and the beauty of the valleys. In his home life flowers bloomed in his conversation and the clouds drifted away.

In the year 1878 he moved to the State of Iowa, the soundest, sweetest, and most wholesome Commonwealth in the American Union. From the moment he arrived in Fort Dodge until the day of his death, October 15, 1910, Mr. DOLLIVER was identified with every forward movement. He endured and even enjoyed the hardships that come to a young lawyer. In his case, as in the case of others beginning the practice of law, he had plenty of time to devote to the politics of his county.

He began at once to attract the attention of the men who took an interest in government, not only for his ability to speak, but on account of the soundness of his counsel. The beginning of his political career, however, may be said to date from the time he was selected as chairman of the State Republican con-

vention in 1884. His address to the delegates was widely commented on, and from that time forward he was in demand as a speaker at political and patriotic gatherings. The prominence thus given him resulted in his nomination and election as a Member of the House of Representatives of the Fifty-first Congress. The broader field afforded as a Member of the lower House spurred him to put forth his best efforts. A brilliant mind like Representative DOLLIVER possessed required such a field not afforded in any other avocation or single occupation. This was the work he loved, the field he sought, and it became his life work. Had his ambition been the building up of a great fortune he would have attained his goal; had it been but the quest of fame he could have been content to rest, for his eloquence had already supplied him this. To his credit it must be said that these vanities had no attraction for him—he took a broader and better view of life; he labored only to serve his country and his fellow man, and to solve, if possible, the economic problems that confront the Nation. Throwing all his energy into his work it is not to be wondered at that he soon made his influence felt in the House of Representatives, so that when a vacancy occurred in the Senate Representative DOLLIVER seemed to be the logical candidate.

On August 23, 1900, he was appointed United States Senator to fill the vacancy caused by the death of Senator Gear. His previous training in the House prepared him to take up at once the work in the Senate. Constituted as he was and coming from humble surroundings, he worked and voted for the welfare of the common citizen, not being blinded by ambition or personal success. Naturally a student, he was necessarily a great reader, and enjoyed not only the works of the masters of philosophy and political economy, but he enjoyed as well the works of fiction and the current comments of the magazine and newspaper. In the Senate Chamber when Senator DOLLIVER arose to speak there fell an expectant hush, and even though the subject was of minor importance his handling of the matter, gilded with the touch of eloquence, made the driest question of state entertaining. His quick wit and wide knowledge made him a master in the verbal brushes and debates. He could stem and turn the tide of argument by his ability to select the weak point in his opponents, and could paint their position in such a ridiculous light that he never failed to bring forth applause. When matters of great moment were before the country for decision, Senator DOLLIVER set at once to work to secure all available information, and viewed the question from every standpoint before attempting its solution. He was an untiring worker, and when he had collected all his data and properly arranged it for summing up, it could be depended upon that when he presented it to the Senate that every phase of the question had been considered. It was not to the Senate alone, however, that he spoke; the Nation was his audience chamber and the 90,000,000 Americans his auditors.

Being of a genial disposition, he avoided all useless arguments and controversies, and in questions of state was slow to discuss the matter until thoroughly convinced of the correctness of his position. When he had once concluded the proper course to pursue he could not be swerved, by friendship or other consideration, from his purpose of championing the cause. While he felt keenly any coldness on the part of his friends and their disapproval of his attitude, he never allowed that fact to lessen his vigorous support of righteous legislation. I have often beheld him during a debate on some great question, like the tariff or transportation, when his whole being would be summoned to action by the knowledge of his own responsibility to see that justice was done; the light of understanding was in his eye and righteous determination in his heart. His aim and endeavor was the restoration and continuance of the power of the individual citizen, and to do right because it was right. He accomplished much for the benefit of his countrymen and the common people and endeavored to eradicate the cause of inequality to the individual and make his country a place of equal opportunity and enjoyment of citizenship to all. It has been remarked that Senator DOLLIVER surely enjoyed the full measure of public honor, but I believe that had he lived his country would have further crowned his career with the highest honor that is within the gift of the American people.

In reviewing the life of Senator DOLLIVER and summing up his career we are too apt to see but the public side of the man and forget entirely his home life. Senator DOLLIVER was married in 1895 to Miss Louisa Pearson, and to this union was born three children, Margaret, Francis, and George Prentiss. I love to think of him in his home, where, in the early evening with his family and in conversation with them, he would receive the inspiration for his labors the following day. It was his habit, later in the evening, to gather about him his books, the works of masters and the humbler poets; there amid the solitude, surrounded by these mute friends, his soul would receive all the wonders of the creation of the human mind. And thus at some future time in the Senate his memory, as treasurer, was always ready to pay the drafts made upon it in debate.

Not long ago I went down the Potomac River to Mount Vernon, the last earthly home of George Washington. I stood on the beautiful slope that rises up from the river, and, while moved by the inspiring surroundings, I meditated upon the great purposes and the splendid achievements of the departed President. I was impressed with the maxim that the good that men do live after them. On the southern hillside stands the tomb of Washington, where his earthly remains have reposed for more than a century. On the tomb are inscribed these words: "Though ye are dead, yet shall ye live."

That motto could find no more substantial vindication than the life of Washington, and no fitter epitaph could be invented for his tomb. It embodies the spirit of fame, the power of example, the permanence of achievement, and the immortality of unselfishness. The influences of the nameless dead linger with us still; they sway and direct our course by their precepts and examples. In the moment of doubt we consult precedent, and precedent is but the deeds of those who have gone before.

In the city of Fort Dodge they are building a monument to commemorate the great work Senator DOLLIVER has done in behalf of the American Government and its citizens, upon which I hope the sculptor will inscribe the same epitaph as is upon the tomb of Washington, "Though ye are dead, yet shall ye live." The people of Iowa will always take pride in pointing to the life of Senator DOLLIVER as exemplary. I am glad they are building that monument in his home city. Monuments, however, are not needed to perpetuate his memory. The work of his great, noble mind and heart will be unforgotten when the monument above his resting place shall have crumbled into dust.

Senator JONATHAN PRENTISS DOLLIVER has gone, his work is finished, but the influences of his life will become more and more potent for good. The world is better for his having lived. In years to come, from his toil and sowing the American people will garner a rich harvest.

Mr. NORRIS. Mr. Speaker, the great State of Iowa gives praise to-day to the memory of her honored son. And well she may, for the fame of his brilliant career has brought honor to the State he loved so well; and yet Senator DOLLIVER belonged to us all.

When the news of his untimely taking off was flashed across the wires every humble home in our broad land lost a champion and every fireside a defender. His work was national; his fame was world-wide, and, coming as I do from the western plains far beyond the limits of his adopted State, I bring to his bier a token of honor and respect from those who knew him best for what he stood and loved him most for what he did. We admired his statesmanship; we loved him for his patriotic courage; we believed in his wisdom; we trusted his fidelity, and we would have gladly followed in his lead in every struggle for the advancement of human rights and the preservation of our liberties. We believed in his destiny, and had he been spared to a grateful people, their faith would have placed him at the helm and made him the Chief Magistrate of our common country.

The record of his public service is known in every humble home, and in the great West at many a hearthstone, as evening shadows fall and the little brood is gathered around maternal knee to say the evening prayer, the childish heart is cheered anew to hear again from mother's lips the story of DOLLIVER's life. He is gone, but the lesson of his life is with us yet, and every struggle that he made in our behalf will still remain as shining stars to guide aright the weary footsteps of those who follow and those who are to come.

I saw him last just at the adjournment of the preceding session. He told me then that overwork had well-nigh broken down his strength; and now it seems to me, in looking back, that then he spoke in prophetic vision when he said that unless he at once sought rest and quiet his days on earth were numbered. He had been laboring then through two almost continuous sessions with unceasing toil, and well he knew that he had reached the limit of human endurance. He had decided then to take a well-earned rest and rebuild his wasted strength for the work of the present session; but duty called and he obeyed. He knew the danger of his course, but without consideration for his own welfare or even his own life he plunged into a vigorous campaign in defense of those principles which he conscientiously believed to be right. With labor unceasing and with courage undaunted he boldly faced the danger that he well knew was liable to bring the unanswerable summons that came too soon. He sacrified his life upon the altar of his

country as truly, as bravely, and as nobly as any knight who ever faced a foe upon the field of battle. Overburdened with the cares of state, on the topmost hill of life's pathway, while the sun was still shining in the zenith, he laid his burden down and sank to eternal rest.

It is sometimes difficult for mortal man to understand the wisdom of a mysterious Providence when such men are stricken down at the noonday hour of life, and yet it has been the fate of many of our most useful and illustrious men. It almost seems like a denial of justice to strike them down before they have heard the shouts of triumph from those who follow and before they have felt the crown of victory upon the brow. But, after all, when we consider the brief span of life's existence, it matters but little whether the summons comes at noon or whether it takes us off as the sun is sinking in the west.

But whenever it does come, if we can look back over the road we have trod and see along the pathway the flowers of love, of justice, and of mercy that have been planted by our own hands to blossom and to bloom for those who follow, then life shall not have been lived in vain. We can honor our illustrious dead most by living the life they would have us lead and remaining true to the principles for which they labored and for which they died. These occasions are not for the good of the dead, but for the benefit of the living. In the face of death we all realize our weakness. It is well for struggling mortals to touch elbows around the open grave. It drives from out the heart selfishness and greed, it frees the mind of anger and of hate. It reminds us that in but a few days we all must follow; that the rich, the poor, the small, the great, must all meet upon the common level in answer to the summons; and that after all life is too short to carry in the heart any envy or ill-will against our fellow man. It teaches the doctrine of the fatherhood of God and the brotherhood of man, and standing here, as it were, beside the open grave, with life's tenure unknown, but with eternity in view, let me say:

When I am old—and O, how soon
Will life's sweet morning yield to noon,
And noon's broad, fervid, earnest light
Be shaded in the solemn night!
Till like a story well-nigh told
Will seem my life, when I am old.

When I am old—perhaps ere then
I shall be missed from haunts of men;
Perhaps my dwelling will be found
Beneath the green and quiet mound;
My name by stranger hands enrolled
Among the dead—ere I am old.

Ere I am old, O let me give
My life to learning how to live!
Then shall I meet with willing heart
An early summons to depart,
Or find my lengthened days consoled
By God's sweet peace—when I am old.

Mr. PICKETT. Mr. Speaker, in the early eighties the country schoolhouse campaign was at its height in Iowa. In those days the farmer did not have the telephone or rural mail service. He was not taking the daily newspaper or magazine. The family reading consisted of the weekly, which usually did not devote an extravagant space to political affairs. This made it necessary to carry the campaign into the country precincts, and few were the schoolhouses near or remote that did not have a meeting. It was a great training school. Many of the noted men of Iowa—some who have since sat in the Cabinet or occupied the Speaker's chair or stood with "The applause of listening Senates to command"—commenced their public career in the country schoolhouse.

In the year in mind the managers of the Republican Party in my home county heard of a young man in Fort Dodge who had acquired some local reputation as a speaker and secured him for a series of schoolhouse speeches. Reports of the meetings reached the county seat and created so much interest that a closing rally was arranged for Saturday night. I attended the meeting and, for the first time, listened to the matchless eloquence of JONATHAN P. DOLLIVER.

Soon after he was chosen temporary chairman of the Republican State convention, and from the date of his speech delivered on that occasion his career may be said to date. His rise to prominence was sudden, but his tenure secure. How few the public men of to-day who can command an audience anywhere in our land and how few of this number could do so 20 years ago. How very few, in all our history, whose hold on the public continued with increasing power for more than a decade. DOLLIVER answered this test. Each year witnessed a steady and certain growth. From his recorded speeches you can trace the expanding intellect, the ripening wisdom, the accumulating knowledge, and increasing power with which his career was characterized.

DOLLIVER'S achievements as an orator may be attributed to both natural endowment and personal attainment. He was gifted with rare intellectual faculties, an unbounded faith, a picturesque imagination, a unique humor, and besides had both a disposition and capacity for work. He acquired a storehouse of information along broad lines of history, science, biography, and literature. He was a student of social, economic, and political problems. He was unusually gifted in anecdote, homely illustration, and personal reminiscence; and all were so card-indexed in his memory that they seemed to come forth without effort just at the right time. The element of surprise was always present. You dwelt in expectancy. He would pass in easy rapidity from the most common and grotesque illustration to classic reference or philosophic observation. In this respect he was the same in private conversation as in public address.

During the latter years of his service he gave more attention to debate—the greatest crucible of a speaker's powers and resources—for then the moorings are severed and you must stand alone. DOLLIVER'S success in the forensic arena surprised even his friends. It was there that all of his natural and acquired resources were brought into play. He was equipped with the weapons of attack and defense. His debates during the first and second sessions of the Sixty-first Congress will be historic. Even his opponents and those against whom his attacks were directed admit his claims to greatness.

The purposes of this hour do not permit an extended analysis of the varied elements which merged in the ultimate fact of his power either as a debater or platform orator. His power could only be appreciated by those who came under its immediate presence, for in action his whole being seemed a part of his spoken word.

Pure and eloquent blood
Spoke in his cheek and so distinctly wrought,
That one might almost say his body thought.

The late Senator Ingalls may have surpassed him in satire and invective; Tom Corwin, in humor; Wendell Phillips, in sustained strains of lofty patriotic appeal; Webster, in the depth and profundity of his reasoning; but in the peculiar blending of all these various attributes DOLLIVER stands alone. He had no predecessor, and contemporary oratory discloses no successor.

It is impossible to measure the influence exerted by the orator. The writer can be judged by his books, the jurist by his decisions, the statesman by his measures, but the influence exerted by the orator is intangible. He appears before the crowded auditorium for an hour or so, passes on, and no one can tell how many have felt the impress of some new thought, some new hope; how many have been inspired to better things, or gathered new courage to go forth and battle for the right. Each life has but few intense moments, but in those few moments there is a rebirth whose influence goes on and on.

In the addresses of Senator DOLLIVER there was a vein of optimism. His buoyant faith forbade the contrary. It was natural for him to look upon the bright side. He had a cheerful and hopeful philosophy of life, and this was radiated in whatever circle he moved. There was nothing depressing in his message, and this was particularly true when addressing young people, the boys and girls who were concluding their high school or university course, for on such occasions he transmitted to the minds and hearts of his young hearers a spirit of gratitude for the possibilities of our free institutions, inspired confidence to go forth into the battle of life, and held out to each and all the goal which could be attained through lives of virtue, industry, and courage.

To hear DOLLIVER was a stimulus for higher culture, better citizenship, and purer ideals of government. With him patriotism was almost a passion—patriotism in its broad and noble sense, that which stands for righteousness in public as well as private affairs. Viewed from this standpoint, who can estimate or measure the influence he exerted on society.

Others who have been associated with him during his career in the House, as well as in the Senate, have spoken of his public service as a legislator. He stood for justice; he fought for good government; he championed the cause of the people and of humanity in the broadest sense; he pleaded for that equality of opportunity which would plant the seed of hope in the humblest heart. In the storm center of controversy he stood erect. He was one of the central figures in an epoch-making period of our history and played a conspicuous part in the consideration of its important constructive legislation. "His name is enrolled in the Capitol," and no words of mine can add luster to his fame. It is sufficient to say that when some future historian writes the story of these times the name of JONATHAN PRENTISS DOLLIVER will be given a notable place.

DOLLIVER loved his adopted State and was beloved by it. Few men in the history of Iowa have been held in such affectionate

regard. The reason for this lay not so much in his public service and achievements as in his undefinable personality. He had a cordial greeting and hearty handclasp for all. He was easy of approach. Around him was no self-imposed barricade. He lived in the open. He had a guest chamber reserved for all who sought the hospitality of his friendship. There was ever an outcropping of boyish good feeling. Kindliness breathed in his words and was reflected in his manner. He did not cherish hatred, but used the strength thus saved as a magnet to draw his friends closer. His contests left no personal sting. Out of the bitterness of controversies arose the charity of the generous foe. Victory did not conceit him, nor defeat disturb his equipoise.

He was a many-sided man. He loved the varied phases of life. He was at home either in the drawing-room or the country store, in the marble halls of state or the cornfields of Iowa, with the greatest scholars, divines, and leaders of our time, or the unlettered fisherman, or the lowly workman with face and hands begrimed with honest toil, and responded with equal interest to every environment. He was genuinely and intensely human.

No one could know the filial love and reverence of DOLLIVER for his venerable father, and his devotion to wife, children, brothers, sisters, and friends, without forgetting all other things in admiration of these qualities of the man. These things were known to the people of Iowa. They are the real basis of friendship and love and faithful followers. These qualities shone to best advantage when alone with his friends, "the world forgetting, by the world forgot." It is in such moments that the soul feels and the mind thinks aloud.

DOLLIVER'S inheritance and early training shaped his life. He was born in West Virginia during the days when it was the border line between the two great contending forces of this country over the greatest moral issue of the age. His father was a Methodist minister—a circuit rider of the old days—and had that simple and intense faith of which apostles are made. DOLLIVER inherited these traits. He was strongly religious in the broad sense, and faith seemed to be his guiding star, and to this many of his friends attribute his success.

A short time before his death he was walking in the evening with one of his closest friends over the farm whose hills and fields and trees he loved so well, and where he sought refuge from the many pressing cares of public life. He was conversing in all the abandonment of confiding friendship, when suddenly he paused and, turning to his friend, said: Do you know the most beautiful thing that was ever written? I'll tell you what it is:

Sunset and evening star,
And one clear call for me!
And may there be no moaning of the bar
When I put out to sea.

Twilight and evening bell,
And after that the dark!
And may there be no sadness of farewell,
When I embark;

For though from out our bourne of Time and Place
The flood may bear me far,
I hope to see my Pilot face to face,
When I have crossed the bar.

Recalling this scene afterwards, his friend remarked that it seemed as though he must have felt at that time the shadows gathering about him.

I shall never forget the scene at the grave side of DOLLIVER. It was a cold, rainy, drear October day. It seemed as though nature itself was in mourning. At the conclusion of the simple burial service Mrs. Dolliver, stepping to the side of Bishop McDowell, asked him to lead in singing the hymn "We Shall Meet in the Sweet By and By," and as he did so Mrs. Dolliver and the brother and sister and other members of the family and then the friends who had gathered there joined in the singing. As the sad and broken-hearted circle stood around the grave with its lowering casket laden with loving flowers at the moment of final parting with all that was mortal of the loved husband, father, brother, and friend, the words of that beautiful, hopeful, and consoling hymn, borne on voices bathed with tears and freighted with grief, created an impression on my mind which time can never efface. It told better than any words can describe that indefinable faith which was the sustaining power and consolation of the Dolliver family, for only such a faith could sing such a song under such circumstances. It robbed the grave of its terrors, when faith lifted our eyes to the reunion when "we shall meet in the sweet by and by."

Mr. KENNEDY of Iowa. Mr. Speaker, this is the second time in a period of two years that our delegation has assembled to pay a tribute of respect to a deceased Senator of our State. On a former occasion we met to commemorate the life and service to the Nation of the late Senator Allison, whose death came at a ripe old age after a period of ill health, and his death was not unexpected. To-day we are here for a similar purpose—to pay a tribute of respect to the late Senator DOLLIVER, whose sudden and unexpected death came as a blow to the people of the State and Nation at a time when the eyes of the public were focused on him as a commanding figure in the United States Senate, a position attained by his unusual ability and industry.

Senator DOLLIVER was not a native of Iowa; he was reared in West Virginia, where he secured his education, finishing in the university of that State. He then moved to Fort Dodge, where he engaged in the practice of law, and where he lived up to the time of his death.

It was fitting that the end should come amid scenes so dear to him, surrounded by people all of whom were his friends, who had seen him rise from the obscurity of a young lawyer to the highest position within the gift of the State.

His public career started at an early age; he had not been long in Iowa until the opportunity offered to show his power as a speaker. He was chosen temporary chairman of a State convention, and his address on that occasion demonstrated his power as a speaker and paved the way for his future political success.

Senator DOLLIVER'S services in Congress covered a period of some 20 years, 10 of which were as a Member of this body, where he was loved and esteemed for his genial, companionable disposition, and admired for his skill and ability as a debater. On the death of Senator Gear, he was chosen to fill the vacancy, where he served with distinction until the time of his death.

He first attracted national attention when he toured the country in the campaign of 1884, speaking from the same platform with Gen. Logan, who was in that campaign a candidate for Vice President. Since that time he participated in every campaign and spoke in all parts of the country. He was known to the people of the country at large as an orator of unusual eloquence and a debater of great skill, but to those who enjoyed the pleasure of a personal acquaintance he disclosed many distinguishing characteristics. He was an optimist in its fullest sense and always looked on the bright side of things. His bright sayings and humor enlivened any company in which he might be thrown. These traits made him most companionable and endeared him to all who were fortunate enough to enjoy his friendship. He was proud of Iowa, and her people loved and honored him, and all join in deploring his untimely death.

Mr. LENROOT. Mr. Speaker, it is the custom of the House and Senate to eulogize their Members who have passed away. It is the custom to speak nothing but good of the dead, and pay tribute to the qualities which endeared them to us in life. In speaking of Senator DOLLIVER, however, the highest tribute that language can express is merited to the last degree. Because he lived, the door of opportunity is opened a little wider for every American boy. The future is a little brighter for every man who earns his bread by honest toil. He was a tower of strength to the cause of a "government of and by and for the people." One of our greatest orators, a man of remarkable intellectual ability, an indefatigable worker, devoting his talents to the service of his country, we shall not soon see his like again.

The last years of his life were his best years—years full of unselfish service for the public good. He felt weighing heavily upon him the burdens of 90,000,000 of people. With keen vision he saw "the wrongs that round us lie" in our national and social life, and with untiring energy, with a zeal like unto that of the Apostles of old, he sought to correct them. He saw that this Republic could not endure unless the doctrine of equality of opportunity for all men shall again become one of its chief foundation stones. Because of DOLLIVER'S life politics are to-day upon a higher level, and the coming of that day is hastened—

When each man seeks his own in all men's good,
And all men work in noble brotherhood.

DOLLIVER was not a pessimist. He was not a painter of dark pictures of our future. On the contrary, he saw a brighter and better day coming than had ever been known—a day when this should be in a greater degree than ever before a land of equal opportunity, where all would share in the fruits of our prosperity according to their merits and habits of industry.

In his last great speech in the Senate, last June, he gave expression to this in these words, which have already been quoted by Judge HUBBARD, but they will bear repetition:

The day is coming—it is a good deal nearer than many think—when a new sense of justice, new inspirations, new volunteer enthusiasms for good government shall take possession of the hearts of all our people. The time is at hand when the laws will be respected by great and small alike; when fabulous millions piled hoard upon hoard by

cupidity and greed and used to finance the ostentations of modern life shall be no longer a badge even of distinction but of discredit rather, and it may be of disgrace; a good time coming, when this people shall so frame their statutes as to protect alike the enterprises of rich and poor in the greatest market place which God has ever given to His children, and when the rule of justice, intrenched in the habits of the whole community, will put away all unseemly fears of panic and disaster, when the enforcement of the laws is suggested by the courts. It is a time nearer than we dare to think. A thousand forces are making for it. It is the fruitage of these Christian centuries, the fulfillment of the prayers and dreams of the men and women who have laid the foundations of this Commonwealth and with infinite sacrifice maintained these institutions.

DOLLIVER was not a rich man, but he left to his family and his countrymen a heritage more to be prized than dollars counted in millions—a record of service to his fellow men. By his life it has been proven again, as it has so many times in the past, that—

> A good name is rather to be chosen than great riches,
> And loving favour rather than silver or gold.

During the memorable tariff session of 1909 I had occasion to know something of Senator DOLLIVER's work. I had occasion to know that he and that little group of Senators associated with him were giving their very lives to the public service. During those sultry summer days they fought the people's battles during the day in the Senate, and after adjournment worked far into the night and even until morning preparing for the next day's struggle. They gave no thought to personal health or convenience. They were "soldiers of the common good" fighting for the public welfare with as much courage, with as much self-sacrifice, aye, with as much danger as the warrior patriot who faces the cannon's mouth upon the field of battle.

The struggle of that session and the succeeding one undermined DOLLIVER's health, and he is dead, sacrificing his life for his country as truly as any who died upon Bunker Hill or the field of Gettysburg.

In Senator DOLLIVER the country has lost a great statesman, a valiant soldier for the common welfare, and those of us who were privileged to know him have lost a personal friend.

> It is not gold, but only man
> Can make a people great and strong,
> Men who for truth and honor's sake
> Stand fast and suffer long.
> Brave men who work while others sleep,
> Who dare while others fly,
> These build a nation's pillars deep
> And lift them to the sky.

Such a man was DOLLIVER, and of such is the Kingdom of Heaven.

Mr. KENDALL. Mr. Speaker, there are occasions in human experience when the heart so overflows with sadness that it is difficult for the lips to perform their ordinary office. I am oppressed by such embarrassment at this hour when I undertake to render appropriate eulogium upon the life and character of the departed friend to whom I was so devotedly attached.

DOLLIVER is dead. His removal, just when opportunity for a larger and a nobler usefulness than any he had previously enjoyed opened with such assured promise before him, was a tragedy inconceivably sorrowful. The cruel billows roared his sunken ship as he entered mid-ocean, in the happiest, sunniest hour of all his voyage, and the imperial Commonwealth which delighted to decorate him with the rarest distinctions it had to confer is involved in inconsolable bereavement. For Iowa loved the man. He was her favorite son. Others are secure in her affectionate regard, but only DOLLIVER, the foremost orator in the world, was enshrined in the innermost recesses of her loyal heart.

He came to her in his early youth, an obscure stranger, uncouth and unsophisticated, from the mountain country of the Old Dominion. But he was not long destined to remain unknown. The State first became acquainted with him in 1884, when, at the annual convention of our party, he introduced himself to the consideration of the people in a philippic of such marvelous effectiveness that it is cherished yet as a masterpiece of controversial literature. A mere boy, I listened entranced by his fascinating eloquence, and cheered myself hoarse in the tremendous applause which approved his transcendent periods. It was a day of political delirium. Blaine was a candidate for the Presidency, and his adherents, overwhelmingly in the majority in Iowa, were inspired with a passionate abandon which has never since been equaled in our party contests. It was an epoch when extreme partisan conviction announced itself in extravagant public expression. One of the picturesque phrases in that wonderful address is in my memory at this moment: "When slavery died, the Democratic Party was too old to marry again." The dramatic scene which ensued is as vividly before me as though it had been enacted yesterday. The brilliant epigram appealing to emotions already aroused to intensity, the assembled thousands hysterical with rapturous excitement, and DOLLIVER, the impersonation of immeasurable energy, the apotheosis of infinite power!

From that moment to his death, his career was a matter of common concern, and it was a series of uninterrupted triumphs. In each recurring campaign he traversed the Republic from boundary to boundary, summoning the hosts of patriotism to renew their allegiance at the fountains of enthusiasm. He became at once the most conspicuous and interesting figure in the national arena. He was welcomed everywhere—from Maine to California—and everywhere the multitudes responded captive to his persuasive speech. In 1888 he was elected to this House, and after 13 years of distinguished service here he was transferred to the Senate of the United States, where he continued with increasing influence until the pallid messenger beckoned him to depart.

His eminent record in official station is familiar to his countrymen, and to them it is bequeathed as an inestimable heritage. I can not embark upon its detailed analysis now. We do not forget the qualities in which he was so unapproached, his learning so unusual in its variety, his intellect so unexcelled in its resources, his statesmanship so exceptional in its fruitfulness, his oratory so incomparable in its invective, his humor so irresistible in its satire; but now that he is finally and irrevocably gone, what we most remember was his integrity of heart under the temptations of preferment, his simplicity of soul under the blandishments of ambition, his serenity of spirit under the aspersions of criticism, his unselfish consecration to the service of his fellow men. From a private soldier in the ranks of conservatism he was evolved by the shock of battle into a principal trumpeter in the army of righteousness. His endowment was unprecedented, and he dedicated it all without reservation to the welfare of his people. He despised the wrong, no matter how formidably intrenched, and he exalted the right, no matter how seriously beleaguered. He loved his country, her history, her institutions, her citizenship; and he sacrificed himself to the uttermost for the establishment of her prosperity and honor. And just when wider avenues of enduring achievement invited him, the Divine Omnipotence called him home. He believed implicitly in the inspiration of the Scriptures, in the atonement through faith, and in the life everlasting. In the chastened sweetness of this memorial hour we can not doubt that as the dutiful son, the devoted husband, the indulgent father crossed to the bourn from which no traveler returns, his weary ears were gladdened by the triumphant benediction of the great Master, "Well done, thou good and faithful servant, enter into the joy of thy Lord."

Mr. HULL of Iowa. Mr. Speaker, I desire to add a word to the memory of the man I knew so well, and one for whom I have so profound an admiration. I knew Senator DOLLIVER before the great speech at the State convention that made him famous throughout the Nation. As a young man, after his first start in the local politics at Fort Dodge, his fame widened more rapidly than that of any man I have ever known in public life. To my mind his life furnishes another of the splendid examples of what can be accomplished in this country by the young man who is true to his own interests and labors for the advancement and upbuilding of what he believes to be for the good of the people. He had absolutely none of the powerful aids which sometimes push a young man forward. As has been said, his father was a Methodist circuit rider in the mountains of West Virginia. He worked his own way through college, he worked his own way through the study of law, taught school, or did any humble employment that came to his hand by which he maintained his own independence and his own self-respect. From these humble beginnings he came to be, at the early age of 52, a commanding figure in the national life of this great Republic.

But, Mr. Speaker, I want to speak of him more as a young man. When I first knew him it looked as if he had before him a long life, with his splendid physique and excellent habits. As a young man he had the power of winning men, of winning to himself the confidence and affection of the older public men of Iowa of that day. His relationship to Gov. Carpenter was referred to by the gentleman from Missouri [Mr. CLARK]. Gov. Carpenter was one of the men Iowa delighted to honor. Mr. DOLLIVER was a citizen of Fort Dodge, and when Gov. Carpenter was occupying the executive chair he was all the time looking to the upbuilding of the younger men of the State, and he was the friend that did more to promote the early interests of JONATHAN P. DOLLIVER than any other man in Iowa. And DOLLIVER won to himself the affectionate regard of all the older men and never aroused the jealousy of the younger. He won friends and kept them, and to me, as he passed from one ad-

vancement to another, and to his other friends in Iowa older than he, there was a cause of congratulation and rejoicing that honors came to him.

There was a time in his life, in 1900, when the Presidency was in his reach; and if he had been a self-seeking man, if he had pushed his own fortunes, if he had backed up the President of the United States, William McKinley, and his great political manager, Mark Hanna, in their desire to have him for the Vice Presidency, I do not believe that any power could have prevented his being Vice President, and stepping up from that place when the great President passed beyond, into the highest office of the Republic. Those of us who knew JONATHAN P. DOLLIVER have the firm belief that he would have discharged the duties of that high office so as to merit the plaudits of the entire American people. He was a Republican. He was on purely party questions a partisan, but he was beyond that a man that loved his fellow man. There is no man of the opposite party who ever charged JONATHAN P. DOLLIVER with doing him or his party any wrong. He met in fair debate all comers, and as has been said by the gentleman from Missouri [Mr. CLARK], the last years of his life disclosed the fact that as a debater he ranked among the very best this country has ever produced.

I want to say further, Mr. Speaker, that JONATHAN P. DOLLIVER'S success was not an accident. He was a close student all his life. In his younger days he laid the foundation of a broad culture so deep and well that when he builded the superstructure he had a fund to draw upon that was practically inexhaustible. No speech of his, no great effort of his was ever given to the public until it had passed through his great mind and had been revised and corrected and improved until it met the high criticism of his own judgment as something ready to give to the public. I know that in many cases men are misled with the belief that great men make but little preparation and speak out of the abundance of their great ability. No greater wrong can come to the young than to have that idea. There is no excellence without labor. JONATHAN P. DOLLIVER reached the highest excellence in his chosen walk of life because he shrank from no labor.

Mr. Speaker, it is a matter of great regret to many of his lifelong friends that the closing days of his life were somewhat embittered by the factional fights engendered in this country, but as the story of the past shall grow more dim, as the passions shall pass away, and the history of his time and life be written, there will be nothing to mar its perfect symmetry, nothing to cast the shadow upon his memory or his name. He was beloved in life and his memory will be cherished by those that live now and knew him, and his family will receive from the good people of Iowa and of the Nation the sympathy that should go to them, bereaved of this great husband and father and citizen and patriot.

Mr. SULZER. Mr. Speaker, it was my good fortune to know Senator DOLLIVER long and intimately. He and I were friends for many years, and his unexpected death was a great shock to me personally as well as a national loss to all the people of our country. Hence, on this memorable occasion I desire to place on record my sincere tribute to the memory of my friend and to say a few simple words regarding his life, his character, and his great public services to the Republic.

JONATHAN PRENTISS DOLLIVER was born near Kingwood, Preston County, Va. (now West Virginia), February 6, 1858; graduated in 1875 from the West Virginia University; was admitted to the bar in 1878; never held any political office until elected to the Fifty-first Congress as a Representative from the Tenth Congressional District of Iowa; was a Member of the House also in the Fifty-second, Fifty-third, Fifty-fourth, Fifty-fifth, and Fifty-sixth Congresses; on August 23, 1900, was appointed United States Senator to fill the vacancy caused by the death of Hon. J. H. Gear; was elected January 21, 1902, to succeed himself; and reelected in 1907. Had he lived, his term of service would have expired on March 3, 1913. Such in brief is the record of this noble man and distinguished public servant, whose untimely death we mourn to-day.

Senator DOLLIVER was a true man, a lover of justice, a believer in the supremacy of law, a friend of the cause that lacked assistance. He stood for the principles of right, for fair play, and believed in the equal opportunity vouchsafed to everyone under the dome of the Union sky. He was an optimist—no skeptic, no scoffer, no cynic. He was broad and liberal in his views, had charity for all, trusted the people, and never lost faith in humanity. He believed the world was growing better. He knew himself, believed in the destiny of the Republic, and made the corner stone of his convictions that great cardinal principle—equal rights to all, special privileges to no one.

He hated cant and despised hypocrisy. He had no use for a trickster, a trimmer, or a trader. He had a sunshiny, genial disposition and a forgiving spirit that never harbored revenge. He had true eloquence and was one of the most effective orators of his time. He was a plain, simple man who loved mankind. He was an indulgent father, a loving husband, and a faithful friend. He will live in the hearts of those he left behind, and to do this is not to die. He was an indefatigable worker and succeeded in accomplishing what he undertook to do. He met Napoleon's test—he did things. He was a true friend of the plain people, the implacable foe of private monopoly, of discriminating legislation that robs the many for the benefit of the few, and he made the Constitution the north star of his political life. He was the fearless champion of the oppressed and lived for the good that he could do. He tried to lift his fellow man up to a higher plane and help him forward on the highway of progress and of civilization. He was a fearless man, and ever dared to do what he thought was right regardless of consequences. He was a faithful public official and died in the service of his country.

Senator DOLLIVER'S work is done. His career on earth is finished. He has run his course; he kept the faith; he fought the good fight; he has reaped his everlasting reward in the great beyond, and we, his friends, can all say truthfully, well done thou good and faithful servant, a grateful people will ever keep thy memory green.

In halls of state he stood for many years
Like fabled knight, his visage all aglow,
Receiving, giving sternly, blow for blow,
Champion of right! But from eternity's far shore
Thy spirit will return to join the strife no more.
Rest, citizen, statesman, rest; thy troubled life is o'er.

Mr. DAWSON. Mr. Speaker, in the untimely death of Senator J. P. DOLLIVER Iowa loses one of her most faithful and devoted public servants, the Senate its most powerful debater, the Nation a patriotic and fearless leader, and humanity an advocate who was untiring in his zeal for its welfare and betterment. Stricken at the zenith of his powers as an orator and statesman, his death at the early age of 52 years is greatly to be lamented, and his memory will long be revered not only by the people of Iowa, but of the Nation generally.

The life story of Senator DOLLIVER is an inspiration to the youth of the land, who will gain strength and courage from a knowledge of the struggles and the triumphs of this young man, who rose from the obscurity of poverty and by the force of character and intellect and industry won his way to a commanding position in the Congress of the United States and to an eminence that exerted a powerful influence on the public thought of the age.

His early life was a struggle against adversity. After his graduation from the University of West Virginia, at the age of 17, he came west and applied for one of the rural schools in Dekalb County, Ill. While waiting the decision of the school board he occupied his time working on a farm, and it is related that when the board sought him to discuss his employment as teacher they found him at work digging potatoes, barefooted and clad in a pair of overalls. During the two years of his career as a teacher his spare moments were employed in reading law, and in 1878 the future Senator and his older brother decided to locate at Fort Dodge, Iowa, and open a law office.

Clients were few and far between, and the law firm led a precarious existence. I recall a vivid description of their early struggles by the Senator himself. "After we had given the landlady our last cent," he said, "we removed our personal belongings to the law office, where we slept on the floor and did our own cooking." By and by his brother gave up the fight and returned to the old home in West Virginia to enter the ministry. Then, to quote the Senator's own words:

I was left alone. I had no money. Once I worked on the public road for $1.50 a day. But I kept cheerful, and in the evenings I would go down to the drug store and talk politics. Unexpectedly I was nominated and elected corporation counsel at a salary of $200 a year. Right there I ceased to be an intermittent day laborer on the streets, and thereafter Fort Dodge knew me only as a lawyer.

At the age of 26 he leaped into political prominence by a speech as temporary chairman of the Republican State convention of Iowa, held in the spring of 1884. That speech attracted national attention, and as a result of it he bore a conspicuous part in the memorable presidential campaign of that year, traveling for a time and speaking with James G. Blaine. Four years later, in 1888, he was chosen to represent the tenth congressional district of Iowa in this House, and for more than 10 years he was a Member of this body. When the Dingley tariff was enacted Mr. DOLLIVER was a member of the Committee on Ways and Means, and distinguished himself in the work of framing and passing that law.

On the death of Senator John H. Gear, Mr. DOLLIVER was promoted from the House to the Senate. He filled a conspicuous rôle in the railroad-rate legislation of the last administration, the Hepburn-Dolliver law being to a large extent the product of his labors. But it was during the tariff debate in the present Congress that he achieved his greatest fame. In that memorable debate he showed a mastery of his subject, a skill in its presentation, and a command of logic and argument which stamped his speeches as the most powerful that were made during that memorable contest.

Few men in all the history of the United States Senate have equaled Senator DOLLIVER for eloquence and force of speech. He possessed the gift of eloquence to an exceptional degree, and was equally effective on the popular platform and in the more exacting requirements of senatorial debate. His oratory was scholarly and philosophic, and with an imposing presence, a full, deep voice, a profuse and scintillating vocabulary, and a never-failing supply of wit and humor, he had the happy faculty of winning the rapt attention of every person within the sound of his voice.

I desire, Mr. Speaker, to add an analytical appreciation of his oratorical power from the pen of his life-long friend and neighbor, Hon. George E. Roberts:

In him were combined in rare degree all the qualifications of a political orator. There have been other popular campaigners in Iowa during his time, each with his own effective characteristics, but J. P. DOLLIVER was in a class by himself. Neither on the stump nor in Congress was there anyone who combined the scholar, the statesman, and the orator as they were combined in him.

In the first place, he had the philosophic, reflective mind that views every subject in the large way and seizes intuitively upon fundamentals. His grasp of principles was sure. He was thoroughly educated and informed, his reading and culture were so broad that he was always abreast of the best thought of the time. His campaigns over the tenth district were an educational influence upon this people. He pitched every discussion upon a high plane. His style was distinctly his own, simple and homely in a way, but wonderfully effective in statement, and combining with this the grace and finish and pathos of the accomplished orator. His literary sense was true and his judgment of material unerring. There was no straining for effect. He had the imagination that is the soul of great oratory—the imagination of the seer, the poet, and the statesman. He was logical, but much more than logical, his mental processes outran the methods of logic and summed up the argument in a sentence. He thought in pictures and epigrams. His wit was illuminating, but humorous rather than biting. He could use sarcasm with terrible effect, but was not malicious enough to delight in it. In his earlier years he used it freely in a good-humored way at the expense of his political adversaries, but outgrew that in his maturity and treated everybody with the respect that he really felt for sincere opinions. He seldom told a story or read an extract, preferring as well he might, to make his points in his own language. There was nothing approaching coarseness or vulgarity in his speeches, but always the charm of clear, apt, and vigorous statement couched in the most felicitous phrase. He could take a commonplace or abstruse subject and before either the academy of political science or a country schoolhouse audience invest it with vital interest. He knew the people of this country with sympathetic familiarity from the highest to the lowliest, was in touch with every class, at home with all, understood them all and knew the way to their hearts.

His mind was fertile, active, imaginative, and his gift of language was extraordinary; but after all is said, the capacity for hard work had more to do with his success than is commonly understood. His broad culture was not obtained without effort. He was an omnivorous reader; he was a most industrious student of every subject which he undertook to discuss. He came to Iowa when the greenback issue was uppermost, and he read the literature of the question completely, including the congressional debates when the greenbacks were issued. He had the same knowledge of the silver question, and his masterly treatment of that subject in the tenth district showed the same capacity for thorough analysis and convincing argument that was revealed to the Senate in the tariff debate.

In striking contrast to most men possessed of his extraordinary qualifications, Senator DOLLIVER did not naturally crave the distinction and honors of leadership. He lacked the egotism of most political leaders. He was singularly free from any trace of conceit. None of his intimate friends ever saw an expression of it. He never lost his modest poise or was without his sense of humor for a moment. He was therefore nothing of the political boss. He was supreme in the tenth district by his own preeminence, not by the power of a machine. He had no taste for machine politics, no disposition to call upon his friends to do political service. Among politicians this was counted a weakness, as he was said to lack trading strength. It is true that he was never strong in the arts of manipulation. His strength was in his superb powers as an advocate upon the issues, and there he was almost without an equal in any forum.

But, with all the admiration which his talents and ability commanded, DOLLIVER the man was even greater than DOLLIVER the orator and statesman. He had a charming personality, and to know him was to be his friend. He had a heart as big as his great body and an unfailing geniality which made friends rapidly and retained them easily.

His life was the exemplification of the words of George Linnæus Banks:

I live for those who love me,
For those who know me true,
For the heaven that smiles above me
And awaits my spirit too;
For the wrongs that need resistance,
For the cause that needs assistance,
For the future in the distance,
And the good that I can do.

Senator DOLLIVER was an optimist, full of kindliness and rare good humor. He was generous by nature, obliging in disposition, and possessed a heart filled with human sympathy.

He had a warm spot in his heart for the rising generation, and among his greatest delights was to be helpful to the youth of the land. In the impressive funeral services at Fort Dodge last October there was no sentiment uttered that rang truer than the one offered by Mr. Harvey Ingham when he said that "Senator DOLLIVER left the door a little wider open for the common boy and girl."

It can be truthfully said that Senator DOLLIVER gave his life to the service of his country as truly as ever did any soldier on the field of battle. The days and nights of toil which he put in during the special and regular sessions of the present Congress overtaxed his strength, and when he left Washington last summer he was broken in health. During the special session it was not unusual for him to be found zealously studying the intricacies of tariff schedules far into the night, in preparation for his great fight on certain rates in the Payne bill.

He had forged to the front with a display of unusual powers, which not only established him in a position of great power in the Senate of the United States, but had lifted him to that more select class who actually leave a lasting impress upon the life and thought of their day and generation. That tariff debate in the summer of 1909 revealed Senator DOLLIVER as the most powerful debater in that body, and as a man who possessed the moral courage to break with his party before he would with his conscience.

Under these most extraordinary circumstances the sorrow of the people is intensified by the thought that he laid down his life in a zealous effort to protect their rights, and just at the time when he was entering that period of his life which promised the greatest usefulness and power.

Mr. Speaker, I desire to add a few brief tributes from some of the leading public men of our State and country to the memory of our departed friend, whose memory we honor this day by these services:

Gov. B. F. Carroll:

Of all the able men that our State has given to public service few have arisen to that mark of distinction attained by Senator DOLLIVER, especially as an exponent of public questions. His friends extend beyond the limits of our Nation, and his splendid ability and patriotic devotion to public duty are recognized by all who knew him. Our State will deeply mourn the loss of this brilliant and able statesman and public servant. His career as a public official, covering near a quarter of a century, was full of events, and his promise of useful service to his State and Nation was full of hopeful fruition. In his death both the State and the Nation sustain a great loss, and his memory will long be cherished by a loyal and patriotic people.

Hon. S. F. Prouty:

I had learned to regard Senator DOLLIVER as one of the greatest benefactors of the masses of the people, and as one of the greatest men of the West, if not of the entire country. He had a peculiar power of expression that was particularly effective, and he used this power in the cause of the masses of the people.

Hon. H. M. Towner:

Regardless of factional or, indeed, of party alignment Iowa will mourn the loss of her brilliant and distinguished Senator. He was so distinctly an Iowan that his loss is personal and intimate to our people, but the Nation has lost from its great forum its greatest orator and most able debater. There will be universal sorrow at his death.

Hon. W. W. Morrow:

When the political history of this country is written, the name of JONATHAN P. DOLLIVER will be inscribed in glowing phrases as one of the greatest orators and ablest leaders of the age. He was a great man, a grand man, and one we all respected.

Hon. J. L. Bleakley:

His long and faithful service for the State, his untiring energy, and his patriotic zeal in behalf of his country will be written on the undying pages of history.

Hon. George D. Perkins:

Senator DOLLIVER was of buoyant disposition. He had experience with the shadows, but it was his delight to be in the play of gentle atmosphere, warmed by the sun. He was a noble son, husband, father, brother. He counted not as sacrifice whatever measure of service he could render for those he loved. In all his relations he was a genial, likable man. Bitterness was not born with him, nor could it find root in the generosity of his disposition. He had the strength for heavy blows, but the tenderness of his heart made quick burial of enmities.

Col. Theodore Roosevelt:

Senator DOLLIVER'S death is a great misfortune to the country, especially at this time. He was a public man whose character, ability, and loyalty to the interests of the people I especially admired.

Hon. C. W. Fairbanks:

Senator DOLLIVER was one of the best men the country has ever produced, a friend whom we all admired and loved.

Col. Henry Watterson:

Whom the gods love die young. Senator DOLLIVER had at least the good fortune that comes to those whose ship goes down "when eager winds are kissing every sail." He was spared the shipwreck of hope that is suffered by hard-working public servants who realize in their old age that improving human institutions is a form of activity that promises greater labor than reward.

Mr. MARTIN of South Dakota. Mr. Speaker, a great man has fallen at the meridian of his greatness, and the Nation mourns his loss with a universal sorrow. DOLLIVER was a young man when death came, and there seemed to have been every promise that his greatest achievements were still before him. And yet 22 years of his life was spent in the Congress of the United States, a much longer period than the average service of statesmen and other men of public affairs. Besides, life is not measured by length of days, but by human heart throbs, transcendent purposes, and noble deeds. Measured by these standards, his was a long life and his career was well rounded and mature.

JONATHAN DOLLIVER was a child of genius. His oratorical powers were as truly a gift of Nature as the genius of the sculptor, the painter, or the poet. Rhetoric is an accomplishment of the schools. Oratory may be enriched and embellished by cultivation and by the deep experiences of human life; but the orator is born, not made. The ability to hold and sway audiences as under a spell of magnetism, the ability to blunt a logical deduction by a word or the wave of a hand, or to destroy a sophistry with a single epigram—these are rare powers, possessed by but few men, who bear the unmistakable stamp of genius. DOLLIVER sprang into national prominence in a single great speech in the Republican State convention of Iowa in 1884. He became at once a national character. He was in great demand on political and popular platforms everywhere. His name would insure a crowd in any part of the country. He never lost the ability to maintain the reputation that his first great speech had given him. The most masterful utterances of his whole career were his last two or three great speeches in the Senate. They marshal the fundamental principles of popular government with eloquence seldom equaled in legislative debate, and they define the field and scope as well as the limitations of political parties with such clearness of view and such convincing logic as to make them classics in political literature.

At the time of his death Senator DOLLIVER was the strongest individual force in the movement now shaping toward the popularization of the United States Senate.

He liked the democratic quality of the House of Representatives. He had just gone to the Senate when I came to the House in 1901. He came back frequently to watch debate in this body. He missed the free forum in which he had served so long, and had not yet adapted himself to the more dignified procedure of the Senate. He liked legislation by conflict and had not acquired the habit of legislation by courtesy. He gloried in the blunt truthfulness of a forum of debate in which an uninteresting speech is made to empty seats, but where the man with a message soon fills the chairs and, as interest becomes intense, Members gather closely around the orator like the folds of a garment.

"MARTIN," he said to me one day, "the House of Representatives is the most democratic legislative body in the world. Here a man sinks or swims, according to his talents."

Later he mastered the legislative procedure of the Senate, and his great powers were never in better form than when balanced by the limitations of senatorial debate. And yet he was always, in the broadest sense, a representative of the people. He viewed all legislation in its bearing upon the general welfare. Instinctively he saw the line of separation between the encroachments of special interests and the well-being of all the people. Instantly his militant armor was on, and he was in the arena in the midst of the battle for popular rights. He was never a demagogue, but always a knight of the common good.

DOLLIVER was a profound student of the principles of our Government. He was rooted and grounded in the fundamental principles of human rights and relations. And he was never lost in the task which a statesman always has before him of applying the fundamental principles to the varying problems of the hour. No man of our generation could set forth these essential principles in more attractive form or with more telling effect.

DOLLIVER's humor was constant and sparkling, like a clear stream of water gurgling from a spring. His wit was a burnished saber of offense and defense. His satire cut clean as a lance, but was never dipped in poison. His fun was never more appreciated than when the joke was on himself. I heard him say that he was once forced into a candidacy for the Vice Presidency of the United States through the friendly intentions of Col. West, then of the Washington Post, but that he got out by "unanimous consent." How delicious was his remark in the tariff debate that the two noteworthy events of the year 1909 were the revision of the tariff downward by the Senator from Rhode Island and the discovery of the North Pole by Dr. Cook. No man ever excelled him in the use of epigrammatic speech. More than once has he slain a humbug with a humorous epigram. I want a copy of the volumes that must be published of DOLLIVER's public addresses, beginning with his speech before the Iowa convention in 1884. When these volumes are published I believe they will present the most readable and illuminating history obtainable of the political development of the past quarter of a century.

One of the marvels of DOLLIVER's talents was his mastery over the details of great questions. Great orators are often generalizers and neglectful of details. Not so with DOLLIVER. I have heard men express the opinion that DOLLIVER was not a close student of the intricate details of public questions. With that view I disagree absolutely. There is no single question more difficult and laborious in its mastery than the tariff question. Yet there are few, if any, men with a better understanding of that problem than had Senator DOLLIVER. He began his study of those intricate problems with Dingley and McKinley in the House, and his laborious methods carried him over every phase of every schedule and into the consideration of the effect of tariff rates upon all American industries and upon the general progress of all the people.

No man mastered the subject with a more statesmanlike grasp, and no man was a safer adviser on tariff questions. Had DOLLIVER been chairman of the Committee on Finance, or even a member of that committee, as by all the precedents he ought to have been, some recent tariff history would have been differently written, and the Republican Party, in whose policies he so implicitly believed, would have been saved some of the embarrassments which have since fallen to its lot.

Over all JONATHAN DOLLIVER's character as a man towers monument-like, the most striking quality in his unusual career. His sturdy parents endowed him richly in mind and heart and rugged manhood, but in no quality was he more generously favored than in his deep, abiding religious faith. With unerring certainty he discovered the moral quality in every great public controversy. He came to the defense of a good cause with all the force of his nature, and he could unmask a sham or pretense with a completeness that would render further deception impossible.

An acute moral sense is the best political asset that a public man can possess. It will help him to detect the right of a public dispute when the processes of reason and logic are slow and unreliable. That he followed implicitly his convictions of the right in every situation must have been apparent to every close observer. Among the many evidences of this is this passage from one of the latest of his speeches in the Senate:

> In the course which I have pursued in the Senate I have always endeavored to find out, if I could, the path appearing to lead in the direction of the common welfare. I have never been able to know, as questions arose, whether or not the course I had chosen led in the direction of my personal political fortune. In fact, I have had absolutely no motive for caring whether it did or not.

Senator DOLLIVER's home relations afford us a view of the most beautiful picture of his life. His wife was to him a most trusted counselor and companion. His children were the most sacred of his earthly blessings. From such a haven of inspiration he went forth daily to battle for the highest ideals and to bear a manly part in the worthy struggle to bring the greatest good to all men.

In the closing hours of a busy Congress no one can do full justice to the memory of this remarkable man. As one of his intimate and admiring friends, I can do no less than to offer this modest tribute of appreciation of one of the kindliest and most gifted men our country has ever known.

Mr. GOOD. Mr. Speaker, this occasion has its lesson, this day its sadness. The lesson is found in the life of a great and good man; the sadness in his untimely death. We glory in the achievements of JONATHAN PRENTISS DOLLIVER; in his death we mourn a Nation's irreparable loss.

It is not given to the mind of man to prescribe a formula for greatness. The component elements of the human mind, their relations to each other, and their harmonious blending in the human compound of greatness must forever remain one of the secrets of this life. Dark and mysterious as are the questions upon which the solution of this problem depends, yet we see in the life of every man characteristics that make for him his place in the world, be that place great or small.

Senator DOLLIVER inherited the strong religious tendencies of his father. He had a childlike faith in a Supreme and Overruling Providence. He loved the Bible, and his public address and private conversation reflected a deep study of it and an unwavering belief in its precepts. To his simple faith and trust in a God whose name is Love was due his great optimism, his buoyancy of spirit and his cheerful disposition.

The human side of Senator DOLLIVER was most strongly developed, and to this fact more than any other is due his greatness. A feeling for others was a predominating characteristic in his life. To help make his country a better abiding place for his fellow man was his ambition and his aim. Unmindful of his own welfare, he drew all too freely upon his great strength in working for the good of others. Altruistic himself, he despised all forms of selfishness in others. In him—

Love took up the harp of Life, and smote on all the chords with might;
Smote the chord of Self, that, trembling, passed in music out of sight.

As a legislator he was alert to discover the plans of the designing and the selfish. He frequently expressed his abhorrence of lobbyists by applying to them the term of "dirty workers." His ear was always open to the story of stunted children, toil-worn shop girls, and starving miners. His time and his strength were always at their command that he might make their road easier and their burden lighter. He gave all too freely of his wonderful intellect, his almost limitless strength, and his big heart to secure the enactment of such laws as would give every man a more even chance with every other man. If measured as the world measures greatness, others have surpassed him, but if measured by heart throbs for his fellow man, few have equaled him.

In the humanity of DOLLIVER was found his true greatness. He rose rapidly from the position of a country lawyer to that of a Senator of the United States. Of the 52 years of his life 21 years were spent in Congress. From the time of his entrance in this House until his death he was recognized as one of the greatest political orators, not only of his day, but of all time. His rise was as rapid as his place was permanent.

Twice DOLLIVER could have been the nominee of his party for the exalted position of Vice President of the United States. And twice he refused to permit his name to go before the nominating convention. Honors came to him in rapid succession, but none of them nor all of them combined were able to swerve him from his devotion to the service of the common citizen. All the honors which he achieved and the distinctions which came to him only drew him closer to those whose cause he had long championed. They served to strengthen the bond of sympathy between him and the common man.

Senator DOLLIVER'S life was a complete answer to Kipling's test:

If you can talk with crowds and keep your virtue,
Or walk with kings—nor lose the common touch.

He did more than this. Neither his recognition as an orator nor his elevation to high political positions caused him to lose his sympathy for or his interest in the common people. These achievements only strengthened the bond of brotherhood between himself and his fellow man. He looked out upon the life we live and saw that the greater half of life's misery came not from frost or drought, fire or flood, pestilence or famine, disease or death, but from the selfishness of men, from the want of brotherhood, the lack of fellowship. In the millions of loveless homes, in the bickering of employer and employee, in the flaunting insolence of newly won riches and ill-gotten gain, in the bickerings of trade, and the crimes of the calendar, in laws which were violated, in hopes which were blasted, and in hearts that were broken—in all these he saw witness to the greed and selfishness of man. His great humanity directed the field for his statesmanship, the forum for his oratory, and the secret of his great success.

Gentleness and kindness were visible expressions of his great humanity. He was as gentle as a child and as tender as a woman. The hurt of a friend plunged him in sorrow, the joy of an associate bathed him in sunbeams.

This dominant characteristic in the life of Senator DOLLIVER also found expression in his great love of nature. He loved the rugged oak and the spreading elm; the squirrels and the birds were his companions and friends as he strolled in the woodland. He loved his farm, and on so many occasions expressed the wish that he might retire there and spend the rest of his days free from factional and political strife.

The quiet and unselfish life in which the farm abounds appealed most strongly to his nature. He loved its simple life, the genuineness of its people, the changes of the seasons and the homely farm scene; the spring with its freshness and its fragrance; the summer with its fields of growing grain waving in the sunlight; the autumn with the hum of the reaper and the song of the meadow lark; the winter with its snowbound prairies stretching far in the distance; these he loved and in his meditation of them he found his recreation.

The day we buried DOLLIVER was cold and cloudy; a drizzling rain had set in and gloom had cast its shadow over the inhabitants of the city of Fort Dodge. I shall long remember the sorrow and tender sympathy exhibited on the streets as the funeral procession passed from the armory to the cemetery. Thousands of men, women, and children lined the sides of the street, unmindful of the cold and drizzling rain. Sorrow was written deeply on every countenance. Thousands of tear-stained faces told the story all too plainly of broken hearts. Thus unconsciously his neighbors and friends paid the highest tribute to his memory. The city of Fort Dodge is erecting a bronze statue to the memory of Senator DOLLIVER, but in the minds and hearts of the people of this generation are enshrined memories of him that are more enduring than marble, more lasting than bronze. He made for himself a big place in the world and he filled that place like the great man that he was.

Mr. CLARK of Missouri. Mr. Speaker, one of the pleasant features of serving in this House is that a majority of the Members do not permit the big aisle which separates the House into two parties to be regarded as a line of demarkation in matters of friendship. Senator JONATHAN PRENTISS DOLLIVER was one of my most intimate friends. In fact, he was one of the three most intimate of all the Republicans with whom I have served in 16 years. Circumstances determine very largely questions of personal intimacy. The way that Senator DOLLIVER and I became so intimate was that I was poor and he did not have very much money himself, so both of us had been experimenting somewhat in the business of lecturing at what are called lyceum lectures, and also at the Chautauquas, and were making some headway and some money. In the fall of 1899 it occurred to me one day that I had heard in years gone by that the Brockway Lecture Bureau at Pittsburg, which arranged the dates for both Senator DOLLIVER and myself, had a few years before conducted a joint lecture between the Hon. Michael Harter, of Ohio, and the Hon. Roswell G. Horr, of Michigan, on the tariff question. The difference between a lecture and a speech is that you get pay for a lecture and you do not get any pay for a speech. I wrote to them and asked them if that dual lecture or debating performance had been a success, and they answered that it had. Then I wrote to them that it seemed to me that the signs of the times indicated that politics would be of considerable interest in the next 12 months, and why not arrange a debate on the Chautauqua circuit and at these lectures courses for myself and some Republican. They answered by telling me to pick my own Republican. So I suggested Senator DOLLIVER, and we went into it.

Our first debate was down at Chambersburg, Pa., on the 14th day of December, 1899, the one hundredth anniversary of the death of George Washington. We proceeded in that business with a great deal of success, if drawing large crowds is a test of merit, until he was appointed to the Senate, and I think during that time that he and I must have had somewhere in the neighborhood of 50 or 75 debates. The very day that he was appointed to the United States Senate we had a debate down in southern Iowa. It was my turn to open and close, but he asked me as a special favor to let him open and deliver the whole of his hour and a quarter speech first, so that he could catch a train to Des Moines to see Gov. Shaw about being appointed Senator. I always told him that I thumped him into the United States Senate. His reply to that was to inquire why I did not thump myself into the United States Senate.

The other two men with whom I have debated at these lecture courses and Chautauquas are Gen. Grosvenor, of Ohio, and the Hon. C. B. Landis, of Indiana, and, notwithstanding radical differences of political opinions, they are among my closest friends.

Debating on the circuit brings men into very close relationship. The newspaper wits have a way of undertaking to make the Chautauqua lecturers the butt of their jokes. There is, however, this much to be said about lecture money. It is clean money; you do not have to explain where you got it, or how you got it, or when you got it. In addition to that, the lecture business, which flourished very much from about 1855 to 1865 and then died out almost entirely, taking a new start with these Chautauquas, has been a great educational force in the country, and the Chautauqua business especially has been of vast influence in that regard. Some of the most distinguished men in both Houses of Congress have tried their hands at it, with varying degrees of success.

I was a guest in Senator DOLLIVER'S house. I enjoyed the hearty hospitality of himself and wife. I roamed with him over his fine farm up on the bluffs, consisting of 400 or 500 acres of as rich land as the sun ever shone on. He took a great deal of pride in the fact that the farm had at one time belonged to Gov. Carpenter. He was genial; he was companionable; he was handsome; he was true as steel to his friends.

It may or may not be known to some people that he came very near being President of the United States. There has been a great deal of dispute about what happened down at Philadelphia in 1900 at that Republican convention. Of course, I do not undertake to say exactly what did happen or all that happened. I will tell what I believe, and I believe it on the very best authority, too, and that is if Col. Roosevelt had adhered to his declared intention of not accepting the vice-presidential nomination, without doubt JONATHAN P. DOLLIVER would have been nominated almost by acclamation. Of course if he had been he would have been elected along with McKinley and would have succeeded to the Presidency of the United States. That he would have made an intelligent and patriotic President I have no doubt.

When he and I were debating at the Chautauquas and in the lecture courses he was a great deal more of an orator than he was a debater. There is a vast difference between an orator and a debater. A man may be both, but he is lucky if he is either. I think in the hour and a quarter's speech that he delivered in those debates there were two or three sections of 10 minutes each which would have graced the speech books, which is the highest tribute I know how to pay to his eloquence. He lived, however, to become one of the foremost debaters in the land, and strange to say, he became a debater in the last year or two of his life.

I am not going to trench upon the dangerous ground of political differences in this talk, except so far as it may be necessary to illumine his life. My own judgment about it is that, considered solely with relation to DOLLIVER's fame as a debater and thinker, the best thing that ever happened to him was that Senator ALDRICH and the men who made up the Finance Committee of the Senate refused to place him on it. That put him on his mettle. He was determined to show the men who did that that he knew something about the tariff question and could debate with the best of them. He employed an expert on tariff facts, paying him out of his own pocket, and the expert rendered him very valuable services, and I believe it is entirely within the range of truth to say that DOLLIVER's speeches in the Senate in the last 18 months of his life are among the finest specimens of congressional debating that have taken place in the last 20 years.

I have said time and again—I have said it in this House; I have said it on the stump; I have said it in private conversation—that the last speech, the long speech which Senator DOLLIVER delivered on that tariff bill 10 months after it was passed, in the spring of 1910, as a sample of oratory, of eloquence, of wit, of humor, of sarcasm, of learning, has not been exceeded in either branch of Congress in a generation. There are parts of it equal in irony to anything that Junius wrote. There are bits of it equal in wit to anything that Sydney Smith ever said. There are certain parts and passages of it equal in humor to Mark Twain at his best. There are certain parts of it as philosophical as Lord Bacon's essays, and taken altogether it is a splendid monument to the man's memory.

I had a rather curious experience with him about it. When I made the 1 hour and 20 minutes' speech here in May, 1910, in reply to Mr. Chairman PAYNE, I quoted from that speech of Senator DOLLIVER's very liberally. A few days afterwards I was over in the Senate, and I told him that he was an ungrateful kind of a statesman. He wanted to know why. I replied that I had quoted his speech very elaborately in the House, and that it seemed to me he ought to thank me for it; that it gave him a great advertisement, and that he never had thanked me for it. He looked at me in a quizzical sort of way and said that he was not absolutely certain that the fact that I had quoted from his speeches and had passed eulogies upon his present views would be of any advantage to him ultimately in a political way.

In that same conversation he startled me by telling me that he was in a very bad condition, physically; that he was extremely anxious and uneasy about himself.

Senator DOLLIVER was an enthusiast by nature. He was a Methodist, thoroughly imbued with the principles of the Christian religion as expounded by the Methodists. In politics he was a thoroughgoing Republican, born and reared in a Republican household, a Republican all his days. He was a patriot to the core. I never knew a man who loved his country with greater devotion than he did. He seemed destined for a long life. He cut a splendid figure in this House. He cut a splendid figure in the Senate. It does not necessarily follow, and in a great many cases it does not follow, that because a man is a shining light in the House he is sure to succeed equally well in the Senate. But he succeeded equally well in both. He was stricken down in the very prime of life, at the meridian of his fame. He now takes his place in the goodly company of distinguished men whom Iowa has contributed to the service, the honor, and the glory of the Republic.

Mr. HAUGEN. Mr. Speaker, in accord with time-honored custom we are here to-day to speak in memory of the life, character, and work of one of Iowa's most beloved and distinguished citizens, one who for 20 years was a beloved and honored Member of this House and Senate; one endowed with lofty ideals; a character of the highest type, founded on integrity; one with unusual talent, fortified with a wealth of learning. He as a young man entered the public service with zeal, integrity, character, ability, and conscience, rectitude of purpose, dominated by noble and lofty ideals, with firm determination to do justice and right, to serve his country and fellow men.

Having served with Senator DOLLIVER in this House, having lived in his home, and having studied his grand life and character, I got to know him well, and the better I knew him the more I admired him and the more I loved him. I knew of his bright life, his pure character, his devotion to truth, his many grand and noble qualities manifested in his every walk of life, both public and private. In his Christian home he lived a pure, bright, and grand life, a most devoted husband and a patient and affectionate father, generous, considerate, and helpful to others, always ready to lend a helping hand, a man with keen, clean, clear, and sound mind, blessed with extraordinary intelligence and power of conception, a student, a thinker, and a most untiring worker. There seemed to be no limit and no end to his industry and research. In his home, in his office, in the Senate chamber, from early morning to late at night he toiled. Among the most pleasant hours of my life are those spent in his company. Nearly every night, after his day's work, he would join the circle around the fireplace to cheer, to enlighten, and entertain. He possessed a wonderful fund of knowledge and wide range of information not only on public questions, but he spoke with readiness and fluency on any subject he took up and discussed. His remarks on any subject were not only illuminating and brilliant but always instructive and interesting in the highest degree. Every thought and utterance was fresh and refreshing. We all found in him something to learn. Uppermost in his mind and his heart was his God, the people, and country he so dearly loved. Every act and purpose was patriotic. He was eminently a talented and lovable man. In his modest, unassuming way, his kindness and strong mind and character, his sympathy and unceasing industry he fought his way up in the world and attained the high and exalted position which he occupied at the time of his death.

At the age of 31, in 1888, he was elected, and in 1889 he became a Member of Congress, and August 2, 1900, with 11 years of distinguished and faithful service to his country, here in the House, he was appointed United States Senator, and twice elected by the legislature of his State.

No man ever entered public life better fortified and equipped as a legislator. His work, especially in the last years of his service, showed that it meant little to him whether many or few shared in his views. If he felt that he was right, that was all sufficient to him. That was his guiding star and when fully convinced that he was right, he would go straight forward with a courage that never faltered and with earnestness, sincerity, and clearness he would point out what to him seemed the right course. He seemed to have knowledge of every proposition before Congress, its scope and object, and whenever any important question arose concerning the welfare of his people and country, he never flinched, shrunk, or forgot his responsibility. He was always found in the foremost ranks, championing the cause of liberty and for what seemed just and right to him, and with his power of speech and eloquence he moved his audience to tears and applause, with his mine of knowledge, his power of comprehension, his forceful and logical presentation of facts he always received the closest attention and his speeches proved most effective. He rarely attempted to speak without preparation. Generally his speeches were prepared with the greatest of care, and the ideas, style, thought, and arrangement of his speeches were the result of his skill and hard work. But fortified as he was with a wealth of learning and knowledge of public affairs, acquired by experience and constant and persistent study, without previous preparations, he would, at times, speak for hours with fluency, mastering the subject discussed with force, clearness, and eloquence, and in these master efforts it seems that all that was necessary for him to do was to reach out into that ocean of eloquence and information he had stored away, to pick out one gem after the other, and for hours he would deal out sledgehammer blows with a most powerful and unceasing eloquence.

DOLLIVER was not a politician or an organizer. As an orator of his day he had no superior. Iowa has been blessed in

orators, statesmen, and public men. Of them all, Senator DOLLIVER achieved the widest and most enduring fame. No man in public life rendered to the Republic more patriotic, faithful, and eminent service than did Senator DOLLIVER.

When we review his career for zeal, faithfulness, his noble and upright life; what he did and sought to do for the good of humanity and his country; his conception of the high purpose of Government; truly it can be said that he was an honor to his State and to the House and Senate.

Senator DOLLIVER commanded, not only public confidence, but the love, respect, and affection of all who knew him. The depth of feeling of his neighbors and friends was manifested in the large concourse of people at his funeral. We saw the large auditorium and streets filled with men and women, old and young, black and white, from near and far, assembled there in testimony of their deep affection and to do honor to his memory. Here, where he had lived the greater part of his life and where they knew him best, they loved him most. The presence of thousands of friends and neighbors, the sorrow, the sermon, the eulogies, the flowers, and expressions on every hand testified to his greatness and that a faithful friend and upright citizen had passed away.

Mr. SMITH of Iowa. Mr. Speaker, in 1884, when but 26 years of age, Senator DOLLIVER by a single address took his place among the great public speakers, not only of Iowa, but of this country. Never, perhaps, was there such a sudden rise to conspicuous prominence by any man in the history of that State. That year he was called to many Eastern States, and his reputation immediately spread throughout the country. In four years he was elected to this House and remained here without opposition until his appointment to the Senate.

I became acquainted with him early in his career, and for many years we were close personal friends. I was early impressed with the wonderful breadth of his reading, and particularly with the extent of his knowledge of English and American literature. This, without any ostentation of learning, enabled him to illumine his conversation and public addresses with all the philosophy and wit of all the ages.

He was the most eloquent man ever produced by Iowa, and I think I am not influenced by any provincial spirit when I say that he was the greatest American public speaker of his time. His spontaneous spirit and wide reading made him a most delightful associate and companion. Brilliant as was his public career, his devotion to his family was his most admirable characteristic. He was a beloved son and brother, a devoted husband and father, and all those nearest and dearest to him are entitled to have the sincere sympathy, not only of the people of Iowa, but of all the people of the United States, because before his sun had reached its high meridian and turning cast shadows toward the east his sky was darkened and his day was done.

THE LATE SENATOR M'ENERY.

Mr. PUJO took the chair as Speaker pro tempore.

Mr. ESTOPINAL. Mr. Speaker, I offer the following resolutions (H. Res. 998), which I send to the desk and ask to have read.

The Clerk read as follows:

Resolved, That the House has heard with profound sorrow of the death of Hon. SAMUEL DOUGLAS MCENERY, late a Member of the United States Senate from the State of Louisiana, which occurred in the city of New Orleans, La., June 28, 1910.

Resolved, That the business of the House be now suspended that opportunity may be given to pay tribute to his memory.

Resolved, That as a particular mark of respect to the deceased and in recognition of his distinguished public service the House, at the conclusion of the memorial exercises of the day, shall stand adjourned.

Resolved, That the Clerk communicate these resolutions to the Senate.

Resolved, That the Clerk send a copy of these resolutions to the family of the deceased.

Mr. RANSDELL of Louisiana. Mr. Speaker, it is a melancholy pleasure to pay tribute to the memory of Senator MCENERY, for I loved him in life and wish to do all in my power to honor him in death. My first vote was cast in 1884 for SAM MCENERY, as we called him in those days, then a candidate for the exalted office of governor of Louisiana, and I voted for him every time after that his name was presented to the people. He was very popular in north Louisiana, where both of us lived, and why not? Had he not been our wise, fearless leader in rescuing Louisiana from the horrors of reconstruction and negro domination? Had he not been our "levee governor" and the savior of our richest lands from the annual floods of the cruel Mississippi? Had he not been the active promoter and upbuilder of our public-school system? Indeed, was there anything of good for Louisiana in those days, a quarter of a century ago, which was not closely allied with the name of SAM MCENERY?

I doubt if any other citizen of the State was ever so popular, and I am sure that no one every retained such a strong hold upon the affections of his people to the day of his death as Senator MCENERY.

It was universally admitted during recent years that no matter what he said or how he voted it was all right with the people of Louisiana, and no man in the State would have dreamed of opposing him for the Senate. Such continued popularity can be accounted for only by the fact that the Senator was a most remarkable man; liberally endowed in mind and heart; unselfish and generous to a fault; never forgetting a friend and bearing no undue malice to foes; wise in plan and bold in execution; a good governor, alive to every interest of his State; a great justice of our supreme court; a United States Senator for everyone, and as solicitous for the poorest citizen as for the most influential; a simple, unassuming, modest gentleman, honest and true, who never used his great abilities for an unworthy purpose in all his long life of 73 years, but ever devoted them to promoting the welfare of Louisiana.

SAMUEL DOUGLAS MCENERY was born at Monroe, La., May 28, 1837, and died in New Orleans June 28, 1910. His parents were Henry O'Neil McEnery, a native of Ireland, and Caroline H. (Douglas) McEnery, of Virginia. His early education was at the Jesuit College, Springhill, Ala.; then for three years as a midshipman at Annapolis, from May 25, 1852, to June 23, 1855, when he resigned; and later at the University of Virginia. He studied law at the State and National Law School, Poughkeepsie, N. Y., and after being admitted to the bar practiced for one year at Marysville, Mo. Returning to Louisiana shortly before the Civil War, he enlisted in the Confederate Army and served as a lieutenant of the Pelican Grays, Second Louisiana Regiment, under Gen. Magruder, in Virginia, and also in the trans-Mississippi department.

Senator MCENERY'S first prominence in public life was as a leader of the Democrats in Ouachita Parish during the darkest days of reconstruction, when he displayed such able qualities as an organizer against the corruption and misrule of carpetbagism, with its attendant racial horrors, that he soon became recognized as the foremost citizen of north Louisiana. In the State Democratic convention of 1879 he was nominated for lieutenant governor, as running mate to Louis A. Wiltz, candidate for governor. They were elected, and on the death of Gov. Wiltz, in October, 1881, MCENERY became governor.

So successful was his administration that he was nominated and reelected in 1884 for a term of four years. In 1888 he was again a candidate, but was defeated by that grand old hero of the lost cause, Gen. Francis T. Nicholls, who had been governor prior to the selection of Wiltz. In such high esteem was MCENERY held by his successful opponent that he was immediately appointed by him a justice of the supreme court of the State. I recollect well the criticism of many lawyers at the time, who said that while he was an able man and had made a good governor he was not sufficiently versed in the law to make a good judge. Their opinions changed, however, for within one year MCENERY was regarded as one of the ablest jurists in the State, his decisions being noted for brevity, clearness, and correct analysis. The admirers of Judge MCENERY insisted upon his again running for governor in the antilottery campaign of 1892, and after a vigorous fight he was defeated by MURPHY J. FOSTER, later his colleague and intimate friend in the Senate. This campaign did not take MCENERY from the supreme bench, and in 1896, after Gov. FOSTER had been reelected in a hard-fought struggle, MCENERY'S former foes in the Democratic Party implored him to leave the shades of judicial life and again enter the political arena in opposition to Walter D. Denegre, who was supported for the United States Senate by Republicans, the Citizens' League, Populists, and all foes of the State administration. It was a trying hour for the party, and no man in the State could save it except MCENERY. He responded to the call then, as he had ever done, and was elected to the Senate by a slender majority. So well pleased were the people of Louisiana with his stewardship in this great office that they reelected him in 1902 and again in 1908.

From the day of Senator MCENERY'S election as lieutenant governor, in the fall of 1879, to his death, June 28, 1910, over a period of more than 30 years, he continuously held the highest offices in the gift of the people of Louisiana with the greatest credit to himself and honor and profit to his State. Few men have such a record as that.

Senator MCENERY was married June 27, 1878, to Miss Elizabeth Phillips, daughter of Charles Phillips, a prominent planter of Ouachita Parish. His home life was happy, four children being born of the union, three of whom survive him—Charles P. McEnery, an insurance man of New Orleans; Dr. Douglas W.

McEnery, who was his father's secretary for some years; and Mrs. Warren B. Parks.

While Senator McENERY is well remembered and loved for many measures of his administrations as governor, the one which gave him the most fame and was of greatest benefit to Louisiana was his splendid service in rescuing the lowlands of the State from the floods of the Mississippi. He became known as the "levee governor," and when one considers that nearly half the area and more than two-thirds of the wealth of Louisiana is guarded by levees from overflow, it will be seen how complimentary was such a title and in what high esteem it would be held by its possessor. I can not better describe his work in connection with these great public improvements than by quoting from an article that appeared in the Times-Democrat of New Orleans in 1887, entitled "The levee governor:"

Gov. McENERY succeeded to the governorship on the death of Gov. Wiltz, on the 17th of October, 1881. Owing to the fact that the appropriations by the legislature had largely exceeded the revenues, the financial affairs of the State were in such condition that a special session of the general assembly became necessary. Accordingly, Gov. McENERY called it together December 5. In his message to that body thus early in his administration he showed his solicitude toward the levee interests of the State, and insisted that the full amount allowed by the constitution (1 mill) should be appropriated by the legislature for levee purposes, in addition to so much of the swamp-land and drainage fund as was not needed to maintain the office of register of State lands.

This policy in favor of the construction and maintenance of the levees so early inaugurated has been steadily followed to the present time, with what benefits to the State let the record show. Before the policy could be fairly put in operation (levee building for the season being practically at an end, owing to the rise of the river, when Gov. McENERY assumed the gubernatorial chair) the great flood of 1882 came upon the State, causing widespread disaster, and a direct money loss in crops destroyed, stock drowned, farms washed away, and so forth, of not less than $15,000,000, thus abundantly justifying the governor's position that every available dollar that the State could raise for the purpose should be devoted to building and strengthening the levees. The governor was prompt to come to the relief of the sufferers by the flood, and although there was no relief fund available, he did not hesitate to contract obligations for food and other relief for the unfortunates. His action met the universal approval of the people, and was promptly ratified by the legislature when the body met in May.

The flood had not entirely passed from the State, leaving widespread desolation and ruin in its track, when the legislature assembled. In his message the governor again strongly urged the necessities of the levees, and insisted that it was the duty of the General Government to come to the assistance of the State in the matter, holding that it was a case in which favorable action on the part of Congress was not only justified, but imperative.

However, Gov. McENERY did not wait for Federal aid. He recognized that the surest help was self-help, and bent every energy to rebuild the broken levees and put them in order for the high water of 1883. He succeeded measurably, but the flood of 1882 had been so destructive, sweeping away hundreds of miles of levees, that the full accomplishment of the work was impossible with the limited means at command. The flood of 1883 came, and although less disastrous than the one that had preceded it, proved very destructive, and caused those who saw their property again swept away to despair of relief from the invading waters. Gov. McENERY, however, was only nerved to greater efforts to rebuild the levees and avert from the State the disastrous consequences of overflow. He saw that what was to be done must be done quickly in order to take advantage of the levee-building season. He also saw that the funds at command of the State were entirely inadequate to the purpose in view. What was to be done? The legislature would not meet in regular session for a year, and there was a strong popular sentiment against a special session. In this emergency the governor determined to appeal to the people themselves. He therefore issued a call for a convention to meet at Baton Rouge June 18, 1883, and to be composed of delegates selected by the various police juries and the city council of New Orleans. The object of the convention, as announced in the call, was "the maintaining, repairing, and building of levees; the inauguration of a practical system to prevent and close crevasses; the adoption of a plan to prevent the cutting of levees for roadways and the use of them for highways; and in the means to be employed for this improvement of the navigation of the Mississippi River."

The convention, famous as the levee convention, met at the time appointed. It was composed of the representative men of the State, its personnel possessing an influence such as has been wielded by the membership of few bodies in the State. The moral support of such a body of men meant the moral support of the entire State, and this support was freely and unhesitatingly tendered the governor in the emergency which had called the convention into life.

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The convention fully justified the wisdom of the governor in calling it. It infused new confidence in the dwellers on riparian lands, held up Gov. McENERY'S hands in the good work he had set them to do, and unloosened the purse strings of police juries and private individuals to such an extent that the administration was enabled to proceed with energy with what had seemed an almost hopeless task. So vigorously was the work pushed, in fact, that when the annual rise of the river came in 1884 the levees were found in condition to resist the flood and keep in safety the thousands of people and millions of property sheltered behind them.

This was not the only beneficial result that flowed from the levee convention. Following the request of the convention, Gov. McENERY invited the governors of the States of Mississippi, Arkansas, Missouri, Tennessee, and Illinois to the proposed interstate convention at Vicksburg. The invitation was accepted and the convention met. Its deliberations were fruitful of the best results. It brought about unity of action on the part of the States subject to overflow and protected by levees, and a determination to make a united demand upon the Federal authorities for aid in holding the levees and improving the navigation of the Mississippi River.

Thus to Gov. McENERY'S initiative is Louisiana largely indebted, not only for the interest manifested in levee matters in the State itself, but for Federal assistance in the work of maintaining and rebuilding them.

Of the work itself, Gov. McENERY reported as follows to the legislature (message, May 4, 1884):

"Since the report made to the general assembly in April, 1882, 120 contracts for the construction of levees have been made, and nearly all of them have been faithfully executed. The work done under these contracts and the unfinished work under prior contracts not completed in April, 1882, amounts to nearly 130 miles of levee, requiring 3,699,636 cubic yards of earth work at a cost of $887,970. The State during the same period expended for preventing or closing crevasses $35,500, making an aggregate cost of levee work for the period of $923,470.

"The United States Mississippi River Commission in August, 1882, allotted $75,000 to close gaps in levees between the mouth of Red River and Cypress Creek, and $110,000 to close gaps in Pointe Coupee, all for levees in Louisiana except $65,283, which was expended for levee work in Arkansas. The sum of $15,000 was likewise allotted toward building the Bonnet Carre Levee and other allotments were made for the protection of levees during the late flood.

"The levee work in Louisiana by the United States commission nearly equals that done by the State, being mainly above the mouth of Red River, and it has cost the United States Government $839,381.

"The riparian parishes expended on levees since 1881 large sums, reports from 10 parishes alone showing $211,166 of local and individual funds expended. Three railroad companies alone expended $99,450. Thus the total amount expended on levees in Louisiana has been $2,048,000 since 1881."

Notwithstanding the fact that in 1883 some of the riparian parishes were subject to another overflow, owing to the fact that many of the levees that went down before the flood of the preceding year had not been rebuilt or were not sufficiently hardened to withstand the rise of 1883, Gov. McENERY was fully justified by the fact in adding: "In the beginning of March, 1884, the levees of Louisiana were in better condition than they have been at any previous time for more than 20 years." With such energy had the work of rebuilding the levees and repairing the waste created by the waters been prosecuted in the meantime, and so energetically and systematically has the work of levee strengthening and building been continued that the floods since 1883 have been successfully resisted (rare local crevasses excepted), and the people of the riparian parishes have been able to sow and reap behind the dikes erected for their protection in full confidence that they would withstand the pressure of the waters. Lands abandoned for a quarter of a century have again been brought into cultivation, values in riparian parishes have increased, and prosperity is again within reach of the dweller by the banks of the rivers.

I live in East Carroll Parish, one of the worst overflow sections of the State, and was there during the period of Gov. McENERY'S great fight for the levees. I therefore know personally that this account is not overdrawn and does not give him more credit than he really deserves. The fight, so well begun then, has been systematically carried on ever since in splendid cooperation between the several States of the valley and the United States Government. Many millions have been spent; and a great system of levees, continuous, except at the mouths of rivers emptying into the Mississippi, exists from Cairo to the Gulf. And the awful floods which did untold damage during the early eighties now beat frantically but in vain against the splendid levees begun by our "levee governor."

Senator McENERY, while a very close attendant on the sessions of the Senate and scrupulous in his attention to every detail connected with his great office, never neglecting anything, even of the least importance, rarely ever addressed the Senate, and then only after careful preparation, in the choicest of language. His three principal addresses before that august tribunal were as follows:

1. In opposition to the annexation of Hawaii, June 24, 1898, in which this noble sentiment was expressed:

The dignity, character, and strength of nations, as of men, and especially of a republic, depend, in the eyes of the world and of its own people, upon a rigid observance of justice and right, and it should refuse to embrace a policy of aggrandizement, especially where the people to be affected are not consulted.

2. In defense of the suffrage clause of the Louisiana constitution of 1898, delivered January 23, 1900. This speech was a vigorous, able description of the trying times of reconstruction and the desperate attempts of the whites to redeem their States from negro domination and misrule. While he spoke he was interrupted by Senator Butler, of North Carolina, who taunted him on the grandfather clause, and in reply he uttered these eloquent words:

When the constitutional convention was in session I was telegraphed to know what was my opinion of this section 5. I replied to that telegram that, in my opinion, it was unconstitutional. I then received another telegram, after its adoption, to know if, when it was attacked, I would defend it in the Senate of the United States. To that telegram I replied that I would.

I stand, Mr. President, always ready to defend the people of Louisiana when their character is attacked. I stand ready to defend them when their interests are in peril. I stand ready to defend them when their laws are assailed.

It is the same way, Mr. President, in reference to my duty to the Government of the United States in regard to the war that is now being waged in the Philippine Islands. I do not stop to inquire whether the people of the United States are right or wrong. I do not stop to inquire whether or not the first volley was fired by the Filipinos or by the troops of the United States. It is enough for me to know that the authority and power of this Government is assailed and that it is the duty of every citizen, no matter what were his convictions, to rally to the support of the Government, not only to send its ships abroad and its armies upon the field and to supply money and munitions of war, but with our great sympathy and whole will and heart to stand by the President of the United States and uphold his hand until the enemies

of this Government are brought under subjection. That same motive, Mr. President, induces me to defend to the best of my ability the constitution of the State of Louisiana when it is assailed.

But, Mr. President, although that was my opinion at that time, I have since studied the question more carefully, and I hope the reasons which I assign are a sufficient justification for that change of opinion.

3. A very elaborate, historical argument on the tariff during the debates on the Payne-Aldrich bill, May 25, 1909, in which he sought to show the interest of the South, especially Louisiana, in the policy of protection and to prove that the early fathers of Democracy were believers in protection. This speech and his vote on the bill, together with his vote on the Dingley Tariff Act of 1897, stamp him as a strong protectionist. He never sailed under false colors, however, in seeking office, but, on the contrary, unequivocally stated to the legislative caucus which elected him Senator in 1896 that be believed in the principle of protection and would carry out his own ideas thereon if elected. His views on the subject never changed, and he was perfectly consistent and honest in trying to enforce them.

The leading characteristics of Senator McENERY were loyalty to his friends and utter unselfishness. He was always willing to accommodate his Louisiana colleagues, and under no circumstances did he ever fail to comply with a promise. No detail was too small for his personal attention. I sometimes thought that he had a special genius for detail, and to that I attribute much of his success. His relations with his brother Senators were most cordial, and everyone of them would do his utmost to accommodate him.

Senator McENERY died full of years and honors, universally loved by all who knew him, and so strong in the affections of his own people as to be above the slightest danger of political rivalry. One of his most beautiful attributes was his kindness to and consideration for the poor. Only a few days ago a laboring man, with the grime of dust on his clothes, visited his home in New Orleans, saying, with tears in his eyes: "I want to see the place where Mr. McENERY was laid out. He was the best friend I ever had." There are hundreds just like this man, for SAMUEL DOUGLAS McENERY was the friend of the poor. What higher tribute could have been paid him than the simple words of this poor laborer?

Mr. Speaker, his fame is safe in that world beyond the skies which knows no change. His memory will live forever in the State and Nation he served so well, and with one accord all who knew him may exclaim:

> His life was gentle, and the elements so mixed in him
> That Nature might stand up and say to all the world:
> "This was a man!"

Mr. GORDON. Mr. Speaker, we hold it one of the noblest duties of the living to signalize and perpetuate the virtues and memories of the dead. And in obedience to this sacred sentiment we are assembled here, this beautiful Sabbath day, to pronounce and record our brief tributes of admiration and respect for the character and career of our departed and lamented colleague, the Hon. SAMUEL D. McENERY, late United States Senator from the State of Louisiana; who, in the seventy-fourth year of his age, and on June 28, 1910, "gave his honors to the world again, his blessed part to heaven, and slept in peace."

A brief year ago it was pathetic to observe him amid the scenes that surround us to-day passing to and fro from his duties in the Senate Chamber of this edifice, moving carefully and cautiously as if his powers were failing and he were then tottering slowly down to life's last resting place. And yet, while this was pathetic in one sense, nevertheless, Mr. Speaker, it is a sublime spectacle to see an aged man, with trembling step and his white hair streaming to the breeze, still bravely stemming the rude stream of life as it beats him from side to side, till at last exhausted he folds his arms and sinks beneath the ruthless waters. And so Senator McENERY died as he had lived, in the harness and at the wheel. He fell as it becomes a statesman and a soldier to fall, at the front and in the battle. He did his duty, and he did it well.

Senator McENERY was a native of Louisiana; was an alumnus of Spring Hill College, Ala.; of the University of Virginia, and of the United States Naval Academy at Annapolis, Md. He was a graduate of the State and National Law School, of Poughkeepsie, N. Y., and was engaged in the practice of the legal profession till the stirring times of 1861, when he closed his law books and hurried to the tented field. How well some of us still remember those wild, thrilling days, when the war cry was heard in our land, "To your tents, O Israel, to your tents!" when the drum and the bugle were heard upon almost every hill and in every dale, on every mountain and in every vale, from Canada to the Gulf of Mexico, and from the Atlantic to the Pacific Ocean, calling the people to arms. Two mighty hostile hosts are now preparing for a conflict that is to convulse the continent and astound the world. A new flag is unfurled on the land, and a new pennant now floats on the sea. In the ensuing crisis our colleague cast his destiny with that of his own people and for four booming and blazing years battled bravely for the cause for which Davis suffered in prison, for which Lee and Forrest fought, and for which Johnston and Jackson died.

Our comrade did not attain high rank as a soldier, being only a first lieutenant at the close of the war. But mere rank, however, offers no adequate measure of one's efficiency as a soldier or of his force and fire as a man. Merit is modest and often unambitious, and many are content to do their duty without the reward of laurels, titles, or decorations. And it is worthy of remark that there were hundreds of soldiers in the southern armies, and I suppose also in the northern armies, during our interstate war of the sixties who were highly educated and professional men but who did not aspire to positions of rank or authority, but who, in the absence of their officers and in sudden emergencies, were often leaders and commanders unto themselves. And this is why the volunteer private soldiers of the American Armies from 1861 to 1865 displayed a higher degree of martial individuality and intelligent efficiency than the world had ever before or has since witnessed in soldiers of the line. Many college and university graduates fought through the war with only the rank of private soldiers, and have since attained to positions of high civic distinction, having become consuls and ministers, judges and governors, Congressmen and Senators. The late Thomas B. Turley, United States Senator from Tennessee, was only a private soldier in the Confederate Army, and afterwards became an eminent lawyer and jurist. What other nation has furnished literati and authors, philosophers and scientists, advocates and jurists, orators and statesmen, lawgivers and civic rulers from the private ranks of its disbanded armies? This is an exceptional distinction and belongs to our land alone. So that Senator McENERY was one among many of our able and eminent men after the war who did not attain high military rank during our great American conflict.

But he appears preeminently upon the scene during the dark and dreary days of "reconstruction." For 10 long, weary, and perilous years after the war, during which the government of some of the Southern States was practically a congressional oligarchy and a military despotism, our colleague took an active, conspicuous, and effective part in the memorable struggle of the white people of Louisiana to maintain their racial supremacy and to preserve the white man's civilization. This was at last accomplished, but not fully, until President Hayes drew the bayonet from the breast of Louisiana. The ability, courage, and determination displayed by Senator McENERY, then a private citizen, during this stirring and stormy period, are matters of history, and need not be elaborated here. Suffice it to say, that "he was a tower of strength in the time of trouble." And when peace and tranquillity had been restored to his long-suffering people, they remembered and honored him by making him twice their governor. And when he was elected to the United States Senate in 1896, a public-spirited and prominent citizen of the State, Mr. Percy Roberts, wrote to his wife as follows: "The Lord God still lives and reigns! McENERY is Senator by a vote of 70 to 64. That is good enough for one day." This fervid ejaculation, doubtless the expression of a popular sentiment, of itself alone, implies a splendid eulogy on the ability and character of our departed associate, and is doubly significant as coming from one who was by his side and knew him best, "in the days that tried men's souls."

Finally, our distinguished countryman served the people of his State two full terms in the United States Senate and was serving his third term, when he laid down his arms and "slept with his fathers."

Mr. BURGESS. Mr. Speaker, Louisiana has a unique and splendid history, and no man of his time is so interwoven with that history as is SAMUEL DOUGLAS McENERY. He was born in Louisiana on May 28, 1837, and his history is comprised in the history of the State from that date until the day of his death.

He was elected first lieutenant and went into the Civil War, and made a good soldier. He was elected lieutenant governor with L. A. Wiltz, and at the death of Gov. Wiltz succeeded him as governor. In a contest for a renomination he was defeated by his comrade-at-arms, Gov. Francis P. Nicholls, and so much were they attached to each other that Gov. Nicholls appointed McENERY on the supreme bench, from which he was elected to the Senate, and was reelected until his death.

It was my strange and peculiar good fortune to feel that I knew this good man intimately before I had ever met him. This was due to the fact that I married a La Fourche girl and visited the La Fourche neighborhood very frequently. That was the home of Gov. Nicholls, and Nicholls's name and McENERY's name were linked together there in the minds of all the old settlers, and I felt that I knew McENERY by mingling with those people and hearing them speak of him and talk about him, and when I came to Congress I met him here. I found in him here the same qualities that I had conceived him to possess from what the people had said of him generally.

McENERY was perhaps not a great orator, not a great statesman, but he was a man great in character. As Ingersoll said of Roscoe Conkling, he "walked the highway of his own will and he kept the company of his self-respect." All through McENERY's life this is brought out plainly: He walked the highway of his own will, and of course he kept the company of his self-respect and all others' respect. He was a gentleman, a kindly man, and disposed to do everything and anything that redounded to Louisiana's glory as a State. I would, if I had time and opportunity afforded, speak of the glories of Louisiana. But time will forbid that. It is enough to say of this man that he was true in every relation of life. He seemed to have a devotion to truth that knew no vacillation, that knew no change. For him to conceive that a thing was right was for him to form an opinion at once and go straight ahead. He seemed to have been molded on David Crockett's homely motto, "Be sure you are right, and then go ahead." As a statesman, as a jurist, as a soldier he shines in this respect more than in all others.

And now, that we have come to pay this feeble respect to his memory, he is gone. The places that knew him will know him no more. But he left behind him, as a tribute to the young men of the land, to his wife, family, and friends, his rich heritage of a good name and a life well spent. He did not leave any great riches, but he left that much, and no man can leave a nobler heritage to his wife, his family, and his friends than the heritage of a clean, pure life devoted to duty.

Mr. MADDEN. Four times during this Congress God has seen fit to call home one of Louisiana's illustrious statesmen; four times have we lost, in each of these, a true friend and a noble citizen. To-day in Congress assembled we endeavor in our humble way to show our appreciation of the worth of the latest of these; to speak outwardly thoughts which have for years been present in the minds of many of us.

On the 28th day of June, 1910, at the venerable age of 73, the Hon. SAMUEL D. McENERY died. In his life he was an amiable, unselfish, sincere friend; an honest, upright citizen; and an able, distinguished Senator. In his death we have lost an invaluable life. Few men have won for themselves more love and respect than this worthy brother of ours; few men have more deserved the homage of the Nation.

Mr. McENERY had an eventful life, and an education which not only surpassed that of our average citizen, but compares well with the highest erudition in our land. His knowledge, acquired from books, from professors, from eminent associates, and from close observation of the various things around him into contact with which his services as a soldier and a public man brought him, was of that practical, wise, and fruitful sort that has made our country what it is. Few men are so constituted that they can be scholarly, professional, practical, successful in business, exalted and yet sympathetic, kind, unselfish, and humble—mixing with the great masses of people with a brotherly love and affection, going among them with that kindly spirit which makes all—

Grapple them to their hearts with hoops of steel.

Ah, his was a beautiful life!

In the Senate and in the House of Representatives there are Members, each going about his duty as of old, laughing, chatting, working, thinking.

But yet I know where e'er I go,
That there has passed away a glory from the earth.

I feel that one of the best of us has responded to Stern Ruin's call. It saddens me at times when I see one by one noble, generous lives taken from among us, when I miss them in the customed place, when I cease to hear the well-known voice, or to receive the hearty handshake—it saddens me when I reflect that all

Await alike the inevitable hour.
The paths of glory lead but to the grave.

But the sadness gradually merges into thoughtfulness, and then, thank God, I realize, with a rush of joyous feeling,

That our death is but a sleep and a forgetting;
* * * * *
Trailing clouds of glory, do we come
From God, who is our home.

And when I consider this man's merits, his courtesy and kindness, his nobility of character, his patriotism, his love and gentle sympathy, and fondly feel the soft atmosphere of his influence about me, I again find comfort in Wordsworth—

What though the radiance which was once so bright
Be now forever taken from my sight,
* * * * * *
We will grieve not, rather find
Strength in what remains behind;
In the primal sympathy
Which having been must ever be;
In the soothing thoughts that spring
Out of human suffering;
In the faith that looks through death.

Mr. McENERY received his broad education at various leading institutions in this country—at Springfield College, near Mobile, Ala.; at the United States Naval Academy; at the University of Virginia; and, finally, at the National Law School, in Poughkeepsie, N. Y., where he acquired a profound knowledge in the profession which he afterwards adopted. It was a wide range over which he swept to gain this learning, but it was not a mere vague, frivolous flight, from which he merged with a smattering of its fruit; it was a patient, toiling course, which built up a firm foundation worthy to sustain in after life the noble character, the distinguished man, the exalted statesman.

I stand before you to-day with love and honor for the memory of the late Senator. He was a man worthy to be honored by men. He was one of us. He lived as we live, had the same temptations as we have, stumbling a little, perhaps, over the roughest places, which only made him the more human, brought him nearer to our hearts and emboldened us to place in him our love and trust.

A creature not too bright or good
For human nature's daily food;
For transient sorrows, simple wiles,
Praise, blame, love, kisses, tears, and smiles.

He was a typical Southern gentleman, genial, open-hearted, and courteous, endearing himself to all with whom he came in contact, thus acquiring an extensive acquaintance among all classes of people, and leaving behind him mourners without number.

Large was his bounty and his soul sincere.

Such is the way of life that this great man will perhaps in a few weeks cease to be missed by his fellow Senators and Representatives, from whom he won such high esteem during the long term of his service, but he will never be forgotten by them and will always be thought of with a lingering fondness and remembered as a glorious type of manhood.

I will no further seek his merits to disclose, for in my humble way I can not do such a great man justice. I leave the details for those of you who are more able than I. I merely wish to join with you, to join with Louisiana, to join with the Nation in paying tribute to the loved and honored memory of Senator SAMUEL D. McENERY, and to extend to his sorrowing friends and relatives my deepest condolence and sincere sympathy.

Mr. BROUSSARD. Mr. Speaker, SAMUEL DOUGLAS McENERY was born in Monroe, La., May 28, 1837. His father, a native of Ireland, moved to this country when a boy and settled at Petersburg, Va., where he married. After living there awhile, he moved to Louisiana, residing first in Morehouse Parish and then in Ouachita, where he became a cotton planter. In politics he was a Whig, but later, during Know-Nothingism in Louisiana, he became a Democrat. Senator McENERY's uncle, for whom he was named, was appointed a judge on the Federal bench of Florida by President Tyler, and after the Civil War became a member of the supreme court of that State. John McEnery, a brother of the deceased Senator, was elected governor of the State of Louisiana on the Democratic ticket in 1872, but on account of the intervention of Federal troops, called by Gov. Kellogg, he was prevented from taking his seat.

Senator McENERY was educated at Spring Hill College, near Mobile, Ala., and was afterwards appointed a midshipman in the United States Naval Academy at Annapolis, where he completed his course, but after a two years' cruise resigned before his graduation. From there he went to the University of Virginia, where he remained until the death of his father in 1857. He then matriculated in the Law College of Poughkeepsie, N. Y., and from that institution he was graduated in 1859. After graduation he went to Marysville, Mo., where he practiced law until the outbreak of the war between the States, when he at once returned to Louisiana.

At the outset of the war he helped to organize the Pelican Grays and was made first lieutenant of that command, which subsequently became a part of the Second Louisiana Regiment. That regiment immediately went to the front and with it he remained until its reorganization. He then helped to organize

a company which formed part of Logan's Battery of Heavy Artillery and was assigned to duty in the Trans-Mississippi Department.

At the termination of the war he returned to the parish of Ouachita to realize that the fortune of his family had been blasted by war. Thus impoverished, he resumed the duties of private life and became a school-teacher, and while so engaged studied the civil law in order to prepare himself for admission to the Louisiana bar, where the amended Code Napoleon at that time was, as it still is, in force.

He successfully passed his examination and was admitted in 1867 to the bar of the State of Louisiana, practicing in the hill parishes of north Louisiana.

Scarcely had the young soldier entered into the practice of his profession in Louisiana than he was brought to a full realization that reconstruction laws overwhelmed the people of his State, as they overwhelmed at that time the people of other States of the South. McENERY had become well known and well beloved throughout north Louisiana, and by his magnetism, his faculty for making friends, his devotion to duty, his training as a soldier, and his patriotism, he was well equipped, indeed, to take an effective part in the contest between righteousness and debauchery, oppression and good government, barbarism and white supremacy. He was a strong and active figure in every one of those movements which after many years of struggle resulted in the annihilation of radicalism and carpetbagism in Louisiana and placing the government of that State into the hands of the white people.

In 1876 McENERY rallied the people of north Louisiana to the support of Gen. Francis Tillou Nicholls, the maimed hero of many battles during the Civil War, who was the Democratic nominee for governor, and McENERY was, to a great extent, responsible for the success of his candidacy. The election of Gov. Nicholls was the termination of a long-drawn contest by which the people of Louisiana reentered into their own. This patriot and hero is still living, having added to his service to his country during the Civil War, services equally, if not more, valuable in the position of governor, chief justice, and associate justice of the supreme court of Louisiana, from which last office he has, on account of his old age, recently resigned, and in his retirement is presently enjoying the remaining years of his life in well-earned rest.

After the election of Gov. Nicholls in 1876 the United States Senate sent an investigating committee to Louisiana to investigate that election. Chief Justice E. D. White, of the Supreme Court of the United States, than whom Louisiana has produced no greater man; E. B. Krutschmitt, unfortunately taken from us in the prime of his usefulness, a man of remarkable legal acumen, unblemished character, and of a high order of patriotism, nephew of that former brilliant Senator from Louisiana, the lamented Judah P. Benjamin, who, after retiring from the Senate, occupied several offices in the Confederate cabinet under Mr. Davis; and SAMUEL DOUGLAS McENERY represented the Democratic Party in that investigation. Its result failed to disturb the seat of Nicholls as governor of Louisiana.

The new constitution adopted in 1879 by the white people of Louisiana to supplant that of 1868, enacted by the carpetbaggers and negroes, made it necessary to elect another governor. Louis Alfred Wiltz, a man of wonderful attainments, well versed in the affairs of our State, with considerable experience acquired as mayor of the city of New Orleans, was nominated by the Democrats for governor, and SAMUEL DOUGLAS McENERY for lieutenant governor. Wiltz, unfortunately for Louisiana, lived but a short while after being sworn in as chief executive of the State, and McENERY, by operation of law, succeeded him. Taking up the reins of government where Wiltz had left them, he assumed control of the affairs of Louisiana at a time when everything was in turmoil; when the finances of the State had to be recouped; when the devastating waters of the Mississippi were overflowing the fertile plantations of Louisiana, adding another catastrophe to those of war and reconstruction, which had so impoverished the people of the State. His was a Herculean task, but he was equal to it, and it was not long before conditions were restored to their normal state. The money of the people commenced to be properly used and the levee system to be reconstructed. At the expiration of his term as governor he found no difficulty in securing a reelection, thus continuing the magnificent work which he had undertaken; and at the end of his second term, in 1888, he was generally known throughout Louisiana as the "levee governor," and that appellation was applied to him during the balance of his life.

McENERY was succeeded in 1888 by Gov. Nicholls, who had been a predecessor, and immediately upon entering into the duties of his office he appointed McENERY associate justice of the supreme court of Louisiana, the appointment being for a period of 12 years. So, in 1890, when the contest for the renewal of the charter of the State lottery became an issue before the Louisiana Legislature, McENERY was a member of the supreme court and a known and avowed opponent of the Louisiana State lottery.

The unequal contest in the legislature against the State lottery was led by Senator Foster, and the fight was carried forward until the Democratic Party divided in 1892 on the issue, resulting in two Democratic nominations being made for the office of governor. Senator Foster became the candidate of the antilottery wing of the party and made the valiant fight which ended in driving from the State that infamous institution. Senator McENERY, then a justice on the supreme bench, became the choice of the prolottery Democrats and was nominated by them. Later a primary election was held between Foster and McENERY, each the nominee of the wings into which the party had become divided, resulting in the nomination of Foster for governor.

McENERY remained on the bench until 1896, when another contest arose in the State. This time the contest was between the Democrats who had nominated Gov. Foster to succeed himself and a fusion of Republicans, Populists, and disgruntled Democrats. While Foster was elected, the disaffected elements carried the contest into the legislature, and the effect of that contest had direct bearing on the election of a United States Senator to succeed Senator Blanchard, whose term of office was to expire the following year.

Senator Blanchard, afterwards as splendid and efficient a governor as our State ever had, was a candidate; Andrew Price, my immediate predecessor in this House, one of the best men it has ever been my good fortune to know—a clean, honest, benign, and munificent gentleman, who was called much too soon from the midst of those whose favor he so justly merited—was also a candidate; as was Judge W. F. Blackman, a man of great magnetism and remarkable ability, a distinguished jurist of Louisiana, who continues to occupy a position on the bench of that State, reflecting credit on the people who have elevated him to that office; and another aspirant was Mr. Walter D. Denegre, a splendid representative of the old French families of Louisiana, who represented the allied forces, while Blanchard, Price, and Blackman were members of the regular Democracy. To elect one of those four candidates it seemed impossible. Judge McENERY, who, though not a candidate, had been receiving three votes during the daily balloting before the legislature, was sent for one evening; he went to Baton Rouge and on the next day was elected United States Senator. This was effected by the withdrawal from the race of Blanchard, Price, and Blackman.

I was elected to this House and entered into the duties of my office at the same time that McENERY was sworn into the United States Senate—March, 1897. In passing, I state with just pride that Senator McENERY and I never disagreed upon any public question nor ever voted differently during our service in Congress.

I so distinctly remember the wide publicity which was given to the fact that Senator McENERY's election had cost him only $2.35—the railroad fare between New Orleans and Baton Rouge. That a Senator at that time could be elected at so little an expense came almost as a revelation, and it was a subject of comment as a matter of conversation and newspaper and magazine publication. And I want to add, right here, that it can be said that his subsequent reelections to the Senate, in 1902 and 1908, cost him as little as his first election to that body, as in neither campaign did he have an opponent for the nomination in the primaries or at the election by the legislature.

Senator McENERY was repeatedly elected a delegate to the Democratic national conventions, and was chairman of the Louisiana delegation at the Chicago convention which nominated Mr. Bryan in 1896.

The Senator's service in the United States Senate was highly honorable, indeed; and, while it might not be classed as exceedingly brilliant, it was extremely effective and advantageous to his State. The want of brilliancy in his service in the Senate was not occasioned, however, by lack of attainments or oratorical talents; but it was due to a misfortune which overtook him early in his service—a deafness which did not permit him to understand what was going on in the Senate—and excluded him, therefore, from active participation in the running debates of that body. This misfortune multiplied his labors; but he was always thoroughly posted, though, on all public matters. His services were marked by an attention to duty, a devotion to the State and country he loved so well, an honesty of purpose, and a zealous patriotism unsurpassed by anyone who has ever been honored by an election to that distinguished body.

Having been continuously in the service of his State since the inception of the Civil War, and in public office from 1879, yet he never acquired wealth, but died as poor a man as he was

when teaching school upon his return from the Civil War. In fact, it was noted through the press of the country that there appeared on his property on which is located his home in the city of New Orleans, where he died, on the very day of his death a notice that the property was for sale.

As to his absorbing attention to duty in the public service and his disregard of self-interest, which did not permit him at any time to accumulate wealth during his long public service in Louisiana and Washington, the same can be said of him that was said of that patriotic and distinguished citizen of Pennsylvania, Samuel J. Randall. In fact, MCENERY's life was very much akin to the life of Randall, who was so much loved throughout the South. Both were of Whig origin; both were essentially democratic—plain, unassuming, patriotic, independent, and devoted to duty. They were men of determination, of courage, moral and physical; devoted to the Democratic Party, to which they belonged, and both protectionists. In all other questions, however, party mandate was, in their view of public life, a public duty. Upon the tariff they invariably disagreed with their Democratic colleagues, but that disagreement was not accompanied with disparagement of the fealty which they at all times lent to the cause of the party with which they were affiliated.

It is to be said, perhaps, in behalf of the old Democracy, that there was more tolerance of differences upon nonessentials than there now is under the modern management of the party.

Randall, first elected to the Forty-second Congress, reelected to the Forty-third and Forty-fourth Congresses, was, on the death of Speaker Kerr in the Forty-fourth Congress, elected Speaker of that Democratic Congress. Twice he was reelected to that high and important office, continuing as Speaker in the Forty-fifth and Forty-sixth Congresses, both of which were Democratic.

Throughout his services in the Senate, MCENERY stood by the interest of his State, and in that position he has found in accord with him many sons of Louisiana representing that State in both branches of Congress.

When the Mills bill—a Democratic measure—came to a vote in the Senate in January, 1899, both of the Senators from Louisiana—Eustis and Gibson—voted against its passage.

The McKinley bill passed the House on September 27, 1890. As this bill carried a bounty on sugar, it was generally opposed by the sugar planters of the State of Louisiana, and Wilkinson, Coleman, and Price, representing the first, second, and third districts, respectively, voted against the bill, while Louisiana's other Representatives in the House—Blanchard, Boatner, and Robertson—abstained from voting. Of these, Coleman alone was a Republican. On September 30, 1890, the Senate voted on this measure, and both of our Senators—Eustis and Gibson—failed to cast a vote either for or against the bill.

The Wilson bill—a Democratic measure—passed the House August 13, 1894, and Meyer, Davey, Price, Boatner, and Robertson—all Democrats—voted against it. The seat of the other Member from Louisiana had just been vacated by the appointment of Mr. Blanchard to the United States Senate. The bill passed the Senate July 3, 1894, and our two Senators, Caffery and Blanchard, voted for it. President Cleveland refusing to subscribe his name to it, the measure became law by operation of the Constitution.

The Dingley bill passed the House July 18, 1897, and Meyer, Davey, and myself voted for it, while Ogden, Baird, and Robertson voted against it. It passed the Senate July 3, 1897, with Senator MCENERY voting for and Senator Caffery against it—an equal division of Louisiana's delegation in both House and Senate.

The Payne bill passed the House April 9, 1909, and ESTOPINAL, PUJO, WICKLIFFE, and myself voted for it, while RANSDELL and WATKINS voted against it. Through the death of Congressman Davey the seat from the second district was vacant. It passed the Senate on July 8, 1909, with Senator MCENERY voting in favor of its adoption, while Senator FOSTER registered his vote against the measure. From conference the bill came to the House on July 31, 1909, and PUJO and WICKLIFFE changed their votes from the affirmative and voted against the adoption of the conference report. RANSDELL and WATKINS, who had voted against the bill when it passed the House on April 9, 1909, also voted against the adoption of the conferees' report, while ESTOPINAL and myself voted in favor of the report of the conference committee.

I well recall the conference held by the Louisiana delegation in Senator MCENERY's office to determine the course to be pursued by the delegation with respect to this last measure. The delegation favored the bill in some particulars and opposed it in others. Senator MCENERY immediately laid down the rule which he said should be our guidance: Will this bill as a whole benefit or injure Louisiana? He argued pointedly that what benefited the people of Louisiana was paramount. One section, he said, can not be made to suffer unless the entire State suffered likewise. We were, he continued, the representatives of the State, and, as such, should look to the interest of its people as a whole. Resuming, he said that these rules were his guidance; and by these rules his conduct as a Senator was always guided.

Occupying that position, he has never been held not to have performed the duties incumbent upon him in a patriotic manner, nor was he ever looked upon with suspicion by his Democratic colleagues in the performance of those duties as he conceived them to be any more than the shadow of suspicion ever hovered over Samuel J. Randall, who, though a protectionist, was three times elected Speaker of the House by the Democrats and appointed a member of the Ways and Means Committee in the Forty-seventh Congress by Speaker KEIFER, still a colleague of ours in this House; nor any more than suspicion attached to Samuel M. Robertson, this prince of splendid fellows, who, after casting his vote against the Wilson bill, became a member of the Ways and Means Committee and was elected secretary of the Democratic caucus, holding both the assignment to the Ways and Means Committee and the secretaryship to the caucus for many years until his retirement from Congress.

But these were days when the Democratic Party was wary and suspicious of radicalism, when toleration was the order of the day and conservatism was her north star.

Under our Constitution, in so far as the tariff is concerned, our citizenship may be included into two broad classes—those who advocate protection and those who advocate tariff for revenue. Among protectionists may be included extreme Republicans; and among the Democrats may be included those other extremists, who would advocate free trade if that were possible under our Constitution. The difference between the tariff-for-revenue man and the protectionist is, therefore, expressed in percentage. If we accept the ad valorem basis as the true basis for the purpose of this illustration, or if we reduce the tariff law to an ad valorem basis, it would appear that those who advocate an average ad valorem duty of 40 per cent, that being assumed as the percentage that would bring sufficient revenue into the Treasury, would be looked upon as adherents of the policy of tariff for revenue, while those who advocate a 45 per cent ad valorem average, that percentage being assumed as more than necessary to produce the required revenue, would be regarded as protectionists.

On both ends of this proposition there are, of course, extremes, for the free trader would cut the 40 per cent average and take chances of a deficiency in the Treasury, while, on the other hand, the high or "stand-pat" protectionist would increase it above the average of 45 per cent and take the same chances. If this be true, who is to judge when the tariff on a given article is a revenue tariff and when it is a protective tariff? The people of each district must decide for themselves, and the Representative of that district should voice the decision of his constituency; the people of each State should decide for themselves and the Senator should voice the opinion of his State. This was Senator MCENERY's rule of guidance, and his people approved of it by reelecting him again and again without opposition.

Fundamentally speaking, the Democratic Party is built upon the idea of individual liberty in its broadest sense and scope within the limitations fixed by the Federal Constitution. That scope essentially includes the principles of local self-government; that scope includes State sovereignty, which is the broader expression of local self-government, and necessarily contemplates that the Representative, if he be a Member of the House, should receive his primary instructions from the constituency composing his district. And the Senator, representing a sovereign State, should receive, primarily, his instructions from the people of his State.

In the early days, during the time that Mr. Randall was a Member of this House, among Democrats caucuses were unknown; conferences were the order of the day. Democratic Members met in conference, looked into a situation, discussed and sought to convince each other that unity of action was important, and sought a common ground upon which to stand. Where, however, instructions of a constituency contravened, the result of the conference was not mandatory upon the Member.

In so far as Democratic Congressmen were concerned, this continued to be the rule of action in both the House and Senate, and it is only of late that a different course of action has been inaugurated. When this new course was adopted and the caucus resorted to in place of the conference, rules to safeguard the people in keeping with Democratic doctrine were adopted.

The rule itself, in so far as Democratic Members of the House are concerned, had best be quoted as a thorough exemplification of the fact that the principle of the party has never been abandoned in the substitution of the caucus for the conference, but that the integrity of State sovereignty and local self-government has been maintained in theory at least. I quote from the rules adopted by the Democratic caucus:

That no Member shall be bound upon questions involving a construction of the Constitution of the United States or upon which he made contrary pledges to his constituents prior to his election or received contrary instructions by resolutions or platform from his nominating authority.

This is the wording of the proviso; this is in keeping with the principles contended for and the policy pursued by Senator McENERY as a member of the Senate; and I take some little pride in the fact that, because of my course, perhaps, these exceptions, essential as they are to the very life of democracy, responding to a will of the government by the people, recognizing the sovereignty of the State and local self-government, have been recognized in very words, as they should ever be in Democratic practice. Let the theorist theorize, but let men of thought measure their power by their authority. Let them not surrender the power, but better that than to usurp authority not delegated.

The Congressman—and I use the word in its true sense—is but the agent of the people who, or the State which, sends him here. The principle, in so far as a Member of the House is concerned, is that those who elect that Member have a right to instruct him in regard to their interests, and the Representative has absolutely no right to act adversely to such instructions. When his conscience will not permit him to carry out these instructions, the Congressman's plain duty is to resign his office or, better still, not to accept the office, unless it is his purpose to act agreeable to the instructions of his constituency.

A State which sends a Senator to the higher body has unquestionably the right to instruct its Senator; and whenever it is impossible for the Senator to reconcile his conscience or his judgment with his instructions, then his mission is to forego the office and permit the State to send some one who will carry out the instructions of its people.

Such was always Senator McENERY's conception of his duties, and a broad toleration of those principles in a militant democracy but enlarges and broadens the people's conception of duty, lends itself to confidence in legislation, and removes every opportunity for suspicions and criticisms, which always tend to undermine the people's belief in the integrity of legislative bodies.

Senator McENERY was a man of great simplicity of character; he greeted everybody most kindly; he was courageous in doing what he believed was right in carrying out instructions of those he represented; he was fearless in asserting his opinion; and such qualities as these endeared him to the people of Louisiana.

He was a man of heroic soul, poor in the goods of this world, but infinitely rich in a fame that outlives him; an unsullied reputation, to which his legion of friends in Louisiana and elsewhere can point with unceasing pride and bid future generations to emulate his honesty, his fairness, his independence, and his patriotism. And in those respects he stands as an exemplar to all men who are devoted to a constitutional government and who are striving to elevate the people in the enjoyment of those things which are decreed sacred and inalienable—life, liberty, and the pursuit of happiness.

Great son of north Louisiana, permit a fellow citizen of south Louisiana to assure you that you are no more honored and your loss is no more keenly felt in the hills of your section of our State than on the plains of south Louisiana. In common with your neighbors of the hills, we call you our own. Surely, your deeds were for our entire State and your statesmanship broader than any section.

Mr. LAMB. Mr. Speaker, Louisiana, like Virginia, has been particularly unfortunate in the loss of Representatives during the past decade. Louisiana has lost five by death and Virginia seven since I have been a Member of this Congress. Senator McENERY and myself entered the Fifty-fifth Congress together. For a short time he lived at the same hotel with me. During all the years that have passed since 1897 he was very near me. I often met and talked with him at the Metropolitan Hotel. We had much in common, being about the same age, having entered the Civil War about the same time and served with John Bankhead Magruder on the historic Peninsula of Virginia; he with the infantry and I with the cavarly arm of the service.

For this reason, no doubt, my good friends and colleagues of the State of Louisiana have requested me to unite with them in these solemn ceremonies for the purpose of paying tribute to the life and character of another Member of Congress from their State.

SAMUEL DOUGLAS MCENERY was distinctly a Louisianian. For thirty-odd years he bore a conspicuous part in her history, largely shaping her policies and aiding in her upward pogress. In the trying days of reconstruction he proved his worth as counselor, guide, and public servant. Loyal in friendship, fervid in patriotism, a profound thinker, with high ideals and broad liberal views, he labored incessantly for the good of his State and his people.

He held the highest honors Louisiana could bestow and was trusted with her most important affairs. He incurred criticism and censure, but his motives were never questioned, and no charge of corruption or betrayal of trust was ever imputed to him by even his bitterest enemies.

This alone is praise enough for any man who was an active leader and worker in every political movement in his State for more than 30 years.

SAMUEL DOUGLAS MCENERY was born May 28, 1837, and died June 28, 1910. He was a native of Monroe County, La. He attended Spring Hill College, near Mobile; the United States Naval Academy, at Annapolis; the University of Virginia; and the State and National Law School, at Poughkeepsie.

Just of age when the Civil War came on, he enlisted in the Confederate service as second lieutenant in Company C, Second Louisiana Infantry, and served in the Army of the Peninsula, Virginia, under Gen. John Bankhead Magruder, to May 1, 1862, on which day he is reported dropped by reason of the reorganization of his company. During his connection with the Second Louisiana Infantry his regiment participated in the engagement at Lees Mill during the siege of Yorktown by the Union Army under Gen. George B. McClellan. On July 23, 1862, McENERY was appointed second lieutenant and drillmaster, to report to Brig. Gen. Albert G. Blanchard, and served with gallantry and distinction in the trans-Mississippi to the close of the war.

The principles for which he fought and the righteousness of his case is being recognized as the years roll by. In a few short years thinking men will say that possibly after all it would have been better for constitutional government and human liberty had the principles contended for by the South in that great struggle been established and maintained.

We can not contemplate the rapid passing away of these old Confederate soldiers without remembering the conditions after their defeat that tried, even more than war, their courage, patience, and fortitude. History is searched in vain for a parallel. In the era of good feeling of to-day we do not like to dwell on the helpless and hopeless condition of the Southern soldiers after Appomattox. Under good laws, well administered, it would have been a Herculean task to restore their fallen fortunes. Success, in spite of the worst legislation that ever afflicted a fallen and suffering people is simply a marvel, and stamps these men as the best, the bravest, and the truest that have ever lived in all the tide of time.

The philosophical historian of the future will tell the wonderful story of their achievements in peace, and our children's children will set it to their credit as equal, if not surpassing, the victories they won in war.

Such is my faith in the people of our Southland that I predict with confidence that before the last old Confederate soldier shall join his comrades on the other side he will see his beloved South stronger in material resources and richer per capita than any part of this Union.

MCENERY was a leader in the political campaign of 1876, and largely through his brilliant leadership his party's success was made possible, and redemption from the horrors and misrule of reconstruction was accomplished in Louisiana.

His state never forgot these services, nor will the name of MCENERY ever cease to be associated with that sadly needed redemption.

In 1879, though not in accord with the dominant political faction, he was nominated for lieutenant governor, and became governor in 1881 by the death of Gov. Wiltz. He was reelected in 1884, and was defeated for nomination by Gen. Nicholls in the convention of 1888, and was by him appointed as associate justice of the supreme court.

In 1896 he was appealed to as the only Democrat who could be elected to the United States Senate against the coalition in the legislature of populists and Republicans.

His action before the Democratic caucus on this occasion perhaps gives a truer line on his life and character than any other occasion afforded, and shows the beacon by which MCENERY steered his course through life. He frankly and fearlessly told that caucus his views and convictions on leading political questions; that he was a protectionist; was in favor of national

improvements, with broad national views on various other questions, and if elected would follow his convictions regardless of party views and platforms.

He concealed nothing and conceded nothing as against his convictions of right and duty. Frankness, openness, and independence marked every day of his life to its close. When McENERY was harshly criticized by many Democratic journals and leaders, his defense was that his views were made known before his election; that the Democrats accepted him under these conditions, thus granting him independence. He was reelected in 1902 and in 1908, and twice submitted his name to the popular vote.

No Senator enjoyed or exercised more absolute independence than McENERY. His colleagues and his constituents fully realized that his convictions controlled his votes, regardless of party platforms and views.

A most effective and diligent worker, no labor was too great, no duty was too small to claim his courteous and painstaking attention at any time. Dignified, cordial, polite, whether to governor or newsboy, he won the confidence and respect of all. His characteristics of manner, his faculty for making friends in every sphere of life aided greatly in the results he accomplished. While manners did not make the man, it did make the man's work more easy and effective and made an able and distinguished man a delightful friend and companion.

So appropriate are the words of an editorial of the New Orleans Times-Democrat of June 29, 1910, that I shall here quote them:

All recognized McENERY as a faithful servant of Louisiana and its people, always ready to work in their interest and never thinking of himself, for he acquired little or nothing in his thirty-odd years of public service, and he served all who applied to him with equal zeal and earnestness. No man was naturally kinder of heart, more considerate of others, and there have been few men in active political life in Louisiana who have made more friends; indeed, during the latter days of his life he received the faithful support of those who had been most heartily opposed to him during the stormy days of factionalism in Louisiana, in which he played so important a part. No one will deny that in him Louisiana has lost a faithful and devoted son.

He measured up to every duty and obligation. He was vigilant, active, and efficient, and singularly successful in the accomplishment of results. His strong, active mind and business habits enabled him to grasp the salient point in every problem with ease and dispatch. His large experience and extensive acquaintance in life gave him a breadth of view that made him agreeable and pleasant in conference as well as fair-minded in the settling of all differences.

Ripe in years and honors, beloved and mourned by the State he so ably and efficiently served, honored and respected by his colleagues and his Nation, he rests from his labors. His deeds and influences live after him, a model and example to admire and emulate. His ambitions realized; his patient, untiring efforts crowned with rich success; his life work done, he sleeps in peace and love and honor in the sacred soil of the State he loved so dearly and served so faithfully.

Mr. GOULDEN. Mr. Speaker, we have met on this peaceful Sabbath to pay tribute to the memory of one of our late associates. Though but a short time, Congress has had many losses by death since we closed our labors in June last.

It is sad, indeed, to know that so many of our friends have been called to answer the last summons of the Supreme Ruler of the Universe.

One by one they have fallen, dying in the midst of careers of usefulness. Better thus than drag along for years in suffering and worry, with nothing to cheer them in the way of future deeds commensurate with past achievements.

Better far to pass to the other shore while able to perform acts of usefulness to the country and of benefit to mankind.

To-day we meet to honor the memory of SAMUEL DOUGLAS McENERY, a distinguished Senator from the State of Louisiana.

He lived beyond the allotted space of three score and ten.

His life was one of usefulness and distinction. Of him and his life the words of Emerson fitly apply.

Life is too short to waste
The critic's bite or cynic's bark.
Quarrel or reprimand;
'Twill soon be dark;
Up! Mind thine own aim, and
God speed the mark.

He was honored by the people of his State as a justice of the supreme court, as governor, and as United States Senator.

In all these positions he served with rare ability and honesty, reflecting credit on his Commonwealth and the Nation.

His name and deeds add luster to the history of the great men produced by this country since its creation.

A sterling character, a good soldier, a patriotic citizen, an upright judge, and renowned as the chief executive of a great State, his deeds live after him.

Such men can only be found in a republic where equal opportunities exist to all its people.

It was my special privilege to have seen our friend in his home city a few years since, and then among his close personal friends and associates to study his character and witness the respect and affection in which he was held by those who had known him all their lives.

He was the soul of hospitality, generous and kind to all, especially to the stranger within the city.

His feelings for the veterans of the Federal Army, whose character and fighting qualities he learned to respect and admire in the days that tried men's souls, never left him.

He was always willing to accord to them every possible recognition, and was exceedingly liberal in his views as to pensions for the boys in blue who had saved the Nation.

As a comrade serving under a different flag, I am impelled by a sense of duty to lay this brief, simple tribute on the grave of an honored patriotic citizen of our common country.

He has gone from among us, having crossed to the other shore in the full hope of a blessed immortality.

It is a road that we must all travel, for it is appointed unto man once to die. This decree is unalterable; all must meet it. Let us meet it, as he did, bravely.

The memory of the life and deeds of our friend is ours to cherish and emulate.

He sleeps, but in that sleep beneath the sod
No dreams shall come—those dreams that banish sleep;
No watchers, then, naught save the eyes of God,
To watch his slumber long and still and deep.
Then mourn him not as dead—he can not die—
And mourn him not as sleeping in that day;
He wakes, he lives, not far in yonder sky,
But near us, though not seen, he walks to-day.

His memory will abide with his family and friends a benediction and a blessing.

Mr. PUJO. Mr. Speaker, the people of the district I have the honor to represent on this floor had great affection for Senator McENERY while living, and now that he is no more they respect and venerate his memory. His name is not only treasured by the people, but his achievements in the upbuilding of his State are recorded in her history. His crowning public service is usually considered as having been the development of the levee system of Louisiana, because of his great and successful efforts in that behalf, but in my judgment his work in encouraging emigration from other States resulted in the betterment of conditions in Louisiana more than any other act of his public career.

I remember that in 1887 he convoked a great interstate agricultural convention at Lake Charles. United States Senators, Representatives, and others high in every line of human endeavor gathered there and obtained at first hand knowledge of the possibilities of the State.

Mr. Speaker, the result of that convention in the material development and settlement of southwest Louisiana was frequently adverted to by Senator McENERY as one of the crowning acts of his administration while governor of that great State. It brought a population of thrifty farmers from the North and the West into a section of the country then used for stock raising only, and that part of the State at this time is thickly populated and more than a hundred million dollars have been added to the taxable value of Louisiana, to say nothing of the great number of splendid citizens who have made their homes with us.

Mr. Speaker, I did not belong to the then political faction in the division of our party in Louisiana of which Senator McENERY was leader and to which reference has been made. I found myself on the other side. I was never thrown in close contact with him, but always entertained, in common with the people of Louisiana, the highest respect for his integrity and the greatest admiration for his ability.

When I came to the Fifty-eighth Congress Senator McENERY extended to me, always, when I called upon him for assistance every help within his power; he was ever courteous, and it seemed to be a labor of love for him to assist his colleagues in obtaining legislation at the other end of the Capitol.

I then began to understand why it was that he was so strong and so popular with those who knew him best. His uniform courtesy, his absolute sincerity, his freedom from guile, appealed to all the better instincts of man and not only invited, but compelled the greatest degree of respect. In Louisiana many people have often asked the question, Why was Senator McENERY so popular? In the first place, Mr. Speaker, it is because

he was an honest man and a truthful man, capstoned by unquestioning loyalty to his friends.

His great success in public life was due to that cause above all others, and a State is to be congratulated when her public men place such an estimate upon their words, upon their actions, upon their positions as to invite the admiration of their friends and challenge the respect of their enemies. Louisiana has lost a great public servant, his family one who devoted his life to their welfare and advancement, and his friends one whom they will regret as long as they have the memory to recall his devotion to them under any and all circumstances.

Mr. PADGETT said:

I live for those who love me,
For those who know me true;
For the God who made me
And the good that I may do.

Mr. Speaker, these lines were written years ago, and in their sentiment may be found an accurate understanding of the motives of Senator McENERY. They afford an explanation of the motives and purposes of his life. The mainspring of his conduct was reflected in those lines. Through them there shines a light that brings into bold relief the influences which mark and emphasize his life and his work.

Though there was a great difference in our ages, there existed a warm personal friendship between us. Having a considerable family connection in my home town, among the best and most honored of our citizenship, he visited the town. He upon the Senate Naval Committee and myself upon the House Naval Committee, our work brought us into association and fellowship. From the 1st to the 4th day of June, 1910, we were upon the Board of Visitors together at the Naval Academy at Annapolis. I believe it was the 28th of the same month that he was called hence. It never occurred to me during this last association and labor that so soon would he be translated.

It is my purpose, Mr. Speaker, to speak only a few words as to the impressions I had of him. The influences of his life, association with him, fellowship with him, made upon me certain impressions as to his character, as to the principles and motives which actuated him in his conduct, and it is of these that I rise to speak. I shall not attempt to review his work in his political and active life in his own State. Others have already spoken eloquently and in detail of the splendid career and of the magnificent work which he did in his own State. I shall content myself in this respect to say that in his own State in those dark days, in those troublous times, he was a rock in a weary land and a shelter in a time of storm.

I shall speak of him first as a man with a big heart, and such he did possess. In the language of the first line of the verse, "I live for those who love me," truly Senator McENERY did so. He loved his friends. There was no sacrifice for them—in their interest, for their welfare, for their well-being, for the elevation and promotion of their interest and their upbuilding—which he was not willing to make. Out of his heart at all times there flowed a stream of affection and unceasing love for his friends. He was true to his friends, and for them he was not only willing to sacrifice, but he was ready to go further. For them he was ready to labor and to toil, to give of the energy and of the power of his life and of his being. And no more can be said that carries a higher attribute than to say of a man that he had a heart full of love for his friends.

There is another phase in the life of this man, an element of his character, which was fundamental, of which I desire to speak, and that is that in the broad, deep, high, and noble sense of the word he was a patriot. He loved his country. He loved her history, he felt a pride and personal interest in the institutions, in the spirit and the genius of the people, of the country, and of its citizenship. From the foundation of the country until this day there was no noble deed performed, there was no noble illustration of patriotic purpose or high achievement, for which Senator McENERY did not feel and claim a personal interest and manifest a personal appreciation. His patriotism was not bounded and limited by the confines of his own State. I would not be understood to minimize his love for his own State and his own people. I would emphasize and magnify it, and yet as great as was his love for his own State and the institutions of his own people and his own citizenship, his patriotism rose above and was broader and comprehended the history of the whole country and the love and fellowship of all the people.

He shared the hopes of the future of the country. Although he had reached a ripe age in his years, he had not turned his face to the rear. He faced the future, and in the future of the country, in the development of its industries, in the progress of the people, the enlarged spheres of usefulness that are reserved for the generations to come in that higher, nobler, larger, more generous civilization that is to be the heritage of our children and our children's children as the fruit of the labors of this and past generations, he looked with confidence and assurance, and felt a lively interest and expectation in the glories of our country yet to come.

He was a brave man. No man could ever say that he concealed his convictions. What he believed he believed, and he hid it from no man. Having the courage of his convictions, he was tenacious to his duty. He was not a coward in the face of responsibility. He met boldly and frankly and openly the discharge of every duty that came to him in the conscious conviction of what he believed was right.

There is one trait of his character upon which I desire to speak with peculiar pride. He was a courteous gentleman. He belonged to that old school wherein politeness was regarded as a superior virtue. I would not speak it, Mr. Speaker, as a criticism, and yet I do desire to call attention to it. In the present day, in the tumult and the hurry and the bustle and the confusion and the strife incident to the conditions that surround us, I sometimes feel that the present generation does not have that regard, that veneration, for that superb element of character—politeness, courteous and dignified demeanor—which characterized our fathers and our grandfathers; and it differentiates, if you please, the unpolished diamond from the polished diamond. In this respect Senator McENERY was a polished diamond.

I may add that he was a true man.

I live for those who love me,
For those who know me true.

He loved the truth. He loved the truth, not for policy's sake, not because it might be expedient, but because there was implanted in his heart, there was ingrained in his soul, the love of that which is true, of that which is real, of that which is genuine. He despised hypocrisy. He hated a sham. He admired integrity of character and nobility of purpose, and ever strove to measure his own conduct by that high standard that ever makes the measure of a true man. He was true to his convictions of duty. He was true to his country. He was true to the obligations of citizenship. He was true to the obligations of friendship, and there I may observe, Mr. Speaker, that citizenship and friendship impose obligations. He was not forgetful that as a citizen obligations rested upon him, obligations which should mark and shape his own conduct and his own actions; obligations which should control his relationship with his fellows, and which should mark the discharge of his duty toward the institutions of his country; and in the long years of his life, in the long years of his public service, varied as they were, no man can put his hand upon one act of the life of this man and say, "Herein was he false to his duty and the obligations to his country and its citizenship."

He was a man of broad sympathies. He had humanitarian views. His sympathies were as broad, as tender, and as generous as his conceptions of his duty to humanity. He was a man of broad intellectual vision. He did not live in the low valley of ignorance and superstition. He had ascended a considerable height on the mountain side of knowledge and of information and of learning, and from his viewpoint he was enabled to look out far and wide and have a large vision of the activities of men, the energies of life, and the sympathies of the brotherhood of man; and to these he measured up nobly and grandly.

But, Mr. Speaker, he is gone—they say "dead." If you mean destruction, no. If you mean annihilation, nay. If you mean transition, truly. If you mean the shedding of the habiliments of flesh, that hamper and circumscribe and limit the possibilities, the hopes, the aspirations of the human soul and the human life, yes, indeed. Into a larger, better, more glorious life, where the responsibility shall be greater, where the opportunity shall be larger, where our capacity shall be commensurate with those opportunities, he is gone. As we stand at the grave we say, "We can follow no farther," and yet out of our souls comes the thought—

I know not where His islands lift
Their fronded palms in air;
I only know I can not drift
Beyond His love and care.

Mr. FLOOD of Virginia. Mr. Speaker, Virginia claims the privilege to add her voice to the note of sympathy at the death of the distinguished Senator from Louisiana. There is a strong historic tie that binds Virginia to Louisiana. It was Virginia's Monroe, the fifth President of the United States, who as minister

to France in 1803 contracted with Bonaparte for the purchase of the Louisiana Territory, and it was Virginia's Jefferson, author of the Declaration of Independence and third President of the United States, who proposed to Congress to ratify the purchase, and laid aside his scruples as to the constitutionality of the measure in order to add to the Union the immense territory that stretches from the Mississippi to the Oregon—an empire that exceeded the conquest of Cortez and lay beyond the dream of Alexander.

My claim as a Virginian to offer my tribute to the deceased rests also on the fact that he was educated in part at the university of my State, and it is not inappropriate to pause for a moment to remark that it was, most likely, the splendid mental training he received at the Virginia University which enabled him to accomplish the great work he did, and achieve the great reputation which will send his name resounding down the corridors of time.

Mr. Speaker, never was there a more chivalrous and courteous gentleman, a more genial and sympathetic nature, a more independent and courageous character than Senator SAMUEL DOUGLAS MCENERY. He was the very soul of courtesy and self-respecting dignity and demeanor.

He had splendid natural mental endowments and enjoyed the advantage of a very thorough intellectual training in early life. He was educated at Spring Hill College, Ala., the United States Naval Academy, and the University of Virginia, and was a graduate of the State and National Law School at Poughkeepsie, N. Y. He was thus well equipped for the severe strain which his subsequent career imposed upon him, and this mental equipment was reenforced by an indomitable will and an unconquerable determination to succeed.

When the Civil War broke out, Senator MCENERY had just attained his majority. He did not hesitate a moment, but enlisted in the Confederate Army and served with distinction throughout the entire war.

When the war ended he returned to his native State and rapidly rose to the head of the legal profession.

For more than 30 years he had been a leader in the political affairs of his State and the Nation. Every honor which an appreciative constituency could bestow was heaped upon him. He was lieutenant governor of Louisiana, then governor, then associate justice of the supreme court of the State, and was then three times elected to the United States Senate.

Senator MCENERY was recognized by all of his associates as one of the most upright of men. The finger of suspicion never pointed at him. There was not gold enough in the mines of Alaska to deter him from the performance of a duty.

And so in his career we recognize the honest man, the diligent student, the courageous soldier, the accomplished lawyer, the constructive State builder, the jurist, and the statesman.

Mr. ESTOPINAL. Mr. Speaker, when SAMUEL DOUGLAS MCENERY died, full of years and public service—I will not say full of honors, as the stereotyped phrase goes, for place and position do not honor such a man—there died one of the greatest men I ever knew. He not only had the great mind that encompassed and illumined every subject he touched, but he had the great heart, the broad human sympathy, which gave understanding and made constructive statesmanship easy and natural. He was not a leader of men in the usual acceptance of the term; he was more than that; he was the diviner of ways, the solver of difficulties, the meeter of trying situations, the one man who was equal to every emergency.

Mr. Speaker, it was in 1872 that my association with Governor MCENERY began—I say "Governor" MCENERY, for that is the designation which seemed to cling to him from his old friends throughout his years of judicial and senatorial service, and I am sure he liked it, from them. From that time on we were friends; and in all the heat of factional strife and through his every political vicissitude, for—for years he was the storm center in Louisiana—I was his supporter, at all times and under all circumstances. On one occasion conditions arose in our State which forced him into a situation which, I think, he would gladly have avoided; not that he thought that he was in the wrong, for I am sure he was sincerely confident that he was in the right. It was not of his seeking, nor even of his accord, that he was placed at the head of a protesting ticket that all realized was destined to defeat. He was defeated, but it was not his defeat, for no self-seeking purpose dominated him. It was the defeat of the party which had called upon him to carry its banner, and he lost nothing of popularity nor the love of the people.

Senator MCENERY had a brilliant war record in the Confederate Army. His political life commenced in 1880, when he was elected lieutenant governor. I was a member of the State senate over which he presided and can recall his popularity with that body, all of whom became his warm admirers and sincere friends. The death of Gov. Wiltz a few months after his inauguration raised him to the gubernatorial chair, and his election for a full term followed at the next State election. He was brought out as a candidate for a third term, but was defeated for nomination by Gov. Francis T. Nicholls, who had been governor, but who had been retired by the constitutional convention of 1879. Recognizing the great ability of his defeated opponent, Gov. Nicholls appointed him an associate justice of the supreme court—a graceful act—which was applauded throughout the State. It was while on the supreme bench that he was drafted to again lead the ticket of his faction of the party and, after a contest in the State convention and in a race before the people, he was finally defeated. A critical situation for the party arose in 1896, which resulted in the election of Justice MCENERY, for he was at that time on the supreme bench of the State, to the United States Senate. He served continuously in the Senate until his death, having been twice reelected without opposition.

Mr. Speaker, Senator MCENERY had that simple honesty which followed the right at all times without thought of effects. He had that loyalty which gave confidence and friendship as well as received it. He had the most democratic spirit and ways of any man I ever knew. As far as rank and station went, men were all one to him. I do not mean to infer that he did not have his warm friendships and chosen confidants, but rank and station had nothing to do even with these, for he had friends in every walk of life to whom he gave his fullest confidence. He faithfully served his State as lieutenant governor, governor, justice of the supreme court, and United States Senator continuously for 30 years, and his sudden death cast a gloom over our entire State.

Mr. COLLIER. Mr. Speaker, we are assembled here on this Sabbath day to perform one of those sad duties which have become so frequent during the sessions of the Sixty-first Congress. Sunday after Sunday finds us in this historic Hall, reverently gathered together to pay our last tribute of respect to the memory of some lamented Senator or Representative. With distressing frequency, on our way to the House to attend our daily duties, our attention has been arrested, and we are again shocked by the sight of the American flag flying at half-mast upon the Capitol, announcing to us that the dread messenger had again appeared in our midst and again served his rude and unwelcome summons.

To-day we meet to commemorate the life, the character, and the services of a distinguished statesman from the Commonwealth of Louisiana, Senator SAMUEL DOUGLAS MCENERY. He was a man whom the people of his native State delighted to honor. Few, even among fortune's favored, have had as many distinguished honors conferred upon them as the people of Louisiana gladly conferred upon their favored and illustrious son. Lieutenant governor, governor, associate justice of the supreme court, and three times elected to the United States Senate is a political record which is rarely found in the sum of one man's life.

For considerably over a quarter of a century Senator MCENERY was an important factor in the political history of Louisiana.

As a Senator he was careful, painstaking, conscientious, and fearless. He at all times represented what he believed to be the best interests of that great State whose commission he held. The welfare and prosperity of Louisiana was ever his aim and purpose, and during his long service in the United States Senate he earnestly labored for the advancement and upbuilding of his native State.

The many positions of trust conferred upon him, the numerous honors given to him by his people, and the continued indorsements he received from the electorate of Louisiana were evidences of his personal popularity, and conclusively show the high esteem and respect in which he was held by the people of his native State.

His claim upon the affections of his people was not based alone upon his political services. He was an officer in the Confederate Army, serving with much distinction in Virginia and in the trans-Mississippi department. But it was during the dark days of reconstruction that Senator MCENERY rendered the conspicuous services which so endeared him to the people of Louisiana. His bold and fearless stand against carpetbaggism, his active opposition to the political vices of the period, and his splendid efforts in behalf of white supremacy will never be forgotten by his grateful people. Much of the admiration he excited in the breasts of the citizens of his Commonwealth can be traced back to his tireless energy, intrepid conduct, and the

conspicuous qualities of leadership he displayed during those troublous times.

The distinguished Senator whose memory we commemorate to-day lived a long and useful life, the greater part of which was spent in the service of his country. Despite his advanced age, he was still engaged in this service when the dread messenger came.

Senator McENERY will be missed in Louisiana, that beautiful land of splendid citizenship, or romance, of sunshine, of flowers—the land he loved so well. That land will know him no more; he has passed away, but he is not forgotten, for he has left behind him, enshrined in the hearts of the people of Louisiana, a priceless legacy, "the memory of earnest deeds well done."

Mr. Speaker, it is indeed a melancholy thought, when we reflect, that when those whom we knew in this life have passed away we will see them on earth no more and that they have vanished from our mortal sight forever. This thought would be intolerable were it not for the promise of immortality, which, like a bright star of hope, lights life's journey through the years down to the grave.

And though the dead may have passed from our mortal vision forever, and the busy scenes of their labors will know them no more, yet the human heart, torn by sorrow and distress, in the supreme moment of desolation is comforted and consoled by the Divine assurance that "He doeth all things well," for—

There is no death; we fall asleep
To waken where they never weep;
We close our eyes on pain and sin;
Our breath ebbs out, but life flows in.

Mr. DUPRE. Mr. Speaker, SAMUEL DOUGLAS McENERY is dead, and a leader in Israel has fallen. Not a leader in any State or sectional sense—though his life story is inseparably interwoven with the history of Louisiana for the last 40 years and though he typified in the simplicity and integrity of his private life and in the independence and fidelity of his public career the best traditions of the South—but a leader in a large and national sense, for in his 13 years of service in the Senate of the United States it fell to him to cast the deciding vote on some of the most important measures from an economic and governmental standpoint that have arisen since the Civil War.

I shall not, in view of the numerous addresses that have already been made, review in detail his long and eventful career. As a midshipman in the United States Navy, as a soldier in the Army of the Confederacy, as the leader of an outraged people in their revolt from the domination of aliens of his race and their less guilty followers of an inferior race, as lieutenant governor, as governor, as a justice of the supreme court, and as a Senator of the United States he was true to every trust reposed in him, discharging every duty with a devotion borir of an unalloyed patriotism and a capacity derived from a high order of intelligence. Like Oliver Goldsmith, "he touched nothing that he did not adorn."

His public life can be divided into four eras: His heroic struggle for white supremacy in reconstruction days, his tenure as chief executive for seven years, his judicial service for eight years, and his senatorial service from 1897 to the day of his death.

I could only speak of the first from hearsay, so I shall not dwell on those troublous times, but no history of Louisiana will ever be complete without recounting the deeds of that gallant band known as the White Camelias, who at the cost of such tragedies as the Monroe and Colfax riots restored the white race to control of north Louisiana.

Of them all none more bravely or more loyally fought the good fight than did SAMUEL DOUGLAS McENERY, and to the very last there were thousands of men in that great section of our State who, recalling the part he played in reconstruction times, rallied enthusiastically to his support whenever he was a candidate, without regard to local problems or however much they disagreed with his attitude on national questions.

His gubernatorial service will be best and longest remembered because in his administrations the foundation of a rehabilitated public-school system was laid, broad and deep enough to sustain the magnificent one that now prevails in Louisiana, and even more, because as during his term our State suffered the most disastrous overflow in its history, so with him as chief executive was enacted the first legislation that created the present levee board system, which through the union of local taxation and Government aid has given us of the Pelican State the same feeling of security which the Hollanders feel behind their dikes.

I sometimes think that his judicial career was the most remarkable and noteworthy of his public life. Trained at Annapolis for the Navy, it is true that he had studied law at the University of Virginia and at the National Law School, at Poughkeepsie, and had, during the storm and stress of reconstruction times, practiced his profession, but he had never held judicial office and had for more than a decade been engaged with the duties of lieutenant governor and governor when he was appointed to the supreme bench in 1888. He gave the greatest satisfaction in that capacity. As a member of the Louisiana bar, I make so bold as to say that his decisions will stand comparison with those of our best jurists; they are characterized by an admirable grasp of the salient facts, by a thorough knowledge of the record, by an unusual display of common sense, and by an informing sympathy with the great basic principles of the law, and by a terseness and vividness of expression that can not but arrest the reader.

He came to the Senate just before the Dingley bill was under discussion, at a time when the two great parties were very evenly balanced in that body. If I mistake not, his was the pivotal vote that made possible the passage of the Dingley bill. A Democrat, he paid no heed to party platform or the action of his Democratic colleagues, doing that which he believed best for the interests of his State.

Soon after the Spanish War came on, and the treaty of Paris, with annexation of Porto Rico and "benevolent assimilation" of the Philippines, was presented to the Senate for ratification. Again his vote was the deciding one, and it was cast against his party associates, for ratification, and for the right as he saw it. The McEnery resolution declaring the policy of this Government with regard to our insular possessions will ever live in history. Again, in the last tariff legislation he was a conspicuous figure, voting, as he had announced on the hustings and to the General Assembly of Louisiana, that had unanimously elected him, for the best interests of Louisiana as he understood them, regardless of party tenets. SAMUEL DOUGLAS McENERY is the only man in Louisiana who could have pursued such a course and continued to retain the official confidence and support of his people.

Mr. Speaker, Senator McENERY possessed in a remarkable degree the faculty of making and holding friends. He seemed to emerge from a political defeat stronger than before his entrance into the contest, maintaining the enthusiastic devotion of his followers and obtaining the good will and respect of his opponents. For instance, he was defeated by Gen. Francis Tillou Nicholls for the Democratic nomination for governor in 1888, and within a short time thereafter was appointed by Gov. Nicholls, his recent antagonist, to the supreme bench. Gov. Nicholls himself in 1892 became chief justice of the supreme court of our State, and I have it from his own lips that he and Senator McENERY grew in the daily association of the consultation room to be closed personal friends. Again in 1892 Senator McENERY was defeated for the Democratic nomination for governor by the present senior Senator from Louisiana, MURPHY J. FOSTER. Within four years it came to pass that SAMUEL DOUGLAS McENERY was, with the approval of his former political foe, Gov. FOSTER, elected to the United States Senate, a position for which he was not a candidate and which came to him absolutely unsolicited. Only a week ago I listened in the Senate Chamber to the eulogy delivered by Senator FOSTER on his former colleague and heard him testify to the intimate cordiality of their relations in the Senate and to the deep affection which he came to feel for his former opponent. It only needed association and closer acquaintance with Senator McENERY to learn to love him.

Senator McENERY was in public life from 1877 to 1910. He was often engaged in fierce factional conflicts, but never did the breath of suspicion attach to his personal character or his official rectitude. After a lifetime spent in the public service he died poor, but I violate no professional confidence when I state that if he left behind him but little of this world's goods he died owing no man a penny. Knowing him as I did, it has often struck me that Robert Louis Stevenson, the well beloved, might have had him in mind when writing those memorable lines in his Christmas sermon defining the chart of true manhood:

To be honest; to be kind; to earn a little and to spend a little less; to make, upon the whole, a family happier for his presence; to be able to renounce when that shall be necessary, but without embitterment; to have a few friends, but these without capitulation, and on the same grim condition to keep friends with one's self—here is a task for all that a man has of fortitude and delicacy.

Mr. WICKLIFFE. Mr. Speaker, on June 28, 1910, SAMUEL DOUGLAS McENERY, a Senator of the United States from Louisiana, died. To those looking for a true story of the life and character of a public man it might be said: "Wait till death shall still the lips of prejudice and bias." For every man, especially if he be prominent in national life, has some enemies undeserved or some friends, so-called, whose amicable relations toward him may be due to favors received or expected at his hands.

Again it may be said with some measure of truth that fulsome eulogies pronounced soon after death, before the grass has yet grown green above the grave, are too reactionary to be truthful and are more the result of a desire to speak well of one who was but yesterday a living, sentient being by our side than to hold a mirror up to reality. Hence to write a true biography perhaps a generation should pass after the death of the subject before a Boswell or a Lockhart should take up his pen. It is a question whether, after all, either he who knew one of his fellow men intimately and loved him as a friend or he who was a contemporary of the departed one and held him as an enemy is qualified to mold posterity's opinion of any great character in history.

The truth can never come from the putrid lips of prejudice nor emanate from the inane utterance of the fawning flatterer.

But I leave these comments as not altogether germane, since we are here to-day not for the purpose of attempting biography, nor to attempt to assume the rôle of a Boswell or a Lockhart, but as those who were his fellow legislators, to pay simple and humble tribute to the memory of him whom we knew well. And yet, while we come as friends who knew him well and loved him sincerely for his many good qualities of mind and heart, I for one realize that to overestimate the renown of him whose death we mourn to-day would add no particle of solace to the loved ones left behind.

It would not be his wish, if across the "great divide," he could communicate with us here; for no characteristic was more firmly impressed upon even the most casual acquaintance of Senator MCENERY than his intense and sincere modesty and his scorn for and hatred of flattery.

He was a man who "would not flatter Neptune for his trident nor Jove for his power to thunder;" and bearing such motto upon his shield he would not willingly, nor without protest, suffer himself to hear concerning himself that which he was too manly to say to another.

With this most characteristic element in his nature firmly impressed upon my memory, I shall respect that attribute of our friend, dead, just as I even refrained from transgressing his will in that particular while he lived.

In speaking of SAMUEL DOUGLAS MCENERY, I do not claim for him a place in our history above other great men who have preceded him to the great unknown. I realize full well that this Nation has in its life during which four generations have passed, produced brilliant sons, great statesmen, and warriors renowned, while the Old World has in its march on down through the centuries passed, given birth to her share of the great.

The pen of a Herndon or of a Weems may not give to posterity the story of his career; the brush of a Trumbull or Meissonier may not hand down to those of the aftermath a canvas preserving the epochs of his life; and historians may pass his tomb without turning to gaze at the name inscribed thereon.

Yea, upon the stage of our Nation's life there may have been actors of more note, upon whom the calcium light glittered and shimmered in more brilliant rays; but never in all our national life did one hold a great office of trust, whose form inclosed a truer, nobler heart which throbbed with a purer desire to do the right in public life as God gave him to see it, than the dead man. Never was there a more generous foe, nor a more loyal friend.

From his birth at Monroe, La., May 28, 1837, to his death on June 28, 1910, his career was made up of many marked and thrilling events. I shall not attempt to detail at great length his life story, nor the many places of honor and trust which he held.

Born of Irish ancestry, educated at Spring Hill College, Ala., the United States Naval Academy, the University of Virginia, and at an eastern law school, his mind was broadened in early youth and manhood by association with those who came from all parts of the Nation.

His ardent espousal of the cause of his State in 1861 and his brave and gallant services in the Confederate Army were in keeping with his whole life, for he loved Louisiana above all else, and where she went he followed, as Ruth did Naomi.

A private citizen after 1865 for a decade or more, lieutenant governor of his State in 1879, its governor from 1881 to 1888, justice of the supreme court of Louisiana, 1888 to 1897, and a United States Senator from that time to the date of his death, being three times elected to that great body, all proclaim the great esteem in which he was held by his people and their undying confidence in him.

Soldier, lawyer, governor, jurist, and Senator of the United States, he served his people well, and they, in turn, denied him nothing. Sequently new honors came upon him during almost a generation, yet he was "no petted sprig of Norman blood, rocked and dandled into office." From earliest manhood his people had his love and respect and he their confidence and admiration, and to the end SAMUEL DOUGLAS MCENERY never lost the former feeling for them, nor his people the latter for him.

The honors he received at their hands came to him in almost every instance unsolicited. Within 24 hours after he permitted the use of his name as a candidate at the earnest solicitation of the leaders of his party he was chosen by the caucus as the Democratic nominee for the United States Senate in 1896 and elected soon after, and never afterwards had opposition.

His political career began, we might say, in 1856, when but a lad of 18 years, while at home on vacation from college, he took an active part on the stump in behalf of the Democratic candidate for governor against the Know Nothing, or American, Party, and contributed in no small degree to the success of the former; for notwithstanding his extreme youth he early evinced the capacity for grasping public questions and of expressing himself forcefully, effectively, and with forensic ability. These facts I learned from the lips of one who was the chief beneficiary of his loyal and effective support in that election. The secretiveness, the narrowness, the un-American ideas and doctrines of the Know Nothing Party were abhorrent to his open and frank nature and to his liberal ideas of the rights of his fellow men.

His ability as a lawyer was well known, and when the Federal Investigating Committee of the United States Senate was sent to Louisiana in 1876 to investigate the election of that great and patriotic man, Francis T. Nicholls, as governor of Louisiana, Edward D. White (now Chief Justice of the Supreme Court of our Nation), Ernest Benjamin Krutschmitt (a nephew of Judah P. Benjamin), and SAMUEL D. MCENERY presented the cause of the Democratic Party, and so well and so ably did they perform this service that the Federal Government refused to further interfere in the politics of the State, and the beginning of the end of negro rule in Louisiana was at hand.

The reconstruction period in Louisiana and the South! No voice nor word painting of man has ever yet fully bespoken its terrors; no brush of artist can or has every portrayed its horrors; and not even the masterful pen of Thomas Dixon has adequately described that reign of license and lust for loot by carpetbag government which pervaded the State legislative halls in the later sixties and early seventies nor given complete description of the black pall which covered the corpse of the Confederacy.

Yet amid it all there arose figures—dauntless, unconquerable, unafraid, unmovable—who "played hide and seek with death" or incarceration in a felon's cell that the land of Washington, of Jefferson, and of Jackson might be preserved to the Caucasian race. And in this group, among those who stood in the forefront to save his State from the horrors of murder, rapine, and plunder at the joint hands of African and carpetbagger, SAMUEL D. MCENERY risked life, liberty, property, all.

To him resistance to negro domination was as obedience to God, and on this question there was no compromise with him.

In later years of his service in the Senate Senator MCENERY was afflicted with deafness, which, while ordinarily a great handicap to most men, yet with him it caused no cessation in his labors, for, unable to hear the proceedings in the Senate, he read the RECORD carefully each day, and was better posted on matters transpiring in Congress than many of the Members who were not so afflicted.

Such was his work, while chief executive of his State, for the redemption from overflow of her fertile lands that he takes his place in the history of Louisiana and in the traditions of her people as the beloved "levee governor," by which title he is now and always will be remembered.

Stephen Montague said:

> To know how a bad man will act when in power, reverse all the doctrines he preached when obscure.

Here was a man who always, before being chosen to any office even, declared his position on all questions, and lived up to those declarations when power was bestowed upon him.

As an evidence of his frankness and love of the open, it is recalled that before being chosen by the Democratic Party caucus as its nominee for the Senate in 1896, he declared in an address to the members of that caucus his differences with the National Democracy on the tariff question, and, frankly avowing his faith and belief in the theory of protection, stated that he took his place by the side of Samuel J. Randall, and hence, while at variance often with most of his State delegation in Congress, it can never be said that in voting for that doctrine consistently throughout his years of service in the Senate he in any manner deceived his people, who so often repeatedly elected him to the United States Senate.

There were those in Louisiana who agreed with him on this question, and while a vast number did not, yet such was the nobility of his character and his sincerity of purpose that the latter class forgot this difference for many other issues on which there was perfect accord between him and them.

His honesty was his pride, and the slightest stain upon his reputation for probity, if believed by his people, would have tortured him like the shirt of Nessus. Of criticism by his friends he was duly sensitive; but the calumniator and muck raker who sought to impugn his motives and to destroy his reputation for honesty was ever answered simply by his dignified silence, knowing full well that his people trusted him always and believed him honest. He was ever fond of quoting what Gayarré handed down as emanating from the first American governor of Louisiana, W. C. C. Claiborne:

The lie of the day gives me no concern. Neglected calumny soon expires. Notice it, and you gratify your calumniators; prosecute it, and it acquires consequence; punish it, and you enlist in its favor the public sympathy.

In Senator McEnery were the precepts of true justice so defined by Justinian, that constant and perpetual disposition to render every man his due. He never made a promise but that he kept it; never was a trust reposed in him that he betrayed. The Delphic Oracle had no standing among his ideals, and double tongue was never a subterfuge of this frank, bold man.

As a companion Senator McEnery was to the last most attractive. Many an evening have I visited him in the modest quarters where he resided in Washington, and after dinner, while enjoying a cigar, he frequently became reminiscent. And gazing into "that world of memory in which the distant seems to grow clear and the near to fade," he loved to speak of antebellum days in Louisiana and was most entertaining upon that subject, while few if any could recite or depict more vividly the true history of reconstruction. Seldom did he wish to dwell much upon matters that did not pertain to Louisiana, her people, and what had happened or was still happening there; and not in the sad sense which Scott intended, but as an emblem of the State he loved, his heart found solace in the literal meaning of the words:

Oh, lady, twine no wreath for me,
Or twine if of the cypress tree.

Truly he was Louisiana's "grand old man." We loved Senator McEnery living; we mourn him dead. We regarded him with that devotion which Cicero so loved to laud in "De Amicitia"—friendship, exalted friendship, the love of man for man. Hosts of Louisianians there are still loving him for the memories of long ago when in the pride of his young manhood, and more who knew and revered him in the grandeur of his old age, and who now, that he dwells in the land "beyond the turmoil of renown," shall revere him as one who while he stopped here made the world better for his stay. His name will not perish in the grave of his body.

A soldier, but "one who never turned his back to an enemy, and who knelt to none save God;" a citizen whose services to his people in the dark era of the seventies will not yield in splendor to those of N. B. Forrest; a governor whose administration took up the cord of prosperity where broken and put asunder for two decades, and united the ends in lasting strength; a justice of the supreme court of his State who held the scales so evenly as to demonstrate to all that his sole motive was that justice be done, the united interest of the people preserved, and confidence in the court maintained, until the motto of Louisiana was not more a guide for him than he for it; a Senator of the United States whose three terms of service saw him as faithful to his people on the morning of June 28, 1910, as the youth of 18 in 1856 and the soldier of 23 in 1861. From the beginning to the end he served well.

If the Father deigns to touch with divine power the cold and pulseless heart of the buried acorn and makes it burst forth from its prison walls, will He leave negligent the soul of man who was made in the image of His Creator? If He stoops to give to the rosebush, whose withered blossoms float upon the autumn breeze, the sweet assurance of another springtime, will He withhold the words of hope from the souls of men when the frosts of winter come? If matter, mute and inanimate, though changed by the force of nature into a multitude of forms, can never die, will the spirit of man suffer annihilation after it has paid a brief visit like a royal guest to this tenement of clay? Rather let us believe that He, who wastes not the raindrop, the blade of grass, nor the evening's sighing zephyr, but makes them all to carry out His eternal plans, has given immortality to the mortal and gathered to himself the generous spirit of our friend.

ADJOURNMENT.

The SPEAKER pro tempore. In accordance with the resolutions heretofore adopted, as a further mark of respect to the late Senator Dolliver and the late Senator McEnery, the House will adjourn.

Accordingly (at 4 o'clock and 34 minutes p. m.) the House adjourned until to-morrow, Monday, February 27, 1911, at 11 o'clock a. m.

SENATE.

MONDAY, *February 27, 1911.*

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

THE JOURNAL.

The Secretary proceeded to read the Journal of the proceedings of Saturday last.

Mr. BURROWS. I ask unanimous consent that the further reading of the Journal be dispensed with.

The VICE PRESIDENT. Is there objection?

Mr. CUMMINS. I object.

The VICE PRESIDENT. Objection is made. The Secretary will continue the reading of the Journal.

The reading of the Journal was resumed.

Mr. KEAN. I should like to ask the Senator from Iowa if he has heard read that part of the Journal he desired to hear.

The VICE PRESIDENT. The Senator from New Jersey asks unanimous consent that the further reading of the Journal be dispensed with.

Mr. CUMMINS. I object.

The VICE PRESIDENT. The Senator from Iowa objects.

Mr. KEAN. I thought perhaps the Senator had heard read that part of the Journal he was interested in.

Mr. CUMMINS. I am very much interested in every part of the Journal this morning. I hope the Secretary will read every word of it.

The VICE PRESIDENT. The Secretary will resume the reading of the Journal.

The Secretary resumed and concluded the reading of the Journal.

The VICE PRESIDENT. Without objection, the Journal as read will stand approved.

DAUGHTERS OF THE AMERICAN REVOLUTION.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Smithsonian Institution, transmitting, pursuant to law, the Thirteenth Annual Report of the National Society of the Daughters of the American Revolution, which, with the accompanying paper, was referred to the Committee on Printing.

REGENT OF SMITHSONIAN INSTITUTION.

The VICE PRESIDENT laid before the Senate the request of the House of Representatives for the return to that body of the joint resolution (S. J. Res. 145) providing for the filling of a vacancy, which will occur on March 1, 1911, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

Mr. LODGE. In this connection I offer the following resolution.

The resolution (S. Res. 373) was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary be directed to inform the House of Representatives that the enrolled Senate joint resolution (S. J. Res. 145) providing for the filling of a vacancy which will occur on March 1, 1911, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress is now and was in the possession of the House when the House requested its return on the 24th of February, having been delivered to the House on the 23d of February and signed by the Speaker.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had passed a bill (H. R. 32909) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1912, and for other purposes, in which it requested the concurrence of the Senate.

The message also transmitted to the Senate resolutions commemorative of the life and public services of Hon. Jonathan P. Dolliver, late a Senator from the State of Iowa.

The message further transmitted to the Senate resolutions commemorative of the life and public services of Hon. Samuel D. McEnery, late a Senator from the State of Louisiana.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 10691. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 10849. An act to authorize the city of Shreveport to construct a bridge across Red River.

MISSISSIPPI RIVER BRIDGE AT WATERTOWN, ILL.

Mr. CULLOM. On Saturday I undertook to have a little bill passed to which there is no objection, but I failed to get the proper number. I ask the Senate now to put on its passage the bill (H. R. 32440) authorizing the Moline, East Moline & Watertown Railway Co. to construct, maintain, and operate a bridge and approaches thereto across the south branch of the Mississippi River from a point in the village of Watertown, Rock Island County, Ill., to the island known as Campbells Island. It is very brief.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OUACHITA RIVER BRIDGE, ARKANSAS.

Mr. CLARKE of Arkansas. I ask unanimous consent for the present consideration of the bill (S. 10882) to authorize the county of Ouachita, Ark., to construct a bridge across Ouachita River.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COURTS IN WEST VIRGINIA.

Mr. SCOTT. I should like unanimous consent to call up the bill (H. R. 28215) to fix the time of holding the circuit and district courts for the northern district of West Virginia.

Mr. HEYBURN. I should like to ask the Senator whether this has been included in the Judiciary Title which is now in conference. If it has, there is no occasion for the enactment of a law in regard to it. I called upon the Senators to hand in any memorandum with reference to a change of the existing times and places of holding courts, and I assume it was handed in.

Mr. SCOTT. No; I think not. This is a House bill reported by the Judiciary Committee.

Mr. HEYBURN. I think the Senator will find it in the Judiciary Title.

Mr. SCOTT. I think not.

Mr. HEYBURN. I do not object.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a concurrent resolution of the Legislature of the State of Kansas, which was ordered to lie on the table and to be printed in the RECORD, as follows:

House concurrent resolution No. 25.

Whereas it has come to the notice of the Legislature of the State of Kansas that a measure is pending before the Congress of the United States which aims at the removal of 17 United States pension agencies from their present locations throughout the country to the city of Washington, D. C.; and

Whereas these pension agencies were established years ago for the convenience and accommodation of then only 232,000 pensioners of the United States; and

Whereas the number of pensioners has since that time increased to nearly 1,000,000 (being 921,083 June 30, 1910); and

Whereas this legislature is informed that all of the pensioners of the United States are vigorously protesting against this proposed centralization, consolidation, and removal to Washington, D. C., of these 17 pension agencies as inimical to their interests and convenience: It is therefore

Resolved by the house of representatives (the senate concurring), That the Legislature of the State of Kansas respectfully asks the Congress of the United States to refuse to enact such a measure, being fully convinced that the system at present in use, to which all pensioners have now become accustomed, will better subserve the interests of the vast body of pensioners, who, owing to their services to the country, as well as to their advanced age, are certainly entitled to consideration of their views and wishes on a measure that so vitally affects them.

Resolved, That a copy of these resolutions be transmitted by the secretary of state to the Senate of the United States and to the House of Representatives of the United States and to each of the Senators and Representatives from this State.

I hereby certify that the above concurrent resolution originated in the house, and passed that body February 20, 1911.

G. H. BUCKMAN, *Speaker of the House.*
EARL AKERS, *Chief Clerk of the House.*

Passed the Senate February 23, 1911.

RICHARD J. HOPKINS,
President of the Senate.
F. W. BRINKERHOFF,
Assistant Secretary of the Senate.

Approved February 24, 1911.

W. R. STUBBS, *Governor.*

STATE OF KANSAS,
DEPARTMENT OF STATE.

To all to whom these presents shall come, greeting:

I, Charles H. Sessions, secretary of state of the State of Kansas, do hereby certify that the hereto attached is a true copy of House concurrent resolution No. 25, the original of which is now on file and a matter of record in this office.

In testimony whereof I hereto set my hand and cause to be affixed my official seal.

Done at the city of Topeka this 24th day of February, A. D. 1911.

[SEAL.] CHAS. H. SESSIONS,
Secretary of State.

The VICE PRESIDENT presented a memorial of the Waterbury Felt Co., of Skaneatekes Falls, N. Y., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of San Antonio, Tex., remonstrating against the United States taking any part in the so-called Mexican revolution, which was referred to the Committee on Foreign Relations.

Mr. FRYE presented memorials of Westostogo Grange, of North Yarmouth; of Local Grange of Farmington; of Floral Grange, of North Bucksport; of Local Grange of Fort Fairfield; of Silver Lake Grange, of China; and of Local Grange of Wayne, all of the Patrons of Husbandry; and of 1,200 employees of the paper and pulp mills of Livermore Falls, Chisholm, and Riley, all in the State of Maine, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

Mr. CLARK of Wyoming. I present a joint memorial of the Legislature of the State of Wyoming, which I ask may be read and referred to the Committee on Conservation of National Resources.

There being no objection, the joint memorial was read and referred to the Committee on Conservation of National Resources, as follows:

Senate joint memorial No. 5.

Memorializing the Congress of the United States to enact such legislation relative to the several subjects of conservation as shall remove the present existing hindrances to the proper progress and development of the West.

Be it resolved by the senate of the State of Wyoming (the house of representatives of said State concurring):

Whereas there is a great diversity of natural resources in the country lying west of the Missouri River, and there exists numerous varying natural conditions affecting the proper development of these resources by reason of which general blanket statutes and departmental rules can not be applied without resulting in great detriment to the development and hardship and injustice to the denizen and developer of the West, such varying conditions existing even within State boundaries, and which conditions are and can only be understood by the actual residents and workers within the particular territory by nature so conditioned; and

Whereas a vast territory has been segregated and set aside as forest reserves upon which no tree ever grew or ever will or can be grown, and unreasonable departmental rules promulgated and enforced relative thereto whereby a vast acreage of grazing and agricultural land is rendered valueless for home building and the production of meats and wool, destructive fires being the natural result of the unutilized grasses of these reserves, said fires would be prevented by the passage of these lands into private ownership; and

Whereas by reason of the indiscriminating departmental rules the homesteader, prospector, and developer are practically, and often entirely and in fact, debarred from prosecuting his proper, worthy, and useful occupation for the benefit of himself, the community, and posterity; and

Whereas under the present conditions, existing by reason of the recent conservation withdrawals of oil, coal, and other lands and power sites, all development and even use of these resources for the benefit of this section and the country at large is practically precluded, and thereby great injustice, loss of money—in many instances financial ruin—and expensive litigation has been forced upon our people; and

Whereas we, the builders of these western Commonwealths, believe in the proper conservation of these nature's resources, but on such lines as will insure their development, their proper, economical, and unmonopolized use now and hereafter: Now therefore be it

Resolved, That the Congress of the United States is hereby memorialized and requested to enact such legislation as will relieve and correct the errors and mistakes herein set forth, and most earnestly do hereby recommend that all the natural resources in the Western States be given, under proper restrictions and conditions, to the State wherein they are situated, so they may be under the supervision of those on the ground who are experienced in the many and diversified conditions there prevailing, and so they shall not be subjected to the unknowing, unexperienced, and uninterested control of those living at a distance from the scene of action, or who are sent here as agents without knowledge of their supposed sphere of action; be it further

Resolved, That the secretary of state be instructed to send a copy of this memorial to each of our Representatives in Congress.

Approved February 18, 1911.

STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, *State of Wyoming, ss:*

I, Frank L. Houx, secretary of state of the State of Wyoming, do hereby certify that the annexed has been carefully compared with senate joint memorial 5 on file in this office, and is a full, true, and correct copy of the same and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 24th day of February, A. D. 1911.

[SEAL.] FRANK L. HOUX, *Secretary of State,*
By C. P. MACGLASHAN, *Deputy.*

Mr. CLARK of Wyoming. I present a joint memorial of the Legislature of the State of Wyoming, which I ask may be printed in the RECORD, and referred to the Committee on Post Offices and Post Roads.

There being no objection, the joint memorial was referred to the Committee on Post Offices and Post Roads, and ordered to be printed in the RECORD, as follows:

Senate joint memorial No. 4.

Memorial to the Senate and House of Representatives of the United States, requesting Congress to pass the Mondell bill, providing for a parcels post on the rural and star routes of the United States.

Be it resolved by the senate of the State of Wyoming (the house of representatives concurring), That the Congress of the United States be memorialized as follows:

Whereas the people of the State of Wyoming are sorely in need of quicker, cheaper, and more adequate transportation facilities, whereby they can receive and transmit small packages over the rural and star routes; and

Whereas the Mondell bill, now pending before the Congress of the United States, whereby parcels up to 11 pounds may be transmitted over said routes for the sum of 25 cents per package, thus offering greatly increased accommodations to our people, appears to promise just the relief desired: Therefore be it

Resolved, That the Congress of the United States is hereby earnestly petitioned to pass the said parcels-post bill; and be it further

Resolved, That a certified copy of this memorial be sent to the United States Senators and Representative in Congress from Wyoming.

Approved February 18, 1911.

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STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, *State of Wyoming, ss:*

I, Frank L. Houx, secretary of state of the State of Wyoming, do hereby certify that the annexed has been carefully compared with senate joint memorial No. 4 filed in this office, and is a full, true, and correct copy of the same and of the whole thereof.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 24th day of February, A. D. 1911.

[SEAL.] FRANK L. HOUX, *Secretary of State,*
By C. P. MACGLASHAN, *Deputy.*

Mr. McCUMBER. I present a concurrent resolution of the Legislature of the State of North Dakota, which I ask may be printed in the RECORD and referred to the Committee on Agriculture and Forestry.

There being no objection, the concurrent resolution was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

Twelfth Legislative Assembly, State of North Dakota—Concurrent resolution, introduced by Mr. Bessesen.

Whereas about 90 per cent of the grain handled at terminals is interstate; and

Whereas it is an injustice for any one State, by reason of its having terminal points within its borders, to exercise the absolute power of inspection over the grains of the numerous grain-growing States which regularly ship all the grain to its terminals; and

Whereas the shipping of grain is in reality interstate commerce and the inspection thereof should be controlled by the Federal Government, so as to give more absolute justice and equality to all and so as to result in the least discrimination against any particular State or locality; and

Whereas the Federal inspection of meats and foods has resulted in unformity and far-reaching benefit to the people of this country; and

Whereas the interests of the State of North Dakota are agricultural and its chief source of wealth is its grain crop; and

Whereas the grain crop is annually shipped through the terminals of other States and is dependent for its grading and inspection upon the laws of other States; and

Whereas it is apparent that the highest degree of efficiency and uniformity in grain grading and inspection can be attained only under Federal supervision; and

Whereas a concurrent resolution for an amendment to the constitution of this State providing for the erection, leasing, purchase, and operating of terminal elevators in the States of Minnesota and Wisconsin has passed the legislative assembly of 1909, and is again before this assembly for passage; and

Whereas in order to make it effective in the highest degree a Federal law providing for Federal inspection of grains is desirable: Now therefore be it

Resolved by the senate of the State of North Dakota (the house of representatives concurring), That this legislative assembly puts itself on record in favor of a just system of Federal inspection of grains, and that the early passage by the Congress of the United States of a Federal law for the Federal inspection of grains is urged and earnestly recommended, and that our Senators and Representatives in Congress be requested and urged to work and vote for the speedy passage of such a bill in Congress providing for such Federal inspection of grain; and be it further

Resolved, That a copy of this resolution be forthwith sent to each of our United States Senators and Representatives in Congress.

This certifies that the foregoing concurrent resolution originated in the senate and was concurred in by the house of representatives of the Twelfth Legislative Assembly of the State of North Dakota.

MOHER L. BURDICK,
President of the Senate.
JAS. M. HANLEY,
Speaker of the House.

Mr. BRIGGS presented memorials of Rancocas Grange, Somerset Grange, Mercer Grange, Lincoln Grange, Bridgeport Grange, Blue Anchor Grange, Franklin Grange, and of the New Jersey State Grange, Patrons of Husbandry; John A. McBride, of the board of managers of the State Hospital, Morris Plains; and of sundry citizens of Hamilton Square, all in the State of New Jersey, remonstrating against the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Hackensack, N. J., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of the Hat Finishers' Union of Newark, N. J., praying for the construction of all United States battleships in Government navy yards, which was referred to the Committee on Naval Affairs.

He also presented the petition of Edward D. Fox, of Trenton, N. J., and the petition of Joe Hooker Post, Department of New Jersey, Grand Army of the Republic, of Atlantic City, N. J., praying for the passage of the so-called old-age pension bill, which were ordered to lie on the table.

Mr. OWEN. I present a concurrent resolution of the State of Oklahoma, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the concurrent resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

House concurrent resolution No. 34.

Whereas section 3, article 16, of the constitution of Oklahoma authorizes the legislature to provide for a system of levees and drains in the State; and

Whereas owing to the legislation upon the alienation or incumbrance of land owned by members of the Five Civilized Tribes, in many sections which should be embraced in levy or drainage districts, it is impossible to organize such districts; and

Whereas thousands of acres of the most fertile lands lying in the east side of the State are, for the reasons above set forth, now nonproductive, which would, if properly protected by levees or drainage, produce annually thousands of dollars of wealth and would greatly enhance in value, thus materially benefiting the owners of such lands and the entire country: Therefore be it

Resolved by the house and senate of the Oklahoma Legislature, That Congress be, and is hereby, memorialized to grant such relief to such districts at the earliest possible date by adequate legislation as will empower the members of the Indian tribes owning lands in districts subject to levee and drainage to participate in the formation of such districts and the issuance of bonds as provided by the laws of the State of Oklahoma, to the end that justice may be done the owners of said lands, and that thousands of acres of our best lands, which are now nonproductive, may be converted into happy, prosperous homes, and that said lands may contribute their share to the support and welfare of the entire country; be it further

Resolved, That a copy of these resolutions be immediately forwarded to each of the United States Senators and Representatives in Congress from Oklahoma, and that copies be sent to the chambers of commerce of the most important cities in the neighboring States, with a request that they urge their Representatives in Congress to aid in procuring the relief herein prayed for.

Passed the house of representatives February 16, 1911.

W. A. DURANT,
Speaker of the House of Representatives.

Passed the senate February 16, 1911.

J. ELMER THOMAS,
President pro tempore of the Senate.

Mr. OWEN. I present a concurrent resolution of the Legislature of the State of Oklahoma, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the concurrent resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Senate concurrent resolution No. 20.

Whereas a bill (H. R. 29346) known as the Sulloway bill, granting pensions to certain enlisted men, soldiers and officers who served in the Civil War and the War with Mexico, has passed the House of Representatives in the Congress of the United States and is now pending in the Senate: Therefore be it

Resolved by the senate of the State of Oklahoma (the house of representatives concurring therein):

1. That we heartily approve all the provisions of said bill, and that we hereby respectfully request our Senators in Congress to vote for and use every honorable means to secure its passage by the Senate of the United States just as it passed the House of Representatives, without alteration or amendments as to benefits provided.

2. That copies of this resolution, signed by the respective officers of both the senate and house, when properly engrossed, be sent each of the Senators from the State of Oklahoma in the Congress of the United States.

Passed by the senate this 16th day of February, 1911.

J. ELMER THOMAS,
President pro tempore of the Senate.

Passed by the house of representatives this 17th day of February, 1911.

W. A. DURANT,
Speaker of the House of Representatives.

Mr. WARREN presented a petition of the Industrial Club of Cheyenne, Wyo., praying for an increase in the salary of railway mail clerks, and remonstrating against the reported policy in failing to fill vacancies in the railway mail service, which was ordered to lie on the table.

He also presented the memorial of Carl F. Rakow, of Wheatland, N. Dak., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was ordered to lie on the table.

Mr. JONES. I present a large number of telegrams in the nature of memorials, signed by business firms in the State of Washington, remonstrating against the ratification of the proposed reciprocal agreement with Canada. I ask that the first telegram be read.

There being no objection, the Secretary read the telegram, as follows:

SEATTLE, WASH., *February 18, 1911.*

Hon. WESLEY L. JONES,
United States Senate, Washington D. C.:

The banking and business interests Seattle deem reciprocity measure of especial menace to Pacific coast industries. Lumber, coal, fish, fruit, shipping, wheat, and Alaska trade seriously jeopardized without any compensating feature from Canada. Lumber valued at $20,000,000 to California yearly jeopardized because of being shipped in American bottoms as against lesser wages in foreign bottoms from Canada. Northwest Canada territory wheat best in world and will seriously compete with Washington. Seattle's Alaska business will be divided with Vancouver and Prince Rupert. Fish business will be diverted to Frazer River and eastern British Columbia. Apples will be diverted to Wenatche, Yakima, and Hood River. British Columbia coal will harm our coal mines. We are simply turning over resources this country to Canada without recompense. Urge you to vote and work against reciprocity; if passage bill imperative it should provide removal duty on Canadian logs and make absolute free trade.

Northern Bank & Trust Co., W. L. Collier, cashier; Citizens National Bank, per E. W. Campbell, assistant cashier; American Savings Bank & Trust Co., by J. P. Gleason, manager; The Mercantile Bank, by O. S. Harley, manager; The State Bank of Seattle, H. H. Sailberg, vice president; Washington Trust & Savings Bank, W. H. Parsons, vice president; Metropolitan Bank, by J. T. McVay, cashier; The Dexter Horton National Bank of Seattle, by N. H. Latimer, president; Seattle National Bank, by J. F. Furthe; The Scandinavian American Bank, J. F. Lane, cashier; Commercial State Bank, W. B. Shoemaker, cashier; The Bank for Savings, by D. E. Kelleher, president; German American Bank, I. J. Riley, cashier; James D. Hoge; First National Bank, by M. H. Arnold, president.

The VICE PRESIDENT. The telegrams will lie on the table.

Mr. JONES. I ask that the names attached to the other telegrams be noted in the RECORD, and that the telegrams be ordered to lie on the table.

There being no objection, the telegrams were ordered to lie on the table and the names attached thereto to be noted in the RECORD, as follows:

Telegram from the legislative committee, Nation of the Lakotah, of Olympia, Wash.

Telegram from the Chamber of Commerce of Seattle, Wash.

Telegram from the Chamber of Commerce of Bellingham, Wash.

Telegram from the Commercial Club of South Bend, Oreg.

Telegram from the Commercial Club of North Bend, Oreg.

Telegram from the Business Men's Association of Everett, Wash.

Telegram from the Bank of California, of Seattle, Wash.

Telegram from the stationary firemen of Bellingham, Wash.

Telegram from the Preston Mill Co., of Preston, Wash.

Telegram from the Pugett Mill Co., of Seattle, Wash.

Telegram from Galbraith, Bacon & Co., of Seattle, Wash.

Telegram from G. N. Skinner, of Seattle, Wash.

Telegram from the Altoona Packing Co., of Astoria, Oreg.

Telegram from the Simpson Lumber Co., of North Bend, Oreg.

Telegram from the North Bend Manufacturing Co., of North Bend, Oreg.

Telegram from The Moran Co., of Seattle, Wash.

Telegram from the O'Connell Lumber Co., of Winlock, Wash.

Telegram from the S. E. Slade Lumber Co., of Vancouver, Wash.

Telegram from the Tacoma Mill Co., of Tacoma, Wash.

Telegram from the Wheeler Osgood Co., of Tacoma, Wash.

Telegram from the Western Pine Manufacturing Association, of Spokane, Wash.

Telegram from Everett G. Griggs, of Tacoma, Wash.

Telegram from the Shepard Traill Co., of Seattle, Wash.

Telegram from W. H. Decan, of Bellingham, Wash.

Telegram from the Stimson Milling Co., of Seattle, Wash.

Telegram from J. H. Bloedel, of Bellingham, Wash.

Telegram from Victor E. Beckman, of Seattle, Wash.

Telegram from the Robert S. Wilson Lumber Co., of Seattle, Wash.

Telegram from John McMasters, of Seattle, Wash.

Telegram from the Atlas Lumber & Shingle Co., of Seattle, Wash.

Telegram from the Seattle Lumber Co., of Seattle, Wash.

Telegram from the Day Lumber Co., of Seattle, Wash.

Telegram from the Jamison Shingle Co., of Everett, Wash.

Telegram from the Building Managers' Association, of Seattle, Wash.

Telegram from the Alaska Pacific Steamship Co., of Tacoma, Wash.

Telegram from the Central Labor Council of Seattle, Wash.

Telegram from Local Union No. 288, International Brotherhood of Stationary Firemen, of Bremerton, Wash.

Telegram from the Typographical Union of Seattle, Wash.

Telegram from Charles H. Frye, of Seattle, Wash.

Telegram from the Washington Clay Works Association, of Seattle, Wash.

Telegram from Lester, Herrick & Herrick, of Seattle, Wash.

Telegram from M. J. Batchelder, Aaron Jones, and T. C. Atkeson, legislative committee of the National Grange, of Concord, N. H.

Telegram from J. S. Goldsmith, of Seattle, Wash.

Telegram from the Everett Pulp & Paper Co., of Everett, Wash.

Telegram from the Ship Owners' Stevedoring Co., Rothschild & Co., Bartlett & Co., and Brown & McCabe, of Seattle, Wash.

Telegram from the Pacific Coast Steamship Co., of San Francisco, Cal.

Telegram from the Occidental Fish Co. (Inc.), of Seattle, Wash.

Telegram from the Blom Codfish Co., Western Codfish Co., Matheson Fisheries Co., King & Winge Codfish Co., and Seattle & Alaska Fish Co., of Seattle, Wash.

Telegram from Fred S. Stimson, of Seattle, Wash.

Telegram from the Northwest Lumber Co., of Seattle, Wash.

Mr. JONES. I present telegrams in the nature of petitions, signed by citizens of the State of Washington, praying for the ratification of the proposed reciprocal agreement with Canada. I ask that the first telegram be read.

There being no objection, the Secretary read the telegram as follows:

SEATTLE, WASH., *February 23, 1911.*

Senator JONES, *Washington, D. C.:*

The undersigned earnestly urge you to support the reciprocity agreement and to oppose any amendment thereof that will endanger its adoption. We heartily approve of the wise and patriotic action of the President in negotiating this agreement, believing with him that only good to the peoples of both countries will follow its adoption.

English Lumber Co., by E. G. English, president; Tom Moore Boom Co., by W. H. McEwan, treasurer; Campbell Lumber Co., by James Campbell, president, John A. Campbell, secretary, George H. Snowden; Continental Mill Co., by M. Thompson; Ferguson-Dugan Investment Co., by Joseph Ferguson, president; Frederick H. White; E. C. Million; P. C. Leonard Lumber Co., by W. W. Hamilton, secretary; Tyee Logging Co., by E. C. Million, secretary; Peters & Powell, by W. A. Peters; The J. M. Coleman Co., by L. J. Coleman, president.

The VICE PRESIDENT. The telegram will lie on the table.

Mr. JONES. I ask that the names attached to the other telegrams be noted in the RECORD, and that they be ordered to lie on the table.

There being no objection, the telegrams were ordered to lie on the table and the names attached thereto to be noted in the RECORD, as follows:

Telegram from the Kennewick Commercial Club, by R. A. Mitchell, secretary, of Kennewick, Wash.

Telegram from the Wenatchee Commercial Club, by R. R. Ellinwood, L. J. Crollard, W. O. Parr, special committee, of Wenatchee, Wash.

Telegram from W. A. White, manager of the Yakima Implement Co., of North Yakima, Wash.

Telegram from the Mitchell Lewis & Staver Co., by J. R. Posson, manager, of Spokane, Wash.

Telegram from W. R. Criffield, manager of the J. H. Morrow Implement Co., of Walla Walla, Wash.

Telegram from W. L. Taylor, manager of John Deere Plow Co., of Spokane, Wash.

Telegram from the Northwest Trust & Safe Deposit Co., E. Sherrock, president, of Seattle, Wash.

Mr. JONES. I present a joint memorial of the Legislature of the State of Washington, which I ask may be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the joint memorial was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

House joint memorial No. 7.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the senate and house of representatives of the State of Washington in legislative session assembled, being the twelfth regular session, respectfully represent in petition as follows:

There are over 300,000 acres of arid land in Benton, Yakima, and Klickitat Counties in the State of Washington, lying in the valley of the Columbia River, and commonly known as the "Horse Heaven" district, which are capable of irrigation. About three-fourths of this land is now held in private ownership and the remainder has been filed upon under the desert-land acts.

The entrymen who have filed on this land under the desert act have done their assessment work and made their annual proofs in good faith, and confidently believe that they could make reclamation and final proof within the limit of time provided by the United States statutes and extension enactments amendatory thereto, but the work of bringing water from the mountains, distant 150 miles, has proven so great that it is now apparent that more time will be required than is now given by law.

Much of this vast district of 300,000 acres or more is valueless without irrigation, and it is now definitely known that irrigation is possible therefor at a reasonable cost. It has often been announced through press reports that the Reclamation Department of the United States Government will pursue a policy of encouragement to private capital in reclaiming arid lands. Most of the projects with water supply comparatively near have already been undertaken, and those in which the water supply is remote can not be financed and canals built within the period given to desert entrymen for making final proof.

Wherefore your memorialists respectfully petition the Congress of the United States to enact a law which shall extend the time in which the desert-land entrymen of the "Horse Heaven" district may make final proof until such time as water may become available to them through an irrigation project now under way for this district.

Passed the house January 25, 1911.

HOWARD D. TAYLOR,
Speaker of the House.

Passed the senate February 14, 1911.

W. H. PAULHAMUS,
President of the Senate.

Mr. JONES presented memorials of sundry citizens of Prosser, Wash.; of Prairie Grange, No. 191; Columbia Pomona Grange, of Clarke County; Sunny Side Grange; Fern Bluff Grange, No. 267, of Sultan; Lincoln Grange, No. 357, of Matlock; Whibby Grange, No. 354, of Island; Happy Valley Grange, No. 322; and Local Grange of Tekoa, all of the Patrons of Husbandry, in the State of Washington, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

Mr. TALIAFERRO presented a petition of sundry citizens of Polk County, Fla., remonstrating against the enactment of legislation donating 300,000 acres of Government land in the Territory of New Mexico to the archbishop of Santa Fe, etc., which was referred to the Committee on Territories.

Mr. BRISTOW. I submit a concurrent resolution of the Legislature of the State of Kansas, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the concurrent resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

House concurrent resolution No. 25.

Whereas it has come to the notice of the Legislature of the State of Kansas that a measure is pending before the Congress of the United States which aims at the removal of 17 United States pension agencies from their present locations throughout the country to the city of Washington, D. C.; and

Whereas these pension agencies were established years ago for the convenience and accommodation of then only 232,000 pensioners of the United States; and

Whereas the number of pensioners has since that time increased to nearly 1,000,000 (being 921,083 June 30, 1910); and

Whereas this legislature is informed that all of the pensioners of the United States are vigorously protesting against this proposed centralization, consolidation, and removal to Washington, D. C., of these 17 pension agencies as inimical to their interests and convenience: It is therefore

Resolved by the house of representatives (the senate concurring), That the Legislature of the State of Kansas respectfully asks the Congress of the United States to refuse to enact such a measure, being fully convinced that the system at present in use, to which all pensioners have now become accustomed, will better subserve the interests of the vast body of pensioners, who, owing to their services to the country, as well as to their advanced age, are certainly entitled to consideration of their views and wishes on a measure that so vitally affects them.

Resolved, That a copy of these resolutions be transmitted by the secretary of state to the Senate of the United States and to the House of Representatives of the United States, and to each of the Senators and Representatives from this State.

I hereby certify that the above concurrent resolution originated in the house and passed that body February 20, 1911.

G. H. BUCKMAN, *Speaker of the House.*
EARL AKERS, *Chief Clerk of the House.*

Passed the senate February 23, 1911.

RICHARD J. HOPKINS,
President of the Senate.
F. W. BRINKERHOFF,
Assistant Secretary of the Senate.

Approved February 24, 1911.

W. R. STUBBS, *Governor.*

STATE OF KANSAS,
DEPARTMENT OF STATE.

To all to whom these presents shall come, greeting:

I, Charles H. Sessions, secretary of state of the State of Kansas, do hereby certify that the hereto attached is a true copy of house concurrent resolution No. 25, the original of which is now on file and a matter of record in this office.

In testimony whereof I hereto set my hand and cause to be affixed my official seal.

Done at the city of Topeka this 24th day of February, A. D. 1911.

[SEAL.] CHAS. H. SESSIONS, *Secretary of State.*

Mr. LORIMER presented petitions of Local Union No. 21, Branch 1, United Brewery Workmen, of New Athens; of Twin City Local Union of the Federation of Labor, of Champaign and Urbana; of Local Union No. 742, United Brotherhood of Carpenters and Joiners, of Decatur; of Federal Labor Union, No. 8281, of Lincoln; of Stone Planermen's Union, No. 13093, of Chicago; of Local Division No. 22, Order Railway Conductors, of Chillicothe; of Iron Molders' Local Union No. 134, of Kewanee; of Washington Camp No. 9, Patriotic Order Sons of America, of Chicago; of Fox River Valley Council, Brotherhood of Carpenters and Joiners, of Aurora; of Local Union No. 568, Brotherhood of Carpenters and Joiners, of Lincoln; of Local Union No. 873, United Brotherhood of Carpenters and Joiners, of Lawrenceville; of Local Union No. 1883, Brotherhood of Carpenters and Joiners, of Macomb; of Local No. 1267, Retail Clerks International Protective Association, of Breese; and of the Trades Assembly, of Belleville, all in the State of Illinois, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented the memorial of George S. Frick, of Champaign, Ill., and the memorial of J. C. Sailor, secretary of the Iroquois County Farmers' Institute, of Illinois, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

He also presented a petition of Burnside Lodge, No. 50, International Association of Car Workers, of Chicago, Ill., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented memorials of sundry citizens of Shabbona, Ill., remonstrating against any increase being made in the rates of postage on periodicals and magazines, which were ordered to lie on the table.

He also presented a petition of Local Union No. 352, Farmers' Educational and Cooperative Union of America, of Mount Carmel, Ill., praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of sundry citizens of Farmington and Peoria, in the State of Illinois, remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a memorial of sundry citizens of Mount Carmel, Ellery, and Fairfield, all in the State of Illinois, remonstrating against the establishment of a national department of health, which was referred to the Committee on Public Health and National Quarantine.

He also presented a petition of Council Fire of Yolo Tribe, No. 397, Improved Order of Red Men, of Chicago, Ill., praying that an appropriation be made for the erection of a national Indian memorial, which was referred to the Committee on Indian Affairs.

He also presented a petition of sundry citizens of Aurora, Ill., remonstrating against the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

Mr. PENROSE presented a memorial of the Philadelphia Peace Association, of Philadelphia, Pa., remonstrating against any appropriation being made for the fortification of the Panama Canal, which was referred to the Committee on Appropriations.

Mr. BRANDEGEE presented petitions of Local Grange of Ledyard; Local Grange of Goshen; Local Grange of Plymouth; Local Grange of Colebrook; Local Grange of Manchester; Local Grange of Mystic; Natchaug Grange, of Chaplin; Local Grange of Meriden; Local Grange of Wethersfield; Local Grange of Durham; Local Grange of West Hartford; Easton Grange, of Bridgeport; Local Grange of Haddam Neck; Local Grange of Cromwell; Local Grange of Groton; New London County Pomona Grange; Rippowam Grange, of Stamford; Local Grange of Danbury; and Greenfield Hill Grange, of Fairfield, all of the Patrons of Husbandry, in the State of Connecticut, praying for the passage of a full and complete parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the Business Men's Association of Seymour, the Business Men's Association of Middletown, and of the Business Men's Association of Hartford, all in the State of Connecticut, praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

He also presented memorials of the Connecticut Pomological Society; the Wolf Den Grange, of Pomfret; of Good Will Grange, of Glastonbury; the Lake Valley Grange, of Sherman; of Local Grange of Groton; Rippowam Grange, of Stamford;

Local Grange of Cromwell; Local Grange of Plainville; Indian River Grange, of Milford; Local Grange of Plainfield; Local Grange of Norwich; Local Grange of Bridgewater; Local Grange of Danbury; Local Grange of Seymour; Local Grange of Tolland; Local Grange of Old Lyme; Lake Valley Grange, of Sherman; Hillstown Grange, of East Hartford; Local Grange of Avon; Local Grange of Wallingford; Local Grange of Manchester; Tunxis Grange, of Bloomfield; Beacon Valley Grange, of Naugatuck; and Mad River Grange, of Waterbury, all of the Patrons of Husbandry, in the State of Connecticut, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

He also presented a petition of the Business Men's Association of Hartford, Conn., praying for the enactment of legislation providing increased salaries for Federal judges, which was referred to the Committee on the Judiciary.

He also presented a petition of the Business Men's Association of Hartford, Conn., praying for the enactment of legislation providing for the erection of buildings for the accommodation of United States ambassadors in foreign countries, which was ordered to lie on the table.

Mr. KEAN presented the memorial of P. A. Mertz, of Plainfield, N. J., and the memorial of E. C. Stibbs, of Red Bank, N. J., remonstrating against any increase being made in the rates of postage on periodicals and magazines, which were referred to the Committee on Post Offices and Post Roads.

He also presented the petition of Frank O. Cole, of Jersey City, N. J., praying for the passage of the so-called old-age pension bill, which was ordered to lie on the table.

He also presented memorials of the Eastwood Wire Manufacturing Co., of Belleville; of Rancocas Grange, No. 131, of Burlington County; and of Somerset Grange, No. 7, of Middlebush, Patrons of Husbandry, all in the State of New Jersey, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Hackensack, N. J., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. BULKELEY presented petitions of Danbury Grange, Rippowan Grange, Meriden Grange, Wethersfield Grange, West Hartford Grange, Durham Grange, Manchester Grange, Colebrook Grange, Plymouth Grange, Goshen Grange, Ledyard Grange, Groton Grange, Haddam Neck Grange, Easton Grange, Greenfield Hill Grange, all of the Patrons of Husbandry, in the State of Connecticut, praying for the passage of a full and complete parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

Mr. DICK presented petitions of sundry citizens of Chillicothe, Ohio, praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which were referred to the Committee on Post Offices and Post Roads.

He also presented memorials of sundry citizens of Chillicothe, Dayton, Cleveland, Akron, Columbus, Niles, and Cincinnati, all in the State of Ohio, remonstrating against the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which were referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Society of Friends of the State of Ohio, remonstrating against any appropriation being made for the fortification of the Panama Canal, which was referred to the Committee on Appropriations.

He also presented petitions of Ed. L. Ford, Joseph G. Butler, jr., George D. Wick, and Philip Wick, all of Youngstown, Ohio, and of the International Association of Machinists of Lima, Ohio, praying for the enactment of legislation authorizing the construction of all battleships in Government navy yards, which were referred to the Committee on Naval Affairs.

He also presented a petition of Plainville Council, No. 330, Junior Order United American Mechanics, of Dayton, Ohio, and a petition of Bricklayers and Masons Local No. 43, of Niles, Ohio, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of the Commercial Protective Association of Cleveland, Ohio, praying for an increase in the rate of postage on periodicals and magazines, which was referred to the Committee on Post Offices and Post Roads.

He also presented a memorial of the Farmers' Institute of West Salem, Ohio, remonstrating against the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of the Stationary Firemen of Columbus, Ohio, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Cleveland, Akron, Norwalk, Springfield, Dayton, Toledo, Cincinnati, Canton, Youngstown, Custar, Gibsonburg, Tarlton, Mount Vernon, Columbus, and Rushsylvania, all in the State of Ohio, remonstrating against any increase being made in the rate of postage on periodicals and magazines, which were referred to the Committee on Post Offices and Post Roads.

Mr. DEPEW presented memorials of Marlboro Grange, No. 904, and of sundry citizens of Canandaigua, Birdsall, Dalton, Wesley, Whitney Crossing, Lisbon Falls, New York City, Fort Edward, Skaneateles Falls, and Livingston Manor, all in the State of New York, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

He also presented a petition of the National Piano Manufacturers' Association of America, praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which was ordered to lie on the table.

He also presented a petition of the Pattern Makers' Association of Syracuse, N. Y., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

He also presented a petition of Peekskill Musical Union, No. 29, of Peekskill, N. Y., praying for the enactment of legislation to prohibit competition between enlisted and civilian musicians, which was referred to the Committee on Military Affairs.

Mr. GALLINGER presented memorials of Hillsboro County Pomona Grange, No. 1, of Bedford; of John Hancock Grange, No. 33, of Hillsboro County; and of Mount Prospect Grange, No. 242, of Lancaster, all of the Patrons of Husbandry; and of D. C. Hoyt, of Bradford; Orin S. Huntley, of Hillsboro; of Alton F. Sanborn, of Raymond; and of sundry citizens of Danbury, all in the State of New Hampshire, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

He also presented a petition of the North Conway Woman's Club, of North Conway, N. H., praying that an investigation be made into the condition of dairy products for the further prevention and spread of tuberculosis, which was referred to the Committee on Agriculture and Forestry.

Mr. ROOT presented a memorial of sundry bankers of New York City, N. Y., remonstrating against the passage of the so-called Scott antioption bill, relative to dealing in cotton futures, etc., which was ordered to lie on the table.

Mr. HALE presented memorials of Good Cheer Grange, No. 323, Patrons of Husbandry, of Bradford, Me., and of sundry citizens of Maine, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

Mr. PILES presented a memorial of Lincoln Grange, No. 357, of Matlock; Big Bottom Grange, No. 268, of Randle; and of Fisher Grange, No. 211, of Fisher, all of the Patrons of Husbandry, in the State of Washington, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

Mr. RAYNER presented a petition of Pride of Allegany Council, No. 59, Junior Order United American Mechanics, of Westernport, Md., praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Immigration.

Mr. LODGE presented a memorial of sundry vessel owners, masters, and fishermen of Provincetown, Mass., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was ordered to lie on the table.

He also presented resolutions adopted at a meeting of citizens of the Commonwealth of Massachusetts, favoring the annexation of Crete with Greece, which were referred to the Committee on Foreign Relations.

Mr. GUGGENHEIM presented a petition of sundry stockholders of the United Wireless Telegraph Co., residents of Denver, Colo., praying for the enactment of legislation providing for an investigation of the status of telegraph companies in the country, which was referred to the Committee on Commerce.

Mr. SCOTT presented a petition of members of sundry Grand Army posts in the city of Philadelphia, Pa., praying for the passage of the so-called old-age pension bill, which was ordered to lie on the table.

Mr. LA FOLLETTE. I present a joint resolution adopted by the Legislature of the State of Wisconsin, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the joint resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

Joint resolution (65a) asking the Congress of the United States to refuse to enact the measure now pending relating to United States pension agencies.

Whereas it has come to the notice of the Legislature of the State of Wisconsin that a measure is pending before the Congress of the United States which aims at the removal of 17 United States pension agencies from their present locations throughout the country to the city of Washington, D. C.; and

Whereas these pension agencies were established years ago for the convenience and accommodation of then only 232,000 pensioners of the United States; and

Whereas the number of pensioners has since that time increased to nearly 1,000,000 (being 921,083 June 30, 1910); and

Whereas this legislature is informed that all of the pensioners of the United States are vigorously protesting against this proposed centralization, consolidation, and removal to Washington, D. C., of these 17 pension agencies as inimical to their interests and convenience: It is therefore

Resolved by the assembly (the senate concurring), That the Legislature of the State of Wisconsin respectfully asks the Congress of the United States to refuse to enact such a measure, being fully convinced that the system at present in use, to which all pensioners have now become accustomed, will better subserve the interests of this vast body of pensioners, who, owing to their services to the country as well as to their advanced age, are certainly entitled to consideration of their views and wishes on a measure that so vitally affects them.

Resolved, That a copy of these resolutions be transmitted by the secretary of state to the Senate of the United States and to the House of Representatives of the United States and to each of the Senators and Representatives from this State.

C. A. INGRAM,
Speaker of the Assembly.
H. C. MARTIN,
President pro tempore of the Senate.
C. E. SHAFFER,
Chief Clerk of the Assembly.
F. M. WYLIE,
Chief Clerk of the Senate.

Mr. SWANSON. I present resolutions signed by the president and secretary of the Farmers' Educational and Cooperative Union of Virginia, which I ask may be printed in the RECORD and referred to the Committee on Immigration.

There being no objection, the resolutions were referred to the Committee on Immigration and ordered to be printed in the RECORD, as follows:

Whereas the United States Immigration Commission, after four years investigation involving the expenditure of almost $1,000,000, reports that restriction is demanded by "economic, moral, and social reasons," specifically recommends a reading and writing test, "as the most feasible single method for excluding undesirable immigration," and suggests also an increased head tax, a limitation of numbers, a money qualification, and other measures that are law in other countries and which have been urged by the Farmers' Educational and Cooperative Union of America in National and State convention; and

Whereas the United States is the only country with any considerable net foreign immigration, as a result of her feeble immigration laws; and

Whereas it is proposed in order to permit the foreign steamships to bring more and to relieve the Northeast of its immigration evils, that the present enormous annual alien influx of over a million, of whom less than 15,000 last year were "farmers," be diverted and distributed over the agricultural sections, and a Federal Division of Information and Display has been established for accomplishing such purpose: Therefore be it

Resolved by the Farmers' Educational and Cooperative Union of Virginia in State convention this 7th day of February, That we earnestly urge upon Congress the immediate passage of H. R. 15413, and such other measures as will give this country some such protection from undesirable immigration as is recommended by the Immigration Commission and is in force in other civilized countries, such as Canada, Australia, and Natal; and be it further

Resolved, That the State secretary send at once a copy of this resolution to the entire Virginia congressional delegation with the request that it be presented to Congress, and to the President, at Washington, D. C.

Passed unanimously and enthusiastically indorse action of legislative committee at Washington last March before the House Committee on Immigration and Scott bill.

D. M. GANNAWAY, *President*,
H. L. PETTY, *Secretary*,
Farmers' Educational and Cooperative Union of America.

Mr. SHIVELY presented a memorial of Pine Lake Grange, Patrons of Husbandry, of La Porte, Ind., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was ordered to lie on the table.

He also presented petitions of the Journal, the Chronicle, the Republican, and the Miami County Sentinel, all of Peru, in the State of Indiana, praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which were referred to the Committee on Post Offices and Post Roads.

He also presented the petition of George Harmon and 14 other ex-soldiers, residents of Brownsburg, Ind., and the petition of George W. Rodenbaugh and 16 other ex-soldiers, residents of Cayuga, Ind., praying for the passage of the so-called old-age pension bill, which were ordered to lie on the table.

Mr. STONE presented a memorial of the American Federation of Catholic Societies in convention at New Orleans, La., remonstrating against any appropriation being made for the extension of the work of the Bureau of Education, which was referred to the Committee on Appropriations.

He also presented a petition of sundry citizens of Missouri, praying for the construction of all United States battleships in Government navy yards, which was referred to the Committee on Naval Affairs.

He also presented petitions of Evergreen Camp, No. 4, Woodmen of the World, of Carthage; of Botree Camp, No. 26, Woodmen of the World, of West Plains; of Linden Camp, No. 565, Woodmen of the World, of Maplewood; and of Defiance Lodge, No. 850, Modern Brotherhood of America, of Defiance, all in the State of Missouri, praying for the enactment of legislation providing for the admission of publications of fraternal societies to the mail as second-class matter, which were referred to the Committee on Post Offices and Post Roads.

He also presented petitions of Local Lodge No. 363, International Association of Machinists, of Queen City; of the Central Trades and Labor Council of Cape Girardeau; of Local Union No. 1827, United Mine Workers of America, of Lexington; and of the Sedalia Federation of Labor, all in the State of Missouri, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigation.

He also presented petitions of Journeymen Tailors' Local Union No. 6, of Sedalia; of the Culture Club, of Edina; of the United States History Class, of St. Louis; and of Local Union No. 26, United Garment Workers of America, of St. Louis, all in the State of Missouri, praying for the repeal of the present oleomargarine law, which were referred to the Committee on Agriculture and Forestry.

He also presented petitions of sundry citizens of St. Louis, Mo., praying for the establishment of a national department of health, which were referred to the Committee on Public Health and National Quarantine.

He also presented a petition of Colonel Grover Post, No. 78, Department of Missouri, Grand Army of the Republic, of Warrensburg, Mo., and a petition of Captain John Mathews Post, No. 69, Department of Missouri, Grand Army of the Republic, of Springfield, Mo., praying for the passage of the so-called old-age pension bill, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Schuyler County, Mo., remonstrating against the creation of a Civil War volunteer officers' retired list, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Missouri, remonstrating against the passage of the so-called rural parcels-post bill, which were ordered to lie on the table.

He also presented petitions of sundry citizens of New Hamburg and Benton, in the State of Missouri, praying for the passage of the so-called parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

Mr. WETMORE presented a memorial of Local Grange No. 39, Patrons of Husbandry, of North Scituate, R. I., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was ordered to lie on the table.

Mr. BURNHAM presented memorials of Local Grange No. 156, of Surry; of Hillsborough County Pomona Grange, No. 1, of Bedford; of John Hancock Grange, No. 33, of Hancock; of Mount Prospect Grange, No. 242, of Lancaster; and of Merrimack County Pomona Grange, of North Boscawen, all of the Patrons of Husbandry, in the State of New Hampshire, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

Mr. OWEN. I present the memorial of Moncena Dunn, of La Crosse, Wis., setting forth the coupon ballot as authorized by the laws of Wisconsin. It is an improved method of assuring an honest ballot, which I understand has been adopted by the State of Wisconsin. I move that the memorial be printed as a Senate document (No. 840).

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. PENROSE, from the Committee on Naval Affairs, to which was referred the bill (S. 10379) to promote the efficiency of the Naval Militia, and for other purposes, reported it without amendment.

Mr. BURNHAM, from the Committee on Claims, to which was referred the bill (S. 10668) to satisfy certain claims against the Government arising under the Navy Department, reported it with an amendment and submitted a report (No. 1252) thereon.

Mr. CURTIS, from the Committee on Pensions, to which was referred the bill (H. R. 32675) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, reported it with amendments and submitted a report (No. 1253) thereon.

He also, from the same committee, to which was referred the bill (H. R. 32822) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, reported it with an amendment and submitted a report (No. 1254) thereon.

He also, from the same committee, to which was referred the amendment submitted by Mr. MCCUMBER on the 23d instant, proposing to appropriate $1,200 to pay Robert W. Farrar for indexing and extra services as clerk to the Committee on Pensions, Sixty-first Congress, third session, and also to appropriate $1,200 to pay Dennis M. Kerr for services as assistant clerk by detail to the Committee on Pensions, Sixty-first Congress, third session, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. FOSTER, from the Committee on Military Affairs, to which was referred the bill (S. 2328) to grant an honorable discharge to Alfred L. Dutton, reported it with amendments and submitted a report (No. 1255) thereon.

Mr. PERKINS, from the Committee on Naval Affairs, to which was referred the bill (H. R. 19010) authorizing proper accounting officers of the Treasury Department to reopen pay accounts of certain officers of the Navy, reported it without amendment and submitted a report (No. 1256) thereon.

Mr. SMOOT, from the Committee on Claims, to which was referred the bill (H. R. 19685) to compensate William P. Williams for losses sustained by him while assistant treasurer of the United States at Chicago, Ill., reported it without amendment and submitted a report (No. 1257) thereon.

Mr. BRANDEGEE, from the Committee on the Judiciary, to which was referred the bill (H. R. 23826) to amend section 13, chapter 252, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes," approved May 28, 1896 (29 Stats. L., p. 183), reported it without amendment and submitted a report (No. 1258) thereon.

Mr. CLARKE of Arkansas, from the Committee on the Judiciary, to which was referred the bill (H. R. 31806) to amend section 1 of the act approved March 2, 1907, being an act to amend an act entitled "An act conferring jurisdiction upon United States commissioners over offenses committed on a portion of the permanent Hot Springs Mountain Reservation, Ark.," reported it without amendment.

Mr. MARTIN, from the Committee on Commerce, to which was referred the bill (S. 10863) to give the consent of Congress to the building of a bridge by the city of Northport, Wash., over the Columbia River, at Northport, reported it with an amendment and submitted a report (No. 1259) thereon.

S. H. ROBINSON.

Mr. OLIVER. From the Committee on Claims I report back favorably the bill (H. R. 18512) for the relief of S. H. Robinson, of Allegheny County, Pa., and I submit a report (No. 1249) thereon. It is the unanimous report of the committee, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to S. H. Robinson, of Allegheny County, Pa., $26,985.63, as compensation for the injury sustained by him because of a flood in the Allegheny River in January, 1907, that being the amount recommended to be paid him by the Chief of Engineers, United States Army.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HACKENSACK RIVER CANAL, NEW JERSEY.

Mr. FRYE. From the Committee on Commerce I report back favorably with an amendment the bill (S. 10883) authorizing the Erie Railroad Co. to construct a canal connecting the Hackensack River and Berrys Creek, Bergen County, N. J., as an aid to navigation, and for other purposes, and I submit a report (No. 1251) thereon. I call the attention of the Senator from New Jersey [Mr. KEAN] to the bill.

Mr. KEAN. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment reported by the Committee on Commerce was to add as a new section the following:

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DEVIATION IN WEIGHT OF SILVER COINS.

Mr. SMOOT. I am directed by the Committee on Finance, to which was referred the bill (H. R. 24885) to amend section 3536 of the Revised Statutes of the United States, relating to the weighing of silver coins, to report it favorably, and I ask for its immediate consideration.

The VICE PRESIDENT. The Senator from Utah asks for the immediate consideration of a bill, which the Secretary will read for the information of the Senate.

The Secretary read the bill, as follows:

Be it enacted, etc., That section 3536 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"SEC. 3536. In adjusting the weight of the silver coins the following deviations shall not be exceeded in any single piece: In the dollar, the half and quarter dollar, and in the dime, 1½ grains."

Mr. HEYBURN. Let the bill be again reported.

The Secretary again read the bill.

Mr. HEYBURN. I should like to know the necessity for the porposed legislation.

Mr. SMOOT. I can state it in a very few words, Mr. President. In the present law there is an accepted deviation from the standard weight of 1½ grains in the case of an individual half dollar, an individual dollar, an individual quarter, and an individual 10-cent piece. But in the mints, where the coins are weighed together, there is entirely a different acceptable deviation, and every dime and every quarter and every half and every dollar has to be counted now separately at the mints. This makes the deviation of a grain and a half for all the same, whether it be an individual piece or in bulk.

Mr. HEYBURN. You can not recognize the right of the mint to grow careless in the coinage.

Mr. SMOOT. This has nothing to do with the coinage.

Mr. HEYBURN. Coins in the mint ought to be absolutely true to the weight, and whenever we recognize laxity on the part of the mint we are opening the door to greater carelessness. I object to the consideration of the bill.

The VICE PRESIDENT. Objection is made, and the bill will go to the calendar.

NATIONAL DEFENSE SECRETS.

Mr. BRANDEGEE. I am directed by the Committee on the Judiciary, to which was referred the bill (H. R. 26656) to prevent the disclosure of national defense secrets, to report it favorably, and I submit a report (No. 1250) thereon. I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PAYNTER:

A bill (S. 10893) granting a pension to Samuel G Hillis; to the Committee on Pensions.

By Mr. CARTER:

A bill (S. 10894) to accept the cession by the State of Montana of exclusive jurisdiction over the lands embraced within the Glacier National Park, and for other purposes (with accompanying paper); to the Committee on Public Lands.

By Mr. FLINT:

A bill (S. 10895) to set apart a certain tract of land in the State of California as a public park, such lands, together with those set aside by the act of September 25, 1890, to be known as Sequoia National Park; to the Committee on Public Lands.

By Mr. PENROSE:

A joint resolution (S. J. Res. 146) directing the Commission on Universal Peace to report upon a plan for commemorating the one hundredth anniversary of the signing of the treaty of Ghent; to the Committee on Foreign Relations.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PENROSE submitted an amendment proposing to appropriate $12,000 for the purchase of 15 portraits of Justices of the Supreme Court of the United States, intended to be proposed by

him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $25,000 for the establishment of a fish-cultural station in New Mexico, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. KEAN submitted an amendment proposing that from July 1, 1911, the salary of the United States attorney for the district of New Jersey shall be $5,000, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CUMMINS submitted an amendment proposing to increase the salary of the property records clerk, Government Printing Office, etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. SUTHERLAND submitted an amendment proposing to appropriate $360, being an additional amount to the salary of the assistant clerk to the Committee on Cuban Relations, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. HEYBURN submitted an amendment proposing to appropriate $50,000 for continuing the survey of public lands in the State of Idaho, etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. CLAPP submitted an amendment proposing to appropriate $64,000 to pay the publishers of the Federal Reporter for back volumes and current volumes of the Federal Reporter, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. ROOT submitted an amendment proposing to appropriate $8,000,000 for the erection and completion of a separate fireproof building for each of the Departments of State, Justice, and Commerce and Labor, in the District of Columbia, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment relative to the control of the waters of the Niagara Falls, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. LORIMER submitted an amendment providing that the increased rate of postage shall not apply to industrial and trade periodicals issued weekly, monthly, or otherwise, etc., intended to be proposed by him to the Post Office appropriation bill, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

Mr. CARTER submitted an amendment proposing to appropriate $4,000 for the salary of the collector of customs for the customs district of Montana and Idaho, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment providing for the extension of the road in the Yellowstone National Park to properly connect with the new Canyon Hotel, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $69,200, to be immediately available, for the administration and improvement of the Glacier National Park, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. FOSTER submitted an amendment proposing to increase the limit of cost of the post-office and courthouse building at New Orleans, La., to $350,000, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. OVERMAN submitted an amendment proposing to appropriate $21,000 for the placing of suitable lights and signals in Cape Fear River below Wilmington, N. C., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BURTON submitted an amendment proposing to appropriate $4,000 for the salary of solicitor of the Government Printing Office in the Department of Justice, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. GORE submitted an amendment proposing to appropriate $25,000 for the commencement of the building for the post office and courthouse at Tulsa, Okla., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $35,000 for the commencement of the building for the post office and courthouse at McAlester, Okla., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $35,000 for the commencement of the building for the post office and courthouse at Chickasha, Okla., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SMITH of Michigan submitted an amendment proposing to appropriate $77.68 to reimburse Benjamin S. Hanchett, of Grand Rapids, Mich., for money expended for necessary expenses while attending the meetings of the assay commission in March, 1905, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. WARNER submitted an amendment proposing to appropriate $30,000 for an electric lighting plant, including the enlargement of the power house, and one new boiler at the Battle Mountain Sanitarium, Hot Springs, Ark., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CLARKE of Arkansas submitted an amendment proposing to appropriate $45,000 for the commencement of the building for the post office at Searcy, Ark., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. OVERMAN submitted an amendment proposing to appropriate $210,000 for the purchase of the so-called Carpenter Pennsylvania Avenue tract, in the District of Columbia, for park purposes, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. WARREN submitted an amendment relative to the salaries of plate printers in the Coast and Geodetic Survey, etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

RECIPROCITY WITH CANADA.

Mr. WATSON. I submit an amendment intended to be proposed to the bill (H. R. 32216) to promote reciprocal trade relations with Canada, which I ask may be read and lie on the table.

There being no objection, the amendment was read and ordered to lie on the table, as follows:

Amendment intended to be proposed by Mr. WATSON to the bill H. R. 32216, viz: Insert the following: On page 8 strike out lines 17 and 18, as follows: "Coal slack or culm of all kinds, such as will pass through a half-inch screen, 15 cents per ton." And on page 15, line 19, after the word "screen," strike out the words "45 cents per ton" and insert the words "and coal slack or culm of all kinds, such as will pass through a half-inch screen," and place the same on the free list. So that the amendment will read on page 15, beginning with line 17, as follows:

"Coal, bituminous, round and run of mine, including bituminous coal such as will not pass through a three-quarter-inch screen, and coal slack or culm of all kinds, such as will pass through a half-inch screen, free."

WITHDRAWAL OF PAPERS—LAND IN FORT SMITH, ARK.

On motion of Mr. WARREN, it was

Ordered, That all papers accompanying Senate bill No. 10348, Sixty-first Congress, third session, entitled "A bill to convey to the city of Fort Smith, Ark., a portion of the national cemetery reservation in said city," be withdrawn from the files of the Senate, no adverse report having been made on said bill.

WITHDRAWAL OF PAPERS—GEORGE D. BLAKEY.

On motion of Mr. PAYNTER, it was

Ordered, That the heirs and representatives of George D. Blakey be, and they are hereby, authorized to withdraw from the files of the Senate all papers relating to and on file in connection with Senate bill 3925, Sixty-first Congress, second session, entitled "A bill for the relief of George D. Blakey," no adverse report having been made thereon.

ADVANCES IN FREIGHT RATES.

Mr. LA FOLLETTE submitted the following concurrent resolution (S. Con. Res. 41), which was considered by unanimous consent and agreed to:

Resolved by the Senate (the House of Representatives concurring), That 5,000 additional copies of Senate Document No. 725, Sixty-first Congress, third session, be printed, 3,000 for the use of the House of Representatives and 2,000 for the United States Senate.

RATE ADVANCE CASES.

Mr. LA FOLLETTE submitted the following resolution (S. Res. 374), which was considered by unanimous consent and agreed to:

Resolved, That the decision of the Interstate Commerce Commission in the rate advance cases known as Docket No. 3400 and Docket No. 3500 be printed as a part of Document No. 725.

LIST OF CLAIMS.

Mr. HALE submitted the following resolution (S. Res. 376), which was considered by unanimous consent and agreed to:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to transmit to the Senate the following schedule and lists of claims, judgments, and awards requiring appropriations by Congress not heretofore reported to Congress at the present session, namely:

First. Schedule of claims allowed by the accounting officers of the Treasury under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874.

Second. List of judgments rendered by the Court of Claims against the United States.

Third. List of judgments rendered by the Court of Claims in favor of claimants and against the United States under the act to provide for the adjudication and payment of claims arising from Indian depredations, approved March 3, 1891.

Fourth. List of judgments rendered against the United States by the circuit and district courts of the United States under the act to provide for bringing suits against the Government of the United States, approved March 3, 1887.

Fifth. List of awards made by the Spanish Treaty Claims Commission under the act to carry into effect the stipulations of article 7 of the treaty between the United States and Spain concluded on the 10th day of December, 1898, approved March 2, 1901.

RUSSIA AND THE AMERICAN PASSPORT.

Mr. SHIVELY. I present a paper, being the address of Louis Marshall, on Russia and the American passport, before the Union of American Hebrew Congregations, New York, Thursday, January 19, 1911. I move that the paper be printed as a Senate document (No. 839).

The motion was agreed to.

RECIPROCITY WITH CANADA.

Mr. McCUMBER. I present a short letter from the Modern Miller, of St. Louis, Mo. There are two paragraphs which I should like to have read, so that they may go into the RECORD, because they are very pertinent in reply to a question which was asked by the Senator from South Carolina [Mr. SMITH].

The VICE PRESIDENT. Without objection, the Secretary will read the paragraphs, as requested by the Senator from North Dakota.

The Secretary read as follows:

Hon. P. J. McCUMBER, *Washington, D. C.*

DEAR SIR: I note the vigorous stand you have taken against Canada reciprocity and the fact that it will discourage wheat culture in the United States and encourage the away-from-the-farm movement to the Canadian fields. As this is apparently, to us, a most unfortunate prospect, I take the liberty of calling your attention to the fact that free wheat can not possibly be a factor of consequence in reducing the cost of living. The annual per capita consumption of flour in the United States is but slightly in excess of one barrel per year. It takes approximately 5 bushels of wheat to make a barrel of flour, and if free wheat reduces the cost 10 cents per bushel it would mean an annual saving of 50 cents per barrel of flour to each consumer in the United States. Thus a consumer would receive a reduction of 50 cents per year in the cost of living. There is no getting away from this substantial fact. Furthermore, if a consumer uses bakers' bread, he will not receive one penny's worth of benefit in the reduction of the cost of living, as the little matter of 50 cents per year will be absorbed by the baker.

So far as the question of free wheat reducing the cost of living is concerned, it is beyond the question of a doubt a myth. While the reduction of 10 cents a bushel would mean a material loss to the farmer, but a matter of more consequence is that it would discourage wheat culture in this country and would cause dependence upon Canadian wheat prospects.

The VICE PRESIDENT. The letter will lie on the table.

INCREASED POSTAGE ON SECOND-CLASS MATTER.

Mr. PENROSE. I present a number of communications from the Postmaster General relative to the increased rate of postage on second-class mail matter. I move that the communications be printed as a Senate document (No. 841).

The motion was agreed to.

RATES FOR BONDING GOVERNMENT EMPLOYEES.

Mr. GALLINGER. From the joint commission of Congress to inquire into the rates of premium heretofore and now being charged, as well as those proposed to be charged, by surety or bonding companies for bonds of officers or employees of the United States, I submit a report (No. 1260) and ask that it be printed and that 200 extra copies be printed for the use of the Senate document room.

There being no objection, the order was reduced to writing and agreed to, as follows:

Ordered, That 200 additional copies of Senate Report No. 1260, "Rates for bonding Government employees," be printed for the use of the Senate document room.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had agreed to the report of the second committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 29360) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1912, and for other purposes, and recedes from its disagreement to the amendments of the Senate Nos. 99, 100, 101, and 102.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

H. R. 32440. An act authorizing the Moline, East Moline & Watertown Railway Co. to construct, maintain, and operate a bridge and approaches thereto across the south branch of the Mississippi River from a point in the village of Watertown, Rock Island County, Ill., to the island known as Campbells Island;

H. R. 24153. An act for the relief of John Marshall;

H. R. 23015. An act to protect the dignity and honor of the uniform of the United States; and

H. R. 10430. An act to authorize the establishment of a marine biological station on the Gulf coast of the State of Florida.

PRESIDENTIAL APPROVALS.

A message from the President of the United States by Mr. Latta, Executive clerk, announced that the President had, on February 25, 1911, approved and signed the following act and joint resolution:

S. 8457. An act to restore to the public domain certain lands withdrawn for reservoir purposes in Millard County, Utah; and

S. J. Res. 132. Joint Resolution authorizing the delivering to the commander in chief of the United Spanish War Veterans of one or two dismounted bronze cannon.

GREELEY-ARIZONA IRRIGATION CO.

Mr. GUGGENHEIM. I ask unanimous consent for the present consideration of the bill (S. 10808) to authorize the Greeley-Arizona Irrigation Co. to build a dam across the Colorado River at or near Head Gate Rock, near Parker, in Yuma County, Ariz.

Mr. BURROWS. I think I must object.

Mr. WARREN (to Mr. BURROWS). Let him get that through.

The VICE PRESIDENT. The Senator from Michigan objects, and the bill will go over.

LANDS OF CERTAIN INDIAN MINORS.

Mr. OWEN. I am directed by the Committee on Indian Affairs, to which was referred the bill (H. R. 18893) relating to the title of lands inherited by minor heirs of Indian allottees, and sold by order of court, and for other purposes, to report it without amendment, and I ask unanimous consent for its present consideration. It merely clears the title to certain pieces of land in western Oklahoma.

Mr. BURROWS. I call for the regular order.

The VICE PRESIDENT. The Senator from Michigan asks for the regular order, and the bill will go to the calendar.

HOT SPRINGS MOUNTAIN RESERVATION, ARK.

Mr. CLARKE of Arkansas. I am directed by the Committee on the Judiciary, to which was referred the bill (H. R. 31806) to amend section 1 of the act approved March 2, 1907, being an act to amend an act entitled "An act conferring jurisdiction upon United States commissioners over offenses committed on a portion of the permanent Hot Springs Mountain Reservation, Ark., to report it favorably, and I ask unanimous consent for its present consideration.

Mr. BURROWS. I must insist upon the regular order, Mr. President.

The VICE PRESIDENT. Regular order is demanded, and the bill will go to the calendar.

EMPLOYEES ON PANAMA CANAL.

Mr. CLAPP. I offer the resolution which I send to the desk, and I ask to have it referred to the Committee on Education and Labor.

The Secretary read the resolution (S. Res. 375), as follows:

Resolved, That the Committee on Education and Labor be instructed to investigate and make report to the Senate whether or not the circular, No. 315, signed by George E. Goethals, chairman and chief engineer of the construction of the Panama Canal, published in the Canal Record for the month of March, 1910, in its reference to employees who have been discharged from South American railroads, has any application as a prohibition to citizens of the United States applying for employment in Government work on the Isthmus;

And to further inquire whether or not the arrangements and agreements with men employed as locomotive engineers, conductors, steamshovel engineers, and dredgemen on the Panama Canal, made by the Hon. W. H. Taft, when Secretary of War, in relation to compensation for overtime when overtime work was actually necessary, and for longevity pay, has been violated or broken, and whether or not employees who entered upon such work, in reliance upon the arrangements and agreements made with Secretary Taft have been deprived of the benefits of the arrangements and agreements under which they entered upon such work;

And to further inquire if the provision in the act making the appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes, prohibiting any part of the appropriation for the Isthmian Canal being applied to the payment for allowance for longevity service on lay-over days other than such as may have accumulated under existing orders of the commission prior to July 1, 1909, is a violation of the understanding, arrangement, and agreement under which the men were employed in constructive and operative work on said canal, and to report whether such prohibition ought to be modified or repealed to effectuate the understanding under which employees entered upon that work.

Mr. BRANDEGEE. Let the resolution go to the Committee on Interoceanic Canals.

Mr. CLAPP. I asked to have it referred to the Committee on Education and Labor.

The VICE PRESIDENT. The Senator from Connecticut asks that it go to the Committee on Interoceanic Canals.

Mr. BRANDEGEE. I think the Committee on Interoceanic Canals would have jurisdiction of the resolution, as far as I was able to hear it when it was reported.

Mr. CLAPP. It goes to the question whether there has been anything not warranted by law with reference to the employment of men. It clearly should go to the Committee on Education and Labor.

Mr. BRANDEGEE. I am satisfied with whatever reference the Chair may direct.

The VICE PRESIDENT. The Chair, unless the Senate directs otherwise, would refer it as the Senator introducing it asked, which was to the Committee on Education and Labor. It is so referred.

BATTLESHIPS FOR ARGENTINE REPUBLIC.

The VICE PRESIDENT. The Chair lays before the Senate a resolution, coming over from a former day, which the Secretary will read.

The Secretary read the resolution (S. Res. 364) submitted by Mr. LA FOLLETTE on the 22d instant, as follows:

Resolved, That the Secretary of the Navy be, and hereby is, directed to transmit to the Senate a report on the following matters:

(1) Copies of any and all orders which may have been issued by the Secretary of the Navy or his subordinates and of all communications received or sent by the Navy Department pertaining to the construction in private shipyards of two battleships for the account of the Argentine Republic.

(2) What, if any, plans of guns, gun mounts, and other appliances pertaining to the armament of battleships the property of the Government of the United States in the custody of the Navy Department have been loaned, transmitted, or communicated to either the representative of the Argentine Republic or to representatives of any shipbuilding company?

(3) What, if any, of such plans cover devices which hitherto through patents or secrecy have been the exclusive property of the United States Government?

(4) What, if any, work has been done in the navy yard at Washington or elsewhere by any officials or employees of the Navy Department, civilians or otherwise, to aid in the construction and armament of the two battleships being built in this country for the Argentine Republic?

(5) If any such plans have been so divulged or if such work has been performed by employees of the Navy Department, by whose authority has such action been taken and such work performed?

Mr. LA FOLLETTE. I offer the amendment I send to the desk, to be inserted on page 1, line 15, after the word "company."

The SECRETARY. In the second paragraph, in line 15, after the word "company," insert:

Were the plans of the new battleships, Nos. 34 and 35, marked "confidential," furnished to the Argentine Republic? Were the plans of our submarine torpedo tubes and the fire-control system furnished to the Bethlehem Steel Co. or to the Argentine Republic for use in the two battleships now under construction in this country for the account of the Argentine Republic? Has the Argentine Republic or the Bethlehem Steel Co. been furnished with the book or specification marked "confidential," or with any appendices to such book?

Mr. LA FOLLETTE. Mr. President, I have no desire to take the time of the Senate this morning in discussing the resolution, if it can be passed by the Senate as I offered it. I ask for a vote on it.

The PRESIDING OFFICER. The Senator from Wisconsin asks unanimous consent for the present consideration of the resolution.

Mr. BURROWS. Mr. President, I shall have to call for the regular order.

Mr. LA FOLLETTE. I am unable to hear the Senator from Michigan.

Mr. BURROWS. I say I must demand the regular order at this time. I trust the Senator will be content to have this matter considered later.

Mr. LA FOLLETTE. If the Senator from Michigan will not insist on the regular order I think that no time will be taken in the consideration of the resolution.

Mr. BURROWS. If it takes no time, I have no objection to it.

Mr. BROWN. The resolution is regularly before the Senate, is it not?

Mr. BURROWS. I have no objection to it if it takes no time.

Mr. BROWN. Let it be proceeded with.

Mr. GALLINGER. It is the regular order.

The PRESIDING OFFICER. It is the regular order. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. LA FOLLETTE. I ask that Senate resolution 365 be laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read Senate resolution 365, submitted by Mr. LA FOLLETTE on the 22d instant, as follows:

Resolved, That the Secretary of State be, and he hereby is, directed to transmit to the Senate copies of any written communications and report upon any verbal communications which may have passed between the State Department and any other department of the Government of the United States, or between the State Department and any department or representative of the Argentine Republic, and any other communications, written or verbal, which may have been issued or received by the State Department pertaining to the construction and armament in this country of two battleships for the Argentine Republic.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

Mr. KEAN. That is a very unusual resolution. I do not think there is any precedent anywhere for a resolution of that kind.

Mr. LA FOLLETTE. The occasion for the resolution is very unusual.

Mr. President, I do not wish to take the time of the Senate to discuss the resolution. I ask that it be submitted to a vote.

Mr. GALLINGER. I ask that the resolution be read again.

The Secretary again read the resolution.

Mr. GALLINGER. I will suggest to the Senator that he should insert the words "if not incompatible with the public interest." This seems to be dealing with a foreign government.

Mr. LA FOLLETTE. Mr. President, ordinarily I should readily assent to that. When that same suggestion was made the morning I introduced the resolution, the suggestion coming from the Senator from New Jersey at that time, the Senator from New Hampshire at once said that under the circumstances the phraseology of the resolution was exactly right. His long service upon the Committee on Naval Affairs gives special weight to his opinion in the matter. It was my own opinion. It was for that reason that I so framed the resolution, without including the usual qualifying statement.

Mr. GALLINGER. I do not recall the circumstance the Senator alludes to. I do not recollect having made that statement.

Mr. KEAN. It was the Senator from Maine [Mr. HALE].

Mr. GALLINGER. It was the Senator from Maine, I think.

Mr. LA FOLLETTE. It was the Senator from Maine.

Mr. GALLINGER. I think the Senator will see that no harm can come if this phrase is used. It seems to be dealing with a foreign government.

Mr. LA FOLLETTE. It is dealing with a foreign government, and if there is any occasion for requiring a report under the resolution at all it is because department officials have not been considerate of the best interests of the public or of this Government. I do not think that under the circumstances, considering the nature and character of the resolution, anything should be left to the discretion of the departmental officials in this particular case.

Mr. GALLINGER. I move to amend the resolution.

The PRESIDING OFFICER. The Senator from New Hampshire proposes the following amendment.

The SECRETARY. After the word "Senate," in line 2, insert the words "if not incompatible with the public interest."

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from New Hampshire.

Mr. LA FOLLETTE. Mr. President, if the departmental officials of either of the departments referred to, the one named in the resolution which was passed and the one named in the

resolution which is pending, have disclosed to any foreign government or the agents of any foreign government any confidential documents or any documents treated or marked as confidential in the Department of the Navy, they have manifestly shown such a want of consideration of the public interest that it should not be left to them to judge whether this resolution calls for information which is incompatible with the public interest.

The ordinary plans of battleships, Mr. President, are not confidential, and there is no reason why they should be; but there are many things in the construction of a battleship which I am credibly informed, and which one can readily see is reasonable, should be treated strictly as confidential and should not be communicated to any shipbuilder unless he is employed upon the construction of some battleship for our own Government—and then only in the strictest confidence.

Now, Mr. President, that is all I care to say upon the matter at this time. I trust the amendment will not be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from New Hampshire. [Putting the question.] The ayes appear to have it.

Mr. LA FOLLETTE. I ask for a roll call.

The PRESIDING OFFICER. Does the Senator demand the yeas and nays or a division?

Mr. LA FOLLETTE. I demand the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. WARREN (when his name was called). I have a general pair with the Senator from Mississippi [Mr. MONEY], and I withhold my vote.

The roll call was concluded.

Mr. FOSTER. Has the senior Senator from North Dakota [Mr. MCCUMBER] voted?

The PRESIDING OFFICER. He has not voted.

Mr. FOSTER. I withhold my vote.

The result was announced—yeas 44, nays 28, as follows:

YEAS—44.

Bankhead	Curtis	Kean	Root
Brandegee	Depew	Lodge	Scott
Briggs	Dick	Lorimer	Smith, Mich.
Bulkeley	Dillingham	Nelson	Smoot
Burnham	du Pont	Nixon	Stephenson
Burton	Flint	Oliver	Sutherland
Carter	Frye	Page	Taliaferro
Clark, Wyo.	Gallinger	Penrose	Thornton
Crane.	Gamble	Perkins	Warner
Crawford	Guggenheim	Piles	Wetmore
Cullom	Heyburn	Richardson	Young

NAYS—28.

Borah	Culberson	Jones	Shively
Bourne	Cummins	La Follette	Smith, S. C.
Bristow	Davis	Martin	Stone
Brown	Fletcher	Overman	Swanson
Chamberlain	Gore	Owen	Taylor
Clapp	Gronna	Percy	Tillman
Clarke, Ark.	Johnston	Rayner	Watson

NOT VOTING—19.

Aldrich	Burkett	Hale	Simmons
Bacon	Burrows	McCumber	Smith, Md.
Bailey	Dixon	Money	Terrell
Beveridge	Foster	Newlands	Warren
Bradley	Frazier	Paynter	

So Mr. GALLINGER's amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

SENATOR FROM ILLINOIS.

The PRESIDING OFFICER. The morning business is closed.

Mr. BURROWS obtained the floor.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Oklahoma?

Mr. BURROWS. I am advised that several Senators are prepared to proceed with the consideration of Senate resolution 315. We have three-quarters of an hour before 2 o'clock, and I ask unanimous consent that the Senate now proceed to the consideration of the unfinished business.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Iowa?

Mr. BURROWS. Certainly.

Mr. CUMMINS. I do not want to appear to be ungracious, but I am very deeply interested in a measure pending now before the Senate, and my people are very deeply interested in it. The only opportunity there seems now to be to consider it is to pursue the regular order. I refer to the tariff commisssion bill. I feel, therefore, that I must object.

The PRESIDING OFFICER. Objection is made to the request of the Senator from Michigan.

Mr. BURROWS. I move that the Senate proceed to the consideration of the unfinished business at this time.

The PRESIDING OFFICER. The Senator from Michigan moves that the Senate proceed to the consideration of the unfinished business, Senate resolution 315.

Mr. CUMMINS. Mr. President——

Mr. KEAN. The question is not debatable.

The PRESIDING OFFICER. The question is not debatable. Does the Senator from Iowa rise to a parliamentary inquiry?

Mr. CUMMINS. I believe I do.

The PRESIDING OFFICER. The Senator will state it.

Mr. CUMMINS. My parliamentary inquiry is this: Is the motion made by the Senator from Michigan in order at this time?

The PRESIDING OFFICER. In the opinion of the Chair it is.

Mr. CUMMINS. If it is in order at this time, is it not debatable if made before 2 o'clock?

The PRESIDING OFFICER. In the opinion of the Chair it is not.

Mr. CRAWFORD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from South Dakota?

Mr. BURROWS. For a question.

Mr. KEAN. Let us have the regular order.

Mr. CRAWFORD. If the motion carries, will there be an opportunity to discuss the matter?

The PRESIDING OFFICER. There will be.

Mr. BURROWS. The very object is to open debate on the proposition.

Mr. CRAWFORD. But I was informed that if the motion was carried that we are not even then to have the privilege of discussion.

Mr. KEAN. Let us have the regular order.

The PRESIDING OFFICER. The regular order is being proceeded with, which is the motion of the Senator from Michigan to proceed to the consideration of Senate resolution 315. That motion is neither debatable nor amendable. If the Senate decides to proceed to the consideration of the matter, it is then open for full and free debate.

Mr. JONES. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Washington rises to a parliamentary inquiry. He will state it.

Mr. JONES. Would it be in order to amend the motion of the Senator from Michigan by substituting another bill?

The PRESIDING OFFICER. It is not in order to amend the motion.

Mr. CUMMINS. Upon the motion of the Senator from Michigan I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. WARREN (when his name was called). I am paired with the Senator from Mississippi [Mr. MONEY].

The roll call was concluded.

Mr. BEVERIDGE. I desire to make a parliamentary inquiry. Can a motion to proceed to the consideration of a matter by the Senate be made before 2 o'clock? I have no objection to this motion, having voted "yea."

Mr. KEAN. The roll having been called, let us have the regular order, Mr. President.

Mr. GALLINGER. That was decided.

The PRESIDING OFFICER. The regular order is demanded.

Mr. FRYE (after having voted in the affirmative). Has the senior Senator from Georgia [Mr. BACON] voted?

The PRESIDING OFFICER. The Chair is informed that he has not.

Mr. FRYE. I have a general pair with that Senator, and I therefore withdraw my vote.

The result was announced—yeas 66, nays 12, as follows:

YEAS—66.

Bailey	Dick	Martin	Smith, Md.
Bankhead	Dillingham	Nelson	Smith, Mich.
Beveridge	Dixon	Nixon	Smith, S. C.
Bradley	Du Pont	Oliver	Smoot
Brandegee	Fletcher	Overman	Stephenson
Briggs	Flint	Owen	Stone
Bulkeley	Foster	Page	Sutherland
Burkett	Gallinger	Paynter	Swanson
Burnham	Gamble	Penrose	Taliaferro
Burrows	Guggenheim	Percy	Taylor
Carter	Hale	Perkins	Thornton
Clark, Wyo.	Heyburn	Piles	Tillman
Clarke, Ark.	Johnston	Richardson	Warner
Crane	Jones	Root	Watson
Culberson	Kean	Scott	Wetmore
Curtis	Lodge	Shively	
Depew	McCumber	Simmons	

NAYS—12.

Borah	Brown	Clapp	Davis
Bourne	Burton	Crawford	Gore
Bristow	Chamberlain	Cummins	Gronna

NOT VOTING—13.

Aldrich	Frye	Newlands	Young
Bacon	La Follette	Rayner	
Cullom	Lorimer	Terrell	
Frazier	Money	Warren	

So the motion of Mr. BURROWS was agreed to, and the Senate resumed the consideration of Senate resolution 315, submitted by Mr. BEVERIDGE January 9, 1911, as follows:

Resolved, That WILLIAM LORIMER was not duly and legally elected to a seat in the Senate of the United States by the Legislature of the State of Illinois.

Mr. CRAWFORD obtained the floor.

Mr. STONE. Will the Senator from South Dakota yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Missouri?

Mr. CRAWFORD. I do.

Mr. STONE. I desire to make an announcement. I desire to say that on Wednesday morning next after the conclusion of the morning business I shall proceed to address the Senate on what is known as the Lorimer resolution.

The PRESIDING OFFICER. The notice will be entered.

Mr. CRAWFORD addressed the Senate. After having spoken for some time,

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, in order to avoid any question as to the parliamentary status, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. Senate resolution 315, relative to the election of WILLIAM LORIMER, a Senator from the State of Illinois.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Indiana?

Mr. CRAWFORD. I do.

Mr. BEVERIDGE. Just for a moment. I wish to point out to the Chair at the present moment the unparliamentary status which the Senate has found itself in for the last half hour. We have now been considering for the last half hour, in the morning hour, the unfinished business.

At a later time, not now, I shall call the attention of the Senate to that, because I do not think—I may be wrong—that the motion can be entertained in the morning hour. I am familiar with the rule. The present condition very plainly illustrates that we have been considering the unfinished business under a separate motion for the last 30 minutes. I do not want to take time to do it now, but for the purpose of showing that my inquiry as to that was not vain, I shall lay perhaps two or three authorities before the Senate later on.

The PRESIDING OFFICER. The Chair will state that no point of order was made against the motion when it was made.

Mr. BEVERIDGE. That is true.

The PRESIDING OFFICER. The Senator from Indiana attempted to interpose a point of order at the time the roll was being called and the Chair could not entertain it.

Mr. BEVERIDGE. No; the Chair will permit the Senator from Indiana to suggest a correction; I did not interpose a point of order; I would not have done that; I voted for the motion. I rose to a parliamentary inquiry.

Sometimes in our haste—I have seen it in many matters here in the last 12 years—we overlook the laws which govern our proceedings. The Chair will do the Senator from Indiana the justice to say that he did not rise to a point of order but to a parliamentary inquiry, having voted himself for this very motion, because I did not want to delay the matter, although as a matter of fact I can demonstrate to the satisfaction of the Chair the motion at that time was out of order. But I do not want to take the time of the Senate now.

The PRESIDING OFFICER. The Chair agrees with the Senator from Indiana that he did rise to a parliamentary inquiry and made a suggestion pending the roll call. The Chair did not think it was in order at that time, and directed the Secretary to proceed with the roll call.

Mr. BEVERIDGE. I have no quarrel with the Chair on that point. It is a matter which absolutely is of no concern to me, except I always have stood, even against measures which I myself was pressing, against any infraction of the law of procedure in this body as soon as I had informed myself, after having been here a good many years, what that law was. I sometimes think it is far more important for us to maintain rigidly our regular course of business than it is to expedite matters by a few minutes. I voted for the motion because I am interested in this discussion.

Mr. CRAWFORD resumed his speech. After having spoken for five minutes,

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Oklahoma?

Mr. CRAWFORD. I hope the Senator will not call for a quorum. I am not willing to be a party to force Senators to hear what I have to say. If they do not want to hear it, let them stay in the cloakroom; it is a matter of absolute indifference to me. I am speaking upon a subject in which I am profoundly interested, Mr. President, and I am not speaking out of malice or with a vindictive spirit, because neither has a place in my heart. I can not understand the man who is vindictive and malicious. I can not understand a man of that character, but I can understand the spirit that takes possession of men when they are aroused by a horrible wrong. I can understand the spirit that makes men throw away all fear when they think there is a real menace facing the welfare of their country; and the Republic, sir, will be wounded, wounded to the heart, cut to the quick, if we treat indifferently the things that are laid upon the record in this testimony. So I do not care whether Senators hear me or not. If they do not want to hear me, let them stay in the cloak rooms, but the American people are interested in what is going on here.

The PRESIDING OFFICER. The Chair will state to the Senator from South Dakota that, when a Senator rises and addresses the Chair, it is the business of the Chair to ask the Senator having the floor whether he yields or not. Does the Senator from South Dakota yield to the Senator from Oklahoma?

Mr. CRAWFORD. I will yield.

Mr. OWEN. Mr. President, I regret very much to interrupt the Senator from South Dakota, but the Senate of the United States is sitting as a jury upon a question affecting the honor and integrity of this body, and I believe that even in the Senate of the United States a jury should not be absent when a case is being argued before the jury. If it is not convenient for the Senate now to be present to hear this argument, I move a recess.

Mr. DAVIS. Mr. President, we have been notified by the Senator from Michigan that the jury has already rendered a verdict in this case.

The PRESIDING OFFICER. The Senator from Arkansas is out of order.

Mr. OWEN. I move a recess until 3 o'clock.

The PRESIDING OFFICER. The Senator from Oklahoma stated a hypothetical case as the Chair understood it.

Mr. OWEN. I move a recess until 3 o'clock in the hope that by that time the Senators may find it convenient to attend the session of the Senate.

The PRESIDING OFFICER. The Senator from Oklahoma moves that the Senate take a recess until 3 o'clock.

Mr. JOHNSTON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Alabama suggests the absence of a quorum.

Mr. OWEN. I rise to a point of order. Can a call be made now?

The PRESIDING OFFICER. In the opinion of the Chair the Senator has the right to suggest the absence of a quorum at any time. That having been done there is nothing for the Chair to do but to order the Secretary to call the roll.

Mr. BEVERIDGE. That is true.

Mr. OWEN. I believe that is true.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Beveridge	Clapp	Gore	Piles
Borah	Clark, Wyo.	Guggenheim	Richardson
Bourne	Crawford	Johnston	Root
Bradley	Culberson	Jones	Shively
Brandegee	Cullom	Kean	Smith, Md.
Briggs	Cummins	La Follette	Smith, Mich.
Bristow	Curtis	Martin	Stephenson
Brown	Davis	Nelson	Stone
Bulkeley	Depew	Nixon	Swanson
Burkett	Dillingham	Oliver	Taylor
Burrows	du Pont	Owen	Tillman
Burton	Fletcher	Page	Warner
Chamberlain	Frye	Percy	Young

The PRESIDING OFFICER. Fifty-two Senators having answered to their names, a quorum of the Senate is present. The Senator from Oklahoma moves that the Senate stand in recess until 3 o'clock.

Mr. BURROWS. What is the motion?

The PRESIDING OFFICER. The Senator from Oklahoma has moved that the Senate stand in recess until 3 o'clock.

Mr. BURROWS. Does not the roll call disclose the presence of a quorum?

The PRESIDING OFFICER. The Senator from Oklahoma moved that the Senate take a recess until 3 o'clock; whereupon the absence of a quorum was suggested, and the roll call has just developed the presence of a quorum.

Mr. OWEN. I demand the yeas and nays on the motion.

The yeas and nays were not ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oklahoma.

The motion was not agreed to.

The PRESIDING OFFICER. The Senator from South Dakota will proceed.

Mr. CRAWFORD resumed his speech. After having spoken for some time,

The VICE PRESIDENT. The Chair understands that the Senator from South Dakota has yielded the floor.

Mr. CRAWFORD. I yielded it to the Senator from Georgia.

The VICE PRESIDENT. But does the Senator yield the floor, or does he yield to the Senator from Georgia temporarily?

Mr. CRAWFORD. I do, because I have not concluded my remarks, and he has given notice that he wished to speak—if I can do that.

The VICE PRESIDENT. The Chair will recognize the Senator from Georgia, but the custom of the Senate is not to permit a Senator occupying the floor to yield to another Senator to occupy the floor in debate. But, of course, the Chair will recognize the Senator from Georgia.

Mr. CRAWFORD. Very well; but just a moment. I want that understood. Am I giving up the floor entirely? If it is insisted that I go on or yield the floor entirely, I will go on. I can talk some time yet.

The VICE PRESIDENT. It can be done, if the Senate desires, by unanimous consent, but it is not in accordance with the rules.

Mr. CRAWFORD. All I want to know is that I shall have the opportunity to close my speech.

I want to say here now that I am not making this speech for delay. I am saying what I have to say here in good faith, and I want an opportunity to conclude my remarks. They are not going to be at any undue length, but I want an opportunity to conclude them.

Mr. BACON. I think I can make a statement which will clarify the situation. I gave notice that I would ask to be heard to-day at 2 o'clock, and I did so because the vote is scheduled to be taken to-morrow morning immediately after the reading of the Journal, and there will be no other opportunity. At 2 o'clock, the Senator from South Dakota having the floor, I was perfectly willing and consented for him to proceed until 3 o'clock. I do not suppose there will be any difficulty in the world about the Senator again taking the floor and concluding his speech before the vote is taken.

The VICE PRESIDENT. The Chair does not see how it is possible that the Senator could not be again recognized if he asks for recognition.

Mr. BACON. He will have the right as a Senator at any time to take the floor when there is an opportunity to do it.

The VICE PRESIDENT. And he is recognized by the Chair.

Mr. BACON. Undoubtedly.

The VICE PRESIDENT. But not by right of having the floor all the time.

Mr. BACON. I think the Chair is entirely correct.

Mr. CRAWFORD. Mr. President, some weeks ago I reviewed at some length the testimony in the matter now before the Senate and gave my views with reference to what facts were established by that testimony. I have no desire, having once reviewed the testimony and given my views in regard to it, to detain the Senate for the purpose of further discussion. However, the other day when the sitting Member whose seat is involved in this examination addressed the Senate, a part of his remarks were directed to me and to what I had said. A statement of some length was made by him with reference to the organization of the Legislature of the State of Illinois preceding his election by that legislature to the Senate, in which statement he disclaimed that he personally had anything to do with the organization of that legislative body and charged that the result which followed an attempt to organize the lower house of that legislature was due almost entirely to a very extraordinary course of procedure on the part of the governor of that State. He severely arraigned Gov. Deneen, the governor of the great State of Illinois, now in his second term, for his conduct in undertaking to absolutely, as an outside executive force, organize that body. The explanation of the extraordinary alliance between a few Republicans and Democrats and the election of Mr. Shurtleff as a result was the statement; that it was a sort of uprising against outrageous and officious interference by the governor of that State.

I rose at the time to remark to the sitting Member that Gov. Deneen had no opportunity to answer the charge which was being laid at his door, made, as it was here, long after the testimony had been taken and reported, and made, as it was, in this ex parte fashion by the sitting Member, who was not offering himself here as a witness under oath, who was not here in an attitude that would enable us to accept his statement as testimony and to test it by that cross-examination process which is used for the purpose of eliciting the truth. It was suggested that no interruption should be made in the course of the address of the sitting Member.

I felt then that it was only fair to the governor of the State of Illinois that he be given an opportunity to put into the records of this Senate his answer to this remarkable charge made against him here in this exceedingly dramatic manner. It is with reference to that, more than anything else, Mr. President, that I intend to submit a few remarks to the Senate.

I went to the telegraph office the other day and sent Gov. Deneen a telegram, in which I said to him that Mr. LORIMER charged on the floor that he had undertaken to compel members of the legislature, by threat of removal from office and by the threat to take away from them patronage, to vote against Mr. Shurtleff as a candidate for speaker at the session of the legislature in which Mr. LORIMER was elected; and that that was the reason why the Democrats had made this bipartisan contest in the interest of Mr. Shurtleff, and explained his election as speaker. I also telegraphed him that the statement had been made here that Gov. Deneen could have elected Mr. Hopkins, had he been so disposed; that he had the votes under his control to do it; and that he, Gov. Deneen, had pledged Mr. LORIMER to be a candidate himself and had also been friendly to Mr. LORIMER's candidacy. I am stating not the words of the telegram literally, but I am stating the substance of my communication to him, to which I received a reply addressed to me in language as follows:

My statement published to-day in the newspapers answers the inquiries of your telegram. Also received telegram from Representative Frank Brady, denying statement of Senator LORIMER regarding threats. I did not favor LORIMER for Senator. Understand that Brady's telegram will be published to-morrow. See my statement published by morning and the one published May 29, 1910.

C. S. DENEEN.

This Mr. Frank Brady was brought into the record by the sitting Member the other day, and Gov. Deneen was brought into the record by him in language which was printed in the newspapers as his speech. That speech has not yet been published in the RECORD, but I heard it, and the statement from which I quote, according to my recollection, is a truthful statement of what the sitting Member said in relation to the organization of the House of Representatives at Springfield. In that speech he used this language:

Mr. President, anybody who knows aught of the organization of that legislature would not make that statement—

referring to the statement I made in my address to the Senate a few weeks ago.

The facts are that I was not determined to organize the legislature against Gov. Deneen, and, if I had been so determined, under all the conditions existing at that time, it would have been impossible for me to do so. To organize a legislature with the aid of Democrats and Republicans is a matter that can not be done just by a wish or a thought. It requires constant effort to bring about a combination of that sort under what Senators would have us understand was a well-defined plan in the head of just one man.

It happened, Mr. President, that on the 15th day of September I was stricken with illness—

And he goes on to explain how he had gone to the Pacific coast, how he had come from there to Washington, and how on the very day or the following day after the speaker had been elected at Springfield, he, Mr. LORIMER, went on record in voting for some motion in the House of Representatives. He then explained Shurtleff's election as follows:

Edward Shurtleff, Mr. LORIMER declared, was elected speaker of the Illinois House of Representatives because of a condition that arose there, and if the same condition arose anywhere else in the country the result would have been the same. The governor of our State was very much opposed to the reelection of Mr. Shurtleff, and he called in a few of the members and told them that they must elect some person speaker other than Edward Shurtleff.

Gov. Deneen told them that he did not care who was elected speaker, but that under no circumstances must any Republican vote for Edward Shurtleff, and, if they did vote for him, he served notice on them not one of them could expect to receive patronage at the hands of his administration.

He went further than that:

He called in Representative Brady, who had pledged his support to Shurtleff, and he told him that unless he joined with the men that were trying to organize that body under his dictatorship every man who was in the employ of the State on Brady's recommendation would be forthwith dismissed; in other words, the governor of our State undertook to dictate to the general assembly who should be its speaker.

Here he was interrupted by me; and in reply to my protest against his attack upon Gov. Deneen, when the latter could not be heard, he said:

I was in no way connected with the committee which investigated these charges and I have no right to summon Gov. Deneen. During this whole investigation, from the day when I submitted the resolution to make this inquiry last May, no Senator, whether he was a member of the subcommittee or not, will say that I have ever suggested anything to him or made any appeal or in any way at any time tried to influence his judgment as to how he should vote in my case, and so I made no suggestions to the committee as to who should be summoned as a witness. If the Senator from South Dakota is dissatisfied because the governor of our State was not called to refute these statements I am not to blame for it, but it would have been impossible to refute this statement at that time because the cause for making it was not suggested to me until the Senator from South Dakota made it in his speech on this floor just a short time ago.

Then he goes on to say, in reference to Gov. Deneen:

Suppose, Mr. President, that the President of the United States—a President of the United States—I care not who he be, should call in the Senators of his party, tell them who he wanted for President pro tempore of the Senate, tell them how he wanted the Senate committees organized, tell them that unless they did his bidding they could get no patronage under his administration, and tell them that if they failed to do his bidding every last man employed by the Government on their recommendation should be driven from public employment?

Suppose a President could fall so low as to undertake such a feat as that, and that he succeeded in getting into an organization a majority of the Members of this body of his own party to the exclusion of one man and the men who were favorable to him—what do you suppose the Senate would do? What do you suppose party lines would accomplish? It would not take the Senators of this body one moment to make up their minds to cross the party lines and organize the Senate with men whom they thought were fit to hold the different offices in the control of this body.

The men in our State did what any set of sensible, courageous men would do. They organized the body, regardless of the wishes of the executive branch of the government. If the governor of our State had attended to his own business, said nothing to the members of the house, permitted them without coercion to go on and organize that body, Mr. Shurtleff would have been the choice of its members and he would have been elected in the Republican caucus by a unanimous vote.

Mr. President, it seemed to me rather remarkable at the time, and it seems to me yet to be very remarkable, that one of the salient elements, one of the significant occurrences in Springfield which operated powerfully in the shaping up of the situation there that ended in the election of the sitting Member, to wit, the securing of the control of the organization, with all of its patronage, with the influence of its speaker, should not in any way have been the subject of inquiry before the committee, and that the sitting Member in his argument should attempt to destroy its effect as a material fact by making, upon the floor of the Senate, a most sweeping and severe arraignment of the governor of his State, with no possible opportunity either on the part of the governor himself to be heard or on the part of the committee to make investigation of the charges, unless a further continuation of this investigation is had, which all would deplore.

It was remarkable that such a statement should for the first time be made in closing the argument here, placing in that light before the people of this country the governor of a great Commonwealth, a highly respected citizen of Illinois, with a record behind him for achievement, with a record for climbing that ladder which every American boy may climb as long as the stars shine in the heavens above him. It was remarkable that he should be attacked in this manner here, with no opportunity to defend himself and no choice here on the part of a Member of the Senate to do anything except to accept the statement of the sitting Member or refuse to accept it; and so I sent this inquiry to the governor of Illinois.

Mr. President, it is perfectly apparent to any person who has had any experience whatsoever with legislative bodies, with political issues hinging upon the action of a legislature, with the solution of contests between candidates for United States Senatorship before legislative bodies, that one of the most important points in the case for or against a candidate is to be sufficiently fortunate to have the legislative body organized by those who are his friends. It is true in State legislatures, or with most of them, as it is in the National House at Washington, that a tremendous power is wielded by the speaker of the popular house. He names the chairmen of the great committees, the chairman of the committee on corporations, the chairman of the committee on railroads, the chairman of the committee on appropriations, the chairman of the committee on the judiciary, and the membership of each of these great committees, to one or the other of which is referred every important measure that is before the legislature for consideration. Places upon those committees are sought and eagerly sought by members, no matter to which party they belong.

To those who were interested in the election of a United States Senator at Springfield, the control of the organization there was a matter of much concern and the selection of the speaker of the house was a matter of the most extreme importance. Here we have this sweeping charge made upon the floor of the Senate by the sitting Member, so dramatically placing it before this body the other day, that the governor of the great State of Illinois, Gov. Deneen, played the autocrat and attempted to organize the lower branch of the legislature there and to swing a club over the members of that body, threatening that unless they did his will in selecting their presiding officer he would not simply withhold from them, the offending ones, any recognition in the distribution of patronage, but that he went further than that and threatened one of the representatives, Mr. Frank Brady, that he would wreak vengeance upon him by removing from office those who were indebted to him for places.

I say it was a most remarkable thing here, in the closing hours of this debate, after the testimony had been submitted and closed, when there would be no opportunity here to say whether or not these grave and serious charges of usurpation and tyranny lodged upon the floor of the United States Senate by the sitting Member against the governor of a great State for the purpose of placing upon him the responsibility for this most remarkable situation at Springfield for that charge to be made here under such circumstances; not as a witness under oath, subjecting himself to cross-examination, where the facts could be elicited by all the tests that can be applied in such cases, but under the privileges of this floor he made a statement so sweeping, a charge so remarkable, that it seems to me only fair and decent that the governor of the State of Illinois should have an opportunity to reply.

Mr. President, speaking with reference to the governor of Illinois I desire to say that I am not here as a special pleader in his behalf. My acquaintance with him is not at all intimate. I had the pleasure of making a trip with him once on the Mississippi River and on one other occasion of traveling with him from Chicago to Washington. I am somewhat familiar, as we all are, with his career, and it is a career which appeals to us just as the review of some of the incidents in his life given here the other day by the sitting Member appealed to us. Incidents in the career of both are the highest tributes to America and to this great Republic. It is not a matter of regret but it is one of profound gratification in which we all alike rejoice that in this country a boy can come up from the humble position of peddling newspapers and blacking boots, that he can climb the ladder with the stars of hope shining in the sky above him and keep on climbing until he reaches the highest place in the gift of the Nation. Instead of being a subject for pity the opportunities given to vigorous youth of this country, born in humble environment, gives joy rather than sorrow and sadness. I think the most unfortunate youth in the United States is the youth who is born in wealth—who is so unfortunate as to be born in an environment that does not require of him that he make struggles and win triumphs like these which both LORIMER and Deneen have met and won.

I recall that Charles S. Deneen, the governor of the great State of Illinois, is the son of a Methodist minister who rode circuit in Illinois away back in the days when the venerable Senator from that State who sits at my right was a youth. I recall the story—he told me a little of it himself—of Charles S. Deneen, a boy without money and without friends, who went into the great city of Chicago and started his splendid career. I remember his telling me how he made his living in those days by teaching night schools, reading law in the daytime.

As the governor of the great State over which he is presiding with credit, Gov. Deneen should be dealt with by the Senate at least justly. He should at least have an opportunity to be heard when the accusation is laid at his door that he was a usurper and a tyrant who caused a rebellion to arise in the Legislative Assembly of Illinois so strong that party lines were considered as secondary; that because of this rebellion, caused by the power of a tyrant, there was no longer any distinction between Democrats and Republicans, but they organized the legislature as freemen to overthrow a tyrant governor, Charles S. Deneen, the Methodist minister's son, whom the people of Illinois by their suffrage had placed in the position of their chief executive. Let us hear what he says. It is only fair, it is only just, that he have an opportunity to be heard here.

Mr. President, I hold in my hand the statement to which Gov. Deneen referred in his telegram to me. I hold in my hand all that I am able to present here as an answer to this grave charge laid at his door upon the floor of the Senate, with no opportunity for cross-examination, without even the sanctity of an oath having been administered, and with no opportunity upon his part to make answer. I do what I can in justice to the governor of Illinois to give to the Senate the

answer which he makes to this charge of tyranny and usurpation and unjust interference on his part with the Legislature of Illinois to such an extent that it is claimed it caused a rebellion there, which broke down all party lines, so that these free men of the State of Abraham Lincoln could assert themselves. What does the governor say?

SPRINGFIELD, ILL., *February 23, 1911.*

"But what does all this have to do with the charge that Senator LORIMER was elected by the corrupt use of money?"

With these words Gov. Deneen closes a statement made late last night in reply to that portion of Senator LORIMER'S speech in the United States Senate wherein the junior Senator attempted further to complicate the issue in his case. Gov. Deneen's statement follows.

The governor refers to this statement in his telegram to me, in which he says:

My statement, published to-day in the newspapers, answers the inquiries of your telegram.

The statement to which Gov. Deneen refers is as follows:

I have only such meager information regarding the speech made by Senator LORIMER to-day as appeared in the afternoon editions of the Springfield papers. I notice, however, that he followed the course which I have often observed is followed by men charged with serious offenses in Cook County when I was State's attorney there, of trying to escape explanation of the facts against him by making charges against men who are not on trial. He has followed the course of Mr. Erbstein, one of the attorneys for Mr. Lee O'Neil Browne, who was recently indicted and tried in the criminal courts of Cook County for jury bribing and who refrained from going on the witness stand to testify under oath, where he could be cross-examined, and, instead, made a speech to the jury, where his statements were not subject to the rules of cross-examination.

Mr. LORIMER in his speech charges—

1. That I consented to become a candidate for Senator and then immediately withdrew. This is not true.

This is the language of the governor of Illinois, made to the American people, and referred to in his telegram received by me when I told him what charges had been made against him on the floor of the Senate—

That I consented to become a candidate for Senator and then immediately withdrew. This is not true.

A denial under these circumstances is entitled to just as much credit as the charge, because the man making the charge is in a desperate situation and does not make it under oath, while the man who answers it is simply stating what is the fact as he knows it.

This is not true—

Says Gov. Deneen—

I never gave my consent to him or anybody else to become a candidate, but, on the contrary, refused to do so and stated to everyone who spoke to me upon the subject that I refused to become a candidate and would not accept the office if elected.

We are told how awful it is to attack a man's character and reputation, and I indorse every word of it. But an attempt is being made to claim that this investigation, instead of being an investigation to ascertain whether there was a valid election, is an investigation to assassinate character.

You can make that charge in every murder trial by saying it is a conspiracy on the part of the State's attorney and the prosecuting witnesses and the sheriff to ruin the character of the poor man put upon his proof. If we are to retreat from the performance of our duty in enforcing law, if we are to refuse to consider charges that go to the very heart of the Republic, charges of bribery in elections, that strike a death wound to the heart of society; if we are to run away from our duty in a case of this character because some one says it is an attempt to assassinate character, we are writing ourselves down as cowards.

Great God, are we to throw aside direct testimony of bribery and the unlawful use of money to corrupt elections and run away because some one says we will injure the good name and reputation of the man who is the recipient of the fruits of the fraud?

Better tear down our courthouses, better burn up our statutes, better abolish the Senate, better let every man do as he pleases rather than be governed by any such motive or by any such appeal as that.

The governer goes on:

2. He charges that Edward Shurtleff—

I call attention to this—

2. He charges that Edward Shurtleff became speaker of the house because I threatened to deprive representatives of patronage should they vote for him, and that I tried to elect one of my friends as speaker. Neither of these charges is true.

Thus answers the governor of Illinois.

"Neither of these charges is true" rings out through the press of the country the next morning after they were uttered here. "Neither of these charges is true," says this son of a Methodist minister, who, in his earlier days, taught a night school in Chicago while fighting for a place at the bar, now an honored citizen and the chief executive of his State.

"Neither of these charges is true." I say his denial is entitled to as much credence here as the charges made by the Senator, who has everything at stake and who makes them at the last moment, with no opportunity for cross-examination; makes them not under oath but through courtesy here. You can not throw aside this statement of the governor of Illinois, whose good name has been attacked here as a tyrant, a usurper, a dictator, that these charges are not true.

I threatened no one with taking patronage from him, nor did I ask any member to vote for any particular person for speaker. I urged the Republicans to go into a Republican caucus and abide by the will of the majority as expressed there; and had Mr. Shurtleff been selected as Republican candidate for speaker in a Republican caucus, any man who would have followed my advice would have supported him.

This is a frank, candid, and open statement of an honest man, a man willing to recognize the right of the majority of his party to rule.

"The same situation arose here last month," says Gov. Deneen. I want to say to the Senator from Georgia [Mr. BACON], whose time I really am trespassing upon, that as soon as I finish making this statement of Gov. Deneen, so that I may have it in the RECORD, while I will not have concluded all I wish to say, I will be glad to yield to the Senator from Georgia. In a way, I am really trespassing on his time.

Mr. BACON. Mr. President, if the Senator will finish within an hour I am willing to have him go on rather than break into his speech.

Mr. CRAWFORD. When will the hour end?

Mr. BACON. At 3 o'clock, say.

Mr. CRAWFORD. I will do the best I can.

Mr. BACON. I am willing the Senator shall go on until then.

Mr. CRAWFORD. Gov. Deneen goes on to say:

The same situation arose here last month at the beginning of the present session of the general assembly. Mr. Shurtleff and his friends again refused to go into the regular Republican caucus. The other 64 Republicans, most of whom were my friends, went into the caucus and there selected Mr. Charles Adkins as the Republican candidate. I urged the Republicans to go into this caucus and abide by its decision, but did not indicate to any Republican any preference for speaker.

Immediately after Mr. Adkins had been chosen for speaker it appeared that Mr. Shurtleff and his friends, who were hostile to me and were opposed to the Republican platform, would be given conspicuous places and would, in fact, dominate the house organization. Notwithstanding this was apparent, every one of the 64 members who went into the caucus voted for Mr. Adkins for speaker because he was the caucus nominee.

3. Senator LORIMER states that I could have elected Mr. Hopkins Senator at any time. In view of the fact that he charges in the same breath that I could not elect a speaker, this statement falls by its own weight and needs no further refutation.

4. He states that Mr. Shurtleff was one of Mr. Hopkins's managers. This will be news in Illinois.

5. He has added to the list of candidates, whom he claimed in his speech of May 28, 1910, that he submitted to me, Mr. GEORGE EDMUND FOSS. My answer made on May 29, the day after Mr. LORIMER'S speech in the Senate, stands now as to Mr. Foss also.

He then goes on as follows, quoting Mr. LORIMER:

I urged him [Deneen] to become a candidate, telling him I believed he would reunite our party, torn asunder by factional strife. The proposal to elect me United States Senator was not by Republican votes alone, but I was assured by him that I would get practically the entire Democratic vote in the house.

No one who is familiar with the situation but knows that the majority of the Republicans were at all times for Senator Hopkins and would not have voted for me had I become a candidate or for anyone else—

We are told here that they did not intend to observe the popular vote, that none of them intended to follow it; but Gov. Deneen says:

No one who is familiar with the situation but knows that the majority of the Republicans were at all times for Senator Hopkins, and would not have voted for me had I become a candidate or for anyone else; and the only hope of electing anybody but Senator Hopkins lay in securing a large Democratic support. No Democrat offered me such support; and the assurances of that vote came entirely from Senator LORIMER, who appeared even at that time to have authority to speak for the Democrats in this matter.

I notice that he gives reasons why the Democracy would support him. I have looked in vain in his speech for reasons why they would support me or any other Republican whom he named in his speech to-day, none of whom could have gotten a majority of the Republicans, *because the majority felt bound by the primary vote to vote for Senator Hopkins.*

Mr. President, was I making a radical statement when I said that a few unprincipled men threw to one side, threw to the winds, the verdict which the people had rendered, and sought to circumvent it? Gov. Deneen says:

Because the majority felt bound by the primary vote to vote for Senator Hopkins.

The truth is—

Now, here is a very significant fact, and I call the attention of the Senate to it, because it shows what had been going on long before the legislature met. Here is what Gov. Deneen says:

The truth is the bipartisan coalition which reached its climax in the election of Senator LORIMER was formed in the general assembly

which preceded his election for the purpose of defeating me. To injure me it made a spurious investigation of our State institutions; it made corrupt alliances with certain interests that could not use me to secure my defeat in the primaries and got a very influential wing of the Democratic Party to unite with it in this effort. It was the understanding then that if the effort to defeat me at the primaries failed the Republican members of the bipartisan coalition would in turn join with the Democrats to defeat me at the polls, a program which was followed to the letter.

Gov. Deneen was hounded as perhaps no one in the history of the country was hounded, not by Democrats, but by members of his own party, belonging to the Lorimer and Yates factions, who came within a few thousand votes of defeating him, and then started factional committees out over the State to examine the institutions for partisan purposes—for factional partisan purposes. The governor tells us about it. He says:

After the election it became apparent that the Republican wing of this bipartisan coalition would not go into a Republican caucus upon the speakership, where they would be in a hopeless minority, and before the general assembly met it became apparent, also, that they would join with the Democrats to elect a speaker and organize the house of representatives on bipartisan lines. This was done, and Mr. Shurtleff was elected speaker.

Mr. President, I said in my speech that the election of that speaker was the first step in a corrupt program and that the selection of Lee O'Neil Browne as minority leader was the second step in a corrupt program, and that a union of forces between the men who had been heretofore handling the jack pot with the men who wanted to elect a Senator was the third step in a corrupt program; and I do not back a hair's breadth from that statement, because the facts justify it.

Talk about this happening while the sitting Member was over here in the House of Representatives! The sitting Member did not have to be in Springfield, for he had been carrying on a campaign all summer and all fall before the November election; he had his forces well in hand; and they were at Springfield. I did not say he was there at that time. I said the Lorimer Republicans went into this combination with the Democrats and elected Shurtleff speaker against Hopkins and against Gov. Deneen; and I do not back from it a hair's breadth, because it is a fact, and the record proves it. Gov. Deneen says:

After the election it became apparent that the Republican wing of this bipartisan coalition would not go into a Republican caucus upon the speakership, where they would be in a hopeless minority, and before the general assembly met it became apparent also that they would join with the Democrats to elect a speaker and organize the house of representatives on bipartisan lines. This was done, and Mr. Shurtleff was elected speaker.

It was understood that the first fruits of this coalition would be to unseat me as governor, and the public is familiar with the long-drawn-out contest, where the plan was to unseat me without counting votes, upon trumped-up general charges affecting every county in the State. Finally, the contest committee ruled that they would have to file specifications, when the whole rotten fabric of false accusation dissolved and disappeared.

This is a fine situation, indeed, a plot not only to go in with the opposing party, select a speaker, and secure control of the patronage of the lower branch of the legislature against a Republican governor, but to also put up a job on that governor by a daring attempt to remove him from office and to thereby secure control of the State. The election of the speaker was the first step in this program, which I denounced as a corrupt program conducted by unprincipled men, and which I said ripened into bitter fruit afterwards; and so it did. Gov. Deneen continues:

It was understood that the first fruits of this coalition would be to unseat me as governor, and the public is familiar with the long-drawn-out contest, where the plan was to unseat me without counting votes, upon trumped-up general charges affecting every county in the State.

God save us from this kind of politics! God knows, in His wisdom, that the only way His people can rule is to take power out of the hands of such an outfit as this. You ask why these popular uprisings; you ask why there is agitation for the initiative and referendum. It is because the people are distrustful of such legislatures as this. I do not believe in the extremities to which they go in some of the States, but I submit that it is the natural result of a situation like this in Chicago, under the rule of "Hinky Dink" and "Bathhouse John;" it is the natural rebellion against such conditions in Tammany and in other great cities. You are surprised because the people, who, in their heart of hearts, believe in their God and in their fellow men, hug the belief that there ought to be something pure and wholesome in our political life, are shocked when they learn of such conditions as these at Springfield.

Ah, it will not do to harden the heart and turn the back to all this or to put it aside lightly, or to say, as some have stated to me in letters, "they all do it." "You make a great fuss over it, but it is done everywhere." Great God, is that to become the common belief of our people? Mr. President, we ought to stop and take an invoice here; to think seriously; not dismiss an important proceeding, an inquiry like this, because of a fear that it will injure the reputation of one man. Why, that man is a mere incident here. I can love him in my heart and desire to help him, but I will never, so long as I have a voice and a breath in my body, stand for a fraud like that established in this case—never. It can not be dismissed as worthy of only a passing thought. I can not conceive how men can look at a situation like this in that way.

"Oh," they say, "we are making these appeals to the galleries here because we think it popular." What a sordid and suspicious view that is of a situation like this. Mr. President, there are people all over this country living in homes, where the old family Bible lies on the center table; where the New Testament is read to the children in the morning, and where every day prayer goes up to Almighty God for the preservation of the Government. From such homes come the recruits that take the leadership in the great responsibilities of our national life, the recruits that guide the destinies of the Nation and enable it to continue in its course. They come from those homes; they become your railway presidents, your great bank presidents, your great engineers. The men and women in these homes have a profound interest in this case. What do you suppose their opinion is of this sort of thing? Mr. President, if an invader was endeavoring to land on either shore of this Republic with the purpose to destroy the Government and these institutions, there is not a man in this Senate but would be on his feet, and the old song, "My country 'tis of thee," would take possession of his heart; the tears would run down his cheeks; he would be willing to sacrifice everything he had on earth to save his country; yet with apparent indifference we look upon a poison canker in our political life where men are selling their votes, where men are getting into office through the use of money, where, in places like Springfield, legislation is being sold, and where men confess that they received money to cast their votes for a Member of this Senate, and it is easier to dismiss it as not worthy of our concern. It is easier to dispose of it all by dismissing this great mass of testimony so strong and so convincing by believing that it is false.

It is easier to prefer simply to fold our righteous robes about us and to hug the delusion that we are not required to look upon rottenness like that; to turn our backs to it; and to believe that it does not exist at all. There is no one so blind as he who will not see. Gov. Deneen says:

It was understood that the first fruits of this coalition would be to unseat me as governor, and the public is familiar with the long-drawn-out contest, where the plan was to unseat me without counting votes upon trumped-up general charges affecting every county in the State. Finally the contest committee ruled that they would have to file specifications, when the whole rotten fabric of false accusation dissolved and disappeared.

It was after this that I was offered the nomination for the senatorship by men who had waged this unrelenting warfare against me for so long a time. Manifestly, the only purpose of such a proposal from such a source was to get me out of the governorship, where I stood in the way of their plans, and leave to this bipartisan combination the reuniting of the Republican Party, torn asunder by factional strife. What interest the 53 Democrats who voted for Senator LORIMER had in the reconciliation of Republican factions, torn asunder by factional strife, doth not yet appear.

But what does all this have to do with the charges or the evidence that Mr. LORIMER was elected by corrupt use of money?

Now, Mr. President, I want to call attention to another very significant fact, which is that the wonderfully dramatic and appealing statement made here the other day was an avoidance. I will not say a "confession and avoidance," but an avoidance, because it did not deal with a single one of the concrete facts established in the record in this case. It was a very appealing story about selling newspapers and meeting Hinky Dink and getting a job for the man whose wife was sick; but the sitting Member, when he got through with that whole story, only made the claim that he had accounted for 34 Democratic votes, and he said those 34 friends of his got the rest of them for him.

They got the rest, but how did they get them? He says John Broderick was one of those friends. Well, we know how John got one of them, and the sitting Member did not deny that John got it in that way. He simply undertook to explain how he got 34 votes, but there were 19 more, and how did he get them?

I am not going to review all the testimony. The Senate would not hear me if I should do so, even though I did it ever so well; they are tired of this case and all that, but, Mr. President, it remains, and it will remain in this record forever, that Charles White left O'Fallon, Ill., on one day and went to Chicago. He met Lee O'Neil Browne there and came back home the next day. He went to the cashier of a department store and gave him an envelope with $800 in it, and wrote his name on that envelope, and the cashier of the store put it in his vault and kept it over night for him. It is in that record, and it will remain there forever, that the next morning White went down to his office and called his stenographer, Miss Van-

deveer, and there they made a list of his debts and his debtors, and he called them in and paid off their debts; that he took their receipted bills, and those receipted bills are in the record.

It is in that testimony, and it will remain there forever, that the man who had been in business with White at O'Fallon, Ill.—John W. Dennis, who gave his testimony—knew of White going to Chicago, saw him when he returned, knew that he did not have a dollar before he went, and saw $200 on his table in his office when he got back. Mr. Lee O'Neil Browne admits that he met White in Chicago in the Briggs House at this very time. Everybody admits that White was a spendthrift, a gambler, a drunkard, and that he had drawn his salary in Springfield in February and speedily spent it, and this was in June. What is one to do with testimony of that kind? Oh, the self-righteous may refuse to look at it. They may wrap their cloaks about them and turn their backs to it, and say, "We prefer not to see it, though we know it is there, because to believe it would be a reflection upon some man's character." There is none so blind as he who will not see.

Beckemeyer says he went over to St. Louis on one trip, that he met Browne there, that he got $1,000, and that he went over there on another trip and met Robert E. Wilson and got $900. Did he act like an honest man? He says he took that money and put $500, as I recall, in the Commercial Trust Company Bank; and the man who went with him to identify him went on the stand and said he saw Beckemeyer do this. Then, what did he do with the rest? He did not want to be caught with it on his person. He did not deposit it in his home bank, but took it over to a bank in another town, deposited it there, and then drew a few bills at a time. He would have the big bills exchanged into little bills and put the little bills into his pocket, spending that money for expenses a little at a time, and when that was gone, he would go back and get some more large bills, have them changed, and spend the money in the same way.

How natural and consistent that is with guilt and how utterly inconsistent it is with innocence; yet men do not want to believe it. They simply turn their backs upon it and say, "We refuse to believe it because it is an unpleasant thing to do; it will involve a Senator; it may put him out; it may involve him during all his future life in disgrace; and therefore we do not want to believe it and we will not believe it;" men may be found who will shut their eyes against the plain truth and refuse to believe it. There is none so blind as he who will not see.

Mr. Holstlaw comes up from a town in southern Illinois and goes to the west side of Chicago and into a saloon that he had never been to before in all his life. The man whom he visited there takes him into his office and pays him $2,500. He goes over to the State Bank of Chicago, deposits it there in the regular course of business, and a deposit slip is made in the usual course of business. The man who saw him come in, who looked upon him when he came, who took the money out of his hand, and who placed it to his credit or to the credit of his bank at Iuka, goes on the witness stand and says, "This is the man. On such a day this is the man who came into my bank; I saw him myself; I accepted this money from him; I put it in my bank; and here is the deposit slip. It was made out in the regular course of business at the time."

But, "Oh," they say, "we do not believe it, because we prefer to think that there is something irregular about the deposit slip, because we prefer to think that it might have been a manufactured and forged deposit slip."

The cashier of that bank goes on the stand and says:

I saw this man come into the bank; I took this money from him; I placed it to the credit of his bank at Iuka.

Not one cross-question is put to him that impugns his good faith; not one inconsistent statement is wrung out of him; but men say he committed a perjury, and men say that because Gov. Deneen, of Illinois, was a stockholder in that bank, the great governor of a great sovereign State being a stockholder, a bank in Chicago that received $2,500 from Mr. Holstlaw is to be put under suspicion for having been guilty of a direct forgery in connection with a deposit slip. Ah, you can not get away from the probative force of this testimony by that.

John Broderick lived in a certain ward in Chicago. He was a friend of Mr. LORIMER; he got many votes for Mr. LORIMER in another ward, and he had been Mr. LORIMER'S friend for years. It is this friend, John Broderick, who had the deal with Holstlaw, and it is this man Holstlaw who comes in with a statement that he was in a corrupt furniture deal in the legislature, a statement which he put in writing; but it is said that that should all be swept aside because the State's attorneys in Chicago and in Springfield insisted on finding out the truth. Would you ever have convicted the Sugar Trust if you had not jerked a man out of the penitentiary, pardoned him, and had him turn State's evidence to get the truth? What are you going to do with violators of law in this day when money is ruling? The Sugar Trust and others are violating the law, and they control the machinery of the law, if possible, and if you attempt to get the men who are accomplices with them and get the truth out of them you will be guilty of violating the rules of law and order, and it is "the third degree." Men who cry the loudest about "the third degree" are the men who do not want crimes to be uncovered. The men who cry out the loudest always against peace officers and prosecutors are the men who want the man who is on trial to escape.

I will yield now to the Senator from Georgia [Mr. BACON]. I have not entirely concluded my remarks, but the Senator had announced that he was going to speak at this time, and I yield the floor to him.

Mr. HALE. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Maine?

Mr. BACON. I do.

Mr. HALE. The conclusion which has been reached is just exactly in the line of the course and precedents in the Senate. The Chair undoubtedly is right. No Senator can yield to another Senator to go on and make a speech and keep the floor.

Mr. BEVERIDGE. Certainly not.

Mr. HALE. And when a Senator has done that there never has been an instance in my experience in the Senate when a Senator, either from fatigue or for any other reason, has yielded the floor that he was not afterwards recognized by the Chair, and proceeded——

Mr. BEVERIDGE. Of course.

Mr. HALE. As a matter of course.

Mr. BACON. I think I substantially said the same thing. The Senator from South Dakota will have to be recognized de novo, if he is recognized.

The VICE PRESIDENT. Certainly.

Mr. HALE. The Senator from Georgia is speaking in his own time.

Mr. BACON. It is a little embarrassing for me to do the same thing now, but the Senator from Maryland [Mr. RAYNER] has asked me to give him a few minutes for the purpose of presenting some views upon the same subject as that upon which I am to address the Senate, and I therefore yield the floor and trust to my opportunity to regain it afterwards.

Mr. STONE. Mr. President, I wish simply to make——

The VICE PRESIDENT. Does the Senator from Maryland yield to the Senator from Missouri?

Mr. RAYNER. Certainly.

Mr. STONE. I gave notice this morning that on Wednesday I would address the Senate on the Lorimer resolution, so called. I find that a vote on the constitutional amendment for the direct election of Senators is set to be taken immediately after the reading of the Journal to-morrow morning. I should like to modify the notice I gave to-day and say that if I can do so I will proceed with what I have to say on the election case immediately after the vote is taken on the constitutional amendment to-morrow morning.

ELECTION OF SENATORS BY DIRECT VOTE.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 134) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. RAYNER. Mr. President, I ask the attention of the Senate just for a few moments to give the reasons why I shall vote for the joint resolution submitting to the legislatures the question of the popular election of Senators with the Sutherland amendment in it. I will not take long. I promised the Senator from Georgia I would not take over seven or eight minutes. I will ask Senators kindly not to interrupt me.

Mr. President, I would rather not have the Sutherland amendment, and opposed it with all my strength. It is now a part of the resolution; and the question with me is, Shall I vote for this resolution or against it with this amendment in it? I have reached the conclusion to support the resolution with the amendment. In the several arguments that I have addressed to the Senate upon the Sutherland amendment I stated that I had not arrived at any conclusion as to whether I would support the resolution with the amendment incorporated in it. I also took good care to state that I objected to the amendment principally upon the ground that I did not consider it necessary, believing, as I still do, that Federal laws could be enacted by Congress to prevent violence, intimidation, or corruption at the polls without the Sutherland amendment as well as they could with it.

I am so strongly in favor of the election of Senators by the people that I can not possibly turn the proposition down because it contains a provision that might probably give rise to trouble in the future. We will be prepared to meet the trouble if it should ever come. Public opinion would not tolerate the passage of any measure similar to the force bill. I think that is a dead issue, buried beyond the chance of political resurrection. Nor can I by my own vote delay this great question until the next Congress. The vote may delay it, but I shall not and can not participate in that plan. I want to expedite it with all my might and strength. I have fought for this proposition for the greater part of my public career and believe in it with all my heart. I consider that it will be the greatest political reform accomplished by the present generation.

The proposition that the people are incapable of selecting Senators seems to me too absurd for consideration. I have not a lingering fear of the incapacity of the people in this regard. I would rather trust the people than trust the legislature. Intelligence rules the day. If the people select an incompetent Representative, then it is the people's fault, and it is not for us to criticize them.

The people want this change and they will have it. It is not the clamor of the mob; it is not the impulse of agitation; it is the deliberate and matured thought of the American people that the change shall come. Between the people and the legislature I prefer the people, and I would not want to hold my place here for a moment if I thought the popular sentiment of my State was against me. Legislatures are one thing, the people are another. Legislatures are sometimes controlled by political managers, and the people at this hour are in the humor of breaking the bonds of political despotism. The day of tyranny is over in this Republic, and the rising generation is no longer being driven to the polls like cattle to the shambles, but is marching in unbroken phalanx with free ballots and ballots that are not for sale. From the ranks of labor and from our colleges and universities they come. They understand this question and demand that it shall be submitted to the legislatures of the States. They will not tolerate the suggestion that has been advanced here that they are too ignorant to decide it.

From whence comes this suggestion that the people can not perform the function of selecting Senators? I have hardly ever heard of it outside of this Senate Chamber. I am satisfied that this body contains a membership better equipped in point of character and ability to perform the important duties assigned to them than any other parliamentary assemblage in the world. But, on the other hand, I do not believe we will deteriorate if the people are allowed to make the selection.

I recognize the fact that this is a representative government, but great changes have taken place since the adoption of the Constitution, and the greatest of all changes apparent now on the surface to the casual observer is that there should be a closer relationship between the people and their public servants.

If the people have not the intelligence or the capacity to select their Representatives, then we had better submit a constitutional amendment to change our form of government from a republic to a monarchy. If the people must have political slave masters let us invest them with royal power and hereditary prerogative. If the people are wanting in the qualifications requisite to select Senators, then, in my judgment, the Republic is a failure. Who says that they can not be trusted? We say so. Who has authorized us to say so? We are not the masters; we are the servants of the people; and if the States demand that this question should be submitted to them, in my judgment we had better no longer trifle with their appeal.

I am not influenced by passion or feeling, but my mind has kept pace, solemnly kept pace, with this mighty problem, and we can not prevent its consummation. We may impede it, we may delay it, we may throw obstacles in its path, we may obstruct it, but the day of reckoning and accountability will come.

I shall therefore support this resolution for two reasons: First, because I believe in it; and, second, because I know that the people want it. Either reason would be sufficient for me. Some Senator, speaking in opposition to this resolution and substantially repeating what another great Senator years ago had said before who spoke in the same vein, observed that if we pass it we will wreck the Constitution and founder the ship of state.

Mr. President, the Constitution is subject to amendment. Fifteen amendments have been made to it, and I venture to say that no amendment that ever will be made to it will impair the spirit of the instrument. So far as the ship of state is concerned, it will weather the gale that has practically spent itself in this Chamber. It may be necessary to change pilots, it may be necessary to jettison a part of the cargo, the shores may be strewn with stranded hulks, but armed and equipped with the manhood and the courage and the honor of the Nation, Mr. President, the ship of state is safe. [Manifestations of applause in the galleries.]

The VICE PRESIDENT. Applause in the galleries is not permitted.

Mr. BACON. Mr. President, I do not propose to address myself to the general subject as to whether or not this change should be made in the fundamental law, to wit, the change from an election of Senators by the legislature to an election by the people. That I consider to be an issue which has been thoroughly discussed in the Senate. I have announced my position in regard to it. But I shall address myself exclusively to the question whether it is safe to adopt the joint resolution with the Sutherland amendment upon it as it has been engrafted upon it by the action of the Senate.

The resolution, Mr. President, as it came from the Committee on the Judiciary proposed to amend the present provision in the Constitution so that in reference to the election of Senators it would read as follows:

> The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.
>
> The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof.

The remaining portion of the resolution recommended by the Judiciary Committee it is unnecessary to now read, as there is no issue or contention in regard thereto.

That joint resolution, as it thus came from the Committee on the Judiciary, I favored, and would still vote for the joint resolution if it were presented to us for action in those words. By the adoption by the Senate of the Sutherland amendment, however, the additional words have been practically added, so that that clause, as amended, reads this way:

> The times, places, and manner of holding elections for Senators shall be prescribed in each State by the legislature thereof, but Congress may at any time by law make or alter such regulations except as to the place of the choosing of Senators.

It is true that the latter part of the resolution as amended is found in another part of the Constitution. But that is the effect of the amendment, and the amended resolution is the same as if it read just as I have recited it to the Senate.

In that shape I am not in favor of it, and I can not vote for it, because I do not believe that it is safe to the country at large and my section in particular. I do not believe that it is either wise, just, or safe that the manner of choosing Senators by direct vote by the people should be regulated and controlled by the Federal Government, and it is upon that proposition that I ask the consideration of the Senate.

I begin by saying that, of course, it is recognized that that language is the language used by the Constitution as it now stands in regard to the election of Representatives, and that under the proposed change all the powers that the Federal Government has in the control of the election of Representatives will be powers which can be exercised in the control of the election of Senators by the direct vote of the people.

At a later time in my argument I am going to discuss the question whether this is no change in the law or whether in the retention of the present language of the Constitution and making it applicable to the changed conditions it is in effect a great change; and I think I will be able to show that it is a most radical change. The words as now found in the Constitution are applicable to an entirely different condition of affairs. In the one case the words are applicable to an election of Representatives by the people and the control of their manner of election in all of its details by the Federal Government. In the other case, as it now stands, although the same words are used, it is a matter which relates simply to the question of an election of Senators by the legislature now practically under the exclusive control of the State. It is an entirely different thing when the same words are made applicable to the control by the Federal Government of all the details of election of Senators by direct vote of the people.

Mr. President, the first thing that I think it is well for us to advert to and to recognize is this: That the language proposed to be applied in this case by the Sutherland amendment in the use of the words "manner of holding elections" is an unlimited expression.

So far as the time of holding Senatorial elections is concerned, I have no objection whatever to that. I am perfectly willing that the Federal Government should have, as it has in the case of the appointment of electors for President, the right to prescribe the time for the election. I would have no objection to the Sutherland amendment so far as it relates to the

question of time. But when it comes to the question of the manner of holding elections I repeat that it must be recognized that that is an expression without limitation; that it includes everything which relates to the details of holding that election. It includes everything in connection with the election except the question of the qualifications of the elector. The qualifications of the elector, of course, can not be affected by the power being vested in the Federal Government to control the manner of election, because in another portion of the Constitution it is prescribed that the elector shall be the one who is authorized to vote for a member of the most numerous branch of the State legislature. That is not affected by this Sutherland amendment. But it does affect everything which relates to the ascertainment of who is comprised within that definition. It does relate to the decision as to whether he is or is not one who, under the law, is qualified to vote for a member of the most numerous branch of the legislature. It does give the power to determine in this way who shall vote and who shall not vote.

Let us advert a little to the details. What are the details of the manner of an election? We have two ways in which we can judge of that. First by our general view as to what the words mean, and second by the accepted view of what the words mean as found in statutes which have heretofore been enacted under that provision in the Constitution for the purpose of exercising the power and practically of determining what is meant by "the manner."

That has been repeatedly done, and attempted to be done at other times, by the enactment of laws prescribing "the manner" in which Representatives should be elected. So that we have the general interpretation, from our knowledge of the meaning of the term and from the accepted interpretation as exercised by Congress in the enactment of laws.

Mr. President, the manner will include various things which have been adverted to here in the course of the debate, the first of which may be mentioned as the power to appoint registrars. The power is fully recognized in decisions of the Supreme Court, in which they say that Congress has a right to appoint registrars of election under this particular provision of the Constitution, the meaning of which I am attempting to discuss. The court has decided that Congress would have the right to appoint registrars under the power to prescribe the manner of holding elections, and they could have gone still further and decided that Congress would have the right to enact a law of registration.

If it is true that the entire subject is within the control of Congress, Congress has not simply the right to appoint registrars, but it has the right to enact a registration law. It has the right not simply to appoint officers who shall supervise the registration, but it has the right to appoint Federal officers who shall determine who had the right of registration in the first instance and to preside over the act of enrolling those entitled to vote, and in that way, having the right to determine at each poll and precinct who has the right to be registered and who has not the right to be registered.

Taking this somewhat a little in detail, I wish to call attention to the immense power that the power to appoint registrars and to pass an act of registration would give to the Federal Government in the control of elections. Again, saying that the Government would have no right to determine what should be the qualifications of a voter, it would be within the power of the Government to clothe the registrars with such power that they would in the exercise of a very wide discretion have almost unlimited control of the question who should go upon the registration lists or who should be excluded from the registration lists. The State might prescribe the qualification of those entitled to vote, but the Federal registrars, in the exercise of their power and their discretion, may utterly defeat the purpose and design of the State and order the registration of persons whom it was the intention of the State to exclude from the ballot box.

I want to make an illustration of that from the law in my own State. Under the law Georgia, with Federal registrars clothed with power to decide who should be registered and who should not be registered, with Federal registrars of a strong political bias, as they certainly would be under political appointment, there is scarcely a man of any degree of intelligence in the State of Georgia who could not, under the law of Georgia, be put upon the registration lists, although it is the design of the State law to exclude unworthy and incompetent men from the voting lists.

We have a very liberal law in Georgia, Mr. President. It is true it contains what is generally known as the grandfather clause, but it is not limited to that by any means. I can not read the entire law, but I will insert enough of it to make it plain what the qualifications are which illustrate the statement I make as to the power these Federal registrars would have in determining who should be permitted to register as voters. This was adopted as an amendment to our constitution in 1907. Paragraph 4 of the law is in these words:

Par. 4. Every male citizen of this State shall be entitled to register as an elector and to vote in all elections of said State who is not disqualified under the provisions of section 2 of article 2 of this constitution, and who possesses the qualifications prescribed in paragraphs 2 and 3 of this section, or who will possess them at the date of the election occurring next after his registration, and who, in addition thereto, comes within either of the classes provided for in the five following subdivisions of this paragraph.

1. All persons who have honorably served in the land or naval forces of the United States in the Revolutionary War, or in the War of 1812, or in the War with Mexico, or in any war with the Indians, or in the War between the States, or in the War with Spain, or who honorably served in the land or naval forces of the Confederate States, or of the State of Georgia in the War between the States; or

2. All persons lawfully descended from those embraced in the classes enumerated in the subdivision next above; or

3. All persons who are of good character, and understand the duties and obligations of citizenship under a republican form of government; or

4. All persons who can correctly read in the English language any paragraph of the Constitution of the United States, or of this State, and correctly write the same in the English language when read to them by any one of the registrars, and all persons who solely, because of physical disability, are unable to comply with the above requirements, but who can understand and give a reasonable interpretation of any paragraph of the Constitution of the United States, or of this State, that may be read to them by any one of the registrars; or

5. Any person who is the owner in good faith, in his own right, of at least 40 acres of land situated in this State, upon which he resides, or is the owner in good faith, in his own right, of property situated in this State, and assessed for taxation at the value of $500.

Mr. President, I have read all this, but the particular paragraph to which I call attention is the third, containing the qualification——

All persons who are of good character, and understand the duties and obligations of citizenship under a republican form of government.

I repeat the proposition, that with a vast horde of illiterates in the State and a people unacquainted with the duties of citizenship, with a vast horde of those whom it is dangerous to intrust with the ballot, with the vast multitude of people whom every consideration of good government and good, orderly society would suggest should not be those who were to control in political affairs, it would be perfectly competent under this liberal constitutional provision of the State of Georgia for any set of Federal registrars, who might be controlled by political passion and political bias, in the wide discretion which would be theirs under that provision to register almost every negro and every white man undesirable in his character, and permit him to exercise the elective franchise.

Therefore, I say, Mr. President, without dwelling upon it at length, but putting that simply by way of illustration, it is an extremely dangerous power to confer upon the Federal Government under conditions such as exist in a large part of the country; that it is dangerous to confer upon the Federal Government the power to appoint registrars. It would be still more dangerous to empower the Federal Government to make registration laws in a State; and the power to control and prescribe the manner of holding elections would include the power to pass a Federal registration law to direct and control the registration of voters in a State.

Mr. NELSON. Mr. President, will the Senator allow me to interrupt him for just a minute?

Mr. BACON. I will yield for a question. I want to say to the Senator I wish to cover a good deal of ground and it will be very difficult for me to do so unless I am permitted to present my argument with some degree of continuity.

Mr. NELSON. I wanted to propound just one question.

Mr. BACON. I would very much prefer if the Senator would wait, but I will hear him now.

Mr. NELSON. The only question I wanted to propound to the Senator was simply this: Whether the Federal registration board, if it were established, would not be bound by the laws of Georgia in respect to the qualifications of voters?

Mr. BACON. Undoubtedly. I have said that before, and I have read what the qualification was as prescribed in Georgia. I have shown that it was a qualification extremely broad, one in which the registrars would have almost unlimited discretion in their decision. The point I was making was that with that unlimited discretion, with that broad provision in the constitution, with registrars who are influenced by political bias as they doubtless would be appointed by partisan political Federal officials under a statute prompted by political consideration and to advance political ends, it would be in their power to register almost every man in the State, and it would only be the penitentiary convict who would probably be excluded.

I have no doubt the same thing is true as to provisions in other State constitutions, and I am going to have something to say before I get through, if I do not weary the Senate, as to the conditions in other States different from those which afflict us,

which may give them some little pause as to whether it is a safe thing that the States shall be deprived of their right to determine not simply the technical qualification of electors, but the practical question of who shall vote, and whether the Federal Government shall assert and exercise the power to practically control the question as to who shall go to the ballot box in those States.

I recognize, Mr. President, the fact that that is the existing law as to Representatives, and I shall not omit before I get through to give reasons, satisfactory to myself at least, why, if it is a law as to Representatives, it should not be extended so as to include the election of Senators. But it does not apply simply in reference to registrars and the enactment of a registration law. It goes further. It includes the right to appoint supervisors; and how are they appointed? I can only call attention to the law as it existed upon the statute books for 23 years. They are under that law appointed in a city of 20,000 inhabitants upon the suggestion or complaint of any two citizens of that vast number of people; and in a whole congressional district any 10 men, regardless of who they are, could go before a judge of the Federal court and upon their simple statement that they thought there was need for these supervisors by reason of anticipations of difficulty which they apprehended, it was the duty of the judge to open the court and to immediately appoint supervisors of election with powers which I have not the time here to enumerate. The powers of these supervisors prescribed in the law occupied pages in the statute books—powers conferred on Federal officers alien to the people, political partisans, doubtless, in most cases, with power to control those elections at every poll and every precinct in every particular, to stand there as the watchers, the supervisors, the controllers, the directors of how that election shall be proceeded with and what shall be done and what shall not be done. I wish I had time to enumerate all the powers of these supervisors. Connected with the powers of supervisors is the provision that marshals and deputy marshals in a number sufficient to man every polling place shall be there with each one of these supervisors, with these judges of election, to carry out their orders, to maintain their authority; and further than that, Mr. President, on their own motion to arrest anyone whom they think to be in any manner opposing the authority of those supervisors and those judges or in any manner interfering with the election, the good order or the progress of it, in all matters with a discretion absolutely unbounded, to arrest any man they saw fit without a warrant, to take him to a commissioner and have him committed for trial or go to jail in the absence of bond.

Then, Mr. President, in those election laws there was a chief supervisor, one of the district, or of any designated area of territory, whose duty it was to receive all these complaints, and in the case of the election of Representatives to gather up all the testimony he could find against the validity of the election and to submit and send it to the Clerk of the House of Representatives to be used there in the contest which would arise out of it; and with penal provisions, section after section, prescribing that if a citizen at that election did this thing or that thing or the other thing he should be liable for trial before a Federal court with heavy penalty and fine and imprisonment.

Mr. President, to anyone who is familiar with the manner in which elections are conducted in this country there was under that law the most unbounded opportunity, not only for cruelty and oppression but for the tyrannical domination of the people and the arbitrary control of them in the exercise of the elective franchise.

Mr. President, not only so, but the power under the expression "manner of election" is not confined to a registration law; it is not confined to registrars; it is not confined to supervisors; it is not confined to deputy marshals, but goes further and gives the power to provide that the Army of the United States shall be at those polls, for the purpose of upholding the authority of the supervisors and judges of election, and of the marshals where the marshals' authority of itself was not sufficient; and for more than 20 years it was upon the statute book that the Army of the United States could be called upon to go to the polls for the purpose of preserving the peace.

The power exists now to pass such laws as to Representatives. If we adopt this joint resolution as it has been amended by the Sutherland amendment the power will exist in Congress, in the case of the election of Senators by the people, to appoint these Federal registrars, supervisors, and judges of election, with their authority supported by marshals and deputy marshals and, if need be, the soldiers of the Army.

Not only so, Mr. President, but in the case of Senators there can also be in the law a provision for a returning board under the words "manner of election," not only power to supervise the election, but certainly the power also to determine the result of the election. When under that law a Senator claiming an election comes to this body he will bring with him, not the certificate of the governor of his State but the certificate of an officer appointed by a judge of the Federal court, probably an officer not a citizen of the State, that such and such a man was elected as a Senator from the State of Florida or from the State of Maryland. The Senator from Maryland [Mr. RAYNER] shakes his head, but good lawyer as he is he can not show to the contrary. I am not surprised that the statement I have made is disturbing to anyone who considers it.

Mr. RAYNER. Mr. President, I do not want to interrupt the Senator, but I do not think any registration board, any certification board, any marshal, or supervisor can change the suffrage laws of my State.

Mr. BACON. Oh, who said they could?

Mr. RAYNER. You can not do anything contrary to the laws of my State. If I thought that I would not vote for it.

Mr. BACON. I am not now talking about the laws of Maryland in fixing the qualifications of voters. I am not talking about the laws of any other State in regard to such qualifications. I am recognizing that each State has a right to prescribe the qualifications of its voters. I do not dispute that. That is undoubtedly so. But the point I am making is that with the power to create a registration law, to create registrars, to create supervisors, authorize marshals at the polls, to authorize soldiers to support those supervisors and those marshals at the polls, and for a returning board to say who has been elected; I care not what the law of the State is as to the qualifications, these supervisors, these judges of the elections, these returning boards become the judges of it, and it can be perverted by them and the will of the people defeated by permitting persons to vote whom the law intends to exclude.

Mr. RAYNER. May I ask the Senator a question?

Mr. BACON. Yes.

Mr. RAYNER. Can not all that be done under the fifteenth amendment?

Mr. BACON. No; by no means.

Mr. RAYNER. Just one minute; I have not finished my question. Does not the fifteenth amendment provide, and if it did not it would be the same thing, that we may pass every law necessary to carry out the terms of that amendment?

Mr. BACON. I am not going to discuss, certainly not in detail, the question as to what can be done under the fifteenth amendment. I am going to discuss what can be done under the Sutherland amendment, which could not be done even under the fifteenth amendment without the Sutherland amendment. I submit it as a proposition so manifest that it is almost difficult to discuss it, that under the fifteenth amendment the Federal Government would have no right to pass a registration law, under the fifteenth amendment the Federal Government would have no right to pass a law appointing supervisors, under the fifteenth amendment the Federal Government would have no right to pass a law creating a returning board to certify who was elected and who was not elected. I am not going into the wide field, Mr. President, as to what we may do under the fifteenth amendment. I am only going into it so as to show what we could not do under the fifteenth amendment in the absence of the Sutherland amendment.

Of course we are beating the air if we are limiting ourselves simply to the question as to whether or not it can be done under the fifteenth amendment. If it can be done under the fifteenth amendment, the Sutherland amendment is not needed. If it can be done under the fifteenth amendment, none of the election laws passed under the fourth section of the first article were needed. The great body of the lawmakers of this country who enacted those drastic election laws, in the enactment of those laws pronounced as strongly as they could that the fifteenth amendment did not of itself give them the power, and the Supreme Court, in the Siebold case and in other cases, distinctly put their ruling upon the ground that the power to pass those election laws was a power derived from the fourth section of the first article of the Constitution.

Of course there are other provisions of the law found in the sections in the Revised Statutes numbered five thousand and odd which are not based upon that, but those provisions of the law are made applicable and put in force by reason of the fact that they can be applied to the election laws and made of service in the enforcement of the election laws. In the absence of the provision of the fourth section of the first article the election laws could not have been passed. They are found in the Revised Statutes in the two thousand range, I have forgotten the exact number, beginning from section two thousand and odd and running on page after page. If those election laws had not been passed the particular laws to which the Senator from Maryland refers could not have been

made applicable and put in practical effect as they were in controlling the election of Representatives in enforcing the terms of those election laws.

Now, Mr. President, Senators say with great earnestness that the Sutherland amendment is not a change in the Constitution, that we are simply using the same words which are there now; that we are simply making them applicable to the changed conditions where Senators will be elected by the direct vote of the people, and that it is in fact no change in the law. The change in the law I say is this:

In the first place, the election laws which have heretofore been passed were laws limited exclusively to elections of Representatives and were so denominated. In the second place, no one can dispute the fact that with the elections of Senators by the legislature, although the law is the same in language as that with reference to the election of Representatives, the exercise of the power is altogether different in the election of Senators. In the election of Representatives there is the power which I have recited to pass these election laws—the power to control elections, the power to register the voters, the power to determine who shall be registered, the power to determine who shall be the supervisors of that election, the power to put marshals at the polls to supervise those elections, the power to bring the Army of the United States to maintain those marshals, and there is finally the power to have a returning board to say who have been elected.

Under the present law as it stands, those powers do not exist in practical effect as to the election of a Senator; and yet if we make the election by a direct vote of the people and apply the same law, all those powers with reference to the election of a Representative will then be applicable to the election of a Senator, and it is just as great a change as if there had been an independent enactment to that effect.

Mr. President, I recognize another fact. It is urged with great earnestness that that is the law with reference to Representatives and that if we have direct vote by the people it ought to be the law with reference to Senators. I want to give some reasons why it should not be.

In the first place I will call to the attention of the Senate the fact that the fourth section of the first article as it has been construed, and as I grant it is capable of being construed, is an utter perversion of the intent and purpose of the framers of the Constitution. The framers of the Constitution, Mr. President, never had it in their minds in the most remote degree that the Federal Government should ever exercise a control over the regulation of elections as it has since been exercised, and as it has been determined by the Supreme Court they had a right to exercise, and I will go further and say as a legitimate construction of the words "manner of election" will permit it to be exercised. I want to call attention to what was said in the debates in the different States at the time the question of the adoption of the Constitution was under consideration, to show that such a thought was never in the minds of the framers of the Constitution and was never in the minds of the States when they adopted the Constitution. I am happy to say, Mr. President, that the strongest utterances, or among the strongest utterances, on this subject are States which are not Southern States but Northern States.

The question of negro suffrage was in nobody's mind or anticipation. The question of the effect of slavery or the institution of slavery was not in any man's mind, because at that time every State in the Union except one was a slave State, and that one was Massachusetts, in which there was a dispute as to whether or not slavery existed in it. Every other State at the time of the adoption of the Constitution was a slave State. So this consideration of the existence of slavery had no influence upon the various conventions when they made the announcements which I am about to read. Slavery was not for a long time after that abolished in the various Northern States.

If I recollect aright, even in the State of New York slavery existed until the year 1828. So it had no reference to the question of slavery or the presence of the negro. Yet, Mr. President, those hardy people, composing those 13 States, scattered as they were, out of the sphere of influence of any central power as they were, with no great predominating and inflaming questions to raise section against section, were each jealous of the right to forever control their own internal affairs, and especially in relation to the question of suffrage.

Mr. President, I will begin with the State of South Carolina. The State of South Carolina in its convention adopted the Constitution on the 23d of May, 1788. It was not among the first to adopt it by any means. The first State was Delaware, the second was Pennsylvania, and the third New Jersey, or the reverse of that. I have forgotten which, and the fourth was my own State. South Carolina did not adopt it until May 23, 1788, and in adopting the Constitution it used these words with reference to this particular fourth section of the first article. I want to say to Senators, go through the debates in the various conventions and you will find that the most seriously contested question in all of those conventions was as to whether the Federal Government should have the right to exercise any power over elections within the States, and all these States all adopted it with reservations.

The State of South Carolina said this in its articles of adoption:

> And whereas it is essential to the preservation of the rights reserved to the several States, and the freedom of the people, under the operation of a General Government that the right of prescribing the manner, time, and places of holding the elections to the Federal Legislature, should be forever inseparably annexed to the sovereignty of the several States: This convention doth declare that the same ought to remain to all posterity a perpetual and fundamental right in the local, exclusive of the interference of the General Government, except in cases where the legislatures of the States shall refuse or neglect to perform and fulfill the same according to the tenor of said Constitution.

Before I read the others I am going to say that, as in the case of South Carolina, that was the exception made as to all of them, that was the exception made by the most earnest advocates of the adoption of the Constitution, and none of the States, with one exception that I am going to cite hereafter, would go further than that. It was natural that there should be the apprehension that the States themselves might not elect Representatives, that they might not pass a law for the election of Representatives, and therefore it was important that the Federal Government should have that power in case the States failed to exercise it. They had just had an experience with a Confederation, in which the States were bound together only by a loose rope of sand, and they did not know when they enacted this Constitution whether the States, in giving their adherence, would be strong and earnest in their desire for a maintenance of the Union. They wanted it fixed so that, if the States should fail to provide a means by which Representatives could be elected, the Federal Government itself should have that opportunity in order that, as recited in all of these various resolutions and as stated by the Senator from New York in his address the other day, the Government might be saved from dissolution. Now, I will read, Mr. President, the resolution of Virginia, June 26, 1788, in adopting the Constitution:

> That Congress shall not alter, modify, or interfere in the times, places, and manner of holding elections for Senators and Representatives, or either of them, except when the legislature of any State shall neglect, refuse, or be disabled by invasion or rebellion to prescribe the same.

North Carolina in the act of 1789 ratified the Constitution in the same language that Virginia did, each of them expressing the same idea, that this dangerous grant of power in the Federal Government was only to provide against the contingency that the States themselves should refuse to exercise it. North Carolina was reluctant to vest the Federal Government with this and other powers, and delayed the act of adoption. Rhode Island was the last to adopt the Constitution, and North Carolina was next to the last.

Now, I come to New York, where, as the Senator from that State who sits before me knows, there was a desperate opposition to the adoption of the Constitution, and where this very provision in the Constitution was one of the great stumbling blocks in the way of its adoption. I have what the great State of New York said in its act of adoption, July 26, 1788. After reciting various things which the convention thought ought to be included in the Constitution for the protection of the rights of the people in the various States, and also fundamental rights belonging to the people upon which the Federal Government should not be allowed to encroach, it continued—New York ratified the Constitution on the 26th of July, 1788—and uses this language:

> Under these impressions—

Those which it had previously recited—

> Under these impressions and declaring that the rights aforesaid can not be abridged or violated, and that the explanations aforesaid are consistent with the said Constitution, and in confidence that the amendments which shall have been proposed to the said Constitution shall receive an early and mature consideration, we, the said delegates * * * do by these presents assent to and ratify the said Constitution.
>
> In full confidence, nevertheless, that until a convention shall be called and convened for proposing amendments to the Constitution * * * that the Congress will not make or alter any regulation in this State respecting the times, places, and manner of holding elections for Senators and Representatives unless the legislature in this State shall neglect or refuse to make laws or regulations for the purpose, or from any circumstances be incapable of making the same, and that in those cases such power will duly be exercised until the legislature of this State shall make provisions in the premises.

Thus spoke New York. Rhode Island, when after more than two years' delay she finally ratified the Constitution on June 26, 1790, used the same language as did the State of New York, only stronger.

Pennsylvania said in the article adopting the Constitution:

> That Congress shall not have power to make or alter regulations concerning the time, place, and manner of electing Senators and Representatives, except in case of neglect or refusal by the State to make regulations for the purpose, and then only for such time as such neglect or refusal shall continue.

The State of Massachusetts on February 6, 1789, in its act of adoption used this language:

> That Congress do not exercise the powers vested in them by the fourth section of the first article, but in cases when a State shall neglect or refuse to make the regulations therein mentioned, or shall make regulations *subversive of the rights* of the people to a free and equal representation in Congress, agreeably to the Constitution.

That is the only State that has a qualification in asserting this right claimed by all of the States, and yet you will observe that, even though it had that qualification, it was not satisfied with the broad grant of power conveyed by the fourth section of the first article of the Constitution, but desired that the power should be restricted in such a way that the right of the State to control its own internal affairs and to decide as to what was to the interest of its people in guarding their institutions should not be infringed upon by the Federal Government. In order that their rights should not be invaded by the Federal Government, the convention which ratified and adopted the Constitution went on further in the same connection and said:

> And the convention do, in the name and in behalf of the people of this Commonwealth, enjoin it upon their Representatives in Congress at all times, until the alterations and provisions aforesaid have been considered agreeably to the fifth article of said Constitution, to exert all their influence and use all reasonable and legal methods to obtain a ratification of said alterations and provisions, in such manner as is provided in said article.

They adopted the Constitution with the distinct provision that there should be efforts made to procure amendments which should cover this particular point and guard the State in this particular.

New Hampshire, when it ratified the Constitution, June 21, 1788, made a recommendation in the same language as did Massachusetts.

Thus we have it, Mr. President, with nearly all of the States—some of these records are lost and can not be found—but so far as can be ascertained, in all of these States this particular provision of the Constitution was challenged, and was only acceded to upon the assurance that they felt that it would only be used to the extent mentioned for the purpose of guarding against the possibility that the States themselves might not exercise the power, and in the further confidence that the Constitution should be so amended as to restrict it to that.

Not only so, Mr. President, but the great commentators of that day, the men who engaged in the effort to have the people of the United States adopt the Constitution, time and again repeated, reiteration upon iteration, that that was the only purpose of the fourth section of the first article of the Constitution, simply to guard against the possibility that the States themselves might not elect representatives.

Mr. PERCY. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Mississippi?

Mr. BACON. I do.

Mr. PERCY. Just for one moment. In discussing this power in a speech the other day the Senator from New York stated that Mr. Madison, of Virginia——

Mr. BACON. I am coming to that.

Mr. PERCY. If the Senator from Georgia is coming to that, I will not then interrupt him with a question.

Mr. BACON. Go ahead.

Mr. PERCY. I just want to call attention to the fact that, while Mr. Madison, of Virginia, was an advocate of the exercise and bestowal of this power upon the Federal Government, it was with the same limitation that the States referred to by the Senator from Georgia adopted, namely, that it was an emergent power only.

Mr. BACON. I have it right here.

Mr. PERCY. Go ahead with it. I simply wanted to call the attention of the Senator to the matter.

Mr. BACON. Mr. President, I am obliged to the Senator from Mississippi for directing my attention to it. I had some other citations to read, but I will read that directly in this connection.

As correctly stated by the Senator from Mississippi [Mr. PERCY], Mr. Madison was one of the great advocates of the adoption of the Constitution before the Virginia convention, called to decide the question whether or not it should be adopted. In that convention there was grave and serious opposition to its adoption, because of the grant of this and other powers to the Federal Government. That particular power had been challenged, the danger that it would be abused had been pointed out, and Mr. Madison, in defense of that provision, used this language:

> It was found necessary to leave the regulation of these (times, places, and manner) in the first places to the State governments as being best acquainted with the situation of the people, subject to the control of the General Government, in order to enable it to produce uniformity and prevent its own dissolution * * *. Were they exclusively under the control of the State governments, the General Government might easily be dissolved. But if they be regulated properly by the State legislatures, the congressional control will very probably never be exercised.

Mr. John Jay, afterwards Chief Justice of the United States, in discussing in the New York convention this provision of the Constitution, used this language:

> That every government was imperfect unless it had a power of preserving itself. Suppose that by design or accident the States should neglect to appoint the Representatives, certainly there should be some constitutional remedy for this evil. The obvious meaning of the paragraph was that, if this neglect should take place, Congress should have power by law to support the Government, and prevent the dissolution of the Union. He believed this was the design of the Federal convention.

Mr. SUTHERLAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Utah?

Mr. BACON. I will say to the Senator that I would yield for a question, but manifestly I could not, without breaking the continuity of what I am endeavoring to present as a consecutive argument, now turn aside to discuss some of the numerous questions which I know the very fecund mind of the Senator from Utah would naturally present.

Mr. SUTHERLAND. I simply wanted to ask the Senator a question, and I could have done so during the time the Senator has been protesting against it.

Mr. BACON. I am not protesting; the Senator does me an injustice.

Mr. SUTHERLAND. Well, have I the Senator's permission to ask a question?

Mr. BACON. If it is a question, yes; but I do not desire to go on to a side argument at this time.

Mr. SUTHERLAND. The question is right on the point the Senator is reading. Does the Senator from Georgia agree with the statement made by Chief Justice Jay with reference to this matter?

Mr. BACON. Mr. President, I have no reason to disagree with the judgment of afterwards Chief Justice Jay. He was giving his opinion as to what was the purpose of it. The Senator, perhaps, did not hear what I said in the beginning, that while that was the intent and the purpose, the construction of the word "manner" was very much broader and could be enforced to a very much greater degree.

Mr. SUTHERLAND. Well, does not the Senator, if he agrees with the language of Chief Justice Jay, agree that it is necessary for the General Government to have this power under some circumstances, namely, in order to preserve the Government from dissolution.

Mr. BACON. I am coming to that very question, if the Senator will permit me. I have that in view. It is a very pertinent question, but I have not quite reached it yet. I will, however, in a moment.

Mr. SUTHERLAND. Very well.

Mr. BACON. In the Madison Papers Mr. Madison uses this language in regard to this section:

> This was meant to give the National Legislature a power not only to alter the provisions of the State, but to make regulations in case the States should fail or refuse altogether.

That was in the mind of all.

The great apostle of the party to which my distinguished friend from Utah [Mr. SUTHERLAND] belongs, Mr. Hamilton, also expressed his idea of this section. Mr. Hamilton, while he was not one of the most influential and potential men in the framing of the Constitution, because there were many things in it which were at variance with his ideas of what should be in it, was afterwards one of the most urgent and ardent and effective advocates of the adoption of the Constitution, and he contributed papers, with Mr. Madison, which are the most illuminating upon that subject of the arguments of that day. In the fifty-eighth number of the Federalist Mr. Hamilton used this language:

> They (the convention) have submitted the regulation of elections for the Federal Government in the first instance to the local administrations, which, in ordinary cases and when no improper views prevail, may be both more convenient and more satisfactory; but they have reserved to the national authority a right to interpose whenever extraordinary circumstances might render that interposition necessary to its safety.

Having been a member of the convention in New York, having heard all of the discussions, while using different language, he had doubtless in his mind the exact meaning which Chief Justice Jay had attributed to it and which was embodied in the resolutions of the convention itself. I think I am correct in saying that he was a member of the New York convention. I will ask the Senator from New York [Mr. ROOT] as to that.

Mr. ROOT. Yes.

Mr. BACON. That was my recollection.

Now, Mr. President, we come to the question which the Senator from Utah propounded to me, and which I was about to reach without the suggestion on his part. The question of the Senator from Utah is this: Is not this a necessary power—the power thus to guard the Government against the danger of dissolution by reason of the States' failure to provide a method by which Representatives shall be elected to take their places in the other branch of Congress. I will say, Mr. President, that, with the conditions as they existed then, it was a proper provision to put into the Constitution, for, as I have previously said, there was reason then to apprehend that the States might be negligent in their performance of that duty; that they might grow cold in their allegiance to the new Government, as they had grown indifferent to the ligaments which bound them to the Confederation, and that for that reason it was proper that there should be such a provision; but is there a Senator, is there a man in the whole United States, who believes for a moment that it is possible at this day that a condition of affairs will arise where the States and the people within the States and the ambitious aspirants within the States will leave undone that important duty? Is it possible to conceive that the time will ever come when the States will not have laws by which Representatives can be elected and sent to Congress, or that there will be a condition under which they would be unrepresented in Congress, nonparticipants in its affairs and nonrecipients of its benefits?

Mr. SUTHERLAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Utah?

Mr. BACON. I do, for a question. I would prefer, if the Senator wants to argue the proposition, that he wait until I get through, and I will give him all the opportunity he desires.

Mr. SUTHERLAND. I simply want to say to the Senator that under existing conditions the Senator is undoubtedly correct; but is the Senator or anybody else wise enough to know that in all the time to come this power may never be necessary and that in all future time no State will neglect this duty? It may be true, under existing circumstances, that it will not be done, but none of us is able to see what the future may produce, and is it not wise to preserve this power against the day of need?

Mr. BACON. As is suggested to me by my friend from Texas [Mr. BAILEY], we would be very glad to have that power if, as was suggested in a number of the ratifying conventions, it was limited to that case. I would be willing to provide that the Federal Government should have the right to exercise the power to prescribe the manner of holding such elections in all cases where the States neglected to do so. That is the point, namely, that as originally contemplated it was limited to the case where the States neglected the duty; it had no other purpose in view, and if it had been extended beyond that the Constitution would undoubtedly have been rejected. Suppose, instead of the language as found in section 4 of the first article, the reading of that section had been different. The Senator will bear in mind what I before read of the very strenuous opposition of the States from the topmost New England States down to the extreme South, in regard to the control by the Federal Government of the manner of elections within the States. But suppose, instead of the language found in section 4, Article I, this had been the reading of the section:

> SEC. 4. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof, but the Congress may at any time by law make or alter such regulations for the purpose of keeping order at the polls, insuring pure elections, and enforcing the right of every person to vote who may be deemed by the Federal Government eligible thereto under the law, and for that purpose shall have power to appoint registrars and supervisors of elections in the several States, with marshals and soldiers to enforce their authority.

Does the Senator think, does any Senator think, for a moment, in view of the sensitiveness of the States at that time as to any encroachment of the Federal Government upon the question of prescribing who should vote or who should not vote in the elections in the States, that the Constitution with such a provision in it would have been adopted by a single State of the 13 States? Yet under the broad construction which it has received by Congress and by the Supreme Court, under the broad construction of which it is capable, and under the application of it in the enactment of law in a manner not then contemplated, that section, as I now suggest, is just exactly the same in effect as the Sutherland amendment. The States would never have adopted the Constitution with section 4 of Article I written out plainly that way.

What conclusion do I draw from that, Mr. President? The conclusion I draw from that is this: That it is no argument to say that that is the law with reference to the election of Representatives and that therefore it should be the law with reference to the election of Senators. In view of what I have submitted there can be no doubt of the fact, no possible question of the fact, that that was not the original contemplation of the Constitution; and if any change is to be now made at all the power in the Federal Government as to the control of the manner of electing Representatives should be limited in this particular, and the power should not be extended where it does not now exist. That is my argument, that is the response I make to that; and I conceive, Mr. President, that it is a conclusive one.

I intended to do it at a later stage in the argument, but my friend from Texas [Mr. BAILEY] makes a suggestion to me which I will carry out now. Mr. President, this resolution providing for the election of Senators by direct vote of the people can be adopted if those who profess to be its friends will frame this particular provision in a way that will not make it dangerous to us. We will not go to the extent of saying that we will not agree to this amendment unless it is taken out altogether, but we will go to the extent of saying that we will agree to it if it is limited to the cases where the State fails to act, as it was originally intended, as shown by all these utterances by the various conventions.

Let it be so limited that in the direct election of Senators by the people the States shall have the right to prescribe the times, manner, and places of holding the elections, and that the Federal Government shall have the right to make such regulations only in case the States should fail to make the necessary regulations prescribing the manner of holding such elections.

Now, Mr. President, there is a plain proposition. Make that change and I pledge, so far as this side of the Chamber is concerned, that joint resolution will be adopted for the election of Senators by direct vote of the people. Preserve, if you please, the right of the Federal Government to fix the time. I think that is right and proper. Then, as to the manner, limit the power of the Federal Government as the framers of the Constitution intended it to be limited, and as the conventions which adopted it understood it to be limited, to cases where the States fail to make the necessary regulations. Do that and our contention immediately ceases.

Mr. President, I think this is a question which concerns all the States and is not limited to any particular section; and yet we can not shut our eyes to the fact that there is a large section of this country which is peculiarly interested in it, a large section of this country to which it is of the most vital importance that the States should control the question of suffrage within their borders. I want to say, Mr. President, in this presence that there is no question concerning public affairs, either in the National Government or in a State government, in which the people of the South are so vitally interested and in which the people of the South are so unalterably fixed, come weal come woe, as their determination to preserve white supremacy, and it is no use to mince words on the subject.

Mr. President, we have fought the battle, as I said the other day, through the darkest night through which a people ever passed. We have rescued our civilization by the sacrifices and the trials which we then endured. We have not only rescued the civilization of the South, but we have rescued this entire Nation from the destruction of civilization which would have undoubtedly ensued if a Haiti had been made of the South. With civilization and with social order overthrown in the South, the deadly poison would have extended to the whole country.

Mr. President, I approach that question from that standpoint. If that standpoint is wrong, then all I have to say is wrong, because I base it all on that so far as it concerns my particular section. But then I want to say further that I do not consider the importance of this question as limited to my section. Constitutions are not made for to-day. They are not made for to-morrow or a decade or a century, but they are made for the life of a nation. They are not made for peace only; they are made for storm, and no man can tell in the years which are to come, in the centuries which I hope are to pass with this Government still pursuing its grand career, there is no telling when the time will come when this question of the right of the States to control their elections will be a vital question to other than the States in the southern section of this country.

Sir, there are great forces at work—great forces of unrest. No man knows what the next decade will bring, much less what the next century will bring, and the greatest bulwark that the people of this Nation can have against the dangers from the upheaval of those great forces is in the check which there is in the control by each State of its own affairs. So if there is a predominating influence for evil in any section, it can not outweigh the counterbalance in the lesser part, but that each, a separate entity, may, by controlling matters within its own borders, hold in check that predominating influence for evil. And so I say, while the question is acute now with us, it is a question which in the future may be acute with some other sections.

Mr. President, Senators from the West are nervous about the yellow peril. They do not, however, think it possible now that the question of suffrage for Asiatics can ever be presented to them or to this country, because they are not now even allowed to be made citizens. But is any man within my hearing ready for a moment to say that the proposition of Asiatics ever being forced as voters upon the people of the western coast is more impossible or more unthinkable than was the probability in the year 1860 that in eight years by an act of the Federal Government a whole section of this country should be submitted to the dangers of the domination of a race of people with only the slavery through thousands of years behind them, who were of the lowest alien race, and who had none of the capacity or intelligence or experience or character essential for government? Does any man think that the possibility of a change which shall confront the western people with the question of the right of that Asiatic element to vote—is there any man here who will say that the possibility of that compares with what was recognized as the possibility in 1860 that that would occur which did occur within the short space of eight years?

Mr. President, I hope Senators will not consider me as endeavoring to stir up feeling on sectional or racial questions. But yet we have the problem with us; we have the dangers confronting us, and we can not shut our eyes to them, and we must guard against them. It will not do to say that the thing is settled. The only argument that can be used in support of the proposition to ignore these safeguards is that the day of danger from this cause has passed, or, as said by the Senator from Maryland [Mr. RAYNER], that the issue is dead. I shall, sir, in reply call attention to the attitude occupied within a very short period in the past upon this question by the influential dominant party of the country.

In time of peace it is hard to believe that there will be war. It is hard to look upon a peaceful ocean and realize the fact that on the day before the storm had lashed it in fury, and still more difficult to realize that on the next day it will be seething in a tempest. With other Senators who now sit here I have seen, only a few years ago, Mount Vesuvius when it was as peaceful as any mountain in Pennsylvania or in West Virginia, although before then it had known its days of fiery wrath. And yet since that recent day when we have seen it thus peaceful, mighty forces have worked within it. There has been since then a great convulsion within its vast abyss which has blown off a third of the upper cone of that mountain, blown it to the very skies, and the people who in fancied security had settled at the base of that mountain and had there builded their villages and had planted their orchards and their vineyards upon its slopes, fled in terror from homes all engulfed in a storm of molten lava.

With such convulsions as we have been through, such dangers as we have had to face, such troubles as we have had to endure—are we now to neglect all opportunity, neglect all precaution, upon the simple ground that there is now peace?

I shall have to call attention to some things, in no spirit of unkindness, in no sectional spirit, but as a justification, as a reason why we can not submit, or some of us, at least, to a change in our fundamental law which will give to the Federal Government the control of our internal affairs.

Before doing so, however, and before I pass from the subject I have been discussing, I desire to suggest one thought to Senators. Upon what possible ground can there be a justification of the proposition that the Federal Government ought, for the purpose of securing free elections and purity of elections, to have the power to interfere and control those elections by registrars and supervisors and marshals and deputy marshals and soldiers at the polls and with persons chosen to certify the result of the elections? Upon what ground can it possibly be defended except upon the ground, first, that the States themselves have not the intelligence and the virtue to decide this question for themselves; second, that the country at large in its collective capacity has an intelligence and a virtue not found in an individual State? Does any man think for a moment that when the Constitution was framed and the Government was formed any such thought was in the minds of people? And, Mr. President, if there is any Senator here who thinks that while it might not have been true in the first instance, it is true now, I scout the proposition and I would trample it under my feet.

Does the Senator representing any great State—New York or Pennsylvania or Illinois or Massachusetts—think for a moment that the people in his own State are incapable of determining what is best for the people of that State, incapable of maintaining free institutions, incapable of maintaining the virtue and public character of their people, and that the collective intelligence and collective virtue of the people of the United States are superior to their own and should be, therefore, invoked to control them in that which they are not able to manage for themselves?

Why, Mr. President, the very suggestion of it is abhorrent, and what is justly claimed to the contrary for such communities as those States which I have named can with equal right be claimed for every other State; and so far as I am concerned, sir, I will never agree, cost what it will, to sanction any provision which shall contain within it necessarily the recognition of any such monstrous heresy as that, and yet there can be no other ground upon which the policy and duty of Federal interference can be placed; no other ground.

The people of Massachusetts, the people of New York, the people of Illinois are not the guardians of the people in Georgia. They are not the people who are to determine what should happen within it in order to protect those within her borders or to safeguard her institutions. Mr. President, it is the opposite of that proposition, it is the ignoring of that proposition, it is the denial of the power and ability of people within the States to control their own affairs that has led to all the great troubles, the great sacrifices, the great tragedies in this country.

I do not hesitate to say, Mr. President, that the greatest tragedy in the nineteenth century, if not the greatest tragedy considered from some standpoints of all the ages, was the Civil War in America—greater than the tragedies of the wars of Napoleon or of Hannibal or of Cæsar, because they were wars between alien peoples. But our Civil War was a war of people of the same race and blood on each opposing side, the same kinships, the same family—fathers, brothers, sons—who went against each other to war; and that a million men of the same race and blood, the same ancestry, and the same destiny should have, in that fratricidal war, found untimely graves, is the greatest tragedy not only of the nineteenth century, but of all time. Point to a parallel, if you can. And what brought it about? Mr. President, we know that while it was complicated with other questions and the issue was at times obscurely stated, the existence of African slavery caused the war, and without the existence of African slavery no war would have occurred; and I assert here, and I challenge contradiction, that in all probability, with almost certainty, slavery would have been driven from the United States peacefully and by the consent and cooperation of all sections if it had not been for the intermeddling of people in other States, who undertook to say what was right and proper in States within which they did not live.

Why do I say that? I can give a number of reasons, but I point to one, the correctness of which is easily ascertained. Let any man go and read the debates in Congress up to the thirties, and he will find that the Southern Senators and Representatives were apologists of slavery and not its defenders. He will find that they apologized for it on the ground that they had inherited it; that it had been put upon them against their will, or without their agency, rather; that a large proportion of it was in the influx of slaves from the Northern States, where they had not abolished slavery peremptorily, but where they had fixed the date when the abolition of slavery should commence, giving ample time in the meantime for all the slaves to be carried South and sold.

They were apologetic of it, I say. All the great leaders of the South were against slavery. In my own State, the very first of all colonies to so provide, had in its law a prohibition against slavery. Jefferson, Randolph, all the great sages of the South were opposed to slavery, and it was not until the great meddling, the great interference by fanatics in other States, attacking the institution, heaping all obloquy upon those who were so unfortunate as to be within its grasp—it was not until then, until this interference, that the apologetic tone naturally changed according to all human impulse into one of defense of the institution, and finally into one of defiance of those who were thus attacking it, and out of that grew that war, that terrible tragedy, the greatest of all times, with a third of the country utterly desolated, with a vacant place at every hearthstone, and a million of young men in untimely graves. That was the direct conse-

quence of the "holier than thou" doctrine and practice. It is in resistance to that doctrine that I oppose the policy or the right of Federal interference in the control by the States of their own elections.

Now, the Senators say that the time is passed; that that issue is dead, and that there is no longer danger of Federal interference. I have occupied so much time that I will not carry out the intention I had of going through this particular branch of the question in detail. I must allude to it, however. We have had within the last 30 years great controversies and great struggles upon this very issue. There first arose—I will not say there first arose—but there was in the Forty-fifth Congress so great an opposition to this Federal interference that the Democratic House at that time felt itself justified in putting upon the Army appropriation bill a provision which prohibited troops at the polls in connection with the election laws. It passed the House of Representatives, and, Mr. President, if I had time I would like to call the roll of the great men of that day who were engaged in that controversy, some of whom I see before me, who were then Members of the House, men who contended on the one side and the other side. The position was taken that the Federal election law was a great invasion of the rights of the people to the free exercise of the franchise and of the right of the State to determine in what way that franchise should be exercised. They said that unless the Government would withdraw its troops, unless it should put in the law that it could not have troops at the polls in the support of the Federal election laws, the Army appropriation bill should not pass.

Mr. President, of course there was great criticism upon the fact that supplies to the Government were denied, but Mr. Hewitt, of New York, who reported the bill to the House, defended it upon the ground that it had been true of our ancestors, that they had secured the great rights of civil liberty by denying supplies unless concessions in favor of that liberty were permitted to them by the Crown. And so it passed the House and came to this Senate. The Senate, being Republican, refused to pass the bill with that provision upon it which took the troops from the polls in support of Federal supervisors, and it went into conference, and after an interchange it finally failed in conference and an extra session of Congress had to be called, and in that extra session of Congress there was again a great struggle.

The Army appropriation bill in the House again had that same provision put upon it. It again came to the Senate, and again the Republican Senate struck it out, and it went into conference. I want to read, Mr. President, the names of the Senators who took that position—the Senators who recognized the fact that the question of the right of the people to control their own elections was so grave a question that rather than surrender it they would stop the wheels of the Government.

I want to say, first, Mr. President, that among those Representatives in the House who took that position were distinguished men who afterwards came to the Senate, and I read the names of some of them. There were Messrs. Blackburn, of Kentucky; Kenna, of West Virginia; Vance, of North Carolina; Carlisle, of Kentucky; and MONEY, of Mississippi; and when it came to the Senate there were Senators of historic names who stood for that proposition and who said that before they would agree that the Federal Government, under the elections laws and with the use of troops at the polls, should be allowed to control elections in the States, they would refuse the supplies to the Government for the support of the Army. The Senators who then spoke and voted that way in the Senate were Bailey, of Tennessee; Barnum, of Connecticut; Bayard, of Delaware; Beck, of Kentucky; Butler, of South Carolina; Cockrell, of Missouri; Coke, of Texas; Davis, of West Virginia; Dennis, of Maryland; Eaton, of Connecticut; Garland, of Arkansas; Gordon, of Georgia; Grover, of Oregon; Harris, of Tennessee; Hereford, of West Virginia; Hill, of Georgia; Jones, of Florida; Kernan, of New York; Lamar, of Mississippi; McCreery, of Kentucky; McDonald, of Indiana; McPherson, of New Jersey; Maxey, of Texas; Merrimon, of North Carolina; Morgan, of Alabama; Ransom, of North Carolina; Saulsbury, of Delaware; Shields, of Missouri; Thurman, of Ohio; Voorhees, of Indiana; Wallace, of Pennsylvania; Whyte, of Maryland; and Withers, of Virginia.

Mr. President, these be great names, illustrious names, not only in the Democratic Party but in American history; and I invoke their names to-day in justification and support of the position I take here.

Sir, can it be conceived for a moment that these great men, these illustrious men, who were willing to say that the wheels of the Government should be stopped before these election laws and troops at the polls should be allowed to continue to interfere with the elections within the States—can it be said that if they were here to-day standing in the places which we in only a measure can hope to worthily fill, they would vote to extend that provision of the law to the election of Senators, when in its enforcement in the election of Representatives they said, "We will stop the wheels of the Government before we will permit it?"

Mr. President, there is no escape from the proposition. Can it be said for a moment that Senators would have taken so drastic action as that, these great men—for they were great men, and I am afraid we of this day can not furnish their equals—can it be said for a moment these great men would be willing in any manner to extend this dangerous power in the Federal Government or consent to the possibility of its exercise in any additional sphere where it does not now have it?

Mr. President, that did not end the controversy. There were other instances in which the struggle was waged. I will not, however, now stop to recall, or rather to recite, them, because I feel that time will not permit; but when Senators say there is no danger, when Senators say that the time for such issues is past, that the issue is dead, I want to call attention to the fact that the law of 1870 for the control of elections at the polls in the States, a law coupled with another which had been previously passed, which put it within the power to send troops to maintain the authority of these supervisors and registrars and deputy marshals at the polls—I want to call attention to the fact that that law was not repealed until the year 1893, and that it was repealed by the only Democratic Government that has existed since the war. There has been but one term of Congress in which the Democrats had the Executive and each branch of the legislative Government, and that law was repealed by that Congress, and when it was repealed every single Republican voted against the repeal; and yet we are told the issue is dead.

Prior to that repeal, to state it as briefly as possible, in the year 1890 there had been introduced in the other House what was known as the force bill. I want to state another fact. Seeing my learned friend, the Senator from Texas [Mr. BAILEY], sitting before me reminds me of it. When we are talking about the question whether the thing is dead and belongs to the distant past, and when I am bringing to the attention of the Senate the fact of these recent occurrences, I note that the Senator from Texas, as young as he is, born during the Civil War, was a Member of Congress and recorded his vote in 1893 in favor of the repeal of those Federal election laws. That does not look very much like it was an ancient and antiquated measure, and that the influences which supported those election laws belong to the dead and distant past. I could enumerate a great many others. I see Senators sitting in front of me who were in that House before that time.

But, Mr. President, to recite it briefly, there had been introduced in the House what was known as the force bill, which passed the House after a very acrimonious and heated debate. It came to the Senate and, after possibly the most acrimonious and heated debate which has taken place in the Senate in 30 years past, it was at last defeated by indirection and not by direction. It was defeated simply by the then Senator from Colorado, Mr. Wolcott, moving to proceed to the consideration of the congressional apportionment bill, and while that motion was not debatable any one who will read the RECORD will see in the remarks which were interjected the intensity and heat of those who realized the fact that if that motion prevailed the bill would fail, the bill by which they had set so much store.

Mr. President, it was in that debate when party spirit ran so high and the intention to fix that bill upon the country was so strong that the present Senator from Rhode Island [Mr. ALDRICH] submitted a resolution to apply a cloture in this body—not simply a motion, but an elaborate resolution to apply a cloture in this body to cut off the efforts of those Senators who were resisting the measure, so earnest was he in the insistence that the force bill should be passed.

Now, Mr. President, it will not do to say that the debate to which I have alluded when the extra session was forced was one which related simply to the question of the removal of troops from the polls. While there was an extra session by reason of the failure to pass the Army appropriation bill, the burden of that whole debate was that the necessity of the troops at the polls was required in connection with the election laws, which gave to Congress the power and the opportunity to control the manner in which these elections should be had. If Senators will turn to the speech made by Senator Voorhees in the debate, which, of course, I can not stop to quote, they will see a most elaborate discussion in that very controversy of the election laws and each provision and clause of the election laws as they were affected by the use of troops at the polls for their enforcement.

Mr. President, I want to say another thing which will be borne out by anyone who will take the time to examine the debates of that day. While there was a general claim of power

and some incidental mention occasionally of disorders in different States, the great burden of the argument through all the months was in that controversy that the Government should have the power to pass a Federal election law, with registrars and supervisors and deputy marshals and troops at the polls, in order that the black vote of the South might be protected in the casting of the ballot. Senators will find not only page after page, but volume after volume, of the congressional debates filled up with that.

Mr. President, I am going to read, just to give an idea of it, an extract from that debate from the then Senator from Maine, Mr. Blaine. I do not do this now from any unkindness or for the purpose of stirring up any feeling, but to show the animus and purpose of those who then advocated the Federal election law, and that we stand on solid ground when we oppose this legislation or when we oppose extending to the Federal Government the power to enact legislation of this kind.

On page 733, volume 9, part 1, Forty-sixth Congress, first session. That was the extra session which had been called because of the fact that the Army appropriation bill had failed in the manner and for the reason I have stated. The sole question being whether or not these laws should be kept upon the books, whether these marshals should be armed with the power of troops, nobody denying that the Federal Government under the fourth section of Article I could do it, the sole question was whether it should be done or whether or not if the Government were to refrain from doing it the supplies should not be stopped from the Army. Here is what Mr. Blaine said about elections in the South. It may be true from the standpoint of some gentlemen, but it nevertheless accounts for the fact that we are not willing that that matter should be adjudged by the Federal Government. Mr. Blaine, in the course of that debate, said:

> What we ask is that Representatives in Congress shall be elected by the free vote of the people of the respective districts, and there has never been such a travesty on truth, there has never been such a satire on fact, there has never been such a pretense to righteousness so utterly confounded by fact and so utterly ridiculed by history as for the Senators on that side to stand up here and demand a free election. Why, that is what we have been struggling for—a free election. There has not been a free election in five Southern States that I can name since the Democrats have had power. There was no more a free election in South Carolina for the Congress now in session than there would be in a mob of violent roughs that had undisputed possession of a poll in the lower wards of the city of New York—not a particle more.

Mr. President, I could quote page after page and volume after volume of just such talk as that. Mr. President, we are not willing—at least I am not willing if the power does exist in the control of Federal election of Representatives—by my vote to give the opportunity to extend that power to be exercised by the Federal Government in the control of the election of Senators.

With the permission of the Senate, I will read one other extract from a Member of the House along the same line just to show that it was not confined to the Senate, coupling it with the statement that it is only one of thousands. In advocating the retention of the Federal election laws to control elections in the Southern States, Representative TAYLOR of Ohio said in the debate in the House:

> There is no need of any antagonism between the North and South, and if the South will secure equal and exact justice to all men of all colors there will be none, and the South will be the great gainer. If this is not done, sooner or later the same causes which brought on the War of the Rebellion will bring on another conflict, the end of which will not be so peaceable as the last. The Anglo-Saxon sense of justice will not permit this injustice to continue very much longer. The iniquitous methods of degrading the colored race in the South must come to an end. An enslavement of 8,000,000 of human beings by indirection, by fraud and perjury, by violence and intimidation, is no better than the slavery we had before the war and will not be allowed to exist very much longer. The colored race rebels, the great North rebels, one-half the Southern States rebel, and one-half the people where these frauds exist rebel against this flagrant and unblushing wrong.

With such views as those thus expressed, who can doubt, when the time came to act, the spirit with which Congress would proceed to enact laws to control elections in the South?

Mr. President, I know some Senators—who do not themselves approve of the resolution with the Sutherland amendment—say that by our votes here we do not determine this question; that we simply put it up to the States to determine it. I have no criticism to make of Senators who take that position, but it is one I can not use in justifying myself in casting a vote different from what I think is the proper vote to be cast by the legislature itself. It was the contemplation and the intention of the Constitution that the proposing of amendments to the Constitution was a function to be carefully exercised by Congress. It was not a matter in which the final determination was thought to be sufficient if three-fourths of the States had that determination. If so, we would have left it to a majority in Congress to propose the amendment, as is done in other matters. But so careful were they to protect even three-fourths of the States against the possibility of deciding unwisely that they said to Congress, Before you can submit to the States to be determined by three-fourths of them the question whether or not this Constitution shall be amended, two-thirds of each of your bodies shall think it ought to be amended. What else can you say as to the purpose in requiring that there shall be two-thirds except that it was the intention that Congress should weigh in its judgment whether or not there should be an amendment to the Constitution, and that if even a majority of them thought there ought to be such an amendment it would still require two-thirds of each House to agree upon it before there should be given to the States the power and the opportunity to decide it, even though three-fourths of them would have to concur before it could be decided in the affirmative?

I think, Mr. President, from my standpoint, that it is not proper for me to vote to submit to the States an amendment of the Constitution which I myself do not approve, and that I can only consistently submit to the legislatures of the States an amendment which I do approve.

I want to suggest one other thought in that connection. Some Senators say that, while they do not approve the resolution with the Sutherland amendment, they will put it up to the legislatures and that they will have a right to determine, and they do not feel that they are at liberty to deny to the legislatures of the States the right to determine the question for themselves. I want to suggest to Senators that when they put up to the States the opportunity to determine as to a constitutional amendment which they themselves do not approve, they run the risk of putting up a proposition which their own legislatures may not approve and which they will vote against, but which other legislatures may force upon them. Then, Mr. President, there comes the question of the responsibility of a Senator who thus by so doing practically defeats the will of his own State.

Mr. President, it is no light matter to amend the Constitution of the United States. It is a matter of sufficient gravity when we pass a statute law which gravely affects the people of the United States, because it is difficult to repeal it, but still it can be repealed. But when we pass a law which changes the Constitution of the United States, we have done that which is practically irrevocable. One-fourth, or a fraction over one-fourth, can defeat a proposed amendment to the Constitution. But when it has been once adopted, however grievous it may be, however tyrannical in its exercise of power it may prove to be, the fraction over one-fourth can not then put themselves back in the same position; it will take a fraction over three-fourths in order to do it.

There is one other thought, Mr. President, recurring to something I have already passed, and then I am going to close. In connection with the suggestion that this is a dead issue, there is one other thought in connection with the peculiar interests that the people of the South have in regard to this matter. I believe it is true that the great mass of the people of the North have changed their minds, and that there is now no general disposition to interfere with the people of the South in the control of their own affairs. Yet I recall that the Senator from New York [Mr. ROOT] in the main address which he made here the other day, stated the fact that there were things done at the South which, in his opinion, ought not to be done, and which, if they continued to do, the Federal Government must exercise the power to prevent; and when in a subsequent short debate I asked for specifications, the pertinent specification, one which he mentioned which relates to this question, was the suppression of the Negro vote.

Now, I am not going to stop to discuss the question which was raised as to whether or not the Senator in his reply meant that Congress could by direct act nullify the statutes of the State in prescribing the qualifications of electors. I am not going to stop to discuss that, but I do say that it does show from so high authority as the Senator from New York that the people of the North—perhaps I should say those belonging to the Republican Party—still have it in their minds that when opportunity comes they will exercise the power, if they have it, to interfere with the elections at the South.

Mr. President, even though it be true that there has been a change in the general feeling of the North on this subject, a general disposition to leave the people of the South to the control of their own affairs, it is a fact not to be forgotten that vast numbers of negroes have gone to the North and that in a half dozen close Northern States the negro vote is most potential and frequently holds the balance of power between the two great political parties.

Whenever the Republicans carry the State of New York by a close vote it is because the negroes have given them their sup-

port. The same thing is sometimes true in the great State of Illinois, even with its ordinary majority of over 100,000 Republicans. The same thing is frequently true of Ohio. The same thing is true always in Maryland and Delaware and West Virginia whenever Republicans carry those States.

Mr. President, is it possible for us to shut our eyes to the fact that it is a political necessity to regard the demands of that large voting negro population in these close States? Is it possible for us to shut our eyes to the fact that, however much the people of the North may be disposed to leave to the people of the South the control of their own affairs, the time may come when under the demand of the colored voters in these close States they may again, if they have the power, pass these election laws, having the southern elections in view, to retain their political support? We can not prevent them passing these election laws, if they have the numerical majority, in the case of the election of Representatives. We ourselves put our hands within the manacles as to the election of Senators if we extend to them this power.

Mr. President, it may be true of some Senators that they will support this joint resolution with the Sutherland amendment under a feeling of obligation for one cause and another, when they would prefer that it should not be enacted.

Some persons, Mr. President, must stand in the breach. For myself, with my views as to the danger of this measure, whatever may be the sacrifice, so far as in my power I propose to stand in this breach. I do not propose to consent, Mr. President, by any act of mine to extend the power of the Federal Government in the control of elections in the States. It is too great a price to pay for the election of Senators by direct vote; it is too great a price for my section, particularly; not only because of the vast magnitude of the issues which are involved, but because we already have the selection of Senators there by popular choice. There is not a Southern State in which the Senators are not now selected by choice in a primary election. Therefore we can afford not only to say we will not take it at this price, but we can afford to say we will wait. The time is near at hand when this amendment can be so framed as to relieve it of this objectionable feature.

Mr. President, I thank the Senate for its very kind attention.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 30570. An act to authorize the receipt of certified checks drawn on national banks for duties on imports and internal taxes, and for other purposes; and

H. R. 32344. An act to protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States, or their successors in interest.

The message also announced that the House insists on its amendment to the bill (S. 9903) to authorize the Sheridan Railway & Light Co. to construct and operate railway, telegraph, telephone, electric power, and trolley lines through the Fort Mackenzie Military Reservation, and for other purposes; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULL of Iowa, Mr. STEVENS of Minnesota, and Mr. HAY managers at the conference on the part of the House.

The message further announced that the House insists upon its amendment to the bill (S. 9904) granting certain rights of way on the Fort D. A. Russell Military Reservation at Cheyenne, Wyo., for railroad and county road purposes; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULL of Iowa, Mr. STEVENS of Minnesota, and Mr. HAY managers at the conference on the part of the House.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 31237) making appropriation for the support of the Army for the fiscal year ending June 30, 1912.

The message further announced that the House had disagreed to the second report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 31856) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1912, asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GARDNER of Michigan, Mr. TAYLOR of Ohio, and Mr. BURLESON managers at the conference on part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and they were thereupon signed by the Vice President:

H. R. 5453. An act for the relief of the legal representatives of M. N. Swofford, deceased; and

H. R. 26606. An act for the relief of Charles A. Caswell.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The PRESIDING OFFICER (Mr. CRAWFORD in the chair) laid before the Senate the action of the House of Representatives disagreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 31856) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1912, and for other purposes, and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate further insist upon its amendments and agree to the further conference asked for by the House of Representatives, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Presiding Officer appointed Mr. GALLINGER, Mr. CURTIS, and Mr. TILLMAN conferees on the part of the Senate.

INDIAN APPROPRIATION BILL.

Mr. SMITH of South Carolina obtained the floor.

Mr. CLAPP. Will the Senator from South Carolina yield to me for a moment to enable me to make a conference report? It will take only a moment.

Mr. SMITH of South Carolina. Certainly.

The VICE PRESIDENT. The Senator from Minnesota presents a conference report, which will be read.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28406) an act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1912, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

On amendments numbered 48, 76, and 82, the committee of conference have been unable to agree.

MOSES E. CLAPP,
P. J. MCCUMBER,
WM. J. STONE,
Managers on the part of the Senate.

CHAS H. BURKE,
P. P. CAMPBELL,
JNO. H. STEPHENS,
Managers on the part of the House.

Mr. CLAPP. I move that the Senate further insist on its amendments disagreed to by the House of Representatives, that it ask for a further conference, and that the Chair appoint the conferees on the part of the Senate.

Mr. JONES. Mr. President, I want to ask the Senator from Minnesota whether the amendment relating to the Colville Indian money has been passed upon by the conference committee.

Mr. CLAPP. That is one of the three amendments upon which the disagreement is based.

Mr. JONES. If this conference report is adopted and the matter goes back to the conferees and the conferees then agree, whatever that agreement may be, I understand there would be no opportunity to discuss that particular amendment, but only to vote upon the report that is made.

Mr. CLAPP. That is true.

Mr. JONES. I really do not like to see it go in that way. I think that the amendment ought to be receded from by the Senate, and I think the matter ought to be discussed somewhat in the Senate, but I do not like——

Mr. CLAPP. I suppose that would be in order if it did not interfere with the Senator from South Carolina [Mr. SMITH], who has taken the floor to speak. I certainly do not intend to interfere with his speech.

The VICE PRESIDENT. It would be in order for the Senate to proceed with the consideration of the conference report, if it so desired.

Mr. CLAPP. I know it would be in order, but I would not press it, in view of the Senator from South Carolina having the floor.

Mr. JONES. I know that.

Mr. CLAPP. I think it might be just as well to send the report back to conference.

Mr. JONES. Then I will leave that to the judgment of the chairman of the committee.

Mr. DIXON. Mr. President, I have been out of the Chamber for a moment, and I want to inquire what became of the Colville item in the conference report. Was it retained or stricken out?

Mr. CLAPP. That is one of the three items upon which the conferees have not agreed. It goes back to conference.

The VICE PRESIDENT. The Senator from Minnesota moves that the Senate further insist upon its amendments numbered 48, 76, and 82; that it ask for a further conference with the House of Representatives thereon, and that the Chair appoint the conferees.

The motion was agreed to; and the Vice President appointed Mr. CLAPP, Mr. MCCUMBER, and Mr. STONE the conferees on the part of the Senate.

ARMY APPROPRIATION BILL.

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 31237) making appropriation for the support of the Army for the fiscal year ending June 30, 1912, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: Strike out all of the matter appearing in said amendment and insert in lieu thereof the following: "Hereafter the pay and allowances of Army paymasters' clerks shall be the same as provided by law for Navy paymasters' clerks on shore duty, and they shall also be entitled to the same right of retirement with the same retired pay as is now allowed Navy paymasters' clerks: *Provided*, That Army paymasters' clerks shall be subject to the Rules and Articles of War"; and the Senate agree to the same.

That the Senate agree to its amendment numbered 23, as amended by the House, with amendments as follows: On page 1 of said amendment as amended, in line 7, strike out the words "State, Territory, and the District of Columbia"; and in line 8 strike out the words "not to exceed one additional officer for each," and strike out the comma which appears at the end of line 8.

On page 2 of said amendment as amended, in line 18, strike out the word "one-fifth" and insert in lieu thereof "one-half," so that the amendment will read: "Upon the request of the governors of the several States and Territories concerned, the President may detach officers of the active list of the Army from their proper commands for duty as inspectors and instructors of the Organized Militia, as follows, namely: Not to exceed one officer for each regiment and separate battalion of infantry, or its equivalent of other troops: *Provided*, That line officers detached for duty with the Organized Militia under the provisions hereof, together with those detached from their proper commands, under the provisions of law, for other duty the usual period of which exceeds one year, shall be subject to the provisions of section 27 of the act approved February 2, 1901, with reference to details to the staff corps, but the total number of detached officers hereby made subject to these provisions shall not exceed 200: *And provided further*, That the number of such officers detached from each of the several branches of the line of the Army shall be in proportion to the authorized commissioned strength of that branch; they shall be of the grades first lieutenant to colonel, inclusive, and the number detached from each grade shall be in proportion to the number in that grade now provided by law for the whole Army. The vacancies hereby caused or created in the grade of second lieutenant shall be filled in accordance with existing law, one-half in each fiscal year until the total number of vacancies shall have been filled: *Provided*, That hereafter vacancies in the grade of second lieutenant occurring in any fiscal year shall be filled by appointment in the following order, namely: First, of cadets graduated from the United States Military Academy during that fiscal year; second, of enlisted men whose fitness for promotion shall have been determined by competitive examination; third, of candidates from civil life between the ages of 21 and 27 years. The President is authorized to make rules and regulations to carry these provisions into effect: *Provided*, That the Quartermaster's Department is hereby increased by 2 colonels, 3 lieutenant colonels, 7 majors, and 18 captains, the vacancies thus created to be filled by promotion and detail in accordance with section 26 of the act approved February 2, 1901"; and the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: Strike out all of the matter appearing in said amendment and insert in lieu thereof the following: "Hereafter there shall be attached to the Medical Department a dental corps, which shall be composed of dental surgeons and acting dental surgeons, the total number of which shall not exceed the proportion of one to each thousand of actual enlisted strength of the Army; the number of dental surgeons shall not exceed 60, and the number of acting dental surgeons shall be such as may, from time to time, be authorized by law. All original appointments to the dental corps shall be as acting dental surgeons, who shall have the same official status, pay, and allowances as the contract dental surgeons now authorized by law. Acting dental surgeons who have served three years in a manner satisfactory to the Secretary of War shall be eligible for appointment as dental surgeons, and, after passing in a satisfactory manner an examination which may be prescribed by the Secretary of War, may be commissioned with the rank of first lieutenant in the dental corps to fill the vacancies existing therein. Officers of the dental corps shall have rank in such corps according to date of their commissions therein and shall rank next below officers of the Medical Reserve Corps. Their right to command shall be limited to the dental corps. The pay and allowances of dental surgeons shall be those of first lieutenants, including the right to retirement on account of age or disability, as in the case of other officers: *Provided*, That the time served by dental surgeons as acting dental or contract dental surgeons shall be reckoned in computing the increased service pay of such as are commissioned under this act. The appointees as acting dental surgeons must be citizens of the United States between 21 and 27 years of age, graduates of a standard dental college, of good moral character and good professional education, and they shall be required to pass the usual physical examination required for appointment in the Medical Corps, and a professional examination which shall include tests of skill in practical dentistry and of proficiency in the usual subjects of a standard dental college course: *Provided*, That the contract dental surgeons attached to the Medical Department at the time of the passage of this act may be eligible for appointment as first lieutenants, dental corps, without limitation as to age: *And provided further*, That the professional examination for such appointment may be waived in the case of contract dental surgeons in the service at the time of the passage of this act whose efficiency reports and entrance examinations are satisfactory. The Secretary of War is authorized to appoint boards of three examiners to conduct the examinations herein prescribed, one of whom shall be a surgeon in the Army and two of whom shall be selected by the Secretary of War from the commissioned dental surgeons"; and the Senate agree to the same.

F. E. WARREN,
M. G. BULKELEY,
JAS. P. TALIAFERRO,
Managers on the part of the Senate.
J. A. T. HULL,
GEO. W. PRINCE,
WM. SULZER,
Managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. HALE. Mr. President, I wish the Senator from Wyoming would state to the Senate whether the conference report establishes a dental corps in the Army.

Mr. WARREN. The proposition is, that instead of the three supervising dental officers and the various contract dental surgeons, there shall be not exceeding 60, or not exceeding one to a regiment who shall have the rank of first lieutenant. There are none above that rank. We have heretofore passed bills where such surgeons have been given the rank of captain, major, etc. This is cutting down that proposition to about the number we now use as contract surgeons, and making them first lieutenants.

Mr. HALE. Mr. President, this is the establishment by the authority of a conference committee of what has never been adopted by Congress in either branch, of a dental corps. I ask that the report may go over.

Mr. WARREN. I am perfectly willing that the report shall go over, but the Senator from Maine is in error. This establishes no corps. It is a part of the Medical Corps.

Mr. HALE. Let the Secretary read the provision of the conference report relative to the dental corps.

The VICE PRESIDENT. The Secretary will again read the provision to which the Senator from Maine refers.

The Secretary read as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows:

"Strike out all of the matter appearing in said amendment and insert in lieu thereof the following: 'Hereafter there shall be attached to the Medical Department a dental corps, which shall be composed of dental surgeons and acting dental surgeons'"——

Mr. HALE. That is enough, Mr. President. Let the report go over.

The VICE PRESIDENT. The conference report will go over.

PROPOSED RECESS.

Mr. SMITH of South Carolina and Mr. HALE addressed the Chair.

The VICE PRESIDENT. The Senator from South Carolina is recognized. Does he yield to the Senator from Maine?

Mr. SMITH of South Carolina. I do.

Mr. HALE. Mr. President, I rise to the question of the order of business. In accordance with the notice I gave on Saturday, I now move that the Senate take a recess until 8 o'clock this evening.

Mr. BAILEY. It is impossible for us to hear what the Senator from Maine it saying.

The VICE PRESIDENT. The Senate will please be in order.

Mr. HALE. My purpose in rising is to move that the Senate take a recess from half past 5 o'clock until 8 o'clock. It is evident, as I said the other day, that, unless we have evening sessions, with all the discomforts and burdens which they carry, it is simply not only impossible, but absurd, to think that we can dispose of the immense mass of unfinished matter which before Saturday noon ought to pass—all of the great appropriation bills, the subjects of public interest before the Senate, and, without going into any further enumeration, I think Senators will understand that, while it is a matter of inconvenience and burden, at this stage, with all these matters precipitated upon us, there is nothing else for us to do.

Mr. BAILEY. Mr. President, I agree thoroughly with the Senator from Maine [Mr. HALE] in thinking that it is impossible to conclude the work necessary without night sessions; but still I think it entirely possible and even easy to do so with night sessions of moderate length if we could get out of our way the unfinished business of the Senate. I have no objection to a recess if we can now get an agreement to vote upon the resolution touching the right of the Senator from Illinois [Mr. LORIMER] to his seat. I understand a request was preferred to vote to-morrow. That was denied because some Senators desired to address the Senate on that subject. Then a request was preferred for unanimous consent to vote on Wednesday; and that was objected to. I now venture to ask unanimous consent that the Senate will vote on that question at 2 o'clock on Thursday.

Mr. HALE. That is fair.

Mr. CUMMINS. Mr. President, I recognize, I think, as fully as can the Senator from Texas [Mr. BAILEY] the importance to the Senate, to the country, and to the sitting Member of the resolution to which he referred; but it is not, in my opinion, the most important matter before this body. This resolution had its opportunity for the space of one month or more. I do not criticize the objection then made, which prevented a vote during that time.

Mr. BAILEY. The Senator understands, of course, that the objection was based on the fact that the debate had not been concluded.

Mr. CUMMINS. Precisely; but it was suggested that the vote be had at such a time that the debate could have been finished before the time came for the vote.

Mr. President, there is pending before the Senate a bill, which has been passed by the House of Representatives, which has been debated all over this country for years, and which is desired by a larger proportion of the people of this country than any other measure which is now before us; and, so far as I am concerned—and I speak only for myself—I intend to do everything within my power to induce those who are opposed to a consideration of the tariff-board bill to consent to its consideration and to a vote upon it—I mean, everything within my power and the limits of parliamentary procedure. I think that is very well understood.

I know that there are many Senators who desire yet to speak upon the Lorimer case; I do not know how the request of the Senator from Texas may affect the business of the Senate, and therefore I want it to be clearly understood—I make no concealment about it whatsoever—that unless a time can also be fixed for voting upon the bill which creates a tariff board, I shall object to fixing a time for voting upon the Lorimer resolution.

Mr. BAILEY. In other words, though the Senator from Iowa has said to the Senate and to the country that the Senator from Illinois is not entitled to his seat, he declines to allow the Senate to vote on that until the Senate will agree to vote on some other question.

Mr. CUMMINS. Precisely.

Mr. BAILEY. If the Senator is content to take that position, I am quite content to have him appear in that way before the country.

Mr. CUMMINS. I am quite content to stand by what I have said. I believe that the bill to which I have referred is of greater importance to the people of this country than any other measure now pending before this body. The Senator from Illinois is here; he is sitting as a Member of this body. The opportunity to vote upon his title to his seat will not be lost if this occasion passes; but the Senator from Texas, as well as every other Senator here, knows that if we do not avail ourselves of this opportunity to vote upon the bill creating a tariff board we will have no opportunity so to do for years to come.

Mr. BAILEY. Which means that the people, having given authority to the Democratic Party in the popular branch of Congress, it must be denied the right to settle that matter as it pleases, and it must be forced through the Senate in connection with a totally different matter before the expiration of this session.

The Senator from Iowa makes it plain that he is trying to defeat the latest expression of the people's will rather than to record it, because, if it be true that the people of this country want a tariff board, then, if the Democratic majority in the next House does not pass it, that majority itself will disappear. Much as the people will hesitate about calling the Republican Party back into power, they might do even such a foolish thing as that [laughter] if the Democratic Party does not behave itself wisely.

Mr. CUMMINS. Mr. President, whatever may be the fortunes or misfortunes of the future, I am very far from being pessimistic with regard to them. The House of Representatives has had its command to pass this bill from the people of the United States, and the House has passed the bill.

Mr. BAILEY. Yes; but three-fourths of the Democrats voted against it.

Mr. CUMMINS. It is here, and it is the duty of the Senate to deal with it if it can be dealt with within the time still remaining to us.

Mr. President, I have preferred this request, and it has been preferred more than once, I think; and, as I remember, the Senator from Texas has been the only Senator who refused or who made objection to fixing a time for a vote upon it. I am perfectly willing, Mr. President, to go forward with the unfinished business—do not understand me to ask any interference with the unfinished business—and when that has been debated and when that has been concluded there will be a vote, of course, upon it. But when we are asked to fix a time at which the vote can be had, I only reiterate my former statement, that unless we can agree with regard to the tariff-board bill, I shall not agree to a vote on the Lorimer resolution or any other measure save an appropriation bill, for I think it is my duty to do everything in my power to secure a vote upon this bill.

Mr. BAILEY. Mr. President, a moment if you please. I have gravely doubted whether the Democrats in either House of Congress ought to permit any legislation touching the tariff question at this session of Congress. The people of this country, at the last election, at least voted a want of confidence in the Republican Party, and I think expressed their confidence in the Democratic Party. It therefore seemed to me that we would have been well within our rights to have flatly said to our discredited opponents—I do not of course mean personally discredited, but politically discredited opponents—"you can do those things only which must necessarily be done, and leave these other things to the Representatives who come fresh from the people, with the people's commission in their hands, and the people's command upon them." But I did not deem it proper to urge that view, and I have not done it.

My own opinion now is that these appropriation bills ought to wait for the next Congress. I am told, or at least it is said in the papers that we are to have an extraordinary session; and while I am not in the habit of believing everything I see in the papers, I do believe almost everything I see in the papers as emanating from the White House, because it must be said to the credit of the gentlemen who represent the newspapers in the Executive offices that they seldom make a mistake in their report of what transpires there—and if it be true that we are to have an extraordinary session, I think these supply bills ought to be the work of the people's Representatives last elected

rather than the work of those who have been rejected at the polls.

But I waive that. That is, I have waived it up to this time. Exactly how long I will continue to waive it is an open question in my mind.

But when a Senator stands here and tells the Senate and tells the country that this project for a permanent tariff board—one of the administration's measures, one of the devices by which Congress will be advised exactly how much protection shall be measured out to these various industries—must pass now or it can not pass at all, I remind him that that is an open confession that he is seeking to escape the latest judgment of the people; and if it can not pass in the next Congress, to my mind, sir, that is all the reason more why it ought not to pass in this Congress. I would resist it the more stubbornly because of the fact that they are trying to enact it into a law now under a knowledge that it is now or never with that proposition.

But, Mr. President, beyond all that, upon the question of the election of a Senator we act as judges, and I would as soon, if I had the honor to sit in connection with other judges, attempt to delay the judgment of a court as to attempt to delay the judgment of the Senate on a matter upon which it must act as judge.

I have witnessed some remarkable spectacles here in the debate and consideration of this case. I have seen honorable Senators, after the testimony was closed, after the witnesses were sworn, send out and obtain ex parte affidavits and bring them here and present them to the Senate. What would you think, sir, if a judge, after the testimony had closed in his court and after the attorneys had made their arguments, would step down from the bench and go about among the people asking for ex parte affidavits upon which he would base his judgment? Yet I have seen that remarkable spectacle in the Senate of the United States.

Mr. HALE. Let me appeal to the Senator from Texas——

The VICE PRESIDENT. Does the Senator from Texas yield to the Senator from Maine?

Mr. HALE. I have the floor on the motion for a recess.

The VICE PRESIDENT. The Senator is correct.

Mr. BAILEY. I had forgotten that, and I tender the Senator my apology.

Mr. HALE. I hope the Senator from Texas will not open all of the questions that will give rise to controversy and answer while my motion to take a recess until 8 o'clock is pending.

Mr. BAILEY. Will the Senator from Maine withhold that until the Chair can submit——

The VICE PRESIDENT. One moment. Of course, nobody can speak while that motion is pending. The Chair understood the Senator from Maine to withhold it.

Mr. HALE. No; I did not.

Mr. BAILEY. I thought you withheld it.

The VICE PRESIDENT. The Chair so understood.

Mr. BAILEY. I thought the Senator withheld it that I might prefer a request for unanimous consent.

The VICE PRESIDENT. The Chair so understood. But if the Senator from Maine makes his motion and insists upon a vote, the Chair must submit it.

Mr. BAILEY. I will ask the Senator from Maine to withhold it until I submit a request that the Senate vote on it next Thursday at 2 o'clock.

Mr. HALE. Unless some Senator is prepared at once to object——

Mr. CUMMINS. I object.

Mr. BAILEY. Then I ask unanimous consent for a vote on this question at 2 o'clock Friday.

Mr. CUMMINS. I object.

Mr. BAILEY. Then I ask unanimous consent to vote on this question at 10 o'clock Saturday.

Mr. CUMMINS. I object.

Mr. BAILEY. Then it is evident we are not to have a vote on it unless we have upon a test of endurance; and I hope the Senate will not take a recess.

Mr. HALE. I want to say, about the matter of the recess, that it is simply a question of the convenience of the Senate. If we do not take a recess, we will run along until 7 or perhaps 8 o'clock and have nobody here, and we will do nothing.

Mr. BAILEY. And if we do take a recess we will not have a quorum when we reassemble.

Mr. HALE. If we do not have a quorum, we will not do any business.

Several SENATORS. Question!

Mr. HALE. I will submit the motion, at any rate, that the Senate take a recess until 8 o'clock.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Maine that the Senate take a recess until 8 o'clock. [Putting the question.] The "noes" appear to have it.

Mr. HALE. Let us have a division.

There were, on a division—ayes 22, noes 39.

So the Senate refused to take a recess.

RECIPROCITY WITH CANADA.

Mr. SMITH of South Carolina. I gave notice that I would proceed immediately after the close of the speech of the Senator from Georgia [Mr. BACON] to discuss the question of reciprocity, but as some Senators wish to discuss the same subject discussed by the Senator from Georgia, and as the vote comes to-morrow morning immediately after the reading of the Journal, I will await another occasion. I give notice now that immediately after the speech of the Senator from North Dakota [Mr. GRONNA] I will address the Senate on the subject of reciprocity.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 29360) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1912, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 30, 31, 32, 33, 200, 201, and 218.

That the House recede from its disagreement to the amendments of the Senate numbered 85, 86, 103, 104, 105, 106, 107, 108, 109, 202, and 205, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$90,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$100,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$7,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$71,820"; and the Senate agree to the same.

On amendments numbered 99, 100, 101, and 102 the committee of conference have been unable to agree.

F. E. WARREN,
E. J. BURKETT,
MURPHY J. FOSTER,
Managers on the part of the Senate.

F. H. GILLETT,
JOSEPH V. GRAFF,
L. F. LIVINGSTON,
Managers on the part of the House.

The report was agreed to.

ELECTION OF SENATORS BY DIRECT VOTE.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 134) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Mr. PERCY. Mr. President, in speaking on the joint resolution providing for the election of Senators by the people, with the so-called Sutherland amendment, I have no expectation of contributing anything to the able and exhaustive discussion of that subject which we have just heard from the Senator from Georgia [Mr. BACON]. And yet I desire to present briefly and somewhat informally the reasons why, although supporting the joint resolution as it was reported from the committee, I am unable to support it in its present shape.

I accept as an absolutely correct statement of the law the proposition laid down by the Senator from Georgia and acquiesced in on the floor the other day by the Senator from Minnesota [Mr. NELSON], namely, that under the Sutherland amendment Congress would have the same power in regard to the regulation and supervision and control of the election of United States Senators that it has to-day in regard to the election of Members of the House of Representatives, and that that power embraces, if Congress sees fit to exercise it, the appointment of Federal registrars to register the voters entitled to vote at such

elections, the appointment of Federal judges and Federal supervisors to conduct such elections, the appointment of United States marshals and deputy marshals to carry out the directions of such supervisors and judges; the support, if need be, of the Army of the United States to aid in carrying out the orders and directions of such judges and supervisors; and, finally, the appointment of a canvassing board to ascertain who has been elected at such election and to certify the result to the United States Senate, such Senator to present as his credentials to the United States Senate the certificate of his election from the canvassing board instead of his commission from the governor of his State.

That power exists under no provision of the Constitution as that Constitution stands to-day. It does not exist under section 4 of Article I of that Constitution, giving to Congress the power to make and alter the regulations for the election of Members of the Senate, because that power, as the Constitution stands to-day, only comes into play after the organization of the legislature which elects a Senator. It does not go to the polling place. It has no control over the election of members of the legislature.

It has been suggested, however, that possibly this power exists under the second section of amendment 15 to the Constitution, which provides that Congress may by appropriate legislation enforce the fifteenth amendment, which provides that the right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

I deny that under that provision any such power as is here contemplated does exist. No warrant for it is found in any decision of the United States court construing the fifteenth amendment. No suggestion of the existence of such a power can be found in any decision of the Supreme Court of the United States passing on the fifteenth amendment.

More than that, in all of the long, bitter, exhaustive, and able debates of this body at the time when it was proposed to enact the "force law" in 1890, and again in 1894, when the Federal supervision laws were repealed, in debates where the constitutionality of those laws was seriously questioned and discussed, the suggestion was never made, no Senator ever contended here, that the power to regulate Federal elections arose by virtue of any other provision than the power to make and alter the regulations of the State. No one suggested that under the fifteenth amendment the power existed in Congress to take charge and control of the machinery of the election of Members of the House of Representatives.

There can be no question, Mr. President, that the power under the fifteenth amendment is a power directed against the States—against State action—that so far as it ever affects individuals it is a corrective power, simply a power to enact corrective legislation. There is no power to enact general legislation to take charge and control of the machinery of the election. If that were true, there would be a similar power under the fourteenth amendment, which provides that no State can deprive one of life, liberty, or property without due process of law. Congress can enact corrective legislation under the fourteenth amendment, but it has never been contended that Congress, where there was a denial by the State of due process of law, could enact general legislation which would enable it to take charge of and administer the laws so that there should be no deprivation of life, liberty, and property without due process of law.

I take it that the correct rule as to the fourteenth amendment and the power of Congress under it, which applies equally to the fifteenth amendment, is found in this statement of the Supreme Court of the United States in James against Bowman, One hundred and ninetieth United States, quoting with approval the civil-rights case:

> And so in the present case, until some State law has been passed, or some State action through its officers or agents has been taken, adverse to the rights of citizens sought to be protected by the fourteenth amendment, no legislation of the United States under said amendment, nor any proceeding under such legislation, can be called into activity; for the prohibitions of the amendment are against State laws and acts done under State authority. Of course, legislation may, and should be, provided in advance to meet the exigency when it arises; but it should be adapted to the mischief and wrong which the amendment was intended to provide against; and that is, State laws or State action of some kind, adverse to the rights of the citizen secured by the amendment. Such legislation can not properly cover the whole domain of rights appertaining to life, liberty, and property, defining them and providing for their vindication. That would be to establish a code of municipal law regulative of all private rights between man and man in society. It would be to make Congress take the place of the State legislatures and to supersede them. It is absurd to affirm that, because the rights of life, liberty, and property (which include all civil rights that men have) are by the amendment sought to be protected against invasion on the part of the State without due process of law, Congress may therefore provide due process of law for their vindication in every case; and that, because the denial by a State to any persons of the equal protection of the laws is prohibited by the amendment, therefore Congress may establish laws for their equal protection. In fine, the legislation which Congress is authorized to adopt in this behalf is not general legislation upon the rights of the citizen, but corrective legislation; that is, such as may be necessary and proper for counteracting such laws as the States may adopt or enforce, and which, by the amendment, they are prohibited from making or enforcing, or such acts and proceedings as the States may commit or take, and which, by the amendment, they are prohibited from committing or taking.

It is the same limitation that obtains in regard to the powers of Congress under the fifteenth amendment. If that were not true, if Congress has, under the power to pass appropriate legislation to enforce the fifteenth amendment, the power to take charge of the machinery of elections, it would be a much broader power than that conferred by the Sutherland amendment, because the power would not be to protect the person elected because he was a member of the Federal Government, not to protect him because he was a Senator, not to guard the election because it was the election of a Member of the House, but it would be to protect the party offering to cast his vote from a denial of that right, and therefore that power would extend not only to the election of Federal officers, not only to the election of Senators and Members of the House of Representatives, but it would invade the sovereignty of the State and could control every election, whether it be municipal, district, county, or State; it could strip the State of every vestige of sovereignty and control the elections for governor as easily as it could the elections for United States Senator.

Such a proposition is monstrous and preposterous. It finds no warrant in any decision of the courts of this country. So we are faced with the naked proposition that if this power is to be given by the Sutherland amendment, it is a power which never existed before under the Constitution of the United States since the creation of the Government. This is a truth which can neither be disguised nor successfully controverted.

Is it a power that we are willing to extend to the Federal Government? While the people of my State desire that there shall be an election of Senators by the people, they have that mode of election in their own State to-day under the primary elections system, and they are unwilling, in order to give that privilege to States that do not care for it, to extend the power of the Federal Government in the control of elections beyond what that power has ever been under the Constitution as it has existed up to this day.

I do not regard this as a sectional question. It interests every section of this Union. Yet, unquestionably, it is true that because of the peculiar conditions in the South, it concerns us more vitally than it does any other section of the Union. I do not consider that the race question is one that concerns the South alone or that we alone are entitled to deal with it. It concerns the welfare and the happiness and the protection under the flag of this country of 9,000,000 citizens of the country; but in other sections of the country it is regarded as a matter which affects the negro alone, while to the South it not only affects the millions of negroes there, but the millions of white people likewise who are residing there; and therefore it is a matter of more vital concern to them than it is to any other section of the country.

If I interpreted aright the expressions which fell from the lips of Senators during this debate in regard to the exercise of the power of the Federal Government over elections, they meant that as long as the South handles this question in a manner satisfactory to the Congress of the United States there shall be no interference with the southern people in the handling of it; but whenever, in the opinion of Congress, that question is not being handled there fairly and justly toward the negro, Congress reserves to itself the power to interfere.

Mr. CARTER. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Montana?

Mr. PERCY. I do.

Mr. CARTER. I assume that the continuance of that power is the particular part of this proposal which the Senator objects to. In the course of some observations recently made I contended, and I believe the position of the Senator from Mississippi as stated agrees with the contention, that legislation, with reference to elections and the franchise, if based upon authority given in the fifteenth amendment, would be merely corrective, applicable only to the States; whereas under the first part of section 4, Article I, to which the Sutherland amendment was directed, the right is given the Federal Government by appropriate congressional action in execution of the law to go into the respective States where, in the judgment of Congress, the Federal power should interfere to appoint, if need be, registry agents, judges, and clerks of election for the purpose of insuring, through the prescribing of the election machinery and the conduct of the election itself, such regard for the rights

of persons under the fifteenth amendment as the Congress might think proper to prescribe and enforce.

Now, I understand the Senator to mean that if the joint resolution is passed as it now stands, with the Sutherland amendment adopted, the Federal Government will have that power as to a senatorial election precisely as it has the power with reference to a congressional election, save and except as to the fixing of the place of the election. Is that the part to which the Senator objects?

Mr. PERCY. Unquestionably. I adopt the Senator's construction, and I object to the extension of the very power the Senator from Montana has enumerated to the control of the election for Senators. There is no controversy about our respective positions, as stated by the Senator from Montana. There is no controversy between us as to the legal effect of the Sutherland amendment. I believe I state the position of the Senators who have spoken on the question correctly when I state that their attitude is that, while sympathizing with the South in the handling of this race problem, Congress was willing, as long as the South handled it in such a way as commended itself to the approval of Congress, to leave the handling of it to the South, but that when the South failed to handle it in such a manner as Congress thought it should be handled Congress reserved the right to control the Federal elections as to Members of the House, a power which it now has, and Congress, under the Sutherland amendment, desired to extend that control to the election of United States Senators.

Mr. CARTER. Mr. President, if the Senator will permit me, undoubtedly the power of Congress to control elections authorized in the first part of the fourth section of the first article of the Constitution would follow to the polls precisely as it is exercised now with reference to legislatures. I am free to say to the Senator that I would not have voted for the joint resolution if the Sutherland amendment had not been adopted for the very reason that, according to my views, the right of the Government to control and regulate the election of Senators and Representatives in Congress should not be surrendered, and that position is taken with reference to the North as well as the South.

Mr. PERCY. Mr. President, my reply to the contention that Congress should have the power to intervene in Federal elections whenever Congress sees fit to do so, and that that power, if Senators are to be elected by the people, should be extended to the election of Senators, is this: That there will never come the day, however bad conditions there may seem, when Congress can intervene and use that power in the South, except disastrously to the welfare and the prosperity of the South and to the detriment and injury of both the black and the white man there; and believing that way, I would say that whenever Congress, either by reason of the exigency of some political demand or because it is the misguided victim of a maudlin philanthropy, seeks to intervene by control of Federal elections in the South, I want to restrain the field of its pernicious activity to as small an area as possible, to the area to which it is restricted to-day and has ever been restricted by the Constitution of the United States; and never by my vote will I extend the power of Congress to control Federal elections beyond the power as it exists to-day under the Constitution as it stands. And that, Mr. President, although the laws regulating suffrage in the South are valid and constitutional, so declared by the Supreme Court of the United States, and although those laws are administered in fairness, in justice, and in honesty by the officers charged with the administration of them.

Mr. President, it is difficult almost to realize the difference in conditions in the South on this question and elsewhere. There are to-day in the United States, according to the census of 1900—I have not the one of 1910—in round numbers 9,000,000 Negroes. Of that number 90 per cent reside in the Southern States. In the States of Alabama, Mississippi, and Georgia 31 per cent of the total negro population resides. Only seven-tenths of 1 per cent reside in the New England States. I will just read a paragraph from probably the ablest authority who has written on the race question, "Studies of the American race problem," by Alfred Holt Stone, to give some idea of the preponderance of that population:

> There are more negroes in Mississippi than in Cape Colony or Natal, even with the great territory of Zululand annexed to the latter; more than in the Transvaal, and not far from as many as in both the Boer colonies combined; more than in Jamaica and Barbados combined; more than in Trinidad and all the remaining English islands combined, excluding those just named; more than in Cuba and Porto Rico combined; more than in either Haiti or Santo Domingo.

In the county of Washington, in which I live, there are 5,000 white people and 44,000 negroes. There are more negroes in that county than there are in 18 States combined that can be named in the United States, more than there are in any one of 28 States which can be named. The Senator from New York [Mr. DEPEW] in his address the other day made a misstatement as to the negro population of New York State, which I first thought was simply a typographical error. He stated there were 300,000 negro voters in New York City. The last census shows that there were less than a hundred thousand negroes in New York State all told.

So, Mr. President, with this enormous negro population, the framers of the constitution of 1890 in Mississippi met to frame a constitution under which a white man's government could be maintained, to establish a white man's government under and not in conflict with the Constitution of the United States.

Never did a more difficult task confront the people of our race, and rarely ever was such a task dealt with by men of more distinguished ability and sincere patriotism.

The present constitution was the result of that convention. There was no concealment about the object sought to be attained. It was to obstruct the exercise of negro suffrage to the point where it would not be a menace to the government. That object was avowed. Say, by the supreme court of Mississippi in the following significant language quoted by the Supreme Court of the United States in the Williams case: The supreme court of the State of Mississippi, in Ratcliffe *v.* Beale (26 Sou., 865), said:

> Within the field of permissible action under the limitations imposed by the Federal Constitution the convention swept the field of expedience to obstruct the exercise of suffrage by the negro race.

Again—

> Restrained by the Federal Constitution from discriminating against the negro race, the convention discriminates against its characteristics and the offenses to which its members are prone.

Says the Supreme Court of the United States:

> But nothing tangible can be deduced from this. If weakness were to be taken advantage of, it was to be done within the field of permissible action under the limitations imposed by the Federal Constitution, and the means of it were the alleged characteristics of the negro race, not the administration of the law by officers of the State. Besides, the operation of the constitution and laws is not limited by their language or effects to one race. They reach weak and vicious white men as well as weak and vicious black men, and whatever is sinister in their intention, if anything, can be prevented by both races by the exertion of that duty which voluntarily pays taxes and refrains from crime.

That was the idea of the convention. It was understood by the Supreme Court, and it was understood by the humblest citizen in the land. The Senator from New York [Mr. DEPEW], in his speech the other day related an anecdote more amusing than instructive, of a negro preacher, the graduate of a college, who sought to register in Mississippi, but having read the constitution failed to interpret it to the satisfaction of the registrar. Such an incident could never have occurred, because when the constitution is read, no interpretation of it is required; but this incident would illustrate just as well as the one given by the Senator from New York the point which he had in view. An ignorant negro presented himself to register and said to the registrar: "I can neither read nor write, but I want to be tried on the understanding clause." The officer, turning over the constitution to find some clause to question him on, said: "Bill, what are constitutions made for anyway?" The answer, cheerful and immediate, was: "Why, boss, they's made to keep negroes from voting." [Laughter.] That was the understanding of the object of this convention and the object of this constitution both by the learned and by the unlettered and humble.

By what provisions, however, was that object sought to be accomplished? By expedients which seemed simple almost to the point of childishness; but they were directed by those who understood the negro character to the racial characteristics of that race. There is no grandfather clause in the Mississippi constitution; there is nothing difficult of construction in the language of that constitution. The provisions which are relied upon, and which have proven most effective, are, first, that the party seeking to vote shall register, and the registration closes four months prior to the election; that in order to register he must be able to either read the constitution or to interpret it when read to him; and third, that he must pay the taxes in the year in which he offers to vote on or before the 1st day of February in that year for the preceding two years. Those are almost the sole requisites necessitated by the Mississippi constitution, and yet under those provisions, administered fairly and honestly, there has been an almost absolute elimination of the negro vote.

You have heard much of the interpretation clause. There have not been, since the constitution of 1890, 100 men in the State of Mississippi disqualified from registering because of failure to understand the constitution. These simple provisions have proven absolutely effective.

The voter is required to register, and the opportunity is given him. He is required to pay his taxes, and the oppor-

tunity is given him to pay them. He is required to either read or to understand the constitution, and public schools dot the entire land, open to both races separately.

To the aid of these constitutional provisions has come the primary election system. Nominations are made by primary elections, and the same qualifications are applied to primary elections as are applied to general elections. In the Democratic primary only white men are allowed to participate. The result is that the white vote is cast for the nominee of the Democratic primary and that owing to the small number of negroes who have qualified themselves as electors they hold no primary, make no nomination, and cast no vote. The provisions of the constitution disfranchise 80 per cent of the negro race and the other 20 per cent do not hold a primary election because they are in a hopeless minority. They have not that earnest wish, that stern resolve, to exercise the right of suffrage which characterizes our race. They have to be stimulated by the immediate hope of victory or they have to be aroused by the appeal of the white man before they take any interest in exercising the right of suffrage. The negro has never sought to exercise the right of suffrage except where the white man has appealed to his passion or to his cupidity.

The same law which disqualifies 80 per cent of the negroes disqualifies nearly 20 per cent of the white men of Mississippi. I have in my pocket now a decision rendered within the past week by the attorney general of Mississippi construing the suffrage provisions of the constitution and the laws passed thereunder and construing them in regard to the primary election to be held by the white people of Mississippi. Those provisions disqualify nearly 20 per cent, about 20,000 white men, in Mississippi from participating in the election. That is one of the costs that we pay in order to disfranchise a large proportion of the negroes.

There is another and a greater cost paid by the white men of Mississippi for the right of a white man's government there, and that is that all political discussion of the issues of the day which would tend to split the white men of the State is eliminated. However great may be the differences of opinion, however intense may be the partisan feeling, all that is subordinated to a solid white vote; however great may be the ambition that prompts men to struggle for influence, place, and position, that must be smothered in order that the white vote shall remain intact. Is that no price for men of our race to pay in order to control their government? It shows that the danger is great and overshadowing that would drive the Anglo-Saxon people, with their aggressive individuality, with their proneness to struggle for power and leadership, into solid ranks where all differences are buried.

No higher proof could be given of the intelligence, the patriotism, the capacity for government of the white men of Mississippi than their course in handling this problem. The intelligence with which they grasped the full significance of the danger confronting them, the dauntless courage and the wisdom with which they grappled with the difficulties of the situation, the constitution which they framed—the model followed by nearly every other Southern State—the self-sacrificing patriotism they have evinced in making the provisions of that constitution effective, all bear witness to the possession of those high qualities of statesmanship and leadership which have made the Anglo-Saxon people the conquering race of the world.

Under this constitution, administered by the State officers without discrimination, administered in honesty and in justice, there has been unparalleled prosperity for both races; there has been an era of good feeling and an absence of friction; the white man controls the government and the black man acquiesces in that control. That condition is liable to be disturbed in one of two ways—by the demagogue at home or by interference from abroad.

The demagogue at home addresses himself to whatever will forward his own political ambition. He preaches the repeal of the fifteenth amendment as being the dominant issue of the South, overshadowing everything else, and, in seeking to arouse interest in that behalf, he appeals to race passion and race hatred, and creates bitterness and discord between the races; and with equal ability, earnestness, and plausibility he would advocate the extermination of the inferior race if he thought such advocacy a surer road to political preferment. With him the conservative, intelligent people in the various Southern States can be left to deal, knowing that in the final outcome they will control their government and control it with firmness, yet in justice and in kindness to the inferior race. But that condition at last depends upon the solidarity of the white race and upon the patriotism of the white man. If into that delicately adjusted condition we project an intervention by a hostile power—because whenever the intervention comes it comes as a hostile intervention; it comes because Congress believes that the white men in the South are unable to control and direct their own government, and because Congress believes that the rights of the black man have been disregarded by the dominant power in the South—so it comes as a hostile power, and, coming in that way, it operates to arouse anger and antagonism among the white people, and it operates as an appeal and an invitation to the black people of the South. It is saying to them "your rights have been disregarded heretofore and trampled upon, but now we are going to control these elections. Go register and vote with the guaranty that your votes will be counted." It furnishes an incentive—yes, a command—for them to exercise that power in regard to which they are absolutely indifferent, and it furnishes the golden opportunity for race agitators of both races to come in and appeal to the lawless element of each race. Such intervention by the Federal Government would say to the white people, "from your hands has been wrested the control of your own elections. Your own Government holds you to be incapable of self-government, unfit to administer your own laws, and proposes, by its officers, to take charge of your elections and by military force, if need be, give to the negro the right to vote, even if such right results in placing him in control of your government." Thus you would arouse race passion and race feeling to the point where the conservative, the intelligent, Christian, and God-fearing white people of the South would no longer be able to control and administer their own laws.

After that era of intervention should have passed away, an era bound to be marked by the paralysis of prosperity and a chaotic condition of government, there would remain, it is true, the white man's government intact because of the indomitable courage and because of the virus of dominion in the blood of the white man; but there would also remain two races estranged and embittered toward each other, and the control of the affairs of the South would have been by this ill-timed, ill-advised, unwise, and vicious intervention wrested from the hands of the conservative people of the South.

While Congress in the exercise of such power could, if it saw fit, give an opportunity for the exercise of the right of suffrage by the negro, it has no power to protect him in his life, liberty, property, and pursuit of happiness. If that intervention came as the result of an appeal from the black race, when the intervention ceased the black men would find that they had in fact bartered their birthright for a mess of pottage; that they had, in order to secure the right of suffrage, robbed the intelligent white men of the South of the ability to protect them in their property, in their lives, and in the pursuit of happiness by them.

So, Mr. President, I am unwilling to vote for the joint resolution with the vital, substantive extension of power to the Federal Government carried in it. I am unwilling further, if the proposition to intervene by the Federal Government should ever arise, to make the chances of intervention greater by making the stake played for greater, by giving the right to intervene, not only as to Members of Congress, but as to Members of the United States Senate. It would be an additional argument, an additional incentive, if that intervention were prompted by political motive for the intervention itself. In my opinion, to extend this power would be unwise from the standpoint of any section of the country; to extend the power so as to regulate senatorial elections from the standpoint of the South would be one of those blunders so egregious as to constitute a crime.

It is suggested, why not vote for the resolution and leave it to the legislatures of the States as to whether they will ratify it?

Mr. President, if the ratification was to be submitted to the Legislature of the State of Mississippi, I would unhesitatingly pursue this course, but however strongly opposed to the ratification of the resolution in its present form the Legislature of Mississippi might be, the legislatures of 12 other States would have to stand with her in order to defeat the resolution. Deeply sensible as I am of the great danger to the South in the adoption of the resolution, I will cheerfully submit the question to the wisdom of my own legislature, but I am unwilling to submit to the legislatures of 47 other States, in no one of which the danger to be guarded against is as great as it is in Mississippi, the determination of a question so fraught with danger to the people of Mississippi.

Mr. JONES obtained the floor.

Mr. DAVIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Arkansas?

Mr. JONES. I understand the Senator from Arkansas desires two or three minutes. I am perfectly willing to yield to him.

Mr. DAVIS. Mr. President, it is not my purpose to discuss the pending joint resolution. I had the honor to do that on the 30th of January, but I rise for the purpose of explaining my

attitude on the matter since the adoption of the Sutherland amendment, and I will avail myself of the few moments given so kindly by the Senator from Washington having yielded the floor to me.

I have stated, Mr. President, to some of my colleagues, and also in the Democratic caucus, that if the so-called Sutherland amendment were adopted as a part of the joint resolution, I would not support the joint resolution. I feared at that time, and I fear now, that the adoption of that amendment has cut the very life out of the original proposition.

But, sir, I am willing to trust the legislature of my State and the legislatures of the various States that are to be called upon to adopt this resolution should it finally pass. I believe in their wisdom, and I shall trust their judgment. Knowing that my people are very anxious that the people of the country should have the right to elect their Senators by the direct vote, I shall yield my fears along this line to their better judgment and leave it to them for their final decision, and shall vote for the joint resolution even with the Sutherland amendment attached.

Mr. JONES. Mr. President, I do not intend to discuss the legal phases of this proposition that have been raised and that have largely occupied the time of the Senate in the debate on this joint resolution. I simply want to present a few of the reasons why I am in favor of the adoption of this resolution as amended. For a great many years I have been in favor of the election of Senators by the direct vote of the people, and in the Fifty-sixth Congress, while a Member of the House of Representatives, I voted for a resolution similar to this one, and also in subsequent Congresses I voted for a resolution of the same character. The resolution which has been presented here and which was submitted to the Senate by the Judiciary Committee provided that in lieu of the first paragraph of section 3, Article I, of the Constitution, as it now stands, and which reads as follows:

> The Senate of the United States shall be composed of two Senators from each State, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

And in lieu of so much of paragraph 2 as relates to filling vacancies which reads as follows:

> And if vacancies happen by resignation or otherwise during the recess of the legislature of any State the executive thereof may make temporary appointments until the next meeting of the legislature which shall then fill such vacancies.

And in lieu of all of paragraph 1 of section 4, which reads as follows:

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The following be submitted:

> The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.
>
> The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof.
>
> When vacancies happen in the representation of any State in the Senate the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election, as the legislature may direct.
>
> This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

That is the resolution as it was reported from the committee.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Washington yield to the Senator from Kansas?

Mr. JONES. Certainly.

Mr. BRISTOW. I suggest the absence of a quorum.

Mr. JONES. I did not really yield for that purpose, but I do not understand that I have any right to say with reference to that. Personally, I would prefer to go on.

The PRESIDING OFFICER. The Senator from Kansas suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names.

Bacon	Clark, Wyo.	Heyburn	Root
Bailey	Clarke, Ark.	Johnston	Shively
Bankhead	Crane	Jones	Simmons
Bourne	Crawford	Kean	Smith, Md.
Bradley	Cummins	Lorimer	Smoot
Brandegee	Curtis	McCumber	Stephenson
Briggs	Davis	Martin	Stone
Bristow	Depew	Nixon	Swanson
Brown	Dick	Oliver	Thornton
Bulkeley	Dillingham	Owen	Warner
Burnham	Dixon	Page	Watson
Burrows	Flint	Paynter	Wetmore
Burton	Foster	Penrose	Young
Carter	Gallinger	Percy	
Chamberlain	Gamble	Perkins	
Clapp	Guggenheim	Piles	

The PRESIDING OFFICER. Sixty-one Senators have answered to their names. A quorum of the Senate is present.

Mr. JONES. Under the Constitution as it is now Senators are elected by the legislature. This the people desire to change, and this resolution proposes an amendment under which they shall be elected by the people. This is one simple and distinct proposition.

The Constitution also provides now that the times, places, and manner of electing Senators are to be prescribed by the State legislatures, but the right and power is reserved to Congress to make and alter such regulations.

Under the proposed amendment, as reported by the Committee on the Judiciary, this power of Congress was taken away and the same was given entirely and exclusively to the State legislatures by the following provision:

> The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the legislature thereof.

This is another distinct proposition. This provision the Senator from Utah [Mr. SUTHERLAND] moved to strike out. This motion has been agreed to by the Senate, this provision has been eliminated and the resolution now reads as follows:

> The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.
>
> When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election, as the legislature may direct.
>
> This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

That is the resolution as it will be voted upon by the Senate. It contains but one simple, distinct proposition, and that is the proposition to elect Senators by direct vote of the people.

I consider it very unfortunate that it was deemed necessary to report the two distinct propositions to the Senate, because it has led to a controversy here that should not have arisen.

The people of the country have long been asking for the one simple proposition to elect Senators by a direct vote. It is not fair to the people to grant their petition coupled with another proposition that they have not considered, one over which a great deal of controversy may arise, and has arisen already in this body; and if it arises here, it would certainly arise in the legislatures of the various States. It is not fair to say to the people that in order to secure what they desire, what they have asked for, what they have petitioned for, they must take something that they have not asked for, that they have not sought, and to which possibly they may very seriously object. So we have stricken out the second proposition, and it will be wise, reasonable, and patriotic for all of us who honestly believe in the election of Senators by direct vote of the people to accept this resolution, vote for it, and submit this specific proposition to the people of the country, or, rather, to the legislatures of the various States, for their adoption or rejection.

Those who object to the election of Senators by the people will then be compelled to oppose it upon its merits, and instead of our placing a club in their hands by which they can defeat it in the various legislatures they will have to stand before those legislatures and discuss it upon its merits. The issue will be plain and clear cut.

This debate has proceeded much as if we were to determine the merits of the proposition here. We are not. The only question for us to decide is whether or not we shall give the people, through their legislatures, the opportunity to say whether this change in the Constitution should be made.

It is well, of course, for us to discuss here the merits of the election of Senators by direct vote of the people, and yet, that, to my mind, so far as this body is concerned, is not the real question. The question is whether we will submit this proposed amendment to the legislatures, and let it be discussed upon its merits. And it seems to me that it would be the proper course for those who are opposed to the election of Senators by the people, who think that it would be unwise to adopt the amendment, to go to the State legislatures and say to them: "We have been willing to submit this proposition to you. We do not believe in it. We do not believe you should adopt it." And then point out to the legislatures the reasons why it should not be adopted.

I have confidence in the intelligence of our legislatures. I have confidence in their patriotism and their desire to amend the Constitution of the United States only in such ways as will be for the best interests of the people of this country, and I believe that they can be safely trusted to pass upon this proposition. They can be safely trusted to weigh the objections,

if there are any, that may be made and to reach a wise conclusion thereon.

Mr. President, in my judgment, it is our duty to submit this amendment. We are untrue to the people and the States we represent if we do not. Who are we that we should deny their repeated requests? Are we their masters or their servants? Are we their rulers or their representatives? Again and again they have asked the privilege of passing on this question. Year after year they have besought us to submit this amendment. They have done it by letters, petitions, and conventions. The Democratic Party has declared for it in its national platform, and the candidate for President on the Republican ticket declared for it in the last campaign. The House of Representatives, chosen directly by the people and representing their will, has time and again sent its petition to this body in the shape of resolutions passed by overwhelming votes. Away back in 1892 they passed one. Then in the Fifty-third Congress, by a vote of 141 to 50, they passed this resolution; then in the Fifty-fifth Congress, by a vote of 185 to 11, they passed this resolution and sent it to this body, respectfully requesting us to submit it to the legislatures of the States; and in the Fifty-sixth Congress, by a vote of 242 to 15.

Some claim that we are not accountable to the people; that we are the agents of the legislature as representing the States. Very well. Legislature after legislature has petitioned us to submit this amendment. We have refused. We have defied not only the petitions of the people, but we have defied the commands of our sovereign States. We have denied our very creators. Is it any wonder that the people are beginning to wonder, "Upon what meat doth this our Cæsar feed that he is grown so great?" It is said that 37 State legislatures, the creators of 74 members of this body, have asked by solemn memorial, in one form or another, its representatives to submit this amendment. It has never yet even reached a vote in this body. This is arrogance gone mad. We profess great regard for the State legislatures, and yet the only attention or respect we pay to their memorials is to ask that they be printed in the RECORD. We have no right to refuse the demand of the people; we have no right to refuse the demands of the legislatures in this matter, a matter which touches their capacity and intelligence. I have some pride of opinion. I am willing to assume responsibility for action here. I am willing to assume that I am better able to decide upon legislation proposed here than the people whom I represent, because of information not available to them and because of my better knowledge of the situation here, but I do not believe I have the right, whatever may be my personal views, to deny a request of my people, expressed by conventions and through legally constituted legislatures. When I do that I assume the position of master and despot instead of servant and representative.

Mr. President, this Senate, in refusing to submit this question, is defying the people and the States, and the longer we deny their petitions the stronger will grow their determination to have this change made in the Constitution. We best feed the flames of their desire by repeated denials, and give color to the claim that we are the bulwark of the "interests" and the enemy of the people's rights and weal. We may refuse their petition again, but the time is coming and right soon when their will can no longer be resisted. Senator Hoar was right when he said, in that powerful argument he made against this proposition, which has been the basis for all the argument made against it in this debate:

> But whenever the American people has made up its mind, when its judgment is formed, when its will is determined, that will is sure to be carried into effect. Whether through Senates or over Senates, through courts or over courts, through Presidents or over Presidents, through Constitutions or over Constitutions, the irresistible current will make its way.

The Senator from New York [Mr. ROOT] says there "is not a very active or violent feeling for this change." This same view was expressed more than 14 years ago by Senator Chandler in this body. He said, in replying to an able argument by the honored senior Senator from California in favor of direct election of Senators:

> I do not, myself, believe with the Senator from California, that the desire for the proposed change is strengthening in the minds of the people of the country. On the contrary, I believe it is a craze, a Populistic notion, which has not really taken hold of the members of either of the two great political parties, but is only a hobby or a fad of the Populistic Party, which, if it is not adopted within a few years, will never be heard of again.

He was mistaken. The Populistic Party has passed away, but this "fad" or "craze" is stronger than ever, and, judging from the rather radical utterances that I see in the press from this honorable gentleman now, I am rather inclined to think that he has been inoculated with this craze or this "Populistic fad" that he thought was likely to pass away very soon.

The declarations of conventions, the announcements of candidates for high offices, and the solemn memorials passed by State legislatures all refute the contention of the Senator from New York that there is not an "active" demand for this change. And let me suggest to those who are opposed to this demand, the sooner you grant it the easier it will be for you to defeat it with the people. If this question had been submitted years ago it would probably have been defeated. We want that which is denied us either as individuals or as a people, and if you would preserve the Constitution as it is, submit this to the people and go before them and tell them they are not capable of choosing their agents directly; tell them that they lack the intelligence and stability to be trusted with the choosing of the members of this body; and show them that by adopting the amendment our constitutional government will be destroyed and the equality of the States threatened. Our people are intelligent, they revere the traditions of the Fathers, they prize our Constitution and are jealous of its perfection. They will weigh your arguments, they will consider the dangers pointed out and the effects to be feared, and if you are right they will sustain you by electing legislatures that will reject the amendment. But if you refuse you exhibit your distrust of the people and want of confidence in the legislatures.

They say this proposition creates a distrust of representative government. The persistent denial of the petitions of the people has already created in their minds a distrust in their representatives, and to continue this denial will intensify this distrust.

They say we would rob the legislatures of power, dignity, and consequence, and yet we mock their power, insult their dignity, and minimize their consequence by habitually spurning their memorials, and discredit and insult them by denying their petitions.

Mr. President, the Senator from New York is concerned about the stability and conservatism of the Senate. So am I. It has been a stable and conservative body and yet safely responsible to the people's needs. Its stability and conservatism does not depend upon the manner of electing its members. These come from its small numbers, its secure tenure, its great responsibilities, and varied duties. Election by the people would not shorten its tenure, would not make more single its power, would not deprive it of any of its legislative, executive, or judicial functions, would not deprive it of any of its control over the raising and expenditure of revenue by lessening its power of amendment, would not deprive it of its appointive power resulting from the necessity of its confirmation, would not lessen its control over foreign affairs because it does not take away its consent to the ratification of treaties, would not lessen its power in impeachment trials; and the same inducements that have caused the Senate of the United States to perform "its duty loyally, faithfully, and competently, and has furnished to the history of its country a line of illustrious names and a record of great achievement which furnish one of the most convincing proofs the world has yet had that popular government through representative institutions is a possibility among men" will continue to impel the representatives of the people's will to show themselves worthy of the traditions of the past and of the people who may honor them by selecting them to continue to discharge the high duties of this great office with an eye single to the people's good and the glory of their great country.

It is said that this will interfere with one of the great compromises of the Constitution, and we are warned not to put the great industrial communities in an attitude where they can say that the honorable compromise of the Constitution has been taken away and that they should be allowed a greater representation in this body than the smaller States. I do not believe this fear is well founded. I can find nothing in the proceedings of the Constitutional Convention indicating that the manner of choosing the Senators was anything more than a mere difference of opinion and did not go to the fundamentals. No State threatened to remain out of the Union because this or that method was used in selecting Senators. Representation in this body by two Senators from each State, large and small, was a fundamental compromise without which it is probable, yea certain, that the Union would not have been perfected. This it is not proposed to interfere with in any way. This provision was adopted in the convention as a separate and distinct proposition and independent of the provision as to manner of election. It was no more a part of the compromise than the length of term. The Constitution itself clearly indicates what the compromise was when it expressly provides "that no State, without its consent, shall be deprived of its equal suffrage in the Senate." This means equal representation in the Senate, and if the manner of

selecting that suffrage had been in mind the framers of that immortal document would have left nothing in such an important matter to intendment.

We are told that to make this change would reflect upon the makers of the Constitution. They were not perfect. They did not consider their work perfect. This provision was not their unanimous wisdom. The master minds of that convention—Madison, Hamilton, and Wilson—were even then in favor of the election of Senators by the people and of building our Government upon the broad base of the people rather than on the props of the legislatures. It was adopted by force of numbers rather than by the judgment of master intellects. At any rate, they did not disregard public opinion in determining the method to be adopted. It was, as Hamilton or Madison said, "probably the most congenial with public opinion."

In other words, the men who framed the Constitution were governed and influenced by the state of public opinion at that time in determining how the Senators should be elected.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Idaho?

Mr. JONES. I do.

Mr. BORAH. I wish to ask a question for information. The statement of the Senator is very interesting. I understood the Senator from Washington to say that Madison was in favor of the election of Senators by popular vote.

Mr. JONES. I so infer from the proceedings of the convention. He probably did not declare distinctly for it, but in the argument submitted by him then and subsequently he indicated very clearly that he preferred that method of election.

The reasons for its adoption then would hardly appeal to us now or be "congenial with public opinion." I do not find many of the arguments for this method advanced now that were advanced then. The Senator from New York [Mr. ROOT] does not say that "the people should have as little to do as may be about the Government." The Senator from Massachusetts [Mr. LODGE] does not insist that "the Senate should bear as strong a likeness to the British House of Lords as possible." The Senator from New York [Mr. DEPEW] does not dare to advocate this method, "because it would be most likely to provide some check in favor of commercial interests against the landed." No one says that our evils "flow from the excess of democracy." No one advocates this method, because "the commercial and moneyed interests would be more secure," or because "the people are for paper money and the legislatures are against it," and yet these seemed to be the controlling reasons in selecting this method. We do not discredit the fathers when we say these reasons do not apply now; the conditions existing then are not the same as now. We do them honor by showing our advancement in wealth, commerce, education, art, science, and not the least in our improvement in government. The method adopted served its purpose, but conditions now warrant the conclusion that the master minds of that convention were right.

Mr. President, why do the people desire this change? Not because corrupt men have often been elected to this body, not because men lacking in ability have been placed here. The most illustrious in our Nation's annals have dignified and exalted this body. It has not failed to meet the expectations of the founders of the Republic in discharging the functions of government. As Senator HOAR said:

> It has responded quite as speedily and quite as directly to the sober conclusion of the popular judgment and to the settled desires of the popular heart as has the other House or has any State legislature.

I can also agree with him when he says:

> It has originated far more than its proportion of the great measures in our legislative history for the benefit of the people which are found in our statute books.

What he said then is true to-day, and since that was stated the Senate has fully sustained its reputation for adopting, originating, and promoting legislation in the interest of the people. Some of the most important laws that are upon the statute books to-day were placed there since Senator HOAR uttered these words. They were enacted at the instance of the Senate itself. No; it is not because corrupt men have been sent to the Senate; it is not because weak and selfish men have been sent to this body that the people desire this change.

This desire originated from causes outside of the Senate. During the last 40 years we have experienced a growth in material development that is amazing and surpasses the possibility of tongue or pen to depict. Population has increased by millions. Settlers have pushed from sea to sea, have cleared lands, have bridged rivers, have scaled mountains, have established cities, and builded States. Manufacturing has expanded by leaps and bounds and the air has become vibrant with whirling wheels and black with the smoke of thousands of furnaces. Great transportation lines have been established, iron tracks have been laid and places, communities, and industries have been brought in close proximity which before had been almost isolated. Telegraph and telephone lines have annihilated distance and great inventions have revolutionized industries and the whole commercial world. Great corporations were formed in every line of business activity. Great and undreamed-of fortunes were amassed by individuals as well as corporations and all these developments have led to new and undreamed-of activities in political lines. These great industrial powers began to be affected by legislation and began to take an interest in the doings of State legislatures because their interests were affected by legislation. Their influence in politics and legislation was insidious but rapid. Through the manipulations of party machinery they exerted a greater or less influence on legislation. Then the political boss developed and members of the legislatures went to the legislatures not to represent the people, but to do the will of the boss. It was only a step to attempt to control and dominate the election of United States Senators either in the interest of some great industry or in the interest of some political faction or both. Members of the legislature have acted according to their own sweet will and for their own individual interests, politically and otherwise. Parties have been divided over individual senatorial aspirants. The interests of the people and the State have been disregarded and individual gain and interests preferred. Public offices have been openly bartered for political support. The whole time of legislatures has been spent in futile efforts to elect a Senator, the people have been humiliated, the States have gone on unrepresented and legislation for the people has been neglected or dominated by the senatorial contest. The people have seen plainly the perversion of the system of electing Senators. It did not elect, but it did corrupt legislators and foster a traffic in public offices and pervert legislation. The maneuvers and intrigues of ambitious men and political bosses caused senatorial elections to become a stench in the nostrils of all decent and patriotic people. Five States at one time were deprived of one-half of their representation in this body and it is no wonder that the demand for a change in the method of election began to grow stronger and stronger.

To-day four State legislatures are tied up over the election of Senators. Very likely after the 4th of March four of the great States of this Union will be represented only by one-half of the delegation they are entitled to upon this floor.

In addition to this and as really fundamental, the everlasting impulse for self-government asserted itself. The people have begun to feel that they could and should select their agents. They are the State. Their interests are the interests of the State. Mills, factories, houses, lands, railroads, towns, cities, and all are nothing without them. Legislation, government, is of the people, for the people, and by the people. They have felt and they feel now that they are as competent to choose their representatives in this body as they are to choose delegates to choose those representatives, and this really rests at the basis of this demand on the part of the people. It will grow stronger and stronger, and each denial by us will but add to its intensity.

In time the people of this country, if they find that this body will not heed their request and answer their petition and grant them the right to say whether the Constitution shall be amended or not, will take the other method of securing an amendment to the Constitution: They will have a convention called, and when the Constitution comes out of that convention its best friends will not recognize it.

The Senator from New York [Mr. ROOT] says the change would take away our direct responsibility to the legislatures who elect us, and transfer it to the people at the polls. Under the present system of electing do we feel any special responsibility to the legislature? We may feel an obligation to some individual member of it or some special faction of our party which has given us material assistance in our election, or it may be inspired it, but I venture to say not even the Senator from New York is thinking of making any special reports to the legislature of his State. The legislature that elects soon passes away; it can not remove us. We even now look to the people for approval of our course and account to them for our stewardship.

But, they say, this is a Government of checks and balances. True; and we must and will maintain these checks and balances not only in the very framework, but we will add another check by the proposed method of selecting our Senators. There is now no check on the legislature. Its election is final, unless bribery and corruption are shown. The man selected may be distasteful to the people, may be distasteful even to the masses of the party to which he belongs; but neither the people nor the party has any recourse. Members of the legislature are too

often influenced by reasons other than a desire merely to elect the best man to this high office.

Why is it that the legislatures in four States to-day are tied up over the election of United States Senators? Is it because the members of each legislature are seeking to find the best man for the place? No; it is because of the rivalry of individual candidates and the influences that are exerted in behalf of these particular candidates; and in some of the legislatures the people believe, whether it is true or not, that one man, not a member of the legislature, is really preventing the election of a United States Senator, holding the majority of that legislature in his hand for some particular individual, and that he will not give his permission for these men to exercise their free will and vote as representatives of the people.

Senators, these are some of the reasons why the people are demanding a change in the method of electing Senators. It is not because, as I have said, Senators who have been elected are not able men; it is not because they are not honest men; but it is because the people see that in the State legislatures men are selected not so much for their personal ability, honesty, and capacity to be Members of this great body, but in order to carry out the will of some particular individual or some particular faction or clique.

Personal appeals, personal relations, personal obligations, combinations and trades on local and personal interests, and legislation, now control these elections. Many members of the legislature do not care or expect to be reelected and their responsibility to the people rests lightly on them. Under the proposed method the people will have the final word. If the man nominated is distasteful, or if the methods pursued are not satisfactory, the people can reject. This will not only be a good thing for the people, but it will have a good effect on the candidates and their methods.

It is urged that we should have good, honest men in the legislatures. True, but nothing has done more to demoralize our legislatures than these senatorial contests, and nothing more deters the best men from going there than their dislike to be participants in these contests, and this change will go a long way to improve and strengthen the personnel of our legislatures.

I will not discuss further the merits of the proposition. It is for us simply to say whether or not we will deny again the petition of the people and the States and of the legislatures of the States and refuse to allow them to pass upon the merits of this proposition. Submit this question and, after considering all the reasons for and against, after listening to the Members of this body who may be opposed to the election of Senators by the people and weighing their reasons why the Constitution should not be amended, the legislatures will, in my opinion, say, "The time has come to amend the Constitution in this particular." It is for us to say whether we will deny the petitions and memorials of the legislatures that have elected us, whose dignity and power and consequence some are so desirous of upholding and yet treat with apparent contempt their respectful petitions. Let us show the people that we are their servants and not their masters; their representatives and not their rulers. Let us show them that we believe in their honesty, integrity, intelligence, and capacity for self-government, and that in the last analysis a free and enlightened representative government rests on the "consent of the governed."

Mr. SIMMONS. Mr. President, I do not desire to discuss the Sutherland amendment or the joint resolution introduced by the Senator from Idaho [Mr. BORAH]. I simply wish for a few moments to state the grounds upon which I shall base the vote which I intend to cast upon the resolution.

Mr. President, the question before Congress is not whether Congress shall amend the Constitution so as to provide for the election of Senators by the people—Congress has not the power to do that—but whether we shall submit to the legislatures of the several States a proposition to so amend the Constitution.

The people of this country of both parties and all parties have unmistakably demanded that this question be submitted to them by Congress.

I was opposed to the Sutherland amendment, and I voted against it, but it has been adopted by a decisive majority, and we have got to submit the proposition qualified by that amendment or not submit it at all.

This amendment does not interfere with the constitutional right of Congress to regulate the time, place, and manner of holding elections for Members of the House of Representatives. It simply provides that if Senators are to be elected by the people the Congress shall have the same right of regulation over elections for that purpose as it now has, and always has had, over elections for Members of the House.

The question we have to decide is whether we will take the responsibility of determining this question or submit it to the people for them to determine. I think this is a question which the people should decide through their legislatures, and that a vote against submitting it to them might be misconstrued, and, having gotten the amendment in the best shape we can get it, I for one shall vote to send it to them for such disposition as they see fit to make of it.

I have given very mature consideration to the effect of this amendment, and I am convinced that it will not affect the right of the States to regulate the qualification of voters, and hence will in no way imperil the amendments which have been adopted in the South defining the qualifications of the suffrage.

I do not believe Congress has the power, if it had the disposition, to overthrow these amendments. So far these amendments have been sustained by the Supreme Court of the United States whenever they have been challenged before that body, and this amendment does not add to the powers of the Federal Government with respect to the question of suffrage.

The Sutherland amendment addresses itself not to the question of the qualification of voters but solely to the question of regulating the time, place, and manner of holding the election of Senators, if that office is made elective by the people, and it would give the Government no greater power in this regard over the election of Senators than it now has and always has had and will continue to have, whether this resolution is adopted or rejected, over the election of Members of the House of Representatives.

The right of the Government to interfere by way of regulation and supervision of election in the States is derived from three distinct provisions of the Constitution:

First. The one which reserves to Congress the right to regulate the time, place, and manner of election of Members of the House of Representatives, and so forth.

Second. The fifteenth amendment, which prohibits the States in general terms from abridging the right of suffrage on account of race, color, or previous condition of servitude.

Third. The right to throw around the election of Federal officials the safeguards of the Constitution and the law.

It may be, and probably is, true that the Government derives its greatest power of control and regulation over these elections from its right to regulate the "time, place, and manner" of holding them, but it is certain that even in the absence of this specific power and right it would have the right to pass any legislation that it may deem necessary and appropriate to prevent discrimination against the voters by State legislation or administration on account of race, color, or previous condition of servitude or to prevent fraud, intimidation, or coercion in the election of Members of the House of Representatives, and of Senators if they are to be elected by popular vote.

If the Congress is disposed to obnoxiously interfere in elections in the States the Sutherland amendment will not change the right in any particular as it affects the election of Members of the House of Representatives and will not deprive it of the right to safeguard the election of Senators by the people against fraud, intimidation, or coercion.

During the more than 40 years that have elapsed since the war and reconstruction Congress has had all the powers over the election of Members of the House of Representatives which the Sutherland amendment now proposes to give it over the election of Senators by the people. During this time sectional and partisan feeling, growing out of the question of Negro enfranchisement and the effect of legislation and administration in restricting Negro suffrage, has run high, and various efforts have been made to put through Congress legislation, such as the force bill, to take over the control of Federal elections in the South; but they have failed, and only that class of legislation has passed which the Government had the power to enact under the fifteenth amendment and under its general powers over the election of its own officials.

No effort to enact legislation of such a sweeping character as it is claimed that Congress has under the fourth article of section 1 as now written has been successful.

During all this while the sentiment against this kind of legislation has been growing stronger, and it is tenfold stronger today than it was when these efforts were made and failed.

I do not believe that Congress will in the future, however broad its powers, likely pass any coercive or restrictive legislation upon this subject more obnoxious to the South than to other sections of the country. Certainly the danger, if any, is remote and speculative.

For one I do not feel willing, because of a vague apprehension of such legislation, justified in voting against this proposition, and thereby denying the people an opportunity to decide for themselves whether they want the proposed amendment in its

present form; and I shall therefore vote to leave with them the decision of that question.

Again, it would seem extremely doubtful, from the discussion we have had here, whether the North, East, and West will consent to any amendment looking to the election of Senators by popular vote which does not reserve to the Federal Government the same right of regulation over the election of Senators as obtains over the election of Members of the House; and it would seem that if the people want to obtain the right to elect Senators, it would be under the same condition as obtains under the Constitution as to Members of the House. This situation furnishes another reason why this question should be submitted to the people rather than assume its settlement ourselves, especially as our power is one of submission, while theirs is one of ultimate and final determination.

Mr. BOURNE obtained the floor.

Mr. OWENS. Mr. President, before the Senator proceeds——

The PRESIDING OFFICER. The Senator from Oregon is entitled to the floor. Does he yield to the Senator from Oklahoma?

Mr. OWEN. I rise to a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. OWEN. Before the Senator from Oregon begins, I think it would be advisable to have Senators who are available present. A good many of them are in the cloakrooms.

Mr. BOURNE. I hope the Senator will not press that.

Mr. HALE. I think, Mr. President, it is rather a melancholy spectacle that with such important matters pending as there are here there is nothing but full galleries. Of course we might summon in supernumeraries, but the rules of the Senate do not permit that. Even the press gallery has been abandoned, and I think the Senator is quite right in making his point that there is no quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bailey	Clapp	Kean	Root
Bankhead	Clark, Wyo.	Lorimer	Shively
Beveridge	Crane	McCumber	Smith, Md.
Bourne	Curtis	Martin	Stephenson
Bradley	Depew	Nelson	Stone
Brandegee	Dillingham	Nixon	Sutherland
Briggs	Fletcher	Oliver	Swanson
Brown	Flint	Overman	Warner
Burkett	Foster	Owen	Warren
Burnham	Gallinger	Page	Watson
Burrows	Gamble	Paynter	Wetmore
Burton	Hale	Penrose	Young
Carter	Heyburn	Perkins	
Chamberlain	Jones	Piles	

The PRESIDING OFFICER (Mr. CURTIS in the chair). Fifty-four Senators have answered to their names. A quorum of the Senate is present.

Mr. BOURNE. Mr. President, on the 5th of last May I delivered in this body a speech entitled "Popular *v.* Delegated Government," in which I asserted that Oregon has the best system of government in the world to-day. The Australian ballot, registration of voters, initiative and referendum, direct primary, corrupt-practices act, and recall, an absolute government by the people.

The interest the Oregon story has created is demonstrated by the fact that already applications have been received for over 2,700,000 copies for the United States, over 10,000 copies in Canada, and several hundred copies for foreign countries.

It is not my intention to take the time of the Senate in giving a repetition of the subject matter contained in the speech referred to, but rather to show that recent and further demonstrations on the part of the electorate of Oregon corroborate the assertions and deductions made in that address.

The issue before the country is whether popular government, with general welfare its vitalizing force, shall save and develop this Nation, or delegated government, with selfishness the destroying force, shall bring the Nation to inevitable anarchy.

For decades we have directed our efforts toward improving the shingles on the roof of our national superstructure without realizing that the foundation is absolutely rotten because its cementation is one of selfishness instead of general welfare, legislation and public servants being directed by and accountable to the political boss and through him to his principal, the largest campaign contributor.

Thus selfishness instead of general welfare becomes the motive power of government. Subservience rather than independence is the doctrine taught by the political boss and temporary leaders. Party platforms are adroitly drawn for the purpose of catching votes rather than for the purpose of development and improvement of government and the conditions of humanity.

The country is to be congratulated upon the awakening it is now undergoing, and, from my viewpoint, the more general and greater the tumult now, the more honest and specific the discussion, the higher the plane of the new departure, and the longer the period of peace hereafter.

The day of party and individual platforms made up of verbal souffle is passing, and the people will elect, whenever they have opportunity, individuals who stand for concrete improvements and remedies and will hold them rigidly responsible for specific performance of their pledges.

PUBLIC SERVANTS SHOULD BE ACCOUNTABLE DIRECTLY TO THE PEOPLE.

The success and duration of representative government depend upon responsibility and accountability—the responsibility of the people for their laws and selection of their public servants and the accountability of the public servant directly to the people.

To insure good service, responsibility and accountability must go together. Whatever an individual is responsible for he should to the same degree be accountable for. Under delegated government he is accountable to the political boss, who in most cases is but the agent of the largest campaign contributor, at best a shifting accountability, because of the relative fluctuations of contributions and contributors. Under popular government like the Oregon system, the accountability is always to the composite citizen—individual unknown—always permanent, never changing, the necessitated result being that the public servant must serve the composite citizen who represents general welfare or be recalled, where the recall exists, or fail of reelection where an efficient direct primary exists.

The greater the centralization of power the wider should be the distribution of accountability. Where accountability is to the individual, payment will be personal, meaning, necessarily, special privilege or serving a selfish interest. Where accountability in government is to the composite citizen—that is to say, the electorate or in corporate business to all the stockholders—the inevitable result is necessitated service for the general welfare of all, or the earliest possible elimination of the servant, whether public or corporate.

WHAT CONSTITUTES POPULAR GOVERNMENT.

These conditions can be established and perpetuated only through popular government, meaning, in its present evolution, the establishment in the several States of our Union, through the utilization of the State machinery, of the initiative and referendum, an efficient direct primary, the corrupt-practices act, and the recall, and providing nationally for the popular selection of candidates for President and Vice President and United States Senators, thus making general welfare the basis of every law and the goal of every public servant.

Popular government insures equal opportunity. It furnishes the same tools to every individual. The progress, advance, or success of the individual depends entirely on his limitations and not on special privilege. Realization of these conditions must stimulate and develop in humanity the innate desire for improvement.

Under delegated government, still in vogue in most States and in practice nationally, the people have no voice in their legislation, thus preventing the development of the electorate; nor have they any voice in the selection of their public servants, thus debauching public service, because of the direct accountability of the public servant to the delegates nominating him and through the delegates to the political boss and through the political boss to the real principal, the greatest campaign contributor.

This is a condition which must result almost necessarily in service by the public servant to the selfish interest governing the campaign contributor, who certainly is not actuated by patriotic motives, but dominated by expectation of receiving in return for his large contribution some special privilege against the general welfare.

In theory we have a Government in which certain public officials represent the wishes and promote the welfare of their States and districts. In reality, we have a Government in which many public officials secure their positions, always by consent and generally through the selection of a party boss, who maintains a political machine with funds contributed by individuals or corporations having selfish interests to protect or promote.

The widespread interest in the Oregon laws proves conclusively that the people of the entire country are awake to conditions that exist and are determined to improve their system of government, not by changing the existing form of government, but by making their representatives solely accountable to the

people and by guaranteeing to public servants that demonstration of good service rather than subservience to a political boss, temporary leader, or special interests assures election or retention.

Citizens determined to substitute general welfare and equal opportunity for selfish interest and special privilege are fighting for the adoption of these reforms throughout the country. There may be delays, temporary failures, and disappointments, but the ultimate accomplishment is certain, and the onward sweep of the movement for the full measure of human liberty can not long be stayed.

VALUE OF THE INITIATIVE AND REFERENDUM.

The initiative and referendum give the people the opportunity of securing and retaining such legislation as they desire. The initiative provides a limitless field for individual development, elevates the electorate, minimizes discontent, and destroys anarchy. The referendum permits popular defeat of unwise laws and absolutely insures retention of laws the people desire, for, without the referendum, the best and most efficient laws ever evolved might be repealed by a legislature actuated by selfish interest or influenced by beneficiaries of special privilege.

The referendum also develops and protects the legislative branch of government through the realization of the legislator that his action will be scrutinized by the people; and, if against general welfare, he will be censured by them and either recalled or defeated for reelection. Under the referendum corruption of members of the legislature is practically eliminated because of the knowledge on the part of the persons desiring special legislation that even though enacted by the legislature, defeat of such laws is within the power of the people.

Until the initiative and referendum amendment has been made a part of every State constitution, its adoption should be the chief issue in every campaign, for other issues sink into insignificance when compared with this.

The initiative and referendum does not destroy, but, on the contrary, insures truly representative government. Where the people of a State enjoy the sovereignty resultant from possession of this legislative power, they will rapidly secure enactment and insure retention of efficient direct primary and corrupt-practices acts and the recall. The legislature still retains and exercises its power, subject, however, to the control of the people, whose servant the legislature should be.

PLACE LEGISLATIVE CANDIDATES ON RECORD.

Because of the fundamental importance of the initiative and referendum, I have urged that in all States direct-legislation leagues be organized and that all candidates for nomination or election to the legislature be compelled to declare unequivocally their attitude upon this subject.

Voters who value their sovereign citizenship and who have confidence in their own intelligence and their own capacity to think and act for themselves should take up the cause aggressively and let no candidate evade the issue. Voters should notify all candidates that they will support for legislative offices only those who pledge themselves to vote for the submission of an initiative and referendum amendment; and legislators in the several States should be notified that they will never again be supported for any office if they fail or refuse to vote for the submission of the initiative and referendum to the people for their adoption.

During the recent campaign I was asked to suggest a form of letter which voters might address to candidates for the legislature, and I suggested the following:

To ———— ————,
Member of ———— Legislature.

If elected a member of the ———— Legislature, will you pledge your honor not only to the people of your legislative district but to the people of the entire State to work and vote for the submission to the electorate of the State of an initiative and referendum amendment similar to the Oregon law? My vote goes only to the candidate replying in the affirmative. In my opinion, this issue overshadows all others.

(Signature of voter.) ———— ————,
(Address.) ————, ————.

In several States where the initiative and referendum was not made an issue in the last campaign, but where it is an issue before the legislature this winter, I have suggested that voters who advocate popular government address a letter in the following form to their State senators and representatives:

Hon. ———— ————,
———— *Legislature,* ————.

DEAR SIR: In my opinion, the submission of the initiative and referendum is the most important question now before the legislature of the State of ————. A resolution has been introduced proposing the submission of the amendment in the form in which it is now in force in the State of Oregon. I believe that form is best, because the Oregon law has stood the test of practical operation and litigation in the courts. If submitted to popular vote in this State the initiative and referendum will be adopted by an overwhelming majority, for, by adoption of this amendment the people will gain power to control legislation by enacting desirable laws the legislature refuses to enact, and by defeating unwise laws passed by the legislature.

I therefore urge immediate adoption of the initiative and referendum resolution in its original form and will regard any attempted change therein, or delay in adoption, as an indirect effort to defeat the measure.

Believing this issue to be the most important now before the legislature, I shall watch the vote thereon with personal interest and hereby give notice that regardless of party lines, I shall never support or vote for any man for any office if he has failed or refused as a member of the legislature of this State to vote for the submission of the initiative and referendum in the Oregon form.

(Signature of voter.) ———— ————

PEOPLE VOTE WITH DISCRIMINATION.

In my address to the Senate on May 5, I submitted a list of 32 measures which had been voted upon by the people of Oregon, showing that the people had voted honestly and intelligently, had made no mistakes, but had secured desired legislation which they could not secure from the legislature and had defeated unwise laws passed by the legislature.

At the recent election the people of Oregon voted upon 32 measures and the manner in which they did so corroborates the previous evidence that they can and will vote upon these measures with discrimination and with due regard to the merits.

Certain it is that the people of Oregon are thoroughly satisfied with what is known as the "Oregon system," comprising the initiative and referendum, direct primary, corrupt-practices act, and recall, for by a vote of 23,000 for to 60,000 against they defeated a measure submitted by the legislature calling a constitutional convention. There was no general desire that a constitutional convention be held, but enemies of popular government, hoping by this means to eliminate the initiative and referendum from our constitution, secured the legislative passage of this act. Under our constitution no such convention can be held until the act authorizing it has been submitted to and approved by the people. This safeguard enabled the people to defeat the call of a constitutional convention, thus overcoming in its incipiency the effort to eliminate the initiative and referendum from our system of government.

Enemies of popular government criticize the Oregon system because the people of the entire State were compelled to vote upon eight bills creating new counties or changing county boundaries, these questions being only of local interest. These critics lose sight of the fact that submission of these measures to the State at large was due to repeated failures of legislatures to enact laws prescribing the manner in which these questions may be voted upon locally. Some Oregon counties are larger than entire States of the East, and, with our rapidly increasing population, creation of new counties is necessary. However, the people defeated all of the eight county boundary bills, thus showing their disapproval of the submission of local questions to State-wide vote, and their purpose to vote in the negative when not entirely convinced of the desirability of a proposed law.

Of the 32 measures submitted, 9 were approved and 23 rejected. Seven measures were proposed by the legislature and six of these were defeated. I shall not undertake to discuss each of the measures submitted, but for the purpose of showing in briefest possible form the character of measures voted upon by the people of Oregon at the recent election, and the vote upon each, I ask permission to insert in the RECORD the following table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The table is as follows:

Popular vote on measures submitted to the people of Oregon Nov. 8, 1910.

	Yes.	No.
Amendment permitting female taxpayers to vote [a]	55,270	59,065
Act establishing branch insane asylum in eastern Oregon [b]	50,134	41,504
Act calling convention to revise State constitution [b]	23,143	59,974
Amendment providing separate district for election of each State senator and representative [b]	24,000	54,252
Amendment repealing requirement that all taxes shall be equal and uniform [b]	37,619	40,172
Amendment permitting organized districts to vote bonds for construction of railroads by such districts [b]	32,844	46,070
Amendment authorizing collection of State and county taxes on separate classes of property [b]	31,629	41,692
Act requiring Baker County to pay $1,000 a year to circuit judge in addition to his State salary [c]	13,161	71,503
Bill creating Nesmith County from parts of Lane and Douglas [c]	22,866	60,591
Bill to establish a State normal school at Monmouth [c]	50,191	40,044
Bill creating Otis County from parts of Harney, Malheur, and Grant [c]	17,426	62,016
Bill annexing part of Clackamas County to Multnomah [c]	16,230	69,002

[a] Submitted under the initiative.
[b] Submitted to the people by the legislature.
[c] Submitted under the referendum upon legislative act.

Popular vote on measures submitted to the people of Oregon Nov. 8, 1910—Continued.

	Yes.	No.
Bill creating Williams County from parts of Lane and Douglas [a]	14,508	64,090
Amendment permitting people of each county to regulate taxation for county purposes, and abolishing poll taxes [a]	44,171	42,127
Amendment giving cities and towns exclusive power to regulate liquor traffic within their limits [a]	53,321	50,779
Bill for protection of laborers in hazardous employment, fixing employers' liability, etc. [a]	56,258	33,943
Bill creating Orchard County from part of Umatilla [a]	15,664	62,712
Bill creating Clark County from part of Grant [a]	15,613	61,704
Bill to establish State normal school at Weston [a]	40,898	46,201
Bill to annex part of Washington County to Multnomah [a]	14,047	68,221
Bill to establish State normal school at Ashland [a]	38,473	48,655
Amendment prohibiting liquor traffic [a]	43,540	61,221
Bill prohibiting sale of liquor, providing for search for liquors, and regulating shipments of same [a]	42,651	63,564
Bill creating board to draft employers' liability law for submission to legislature [a]	32,224	51,719
Bill prohibiting taking of fish in Rogue River except with hook and line [a]	49,712	33,397
Bill creating Deschutes County out of part of Crook [a]	17,592	60,486
Bill for general law under which new counties may be created or boundaries changed [a]	37,129	42,327
Amendment permitting counties to vote bonds for permanent road improvement [a]	51,275	32,906
Bill permitting voters in direct primaries to express choice for President and Vice President, to select delegates national conventions, and nominate candidates for presidential electors [a]	43,353	41,624
Bill creating board of people's inspectors of government, providing for reports of board in Official State Gazette to be mailed to all registered voters bimonthly [a]	29,955	52,538
Amendment extending initiative and referendum, making terms of members of legislature six years, increasing salaries, requiring proportional representation in legislature, election of speaker of house and president of senate outside of members, etc. [a]	37,031	44,366
Amendment permitting three-fourths verdict in civil cases [a]	44,538	39,399

[a] Submitted under the initiative.

Mr. BOURNE. For further illumination of the subject and to refute the misrepresentation regarding the size of the ballot and length of time consumed in voting under the Oregon system, I have here a reprint of the official ballot in Multnomah County, Oreg. The city of Portland, with a population of 207,000, is in Multnomah County, and this is the largest ballot in the State. It is 18 by 24 inches. The time required for the elector to vote this ballot varied from 2½ to 6 minutes.

PRESIDENTIAL PREFERENCE LAW.

Mr. President, the most important measure enacted or adopted by the people of Oregon at the recent election, and, in fact, next to the initiative and referendum the most important law enacted by any State in recent years, is the law permitting voters in party primaries to elect their delegates to national conventions and to instruct them through popular expression of choice for President and Vice President. This law, when enacted in all States, will absolutely destroy the power of a Federal machine to renominate a President or determine his successor. The "steam roller" will be relegated to the political scrap heap and its operators to the shadow of things forgotten, while fourth-class postmasters will, as they should, cease to be a political asset for anybody or any party.

In the light of past experience it seems to me this plan should appeal to all patriotic citizens as well as to conscientious partisans. It is a well-recognized fact that nominations by national conventions are the exclusive work of politicians, which the electorate of the whole United States is permitted only to witness in gaping expectancy and to ratify at the polls in the succeeding November. As unrepresentative as this feature of the national convention is, its flagrancy pales into insignificance in the presence of that other abuse against partisan conscience and outrage upon the representative system, which is wrought by the Republican politician in hopelessly Democratic States, and by the Democratic politician in hopelessly Republican States in dominating the national conventions with the presence of these unrepresentative delegations that represent neither party, people, nor principle.

With the presidential preference law in force throughout the United States the southern Republican delegations will no longer be the vest-pocket trading material of Republican bosses, nor will Democratic delegations from solid Republican States in the North be subject to the will of Democratic bosses. The voice of the people will be heard in the selection of candidates, and delegates will be made, as they should be, mere messengers, conveying the expressed wish of the people whom they profess to represent.

MEANS GREAT INDUSTRIAL SAVING.

Popular selection of candidates for President and Vice President would mean the saving of hundreds of millions of dollars, now wasted through industrial inactivity due to unsettled conditions incident to a change of administration.

In every presidential campaign there is a long period of waste or diminution of full efficiency of brains, muscle, and money due to the uncertainty as to who the presidential nominees will be, then who will be elected, and, last, what the policies of the successful candidate will be after election.

Under the general adoption of my presidential preference bill the people will select in both the great parties the men who by public and private life have demonstrated themselves as best qualified for the highest office in our Nation. Generally, I believe the selections will be from governors of States who have made good executives. Occasionally some man may arise who solves some great problem or originates some new idea improving general welfare, in which event he would be selected and elected. The party electorates would select for their nominees the individuals possessing the confidence of the greatest number, and the general electorate would elect the man in whom they had the greatest confidence. Confidence in our Government is a prerequisite for full business efficiency.

PRESIDENT HAS POWER TO NOMINATE SUCCESSOR.

Three years ago we had a convincing exhibition of the power of a President to dictate the selection of his successor. At that time three-fourths of the Republican voters of my State were in favor of the renomination of Mr. Roosevelt, and, believing that their wishes should be observed, I endeavored to secure a delegation from that State favorable to his nomination for a second elective term. But through the tremendous power of the Chief Executive and of the Federal machine the delegates selected by our State convention were instructed for Mr. Taft. After the delegates were elected and instructed a poll was taken by one of the leading newspapers in Portland, which city contains nearly one-third of the entire population of the State. The result indicated that the preference of the people of the State was 11 to 1 in favor of Mr. Roosevelt as against Mr. Taft.

Impressed by this demonstration of the power of the President to thwart the will of the people, I realized that such power in the hands of any man is a serious menace to a truly representative government. Consequently, I tried to evolve a plan to destroy such power, and after much thought conceived the idea of enlarging our direct-primary law so that each voter may directly express his choice for President and Vice President. Accordingly I had a bill for such a law prepared and submitted to the people under the initiative. In order to make the system complete, the bill also provided for direct election of delegates to national conventions and direct nomination of candidates for presidential electors. It provided that the State shall pay the actual traveling expenses of delegates to national conventions, not exceeding $200 for each delegate, thus removing the handicap which practically permits only men of wealth or leisure to attend national conventions.

The initiative bill, incorporating these provisions, was opposed by almost every prominent newspaper in the State and by all the machine politicians. In order to deceive the people and prejudice them against the bill, one of the papers of largest circulation represented that its chief purpose was to compel the State to pay the traveling expenses of delegates to national conventions. This feature and the idea of needless expense was kept before the voters, and the real issue, extension of popular government, was concealed. Nevertheless, the measure was adopted by the people, and since its adoption it has been praised by some of those who fought it during the campaign. This law is not long, and because of its importance in national affairs I ask permission to insert it in the RECORD.

Mr. HALE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Maine?

Mr. BOURNE. I will say to the Senator I prefer not to yield until I finish my speech. When I get through I shall be very glad, to the best of my ability, to answer any question.

Mr. HALE. The Senator is presenting a program, a very large and desirable one, which will almost bring about a political millenium. I wish he would explain the provisions of this scheme of his that will prevent, in the national convention, representatives of the administration, whichever it may be, Democratic or Republican, who represent no electoral votes but are counted whether in one convention of the Republicans or in the other convention of the Democrats—delegates who represent nobody, and yet who may control the choice.

Mr. BOURNE. I will say to the Senator from Maine that if he will be patient I hope to demonstrate to him not a scheme but a plan by which the desideratum he mentions will be accomplished.

Mr. HALE. Mr. President——

Mr. BOURNE. Mr. President, I shall decline to be interrupted any further until I finish my remarks.

Mr. HALE. I wish that that brief statute may be read. Let the Secretary read it.

Mr. BOURNE. Mr. President, I decline to be interrupted. I will be glad, at the conclusion of my remarks, as I stated before, to answer any question to the best of my ability, and I should like to have the courtesy of the Senate extended to me to go on until I complete them.

The PRESIDING OFFICER. The Senator from Oregon has the floor and can only be interrupted by his consent.

Mr. HALE. Does the Senator decline to have read for the benefit of the Senate what he says is a brief statute that will cover this whole question? If he declines to have it read for the benefit of the Senate, the responsibility is with him, not with me. All I ask is that it shall be read.

Mr. BOURNE. Of course, I am perfectly willing to have it read.

Mr. HALE. The Senator need not read it.

Mr. BOURNE. I have no intention of reading it.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

PRESIDENTIAL PREFERENCE LAW.

A bill for a law to amend section 2 of the direct primary nominating elections law which was proposed by initiative petition and approved by the people of Oregon at the general election in June, 1904, and printed in the volume of the General Laws of Oregon for the year 1905 at pages 7 to 50 thereof; to provide for the expression by the qualified voters of the several political parties subject to the said direct primary law of their choice for nomination by their party for President and Vice President of the United States; to provide for and regulate direct primary nominating elections for the election of said political parties' delegates to their respective national conventions, and for the payment of such delegates' necessary expenses, not exceeding $200 for any delegate; for the nomination of party candidates for the office of presidential elector; for space in the party and State campaign books to set forth the merits of aspirants for election and for nomination, and of candidates for the offices of President and Vice President of the United States, of candidates for offices to be voted for in the State at large, and of candidates for United States Senators and Representatives in Congress.

Be it enacted by the people of the State of Oregon:

SECTION 1. That section 2 of the direct primary nominating elections law, which was proposed by initiative petition and enacted by the people of Oregon at the general election in June, 1904, as the same is printed in the volume of the General Laws of Oregon for the year 1905, at pages 7 to 50 thereof, be, and the same is hereby, amended to read as follows:

SEC. 2. On the forty-fifth day preceding any election (except special elections to fill vacancies, presidential elections, municipal elections in towns or cities having a population of less than 2,000, and school elections) at which public officers in this State and in any district or county, and in any city having a population of 2,000 or more at which public officers are to be elected, except as provided in section 6 of this law as to time in certain cities and towns, a primary nominating election shall be held in accordance with this law in the several election precincts comprised within the territory for which such officers are to be elected at the ensuing election, which shall be known as the primary nominating election, for the purpose of choosing candidates by the political parties, subject to the provisions of this law, for Senator in Congress and all other elective State, district, county, precinct, city, ward, and all other officers and delegates to any constitutional convention or conventions that may hereafter be called, who are to be chosen at the ensuing election wholly by electors within this State or any subdivision of this State, and also for choosing and electing the county central committeemen by the several parties subject to the provisions of this law:

Provided, (*a*) In the years when a President and Vice President of the United States are to be elected, said primary nominating election shall be held on the forty-fifth day before the first Monday in June of said year; and all laws pertaining to the nomination of candidates, registration of voters, and all other things incident and pertaining to the holding of the regular biennial nominating election, shall be enforced and effected the same number of days before the first Monday in June that they were under the said nominating-election law immediately before the change in the date of the regular election from the first Monday in June to the first Tuesday after the first Monday in November.

(*b*) When candidates for the offices of President and Vice President of the United States are to be nominated, every qualified elector of a political party subject to this law shall have opportunity to vote his preference, on his party nominating ballot, for his choice for one person to be the candidate of his political party for President, and one person to be the candidate of his political party for Vice President of the United States, either by writing the names of such persons in blank spaces to be left on said ballot for that purpose, or by marking with a cross before the printed names of the persons of his choice, as in the case of other nominations. The names of any persons shall be so printed on said ballots solely on the petition of their political supporters in Oregon, without such persons themselves signing any petition, signature, or acceptance. The names of persons in such political party who shall be presented by petition of their supporters for nomination to be party candidates for the office of President or Vice President of the United States shall be printed on the nominating official ballot, and the ballots shall be marked, and the votes shall be counted, convassed, and returned in like manner and under the same conditions as to names, petitions, and other matters, as far as the same are applicable, as the names and petitions of aspirants for the party nominations for the office of governor and for United States Senator in Congress are or may be by law required to be marked, filed, counted, canvassed, and returned.

(*c*) The members of the political parties subject to this law shall elect their party delegates to their national conventions for the nomination of their party candidates for President and Vice President of the United States, and shall nominate candidates for their party presidential electors at such nominating election. The governor shall grant a certificate of election to each of the delegates so elected, which certificates shall show the number of votes received in the State by each person of such delegate's political party for nomination as its candidate for President and Vice President. Nominating petitions for the office of delegate to the respective party national conventions, to be chosen and elected at said nominating election, shall be sufficient if they contain a number of signatures of the members of the party equal to 1 per cent of the party vote in the State at the last preceding election for Representative in Congress; provided that not more than 500 signatures shall be required on any such petition. Every qualified voter shall have the right at such nominating election to vote for the election of one person and no more to the office of national delegate for his party, and to vote for the nomination of one aspirant and no more for the office of presidential elector as the candidate of his party. A number of such candidates equal to the number of delegates to be elected by each party which is subject to the provisions of this law, receiving, respectively, each for himself, the highest number of votes for such office, shall be thereby elected. Every political party subject to the provisions of this law shall be entitled to nominate, at said nominating election, as many candidates for the office of presidential elector as there are such officers to be elected; that number of aspirants in every such party who shall receive, respectively, each for himself, the highest number of votes of his party for that nomination, shall be thereby nominated as a candidate of his political party for the office of presidential elector.

(*d*) Every delegate to a national convention of a political party recognized as such organization by the laws of Oregon shall receive from the State treasury the amount of his traveling expenses necessarily spent in actual attendance upon said convention, as his account may be audited and allowed by the secretary of state, but in no case to exceed $200 for each delegate: *Provided*, That such expenses shall never be paid to any greater number of delegates of any political party than would be allowed such party under the plan by which the number of delegates to the Republican national convention was fixed for the Republican Party of Oregon in the year 1908. The election of such national delegates for political parties not subject to the direct primary nominating elections law shall be certified in like manner as nominations of candidates of such political parties for elective public offices. Every such delegate to a national convention to nominate candidates for President and Vice President shall subscribe an oath of office that he will uphold the Constitution and laws of the United States and of the State of Oregon, and that he will, as such officer and delegate, to the best of his judgment and ability, faithfully carry out the wishes of his political party as expressed by its voters at the time of his election.

(*e*) The committee or organization which shall file a petition to place the name of any person on the nominating ballot of their political party to be voted for by its members for expression of their choice for nomination as the candidate of such party for President or Vice President of the United States shall have the right, upon payment therefor, to four pages of printed space in the campaign books of such political party provided for by sections 4 and 5 of the law proposed by initiative petition and enacted by the people of Oregon at the general election in June, 1908, entitled "A bill to propose by initiative petition a law to limit candidates' election expenses; to define, prevent, and punish corrupt and illegal practices in nominations and elections; to secure and protect the purity of the ballot; to amend section 2775 of Bellinger and Cotton's Annotated Codes and Statutes of Oregon; to provide for furnishing information to the electors and to provide the manner of conducting contests for nominations and elections in certain cases," as printed on pages 15 to 38 of the General Laws of Oregon for the year 1909. In this space said committee shall set forth their statement of the reasons why such person should be voted for and chosen by the members of their party in Oregon and in the Nation as its candidate. Any qualified elector of any such political party who favors or opposes the nomination of any person by his own political party as its candidate for President or Vice President of the United States may have not exceeding four pages of space in his aforesaid party nominating campaign book, at a cost of $100 per printed page, to set forth his reasons therefor.

(*f*) Every person regularly nominated by a political party, recognized as such by the laws of Oregon, for President or Vice President of the United States, or for any office to be voted for by the electors of the State at large, or for Senator or Representative in Congress, shall be entitled to use four pages of printed space in the State campaign book provided for by sections 6 and 7 of the above-entitled "Law to limit candidates' election expenses; to define, prevent, and punish corrupt and illegal practices in nominations and elections; to secure and protect the purity of the ballot; to amend section 2775 of Bellinger and Cotton's Annotated Codes and Statutes of Oregon; to provide for furnishing information to the electors and to provide the manner of conducting contests for nominations and elections in certain cases," as printed on pages 15 to 38 of the volume of the General Laws of Oregon for 1909. In this space the candidate or his supporters, with his written permission filed with the secretary of state, may set forth the reasons why he should be elected. No charge shall be made against candidates for President and Vice President of the United States for this printed space. The other candidates above named shall pay at the rate of $100 per printed page for said space, and said payment shall not be counted as a part of the 10 per cent of one year's salary that each candidate is allowed to spend for campaign purposes. If this bill shall be approved by the people, the title of the bill shall stand as the title of the law.

DESTROYS POWER OF FEDERAL MACHINE.

Mr. BOURNE. Mr. President, as previously indicated, whenever this law becomes nation-wide in its application it will absolutely destroy the power of the Federal machine; prevent a President renominating himself, except by demonstration of good service; destroy the possibility of any President naming his successor, and relieve him of any obligations to political bosses, campaign contributors, national committeemen, or national delegates, thus transferring the obligation from any known individual to the composite citizen, where it belongs.

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stroy the possibility of any President naming his successor, and relieve him of any obligations to political bosses, campaign contributors, national committeemen, or national delegates, thus transferring the obligation from any known individual to the composite citizen, where it belongs.

Mr. President, the charge that the President of the United States has used his appointing power to coerce Members of Congress is the most serious of all attacks made by the press. The accusation was made in recent months that in an effort to dictate to Members of Congress in what manner they should exercise their legislative power, the President had granted them the privilege of recommending persons for Federal appointment in their respective States, if the Members voted in Congress as he desired, and had refused them this privilege if they voted upon measures in such a manner as to displease him. In other words, it was charged that the President of the United States engaged in a systematic trading of patronage for votes in Congress.

Reduced to its simple element, the charge was, in effect, bribery or intimidation—bribery if patronage was extended as a reward for voting in accordance with the wishes of the Executive, and intimidation if patronage was withheld as punishment for refusal to yield unwilling obedience. The charge was a direct attack upon the honesty of the Executive, and indirectly a reflection upon the intelligence, independence, and courage of Members of Congress. It would be difficult to believe such a charge without positive proof.

EVIDENCE OF MISUSE OF PATRONAGE.

According to the New York Evening Post of September 15, 1910, the following letter was sent by Secretary Norton to a Republican leader in Iowa whose name was not disclosed:

BEVERLY, MASS., *September 15, 1910.*

Your letters of the 9th are at hand, and I have delayed replying until after the primary elections. The President directs me to express to you and to your friends his deep appreciation of the work which you have done, and the powerful assistance which you have extended to the administration from the beginning—an assistance that has contributed much to the legislative and other successes which have been secured. The President recognizes that your efforts have been wholly disinterested, that you have fought sturdily and generously for what you believed to be his interest and the welfare and success of the party.

While Republican legislation pending in Congress was opposed by certain Republicans, the President felt it to be his duty to the party and to the country to withhold Federal patronage from certain Senators and Congressmen who seemed to be in opposition to the administration's efforts to carry out the promises of the party platform. That attitude, however, ended with the primary elections and nominating conventions, which have now been held, and in which the voters have had opportunity to declare themselves. The people have spoken, and, as the party faces the fall elections, the question must be settled by Republicans of every shade of opinion, whether the differences of the last session shall be perpetuated or shall be forgotten.

He recognizes the danger that in certain cases expressions of feeling were so intense as to make it difficult in some instances for factions to come together and work loyally for the party; but, as he stated in his letter to the Republican congressional committee, he believes it can be done and should be done. The President is confident that you will yourselves meet your local and State situation in this spirit, and that you will write to your friends and ask them to do likewise.

The President feels that the value of Federal patronage has been greatly exaggerated, and that the refusal to grant it has probably been more useful to the men affected than the appointments would have been. In the preliminary skirmishes in certain States, like Wisconsin and Iowa and elsewhere, he was willing, in the interests of what the leaders believed would lead to party success, to make certain discriminations, but the President has concluded that it is his duty now to treat all Republican Congressmen and Senators alike, without any distinction. He will now follow the usual rule in Republican congressional districts and States, and follow the recommendations made by Republican Congressmen and Senators of whatever shade of political opinion, only requiring that the men recommended shall be good men, the most competent, and the best fitted for the particular office.

Sincerely, yours,

CHARLES D. NORTON,
Secretary to the President.

Since this letter was signed by the Private Secretary to the President, purports to have been written by his direction, and, although five months have elapsed, has not been repudiated, must it not be accepted as stating the facts?

LEGISLATIVE POWER VESTED IN CONGRESS.

Before entering upon the duties of his office, the President of the United States took an oath, pledging himself to preserve, protect, and defend the Constitution of the United States. Section 1, Article I, of that Constitution declares:

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Yet we have the charge that the President exercised legislative power by coercing Members of Congress through distribution of patronage.

The entire spirit and letter of the Constitution shows clear intention that Congress shall be free from intimidation—that it was the purpose that Congress should make the laws and that the President should execute them. Indeed, section 6 of Article I declares that for any speech or debate in Congress Members shall not be questioned in any other place. While it is not permitted that Members be punished by fine or imprisonment for speech or debate in Congress, it has been charged that the President of the United States rewarded them or punished them through the distribution of patronage.

VIOLATION OF SPIRIT OF BRIBERY STATUTE.

I have said that the charge against the President is, in effect, either bribery or intimidation. I would not be understood as saying that it is a charge of technical violation of the bribery statute, but rather a violation of its spirit. In order that this phase of the subject may be clear, I wish to quote the section of the Revised Statutes upon the subject of bribery of Members of Congress. It is section 5450, and reads as follows:

SEC. 5450. Every person who promises, offers, gives, or causes or procures to be promised, offered, or given, any money or any other thing of value, or makes or tenders any contract, undertaking, obligation, gratuity, or security for the payment of money, or for the delivery or conveyance of anything of value, to any Member of either House of Congress, either before or after such Member has been qualified or has taken his seat, with intent to influence his vote or decision on any question, matter, cause, or proceeding which may be at any time pending in either House of Congress, or before any committee thereof, shall be fined not more than three times the amount of money or value of the thing so offered, promised, given, made, or tendered, or caused or procured to be so offered, promised, given, made, or tendered, and shall be, moreover, imprisoned not more than three years.

You will observe, Mr. President, that bribery consists in the delivery of "anything of value" and "with intent to influence his vote." Skilled lawyers, trained to "divide a hair twixt south and southwest side," would find no difficulty in proving by unquestionable logic that Federal patronage is not a thing of value, notwithstanding it is so highly prized by operators in commercial politics. What Members of this body may think of the question whether Federal patronage is a thing of value is perhaps beside the question, for they will not be called upon to decide it unless the House should some time exercise its power to impeach a President for delivering patronage with intent to influence the action of Members of Congress.

The natural inference from the Norton letter is that the President of the United States used Federal patronage to influence the action of Members of Congress. This is a charge which no citizen can discuss without regret, yet the whole subject is of such vital importance in the preservation of representative government that I would feel remiss in my duty if I failed to call it to the attention of the country and place in available form such information relating thereto as may have come to my attention. The undenied statement indicates a deplorable and despicable subservience upon the part of the legislative branch and a dangerous and demoralizing usurpation upon the part of the Executive.

If democratic government in the United States is yielding place to dictatorship, then the people should be informed of the transition and aroused to the necessity for prompt exercise of that eternal vigilance and courageous self-assertion which are the price of continued liberty.

The manner in which Federal patronage shall be used is of greatest concern not to Members of Congress but to the people of the United States, whose Government this is. Senators and Representatives come and go. It is of comparatively little importance whether any one of us shall be here six years hence or two years hence. Individuals are of little consequence. But fundamental principles of justice and equality under law are of utmost importance. Disregard and defiance of law is the beginning of anarchy, and the law-respecting, liberty-loving people of this country will not tolerate it.

EQUALITY BEFORE THE LAW.

Our Government was founded upon the proposition that all men are equal before the law, civil or criminal. I would have as much respect for a common ward heeler who buys votes at the polls as for a President of the United States who uses his appointing power as a means of forcing or persuading Members of Congress to determine or change their course of action. One transaction is as dishonest, as corrupt, and as depraving as the other, but the latter is more dangerous, more insidious, more pernicious than the former, because it strikes at the very foundation of free institutions, sets a precedent for corrupt methods in all official life, and marks the beginning of dictatorship and decadence of the Nation.

It is interesting to note that the truth of the charge of corruption, in high places as well as low, has been established not so much by external proof as by the confessions of parties thereto. The purchase of votes in the Illinois Legislature was not proven by testimony of outside parties, but by confessions of bribe givers and bribe takers. In Ohio, where thousands of voters have been punished for selling their votes, and where punishment of vote buyers will doubtless follow in due time, convictions have been based almost entirely upon confessions. And the same is true with regard to the charge of purchase of votes in Congress through distribution of patronage. The

charge was practically unproven, whatever the general understanding may have been, until the issuance of the famous Beverly letter, in which, if authentic, it is confessed that the President had given the privilege of controlling patronage to those Members of Congress who voted upon legislation in accordance with his wishes and has withheld it from those who did not.

PRESIDENTIAL OATH FORBIDS COERCION.

Legislative power is vested in a Senate and House of Representatives, and if that power is to be exercised honestly and intelligently the members of the two Houses must be free to vote in accordance with their own best judgment, being held accountable only to the people of their own States. Any interference with the free expression of the opinions of Members of Congress by their votes upon measures is a direct attack upon that section of the Constitution which declares that—

All legislative powers herein granted shall be vested in a Congress which shall consist of a Senate and House of Representatives.

This quotation is part of that Constitution which every President of the United States has taken an oath to "preserve, protect, and defend." No President can interfere with the exercise of legislative power by Congress without violating his oath of office, a violation as direct and as complete as any other unlawful act by any other officer of the Government. To bribe a Member of Congress by means of Federal patronage is not different in principle from bribery by means of cash or other valuable consideration. Intimidation by threats of loss of prestige incident to withdrawal of patronage is not different in principle from intimidation by threats of violence or business injury. But this species of bribery and intimidation is more vicious than any other, because it assumes a character of gentility, due to the patriotic reverence for the office of President, not enjoyed by the common ward heeler when he indulges in similar practices. It is too base to be called a crime. It is so far below the conception of lawmakers that no statute has been enacted directly prohibiting it. Nothing in our Constitution or laws expressly prohibits the President from trading Federal appointments for votes in Congress. The special-privilege seeker trying to influence legislation by offers of reward to Members of Congress must be fined or imprisoned. The bribe giver is the greatest enemy of good government, and experience has so strongly demonstrated the need for untrammeled official action that many of the States are regulating the activities of paid lobbyists. An honest ballot, whether at the polls or in State legislatures or in the Halls of Congress, is absolutely necessary to free government.

The possible corruption of Congress through the misuse of the presidential nominating power was never contemplated by the framers of the Constitution nor national legislators. It would indeed be a most humiliating admission of the weakness of representative government if disclosures necessitate legislative action to prevent a repetition of such an evil.

One remedy would be the enactment of a Federal corrupt-practices act, punishing by forfeiture of office and imprisonment any Federal official who promises or bestows patronage for votes or support in either legislation, primaries, conventions, or elections.

CREATES MACHINE FOR SELF-PERPETUATION.

But, Mr. President, the use of the appointing power to influence the action of Members of Congress is only one means by which this power may be abused. Federal patronage is also an effective and dangerous power when wielded for the creation or maintenance of a political machine with the purpose of forcing renomination of an Executive or the nomination of a man of his choice.

The President of the United States, through his power of nominating Federal appointees, is the head of the greatest political machine the world has ever seen. Whether the President be a shrewd politician directing the machine himself or entirely ignorant of politics and delegating the power to another, the system is most pernicious.

GOVERNMENTAL AND CORPORATE EFFICIENCY.

Actuated by a desire to submit to the country authoritative figures showing the number of Federal officeholders and employees subject to the nominating and removal powers of the President of the United States, I introduced in the Senate, on December 21, 1910, a resolution which was adopted by the Senate and which reads as follows (S. Res. 312):

Resolved, That the President of the United States is hereby requested to furnish to the Senate for its use, if he does not deem it incompatible with public interest, the following information, with departmental classifications of the same:

First. The total number of appointments which are made by the President upon nomination to and confirmation by the Senate.

Second. The total number of appointments which are made by the President, but which do not require nomination to and confirmation by the Senate.

Third. The total number of officers and employees of the Government subject to civil-service regulations, specifying classification and number of postmasters.

Fourth. The total number of officers and employees subject to removal by the President without action on the part of Congress.

Fifth. The total number of officers and employees of the United States Government, exclusive of enlisted men and officers of the Army and Navy.

I assumed that the governmental system of accounts would make this information readily obtainable, but 65 days elapsed before the information was transmitted to the Senate, being received the evening of February 24, 1911, after I had prepared this address.

On February 9, desiring to ascertain from some of the largest business organizations in this country the length of time necessary to secure information of this nature for the purpose of comparison with governmental efficiency, I sent the following letter to Mr. John D. Archbold, of the Standard Oil; Mr. Elbert H. Gary, of the United States Steel; and Mr. Robert C. Clowry, of the Western Union Telegraph Co.

DEAR SIR: Some time ago I introduced in the Senate, and the Senate adopted, a resolution requesting the President to furnish to the Senate the following information, with departmental classifications of the same:

First. The total number of appointments which are made by the President upon nomination to and confirmation by the Senate.

Second. The total number of appointments which are made by the President, but which do not require nomination to and confirmation by the Senate.

Third. The total number of officers and employees of the Government subject to civil-service regulations, specifying classification and number of postmasters.

Fourth. The total number of officers and employees subject to removal by the President without action on the part of Congress.

Fifth. Total number of officers and employees of the United States Government exclusive of enlisted men and officers of the Army and Navy.

The President referred this request to the head of each department with a request that the information be supplied.

I think that in number of employees one of the departments would correspond very closely to your company. In order to determine the relative efficiency in organization, I would like to ask you how long it would take you to supply similar information regarding persons employed by your company.

You will note that the resolution does not call for information regarding compensation, but merely the number and classification.

I shall thank you for your kindness in giving this information.

Very sincerely, yours, JONATHAN BOURNE, Jr.

CORPORATIONS REPLY.

On February 14 Mr. Archbold replied as follows:

I have your favor of the 9th. Answering your query as nearly as I can: If it means our force of officers, managers, and clerks—the force receiving not less than $50 per month—it could be supplied in three days. If it means the entire list of employees down to the laboring men, it might take three weeks, owing to the Standard's world-wide foreign branches.

On February 17 Mr. Newcomb Carlton, vice president of the Western Union Telegraph Company, replied as follows:

Replying to your inquiry of the 9th instant, addressed to Mr. Robert C. Clowry, the former president of this company, I beg to say that the time required for supplying information of the character mentioned respecting Western Union employees of various grades, would depend entirely upon whether the classifications under which the information was called for agreed with the classifications under which our record of employees is kept.

We keep at division headquarters (each division corresponding to one of the Federal departments in so far as organization is concerned), a classified list of all employees, and each divisional chief officer could supply the information required in a few minutes if the classification fitted. If, however, the classification contemplated in the inquiry were different from our record, making it necessary to go down the line of our 23,000 offices to get at the information, I should judge that in an ordinary case it would take several weeks to collect and arrange the information if the mails were used. If the inquiry were conducted by telegraph it could, of course, be done in a few days at the outside.

As yet I have received no reply from Mr. Gary.

In view of the ability of the Standard Oil and the Western Union to furnish promptly statistics regarding their organizations, the failure of the administrative branch of the Government to earlier furnish the requested information indicates that the Government's departments were either unwilling to give the Senate the statistics desired or their organization must be inefficient.

It is hardly conceivable that the administrative branch of our Government would refuse or delay compliance with this request coming from the United States Senate, hence the deduction that some of the large business corporations of the country enjoy far greater efficiency than the administrative branch of our Government.

I take this opportunity of publicly expressing to Mr. John D. Archbold and his company, the Standard Oil, and to Mr. Newcomb Carlton and his company, the Western Union Telegraph, my appreciation of their courtesy in so promptly replying to my letter of inquiry. I also commend the efficient and intelligent method under which their business is conducted, as evidenced by their ability to ascertain so quickly facts similar to those the administration was so long in securing or in imparting to the Senate.

Mr. President, my inability to earlier obtain through the President the information requested in the Senate resolution previously quoted prevents my giving the clear presentation I had hoped to do on the subject. However, by next session of Congress I expect, judging from present indications, that the country itself will have far more data, and I shall then probably take opportunity to make further remarks on this subject.

MAGNITUDE OF THE MACHINE.

Statistics compiled by the Civil Service Commission, but acknowledged to be incomplete, show that on June 30, 1910, the number of employees in the executive civil service was 384,088. This does not include officers or enlisted men of the Army or Navy, nor clerks in fourth-class post offices, the latter numbering about 64,000.

Although approximately 222,000 of this number are on the classified list under civil-service regulations, yet the presidential power of nomination or direct or indirect appointment of nearly 68,000 not on the classified list under the civil-service regulations, and his power of promotion, demotion, or removal, either of minor employees or the heads or subheads of departments makes the whole number of 384,000 directly or indirectly responsive to his will. While authentic information is not at hand, I believe the average wage in the Government service is at least $900 per annum, making a total Government pay roll of more than $345,000,000.

The utilization of this force along selfish lines would be most dangerous, pernicious, and demoralizing. An Executive desiring to misuse this power would, in effect, start with a campaign contribution of $345,000,000 per annum and an organization of 384,000 individuals, all directed toward selfish interest, namely, perpetuation of the power of the Executive and of the individuals owing their position and advancement to this power.

While the President is the actual head of the Federal machine, the chairman of the national committee or a Cabinet officer, or both in one, is usually his chief agent for its operation. Backed by the presidential power to distribute Federal patronage, he starts his organization with the committeemen from Districts and Territories having no votes and from those Southern States that always deliver delegates but never deliver electoral votes to the Republican Party. In fact, under the operation of this machine electoral votes are not desired, because if obtained and Republican Senators and Congressmen were elected from Southern States these Members of Congress would apparently have to be consulted regarding the distribution of Federal patronage in their respective States, and the "referees" in those States would lose their power.

INEQUALITY IN NATIONAL COMMITTEE.

The Republican national committee consists of 53 members, one from each State, Territory, District, and island possession. The Territory of Alaska, with no electoral vote and but two delegates in the convention, has the same representation and power in the national committee as the great State of New York, with 39 electoral votes and 78 delegates. The committee elects its own chairman and perfects its organization. It decides on place and time of convention. It recommends how many delegates shall be admitted from each State and Territory, how the delegates and alternates shall be chosen in the various States, how the delegates from Territories shall be selected, and recommends who shall serve as temporary chairman of the national convention. The chairman of the national committee calls the convention to order and generally directs the campaign.

In the Republican national convention committees on credentials, permanent organization, and resolutions are composed of one delegate from each State and Territory. Each State selects its own representative on these committees and offers them to the convention. The committee on permanent organization recommends the permanent chairman and confirms the other officers who are recommended by the national committee. Control of the national committee by the administration gives tremendous power, which is made absolute if combined with control of the committee on credentials. If the operators of the machine find that, even with the advantage of control of delegations from the Democratic States and the Territories, they will not have enough votes in the convention to control its action, contesting delegations will appear from a number of States, by seating some of which the necessary additional strength may be secured.

CONVENTIONS NOT TRULY REPRESENTATIVE.

National conventions are not representative of the wishes of the members of the party who are depended upon to cast the votes to elect the ticket. In the 1908 Republican national convention 980 delegates were admitted under the terms of the national committee's call; 491, or a majority, were necessary for a nomination. The Southern States and Territories, giving no electoral votes, with the exception of Maryland, which gave Taft and Sherman 2 out of 8, had 338 votes, leaving 153 to be secured to give a majority. Thus, it will be seen that under such circumstances any candidate controlling the delegations from Southern Democratic States and the Territories would have to secure only 153 votes, while any other candidate would have to secure 491 votes from those States which give electoral votes as well as delegates.

Under the referee system in the South and the patronage system in the Territories and insular possessions a President, through his nominating power and the Federal machine, can, if he desires, practically control the votes of these delegations in a convention. Then with his power in other States, and the tremendous influence of the Federal machine, it requires but little other influence to give him the 153 additional votes necessary for his renomination or the nomination of the man he selects. The Southern States and Territories, giving no electoral votes to the Republican Party, are under the domination of the machine through the referee system, and have greater influence in naming the Republican nominees for President and Vice President than have the combined States of New York, Pennsylvania, Illinois, Ohio, Massachusetts, Indiana, and Iowa, which collectively have 334 delegates.

EXISTENCE OF THIS POWER IS UNDEMOCRATIC.

Possession of such power as I have outlined (the existence of which can not be disputed) violates the fundamental principles of a Government established and maintained by all the people. Avoidance of dictatorial power was the chief purpose of division of the Government into three branches. Yet men who profess reverence for the founders of the Government give silent or express consent to usurpation and misuse of that power for self-perpetuation.

It was the intention of the framers of the Constitution that Congress, within the limitations of that instrument, should represent the will of the people; that the Supreme Court, taking the Federal Constitution as the standard, should determine the validity and meaning of laws enacted by Congress, and that the President should be the instrument to carry out the will of the people as expressed through Congress.

Though the power of each branch was defined and Congress was declared the lawmaking body, yet for years we have seen the power of the Executive steadily increasing and the power of Congress correspondingly diminishing. The means by which this has been accomplished is the nominating power of the President of the United States. This steadily increasing power of the Executive and decreasing power of Congress is the greatest menace to the perpetuation of free government and general welfare of our people.

Extension of the power of the Executive is the beginning of dictatorship. The remedy is to make Presidents directly accountable to party and general electorates by enacting laws for presidential primary votes, thereby destroying the power of political bosses and their backers, the campaign contributors. The people can be trusted. The composite citizen knows more and acts from higher motives than any single individual, however great, experienced, or well developed. While selfishness is usually dominant in the individual, it is minimized in the composite citizen.

COMPOSITE CITIZEN IS UNSELFISH.

The composite citizen is made up of millions of individuals, each dominated in most cases by selfish interest. But because of the difference in the personal equations of the individual units making up the composite citizen, there is a corresponding difference in the interests dominating said units, and while composite action is taking place, friction is developed, attrition results, selfishness is worn away, and general welfare is substituted before action is accomplished.

I therefore assert that it is of greatest importance to this Government and Nation that Congress, made up of hundreds of different individuals representing different sections of our great country, especially when made responsible under the general establishment of popular government laws to the party and general electorates of their districts and States, knowing no single individual or interest to whom they owe their selection or election, should be the untrammeled legislative branch of our Government, as most responsive to the composite citizen and possessing collectively more knowledge, experience, reason, and unselfishness than any single individual.

CONCRETE REMEDIES SUGGESTED.

The presidential preference law, generally enacted, will destroy the power of the President to build a Federal machine.

The misuse of Federal patronage in coercing Congress can be prevented by an efficient national corrupt-practices act, which I expect to introduce in the next Congress, or by constitutional amendment transferring the presidential power of nomination

to a permanent nonpartisan commission to be created, or putting the responsibility for such selections upon Senators and Congressmen. Until legislative action be taken or a constitutional amendment be adopted, my own idea would be for the Senate to decline to confirm presidential nominations in any State if unsatisfactory to Senators from the State in which the appointment is made. This action by the Senate would absolutely destroy the existing referee system in the South, for the delegates to national conventions from Southern States would realize that the referee's promises of patronage in return for their votes for the administration's candidate for President could not be fulfilled without the Senate's assent and cooperation.

As long as I remain in the Senate I shall never vote for the confirmation of any executive nominee who is objectionable to the Senators in the State where the nominee is to serve.

PRESIDENTIAL CANDIDATES SHOULD DECLARE ATTITUDE.

Mr. President, I hope the crystallization of public opinion against the misuse of this power will force presidential candidates in both parties to publicly announce, prior to their nomination or election, that if elected they will place upon Senators and Congressmen the responsibility for making selections of all Federal appointees in their respective States. Such a plan would be based on the assumption that Senators and Congressmen are better qualified to judge as to the efficiency and fitness of citizens in their States than the President himself or any delegated agent could possibly be. This arrangement, from every viewpoint, would give better service. The possibility of the Senators and Congressmen misusing such a power would be minimized by the realization that they would be held more strictly accountable by their constituents, in case of making poor selections, than would the President. If this nominating power is to be misused, it is infinitely less menace to the country to have it divided among 92 Senators and 391 Congressmen than to have it centralized in one man, as it now is in the President, or delegated by him to a member of his cabinet or the chairman of the national committee, or both in one.

THE SYSTEM, NOT AN INDIVIDUAL, CRITICIZED.

Mr. President, in view of my well-known advocacy of the largest possible power in the hands of the people and in view of the manner in which I have discussed this subject, it seems hardly necessary to assert that my criticism is aimed not at an individual, but at a system, the existence of which is heralded by an individual's proclamation. I care not who is the originator or promulgator of an idea, a fundamental, or a law, or who its opponents, if, upon mature deliberation, it appears to be for the general welfare, I shall support it, while if it seems to be against the general welfare I shall oppose it.

Due respect for the high office of President of the United States is becoming to every citizen, but higher than that office and vastly higher than any temporary incumbent is the Constitution of the United States, and above and beyond that the eternal principles of human liberty and justice. I am no worshiper of men or offices, nor do I believe constitutions can not be improved. If men interrupt the progress of society, their sphere of activity must be changed; if offices become an injury rather than a help to government, the powers incident thereto must be altered; if constitutions fail in their purpose to promote the general welfare, new provisions must be written therein. All these are but temporary and shifting instruments, no more fit for human worship than the penates of ancient Rome.

PEOPLE WILL SOLVE PROBLEM.

Proud of American institutions and of every page of history that records their progress, I have been loth to point to evils that exist. Preferring peace to controversy, I have long delayed public utterance of views frequently expressed to Members of this body. But putting aside personal inclinations and placing public welfare above all else, I have endeavored to present what appear to be facts regarding gross abuse of the presidential appointing power.

I have confidence in the intelligence and honesty and resourcefulness of the American people. They have capacity to judge whether trading of Federal patronage for votes in Congress or in convention is either constitutional or wise. They have the honesty and the courage to make their opinions known, and they have the resourcefulness to find means to express their views. We will leave the subject to the judgment and conscience of the American people, knowing that in their own time and in their own way they will voice their desire and enforce their will.

Mr. CRAWFORD and Mr. SMITH of South Carolina addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. CRAWFORD. Mr. President, I desire to resume the remarks I was making this afternoon when I yielded the floor to the Senator from Georgia [Mr. BACON].

Mr. SMITH of South Carolina. I merely desire to say that I gave notice on Saturday last that I would address some remarks to the Senate this morning on the question of reciprocity.

Mr. BEVERIDGE. On what?

Mr. SMITH of South Carolina. On the proposed reciprocity agreement with Canada.

Mr. CRAWFORD. I yield to the Senator.

Mr. SMITH of South Carolina. Mr. President, before I make my remarks on this subject I think a few words of explanation from my standpoint are necessary. I do not propose in what I am going to give to the Senate of my views on this question to enter into any of the details. What I desire in my remarks to the Senate, as I have written them, is to give what I conceive to be the proper attitude of each and every one here relative to this subject, and particularly of Democrats, in reference to any measure coming from any source that is moving in the proper direction in so far as we construe the proper attitude of the Government toward the governed. I shall not question the motives of Mr. Taft in attempting to bring about this relation between the United States and Canada. All that I propose to do is to address myself to what I actually find expressed by him. If that expression is in accord with what I believe to be correct Democratic principles and correct rules of government, I shall support it; if it does not go far enough, I will go with him just as far as I believe that it is proper and correct according to Democratic standards for me to go. Because I certainly can fear nothing from a right direction of right forces, no matter whether or not the one who inaugurated them has an ultimately sinister purpose.

Therefore I shall take what the President has transmitted and the reasons he has given therefor as being sincere, coming from the Chief Executive, and for a few minutes I ask the indulgence of the Senate and beg their pardon for reading it. I have tried, however, to boil it down to where the logic of the situation, from the Democratic standpoint, seems to me to be unavoidable and from which there is no escape.

I want each and every one to understand that in the discussion of this question there may be a tendency on the part of some to say that because Canada is so small a part of our great foreign relations, therefore, no matter what arrangements we might make with her, it would not amount to a great deal and might disappoint some. The minutest application of a principle necessarily must be as proper as the greatest application of that principle. My truthful dealing with the child is as essential and necessary as my truthful relation with the adult.

It is hard for me to understand, as a Democrat, how any man who believes in the principles of Democracy can afford to vote against this proposed treaty, for the reason that Democracy stands for the freest possible access to all the markets of the world, both as to buying and to selling, with the simple limitation of enough duty on importation, plus other sources of revenue, to supply the needs of the Government. A tax for any other purpose, from the standpoint of a Democrat, becomes a tax for a special privilege, obnoxious to the very fundamental doctrine that we profess.

It is no argument worthy of a Democrat to say that because for so many years the Republicans have committed the Government to a doctrine of protection that, therefore, so long as one article is protected all others should be likewise protected.

From a Republican standpoint this would be, and is, a consistent argument. But from a Democratic standpoint it is totally untenable.

In the practical application of this argument, as brought about by this proposed treaty, only two sides of the question seem to be considered—the producer of the raw material and the producer of the manufactured article.

There seems to be a tendency to totally ignore that great class who do not own the farm or ranch to produce the raw material, or the factories to produce the finished product—that vast army of wage earners who are consumers. These seem, and are, left out of the count. And, according to the contention of those who oppose this treaty, they are the ones—this great class—upon whom it is sought to impose the entire burden of this tax.

It is argued that it is unjust and unfair to the cattle raiser to bring him in competition with the cattle raisers of Canada, while the man who butchers the cattle—the great slaughterhouse and packinghouse king—is protected in the sale of his meat; that it is unjust and unfair to bring the wheat growers of

America into competition with the wheat growers of the Dominion and protect the manufacturer of flour.

And when I use the word "Canada" I mean the principle applied to every wheat-growing country on the globe. And so on through the whole list of field and ranch and factory. Is it not true that if the raiser of cattle is protected equally with the one that produces the meat, that the consumer of that meat must inevitably pay a double tax? Is it not true that the consumer of flour, if the wheat grower is protected equally with the manufacturer of that flour, must pay a double tax on the bread he eats? Is it not true that if a tax is put upon rough lumber equal to the tax placed upon the planed and manufactured article, that the consumer of lumber, the home builder, and those who consume it in our domestic relations must pay a double tax?

Therefore the correct position of the true Democrat is not to contend that so long as the manufactured article is protected the raw material shall be protected likewise, but that, in addition to an open market for the raw material, there shall be an open market for the manufactured product as well. And that, though the Government is committed to the doctrine of protection, and though it has iniquitously discriminated in favor of the manufacturer as against the raw material and the vast army of consumers of the finished article, we, as Democrats, can not afford to say that the raw material shall also be protected until such time as the manufactured article is unprotected. In a word, we can not afford to assume the attitude that while the "good stealing is going on we are entitled to our share." The test—the real test—of one's loyalty to a principle is one's willingness to make a sacrifice for that principle. If I, the producer of the raw material, contend that I be protected in what I produce because the manufacturer is protected in what he produces out of what I produce, I am simply giving up the principle for which I contend.

The proper attitude for me to assume, as a Democrat, toward this principle of government is to stand fast to my doctrine; to insist that no unjust law shall burden the people for my benefit, and that I, the producer of the raw material, am willing, in attestation of my loyalty to this principle, to see that it goes without protection, even at a loss to myself, while, in justice to all, I fight for a reduction, or, rather, a removal of all protection for protection's sake on the manufactured article—standing to my doctrine, yielding not one jot or tittle, and insisting that if the other man does injustice that I be not placed in his class.

It is almost a parallel case to say that because I happen to be in a community, or amongst a class of men where lying and cheating are permitted and the profits of business depend upon lying and cheating, that I myself must lie and cheat until such time as I can get public opinion educated to where they will stop it or a law that will forbid it. What time would I bring it about if I practiced that which I condemn in others? If in my heart of hearts I believe that it is destructive to moral character and manhood to lie and cheat, I will neither lie nor cheat, though I lose every dollar I own. If I believe that the principle of protection is wrong, I will not vote for protection to protect me, even though the other man profits by protection at my expense.

Hancock said that protection was a local issue. That is, that as long as it profited a section at the expense of another section or other people to advocate and to put into operation the law of protection, that that community would be protectionists. But where a community could not profit by it, but suffered for the profit of another, they were antiprotectionists and that, therefore, it was a local issue, involving no principle. According to this theory, there is no principle in the world, in fact. They could all be reduced to local issues. According to his doctrine, if it was profitable in Washington to be honest and truthful, I would advocate and practice honor and truth in Washington. If, in Baltimore, it was unprofitable, I would be dishonest and untruthful there. In a word, in this great theory of government, according to him, there was no real principle involved; no sense of equity, justice, and right. But simply what is profitable to me or my community in dollars and cents, regardless of how this profit comes.

Every real advance of the human family has been based upon an unswerving conviction as to principle, and a loyal adherence to that principle at any cost and any sacrifice. And this is as true of parties as individuals.

It is interesting to note how some men will grow eloquent in their plea that men shall be honest with themselves, stand by their conviction of what is right, pleading for each and every one to stand by his principles of honor and integrity, regardless of whether they stand alone or go with the mass. They boast of their delight in standing by their principles in other matters affecting their individual character and their personal or individual relation to others, and yet these same men will discard this loyalty to principle, this loyalty to conviction, in reference to governmental affairs, as to what is right and proper and advocate that because the other man is doing wrong and profiting out of me by so doing that I must retaliate by doing wrong also and profiting out of him.

I feel like congratulating the President for coming to a Democratic viewpoint.

A great writer has said, "A false principle wrought into real life will always work itself out in disaster," and the present condition of the Republican Party stands as a startling illustration of that truth. The doctrine of protection, as taught and developed by them, has resulted in the practical disruption, temporarily at least, and from all indications permanently as well, of the Republican Party. It is instructive to the people at large to compare what the President says in his message accompanying the proposed treaty, in reference to the tariff, and what the leaders of his party said during the debates on the tariff in the last Congress. He says:

> We have reached a stage in our own development that calls for a statesmanlike and broad view of our future economic status and its requirements. We have drawn upon our natural resources in such a way as to invite attention to their necessary limit. This has properly aroused our effort to conserve them, to avoid their waste, and to restrict their use to our necessities. We have so increased in population and in our consumption of food products and the other necessities of life, hitherto supplied largely from our own country, that unless we materially increase our production we can see before us a change in our economic position from that of a country selling to the world food and natural products of the farm and forest to one consuming and importing them. * * * Ought we not, then, to arrange a commercial agreement with Canada, if we can, by which we shall have direct access to her great supply of natural products without an obstructing or prohibitory tariff?

The high cost of living and the very necessities of the case, and over and above all the result of the November election, have caused the head of the Republican Party to see sufficient light to begin, even in the minute corner of the Northwest, to deal fairly with the people on these great questions.

The contention of the Democratic Party has always been, in reference to farm products, that the tariff did not and could not materially benefit them, for the reason that the surplus fixes the price, as sold in the foreign markets, for the domestic market.

There has been a delusion amongst the farmers who produce the raw material. There has been held out to them the false promise, the empty promise, that if they would vote for protection it would mean the protection of their product as well, while even last year, with the greatest of home consumption of American wheat and the least exportation of the same, we exported 92,000,000 bushels.

During the tariff debate of last year there was an investigation as to the cost of living. According to the report of the majority the tariff was exonerated from any part in this burdensome increase.

I happened to be a member of that committee. The wholesaler, retailer—the numerous class of middlemen—who distributed these articles of necessity were the ones guilty of burdening the American people with this extraordinary cost of living. Now, therefore, when the President proposes an agreement with another country, lowering the tariff on some and removing it entirely on other articles, there is a cry to the effect that if this be done, the producers of these articles in this country stand face to face with bankruptcy for the benefit of those who eat the food.

So long as the investigation had no power to enforce a law, such as is proposed in this treaty, it seemed to be a problem as to what was the real cause. Mr. Taft, in one proposition, has uncovered to the American people the real cause in half the time and at infinitely less expense than all of the investigation of the committee on the cost of living.

What is this reciprocity that he proposes? He has put cattle, horses, hogs, sheep, poultry, alive and dead; cereals of all kinds, hay, fruits, and vegetables on the free list, together with a lot of other articles, amongst them wood pulp and rough lumber. The primary and secondary stages of all food products have in the first instance been put on the free list, and in the second instance the duty has been lowered materially.

As to the percentage of reduction on manufactured articles, fresh meats have been lowered 16 per cent; bacon and hams, 67 per cent; meats of all kinds, dried and smoked, 66 per cent; flour, 60 per cent. In a word, throughout the whole list secondary articles have been materially reduced, so that the Canadian markets, in all the articles specified, are open to a greater American trade, while the American markets have likewise been open to Canadian trade, guaranteeing a greater market for such things as we can produce more cheaply than Canada and a greater market in America for such things as Canada

can produce more cheaply than we. Embodying the very principles for which the Democratic Party has always stood, this question of reciprocity may not have gone far enough, but as far as it has gone it certainly has gone in the direction of Democratic doctrine.

Some of the opponents of this measure were those who clamored for free lumber, because they happened to be in those States where there was a scarcity of lumber, and which States were nearer to Canada than they were to those States in the United States where there was an abundance of lumber.

To-day, when the circumstances are changed, these very men are clamoring for protected wheat against free wheat, yet when free lumber promised to benefit them they wanted free lumber, but when free wheat promises to injure them they want protected wheat. They were perfectly willing to give the people of the United States free lumber if in so doing they could benefit themselves, regardless of whether it benefited or injured the balance of the country. But they are not willing to give free wheat if by so doing the balance of the country will be benefited.

One of the leading Republican Senators, during the tariff debate of last session, declared that the duty on California lemons was high enough or perhaps too high, and stated, as his reason for this seeming Republican inconsistency, that New York could import lemons cheaper from elsewhere than they could from California.

I can not understand the attitude of some of the so-called insurgents on this question. During the discussion on the Payne-Aldrich bill there were no more stalwart champions of a reduction of the tariff downward than they. The cotton schedule, the woolen schedule, the iron and steel schedule, the meat trust, all these were attacked with a comprehensiveness and vigor that endeared them mightily to Democratic hearts. And profound was their seeming disgust when at last the bill was passed and the President affixed his signature thereto. But now that the President seems to have seen the error of his way and has discovered one of the factors at least of the high cost of living, and is honestly endeavoring to relieve the condition as far as he may, these champions of a tariff reduction seem loath to follow their own Republican President when he, partially at least, accedes to their strenuous clamor of a year ago. For what reason, they doubtless will explain in the course of this debate. Let us hope that it is not because most of the articles affected are produced in their States.

We have no right to denounce the selfish, heartless, greedy trusts and combinations of wealth in this country because they have practically monopolized some of the great necessities of life and distressed the people by putting an unjust price upon these articles if we, the representatives of the people, clamor for a protection for those things which we or our localities are interested in. We have no right to denounce in another that which we are practicing ourselves. If, because of the scarcity of lumber in America, because I own lumber or my community owns lumber, I become a party to exacting from the balance of America a price far beyond that which they could obtain in the open markets of the world, I have simply placed myself in the same category with the much denounced and despised protected trusts and combines, for the principle is identically the same. The man who clamors for a protection on wheat because it will benefit his community and the wheat growers in his section, at the expense of the balance of the American people, when the American people could buy this wheat at a cheaper rate if allowed the open markets of the world, is putting himself in identically the same category with the so-called iniquitous trusts and combinations.

When I demand that the article in which I and my community are interested shall be protected because the article that we produce or manufacture can be purchased cheaper elsewhere, I have arrayed myself under the same flag under which the Oil Trust, Beef Trust, Steel Trust, and all the other protected combinations that are fleecing the people are fighting

In conclusion, Mr. President, I wish to say that President Taft, in his proposed treaty with Canada, has challenged the pluck of every Democrat, of every insurgent Republican, of every party or individual who have stood for a lowering of duties, of the widening of the market, who believe in equal rights to all and special privileges to none under the law. And I for one shall vote for and uphold this measure, imperfect though it may be, as a step in the right direction, which, taken advantage of and followed up, may ultimately lead to the liberation of the oppressed.

SENATOR FROM ILLINOIS.

The Senate resumed the consideration of the following resolution submitted by Mr. BEVERIDGE January 9, 1911:

Resolved, That WILLIAM LORIMER was not duly and legally elected to a seat in the Senate of the United States by the Legislature of the State of Illinois.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). The question is on agreeing to the resolution.

Mr. BAILEY. On that I demand the yeas and nays.

The PRESIDING OFFICER. Is there a second to the demand?

Mr. CRAWFORD. Mr. President I desire to be heard——

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. In the opinion of the Chair a sufficient number have seconded the demand, and the yeas and nays are ordered.

Mr. OWEN. Before that was put by the Chair recognition was demanded of the Chair.

The PRESIDING OFFICER. The Chair recognized the Senator from Texas.

Mr. HALE (at 10 o'clock p. m.). I make the privileged motion that the Senate do now adjourn.

Mr. STONE. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator from Missouri will state his point of order.

Mr. STONE. I wish it to appear in the RECORD that the Chair can not put the question on ordering the yeas and nays when Senators are addressing the Chair.

Mr. PENROSE and others. Regular order!

Mr. BAILEY. In reply to that I want to say to the Senator from Missouri that by demanding the yeas and nays I had no purpose to prevent him or any other Senator from addressing the Senate, but I was recognized and made a privileged demand. The matter is still open for debate.

Mr. STONE. I understand, and I had no thought of this immediate question before the Senate, but this same thing has been done on one or two previous rather noted occasions. I think it is an abuse of the power and right of the Chair. I wish to make a point of order.

Mr. PENROSE and others. Regular order!

Mr. HALE. I insist on my motion.

Mr. BAILEY. The yeas and nays have been ordered, I understand.

The PRESIDING OFFICER. So the Chair understands, and he has so ruled.

Mr. BAILEY. The yeas and nays on the pending resolution have been ordered.

Mr. CRAWFORD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from South Dakota?

Mr. HALE. I do not understand that the yeas and nays have been ordered.

Mr. PENROSE. They have been ordered.

The PRESIDING OFFICER. They have been ordered on the pending resolution. The pending question is the motion of the Senator from Maine. The Senator from South Dakota asks the Senator from Maine if he will yield.

Mr. HALE. I will not yield for any further debate.

Mr. GALLINGER, Mr. PENROSE, and others. Regular order!

Mr. OWEN. I ask the Senator from Maine to yield until the opinion of the Senate may be taken upon the ruling of the Chair, from which I appeal.

Mr. BAILEY. There is no decision of the Chair. I demanded the yeas and nays.

Mr. CRAWFORD. I rise to a parliamentary inquiry.

Mr. BAILEY. The Chair asked if the demand was seconded, and enough Senators seconded the demand to order the yeas and nays. Now, Senators who did not want to order the yeas and nays might have called for the other side, but they did not, and there is no question before the Senate.

The PRESIDING OFFICER. The Chair so understands.

Mr. CRAWFORD. I rise to a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from South Dakota rises to a parliamentary inquiry. The Senator will state it.

Mr. CRAWFORD. Do I understand that the ordering of the yeas and nays shuts off absolutely further discussion on the resolution?

Mr. BAILEY. Oh, no.

The PRESIDING OFFICER. It does not.

Mr. CRAWFORD. I desire to address the Senate on the resolution.

The PRESIDING OFFICER. But the Senator from Maine has moved that the Senate adjourn, and that motion is not debatable.

Mr. STONE. There is a question of order pending. The Chair had no right, under the parliamentary usage of the Senate and its rules, to take the question on ordering the yeas and nays when a Senator is addressing the Chair before the question was put.

Mr. OWEN. That was the point I raised.

Mr. STONE. There is a question on the right of the Chair to do that, and if the Chair overrules the point of order I desire to appeal from it.

The PRESIDING OFFICER. The Chair overrules the point of order.

Mr. STONE. Then I appeal from the ruling of the Chair.

Mr. HALE. Pending that——

Mr. BAILEY. Oh, no; let us dispose of this.

Mr. HALE. Evidently, nothing further can be done; but I leave it to the Senate. I move that the Senate now adjourn.

The PRESIDING OFFICER. The question is the motion of the Senator from Maine that the Senate do now adjourn.

The motion was not agreed to.

Mr. OWEN. Mr. President, I made a point of order which the Chair overruled. My point of order was that the Chair could not determine the question and submit the ordering of the yeas and nays when the Chair was being addressed.

Mr. STONE. Before it was submitted.

Mr. OWEN. The Chair was addressed before the question was submitted to the Senate.

Mr. BAILEY. That question is not debatable, and consequently no Senator could address the Chair on ordering the yeas and nays. But if the Senate desires to settle it I hope the Chair will submit the appeal taken by the Senator from Missouri from the decision of the Chair.

Mr. HALE. That is right.

The PRESIDING OFFICER. The Chair will submit the appeal, of course. The Chair recognized the Senator from Texas, who demanded the yeas and nays. The Chair asked if there was a second, and, in the opinion of the Chair, there was, and the Chair declared that the yeas and nays were ordered. The Chair could not recognize Senators at that time, as he had recognized the Senator from Texas. The Chair understands now that the Senator from Missouri appeals from the ruling of the Chair. On that the question is, Shall the ruling of the Chair stand as the judgment of the Senate?

Mr. OWEN. Mr. President, I desire the parliamentary question of order to be submitted formally to the Senate, so that everyone may clearly understand what the point of order is.

The PRESIDING OFFICER. As the Chair understands the question, it is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. OWEN. What is the ruling of the Chair on the parliamentary point of order?

The PRESIDING OFFICER. The ruling of the Chair was that the yeas and nays had been ordered. The Chair understood the Senator from Missouri to claim that the Chair could not declare that the yeas and nays were ordered, although the required number had asked for them.

Mr. OWEN. The point was that the Chair submitted to the Senate the question on the yeas and nays when the Chair was being addressed and before it was submitted to the Senate.

The PRESIDING OFFICER. The Chair overruled that point of order.

Mr. STONE. The point, Mr. President, I raised is not that the Chair had wrongly decided that a sufficient number had seconded the demand for the yeas and nays, but that when the Senator from Texas was recognized and demanded the yeas and nays, before the Chair submitted it both the Senator from Oklahoma and the Senator from South Dakota rose and addressed the Chair, and the Chair refused to recognize them, and persisted in submitting the question of ordering the yeas and nays to the Senate, and decided, so far as that goes, very properly, that the yeas and nays had been ordered. The Senator from Texas says the question on ordering the yeas and nays is not debatable. That is true, but the yeas and nays can not be properly ordered, nor a vote taken, nor any step of that kind undertaken until the debate itself has been terminated.

Mr. PENROSE. This debate is out of order, Mr. President.

Mr. STONE. I do not know whether it is out of order.

The PRESIDING OFFICER. The Senator from Missouri rose to a question of order.

Mr. STONE. It is not out of order. I should like to have the Senator from Pennsylvania furnish any authority upon which he states that this is out of order.

Mr. PENROSE. I call the attention of the Senator to Rule XX, page 20, of the Manual:

> And every appeal therefrom shall be decided at once and without debate.

That is, an appeal from the decision of the Chair.

Mr. STONE. But the question of order is unquestionably debatable. Still I have no wish to protract the debate or consume the time of the Senate. I want to say to the Senate, however, that this is a bad precedent for us to establish by a deliberate vote of the Senate, for it may be a black chicken that will come home to roost on some other occasion.

Mr. GALLINGER, Mr. PENROSE, and others. Regular order!

Mr. STONE. I am proceeding in the regular order. If the Senator from New Hampshire does not think so, then his suggestion is proper. Otherwise, it is exceedingly improper. If the Senator desires to say anything, he had better rise and address the Chair.

Mr. GALLINGER. I will answer the Senator by saying that if he will read Rule XX he will find that an appeal is not debatable; and if the Chair will enforce that rule the Senator will not take any longer time on this question.

Mr. STONE. I am through, anyhow.

The PRESIDING OFFICER. The Chair will state to the Senator from Missouri that if he had risen to a question of order and so stated he would have been recognized by the Chair. He did not rise to a question of order. The Chair was putting the demand of the Senator from Texas, and during that he could not recognize anybody else. The Chair understands that the Senator from Missouri appeals from the ruling of the Chair.

Mr. STONE. I did rise to a question of order.

The PRESIDING OFFICER. The Senator did not state it.

Mr. STONE. How could the Chair know for what purpose I rose unless the Chair recognized me?

The PRESIDING OFFICER. The Senator did not state that he rose to a question of order.

Mr. OWEN. Mr. President, I rose to address myself to the question of order, and the Chair did not recognize me, but insisted upon putting the demand for the yeas and nays.

The PRESIDING OFFICER. Does the Senator now rise to that question?

Mr. BAILEY. But one question of order can be entertained at one time, I submit to the Chair.

The PRESIDING OFFICER. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. OWEN. On that I ask for a division.

There were, on a division—ayes 45, noes 11.

The PRESIDING OFFICER. The decision of the Chair is sustained by the Senate.

Mr. OWEN. I call for the yeas and nays.

The PRESIDING OFFICER. On what question?

Mr. OWEN. On the question just announced by the Chair that the decision of the Chair is sustained.

The PRESIDING OFFICER. On this question the Senator from Oklahoma demands the yeas and nays.

Mr. SMITH of Michigan. What is the question before the Senate?

The PRESIDING OFFICER. The question before the Senate is the demand of the Senator from Oklahoma for the yeas and nays upon the decision of the Chair standing as the judgment of the Senate. Is there a second?

Mr. STONE. Pending that, I move that the Senate adjourn until 11 o'clock to-morrow morning.

The PRESIDING OFFICER. Pending the demand for the yeas and nays, the Senator from Missouri moves that the Senate now adjourn until 11 o'clock to-morrow morning.

The motion was not agreed to.

The PRESIDING OFFICER. Is there a second for the demand for the yeas and nays made by the Senator from Oklahoma?

Mr. BEVERIDGE. What is the question?

The PRESIDING OFFICER. The Chair has already stated the question.

Mr. BEVERIDGE. I beg the Chair's pardon, but I was called out of the Chamber.

The PRESIDING OFFICER. The Senator from Oklahoma has demanded the yeas and nays on sustaining the ruling of the Chair upon the question of order raised by the Senator from Missouri.

Mr. BEVERIDGE. A parliamentary inquiry. What did the Chair rule?

Mr. KEAN. If the Senator had been here, he would have heard it.

The PRESIDING OFFICER. The Chair will state for the information of the Senator from Indiana that the Senator from Texas [Mr. BAILEY] demanded that the question on the pending resolution be taken by yeas and nays, whereupon the Senator from Missouri rose. The Chair asked if there was a second to the demand of the Senator from Texas, and, in the opinion of the Chair, there was a second to the demand. The Senator from Missouri appealed from the ruling of the Chair, and stated that he should have been recognized, as the Chair understands.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. The Chair would prefer not to be interrupted during the statement of his understanding of the parliamentary situation.

Mr. OWEN. I should be delighted to have the Chair conclude.

The PRESIDING OFFICER. The Senator from Oklahoma has demanded the yeas and nays upon the appeal from the decision of the Chair, which was lost on a rising vote.

Mr. BEVERIDGE. On what point did the Senator from Missouri rise to address the Chair?

The PRESIDING OFFICER. The Senator from Missouri rose and addressed the Chair and made a point of order. The Chair overruled the point of order, and the Senator from Missouri appealed from the ruling of the Chair.

Mr. BEVERIDGE. What was the Senator's point of order?

The PRESIDING OFFICER. The point of order was that he ought to have been recognized when the Chair was putting the demand of the Senator from Texas for the yeas and nays.

Mr. BEVERIDGE. I think it is very clear.

Mr. PENROSE and others. Regular order!

The PRESIDING OFFICER. The question is on ordering the yeas and nays, demanded by the Senator from Oklahoma. Is there a second to the demand?

The yeas and nays were not ordered.

Mr. GALLINGER and Mr. PENROSE. Regular order!

The PRESIDING OFFICER. The question is on agreeing to the resolution.

Mr. CRAWFORD. Mr. President, I desire to address the Senate.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for that purpose.

Mr. CRAWFORD resumed his speech. After having spoken, with interruptions, for 2 hours and 20 minutes,

Mr. OWEN. I rise to a question of order, Mr. President——

Mr. CRAWFORD. Oh, my good friend——

The VICE PRESIDENT. One moment. The Senator from Oklahoma rises to a question of order. The Senator will state it.

Mr. OWEN. I suggest the absence of a quorum.

The VICE PRESIDENT. The Senator from Oklahoma suggests the absence of a quorum. The Secretary will call the roll.

Mr. CRAWFORD. My time is being wasted recklessly, because it is going to take me some time to conclude my argument.

Mr. KEAN. The Senator said it would not take him more than 15 minutes.

Mr. CRAWFORD. I did; and I said it in good faith.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Crawford	Heyburn	Rayner
Bailey	Culberson	Johnston	Richardson
Bankhead	Cullom	Jones	Root
Beveridge	Cummins	Kean	Scott
Bourne	Curtis	La Follette	Shively
Bradley	Davis	Lorimer	Simmons
Brandegee	Depew	McCumber	Smith, Md.
Briggs	Dick	Martin	Smith, Mich.
Bristow	Dillingham	Nixon	Smith, S. C.
Brown	Dixon	Oliver	Smoot
Bulkeley	du Pont	Overman	Stephenson
Burnham	Fletcher	Owen	Stone
Burrows	Flint	Page	Swanson
Carter	Foster	Paynter	Thornton
Chamberlain	Gallinger	Penrose	Warner
Clapp	Gamble	Percy	Watson
Clark, Wyo.	Gronna	Perkins	Wetmore
Crane	Guggenheim	Piles	Young

The VICE PRESIDENT. Seventy-two Senators have answered to the roll call. A quorum of the Senate is present. The Senator from South Dakota will proceed.

Mr. CRAWFORD resumed his speech. After having spoken about half an hour he yielded to Mr. OWEN.

Mr. OWEN. I raise the point of order that there is no quorum.

Mr. BAILEY. Mr. President——

The VICE PRESIDENT. The Chair overrules the point of order.

Mr. BAILEY. I was just going to suggest that no business has intervened since the last call.

Mr. OWEN. I call attention to the precedents in this case. In a similar case the Senate has heretofore held, as will be found in Gilfrey's Precedents, that discussion comprises business.

The VICE PRESIDENT. The Senate has repeatedly held that discussion is not business, but the present occupant of the chair, regardless of that rule, at any time when a reasonable length of time has been consumed in discussion and it was reasonably apparent that a quorum was not present, should entertain the demand for a roll call. But where, as in the present case, a roll call has twice been demanded within the last 40 minutes and each time upward of 70 Senators have answered to their names, there having been no intermediate business save discussion, the Chair sustains the point of order made—that a Senator can not raise the point that there is no quorum present.

Mr. OWEN. Mr. President, I call attention of the Chair to the empty seats, now obvious, which show plainly there is no quorum present.

Mr. BEVERIDGE. I suggest that the Senator withdraw his suggestion of the absence of a quorum for the present, in view of the fact that the Chair has held that if a reasonable time has elapsed, in the opinion of the Chair, a Senator has his rights under the rules, and that until the Chair thinks a reasonable time has elapsed, no point of this kind be made. If at that time the same point is made, of course there will be discussion upon that ruling. I call for the regular order.

The VICE PRESIDENT. The regular order is demanded, which is the speech of the Senator from South Dakota.

Mr. BACON. Mr. President——

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from Georgia?

Mr. CRAWFORD. I do.

Mr. BACON. I want to make a remark upon the point of order. I am unwilling that the ruling of the Chair, which he has just made as to the question of the right to call for a quorum, shall pass with the apparent acquiescence of the Senate.

Mr. BEVERIDGE. It did not.

Mr. BACON. I shall not now at this late hour of the night endeavor to appeal from the ruling of the Chair, but I am unwilling for it to pass without an expression of my dissent. I do not think that there is anything in the rules of the Senate or in the general principles of parliamentary law which will sustain the ruling, with all deference to the Chair. Of course the Chair will not misunderstand me.

The VICE PRESIDENT. Certainly not.

Mr. BACON. I make the suggestion simply with the view that whenever the question comes up hereafter it will not appear to have been made with the acquiescence of the Senate.

Mr. BAILEY. Mr. President, I may be mistaken, but I am under the impression that many times in the House and also in the Senate this precise question has arisen, though on a different motion. My impression is that where motions to adjourn were repeated the Speaker of the House has held over and over again that mere discussion was not intervening business. I have sent for the Precedents of the House. If I am mistaken about that, I was mistaken about the point of order; but I think it will be found that without distinction of politics the Speakers of the House have held that it was not competent to repeat motions to adjourn with nothing but discussion intervening between them. If I am not mistaken, one of the most distinguished Speakers which the State of Georgia ever furnished to the House of Representatives during my membership of that body held that precise question.

Mr. BACON. Mr. President, I do not wish in any manner to take issue with the learned Senator as to what may have been done in the other House. I simply wish to remark that the methods in the House are altogether and fundamentally different from the methods in the Senate.

Mr. BAILEY. That is true, but on the particular question as to whether discussion is intervening business or not, I take it the rule would be the same in both bodies.

Mr. BACON. No; Mr. President, not the same, for the fundamental reason that the House proceeds upon the assumption of the presiding officer to exercise a discretion which is not allowed to a presiding officer in this body. The distinguished Senator from Texas himself said a few weeks ago that the Presiding Officer of the Senate occupies a very different relation to this body from that which the presiding officer of the House occupies to that body. The presiding officer of the House is a Member of the House; he is elected by the House; he is the representative of the dominant party of the House, whereas in the Senate it is altogether different.

The Presiding Officer of this body is not a Member of this body; he is not elected by this body; he is not the representative of this body; he is not responsible to this body. This body controls itself and is not to be controlled by its Presiding Officer, except so far as he is called upon to administer the rules of this body.

There is a vast distinction between the two. In the one case the presiding officer of the House is a Member of that body, chosen by that body, responsible to that body, and the representative of the dominant party in that body is clothed with power to exercise a discretion as to whether or not he will recognize a Member, whether or not he will entertain a motion, because if he decides wrong it is always within the discretion

and power of that body, if necessary, to depose him from his office. That is not the case here. This Senate is a self-governing body, and the only power that the Presiding Officer has is to administer the rules of this body. He has no other.

Mr. President, if the Senator will permit me to proceed, I desire to state again—with all deference to the Presiding Officer and with no disposition to criticize in any way, but simply to express an honest difference of opinion in this matter—the ruling of the Chair necessarily assumes to the Chair the exercise of a discretion to determine when the matter shall have progressed to a stage where the Presiding Officer will recognize it as intervening business, recognizing that in some instances it will be intervening and in other instances not intervening business. I respectfully submit that the Presiding Officer of the Senate has no such power, because he is not a Member of this body, he is not responsible to this body, and he can not, in case he rules wrongly, be called to account by this body.

The VICE PRESIDENT. May the Chair call to the attention of the Senator from Georgia a ruling made in the Fifty-fourth Congress, and may the Chair read it?

Mr. Hill raised a question of order, viz, that when the presence of a quorum was determined by the last roll call a Senator can not immediately thereafter suggest the absence of a quorum, no business having intervened; and

The Presiding Officer (Mr. BACON) sustained the point of order.

[Laughter.]

Mr. BACON. I am entirely familiar with that case.

The VICE PRESIDENT. In the last Congress it was repeatedly held by the Chair, and the Chair was repeatedly sustained by the Senate, that debate was not intervening business.

Mr. BACON. Mr. President, I may be permitted to rejoin to the precedent cited by the Chair at the time I had the honor to occupy it, that it does not correspond with the question which is now before the Senate. I recollect the occasion distinctly. I then had the honor to be in the chair when the then Senator from Pennsylvania, Mr. Quay, called for a quorum, and the roll was called. Immediately thereafter, not after debate, but before there had been any debate, he called again for a roll call on the ground that there was no quorum. There had been literally nothing done. It is not a case, Mr. President, where it had been ruled that the roll having been called and debate having proceeded with, when the roll was again called that was not intervening business. It was a case where the roll was called and a quorum disclosed by a call of the roll, and immediately thereafter the Senator from Pennsylvania again demanded a roll call, alleging that there was no quorum present. I think the then occupant of the chair, who happened to be my own unimportant self, correctly ruled, there having been no debate, no question, no proceeding of any kind, that there had been no intervening business. If the occasion was one in which there had been debate, and the occupant of the chair at that time had ruled that there had been no intervening business, and for that reason no roll could have been called, I would certainly stand confounded by my own decision at that time; but that was not the case.

I want to submit to the Chair this proposition: If you will leave out of question for the present the exercise of discretion by the Chair, it amounts to this: That a Senator can take the floor and he can announce to his party, "I am going to speak for the next five hours, and you all can go off and go to bed and go to sleep; there can be no call for a quorum during that time, because I will not yield the floor, and the fact that there has been no business, except debate, will be recognized as a conclusion that there has been no intervening business, and consequently no roll can be called. On the contrary, our opponents will have to stay here, because they do not know what minute I may stop or what minute I may demand a vote. Therefore you can take your ease. I can hold my political opponents here indefinitely; they can not call and bring you back, but they can not leave, because I have got the floor and they do not dare to leave while I have it." Of course, Mr. President, that is a reductio ad absurdum. The only alternative to that is that the Presiding Officer of this body shall exercise a discretion to determine when a sufficient amount of debate has been had to justify his decision that it is an intervention of other business.

Mr. SCOTT. Regular order!

Mr. BEVERIDGE. That is just what the Chair assumed to do.

The VICE PRESIDENT. The regular order is demanded.

Mr. BEVERIDGE. This is the regular order.

The VICE PRESIDENT. The regular order is the speech of the Senator from South Dakota [Mr. CRAWFORD].

Mr. BAILEY. Will the Senator from South Dakota yield to me for a moment?

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from Texas?

Mr. CRAWFORD. I yield.

Mr. BAILEY. I simply want to say, in reply to the statement of the Senator from Georgia, that I recently called attention to the fact that the Presiding Officer of this body was not chosen by it, but the Senator omits to say that I made that statement merely for the purpose of insisting that the Presiding Officer must administer the rules of the Senate in the light of the precedents of the Senate.

I did not mean to say then, and I would not say now, that the circumstance that the Vice President of the United States is made by the Constitution the presiding officer of the Senate takes from him the power to construe the rules of the Senate.

Mr. BACON. I know, Mr. President——

Mr. BAILEY. Or the power to enforce those rules according to general parliamentary law. That is the whole of the suggestion. I repeat, though I repeat it with no great degree of confidence, but I repeat that my impression is that the Speakers of the House of Representatives have for many years held that a motion to adjourn could not be repeated as discussion proceeds, because they have held that debate is not intervening business. I may be mistaken about that, but if I am, then I misunderstand the Precedents. I do not think I do.

Mr. BACON. The Senator can not state it more strongly than I would do.

Mr. SCOTT. I ask for the regular order. We are staying here——

The VICE PRESIDENT. The Senator from West Virginia demands the regular order.

Mr. SCOTT. To hear the Senator from South Dakota. I want him to go on with his speech.

The VICE PRESIDENT. The regular order is the speech of the Senator from South Dakota.

Mr. BEVERIDGE. Mr. President, I rise to a parliamentary inquiry.

The VICE PRESIDENT. One moment, until the Chair gets through making the statement. The Senator from South Dakota has the floor. He can continue, but he can not yield to another in the face of an objection, and a demand for the regular order is an objection. So the Senator from South Dakota must proceed or yield the floor.

Mr. CRAWFORD. I am perfectly willing to proceed.

Mr. CULBERSON. Mr. President——

The VICE PRESIDENT. Does the Senator rise to a point of order?

Mr. CULBERSON. I rise to ask the Senator from South Dakota to yield to me for a moment.

The VICE PRESIDENT. The Senator from West Virginia [Mr. SCOTT] has demanded the regular order, which precludes the Senator from South Dakota yielding, the Chair regrets to say.

Mr. SCOTT. I object. I demand the regular order.

Mr. CULBERSON. Mr. President, I rise for the purpose of reading——

Mr. SCOTT. I object.

The VICE PRESIDENT. The Senator from Texas can not do that in the face of the objection of the Senator from West Virginia. The only thing in order is the speech of the Senator from South Dakota.

Mr. CULBERSON. I appeal from the decision of the Chair.

The VICE PRESIDENT. The Chair has made no decision.

Mr. CULBERSON. The Chair has ruled that there was no intervening business, although half an hour had elapsed since the previous roll call.

The VICE PRESIDENT. That was half an hour ago.

Mr. BEVERIDGE. Nothing has occurred since——

The VICE PRESIDENT. That was half an hour ago, and the Senator from South Dakota has proceeded since.

Mr. CULBERSON. Now, I suggest the absence of a quorum.

The VICE PRESIDENT. The Chair has four times counted those present in the Senate during this discussion, and 46 is the least number of Senators who have been present here at any time during this discussion.

Mr. BEVERIDGE. A parliamentary inquiry, Mr. President.

Mr. SCOTT. I demand the regular order.

The VICE PRESIDENT. Four times——

Mr. BACON. I rise to a point of order.

The VICE PRESIDENT. The Chair will recognize the Senator from Indiana, not as a matter of right, but the Chair will recognize the Senator from Indiana to make a parliamentary inquiry.

Mr. BEVERIDGE. The parliamentary inquiry is this: Does the Chair assume the right to count a quorum? The Chair has just stated——

The VICE PRESIDENT. Under certain circumstances the Chair does; under existing circumstances the Chair does.

Mr. SCOTT. I call for the regular order.

Mr. BEVERIDGE. I appeal from that ruling.

Mr. CULBERSON. I rise to a question of order.

The VICE PRESIDENT. The Senator will state it.

Mr. CULBERSON. I make the point of order, Mr. President, that there is no quorum present, and that the Chair is in error in attempting to count a quorum.

The VICE PRESIDENT. At the present time the Chair will order the Secretary to call the roll.

Mr. CULBERSON. Very well.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Clark, Wyo.	Johnston	Shively
Bailey	Crane	Jones	Simmons
Beveridge	Crawford	Kean	Smith, Md.
Borah	Culberson	La Follette	Smith, Mich.
Bourne	Cummins	Lorimer	Smith, S. C.
Bradley	Davis	McCumber	Smoot
Brandegee	Depew	Martin	Stephenson
Briggs	Dick	Nixon	Stone
Bristow	Dillingham	Oliver	Swanson
Brown	Dixon	Owen	Thornton
Bulkeley	du Pont	Page	Warner
Burkett	Fletcher	Paynter	Warren
Burnham	Foster	Penrose	Watson
Burrows	Gallinger	Percy	Wetmore
Burton	Gamble	Perkins	Young
Carter	Gronna	Piles	
Chamberlain	Guggenheim	Root	
Clapp	Heyburn	Scott	

The VICE PRESIDENT. Sixty-nine Senators have answered to their names, and a quorum of the Senate is present. The Senator from South Dakota will proceed.

Mr. BAILEY. Mr. President, I have examined the Precedents as well as I could in a hurry, and I find that I was mistaken as to what the Speaker of the House held on the question of intervening business, within the meaning of the rules. I do not find the later decisions which I thought I would find, but I find as early as 1834 the Speaker of the House held debate was intervening business.

I make acknowledgment of my mistake, and I desire to have that acknowledgment appear in the RECORD.

Mr. CRAWFORD resumed his speech. After having spoken for 25 minutes,

Mr. CULBERSON. Mr. President——

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from Texas?

Mr. CRAWFORD. I yield.

Mr. CULBERSON. In order to keep the matter along systematically I desire to read the first paragraph from the Precedents on the page from which the Chair read a few moments ago.

The bill (H. R. 174) repealing the duty on tea and coffee being under consideration, a call of the Senate was had, followed by a motion to adjourn, which was not agreed to. Without debate, another motion to adjourn was made, which the Presiding Officer [Mr. Ferry of Michigan] ruled out of order, "no business having intervened."

Discussion having taken place, a third motion to adjourn was made, to which an objection was made. The Presiding Officer [Mr. Ferry of Michigan] said "there was discussion that intervened, and therefore business of the Senate." (See Cong. Globe, p. 2627.)

I want to insert this in the RECORD in connection with what was said by the Chair.

The VICE PRESIDENT. The Chair calls the attention of the Senator from Texas to the fact that all that took place in the Forty-second Congress, and the ruling to which the Chair referred took place in the Fifty-fourth Congress and subsequently in the Sixtieth Congress; the Senate twice voted that debate was not intervening business, once upon the direct question submitted by Vice President Fairbanks and, second, upon a motion made by the Senator from Rhode Island [Mr. ALDRICH] to lay an appeal on the table.

Mr. CULBERSON. Upon all of which protests were entered.

Mr. BEVERIDGE. Which later was reversed.

Mr. CULBERSON. The Chair to-night read only the ruling made by the Senator from Georgia [Mr. BACON].

The VICE PRESIDENT. That is quite right. That is all the Chair read.

Mr. CULBERSON. The Senator from Georgia explained that by showing that the demand for a roll call was immediately after a roll call had disclosed the presence of a quorum.

The VICE PRESIDENT. Yes.

Mr. BEVERIDGE. Mr. President——

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from Indiana?

Mr. CRAWFORD. I do.

Mr. BEVERIDGE. I do not want to prolong the discussion of this most important matter at this late hour. I rose only in view of what the senior Senator from Texas has just said to us, to say that when this matter comes up at a more convenient time, if it should be insisted by anyone that a quorum may not be suggested, intervening debate having taken place, a question will be raised in the opinion of Senators on both sides of the Chamber quite as important as the pending question itself, at which time there will be a presentation of the precedents and authorities. Familiar as the Senator from New Hampshire is with the ruling made at the time the emergency currency bill was pending and about to pass, that ruling, as the Senator from Texas has well said, was made under protest, and was, as the records will show, not adhered to at later sessions.

That is all I desire to say at this juncture.

Mr. GALLINGER. Will the Senator from South Dakota yield to me a moment?

Mr. CRAWFORD. Certainly.

Mr. GALLINGER. I simply want to add in this connection—and I thank the Senator from South Dakota for permitting me the privilege at this time—it occurs to me it would be a very unfortunate thing if we broadly decide that debate is business, because a Senator holding the floor can utter one sentence, a point of order can be made that there is not a quorum present, the Senator can utter another sentence and a point of order again and again be made. So I think we ought to guard that matter very carefully, and not upon the broad proposition that debate is business, absolutely put the Senate in an attitude where it could not possibly transact the public business. So we could destroy the Government if we agreed to that proposition.

Mr. BEVERIDGE. Mr. President, will the Senator from South Dakota yield to me for a moment?

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from Indiana?

Mr. CRAWFORD. I yield.

Mr. BEVERIDGE. I do not desire to interrupt the Senator to discuss this question, which is, I repeat, a question as important as the pending one, more than to say now that it will be very fully discussed, and to answer the suggestion of the Senator from New Hampshire.

The Senator suggested what all Senators here know, and especially the Senators on the other side know to be the fact, that this rule once established means possible cloture in this body. The question will be fully presented as to whether we are going to change the constitution of the United States Senate, our rules of procedure; whether we are going to end the practice of a century and a quarter and begin by a series of rules to adopt cloture in this body.

I myself am a Republican and I am from the North; but, as I have stated before in more than one debate in this Senate as against the position of some of my own party, I myself got my first convictions upon this subject from the exhaustive learning and unanswerable arguments of my predecessor in this body—Senator Turpie. I regard it as a question of fundamental importance, and as was stated, and I think the Senator from New Hampshire concurred in that statement about a year and a half ago, rules had been made under the heat of circumstances which, if adhered to, would mean absolute cloture in this body. But this will be gone into quite fully.

Mr. CRAWFORD. Mr. President——

Mr. JONES. Mr. President——

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from Washington?

Mr. CRAWFORD. I do.

Mr. JONES. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll, 40 minutes having elapsed since the last roll call.

The Secretary called the roll and the following Senators answered to their names:

Bacon	Crane	Heyburn	Shively
Bailey	Crawford	Johnston	Simmons
Beveridge	Culberson	Jones	Smith, Md.
Bourne	Curtis	Kean	Smith, Mich.
Bradley	Davis	Lorimer	Smith, S. C.
Brandegee	Dick	Martin	Smoot
Briggs	Dillingham	Nixon	Stephenson
Brown	Dixon	Oliver	Stone
Bulkeley	du Pont	Overman	Swanson
Burkett	Fletcher	Page	Taylor
Burnham	Flint	Paynter	Thornton
Burrows	Foster	Penrose	Warner
Carter	Gallinger	Percy	Warren
Chamberlain	Gamble	Perkins	Watson
Clapp	Gronna	Piles	Wetmore
Clark, Wyo.	Guggenheim	Root	Young

The VICE PRESIDENT. Sixty-four Senators have answered to the roll call. A quorum of the Senate is present. The Senator from South Dakota will proceed.

Mr. BACON. Mr. President——

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from Georgia?

Mr. CRAWFORD. I do.

Mr. BACON. I want to ask the Senator if he will not yield to me in order that I may take a moment of the time of the Senate as to this matter.

I want to say, Mr. President, that I do think, with all deference to the gentlemen who disagree with me on this subject, that a question of the right of a Senator to a seat in this body ought to be discussed fully, and ought to be determined with the utmost candor and care; that it ought to be treated with a dignity that far surpasses any requirement of dignity in any other matter this body can be called on to consider.

I want to ask if Senators, after reserving enough time to fully discuss this question, will not now agree on some day and some hour upon which we may take a vote upon the question whether the Senator from Illinois [Mr. LORIMER] is entitled to a seat in this body. I do think that every consideration of the dignity and the high character of this body and the high character of the question invokes at our hands a proceeding altogether different in its character from any other proceeding I can imagine requiring the consideration of this body. I appeal to Senators to fix a date, whenever they wish; I appeal to them to let us wrangle about other matters, but upon the great question whether a Senator has a right to a seat on this floor let us treat it differently from what we would other matters of contention and let us fix a time when this vote may be taken.

I do not suggest the time myself; I am willing for any time to be adopted that will give the fullest opportunity for every Senator who desires to do so to express himself upon this subject. I say to the Senate very frankly, I will not discuss this question. This is the first time my voice has been raised in the Senate upon this subject. I have, however, made a very careful study of it; I have come to a conclusion in regard to the matter which I am ready to express by my vote. I have no doubt that every other Senator has done the same thing. It does seem to me that we ought to put aside all other considerations, in view of the high character of the question that is involved and the great responsibility which rests upon us. I invoke Senators to the putting aside of all other considerations whatever and coming to a conclusion in regard to this matter. I will fix any date that Senators may suggest as the most remote date which may be needed. We have other matters to contend about; let us contend about other matters; but this is too big a question, too solemn a question, too far-reaching a question, and one too influential in its results, so far as it may affect the future, for us to trifle with it in any way or deal with it in any way except in the most solemn of all our capacities—the capacity of judges. This is not an ordinary question.

Mr. President, I repeat, this is the first time my voice has been raised on the Lorimer case, and whatever may be my judgment as to the vote I shall cast, whatever may be the judgment of any other Senator, I do think the time has come when we should put aside everything else except a recognition of our obligation in the most solemn of all matters, to discharge one of the highest of all obligations. I will ask now if the Senators will agree that we shall take a vote, say, at any hour on Friday next?

Mr. LA FOLLETTE. Mr. President, with the same obligation that the Senator from Georgia expresses, I ask for the regular order.

The VICE PRESIDENT. The regular order is the Senator from South Dakota.

Mr. CRAWFORD. Mr. President, at the time the Senator from Georgia [Mr. BACON] began his address this afternoon, when I gave way to him, I had commenced to make some comment upon some phases of the testimony taken by the Committee on Privileges and Elections. I was referring to a statement made by a partner or quasi partner of Charles A. White. It seems that at one time White was engaged at O'Fallon, Ill., in a sort of real estate and insurance business, and he had a partner there named John W. Dennis. Mr. Dennis was in a position to know something about Mr. White's movements and something about Mr. White's financial condition. Mr. Dennis was called as a witness in this case, and he testified that on about the 15th day of June White, who did not have a dollar on earth according to his testimony, left O'Fallon, Ill., and went to Chicago.

Mr. Dennis says that Mr. White was gone for a day or two and then returned to his home at O'Fallon; that he saw him the next day after his return in his office; that Mr. White had there the sum of $200 in money—currency—he saw it lying on the table and saw him handling the bills—bills of large denomination. That testimony in itself indicates this much: That Mr. White went to Chicago without money and came home with money. Mr. White says that during his visit to Chicago he met Mr. Browne in the Briggs House, and Mr. Browne admits that he met him there; Mr. Browne admits that he gave White some money there, but claims that it was a mere loan, and only a small amount. Mr. Dennis can not be charged with having the slightest interest in the result of this investigation. It does not appear that it makes the slightest difference to him whether Mr. LORIMER remains as a Member of this body or goes out of it. No possible motive has been shown on his part to tell anything except the truth about this matter, which was one of simple observation on his part. No attempt was made to discredit Mr. Dennis; no attempt was made to show that his testimony was in any particular contradictory or unworthy of belief. Not the slightest attempt was made anywhere to show that he is not a reputable citizen, a credible witness in every respect; and he brings his story here under oath and it is put in the record in this case. The fact is that this dissolute man, without a dollar in the world, left his home and went to Chicago; the admission of Browne is that he met him there; that they had some transaction with each other, and that he returned with a considerable sum of money.

I was commenting on the fact, just before I gave up the floor this afternoon, that Mr. White, upon his return from Chicago, went over to a department store in his town late in the afternoon, apparently too late to get into the bank. He knew one of the employees there, Mr. Hollander, as I recollect, and he asked Mr. Hollander if he would not make some arrangement by which he might leave some money he had in his office with the cashier of that department store during the night. Mr. Hollander went to the cashier of the store, Mr. Kirkpatrick, and made the request of Mr. White known to Mr. Kirkpatrick, and brought Mr. White to Mr. Kirkpatrick. Kirkpatrick took an envelope and handed it to Mr. White, who took it, counted out a large amount of money, folded it up, put it into the envelope, sealed it up, wrote the amount of money, $800, on the outside of the envelope, wrote his name on the envelope, and handed it to Mr. Kirkpatrick, who put it into the vault of that department store and kept it over night; that the next morning, along about half past 8 or 9 o'clock, Mr. White called and got his envelope and this money. Mr. Kirkpatrick or Mr. Hollander—I do not recollect at this moment which, but one or the other of them—was called as a witness, put under oath, submitted to examination and cross-examination, and he stated these facts. Nobody has ever attempted in the slightest degree to discredit this witness. There is not a thing in the record to indicate that he is not a perfectly trustworthy reputable citizen of O'Fallon, Ill. Not one thing indicates that his story was not credible and worthy of belief. He could not have the slightest interest in the event of this inquiry. It could mean nothing on earth to him personally. No motive on his part to tell a falsehood or commit perjury has any foundation whatever, and it would be the most unreasonable thing in the world for anyone to conclude that this statement of the employee in the department store of O'Fallon, Ill., is untrue.

So you have Mr. Dennis, of O'Fallon, Ill., an acquaintance of Mr. White, one acquainted with his financial situation, one knowing of his movements, giving testimony that he left O'Fallon on a certain day, went to Chicago, and returned with an unusual sum of money in his possession. You have this testimony of the employee in this department store giving in detail the facts with reference to his having $800 in money and leaving it in that department store. Are Senators to say that this testimony is to be brushed aside; that it is unworthy of any consideration whatever; that it is not entitled to any belief? Upon what ground? Upon what theory? What foundation is there for such a claim as that?

But it does not stop there. Miss Vandeveer, a stenographer, a young lady living at O'Fallon, Ill., had done stenographic work for this man White in his insurance business and in his real-estate business. He was owing this young lady for her services some $50 or more. I think he paid her some $50.50, and he owed her considerably more than that.

After he returned from Chicago upon this occasion—when he went there at the invitation of Mr. Browne, Mr. Browne admitting that he had an interview with him in the Briggs House—when he returned from Chicago to O'Fallon, Miss Vandeveer, his stenographer, says that he called her into his office the next day and there, at his request, they made out a list of his indebtedness to different people in O'Fallon; they made out a list of creditors to whom he was indebted there in that neighborhood; that then they were called in one after another and he made settlements with these creditors of his; that she assisted in the transaction; that they conversed together about it; that she compromised her indebtedness with him, which was something like $80, as I recall, and accepted

fifty dollars and some cents, and gave him a receipt for the money. She says the money lay on the table, that it was a rather unusual sum for White to have, that she noticed the large denominations of the bills, and that it was yellow-backed money—gold certificates and bills of that character. This girl noticed that. She assisted in making up this list; she assisted in the transaction of paying these different creditors of Mr. White; and she went on the stand and gave her testimony to that effect.

I want to ask Senators if there is any reason why the testimony of this girl should not be accepted as testimony worthy of belief—as credible testimony—a most straightforward story told in a natural manner, and so natural in detail that one could not but be impressed by its truthfulness? Why should it be brushed aside? Why should it be disregarded? Why should it be considered as unworthy of any weight as testimony in this case? There is no basis on earth for indulging in any such presumption as that or for drawing any such conclusion as that.

A stenographer, performing the simple services of a stenographer in an office, perhaps working in several other offices performing such service, and witnessing this business transaction, was called by the committee, put under oath, and gave this testimony in that simple, straightforward manner, and was corroborated.

Mr. President, as to the evidence of Mr. White having received money from Mr. Browne on the 16th day of June, after the adjournment of the legislature at Springfield, I have been showing corroborative testimony from a disinterested source and of a disinterested character, because a very savage attack has been made upon Mr. White's statement as coming from a man so degraded that it was unworthy of belief. I am calling attention to testimony that can not be attacked upon grounds of that kind; and I have instanced here the testimony of a former partner of his, Mr. Dennis, of O'Fallon, Ill., a disinterested witness, against whose character not one single charge has been made and against whose testimony not one single inconsistency or contradictory feature has been designated. I have also called attention to the testimony of Mr. Hollander, an employee in a store at O'Fallon, Ill., where Mr. White upon his return from Chicago deposited $800 in cash; and not one single charge against the character of Mr. Hollander or against his testimony has been presented here.

I have also called attention to the testimony of Miss Mollie Vandeveer, the stenographer, who was in Mr. White's office when he counted out the money and made payments to his creditors the next morning after he returned from Chicago. Not one single charge of inconsistency or of contradiction is laid against the testimony of the stenographer, Mollie Vandeveer; not a breath of suspicion against her credibility as a witness has been brought. There you have three—Hollander, in the store, who saw the $800 in cash; Dennis, the former partner, who knew of the visit to Chicago and saw the money in White's possession on his return; and Mollie Vandeveer, the stenographer, who saw it on the office desk and saw him making these payments with it.

And you have something more than that. You have in the record the bills themselves of Mr. White's creditors, at O'Fallon, Ill., with whom he made settlement that next day after his return from Chicago. You have those bills receipted by these creditors and put in the record in this case. Do you want better corroborative testimony than that? If the fact of White having money in his possession after his return from Chicago is not established by that testimony, disinterested, positive, direct, and simple, then you can not prove a fact.

A man can be hanged on the gallows, and would be by the verdict of 12 disinterested jurymen upon testimony as conclusive as that; and how can Senators undertake to say there is no testimony corroborating the statement of Mr. White that he met Mr. Browne in Chicago on the 16th day of June and received this money from him at the hotel in Chicago, the Briggs House, when, under date of June 16, 1909, the date when White says he met Browne there and had this transaction with him? Upon the hotel register in the Briggs House in Chicago is the name of Lee O'Neil Browne, made at that time.

Little circumstances like that are the strongest kind of testimony. The straws for which no particular individual can be responsible, but which are the necessary incidents to all human transactions, are the strongest kind of testimony, stronger by far than mere oral testimony; and there is the name on the hotel register of the Brigg House in Chicago, on June 16, at the time when White says he met Lee O'Neil Browne and got this money from him; there is the signature of Lee O'Neil Browne upon the hotel register. Pretty good testimony; pretty strong corroborative testimony. They fit together like links in a chain. They fit together like pieces of dovetail. John W. Dennis, at O'Fallon, White's partner, saying he went to Chicago on the 15th. He returned on the 17th or the 18th, and he had this money when he came back and did not have it when he went; the admission of Browne that he met him in Chicago on the 16th, Browne's name on the register on that day; the testimony of Hollander, in the department store, that Browne on his return came into the store after banking hours and left $800 in cash; the testimony of Mollie Vandeveer that she helped him to make out a list of the creditors and the amounts and assisted him in paying these bills; the receipted bills themselves—do you want any better corroborative testimony than that?

No one has attempted to overthrow a single one of these corroborative collateral facts. Now, I say that it establishes the fact that Mr. White went over to Chicago a few days after the legislature adjourned, met Browne there, and came back with money which he could have received from no one but Browne. Nothing to indicate that he saw anyone there but Browne, nothing to show that he had any transactions with anybody else there save Browne. Corroborated by all these disinterested witnesses, and you can draw but one conclusion, my fellow Senators, and that is that for some reason or other he met Browne there, and Browne gave him this money.

What did he give it to him for? Has anybody ever offered any explanation except the one that is testified to positively in this record? The Senator from Illinois [Mr. LORIMER] in his statement the other day made no reference to anything of this kind. He left it severely alone. Can you leave it severely alone? Upon what theory? It is corroborated by disinterested witnesses, by record testimony made at the time. There is no escape from it.

So here is one man who got money, got in over in Chicago from Lee O'Neil Browne on the 16th day of June, 1909, after this legislature adjourned. He got $900. He had received $100 down in Springfield before he left there. I have called attention to this one instance to show that the testimony of the receiving of money has the strongest sort of corroboration from disinterested witnesses, from disinterested sources.

Now, we take one of the others. Take Beckemeyer. Beckemeyer was in St. Louis, he says himself, on the 21st day of June, 1909, and on the 15th day of July, 1909. He says that on the 21st day of June, 1909, he went there at the request of Lee O'Neil Browne, from whom he had received a communication of some sort, either by letter or by telegram, requesting him to come, and that he went. He met Lee O'Neil Browne at the Southern Hotel in St. Louis; that he received from Mr. Browne there $1,000, which Mr. Browne told him was Lorimer money; that afterwards, on the 15th of July, he was requested to go there again, and that he went, and there he met at the same hotel Robert E. Wilson, a Democrat from Chicago, who had voted for Mr. LORIMER, and that Robert E. Wilson paid him in cash $900.

You can say: What is the corroboration of that? The record is full of it, and it is that sort of corroboration that is absolutely convincing. For instance, Mr. Beckemeyer went over to the Commercial Trust Co. in St. Louis upon the very day that he met one of these men in St. Louis to deposit $500 in cash. He had to be identified and he called a man with whom he was acquainted, James Gray, who knew the officers of the bank, to go with him and identify him to the officers of the bank. This man was called as a witness. Was he an interested witness? Not at all. Any charge laid against him as being unworthy of belief? None whatever. Any claim that his testimony is improbable and inconsistent and unworthy of belief? None at all. Not a single claim of that kind is made; and this man testifies that he went in and introduced Mr. Beckemeyer to the officers of this bank; saw him count out this money; saw a hundred-dollar bill in the roll; saw him put it in the bank.

Now, that is a circumstance to corroborate Mr. Beckemeyer, who says that on that very day he met Browne or he met Wilson, whichever one he met that particular day, at the Southern Hotel, and he paid him this money, and he had it on his person, and he wanted to do something with it, and he got this friend to identify him over at the Commercial Trust Co., and he made a deposit of this considerable sum there. Is not that corroborative testimony? If not, I do not know what corroborative testimony is. It is a circumstance that fits into and supports and sustains the testimony of Beckemeyer himself.

Beckemeyer testifies that he met Browne in St. Louis upon the 21st day of June, and there upon the register of the Southern Hotel, in St. Louis, under date of June 21, we find the name of Lee O'Neil Browne. Is that corroborative testimony? Certainly it is corroborative testimony and proves conclusively that Lee O'Neil Browne was in St. Louis, was at the Southern Hotel, had engaged a room at the Southern Hotel, just as Becke-

meyer stated he had been there that day, had been at this hotel, had a room in it, and met him in that room; and no concerted arrangement between Beckemeyer and the clerk of the hotel could be presumed by which through some sort of concert they were manufacturing testimony of this kind. Such a conclusion as that would be perfectly wild and ridiculous; and yet here are two independent facts established from two independent sources—the testimony of Mr. Beckemeyer that he met Lee O'Neil Browne on the 21st day of June at the Southern Hotel in St. Louis in his room in that hotel, and the hotel register of the Southern Hotel, under that very date, showing that Lee O'Neil Browne was there; that he had engaged a room there.

Strange coincidence if this is manufactured testimony, a wonderful guess on the part of Beckemeyer if he was making up a false story and happened to guess a day when the register of this hotel showed that Browne was there. That is nonsense, the wildest sort of nonsense. That is the wildest kind of fancy—to undertake to get away from facts that have been established as these have been established by asserting that this is not credible testimony.

He said he went back on the 21st day of July, and at this same hotel he met Robert E. Wilson, and that Robert E. Wilson paid him $900; and when you consult the hotel register of the Southern Hotel at St. Louis under date of July 21, you find there the name of Robert E. Wilson, of Chicago, Ill., and that he had been assigned a room that day at that hotel.

Do you call this manufactured testimony? Do you say that is not worthy of belief; that this man Beckemeyer is manufacturing a story; and yet he fixes upon a day when he met Robert E. Wilson at the Southern Hotel in St. Louis, and the clerk of the hotel produces the register of the hotel and there upon that very date is the name of Robert E. Wilson, assigned a room?

What are you going to do with corroborative proof of that kind? How are you going to get away from it? Try to snuff it out, wipe it out, ignore it by saying it is not worthy of belief? Does the register at the Southern Hotel at St. Louis commit perjury also? Is the register at the Southern Hotel in St. Louis committing perjury, and is it a confessed criminal that you will not believe? Utterly ridiculous! You can not get away from it.

That is not all. Mr. Beckemeyer says that when he met Lee O'Neil Browne at the Southern Hotel in St. Louis on the 21st day of June he also met there in Mr. Browne's room in that hotel Mr. Link, Mr. Luke, Mr. Clark, Mr. Shephard, all of whom were members of the legislature, all of whom were Democrats, all of whom had been in Springfield during the session which closed only a few weeks before at which Mr. LORIMER was elected United States Senator. Is he corroborated in that? Just mark that. He says that on that day in the Southern Hotel he met Mr. Browne and he also met these other members of the legislature—Shephard, Clark, Luke, Link—that they were all there.

Is that corroborated? Yes; it is corroborated by these very men themselves. Browne admits it except that he says his recollection is that Clark was there. But Clark was the only one who says he was not there, and Browne says that since Joe says he was not there it may be that he was mistaken. But Link says Clark was there; Shephard says Clark was there; Beckemeyer says Clark was there; and Browne says he thinks Clark was there; that it is his recollection that Clark was there. Do you want any better corroborative testimony? Each of these men not only admits that he was there himself, all with the exception of Clark, but admits that he saw these others there. If that is not corroborative testimony, then I do not know what corroborative testimony is. It fits together, dovetail fashion. It fits together like the links in a chain.

You are not dependent upon Beckemeyer's statement alone, because you have to support the statement of Browne, the statement of Link, the statement of Shephard, and these other witnesses, and you have the hotel register to go along with the rest. That is pretty good testimony. Men have been hung many times on weaker testimony than that. I would not be afraid to submit that testimony to any 12 honest, fair-minded jurors in any part of the United States, and with absolute confidence I would expect a verdict at their hands that these men were, to say the least, all together in this hotel in St. Louis on this date.

A strange circumstance; a strange incident, unless you find its proper place as a part of the transactions which precede it at Springfield, Ill.

Exactly the same thing is shown with reference to the next meeting, the one at this same hotel in St. Louis on July 15; only at the meeting of July 15 White was there. White was not there at the first meeting, the meeting on the 21st of June; and when you get the history of the facts you see why White was not there. It was not necessary for White to be there. He had met Mr. Browne over at the Briggs House, in Chicago, on the 16th day of June, and he had received his swag—his $1,000 had been paid to him there and at Springfield—and so, when they had the meeting in St. Louis on the 21st day of June it was not necessary for White to be there, and he was not there. They did not even notify him of that meeting, and he did not go; but everyone of the others went, because they had not been paid.

But on the 15th day of July here is a meeting over in St. Louis at which Browne was not present; but Robert E. Wilson, who had been in the legislature and who was one of the Democrats who had voted for Mr. LORIMER, was there in his place; and at that meeting here comes Beckemeyer, here comes Clark, here comes Luke, here comes Link, here comes this whole bunch who had been there and had met Browne there on the 21st day of June. Only the 15th day of July afterwards here they all come back and meet Wilson at this same hotel, and there one after another gets $900 in cash. Link admits that he got $900 in cash; Beckemeyer admits that he got $900 in cash; White admits that he got $900 in cash; Shephard says that he did not, but that statement of Shephard is the only statement as to that fact which is a very improbable one, because Shephard is not able to give any satisfactory reason or explanation of his being there. He can not do it; he can not explain why he was there. He tried to fix up a story as to how he came to be there. He discovered out at his garage that he did not have packing for his auto; that he happened to discover, and it took him over to St. Louis to get new packing just at this time, so that his arrival there would be most timely and would bring him into St. Louis at the very time his confederates arrived there.

It is an invented story indeed, because this man who went over to get some packing for his automobile immediately gravitates over to the Southern Hotel. Immediately after he gets to the Southern Hotel he finds his way up into the room where Lee O'Neil Browne is meeting these other men, or where Robert E. Wilson is meeting these other men. He goes up there, meets these confederates, and is interviewed by Robert E. Wilson in the same bathroom into which Mr. White had been invited, and in which he had been paid, according to his own statement, $900 in cash. He goes into the same bathroom into which on the same day Mr. Link had been invited and in which he had been paid $900 in cash. He goes into the same room into which Mr. Beckemeyer had been invited and in which he had been paid $900 in cash. Mr. Shephard says that he was asked by Mr. Wilson to go into that same bathroom. There was something about that bathroom that seemed to make it a very desirable place in the middle of the day in which these men were not to go there alone, but to be accompanied always by Robert E. Wilson. I do not know in just what condition they could have been, but it was necessary for Robert to go with them.

When Mr. Shephard is asked to explain why he went in there he says, "I am a bachelor, you know, and when I was at Springfield, while the legislature was in session, I had a lady dine with me one day, and when I got up into Mr. Wilson's room in the Southern Hotel, Mr. Wilson took me into the bathroom, and there closed the door, and then in the profound secrecy of that wonderful place he asked me who the lady was that took dinner with me in Springfield." [Laughter.] What do you think of that? Senators who are so incredulous about the statement of these other witnesses, where it is corroborated, as the testimony of White is corroborated by Miss Vandeveer, by John W. Dennis, by Mr. Hollander, who saw the cash when he returned from Chicago, how quickly and readily you believe the statement of Mr. Shephard, that all that was said when they got into that bathroom up there in the Southern Hotel after Mr. Wilson closed the door was that Mr. Wilson asked Mr. Shephard who the lady was he had at dinner with him down at Springfield.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Oklahoma?

Mr. CRAWFORD. I yield.

Mr. OWEN. I should like to ask the Senator from South Dakota whether this record discloses who the mysterious lady was?

Mr. CRAWFORD. He says it was his sister-in-law.

Now, is that an explanation as to why on a certain day in St. Louis Mr. Shephard, who dropped in there and met these old pals of his at Springfield, with whom he had associated the winter before—incidentally dropped in to see his friend Wilson and have this little exchange of pleasantries, with a confidence about the lady who took dinner with him—happened to be in St.

Louis that day? Ah, that will not do. That is, to use common parlance, entirely too "gauzy."

Mr. Beckemeyer says that when Mr. Wilson was paying him he had a $500 bill, and he says, "I was told to give this to Shephard." Oh, no! what a significant remark for Mr. Wilson to make when he was paying off these other men in the bathroom and had a $500 bill there—"I was told to give this to Shephard." Shephard was a banker. How did this man Wilson come to make such a remark as that? Do you mean to tell me that was a pure invention of H. J. Beckemeyer? Upon what ground—upon what theory—has anyone the right to say that this statement which Mr. Beckemeyer says Mr. Wilson made in the bathroom when he paid him and showed that he had a $500 bill there, "I was told to pay this to Shephard," is mere fiction and to believe Shephard? It is an utterly improbable story that he met this man in the bathroom to have a little talk about his sister-in-law having taken dinner with him down at Springfield months before. Ah, that will not do. Reasonable men will never be satisfied with any such explanation as that.

Then let me tell you something else. This man Shephard is a banker. This man Shephard had a safety vault over in the Commercial Trust Building in St. Louis, and that very day when he was in St. Louis he went to that Commercial Trust Bank and he visited his safety vault. What for, do you suppose? He did not want to take that $500 bill that he had just received from Wilson and put it in an open account. He is a pretty shrewd little fellow, a pretty canny bachelor. Although he could hardly expect reasonable people to accept this story about the conversation in the bathroom relating to his sister-in-law, he did not want to take the $500 bill that he had just received from Wilson and put it in the bank and he visited the Commercial Trust Co. where he had a safety vault. Is that corroborative testimony?

Take the story of these witnesses, each telling his own story in his own way, and mark them all down as the blackest scoundrels on the face of the earth, and yet their testimony dovetails together, not in language, but in the events to which each independently refers, and is corroboratetd by testimony which none of them created, but which exists over and beyond their control.

Mr. President, I have now been giving some of the corroborating testimony that establishes conclusively the fact that there were two meetings of these men who are under the charges put upon them by this record of having corruptly bartered away their votes, and showing the improbability of any claim that they did not hold these two meetings at St. Louis and there receive corrupt money. I am not through with that branch of the case. The corroborative testimony is overwhelming.

Mr. President, when men are conscious of the fact that they are guilty, suspicious of the fact that some one is on their trail, criminals generally act in about the same way—that is, they make fools of themselves. These men in that respect were not exceptions at all. What I mean by that is tnat when they discovered that White had betrayed them, that White and a detective were looking them up. their conduct is not that of innocent men, but their conduct is that of guilty men. Why? Immediately this man Beckemeyer hurries from his home down to Centralia and meets Joe Clark there. They hustle over to Springfield, and they meet Robert Wilson there. They rush back up to Chicago, and they meet Wilson, they meet Holstlaw, they meet "Manny" Abrahams, and they meet their attorneys. Then they go to manufacturing testimony, and they jump from the frying pan into the fire; they get into the mire deeper and deeper, as men are very apt to do who are guilty. An innocent man is never driven to any such expedient as that; an innocent man, conscious of his innocence, is not impelled by fear to do these ridiculous things.

Beckemeyer was over in "Manny" Abrahams's saloon; he had a saloon keeper from his town along with him; and he says, "I don't know where I am at, now that this story of White's is coming out. We have been away on a fishing trip, and we are going again. Don't tell anybody where we are. I don't know where I am at, now that this story of White's is coming out." Is that the talk of an innocent man? Is not that the conduct of a guilty man? They talk about the meeting at St. Louis. First, they decided that they would deny that they had been in St. Louis at all.

They did just as guilty men, ninety-nine times out of a hundred, will do. They will resort to lying, deception, and perjury to cover up their tracks. They had these hurried meetings. I can almost see them fleeing, trying to get away from the eyes of men that they knew were fixed upon them, to escape from themselves, and to get away from their guilty consciences. You see them fleeing from Chicago down to southern Illinois, and back to Chicago again, saying: "We don't know where we are since this story of White's has come out. We are going fishing somewhere; don't tell anybody where we are. We don't know where we are." Is that a guilty man or is that an innocent man?

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Indiana?

Mr. CRAWFORD. I do.

Mr. BEVERIDGE. Mr. President, we are all interested in the Senator's description of the fleeing of these innocent gentlemen with their guilty consciences. May I suggest to the Senator that probably they were not fleeing from a guilty conscience, which at no time appears to have troubled them, but from the Nemesis justice. They were fleeing from the wrath to come and were arranging alibis to protect them when that day arrived. As to any guilty consciences, I do not think they had any consciences.

Mr. CRAWFORD. The Senator is right about that. I think I am called upon to withdraw the statement where I used the term "guilty consciences," because the Senator is certainly right. There is no evidence here of a guilty conscience or of any other kind of conscience. [Laughter.]

Mr. BEVERIDGE. That is true.

Mr. CRAWFORD. But they acted like guilty men. Beckemeyer hastened down to see Joe Clark. Joe Clark was the most hardened old criminal in this gang. I think if you want to find a real thoroughgoing, unadulterated, thick-hided, up-to-date criminal, you may find him in one of these lazy, good for nothing police-court magistrates, or policeman in some little country town. Joe Clark was the one to whom Beckemeyer hastened in his flight. Beckemeyer wanted to know if Joe thought it would be all right to absolutely deny that they were in St. Louis at all, and Joe thought that it would be. He had an interview with Link, and suggested to Link that it would be a good thing to absolutely deny that they had been down there at all. Before they met this ingenious police magistrate, however, who advised this short-cut way of protecting themselves by perjury, they tried to fix up another way of explaining how they came to be in St. Louis.

There were two explanations for these two trips to St. Louis. There was one explanation for the first trip, when they met Mr. Browne at the Southern Hotel. Then there was another explanation for the second trip to St. Louis, when they met Mr. Wilson. Explanation first was this: They claimed that the rendezvous where the politicians of southern Illinois met for consultation was at St. Louis. Lee O'Neil Browne was the minority leader, and it was necessary for him to have conferences with his associaties from southern Illinois. Therefore he appointed this first meeting on the 21st day of June, at which he was to meet his leading political associates from southern Illinois at the Southern Hotel for a conference. Mr. Lee O'Neil Browne says that he went there to talk matters over, to have a political visit, to have a social visit, and to spend several days with his companions looking over that great city, which he had only been in once or twice before in his life.

I want to call the attention of Senators to the fact that the only political leaders whom Mr. Lee O'Neil Browne met at the Southern Hotel at St. Louis on the 21st day of June were the particular individuals with whom he had just been associated in the legislature of Illinois many months, and that legislature had adjourned only about a fortnight before this. They had been together all winter and all spring at Springfield, in daily communication there all this time, had just left and gone to their several homes, and yet Lee found it necessary to call a conference for consultation at the Southern Hotel in St. Louis to talk over the political situation; and the only men invited were the particular individuals with whom he had had some very suspicious transactions at Springfield only a few weeks before.

There are some very, very remarkable things about this political meeting at St. Louis. Lee O'Neil Browne went there for a political interview and to spend several pleasant days looking over the city and indulging in a social visit with these old friends of his. He got there in the morning; he registered at the hotel, and his name is on the register. He got his room, and before evening the business was all done, and he took the train and went back to Chicago. There is not a word in the testimony to show that politics was ever mentioned in any conversation between them, but he talked with Link, I think, about some pacing horses.

The only men he met there were not county committeemen nor State committeemen nor postmasters nor local politicians of the community, except as they were all represented and embodied in the persons of the gentlemen with whom he had had some very suspicious transactions at Springfield only a few weeks before. He went there to have a political conference,

and a strange political conference it was, because he got his room at the Southern Hotel, and these men dropped in and out. They stayed a marvelously short time when they got in his room, but they got the "ready necessary," and then they skipped. And it is very apparent that when they got that, the errand for which they had visited St. Louis was at an end, and each went his way and, like the Arab and his tent, disappeared after this little transaction was settled. It did not take a very extended conversation between them to settle it. It was not necessary to go into any embarrassing details at all. They understood each other perfectly. Mr. Browne knew why they were there, and they knew very well why they were there, and it took only a short time; in fact, Mr. Browne did not find it necessary to stay all night in St. Louis.

This meeting at St. Louis, which was held there between these men and Mr. Browne, lasted only a few hours, and he met each one of them apparently separate from the others. This room he had engaged he did not find it necessary to occupy even one night. He got there in the morning, he met these men, and had a little business with them, a little quiet business, which took only a short time to transact, and then before night took a train and went back to Chicago. He said it was a political trip. When he was asked what they talked about, he said: "We talked about that about which we talked." That is illuminating. He could not give more details about their conversation than that, except that he discussed pacing horses with Link.

Now, Mr. Browne had a marvelous memory in some ways. He went back to a date prior to the election of the Senator on the 25th of May, and they asked him about what occurred in the evening when it is said that he met Charles S. White in his room, when White claims that Browne told him there would be $1,000 in it—in the Lorimer deal—and about the same amount from other sources. When Mr. Browne was on the stand and was giving his testimony in regard to that matter, he went on and with marvelous accuracy he told all about what occurred in the office of the St. Nicholas Hotel, in Springfield, Ill., on the night of the 25th day of May, 1909. He spoke about the Kansas City hummer coming—the K. C. hummer, he called it—and he told the very hour and the very minute that it was due, if it was on time; but he says that night it was late, did not arrive in Springfield until 11.41; that a certain gentleman from Peoria or somewhere came into the office, and before this gentleman had registered he went to him in the hotel office and asked him to go and speak to another gentleman there and convey some request that he wanted that man to receive through this gentleman; that the man attended to this for him; that he then registered; and he told the order in which his name appeared on the hotel register at the St. Nicholas Hotel, and that Charles S. White did not register until after this man registered. He told about this man being assigned to a room, and how long he remained in the office, and when he disappeared, and that White did not go—could not have gone—to his room until after that.

This was May 25, 1909, and Browne was testifying last October; and yet his memory was so clear and so accurate and so marvelous that he could go back over these intervening months, a year and a quarter or a year and a half, and give the exact minute when the Kansas City hummer arrived in St. Louis; but when he was asked what they talked about when they had this meeting down at the Southern Hotel on the 21st day of June, when he met Clark and Beckemeyer and Luke and Link, he could not remember one single thing that was said except that he talked with Mr. Link about pacing horses.

The explanation that this meeting at the St. Nicholas Hotel between Browne and these men was a political meeting was a cooked-up story. That is self-evident.

What about the next meeting? They tried to fix up an explanation for the meeting on the 15th day of July with Robert E. Wilson. What was that? They arranged that Robert E. Wilson should write a letter and send it through the mail or in some fashion to Browne and Beckemeyer and Link, and in this letter say to them that some of the boys wanted them to get up a banquet in honor of Lee O'Neil Browne, and that they desired that they meet in St. Louis on the 15th day of July to talk the matter over.

This letter was written in fact in 1910, after Charles S. White had given this exposure to the public, after they had discovered that White and a detective were looking into these matters. They were frightened; they were on the run; they were in a panic; and they feared that it would leak out and be proven that they met Wilson in St. Louis and that they got this money. So for the purpose of fortifying each of them against the circumstances that they knew might appear to indicate their guilt, they deliberately agreed among themselves to manufacture this testimony by writing a letter in 1910 and dating it back prior to the 15th day of July, 1909, and putting such a letter in the hands of Mr. Link and Mr. Beckemeyer and others. They intended to use this letter and offer it in evidence as an explanation for their meeting in St. Louis. Beckemeyer confessed to this, produced the letter, and the letter is in evidence.

Oh, what a ridiculous piece of manufactured testimony, and how like the action of guilty men fleeing from their shadows in fear!

Doc. Allison was one of these Democrats who voted for Mr. LORIMER, and here is this letter that they made up among themselves:

CHICAGO, *June 26, 1909.*

Hon. H. J. C. BECKEMEYER, *Carlyle, Ill.*

Friend BECKEMEYER: Doc. Allison was speaking to me regarding getting up a banquet for Lee in his home town, Ottawa, and asked that I take matter up with some of the boys. I expect to go to St. Louis in the near future in connection with our submerged-land committee, and will advise you in advance as to when I will be there, and would like for you to meet me. With best wishes, I am,

Very truly, yours,

ROBERT E. WILSON.

Beckemeyer destroyed the envelope in which this letter was sent to him, and because he did not want that envelope to be discovered with the postmark on it. This letter, he says, was written in 1910 and dated back in 1909, and sent to these guilty men simply to be used as fake testimony for the purpose of making it appear that they had an innocent reason for meeting in St. Louis. Lee O'Neil Browne's secretary, Mike Giblin, is the man who upon his typewriting machine wrote this letter. It came from him as the result of an intrigue between Beckemeyer and Link and Lee O'Neil Browne to manufacture in cold blood testimony to be used for the purpose of making it appear that their meeting in St. Louis was an innocent one.

Oh, but the chain of guilty circumstance weaves a web about these men, puts them in meshes from which afterwards there is no possible escape.

Mr. President, after they had manufactured this testimony, and after Beckemeyer and Link were in possession of this fake testimony, they got still more under the influence of panic and fear and they went down to see Joe Clark, and he suggested to them that they deny that they were in St. Louis at all. So when they were haled into court and brought before the grand jury and put under solemn oath, Beckemeyer testified that he was not in St. Louis at all; that he had not been there on either the 15th or the 21st at all; and when Mr. Link was brought before the grand jury and interrogated about these transactions he stated under oath that he was not in St. Louis at all.

Both of them were indicted for perjury; both of them were facing a conviction for perjury, because the evidence that they had been in St. Louis was absolutely overwhelming. So they began to squirm. They began to realize that they were dealing with the majesty of the law itself, that they were facing a charge and a trial from which there was no possible escape. At last persuaded, it is true, by the public prosecutor of Cook County, they decided that the best thing they could possibly do was to frankly confess to the truth, and they made their confession. Then this miserable story of corruption and bribery was laid before the world, and these men under oath confessed that they had been in St. Louis and that on the 21st day of June Mr. Browne had paid each of them $1,000, and on the 15th day of July Mr. Wilson had appeared there in Mr. Browne's stead, because Mr. Browne was sick, and had paid each of them $900. Mr. Beckemeyer stated that Mr. Browne told him when he paid his thousand dollars that it was his Lorimer money, and that when he paid this money he told him, "This is coming to you."

Now, Mr. President, the conduct of these men is so inconsistent with any theory of innocence and so perfectly consistent with the theory of guilt that I confess I have regarded it as the most puzzling problem I have ever failed to explain to myself, how Senators whom I know to be absolutely honest and sincere could come to any other conclusion than that these men were guilty of trafficking in legislation and of selling their votes in the senatorial election at Springfield.

What inducement appears in the record from any source as an explanation for the payment of this money? That the money was paid is so thoroughly well established that there is no escape from it. When we look into the motives of men and undertake to find where the reason lies for these transactions, the logic of the testimony points as unerringly as the needle points to the pole to the senatorial election at Springfield. For instance, take Broderick. Mr. LORIMER himself has helped us a little there because he says that Broderick is his friend; that the friendship reached back to a time so far in the past that he can not remember when it began, and that Broderick's relatives lived over in his district and Broderick had been accustomed to use his influence with those friends to vote for

Mr. LORIMER when he was a candidate for Congress over and over again in the years gone by.

Now, we find Mr. Broderick in the State senate at Springfield. We find Mr. Broderick had been in the legislature in Springfield for a number of years, so that Mr. Broderick knew the peculiar ways they have at Springfield for doing things. Mr. Broderick had been there long enough to make, I dare say, a great many observations in regard to the jack pot, in regard to the purchasing of votes, in regard to the suppression of legislation through the use of money, and in regard to the procuring of the passage of bills in the interest of great companies accomplished through the use of money, because everybody seems to admit that that sort of thing had been going on at Springfield for years. I will not give any names here, because I would not betray a confidence, but a very prominent citizen of that State said to me the other day it was in a way known that for years they had been in the habit of making up a purse, amounting to sometimes a hundred thousand dollars, through different interests and had used it there.

I know nothing about it except this sort of conversation and what appears in this record. But it does appear in this record, and appears to be conceded in this record by both sides, that there had been for years at Springfield what they called a jack pot, a corruption fund used for the purpose of influencing legislation. And I have been amazed to hear men say that this condition of things exists in more than one of the capitals of the States of the Union. I refuse to believe it; it is too appalling to believe that this sort of thing exists at the capitals of different States, and has existed there for years. But it appears to be conceded in this case that it had existed for a number of years at Springfield. Mr. John Broderick, who had been a member of the legislature for a number of years, was one of the men very likely to know of it, and he is the senator who had this transaction with his colleague, Senator Holstlaw.

Do you say there is no testimony here to show that this money was to be used for the purpose of influencing the election of a United States Senator? How can anyone possibly make a claim like that in the face of the testimony we have here? The testimony of Holstlaw can not be brushed aside by saying that Holstlaw is a bad man; that he is a confessed bribe-taker and unworthy of belief, because all the circumstances in the case corroborate him.

Mr. Broderick, according to the statement of Mr. LORIMER himself, was an old friend of his, with whom he had been on terms of the closest intimacy politically for many years, and whose relatives and kinsmen lived in his district. Broderick had been accustomed to lend him assistance over and over again. John Broderick had been in the legislature at Springfield for a number of terms. It was a matter of common knowledge that there was in each legislature a corruption fund. John Broderick evidently knew of this corrupt practice. It does not appear here that John Broderick was personally interested in any particular item of legislation in regard to which there was an inducement to him to make an improper use of money, but it does appear that John Broderick, Democratic senator from Chicago, was very deeply interested in the election of Mr. LORIMER to the United States Senate.

I say that because the statement of Mr. LORIMER himself shows it; I say that because the testimony of John Broderick given in this case shows it; I say that because the testimony of Senator Holstlaw, with whom this transaction was had, shows it. It furnishes a very consistent background and setting when we look into the nature of this transaction between Holstlaw and Broderick.

I have said it did not appear that Broderick was interested in any other transaction. That is not correct when I reflect that the agreement made with Holstlaw in regard to the sale of furniture was coupled, so far as Holstlaw's statement is concerned, with a recital of a conversation he had with Mr. Broderick in relation to his vote for Mr. LORIMER.

Now, I have given you the setting and situation from which to judge the motives and the purposes of these men when we look into this transaction in which the $2,500 was paid.

Mr. Holstlaw was brought to book before the grand jury at Springfield, charged with having made a corrupt agreement as a member of a committee to buy furniture for their capitol building, charged along with his associates, Senator Pemberton and this representative, Joe Clark, with having made a corrupt bargain with a company that wanted to get the furniture contract, that if they gave to them this contract they should receive a commission out of it.

Holstlaw was to receive, according to an agreement between him and Mr. Johnson, I think his name was, the sum of $1,500 if he would enter into this corrupt agreement, and Mr. Johnson, if that is his name, said that that was more than they were paying Clark; that they were going to pay Clark only $1,000. Mr. Holstlaw was brought to book in this furniture deal, and the grand jury over at Springfield indicted him. He was confronted with a most serious situation. He realized that there was nothing between him and the door of the penitentiary; and Mr. Holstlaw realized that there was only one escape, and that was to come out and tell the truth in regard to this whole transaction.

You can not overthrow testimony of that kind by saying that it is not to be accepted because the man who gave it was under indictment, for over and over again in the history of the trial of cases that kind of testimony has been found to be satisfactory to reasonable men and convincing to juries, and verdicts have been rendered upon it when corroborated, as this testimony is corroborated, and others have been convicted and sentenced to long terms in the penitentiary upon just such testimony.

Mr. Holstlaw came out and made a statement. In that statement he said that the night before LORIMER was elected John Broderick—this old friend of Senator LORIMER from Chicago, living in the adjoining district, who had been his faithful political supporter for years—came to him and said: "We are going to elect LORIMER to-morrow. And when Mr. Holstlaw replied to that statement in some form he said, "If you vote for him, there is $2,500 in it for you."

I am glad to have this testimony strengthened by what appeared here in the statement of Mr. LORIMER himself; that Broderick was his old friend and between them there was a political friendship extending back for years; that he had been accustomed to help him politically. This is an additional circumstance which makes the testimony of Holstlaw all the stronger.

The next day after that statement of Broderick's, when the roll was called in the legislature, Mr. Holstlaw, a Democrat, voted for Mr. LORIMER, a Republican. The record shows that. Then, on the very same day—remember this—that Charles S. White met Lee O'Neil Browne at the Briggs House in Chicago, and got his $900 for voting for LORIMER, Mr. Senator Holstlaw comes into Chicago from his home, away down in southern Illinois, goes out on to the West Side, where John Broderick's saloon was located, which he had never visited before in his life, is taken into Senator Broderick's office, and is paid by Senator Broderick the sum of $2,500.

No testimony! Is not that a remarkable thing that *on the very same day* two transactions between different men occurred in the city of Chicago in relation to the election of Senator LORIMER—$1,000 or $900 being paid by Browne to White and $2,500 being paid by Broderick to Holstlaw?

I was commenting upon the very remarkable fact that upon identically the same day two circumstances occurred in Chicago between two different men acting independently of each other—in the Briggs House between Browne and White, in which Browne gave White $900; in the saloon, over in West Chicago, between Holstlaw and Broderick, in which Broderick paid Holstlaw $2,500. Is not that remarkable? Ah, there is corroboration in this case! These are remarkable circumstances beyond the power of any mind to create. What makes this testimony convincing? How do you explain circumstances like these?

The Senator from New Jersey [Mr. KEAN], in a sort of ironical way, says that I intimated that my remarks would last only 15 minutes when I began, and that here I am talking into the late hours of night. That is true. I no more expected to go into this extended review of the testimony than I did of leaving the city to-night, and I, in perfect good faith, expected to speak briefly in behalf of Gov. Deneen and stop. But we might just as well understand each other here and now, and it will be profitable to both when Senators like the Senator from New Jersey understand that other Senators can not be trampled down here by a relentless determination that no concessions shall be made; that not even a recess until 8 o'clock shall be taken; and that if we should be diverted for 10 seconds, snap judgment will be entered and a roll call ordered.

It was when that sort of thing was resorted to here that I deliberately determined that it was my duty to enlighten Senators on the other side with reference to what the testimony is in this case, because I am afraid they do not know it.

Here was a most remarkable circumstance—on the very same day two independent transactions between different men relating to the election of this Senator occurred in the city of Chicago. How explain it? You say it is not so; that it did not occur. Mr. White says that on that day he got $900—$50 on the first day and $850 on the next—and awhile ago I reviewed at some length the use he made of the money when he got back to O'Fallon. That is corroborative testimony.

What was the consideration for this thousand dollars that Browne paid to White? It does not appear that White voted for some bill that Browne was interested in, for which he was making this payment. There is nothing in the record showing that. There is nothing in the record showing that there was any other transaction for which he was to receive money from Browne, except a general division of what they called the jack pot and his vote for LORIMER.

The Senator from New Hampshire [Mr. GALLINGER] the other day appeared not to be satisfied with this because he thought it was incumbent upon the Senate to trace this money which Browne paid to White—to trace it back into the pocket of Mr. LORIMER—or else, apparently from his viewpoint, it was valueless.

The moment you trace one single dollar of it to Mr. LORIMER with reference to one single vote, no matter whether that vote was necessary to give him a majority or not, you connect Mr. LORIMER personally with this transaction, and one tainted vote would defeat him. But if you show a sufficient number of tainted votes to reduce his vote below the number necessary to give him a majority of those present and voting it does not make a particle of difference where the money came from—not a particle. You do not need to trace it. But if it was money from some source, corruptly used, which caused a sufficient number of tainted votes, so that he did not have a majority of those present and voting, you do not have to trace it. And the Senator from New Hampshire need borrow no trouble whatever on that point.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from New Hampshire?

Mr. CRAWFORD. I do.

Mr. GALLINGER. Knowing the Senator's anxiety to conclude his speech, I interrupt him with hesitancy; but I will remind the Senator that a little while ago he said it was a common thing to have a jack pot around the Legislature of Illinois—sometimes a hundred thousand dollars. Now, is the Senator from South Dakota sure that jack-pot money did not circulate among this bunch of perjurers and liars that the Senator is dealing with?

Mr. CRAWFORD. No; I am not sure. I am quite suspicious that it did.

Mr. GALLINGER. But that jack pot the Senator said was to influence legislation.

Mr. CRAWFORD. I did not confine it to that.

Mr. GALLINGER. I think the Senator did.

Mr. CRAWFORD. Oh, no.

Mr. GALLINGER. Now, the Senator is talking about this man White, the man who undertook to blackmail Senator LORIMER. Failing to do that, he sold his yarn to the Chicago Tribune for $3,500, $1,000 down and $2,500 contingent. It may have been that this contingent fee figured somewhat in this money that White had to go off on his junkets with.

Mr. CRAWFORD. Let me call the Senator's attention to a little circumstance right there that will relieve all the trouble he is having about that, and that is this: That the agreement between White and the Chicago Tribune and the payment of the $3,500 did not occur until long after the vote for United States Senator; long after the payment of this money in the Briggs House; long after these trips on Lake Michigan to Benton Harbor; long after these great sprees which Mr. Browne refers to when he uses that poetic expression about the flowers; long after that—nearly a year after that. So it could not have been any money received from the Chicago Tribune.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from South Dakota further yield to the Senator from New Hampshire?

Mr. CRAWFORD. Yes; I yield.

Mr. GALLINGER. It is barely possible that that enterprising paper might have made an advance payment when they set out to destroy Senator LORIMER.

Mr. CRAWFORD. Oh, yes. They had some kind of prescience by which, way back when the Legislature of Illinois was voting for United States Senator, they were foreordaining that on a certain day in June, 1900, Broderick should meet Holstlaw in the saloon over in West Chicago and get $2,500 from him, and that down at the Briggs House Browne should pay White $900. The Chicago Tribune, way back there, was putting up this job, with these subsequent details in it, was it?

Mr. GALLINGER. Possibly.

Mr. CRAWFORD. I can not understand the process by which the Senator arrives at that conclusion, but I can only say it is a very strange one, indeed, when we look at the testimony in this case, because here are separate transactions between men who figured in the testimony. Absolutely nowhere during that period are the transactions which this testimony discloses connected even remotely with the Chicago Tribune or any other newspaper.

I say it makes no difference, in fact, where the money came from. If it was jack-pot money, used to procure votes for Mr. LORIMER, and they procured a sufficient number, without which he would not have been elected, it vitiates the election.

Mr. President, when you look for corroborative testimony of the Holstlaw transaction, how are we to get away from the fact which occurred immediately after the payment of the money? Do Senators arbitrarily, by a sort of forced process of mental exercise, undertake to say that Holstlaw did not go, after he had gotten this money over at Broderick's saloon and put it in the State Bank, and that the certificate of deposit issued in due course of business is only a fiction, and that the testimony of this bank clerk, who comes into court and says:

> This man Holstlaw on that day came into our bank. I had the transaction with him, and he put in this bank $2,500 in cash, and I placed it to the credit of his bank at Iuka, and here is the deposit slip.

Do Senators say: "We will brush that all aside; we refuse to believe this cashier or clerk, whatever he is, although there is not a breath of suspicion against him; we will refuse to accept his testimony, although there is not one contradictory thing about it; we will refuse to accept it, because it appears that Gov. Deneen was a stockholder in that bank?"

I can not understand that method of weighing testimony or that method of arriving at a conclusion or that method of ascertaining facts from testimony. I do not understand it. It is absolutely beyond my comprehension, and I do not believe that many people in this country, reading that testimony with nothing more or less than rational intelligence, will come to any conclusion except that it is true.

Well, what was it paid for—this $2,500? He says that it was paid to him for voting for LORIMER. He was a Democrat. He voted for LORIMER. He had his talk about voting for LORIMER with Broderick. Broderick told him there was $2,500 in it for him, and here he appears and gets his $2,500. Broderick, an old friend of years and years standing, interested in the political success of Mr. LORIMER, had this talk with Holstlaw, made him this promise, and afterwards Holstlaw goes to his place of business and gets this money. What are you going to do with this? Brush it aside; refuse to believe it; say it is not true? Why? Because John Broderick denies it? John Broderick denies some of it, and some of it he does not deny, but dodges. Where he fears that he is running some risk if he does not tell the truth he refuses to say anything. When he was on the witness stand and was asked, "Did you write to Senator Holstlaw to come up there the day you said he appeared there?" he declined to answer.

"I decline to answer." Why? If he had written a letter to Senator Holstlaw, and he said he did not write it, that letter might be produced, and he would be in the same position that Link was in and Beckemeyer was in when they said they did not go to St. Louis and were indicted for perjury. He would have been in the same boat. But he was not truthful enough to say, "I wrote him to come," but he said, "I decline to answer."

Senators may get around that by some process of reasoning that I do not understand, but I say when the ordinarily intelligent people of this country read that man's testimony and find that he declined to answer a question of that kind they will say that man is dishonest; that man is not frank; that man is keeping back the truth, and he acts like a guilty man.

Another question:

> Who was in your saloon that day when he came there?—A. I decline to answer.

He declined to answer. He might name some parties and inquiry might be made of them and he could not sustain his statement. At any rate, he was afraid to make the answer, so he says, "I decline to answer."

Now, you have here first a Democrat, Holstlaw, voting for a Republican, LORIMER. You have preceding it a conversation between this man and this old friend of LORIMER, Broderick, in which he says "there is $2,500 in it if you vote for him." After the legislature adjourned you find this man, Holstlaw, coming from away down in southern Illinois up to Chicago and being there the same day that Lee O'Neil Browne meets White over at the Briggs House, and you find him there getting just exactly the amount that he says Broderick told him he should have for voting for LORIMER. Then you have his testimony corroborated by the officer of that bank, who is absolutely a disinterested witness. How are you going to get away from that? Oh, just simply say I will not believe it. Well, I will believe it. I can not see any escape from accepting it with all the circumstances attending it and accepting it as the truth.

Now, I never yet have understood why when this report was made it left out all reference to the statement of these witnesses that they were not in St. Louis which they made before the grand jury. I do not understand why that occurred. While the committee has been criticized, I never have believed that the committee had anything to do with that trick. But it is there, and my theory of it is that whoever furnished the transcript of that testimony to the committee which they put in their report omitted some very significant testimony. Then counsel who were representing Mr. LORIMER undertook to draw an outrageously unfair conclusion, which could not stand for a moment when that testimony is in there, but which might have a plausible basis with that testimony left out. I never have understood why that was done. But there it is. I refer to the attempt to make out that the testimony of these witnesses is not to be believed because it was obtained under duress. On page 11 of the report of the committee they put in this part of the testimony and left out this other part.

On page 6 of the committee's report they have these questions and answers:

Senator BURROWS. State what you said before the grand jury.—A. Well, I answered questions, but I disremember what all the questions he asked me were.

Senator BURROWS. State those you can remember, and your replies.—A. I denied receiving any money for voting for Senator LORIMER.

By Judge HANECY:

Q. Then did you leave the grand jury room?—A. Yes, sir.

Q. After those different questions were asked you?—A. Yes, sir; at that time I did.

Now, in the record of this testimony here is the part that is left out:

Senator BURROWS. State what you said before the grand jury.—A. Well, I answered questions, but I disremember what all the questions he asked me were.

Senator BURROWS. State those you can remember, and your replies.—A. I denied receiving any money for voting for Senator LORIMER.

Senator BURROWS. What else?—A. Denied meeting parties in St. Louis; I didn't remember of meeting them, that is, at that time.

Why was that left out? For what purpose was that left out? It was left out because it was thought that what is left in there would establish a claim that there was an attempt made to compel these witnesses to testify to a falsehood. That is what it was left out for. It was left out because Judge Hanecy, the attorney trying to make the argument, undertook from this garbled testimony to make the claim that the condition placed before Link and Beckemeyer upon which they might escape conviction was not by telling the truth but by testifying falsely.

And so these excerpts were omitted in the committee report by some trick for which I have never in any sense sought to hold the committee responsible, because I know too well that no member of this committee would intentionally omit that part of the testimony; but whoever furnished that excerpt was seeking to furnish just enough to establish a false charge against the State's attorney of Cook County, else why did he not put it all in? That is only one instance of this attempt to deceive Senators.

At the top of page 9 of this report, between the first and second questions, the following question is omitted:

Q. Do you remember the incident of a young lawyer coming there and saying to you and some officer of the State's attorney's office, "What are you holding this man for?"—A. No; the substance I do; I don't remember the exact language.

Then on page 9 they left out this:

Q. He did stay there until that time?—A. Yes, sir.

First the following question:

Q. Now, was he in the room of the same hotel or place here in Chicago when you and Detective O'Keefe were there, when this young lawyer came in and asked O'Keefe: "Why are you holding him in custody?"—A. He certainly was. I remember the conversation, I think; but I paid no attention to it at that time.

Q. Did the detective threaten that if this lawyer did not go out that he would arrest him and take him before the grand jury?—A. It made him rather spunky; I disremember the exact words, but he said something in that line.

Q. He gave him to understand he would have to keep away?—A. Yes, sir.

On page 9 of the committee report, after the following question and answer:

Q. By the same grand jury you had been before?—A. Yes, sir.

The following question and answer, found on page 295 of the record, have been omitted:

Q. Was it for perjury for not telling them you had received money for voting for LORIMER?—A. That I had not met Robert Wilson——

Robert Wilson was the man he had met in St. Louis.

That I had not met Robert Wilson—no money consideration entered at all—but that I had not met Robert Wilson.

Then on page 11 of the report, after the following question and answer:

Q. That was not true?—A. That was not true; no, sir.

They omitted the following:

Q. And that is what the State's attorney wanted you to tell the grand jury, was it not?—A. I presume just two answers. If I would answer when I went before the grand jury. That is all that Mr. Wayman asked me, was those two questions.

Mr. AUSTRIAN. What were they?

Here Judge Hanecy, an attorney for Mr. LORIMER, who appeared to want to suppress the drawing out of this witness that the reason why he was indicted was because he had said to the grand jury he was not at St. Louis, when Mr. Austrian asked the witness this question, said, "I am examining him." He cut the question off; shut it out, saying, "I am examining him."

Senator BURROWS. We will probably get at that.

Then said Judge Hanecy:

Q. Did Mr. Wayman there tell you at that time that he indicted you; that he was going to take you before the criminal court if you did not tell the grand jury *what he wanted you to tell?*

The manifest purpose of that question is clear: Judge Hanecy wanted to put the words in the mouth of this witness from which he could claim that the State's attorney undertook to make the witness give false testimony, saying, "You must give this as your testimony, or you will go to the penitentiary," because here is his question:

Q. Did Mr. Wayman there tell you at that time that he indicted you, that he was going to take you before the criminal court if you did not tell the grand jury what he wanted you to tell?

What do you think of a bulldozer like that undertaking to compel a witness to testify in a way that he wanted him to testify to make out a certain theory in this case by which he could claim duress?

The committee left that testimony out. The committee did not do it intentionally, I know, but the trickster who furnished this transcript did it designedly, so that as presented by the committee the testimony would give plausible color to this claim that these witnesses were under the influence of duress.

Yet this witness did not answer Judge Hanecy as he wanted him to. This witness said in answer:

I don't quite understand the question.

He did not see what the judge wanted to fish out of him; he did not understand what the judge was driving at. The judge understood it, but the witness did not.

And the committee left that out. That is not in this testimony that is placed under the conclusion of the court that there was duress and that these poor creatures, held in the clutches of a relentless law officer in Chicago, were put in mortal fear of an indictment brought not for the purpose of vindicating the law, but for the purpose of making them the mere tools of the State's attorney, so that he might manufacture, through these tools, testimony upon which to claim that there was duress.

Out upon such a performance as that on the part of Judge Hanecy, or on the part of the stenographer, or attorney, or whoever may be liable for this attempt to mislead the committee into putting into the record these partial excerpts of the testimony for the purpose of leaving a basis by these omissions for making the claim that there was duress!

They tried to put into the mouth of this witness that Mr. Wayman had cooked up a story, and that he must, in order to save his neck with this indictment over him, go before the grand jury and tell the story that Mr. Wayman cooked up. That is what Judge Hanecy is trying to make him say:

Q. Did you tell the grand jury, then, on the questions of Mr. Wayman what Mr. Wayman wanted you to tell?

Senator BURROWS. What did he tell?

Now, that is omitted. Here is still more of it. On page 12 of this committee's report, the testimony which you will find on page 300 in the record here, a part is left out. For instance, after the words "He wouldn't let me answer the question at all," near the bottom of the page, the words which appear on page 300 are omitted, as follows:

Did Mr. Wayman tell you to answer "no" to that question put by the State's attorney and grand jury in Sangamon County?—A. He had a representative, Mr. Reed, the lawyer there at Springfield, that read a great many decisions in relation to incriminating yourself, etc.

Q. Did he send an assistant down there—an assistant attorney—to Sangamon County grand jury with you?—A. Not with me; but there was one there.

Q. He met you there?—A. Yes, sir.

Q. To advise you and represent you there?—A. Yes, sir.

Q. Who was he?—A. An attorney by the name of Reed.

Q. F. F. Reed?—A. I don't know his initials, but his name was Reed; from Aurora, I think.

That is omitted, and an attempt is made to leave the impression by putting in only a part of the testimony that there was some sort of jugglery with these jurisdictions in Chicago and Sangamon County, simply playing through the forces of these grand juries upon these men for the purpose of compelling them by duress to give as their testimony a cooked-up story, false, manufactured, for the purpose of fastening guilt upon innocent men. Material testimony omitted.

Here is some more of it left out on the same point:

At that first interrogation the question of Robert Wilson was discussed, but not the Browne $1,000.

Q. All right, then; the one they first interrogated you about when you went before the grand jury, as to whether or not you had met Wilson in St. Louis?—A. I denied it.

This was the basis for the indictment against this man, and he was asked before the grand jury before which he appeared the first time whether he had met Wilson at St. Louis, and he said, "I denied it."

They left that out in giving the testimony here on which they claim there was duress. They also left out this:

Q. Was that true or a falsehood?—A. I guess it was a falsehood.

Ah, it was this that got the witness into trouble and caused the indictment, and he said, "I guess it was a falsehood." We all know it was a falsehood, because Link was in St. Louis. No one can doubt that, and yet he had gone before this grand jury and denied that he was in St. Louis or that he met Wilson there.

A. I guess it was a falsehood; but I didn't remember of meeting him at that time, or didn't know the date.

The committee left this out when they made their report and put in certain testimony to establish the theory of duress. This did not appear in that testimony.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from New Hampshire?

Mr. CRAWFORD. I yield.

Mr. GALLINGER. Mr. President, the Senator is making what I think is rather a serious accusation against the committee.

Mr. CRAWFORD. No; not against the committee. I have said over and over again that whoever furnished the transcript left this out. Does the Senator question that?

Mr. GALLINGER. The Senator just said the committee left it out.

Mr. CRAWFORD. That is not quite fair. It was left out in the report of the committee, but I would not make that statement that the committee did it knowingly, and I tried to protect my words against a charge like that. It is not possible that the committee did it, but whoever furnished the transcript, I say to the Senator from New Hampshire, left out the very portions which sustain the indictments.

Mr. GALLINGER. Mr. President, here is the testimony. Of course the Senator did not expect the committee would put that all into the report.

Mr. CRAWFORD. Oh, no.

Mr. GALLINGER. The committee reported every word of the testimony, and Senators have it before them to examine for themselves.

Mr. CRAWFORD. Yes.

Mr. GALLINGER. I can not believe that any stenographer or transcriber could have picked out certain portions and omitted them.

Mr. CRAWFORD. Let me ask the Senator from New Hampshire how he satisfies his mind upon the significant fact that here was a most serious charge against the State's attorney of Cook County, a charge that he was using the processes of the court and the machinery of the grand jury to compel witnesses to testify to that which was false, and the committee apparently were led in sincerity to believe that claim and referred to it in the report and then put the testimony in which they considered established that claim, but omitted from that testimony the very testimony given by these men which furnished the basis for their indictment. How does the Senator from New Hampshire explain the omission?

Mr. GALLINGER. I think that might happen without any purpose of misleading anybody. The whole testimony is here.

Mr. CRAWFORD. Yes, but does not the Senator see that upon the face of the report, with only partial testimony, a most unfair thing occurred with reference to the State's attorney of Cook County?

Mr. GALLINGER. That may be so. The committee, of course, were not under any obligations to put a word of that testimony in their report.

Mr. CRAWFORD. Oh, no.

Mr. GALLINGER. No. They might have reported that the charges were not proven and have left it there, but they did put in some portions of the testimony, and I have no doubt that the committee acted in good faith.

Mr. CRAWFORD. I am not gainsaying that——

Mr. GALLINGER. No; I understand.

Mr. CRAWFORD. But if the Senator will permit me, I am saying it is exceedingly unfortunate and it was unfair to the State attorney and it was misleading to Senators to have the very testimony upon which indictments were returned omitted from that part quoted to show that these indictments were wrongfully used for the purpose of compelling witnesses to testify to falsehoods.

Mr. GALLINGER. That may have been an unfortunate omission.

Mr. CRAWFORD. It certainly was.

Mr. GALLINGER. Yet I recur to the fact that here is the testimony, and every word that was uttered is in that volume.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from Kansas?

Mr. CRAWFORD. I yield to the Senator from Kansas.

Mr. BRISTOW. I should like to inquire, with the permission of the Senator from New Hampshire, whether, if the committee put in any of the testimony, it should not have put in all the testimony that gave the story complete instead of that which just gave one side of it?

Mr. GALLINGER. Of course they ought not to have put in one side of any statement, and I have no idea that was the purpose.

Mr. CRAWFORD. It happened, though, in some manner.

Mr. GALLINGER. There may have been inadvertently an omission of a paragraph, which perhaps justifies the Senator from South Dakota in making the criticism he does. But I can not believe that it was done purposely by anybody.

Mr. CRAWFORD. I am frankly and without reservation glad to say that I am absolutely convinced that it was not done in any manner with the knowledge of the committee. But I can not relieve myself from the feeling that through some source and back of the committee there were interested parties who were furnishing the transcript; that some one who had an interest in having that matter appear plausibly here must have omitted from the testimony those very important parts as they were reported in connection with the conclusion. That is all.

What are you going to do with this charge of duress and this claim that they were using this machinery to make this man tell a cooked-up story, a falsehood, for the purpose of doing an injury to innocent men, when he says here, when pressed by the State's attorney:

A. They didn't ask me to lie.

In this claim that there was duress in this testimony submitted, for the purpose of showing that immediately in connection with the committee's finding, this was not presented:

Q. The perjury charge was correct, was it not?—A. Afterwards it proved it was; yes, sir.

Here is the man who had made these false statements admitting this.

Senator FRAZIER. If it were true that you met Wilson in St. Louis and he paid you $900, and that you met Browne and he paid you $1,000, why didn't you tell that when you came up here before the grand jury and before Mr. Wayman? What were you concealing it for?—A. I didn't want to get myself, perhaps, in trouble and my friends in trouble. I didnt know where the money came from. That was the only reason.

He did not know where the money came from. I insist it makes no difference where the money came from if money was corruptly used and by its corrupt use enough votes were procured for Mr. LORIMER without which votes he would not have been elected; it makes no difference where the money came from, the corrupt use of the money and the resulting election from the corrupt use of the money corrupting enough of them. He was afraid he would get his friends into trouble.

Q. Why didn't you tell it if it were a fact that you got it, and that you met those gentlemen? What were you trying to conceal it for?—A. I didn't know anything what there was about it, and didn't desire to criminate myself for taking this money. I didn't know where it came from.

This question of duress, I think, is an exceedingly important question, because it is the thing upon which those rely who undertake to get around the testimony of these witnesses and make the claim that it is unworthy and should not be considered.

Now, this man Link was asked if it were a present to him, this money, and a fair and honest transaction for campaign purposes or a gift.

Mr. President, Mr. Link was interrogated with reference to the matter of coercion, and I shall call attention to that particular part of his testimony in which the Senator from Tennessee [Mr. FRAZIER] asked him, speaking of this money that had been paid to him in St. Louis:

Q. If it were a present to you, and a fair and honest transaction for campaign purposes, or a gift or otherwise, why were you trying to conceal it?—A. I had no reason at all for concealing it.

Q. Why didn't you tell it?—A. Pardon me, I will correct that. I was afraid of getting somebody into trouble; I didn't know where this money came from.

Q. Who were you afraid of getting into trouble?—A. Friends of mine or myself.

Q. Who were your friends?—A. I had a great many friends on the Republican side and on the Democratic side in the general assembly.

Ah, there he connects the receiving of this money with his friends in the general assembly on both sides, Republicans and Democrats. Why did Mr. Link think that if he stated openly and frankly to the public the fact that he had met Mr. Browne and Mr. Wilson in St. Louis and received this money from them he might get a number of friends of his in the legislature, members of the general assembly, both Republicans and Democrats, into trouble? Can you answer that question? Can Senators answer that question without inferring that the reason he was afraid was that it would get friends of his in the general assembly, both Republicans and Democrats, into trouble, because he knew that this money was being paid to him corruptly, and that friends of his in the general assembly, both Republicans and Democrats, were also implicated in the corrupt receiving of money? That is why he was afraid; is it not? What other explanation can be made for this man's fear? What other reason can even be conjectured why he should be reluctant about frankly admitting that he met these men in St. Louis and received this money?

If you sit down and think about it, think about the manner in which it was done, the circumstances that surrounded it, can any Senator give himself any satisfactory reason why Mr. Link should be afraid that the giving of this information to the public would make trouble for his friends in the legislature, except because it was a corrupt and guilty transaction for which they were all amenable under the law?

Q. Who were your friends?—A. I had a great many friends on the Republican side and on the Democratic side in the general assembly.

Q. How would you get your friends into trouble by telling the truth, if this were a perfectly honest and legitimate transaction?—A. I didn't know how it would get them into trouble, only it struck me I might get them into trouble.

Can any one have an answer for it except that he knew as well as he knew he was in existence that it was a miserable, dirty, criminal transaction, that he was not the only one involved, but that there was a whole brood of them involved in it over at Springfield? Ah, that explains the testimony; and you can not explain it in any other way.

Q. You didn't care to admit that some one had given you $1,000 without any explanation about it?—A. No, sir.

Now, about this question of duress a little further. This does not appear in the testimony in the report, but Beckemeyer was asked—this is on page 254 of the record—

Q. Were there any threats or duress used upon you for the purpose of making you tell anything with reference to the Lorimer payment of money that you have testified to here?—A. There was not.

We are informed here directly by a telegram which the Senator from Indiana [Mr. BEVERIDGE] put in the record, that Mr. Keeler—I think that was his name—who undertook over in Chicago to swear that a third-degree process was used to compel these witnesses to swear falsely, has been convicted of perjury for making such statements.

You can not break this testimony down on the theory that duress was used. That claim is absolutely exploded and absolutely destroyed. I quote from the testimony:

Q. Did you tell the truth then as you have told it now?—A. Yes, sir.

Where is your duress? There is none. You can not get away from the testimony of Link and Beckemeyer and Holstlaw by technicalities. Someone said that they testified that they intended to vote for LORIMER and they would have voted for LORIMER without having this money paid to them. Does anybody for a moment believe that they were at Springfield passing the boodle around in chunks of $1,000 and $900 to men who were going to "deliver the goods" without it? It is absolutely ridiculous. This man Holstlaw says that Broderick told him that if he voted for Mr. LORIMER there was $2,500 in it.

Shephard is a very peculiar man. He talked a good deal when he was on the witness stand, and explained that when Browne came to him and wanted him to vote for LORIMER he told him he could not do it; that he was a dyed-in-the-wool Democrat. But finally he intimated that he might do it if he could get the post-office matter adjusted at Jerseyville. Jerseyville is his town. The postmaster there owned a newspaper and had abused him for a good many years; he did not like that editor and did not like the deputy. He said if he could be assured that neither of these men would be appointed postmaster at Jerseyville he might consider this proposition. Browne said: "We can not do anything with that; that is not in our jurisdiction; that is a Federal matter." Shephard would not give him any encouragement, so he says; but a few days afterwards Mr. Browne came to him again and said: "I have found out that this postmastership is in Congressman RAINEY's district, and RAINEY is a Democrat. RAINEY can not control the appointment of postmasters at Jerseyville, because he is a Democrat, and the Senator will control the appointment of postmasters down there. It is different from what I thought it was the other day when we were talking about it."

I am not quoting that testimony literally, but I am giving the substance of it. Well, Shephard was hopeful at once. He wanted to get the scalps of these newspaper men who had been abusing him down there at Jerseyville, and he wanted a pledge that they should not have the post office. It was not a question of their fitness for the post office; it was not a question with him as to whether they would be excellent servants of the public or of the post office; it was not a question with him of the public service or the public welfare at all; but he wanted to drive a bargain by which, whether it interfered with the public service or injured it, he could keep that newspaper man and his deputy, or whatever he was, out of that post office. Browne said: "I have found out that is different; that is in Congressman RAINEY's district. He is a Democrat. LORIMER can do something about that." So he took him to LORIMER and Shephard laid this situation before him and wanted him to state whether or not he could control the appointment at Jerseyville and keep these men out. "Well," said LORIMER, "I have got my voice in the distribution of patronage as United States Senator, and I do not see why I can not keep them out. I will undertake to do my best to keep them out"—or words to that effect—I am not undertaking to give it literally correct, but I am giving it substantially as it is—and he assured him that he would see that they were not put in. Shephard said, "Well, I will vote for you."

It did not stop there. I do not know what else occurred. That is probably not all that occurred. I would not say but that this is all that occurred between Mr. Shephard and Mr. LORIMER. But Shephard's connection with these deals does not seem to end there, Mr. President. He voted for LORIMER; but he appeared at St. Louis on both occasions when the other boodlers were there. How do you account for that? You can not get away from that. This Henry Shephard was there both times. This was the identical Henry who wanted to settle the postmastership at Jerseyville, and he turned up when there was some feed over at St. Louis to be distributed, apparently to get his share. He says he did not get any money; but it does not look right. I am not satisfied with Henry Shephard's denial. I do not know what he was there for if he was not there to get some money. That is what the other fellows were there for. I do not know what he was there for on both these dates when these other men were there, why he appeared at the hotel where they were, why he went to the same room where they went, and why he went to his vault in the Commercial Trust Co.'s bank, why Mr. Beckemeyer should hear Mr. Wilson say, "I have a $500 bill for Shephard," if Shephard was not mixed up with the distribution of this money, both of what was called the "Lorimer money" and what was called the "jack-pot" money? You can not explain satisfactorily to a reasonable man that Shephard happened over there accidentally both times in that great city of St. Louis, and landed over there at that hotel, where these other fellows met, and went right to the very spot where the corrupt money was being distributed, and got right into the inner circle, into the bathroom where it was being paid, and then undertake to say that Henry Shephard just happened to be over there to get some packing for his automobile. He fixed the date for getting the packing at the identical date that Lee O'Neil Browne was inviting these men to meet him there and later on when Wilson was inviting them to meet him there. Oh, Henry's skirts are not clean; Henry's conduct has a bad odor about it. He made a corrupt agreement about his post office, and after that was made satisfactorily he got into the other deals. He got in them, and he got his pay—his part of the swag.

Beckemeyer, White, Link, Holstlaw, Luke, and Clark are in this so deep that I confess I can not understand how any person on earth can read this testimony and say that those votes were not corrupt votes, absolutely corrupt votes, corrupt as they were cast for Mr. LORIMER, because there was a consideration in money that induced them to go where they did. Lee O'Neil Browne, we were told the other day, did not deliver any votes, but friends of Mr. LORIMER delivered Lee O'Neil Browne and he could not help himself. That is a remarkable condition of things when Mr. Lee O'Neil Browne, who has been heralded here as a wonderful man, and whose testimony has been quoted over and over again as the basis for claiming that White's testimony ought to be disregarded, Link's testimony ought to be disregarded, Beckemeyer's testimony ought to be disregarded; and this man Browne claims that he had 30 votes that were under his leadership and that went where he wanted them to go, and that he in his repeated interveiws with Mr. Shurtleff and Mr. LORIMER insisted that they should not one of them be cast for Mr. LORIMER unless they would elect him, and that after that understanding was reached he went at it himself and his lieutenants and made a canvass to get these 30 men in line. He admits that himself. That very night they met at the St.

Nicholas Hotel. They had conferences. They made reports to Mr. LORIMER and Mr. Shurtleff, and finally reported that the 30 votes could be delivered, and the election came off the next day.

Mr. Lee O'Neil Browne, who had been the choice of these men for minority leader, admits that he had this understanding with Mr. Shurtleff and with Mr. LORIMER himself, and that he had started out to get for him these votes. Mr. LORIMER claims that he himself got only 34; he had to get 19 more; and who got them? John Broderick and Lee O'Neil Browne and their lieutenants got them. And how did they get them? Mr. LORIMER does not claim to have had personal influence enough to get any beyond the 34; and he says his friends got the rest. How did they get them? They got them in the manner that this record discloses. Lee O'Neil Browne's friends delivered him? Well, that is utterly ridiculous in view of Lee O'Neil Browne's testimony as he has given it to us here in the record.

He says on page 665 that these 30 men voted upon a signal, and that signal came in the form of a statement "yea" or "nay" made by Manny Abrahams; that that was the signal upon which they as a faction all decided how they were going to vote, right or wrong.

This man had control of these men, and he wanted all there was in it for his influence and control over them, and he used his power and influence over these men for the purpose of getting money, and he used it in this case for that purpose, and the testimony discloses that he so used it.

Now, I claim that Mr. Shurtleff and Mr. LORIMER and Mr. Lee O'Neil Browne were working together; that these three events which occurred at Springfield—the election of Speaker Shurtleff, the selection of Lee O'Neil Browne as minority leader, and the uniting of interests between LORIMER's friends and those handling the jack-pot money—that these three facts all worked together and resulted in the election of Mr. LORIMER.

My claim, based upon these three facts and what followed them, is denied, and it is attempted to get away from them by undertaking to show that Gov. Deneen was responsible for Mr. Shurtleff's election as speaker because he had abused his authority and his position as governor at Springfield in undertaking to dictate as to the organization of the legislature. I undertook to explain to-day how that claim was absolutely unfounded, because this contest against Gov. Deneen began in the campaign before the election in November. It began immediately after the primaries at which the governor was nominated; and his opponent at the primaries, ex-Gov. Yates, joined forces with Mr. LORIMER, and they practically bolted Mr. Deneen's nomination, and moved heaven and earth to beat him, so that he carried the State by only 20,000 or something like that when President Taft carried it by a very large majority.

When the legislature met at Springfield this opposition to Gov. Deneen, which began in the primary fight and contest and was waged after it and up to the election, went on and on and on, and it was not necessary for LORIMER to be out at Springfield in person, because he had his lieutenants there and everywhere in the State carrying on this contest to overthrow a governor in his own party. They were the men who succeeded in keeping out of the caucus of their own party and going in with the Democrats in electing Shurtleff speaker and securing the control of the legislature.

To show that I am right about that, I will read from a speech made in the Senate in May, 1910, by Mr. LORIMER, giving an account of the enmity toward him on the part of the Chicago Tribune, and in this speech, which I find on page 7294 of the CONGRESSIONAL RECORD, under date of May 28, 1910, this statement:

> After another bitter contest for governor in 1904 the newspapers succeeded, and Deneen became the Republican Party nominee for governor and was elected governor of Illinois. The strife continued in the party during his whole term. During the last year of the governor's term Senator Hopkins urged me to join with other Republicans, with a view to selecting a candidate to oppose Deneen for the Republican nomination for governor in 1908, and promised his support. In March of that year the friends of Gov. Yates urged him to become a candidate, which he did. He had the support of the organization Republicans in Cook County, who had organized the State with the friends of the Yates administration and succeeded in electing Hopkins Senator a few years prior.
>
> It was not until after Yates announced his candidacy that Hopkins went over to the Tribune newspaper combination, made his peace, joined with them and prevented his friends from supporting Yates, and urged them to support Deneen. When I discussed his attitude with Senator Hopkins, and told him that he was the first man to urge me to support a candidate other than Deneen for governor, he admitted the fact, but said he must hold to his present course or Deneen and the newspapers would defeat him for reelection.

Then he goes on to speak about the primary afterwards, as follows:

> But actions speak plainer than words and sentiment. Over 400,000 votes were cast for governor. Deneen was nominated by about 10,000 majority. Yates's friends were overwhelmed with the proof that almost every man with whom Hopkins had influence in the State, at Hopkins's request, had supported Deneen, while the friends of Yates had supported Hopkins and carried the territory for him in which they lived.
>
> After the defeat of Gov. Yates, all of the power of the city, county, State, and Federal administrations, under the leadership of Senator Hopkins, Gov. Deneen, and Mayor Busse, assembled into a misfit organization to make the final assault upon and destroy the last vestige of the Republican organization that had stood as a stone wall against the dictatorship of the Tribune and its newspaper combination for many years past. I was removed from the executive committee of the party.

These were the Lorimer Republicans. Does anybody mean to say that after this long, hard contest between Hopkins and Deneen and LORIMER and Yates, Mr. LORIMER and his friends went down to Springfield, or that Mr. LORIMER's friends—he being here—went down to Springfield and did not undertake to elect some man for speaker of the house whom neither Deneen nor Hopkins could control, elect some man for speaker of the house who would not use the patronage as speaker for either of them? Ah, no; no one can believe that. They went down there to put in for speaker some one who would be absolutely against Gov. Deneen and absolutely independent of Mr. Hopkins, and they were so determined to do that that they would not go into a Republican caucus. They stayed out of a Republican caucus. They would not agree as party men to accept the decision of a caucus in selecting a speaker, but they went over completely and formed an alliance with the Democrats.

Mr. BRISTOW. Formed a new party.

Mr. CRAWFORD. Yes; these regulars, always so regular and always so loyal, who always take their medicine, to hear them tell it, and never falter, and never fail, when they got licked out by Gov. Deneen and Mr. Hopkins at the primaries, bolted. They went against their ticket, moved heaven and earth to defeat their own candidate, and then went down to the legislature and refused to go into a caucus, refused to have anything to do with the caucus, because they were in the minority, and went over openly and made an alliance with the Democrats and selected Shurtleff speaker. Do you tell me that this election of a speaker was not an anti-Deneen and an anti-Hopkins matter, a Lorimer bipartisan Democratic-Republican-alliance victory, and I snap my fingers. I say you have not read this testimony nor studied the logic of it if you do not know that that is what they did, and nothing else. When they got Mr. Shurtleff elected speaker, whether at that particular time Mr. LORIMER was intending to be a candidate for the Senate or not is immaterial, because, as the history afterwards developed, it was one of the powerful occurrences which was necessary to a favorable situation which caused him to be a candidate afterwards.

You say he had nothing to do with the election of Lee O'Neil Browne as minority leader. Perhaps not directly, but the fact that a man of Lee O'Neil Browne's character, corrupt habits, unscrupulous habits, was selected as minority leader and put in control of the minority patronage in the State was a fact which, along with the selection of Shurtleff as speaker, played into the hands of the men who were determined to defeat Mr. Hopkins and to prevent Gov. Deneen from controlling the situation.

Well, when these two steps had occurred, then came the question of making the most of the situation which existed there in which such men as Browne and Holstlaw and Beckemeyer and Link and Luke and Shephard could be brought into line through the influence of this jack pot. That was another related fact, along with the control of the speakership, along with the power which Lee O'Neil Browne had as minority leader, which enabled Mr. LORIMER and his faction to hope that they could control the election of the United States Senator. So after they had got into the saddle in this way, supposing we admit that through the influence and popularity which Mr. LORIMER had built up in the deep-waterway movement, and through his influence as the organization head over there in Chicago, and the favors he had bestowed here and there upon such men as Manny Abrahams, that he could in an emergency secure, say, 34 votes, which he claimed, he did not have enough; there were 19 short; he had to get them somewhere, and the question in this case is, How did he get them? I never have gone to the extent of saying that he personally went out and bought them. Although he seemed to feel that I dealt unfairly with him in regard to it, what I said about that part of it is in the speech which I delivered here January 10, in which I said:

> And one can conclude, after carefully reading all the evidence here, that Mr. LORIMER himself did not know that fraud was being committed. I wish I could believe that he did not, because I bear him no ill will and would not do him the smallest injury or injustice knowingly.

I meant every word of that.

I said this morning, and I say it again, that I can not understand the vindictive man. I do not know how to read the malicious man; he is a mystery to me. I can realize something about a fitful temper; I have a little of that myself; but the man who is vindictive and malicious, and out of malice and in a vindictive spirit would do harm to his fellow man, either to his character or in any other way, I can not understand. I used this language:

I wish I could believe that he did not, because I bear him no ill will and would not do him the smallest injury or injustice knowingly.

Why should I? He never harmed me in the world. If it were a mere personal matter between him and me and not this question, which, to my mind, is the infliction of an awful wound in the heart of the Republic itself, I would be glad to waive it myself.

But I can not overlook the fact that for days and nights immediately preceding the 26th day of May, 1909, when these corrupt and tainted votes were cast for him, he was in Springfield.

He said he had a right to be there. I say he had a right to be there, but I say he was there "directing his own campaign"—he admits that—that he was in almost constant conference with Lee O'Neil Browne. He did not admit that, but that appears—he did not deny it, and the testimony of these other witnesses shows it—that—

he was in almost constant conference with Lee O'Neil Browne, and Speaker Shurtleff reported progress to him, and that he assured Shephard, the Democrat, personally, that he would procure the appointment of his friend as postmaster—

I think that is a little too broad; that he would prevent the appointment of his enemy is more correct—

at Jerseyville if Shephard would vote for him, and that Shephard afterwards turned up with the other boodlers at St. Louis on June 21 and July 15 to get his share of the money reward distributed by Browne and Wilson; and Mr. LORIMER, personally, had a talk with Link before his election and secured Link's promise to vote for him, and that this same Link also appeared with the boodlers at St. Louis and got his reward in cash.

Now, that is absolutely true.

Mr. President—

I said—

that Mr. LORIMER knew enough about what was going on at Springfield to put a reasonably prudent man upon inquiry.

Upon inquiry; that is all.

Now, he perhaps was not a "reasonably prudent man." He may have been overconfident; he may have been led by his friendship for these men to absolutely trust them and innocently believed that they were doing nothing but what was perfectly regular. I do not go to the extent of saying otherwise; but I say that it was a situation which should have put a reasonably prudent man upon inquiry. The courts of equity ever since chancery courts were first established to do what was just and right as between men in equity and in good conscience have held men responsible for what occurred through agencies they put in motion and under circumstances that would put a reasonable man upon inquiry. No one can deny that this is a sound proposition. If I select my agent and send him to do certain things for me, and he is engaged in my presence in using methods and devices that are fraudulent, I may not have actual knowledge of what he is doing; but if the facts and circumstances surrounding his conduct are such as would put a reasonable person upon inquiry and I accept the fruits of his conduct, then I am held responsible for it.

That is as far as I went—that there was enough occurring there to put a reasonable man upon inquiry—

That Shurtleff and Browne were his political agents and that he ratified their acts and accepted the fruits of their corrupt practices, of which he must at least have had some knowledge, and that he was not legally and duly elected.

That is as far as I went, and I think it is a fair and just conclusion from the record and the testimony in this case.

Now, were Mr. Lee O'Neil Browne and Mr. Shurtleff acting as the representatives of Mr. LORIMER or not? What does this testimony show? I will call attention to it.

Mr. Browne says, in his testimony, after this conversation with Mr. Shurtleff, he said Shurtleff had come to him a few days before the election—two or three weeks—and asked him to ascertain how many of his followers would vote for Mr. LORIMER. Now, just think of this. Here was Mr. Shurtleff, a Republican speaker of the house of representatives, elected by Democrats and Lorimer Republicans, who came to Mr. Lee O'Neil Browne and asked him to ascertain how many of his fellows would vote for LORIMER. You will find that on pages 592 and 594 of this record. He asked him how many of his friends would vote for LORIMER. Then he was asked:

Now, after this conversation with Mr. Shurtleff did you consider the proposition which he made or suggested?

Browne says:

I did.

Q. You gave it very serious thought?—A. Yes, sir (p. 594).

Q. Now, after you made up your mind and after your talk with Mr. Shurtleff and weeks or few days of consideration by yourself, did you have any talk with Mr. LORIMER—

Ah, here is Lee ONeil Browne and Mr. LORIMER coming together here—

with reference to his candidacy?—A. Yes, sir.

Q. When, for the first time?—A. I can not tell you.

Q. Can't tell us how soon after you made up your mind to be with him that you had a talk with him?—A. No; because I did not notify him first.

Q. Who did you notify first?—A. My recollection is that I gave Mr. Shurtleff an answer (p. 594).

Q. And you told Mr. LORIMER of that fact?—A. Conditionally.

Q. There was a condition?—A. Yes.

Q. And what was that condition?—A. I stated to Mr. Shurtleff, and I stated afterwards to Mr. LORIMER, that I would not consent to having a single one of the Democrats that I had any influence with cast a vote for Senator LORIMER unless his election was an assured thing; that I would not have those votes cast away absolutely (p. 595).

Why should Lee O'Neil Browne be so insistent that these 30 votes which he claimed he controlled should not be cast for Mr. LORIMER unless they would elect him? What was the reason? If he was a friend who wanted LORIMER elected unselfishly, why not cut loose and give him the benefit of his vote and give him a boom, whatever it is? Oh, no; not one should vote for him unless their votes should elect him. Why was such a condition as that put on? The votes would not be worth anything unless they delivered the goods, would they? They would not have any commercial value unless they were the means of procuring the election. That is what Browne wanted. This man Browne was a sharp bargainer in the political corruption business. He wanted the goods. He wanted the money, and he wanted to have the votes delivered so that they would have a commercial value. That is why this debate the day Mr. LORIMER was elected occurred, when he said on the floor he could not cash dreams, and English said: "Yes, but you can cash votes." English knew him. Mr. English knew what kind of man he was talking with there, who was getting up and saying you can not cash dreams, and it came back like a shot from English, "Yes, but you can cash votes." English knew what had been going on. Rotten things had been going on. This testimony shows that. After Shurtleff and Browne and Mr. LORIMER entered into this cooperation they began to make this canvass to get these 19 votes; Mr. LORIMER with his great personal influence—and I can compliment him on his fascinating victory over great obstacles and in the way he has made his way up in the world. I am glad to see that, but I say there were 19 votes they had to get for him.

Mr. President, I am willing to admit that the Senator from Illinois was in Washington on the 7th of January, as he says, and voted on a motion over in the House of Representatives; but I insist that, following that Yates-Deneen fight in Illinois, the lines were drawn and he had that following intact. When they went to Springfield they knew very well that it was a part of their business to see to it that neither Gov. Deneen nor Mr. Hopkins was permitted to select the speaker or to control the speaker. They were willing to bolt their party, to refuse to go into the caucus, to make an alliance with the Democrats, and do almost anything in order to secure control of the organization of the house and the patronage of the house. There was a Senator to be elected, and there was a $20,000,000 issue of bonds to be made in their deep-waterway project. These forces were contending for the control of both. I say that the election of this speaker was a part of this program, and that in his election they were willing to turn away from and absolutely throw to the winds the wish of that large vote which had been cast for Senator Hopkins.

I do not claim that every man who voted for Mr. Shurtleff knew what this game was, for he did not. Many an honest man undoubtedly, through plausible reasons, voted for him. I suppose they worked the claim that Gov. Deneen was trying to dictate who should be speaker for all there was in it. No doubt they shook that, like a red flag in the face of a bull, for all there was in it, and many a voter may have been misled by it; but the men who were playing that game of politics knew what they were doing. Do not forget that.

Any child in politics can see that there was method in this proceeding. The cry that the governor was undertaking to usurp the legislative function and dictate who should be speaker of the house, was a mere political strategy, according to the ways of machine politicians and their methods. I can see through that. It was a game; and I said when I made my speech on January 10 it was a game. I say here to-night it was a game, and nothing but a game.

The distinguished junior Senator from Iowa [Mr. YOUNG] is known all over the United States for the statement he has made that politics is a great game. That is the way they regard it in Illinois; and this was a game these fellows were playing. They wanted the speaker and in a cold-blooded way they proposed to have him, because they wanted to control the patronage and the issuance of these waterway bonds; they wanted to be in on the ground floor in the selection of a United States Senator, and they wanted to score one against Hopkins and against Deneen, and they did not care how. They went into this deal with the Democrats in cold blood—that is plain enough—for the purpose of preventing them from controlling this legislature and putting their own tools in the saddle. That is plain enough; anybody can see that; and they scored in their game.

I do not claim for a moment—I want to be fair—that the Senator from Illinois had anything to do with this election of Lee O'Neil Browne by the Democrats as minority leader. Lee O'Neil Browne managed that; but when Lee O'Neil Browne became minority leader, knowing the kind of a man Lee O'Neil Browne is, knowing what Lee O'Neil Browne would do if there was something in it, they went into a deal to use him and his 30 robbers—as the Senator from New York [Mr. ROOT] calls them—for all there was in it; and they made a deal with him to deliver just as many of them as he could to Mr. LORIMER. He started out to get them.

Now, I come to the things which happened while he was trying to get them. They wanted votes, and they wanted them badly. They had 34 Democrats, but that was not enough; they had to have 19 more. They went out to get them. This man Groves tells us how they tried to get him. Mr. Groves was a bluff old Democrat, apparently of the old school. I admire him very much from reading the testimony. He was an outspoken, courageous, and honest man, a Democrat of whom the Democrats can be proud. He was asleep in his bed in his room in the hotel after this agreement had been entered into between Shurtleff, Lee O'Neil Browne, and Mr. LORIMER that they should go out and get these votes. Groves was in his bed in the hotel, and Douglas Patterson, an ex-member of the legislature, raps on Groves's door. Mr. Groves gets out of his bed and opens the door, and in comes Douglas. Douglas says, "Mr. Groves, I think it could be made a matter of mutual profit to you and to me for you to vote to-morrow for Mr. LORIMER." Ah, Douglas evidently had lived in this corrupt atmosphere at Springfield, where they had the jack pot and the existence of which he knew, and he thought he could go into bluff old Jacob Groves's room and say to him, "I want you to vote for LORIMER to-morrow, and it will be to the mutual advantage of both of us." So he made that suggestion. Mr. Groves said, "There is not enough money in Springfield to buy my vote for BILL LORIMER." Patterson said, "Put down the transom; you are talking too loud." Groves was an honest man. He blurted out what he thought of this kind of business, "There is not money enough in Springfield, or in Illinois"—whichever it was—"to buy my vote or to cause me to vote for BILL LORIMER." Patterson wanted the transom put down at once, and wanted to make his escape. He saw he had made a mistake.

Is there any testimony in this record to dispute this statement of Jacob Groves? Where is it?

That is the testimony. It is not questioned; it is not disputed. It stands here in the record absolutely uncontradicted from any source.

What does that indicate—this ex-member of the legislature in the dead hours of the night, gently rapping upon the door of Mr. Groves, a member of the legislature, and on being admitted saying to him, "I want you to vote for LORIMER to-morrow"—this man Groves was a Democrat—"and it might be to the mutual advantage of both of us?" When the answer rings out through the transom, "There is not money enough in Springfield to buy my vote for BILL LORIMER," the reply is, "Please put down the transom."

Draw your own conclusions, Senators, as to that transaction. I think you know what it meant.

I come now to Henry Terrill. Henry Terrill was a Republican, and he was a Hopkins man. Terrill evidently believed that he was bound by the expression given by the voters of his State. He met Mr. John Griffin, the man whose vote Hinky Dink, I think it was, assured Mr. LORIMER that he would get if he was a candidate for Senator. Hinky Dink got Griffin to vote for LORIMER, and Griffin met Terrill when they were out ransacking for Democratic votes, and asked him to vote for LORIMER. Terrill asked Griffin what there would be in it. Terrill was trying to find out. I suppose he had heard some rumors around town that money was being used to get votes; so he asked this question.

What was Griffin's answer? "Why," Griffin said, "a thousand dollars, anyway." What do you think of that? When you stop to consider that that is the exact amount paid to White, to Beckemeyer, to Link—a thousand dollars—when you stop to think that was the going price for members of the house (in the senate they got a little more because they did not have to have so many of them over there, and Holstlaw got twenty-five hundred), but in the house the regular catalogue price appears to have been $1,000.

Terrill voted for Hopkins. There is no testimony indicating that he was committing perjury when he made this statement. He could not be bought. Terrill is not discredited. There is nothing here upon which men are justified in putting aside his statement.

Ah, this was a nasty, rotten, corrupt arrangement at Springfield, and why can not Senators see it? I do not know. It surpasses my comprehension. It is so plain to me that I am amazed there should be any question about it.

Here is still another circumstance. George W. Meyers. I know what has been said about this, but George W. Meyers was a Democrat, a member of the house of representatives; and this record shows that so far as he is concerned he could not be bought. The Senator from New Hampshire [Mr. GALLINGER] says he ought to have struck the man who said what he did to him. I do not think he ought to have committed a crime like that, and if what they say is true, that this jack pot had been in existence at Springfield for years, and that everybody knew it was there; that they had been buying legislation with it or suppressing legislation with it and dividing the boodle at the end of the session for years; and it was so well known that even counsel in this case on both sides accepted it as a matter of common knowledge, I do not know why Mr. Meyers should be so terribly surprised and why his virtuous indignation should work him up to the point where he ought to commit the crime of assault and battery on the floor of the senate because this man Browne said to him there is plenty of the "ready necessary."

I know that the Senator from New Hampshire, with all of the indignation of an honest man, would resent such a suggestion as that if made to him, and I do not know but that he might strike such a man, but the Senator from New Hampshire is not Representative Meyers, and he has not lived in an atmosphere like that of Springfield. He has not lived in a community that has become so benumbed apparently that a matter of a jack pot used for the purpose of buying legislation and selling it is accepted as a matter of course. So the way he would look at it and the way Mr. Meyers, who I believe is an honest man, looked at it, are two different things entirely. Mr. Meyers is not impeached. No one attacks his testimony on the ground that he is an unworthy man; not at all.

But what does Mr. Meyers say? He says that on the day of this election he was in his seat; he got a note or a summons from Mr. Browne to come over to his seat, and he went over and Mr.. Browne asked him to vote for Mr. LORIMER. Both these men were Democrats, remember. Mr. Meyers, a Democrat; Mr. Browne, a Democrat; and yet Mr. Browne, a Democrat, was asking Mr. Meyers, a Democrat, to vote for a Republican. He said to him he would like to have Mr. Meyers go with him, because they were going to elect Mr. LORIMER, and that there were plenty of good jobs and the ready necessary, and that Mr. Meyers says, "Lee, I can not do it."

Then the Senator from Texas [Mr. BAILEY] and the Senator from New Hampshire [Mr. GALLINGER] would lead us to believe because he protested he could not do it, but did not commit a crime by assaulting this man, that it is evident he is an untruthful witness. I think that is an unwarranted conclusion. I do not think it is reasonable. I do not think it is natural. I do not think it is justified. I think the answer that Mr. Meyers made, considering the time, the conditions surrounding it, was just about the answer that the average honest member of the legislature would make.

Senators refuse to be surprised at the testimony of these other witnesses in relation to what occurred at St. Louis and in Chicago, but when it comes to this incident connected with Mr. Meyers they throw up their hands in horror and say it could not have occurred, because Mr. Meyers would have immediately reported this man and prosecuted him or beaten him.

Mr. Meyers makes the statement that Mr. Browne said to him that they had good State jobs to give away and "the ready necessary." Some one says, "Why, the idea of Mr. Meyers going over to Mr. Browne's desk in the open session upon the floor of the assembly hall and such a conversation occurring there in the open session is absolutely preposterous." How many Senators make note of what happens between two Senators if one goes over to the seat of another and exchanges quietly, perhaps

in whispered conversation, a few words with that other Senator? They do not notice what is said once in a hundred times, because they are not eavesdroppers meddling with the affairs of other Senators. There was no occasion for them to make note of what occurred, and it is absolutely absurd for men to say that this could not occur without everybody knowing it.

There is not a Senator on this floor who could not go to another Senator and, in an undertone, carry on a conversation about some matter and go back again and not another soul in the Senate except those two men know what they said to each other. Now, you all know that. I do not think this is an extraordinary thing at all, or an unnatural thing under the circumstances which prevailed at Springfield.

Mr. Meyers said that this occurred. Mr. Browne denies it; but Mr. Browne is a scoundrel, and everybody knows it, and Mr. Meyers is a reputable man, against whom not one word can be said except what may be claimed from these circumstances. He did not sell his vote.

They tried to show by a page that the page did not see him go over to Browne's seat. There is nothing in that. Would what a page might say with reference to an event that occurred 14 months ago, that he did not see a Senator from this side of the Chamber go over to exchange a word or two with the Senator from New Hampshire [Mr. GALLINGER], be considered as evidence against the fact that he did go? It is not worthy of consideration at all. It has absolutely no value.

George Alschuler—I have heard nothing said against him as a man; I do not know anything about him—sat back two or three seats behind Browne, and he said he did not see this, but it might easily occur and Mr. Alschuler not see it or hear what was said. He was in no position to deny it a year and a half afterwards.

But Mr. Meyers, who did know, who was the one to whom the remarks were addressed, the one to whom the appeal was made, who was the one whose vote was sought, said it did occur and that this man did solicit his vote and tell him they had the good State jobs and the "ready necessary."

I can not refuse to believe the statement of Mr. Meyers. He is unimpeached. He is not discredited. He is not attacked by any testimony that appeals to me, and his statement fits in with the statement of Henry Terrill, which shows what was going on. It fits in with the statement of Jacob Groves, which shows what was going on. It harmonizes with the admitted fact that there was a corruption fund there. Then, in the same connection, about the same time, is this Holstlaw transaction that I have reviewed over and over again. I can not drive my mind and coerce my faculties into any process of reasoning by which I can get away from the compelling force of all this testimony. I can not get away from it.

Senators must not expect me to get away from it. I can not. I have no prejudice in this case, but I have got to be governed by my judgment and my convictions, and I can not get away from it.

I am a country lawyer and I have tried a good many cases, some of them involving a good many thousand dollars, some of them involving human life and sacred personal rights, and I have had some experience in weighing testimony.

I can not get away from the compelling force of this testimony nor throw it aside nor reject it nor escape the logical conclusion that it forces upon me that this transaction between Holstlaw and Broderick was a corrupt transaction and a crime. Then there is De Wolf. They said "poor old Jacob De Wolf," whom I have abused. Jacob appeared to be around hunting for some Republican to deliver his vote to from the time the thing started almost. Jacob wanted to deliver his vote to Hopkins and tried to go and organize the Democrats for the purpose of delivering them to a Republican, and I see in this record that Jacob over and over again during the various roll calls voted for Lee O'Neil Browne for Senator.

What do you think of the purity of motive and disinterestedness of De Wolf when he was a blind follower of Lee O'Neil Browne, voted for Lee O'Neil Browne for Senator, and followed Manny Abrahams as his bellwether? In August, just after these transactions occurred in St. Louis, where money was paid, Jacob makes a payment on his real-estate transaction of $600. I do not like the looks of that myself.

Joe Clark, outside of Lee O'Neil Browne, was one of the smoothest villains of them all, but he left behind him a trail of the most suspicious circumstances all the way through. He happened over here at St. Louis on both occasions. He tells White, so White says, that if it had not been for him Link, I think it was, would have delivered his vote for less than what he did, but that he induced him to hold out and got his thousand dollars.

Oh, these votes were not honest votes. These Democratic votes cast for a Republican, with all these circumstances so well established about them, were tainted votes, corrupt votes. To use not elegant English but truthful English, the transaction was rotten.

Beckemeyer, White, Holstlaw, Link, Luke, Wilson, Browne, and Broderick, everyone of them Democrats who voted for Lee O'Neil Browne and by this testimony so clearly established that I can not escape it, voted for him for a consideration in money. This can not be set aside as a trifling matter, not to be seriously considered. The personal equation, the kindly feeling toward the sitting Member, the reluctance about putting him to any inconvenience and having him go out of here with this history of these transactions connected with him, are expected to overbalance and put away from consideration these tremendously serious facts in regard to fraud and corruption in connection with the votes cast for the sitting Member.

Mr. President, if the elections in the United States are to be the subject of cold-blooded purchase, what does this Government amount to? You arraign these poor people over in Adams County, Ohio, because they sold their votes, but you never hear a word said about the men who bought their votes. In this day and generation, where poor people are struggling for an existence in this world, and where in some localities they are pressed by hunger and by want, I can see some excuse for them. I say that there is some excuse for the poor man driven by hunger and by want and by privation, if they yield to the temptation and sell their votes, because they need the money to buy bread. But I ask, where is the excuse for the man who has the money and who seeks to use it by corrupting the ballot box, who goes out and holds this gold up in the face of these poor people and tempts them by that gold to sell their honor and to corruptly deliver their votes?

If that sort of thing is to go unchallenged and be accepted as a matter of course, the American Republic is fast approaching its end. What are we to think or contemplate if in this day of which we speak so often, when great fortunes have been amassed, where the holdings of one man may mount up until they are counted not by millions, but by billions, if this wealth is to be used among the poor for the purpose of buying from them their honor? What is to become of the American Republic?

It will not last long. And yet a situation like this we view apparently with indifference, and look at it, not from the standpoint of the public welfare, not from the standpoint of the preservation of purity in our national life; all that is treated as too far way, and the whole issue narrows down to a feeling that the purpose of the investigation is the protection of the good name of the sitting Member. To my mind this matter is so fundamentally serious; it reaches so deep; its consequences are such a menace to our national life, to the public welfare, to the existence of the Government itself, that I can not think of the incumbent of the office except as a mere incident of secondary consideration and that the integrity of the election, the integrity of our political institutions, are vastly more important.

We live in an atmosphere of indifference, of self-satisfied existence. We do not borrow trouble on account of to-morrow; we are living for to-day. We are absolutely drunk with power. The great corporation or the political machine which has power gets drunk with power. It exercises it for the very love of exercising it, and feels a delight in crushing with a steam roller, or some other process, every helpless individual who stands in its way, and gloats in it and glories in it. There is too much of that. It becomes unscrupulous. If you can not win one way, win another, because the only thing in the world is success, no matter how you get it. All you are asked to do is to win, no matter how. Power without scruple is what counts. Results are what tell. If you have money, use it. If you need votes and do not know any other way to get them, buy them—just so you get them. This is the creed of wealth and power with its boss and its machine.

I am not overdrawing this picture. So help me, God, I am telling the truth about it. Make a great big purse, and each man put, and each company put up, and go to Springfield with it; go to some other town with it, and use it and get results; that is what you are asked to do. What is going to become of the integrity of our political life if we are to treat with callous indifference a situation like this?

Throw it to one side and say that the man who is trying to stand for honesty in these things is playing to the galleries; that he is simply bidding for the support of the muckraking magazines to make himself prominent; that he is not sincere; he is a reformer. Ah, it will not do to treat a question like this by dismissing it with such talk as that. You can not get away from it with such talk as that. I will tell you what you are going to do now, and I am not indulging in any idle prophecy: We are going to have more honesty. We are going

to set our faces more sternly against situations like this at Springfield. We are going to hold men who are the beneficiaries of these transactions to a strict accountability, and if they are not here on the square we are going to turn them out or else we are going to have a revolution. I do not mean a revolution of bloodshed; no; not at all; but, whether it is wise or unwise, whether it is sound or unsound, you are going to have a revolution in our form of Government, and you will have a democracy, and a pure democracy because of the distrust that situations like this create among the people of this country.

Oh, men will just simply say that is the talk of a demagogue. It is not. These situations can be avoided if we deal with them with courage and insist upon honest elections and do not shrink from our duty when the evidence shows that there has been corruption. That is absolutely true. You can not get away from it.

I do not know, I am puzzled somewhat to conjecture, what kind of government we will have here in another generation in the United States. I do not know. The conservative does not know. The ultraconservative does not know. The radical does not know. The Democrat does not know. The ultraradical does not know. The Socialist does not know. But we all do know that changes are at work everywhere of one form and another, and we all do know that protests are coming up in one form and another, and changes are insisted upon of one kind and another. Whenever your people lose confidence in the Senate of the United States because they are convinced that men get into this body by the unlawful use of money, whether it is by themselves or without their knowledge by those who are working for them, whenever that conviction fastens itself generally throughout the United States, do you know what may happen? I do not; only I am sure something very radical will happen.

You can not dismiss this situation lightly with the charge that it is the result of demagogic attacks or of attempts to destroy character. It is too serious for that. Here are Browne, Holstlaw, Broderick, Wilson, Link, Luke, Beckemeyer, Shephard, this bunch of fellows appearing in Chicago and St. Louis getting this boodle, voting corruptly, dishonestly, and induced to do so by money, for a candidate for the United States Senate who would not be here but for those votes.

This is the testimony, testimony that ought to be considered; testimony that is read everywhere by intelligent men and honest men, just the same as we read it. They have an absolute conviction in regard to it. Is this testimony overthrown? By whom? I think it is a rule recognized everywhere that a statement made by a criminal against his own interest is good testimony. His own statement in his favor is not good. Self-serving declarations are not good; but admissions of guilt, admissions against himself are regarded as credible testimony. This testimony, especially the testimony of a man who, like White, was often found to be under the influence of drink, his discretion gone, his caution gone, giving expression, without realizing its consequences, to his thoughts; what he said under such circumstances is the most valuable kind of testimony, in my opinion, no matter how black you paint him. It is the most important kind of testimony because it is testimony where under the circumstances you can not charge him with making a statement from any selfish motive, but involuntarily he is expressing his innermost thoughts. When we find him talking with the cigar girl at O'Fallon, and down at Springfield practically offering his vote for a corrupt consideration, the man was giving expression of himself against his own interest; and, to my mind, for that very reason, his testimony is corroborative instead of self-destructive.

Last year, when Mr. LORIMER made his address, he paid a very high compliment to Lee O'Neil Browne. He could not conceive of the possibility of any person ever approaching Browne with a corrupt proposal. He said he recollected a circumstance several years ago, when he was having a pleasant chat with Mr. Browne, and Browne told him that he believed the Bible from cover to cover, that he was an exemplary Christian man. Well, Lee does not appear to be that kind of a man.

Mr. GALLINGER. He fell from grace.

Mr. CRAWFORD. He did fall with a vengeance. He fell a long way. We have painted White about as black as a man can be painted here—I think deservedly; we have made him out a dissolute wretch and a scoundrel, and yet Lee O'Neil Browne called him his "dear old pal." Lee O'Neil Browne, after this swag was distributed, set apart a time when he and his "dear old pal," White, could go off on a bumming trip and enjoy the fruits of the boodle that the one had paid to the other. The letters disclose that. They go up and down, across the Lakes, in their bacchanalian celebration. Lee O'Neil Browne—this Christian gentleman, who believes his Bible from cover to cover—is the man who finds in Mr. Charles White his choice, favorite companion. Mr. LORIMER is too trusting altogether. His confidence in men is entirely too implicit when he is led to form this opinion of Lee O'Neil Browne, who enjoyed these relations with Charles S. White. These telegrams and letters all through this record passing back and forth between Lee O'Neil Browne and White and Beckemeyer and Link unite these men together with testimony that is not dependent upon oral utterances of any of them. How are you going to get away from that? It is there; it is in the record; it can not be overthrown; it can not be successfully impeached.

Scheming interests get together over in Chicago, or somewhere else, before the legislature meets down at Springfield and each contributes a certain amount to make up a corruption fund with which to buy men, with which to buy legislation, with which to kill legislation. Is not that a fine spectacle?

Yet men look upon that as something that should be tolerated. There are not many of them who look upon it in that way, but a few do, I suppose, but not many, thank God. But there it is. Everybody seems to admit that something of that kind exists to buy men, buy legislation and suppress legislation for whom? The big interests. That is not the talk of a demagogue. It is fact which appears here, and is accepted without question. A small matter, is it? If we have grown into a state of mind where we look upon that as a small matter in this country and in the greatest legislative tribunal in the world, how much longer have we to live? A small matter, a mere trifle, a little thing not to be considered in determining the personal claim of an individual to a seat in this body, because his desire is vastly more important. Is that right? Is that the way to look at this? Is that a fair measure of the importance of this question?

The jack pot was there. Lee O'Neil Browne was next to it—mighty close to it. Beckemeyer knew about it. They all had hungry stomachs for it; they were greedy to get it, and they did get it, and, as a result of their getting it, the sitting Member got votes that he would not have gotten otherwise, and without which he would not have been elected. That is what this testimony shows. Fairly construed and fairly weighed, I do not know how you can escape the conclusion, because it is in the record.

Mr. President, if we are to consider the statement made by the sitting Member as testimony it undertakes to account for some of these Democratic votes, but it comes far short of accounting for all of them.

He gave the circumstances under which he got the vote of State Senator Hearn, a Democrat, and Mr. Gorman, a Democrat. He claimed he got Gorman through the deep waterway proposition; that Mr. Gorman lives at Peoria, and that influential people in his town, without regard to party, were in favor of Mr. LORIMER on that account, and they came up and asked that he be elected. He goes into an explanation of the vote of Gorman. He also undertakes to explain the vote of Mr. Riley on account of the deep waterway; that that was a hobby of Mr. Riley, and Mr. LORIMER had given a great deal of time and magnificent service to that; and, as an appreciation, he got the vote of Mr. Riley.

He undertakes to account for the vote of Mr. Cermak, a Democrat. He says he was honest; that he got his vote in connection with the proposed amendment to the constitution for the sale of $20,000,000 of bonds.

He says he got Henry Shephard's vote—and this is the explanation he gives for that vote:

> Then we come to Henry Shephard; and what about Henry Shephard?
>
> Well, I think there is a good deal about him—
>
> When the congressional party came back from New Orleans to Washington at the opening of Congress, I called a meeting of the men that had made the trip and we organized among the Members of Congress an association. When I notified Mr. RAINEY, he told me he could not attend that night because his friend Henry Shephard was in town. I invited Henry Shephard to come to that little dinner that we organized, and it was there that I first met Henry Shephard. It was there that he first became interested in this work. It was at that time that a friendship grew up between him and me that lasted until to-day. Henry Shephard was a member of the legislature, and he was for this proposition all the way through.

That is all he says about Henry; but that is not sufficient. Henry says he would not vote for LORIMER; that he was a rock-ribbed Democrat; and he would not vote for him under any circumstance, unless it was one. That was that post-office deal. Mr. LORIMER did not mention that. That is, if Shephard could prevent the appointment of his enemies down there to the post office he might vote for Mr. LORIMER, but nothing else could possibly fetch him. Mr. LORIMER said nothing about that. Henry does. He got a promise because they had a Democratic Congressman down there, and he got a promise that he accepted as a condi-

tion of his support. He got a promise from Mr. LORIMER, upon which he said he voted for LORIMER. It was a corrupt promise, too.

But that is not all connected about Henry Shephard. Henry appears in several other acts in this play. The curtain does not drop there, so far as Henry is concerned; but Henry turns up in St. Louis when the boodle is being divided. Henry gets there and lands in the Southern Hotel at a very propitious time for Henry. Henry is not in the habit of missing things like that. There was some intuition that led Henry to believe that it would be a good thing for him to go to St. Louis and be down at the Southern Hotel on a certain day, and Henry was there. So was Lee O'Neil Browne; so was the whole gang of them—Clark, Luke, Link, Beckemeyer. The whole crowd was there, and Henry was there. I think Henry got some of the swag. I do not think it was an accident. I think he knew that the money was to be divided, and he considered that he was entitled to his share, and he went there, and I would have no doubt that he got it.

Henry went home, and on the 15th of July, when these noble heroes met there again to exchange felicities, Henry was there also. Oh, yes; he went there this time to get some packing for his auto. He was there. Henry never missed a good thing. Henry's intuitions were simply remarkable, because he knew when there was to be a meeting where swag was to be divided in St. Louis, on the other side of the Mississippi River. Henry's automobile needed packing just at that time. Henry went.

Of course, Henry found it necessary for reason on the same day to visit the bank where he had a safety vault, and to visit the Southern Hotel on the same day, and to meet his old friends, whose acquaintance he had made at Springfield during the winter before, and so he appeared there.

I do not think there is any doubt that Henry got his part of the jack pot—the $900—because Beckemeyer says that when he got his Wilson says "I have this $500 for Shephard." He went over to the bank.

Mr. LORIMER goes on, after he gets through with his little statement in reference to Shephard, to explain about George Alschuler. George was a bitter enemy of Hopkins. Of course, George was a Democrat, and he could be a bitter enemy of Hopkins, and he could be a consistent Democrat by voting for a Democrat, but he was a bitter enemy of Hopkins, lived in Hopkins's town, and the fact that he was an enemy of Hopkins was used as an explanation of his vote for Mr. LORIMER. And then he was in favor of this deep-waterway movement. Suppose we accept that; do not question it at all, and pass on to the next. That is not enough.

We come then to Charles Luke, and he undertakes to explain why Charles Luke, a Democrat, voted for him by saying that Hopkins was a bitter partisan; that he had made campaign speeches over in Luke's district and had abused the Democrats, and so Luke had it in for him; and he gives that as an explanation of why Luke voted for him—LORIMER. I am not satisfied with that, because there is a whole lot more testimony here about Mr. Luke that Mr. LORIMER does not appear to know anything about.

Charles Luke seemed to have that intuition with which Henry Shephard was gifted, and when they met over in St. Louis on the 21st of June and on the 15th of July to divide the swag, Charles Luke was there both times. He was invited up into the room with the rest of them, and a great deal remains in the record identifying him with these corrupt transactions. Mrs. Luke, it is true, says the time when she saw him have $950 was before he got this telegram to meet Wilson in St. Louis on July 15. But it was some time after the legislature had adjourned, and she says he was out of town somewhere, she does not know just where, and came back with this money. The testimony indicates he went about the time these other men went to St. Louis—the first time June 21. She saw him have $950 in bills. After that she knows he got a telegram calling him to St. Louis, and he went, and the other witnesses say he was there both times.

Now that is very much more testimony than Mr. LORIMER was able to give us; and it shows that Mr. Charles Luke, who put the Democratic candidate for Senator, Mr. Stringer, in nomination, was his supporter until the 26th of May, when he flops over and votes for Mr. LORIMER.

That looks bad. It fits in with the rest of this record. It dovetails with the rest of this testimony. It indicates guilt on his part in common with that of Link and Beckemeyer.

Mr. President, this is not all imagination. This is not all manufactured story. It is preposterous, absolutely preposterous, to try to dismiss this closely connected chain of circumstances and facts and incidents, so many of them not within the control of the men who were playing their parts, by saying it is manufactured and untrustworthy. You can not get rid of it that way. It will haunt you forever afterwards, when you reflect upon it and undertake to dismiss it on the theory that it is all manufactured and untrustworthy. It is not.

There is no way to establish such a preposterous claim as that. These are established facts, from which there is no escape, and it puts a taint of corruption upon from 7 to 11 votes, and the question is, Without them would Mr. LORIMER have been elected, and would he occupy a seat here without them? He certainly would not; and if without them he would not be here, would not hold his certificate, how are we going to permit him to remain here?

If we weigh this testimony, weigh it conscientiously, and weigh it as jurors would weigh facts and testimony in the ordinary affairs of life, it seems to me there is no escape from the conclusion that there was not a valid election. I have never attempted to discuss the law of this case. It is not necessary now; it never was necessary for me to discuss it. It has never been anything but an application of a simple rule, and that is this: If this Senator would not have been elected except by receiving these tainted votes, then his certificate is invalid, although he knew nothing about it. There can be no question about that.

What I insist upon is that this testimony shows at least that much, and I insist that it also shows, not that he willfully knew and connived and participated in the fraud—I never have made that claim—but that he was present and had his agents at work, and there was enough going on during his stay there to put a reasonable man upon inquiry.

That being true, by the most simple rule of equity and chancery he is bound by what followed, and he can not accept the fruit; he can not be the recipient of the fruits of these fraudulent transactions carried on under these circumstances by these men who were going to and fro among these purchasable Democrats and using somebody's money to secure their votes for him. He can not escape personal responsibility for the acts of these men.

Mr. President, I have no doubt but that every Member of this Senate will agree with me, and agree with me without any reservation whatever, that the very existence, indeed the right to exist as a nation and as a government, depends upon the simple question whether we are honest and faithful to the underlying principles upon which this great fabric of government rests. If honor has departed and money has taken its place, if integrity has lost its force and control and commercialism has been installed in its stead, if seats in this body, representative as it is of the national life and national existence, are to be a matter of barter and sale and a mere question of purchase, we have no right to exist; we are unworthy, and the sooner we go out of business the better.

Legislators, of course, will make mistakes. It is to be expected that they will make mistakes; but if they are honest and true to their trust the mistakes are not serious. The mistakes are easily corrected, but if we are going back to the days of Robert Walpole and Lord Holland, when it is a question of buying place and corrupting voters, we had better stop that clock and turn it back and turn our faces to the rear instead of forward, because we have reached the acme, and from this time on we are going down.

No; what we must insist on here is honesty and sincerity and loyalty to conviction, and absolute loyalty to the people who sent us here.

TARIFF AND RECIPROCITY.

Mr. President, by way of digression, I wish to say that two years ago, just after I had been elected to the Senate, I came to Washington to attend an extra session of Congress. I had been in Washington but twice before in my life. I had never seen a national legislature in action but as a visitor in the gallery once or twice in the long years that preceded my election as Senator. On one of my visits Grover Cleveland was President of the United States and on the other Theodore Roosevelt. My whole experience in life had been confined largely to the great West, in the heart of which I first saw daylight on my father's farm up among the Mississippi River hills in northeastern Iowa, in an old farmhouse out in the woods, away from the roadside, in that pioneer stage of early life of Iowa when they were just opening up in the woodlands her first settlements. My father and mother were of the old stock of Scotch-Irish Presbyterians, who believed in the Westminster Catechism and practiced the Ten Commandments.

There were 12 children in the family—9 boys and 3 girls—and each one had his little Testament. The family prayer that was offered every morning was a prayer for the President of the United States and for the preservation of our Constitution and

for a blessing upon the rulers of this Republic. In the convention at which I became a candidate for this office, a Republican convention, we declared for the protective tariff, but we made two or three exceptions. We wanted free coal, Mr. President, and free lumber, and free iron ore, and if there was a monopoly producing a manufactured article we wanted the tariff upon it reduced to a point which would permit importations sufficient to create competition. That was a very nice theory and it was a fine declaration to put in our platform.

We based our belief in this doctrine of free lumber and free coal and free iron ore upon the claim that it rested upon a proper conservation of our natural resources, and would promote the preservation of these resources. When we were making up the tariff bill, the question came up with reference to putting certain articles on the free list. I was for free lumber and free coal and free iron ore.

The Democratic Party in its national convention at Denver had declared for the same things, and while I had some doubt about the support of eastern Democrats or eastern Republicans from manufacturing districts for this proposition, I had no doubt but what the Democratic Party would be largely united upon the proposition that we should have in this new tariff law free lumber, free coal, and free iron ore.

I made a speech in favor of it, and I remember that in a few days afterwards a member of the Senate, whom I learned to love, because he was a true gentleman, one of nature's noblemen, a gentleman of the old school, and always kind to me—a Democrat—who sat here or near here—Senator Daniel, of Virginia—stood up here and made an address, in which he opposed putting lumber on the free list, and he opposed putting coal on the free list, and he told us in an inimitable way why he objected to removing the tariff from lumber and from iron ore. He went on to tell how in Virginia thousands of laboring men were dependent upon their labor in the iron mines for the support of their families, and how they went down into the poison-laden vapors of those mines and took their lives in their hands for the purpose of earning a wage there that would enable them to support their families. He protested against permitting iron ore to come into this country from Cuba free, which might interfere with the opportunity of those laboring men in Virginia to earn their living.

He opposed for the same reason largely the removal of the tariff from lumber, and I remember how he stood up behind his desk here and put his crutches over against it and looked with a sort of proud and haughty air over the Senate Chamber and said:

> I do not care what you call this; you may call it a tariff for revenue, or you may call it a tariff for protection, but it is a good thing for Virginia, and I am for it.

So I discovered that my dear old friend, Senator Daniel, in the making up of this tariff, felt that he was obliged to represent what he considered the best interests of the people in Virginia, the State which he represented; and while I, a Republican from a Republican State, was advocating the placing of lumber upon the free list and iron ore upon the free list and coal upon the free list, notwithstanding the Democratic platform at Denver had declared for the same things, this doughty old Democratic warrior from the grand old Commonwealth of Virginia, the mother of Presidents, was arguing for a substantially protective tariff upon lumber and coal and iron ore.

I remember also that during that debate the distinguished Senator from North Carolina [Mr. SIMMONS], who so ably represents his State here, with his associate, made a speech in which he defended a tariff upon lumber, and made what it seemed to me was a very good Republican protective tariff speech.

I remember that when we passed over into the State of Georgia, one of the Democratic Senators from that State voted for keeping a tariff on lumber and the other voted to take it off, and both represented what he believed was the best interest of his State and voted according to what he believed was a loyal expression of his view as a member of the Democratic Party.

I remember that when we came over into the State of Mississippi, the very able and distinguished senior Senator from that State [Mr. MONEY] declared in favor of the tariff upon lumber as a tariff for revenue. His position was that it was an article of commerce and that it ought to pay its share of the revenue; that it was a mere detail and that it ought not to be specifically mentioned in the party-platform matter, which he maintained should declare general party principles without committing itself to details.

I remember also that when we were making up that tariff something of a contest arose between the Senators from Florida and the Senators from Maryland. The Senators from Florida wanted the tariff on pineapples increased quite materially, because they said that Cuba had the advantage over Florida in the raising of pineapples; that their season was earlier, and they could get their fruit on the market sooner; there was an advantage in favor of the Cubans in the labor cost, and they said unless the tariff was increased upon pineapples they could not compete with Cuba; so they asked for an increase of the tariff, as I recall it, of over 100 per cent.

Immediately there was a very sharp difference of opinion between the Senators from Florida and the Senators from Maryland in regard to the tariff on pineapples. Maryland, it would seem from the speeches at that time, cans pineapples in large quantities, and wants to get them from Cuba without any tariff. So we had here a difference of opinion between our good friends from Florida, who wanted the tariff on pineapples increased, and our good friends from Maryland, who wanted it taken off entirely. That was all right; it was consistent enough; but it showed that as representatives of their respective States these able and distinguished and honorable Senators were doing the best they could, in a give-and-take policy, to represent their constituents in establishing schedules that would be as fair under the circumstances as could be secured.

The situation was very similar in many other things. The Senators from Colorado and Idaho wanted the tariff upon lead ores increased. The Senators from the Northwestern States wanted the tariff retained upon lumber and upon shingles. The distinguished Senators from California wanted an increase on lemons. By great ability and diplomacy and most excellent management they succeeded in securing what they wanted; but then I am told the Union Pacific Railroad Co. increased the transportation charge on lemons by just the amount which they succeeded in having the tariff upon lemons increased, and they lost the benefit of it.

So I discovered, Mr. President, that under the old method of making tariffs it was a sort of a grab game, in which each community was seeking to get all that it could out of it and to make the best bargain with its neighbors that was possible, and that the result was not satisfactory. The result under such circumstances could not be expected to be satisfactory.

I discovered that this old method of making a tariff was the same which had been followed in making tariff laws for generations, and that in the absence of some better way each Senator considered himself as a trade ambassador to represent his State in driving the best bargain for its people that he could drive.

The State I represent in part was no exception. Our people had some sheep out on its western ranges. They were producing wool, and they thought the tariff should remain on that commodity. The legislature that sent me to that extra session passed a resolution through both houses almost unanimously protesting against the reduction of the tariff on wool—the very legislature that gave me my commission made that sort of a declaration. I could not escape from it, no matter if I thought the tariff on wool ought to be reduced. The people to whom I was indebted for my commission and who sent me here expressed their wish in regard to it, and I felt bound by their instructions and voted against changes in the woolen schedule. This shows the condition of things under the old method of making a tariff. Selfishness, local interests, rise above every other consideration and it was a sort of grab-bag method. The East was trying to get all it could get.

Mr. GALLINGER. And it did.

Mr. CRAWFORD. And it did. The West was doing the best it could; and it did. California did magnificent work, but got cheated out of it afterwards. The Pacific States certainly put up a magnificent fight to retain the tariff on lumber. Our southern brethren wanted free cotton bagging; and I always thought they ought to have it; but they did not get it, though they got free sulphate of ammonia.

A TARIFF COMMISSION.

I do not believe in this reciprocity pact which my friend, for whom I have very great admiration, the Senator from Indiana [Mr. BEVERIDGE], advocates, because I think it is a one-sided affair; but, Mr. President, I do believe in a tariff commission. If President Taft were to call this Sixty-first Congress back into an extraordinary session again, and we should go out as we went out in 1909 to revise the tariff, and should proceed according to the old method of revising, with no testimony, everyone acting for his locality, by the old grab-bag process, I do not believe, after the severe drubbing we have received, after the lesson which experience has taught us, if we should follow the old method that we could make any better tariff bill again than the Payne tariff law of 1909. I think we would get about the same result if we went at it in the old way, because we have no testimony. We were told that over in the other House the

Committee on Ways and Means sat for a number of months and took a lot of testimony, but what was it worth? Who gave that testimony? What kind of people gave it? On one side the importer, who is dealing in imported articles and wanted to get the tariff off entirely. He testified in his own interest, and his wish was to cut it as low as he could possibly cut it. He was an interested party. On the other side was the manufacturer, who wanted to make money in a protected market and wanted to shut out foreign competition, so that he might personally profit by its exclusion. He testified in opposition to the importer and allowed his imagination to carry him to any extent which he thought was necessary to maintain his theory. The testimony came from men governed by the same motives—testimony ex parte, hearsay, and prompted by supreme selfishness. Such testimony is not worth a pinch of snuff. I would not give a penny for a bushel of it.

I remember one day we were working upon the tariff schedules, when all at once a sharp debate arose as to whether the tariff should be increased or reduced on quebracho. I said to myself, "What is quebracho?"

It was a new word to me. I had never heard of it. Whether it was a mineral or a tanning extract I did not know. None of it is produced in my State. I discovered, however, that the two Senators from Virginia were very much in favor of keeping the tariff on quebracho, while the distinguished Senator from Wisconsin wanted it materially reduced. I found out in a little while that it was a tanning extract. I think they get it down in South America somewhere, and the tanners wanted the tariff on it removed. But an equivalent or a substitute for it is made out of chestnut bark from the chestnut trees they grow in the Allegheny and Blue Ridge Mountains, and men in the mountains are earning a living for their families by stripping and selling this chestnut bark for an extract which comes into competition with quebracho. So the Senators representing the Appalachian region were insistent that the tariff should be kept and even increased on quebracho, while the States where great tanneries exist wanted quebracho to come in free.

There you are—a conflict of interest and no testimony. There was absolutely no testimony from which I could ascertain how much less it costs to produce this tanning extract called quebracho than it does to produce the extract from the chestnut bark. I knew nothing as to what the difference is in labor cost, or in transportation or in production. Did anybody else know? Mighty few. Almost everybody was situated just as I was. What could you do with it but make a guess—a guess in the dark, a guess without testimony? It was just so with reference to one item after another. We had no testimony.

Mr. President, my contention is that the only way out of this tariff wilderness is for us—and we would like to preserve some protection for our home market place—to have an efficient and nonpartisan tariff board or commission, with power to investigate each item of the tariff, to put people under oath if necessary; make them produce their books and papers, get to the facts, report the facts to Congress, and make up a book after the style of the Pharmacopœia, which the druggist uses, which will enable us, when an article like quebracho is being considered, to turn over its leaves and find the name of the article and ascertain from experts who have investigated the subject where it is produced, how much it costs to produce it, what is its substitute in the United States, how much it costs to produce that, what the difference is, and what is a reasonable margin to protect our home market.

Reliable and ready information like that furnished when the next revision is made will enable us to vote intelligently in fixing a duty on quebracho and all other articles.

I am in favor of a tariff commission, and we ought to pass the bill now before the Senate; take this bill and put it through here to-night.

Mr. GALLINGER. Let us pass the Lorimer resolution first.

Mr. CRAWFORD. Put them both through if you want to and if you have the votes. I do not know whether you have the votes. I will not vote for your Lorimer resolution, but let us put the tariff commission through. I am satisfied the American people want it.

Some try to make out that the result of the last election was a Democratic victory. I do not believe that, because it was simply due to the dissatisfaction of Republicans over the tariff; yet they believe in protecting our home market. I want to see the tariff-commission bill go through. It will make our party stronger than ever. It will put us on a sounder basis than we have ever been upon before. I wish the Senator from Indiana, instead of chasing after this will o' the wisp, Canadian reciprocity, would remain true and steadfast to his first love and stand by the tariff-commission proposition.

Mr. BEVERIDGE. Mr. President——

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from Indiana?

Mr. CRAWFORD. I do.

Mr. BEVERIDGE. I want to relieve the anxiety of my friend from South Dakota. My being in favor of Canadian reciprocity did not make me abate one iota of the passion I have for the tariff commission, to which I am willing to give all my strength and every effort I can. I should like to see it passed this morning, and would fight to do so.

RECIPROCITY.

Mr. CRAWFORD. Mr. President, I take no stock in this sort of false god they are putting up here for us to worship, called reciprocity, when it is not reciprocity. I think that it is really the worst and most one-sided and unfair proposition that has ever been presented to our people. I will tell you why.

The American farmer is not yet an extinct specimen of the human race. The American farmer is a positive force in the life of this Nation. Every farm home in the woodlands or on the prairies is a recruiting station that is furnishing blood and strength and sinew for all the walks of life and maintaining that stability which is absolutely necessary to keep alive the civilization that we enjoy.

The American farmer raises wheat out in the Northwest. They say that the tariff on wheat does not amount to anything, because we export wheat. It amounts to something in that zone along the border, greater or less in area; it amounts to a great deal there and always has; and we are just approaching a period when it will amount to something all over the United States; and then here comes a proposition to do what? Put it on the free list. For what purpose, pray tell me? They say to make bread cheaper. They keep the tariff on flour, and bread is made out of flour. They take the tariff off of wheat. Who is that going to help? It will not make your loaf of bread a particle cheaper, but it will help the millers over in Minneapolis, in Buffalo, and in the cities along the border, because they will get wheat from Ontario and Winnipeg and Assiniboine and Saskatchewan and British Columbia, and Mr. Hill, with his Great Northern Railroad, will haul it and get the profit out of hauling it, and the millers will grind it. But the Canadian flour can not get in at all. That is a one-sided affair; that is not in the interest of cheaper living at all; it is in the interest of your Millers' Trust and in the interest of your railroads.

Look at this reciprocity schedule, and you will find that biscuits and crackers, sweetened and unsweetened, are on the protected list—articles that are made out of this flour, are secondary products or third-stage products, or whatever they may be. They are on the protected list. The things that your hungry people, your poor people, must buy in these congested centers that are protesting against the high cost of living are put on the protected list. The tariff remains upon their biscuits and their crackers, and yet it is taken off the wheat for the millers. That is not fair.

Take breakfast foods—oatmeal, Cornflakes, Force, Grape Nuts—if there is a monopoly in the United States, it is the monopoly which has control over those breakfast foods which are sold in packages. The manufacture of them is controlled, and a trust dictates the price to the retailer, below which he does not dare to sell, for if he does they take the trade in them away from him.

That is the poor man's food—those breakfast foods—oatmeal and Cornflakes and Force and Grape Nuts. It is the poor man's breakfast, and yet it is left on the protected list, while wheat is put on the free list. Can anyone explain to me why any such a one-sided bill was negotiated; why these people who make Cornflakes and oatmeal and Force and Grape Nuts that the poor man has on his breakfast table should be protected while the wheat and oats that are turned into the flour out of which these articles are manufactured is to come in from Canada free and go into competition with the American farmer? I will not stand for a one-sided bill like that.

There is no justification for it. It can not be successfully defended. It is unfair. Oh, but they say, and no one says it better, more eloquently, than my friend from Indiana [Mr. BEVERIDGE], "We must look at it in a larger relation; we must look at it as the great cementing influence between two nations that speak the same language and as opening up a field for the enlargement of our trade." That is fine talk to indulge in when you are trying to make the American farmer think you have not swindled him, but it is an argument that is never made when they are raising the tariff upon the articles of the manufacturer. They do not indulge in these fine sentiments about extending American trade.

I think it is an absolutely unfair, one-sided proposition, and it is not going to promote this extension of trade and good feel-

ing between our Canadian brethren on the north to make the American farmer absolutely resentful in his heart against a proposal like this.

The other day I had a letter from an old farmer up in my State. In fact, Mr. President, since this so-called reciprocity trade compact has been negotiated I have received letters from a class of my constituents that I never had heard from before. They have not been in the habit of writing letters to Congressmen and Senators. They are not politicians. They do not care who is postmaster or register and receiver of a land office. They are not interested in that. During all the time we were framing up the Payne tariff law these men sent no letters here, but I tell you, Mr. President, that when this Canadian trade pact was put through these men began to write letters. One sturdy old farmer in one of the northern counties in my State wrote me and said, "Who got up this trade pact? Was it an immigration society out in western Canada?"

It seems to me it must have been, because there is one thing dead sure. It will promote emigration into western Canada. It will increase the price of lands in western Canada and it will depress the value of my land and the lands of these pioneers out on the South Dakota prairies, and I do not think it is fair to the men who have opened up this Commonwealth and toiled and sacrificed and made it a success to now depress their values and establish an immigration bureau for western Canada.

Oh, the Senator from South Carolina [Mr. SMITH] made a most stanch and patriotic defense of our great Republican President the other day by saying this was the finest act he ever did. I admire the President and am very fond of him, and I think this is the only real mistake he has made. It is not fair. You let the cattle come in from all over this north country, trooping down across the lines free, and yet these packing products of all kinds are on your protected list. That is not fair. Who gets the benefit of it? The Packers' Trust, the Meat Trust, the Millers' Trust, the Breakfast-food Trust, the Lumber Trust, and the railroads, and the farmer gets the worst of it. The consumer receives no benefit from it. That is my opinion of this trade compact with Canada.

Talk about lumber. We would like to have free lumber in South Dakota. What does this give us? It puts rough boards on the free list. Who buys rough boards? The farmers do not buy them. They buy finished lumber. They buy lumber planed not simply on one side, but on both sides, and grooved, and scantlings and studdings. They are planed or finished. They do not buy rough boards. Who will use rough boards? If any one will use them it will be the mills on this side of the line. They will get the rough boards across the line and finish them. Then the Lumber Trust will sell them to our farmers. Who gets the benefit of this kind of free lumber? It is a fake! The American farmer will not get any benefit, and I do not believe in it. It is a one-sided arrangement. It is not fair or just to the American farmer and it will bring no relief to the man who is complaining about the high cost of living. It may aid the trusts who want to extend their trade and commerce.

They do not even put agricultural implements on the free list. I have offered an amendment, in which I have proposed to put everything that comes in from Canada that is mentioned in the trade compact on the free list. Will you Democrats vote for that? That is fair. If we are going to put the farmers' products on the free list, Canada is not going to complain if we put all the other articles named in the pact that come in from Canada on the free list. Let them send in plows and harrows and agricultural implements from Canada free.

Mr. SMITH of South Carolina. Did not Canada complain?

Mr. CRAWFORD. I do not understand so. Is it not fair to let these things come in here free? Why not have full reciprocity with Canada? I am inclined to think that would be a good thing. At any rate it is wholly unjustifiable to give us this one-sided, unjust pact, in which our farmers are subjected to competition from the farmers in Ontario, and Saskatchewan, and Winnipeg, and Manitoba, and Alberta.

Mr. SMITH of South Carolina. Mr. President——

The PRESIDING OFFICER (Mr. BRIGGS in the chair). Does the Senator from South Dakota yield to the Senator from South Carolina?

Mr. CRAWFORD. Yes.

Mr. SMITH of South Carolina. I am sure the Senator from South Dakota wants to be fair, and I have been informed by pretty good authority that those who formed this compact wanted to put all the secondary articles, such as meat and flour, and so forth, on the free list—the manufactured as well as the raw material—and Canada balked at it. Now, he says he thinks it would be a pretty good thing to have them all on the free list. I think our commissioners offered to put them on the free list and Canada balked.

Mr. CRAWFORD. I do not think Canada objected to having the United States Government remove the tariff on products coming in from Canada to us, but she would not abate the tariff upon articles going from the United States into Canada. We do not ask that. Let us take it off on this side of the line.

You certainly can do that here. If it results, under the favored-nation clause, in having these agricultural implements come in free from all nations, will the Senator from South Carolina complain?

Mr. SMITH of South Carolina. No.

Mr. CRAWFORD. No; certainly not. But if they are going to discriminate against the American farmer and make him go into the protected market to buy his plows, his harrows, his hay rakes, his reapers, and his mowing machines, and everything of the manufactured kind that he has to buy and put everying that he raises and puts on the market on the free list, I will advocate putting these imports from Canada which the farmer uses on the free list.

Mr. GALLINGER. I take the liberty of inquiring of the Senator how much longer he thinks it will take him to complete this interesting speech, which in the beginning he thought he could deliver in 15 minutes?

Mr. CRAWFORD. What time does the Senator from New Hampshire usually get his breakfast?

Mr. GALLINGER. I am thinking of it now.

Mr. CRAWFORD. This early?

Mr. GALLINGER. Yes.

Mr. CRAWFORD. It is pretty early for breakfast.

Mr. BAILEY. I suggest to the Senator from South Dakota that there is a special order for to-day immediately after the Journal is read.

Mr. GALLINGER. That is right.

Mr. BAILEY. If the Senate should continue in session it would not be possible to execute that special order. I do not myself desire that that shall be interfered with, and if the Senator from South Dakota has no objection, I will move that the Senate adjourn.

Mr. CRAWFORD. When am I going to have an opportunity to conclude my remarks?

Mr. BAILEY. If the Senator wants to conclude them, I certainly shall not make a motion to adjourn.

Mr. BEVERIDGE. The Senator would have that opportunity after we vote on the special order if he got the floor.

Mr. BAILEY. If he wants to go on——

Mr. BULKELEY. Let him go on.

Mr. BAILEY. I withdraw the motion, and the Senate will stay here after 12 o'clock.

Mr. CRAWFORD. Until after 12 o'clock?

The VICE PRESIDENT. The Senator from South Dakota has the floor.

Mr. CRAWFORD. I do not understand what negotiations are going on. I have been confined to the floor.

Mr. KEAN. Regular order!

Mr. CRAWFORD. But I want to——

Mr. BULKELEY. Regular order!

The VICE PRESIDENT. The Senator from South Dakota has the floor.

Mr. CRAWFORD. I will yield.

Mr. BAILEY. I insist that the Senator shall complete his address now.

Mr. CRAWFORD. All right.

Mr. President, in reference to barley. Here is barley malt made over in Canada, brought into this country with a duty of 45 cents on every hundred pounds. Barley malt is protected but the barley of the farmers in North and South Dakota and Minnesota and Wisconsin is put on the free list. Can anybody tell me why? Why not bring the barley malt in free?

Oh, they say that it is not fair; that we are asking protection in the Dakotas against New York. Well, have we not a right to something out of this protection business? If we have not, let us do away with it. Here are these hardy pioneers, who went out among the blizzards, upon those prairies, and struggled with bunch grass, breaking up the tough sod, living in sod houses, and plowing up a few acres each year and planting out their little crop of flax and taxing themselves to build schoolhouses and pay teachers' salaries and educate their children in the country schools, and I have seen them during the last 30 years in the Dakotas build magnificent States; they have done it and they have done it in the States all around us.

One of our most important crops in North Dakota and in a large number of counties in South Dakota is barley. We raise

it. The Minneapolis brewers buy it. The Milwaukee brewers buy it. The Buffalo brewers have to buy it because there is a tariff upon the barley that comes in from the other side of the Niagara River, and they have to buy our barley. They tried two years ago to have the tariff taken off of it so that they could buy their barley from Ontario farmers. They did not succeed.

Now, they want this 30 cents a bushel taken off, and then your brewers and maltsters in Buffalo and in Rochester and in the other cities of western New York will buy their barley from the farmers in Canada because they are nearer the barley fields of Ontario, and they will not buy the barley from Dakota farmers.

They have a right to continue in the business and not be subjected to this competition just as much as these factories, these paper mills, these woolen mills, these cotton mills. All the manufacturers on this side of the line are claiming protection for the purpose of paying better wages, and all that sort of thing, and they are going to have it. Now, they take the tariff off from barley to help these brewers, and they leave it on barley malt because they do not want that product to come from Canada over here to compete with them. So you have your brewer trust, your lumber trust, your packers' trust, your breakfast-food trust, your millers' trust, and your railroad interest that wants to haul these cereals. You have got them all into a combination here to do what? To enrich themselves at the expense of the American farmer and give the benefit to them, but not to reduce the prices one single penny to the American farmer on the things which he must buy.

I say I have here letters from my constituents, men who have not been in the habit of writing upon this subject before. Here is one from Mr. G. B. Walters, a farmer at Selby, S. Dak.

He goes on to say that he wonders if an immigration bureau in western Canada did not propose this trade agreement.

Another letter is from W. R. Eastman, of Chamberlain, in my State, who says:

> I am opposed to the Canadian reciprocity treaty. It does not deal fairly by all classes.

Here is another from a farmer in my State, Mr. H. P. Walsh, of Sioux Falls, S. Dak., who says:

> In regard to the treaty with Canada I think it is very bad for the farmers. In Mr. Hill's speech in Chicago he says that the treaty with Canada would not and could not affect the price of wheat, as we have to compete with the markets of the world. Mr. Hill—does he forget the speeches that he has been making for the last two years, where he says that the farmers of the Northwest would have to improve their method of farming, or they would not be able to feed the people of the United States at the rate they are increasing? In other words, just at the moment that the farmers of the United States could derive some benefit from the existing tariff Mr. Taft would have it removed. This would be an insult to the farmers; still, would make Mr. Hill millions could the tariff be removed by hauling Canadian wheat into Minneapolis.

Now, that is a good honest farmer who is living next to the soil, who has opened up his farm and is raising crops upon it. Men like that are entitled to consideration when we are proposing, at the suggestion of Mr. Hill, to take the tariff off of his product and put him in competition with the farmers of Canada.

Here is another. This is from Hamburg, S. Dak., February 9, addressed to me:

> Allow us to make this statement in regard to proposed reciprocity: Seemingly we all like to be protected, though only our own production. The other party's industry may see how it comes along. High living prices without doubt point to speculative manipulation in farm products, as far as they are concerned. Our wheat and barley products, which are marketed two-thirds to three-fourths in September to November around 50 cents and 70 cents, later in the season when on the other side of the mill and big elevator, get well up, but have passed the producer. Beef sold in cities averaging twelve and fifteen is sold by the producer here at two and a half and three and a half. Pork is up until we have a new supply. Butter and eggs product down one-half. Reason evident. While labor, tax, mode of production, supplies keep fairly pace with principle of protection, though for the sake of that principle we are asked to let our protection drop.
>
> Now, is there anything in the line of tariff protection from the soft warm wool to the hard cold steel that the farmer, living as he does in this latitude, could get along without and so shirk his end of the burden?
>
> And now only one season with only local drought has swept these States, and another more general, and where is our imaginary prosperity? To reason, luxury and exaggerated high fly are poor signs of prosperity. Deterioration by either crop failure or legislation for this country spells exodus, impetus to the city and to Canada.
>
> Yours, truly, JOHN MOSS.

That is a good substantial farmer, a Scandinavian, a respected citizen in my State.

Here is another, a friend of mine, an actual farmer, Mr. Edward F. Beganeika. He says:

> I come to you in an humble way and ask you to try and put your power against the reciprocity treaty between the United States and Canada, for it would fail to do any good to the farmers of the Northwest.

That is all about that. The rest of the letter is about something else.

Here is another from Mr. N. H. Kent, a farmer in my State, who says to me:

> How do you like the President's position on Canadian reciprocity bill? He thinks all cereals should be admitted free of duty, but holds that manufactures should have duty about as high as they now enjoy. I suppose he is influenced somewhat, because his own State is more interested in manufactories than it is in agriculture. If it is good to help the Canadian farmer by admitting his wheat and other products free of duty, why not give their manufacturers the same good?
>
> The motive back of the whole thing is the interest of our manufacturers. They want cheaper food for their labor and conclude the way to get it is to admit Canada's agricultural products free. It is shown by a careful investigation of the cost of production that the average price of wheat is not equal to the cost of producing it.
>
> Now, on this showing is it right or just to force the American farmer to a lower price? Again, see what an impetus the additional price would be to the Canadians. Their wheat lands are very much cheaper than ours are. Hence the very material difference in the cost of production to them. There may come a time in the distant future when the difference in the cost of production will not be so great as now. It will then be soon enough to come to their rescue by lowering the duties on their cereals.
>
> This notion of sympathy—

Will the Senator from Indiana take notice of this? It is a farmer writing this letter—

> This notion of sympathy that the manufacturers are trying to work up as between the two countries is all nonsense.

This is a plain substantial honest tiller of the soil, who has opened up his home and is living upon his farm and raising products, and he says it is nonsense.

These farmers of the Northwest who are writing in their simple, honest, homely fashion here protesting against this trade compact, which means so much to them, have a right to be heard; and in their way they can state it as effectively and as eloquently as it can possibly be presented, and I am going to give them a hearing. This old friend of mine says:

> This notion of sympathy that the manufacturers are trying to make up as between the two countries is all nonsense. We have our own interests to care for just as Canada has, and let us see that they are cared for. We have succeeded as a Nation by keeping up our own interests and letting other people do the same. Why not continue in the good work? The farmers are not ready to take the duty off their products yet.
>
> Why should they not be permited to choose the time of the removal of the duty and not permit the manufacturers to choose for them? Treat all interests alike.
>
> Yours, N. H. KENT.

Mr. President, I shall have something further to say upon the subject of reciprocity and in behalf of these farmers, and in connection with this resolution possibly, but I understand that the Senator from Kansas [Mr. BRISTOW] desires to be heard, and as the Senate has patiently indulged me for several hours I will yield the floor to the Senator from Kansas.

Mr. BRISTOW. Mr. President, I have refrained from any extensive discussion of this case because it has been very elaborately and ably discussed; but it seems that further discussion has become necessary.

I was very much interested in the address of the junior Senator from South Dakota [Mr. CRAWFORD], but I noticed that there were some of the witnesses upon whose testimony he did not elaborately comment. That being the case, I feel that since I am to discuss it I possibly should take up the part of the evidence which it seems to me he has not dealt with as extensively as he might.

I will begin with commenting upon the testimony of Mr. White, and in order that the Senate may understand the full nature of it I shall read extracts from it and comment on the extracts. White has been depicted here as a very bad man. The character of White seems to be one subject in this controversy upon which there is no difference of opinion. He has not found any defender, and all have universally condemned him. His defense has been lacking; his evidence has been questioned and declared worthless by some Senators who have discussed the subject; others have pronounced it as strong and conclusive, because of the corroborating evidence which supports it. Since he was the leading witness, it seems to me White's testimony should be incorporated, or at least a large part of it should be incorporated, in the record. Mr. Austrian seemed to be an attorney who represented the Chicago Tribune, and was a very important factor in this case; indeed, I think more important than he should have been. Without desiring in any way to criticize any members of the committee, I would differ with them somewhat as to the methods of investigation that I should have favored had I been a member of the committee. I would not presume to say that the methods which I would have suggested or endeavored to have followed would have been better, but they would have been more in harmony with my judgment; and since I am to discuss the case I feel that the Senate ought to have the benefit of my judgment, of little value as it may be.

Instead of Mr. Austrian having charge practically of this investigation, it seems to me that the committee should have

utilized him to the best advantage that they could and taken a more aggressive part in seeking the evidence themselves. It seems to me that instead of depending upon the attorney for the Chicago Tribune, who was one of the agencies in securing information here, as much as they did, it would have contributed more to the satisfactory investigation of the case if the committee had itself followed up all of the leads, had taken charge of Mr. Austrian and directed him more, and left him to direct the committee less as to the character of the investigation.

Mr. White was sworn, and the first question put to him was this:

Q. Mr. White, will you state to the committee your name, age, residence, and occupation?—A. My name is Charles A. White; my residence O'Fallon, Ill.; my age is 29 years.

That was the first interesting thing to me that I observed in this testimony; that this man White, who has created such a furor in the politics of Illinois and of the Nation, should have been so young a man—but 29 years old. I expected from what I had heard of White before I had read the testimony that he was a man of mature years, but it seems he was young. That may account to some extent for his character. He came into this whirlpool of political corruption which seems to infest the Illinois Legislature at somewhat tender years, and as a result to have imbibed all the vices with which he came in contact, and he seems to have retained none of the virtues that he certainly must have had in his youth. So he starts out on this political career, which has been somewhat spectacular and not altogether commendable, at the age of 29.

Q. What is your business?—A. I am not occupied at anything at the present time.
Q. Are you a member of the Forty-sixth General Assembly of the State of Illinois?—A. Yes, sir.
Q. When were you elected?—A. November 3, 1908.
Q. Prior to your election what was your business?—A. I was conductor on the street railway—interurban railway.
Senator BURROWS. Speak a little louder, please.

That is another thing that attracted my attention. I would like if some member of the committee, if he can, would give me some information in regard to that feature of this testimony. Senators who have read it will observe that on almost every page of the testimony of every witness Senator BURROWS, or some other Senator who was on this committee, continually called upon the witness to speak louder.

Why was it, let me inquire of some member of the subcommittee—and I see that I am honored with the presence of one of them to-night—why was it that the committee had to continually urge the witness to speak louder?

Mr. BULKELEY. Their voices seemed to be lacking; that is all.

Mr. BRISTOW. That was a very interesting feature of this investigation, and I observe it was true all the way through. I wondered if it was the qualities of the voices of these witnesses or whether it was the acoustic properties of the building in which the investigation was held.

Mr. BULKELEY. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Connecticut?

Mr. BRISTOW. Certainly.

Mr. BULKELEY. The Senator asks a question, and I will say to him that it was a very general habit of the witnesses that were questioned in the first place by the attorney to whom the Senator refers to address their remarks to the questioner rather than to the committee, and consequently they were often reminded by the chairman of the committee that it was desirable that they should speak a little louder, so that the committee could hear as well as the attorney.

Mr. BRISTOW. Of course, I can realize that it is quite important that the committee should hear the witnesses. I thought possibly that the habit that these men—not all of them—the witnesses against Mr. LORIMER and for Mr. LORIMER, were afflicted with the same undertone in their testimony——

Mr. BULKELEY. I do not think there was any witness for Mr. LORIMER introduced at all. I think they were all introduced, if I remember correctly, by Mr. Austrian.

Mr. BRISTOW. Yes; that may be true; but, in fact, there were a number of witnesses who were very decidedly for Mr. LORIMER in their testimony.

Mr. BULKELEY. Yes; the testimony might have been in his favor; that is very true.

Mr. BRISTOW. Their bent and tone and the character and nature of the testimony was such that it was clearly manifest that they were really Lorimer witnesses, although they may have been called by the Chicago Tribune's attorney.

Mr. BULKELEY. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas further yield?

Mr. BRISTOW. Oh, certainly.

Mr. BULKELEY. I would like to state, in connection with the first remarks of the Senator rather criticizing the committee for the course of their investigation and allowing this attorney to take so active a part in it, that this matter was called to the attention of the Senate by a memorial from the Voters' League, and, as I recollect, almost the first request before the committee was a request from the representatives of the Voters' League, who stated that they had no attorney, for the committee to allow Mr. Austrian to represent them. That is the way he happened to be conducting the investigation.

Mr. BRISTOW. I am very much obliged to the Senator, and am glad to have the information.

Mr. BULKELEY. I think the Senator will find that to be true if he will read the report of the committee in the early part of it.

Mr. BRISTOW. Yes; I have read it.

Mr. BULKELEY. But the Senator neglected to state that, and rather represented that the committee did it.

Mr. BRISTOW. The beginning of this investigation, as I remember, was a statement of a gentleman by the name of Barnes, who, I think, through the senior Senator from Illinois [Mr. CULLOM], filed in this Senate a very voluminous document. That was the origin of this investigation, and that is incorporated in the report, with some very extensive addresses from the attorneys as to what scope the investigation should take.

Mr. BULKELEY. I think the Senator will find, also, in the early part of the report a request of this same representative of the Voters' League that this attorney should be allowed to represent them as the original suggestor of this investigation.

Mr. BRISTOW. That is true. I remember that very distinctly.

Now, to get back to the matter of the frequent requests of the committee to witnesses to speak louder, I thought it possible that the habits of their lives had been such as caused them to speak in undertones. All of the conversations seemed to be in a low tone of voice, and that of itself is suspicious. From the very beginning of this volume there are suspicions that grow on a man's mind. The fact that the witnesses speak so low and indistinctly that they can not be heard and have to be continually urged to talk louder is significant.

Senator BURROWS. Speak a little louder, please.
A. Yes, sir.
Q. Whereabouts?—A. At East St. Louis, Ill.; I was with the company that operated at East St. Louis.
Q. Any other occupation immediately prior to your election to the forty-sixth general assembly?—A. No, sir.
Q. Were you ever employed by the labor bodies to be at Springfield, Ill.?—A. Yes, sir.
Q. Springfield is the place in Illinois where the legislature meets, is it not?—A. Yes, sir.
Q. What time did you spend in Springfield, Ill., and doing what?—A. I was there during the session of 1907; I was State legislative representative of the Street Electric Railway Employees of Illinois.
Q. After you had been elected, you were elected as a member of the house, were you not?—A. Yes, sir.
Q. There being two bodies, the house and the senate?—A. The house and the senate; yes.
Q. State to the committee how many members there are in the houses—how many in the senate.—A. One hundred and fifty-three members of the house and 51 in the senate.
Q. After you were elected as a member of the house, did you become acquainted with Lee O'Neil Browne?—A. Yes, sir.

If I remember aright, this is the first place that the name of Lee O'Neil Browne appears in the record, and since I will be required to discuss the record at some length it seems to me that it is necessary to explain just who Lee O'Neil Browne is, and to understand the relations between White and Lee O'Neil Browne. I will read on a little through the record, and it will probably disclose the matter more clearly than I could explain it:

Q. Who was Lee O'Neil Browne?—A. He was the minority leader in the forty-sixth general assembly of the house.

And since the Legislature of Illinois is Republican, Mr. Lee O'Neil Browne was the Democratic leader.

Q. On what side?—A. The Democratic side.
Q. Were you a Republican or a Democrat?—A. Democrat.
Q. What, if any, communication did you have with Lee O'Neil Browne immediately after or shortly after your election to the forty-sixth general assembly?—A. Well, there were a number of communications; the first one, I believe, was congratulating me upon my election and notifying me that he was a candidate for minority leader. I think that was the first one, if I am not mistaken.
Q. That was on or about the 7th of November, was it not, 1908?

That was a natural thing, was it not? Here was a Democratic member elect, and the first communication that he had with Lee O'Neil Browne was one conveying congratulations. That is not unusual. Senators here will remember, possibly from experience, that when there is a candidate nominated or elected in the legislative districts, the first communication that they receive from aspirants for legislative honors is a message of congratulation. The purpose of that, I infer, is to put the new member in pleasant and cordial relation by the letter.

If Mr. White was as bright a man as he ought to have been and as he must have been, he should have known when he received the first letter of congratulation that there was something else coming after it, and he should have been put on his guard in regard to Mr. Browne. If he had, it might have saved him a great deal of trouble and the United States Senate a great deal of time.

Q. What, if any, communication did you have with Lee O'Neil Browne immediately after or shortly after your election to the forty-sixth general assembly?—A. Well, there were a number of communications; the first one, I believe, was congratulating me upon my election.

Do you not think that that is a truthful statement? Do you not believe him when he says the first letter he received from Browne was a letter of congratulation, and the next:

And notifying me that he was a candidate for minority leader. I think that was the first one, if I am not mistaken.

Congratulations, and then he noticed that Browne was a candidate for minority leader. I believe that is the truth.

Q. That was on or about the 7th of November, was it not, 1908?—A. Yes, sir; if I remember correctly.

Q. When did the house convene in 1909? The forty-sixth general assembly, as you recall it?—A. On January 6.

Q. (Showing witness paper.) Will you look at the letter which I now hand you and tell me if that is the communication that you refer to?—A. This is one of them; yes, sir. I would not be positive about it being the first; I think it is though.

Mr. AUSTRIAN (handing letter to Judge Haney). I will show you these two at the same time.

Judge HANECY. What is this, anything except to show——

Mr. AUSTRIAN. To show his efforts to get his support for minority leader.

Judge HANECY. Nothing special in it.

Mr. AUSTRIAN. That is the same thing.

Judge HANECY. How are those material?

Mr. AUSTRIAN. It would show the relation of the parties.

Judge HANECY. Mr. Browne is not a party here.

Mr. AUSTRIAN. When I said the relation of the parties I referred to the relations of Mr. Browne, the man charged with having bribed this member of the legislature. I want to show the relations of the two members of the house, one a Democratic minority leader and the other a member of the house.

That was a very proper thing to show in the beginning.

Judge HANECY. They are both members of the house.

Mr. AUSTRIAN. We know that.

Judge HANECY. I didn't know, the way you stated it.

Mr. AUSTRIAN. One a Democratic minority leader and the other a member of the house.

Judge HANECY. I do not know what materiality there is in this, Mr. Chairman and gentlemen.

Mr. AUSTRIAN. Simply to show the relations of the parties; that is all.

Now, of course, I am not competent to criticize these attorneys, but it seems to me that these two lawyers took up a good deal of space here and did not give much information. I have been reading this five minutes or more, narrating the efforts that these two distinguished lawyers were making to ascertain whether or not these two men were members of the Illinois Legislature, and all the way through this testimony you will observe that, day after day, these men put in a great deal of superfluous talk in their efforts to establish what everybody knew. That may be the legal method; it may be necessary to do that in order to conform to the legal requirements. But it seems to me the committee ought to have cut out that—to use a familiar phrase—to have required them to talk less at random and more to the point. Indeed, that is a suggestion which possibly the Senate itself might profit somewhat by and possibly will in the years to come.

Continue the testimony:

Mr. AUSTRIAN. Simply to show the relations of the parties, that is all.

Senator BURROWS. Between whom?

Mr. AUSTRIAN. Between Mr. Browne and Mr. White. The Senate Committee on Privileges and Elections have held that it is perfectly competent, that you can even show bribery in the caucus.

Judge HANECY. That is not the question I am raising. When you get to the bribery, that is another question. This is a lot of stuff which, I assume, does not show that nor tend to.

Mr. AUSTRIAN. It tends to show that this man was the minority leader, and the witness in the chair became one of his supporters at that time.

Judge HANECY. He says he was the minority leader; we will admit that, and we will admit that he was a candidate for that position. I have not read the letters, and do not know what is in them. One of them has 3 pages and the other 2 pages each.

I should like to know what was the use of that question. That is another one of those superfluous and useless questions that are injected in here which elicits no information.

Mr. BULKELEY. What was the question?

Mr. BRISTOW. I will read it again:

Judge HANECY. He says he was the minority leader; we will admit that, and we will admit that he was a candidate for that position. I have not read the letters, and do not know what is in them. One of them has 3 pages and the other 2 pages each.

Mr. BULKELEY. There was no question about that.

Mr. BRISTOW. No. I think that was merely a suggestion.

Mr. BULKELEY. That is all.

Mr. BRISTOW. I guess that is right.

Mr. AUSTRIAN. They simply show the solicitation of the witness, White, to support him in his minority leadership candidacy.

Now, you know we have been going through a page, and this is the conclusion of all this stuff, which was clearly manifest in the very first answer of White, that he received these letters. One was a congratulation, followed by solicitation for his support.

Senator BURROWS. Mr. Austrian, the witness has already stated that Mr. Browne was the minority leader. These communications shed no additional light on it.

I think that is a very just rebuke of these lawyers who indulged in a great deal of superfluous talk, and I want to congratulate the committee, because in the reading of this testimony I may not have a great many occasions to congratulate them, and I want to do so when opportunity affords, and I want to commend the chairman of the committee for his efforts to suppress as much of this superfluous conversation as he possibly could.

Mr. AUSTRIAN. I will let the witness state the fact in lieu of the letters if you desire, but counsel may object because it is expressed in the letters.

Judge HANECY. I will admit that Mr. White did not know Mr. Browne, and that Mr. Browne did not know Mr. White, until they were elected to that session of the legislature.

If I remember rightly, he made an admission there that was not justified, for this evidence as it is followed up as I remember does show that they were acquainted, that they had met in the former legislature when White was there as a representative of the labor organization. So that Mr. Hanecy in this case admitted something that was not correct.

Q. Were you solicited by Mr. Browne to support him for minority leader of the house as early as November, 1908?—A. I think I was; yes, sir.

We knew that at the beginning.

Q. Did you have frequent or a number of meetings with Mr. Browne, together with other Democratic members of the house, looking to his election as minority leader?—A. Yes, sir.

Q. In or about the month of January, 1909?—A. Yes, sir.

Q. Were you one of his supporters in that election?—A. Yes, sir.

Q. Or candidacy?—A. Yes, sir.

I can not understand the use of that question, either.

Q. Did you at any time have any talk with Lee O'Neil Browne, the same Browne I heretofore referred to, with reference to voting for WILLIAM LORIMER for the United States Senator?—A. Yes, sir.

Q. When did you have the first talk?—A. On the night of May 24, 1909.

Senator BURROWS. Witness, it is utterly impossible to hear anything you say.

There it is again.

The WITNESS. On the night of May 24, 1909.

Q. Whereabouts?—A. In his room in the St. Nicholas Hotel, Springfield, Ill.

Q. Had you been at Springfield and had Mr. Browne been at Springfield since the opening of that session the greater portion of the time?—A. Yes, sir; on legislative days.

Q. During the days they voted for United States Senator?—A. Yes, sir.

Q. Who was the Democratic candidate for United States Senator?—A. Lawrence B. Stringer.

Q. Prior to your talk with Browne had you or Browne voted for a Republican for United States Senator?—A. I had not; no, sir.

Q. Had Browne, so far as you know?—A. Not to my knowledge.

Q. You say you had a talk with Mr. Browne on the night of the 25th of May?—A. On the night of the 24th of May.

Q. Where and at what time?—A. Well, I couldn't state exactly the time when——

Q. (interrupting). Approximately, in the evening, or night, or in the morning?—A. It was in the night, possibly between 10 and 2; I couldn't state exactly what time.

Q. Between your first acquaintance with Mr. Browne, in November or December, 1908, and this May 24, 1909, had you become well acquainted with Mr. Browne?—A. Yes, sir.

Q. Had you seen him both in and out of the House a great deal?—A. Yes, sir.

Q. Will you tell the committee, if you please, what conversation you had with Mr. Browne on this night of May 24, 1909?—A. Mr. Browne asked me if I could vote for a Republican, and I told him that I could. He asked me if I could vote for Mr. LORIMER, and I told him that I could. He told me that was strictly "under my hat;" to say nothing to anyone about it. I told him all right; I would keep it quiet. I asked Mr. Browne if certain other members were going to vote for him, and he said some would and some would not. Mr. Browne told me he wanted me to keep it strictly "under my hat." He said it would not be any chicken feed, either. That is about the substance of the conversation that night; that is about the substance of the conversation. There might have been something more he said.

That to my mind has evidences of truth in it, because it is the natural form of expression which men of the habits and life of White would use—"keep it under his hat." That is the language of men of his character, and that it would not be chicken feed—that is, would not be any small stuff.

Q. The general assembly had been voting in joint sessions for United States Senator since January 19 or 20, 1909, hadn't they?—A. Yes, sir.

Q. When you asked him whether or not certain Democrat members were going to vote for LORIMER, did you call off the names of the members of the house, or some of the names of the members of the house?—A. I did.

Q. Will you state to the committee what names you called off and what reply Mr. Browne made to your inquiry?—A. I don't know that I can call them all off now exactly, but I remember asking him about some members. The minority was split into two factions at that time, known as the Tibbitt faction and the Browne faction.

I have often wondered, in reading and thinking about this testimony, if the Tibbitt faction was as rotten as the Browne faction, and how many of the votes of the Tibbitt faction did Mr. LORIMER secure? Were any of these alleged bribe votes members of the Tibbitt faction? As I remember, there is no evidence which shows that any financial dealings were had with Tibbitt. But it seems that Browne gathered under his wing the corrupt element of the Democratic side of the legislature, and—possibly I may be mistaken in this—these men who rather revolted against such a leadership as Browne's were attached to the other faction.

Q. Will you state to the committee what names you called off and what reply Mr. Browne made to your inquiry?—A. I don't know that I can call them all off now exactly, but I remember asking him about some members. The minority was split into two factions at that time, known as the Tibbitt faction and the Browne faction.

Q. They were both Democratic factions?—A. Yes, sir.

Q. You called off the names of some members and to some he answered "Yes" and to others "No?"—A. Yes, sir.

Q. Did you have any subsequent talk with him, prior to the time of the election of Mr. LORIMER, on the 26th?—A. I had a talk with him on the afternoon of May 25.

Q. Mr. LORIMER was elected May 26?—A. Yes, sir.

Q. What talk did you have with Mr. Browne on May 25, 1909?—A. I went to his room and asked him—he requested me to come to his room before I went there, and I had sent word—I didn't send word, I spoke to Mr. Giblin, his stenographer, and asked Mr. Giblin what there was in it, and he told me it looked pretty good to him, and he went to Mr. Browne——

Judge HANECY. I object to the conversation with somebody else in relation to this.

Mr. AUSTRIAN. This is not important, this particular conversation. I will withdraw it.

Now, I should like to know what good it does to withdraw it when you still leave it in the book. If all of this testimony that was decided to be useless and which permission was asked to withdraw had been withdrawn, our labors would have been greatly reduced, because the volume would not have been more than two-thirds as large as it is.

So, when he asked to withdraw it, it seems to me that he ought to have done as we do here in the CONGRESSIONAL RECORD—cut it out. But here it is, withdrawn, but not withdrawn, and the reading of this testimony and the studying of it gives one somewhat an insight into the trial of cases. A lawyer will ask a question, which is an improper question. The question attracts the minds of the jury to an idea. The opposing attorney objects, and it is immediately withdrawn. Through the laborious trial the minds of the jurors become somewhat confused, so that they do not discriminate between that which they have heard and that which they have been told not to believe, which is withdrawn, and that which they have heard they are expected to credit:

Judge HANECY. I ask that it be stricken from the record.

Senator BURROWS. It will go out of the record—what Mr. Giblin said.

Q. Mr. White, you remember of seeing Mr. Browne, do you?—A. Yes, sir.

The Senator said it would be cut out of the record, but it was not. It seems to me that this record ought to have been edited. For several minutes I have been reading a lot of stuff here that the chairman of the committee ordered cut out. It was not cut out. It is here. If I may be permitted, I will say that I think a great deal that was ordered cut out was material which ought not to have been cut out; so probably it is better for the illumination of the transactions that occurred at Springfield that this record was left as complete as it is, although it seems to have been contrary to the wishes and purposes of the chairman of the committee in many instances.

Q. Mr. White, you remember of seeing Mr. Browne, do you?—A. Yes, sir.

Q. Where?—A. In his room.

Q. On May 25?—A. Yes, sir.

Q. This was the second talk on this subject you had with them?—A. Yes, sir.

Q. Mr. White, did you vote for Mr. LORIMER on May 25?

Senator BURROWS. Where was his room?—A. At the St. Nicholas Hotel in Springfield.

Q. The conversation was in the St. Nicholas Hotel at Springfield, was it not?—A. Yes, sir.

Q. In Mr. Browne's room?—A. Yes, sir.

Q. Mr. White, when did you first vote for Mr. LORIMER for United States Senator?—A. May 26, 1909.

Q. Was that the only time you ever did vote for Mr. LORIMER?—A. Yes, sir.

Q. And that was the time that Mr. LORIMER received 108 votes, was it not?—A. Yes, sir.

Q. And was declared elected to the United States Senate? [No answer.]

Q. This talk with Mr. Browne on May 25, 1909—will you kindly detail to the committee what that talk was?—A. I asked Mr. Browne what I was to receive for voting for Mr. LORIMER; how much I was to get, and he replied by saying, "You are not afraid to trust that to me, are you, old boy?" I told him that I was not afraid to trust it to him, but I would like to know. He says, "You will get $1,000 and it is ready cash, too." He implored me to keep it quiet. He told me he was damned suspicious (I use his exact language) of a little place above called "Joliet."

Now I wonder what that was. That is one thing I could not understand in this testimony. What was the little place above called Joliet? I know there is a city in Illinois named Joliet; but how could Browne be suspicious of Joliet when he was at Springfield?

Mr. BULKELEY. The State penitentiary is there. That is the reason.

Mr. BRISTOW. Oh, I do not blame Browne. I see now; he had that in mind. That is right. That is a good suggestion. It shows that these visions concerning which the Senator from South Dakota [Mr. CRAWFORD] has been talking to us to-night were pursuing Mr. Browne even then when the negotiations were in progress. He wanted this kept under the hat. He was suspicious of "a little place above called Joliet." He did not want this information to get out, because it might land him in the penitentiary at Joliet. I see now. I am very much obliged to the Senator for the explanation.

I told him I would keep it quiet.

Now, that is one promise he kept for awhile, but he afterwards violated it.

He asked me to talk to no one about it. Then I asked him how much we were to get from the other source, and he says, "You will get about that much or a little more."

He overestimated how much the jack pot would bring in, because, if I remember the testimony aright, he got only about $900 out of the jack pot.

Judge HANECY. I object to that.

Of course, the judge would object to that, because that is very interesting and valuable testimony.

That will be the principal purpose of this prosecution to bring in other matters and slime this proceeding over with something that members of the legislature said in relation to other matters—a jack pot, etc., and I object to their going in and trying the other members of the legislature, or the members of the legislature generally, for misconduct in this proceeding.

I notice all through the testimony that Judge Hanecy tried to keep out of the record all testimony relating to the jack pot. It seemed that the evidence in regard to the jack pot was so conclusive that it could not be disputed, and the connection between the two funds, the jack-pot fund and the Lorimer fund, was so close that I can see the skill of the judge in his efforts to bar all evidence relating to the jack pot, because all through the testimony disclosed that; the one corroborated and supported the other. They were two pillars of an arch, both necessary to support the structure.

I ask the pardon of the Senate for reading so slowly, because I can not comment as I would like to do and make any more rapid progress. While it may take some time to get through the entire testimony, nevertheless I hope to make it as complete as possible, and where any of it appears to be somewhat uncertain or hazy to amplify it and make it plain.

That was the purpose.

Now Mr. Austrian, after Judge Hanecy's objection to this——

Mr. OWEN. Mr. President——

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from Kansas yield to the Senator from Oklahoma?

Mr. BRISTOW. I do.

Mr. OWEN. I rise to a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. OWEN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Oklahoma suggests the absence of a quorum, and the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bailey	Crane	Kean	Simmons
Bankhead	Curtis	Lorimer	Smith, Md.
Borah	Dick	McCumber	Smith, Mich.
Bradley	Dillingham	Martin	Smoot
Brandegee	Dixon	Nixon	Stephenson
Briggs	du Pont	Oliver	Stone
Bristow	Fletcher	Owen	Swanson
Bulkeley	Flint	Page	Taylor
Burkett	Gallinger	Paynter	Thornton
Burnham	Gamble	Penrose	Warner
Burrows	Guggenheim	Percy	Warren
Carter	Heyburn	Perkins	Wetmore
Chamberlain	Johnston	Piles	Young
Clark, Wyo.	Jones	Shively	

The PRESIDING OFFICER. Fifty-five Senators having answered to their names, a quorum of the Senate is present. The Senator from Kansas will proceed.

Mr. BRISTOW (reading):

Judge HANECY. The purpose is to put it before this committee and it has nothing to do with the Senatorship.

That is, information as to the jack pot.

Mr. AUSTRIAN. If I am permitted to state the purpose I will be pleased to——

Mr. FLINT. I hope the Senator from Kansas will have the attention of the Senate.

The PRESIDING OFFICER. Did the Senator from California desire to ask me a question?

Mr. FLINT. No; I suggested to have order so that we could hear the Senator.

Mr. BRISTOW. I will try to speak loud enough. My complaint of the disorder does not indicate that I had desired that any Senator should leave the room. I would very much prefer, of course, that they stay because I am reading the testimony.

I fear that a great many Senators, busy as they are with the crowding duties in the closing days of the short session, have not had an opportunity to read this testimony. I think that every Senator here ought to hear it if he has not read it before he casts his vote upon this most important question. So I voluntarily hope to relieve——

Mr. KEAN. May I ask the Senator a question?

Mr. BRISTOW. Certainly.

Mr. KEAN. The Senator says we ought to read the testimony or hear it read before we cast our votes. At what time would the Senator like to have us vote?

Mr. BRISTOW. Oh, I will leave that to the pleasure of the Senate.

Mr. KEAN. The Senator does not seem to want to give any one an opportunity to vote.

Mr. BRISTOW. But the Senator from New Jersey certainly does not want to vote before he has heard the testimony?

Mr. KEAN. But I have read the testimony.

Mr. BRISTOW. Has the Senator read it all?

Mr. KEAN. Yes; all.

Mr. BRISTOW. I think that it would be profitable to the Senator from New Jersey to hear it a second time.

Mr. KEAN. I shall listen to the Senator.

Mr. BRISTOW. Of course, in reading this testimony, I expect to illuminate some features of it. I hope the Senator from New Jersey will not feel that these efforts of mine are wholly in vain.

Mr. AUSTRIAN. If I am permitted to state the purpose, I will be pleased to. The evidence will disclose that there were certain Democratic members of the house and senate that entered into a combination in respect to this so-called bribery matter, that is the purpose of it. A senate committee held it was proper in the Clark case.

I wondered if there were any Republican members of that legislature who were bribed. As I remember the evidence, all of the members who are alleged to have been influenced in their votes by the promise of money were Democrats. I have wondered if there was any corruption as far as the senatorial election was concerned on the Republican side. It seems to me that the committee—and I do not want to offer this as a criticism, but merely as a suggestion—has failed in its duty in not undertaking to investigate the Republican members of the legislature with that degree of vigilance they seem to have exercised or that seems to have been exercised in bringing out the facts as to the Democratic members.

But that difficulty could not lie with this committee, because the committee was composed of both Democratic and Republican members. Still all the corruption seems to have been developed on the Democratic side, and I wonder if the Democratic members of the committee or the subcommittee were as vigilant as they should have been in the pursuit of the investigation of the members of the opposing party. However, be that as it may, I am digressing, and I think the testimony is more useful than these side observations.

Judge Hanecy must have been a great orator in a way, because he makes the longest speeches in arguing this question as to the purpose of bringing out information as to this jackpot fund. He said:

Judge HANECY. There is no system here, notwithstanding the remarks of brother Austrian about a "jack pot." I submit that it is unnecessary, because a man is charged with taking a bribe of a thousand dollars for voting for another man for United States Senator to prove that the man committed some other offense.

I disagree with him there, for if that man was accustomed to accepting bribes, if it clearly appeared that he did accept a bribe for some other cause or for some other purpose, would not any evidence tending to show that he had accepted a bribe for the purpose of influencing his vote for United States Senator—would not the fact that he had been bribed to vote on other things be material in enabling anyone to weigh the probability of his having accepted that money? So, I think, Judge Hanecy was wrong in that statement.

For instance, that he set fire to somebody's building or his own building for the purpose of defrauding some insurance company or committed murder or some other offense.

That is true, but they were not trying to show that this man had killed anybody or committed any murder. What they were endeavoring to do was to show that he had accepted bribes from the same men during the same time for other purposes as well as for voting for United States Senator.

If that is to be the rule here, then there can be no limit to it. It is not competent, and can not be, that the other matters had to do with the election of a United States Senator, as Mr. Austrian says, because some man got money for doing other things, and the system he says was so that they could get money for other things, and the other things have no relation whatever to the senatorship. The senate, as a whole, is a separate body created by the Congress of the United States under the Federal Constitution. It is not a legislature. They meet in a separate house, and they never meet in joint assembly except for the election of the United States Senator. That was determined in the Davidson and McCall case, where the question was gone into by the best lawyers in the Senate and in this country. Then the law in that question was tested in the matter of the governorship between Charles S. Deneen, Republican candidate, and Mr. Stevenson, the Democratic candidate, and the only body that could decide that contest for the governorship was the legislature, and that is the law. It is made the law by the Federal statute under the Federal Constitution, and there is no other law that can control it. There is not a word in the statutes of Illinois or in the State constitution about the election of United States Senator, and the only body that can elect is the joint assemblage created by the Federal statute of 1866.

It can not be contended that he did. When they meet in joint assembly the Federal statute provides that they must meet at 2 o'clock, meridian time, wherever it may be, fixing the time, and says that they must take at least one vote each legislative day until a Senator is elected.

They took one vote each day. On a few days they took more, but just as soon as they took that vote and adjourned the senate marched out of the joint assembly to their own room, and they separated and transacted business.

Now, I should like to know what that had to do with it? It seems to me that it had nothing whatever. What is this argument—here is a full page of it by this lawyer—instructing this committee of United States Senators how the legislature proceeds to elect United States Senators? Everyone of them was a Senator, and some of them had been for many years. They knew just how the election of a Senator takes place—the formalities that are observed—and still they let this fellow stand there and talk to them for 10 or 15 minutes about a matter that is wholly immaterial and of which they had absolute knowledge. I think I will leave it to the Senate if just criticism does not lodge against the committee for this waste of time, waste of printing matter, waste of public funds, waste of the time of the Senators who are compelled to read it. But listen to it.

They took one vote each day. On a few days they took more but just as soon as they took that vote and adjourned the senate marched out of the joint assembly to their own room, and they separated and transacted business. Now, will it be contended by anybody, much less a lawyer, that what the members of the house and the senate did in passing legislation in relation to Chicago, or Cairo, or Galena, or Waukegan, or some other place during the separate recesses can be grafted onto the proceedings in the general assembly and have the election of a United States Senator and the candidates before that joint assembly who were running for United States Senator charged with what they did? That is just what this means and it does not mean anything else.

Just think of that! I am not sure but here is another half page of this meaningless, pointless stuff incumbering this record.

Now, if we have got to be smirched by that, why then there is no safety for anybody. All they have to do is to say, "We are going to make charges against those men; the man who went to the legislature was a bad man; he divorced his wife, or he murdered his wife or his child or something else." Because that is competent to show what he did—I say, rather, that if that is competent to show what he did in the separate assembly rooms or the separate house, why, then, it is competent to show what he did at the Leland Hotel or to show a consultation that he had at home to show that he took bribes or did other offenses contrary to the criminal law.

Mr. CHAMBERLAIN. Mr. President, I should like to interrupt the Senator.

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Oregon?

Mr. BRISTOW. Certainly.

Mr. CHAMBERLAIN. Of course, we have heard the testimony, or most of it at least, in the Lorimer case and we are more or less familiar with what has been said by all of the witnesses. Would it not be of more profit to the Senate if the Senator would read something with which we are not familiar, for instance, Elliott's Debates or the Old Testament or the New Testament or anything that the Senate has not before heard?

Mr. BRISTOW. If the Senator from Oregon will provide me with a copy of the New Testament or a copy of the Old Testa-

ment, I shall be very glad to read him a chapter. I think it will be profitable to him, and I shall gladly comply with his request. I do not, however, happen to have with me a copy of the books referred to by the Senator.

Mr. CHAMBERLAIN. I presume that the Presiding Officer can furnish the Senator with any of the books I have mentioned.

Mr. BRISTOW. That is very good. Not having the Bible or the Testament here, I think that I should, until they arrive at least, devote myself to the presentation of the evidence in the case that is now before the Senate. I know that the arguments of these attorneys are very uninteresting and of very little value, but if I omitted the arguments I would be accused of garbling the record, and that is an accusation that has been made against the committee. I do not want to fall into the same fault that the committee is accused of having fallen into.

Mr. CHAMBERLAIN. I submit in perfect good faith, and without any disposition to be frivolous in the matter, that the reading of Elliott's Debates would be very much more interesting to the Senate than the reading of the testimony in this case that was taken in Chicago.

Mr. BRISTOW. Doubtless the reading of some of George Eliot's novels might be more interesting and might be more entertaining. Indeed, I might read the debates of the constitutional convention, but I am presenting to the Senate the evidence directly upon the case that is now under consideration, and I hope I shall not be criticized for reading the very evidence upon which the Senator must base his ultimate decision when he casts his vote upon this case. I appreciate very deeply indeed the kindly suggestions of the Senator, and I would be glad to comply with them if it were convenient, but I regret that it is not.

I do not want to miss any of this:

Because that is competent to show what he did—I say, rather, that if that is competent to show what he did in the separate assembly rooms or the separate house, why then it is competent to show what he did at the Leland Hotel or to show a consultation that he had at home, to show that he took bribes or did other offenses contrary to the criminal law, and that is what this proceeding is for at this time, and I submit nothing else; and therefore I say it should not come in here.

Senator HEYBURN—

This is the first time in this record that the Senator from Idaho [Mr. HEYBURN] has asked a question of the witness White. Further on in the testimony you will observe, as you follow my reading, that he became very active in the discharge of his duty as a member of the committee. I want to pay that compliment to the Senator from Idaho.

Mr. CHAMBERLAIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Oregon suggests the absence of a quorum. The Secretary will call the roll.

Mr. BRISTOW. I am very sorry to have my remarks interrupted by these continued roll calls, but I know of no way of avoiding it.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bailey	Crane	McCumber	Smoot
Bankhead	Culberson	Martin	Stephenson
Brandegee	Curtis	Nixon	Stone
Briggs	du Pont	Oliver	Swanson
Bristow	Fletcher	Owen	Thornton
Brown	Flint	Page	Warner
Bulkeley	Gallinger	Paynter	Warren
Burkett	Gamble	Penrose	Watson
Burnham	Heyburn	Percy	Wetmore
Burrows	Johnston	Piles	Young
Carter	Jones	Shively	
Chamberlain	Kean	Simmons	
Clark, Wyo.	Lorimer	Smith, Md.	

The PRESIDING OFFICER. Forty-nine Senators having answered to their names, a quorum of the Senate is present.

Mr. CHAMBERLAIN. Mr. President, I want to say that, acting in the capacity of judges of one of the highest judicial tribunals in the United States, I feel that we ought to give Mr. LORIMER a vote on this question and determine whether or not he is entitled to a seat in the Senate. But I feel and realize that there are some concessions that ought to be made by his friends, and that the matters at issue between the men on both sides of this question in the Senate ought to be determined.

The PRESIDING OFFICER. The Chair understands that the Senator from Kansas has yielded to the Senator from Oregon?

Mr. BRISTOW. Yes.

Mr. CHAMBERLAIN. I am frank to say that I am opposed to the position which the friends of Mr. LORIMER take in the Senate, but yet I feel that, acting as judges, we ought to determine this question and vote for or against him. But whatever else is pending in the Senate, we ought to make some concession, and I think we ought to determine the matter right now.

Mr. BRISTOW. Mr. President, continuing, I am sorry to announce that a great deal of this testimony is taken up with a discussion of the attorneys, which is very dry and uninteresting. The evidence of the witnesses is somewhat different; indeed it was difficult for me, in reading the testimony the first time, to carefully read these long-winded discussions of the attorneys. I could not get much value out of them, but it was necessary to read them in order to understand fully the weight of the testimony that followed that was admitted or to understand the character of the testimony that was to be excluded.

I was starting in with the examination by Senator HEYBURN.

Senator HEYBURN. As I understand it, you urge no objection to that part of the question, that he was to receive a thousand dollars?

Mr. HANECY. I have no objection to that, Senator.

Senator HEYBURN. Well, now, suppose that in the same conversation——

Then he was interrupted by Judge Hanecy. I think the question that was to be propounded by Senator HEYBURN was a very pertinent and proper one. But he is interrupted by Hanecy, and there was a long discussion here that I think was very irritating; it certainly must have been.

Mr. HANECY. If in the same conversation he stated that the consideration he was to receive for his vote—in that conversation he stated he was to receive a certain additional sum or additional amount or percentage. Now, would that be equally a part of the consideration for his vote as the thousand dollars, Mr. Senator? If he says, or if this witness should swear here that it was agreed that he was to be paid a thousand dollars for voting for LORIMER and then was to get a cow or a horse in addition to that, that he was to get some other consideration for doing that thing—not something else—then it is competent here. But unless it is, then it is not competent here, I submit.

Mr. AUSTRIAN. I would just like to answer what counsel has said, if I may.

Now, Austrian comes in with a long argument.

Senator BURROWS. Certainly.

The Senator was very courteous to him.

Mr. AUSTRIAN—

Now, we have an address to the committee by the counsel for the Chicago Tribune.

Mr. AUSTRIAN. Counsel is mistaken in what the law is in this State, as well as in other States. What the law is has been held by the Senate committee of which Chairman BURROWS is a member. The purpose of it is, if you will permit me, Mr. Chairman—and I will not take nearly so long as opposing counsel did—the purpose of it is to show that in that legislative body that there was general corruption.

Mr. BAILEY. Will the Senator from Kansas yield?

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Texas?

Mr. BRISTOW. Certainly.

Mr. BAILEY (at 7.45 a. m., Tuesday, Feb. 28, 1911). Acting upon the suggestion of the Senator from Oregon [Mr. CHAMBERLAIN], to which I thoroughly assent, and which I think entirely wise and proper, I am going to ask the Senate to take a recess, if I can have unanimous consent, until half past 11 o'clock, and see if it is not possible to reach some basis of agreement upon which the Senate can proceed to dispose of the matter pending before it, and then proceed to dispose of other matters, so as at least not to render an extraordinary session of Congress absolutely necessary.

I ask the Chair to submit as a request for unanimous consent that the Senate take a recess until 11.30.

The PRESIDING OFFICER. The Senator from Texas asks unanimous consent that the Senate take a recess until 11.30 o'clock this morning.

Mr. McCUMBER. Will not Senators have plenty of time for any possible arrangement that we can make if we take the recess until 10 o'clock? We have not many more days left.

Mr. BAILEY. I will say to the Senator from North Dakota that half past 11 would give Senators but three hours in which to have breakfast, change our linen, and do such other things as are necessary. There are certain groups of Senators who desire to have some conferences, and I think if we were to come back at 11 or half past 10 we would probably find ourselves still not ready to dispose of the matter.

Mr. McCUMBER. If there is any hope of settling the matter that is in controversy and going on with the business of the Senate, of course it would be well for us to adjourn until to-morrow, if it could be done, and get through with this. I have not much hopes of our being able to secure it.

Mr. BAILEY. There is a special order fixed for to-day immediately after the reading of the Journal, if we reach that time, and I hope we will, without any doubt, and I feel that it would be time saved to take a recess until half past 11.

Mr. McCUMBER. I shall not object, if the Senator has any hopes of accomplishing anything.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas?

Mr. HEYBURN. I notice the absence of the chairman of the committee. I think he should be here before unanimous consent is given.

Mr. BAILEY. I will say to the Senator from Idaho that I have consulted—I did not see the chairman—with some other members of the committee, and those that I did happen to see——

Mr. HEYBURN. I say that merely because the chairman requested me to be on guard here, and he might feel that I was not representing him properly if action should be taken in his absence. I should want to know that he had personal knowledge of the proposed proceeding. Otherwise I should feel that I was neglecting a charge that he had requested me to look after.

Mr. BAILEY. I will say to the Senator from Idaho that the chairman of the committee has not been personally consulted because it was not convenient to consult him. I was responding to the suggestion made by the Senator from Oregon [Mr. CHAMBERLAIN] only a moment ago; and in conference with some Senators on both sides who are interested that seemed to me to be about the best course.

Mr. CHAMBERLAIN. Mr. President, of course I feel that I am a new Member in the Senate as compared with some of the distinguished gentlemen who are here to-night, but it seems to me that what has been done here has been merely child's play. To be entirely frank with my distinguished friend, the Senator from Texas, and other friends, I want to say that I am in favor of unseating the gentleman who has been sent to this distinguished body from Illinois, but the condition precedent which has been imposed upon us of deciding that question and deciding the question as to the creating of a tariff board, which has been suggested by the distinguished Senator from Iowa, now confronts us. It seems to me, acting in the capacity of one of the judges on this important question, that the sitting Member is entitled to a vote on his case. He may be dismissed from this body, to which he claims to have been elected. It may be that he will be seated as a Member of this body; but whether that be true or not, it is the duty of the Senate, acting in the highest capacity of any body in this Union, to decide that question first, and then to determine the question whether or not we want a tariff board, as suggested by the President.

I believe, Mr. President, if we will dispose of the first question—whether Mr. LORIMER is entitled to a seat in this body—all else will follow in order, and tying it up with something else that ought not to be linked with the question as to his right to a seat in this body is mere nonsense.

I believe, with the Senator from Texas and others who have spoken here to-night, that if we will wipe out from the consideration of this body the question as to Mr. LORIMER's seat, all else will follow in order. I think we ought to determine that question as one of the highest deliberative bodies in the Union, and I hope the Senate will determine that question first.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas.

Mr. BULKELEY. In view of the suggestion of the Senator from Texas, I should like to ask the question, Suppose the Senate now takes a recess and reassembles at 10 or 11 o'clock and goes on with its proceedings, under some arrangement, on this legislative day, when 12 o'clock comes what becomes of the special order?

Mr. BAILEY. Of course, that is a parliamentary question which might be properly addressed to the Chair, but since the Senator from Connecticut does me the honor to ask me my opinion on it I say to him very frankly that I think that order would be displaced.

Mr. BULKELEY. That is my own view of it.

Mr. BAILEY. In other words, the order is for a vote immediately after the reading of the Journal. If this session of the Senate does not terminate before the next daily session should begin, there would be no Journal to read.

Mr. BULKELEY. That is my view of it.

Mr. BAILEY. But I hope we will not encounter that condition.

Mr. BULKELEY. I suggest the regular order. Let us go on with it.

The PRESIDING OFFICER. The Chair will suggest——

Mr. BAILEY. Of course, I could make a motion, but I did not want to do that. I rather felt as if there was irritation enough already. I do not want to beat anybody again unless it is absolutely necessary. I think we could take the recess without any trouble, but I should like to see it done unanimously.

I think, Mr. President, after what I have witnessed to-night that it will be a long time before I again engage in a filibuster. I am rather inclined to think it may be a useful lesson to me, and hereafter when my part of the debate is over I shall be ready to vote, and certainly when other Senators have concluded their real addresses I think I shall never obstruct unless it be in a matter involving the safety of my own constituents.

I hope there will be no objection now to the recess.

The PRESIDING OFFICER. Displacement of the special order could be avoided by an adjournment after the Senate convenes after the recess.

Mr. BAILEY. I understand that. That could be avoided if we meet at half past 11 and adjourn at 5 minutes to 12; that would save that. There is no question on that.

Mr. STONE. I concur in what the Senator from Oregon said as to the right of Mr. LORIMER to have a vote. I have not sought to prevent a vote being taken, and shall not. I agree with the Senator from Oregon that the question of agreeing upon a time to take that vote should not be coupled with any other controversy, so as to endanger an agreement as to the Lorimer case. I do not care to stand in the way of the progress of the Senate's business if I can avoid it.

I apprehend that the suggestion made by the Senator from Texas [Mr. BAILEY] is predicated upon something that I had said to Senators as well as upon what the Senator from Oregon has said. I think it would be advisable to take the recess as suggested, that there might be some conferences among Senators as to the best course to take, out of the hope that those conferences might lead to some agreement by which the difficulties confronting us could be adjusted.

Nevertheless I think it due to say that I do not wish it understood by anything I have said that I have assumed any responsibility of assuring an agreement. I will be glad to contribute so far as I can to bring it about, but we may come back here at the end of this recess no better off, no further advanced, than we are, and I think it proper that I should make that statement so that we will proceed with a clear understanding, or at least avoid any possible misunderstanding, and that I ought to make this statement, as I do, before any recess is agreed to.

Mr. CHAMBERLAIN. Mr. President, of course we who are here and participate in the ceremonies of this occasion, if I may so say, appreciate to the full the difficulties which confront us. But there is one thing that we are liable to overlook. Our constituents and the public at large are likely to look upon the proceedings of to-night as a wastefulness of effort, and an expenditure of the people's money that is entirely unjustified by anything that has happened here to-night.

As I said awhile ago, I am one of those who differ with my friend the Senator from Texas. I believe that the country expects, and I believe the testimony which has been adduced here to-night justifies, the exclusion of Mr. LORIMER from the Senate. I say that reluctantly, because I have known and respected him for a great many years. I have learned to love him for his many excellent qualities of head and heart, but I believe, Mr. President, that the testimony which has been adduced here warrants us, as it would warrant any jury under the same circumstances, to render a verdict against him.

However, taking all of these things into consideration, there are other matters which the public expects from us. It expects from us that we shall discharge our duties not only with respect to the individual whose fate is in our hands to-night, but it expects us to discharge our duties with reference to the public weal and the public welfare.

So looking upon this question, it is not only one as to our duties with reference to the sitting Member; it is a question with reference to our duties to many pressing public measures which are resting upon us for decision to-day. One of these important measures is the question which the distinguished Senator from Iowa has insisted shall be determined, as well as the decision of the right of Mr. LORIMER to a seat in this body, and that is the proposal which has been submitted to us in regard to the establishment of a tariff board.

That is not all, Mr. President. There are not only these questions, but there is another very important question for us to determine, and that is as to the reciprocal agreement between the United States and Canada.

But not only that. There are many other questions which devolve upon us as representatives of the people of this great country. There is the great question as to whether we shall continue the Government of the United States by the appropriation of sums of money sufficient to carry on the affairs of Government as they have been carried on in the past.

But leaving all of these questions aside, Mr. President, sitting here as a member of one of the greatest tribunals in the

world, realizing my duties and responsibilities, and feeling as I do upon the question now before us it seems to me that no Senator here can refuse to accord to the man who is now on trial not only a prompt but an immediate settlement of his claim to a seat in this body. It may be, Mr. President, that we may determine he is not entitled to a seat in this body. It may be that we may determine that he ought to be excluded from the Senate. But whatever may be the decision of this great tribunal, it is our duty to determine it at once, and then all things which follow may follow in the ordinary sequence of events.

I say, Mr. President, in according to Mr. LORIMER the rights which the Constitution of the United States, which the constitution of every civilized body accords to him, it is our duty in determining that question to say whether these other great questions which come near to the hearts of the American people shall also be determined promptly. In that respect I agree heartily with the contention of the Senator from Iowa; and while I do not insist upon it as a condition precedent, the Senate, as a deliberative body second to none on the face of the globe, ought to determine these questions now in a manner becoming to the dignity of this tribunal.

I was about to ask, Mr. President, that we come to a vote now, first upon the question as to whether Mr. LORIMER is entitled to a seat in this body, and, second, as to whether we shall have a tariff board; but upon the suggestion of my distinguished friend from Texas I simply leave that question open.

Mr. BAILEY. It has been suggested that it would be more agreeable to some Senators to meet at 11 o'clock instead of 11.30, so I modify my request.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas that the Senate stand in recess until 11 o'clock? The Chair hears none, and the Senate stands in recess until 11 o'clock.

Accordingly (at 8 o'clock and 10 minutes a. m., Tuesday, Feb. 28) the Senate took a recess until 11 o'clock a. m.

AFTER RECESS.

The Senate reassembled at 11 o'clock a. m., at the expiration of the recess.

SENATOR FROM ILLINOIS.

The Senate resumed the consideration of Senate resolution 315, submitted by Mr. BEVERIDGE on January 9, 1911, as follows:

Resolved, That WILLIAM LORIMER was not duly and legally elected to a seat in the Senate of the United States by the Legislature of the State of Illinois.

Mr. BEVERIDGE. Mr. President——

The VICE PRESIDENT. The Senator from Kansas [Mr. BRISTOW] has the floor.

Mr. BEVERIDGE. I rise to a parliamentary inquiry.

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Indiana?

Mr. BEVERIDGE. I rise to a parliamentary inquiry in my own right.

The VICE PRESIDENT. The Chair begs to correct the Senator about that.

Mr. BEVERIDGE. I submit to the Chair the question.

The VICE PRESIDENT. Very good; the Chair will listen to the Senator anyhow.

Mr. BEVERIDGE. The parliamentary inquiry, as the Chair will see, is an important one. This is a continuation, as I understand it, of the legislative day. The parliamentary inquiry is that if this legislative day should continue to and past 12 o'clock, will that vitiate the special order for that time?

The VICE PRESIDENT. It certainly will.

Mr. BEVERIDGE. The special order, I understand, is the vote upon Senate joint resolution 134, proposing an amendment of the Constitution providing for the election of Senators by a direct vote of the people.

Mr. President, that being the case, I ask unanimous consent that at 11 o'clock and 55 minutes the Senate shall stand adjourned. In that way we can save the special order.

The VICE PRESIDENT. The Senator from Indiana asks that——

Mr. HEYBURN. Mr. President, I think we need no unanimous consent. The Senate can adjourn without unanimous consent.

The VICE PRESIDENT. Objection is made.

Mr. BEVERIDGE. I merely want, if the Senator will permit me a moment——

The VICE-PRESIDENT. Does the Senator from Kansas yield further to the Senator from Indiana?

Mr. BRISTOW. I yield.

Mr. BEVERIDGE. I merely want to say that I submitted my parliamentary inquiry, thinking that the status was as the Chair ruled, and therefore I call the attention of every Senator present to the predicament in which we may find ourselves that Senators can all have it in mind in case anyone should make a motion to adjourn, which I shall do.

Mr. GALLINGER. We have been thinking of it.

Mr. NELSON. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Minnesota?

Mr. BRISTOW. I do.

Mr. NELSON. I move that when the Senate adjourns to-day it adjourn to meet at 11.50.

The VICE PRESIDENT. At 11.50 to-day?

Mr. NELSON. Yes.

The VICE PRESIDENT. The Senator from Minnesota moves that when the Senate adjourns to-day it adjourn to meet at 11.50 to-day.

Mr. BEVERIDGE. Mr. President——

The VICE PRESIDENT. A motion has been made which is not debatable.

Mr. BEVERIDGE. I am aware of that. I do it only by sufferance. The motion as I understood it——

The VICE PRESIDENT. The Chair thinks it ought not to be done even by sufferance.

Mr. BEVERIDGE. Very well; I think the Chair is right.

The VICE PRESIDENT. The question is on the motion of the Senator from Minnesota.

Mr. HEYBURN. I should like to make a suggestion.

The VICE PRESIDENT. It is not debatable. An objection, even, is debate.

Mr. HEYBURN. I am not debating it.

The VICE PRESIDENT. The Chair just stopped the Senator from Indiana on the theory that anything is debate.

Mr. HEYBURN. I ask unanimous consent to make a suggestion.

The VICE PRESIDENT. The Senator from Idaho asks unanimous consent to make a suggestion. Is there objection?

Mr. BEVERIDGE. I do not want to object to the Senator asking unanimous consent, but it has been ruled against me.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. NELSON. Mr. President——

The VICE PRESIDENT. Debate is not in order.

Mr. HEYBURN. I suggest that we are in the legislative day of the 27th day of February, and an adjournment, even if it was taken to a period 15 minutes hence, would be an adjournment to meet on the 28th.

Mr. BEVERIDGE. We understand that.

Mr. HEYBURN. The Senator may understand it, but it was not so expressed. I think if we keep our dates straight we will have no trouble.

The VICE PRESIDENT. The question is on the motion of the Senator from Minnesota.

Mr. NELSON. I move to amend my motion to make it more definite and clear. It is to adjourn to 11.50 on this calendar day, February 28.

The VICE PRESIDENT. The question is on the motion of the Senator from Minnesota. [Putting the question.] The ayes appear to have it. The ayes have it, and the motion is carried.

Mr. MONEY. Will the Senator from Kansas yield to me for a moment?

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Mississippi?

Mr. BRISTOW. I do.

Mr. MONEY. Mr. President, yesterday afternoon on the motion for a recess to 8 o'clock I voted for a recess and went away supposing it had carried and feeling quite unwell I went home and went to bed. I did not know of the continuous night session until this morning, when I had notice to come here at 10 o'clock. Having learned the history of last night's transactions briefly from several gentlemen I want to make a little statement.

I do not believe that anybody on the Democratic side of this Chamber wishes to postpone or delay for one moment a vote on the Lorimer case. I believe when I say that I represent every Democrat here. It is certainly my sentiment. On the other hand, when it comes to passing the tariff board bill, which in my opinion should not have been put in here at a short session for the dominant party to deprive Democrats coming in of the instrumentality which they will choose for themselves, I will not consent to take that up at any time.

But I want to say further that there is no disposition on my part, or on the part of any Democrat here, to filibuster on any-

thing. If there shall be an extra session, it will be welcomed by many gentlemen on the Democratic side, but not by me, for I think it will most seriously affect the beginning of what is predicted a prosperous year and very much arrest industrial enterprises and the rising values of the country.

The Republicans are here in a very large majority and can at any moment pass any bill they choose to take up if they can come to an agreement, and it can be voted upon either yea or nay. I do not believe and I certainly would very much dislike to think that any Senator can be influenced by any intimation from the White House as to anything affecting his conscience, but in a matter of expediency and policy we must take note of the utterances of that gentleman by gentlemen who stand or fall with him when he chooses to do so, with or without reason.

It does not seem to me, briefly, that this treaty is of sufficient importance to make this great trouble. It is raising a tempest to waft a feather or drown a fly. I have weighed that treaty as a member of the committee as carefully as I could, and I do not find that taking it altogether its advantages or disadvantages are very great. It will affect a local interest injuriously here and another local interest favorably there.

I announced to that committee distinctly that I would not support the treaty for its commercial advantages but simply because, as there are only three peoples upon this continent, each one extending to either ocean, we must exercise some statesmanship in providing for a friendly mental attitude with our good neighbors north and south that will make them so friendly to us by the close interweaving of commercial, social, and domestic ties that they would be in the future unwilling to furnish on their soil a basis for military operations from either ocean against the United States.

That is what has influenced me. But I was only one of two on that committee who really approved of the bill putting the agreement in operation. I mean on all sides, there are only two members who really at heart favored that reciprocity treaty.

Now, I am not so much wedded to my opinion, nor have I so much of the vanity of consistency as will maintain the record I made in that committee. The consistency which I have always endeavored to maintain here is that of doing what I thought was best under all circumstances, and circumstances frequently make me change my mind.

I am willing now to have that agreement come up and to dispose of it in the interest of the public welfare, to vote to kill it if necessary, but I am informed this morning that the President would not for a moment submit to the defeat of that agreement by an arrangement for its defeat. I can not see the difference between an out-and-out arrangement of the changes of mind in some men to vote for or against the agreement and any other arrangement that is usual in legislation to secure the passage or defeat of a measure.

I regret, Mr. President, that there seems to be engendered somewhat in this attrition of wishes, and that on the floor of the Senate, a little bit of acrimony which has heretofore kept out of the Senate, at least for some time. I heard with great pleasure this morning from the Senator from Vermont [Mr. DILLINGHAM] that the speech of the Senator from Georgia [Mr. BACON] last night rose to a great height in the expression of his sentiment for preserving the peace and good order and dignity of the Senate and acting in good faith toward everyone.

Now, I want to say, I will be here only four days. My public career will close and I will retire to my farm. As Thomas Jefferson said when he was asked to run a third time by the legislature of Vermont, I want to go to my farm with clean and empty hands.

I love peace, and there is nothing on earth that so distresses me as strife and conflict. I am willing to make any sacrifice I can for peace. There has been no reason for any display of feeling that I know of. The Democrats have won a large and, in some measure, an unexpected success at the polls. The Republicans have suffered unexpected reverses in a larger measure than they had expected. But I have heard of no gloating over the Democratic triumph on this side, nor have I noted any particular depression on that side. It is simply one of the vicissitudes of political fortune, and no man need be either unduly elated or depressed or discouraged. The country has not given us the whole legislative branch of the country. The people have given us a large majority in the House. The Republicans will still control the Senate by a working majority. This ought to be a guaranty to the country that there will be neither hasty nor ill-considered legislation. But above all, if it is possible, let us agree to go on with this business in an orderly way without any intention of dilatory motions or anything of that sort.

Of course, if a Senator like my friend from Kansas has something to say on a vital or great question he should say it, and so should everybody else, but nothing for the mere purpose of obstruction.

I look at this situation as a man almost on the outside. Since I have been speaking there has come into my mind a few verses from an old Greek poet, which perhaps the Senate will indulge me in repeating, for I think they are extremely applicable to the situation in hand. It was the invocation or exhortation of an old Greek poet to his own soul. His name is now very rarely ever heard, for his splendid genius is only attested by some magnificent fragments that fortunately for posterity were embedded in the writings of other people. His name was Archilochus, and he and Sappho were adjudged by the Greeks of the classic age of Greece, the age of Pericles, as being the two who were second only to Homer. His lines, if you will allow me, were these:

Tossed on a sea of troubles, soul, my soul,
  Thyself do thou control;
And to the weapons of advancing foes
  A stubborn breast oppose;
Undaunted 'mid the hostile might
Of squadrons burning for the fight,
Thine be no boasting when the victor's crown
  Wins thee deserved renown;
Thine no dejected sorrow, when defeat
  Would urge a base retreat:
Rejoice in joyous things—nor overmuch
  Let grief thy bosom touch
'Midst evil, and still bear in mind
How changeful are the ways of human kind.

Although that was written 700 years before the beginning of the Christian era, yet neither before nor since has there been a sounder philosophy or a manlier sentiment expressed in nobler verse. It is a lesson that we can take each one for himself.

I think I have stated the position of the minority.

Mr. NEWLANDS. Mr. President, I do not understand that the Senator from Mississippi attempted to speak for all upon this side, but lest there should be any misunderstanding I wish to state my personal views briefly upon the matters which he has discussed.

Personally I do not favor postponing or preventing a vote upon any of the questions that are now under consideration; but I could not join with the Senator from Mississippi in an endeavor to prevent a vote regarding the tariff board. I am for a tariff board as an enlightened method of ascertaining facts upon most complicated questions. I do not fear that a tariff board appointed by President Taft will embarrass the Democratic Party in its work regarding the revision of the tariff. I am willing, so far as I am concerned, with reference to the Democratic nominees upon that board to trust a President who appointed upon the Supreme Bench a White, a Lurton, and a Lamar. I do not believe that that board, however appointed, whether partisan or nonpartisan or bipartisan, will fail to discharge its full duty in the ascertainment of facts. I believe that the oath they will take and the quasi-judicial capacity in which they will act will impress their action in ascertaining the facts, and that for the present unscientific method of ascertaining the facts, a method which has been hitherto pursued by both parties and which, in my judgment, has the disapproval of the entire country, we will have substituted a method of careful examination of all the facts relating to foreign commerce, just as we have to-day an examination of the facts relating to interstate commerce; and that a bipartisan board will be as fair, as just, and as true in its ascertainment of all the facts relating to foreign commerce as has been the present Interstate Commerce Commission, a bipartisan commission, with reference to interstate commerce. So, instead of opposing a vote upon the tariff board bill, so far as I am individually concerned, I shall do everything to facilitate it.

Mr. BRISTOW. Mr. President——

The VICE PRESIDENT. The Senator from Kansas.

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from New Hampshire?

Mr. BRISTOW. Certainly.

Mr. GALLINGER. I move that the Senate adjourn.

The motion was agreed to, and (at 11 o'clock and 21 minutes a. m., Tuesday, February 28, 1911) the Senate adjourned until Tuesday, February 28, 1911, at 11 o'clock and 50 minutes a. m.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 27, 1911.*

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

DISTRICT OF COLUMBIA BUSINESS.

Mr. SMITH of Michigan. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Michigan rise?

Mr. SMITH of Michigan. To make a motion that the House resolve itself into the Committee of the Whole House on the state of the Union.

The SPEAKER. The Chair can not recognize the gentleman at this time for that purpose, as the Chair is notified that a conference committee desires to make a report.

Mr. SMITH of Michigan. Mr. Speaker, may I make a parliamentary inquiry?

The SPEAKER. Certainly.

Mr. SMITH of Michigan. If there are some conference reports to be disposed of, does that necessarily debar us from having District day after they are disposed of?

The SPEAKER. The House at any time can determine what business it desires to consider, but with the enrollment of the appropriation bills just in front of us, and all of them practically to be settled, the Chair must take notice of the status of the public business. The House can, if it desires, refuse to consider a conference report.

Mr. DALZELL. Mr. Speaker, I intended to call up this morning a privileged bill from the Committee on Ways and Means, but I cheerfully give way for the conference report; but following that I propose to call up my bill.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. GILLETT. Mr. Speaker, I call up the conference report on the bill (H. R. 29360) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1912, and for other purposes, and ask unanimous consent that the accompanying statement may be read in lieu of the conference report.

The SPEAKER. The gentleman from Massachusetts calls up a conference report and asks unanimous consent that the statement accompanying the conference report may be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the statement.

The Clerk read the statement.

(For conference report and statement see RECORD of Saturday, February 25, 1911, page 3444.)

Mr. GILLETT. Mr. Speaker, I move that the House agree to the conference report.

The SPEAKER. The gentleman from Massachusetts moves that the House agree to the conference report.

Mr. GILLETT. Mr. Speaker——

Mr. FITZGERALD. Mr. Speaker, I make the point that there is no quorum present. We ought to have a quorum.

The SPEAKER. The gentleman from New York makes the point of order that there is not a quorum present. The Chair will count. [After counting.] One hundred and thirty-seven gentlemen are present—not a quorum.

Mr. FITZGERALD. Mr. Speaker, I move a call of the House.

Mr. GILLETT. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ames	Esch	Hitchcock	Malby
Andrus	Fassett	Hollingsworth	Maynard
Ansberry	Focht	Howard	Millington
Ashbrook	Foelker	Huff, Pa.	Moon, Pa.
Barchfeld	Fordney	Hughes, W. Va.	Moon, Tenn.
Bates	Fowler	Hull, Iowa	Moore, Tex.
Boutell	Gallagher	Joyce	Morehead
Bowers	Gardner, Mass.	Kinkaid, Nebr.	Morgan, Okla.
Bradley	Gardner, N. J.	Lafean	Mudd
Burke, Pa.	Garner, Pa.	Langley	Murdock
Burleigh	Gill, Md.	Latta	Murphy
Byrd	Gill, Mo.	Law	Palmer, H. W.
Capron	Glass	Legare	Parsons
Clark, Fla.	Goebel	Lindsay	Patterson
Coudrey	Goldfogle	Lively	Plumley
Cravens	Hanna	Livingston	Pou
Crow	Haugen	Lowden	Pratt
Davidson	Havens	McDermott	Prince
Davis	Hayes	McGuire, Okla.	Ransdell, La.
Denby	Heald	McHenry	Reid
Durey	Higgins	McKinley, Ill.	Rhinock
Elvins	Hinshaw	McLachlan, Cal.	Riordan
Rucker, Colo.	Smith, Cal.	Sulzer	Weeks
Sabath	Smith, Iowa	Swasey	Weisse
Sherley	Snapp	Taylor, Ohio	Willett
Slemp	Southwick	Thomas, Ohio	Wood, N. J.
Small	Sperry	Wallace	Woodyard

The SPEAKER. The roll call shows 273 Members present, including the Speaker—a quorum.

Mr. GILLETT. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to, and the doorkeepers were directed to open the doors.

Mr. GILLETT. Mr. Speaker, the conferees of the Senate and the House have come to a complete agreement, except upon one item, the assay office in North Carolina. That will be taken up after the conference report is considered. The conference report, although it was not required to be printed, was included as a part of my remarks on Saturday last, and Members will find it on page 3444 of the RECORD. The statement has just been read.

It seems to me the only item that the House has shown interest in, and which I should expect would excite attention now is the salary of the Secretary to the President. Members will remember that the Senate put on an amendment raising it from $6,000 to $10,000. The House disagreed to that amendment. It went back to conference and the conferees have now compromised, raising it from $6,000 to $7,500. Whether that will meet the views of the House, of course I can not tell. Inasmuch as I was in favor of $10,000, I am in favor of $7,500. If any Member desires to debate that question I will be glad to yield to him.

Mr. FITZGERALD. I would like five minutes.

Mr. GILLETT. I will yield five minutes to the gentleman from New York.

Mr. FITZGERALD. Mr. Speaker, the action of the conferees is a distinct repudiation of what were practically the instructions from the House. This is the second instance in which the conferees upon this bill have ignored the action of the House upon specific items.

When the conference report was before the House on the 16th of February, the gentleman from Massachusetts moved to recede and concur in the Senate amendment which fixed the compensation of the Secretary to the President at $10,000 per year. Upon a division taken on that question, 52 Members voted in favor of the motion and 130 Members voted in opposition to it. The RECORD shows that the gentleman from Massachusetts then asked for tellers, and not a sufficient number of Members arose to give tellers on the vote. The RECORD then shows that the following transpired:

> Mr. FITZGERALD. Mr. Speaker, I move that the House adhere.
> Mr. MANN. Oh, no; it is proper to leave it to the conferees; the conferees will understand this, and I will say to my friend from New York that if it ever comes back I will stand by him.
> Mr. FITZGERALD. We might as well settle it now.
> Mr. MANN. I do not think it is fair to the conferees.
> Mr. FITZGERALD. Very well, Mr. Speaker, I will withdraw the motion. I will move that the House further insist on its disagreement to the two Senate amendments.
> The question was taken, and the motion was agreed to.

Mr. Speaker, unquestionably a great majority of the House would have voted in favor of the motion to adhere to the House disagreement to the Senate amendment, and that amendment would never have gone back to conference if the motion had been insisted upon; but it was not insisted upon, out of courtesy to the conferees on the part of the House, and in the belief that they would represent the sentiment of this House and not recede on an item upon which there had been such a substantial vote in opposition.

The gentleman from Massachusetts has not the excuse on this occasion usually given by conferees, that this is a complete agreement upon this bill, and that it is necessary to effect a compromise in order to complete the work. They report back in disagreement four amendments upon which the House and Senate can not agree. There is no excuse whatever, publicly given, for the failure of the conferees to respect the sentiment of the House upon this occasion.

Mr. Speaker, if the House is to pass upon the compensation of this official, it should be given an opportunity to do it, if the conferees could not have agreed. I insist that the conferees had no right, in view of the record, to have made any compromise or to have taken any action not in harmony with the sentiment of the House.

Mr. Speaker, I do not intend to enter into a lengthy discussion as to any merit there may be about this proposition; but when the Secretary to the President appeared before the Committee on Appropriations asking authority to reorganize the White House staff he never suggested or intimated any increase in compensation of the position occupied by him, and

the matter has never been presented to any committee of this House.

I am opposed to having items inserted in this way in the Senate and have the House surrender its attitude simply because some gentlemen think they know more than the House does about what it desires. I hope the conference report will be voted down and this item will be sent, with other items in disagreement, back with the notice that the House will not yield its position on this matter.

Mr. GILLETT. Mr. Speaker, I do not think the criticism of the gentleman from New York [Mr. FITZGERALD] upon the conferees is just. It is quite true the House did express itself decisively against the salary of $10,000, but it does not follow that the House would be equally opposed to a salary of $7,500, the same salary that Members of Congress receive, for an office which, I think, all of us will feel requires as much varied ability and more work than is involved in membership of the House. Therefore we bring it back to the House to decide whether $7,500 shall be allowed. I wish to say in this connection that the statement in the press, which Members doubtless saw yesterday or to-day, that the Secretary to the President has been selected, is not authorized and is not correct. The criticism of the gentleman from New York that this proposition was not brought before the Committee on Appropriations when the readjustment of salaries was made is also unfair, because at that time it was not known that the present secretary was to leave his place. Consequently the need of a change in salary was not appreciated, but since then, when this present secretary announced he would retire, and it was found that it was necessary for the President to get a new secretary, then the salary became a live question, and the administration found that to get the person it wanted required an increase in the salary. I think this increase to $7,500 is reasonable.

Mr. FOSTER of Illinois. Does the gentleman from Massachusetts think that there is any difficulty in securing a proper man at a salary of $6,000 a year?

Mr. GILLETT. I would not say that it is impossible. Nobody knows that. I do think that we will be more likely to get a proper man for $7,500 than for $6,000.

Mr. FOSTER of Illinois. May I ask the gentleman what the salary of the Assistant Secretary of the Treasury now is?

Mr. GILLETT. I think it is $5,000.

Mr. MANN. Four thousand five hundred dollars.

Mr. TAWNEY. Five thousand dollars. It was increased two years ago.

Mr. FOSTER of Illinois. There is no difficulty in securing a man for that position, is there?

Mr. GILLETT. Of course there is no difficulty in securing a man at $6,000 as Secretary to the President. We undoubtedly will have a Secretary to the President, no matter what the salary is. What we want is to get the best man.

Mr. BARTLETT of Georgia. Is there any difficulty in obtaining a competent man as Assistant Secretary of the Treasury at $5,000 a year?

Mr. GILLETT. I think it would be difficult to get the most competent man for that salary.

Mr. BARTLETT of Georgia. The gentleman does not mean to say that the present Assistant Secretary of the Treasury, Mr. Hilles, is not a very competent man.

Mr. GILLETT. For what?

Mr. BARTLETT of Georgia. Assistant Secretary of the Treasury.

Mr. GILLETT. Oh, I think he is. He has proved himself an unusually competent man.

Mr. BARTLETT of Georgia. I think so. Now, does it require a more competent and efficient man to be Secretary to the President than to be Assistant Secretary of the Treasury?

Mr. GILLETT. He has proved himself so competent that he has been lured away from that office—and I do not think that I am saying anything that is confidential—to a very much more remunerative place outside of the Government.

Mr. BARTLETT of Georgia. That is generally the way when they school themselves in that position, not simply altogether on account of competency.

Mr. GILLETT. Oh, I do not agree with the gentleman. I think they show their competency there and then prove they are worth a very much larger salary than we pay them, and therefore the Government loses valuable services.

Mr. MADDEN. As a matter of fact, Mr. Speaker, I desire to say, for the information of the gentleman from Massachusetts, that the man who occupies the place as Secretary to the President now was getting $50,000 a year before he took that job.

Mr. GILLETT. I do not know whether that is true or not.

Mr. MADDEN. Well, that is true.

Mr. GOULDEN. Mr. Speaker, I am surprised to hear that the newspaper reports are not correct as to the appointment of Mr. Hilles. I know him well, and want to say that he is eminently qualified for any position, and especially as Secretary to the President, and I will be ready to vote for even $10,000 a year salary to a man of his splendid qualifications.

Mr. BARTLETT of Georgia. After he has been Secretary to the President for, say, a year or two, at $7,500, would he not be very likely to be offered a more remunerative position in private life than $10,000 a year? Have we got to place people in positions where they can get better salaries in private life by increasing their salaries in public life?

Mr. GILLETT. Why, we are not educating them; we are simply giving them an opportunity to show their quality. I do not think we want to do that.

Mr. HARDY. Will the gentleman permit me a suggestion? Does not the gentleman know it is frequently the case that a valuable servant of the State, the secretary of railroad investigating boards, like the State boards of commerce or Interstate Commerce Commission, or something of that kind, when these men get thoroughly competent by their knowledge of the affairs of corporations to enable them to serve the public, then they are offered unreasonable and unusually large sums to take them away from the service of the State?

Mr. GILLETT. Oh, no; I do not know that. Mr. Speaker, as to the suggestion of the gentleman from New York [Mr. FITZGERALD] that this is not an entire agreement, and therefore it might as well be sent back, because we have got to go back anyway, I think it is a mistaken statement, because this is a complete agreement except as to one small item; and if the House, as I hope it will, disagrees to the Senate amendment to that item, I am very confident that the Senate, when it goes back to them, will recede from it and then we will have a complete agreement.

Mr. PUJO. Will the gentleman answer me one question?

Mr. GILLETT. Certainly.

Mr. PUJO. I ask this question for information: How much does the clerk to the Committee on Appropriations get a year?

Mr. GILLETT. Four thousand five hundred dollars.

Mr. PUJO. Four thousand five hundred dollars? That is his salary for a year?

Mr. GILLETT. Then he gets $2,000 extra.

Mr. PUJO. That is $6,500. As a matter of fact, does he not perform nearly all the labor necessary in the preparation of the appropriation bills, the great supply bills of this House?

Mr. GILLETT. Yes; he has a great part of that preparation to do.

Mr. PUJO. How long has he been in that position?

Mr. GILLETT. About 30 years, I think.

Mr. PUJO. Each administration keeps him in that position?

Mr. GILLETT. Yes.

Mr. PUJO. Does not the gentleman believe that his employment or the services performed by him are of more value to the American people than that of secretary or clerk to an executive officer?

Mr. GILLETT. I do not wish to enter into a comparison. I have the very highest admiration for the clerk to the Committee on Appropriations; he is invaluable in that position; but it does not require services which command so high a remuneration outside as the peculiar qualities which are required for a successful Secretary to the President. I now yield five minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER of Wisconsin. Mr. Speaker, I desire to call attention to a provision of this conference report, which may be said, in a measure, to repair an injustice done by the first report, but which nevertheless falls far short of doing real justice to certain underpaid Government employees. My colleague from Wisconsin [Mr. KOPP], when the first report was before the House, called attention to some of the items which had been agreed upon by the Senate and House conferees. That report showed, as this one shows, how employees of the rank and file are neglected and discriminated against. Here is a copy of the first report. I ask attention to some of its provisions. For example, it provides an increase for a chief clerk from $3,000 to $4,000—a one-thousand-dollar increase for a man receiving a salary of $3,000. I do not object to that increase. Perhaps he is worth it. Yet it is true that he was already receiving a pretty fair salary. But what follows? To this I ask especial attention. Immediately after the $3,000 clerk's $1,000 increase is this—I read from the report—

five firemen at $660, instead of $720, each, as proposed by the Senate.

The Senate, it seems, wished to give the firemen $720 each, but the House conferees objected. Finally all the conferees

agreed on $660. These five firemen were to receive only $55, instead of $60, a month each. Refuse them even the little salary of $60 a month, but give a $3,000 man $1,000 more!

However, this time the conferees have reported a provision for eight firemen at $720 each. The suggestion of my colleague seems to have had some effect. This is a slight improvement. It increases the salary of each of these men $60 a year, and yet the total annual salary of $720 is grossly inadequate. The Government of the United States has no business to pay only $60 a month to any reputable man regularly employed in this service. No man can live as a white man, nor as a black man ought to live, in the city of Washington, provide for his family, buy fuel and food and clothing, and perhaps pay rent and now and then a doctor's bill on $15 a week. It is the duty of this Government to pay a decent living wage to every man and woman in its employ.

I am assured by my friend, the gentleman from New York [Mr. GOULDEN], that no watchman employed by the city of New York receives less than $900 a year. But the Government of the United States, the richest—yes, vastly the richest—employer in the world, pays its watchmen only $720 a year, and they work—at least some of them do—every day in the year.

Mr. FITZGERALD. Will the gentleman yield?

Mr. COOPER of Wisconsin. Yes.

Mr. FITZGERALD. Does the gentleman know why we can not afford to pay those men more?

Mr. COOPER of Wisconsin. Well, I have an idea.

Mr. FITZGERALD. We are too busy wasting our money in other enterprises. We have got to defend the country and the canal and build ships and all that.

Mr. COOPER of Wisconsin. Now, it is true that not all Government employees are underpaid, though many of them are; but I ask the candid judgment of every man on this floor as to whether it is right that the Government of the United States should pay watchmen who work every day in the year, including Sundays, as one of them told me last week he did, only $60 a month. My attention has only recently been called to this subject. One of these watchmen mentioned it to me. He has a wife and four children. Week before last he said to me: "Mr. COOPER, I do not know that I ought to speak to you about it, but I have used up my little savings, and it worries my wife and me almost to death to know what to do. I can not go into anything else; I have no other business. I get only $60 a month. The price of living is going up so that we barely can keep soul and body together."

He is an employee of the United States Government in this city in one of the most magnificent buildings in the world.

There are many Government clerks and other employees whose wages are too small.

Now, a man is not necessarily a demagogue because he speaks here as a friend of these underpaid men and women. Advocates of better wages for these people are not demagogues. This is a question of simple justice. It is utterly wrong for the United States Government to have any person work for it in any capacity for the meager, inadequate pay now received by many in its employ. When the opportunity comes, I shall do what I can to help get adequate salaries for the faithful body of Government employees. [Applause.]

Mr. GILLETT. I yield to the gentleman from Illinois [Mr. MANN] five minutes.

Mr. MANN. Mr. Speaker, the gentleman from Massachusetts a moment ago stated he had been in favor of increasing the salary of the Secretary to the President to $10,000 a year, and therefore, of course, he was in favor of the present proposition of $7,500. I do not agree with him. I was in favor of increasing the salary of the Secretary to the President to $10,000. I would be in favor of increasing the salary of the secretary to $15,000, but not to $7,500. The idea in my mind as to increasing the salary to a large amount is in order to make the Secretary to the President practically an assistant to the President and receive such a salary that he would be on a plane where he could send for Cabinet officers receiving a salary of $12,000 a year and give to them directions when necessary, so that he might help the President in performing the manifold and numerous duties which are imposed upon him. But when it comes to merely increasing the salary from $6,000 to $7,500, that reason does not prevail. This is like any other increase. The Secretary to the President now receives a salary of $6,000. He receives an automobile allowance, which amounts, probably, to $2,500 a year. He is provided, like the Cabinet officers and the President, with transportation, which no other official of the Government receives. And the salary of $6,000 with those allowances ought to obtain, and have obtained, the services of an efficient secretary to perform the duties which are now imposed upon the Secretary to the President. And to merely increase the amount to $7,500 would not in any respect change the character of the secretary or the character of the duties imposed upon him.

Mr. DOUGLAS. Will the gentleman yield to a question?

Mr. MANN. Certainly.

Mr. DOUGLAS. Can the gentleman inform the House how long the Secretary to the President has received $6,000?

Mr. FITZGERALD. About three or four years. It was raised from $5,000 three or four years ago.

Mr. DOUGLAS. Does not the gentleman think the ordinary duties of the President's secretary are increasing yearly very much, indeed?

Mr. MANN. Undoubtedly; they have increased very much, because the work performed by the President is increasing.

Members of Congress and everybody else want to go to see the President personally. They are not satisfied to see a $6,000 secretary. They would not be satisfied to see a $7,500 secretary. They would be satisfied to see an assistant President who could give directions to Cabinet officers. But that question is not before us.

Mr. GILLETT. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. YOUNG.]

Mr. YOUNG of New York. Mr. Speaker, I want to take this opportunity to register my serious protest against the salaries that are being paid to the employees of the Government. Mr. COOPER has brought out here the fact which has been running through my mind constantly since I have been in this House, that there are hundreds and thousands of men who are in the employ of the Government who are being paid beggarly salaries, salaries inadequate to keep them decently and support their families or to enable them to do their work efficiently. I have been surprised constantly to find men working for the Government at salaries so meager that it seemed almost impossible for them to keep soul and body together.

In the city of New York or in any other of the great cities of this country men are being paid more whose services are not so valuable, whose work is not so important, as that of those who are employed by the Government in the city of Washington. I say that $720—and in a number of cases I find on the roll people employed at salaries as low as $600 a year—is an insult to the people of this country. There are those here who have stood up for organized labor in a manly, honest, and energetic way, to see that it is properly taken care of. Here is a great body of employees of the Government who have no organization, who have no protection, who are dependent upon the action of this House to give them an adequate amount to live on.

Now, I want to speak of the Assistant Secretaries of the Treasury and of the Secretary to the President. There are three men who are Assistant Secretaries of the Treasury who are worth twice as much as they are being paid, and who could earn twice or three times as much as they now receive if they were in private employment. The Secretary to the President came into the position at a much less compensation than he had been earning.

Some say he had been receiving $30,000 or $40,000 a year and that he sacrificed a very large income to come into the service of the President of the United States at a salary of $6,000 a year. It is proposed now—or the newspapers have stated—that one of the Assistant Secretaries of the Treasury is to be taken from that position and appointed as Secretary to the President. I say to you, as to that gentleman, that he is worth $10,000 or $15,000 or $20,000 a year in private life. I tell you the great corporations and the large individual employers doing a great business need such men. Men become competent, men become qualified, and are just at their most useful point when they are taken from the service of the Government by individuals and corporations, and I say this office of Secretary to the President is worth $7,500 if it is worth anything. There is hardly any gentleman in this House who would take it for the money that is in it, and those who do take the office take it for the honor and not for the compensation.

Now, I ask gentlemen on both sides of this House to be fair to the Government employees, to pay them something like what they are worth, and not fix an arbitrary rule, as has been done here—that any man who is paid $1,200 or more shall not be advanced. I think this is unreasonable and unfair. I think the salary of the Secretary to the President should be made $7,500 a year at least. [Applause.]

Mr. Speaker, I yield back the balance of my time.

Mr. GILLETT. Mr. Speaker, I yield to the gentleman from Missouri three minutes.

Mr. RUCKER of Missouri. Mr. Speaker, I have been somewhat interested in the debate that has taken place on this proposition to raise the salary of the Secretary to the President

from $6,000 to $7,500 per year. Gentlemen on the other side of the aisle, as an argument in favor of this increase, have called attention to the woeful condition of Federal employees in and about the city of Washington. I want to suggest Mr. Speaker, that it comes a little late and with poor grace from the Republican majority on this floor, the party that has been in absolute control of the legislative machinery of this Government for 16 years, at all times having a strong partisan majority on this floor, with every opportunity and facility, with nothing wanting except inclination, to introduce and pass bills which would relieve the condition of these employees who are drawing meager salaries, and yet have stubbornly failed and refused to do one thing looking toward the alleviation of the condition of those for whom they pretend to plead, though the proposed amendment has no reference to them. After this Republican majority has been driven from place and power in the expiring moments of this session they seek to go before the country with a plea in favor of men who work for small salaries.

It would have been more commendable and doubtless more gratifying to employees in the departments of the Government if our Republican friends who are now such firm advocates of higher wages for the poor man had made an effort in that direction while they had the power and when they could have carried some relief to the underpaid clerks in Washington. [Applause.]

It looks to me like this is a mere play to the galleries. If gentlemen are in earnest about it, why have you not taken action before? You gentlemen who favor an increase of big salaries have had the power at every session of Congress to recommend increases of salaries for those who are drawing the small salaries. But we heard nothing of it until now, when a different political party is about to assume responsibility in this House, and now gentlemen who have been indifferent to the appeals of the low-salaried clerks during all the time they have been in control of legislation fall upon the necks of their fellows and weep over the condition of the unfortunate clerks. [Applause.] It looks to me like hypocrisy, and I want to be very mild in my language—in fact, I am always mild. [Laughter.]

Mr. COOPER of Wisconsin. Will the gentleman permit a question?

The SPEAKER. The time of the gentleman from Missouri has expired and the gentleman has no time to yield.

Mr. RUCKER of Missouri. If I am given time I will gladly answer the gentleman.

Mr. GILLETT. I yield five minutes to the gentleman from Minnesota [Mr. TAWNEY].

Mr. TAWNEY. Mr. Speaker, I favored the increase of the salary of the Secretary to the President from $6,000 to $10,000, and I am in favor of this increase, it not being possible to secure the former recommendation. I favor this because no matter who the man is that performs that service he stands in that class of relationship with the President of the United States that he is entitled to all the salary that Congress will appropriate for the office.

I said in discussing this item before that we make a mistake, and some of us are doubtless prejudiced against the increase because of the title which this office carries. The title of secretary to anybody does not imply independent responsibility, executive or administrative authority. It does not imply executive ability and executive responsibility. We are too apt to form our judgment of what compensation should be allowed by the title of the office rather than by the duties and responsibilities of that office.

Mr. Speaker, the duties of the President of the United States are being increased constantly by the Congress of the United States. We at every session of Congress impose upon him executive work and responsibility not with the idea that he himself will personally superintend the doing of that work, but with the knowledge of the fact that it will be necessary for him to delegate the discharge of these duties to some subordinate.

I agree with the gentleman from Illinois that the President of the United States should have a man there with experience, both legislative and executive, capable of discharging almost any duty that the President of the United States is required to discharge. But the President will never be able to get a man of that character, a man of that experience, as long as the title of "secretary" is retained. I do not believe that if you were to make the salary $15,000 or $20,000 a year that it would be sufficiently attractive to any man who is capable, who has the experience and the judgment that a man should have to act as assistant to the President of the United States. You must make the title to the position so that it will imply executive authority, so that it will imply responsibility, and then you will attract men who are capable of discharging these duties and responsibilities that from time to time are placed upon the President of the United States and which must be delegated by him in the very nature of things.

Mr. FITZGERALD. Will the gentleman yield?

Mr. TAWNEY. Yes.

Mr. FITZGERALD. How long has the gentleman entertained these views that it is necessary to increase the salary?

Mr. TAWNEY. I have entertained them for some time.

Mr. FITZGERALD. The gentleman has been in a position where he might have brought some recommendation into the House and made this speech on a bill properly before the House, but he has been suspiciously silent.

The SPEAKER. The time of the gentleman has expired.

Mr. GILLETT. I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were—ayes 122, noes 115.

Mr. FITZGERALD. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 151, nays 145, answered "present" 7, not voting 81, as follows:

YEAS—151.

Adair	Durey	Howell, Utah	Palmer, H. W.
Alexander, N. Y.	Dwight	Hull, Iowa	Parker
Anthony	Edwards, Ky.	Johnson, Ohio	Payne
Austin	Ellis	Keifer	Pickett
Barclay	Elvins	Kelliher	Pray
Barnard	Englebright	Kinkaid, Nebr.	Reeder
Bartholdt	Estopinal	Knapp	Roberts
Bennet, N. Y.	Fairchild	Knowland	Rodenberg
Bingham	Fassett	Kopp	Rucker, Colo.
Boutell	Focht	Kronmiller	Scott
Bradley	Fordney	Küstermann	Sharp
Broussard	Foss	Langham	Sheffield
Burke, S. Dak.	Foster, Vt.	Legare	Simmons
Burleigh	Fuller	Livingston	Slayden
Burleson	Gardner, Mich.	Longworth	Slemp
Butler	Gardner, N. J.	Loud	Sperry
Calder	Gillett	Loudenslager	Sterling
Calderhead	Good	Lowden	Stevens, Minn.
Carlin	Goulden	McCall	Sturgiss
Carter	Graff	McCreary	Sulloway
Cassidy	Graham, Ill.	McCredie	Swasey
Cocks, N. Y.	Graham, Pa.	McGuire, Okla.	Talbott
Cole	Grant	McKinlay, Cal.	Tawney
Cooper, Pa.	Greene	McKinley, Ill.	Taylor, Ala.
Cooper, Wis.	Griest	McKinney	Taylor, Ohio
Cowles	Guernsey	McLaughlin, Mich.	Thomas, Ohio
Cox, Ohio	Hamer	McMorran	Tilson
Creager	Hamilton	Madden	Townsend
Crow	Hanna	Madison	Volstead
Crumpacker	Haugen	Martin, S. Dak.	Vreeland
Currier	Hawley	Massey	Washburn
Dalzell	Hayes	Miller, Kans.	Weeks
Dawson	Heald	Moon, Pa.	Wheeler
Diekema	Henry, Conn.	Moore, Pa.	Wiley
Dodds	Higgins	Moxley	Young, Mich.
Douglas	Hobson	Nye	Young, N. Y.
Draper	Hollingsworth	Olcott	The Speaker
Driscoll, M. E.	Howell, N. J.	Olmsted	

NAYS—145.

Aiken	Ellerbe	Jones	Randell, Tex.
Alexander, Mo.	Esch	Kendall	Rauch
Anderson	Finley	Kinkead, N. J.	Richardson
Ansberry	Fish	Kitchin	Robinson
Barnhart	Fitzgerald	Korbly	Roddenbery
Bartlett, Nev.	Flood, Va.	Lamb	Rucker, Mo.
Beall, Tex.	Floyd, Ark.	Latta	Saunders
Bell, Ga.	Fornes	Lawrence	Shackleford
Boehne	Foster, Ill.	Lee	Sheppard
Booher	Garner, Tex.	Lenroot	Sherley
Borland	Garrett	Lever	Sherwood
Brantley	Gillespie	Lindbergh	Sims
Burgess	Godwin	Lloyd	Sisson
Burnett	Gordon	Macon	Smith, Tex.
Byrns	Gregg	Maguire, Nebr.	Snapp
Candler	Hamill	Mann	Sparkman
Cantrill	Hamlin	Mays	Stafford
Cary	Hammond	Miller, Minn.	Stanley
Chapman	Hardwick	Mitchell	Steenerson
Clark, Mo.	Hardy	Moon, Tenn.	Stephens, Tex.
Clayton	Harrison	Morrison	Sulzer
Cline	Hay	Morse	Taylor, Colo.
Collier	Heflin	Moss	Thistlewood
Conry	Helm	Nelson	Thomas, Ky.
Cox, Ind.	Henry, Tex.	Nicholls	Thomas, N. C.
Craig	Hitchcock	Norris	Tou Velle
Cullop	Houston	O'Connell	Turnbull
Davidson	Hubbard, Iowa	Oldfield	Underwood
Davis	Hubbard, W. Va.	Padgett	Watkins
Dent	Hughes, Ga.	Page	Webb
Denver	Hughes, N. J.	Palmer, A. M.	Wickliffe
Dickinson	Hull, Tenn.	Pearre	Wilson, Ill.
Dies	Humphreys, Miss.	Peters	Wilson, Pa.
Dixon, Ind.	James	Poindexter	Woods, Iowa
Driscoll, D. A.	Jamieson	Pou	
Dupre	Johnson, Ky.	Pujo	
Edwards, Ga.	Johnson, S. C.	Rainey	

ANSWERED "PRESENT"—7.

Andrus	Howland	Rothermel	Wanger
Ferris	Langley	Smith, Mich.	

NOT VOTING—81.

Adamson	Gallagher	Lindsay	Plumley
Ames	Gardner, Mass.	Lively	Pratt
Ashbrook	Garner, Pa.	Lundin	Prince
Barchfeld	Gill, Md.	McDermott	Ransdell, La.
Bartlett, Ga.	Gill, Mo.	McHenry	Reid
Bates	Glass	McLachlan, Cal.	Rhinock
Bennett, Ky.	Goebel	Malby	Riordan
Bowers	Goldfogle	Martin, Colo.	Sabath
Burke, Pa.	Havens	Maynard	Small
Byrd	Hill	Millington	Smith, Cal.
Campbell	Hinshaw	Mondell	Smith, Iowa
Capron	Howard	Moore, Tex.	Southwick
Clark, Fla.	Huff	Morehead	Spight
Coudrey	Hughes, W. Va.	Morgan, Mo.	Wallace
Covington	Humphrey, Wash.	Morgan, Okla.	Weisse
Cravens	Joyce	Mudd	Willett
Denby	Kahn	Murdock	Wood, N. J.
Dickson, Miss.	Kennedy, Iowa	Murphy	Woodyard
Foelker	Kennedy, Ohio	Needham	
Fowler	Lafean	Parsons	
Gaines	Law	Patterson	

So the motion was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. WANGER with Mr. ADAMSON.

Mr. HUGHES of West Virginia with Mr. BYRD.

Mr. SMITH of California with Mr. CRAVENS (not transferable under any circumstances).

Mr. ANDRUS with Mr. RIORDAN.

Mr. HILL with Mr. GLASS.

Mr. SMITH of Michigan with Mr. CLARK of Florida (excepting District legislation).

Until further notice:

Mr. MUDD with Mr. WALLACE.

Mr. GOEBEL with Mr. WILLETT.

Mr. WOODYARD with Mr. WEISSE.

Mr. PRATT with Mr. ROTHERMEL.

Mr. NEEDHAM with Mr. SPIGHT.

Mr. MOREHEAD with Mr. SMALL.

Mr. MONDELL with Mr. RANSDELL of Louisiana.

Mr. MALBY with Mr. MOORE of Texas.

Mr. LAW with Mr. MCHENRY.

Mr. LAFEAN with Mr. MCDERMOTT.

Mr. KENNEDY of Iowa with Mr. LIVELY.

Mr. KAHN with Mr. LINDSAY.

Mr. HUMPHREY of Washington with Mr. HOWARD.

Mr. HUFF with Mr. HAVENS.

Mr. GARNER of Pennsylvania with Mr. GOLDFOGLE.

Mr. GAINES with Mr. GILL of Maryland.

Mr. DENBY with Mr. GALLAGHER.

Mr. CAPRON with Mr. GILL of Missouri.

Mr. CAMPBELL with Mr. DICKSON of Mississippi.

Mr. BURKE of Pennsylvania with Mr. COVINGTON.

Mr. BARCHFELD with Mr. BARTLETT of Nevada.

Mr. BATES with Mr. BOWERS.

Mr. MCLACHLAN of California with Mr. ASHBROOK.

Mr. AMES with Mr. REID.

Mr. MURDOCK with Mr. RHINOCK.

Mr. WOOD of New Jersey with Mr. PATTERSON.

Mr. MILLINGTON with Mr. MAYNARD.

From February 22 until February 28, inclusive:

Mr. LANGLEY with Mr. SABATH.

From February 21 until February 27, inclusive:

Mr. MORGAN of Oklahoma with Mr. FERRIS (reserving the right to transfer and release on all labor questions).

On this vote:

Mr. GARDNER of Massachusetts with Mr. HOWLAND.

The result of the vote was announced as above recorded.

Mr. GILLETT. Mr. Speaker, there is one matter left in which there is a disagreement between the Senate and the House, and that is the matter of abolishing the assay office at Charlotte, N. C. I believe the gentleman from North Carolina [Mr. WEBB] wishes to make a preferential motion, or I shall——

The SPEAKER. Covered by one amendment or several?

Mr. GILLETT. There are several amendments, but it all relates to one. I ask unanimous consent that they may be considered together.

The SPEAKER. The Clerk will report the amendments.

The Clerk read as follows:

Amendment 99, page 84, after line 24, insert "assay office at Charlotte, N. C."

Amendment 100, page 84, after line 24, insert "assayer and melter, $1,500."

Amendment No. 101, page 84, after line 24, insert "for wages of workmen and other clerks and employees, $900."

Amendment 102, page 84, after line 24, insert "for incidental and contingent expenses, $500."

Mr. WEBB. Mr. Speaker, I move that the House recede and concur in the Senate amendments.

The SPEAKER. The gentleman from North Carolina moves that the House recede from its disagreement to the amendments of the Senate just read and concur in the same.

Mr. LIVINGSTON. Mr. Speaker——

The SPEAKER. This is a preferential motion, but under the rules and practices the gentleman from Massachusetts is entitled to the floor.

Mr. GILLETT. Does the gentleman wish to argue the question?

Mr. WEBB. For about three minutes.

Mr. GILLETT. I yield three minutes to the gentleman.

Mr. WEBB. Mr. Speaker, I shall be very brief, because this matter was before the House last week. A few days ago, when we had about 60 Members present, this matter came up for consideration, and on a very close vote they continued the disagreement. I feel like apologizing to the House for discussing a matter which only involves an extra expenditure on the part of the Government of the insignificant sum of just $700. It is too small to haggle about, and yet that is the trouble between the Senate and the House now. I congratulate the House conferees on having settled all the other differences amicably, and this is the only one left in difference between the House and the Senate. The question is whether for the benefit of 206 depositors of gold at the assay office at Charlotte, N. C., the Government of the United States shall simply spend the infinitesimal sum of $700. It appears to you gentlemen a very small item perhaps. The amount of money that the Government will be called upon to pay will be only $700 for keeping this historic institution open. It was built in 1831 on a tract of land that only cost the Government $40, which tract of land now is worth about $250,000, and because this assay office does not pay the Government of the United States a revenue, the Secretary of the Treasury recommends that it be discontinued, that he can get along without it. I submit, gentlemen, on a parity of reasoning, that we ought to abolish the entire Post Office Department of the United States; that on a parity of reasoning we ought to abolish the Navy and the Army, because some might get along without those. On the same parity of reasoning other things could be left out which carry millions of money. Down in North Carolina we have a gold-producing section, where the production of gold is increasing very much. This last year the production of gold increased 80 per cent, and it is increasing every year, and 206 depositors deposited their gold in this office last year, making it a great saving and convenience not only to North Carolina, but Virginia and Georgia as well. Gentlemen, I say to this House that we can not afford to indulge in such cheeseparing. Our State is a modest State, and has never asked for much from this Government, but now the North Carolina Legislature has asked that this Congress do not discontinue this historic institution. The Greater Charlotte Club, one of the largest financial and business organizations between Washington and Atlanta, Ga., has petitioned Congress not to discontinue this office for the sake of the pitiful sum of $700. Consider the good it does and what good it will do to keep it up, and the great convenience of it to the people. Now, gentlemen, I have made this statement to you frankly, and all I wanted to do was to lay the situation before you and ask at your hands that you will not abolish this great institution, which is of so much value in my district. North Carolina will appreciate your consideration of her wishes. The magnificent city of Charlotte will feel grateful to you; and, of course, my appreciation will be unbounded if you will save this office. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. GILLETT. Mr. Speaker, I appreciate that, of course, the gentleman from North Carolina does not wish the assay office there abolished. None of us like to have patronage or expenditure taken away from our States, but if we are going to turn down reforms recommended to us by the department because of personal reasons like this any desire or effort at economies from the department will utterly be discouraged.

Now, it is $2,500 instead of $700, as the gentleman says. The department told us that it is absolutely needless that there should be any assay office in North Carolina. There is no accommodation to speak of to the miners; there is no remuneration to the United States. It is a constant expense. It could exactly as well be done at the other assay offices, with no noticeable increase of expense, and they recommended that in the interests of economy and good administration it should be so done. The House supported the committee. The Senate, where we sometimes think personal influence counts for more than it does here, insisted that this should go back. But I believe now, if the House disagrees, it will end the matter and the recommendation of the Secretary will be carried out, as I hope it will.

I yield to the gentleman from Georgia [Mr. LIVINGSTON] three minutes.

Mr. THOMAS of North Carolina. May I ask the gentleman a question first?

Mr. GILLETT. Yes.

Mr. THOMAS of North Carolina. Does not the Government still assay at the Charlotte assay office $100,000 annually in gold?

Mr. GILLETT. It assayed $88,000.

Mr. THOMAS of North Carolina. Does not that pay expenses and more than pay expenses?

Mr. GILLETT. It does not anywhere near pay expenses.

Mr. WEBB. Last year it was $149,000.

Mr. THOMAS of North Carolina. The gold coming to the assay office is constantly increasing, and my colleague says it has increased 90 per cent in the last year.

Mr. GILLETT. He is mistaken. It is a decrease instead of an increase. I have the figures right here in the report of the Director of the Mint.

Now I yield three minutes to the gentleman from Georgia [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, this is one of the small items in this bill that we have had a disagreement upon, and the chief reason, perhaps, why some are opposed to its remaining in the bill or being accepted by the House conferees is the fact that the assay office at St. Louis went out. The gentlemen from North Carolina and the Senators that are contending so strenuously for this amendment, and the Legislature of North Carolina, are not responsible for that assay office in St. Louis going out of the bill. I want to suggest to the gentlemen on this side of the House, at least, that there is a great deal of gold in that vicinity. Above the water in the soil it can be worked; below the water it is mixed with sulphur, and they are now endeavoring to get a process by which the sulphur can be separated from the gold; and if that is done that mint there ought to be kept open, by all means. You closed the mint in Louisiana from handling gold; our own mint in Georgia, at Dahlonega, has been closed for quite a while, and all the gold in north Georgia has been brought to Charlotte. It is not a question of economy, and I want to suggest it is not $2,400 or $2,700, because we agreed to concede all of them almost, taking only $1,800.

Mr. GILLETT. Will the gentleman allow me?

Mr. LIVINGSTON. Yes.

Mr. GILLETT. Did you hear the amendment read? It was $2,400 or $2,500.

Mr. LIVINGSTON. I know what the amendment is.

Mr. GILLETT. That is what it is.

Mr. LIVINGSTON. I know the conferees at the other end have agreed to cut it almost in two.

Mr. GILLETT. And it is before us as $2,400, and that is what the gentleman has agreed to concede.

Mr. LIVINGSTON. The gentleman from North Carolina [Mr. WEBB] said $700, and you got up and said $2,400, and I have a right to say the conferees agreed to $1,800. [Laughter.] That is all there is in it. I know what the amendment is. I am not asleep.

Mr. GILLETT. Mr. Speaker, I yield to the gentleman from Tennessee [Mr. AUSTIN] two minutes.

Mr. AUSTIN. Mr. Speaker, I hope Members on this side of the Chamber will vote for the motion submitted by the gentlemen from North Carolina [Mr. WEBB]. Now, I know of my own personal knowledge that recently a large company has been organized and is now actively at work in the gold-mining business in North Carolina. It has purchased a large amount of valuable machinery and shipped it into that State, and has inaugurated an extensive mining operation. I hope that this assay office will be continued until we can go further into practical, up-to-date mining development of that region of the South.

I believe that with improved machinery gold mining can be made profitable in North Carolina, Georgia, and Tennessee, and I hope that the Republican side of this Chamber will not at this stage in the mineral development of the Southern States do anything to discourage, but, on the contrary, will do everything to encourage, the successful development of the resources of the Appalachian mining region.

This is a very small appropriation, and I trust that a Republican House will not take the responsibility of blotting out an institution that has been in operation almost a hundred years. Such an action will be construed as an act of unfriendliness on the part of a Republican Congress toward the South, and I hope we will not take that responsibility, but that we will go on record as sustaining the motion of the gentleman from North Carolina.

Now, there are lots of appropriations that, perhaps, are not needed in other branches and departments of this Government, and if you are going to inaugurate a system of cleaning out and cutting off I hope we can begin somewhere else than at Charlotte, N. C., on the comparatively small appropriation of $2,500. And if there is no other reason that will appeal to this side of the House, the fact that the State of North Carolina gave to the country and to this House the splendid man that occupies the position of Speaker of this House, should be sufficient. [Applause.]

Mr. GILLETT. Mr. Speaker, I yield five minutes to the gentleman from Missouri [Mr. BARTHOLDT].

Mr. BARTHOLDT. Mr. Speaker, as the gentleman from North Carolina has said, this is a small matter from a financial standpoint, and it might easily be disposed of if it were not for the fact that a question of even-handed justice is involved in the case. If the gentleman from North Carolina had made the eloquent speech which he delivered here this morning before the Committee on Appropriations, when the matter was up in that committee, and then had made it when it was up in the House originally, he might probably have played on the sympathies of the Democratic side with sufficient strength and I might have played upon the sympathies of the Republican side sufficiently to have saved both the Charlotte and St. Louis assay offices.

Mr. WEBB. May I interrupt the gentleman?

Mr. BARTHOLDT. No. I regret that I must decline. I have but five minutes.

When at the beginning of this session it became known that the Treasury Department had recommended the abolishment of these two assay offices in accordance with a plan of economy and reform, I appeared before the Committee on Appropriations and told them that the assay office at St. Louis should be continued in any event, no matter what might happen to others, first, for the reason that we are paying no rent, inasmuch as the assay office there is in a Government building; secondly, that our business there had increased 700 per cent during the last five years; and, thirdly, that the expense of assaying the gold would be just as much as, if not more than, it would be anywhere else if the assaying were not done at the St. Louis office. But in spite of these representations the committee came to the conclusion that the assay offices both at St. Louis and Charlotte should be abolished.

Mr. COWLES. Will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. COWLES. Will the gentleman from Missouri yield for just a suggestion?

Mr. BARTHOLDT. I will if I have the time at my disposal. I have a long story to tell.

Mr. COWLES. I remember hearing the gentleman from Missouri state that they paid no rent at the assay office at St. Louis. I want to say to the gentleman and to the House that the Government also owns the United States mint at Charlotte, and that we pay no rent there.

Mr. BARTHOLDT. That has been already stated. The two assay offices are on all fours, so far as that is concerned. But, Mr. Speaker, the friends of Charlotte slept on their rights when the Committee on Appropriations considered the matter, and they slept on their rights when the matter was up originally in the House; and not until a gentleman representing that State in the other House, a member of the conference committee on this bill, moved to insert Charlotte did they wake up and ask this House to reinsert Charlotte and leave St. Louis out. I say that would be unfair discrimination in favor of Charlotte and against the great city which I have the honor to represent on this floor.

Now, I would be in favor of either putting them both back or striking them both out. But you can not come here now and ask that Charlotte be inserted and St. Louis left out, when, as a matter of fact, St. Louis does three or four more times as much business as is done at Charlotte.

Mr. WEBB. Will the gentleman permit a suggestion?

Mr. BARTHOLDT. What is it?

Mr. WEBB. The gentleman charges me with not making a fight in favor of this proposition. I want to say that I was at home with a sick child, and that is why the fight was not made.

Mr. BARTHOLDT. I am not criticizing the gentleman from North Carolina, I am merely stating facts. I want this House to know that while the Representatives from North Carolina were silent I raised my voice before the committee as well as in the House in behalf of my city, and it would be a great injustice to me, as well as to the people of St. Louis, if, because of the action of the Senate, the larger of the two assay offices were abolished and the smaller continued. The parliamentary status of the matter is now such that St. Louis can not be inserted, and therefore to carry out the plans of the Treasury

officials, the amendment of the Senate in favor of Charlotte should be stricken from the bill.

Mr. GILLETT. Mr. Speaker, I yield one minute to the gentleman from North Carolina [Mr. COWLES].

Mr. COWLES. Mr. Speaker, I want to appeal to our friends on this side of the Chamber to not turn us down on this proposition because of the fact that St. Louis has not won out.

Mr. MANN. But they turned the gentleman down.

Mr. COWLES. That is true; yet, I hope our friends on this side of the Chamber will stand by us.

Mr. MANN. We should feel better about it if they had not unjustly turned down the gentleman from North Carolina.

Mr. COWLES. Well, I appreciate the compliment the gentleman from Illinois [Mr. MANN] thus pays me, and while I deplore the lack of good judgment displayed by them in turning me down, still I harbor no ill will against them for that, and hope my friends on this side will vote with me.

Mr. PADGETT. Mr. Speaker, in view of repeated insinuations and statements of hostility with Japan, I desire to insert in the RECORD the following statement:

[By Associated Press.]

TOKYO, *Wednesday, February 1 (mail correspondence).*

A meeting of Americans resident in Japan was held in Yokohama recently in the interest of international peace movements. A resolution designed to refute the reports that public sentiment in this country is hostile to the United States, was adopted as follows:

"*Resolved*, That in our opinion the people of Japan have at all times entertained the most friendly and cordial sentiments toward the Government and people of the United States, and that there has never been, and is not now, any feeling other than one of confidence and gratitude. We believe, upon evidence which can not be doubted, that there is not to be found in the Japanese Empire any wish or thought other than to maintain the most friendly and cordial relations with the Republic of the United States, and that any representations to the contrary, wherever emanating, and from whatever cause proceeding, are baseless calumnies which, if uncontradicted, can only result in vast material losses to the people of both Governments and in creating an unhappy prejudice between them."

Mr. GILLETT. Mr. Speaker, I hope the House will decide this not on the sympathy for St. Louis or North Carolina, but agree with the recommendation of the department for economy. If they do not, it will discourage all efforts in that line.

The SPEAKER. The question is on the motion to recede and concur in the Senate amendments.

The question was taken; and on a division (demanded by Mr. WEBB) there were 115 ayes and 45 noes.

Mr. GILLETT. I demand the yeas and nays.

The SPEAKER. The yeas and nays are demanded. All those in favor of taking the yeas and nays will rise and stand until counted. [After counting.] Twenty-four gentlemen have arisen, not a sufficient number.

Mr. BARTHOLDT. Mr. Speaker, I ask unanimous consent to amend the motion by inserting "St. Louis."

Mr. GILLETT. I make the point of order that it is too late.

The SPEAKER. Objection is heard, the yeas and nays are refused, and the motion is agreed to.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GARDNER of Michigan. Mr. Speaker, I call up the conference report on the bill (H. R. 31856) making appropriations for the District of Columbia. I desire to say that the point raised on Saturday has been stricken from the bill, and the conferees of the two Houses have arrived at a full and free agreement. I ask unanimous consent that the reading of the conference report and statement be omitted. The statement was read on Saturday, and I suppose no gentleman will care to have it read again.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the reading of the report and statement may be omitted.

The statement of the managers on the part of the House is as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 31856) making appropriations for the government of the District of Columbia for the fiscal year 1912 submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying report as to each of the said amendments, namely:

On amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14, relating to the executive offices: Increase the salaries of the commissioners from $5,000 to $6,000 each; 1 stenographer and typewriter from $720 to $840; the purchasing officer from $2,500 to $2,750; 1 clerk from $1,200 to $1,300; 3 clerks from $600 each to $720 each; the inspector of buildings from $2,750 to $3,000; reimburses 2 elevator inspectors for maintenance of motor cycles at $15 per month each; and strikes out the proposed increase of salary of the storekeeper from $900 to $1,000.

On amendment No. 15: Extends to the employees of the District, other than those in the public-school system and police and fire departments, the same provisions of leave of absence as is provided for by law for employees of the executive departments.

On amendments Nos. 16 and 17: Increases the salary of the clerk and stenographer in charge of the force for care of the district building from $1,800 to $2,000.

On amendments Nos. 18 and 19: Provides for an additional clerk at $720 in the assessor's office.

On amendment No. 20: Provides for extra labor in the preparation of tax-sale certificates in the sum of $800, as proposed by the House.

On amendments Nos. 21, 22, 23, and 24, relating to the auditor's office: Makes a verbal correction in the text of the bill, and provides for an additional clerk at $1,000.

On amendments Nos. 25 and 26: Provides for an additional stenographer at $840 in the office of the corporation counsel.

On amendments Nos. 27, 28, and 29: Increases the salary of a clerk in the office of the superintendent of weights, measures, and markets from $1,000 to $1,200.

On amendments Nos. 30, 31, 32, 33, and 34, relating to the engineer commissioner's office: Strikes out the proposed increase in the salaries of the engineer of highways and the superintendent of sewers from $3,000 to $3,300 each; increases the salary of the chief clerk from $2,000 to $2,250; and of one clerk from $1,350 to $1,400.

On amendments Nos. 35 and 36: Appropriates $2,500 for a gasoline motor truck for the municipal architect's office.

On amendments Nos. 37, 38, and 39: Strikes out the proposed increase in the salaries of two clerks from $1,200 to $1,300 each in the special-assessment office.

On amendments Nos. 40, 41, 42, and 43, relating to the office of the superintendent of insurance: Increases the salary of the examiner from $1,500 to $1,700; the statistician from $1,500 to $1,700; and of one clerk from $1,000 to $1,200.

On amendments Nos. 44 and 45: Increases the salary of an assistant computer from $825 to $900 in the surveyor's office.

On amendments Nos. 46, 47, 48, and 49, relating to the free public library: Strikes out the proposed increase in the salary of the assistant librarian from $1,500 to $1,600; provides for one additional assistant at $720, and for one additional cataloguer at $540.

On amendment No. 50: Appropriates $34,500, as proposed by the House, instead of $37,500, as proposed by the Senate, for contingent expenses of the government of the District of Columbia.

On amendment No. 51: Appropriates $10,000, instead of $9,000, as proposed by the Senate, for postage.

On amendments Nos. 52 and 53, relating to the coroner's office: Makes the appropriations available for the "purchase and maintenance of means of transportation," instead of "for livery of horses or horse hire," and inserts the provision, proposed by the Senate, relating to juries of inquest.

On amendment No. 54: Appropriates $500, as proposed by the Senate, for erection of historical tablets.

On amendment No. 55: Limits the use of the fees of the recorder of deeds for purchase of typewriters to those of the year 1911, instead of the years 1911 and 1912.

On amendment No. 56: Makes available during the fiscal year 1912 the appropriation of $10,000 made for the year 1910 for repair of buildings that may be injured by fire.

On amendment No. 57: Inserts the provision, proposed by the Senate, authorizing purchases without advertising for proposals in amounts not exceeding $25.

On amendment No. 58: Appropriates $500, as proposed by the Senate, for purchase of apparatus for the office of the inspector of asphalts and cements.

On amendment No. 59: Strikes out the appropriation, proposed by the Senate, of $3,000 for alterations in the repair shop.

On amendment No. 60: Appropriates $340,000, as proposed by the Senate, instead of $180,000, as proposed by the House, for assessment and permit work.

On amendment No. 61: Appropriates $10,000, as proposed by the Senate, for paving roadways under the permit system.

On amendments Nos. 62, 63, and 64: Appropriates $79,500, as proposed by the Senate, instead of $61,500, as proposed by the House, for work on streets and avenues.

On amendments Nos. 65, 66, and 67: Strikes out the appropriation of $27,000, proposed by the Senate, for removing granite block and repaving with asphalt Seventh Street from K Street to P Street; appropriates $14,000 for grading and improving

Seventeenth Street NW., as proposed by the Senate; and makes the appropriation of $8,000, proposed by the House, available, as proposed by the Senate, for connecting Belmont and Fifteenth Streets NW.

On amendments Nos. 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, and 81: Appropriates $123,650, instead of $77,850 as proposed by the House and $161,600 as proposed by the Senate, for the construction of certain county roads and public streets, and provides that the appropriations in detail for such construction shall constitute one fund.

On amendment No. 82: Inserts the provision proposed by the Senate requiring the Anacostia & Potomac River Railroad Co. to remove and relocate certain of its tracks.

On amendments Nos. 83, 84, and 85: Strikes out the appropriations, proposed by the Senate, of $2,500 for replacing sidewalks on the east side of the White Lot, $1,500 for new sidewalks around the Patent Office, and $2,500 for replacing sidewalks around the old post-office building.

On amendments Nos. 86 and 87: Appropriates $140,000, as proposed by the Senate, instead of $130,000, as proposed by the House, for repairs of county roads.

On amendment No. 88: Appropriates $16,000, as proposed by the Senate, instead of $15,000, as proposed by the House, for construction and repair of bridges.

On amendments Nos. 89 and 90: Appropriates $100,000, instead of $75,000, as proposed by the Senate, toward constructing a bridge across Rock Creek on the line of Q Street.

On amendments Nos. 91, 92, 93, and 94, relating to sewers: Appropriates $44,500, as proposed by the Senate, instead of $43,000, as proposed by the House, for the sewage pumping service, and makes the sum available for the maintenance of motor vehicles; appropriates $65,000, instead of $67,000 as proposed by the Senate and $60,000 as proposed by the House, for main and pipe sewers; and $130,000, instead of $161,000 as proposed by the Senate and $110,000 as proposed by the House, for suburban sewers.

On amendment No. 95: Appropriates $260,000, instead of $270,000 as proposed by the Senate and $250,000 as proposed by the House, for sprinkling, sweeping, and cleaning streets.

On amendment No. 96: Strikes out the provision, proposed by the House, which limits the cleaning of snow and ice only from sidewalks in front of public spaces.

On amendment No. 97: Appropriates $128,600 for a stable and storeroom for the street-cleaning department, as proposed by the Senate.

On amendments Nos. 98 and 99: Increases the salary of the watchman at the bathing beach from $450 to $480.

On amendments Nos. 100 and 101: Makes the appropriations for playgrounds immediately available and restores to the bill the requirements, proposed by the House, that the appropriation for salaries of persons connected with the playgrounds be paid wholly out of the revenues of the District.

On amendment No. 102: Appropriates $78,000, instead of $125,000, as proposed by the Senate, for the establishment of the interior park.

On amendments Nos. 103, 104, 105, and 106, relating to the electrical department: Increases the salary of the assistant electrical engineer from $1,800 to $2,000; strikes out the provision for one additional electrical inspector at $1,200; and appropriates $13,500, instead of $14,000, as proposed by the Senate, and $13,000, as proposed by the House, for general supplies.

On amendment No. 107: Inserts the provision, proposed by the House, instead of the one proposed by the Senate, to effect a settlement with the Potomac Electric Power Co. for services heretofore rendered.

On amendment No. 108: Appropriates $35,000, as proposed by the Senate, for the preservation and repair of Cabin John Bridge.

On amendment No. 109: Strikes out the provision, proposed by the Senate, authorizing a new highway plan for that portion of the District in the vicinity of Piney Branch parkway.

On amendments Nos. 110, 111, 112, 113, 114, 115, 116, 117, and 118, relating to the public schools: Strikes out all of the changes, proposed by the Senate, with reference to teachers.

On amendments Nos. 119 and 120: Fixes the salary of the janitor for the Western High School at $900, as proposed by the Senate, instead of $1,000, as proposed by the House.

On amendment No. 121: Appropriates $23,500, instead of $25,000, as proposed by the Senate, and $22,000, as proposed by the House, for tools and machinery for instruction in manual training.

On amendment No. 122: Appropriates $15,000, as proposed by the Senate, instead of $14,550, as proposed by the House, for furniture for new school buildings.

On amendment No. 123: Strikes out the appropriation of $2,600, proposed by the Senate, for a motor delivery wagon for public school supplies.

On amendments Nos. 124, 125, 126, 127, and 128, relating to new school buildings: Appropriates $10,000 for grounds adjacent to the Fillmore School; $75,000 toward a normal school building for colored pupils, to cost not exceeding $200,000; $40,000 for a four-room building in the vicinity of the Burrville School; $54,000 for site and building in the twelfth division; and $60,000 for a site for a new M Street High School; and strikes out $24,000, proposed by the House, for an addition to the Deanwood School.

On amendments Nos. 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, and 139, relating to the Metropolitan police: Strikes out the provision for an additional inspector at $1,800; increases the pay of four surgeons from $600 to $720 each; provides for an additional lieutenant at $1,320, for one additional sergeant at $1,250, one additional private of class one at $900, and for allowance to one additional officer mounted at $260; provides for repairs of a motor patrol; and strikes out the provision, proposed by the Senate, authorizing the deposit to the credit of the police and firemen's relief fund the receipts from licenses other than liquor licenses in addition to the revenues now authorized by law, such sums as may be necessary from time to time to prevent deficiencies in said fund.

On amendments Nos. 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, and 152, relating to the fire department: Strikes out the provision for an additional battalion chief engineer at $2,000; increases the salary of the superintendent of machinery from $1,800 to $2,000; strikes out the increase in salaries of 23 engineers and two marine engineers from $1,150 to $1,200 each; provides for an additional hostler at $600, and inserts the provision, proposed by the Senate, regulating leaves of absence to members of the fire department; strikes out the proposed increase from $15,000 to $16,000 for purchase of horses; appropriates $31,000, instead of $32,000 as proposed by the Senate, and $30,000 as proposed by the House for forage; strikes out the appropriation of $20,000, proposed by the Senate for a repair and storage building; and inserts a provision requiring a report as to the necessity for a high-pressure fire-service system.

On amendments Nos. 153, 154, 155, 156, and 157, relating to the health department: Increases the salary of the poundmaster from $1,200 to $1,500; inserts the provision, proposed by the Senate, requiring inspectors of dairies and dairy farms to act as inspectors of live stock; provides for the prevention of communicable diseases other than those specified in the law; increases the amount that may be expended for personal services from $10,000 to $15,000 out of the appropriation to prevent spread of contagious diseases; and appropriates $10,000 for a new pound.

On amendments Nos. 158, 159, and 160, relating to the juvenile court: Increases the salary of the judge from $3,000 to $3,600; and strikes out the provision for an additional bailiff, at $700.

On amendments Nos. 161, 162, 163, 164, and 165, relating to the police court: Provides for a deputy financial clerk instead of a deputy clerk to be known as financial clerk, at $1,500; increases the salary of the janitor from $540 to $600; and appropriates $1,000, as proposed by the House, instead of $2,000 as proposed by the Senate, for repairs of the Police Court Building.

On amendments Nos. 166, 167, 168, and 169, relating to the municipal court: Provides for an additional assistant clerk, at $1,000, and increases the salary of the janitor from $480 to $600.

On amendment No. 170: Authorizes the employment of an alienist at $1,000 per annum in connection with the expenses of execution of writs of lunacy.

On amendment No. 171: Strikes out the provision, proposed by the Senate, authorizing purchases in open market.

On amendment No. 172: Appropriates $48,000, as proposed by the House, instead of $50,000, as proposed by the Senate, for support of convicts.

On amendments Nos. 173 and 174: Increases the salaries of five laborers from $480 to $600 each in the courthouse.

On amendments Nos. 175, 176, 177, 178, and 179, relating to the court of appeals building: Strikes out the provision for a mechanician at $1,200 and an additional watchman at $600; provides for an additional laborer at $480; and appropriates $900 instead of $1,500, as proposed by the Senate, for miscellaneous expenses of the building.

On amendment No. 180: Appropriates $40,840, as proposed by the Senate, for maintenance of jail prisoners.

On amendment No. 181: Appropriates $25,000, as proposed by the House, instead of $26,000, as proposed by the Senate, for miscellaneous expenses of the supreme court of the District.

On amendments Nos. 182 and 183: Increases the salary of the secretary of the Board of Charities from $3,000 to $3,500.

On amendments Nos. 184, 185, and 186: Increases the salary of the superintendent of nursing at the Washington Asylum and jail from $720 to $840.

On amendments Nos. 187 and 188: Appropriates $25,000, as proposed by the House, instead of $26,000, as proposed by the Senate, for provisions and miscellaneous expenses for the Home for the Aged and Infirm.

On amendments Nos. 189, 190, and 191: Appropriates $500, as proposed by the House, for plans for an additional building, to cost not exceeding $40,000, for the Reform School for Girls.

On amendments Nos. 192, 193, 194, 195, 196, 197, 198, 199, 200, and 201, relating to medical charities: Appropriates $34,000, instead of $35,500, as proposed by the Senate, and $32,500, as proposed by the House, for the Freedmen's Hospital; appropriates $11,000, as proposed by the Senate, instead of $10,000, as proposed by the House, for the Eastern Dispensary; $4,000, as proposed by the Senate, instead of $3,000, as proposed by the House, for the George Washington University Hospital; provides for an assistant cook, at $360, increases the salary of the laundryman from $480 to $600, strikes out the proposed increase in the salary of the engineer from $720 to $900, and increases the salary of the farmer from $300 to $360, in the Tuberculosis Hospital, and strikes out the increase in the appropriation proposed by the Senate, from $1,000 to $1,500, for repairs and improvements to buildings and grounds for that institution.

On amendments Nos. 202, 203, 204, 205, 206, 207, 208, 209, 210, and 211, relating to child-caring institutions: Strikes out the provision for an additional placing officer at $1,000 and the increase in the salary of an investigating clerk from $900 to $960 for the Board of Children's Guardians; increases the salary of two assistant caretakers from $300 to $360, and provides for a stableman at $300 for the Industrial Home for Colored Children; strikes out the increase from $6,000 to $7,500 for maintenance and from $250 to $450 for furniture and equipment for the institution.

On amendments Nos. 212 and 213: Inserts the provision proposed by the Senate authorizing the acceptance as a donation the property known as the Night Lodging House; and strikes out the appropriation of $5,000 proposed by the Senate for the Columbia Polytechnic Institute.

On amendment No. 214: Prohibits the use of any appropriation heretofore made, as well as of appropriations contained in the act for 1912, for a reformatory, asylum, or workhouse in Virginia or Maryland within 10 miles of Mount Vernon, except the one at Occoquan.

On amendments Nos. 215, 216, 217, and 218, relating to the workhouse at Occoquan: Appropriates $193,000 instead of $288,000, with $80,000 instead of $91,000 thereof immediately available, for maintenance and operation; and inserts the provision, proposed by the Senate, relative to the delivery to and custody of male and female prisoners in the institution.

On amendments Nos. 219, 220, 221, 222, 223, 224, 225, 226, 227, and 228, relating to the militia: Appropriates $48,000, instead of $49,000 as proposed by the Senate and $47,000 as proposed by the House, for expenses of camps; $2,250, as proposed by the Senate, for cleaning uniforms; $1,250, as proposed by the House, instead of $1,500, as proposed by the Senate, for expenses of target practice; and inserts provisions into the text of the appropriation for payment of troops, proposed by the Senate.

On amendment No. 229: Appropriates $100,000, as proposed by the Senate, toward the improvement of the Anacostia River Flats.

On amendment No. 230: Strikes out the appropriation of $210,000, proposed by the Senate, for the purchase of Carpenter (Pennsylvania Avenue) tract of land.

On amendment No. 231: Strikes out the proposed authorization of an appropriation of $300,000 for the acquisition of the land known as the Klingleford Valley.

On amendment No. 232: Authorizing the purchase and maintenance of a motor runabout for the water department.

On amendment No. 233: Authorizes the use of $70,000, as proposed by the Senate, instead of $65,000, as proposed by the House, for personal services in connection with the execution of public works in the District of Columbia.

On amendments Nos. 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, and 249, relating to public lighting: Authorizes rates of $15, as proposed by the Senate, instead of $14.50, as proposed by the House, for 40-candlepower incandescent lamps on overhead wires; $17.50, as proposed by the House, instead of $19, as proposed by the Senate, for 60-candlepower incandescent lamps on overhead wires; $80 instead of $85, as proposed by the Senate, and $72.50, as proposed by the House, for 528 and 550 watt series inclosed and multiple inclosed arc lamps; $72.50, as proposed by the House, instead of $75, as proposed by the Senate, for 320 watt magnetite or other arc lamps; requires replacing of certain electric lights by April 1, 1914, as proposed by the House, instead of 1915, as proposed by the Senate; fixes the limit of cost of lamp-posts and equipment at $60, as proposed by the House, instead of $50, as proposed by the Senate; authorizes a reduction of $6.60, as proposed by the House, instead of $4.40, as proposed by the Senate, from the price of electric arc lamps if the commissioners furnish the equipment therefor; provides that in the event the commissioners have to adopt forms of electric street lighting other than those provided for in the bill, a fair sum for the cost of maintenance may be allowed; prohibits public electric lighting by overhead wires within the existing fire limits of the District; makes certain necessary verbal corrections; and inserts a provision imposing a penalty of $25 per day for failure on the part of any gaslight or electric light company to furnish or discontinue any street lamp that the commissioners may direct.

WASHINGTON GARDNER,
EDWARD L. TAYLOR, JR.,
A. S. BURLESON,
Managers on part of the House.

Mr. COX of Indiana. Mr. Speaker——

Mr. JOHNSON of Kentucky. Mr. Speaker, I reserve the right to object. The only thing I desire is to raise some further points of order.

The SPEAKER. The gentleman reserves all points of order.

Mr. COX of Indiana. I want to reserve a point of order to amendment 95.

The SPEAKER. The Chair hears no objection to the request of the gentleman from Michigan, to omit the reading of the report and statement.

Mr. JOHNSON of Kentucky. Is it proper for me to make my points of order?

The SPEAKER. It is.

Mr. JOHNSON of Kentucky. I desire to make a point of order to Senate amendments Nos. 102, 151, 157, 161, 207, and 218.

Mr. COX of Indiana. Mr. Speaker, I make a point of order to amendment 95 on the ground that the item inserted in the conference report was never in dispute between the two Houses, but was inserted as new legislation by the conferees. It is found on page 3561 of the RECORD.

Mr. JOHNSON of Kentucky. I make my points of order on the same ground.

The SPEAKER. The Chair will hear the gentleman from Indiana on the point of order.

Mr. COX of Indiana. Mr. Speaker, on page 3561 of the RECORD of Saturday I find the following:

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with amendments as follows: In lieu of the sum proposed insert "$260,000," and on page 35 of the bill, in line 24, after the word "specifications," insert the following:

"*Provided further*, That whenever it shall appear to said commissioners that the work now performed under contract, namely, street sweeping and cleaning alleys and unimproved streets, can, in their judgment, be performed under their immediate direction more advantageously to the District, then, in that event, said commissioners are hereby authorized to perform any part or all of said work in such manner, and to employ all necessary personal services, and purchase and maintain such street-cleaning apparatus, horses, harness, carts, wagons, tools, and equipment as may be necessary for the purpose, and of this appropriation the sum of $40,000 is hereby made immediately available."

To that I make the point of order.

Mr. STAFFORD. Mr. Speaker, I raise the point of order that the point of order comes too late. This conference report was under consideration on Saturday last, and the point of order was reserved only as to one item.

Mr. BARTLETT of Georgia. Oh, the gentleman reserved all points of order.

The SPEAKER. The Chair can dispose of that by suggesting to the gentleman from Wisconsin that this conference report is to be considered without regard to the conference report made on a former occasion, and the gentleman from Indiana did reserve all points of order. The Chair thinks the gentleman is in time with his point of order.

Mr. COX of Indiana. Mr. Speaker, the item inserted in the conference report was never in dispute between the two Houses whatever. It was not in the bill at the time that it passed the House. It was not incorporated at the other end of the Capitol in the Senate, and the Senate amendment comes back here as legislation having its source in the conference committee.

Mr. GARDNER of Michigan. Mr. Speaker, I am sure the gentleman does not wish to mislead the House.

Mr. COX of Indiana. I do not.

Mr. GARDNER of Michigan. The gentleman from Virginia [Mr. CARLIN] raised the point of order on this item in the House, and it went out on a point of order that he made. It was in the bill when the bill was reported to the House. The Senate put it back in the bill in the Senate committee.

Mr. COX of Indiana. I am unable to find where it is incorporated in the bill by the Senate.

Mr. GARDNER of Michigan. If the gentleman will read the original bill he will find it there.

Mr. BURLESON. It is only fair to state that it went out in the Senate on a point of order raised by the Senator from Indiana.

Mr. FITZGERALD. Mr. Speaker, I understand the gentleman from Indiana [Mr. COX] to state that this matter has been inserted by the conferees in the bill at a point in the text where there was nothing in dispute. The gentleman from Michigan states that this item was in the House bill, but it went out on a point of order; that the Senate committee put it in the bill in the Senate, and it went out there on a point of order. It was in the bill when it went to conference and never in disagreement. The conferees inserted the provision in the conference report. Of course, that is clearly beyond their power.

The SPEAKER. The Chair desires on this point of order to get at the exact matter covered by the point, and will direct the Clerk to read the proviso in the original bill.

The Clerk read as follows:

Provided, That whenever it shall appear to the commissioners that said latter work can not be done under their immediate direction at 19 cents or less per thousand square yards, in accordance with the specifications under which the same was last advertised for bids, it shall at once be their duty to advertise to let said work under said specifications to the lowest responsible bidder, and if the same can not be procured to be done at a price not exceeding 20 cents per thousand square yards, they may continue to do said work under their immediate direction, in accordance with said specifications, $250,000, and the commissioners shall so apportion this appropriation as to prevent a deficiency therein.

The SPEAKER. Was that matter in conference?

Mr. FITZGERALD. No; only the amount of that item was in conference.

Mr. GARDNER of Michigan. Mr. Speaker, I desire to say to the gentlemen of the House that we do not question but what this is subject to a point of order. We do claim, without any division of sentiment in the committee, either in the House or the Senate, that it ought to be in the bill. It was in the House bill and was stricken out on a point of order raised by the gentleman from Virginia [Mr. CARLIN]. Just a few moments ago Mr. CARLIN came to me and said that he wanted to speak on this matter, but he had an engagement and had waited as long as he could. He said to me, in effect, that he desired to withdraw every particle of objection that he had to the item, and further stated that he believed it ought to be in the bill and that he authorized me to say that for him. Now, it went over to the Senate, and the Senate committee put it in the bill, and then, on a point of order raised by a Senator, it went out of the bill. Now, from as reputable authority, as I have the statement of the gentleman from Virginia, I can state that the Senator who objected said that he did not understand the matter or he would not have been in favor of striking it out and that he wished it might be retained. These statements coming to the conferees, we believed that we acted in harmony with the thought of the House—of both Houses—in leaving the matter in the bill, although we do say, and there is no disposition to say otherwise, that technically it is subject to a point of order.

But whether a technicality should stand for what we all believe to be for the best interest of the District is the question for the House to determine.

Mr. COX of Indiana. Will the gentleman yield for a question?

Mr. GARDNER of Michigan. Assuredly.

Mr. COX of Indiana. I got the opinion some way, I believe while the bill was going through the House, that this work for cleaning and sweeping the streets was let out by contract to the highest bidder. Is that true?

Mr. GARDNER of Michigan. A part of it in this way, I may say to the gentleman. There has been for years, ever since I have been on this committee, for 10 years, more or less complaint every year at the way the street sweeping was done. They are now performing a good part of the work, and the commissioners have gradually increased the paraphernalia necessary to do the work under appropriations made for that purpose by the House; and they have now a very considerable amount of machinery that can be used for cleaning snow and ice, for cleaning the streets and flushing the streets, and a good deal of this, I am informed, will have to be housed and unused if this item stays out of the bill.

Mr. COX of Indiana. Will the gentleman yield in that connection? Is this true—I have seen it, if I mistake not, in a newspaper—that one of the Commissioners of the District, I believe Commissioner Johnston, I am not sure, bought without any authority of law or without any authority, a large number of street-cleaning apparatus? Is that true; and that it has never been put in use; and if that be true, is not that the very purpose of this amendment in the conference report to utilize that machinery?

Mr. GARDNER of Michigan. If there was any machinery bought without authority of law I am not aware of it. There was an item in the bill a year ago appropriating $8,000 for the purchase of machinery, open and aboveboard, known by everybody who was giving attention to the bill.

Mr. CARY. Will the gentleman permit me a question?

Mr. GARDNER of Michigan. Assuredly.

Mr. CARY. Is it not a fact that Mr. Johnston has ordered 16 machines for street cleaning purposes, and he has them now stored in a barn or a stable loft in the District here, and that 10 of them were charged against the street cleaning department, and 6, I believe, against snow and ice? I placed those charges before the President of the United States and the only answer I got is that they are not paid for yet. That is the only answer, "that they are not paid for yet." If he ordered them without authority and stored them over there, it seems to me this clause in the bill is to permit him now to make use of the appropriation by paying for the machines and have an excuse to say he was right about it when he bought the machines in the first place.

Mr. BENNET of New York. And if the gentleman will permit me, and also that we gave the money to pay for them.

Mr. CARY. Yes; that we gave him the money to pay for them.

Mr. HULL of Iowa. It seems to me the important thing is for this House to know whether they are really needed to be bought for the District.

Mr. CARY. They are not needed more than any other items.

The SPEAKER. Are there any further points of order? The Chair is informed that there are a number of precedents relating to this subject. The exact matter which was in difference between the two Houses was as to the amount of money that was to be appropriated for this service, and the point is made that the conferees can not change the text to which both Houses agreed. It is claimed that the text was not in conference, unless the amount of money controlled it, so as to make the agreement of the conferees germane. While it is a safe rule that the conferees can not change the text to which both Houses have agreed, yet if it were an original question, and it were safe to violate a rule of such manifest usefulness, the Chair would be inclined in this specific instance to overrule the point of order, because in each provision in the original bill, and in the provision in the conference report, it is provided that in certain contingencies this work may be done directly by the commissioners. In the precedents relating to this subject it is possible that the substance may sometimes have been sacrificed for the letter; but as the rule in its general application is safe, useful, and necessary, and as the gentleman from Michigan [Mr. GARDNER] confesses the point of order, the Chair is inclined, following the precedents, to sustain the point of order. Of course it is in the power of the House to dispose of the matter in any way it chooses.

Mr. GARDNER of Michigan. Then, Mr. Speaker, I move to suspend the rules and pass the conference report.

The SPEAKER. The gentleman from Michigan moves to suspend the rules and agree to the report.

Mr. COX of Indiana. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from Michigan [Mr. GARDNER] is entitled to 20 minutes and the gentleman from Indiana [Mr. COX] to 20 minutes.

Mr. COX of Indiana. I yield three minutes to the gentleman from Illinois [Mr. FOSTER].

Mr. FOSTER of Illinois. Mr. Speaker, I am opposed to this conference report as it now exists for two or three reasons. I still adhere to the original reason that I had, which is that it provides for this increase of the salaries of the Commissioners of the District of Columbia. I have been unable to believe that it is necessary for this Congress to increase these salaries, which seem already high, and yet refuse to help those who are lower down in the scale and those who need help. The hearings show that these blind people were given $5,000 10 years ago, and with that money they purchased machinery and purchased such supplies as were necessary so they might support themselves, and it was shown at that time there were

about 100 of them in the District that were supporting themselves and keeping away from charity, while on this report our conferees very willingly and anxiously agree to the amendment increasing the salary of the commissioners $1,000 a year and refuse to these people this little help in order that they may support themselves without calling on charity.

I hope that this House will vote down this conference report to-day and send it back again, and keep sending it back even up until 12 o'clock on the 4th day of March, unless we get justice in this report when it does come back to this House.

Mr. SIMS. How much is the appropriation?

Mr. FOSTER of Illinois. $5,000.

Mr. SIMS. This increase of salary is $3,000?

Mr. COX of Indiana. Yes.

Mr. SIMS. Maybe they can not take care of all the blind at one time.

Mr. COX of Indiana. Mr. Chairman, I yield three minutes to the gentleman from New York [Mr. BENNET].

Mr. BENNET of New York. Mr. Speaker, I shall vote against this motion, and for this reason: This report came before this House on the 20th of February, 1911, when, in order to get it into conference, it was necessary to have unanimous consent, at which time the gentleman from Michigan [Mr. GARDNER] made the following stipulation with the House:

Mr. FOSTER of Illinois. I desire to ask the gentleman if he is willing to permit a vote of the House on the increase of the salaries of the District Commissioners?

Mr. GARDNER of Michigan. The District officials?

Mr. FOSTER of Illinois. The increase of the salary of the District Commissioners.

Mr. GARDNER of Michigan. I think so; I would be willing for the House to vote—

Mr. FOSTER of Illinois. Without agreeing to it in conference.

Mr. GARDNER of Michigan. Personally I have no objection to the House voting on that.

And then he added some words stating his own personal belief why the increase ought to be made.

Mr. GARDNER of Michigan. Will you read those words?

Mr. BENNET of New York. Certainly. He said:

I want to say to the gentleman, to be entirely frank with him, personally I feel thoroughly convinced that it is the right thing to do. The increase ought to be made.

It was the gentleman's personal idea that a fair increase ought to be made. Of course, I understand that, going into a full and free conference, the gentleman could not make a binding promise, but I also know that in my six years of service here, wherever it has been necessary to get unanimous consent to go into conference and the House has given unanimous consent, the House conferees, as to the manner in which the question has been raised, have always come back to this House with the matter in disagreement and given the House a chance to vote.

Neither the gentleman from Michigan [Mr. GARDNER] nor myself can be affected one way or the other by this, because we will both go out on the 4th of March, but it seems to me that the unvarying practice of conferees, when they have gone as far as the gentleman from Michigan went in a statement, to bring that matter back in disagreement and allow the vote on it ought to be continued. There is no other way the House can get a vote except by voting down the entire conference report, and that, in the closing days of the session, particularly, is hard. I do not think the salary of these commissioners ought to be increased, but beyond that, I think when the conferees get unanimous consent by a statement to the House, in which the House has the right to believe, that if they go into conference they will bring the matter back into disagreement, at least once, that that is a higher matter, and much higher, than a paltry increase to the commissioners, and justifies any man to vote against the rule or a conference report, which I intend doing.

The SPEAKER. The time of the gentleman has expired.

Mr. COX of Indiana. Will the gentleman from Michigan use some more of his time?

Mr. GARDNER of Michigan. I yield five minutes to the gentleman from Ohio [Mr. TAYLOR].

Mr. TAYLOR of Ohio. Mr. Speaker, addressing myself to the street-cleaning paragraph, which seems to be the subject in controversy, I desire to make just a short statement as to the necessity of this legislation at this time.

We have now a large portion of the city under direct District control, so far as street sweeping is concerned, and the bulk of the city is being cleaned under the direct authority of the commissioners. We have a private contract for what might be termed the "fringes" of the city. That contract will have expired before another appropriation bill can be drawn and passed. That contract is for five years. The law authorizing that contract provides that the contract shall be made for not to exceed five years. In order to get any competition at all, the commissioners would have to make a long-time contract, because the contractor could not afford to purchase and maintain equipments on a one-year or two-year contract.

Now, a year ago there was inserted in this appropriation bill, the District of Columbia appropriation bill, a provision providing for the expenditure of $8,000 for the purchase of street-sweeping machinery. Here is the language of it:

Provided further, That not exceeding $8,000 of this appropriation shall be available, when ordered in writing by the Commissioners of the District of Columbia, for the purchase of horse-propelled street-washing machines or other machines or apparatus for cleaning streets to be used in connection with hand-cleaning work performed under the immediate direction of said commissioners, and the expenditures on account of this service shall not be charged as a part of the cost of hand-cleaning work.

Under this authority I am informed that the commissioners have expended practically the entire amount of this appropriation in the purchase of street-cleaning apparatus. They are prepared, and will be prepared, if this paragraph becomes a law, to proceed thus economically and properly to use their investment and to clean the streets in a better manner, in my judgment, and in their judgment, than they are cleaned by the contractor.

Now, in order to give an illustration of what this means, I am going to call your attention to a statement made to me a few days ago in regard to these machines. These sweeping machines that are used by the street cleaners of the District cost about $200 or $205 each.

Mr. GARDNER of Michigan. I hope we may have attention in the House on the part of gentlemen who are objecting to those things.

Mr. COX of Indiana. I will state to the gentleman that we are discussing that matter over here.

Mr. GARDNER of Michigan. The gentlemen should listen.

Mr. TAYLOR of Ohio. I am perfectly willing, Mr. Speaker, that the gentlemen should not listen unless they desire, but in any event they should keep quiet.

Mr. CARY. Will the gentleman yield to me for a question?

Mr. TAYLOR of Ohio. Yes.

Mr. CARY. I want to inquire of the gentleman if that appropriation was not placed there by the Senate last year?

Mr. TAYLOR of Ohio. Yes; I will say to the gentleman that that is true.

Mr. CARY. Flushers and washing machines?

Mr. TAYLOR of Ohio. I said washing machines and other apparatus. I know what the gentleman wanted when he lent his assistance in getting this provision put on in the Senate. He was active in that matter because a constituent of his, in his district, is the only man in the United States who makes that particular kind of a washing machine that he hoped would be purchased. But the trouble with the gentleman seems to be that they, the commissioners, did not purchase all of that kind of machines, as was hoped by the gentleman's constituent.

Now, then, I want to make this statement to the House: Not long ago the commissioners had a desire to use one of the sweeping machines that was owned by the private contractor—desired to use it for a certain specific purpose, and as I am informed, and I have no doubt my information is correct, when they went to the contractor and asked that they be permitted to use one of these machines, he said, "It will cost you $18 a day to use that machine because that is my profit per machine under my contract." Think of it—$18 a day for the use of a machine costing $205! It seems to me it would be better if we should use our 16 machines and save that profit to the District and to the Nation.

Mr. COX of Indiana. Will the gentleman yield?

Mr. TAYLOR of Ohio. Yes.

Mr. COX of Indiana. I would like to ask the gentleman whether it is not a fact that when this item was before the House the last time the statement was made that the street cleaning here in the city of Washington is let out on contract?

Mr. TAYLOR of Ohio. A portion of it is let out on contract.

Mr. COX of Indiana. What proportion of it? Give us the proportion, approximately.

Mr. TAYLOR of Ohio. A great majority of the streets and avenues are now cleaned by the District Commissioners directly, and the rest, mostly in the outskirts, are cleaned by contract.

Mr. COX of Indiana. Then the gentleman will say that as much as 40 per cent is done by contract?

Mr. TAYLOR of Ohio. I will say that less than half is done by contract.

The SPEAKER. The time of the gentleman has expired.

Mr. GARDNER of Michigan. I yield to the gentleman three minutes more, Mr. Speaker.

Mr. TAYLOR of Ohio. Now, Mr. Speaker, in my short time I will say that Mr. CARLIN, of Virginia, made a point of order

against this provision in the House bill, but since that time some examination into the matter has been made by him, as I am informed, and he has authorized the statement that he not only does not desire that the item should go out, but he is anxious that it should go in, because he has investigated it. And I will say further that the Senator from Indiana [Mr. SHIVELY], who moved that the matter go out in the Senate, has since investigated the question, and he has given his consent that this should be put in by the conferees. The conference committee of the House has acted in good faith, and has made an earnest effort to see that the largest use possible of the machinery for the cleaning of the streets is made. I am sure that private interests, with reference to constituents in any man's district, should not intervene here when it comes to a question of expending the funds of the people of this District and the funds of the people of the country at large who pay one-half the expenses of this District. [Applause.]

Mr. COX of Indiana. Mr. Speaker, how much time is there left?

The SPEAKER. The gentleman from Michigan is entitled to one hour.

Mr. COX of Indiana. If agreeable, Mr. Speaker, we may perhaps come to some terms by which we can adjust this matter if the motion to suspend the rules be set aside and the House is given a chance to vote directly on the increase of salaries to the commissioners. So far as I am concerned, I would be disposed to withdraw the point of order.

Mr. COOPER of Wisconsin. When the matter was before the House the last time the House struck out an appropriation to establish a reformatory at a point near Mount Vernon.

Mr. BURLESON. Yes.

Mr. COOPER of Wisconsin. What is the meaning of this section, beginning on page 104, line 16, and running clear through to the bottom of page 108?

Mr. COX of Indiana. I am unable to answer the gentleman.

Mr. MANN. I want to say that with this arrangement which the gentleman suggests the gentleman from Michigan would have an hour to explain these items.

Mr. COOPER of Wisconsin. I would like to ask if it is not true that the language of lines 16, 17, and 18, on page 104, "for the following purposes in connection with the removal of the jail and workhouse prisoners from the District of Columbia to the site acquired for a workhouse in the State of Virginia"——

Mr. GARDNER of Michigan. That is not in question at all.

Mr. BURLESON. I think I can explain to the gentleman from Wisconsin. That is at Occoquan, and does not refer to the reformatory.

Mr. COOPER of Wisconsin. Occoquan?

Mr. GARDNER of Michigan. That is for the workhouse at Occoquan. The item the gentleman referred to was for a reformatory near there and not the workhouse.

Mr. COOPER of Wisconsin. Then this has nothing to do with the reformatory?

Mr. GARDNER of Michigan. No.

Mr. COOPER of Wisconsin. I understand, then, that under this bill no reformatory can be established within 10 miles of Mount Vernon?

Mr. GARDNER of Michigan. No.

Mr. COX of Indiana. Mr. Speaker, I think we can adjust this matter. If the gentleman will withdraw his motion to suspend the rules and agree to the conference report and give us a direct vote on the salaries of the commissioners——

Mr. MANN. There will have to be a direct vote on the conference report first. If you should reject the conference report, then you could get a vote on any specific amendment.

Mr. COX of Indiana. I do not like that way.

Mr. BURLESON. The motion to suspend the rules can be withdrawn and the point of order can be withdrawn, and then the gentleman from Illinois can make a motion to recommit with instructions that the salaries be reduced.

Mr. COX of Indiana. I suppose it could be done by unanimous consent.

Mr. MANN. But you must first dispose of the conference report. If you reject the conference report, you can give any reasons you want to. Then any amendment of the Senate is before the House for such disposition as the House sees fit to make of it.

Mr. SIMS. But the conference report is already rejected by the point of order being sustained.

Mr. MANN. I understand the proposition now is for the motion to suspend the rules to be withdrawn, the point of order to be withdrawn, so as to bring the conference report before the House, and discuss the questions that are really in issue instead of technical questions that nobody cares anything about.

Mr. SIMS. And by unanimous consent you attempt to set aside the action of the Chair.

Mr. MANN. To withdraw the point of order.

Mr. SIMS. But it has already been acted on, and you will have to set aside the action of the Chair.

Mr. BENNET of New York. Mr. Speaker, I shall object to any request such as is made by the gentleman from Illinois.

Mr. MANN. I beg the gentleman's pardon, but the gentleman from Illinois did not make the request; it was the gentleman from Indiana.

Mr. COX of Indiana. Mr. Speaker, I yield two minutes to the gentleman from Missouri [Mr. RUCKER].

Mr. RUCKER of Missouri. Mr. Speaker, I am not going to attack this conference report as a whole. I do not intend to criticize gentlemen on the conference committee, but I am perplexed to know why the House conferees insisted on striking out the Senate amendment, which was the only good amendment to the bill. I refer to the Senate amendment appropriating $5,000 for the aid of the blind for the Polytechnic Institute. It does seem to me that if any class of American citizens could appeal to the generosity of Congress and to the intelligence of Members of this House, it would be those who are so unfortunate as not to be able to see the light of day. When the Senate amended this bill restoring an appropriation which has heretofore been carried, as I understand, of $5,000—and if it has not been heretofore carried, it ought to have been carried—why the House conferees insisted on striking it out is beyond my comprehension. Since this legislation has been initiated in the Senate, legislation founded in sympathy, justice, and wisdom, I am not in favor of sustaining any conference report that strikes it out. I believe it ought to remain in the bill. I believe those people, numbering about 100 unfortunates, who have been sustaining themselves with the aid of $5,000 from the Government, ought to be encouraged to continue to sustain themselves. They ought to be encouraged to put forth such efforts as people in their condition can reasonably put forth to protect themselves from becoming objects of charity. I regret very much that the House conferees struck that provision out of the bill, and because they did I shall vote against the adoption of the conference report. That is all I desire to say.

Mr. GARDNER of Michigan. Mr. Speaker, I yield five minutes to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Speaker, ordinarily I am not in favor of legislating by way of appropriation bills, but if there ever was a time for so doing in the interest of District business that time is at hand.

I desire to say, in justice to my associates upon the District Committee, that, in my judgment, there is no committee in this House, no committee of the Sixty-first Congress, that has been more willing to convene and do business than has the Committee upon the District of Columbia. It has seemed to the chairman of that committee, especially during the last session, that it was not possible to call that committee together at any time of the day, in the forenoon or the afternoon, or even in the evening, when the committee was not willing to respond. As a result, this committee has reported about 60 bills which I hope will be enacted into law before this Congress concludes its labors. Beginning with about the middle of last May, the District Committee of the House, before whom some of the matters in this bill would naturally come, have been denied, as all know, the right that is due it under the rules of the House to present its legislation; and as a result, since the middle of last May this committee has had only one legislative day and three hours of another day. It has therefore been impossible to even dispose of the bills which the committee has reported and which are upon the calendar at this time. It is for this reason, in justification of myself and in justification of the other members of the committee who may feel as I do, that I have spoken as I have with reference to the business of the District.

There is another thing that I desire to call attention to, and that is this: On Saturday last, when this conference report was under consideration, the suggestion was made by some Member of the House that the legislation with reference to the asphalt plant was brought before the District Committee. That is a mistake.

The asphalt bill was never introduced, and it is due to the commissioners to say why. They recognize, as have Members of the District Committee for months, that it was useless to introduce such legislation, because the committee, even though it were willing to make a report on the legislation to the House, was continually denied the right under the rules to present its legislation to the House.

I am in favor of this legislation in the conference report for another reason. I am informed by one of the Commissioners of the District that this street-cleaning proposition will save the District $40,000 a year after the first year, and, as I understand it, this is the year when they let the contracts, and it is a

contract running over a period of five years. It does seem to me that the House ought to adopt this conference report. It is true there may be some things in it that are objectionable, but as I have said before, this is what I offer in justification of my position at this time in support of this conference report.

I want to say to the House that since I have been a Member of this committee I have had but one purpose, and that was to pass legislation in the interest of the people of the District, and by so doing in the interest of all the people, for this is the Capital City of our Nation. I hope this conference report will be adopted by more than a two-thirds vote. [Applause.]

Mr. GARDNER of Michigan. Mr. Speaker, I yield one minute to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, I understand that the controversy here is over the compensation of the Commissioners of the District, and in order to afford the House an opportunity to pass on that I ask unanimous consent that all proceedings on the conference report be vacated, and that the conference report be disagreed to. That will leave the Senate amendments then to be considered by the House. It will save time and expedite business.

The SPEAKER. The Chair understands that the only thing at issue in fact is the salary of the commissioners.

Mr. FITZGERALD. As far as we can ascertain.

Mr. COX of Indiana. That is really the bone of contention.

The SPEAKER. Then will the gentleman modify his request, that all proceedings touching the consideration of the conference report be vacated, and that the conference report be rejected, and that all amendments of the Senate be disagreed to save the amendments specified, namely, touching the salaries of the commissioners, and that that be disposed of by a vote of the House?

Mr. GARDNER of Michigan. Mr. Speaker, by a majority vote?

The SPEAKER. Oh, certainly.

Mr. GARDNER of Michigan. Mr. Speaker, I desire to say just a word.

Mr. BENNET of New York. Mr. Speaker——

The SPEAKER. Is there objection?

Mr. BENNET of New York. Reserving the right to object——

Mr. SIMS. Mr. Speaker, reserving the right to object, I would like to make a parliamentary inquiry. Will this vacate the ruling of the Chair on the point of order on the report?

The SPEAKER. It vacates everything.

Mr. SIMS. So that it will not hereafter come up. Now, would the unanimous consent vacate——

The SPEAKER. It vacates all proceedings touching this conference report. It insists on its disagreement to all amendments of the Senate save the one, namely, touching the salary of the commissioners.

Mr. SIMS. I just did not want the Chair overruled on that point.

The SPEAKER. Is there objection? [After a pause.] The Chair hears no objection. The only thing now before the House is the disposition of the amendment touching the salaries of the commissioners, and the Clerk will report the same.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. In this unanimous-consent agreement, which has just been entered into, what becomes of the amendment that the conferees reported and that the gentleman from Indiana made a point of order on?

The SPEAKER. The Chair overruled that point of order, but that now, by unanimous consent, is wiped out and the conference report is rejected, and the House by unanimous consent further insists on all its disagreements to all the Senate amendments except Senate amendment which is as follows. The Clerk will read.

The Clerk read as follows:

Page 2, line 4——

Mr. MANN. Mr. Speaker, I understand that part, but there will have to be another conference report, and I am trying to guard against the future if possible. The gentleman from Indiana stated awhile ago he would withdraw the point of order. Now——

Mr. MADDEN. He has.

Mr. MANN. Suppose they bring in another conference report that has the same thing in it. Then we would have to go through the same minutia again.

Mr. COX of Indiana. Mr. Speaker, I did make that statement, that if this agreement could be brought about so as to give the House a direct vote on the increase of the salaries of the commissioners, that as far as I was personally concerned I would withdraw the point of order which I waged a moment ago against amendment No. 95.

Mr. MANN. And probably would not renew it?

Mr. COX of Indiana. And I will say frankly I will not renew it in the future against amendment 95 if——

Mr. MANN. But some other gentleman might.

Mr. SIMS. Then bring in a report that is not subject to these points of order, and the gentleman will not have any trouble.

The SPEAKER. What motion does the gentleman submit?

Mr. GARDNER of Michigan. This motion has to do with the increase of the commissioners' salaries.

The SPEAKER. Does the gentleman move to recede from his disagreement to the amendment which the Clerk will report?

The Clerk read as follows:

Amendment numbered 1, page 2, line 4, strike out "five" and insert "six."

Mr. BURLESON. Amendments numbered 1, 2, and 3 are on the same subject.

The SPEAKER. The Chair understands that the unanimous consent goes to the amendments which involve the increase of the commissioners' salary.

Mr. BURLESON. That is correct.

The SPEAKER. The Clerk will report the amendments.

The Clerk read as follows:

Amendment numbered 2, page 2, line 5, after "commissioners," insert "one thousand."

Amendment numbered 3, page 2, line 6, strike out "five" and insert "six."

The SPEAKER. Does the gentleman from Michigan submit a motion?

Mr. GARDNER of Michigan. Mr. Speaker, I move that the House recede and concur.

The SPEAKER. The gentleman from Michigan moves that the House recede and concur in these Senate amendments.

Mr. GARDNER of Michigan. Mr. Chairman, no one likes to have his good faith or sincerity questioned on the floor of this House. The gentleman from New York [Mr. BENNET] has twice referred to a semiagreement to refer this to a vote. The other day a motion was made, not by myself, but by another, to suspend the rules and adopt the report. I am not now, nor have I been at any time, averse to submitting this motion to the House. I do feel that every Member of this body ought to vote for this amendment increasing the salaries of the commissioners to $6,000 a year. They earn it. For 30 years they have had $5,000. Originally it was fixed precisely on the basis of the congressional salary. Our salaries have been increased to $7,500, and we only ask $6,000 as a compromise.

Mr. SIMS. May I ask the gentleman a question?

Mr. GARDNER of Michigan. Yes, sir.

Mr. SIMS. Do these commissioners have to incur the necessary expenses of election and a campaign every two years as a Member of Congress does? Why compare them with us? There is no comparison between us?

Mr. GARDNER of Michigan. I will say to the gentleman that the most expensive part of my congressional career has been during my period of residence in this city and meeting the expenses that are made necessary in a moderate way for myself and my family. I have lived modestly all the time—and I am not ashamed to state it—and I never saved a dollar out of my salary at $5,000 a year when my family and myself were here. It has taken everything. What little we have saved we have saved since it was raised to $7,500 and when we have been at home studying and practicing economy there.

Mr. SIMS. Does the gentleman have no campaign expenses to meet every two years?

Mr. GARDNER of Michigan. These gentlemen live here 12 months in the year. They are compelled by virtue of their positions to maintain an establishment such as the gentleman from Tennessee [Mr. SIMS] nor I could not afford to maintain on the salary which we receive now. They owe something to this city of 300,000 people by virtue of their position. They are the official representatives of the entire city. They are visited by official representatives from other cities in every part of the country. They must of necessity show certain courtesies by virtue of the public position they occupy. These courtesies entail expense, and these expenses must be paid either out of their salary or out of their private income. I believe that the laborer is worthy of his hire, and that these gentlemen are entitled even to a moderate salary, enough, if we can make it so, to meet their individual expenses.

Mr. BUTLER. Will the gentleman yield?

Mr. GARDNER of Michigan. I will yield to the gentleman from Tennessee [Mr. SIMS] first.

Mr. SIMS. The gentleman says that the salaries of these commissioners was originally as much as ours. Does not the gentleman know and is he not aware of the fact that every Member of this House is compelled every two years to be sub-

jected to campaign expenses, more or less, in order to hold his position here, which expenses these commissioners under no circumstances have to pay?

Mr. GARDNER of Michigan. That is true. Some gentlemen have to spend, I am told, in a single campaign more than they get in the two years for which they are elected, which is an unfortunate thing if it is true, but that does not justify the gentleman's statement.

Mr. SIMS. I know; but is it not a fact that there are expenses that are legitimate and unavoidable connected with every campaign where a man has political opposition or opposition in his own party for nomination which these commissioners do not have to incur?

Mr. GARDNER of Michigan. Granting that, they have many other expenses which are an offset, and more, too, to those which would arise out of campaign expenses properly conducted.

Mr. SIMS. Does not the gentleman think that the dignity of his office here is as great as that of a commissioner? And does not the gentleman have to spend money on account of his office in Washington that he otherwise would not have to spend?

Mr. GARDNER of Michigan. Undoubtedly.

Mr. SIMS. I do not see that we have any advantage of them in the way of expenditure by residence in Washington.

Mr. BUTLER. Do the duties of the commissioners require their constant attention?

Mr. GARDNER of Michigan. Every hour in the day. No three men in this District work harder than the District Commissioners.

Mr. BUTLER. They have no opportunity, then, to do any other work except the work involved in that office?

Mr. GARDNER of Michigan. I am glad the gentleman raised that question. The chairman of the board of commissioners, and I have this on authority, after a few days in the office, ceased to take his lunch out, and now takes it in the office, and goes there in the morning and stays there until night constantly on duty. He ordered his private desk in his place of business to be wrapped up and to be put in a loft until he gets through as commissioner. He has absolutely abandoned his private business.

Mr. OLMSTED. So as to be on duty all the year?

Mr. GARDNER of Michigan. Yes.

Mr. BUTLER. One of the commissioners has abandoned a business of long standing here?

Mr. GARDNER of Michigan. Yes.

Mr. BUTLER. He has been compelled to abandon his private business?

Mr. GARDNER of Michigan. Yes; he has been compelled to abandon his personal attention to it.

Mr. GOULDEN. Will the gentleman yield?

Mr. GARDNER of Michigan. Yes.

Mr. GOULDEN. I will say to the gentleman that we pay to our gas commissioners and tax commissioners and electrical commissioners $7,500 a year. And let me make another statement in answer to the statement of my friend from Tennessee, that the State of New York limits the campaign expenses of each Member of Congress to $4,000 at each election, and he is pledged to make a sworn statement to that effect, and can not exceed it without danger of having his office vacated.

Mr. GARDNER of Michigan. Mr. Speaker, I yield three minutes to the gentleman from Illinois [Mr. FOSTER].

Mr. FOSTER of Illinois. Mr. Speaker, we passed the conference report this morning on the legislative appropriation bill, which had added to it after it left this House $106,000 in increase of salaries. We now have under consideration a conference report which carries increases of salaries after it left this House and came back here to the amount of $54,000, making a total in these two bills in the increase of salaries of $160,000. I desire to say that most of these increases have been in salaries that were already large; not in the small salaries of men who are getting $1,000 or less a year, but in the salaries of those who are already getting the larger salaries from this Government.

Now, then, we are asked to recede and agree to an amendment placed in this bill increasing the salaries of the Commissioners of the District of Columbia from $5,000 to $6,000. The law provides that these salaries shall be at $5,000. Before these salaries are increased in this way there ought to be some legislation taken up by the District Committee, increasing, if it is necessary, these salaries and doing it in a regular and orderly way.

Mr. SIMS. Will the gentleman yield a moment?

Mr. FOSTER of Illinois. Yes.

Mr. SIMS. I would like to state a fact to the gentleman to help him out. It is this: When the last vacancy occurred, when Mr. Rudolph was appointed, very many good men in the District were anxious to get this position of District Commissioner.

Mr. FOSTER of Illinois. Yes. I will say to the gentleman that there has been no difficulty whatever in securing the services of good men, and those who come in always exceed, in the value of the services rendered, those who preceded them; and so far as the qualifications of these men who now hold these important offices are concerned, we have to-day the best men that are to be found anywhere for $5,000 a year.

I think this House ought to fully understand this question—whether we want to go on and increase and increase these salaries which are already high, and yet stand here refusing to increase the salaries of the clerks in the departments, who are getting the small salaries. [Applause.]

Mr. Speaker, I ask unanimous consent to place in the RECORD a table showing these increases.

The SPEAKER. The gentleman from Illinois asks unanimous consent to insert a table of the increases. Is there objection? [After a pause.] The Chair hears none.

The table referred to follows:

District of Columbia.

Departments.	Salaries.		Other items.		New items, expenses, other items.	New items in salaries.
	Senate increase.	Senate decrease.	Increase.	Decrease.		
Contingent expenses	$10,295	$7,400	$4,750		$3,500	$10,800
Improvement and repairs			208,500		467,800	
Streets	30		20,000			
Washington Aqueduct					35,000	
Public schools	70,000	62,400	39,000		201,600	
Police department			3,000		20,000	600
Health department	300				10,000	
Emergency fund			1,000		42,340	
Charities and corrections	2,100		9,700	$95,000	5,000	720
Water department					210,000	
Electrical department	1,400		1,000			
Metropolitan police	18,520					
Fire department	3,450					
Courts	2,580		1,000			
Courts and prisons	1,800		2,000			1,800
Sewers			59,500			
Militia, District of Columbia			2,500			
Total	110,475	69,800	352,950	95,000	995,240	13,920

Total increase, Senate amendments, $1,307,785.
Total increase, Senate, salaries, $54,595.
Total increase, Senate, other items, $1,253,190.

Mr. GARDNER of Michigan. Now, Mr. Speaker, I yield five minutes to the gentleman from Indiana [Mr. COX].

Mr. COX of Indiana. Mr. Speaker, in opposing the motion made by the gentleman from Michigan, I wish to assure the House that it is no personal matter with me. I am unacquainted with any of these commissioners. So far as I know they are able, brave, and fearless men. But I am opposed to the constant and everlasting increase of the salaries of Government officials, especially, Mr. Speaker, of men who are already getting a reasonable salary. It does not appeal to me at all to say that men occupying a certain position in life have great responsibilities thrown upon them and for that reason they should have their salaries increased. I know, as I have said on this floor time and time again, of no law upon the statute books of the United States or upon the statute books of the different States of the Union that compels a man to accept and hold an office. The moment he finds it to be a losing game, so far as the law is concerned, he becomes free to exercise his own free will as he sees fit, and if he is in office solely for the purpose of making money out of it and is losing money at the game, my advice to him would be to abandon it, vacate, and quit. [Applause.]

The argument that the great city of New York pays some of their subordinate officials the enormous salary of $75,000 a year does not appeal to me. Washington City has not a Wall Street in it, nor have the great cities of the country Wall Streets in them. The great city of Indianapolis, the center of the United States, pays its mayor $4,000 a year. He has been drawing that salary to my knowledge for the last 15 or 20 years, and yet, as every election comes around in the city of Indianapolis there is a tremendous struggle to secure the office of mayor.

I have heard the argument advanced here time and time again as to increasing the salaries of these officials because they have such great responsibilities resting upon them; "they must entertain society," and for these reasons a tremendous expense is entailed upon them. I want to say to the Members of this House that the charwomen that clean the public buildings of Washington likewise have society that they must enter-

tain, and yet few and far between do we ever hear a word said in behalf of that older class of public officials in an attempt to get their salaries increased. [Applause.]

As the gentleman from Illinois has well said, this bill went to the other end of the Capitol, and in the way of increase of salaries alone more than $50,000 was added to it. I challenge the statement that no man can read these amendments in the way of increase of salaries added at the other end of the Capitol, that you will find invariably that the increase goes to some man who is already well paid. I quite agree with the gentleman from Michigan that the laborer is worthy of his hire. They have been hired for this job for the last 25 or 30 years at a salary of $5,000. If it has been sufficient, lo, these many years, what has come over us to-day that will justify us in increasing the salaries now? What new conditions have arisen in the last days of this Congress to justify us in increasing the salaries of these public officials?

This conference report has been before the House on two occasions, and the bone of contention is our failure to get a direct vote upon the increased salaries of these officials. I believe in all sincerity that they are paid well enough, and I hope when the vote is taken that the motion made by the gentleman from Michigan will not obtain. [Applause.]

Mr. GARDNER of Michigan. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has 45 minutes of the hour.

Mr. GARDNER of Michigan. I will yield five minutes to the gentleman from New York [Mr. BENNET].

Mr. BENNET of New York. Mr. Speaker, I doubt if ever before in my service here I have spoken against the increase of any salary, but when I find that it is proposed to raise the salaries of the men who perform the duties equivalent to the duties performed by the mayor of the city of New York to a sum $3,000 higher than is given for the execution of those duties in our rich city, it seems to me that the House ought to pay some attention to the increase.

Mr. TAYLOR of Ohio. Will the gentleman yield?

Mr. BENNET of New York. Yes.

Mr. TAYLOR of Ohio. Does the gentleman know that the executive branch of the District government costs about one-third as much as that of any other city of its size in the United States?

Mr. BENNET of New York. If that is so it is a matter of congratulation.

Mr. FORNES. Does not the city of New York pay for the work equivalent to that performed by the Commissioners of the District of Columbia as much as $75,000 a year?

Mr. BENNET of New York. No, sir.

Mr. FORNES. If you take the salary of the comptroller and the president of the various boroughs, I think you will find that it adds up, in the aggregate, to that amount.

Mr. BENNET of New York. There are, in addition to the commissioners here, various appropriations for executive officers, but the commissioners are equivalent to the mayor, and it is proposed to raise their salary, in the aggregate, to $18,000.

Mr. HULL of Iowa. Does your mayor inspect the sewers?

Mr. BENNET of New York. He makes some report upon them.

Mr. HULL of Iowa. Does he inspect the schools?

Mr. BENNET of New York. He makes, as I say, some report on them. During his term of service Mayor Gaynor has reported on such matters.

Mr. HULL of Iowa. He is the executive head, and these commissioners are both the executive head and have other duties to perform.

Mr. BENNET of New York. There are inspectors to do that work.

Mr. TAYLOR of Ohio. Does the mayor of New York have to do anything that requires an engineer's education?

Mr. BENNET of New York. He has to have very considerable engineering qualities in order to get elected.

Mr. TAYLOR of Ohio. That is true, and that is the kind of quality that the engineering commissioner of the District does not have, but he is an engineer of great ability and does oversee all of the engineering work of the city.

Mr. BENNET of New York. And the mayor of the city of New York, of course, has to spend considerable money to be elected.

Mr. MOORE of Pennsylvania. In order to be fair, is it not true that the work in the great city of New York is subdivided and turned over to bureau chiefs whose salaries would be in excess of those paid the Commissioners of the District of Columbia?

Mr. BENNET of New York. So it is here. There are bureau chiefs and inspectors, and I want to say to the gentleman from Philadelphia, also a great city, that this particular matter of increasing the salaries of these commissioners was introduced into this House in the regular way, in a bill referred in the regular way to the Committee on the District of Columbia, of which committee he is a member, and I want to ask him whether his Committee on the District of Columbia has reported in favor of increasing the salaries of these commissioners?

Mr. MOORE of Pennsylvania. I can only speak for myself, and I would say that I was entirely in favor of increasing these salaries on the basis of merit.

Mr. BENNET of New York. But the committee has not done it.

Mr. MOORE of Pennsylvania. I want to ask another question. In the city of Philadelphia, which the gentleman concedes is a great city, we have five departments under the mayor, the mayor receiving $12,000 a year and these department directors receiving $10,000 a year. Under these department heads are the chiefs of bureaus, to whom the work of engineering or of a special character is distributed, and very few of them receive less than five or six thousand dollars a year. I was wondering whether when the gentleman spoke of Washington being the equivalent of his great city of New York, the greatest in this country, with a population in excess of 4,000,000 people, he was not rather overstating his comparison in referring to a city the size of which in population is not greater, perhaps, than that of the congressional district represented by the gentleman.

Mr. BENNET of New York. The gentleman did not catch my comparison. I said that the office held by the three commissioners was equivalent to the mayoralty of the city of New York, not that the work done by them was equivalent to that done by the executive department of the city of New York.

The SPEAKER. The time of the gentleman has expired.

Mr. GARDNER of Michigan. I yield the gentleman three minutes more.

Mr. MOORE of Pennsylvania. Just one more question. Is it not a fact that the Commissioners of the District of Columbia do very largely this specialized bureau work that is assigned in the large cities to separate branches of the government?

Mr. BENNET of New York. Mr. Speaker, a conclusive answer to the gentleman is this: If the Committee on the District of Columbia, of which he is a member and which has the charge of legislation increasing the salaries of these commissioners, think they ought to have a larger salary, let them report out the bill. Do not let them get it on an appropriation bill without a hearing, without going before the proper committee, without going before a committee where we can ask them about their work in connection with the snow removal, which has been criticized——

Mr. MOORE of Pennsylvania. The gentleman knows that sundry efforts have been made to get these bills before the House, and that those efforts have failed.

Mr. BUTLER. But why have not you reported the bill?

Mr. BENNET of New York. And, furthermore, where we could ask them in connection with such things as the letter of the Attorney General of the United States, who wrote to Mr. Wendell that the smoke ordinance, which is of importance to the health of the city, was not being enforced, and that the District Commissioners ought to be prodded up. On top of their failure to remove the snow, on top of the charges in connection with taxation, without a word of explanation, these men come before us and ask for an increase of $1,000 a piece. What reason is given except that it costs them a good deal more to live? Let them live on less, then, unless they are willing to go before the proper committee of Congress and give an explanation of why they ask this increase in salary.

Mr. GARDNER of Michigan. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Speaker, the government of the District in Washington is unique. There may be in other cities of the country smaller in size a similar form of government under the commission form of government, but there is no city, to my knowledge, of the size of Washington that has the present form of commission government. It is not necessary for me to direct the attention of this body to the fact that in no city of the country have the administrators of the government been vested with as large control over its administration and particularly over legislation as here in Washington. The commissioners are not only the administrative branch of the government, but they largely take the place of the legislative branch, which enacts the legislation that is necessary for the government of this District.

Any Member who is acquainted with the District legislation which comes before this body knows that most of the legislation, if not all, is first submitted to the District Commission-

ers, and upon their visé it passes through this Chamber. Instance has been directed by the gentleman from Pennsylvania to salaries paid to department chiefs in Philadelphia, where, under the Bullitt law, the old form of government was changed, and instead of a common council, in vogue in many cities, performing administrative duties, those administrative duties and responsibilities were vested upon five executive heads at salaries of $10,000 each. It may be true that we can get men at less salaries, but the question is whether these men who are now filling the offices here are capable men of the value of $6,000. No suggestion of any wrongdoing or incapacity or inattention to duties has been made in regard to the present commissioners. It is admitted that under the commission form of government now existing here in Washington we have one of the best governments that can be found anywhere. One of these commissioners—the engineer commissioner—is acknowledged to be a man of ability in his special line. It was my pleasure when he was district engineer in Milwaukee to have frequent meetings with him concerning the engineering work at Milwaukee. It has been universally acclaimed since his coming here two years ago that he has made good, and Maj. Judson, as well as the other commissioners, with whom I am not acquainted, I believe are entitled to receive $6,000, so that they may be honored in a slight way for the excellent work that they are doing for this Government. During this session of Congress and in prior sessions I have scanned in my leisure moments the legislation that has been reported, and I wish to say the recommendations of the present commissioners are much superior to those who have gone before.

Mr. JOHNSON of South Carolina. Will the gentleman yield for a question?

Mr. STAFFORD. For a short question.

Mr. JOHNSON of South Carolina. Is the engineer commissioner of the District of Columbia an Army officer?

Mr. STAFFORD. He is.

Mr. JOHNSON of South Carolina. Is he a graduate of West Point?

Mr. STAFFORD. He is.

Mr. JOHNSON of South Carolina. He has been educated then by the people of the United States for the public service?

Mr. STAFFORD. He has.

Mr. JOHNSON of South Carolina. And draws his pay to which his rank entitles to him?

Mr. STAFFORD. Yes; I concede all that, but he is located here in the city of Washington where his expenses are much greater and where he is performing every minute of the day a great work. We have also Army engineers engaged in the same character of work down on the Canal Zone who are being paid $17,000, ten or twelve thousand dollars in excess of their pay under the Army, and yet the gentleman himself would not say, although they are in the regular corps of the Army, that they should not receive additional pay for the additional responsibility cast upon them. This District Engineer is performing more work, added work, and I do not think the gentleman himself will contend for a moment that this District Engineer Commissioner is not a man who has not made in every way an exemplary record which would entitle him, as well as these other commissioners, to the increase of $1,000.

Mr. GARDNER of Michigan. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MADDEN.]

Mr. MADDEN. Mr. Speaker and gentlemen, the position of District Commissioner is a position of great honor, and there is not a man in the District of Columbia that is not anxious to secure the appointment. And the honor alone is sufficient to induce any man to occupy the place, and to seek it, and there is always a scramble for appointment to these places.

The District Commissioners are not called upon to do all this detail work that has been described. They have several assistant commissioners, and these assistant commissioners are the men who understand the details of the work of governing the District. And I want to say to you from personal knowledge that when information is sought to be obtained about what is to be done, and how to be done, and when to be done, and where, the assistant commissioners are the men who possess the information upon which action can be taken.

We have bureau chiefs in the District similar to bureau chiefs in every great city government in the country. We have a superintendent of police, who has jurisdiction over the police department; we have a chief of the fire department, who controls the action of that great body; we have a commissioner of health, who is charged with the responsibility of looking after the sanitary conditions of the District; we have a superintendent of sewers, who looks after the construction of sewers; we have a man in charge of the extension of the water system of the District; we have a superintendent of buildings, whose duty it is to see that the buildings are erected in accordance with the laws of the District. We have inspectors in every branch of the city government, charged with the responsibility of seeing that the details of the work are properly carried forward. We have a corporation counsel charged with the responsibility of seeing that things are done in accordance with the law. We have a city architect who is charged with the responsibility of seeing that plans for public buildings are drawn in the way in which they should be drawn. We have a man, in fact, who is supposed to be an expert, in charge of every bureau of the government of the District of Columbia, and the Commissioners are not overloaded with the work which comes to them by reason of their appointment to this office.

Mr. GOULDEN. Will the gentleman yield to one question?

Mr. MADDEN. Certainly.

Mr. GOULDEN. Who is responsible for all these bureau chiefs, superintendents, and commissioners? Who are held accountable for them?

Mr. MADDEN. The commissioners have the power to appoint these men, and I regret it. I regret that the appointment to every place within the jurisdiction of the commissioners is made as the result of political pull instead of as the result of merit, found by examination; and no such increase of salaries would be reported from the other end of this Capitol were it not for the fact that every man whose salary is to be increased is upon the pay roll on account of political pull. That is the difficulty.

As a matter of course, if the commissioners are good to people who want places and do, as the result of these appointments, increase the expenses of the city government, why, it is the most natural thing on earth that recommendations should be made for an increase of the salaries of the men who are good to the people who want the places.

I served on the Committee on Appropriations for four years, and on the subcommittee in charge of this bill, and I never voted for an increase of any man's salary or for an increase of any place which did not appeal to me as necessary for the proper conduct of the government of the District of Columbia. These commissioners could afford, because of the prominence and honor which is conferred upon them by reason of their appointment, to serve free of cost, and they would be glad to do it. The mere fact that they would be called upon by reason of their appointment to do social work is no reason for an increase in their salaries. [Applause.]

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. MADDEN. Certainly.

Mr. MOORE of Pennsylvania. The gentleman speaks of the social distinction and honor attached to the position of Commissioner of the District of Columbia——

Mr. MADDEN. Yes.

Mr. MOORE of Pennsylvania. Is not the position of Member of Congress an honorable place?

Mr. MADDEN. I hope it is.

All the men who occupy these great places as commissioners are rich, and they are appointed because of the influence that is exerted by the rich people of the District, not because of any special qualification which they have for the performance of the duties which come under their charge as Commissioners of the District, and I hope we will not vote to increase their salaries. [Applause.]

Mr. GARDNER of Michigan. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. BURLESON].

Mr. BURLESON. Mr. Speaker, I heartily favor increasing the salaries of the District Commissioners. It is true, as has been suggested by the gentleman from Illinois [Mr. MADDEN] that two of the commissioners are wealthy men——

Mr. MADDEN. Surely they are——

Mr. BURLESON. But the other commissioner, the engineer commissioner, if he is a man of wealth it is news to me, and I am quite sure it will be news to him, if such information is brought to him.

Mr. Speaker, it is only fair to state that the movement for an increase of these salaries did not originate with the District Commissioners. These gentlemen did not come before the Committee on Appropriations requesting this increase. The matter was brought to our attention by the taxpayers of the District of Columbia, who will pay one-half of the increase if same is granted. Representatives from the two great commercial organizations of this city—the board of trade and the chamber of commerce—consisting of the largest taxpayers in the city, came before the subcommittee having charge of the preparation of this bill and urged that these salaries be increased to $7,500 per annum.

Mr. FISH. Will the gentleman give way for a moment?

Mr. BURLESON. Certainly.

Mr. FISH. I would like to ask the gentlemen why those taxpayers did not come before the proper committee when this question was up before the District Committee?

Mr. BURLESON. I think they did come before the proper committee. They came before the only committee from which they thought they could secure relief. I do not want to be diverted from the issue before the House to a discussion of the failure on the part of the District Committee to act in this matter. We all know that the District Committee has been able to secure action on but few bills at this session of Congress. The citizens of the District of Columbia knew the situation here as we know it, and, consequently, desiring that something be done, they brought the matter before the Committee on Appropriations. But, Mr. Speaker, all this has no bearing upon the issue under discussion.

I want to call attention to the fact that the salary of the District Commissioners was fixed in 1879 at $5,000. At that time this was a city of 177,000 inhabitants. At that time the annual expenditures of this city amounted approximately to $3,200,000. Since that time the city has increased to a city of 350,000 inhabitants, and its expenditures have increased to over $12,000,000 for each fiscal year. The responsibility for the expenditure of this vast sum of money rests upon the shoulders of the three men appointed by the President of the United States as District Commissioners, and I challenge any Member of this House to name any officer of this Government who is called upon to expend and who is made responsible for the expenditure of $12,000,000 a year who is paid so small a salary as is paid to these District Commissioners.

The gentleman from Illinois [Mr. MADDEN] says they are given assistant commissioners to aid them. If there is any such office as "assistant commissioner" in this District government I have never heard of it. They are given subordinates, just as subordinate officials are found in the government of every other city of the United States, but I venture to say that there are fewer subordinates of the higher class in the government of the District of Columbia than in the government of any other city of like size in the United States.

Mr. MADDEN. Will the gentleman yield?

Mr. BURLESON. Yes.

Mr. MADDEN. Does not the gentleman from Texas know that they have two assistant engineer commissioners, Army officers?

Mr. BURLESON. Oh, yes; there is no question about that. We have two assistant engineers. They are assistant engineers rather than assistant commissioners, and they are called "engineer commissioners" only because they are employed under the engineer commissioner's department.

Mr. Speaker, I do not hesitate to say that the city of Washington, in the conduct of its municipal affairs, is as free from graft and corruption and enjoys as economical administration of its affairs as any city in the United States, and no little credit for this is due to the character of men who now hold and have held the office of commissioner. I would be only too glad to institute a comparison between the administration of municipal affairs in the city of New York, or the city of Philadelphia, or the city of Indianapolis with that of the city of Washington. I venture the assertion that if we could get at the actual cost of administration of the city of New York we would find that the amounts paid there for administration are out of all proportion to what is being paid to the District Commissioners.

I will venture the assertion that if we could get at the cost of the executive department of the city of Philadelphia we would find that that city expends $10 for every $1 that is expended for the same purpose in the city of Washington. [Applause.]

Mr. GARDNER of Michigan. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. TAYLOR].

Mr. TAYLOR of Ohio. Mr. Speaker, I want to say what I said at the time the bill was before the House in Committee of the Whole—that the committee, after careful investigation of the merits of this salary increase, were in favor of it and believed it just to appropriate for it. As my colleague from Texas [Mr. BURLESON] has said, this salary was fixed at $5,000 in the year 1879, at which time Congressmen then received the same salary. But I do not want to present this case upon the basis that because we have raised our own salaries we ought to raise these. My earnest desire is to fix the compensation for public servants commensurate with the services performed, and $6,000 to the Commissioners of the District of Columbia, it seems to me, is not too large a salary for the services that they perform for the District government and the people.

Now, Mr. Speaker, remarks have been made by the gentleman from Illinois and others intimating that two of the commissioners are men of means. I am informed that they are guilty of this most heinous offense, and have accumulated some money for themselves by honorable and legal means. But do we want to leave the salary one that will make the office acceptable only by men of means? Are we to consider a man's private means when considering his public service to the people? Many Members of this House, and a good many Members of the United States Senate, who regularly step up to the Sergeant at Arms' desk and draw $7,500 in salary, do it regardless of their private means.

Now, Mr. Speaker, speaking of one commissioner who is so fortunate as to be poor, the Engineer Commissioner of the District, let me tell you what we are paying him now out of the revenues of the District: One hundred dollars per year, and the General Government pays him another $100 because his salary and allowance as major in the Engineer Corps bring his income up to about $4,800 of the $5,000 salary allowed by law. Therefore we are only increasing his salary for the extra services that he is performing as commissioner and engineer to a sum total of $1,200.

I want to call attention to one other fact, and that is that this man earns his salary two or three times a year in the splendid engineering work which he is bringing to a final fruition under his jurisdiction. There are two other engineers under assignment, both able engineers, one of them Maj. Cosby, some eight or nine years Maj. Judson's junior, who is Superintendent of Public Buildings and Grounds attached to the White House, and he has a salary allowed by law of $6,000 per year, $1,000 more than Maj. Judson receives, without, I am sure, the same responsibility. There is another major still more years his junior, Maj. Cavanaugh, attached to the Rivers Board by special assignment under a special act of Congress, and he receives during his time of assignment a salary larger than that of Maj. Cosby. Therefore we are not doing an unusual thing in giving a man, even if he be an Army officer and a ward of the Government in his youth, a little extra money for performing for people of the District and the people of the country at large such splendid services a small compensation in the sum of $1,200 more than he would be allowed if detailed to regular work as an engineer officer of the Army, without the tremendous responsibility that he has as commissioner of this District.

Mr. MANN. Will the gentleman yield?

Mr. TAYLOR of Ohio. Certainly.

Mr. MANN. Is it not a fact that, in the case of Maj. Judson or any other officer of equal rank, it is a financial loss to him to be engineer commissioner of the District?

Mr. TAYLOR of Ohio. The gentleman is entirely correct, and I was coming to that. I know that Maj. Judson, while a soldier, could not do other than to assume the duties assigned to him by the President of the United States, very much regretted that he was called upon to come here, solely on account of the financial loss and the added expense in which he would be involved, without any added compensation therefor.

Mr. GARDNER of Michigan. I yield two minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Speaker, a few years ago President Roosevelt appointed Mr. Reynolds to make a study for a proper government here, and Mr. Reynolds reported a scheme of government under which you would have a governor or mayor or one head with a lot of subordinates. That head was to get $10,000 a year, and that proposition was fought tooth and toenail by the District Commissioners and by the people here generally without one word about the salaries not being sufficient then, and they showed and claimed, and I think satisfactorily so, that they had the best service that any city had in the United States and were paying less for it. Now, when Mr. Roosevelt proposed to change this form of government why were not these gentlemen then in favor of it, by which a governor or a mayor would receive $10,000 a year.

Then, there is another thing. Nobody pays any tax in this city on personal property—intangible. Bonds, stocks, money by the millions go untaxed. Put this on if you want to, and put a personal tax on these untaxed millions that men have made in other States, and who have come here to live to avoid paying taxes in performing their duties as good citizens in those States where they made this money. Increase your taxable resources by putting the intangible property on the list, and then increase your salaries and pay the increase out of the District revenue and nobody will kick; but as long as you are going to make the people of the United States pay one-half of that increase, I say you, as representatives of the people, had better not too lightly increase the salaries of people of the city where there is not a dollar of taxes paid upon bonds and stocks and money.

GUAM AND PORTO RICO.

Mr. GARDNER of Michigan. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. OLMSTED. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an address by Commodore George L. Dyer, United States Navy (retired), before the late Mohawk conference on the subject of Guam, and a similar address on the same occasion by Representative PARSONS, of New York, on the subject of Porto Rico.

Mr. SPEAKER. Is there objection?

There was no objection.

The addresses referred to are as follows:

[Sixth session, Friday evening, Oct. 21, 1910.]

The CHAIRMAN. Our first address of this evening will be that of Commodore George L. Dyer, of the United States Navy, formerly governor of Guam, who will speak on conditions in that island.

GUAM.

(Address of Commodore George L. Dyer, United States Navy, retired.)

In the discussion of the subject of "Our Dependent Peoples," the very interesting population of Guam, in the Mariana Islands of the western Pacific, and of Tutuila, in the Samoan Islands of the southern Pacific, should not be omitted. Owing to my association with the former I am able to speak of it with a degree of authority. Of Tutuila I know nothing from personal experience. Both depend on the Navy Department for administrative control and both are of service to it as coaling stations of limited development. Some of the problems which American administrators have to deal with in the Philippines are found, in a minor degree, in Guam. The difficulties of their solution, however, are mitigated and their number few. Guam has a homogeneous people, not at all inclined to turbulence. Its small area, comparatively, prevents any attempt, even if desired, to make combinations against established authority. The amusing tale will be remembered of its capture, in 1898, by the cruiser *Charleston*, then on her way to Manila to the assistance of Admiral Dewey. The Spanish governor sent his aide to express His Excellency's regret that, for lack of powder, he was unable to return the American's salute, ignorant that war had been declared, and thinking that the shooting of the *Charleston*, at various apparently fortified points in the harbor, was intended for the honors to the Spanish flag.

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GEOGRAPHICAL POSITION.

Guam, discovered by Magellan, is the largest and southernmost of the Mariana Islands, which, with the Bonin Islands, form a chain for 1,300 miles south of Japan. The name "Ladrones" (Thieves), usually given to these islands by American and English cartographers, is not used by continental peoples, and is very distasteful to the Islanders. The title Marianas has been officially adopted for all Government publications.

In all that general region of the Pacific, Guam is the sole island possessing the combination of a good harbor and a plentiful supply of potable water at all seasons. Others have one or the other, but not both. It is a central station for ocean cables from the United States, via Honolulu; from Japan; from China, via the Philippines; and from Java, via the Celebes, and Yap in the Pellew Group, 500 miles southwest of Guam. It has a Federal wireless equipment and is also the advanced meteorological station for the very efficient Philippine weather bureau. Owing to its distance from the United States—5,600 miles—its commercial isolation and its political insignificance, little attention is shown to Guam. Much ignorance prevails concerning it among people of very considerable general information. Interest will be livelier when it falls into the hands of the powerful nation nearest to it. In explaining its location I have found it useful to ask my auditors to consider the North Pacific as an ellipse with the Hawaiian Islands at the eastern focus and Guam at the western. Honolulu is 2,200 miles west of San Francisco and Guam is 2,100 miles east of China, the Philippine Islands intervening. Guam is in the same latitude as Jamaica, 13 degrees north, to which, in some respects, it is similar. Our island contains 214 square miles, is 32 miles long, and between 6 and 7 miles wide. Its surface is broken, the northern part being a high plateau, the southern a series of hills, of which the highest is 1,300 feet. In this portion numerous small rivers flow through narrow valleys of great fertility, with hill slopes covered with valuable hardwoods. The tableland before referred to, heavily wooded in some places, is the principal farming section, although the native ranches are scattered throughout the island. Most of the timber lands belong to the United States. Mr. Pinchot was entirely favorable to the request, made during my time, for a dendrological survey. An attempt was also made to enlist the interest of the Geological Survey, traces of minerals having been found in various places.

PEOPLE.

The original population of Malayo-Polynesian has been greatly modified by Caucasian and Filipino blood introduced by American and English whalers, Spanish and American sailors and soldiers, Filipino convicts, Mexican cowboys, and waifs of other nationalities. The result is the Chamorro people of to-day, a sturdy, well-developed, prolific, and fine-looking race, in number about 12,000, with a birth rate which, since the American occupation, has been steadily increasing. They live in nine towns, each of which, except Agana, contains about 500 people. Agana, the capital, contains 8,000. They are all farmers; the officials, the traders, the mechanics, all of whom form but a small class, having their farms also. Each family is self-sustaining. If a native wishes to build a house he gradually collects the materials and then summons his relatives and friends to assist. Each family has its beast of burden—carabao, bullock, or cow—and a two-wheeled cart for the means of transport between town and ranch. According to the remoteness of the farm they fix the number of their visits to town during the week. Saturday always finds them there for the Sunday church services. On Mondays the whole population is up for early mass at 4 o'clock, and off to the ranches before 7. These customs are not allowed to conflict with the school regulations, and families often suffer, willingly, serious inconvenience on this account.

A more universally contented and independent people can scarcely be found. The conditions of their lives are most simple; there is no real poverty. Differences in social advantages are insignificant. Each family has a town and country home; existence goes on with little friction. They are devout and practical Roman Catholics, a gentle, subordinate, cheerful, and lovable race. Hanging over them, however, is the dreadful menace of the earthquake and the hurricane, both of which have scourged them often and both of which will surely come again.

LANGUAGE.

Their language is usually classed as Micronesian. It has a large infusion of Spanish words, much corrupted in pronunciation. The well-to-do class speaks Spanish with fluency, while the poorer class understands it but little. Since the present system of schools was established the native children have gained a very considerable practical knowledge of English, so that the diffusion of that language is now much more general than the Spanish ever was.

ADMINISTRATIVE ORGANIZATION.

For administrative purposes the island is divided into four counties, each represented by a resident native commissioner, appointed by the governor. His powers are confined to police jurisdiction, with authority to try, as justice of the peace, a certain class of criminal cases of minor gravity. The more important cases are tried in the island court, also presided over by a native judge, who sits in Agana. Appeals lie to this court from the justices' courts, and in certain cases from the island court to the court of appeals of the island. The island court is the same as existed under Spanish domination, under the title of court of first instance, and is similar in jurisdiction to the present courts of that name in the Philippines. The court of appeals, as at present constituted, is a creation of my own. Under the Spanish, appeals from the court of first instance in Guam lay to the audiencia in Manila, Guam then belonging to the political division of the Filipinas.

With the entire independence of Guam, under the United States, and in the absence of all regulation by law of Congress, the earlier American governors constituted a supreme court to consist of the governor himself. The time had come and the material was available to form a court of natives, five in all, with an Americanized Spaniard (living permanently in the island and married to a native) as chief justice. This has now been in successful operation for about six years. The people of Guam are not litigiously inclined, and there are few cases which fall outside the justices' court. Crimes of violence are rare. There have been two, possibly three, trials for murder in the last seven years. The ill-defined boundaries of property are the cause of occasional differences, which are usually adjusted without difficulty by the governor. The Spanish law prevails, modified by the decrees, not numerous, of the several governors. Congress has never legislated for Guam, except to include in the appropriation bills certain items for the naval station. The President, in 1899, issued a short Executive order covering the customs tariff for the island, and in 1901 another defining the accountability for insular funds. The last law regulating the tariff between the Philippine Islands and the United States included Guam. These are the only legal restraints emanating from the Government on the action of the island administrator. Neither has the Navy Department issued special regulations to limit or control or advise his course. He is bound to observe the naval regulations, but, as a matter of fact, he is the most independent official I know of and possesses practically the power of a benevolent despot over an absolutely helpless people. I am happy to say, however, that the choice of the Navy Department for governors has usually fallen upon men of elevated purposes and intelligence, each of whom in turn has carried along the work with industry, devotion, and success.

In addition to the judges the other native officials are the island attorney, who is also the prosecuting officer, registrar of lands, deeds, and titles, and the custodian of the commercial register; the island treasurer and assistants; the clerk of the courts; the warden of the jail, who is also the county commissioner of Agana County. The naval surgeons are the sanitary inspectors. The commissioner of schools is an American, as is the collector of customs. The school teachers are both Americans and natives of both sexes. The island officials and all public improvements not made for the efficiency of the naval station as such are paid from the revenues of the island.

REVENUES.

These revenues come from customs duties, licenses, fines, permits, a poll tax, and a land tax. For the purpose all lands are assessed yearly by a board of intelligent natives, whose assessments have given satisfaction to the taxpayers. It was a question whether the imposition of this tax, an American innovation, was an advisable measure. There is a tendency among the natives to abandon their farms and congregate in the towns, depending on Government employment for support. It is the effort of each governor to counteract this, and the land tax, or a portion of it, is often remitted partly on this account.

PRODUCTIONS.

The principal item of export is copra, the dried pulp of the cocoanuts. This is bought up by the Japanese traders, who, until recently, have enjoyed the entire transportation business of the island and consequently have fixed the price in merchandise at the lowest figure which would keep the industry alive. Within two years the Government transports, touching at the island monthly on the outward trip, have been carrying freight for private individuals at reasonable rates. This has reduced the prices of necessaries and affected the price to the natives of copra. Some timber in trimmed logs is exported to Japan, whither all the copra goes, but the amount of the former is insignificant. The natives raise about everything they eat—corn, rice, beans, sugar cane, coffee, cocoa, tobacco, and all the tropical fruits, with the exception of the alligator pear. This exception, also true at that time of the Philippines, as far as my inquiries went, seemed so extraordinary that I endeavored unsuccessfully to discover the reason. Seeds were early secured from Honolulu and the resulting trees are now bearing. To the frequenter of the Tropics the absence of the avocado (alligator pear) is a serious deprivation.

The cultivation of rice was not so extensive as it should have been, large areas suitable for it having been gradually abandoned, necessitating an increase in the quantity imported. It was hoped that the rebuilding of bridges long since destroyed and the extension of good roads into localities favorable to rice cultivation would stimulate its production, and such, I believe, is the case.

There is a small herd of cattle in the island which provides a limited supply of meat, sold twice a week at Agana at a market belonging to the island. The regulations imposed to restrict the depletion of the herd of beef cattle are carefully observed, also the sanitary conditions connected with the slaughter. In addition to the beef cattle there is a large number of carabao, or water buffalo. These are the real working animals. They are occasionally slaughtered for meat, which is very tough. Hogs, goats, and chickens abound, but no sheep. There are a few scrub ponies. Bees have been successfully introduced quite recently.

Strangely enough, no natives follow the pursuit of deep-water fishing, and yet they are very fond of sea food.

At low tide a few men and women wade about the reefs catching shellfish and small fry in the pools and crevices for their own use. As an industry, however, fishing does not exist. To supply the market and to teach the natives, 8 or 10 Japanese fishermen were introduced, with their boats and tackle, and certain inducements offered the natives to engage in the business. Contrary to my hope, however, the Japanese devoted themselves entirely to catching turtles, which, indeed, found ready sale and added a valuable food product. The coast of the island does not offer convenient places for the harboring and launching of boats, although there are a few such. This does not account, however, for the scarcity of native boats. The devotion of the entire population, practically, to bucolic pursuits is one reason, but hardly sufficient to explain why these Pacific Islanders are so little given to aquatic adventure.

The preceding refers entirely to the food products enjoyed by the natives. Some milk is peddled about Agana and, of course, the usual tropical wild food products—breadfruit, banana, guava, mango, etc., are plentiful. In addition to island contributions the American colony has the advantage of supplies brought in the refrigerators of the transports. These are placed at once in the large cold-storage rooms of the naval station ice plant, at the cost of the owner, and distributed during the month intervening before the arrival of the following transport. All the delicacies of the San Francisco market are available at prices not unduly raised by high rates of carriage.

THE AMERICAN COLONY.

This consists of the governor—a naval officer of rank, who is also commandant of the naval station—his aide, and several officers who represent the various bureaus of the Navy Department. There are four or five medical officers, several clerks, hospital attendants, a printer, a plumber, machinists, carpenters, foremen of public works, officers of Marines and their detachment of 100 men, the naval station band, the officers and crew of the station ship, and the cable station staff of 8 or 10 employees. All these, with the families of many, form a usually harmonious society, in which social distinctions are not too carefully drawn and which is sure to contain a diversity of talent sufficient to afford a pretty constant entertainment.

The foreign colony, for intimate social purposes, numbers about 30 people. On general occasions the superior native families participate, and the younger women especially, with their gentle manners and attractive appearance, add a very charming feature, for, be it known, "Butterick's Fashions," the English publication "The Queen," and others similar are common in Guam, and every family possesses a sewing machine.

THE CURRENCY.

We had our troubles with the currency. The first difficulties incident to the reorganization of the island government, then the destruction wrought by an unusually violent hurricane, followed, a year or two after, by a record earthquake, occupied fully the attention of the first American governors in instituting order and in starting the usual activities of life. When I came along the normal course of affairs had been fully reestablished. It was a favorable moment to turn attention to matters of general progress. There were at this time three kinds of currency in use—the United States currency, paid out to the officers and enlisted force, and put in circulation by them; the Mexican dollar, in general use, paid out for labor in connection with the naval station; and the old Spanish-Philippine currency, also in general use, and paid out, with the Mexicans, by the island government for labor and supplies. The two last named has been demonetized in the Philippines and the Spanish-Philippine coin possessed in the outside world only its bullion value. We found that the Japanese traders were buying it up somewhere, presumably in the Philippines, and shipping it to Guam, via Japan, and using it to pay their customs dues. At the same time they were exporting American silver and Mexicans as rapidly as they could accumulate them. The bad money in the island treasury was rapidly increasing and the good disappearing.

It required a radical and arbitrary measure to stop that, and a moment was carefully chosen (when, to the best of our information, the least damage would be inflicted) to interdict the use of the Philippine currency in any transaction in which the island government was interested, such as receipts for customs, payment for salaries, labor, and supplies. This was effective without serious harm to any. There were some cases of loss where there had been hoarding, but as the Spanish-Philippine currency continued in circulation among the traders for some time without a very rapid depreciation no distress occurred. I would have liked to have done the same with the Mexican currency. This has been done since, but it was then in general circulation throughout the East. The "Mexican," while about the size of the American dollar, had only half its value. The natives would not willingly accept as an equivalent for his labor a piece of money half the size of his customary coin, or one of similar size in place of the two he had been used to receiving. The moment to continue the process of simplification was not propitious.

In this connection we were watching with much interest the movement in the Philippines for the establishment of agricultural banks, following the plan of Lord Cromer in Egypt. With a longer tenure of office a bank would have been attempted, but there were so many things requiring immediate attention, with the limited staff of competent assistants at our disposal, it was not possible. It should be done. The exactions of the usurers are great, and the native farmer can hardly be expected to rise above the level which this disability, with others, imposes. A postal savings department in the Federal post office in Guam will be of benefit.

PUBLIC IMPROVEMENTS.

The Spaniards had constructed a very good road from the harbor 6 miles to Agana, the capital. This the Americans have vastly improved, making necessary fills, deeper cuts, strong cemented stone retaining walls, and better bridges. The road, nearly level throughout, runs along the coast very close to the shore, skirting promontories where feasible, or cutting through them. Deposits of clay mixed with lime, called "cascajo," exist everywhere, and this, laid on a proper foundation, affords a very excellent road material. As a consequence the highways, which are 16 feet wide, are quite equal to the best roads anywhere. Their extension has been going on steadily since the American occupation, and they now reach to remote parts of the island. This has required the construction of numerous bridges and, in the southern part of the island, rather formidable fills. The road mender system prevalent in Europe was inaugurated, a man to a section permanently at work. The anchorage in the harbor is very deep and ships are forced to lie at a long distance from the landing by reason of a shelf of coral sand and rock which forms a sort of rim about the harbor, varying in width, covered to a depth of about 3 feet at high water. This shelf has pockets or wells in it here and there, between which a rough sort of channel had been cleared to allow boats of light draft to pass across at half tide. It was very evident that a channel available for lighters at all stages of the tide was a necessity. This was undertaken immediately. We had a very rough equipment to start with—a scoop road scraper attached to a hemp rope hauled toward an anchored scow by a hand winch fixed upon it, and later a power winch and wire rope. With the occasional use of dynamite, a force of 20 natives, under Chief Carpenter Johnson, of the Navy, who worked in the water with them, keeping them steadily at it, part of the time at night, in just one year made a channel 50 feet wide about 1 mile long, and 4 feet deep at low water. We were then certain of our frozen supplies, particularly the meat, which, in prechannel days, under the tropical sun, had been several times detained in shallow places on the way from the transports to the shore, until rendered unfit for consumption. This channel has since been made deeper and kept clear by a regular modern suction dredge sent out at my earnest solicitation, followed up by that of my successors.

Another improvement of great value was the placing of buoys to mark the entrance to, and the submerged dangers in, the harbor, and particularly the mooring buoys, each fastened to a bridle of very heavy chain attached to three enormous anchors spread out triangularly. The transports were safer during their short stay in the harbor, after these buoys were placed, as it has an unfortunate reputation during the hurricane season among seafaring men. For lack of mooring buoys, one United States ship, the *Yosemite*, had been lost there and the cable ship *Scotia* totally wrecked at the mouth of the harbor for want of proper entrance buoys—both since the American occupation.

Many other improvements of less importance were commenced and have since been completed, but the greater of all measures were those for the amelioration and conservation of the public health and the establishment, on a permanent basis, of the public schools.

SANITATION.

Most of the people live in Agana, where about 8,000 are congregated. This is located on a nearly flat shelf near the ocean, having a height of about 7 feet above high-water level. The Agana River, a small stream, flows through the town with sufficient current to be saved from pollution, and this is used by the natives indiscriminately for every conceivable purpose except drinking. Its ultimate effect is undoubtedly beneficial, for all the town washing is done there and it affords a public bath much frequented. The drinking water is drawn from surface wells, 7 or 8 feet deep at most, which are numerous all over the town site, and which have been infested for generations with the germs of the lumbricoid worm. It is surprising that the Chamorros have survived this pest, for it is present in their bodies all through their lives, probably without exception, in such quantities as to stagger belief. The Americans do not escape it entirely. By using the distilled water at their service and keeping careful watch on the preparation of their food, they are usually immune. This has been both an indirect and a direct menace to the efficiency of the naval station. The attention of the American governors, therefore, was early devoted to the introduction of pure water. A careful examination of the sources available was made by an expert, who selected a hill stream near the town of Agana, and, after an instrumental survey, made an estimate in detail for an impounding dam reservoir, distributing pipes, and hydrants for an efficient service, costing $50,000. After several years of earnest effort on the part of successive governors, the appropriation was finally secured from Congress, and the present governor, Capt. E. J. Dorn, United States Navy, wrote me by the last mail that he had had the supreme satisfaction of turning on the water from the completed system, thus inaugurating the physical regeneration of a small nation.

With the disappearance of the lumbricoid worm and the construction of an already planned tuberculosis camp in the hills, other diseases from which the natives suffer will either disappear or be sensibly modified.

The lepers were early segregated and have been carefully watched and studied, everything being done to ameliorate their pitiful lot. And within the last few years the same course has been pursued with the victims of gangosa, a terrible disease which seems peculiar to Guam. In this the upper part of the face is destroyed by slow ulceration. The naval medical officers have made great progress in the successful treatment of this. They have demonstrated practically that it is a condition resulting from inherited disease introduced originally by the western foreigner. Recent advices from the island are that segregation for gangosa has been discontinued. And here I would like to say that to the untiring efforts of the naval surgeons, their unselfish devotion, and their high professional skill both natives and governors owe a debt of gratitude indeed.

The lack of pure water, the principal factor in a campaign for sanitation, did not deter us from making efforts in other directions possible of attainment. The entire population was vaccinated and measures taken to insure a constant supply of fresh virus and an effective rounding up and treatment of nonvaccinated individuals. This had never been done. The hospital for enlisted men, which included a ward for native men, inaugurated by a former governor, was enlarged, put in thorough repair, and a well-equipped operating room added. Through the efforts of my wife a hospital was established for women and children. For the first time in the history of the island, after about 300 years of Christian occupation, there was provided a suitable place for their medical treatment outside of their crowded and unsanitary homes. This was urgently needed. At the universal request of the natives it was called the Susana Hospital, Susana being the Spanish equivalent for Mrs. Dyer's Christian name.

The women are shy and reserved. It is difficult to get them to speak of their ailments and almost impossible to make them follow medical advice. It was obvious that in any far-reaching scheme for health improvement their interest and cooperation must be secured. The only way to do this was to establish a hospital for their sole use where they could be sent, forcibly if necessary, and where a class of native nurses could be trained. These could go among their sisters, secure their confidence, teach them the importance of cleanliness as it affected their health and that of their families, and finally work a change in their attitude toward medical attention. This would have been impossible of accomplishment but for Mrs. Norman McLean, wife of Surg. McLean, of the Navy, herself a trained nurse, who undertook the task of instructing a class of native girls. A Women's Hospital Aid Association was formed, composed entirely of native women, whose duty it was to seek out subjects for medical aid, to induce them to apply voluntarily at the hospital for treatment, and to see that their children and homes were cared for during their absence; also to report cases urgently requiring attention when they refused to present themselves or to notify the proper authority of their condition. The hospital fees were fixed at a low figure and an attempt made to graduate them according to the means of the patient, which it was the office of the Woman's Aid Asso-

ciation to determine. There are but few people in the island abjectly poor.

As an adjunct to the hospital a dispensary and pharmacy has since been equipped, where wounds and sores are dressed and medicines sold. This was well attended from the outset and has been a useful factor in overcoming the native woman's prejudices, as up to this time there had been only men attendants available. The pharmacy has also contributed to the maintenance of the hospital. I am happy to say that this establishing a woman's hospital has entirely justified the hopes of its founder. It has accomplished more than was anticipated. Since her return to the United States Mrs. Dyer has succeeded in inducing Mrs. Russell Sage to endow this hospital with a handsome sum, which, with other funds collected by Mrs. Dyer, is administered by the Sage Foundation.

THE SCHOOLS.

Previous to 1904 it had not been feasible to inaugurate any system of schools. It did not seem possible to continue in that course, and an effort was begun at once to get them on a permanent basis.

To supply a corps of teachers every woman in the American colony not having absorbing duties at home, was drafted into service, including my two daughters and a young lady guest. With alacrity and admirable devotion they responded and helped largely to make the effort successful. Several soldiers from the Marine detachment and a number of native men and women who had already acquired a fairly good knowledge of English made up the necessary complement. From a pedogogical standpoint but few of the teachers were well equipped. The double negative was very prominent in their instruction, but they made up in intelligence, earnestness, and industry for lapses of grammar, which were, after all, immaterial. What was needed by the natives was the power to express themselves in and to understand English, enabling them to form a bond of comprehension between themselves and the Americans. It has always seemed to me that most of the trouble in the world began with the building of the Tower of Babel.

The governor then issued a decree making attendance at school compulsory for all boys between the ages of 7 and 13 and all girls between the ages of 7 and 12. A small fine was imposed on parents or guardians for the absence of pupils without reasonable excuse. The use of the cable brought us quickly a supply of necessary textbooks The active interest of the children and their relatives, with that of the teachers, helped in the starting of what seemed at first a rather impracticable undertaking.

My naval associates have often smiled at my selection of a Navy boatswain for superintendent of public instruction, but for that place there could have been no better, and I have never ceased to be grateful that the services of Chief Boatswain Brooks happened to be available at that particular juncture. In a very short time the schools were running efficiently in all parts of the island, and the 2,000 children of school age were attending with a regularity that could scarcely be secured elsewhere. Personal cleanliness and order were insisted on from the beginning, lavatories for each sex were built near each schoolhouse, in which during school hours were stationed a man and a woman. Every child on entering the schoolhouse was inspected by a teacher and, if not clean in person, was sent to the lavatory and thoroughly scrubbed. If the clothes were soiled or rent the children were sent home for attention. Immediately after roll call and inspection each day the children needing medical advice were sent to the hospital and the truant officer started after the absentees. Within a short time those responsible for the delinquents were before the justice of the peace and subjected to a fine if their excuses were insufficient. This was most effective. Few absences occurred after the people learned what to expect, and the scholars came to school scrupulously neat. Best of all the native community appreciated and supported the measures taken for the children's welfare.

From this beginning developed the normal school, to which were sent the advanced and intelligent compulsory scholars and the volunteers beyond the school age. This school has since fulfilled to some extent its purpose of supplying native English-speaking teachers.

An agricultural class of 29 boys was started under an experienced instructor—a very intelligent and highly educated German who drifted into Guam most opportunely, and who has since assisted materially in the development of the island. In the absence of a regularly equipped manual-training school, which we had no money to establish, lads were placed as apprentices in the hospital, the printing office, the blacksmith's, the plumber's, and the carpenter's shops, the machine shop and the ice plant. Night schools for the older people were well attended.

Perhaps the most satisfactory progress of all was in the branch of music. Singing was taught in the public schools and a party of boys, numbering 28 at first and afterwards increased, was selected as a class in instrumental music, one of the most competent musicians in the naval station band being detailed as instructor. The formation of this band constituted an epoch in the history of Guam. The religious ceremonies which are the principal factors for happiness as well as excitement in the lives of this isolated folk are now completed by music furnished by their own people. Previously they had none for these occasions. Those of them who had visited the Philippine Islands and noted the prominence of bands during the religious *fiestas* lamented the absence in Guam of this significant feature. It may be said, without exaggeration, that the establishment of the Chamorro Band has been to the natives one of the most gratifying results of the American occupation. The conception of this band had a greater significance than appears on the surface. The natives have astonishingly few amusements. General instruction of the population in instrumental music will add a wholesome and profound pleasure to their lives. The apprentice bandsmen were destined to go among their fellows in the outlying towns all through the island and promote the cause of instrumental music.

AGRICULTURAL EXPERIMENT STATION.

With limited resources and a keen sense of its importance we started an experimental farm to give the natives a practical example in the use of labor-saving tools and modern methods of cultivation and to stimulate them to increase the variety of their food products. Satisfactory and profitable relations were established with the various bureaus of the United States Department of Agriculture, with the department of agriculture in the Philippine Islands, and with the various agencies, public and private, devoted to this purpose in all parts of the world. The influence of this station began to be felt at once. It was an attractive growth to foster. Feeling, however, that as the great resources of the Department of Agriculture of the United States had been freely extended to other dependent peoples in the establishment of experimental stations, we could hope for a similar attention to Guam, steps were taken to induce the Secretary of that great department to include Guam station in his estimates. After many vicissitudes this was done in 1908, and finally the island station was amalgamated with a well equipped and efficient Federal station. In a recent number of the Guam News Letter, published monthly, it was interesting to note the advertisement for sale by a local trader of fresh vegetable seeds of all kinds.

I believe it is just to say that the interests of the people of Guam, as well as those of the United States, have always been well served by the American governors, and that the march of improvement has been uninterrupted. Much, however, still remains to be done, and an intelligent interest on the part of the public at home will aid materially the efforts of the men on the spot, who suffer under the handicap of distance and indifference to their needs.

[Fifth session, Friday morning, Oct. 21, 1910.]

The CHAIRMAN. Our subject for discussion this morning is Porto Rico, and it gives me great pleasure to present as the first speaker, Hon. HERBERT PARSONS, Member of Congress from New York.

THE OLMSTED BILL AND ITS PROVISIONS.

(Address of Hon. HERBERT PARSONS.)

The Committee on Insular Affairs, of which for several years I have been a member, reported to, and pressed to passage through, the House of Representatives, the Olmsted bill reforming the act providing a civil government for Porto Rico, in order to put into the fundamental law of Porto Rico the following new provisions:

1. A provision making the citizens of Porto Rico collectively citizens of the United States.

2. A provision by which hereafter voters in addition to those heretofore registered must either be able to read and write or own taxable real estate personally or as a member of a firm.

3. A senate of 13 members, to be chosen quadrennially, of which 5 shall be elected at the first election, 6 at the second, 7 at the third, and an additional one at each succeeding election, the balance to be appointed by the President, and this senate to take the place of the executive council, which now consists of 6 Americans and 5 Porto Ricans.

4. A house of delegates to consist of 1 member from each of 33 districts instead of 5 members from each of 7 districts.

5. A centralized health department, with a commissioner at the head, appointed by the President.

6. Minimum appropriations of $130,000 for each of the next five years, out of insular revenues, and 15 per cent out of municipal incomes, for sanitary work.

7. A civil-service director, to be appointed by the President, and a prohibition of the passage of any law which would prevent the free transfer of persons in the classified service between Porto Rico and the United States in the case of a position requiring expert scientific knowledge, or any citizen of the United States or of Porto Rico from taking civil-service examinations for such position and securing appointment without preference as to residence.

8. The establishment of a public-service commission which would have charge of the granting of franchises and should consist of the attorney general, the treasurer, the auditor, the commissioner of the interior, and two Porto Ricans to be elected by the people; this commission to have the power over franchises hitherto exercised by the executive council and also its power in regard to municipal loans and funds and advancements of insular funds to municipalities and school boards.

9. A provision excluding any corporation from the business of buying and selling real estate or holding or owning real estate not reasonably necessary to enable it to carry out its purposes and effectively prohibiting a corporation engaged in agriculture from owning or leasing more than 3,000 acres—a provision which takes the place of the present ineffective limitation of 500 acres.

10. A provision enabling the Porto Rican legislature to create a department of agriculture, commerce, and labor, if it shall see fit to do so.

11. A change somewhat limiting the jurisdiction of the United States district court for Porto Rico and providing that the salaries of the judge and officials and the court expenses shall be paid by the United States.

12. A provision that the municipal judges of Porto Rico shall hereafter be appointed by the governor instead of elected.

13. The governor is given absolute power of veto of any law passed by the Porto Rican Legislature. No franchise is legal until approved by the President after passage by the senate of Porto Rico, and Congress still reserves the right to annul any franchise or any law.

The bill passed the House of Representatives, but has not yet been acted upon by the Senate.

Why did the Committee on Insular Affairs recommend these changes in the fundamental law of Porto Rico?

1. As to citizenship, Porto Ricans were in an anomalous position. Some claimed that under the Foraker Act they were citizens of the United States, others that they were not. If the latter were so, then they were citizens of Porto Rico, but men and women without a country. There was just as much reason why they should be American citizens as there was why the Mexicans of New Mexico should be. There was more reason why they should be citizens of the United States after having been for 12 years under its laws and commercially and economically a part of it than why the immigrant from abroad, here for a less time, should be admitted to citizenship. And even though citizenship be a matter of sentiment—and it is more than that—glad should we be to bind them to us by the strong tie of such a sentiment.

2. With the granting of greater popular rights in the way of electing their representatives it seemed wise to restrict the suffrage, so great is the percentage of illiteracy among Porto Ricans. When we took possession the illiteracy was 77.3 per cent and the school attendance only 8 per cent. Despite as great an increase in school supply as resources will permit, the school attendance is now only about 30 per cent, and it will be many years yet before Porto Rico will have reached the condition of a substantially educated people with a correcting public opinion, the prerequisite in my mind to complete control of its own affairs. To this limitation of the suffrage there was little objection. Those who now have the right to vote will continue to have it, but in the future new voters must either be able to read and write or own property.

There is a considerable farming class that is illiterate, and I have been told that such people of the hills vote far more independently than do many of those in the cities who are able to read and write. These farmers will still form part of the voting population, and so will their successors; but the future laborers in the sugar centrales, said to

be easily subject to political corralling by their employers, will not in the future become voters unless they can read and write.

3. Heretofore the upper body of the legislature was the executive council, the majority of which was constituted of appointive executive officials. So far as we have been able to ascertain, that scheme worked greatly to the welfare of Porto Rico. The Porto Ricans were opposed to it for sentimental reasons, claiming that the union of the executive with the legislative was un-American.

I think that a mistake was made in separating the two, and I believe that the growth of the commission idea of city government, in which the executive officials compose also the city legislature, indicates the well working of such a union of functions as does the great influence of the executive over the legislative indicate the inevitable identification in the minds of the people of the chief executive official mainly by his legislative program. The senate is made gradually wholly elective, so that by the year 1924 a majority of the Senate shall be elective. This change was a compromise with the wishes of the Porto Rican politicians, who demanded a wholly elective senate immediately.

4. The principal change in regard to the house of delegates was to provide that each member should be elected from a district instead of five from each of seven districts. The house is now wholly composed of members of the Unionist party. The other party, the Republican party, has considerable strength in some localities, and it is believed that this change will give a better opportunity for minority representation. Now 15 of the 35 members live in the city of San Juan. They are Unionists, though that city is Republican. In the future each representative will have to be a resident of his district, a requisite with which I myself do not sympathize. The same requirement was inserted in regard to senators.

5. The principal feature of the bill is the provision for a centralized health department. The provisions are drastic, but they were considered essential in order to make Porto Rico the extremely healthful place that it should be and to insure the continuance of the splendid work introduced by Dr. Bailey K. Ashforth, of the United States Army, in the suppression of anemia, more popularly known as the hookworm disease. The death rate in Porto Rico was 40.86 per thousand in 1901. In 1909 it was a trifle below 21, but in Cuba we have reduced it to 14. We intend to put it as low as that in Porto Rico; we can not do it under the present system, where there is a constant conflict, according to Gov. Post, between insular and local authorities. In his last report Gov. Post said:

"Large districts of the island are absolutely without medical attention, and men, women, and children suffer and die in utter neglect. There are several towns where there is no resident doctor, and the town is too poor to pay a salary which might induce one to come. Should a serious epidemic break out in the island the result would be decimation. Every attempt to get the legislature to take serious action in this matter has failed, usually owing to jealousy existing between the local and central authorities."

One year the lower house of the legislature failed to make any appropriation for the work to suppress anemia, although its suppression is so vital to the island that Mr. W. J. Bryan appeared before our committee and urged congressional appropriation for the eradication of the disease. For three months the work stopped, and the appropriation then made at a special session was not up to the average of the preceding year and the control was taken from the governor, although the work had been initiated under gubernatorial auspices and urgency, and was placed where, in the course of time, it might be used for political jobbery.

6. It was accordingly essential not only to centralize the work and put the physicians and employees throughout the island on a civil-service basis, as the Olmsted bill does, but also to make mandatory minimum appropriations both out of the insular revenues and the municipal revenues.

7. Antipathy to the merit system and to the use of outsiders, no matter how expert, was showing itself in Porto Rico, as it has shown itself elsewhere, and for that reason it was necessary that Congress should legislate so that Porto Rico can secure the most expert service and so that the director of the service should be dependent upon the President, whose only desire would be efficiency, rather than upon local influences, where the pressure for jobs might be strong.

8. No more up-to-date work has been done in Porto Rico than the system of granting franchises, which has been managed by the executive council. The power of granting franchises has proved so corrupting to popularly elected bodies that it seemed wise to give to Porto Rico such a public-service commission as we have here. There it was possible to constitute it largely of executive officials familiar with the details the consideration of which would be necessary. Porto Rican representation on the commission was most desirable, and therefore the plan was copied that prevails in some of our States of making those members elective.

9. A large farm-owning population is a fine element in any Commonwealth. Great as may be the economic advantages of large corporate ownership of land, still greater are the advantages in the way of a sound citizenship of a large farm-owning population. How much the development of the tobacco and sugar industries in Porto Rico has changed the former condition of affairs we do not know and will not know until the present census is completed and published, but the present law, which nominally limited corporation ownership to 500 acres, but imposed no penalty and so was ineffective, has probably permitted the passing of a considerable acreage into corporation control. That we wish to stop for the future, so that Porto Rico can continue to have a considerable farm-owning population. According to her census in 1899, there were 39,021 farms of an average size of 45 acres, the percentage of owners was 93 per cent, and the percentage of the cultivated area owned by the occupants was 91 per cent, as against 43.5 per cent in Cuba.

10. It may be possible to greatly increase the fertility of Porto Rico, and to that end a department of agriculture might contribute. We accordingly make it possible for the Porto Rico Legislature to establish a department of agriculture and labor, but we do not make such a department mandatory, owing to the expense that it would entail.

11. The committee was addressed by very able Porto Rican lawyers, who much desired a limitation of the jurisdiction of the United States district court. On the other hand, some American lawyers and corporations not only protested against any limitation of the jurisdiction, but even desired an increase of it. The change that was made consisted in an increase in the amount necessary to furnish jurisdiction from $1,000 to $2,000 and in treating citizens of the United States domiciled in Porto Rico as citizens of Porto Rico for jurisdictional purposes and not as citizens of the United States with a domicile in the United States.

In addition the controversy that existed over the payment of salaries of and expenses incurred by the Federal court officials was eliminated by providing that they shall be paid by the United States, as is usually the case.

12. Porto Rico has had an excellent judiciary in her higher courts. The judges of the higher courts have been appointed, but the municipal judges have been elected. There has been considerable complaint of favoritism by municipal judges and a number of them were removed by the governor, some of them later being reelected despite the removal. Jury trials are almost unknown and the power of the judges is therefore greater even than here. We thought it better to make the lower judges appointive as well as the higher judges, and so the change provided that the governor shall appoint them.

13. An absolute veto by the governor over any legislation passed by the legislature met with favor and no opposition from Porto Rican representatives, and the bill contains it. There is some fear, however, that to curry popular favor the legislature may pass improper legislation, leaving it to the governor to veto it. Such a result would be only embarrassing to the governor and tend to make still more acute any feeling that exists against Americans.

Some of these changes were favored by the Porto Ricans, some were not. They were all dictated, however, by a desire to give Porto Rico an efficient government, which, at the same time, should be as popular as possible. Efficiency has been regarded as the first essential. Mr. Dickinson, the Secretary of War, visited Porto Rico, and many of the changes were made upon his recommendation. The committee held lengthy hearings, at which were present Mr. Muñoz Rivera, the leader of the Unionist Party in Porto Rico, the party that controls unanimously the house of delegates, and other representatives of that body, as well as representatives of the other party. The bill was debated in the house of representatives for several calendar Wednesdays, and then passed.

Porto Rico has been greatly blessed since American occupation. Its imports have increased from $9,366,230 in 1901 to $26,544,326 in 1909, and its exports from about $8,000,000 in 1901 to about $30,000,000 in 1909. It enjoys a singular position in regard to taxation. Many of the taxes which with us go to the expenses of the Federal Government, in Porto Rico are allowed to go to increase the insular revenues and to be used for things which with us are city and State purposes.

But not by dollars and cents should we measure the worth of our work in Porto Rico. Indeed, the true measure can not come until Porto Rico shall have an efficient government, republican in form and popular in reality, and take her place in the sisterhood of States. For that distant day we are preparing her, so that when her people come into full control they will appreciate that the power of the ballot is the power to secure the best of sanitation, the most just of courts and judges, and disinterested, intelligent, and courageous representatives. We can instill into them that future demand for the two things first mentioned by giving such to them now, trusting to the laws of imitation to give them the proper desire for them when they come into their full liberties. Another duty we now have to perform and are seeking to perform, is to protect a people, so largely illiterate, from spoliation and other evils that ignorance and lack of foresight might visit upon them. When the time approaches for granting complete self-government, I would rather see a popular government, even if somewhat less efficient, than the most efficient government without training in self-control and self-dependence. Among colonial powers, if we are to be called such, we have led the way in training for self-government the people who are dependent upon us. Peculiar interest, therefore, must we have in Porto Rico, for she is likely to be our first finished product.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GARDNER of Michigan. Mr. Speaker, I yield two minutes to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Speaker, during my term of service in Congress I want to testify to the high character and ability of the men who have been commissioners of this District, and I think it is generally conceded that at no time have we had three more able men than the gentlemen who are occupying those positions in the District at this time. The suggestion has been made here by some that there is no use of increasing the salary, because you can always find somebody who will take the place at whatever the salary is. I remember hearing that statement made more than 25 years ago in the State of Michigan with reference to the pay of the circuit judges and of our governor. At that time and until recently we were paying our governor only $1,000. Then we were paying our circuit judges the small salary of $1,500 a year. To-day every circuit judge in the State of Michigan is paid all the way from $3,500 to $6,000, and as a result we get men of ability.

A further question has been raised that this matter ought to have come before the District Committee—I submit that it had—but I think in a few remarks I made a little while ago I gave sufficient reasons to the House why this, as well as other matters, had not been brought before the District Committee during this Congress, and that was simply and solely because it had become evident that the House did not feel inclined to give the District Committee time in which to transact its business. I want to say further that, so far as I am concerned as a member of that committee, had this legislation been brought before us I for one would have supported it.

Mr. GARDNER of Michigan. Mr. Speaker, I yield two minutes to the gentleman from New York [Mr. MICHAEL E. DRISCOLL].

Mr. MICHAEL E. DRISCOLL. Mr. Speaker, at 12 o'clock noon next Saturday this Congress will go out of existence, and its record for good or bad will go into history. I for one regret to see during these closing days the raid that is being made on the Treasury of the United States. We act as though we think this is going to be our last chance for some time to legislate, and we seem determined to raise the high salaries of the Nation's officials. If we were raising the salaries all along the line—the low salaries as well as the high—of the men and women lower down in the service and who are drawing small

salaries and who are working as faithfully and efficiently in their limited service, as we are disposed to raise the high salaries, I would not feel so much inclined to oppose this amendment. I do not know that it is the intention of any man here, but it looks as though the officials whose salaries are to be raised and the Members of Congress who are inclined to raise those salaries, are bent on getting them raised now before we get out of power, on the theory apparently that they will not be raised by the gentlemen on the other side of this Chamber when they come into power. I don't know but that is a compliment to the other side of this House, and I for one do not believe it is good politics for us to do it. To my mind there is no good reason, either as a business proposition or on political grounds, that we should raise the salaries of these commissioners.

Only a few months ago there were two vacancies on this commission, and there were a dozen or more candidates, so far as I know all able, competent, and honorable men, who wanted to get these positions. Two of those men were appointed and the others were disappointed. Those two men are hardly warm in their seats before it is proposed to raise their salaries. It is so all along the line, not only in the Federal service but in the State and municipal lines of the service. People pull every wire and invoke every possible influence to get positions. They actually crawl on their bellies for the jobs, and as soon as they get them it immediately occurs to them that the salaries are not big enough and they want more.

Mr. TAYLOR of Ohio. Mr. Speaker, I just want to ask the gentleman if he considers the gentlemen referred to were applicants, or, that they wanted the jobs, because I want to inform him that they were not.

Mr. MICHAEL E. DRISCOLL. I do not know about that, but I have no doubt they felt highly honored in getting those positions; and if they were not applicants for those positions, and if they did not want them, and if now they do not want their salaries raised, as I am informed is the case, I do not see any good reason why the Congress should at this time undertake to raise them. These commissioners are high-class men and are doing very excellent work in the government of this city, and they are entitled to all honor and respect on the part of the people of this city and of the country, and they are further entitled to our highest consideration because they are not demanding an increase of salary.

They have proper appreciation of this dignified and honorable position. They could probably make much more in their private business, but they are willing to spend freely of their time and energy for the public good and for the great honor which is due them, and I am one of those who are willing to take off our hats to them. These men are not disposed to reduce these dignified, honorable, responsible, and powerful positions to the dollar standard. They are willing to accept the salary as it is and take the balance of their compensation out in honor, dignity, and social influence which go with these positions; and this is a high and wholesome ambition. Five thousand dollars is not a small or niggardly salary for these gentlemen, and will support them in a fair degree of comfort and abundance, even if they have no private fortune or income other than their salaries. It would not support them in luxury or in extravagance or in a high social way, but I submit that in this as well as in other positions in the Federal service, and in the public service generally, men should not expect or try to exact salaries so large that they may live in luxury and extravagance on them. The same rule should apply to these men which applies to judges, Senators, Representatives, and other high-grade servants of the Government.

On the question of the amount of salary and its supporting capacity these commissioners should not be compared with mayors throughout the country. The office of mayor of a city the size of Washington—and smaller as well as larger—is sought after by distinguished citizens not simply for the salary, but for the honor and dignity which go with the places. But a man who is elected mayor in any city is, of necessity, required to spend a larger or smaller amount in his campaign; and if successful, he is required to spend money all the year around in contributing toward all sorts of charities and public and private enterprises in the city. Then there are people calling on him all the time for contributions which he can not well escape. This is not strictly true in Washington, because the commissioners are not elected and are not responsible to the rank and file of the people, and are not under obligations to them, and therefore are not called upon to respond in small contributions to their political supporters when in need. In this as in other dignified and honorable positions in the public service of the country the salary is reasonable, and the position is and should be sought for the honor, dignity, and the good that can be done in it; and for this reason I trust that the motion to increase these salaries will not prevail. [Applause.]

Mr. GARDNER of Michigan. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. FORNES].

Mr. FORNES. Mr. Speaker and gentlemen, in the first place I desire to express my appreciation for the compliment accorded me during the discussion of the subject, a few days ago, of establishing an asphalt plant. My colleague was kind enough to express the opinion that owing to my experience in municipal affairs I might be able to say something valuable upon that point. From that point of view my remarks regarding an increase of salary may be of some weight, in order to get a comparison of the salaries paid in the administration of the city of New York. My esteemed colleague from New York, to whom I have frequently listened with the greatest admiration and profit, in his statement is somewhat in error considering the cost of the administration of the city of New York. However different that may be, it can not have a direct bearing as to the increase of these salaries. There is a good theory to observe that when the office seeks the man the office generally gets the right man, but when the man seeks the office, then it is a question of debate as to the merits of the man. Whenever that is the question it seems to me that at a salary of $5,000 the office is seeking the man, and, owing to the conditions and the administration of the affairs of this beautiful city, I believe that the man sought for is fully qualified as to the fulfillment of that work. A mistake has been made in the assertion that the administrative responsibilities of the executives of the city of New York are not as great as are those of these commissioners. It should be made known that whoever has charge of the administration of a borough of New York has the appointment of a public highway commissioner, who is paid $6,000 a year, but who is not held as responsible for the excution of the work of the office as is the commissioner in the city of Washington. We should bear in mind this one proposition—that he who has the final decision in the matter is he who is held responsible for the execution of the work pertaining to the office, whether you have deputies or whether you have assistants or a commissioner, or like the senior member of the firm, who is held responsible for the success of the enterprise and the execution of the work.

When we consider that these three commissioners are responsible for the annual expenditure of $12,000,000, and at an official salary of $5,000—is that a fair recompense for the responsibility assumed? Would not a commercial house which is transacting a yearly business of $12,000,000 deem a salary of $5,000 a year insufficient for the responsibility assumed and the results accomplished? Is it not a fact, then, that where you are imposing a duty upon an executive in regard to work, that the recompense should be at least in comparison with the responsibilities? Here it is stated that the salary of a commissioner for the last 30 years has been $5,000 a year. What has been accomplished by these commissioners? What is being accomplished every day? The beauty of this city is the only argument necessary to answer the question. The great things that have been accomplished——

Mr. GOULDEN. And these commissioners are not only alone responsible to the people of the District, but they are responsible, through the Representatives in Congress, to the whole country.

Mr. FORNES. Yes; and it is for that reason we ought to recognize that responsibility and pay for it fairly.

Mr. MOORE of Pennsylvania. If the gentleman will permit me, I desire to say that he comes from a great city, and I come from another great city. Does not the gentleman think the city of Washington is one of the best governed cities in this country?

Mr. FORNES. Yes, sir; and I will say this, that the city of Washington is virtually the great national city, a central attraction of the entire world, and I do not care where they come from, and we ought to show our sense of appreciation by encouraging these commissioners and giving them at least a fair recompense for the time that they have devoted to keep this city in the condition it is, and who have built it up to its present degree of beauty and measure of perfection.

The SPEAKER. The time of the gentleman has expired.

Mr. GARDNER of Michigan. I yield two minutes to the gentleman from New York [Mr. OLCOTT].

Mr. OLCOTT. Mr. Speaker, I can not see how there can be any question that it would be a proper thing to raise these salaries. I think the great mistake is that a suggestion has been made to raise them to $6,000 a year. I think they ought to have $7,500. The suggestion that my colleague from New

York [Mr. MICHAEL E. DRISCOLL] made, that they had been crawling to get their salaries increased, is ridiculous. The board of trade has asked to have these salaries increased. They are entirely inadequate at $5,000. The civilian commissioners are both men of means, and that is the only reason why they can hold this position. The gentleman from New York [Mr. MICHAEL E. DRISCOLL] made the suggestion as to there always being plenty of people to fill positions, and that we are raising the high-salaried men and not the low-salaried men. I believe in raising the low salaries, but I never yet have heard that there were any governmental positions where there were not more applicants than there were offices to fill.

Mr. GOULDEN. The gentleman, I understand, is a leading member of the Committee on the District of Columbia, and therefore, is familiar with this subject?

Mr. OLCOTT. I am a member of the Committee on the District of Columbia, and have been for the last six years, and I know these commissioners are hard-worked men, and that they work faithfully and honestly.

Mr. BENNET of New York. There is a bill before the District Committee to increase the salaries. Why does not the committee report that bill out?

Mr. OLCOTT. Whoever introduced the bill certainly did not press it, or it would have been considered by that committee. Besides that, the Committee on the District has some twenty-eight general bills on the calendar, and we have failed to get an opportunity to have them considered.

Mr. MOORE of Pennsylvania. Does the gentleman recall the commissioners having appeared before that committee to press such a bill?

Mr. OLCOTT. The District Commissioners have never appeared before the District of Columbia Committee and have never asked any increase of salary or the passage of that bill.

Mr. GARDNER of Michigan. Mr. Speaker, in concluding this discussion, I want to say that it has been represented over and over again on the floor of the House to-day that the two civilian commissioners were applicants for office. I desire to disclaim that representation. They were sought for and did not seek the place. As to the engineer commissioner, the third member, he is assigned here by the President of the United States just as any other Regular Army officer is detailed and assigned to special duty elsewhere than in the line. Again, gentlemen, it is asserted that we have raised the salaries of the high-class men and not those of the low. Anyone who will go through this bill will see that a large percentage of all the agreements are upon the raising of men who were getting from $600 a year to $1,000 a year. Above that amount is the exception. We have endeavored to raise the low men to where they could possibly live on the salary which the Government pays them—a large number from $600 to $720, which is the next lift. And we believe we are entirely within bounds when we ask that the commissioners shall receive $6,000 a year, and yet we only ask what they can live decently on in the city in the place which they have been called to fill.

Mr. JOHNSON of South Carolina. Will the gentleman let me ask him a question for information?

Mr. GARDNER of Michigan. Yes.

Mr. JOHNSON of South Carolina. Is not one of the civilian commissioners a retired officer of the Army?

Mr. GARDNER of Michigan. Without pay. He resigned from the Army. He gets no pay whatever, although ranking as a brigadier general in the Army.

The gentleman from Illinois [Mr. MADDEN] has shown that work is divided. He himself stands at the head of a great institution. He never would have been there for a year or a month if he had not the ability to select his subordinates. That is true of our public school system. We pay our superintendent more than any other man in the system because we assume he has the ability to select good subordinates. That is what puts the general at the head of the army. We pay our generals large salaries because they have or ought to have the genius to select men under them that can perform the business of war. That is true in all great enterprises, corporate and otherwise. Mr. Speaker, I hope this motion will prevail. I ask for a vote.

The SPEAKER. The question is on the motion to recede from the disagreement and agree to the Senate amendments numbered 1, 2, and 3.

The House divided; and there were—ayes 80, noes 76.

Mr. COX of Indiana. I demand the yeas and nays, Mr. Speaker.

Mr. CARY. Yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 115, nays 147, answered "present" 8, not voting 114, as follows:

YEAS—115.

Alexander, N. Y.	Elvins	Keliher	Plumley
Austin	Fassett	Kennedy, Ohio	Pray
Barchfeld	Flood, Va.	Küstermann	Reeder
Bartholdt	Focht	Lamb	Rodenberg
Bingham	Fordney	Lawrence	Scott
Boutell	Fornes	Livingston	Sheffield
Bradley	Foss	Longworth	Simmons
Brantley	Foster, Vt.	Loud	Slemp
Burke, S. Dak.	Gardner, Mich.	Loudenslager	Smith, Iowa
Burleigh	Gardner, N. J.	Lowden	Smith, Mich.
Burleson	Gillespie	McKinley, Ill.	Sperry
Butler	Gillett	McKinney	Stafford
Calder	Goulden	McLaughlin, Mich	Stanley
Calderhead	Graff	Malby	Sterling
Campbell	Graham, Pa.	Mann	Stevens, Minn.
Carlin	Grant	Massey	Sulloway
Cassidy	Greene	Miller, Kans.	Swasey
Cocks, N. Y.	Hamer	Moon, Pa.	Tawney
Cooper, Pa.	Haugen	Moore, Pa.	Taylor, Ohio
Crumpacker	Hawley	Morgan, Mo.	Tilson
Diekema	Hay	Needham	Townsend
Dodds	Hayes	Nye	Volstead
Douglas	Heald	Olcott	Vreeland
Draper	Henry, Conn.	Olmsted	Wanger
Dupre	Howell, N. J.	Palmer, H. W.	Washburn
Durey	Hull, Iowa	Parker	Weeks
Dwight	Johnson, Ohio	Parsons	Wiley
Edwards, Ky.	Joyce	Payne	Young, N. Y.
Ellis	Keifer	Pearre	

NAYS—147.

Adair	Dixon, Ind.	Johnson, Ky.	Peters
Adamson	Driscoll, D. A.	Johnson, S. C.	Poindexter
Aiken	Driscoll, M. E.	Jones	Pou
Alexander, Mo.	Edwards, Ga.	Kendall	Rainey
Anderson	Ellerbe	Kennedy, Iowa	Randell, Tex.
Ansberry	Esch	Kinkaid, Nebr.	Ransdell, La.
Anthony	Fish	Kinkead, N. J.	Rauch
Barnard	Fitzgerald	Kitchin	Richardson
Barnhart	Floyd, Ark.	Kopp	Roberts
Bartlett, Ga.	Foster, Ill.	Korbly	Roddenbery
Beall, Tex.	Fuller	Kronmiller	Rucker, Mo.
Bell, Ga.	Garner, Tex.	Latta	Saunders
Bennet, N. Y.	Garrett	Lenroot	Shackleford
Boehne	Godwin	Lindbergh	Sharp
Bocher	Gordon	McCreary	Sheppard
Borland	Graham, Ill.	Macon	Sherley
Burgess	Hamlin	Madden	Sherwood
Byrns	Hammond	Madison	Sims
Carter	Hanna	Maguire, Nebr.	Sisson
Cary	Hardy	Martin, Colo.	Smith, Tex.
Chapman	Harrison	Martin, S. Dak.	Spight
Clark, Mo.	Heflin	Mays	Steenerson
Clayton	Helm	Miller, Minn.	Sulzer
Cline	Henry, Tex.	Mitchell	Talbott
Collier	Higgins	Moon, Tenn.	Taylor, Colo.
Conry	Hinshaw	Morrison	Thistlewood
Cooper, Wis.	Hollingsworth	Morse	Thomas, Ky.
Covington	Howard	Moss	Thomas, N. C.
Cowles	Howland	Murphy	Ten Velle
Cox, Ind.	Hubbard, Iowa	Nelson	Turnbull
Cox, Ohio	Hubbard, W. Va.	Nicholls	Watkins
Cullop	Hughes, Ga.	Norris	Wickliffe
Davis	Hughes, N. J.	O'Connell	Wilson, Ill.
Dent	Hull, Tenn.	Oldfield	Wilson, Pa.
Denver	Humphrey, Wash.	Padgett	Woods, Iowa
Dickinson	James	Page	Young, Mich.
Dies	Jamieson	Palmer, A. M.	

ANSWERED "PRESENT"—8.

Andrus	Ferris	Glass	McLachlan, Cal.
Cantrill	Finley	Hill	Rothermel

NOT VOTING—114.

Ames	Foelker	Langham	Prince
Ashbrook	Fowler	Langley	Pujo
Barclay	Gaines	Law	Reid
Bartlett, Nev.	Gallagher	Lee	Rhinock
Bates	Gardner, Mass.	Legare	Riordan
Bennett, Ky.	Garner, Pa.	Lever	Robinson
Bowers	Gill, Md.	Lindsay	Rucker, Colo.
Broussard	Gill, Mo.	Lively	Sabath
Burke, Pa.	Goebel	Lloyd	Slayden
Burnett	Goldfogle	Lundin	Small
Byrd	Good	McCall	Smith, Cal.
Candler	Gregg	McCredie	Snapp
Capron	Griest	McDermott	Southwick
Clark, Fla.	Guernsey	McGuire, Okla.	Sparkman
Cole	Hamill	McHenry	Stephens, Tex.
Coudrey	Hamilton	McKinlay, Cal.	Sturgiss
Craig	Hardwick	McMorran	Taylor, Ala.
Cravens	Havens	Maynard	Thomas, Ohio
Creager	Hitchcock	Millington	Underwood
Crow	Hobson	Mondell	Wallace
Currier	Houston	Moore, Tex.	Webb
Dalzell	Howell, Utah	Morehead	Weisse
Davidson	Huff	Morgan, Okla.	Wheeler
Dawson	Hughes, W. Va.	Moxley	Willett
Denby	Humphreys, Miss.	Mudd	Wood, N. J.
Dickson, Miss.	Kahn	Murdock	Woodyard
Englebright	Knapp	Patterson	
Estopinal	Knowland	Pickett	
Fairchild	Lafean	Pratt	

So the motion was lost.

The following additional pairs were announced:

For the session:

Mr. CURRIER with Mr. FINLEY.

Mr. MCMORRAN with Mr. PUJO.

Until further notice:
Mr. PICKETT with Mr. ROBINSON.
Mr. KNAPP with Mr. STEPHENS of Texas.
Mr. DALZELL with Mr. HOUSTON.
Mr. COLE with Mr. GILL of Maryland.
Mr. BURKE of Pennsylvania with Mr. BARTLETT of Nevada.
Mr. CREAGER with Mr. BROUSSARD.
Mr. DAVIDSON with Mr. BURNETT.
Mr. DAWSON with Mr. CANDLER.
Mr. ENGLEBRIGHT with Mr. CANTRILL.
Mr. FAIRCHILD with Mr. CRAIG.
Mr. GARDNER of Massachusetts with Mr. ESTOPINAL.
Mr. GRIEST with Mr. GREGG.
Mr. GUERNSEY with Mr. HAMILL.
Mr. HAMILTON with Mr. HARDWICK.
Mr. HOWELL of Utah with Mr. HITCHCOCK.
Mr. KNOWLAND with Mr. HOBSON.
Mr. LANGHAM with Mr. HUMPHREYS of Mississippi.
Mr. LUNDIN with Mr. LIVELY.
Mr. McCALL with Mr. LEE.
Mr. McCREDIE with Mr. LEGARE.
Mr. MONDELL with Mr. LLOYD.
Mr. McGUIRE of Oklahoma with Mr. LEVER.
Mr. MOXLEY with Mr. MOORE of Texas.
Mr. PRINCE with Mr. RUCKER of Colorado.
Mr. SOUTHWICK with Mr. SPARKMAN.
Mr. SNAPP with Mr. CLARK of Florida.
Mr. WHEELER with Mr. UNDERWOOD.
Mr. STURGISS with Mr. TAYLOR of Alabama.
Mr. THOMAS of Ohio with Mr. WEBB.
On this vote:
Mr. GAINES with Mr. SLAYDEN.

The result of the vote was announced as above recorded.

Mr. GARDNER of Michigan. Mr. Speaker, I understand that there is no further point of disagreement, and now that this is settled, I move that the House further insist on its disagreement to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Michigan moves that the House further insist on its disagreement to amendments 1, 2, and 3 and ask for a conference.

The motion was agreed to.

ARMY APPROPRIATION BILL.

Mr. HULL of Iowa. Mr. Speaker, I present a conference report on the bill making appropriations for the Army.

The SPEAKER. The Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 31237) making appropriations for the support of the Army.

Mr. HULL of Iowa. Mr. Speaker, there are just three amendments, and all rewritten. I ask that the conference report be read in lieu of the statement, so that it will show exactly what they are.

The Clerk read as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 31237) making appropriation for the support of the Army for the fiscal year ending June 30, 1912, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: Strike out all of the matter appearing in said amendment and insert in lieu thereof the following: "Hereafter the pay and allowances of Army paymasters' clerks shall be the same as provided by law for Navy paymasters' clerks on shore duty, and they shall also be entitled to the same right of retirement with the same retired pay as is now allowed Navy paymasters' clerks: *Provided*, That Army paymasters' clerks shall be subject to the Rules and Articles of War"; and the Senate agree to the same.

Amendment numbered 23: That the Senate agree to its amendment numbered 23 as amended by the House, with amendments as follows:

On page 1 of said amendment as amended, in line 7, strike out the words "State, Territory, and the District of Columbia"; and in line 8 strike out the words "not to exceed one additional officer for each," and strike out the comma which appears at the end of line 8.

On page 2 of said amendment as amended, in line 18, strike out the words "one-fifth" and insert in lieu thereof "one-half," so that the amendment will read: "Upon the request of the governors of the several States and Territories concerned, the President may detach officers of the active list of the Army from their proper commands for duty as inspectors and instructors of the Organized Militia, as follows, namely: Not to exceed one officer for each regiment and separate battalion of infantry, or its equivalent of other troops: *Provided*, That line officers detached for duty with the Organized Militia under the provisions hereof, together with those detached from their proper commands, under the provisions of law, for other duty the usual period of which exceeds one year, shall be subject to the provisions of section twenty-seven of the act approved February second, nineteen hundred and one, with reference to details to the staff corps, but the total number of detached officers hereby made subject to these provisions shall not exceed two hundred: *And provided further*, That the number of such officers detached from each of the several branches of the line of the Army shall be in proportion to the authorized commissioned strength of that branch; they shall be of the grades first lieutenant to colonel, inclusive, and the number detached from each grade shall be in proportion to the number in that grade now provided by law for the whole Army. The vacancies hereby caused or created in the grade of second lieutenant shall be filled in accordance with existing law, one-half in each fiscal year until the total number of vacancies shall have been filled: *Provided*, That hereafter vacancies in the grade of second lieutenant occurring in any fiscal year shall be filled by appointment in the following order, namely: First, of cadets graduated from the United States Military Academy during that fiscal year; second, of enlisted men whose fitness for promotion shall have been determined by competitive examination; third, of candidates from civil life between the ages of twenty-one and twenty-seven years. The President is authorized to make rules and regulations to carry these provisions into effect: *Provided*, That the Quartermaster's Department is hereby increased by two colonels, three lieutenant colonels, seven majors, and eighteen captains, the vacancies thus created to be filled by promotion and detail in accordance with section 26 of the act approved February 2, 1901"; and the House agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: Strike out all of the matter appearing in said amendment and insert in lieu thereof the following: "Hereafter there shall be attached to the Medical Department a dental corps, which shall be composed of dental surgeons and acting dental surgeons, the total number of which shall not exceed the proportion of one to each thousand of actual enlisted strength of the Army; the number of dental surgeons shall not exceed 60, and the number of acting dental surgeons shall be such as may, from time to time, be authorized by law. All original appointments to the dental corps shall be as acting dental surgeons, who shall have the same official status, pay, and allowances as the contract dental surgeons now authorized by law. Acting dental surgeons who have served three years in a manner satisfactory to the Secretary of War shall be eligible for appointment as dental surgeons, and, after passing in a satisfactory manner an examination which may be prescribed by the Secretary of War, may be commissioned with the rank of first lieutenant in the dental corps to fill the vacancies existing therein. Officers of the dental corps shall have rank in such corps according to date of their commissions therein and shall rank next below officers of the Medical Reserve Corps. Their right to command shall be limited to the dental corps. The pay and allowances of dental surgeons shall be those of first lieutenants, including the right to retirement on account of age or disability, as in the case of other officers: *Provided*, That the time served by dental surgeons as acting dental or contract dental surgeons shall be reckoned in computing the increased service pay of such as are commissioned under this act. The appointees as acting dental surgeons must be citizens of the United States between 21 and 27 years of age, graduates of a standard dental college, of good moral character and good professional education, and they shall be required to pass the usual physical examination required for appointment in the Medical Corps, and a professional examination which shall include tests of skill, in practical dentistry and of proficiency in the usual subjects of a standard dental college course: *Provided*, That the contract dental surgeons attached to the Medical Department at the time of the passage of this act may be eligible for appointment as first lieutenants, dental corps, without limitation as to age: *And provided further*, That the professional examination for such appointment may be waived in the case of contract dental surgeons in the service at the time of the passage of this act whose efficiency reports and entrance examinations are satisfactory. The Secretary of War is authorized to appoint boards

of three examiners to conduct the examinations herein prescribed, one of whom shall be a surgeon in the Army and two of whom shall be selected by the Secretary of War from the commissioned dental surgeons"; and the Senate agree to the same.

J. A. T. HULL,
GEO. W. PRINCE,
WM. SULZER,
Managers on the part of the House.

F. E. WARREN,
M. G. BULKELEY,
JAS. P. TALIAFERRO,
Managers on the part of the Senate.

STATEMENT.

Amendment No. 18, in disagreement between the Houses, refers to the status of paymasters' clerks, and the House recedes from its disagreement and agrees to the same with an amendment placing the Army paymasters' clerks on exactly the same footing as the Navy paymasters' clerks.

Amendment No. 23, in disagreement, refers to increase of officers for the Army for detail with the militia, and other purposes, and the House recedes from its disagreement and agrees to the same by striking out all details for each State, Territory, and the District of Columbia, division, brigade, and permits the detail for the organizing of the militia only, and provides for filling the vacancies one-half each fiscal year, and agrees to the amendment made by the House in regard to the Quartermaster's Department.

Amendment No. 49 relates to the Dental Corps, and the House recedes from its disagreement and authorizes the grade of first lieutenant only for the Dental Corps.

J. A. T. HULL,
GEO. W. PRINCE,
W. SULZER,
Managers on the part of the House.

Mr. HULL of Iowa. Mr. Speaker, I assume that the House understands the report, as it has been pretty fully debated heretofore. The first amendment that is in dispute relates to the Pay Corps, the paymaster's clerks.

Mr. COX of Indiana. What amendment is that?

Mr. MANN. The paymaster's clerks is No. 18.

Mr. HULL of Iowa. The proposal that has been agreed upon varies from that which was provided for in the original bill by the Senate in this, that the paymaster's clerks enter the service at $1,125 a year. Under the present law they enter at $1,400 a year. This provision will increase their pay each 3 years until after 12 years of service they will reach $2,000, which is practically the same as was provided in the Army bill in the original Senate amendment. The Pay Department suggested the insertion of an additional proviso providing that no paymaster's clerk should have his pay reduced as a result of this legislation; but the committee believe if we were going to put the two services on an exact equality the clerks should suffer the loss while they are young and get the benefit as they get older and after years of satisfactory service. So we declined to make any restriction of that kind and put it flatly on the same service as the Navy. I think every member of the committee will acknowledge that a paymaster's clerk of the Army, compelled to travel in the Tropics or Alaska or wherever it is necessary in the discharge of his duty, is entitled to as much pay as the same class of the service in the Navy. This should be a final settlement of the question.

Mr. O'CONNELL. Will the gentleman yield?

Mr. HULL of Iowa. Certainly.

Mr. O'CONNELL. As I understand, you did that to equalize the Navy. In the report of the Naval Committee have they not recommended to have the dentists get three ranks?

Mr. HULL of Iowa. I have not yet reached that, but I will say here that is not the law.

Mr. MANN. Will the gentleman yield for a question?

Mr. HULL of Iowa. Certainly.

Mr. MANN. Paymaster's clerks, as I understand, in the Army under this get the same pay as in the Navy?

Mr. HULL of Iowa. They will, if this is adopted.

Mr. MANN. Under this provision, I mean. How about when serving abroad?

Mr. HULL of Iowa. The same exactly. They do not get any increase in pay on account of that. They get no increased pay for that.

Mr. MANN. Do they get the shore pay of the Navy?

Mr. HULL of Iowa. Shore pay.

Mr. MANN. Even if serving abroad?

Mr. HULL of Iowa. Yes; even if serving abroad. The next amendment refers to increase of officers for detail to the National Guard and for other purposes. The House voted on that and fixed the number as 230—200 flat increase and 30 increase in the Quartermaster's Department. We have come to an agreement on that number of officers, leaving it as fixed by the House, but we further amended the provision by striking out the words as to the governors of each State and Territory and the District of Columbia, so that no officers shall be detailed to serve on the governor's staff or with any governor of a Territory or with the District with anything except the organization of the militia itself. In other words, the details now go direct to the regiments or battalions or the equivalent of the battalion.

Mr. MANN. Will the gentleman yield?

Mr. HULL of Iowa. Certainly.

Mr. MANN. The original Senate amendment provided for filling vacancies in the grade of second lieutenant, one-fifth in each year.

Mr. HULL of Iowa. I was coming to that in a moment. We changed that to one-half, as the number is reduced from 612 to 230.

Mr. MANN. I was going to ask whether that was done because of the reduction in the number of officers.

Mr. HULL of Iowa. That is the reason. We changed that to one-half, because in place of 612 we have 230, and to extend the 200 over five years would be unreasonable and deprive the militia of the object which we have in granting this number of officers.

Mr. STEVENS of Minnesota. Will not this result in all of the 200 being drawn from civil life and not from West Point or the enlisted men?

Mr. HULL of Iowa. No; the proportion of each year will be less than before. In other words, it takes two years now to fill up the 200, while before it took five years to fill up 612, less the 30 provided for the Quartermaster's Department.

Mr. STEVENS of Minnesota. My point is West Point graduates now with the quota of enlisted men who receive commissions just about fill vacancies in the mobile branch of the Army, and yet if we add 100 each year the chances are that these will have to be filled from men in civil life.

Mr. HULL of Iowa. My impression is that this is better for filling from West Point than the original provision that we practically adopted in the House, which would apply to the 612. Now, as to the exact number required to fill the vacancies of the Regular Army during the next year, I do not know; I did not inquire into that. It will undoubtedly open up a chance for some second lieutenants from civil life, but I will say to my friend that there are a good many young men in civil life who are graduates of military schools, graduates of the military department of State universities, who are certified to the War Department as eligible to commissions in the Army, and they will undoubtedly have an opportunity for some of them to come in.

Now, it may extend the possibility of promotion of the enlisted men of the Army who have enlisted for the express purpose of getting a commission, and to my mind that man is one of the most valuable officers we are getting in the Army. He does not get the military training of West Point, to be sure, but he shows his love for the profession by his willingness to endure the hardships of a private soldier and keep up his studies until he passes the examination for the place.

Mr. STEVENS of Minnesota. I would like to ask the gentleman if he does not think such an officer will be a better officer for the National Guard——

Mr. HAY. I desire to say to the gentleman from Iowa I wish to have some time.

Mr. HULL of Iowa. I will yield to the gentleman in a few minutes. Now, the next amendment is one over which there was a serious disagreement for a good while, which refers to the dental corps of the Army. There has been for years an effort made by the friends of the dental corps to give them commissions—rank in the Army. Up to this time they are simply contract dental surgeons. The Senate passed an amendment providing for a dental corps hereafter consisting of so many majors, so many captains, and so many first lieutenants. I do not believe that the corps should have this high rank. They are not assigned to troops; they are assigned to posts. They have their opportunity to discharge the work of their profession in connection with those posts and yet, in view of the standing of the corps and all things considered, we believe they should have some rank. In this amendment we give them the grade of first lieutenant. That starts them in with pay at $2,000 a year. They are now getting $1,800 a year. It gives them for 20 years' service 40 per cent increase in the pay.

making $2,800 a year, and the committee, on the part of the House at least, was unanimously of the opinion that that was a good deal of recognition for their services.

Mr. SLAYDEN. What allowances?

Mr. HULL of Iowa. They have the allowances of a first lieutenant—three rooms and fuel and lights.

Mr. SLAYDEN. And commutation?

Mr. HULL of Iowa. They do not have commutation except where quarters are not furnished.

Mr. SLAYDEN. They have light and fuel?

Mr. HULL of Iowa. Yes; but they do not get commutation for that. They do get commutation of quarters when quarters are not furnished.

Mr. SLAYDEN. But they do get all of these advantages.

Mr. HULL of Iowa. Now, Mr. Speaker, I realize the Committee on Naval Affairs has already reported a bill and which is now pending on the calendar, giving the dental surgeons of the Navy the rank that is asked for in the Senate amendment to this bill; that is, to make them majors, captains, and lieutenants, but I sincerely hope that if the House adopts this conference report and settles this controversy, which has been extending for the last 10 years practically, that it will stop it all and not allow this branch of the service to go to the higher rank.

Mr. SLAYDEN. But the gentleman realizes there will be a demand just the same and continual pressure.

Mr. HULL of Iowa. Absolutely; but my judgment is if this is settled here now it will end the controversy for the next 20 years.

Mr. O'CONNELL. Will the gentleman tell me why it is he uses as an argument that the paymaster's clerk gets rank in the Navy and he denies it to this branch of the service?

Mr. HULL of Iowa. I will say to the gentleman that the Congress of the United States has not yet given the rank asked for by the Committee on Naval Affairs. It is not the law. If it were the law, while I would regard it as going way beyond what the Congress should do, yet I would say at once that, in justice to the two branches of the service, they ought to be kept on an equality with each other.

Mr. O'CONNELL. Now, after a service of 20 years, what rank——

Mr. HULL of Iowa. They will be first lieutenants yet. They would be getting pay of $2,800, and they would retire at a salary of $2,100 a year.

Mr. O'CONNELL. I understood from the gentleman from New Jersey that it provided a retired rank of major.

Mr. HULL of Iowa. It does not. That is the Senate amendment.

Mr. O'CONNELL. I understand this is a bill introduced, practically, by the gentleman from New Jersey.

Mr. HULL of Iowa. It has no provision of that kind in it, at all, and has never had, as introduced by the gentleman from New Jersey.

I now yield 15 minutes to the gentleman from Virginia [Mr. HAY].

Mr. HAY. Mr. Speaker, I do not care to occupy the time of the House on this report, because I believe it is the best that we can do, and it should be agreed to by the House. But the Secretary of War has seen fit to address a letter to the chairman of the Committee on Military Affairs calling in question certain statements made by me when the conference report on the Army appropriation bill was under consideration; and the gentleman from Iowa, chairman of the committee, has published the letter in the CONGRESSIONAL RECORD. The Secretary of War addressed this communication to the gentleman from Iowa, in which he undertakes to refute an argument which I made on the floor of the House, and, among other things, he says:

> I have the honor to say that the statement as printed was apparently misleading, as indicated by the debate which followed, and I submit the following memorandum which, in my opinion, more fully presents the facts.

Now, Mr. Speaker, I pass by the questionable taste displayed by the Secretary in calling in question statements made by a Member of this House in debate, and if I had been guilty of misleading the House, as he charges, I would certainly not question his right to correct me, which he could have done by addressing his letter to me and not to a third person.

Now, let us see who is misleading the House, the Secretary of War or myself.

At a hearing of the Chief of Staff of the Army before the Committee on Military Affairs, House of Representatives, on a bill (H. R. 29496) to increase the efficiency of the Organized Militia, and for other purposes, the following colloquy took place:

> Mr. STEVENS. You have at the present time, as I recall it, in round numbers, about 400 officers detailed at schools as instructors, or in one way or another connected with schools. Is that number too large, all around?
>
> Gen. WOOD. Two hundred and ninety-three is the total we have. I do not think this number too large.

With a view to obtaining more definite information relative to the details of these officers, I requested the Adjutant General, on February 15, 1911, to furnish information—

> as to the number of officers now absent from their commands on detached service either as instructors or as students at military or civil educational institutions.

In compliance with this request the Adjutant General submitted the following letter and tabular statement:

> WAR DEPARTMENT,
> THE ADJUTANT GENERAL'S OFFICE,
> *Washington, February 15, 1911.*
>
> Hon. JAMES HAY,
> *House of Representatives.*
>
> DEAR SIR: In response to your personal request of to-day for information as to the number of officers now absent from their commands on detached service, either as instructors or as students at military or civil educational institutions, I have the honor to transmit herewith a tabular statement, compiled as of January 30, 1911, which gives the information that you desire.
>
> Very respectfully,
>
> F. C. AINSWORTH,
> *The Adjutant General.*

Officers of the Army who were absent from their commands on detached service, either as instructors or as students at schools, on January 30, 1911.

Where located.	Instructors.	Students.	Total.
Army War College	14	22	36
United States Military Academy	[1] 81	([2])	81
Army Service Schools, Fort Leavenworth, Kans.	22	67	89
Artillery School, Fort Monroe, Va.	14	40	54
Mounted Service School, Fort Riley, Kans.	9	24	33
Engineer School, Washington Barracks, D. C.	5	23	28
School of Musketry, Presidio of Monterey, Cal.	3		3
At schools in Europe		2	2
Student in Cornell University		1	1
Total	148	179	327
Instructors at civil educational institutions	64		64
Aggregate	212	179	391

[1] Does not include 6 other officers on detached duty there nor the 7 professors.
[2] 416 cadets were there Jan. 30, 1911.

From the foregoing official statement it will be seen that instead of there being 293 officers "detailed at schools as instructors, or in one way or another connected with schools," as stated by the Chief of Staff in his hearing before the Committee on Military Affairs, House of Representatives, there were actually 391 officers so detailed on January 30, 1911, not including 13 officers on duty at the Military Academy.

It will also be seen that the call made upon the Adjutant General and the response made by him to that call related exclusively to officers on detached service either as instructors or students at schools and had no relation to any students at those schools other than detailed officers. And the remarks made by me in the House of Representatives on February 16, in connection with this subject during consideration of the Army appropriation bill, referred exclusively to officers on detached service either as instructors or students at schools and had no relation to any students at those schools other than detailed officers.

The letter of the Secretary of War of February 18, as printed in the CONGRESSIONAL RECORD of February 23, 1911, is misleading in that it confuses the issue, and apparently endeavors to discredit the official statement made by the Adjutant General and the remarks made by me in connection therewith by bringing in a lot of figures concerning enlisted men on duty or under instruction at various schools, including the School for Cooks and Bakers and the School for Horseshoers and Farriers. These figures are valueless as a basis upon which to attempt to discredit the statement made by me or the official report upon which that statement was based, because both the statement and the report referred exclusively to detailed officers. And if these figures with regard to enlisted men are as far from correct as are the figures that were given by the Chief of Staff at his hearing before the House Military Committee with regard to detailed officers, they are misleading as well as irrelevant. The production of these figures suggests the making of a somewhat searching inquiry with regard to the many Army schools, the number of which appears to be constantly increasing, and I hope that in the not-distant future there will be an opportunity to make such an inquiry with a reasonable prospect of corrective action being taken as a result of it if such action is found to be necessary. [Applause.]

As I said before, I regret that the Secretary of War has seen fit to question a statement made by me in debate on this floor.

I can excuse it, because doubtless the Secretary derived his inspiration and his information from those who are advocating this legislation and who, in their eagerness to persuade Members to vote for it, have neglected their duties in the War Department and have spent their time in buttonholing Members [applause], and have finally induced the Secretary of War to write a letter which does not convince and shows a lack of familiarity with the subject, which, to say the least of it, is deplorable. [Applause.]

Mr. HULL of Iowa. If no other Member desires time, I call for a vote.

Mr. SLAYDEN. Mr. Speaker, I would like two or three minutes.

Mr. HULL of Iowa. I yield three minutes to the gentleman from Texas.

Mr. SLAYDEN. Mr. Speaker, I unfortunately was not in when the chairman made his statement about this conference report, but I understand the paymasters' clerks have been given a sort of status——

Mr. HULL of Iowa. They are given the same status now as paymasters' clerks of the Navy.

Mr. SLAYDEN. That is neither fish, flesh, nor fowl, nor good red herring.

Mr. MANN. They are retired. That is all they want.

Mr. SLAYDEN. That is it, exactly. They were after retirement. I want to say, Mr. Speaker, while I can not hope to see it, I believe the report of the conferees ought to be voted down. Something was said here by gentlemen, and it seemed to pass in a general way unchallenged, about the extraordinary skill required by these clerks.

Now, as a matter of fact, there is no extraordinary skill required for the discharge of the work that is lodged upon the paymasters' clerks. It is the simplest and most primitive form of calculation. All they need is to have men who are capable of making the simplest calculations in figures, and disbursing that money honestly. It was suggested that we would suffer the misfortune of losing the services of these gentlemen after a few years because they would get better places. Well, sir, if we could by law fix it so that after they had had the advantage of this position for a little while, a temporary bridge to lead them to something better, the very best service we could render them would be to so change the law that they would get out of this service and go into commercial walks, where the rewards are certainly better than the privilege of being retired with the rank of a first lieutenant and ultimate pay, as the chairman suggests, of about $2,800 a year.

Mr. HULL of Iowa. Not for paymasters' clerks.

Mr. SLAYDEN. They get first lieutenant's pay, do they not?

Mr. HULL of Iowa. Two thousand dollars is the limit. They start in at $1,125 a year.

Mr. SLAYDEN. It makes the argument all the stronger, then. I am not impeaching the character or the capacity of the clerks at all. But I only say in the interests of the people that this legislation is not needed, and in the interests of good administration it is not required; and while it is always an exceedingly difficult thing and, in a way, an unpleasant thing to oppose these conference reports, I believe the best we could do would be to vote down this feature of the report and continue operating the office of the paymasters' clerks on the basis it has heretofore been operated on.

Mr. STAFFORD. Will the gentleman yield for a question?

Mr. SLAYDEN. Yes.

Mr. STAFFORD. I know that the gentleman has given military matters a great deal of consideration. Will he kindly enlighten the committee with his views as to the dental surgeons? Is that legislation necessary?

Mr. SLAYDEN. I will state to the gentleman from Wisconsin that I spoke very fully on that subject the other day in an endeavor to make myself perfectly plain. I am not in favor of it.

Mr. STAFFORD. I presume the gentleman's opposition to this measure is along the lines of his position as expressed the other day?

Mr. SLAYDEN. No. It is a compromise.

Mr. STAFFORD. Will the chairman of the committee yield for a question?

Mr. HULL of Iowa. Certainly.

Mr. STAFFORD. Did I understand the chairman in his preliminary statement to say that the Navy has placed dental surgeons on the retired list?

Mr. HULL of Iowa. No; I say they have reported a bill which is on the calendar for that purpose.

Mr. STAFFORD. I presume that so far as placing dental surgeons in the Army on the retired list is concerned, the Navy will follow the gentleman's recommendation with respect to the Army?

Mr. HULL of Iowa. Yes; it is probable.

Mr. STAFFORD. What has the gentleman to say as to placing them on the active list with a retirement feature?

Mr. HULL of Iowa. I assume that unless you make their service a limited one they ought to have retired pay. When they get old they sacrifice the emoluments of a professional career to the service of the Army. My judgment is that the compromise we made with the Senate makes the dental corps of the Army sufficiently attractive for the brightest and best young dentists from the fact that they will know that when they are 64 years of age they will be taken care of, whereas if they are first-class dentists in a good large town they might be more successful for the time being, but they would be obliged to accumulate more of a competency while in active practice.

Mr. STAFFORD. Does the provision provide for a greater number?

Mr. HULL of Iowa. No; it only provides that additions can be made to the contract corps as the law may hereafter provide.

Mr. STAFFORD. Does the law provide for an increase of their salaries?

Mr. HULL of Iowa. Not at all.

Mr. STAFFORD. It just gives them the retirement feature?

Mr. HULL of Iowa. No; it gives them an increase of pay after 10 years' service.

Mr. DALZELL. Do they get an increased rate at any time?

Mr. HULL of Iowa. Not until after 10 years of service.

Mr. DALZELL. They then go on the retired list?

Mr. HULL of Iowa. They will go on the retired list at 64 years of age if this passes.

Mr. DALZELL. Is there a limitation there as to those who are already in the service?

Mr. HULL of Iowa. Yes.

Mr. SLAYDEN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Texas will state it.

Mr. SLAYDEN. Mr. Speaker, is it possible to have a division of this report, so as to have a separate vote on that feature of it which provides for the retirement of the paymasters' clerks?

The SPEAKER. The report must stand or fall as a whole, as the Chair understands it.

Mr. SLAYDEN. I beg the Speaker's pardon. I did not catch his reply.

Mr. GARNER of Texas. He says it must stand or fall as a whole.

Mr. HULL of Iowa. Mr. Speaker, I desire to say one more word on this paymaster business. They now enter the service at $1,400 a year. They will enter this service under this provision at $1,125 a year. The gentleman refers to the fact that it would be a good thing if they went out——

Mr. SLAYDEN. A good thing for them.

Mr. HULL of Iowa. I do not think it would be a good thing for the Government. The Paymaster General reports that in the last few months a great many of them have gone out. I hope this report will be adopted and the bill enacted into law, and that the Congress of the United States will have placed a limitation on the fight that is being made along other lines for increased rank, which, in my judgment, the adoption of this report will have the effect of doing.

Mr. SLAYDEN. I entirely agree with the gentleman, and I hope that this feature of the proposed legislation—this feature which I believe to be utterly wrong—will be defeated. But does the gentleman think that the hope now held out to these people is such as to inspire the ambition of energetic young men with respect to position and pay? I am speaking of the Pay Corps.

Mr. HULL of Iowa. I think so. The compensation is better than that which the average bookkeeper receives now.

Mr. SLAYDEN. It is not better than the average bookkeeper hopes to make.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and on a division (demanded by Mr. SLAYDEN) there were, 122 ayes and 16 noes.

So the conference report was agreed to.

On motion of Mr. HULL of Iowa a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

Mr. CARY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SULZER. Mr. Speaker, in connection with the attempt to increase the postal rates on second-class mail matter, I desire to print in the RECORD the newspaper reports of a large mass meeting recently held in Cooper Union, New York City, to protest against any increase in postage on magazines and

periodicals. These reports speak eloquently against the imposition of raising the tax on education. I send the matter to the Clerk's desk, and ask to have it read in my time as a part of my remarks.

The Clerk read as follows:

To the United States Senators and Congressmen.

GENTLEMEN: We beg to submit for your careful consideration the newspaper accounts of the greatest demonstration ever assembled in historic Cooper Union on Washington's Birthday.

We wish to enter a most earnest protest against the threatened loss of employment to those engaged in the manufacture of magazines and other educational literature in the event of an increase of postage rate now a part of the appropriation bill, making a cost of 4 cents a pound—300 per cent over the present rate—which would mean the nonemployment of many thousands of those now employed in the city of New York and throughout the United States.

Respectfully submitted.

JOINT CONFERENCE COMMITTEE OF THE MECHANICAL CRAFTS IN THE PRINTING TRADES.

[New York American, Thursday, Feb. 23, 1911.]

BIG MASS MEETING DENOUNCES HITCHCOCK RAID ON MAGAZINES—APPEAL IS MADE TO CONGRESS—MEN AND WOMEN WHO FILL COOPER UNION CHEER AS RESOLUTIONS ARE PASSED CALLING ON ALL REPRESENTATIVES TO STOP THE PROPOSED INCREASE IN POSTAGE RATES—PARCELS-POST LAW WOULD SOLVE ENTIRE PROBLEM, WRITES SULZER—JUDGE SNITKIN POINTS OUT DANGEROUS "JOKER" IN BILL MAKING POSTMASTER GENERAL A CENSOR AND ENABLING HIM TO KILL OFF PERIODICALS OR LET THEM CONTINUE PUBLICATION AT HIS PLEASURE.

Cooper Union was filled yesterday by men and women employed in the magazine industry, chiefly in the mechanical departments, to protest to Congress against the proposal to make up the postal deficit by quadrupling the rate of postage on popular magazines.

They gave up the best part of their holiday to this because, it was declared, the increase would drive half of the magazine printing force out of employment.

"Two-thirds of the printing in the United States is done in this vicinity," declared Bernard Nolan, who presided. "This is a joint convention of the mechanical crafts in the printing trade, and the 6,000 members of our league have met here because the purpose of the league is to further the general welfare of the printing trade, observing fairness alike to employer and employed."

He read this telegram from Congressman SULZER:

PARCELS POST WOULD SOLVE THE WHOLE PROBLEM.

"The proposed increase of postal rates is an imposition upon the people, absolutely unjustifiable as a matter of fair play, and absoluteiy unnecessary in view of the fact that if the Congress would pass my bill for a general parcels post there would be an increase of postal revenue of $50,000,000 a year. This amount would wipe out any postal deficit, reduce postage on all classes of mail matter, and justify a material advance in the salaries of our poorly paid letter carriers and postal employees."

"Give us a parcels post and all postal problems are solved."

He read this remarkable indorsement of the protest from Municipal Court Judge Snitkin, who, from his sick bed, sent a letter declaring:

"I wish to state that I consider the Post Office appropriation bill a pernicious measure in view of the fact that it contains a dangerous 'joker' in the shape of unjust and illegal discrimination against periodicals.

"This un-American measure, if enacted into law, virtually means the financial extinction of some publishers and loss of employment to numberless men and women.

"MAKES POSTMASTER GENERAL A CENSOR.

"This pernicious measure constitutes the Postmaster General a censor, and clothes him with dangerous powers to kill or let live many magazines at his pleasure.

"This measure means the muzzling or annihilation of the progressive, outspoken periodical.

"This bill would make splendid legislation in Russia, but it is diabolical legislation in free America."

R. Hoe & Co. sent word that they already had put themselves on record at Washington as being opposed to the increase.

Frank H. Stevens pointed out that if to meet the increase magazines were forced to advance their prices, "down will go the circulation, and out of employment will go half the help."

He gave this concrete example of what would result: There was a high-class weekly which weighed three copies to the pound. The proposed rates would increase the postage three times the present cost, and while the weekly might be making $200,000 a year now, employing thousands of men and women, that profit would be wiped out and a deficit created. This deficit could be met only by wholesale dismissal of employees.

WOULD INVOLVE LABOR TROUBLES, TOO.

J. J. Keppler, international vice president of the International Association of Machinists, made the point that injustice would be done to hundreds of thousands of his fellow machinists "who are employed under agreements between employers and labor organizations."

"Congress should not make a law that would do violence to existing contracts," he said. "If through this measure a reduction of wages shall be involved to pay for the shortcomings of the postal service, conciliation and arbitration will be necessarily sought by our labor commissioner to avoid strife or possible strike."

John P. Mines, ex-president of the Press Feeder's Union, told the assemblage that if the Post Office needs more money it should, instead of taxing a product and injuring labor, reduce the price paid to railroads for carrying the mails.

"That price," he explained, "is now in excess of what is charged to the citizen for similar service."

Amidst ringing cheers resolutions were adopted to be sent to Congress. They represented the alarm felt over the proposed postal increase, because it "would drive many magazines out and lessen the field of labor. We call upon all Members of Congress to oppose this increase."

PRINTERS SIDE WITH MAGAZINES—1,500 DELEGATES OF TRADE UNIONS OPPOSE INCREASED POSTAGE BILL.

The bill before Congress providing for a large increase in the postal rates on magazines was unsparingly condemned yesterday afternoon in Cooper Union in a joint conference of the mechanical crafts in the printing trades. Fifteen hundred representatives of printing trades unions were present.

A resolution was passed unanimously calling on all Representatives and Senators to vote against the measure, which, it was asserted, would practically destroy the magazine industry and deprive hundreds of thousands of men and women in the printing trades of the means of earning livelihoods. The resolution expressed the belief of the workers in the printing industry that the Post Office Department can devise other means of overcoming the postal deficit.

"If the present bill increasing the postal rates on magazines becomes a law it will drive 50 per cent of the magazines out of business," said Bernard Nolan, of Pressman's Union No. 51, who presided. "Besides," he continued, "such a law would place a power in the hands of the Postmaster General that practically would permit him to pass on the existence of many of the magazines."

In a telegram indorsing the object of the meeting, Representative SULZER said the proposed increase in magazine postal rates is unjustifiable. The parcels-post bill which SULZER has introduced, he said, would solve the problem of the postal deficit. The arguments in favor of the increased-rate bill, the Representative wired, "would make a horse laugh and America hide its head in shame." Many other telegrams indorsing the meeting were received, including one from Sophie Irene Loeb, suffragist leader, who indorsed the parcels-post bill.

[New York Times.]

UNIONS OPPOSE POSTAGE BILL—WORKERS IN PRINTING TRADES PASS RESOLUTIONS AGAINST IT.

Four unions were represented yesterday afternoon at a meeting in Cooper Union called by the joint conference of the Mechanical Crafts in the Printing Trades to protest against the bill before Congress increasing the postage on magazines. The joint conference represents Pressmen's Union, No. 51; Webb Pressmen's Union, No. 25; Franklin Association of Press Feeders, No. 23; and the Job Press Feeders' Union. Delegates from district No. 15, of the International Association of Machinists, who work in the manufacture of printing presses, were also present.

Letters and telegrams were received from a number of well-known men. One telegram was from Congressman SULZER, in which he denounced the bill, and said that the proposed increase in postal rates would be an unjustifiable imposition on the people of the United States in view of the fact that if his bill for a general parcels post was passed it would more than meet the deficit in the Post Office Department. He said that the arguments adduced in favor of the bill to increase postage were enough "to make a horse laugh."

A letter was read from Robert Hoe, of Robert Hoe & Co., in which he said that his firm sympathized with the object of the meeting and had gone on record at Washington as being opposed to the bill to increase the postage rates.

Resolutions protesting against the bill were adopted.

[Evening World.]

PRINTERS IN POSTAL FIGHT—MASS MEETING CONDEMNS INCREASE OF MAGAZINE MAIL RATES.

New York printers, in mass meeting at Cooper Union yesterday, warmly condemned the proposed increase of postal rates on magazines.

The following unions were represented: Pressmen's Union No. 51, Web Pressmen's Union No. 25, Franklin Association of Press Feeders No. 23, the Job Press Feeders' Union, and the printing press branch of District No. 15 of the International Association of Machinists.

Bernard Nolan, of Pressmen's Union No. 51, presided. Among the speakers were John P. Mines, of the Franklin Association, and John J. Keppler, vice president of the International Association of Machinists.

[The Evening Sun.]

UNIONS OPPOSE POSTAL BILL—MEETING OF PRESSMEN AND FEEDERS TO PUT THE TRADES ON RECORD.

The bill to increase the postage on magazines was condemned yesterday afternoon at a meeting in Cooper Union, called under the auspices of the joint conference of mechanical crafts in the printing trades representing four organizations. They are Pressmen's Union No. 51, Web Pressmen's Union No. 25, Franklin Association of Press Feeders No. 23, and the Job Press Feeders' Union. The branch of district No. 15 of the International Association of Machinists, whose members work in the manufacture of printing presses, was also represented.

Bernard Nolan, of Pressmen's Union No. 51, presided, and speeches condemnatory of the bill were made by John P. Mines, of the Franklin Association, and John J. Keppler, vice president of the International Association of Machinists. The chairman said that the bill if it became law would not only drive 50 per cent of the magazines out of business, but would place an amount of power in the hands of the Postmaster General which would make him the arbiter of the existence of many magazines.

Telegrams were received from Miss Sophie Irene Loeb, the suffragette leader; Congressman WILLIAM SULZER, and others regretting their inability to attend and condemning the bill. Miss Loeb said that the proper solution of the matter would be the establishment of a parcels post. Congressman SULZER in his telegram declared that the proposed increase in postal rates was an unjustifiable imposition and absolutely unnecessary in view of the fact that if Congress would pass his bill for a general parcels post there would be no postal deficit.

Letters were read from Robert Hoe, of Robert Hoe & Co., and from Municipal Court Justice Leonard A. Snitkin, expressing sympathy with the object of the meeting.

[Tribune, February 23.]

OPPOSE HIGHER POSTAGE—PRINTING-PRESS WORKMEN SIDE WITH THE MAGAZINES.

The proposed measure now before Congress increasing the rate of postage on magazines was opposed at a meeting yesterday afternoon in Cooper Union, called under the auspices of the joint conference of mechanical crafts in the printing trades, which was formed in December, to protest against the bill. The conference represents Pressmen's Union No. 51, Web Pressmen's Union No. 25, Franklin Association of Press Feeders No. 23, and the Job Press Feeders' Union. Representatives of the lodge of District No. 15 of the International Association of Machinists, whose members work at the manufacturing of printing presses, were also at the meeting.

The following resolution, a copy of which will be sent to every member of Congress, was adopted:

"Whereas we view with alarm the proposed increase of postal rates of the country pertaining to the magazines, periodicals, etc., now under discussion before the Senate; and

"Whereas such increase, if put into effect, will, to a certain extent, destroy this industry and thereby will deprive hundreds of thousands of men and women in our industry of employment; and

"Whereas we, the workers in the printing industry, believe that the Post Office Department can devise other means to overcome its deficit: Therefore be it

"*Resolved*, That the measure of increased postal rates is condemned, and that we call upon all Representatives, Senators, and Congressmen on behalf of our industry to vote against such a measure."

PROTEST AGAINST POSTAGE-RATE BILL.

The bill to increase the postage on magazines was condemned yesterday afternoon at a meeting in Cooper Union, called under the auspices of the joint conference of mechanical crafts in the printing trades, representing four organizations. They are Pressmen's Union No. 51, Web Pressmen's Union No. 25, Franklin Association of Press Feeders No. 23, and the Job Press Feeders' Union. The branch of district No. 15, of the International Association of Machinists, whose members work in the manufacture of printing presses, was also represented.

[Evening Journal, Feb. 23, 1911.]

MAGAZINE TAX DENOUNCED AT MASS MEETING.

Resolutions adopted at the Cooper Union mass meeting of men and women employed in the magazine industry, protesting against the proposed increase in postage on magazines, to-day were sent to Congress.

"Two-thirds of the printing in the United States is done in this vicinity," declared Bernard Nolan, who presided at the mass meeting. "This is a joint convention of the mechanical crafts in the printing trade, and the 6,000 members of our league have met here because the purpose of the league is to further the general welfare of the printing trade, observing fairness alike to employer and employed."

He read this telegram from Congressman SULZER:

"The proposed increase of postal rates is an imposition upon the people, absolutely unjustifiable as a matter of fair play, and absolutely unnecessary in view of the fact that if the Congress would pass my bill for a general parcels post there would be an increase of postal revenue of $50,000,000 a year. This amount would wipe out any postal deficit, reduce postage on all classes of mail matter, and justify a material advance in the salaries of our poorly paid letter carriers and postal employees."

RUSSIAN LEGISLATION.

"Give us a parcels post and all posts problems are solved," said Mr. Nolan.

He read this remarkable indorsement of the protest from Municipal Court Judge Snitkin, who from his sick bed sent a letter declaring:

"I wish to state that I consider the Post Office appropriation bill a pernicious measure, in view of the fact that it contains a dangerous 'joker' in the shape of unjust and illegal discrimination against periodicals.

"This un-American measure, if enacted into law, virtually means the financial extinction of some publishers and loss of employment to numberless men and women.

"This pernicious measure constitutes the Postmaster General a censor and clothes him with dangerous powers to kill or let live many magazines at his pleasure.

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"This bill would make splendid legislation in Russia, but it is diabolical legislation in free America."

R. Hoe & Co. sent word that they already had put themselves on record at Washington as being opposed to the increase.

Frank H. Stevens pointed out that if, to meet the increase, magazines were forced to advance their prices, "down will go the circulation and out of employment will go half the help."

He gave this concrete example of what would result: There was a high-class weekly which weighed three copies to the pound. The proposed rates would increase the postage three times the present cost, and while the weekly might be making $200,000 a year now, employing thousands of men and women, that profit would be wiped out and a deficit created. This deficit could be met only by wholesale dismissal of employees.

WOULD INVOLVE LABOR TROUBLES.

J. J. Keppler, international vice president of the International Association of Machinists, made the point that injustice would be done to hundreds of thousands of his fellow-machinists "who are employed under agreements between employers and labor organizations."

Congress should not make a law that would do violence to existing contracts, he said. "If through this measure a reduction of wages shall be involved to pay for the shortcomings of the postal service, conciliation and arbitration will be necessarily sought by our labor commissioner to avoid strife or possible strike."

John P. Mines, ex-president of the Pressfeeders' Union, told the assemblage that if the post office needs more money, it should, instead of taxing a product and injuring labor, reduce the price paid to railroads for carrying the mails.

"That price," he explained, "is now in excess of what is charged by the citizen for similar service."

Amidst ringing cheers resolutions were adopted. They represented the alarm felt over the proposed postal increase, because it "would drive many magazines out and lessen the field of labor. We call upon all Members of Congress to oppose this increase."

The Cooper Union meeting was held under the auspices of the Joint Conference of Mechanical Crafts in the Printing Trades, which represents Pressmen's Union No. 51, Web Pressmen's Union No. 25, Franklin Association of Press Feeders, No. 23, and the Job Press Feeders' Union. Representatives of District No. 15, of the International Association of Machinists, were also present. The following resolution was unanimouly adopted:

"Whereas we view with alarm the proposed increase of postal rates of the country pertaining to the magazines, periodicals, etc., now under discussion before the Senate; and

"Whereas such increase, if put into effect, will, to a certain extent, destroy this industry, and thereby will deprive hundreds of thousands of men and women in our industry of employment; and

"Whereas we, the workers in the printing industry, believe that the Post Office Department can devise other means to overcome its deficit: Therefore be it

"*Resolved*, That the measure of increased postal rates is condemned, and that we call upon all Representatives, Senators, and Congressmen, on behalf of our industry, to vote against such a measure.

"COMMITTEE ON RESOLUTIONS.

"E. W. Edwards, Fred. Scudder, James Horan, Martin Broderick, William Konfeld, Web Pressmen's Union No. 25; John A. Kenney, Fred. Wagner, Thomas Conners, Terry McGough, Frank Dowling, Printing Pressmen's Union No. 51; John P. Mines, James D. Kelley, John J. Clark, John J. Shannon, Herman Hoch, Franklin Union, No. 23; Thomas Henry, Job Press Feeders' Union No. 1; John J. Keppler, George Stilgenbauer, E. J. Deering, George Heetzel, District No. 15, International Association of Machinists; Bernard Nolan, chairman; John J. Dowling, secretary."

Among the many letters and telegrams received by the committee were the following:

From Dr. William Irving Sirovich, 539 East Sixth Street, New York, magazine reader:

"To Mr. BERNARD NOLAN:

"Regret exceedingly that professional engagements incapacitate me from addressing your mass meeting in Cooper Union. What nutrition is to the body, what heat and energy is to our system, so the reading of healthy magazines is to the mind of the reading public. And to practice economy by increasing the postage on healthy magazines that breed good citizenship and pure motherhood is an indirect step in throttling public opinion and debauching the reading and critical public. To develop the mind and body, to scan the heavens, to study the geological strata and formation of the earth, to create literature, to resurrect the thoughts of dead and forgotten races and languages, to carve the hidden ideas of the brain in marble and statue, to portray the imagination of the brain in painting, to delve into the depths of the hidden and concealed, to inculcate the love of one's country, to expose corruption and extravagance in government, is all the province of literature as exemplified in the writings of good magazines. And as a reader of all the healthy periodicals, I strenuously object to their destruction and annihilation through an increased tax on their postage duties. As Rudyard Kipling said: 'Remove the advertisements and you destroy half the interest of the magazine.' May the time never come when through the guise of economy the liberty of a free press, through magazines, should be destroyed, while extravagance is flying rampant in every department.

"Very respectfully, yours,

"WILLIAM IRVING SIROVICH, M. D."

Telegram from Congressman SULZER, the consistent advocate of the people's rights:

"BERNARD NOLAN, Esq.,

"*Chairman Mass Meeting, Cooper Union, New York City:*

"I am in sympathy with the purpose of your meeting to protest against the increase of postage on magazines and periodicals. Regret, on account official duties here, I can not be with you to address the meeting. The proposed increase of postal rates is an imposition on the people. Absolutely unjustifiable as a matter of fair play and absolutely unnecessary in view of the fact that if Congress would pass my bill for a general parcels post there would be an increase in postal revenue of $50,000,000 a year, an amount sufficient to wipe out any postal deficit, reduce postage on all classes of mail matter, and justify a material advance in the salaries of our poorly paid letter carriers and postal employees. When all the facts are considered, the pretense of the Post Office Department is enough to make a horse laugh and patriotic America hang its head in sadness and humiliation. Give us a general parcels post and all postal problems are solved in the interest and for the benefit of all the people.

"WILLIAM SULZER."

From Congressman FRANCIS BURTON HARRISON:

"DEAR SIR: I thank you most cordially for your invitation to attend the meeting at Cooper Union to-morrow afternoon, which invitation has just reached me. Unfortunately, it is not possible for me to get away from Washington at this time. During the last 10 days of the session every Representative is on duty down here and, as you know, Washington's birthday is a workday for us just the same as all other days.

"With much regard, I am,

"Yours, very truly, FRANCIS BURTON HARRISON."

From United States Senator ROBERT M. LA FOLLETTE:

"DEAR SIR: I have your letter of yesterday, inviting me to attend the mass meeting to be held at Cooper Union to-morrow protesting against the proposed postal increase for second-class matter.

"I regret that because of legislative duties it will be impossible for me to attend.

"Respectfully, yours, ROBERT M. LA FOLLETTE."

Telegram from Sophie Irene Loeb, magazine writer:

"The proposed increase of postal rate on magazines will eventually destroy one of America's best educational features. If our Government would adopt a parcels-post system for its citizens, the same as it has by treaty with foreign governments, we would have a surplus instead of a deficit. Protest vigorously against any restriction on education or loss of employment of men and women now engaged in the magazine industry.

"SOPHIE IRENE LOEB."

From Senator GORE, the People's Rights Senator, from Oklahoma:

"CHAIRMAN COOPER UNION MEETING.

"DEAR SIR: I have the honor to acknowledge receipt of your favor of recent date inviting me to be present at Cooper Union on February 22. I regret to say that your invitation did not come to my personal attention until this moment, which explains, and I trust will excuse, my delay in answering. It would have afforded me great pleasure to attend the meeting to which you referred.

"With best wishes, I am,

"Yours, very truly, T. P. GORE."

SHERIDAN RAILWAY & LIGHT CO.

The SPEAKER laid before the House the bill (S. 9903) to authorize the Sheridan Railway & Light Co. to construct and operate a railroad, telegraph, telephone, electric power, and trolley line through Fort Mackenzie Military Reservation, and for other purposes, with House amendments disagreed to by the Senate.

Mr. HULL of Iowa. Mr. Speaker, I move that the House insist on its amendments and agree to the conference asked for by the Senate.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. HULL of Iowa, Mr. STEVENS of Minnesota, and Mr. HAY.

FORT D. A. RUSSELL MILITARY RESERVATION.

The SPEAKER also laid before the House the bill (S. 9904) granting certain rights of way on the Fort D. A. Russell Military Reservation at Cheyenne, Wyo., for railroad and county road purposes, with House amendments disagreed to by the Senate.

Mr. HULL of Iowa. Mr. Speaker, I move that the House insist on its amendments and agree to the conference asked for.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. HULL of Iowa, Mr. STEVENS of Minnesota, and Mr. HAY.

CERTIFIED CHECKS FOR DUTIES ON IMPORTS.

The SPEAKER also laid before the House the bill (H. R. 30570) to authorize the receipt of certified checks on national banks for duties on imports and internal taxes, and for other purposes, with Senate amendments.

The Senate amendments were read.

Mr. PAYNE. Mr. Speaker, I move that the House agree to the Senate amendments.

The motion was agreed to.

LOCATION OF OIL AND GAS.

The SPEAKER also laid before the House the bill (H. R. 32344) to protect locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States or their successors in interest, with Senate amendments.

The Senate amendments were read.

Mr. NEEDHAM. Mr. Speaker, I move that the House concur in the Senate amendments.

Mr. FITZGERALD. Mr. Speaker, I would like to ask what is the effect of these Senate amendments?

Mr. NEEDHAM. This bill, as it passed the House, excepted land under any withdrawal, and the Senate amendments confine the exception or proviso to mineral withdrawals. As the law is now, on land withdrawn like national forests you can carry on mining, and the bill as it passed the House would stop that. This amendment of the Senate is to correct that, and refers to mineral withdrawals so as to make the bill logical and as it was intended when it passed the House.

Mr. FITZGERALD. It does not affect lands withdrawn for other purposes?

Mr. NEEDHAM. This amendment was agreed to in the Committee on the Public Lands, and I was requested to make this motion on behalf of my colleague Mr. SMITH, of the Committee on the Public Lands, who has gone home quite ill.

The motion was agreed to.

VALLEY PAPER CO. V. DONNELLY, PUBLIC PRINTER.

By unanimous consent, on the request of Mr. COOPER, of Pennsylvania, leave was granted to print in the RECORD the following decision of Mr. Justice Gould, of the supreme court of the District of Columbia, sustaining the demurrer of defendant in the matter of the Valley Paper Co., plaintiff, *v.* Samuel B. Donnelly, Public Printer.

[In the supreme court of the District of Columbia. In equity, No. 29461.]

THE VALLEY PAPER CO. V. PUBLIC PRINTER.

Fred B. Rhodes, attorney for plaintiff.

Clarence R. Wilson, United States attorney for the District of Columbia; Reginal S. Huidekoper, assistant United States attorney for the District of Columbia; and Frank E. Elder, special assistant to the Attorney General, attorneys for defendant.

OPINION OF THE COURT.

The plaintiff's bill recites that it is a corporation under the laws of the State of Massachusetts and "a taxpayer of the United States," and that the defendant is the "United States Public Printer;" that in January, 1910, it submitted a proposal for supplying paper for the fiscal year ending February 28, 1911, to the Joint Committee on Printing at Washington, D. C., which was opened in the presence of six persons—to wit, REED SMOOT, JONATHAN BOURNE, jr., DUNCAN U. FLETCHER, GEORGE C. STURGISS, ALLEN F. COOPER, and DAVID E. FINLEY—and by them rejected, notwithstanding they "acted without authority or warrant of law, and to the injury and prejudice of the rights of complainant."

The bill next avers that the said persons were never appointed or had any authority to perform the duties imposed by law upon the Joint Committee on Printing; that "none" of them "were" ever appointed as members of said joint committee by either "the President of the Senate, the Speaker of the House of Representatives, or by any official in either House having authority to make such appointment."

The bill thereupon recites the provision of the act of Congress of August 26, 1852 (ch. 91, 10 Stat., 34), which provides: "There shall be a Joint Committee on Public Printing consisting of three Members of the Senate, appointed by the President of the Senate, and three Members of the House of Representatives, appointed by the Speaker of the House, who shall have the powers hereinafter stated;" that the duties and powers of said joint committee were enlarged by the act of January 12, 1895 (ch. 23, 28 Stat., 601), but that no change was made as to the manner of the appointment of said committee. It recites section 5 of said act, which requires the sealed proposals to furnish paper to be opened in the presence of the joint committee and the contracts to be awarded "to the lowest and best bidder for the interests of the Government;" but that no proposal shall be considered which is not accompanied by a bond approved by a judge or clerk of a court of record in the penalty of $5,000, etc.; and that the persons named required that bidders should give bond in the sum of $10,000; "complainant further avers that the said body acting as aforesaid awarded contracts for supplying paper for the public printing without in any case requiring the bond to be approved by a judge or clerk of a court of record, and that the bid of complainant was the only bid opened by that body, acting as aforesaid, which was accompanied by a bond approved by a judge or clerk of a court of record."

It is next alleged that under the act of March 2, 1895, it is provided that when no joint committee has been appointed the Committee on Printing either of the Senate or House then in existence shall act. As there was no Joint Committee on Printing in existence, complainant was entitled to have his bid considered by the Committee on Printing of the Senate, consisting of six members, and the Committee on Printing of the House, consisting of three members. Notwithstanding the rights of complainant to have his bid considered as aforesaid, said REED SMOOT, who without authority or appointment assumed to act as chairman of the body which opened and rejected the bid of complainant, refused to permit three members of the Senate Committee on Printing to sit with the body considering said bids, or to have any vote in determining whether or not complainant's bid should or should not be accepted, although requested so to do by one of said Members, to wit, Stephen B. Elkins, United States Senator from West Virginia. Complainant further shows that notwithstanding the fact that defendant has been advised that there has been no compliance with the provisions of the law hereinbefore referred to, providing for the performance of certain acts as a condition precedent to entering into any contract for paper for public printing, said defendant has persisted, to the injury and prejudice of the rights of complainant, in purchasing paper under certain alleged contracts with various firms which have not been approved by the Joint Committee on Printing or by any other persons or body authorized by law.

The special prayer is that the Public Printer "show cause why he should not be permanently restrained and enjoined from issuing any orders for paper for the public printing for year ending February 28, 1911, under contracts entered into as aforesaid."

The Public Printer interposed a demurrer to this bill, alleging some 11 reasons why it was bad in substance, and also a return to the rule issued thereon, in which he states, substantially—

First. That plaintiff's proposal failed to conform to the requirements of law, and when opened by the persons named in the bill, which persons comprised the Joint Committee on Printing, together with other proposals for supply of paper, was rejected, and the contracts were awarded to other firms who were the lowest and best bidders for the interests of the Government.

Second. That "the Committee on Printing of the House of Representatives, consisting of GEORGE C. STURGISS, ALLEN F. COOPER, and DAVID E. FINLEY, were appointed by the Speaker of the House of Representatives to act as such Committee on Printing of the House of Representatives, and as members of the Joint Committee on Printing, and this defendant further says that the Committee on Printing of the Senate consisted of eight members, who were duly appointed in accordance with the rules of the Senate for selecting the personnel of committees, to wit, by the Committee on Committees, designated by the President of the Senate, whose recommendation in this regard was formally approved by the Senate of the United States; that in pursuance to the rules and regulations of the said Senate and by express resolution of said body of February 15, A. D. 1909, the said committee was constituted the Committee on Printing of the Senate, and the said REED SMOOT was appointed its chairman, with power and authority to select two of the members of the committee to act with him as members of the Joint Committee on Printing, and acting as aforesaid the said REED SMOOT did designate and select Senators JONATHAN BOURNE, jr., and DUNCAN U. FLETCHER to act with him as Senate representatives of the said joint committee; and the said REED SMOOT, being the chairman of the said Senate committee, was by force of the rules and regulations of said Congress duly constituted the chairman of the said Joint Committee on Printing, in strict accord with said rules and regulations, and in conformity to law; and this defendant further says that all of said acts were done by said committee in the composition of said committee and in performance of their duties as such Joint Committee on Printing in full accordance with law and within the scope of the authority of the legislative branch of the Government."

There are numerous additional defenses set forth in the return which need not be considered. The return is under oath.

By stipulation, the cause was heard on bill, rule to show cause issued thereon, return to said rule, and demurrer to the bill.

1. The first question naturally suggesting itself upon the face of plaintiff's bill is, By what right does plaintiff corporation claim injunctive protection of equity? It is alleged that plaintiff is a taxpayer of the United States; there is no allegation that its taxes will be increased if the Public Printer is not enjoined; there is not even such an inference in the bill. It is alleged that it was a bidder for the contracts let by the Joint Committee on Printing to certain unnamed and undisclosed competitors; there is no allegation that this action by the joint committee caused the plaintiff loss. There is no allegation that plaintiff corporation will be affected in any property or corporate right, in the slightest degree, by the continued issuance by the Public Printer of orders for paper for public use under the contracts entered into with its competitors. The gravamen of the bill is that certain officials acted without legal authority in awarding certain contracts to others than plaintiff. There is no contention in the bill that these officials ought to have awarded the contracts to plaintiff corporation and by not so doing caused it financial loss; the charge is that the aforesaid officials illegally usurped governmental functions; only this, and nothing more.

And for that reason, that an executive official, the Public Printer, should be enjoined from ordering paper under said contracts. To express the situation in other terms, the bill is an arraignment and criticism of certain Members of Congress who assumed to act as a Joint Committee on Printing when they had no title to such office, and the plaintiff, setting itself up as censor morum, asks equity to interfere with the acts of said committee, although said acts inflict no injury upon plaintiff or its property.

There is no such jurisdiction in equity. It deals only with property rights and with the maintenance of civil rights. The language of Mr. Justice Gray in the matter of Sawyer (124 U. S., 200) is often quoted:

"The office and jurisdiction of a court of equity, unless enlarged by express statute, are limited to the protection of rights of property."

And in the case of Green *v.* Mills (69 Fed., 852; 30 L. R. A., 90) Chief Justice Fuller, sitting in the circuit court of appeals, fourth circuit, used this language:

"It is well settled that a court of chancery is conversant only with matters of property and the maintenance of civil rights. The court has no jurisdiction in matters of a political nature, nor to interfere with the duties of any department of Government, unless under special circumstances and when necessary to the protection of rights of property, nor in matters merely criminal or merely immoral which do not affect any right of property."

In the case of People *v.* Byrd (98 Ga., 688), where an unsuccessful bidder secured an injunction in the lower court against the reporter of the Supreme Court prohibiting him from awarding a contract to one who was not the lowest bidder, the Supreme Court, in reversing the case, said:

"It results as a logical consequence from the foregoing that Byrd had no shadow of right to have the contract awarded to him, and therefore, in his attitude as a disappointed bidder, he had no legal cause of complaint with reference to the action taken in the premises by the governor and the reporter."

On page 693 the court continued:

"The only remaining question is, Did Byrd, in his capacity as citizen and taxpayer, have a right to institute in his own name an equitable proceeding against the reporter and the Franklin Co. for the purpose of testing the legality of the contract which the reporter, with the governor's consent and approval, had made with that company or obtaining an injunction preventing the said contract from being carried into effect? He could not do this, for several reasons. In the first place, the State, being a party to the contract, would be a necessary party to such a cause; and it could not without its express consent be subjected to any kind of action. * * * A contract to which the State is a party can not be annulled without having the State before the court; and, as Byrd could not make the State a party to this proceeding, this would be sufficient to end the matter.

"But, secondly, the injunction granted necessarily operated against the governor of the State, not eo nomine, because he is not a party to the record, but practically because it suspends the operation of the contract which he participated officially in making. In Mayo *v.* Renfroe (66 Ga., 427) this court said: 'The governor could not be made a party. Being head of a coordinate branch of the Government, the courts may not well enjoin him. Equity, as well as law, would seem to forbid it * * *.'

"And, thirdly, even if obstacles above pointed out were not in Byrd's way, he was not, as a mere taxpayer, entitled to maintain his petition, because he utterly failed to show that, as such, he was in any way injured by the letting of the contract to the Franklin Co. It was, in any event, absolutely essential for him to show that, in consequence of the action taken by the governor and the reporter, he, as a private citizen, sustained some injury. It is difficult to conceive how, in this capacity, he could have been injured at all, except by an increase in the amount of his State taxes; and as to this there was no contention, nor even a pretense, that the publication of the Supreme Court reports by the Franklin Co. would cost the State a single cent more than would have been the case if the contract had been awarded to Byrd himself or to some one else. He was not in a position to insist, and did not insist, that the State could, in any event, get the work done at a price less than his own bid."

In the case of World's Columbian Exposition *v.* United States (6 C. C. A., 58) a bill was filed seeking an injunction against the appellees to prevent the opening of the world's fair on Sunday, averring that such opening would be "of great injury and grievous prejudice to the common good and the welfare of the people of the United States." In dismissing the bill Chief Justice Fuller said:

"The office and jurisdiction of a court of equity, unless enlarged by express statute, are limited to the protection of rights of property. The court is conversant only with questions of property and the maintenance of civil rights, and exercises no jurisdiction in matters merely political, legal, criminal, or immoral."

In Cicero Lumber Co. *v.* Cicero (176 Ill., 9), the court said:

"The general rule is that when the duty about to be violated by the corporation or its officers is public in its nature and affects all the inhabitants alike, one not suffering any special injury can not in his own name or by uniting with others maintain a bill for an injunction. A private individual can not maintain a bill to enjoin a breach of public trust without showing that he will be specially injured thereby."

This citation of cases might be greatly extended. (See Roosevelt *v.* Draper, 23 N. Y., 318; Miller *v.* Grandy, 13 Mich., 540; State ex rel. Taylor *v.* Lord, 28 Oreg., 498.) It is sufficient to say, however, that with a few discordant opinions (see McCollough *v.* Brown, 41 S. C., 220; 23 L. R. A., 410) the great weight of judicial authority sustains the proposition that equity will interfere by the extraordinary writ of injunction only when the suitor shows a special and irreparable injury to himself or his property different from that which will be sustained by others similarly situated.

There is another consideration, possibly a corollary to that stated, which bars plaintiff's relief. The law regulating the issuance of injunctions by an equity court is a law of proportions; that is to say, unless the court is satisfied that the relief sought is essential to protect property interests of the plaintiff more important in law than the restrained rights of the defendant, the remedy will not be applied. This principle was exemplified by the Supreme Court in the case of Wilson *v.* Shaw (204 U. S., 24), where a suit was brought by a citizen and taxpayer of Illinois to prevent the construction of the Panama Canal. The court said:

"Clearly there is no merit in the complainant's contention. That, generally speaking, a citizen may be protected against wrongful acts of the Government affecting him or his property may be conceded. That his remedy is by injunction does not follow. A suit for an injunction is an equitable proceeding and the interests of the defendant are to be considered as well as those of the complainant."

So in this case the court should consider the relative injury to the parties if the Public Printer should be enjoined from buying paper under the assailed contracts. As already stated, there is no showing that the plaintiff will suffer any injury, while it is fairly inferable that substantial injury might befall the Government if the Public Printer were enjoined from purchasing his paper supply under the contracts heretofore made. It might even happen that the CONGRESSIONAL RECORD could not be printed.

2. There is another reason why plaintiff's bill can not be sustained. It seeks to destroy rights which certain unnamed persons or corporations have acquired under contracts with certain officials of the Government. These persons or corporations are not made defendants to the litigation. That their rights can not be adjudicated without their presence is clear from the decisions of the Supreme Court. (New Orleans Water Works *v.* New Orleans, 164 U. S., 471; California *v.* So. Pac. Co., 157 U. S., 229.)

The State courts coincide. In Hoppock *v.* Chambers (96 Mich., 509), the court said:

"This is a bill by certain taxpayers of the village of Frankfort to restrain the payment of moneys under a contract entered into in May, 1900, by the council with George L. Davis, trustee, for a water supply to said village. After the execution of said contract a corporation was formed, which succeeded to all the rights of said George L. Davis, under said contract.

"The bill is fatally defective, in that neither said Davis nor said corporation, so succeeding to his rights, is made a party defendant thereto. All the parties in interest, and whose rights may be affected, ought to be made parties. * * * The other parties to the contract in question would not be concluded by any decree herein, and the village, in case of a decree against it, would be subject to still further litigation."

(See also Hope *v.* Mayor, 72 Ga., 246; Hutchinson *v.* Burr, 12 Cal., 103; Hardy *v.* Bank, 46 Kans., 88.)

3. It is also contended by plaintiff that the body designated as the Joint Committee on Printing, which rejected its bid and accepted the bids under which contracts were made, was illegally constituted and exercised its functions without authority of law. This contention may be briefly summarized as claiming that section 12 of the act of August 26, 1852 (10 Stat., 30), is still in force. This section provides:

"SEC. 12. *And be it further enacted*, That a committee, consisting of three Members of the Senate and three Members of the House of Representatives, shall be appointed by the President of the Senate and the Speaker of the House, to be called the Joint Committee on Printing, which committee shall have a right to decide," etc. This provision was embodied in section 3756 of the Revised Statutes of the United States.

In 1895 Congress attempted to codify the laws relating to public printing. The act of January 12, 1895 (28 Stat., 601), was entitled: "An act providing for the public printing and binding and the distribution of public documents."

The first section of this act reads:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there shall be a Joint Committee on Printing, consisting of three Members of the Senate and three Members of the House of Representatives, who shall have the powers hereinafter stated."

This section differs from section 12 of the act of 1852 in that it eliminates the provisions regulating the appointment of the joint committee and leaves that body to be constituted as the rules of the Senate and House may from time to time prescribe.

While it is true that repeals by implication are not favored, it is equally well established, to quote the language of the Supreme Court in District of Columbia *v.* Hutton (143 U. S., 18):

"Where two acts are not in express terms repugnant, yet if the latter act covers the whole subject of the first, and embraces new provisions, plainly showing that it was intended as a substitute for the first act, it will operate as a repeal of that act."

That the act of January 12, 1895, was intended to "cover the whole subject" of the public printing and to be a substitute for all prior legislation upon the subject is manifest from an examination of the records of Congress, including the reports of the several committees which had the matter in charge. While the Supreme Court has held that the debates of Congress are not appropriate sources of information from which to discover the meaning of the language of statutes passed by that body, it has also held that the courts may resort to the reports of committees of either branch of Congress with a view of determining the scope of statutes passed on the strength of such reports. (Burns *v.* U. S., 194 U. S., 486.)

Resorting to this approved source of information, it is first noted that by a concurrent resolution of February 9, 1891, there was appointed a joint committee of the Senate and House with instructions to examine into the general subject of public printing and binding, and to report a bill in the following December. This committee formulated a bill which, with some amendments, passed both Houses during the Fifty-second Congress, but failed of final enactment because of a disagreement of the Senate to certain House amendments. The bill, as drawn by the joint committee, was a codification and reenactment of the numerous provisions of the existing law regulating public printing and binding; it, however, contained many new sections. A full and elaborate report of this joint committee is contained in Senate Report No. 18, Fifty-second Congress, first session. This report also contains a copy of the bill proposed, together with an explanation as to each section of the said bill.

Section 1 of the proposed bill provided that—

"There shall be a Joint Committee on Printing, consisting of three Members of the Senate and three Members of the House of Representatives, and shall have the powers hereinafter stated."

The reasons assigned by the committee for the enactment of this section were as follows:

"This is nearly identical with section 3756 of the Revised Statutes of 1878 (act date of Aug. 26, 1852). The change is an unimportant one, leaving out that the Joint Committee on Printing shall be appointed by the President of the Senate and the Speaker of the House. The word 'public' is omitted, making the committee a Committee on Printing instead of a Committee on Public Printing. This change is made throughout the whole bill."

On September 12, 1893, Mr. Richardson, of Tennessee, from the Committee on Printing, submitted a report to the House accompanying House bill 2650 (53d Cong., 1st sess.), which bill was reported as a substitute bill, designated as the same as that reported by the Committee on Printing of the last House. The same explanation with reference to the change in the first section of the bill is given in this report as in the original report of the joint committee.

On July 24, 1894, Mr. Gorman, from the Committee on Printing, submitted a similar report to the Senate, which was intended to accom-

pany House bill 2650, above referred to. The same language is again used for explaining the reasons of section 1 of the proposed bill. Both the Senate and House committees, in reporting the bill, made specific references to the omission from section 1 of the requirements that the Joint Committee on Printing should be appointed by the President of the Senate and the Speaker of the House. This bill was enacted into law, as heretofore stated, on January 12, 1895. From these reports it is manifest that the act of 1852, which provided for the appointment of the members of the joint committee by the President of the Senate and the Speaker of the House, respectively, was intentionally changed by the language of the first section of the act of January 12, 1895. It is equally manifest from the history of this legislation that the intention of Congress was to codify, collect, and systematize the provisions of existing law upon the subject of public printing. The conclusion is irresistible that section 1 of the act of January 12, 1895, repealed so much of the existing law as regulated the manner in which the Joint Committee on Public Printing should be constituted. This conclusion is fully justified by the decision of the Supreme Court in District of Columbia *v.* Hutton, supra, and also by the decision of the same court in Murdock *v.* Memphis (20 Wall., 590), and United States *v.* Tynen (11 Wall., 88).

The result is that, under existing law, the appointment of the Joint Committee on Printing is left to the discretion of the Senate and House, as may be provided by their rules. The courts have no more power to pass upon the manner or method selected by the Senate or House for the appointment of such committee, or the regularity of the proceedings leading up to such appointment, than they would have to pass upon the regularity of the election of a Member of either House. Moreover, it appears from the return in this case, which in the present state of the record must be taken as true, that the House members of the joint committee were duly appointed by the Speaker to act as such, and that the Committee on Printing of the Senate consisted of eight members, who were duly appointed in accordance with the rules of the Senate; that in pursuance of said rules and by express resolution of the Senate, Senator SMOOT was appointed chairman of said committee, with power and authority to select two of the members of the committee to act with him as members of the Joint Committee on Printing, and that he did so select Senators BOURNE and FLETCHER. So that, even if the court had jurisdiction to inquire into the regularity of the appointment of the members of this joint committee, it could not reach any other conclusion than that the committee was constituted in accordance with the rules of the two bodies.

For the reason heretofore given, the demurrer to the bill will be sustained, with costs.

PUBLIC HEALTH SERVICE.

Mr. MANN. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 30292) to change the name of the Public Health and Marine-Hospital Service to the Public Health Service, and to increase the pay of officers of said service, and for other purposes, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Public Health and Marine-Hospital Service of the United States shall hereafter be known and designated as the Public Health Service, and all laws pertaining to the Public Health and Marine-Hospital Service of the United States shall hereafter apply to the Public Health Service, and all regulations now in force, made in accordance with law for the Public Health and Marine-Hospital Service of the United States, shall apply to and remain in force as regulations of and for the Public Health Service until changed or rescinded. The Public Health Service may study and investigate the diseases of man and conditions influencing the propagation and spread thereof, including sanitation and sewage and the pollution either directly or indirectly of the navigable streams and lakes of the United States, and it shall from time to time issue information in the form of bulletins and otherwise for the use of the public.

SEC. 2. That beginning with the 1st day of July next after the passage of this act the salaries of the commissioned medical officers of the Public Health Service shall be at the following rates per annum: Surgeon General, $6,000; Assistant Surgeon General, $4,000; senior surgeon, of which there shall be 10 in number, on active duty, $3,500; surgeon, $3,000; passed assistant surgeon, $2,400; assistant surgeon, $2,000; and the said officers, excepting the Surgeon General, shall receive an additional compensation of 10 per cent of the annual salary as above set forth for each five years' service, but not to exceed in all 40 per cent: *Provided*, That the total salary, including the longevity increase, shall not exceed the following rates: Assistant Surgeon General, $5,000; senior surgeon, $4,500; surgeon, $4,000: *Provided further*, That there may be employed in the Public Health Service such help as may be provided for from time to time by Congress.

Mr. BORLAND. Mr. Speaker, I demand a second.

The SPEAKER. Under the rule a second is ordered, and the gentleman from Illinois is entitled to 20 minutes, and the gentleman from Missouri to 20 minutes.

Mr. MANN. Mr. Speaker, this bill does two things: It makes a slight increase in the pay of the surgeons in the Public Health and Marine-Hospital Service and gives them the same pay that is given to corresponding surgeons in the Army and the Navy, but does not give them the same allowance. While the pay is increased to correspond with the pay in the Army and Navy, the allowances are not increased. It also provides that the "Public Health and Marine-Hospital Service," a title which is very long for the service, shall hereafter be known as the "Public Health Service."

It also provides that the Public Health Service may study and investigate the diseases of man and conditions influencing the propagation and spread thereof, including sanitation and sewage, and the pollution, either directly or indirectly, of the navigable streams and lakes of the United States, and that it may from time to time issue information in the form of publications for the use of the public.

There have been presented both in this House and in the other House of Congress various propositions in regard to the Public Health Service of the country. There have been bills introduced to create a department of health, a number of such bills. There have been various bills passed to create a bureau of health. Hearings have been had, both in the House and in the Senate on these subjects, and the present bill reported by the Committee on Interstate and Foreign Commerce is for the purpose, if it should be enacted, of disposing, it is hoped, of the agitation in regard to increasing the activities of the Public Health Service, and providing not for a department of health, not for a bureau of health, but merely authorizing the present Public Health Service to make scientific investigation of disease and to publish that information very much along the same lines as are now followed by the Bureau of Animal Industry in the Department of Agriculture.

Mr. SCOTT. Will the gentleman yield?

Mr. MANN. Yes.

Mr. SCOTT. To what extent does this law extend the authority the Public Health Service now has in the matter of making investigations relating to disease and the pollution of water and other things of that sort?

Mr. MANN. There is no department of the Government now authorized by law to make investigation of the pollution of the water or the streams of the country. The Public Health Service has now jurisdiction in the investigation of certain contagious or infections diseases which are named in the law, but they have no authority to investigate any other diseases except, possibly, in the public-health laboratory which they maintain.

Mr. SLAYDEN. Will the gentleman permit a question?

Mr. MANN. Certainly.

Mr. SLAYDEN. Mr. Speaker, I want information with reference to the acts that created the Marine Hospital Service, that no doubt the gentleman can supply. I observe that these gentlemen are referred to as commissioned medical officers, and so forth.

Mr. MANN. Yes.

Mr. SLAYDEN. Was it contemplated in the original act that they should have military rank, title, and privileges?

Mr. MANN. Well, the Marine Hospital Service, I suppose, is one of the oldest services of the Government, originally for the purpose of taking care of the seamen of the merchant marine. Many acts have been passed and they now have titles. No additional titles are conferred here except the title of senior surgeon.

Mr. SLAYDEN. When were those titles given by law?

Mr. MANN. Many years ago.

Mr. SLAYDEN. Are you sure they were created by law?

Mr. MANN. This does not change the law in any respect whatever. They are appointed by the President, confirmed by the Senate, and have the titles that are named in the bill except that of senior surgeon.

Mr. COX of Indiana. Does this add any new officer?

Mr. MANN. It adds no new officer.

Mr. SLAYDEN. I understand they have what is called in the Army "fogy increase."

Mr. MANN. They have that now.

Mr. O'CONNELL. Will the gentleman yield?

Mr. MANN. I yield to the gentleman from Massachusetts.

Mr. O'CONNELL. I have received a number of communications protesting against this bill, and one of the reasons for their objection to this bill is because they say this bill gives the officers a chance to invade the privacy of homes without any notice.

Mr. MANN. Let me say to the gentleman from Massachusetts and the other gentlemen of the House that there was decided opposition, and I think very properly so, to some of the bills which have been pending. Some of the provisions in the bill created a department of health, and there was decided opposition on the part of Christian Scientists and other people who did not believe in what is sometimes denominated the regular school of medicine, but after this bill was introduced—this bill—protests flooded the House with reference to the subject, and a hearing was given to those opposed to the bill, the League of Medical Freedom, various Christian Scientists, and I will say that they have none of the objections which they had in mind to the provisions of the bills which were introduced. There is nothing in this bill which will authorize a medical officer to invade the privacy of anyone's home.

Mr. LONGWORTH. Does the gentleman refer to this hearing where these associations were represented by Mr. Gordon, the former lieutenant governor of Ohio?

Mr. MANN. Yes.

Mr. LONGWORTH. That is what the gentleman refers to, and his bill is not objected to.

Mr. MANN. Oh, there is objection to the bill; they are afraid it may be extended. Now, let me say that the American

Medical Association, or one of its officials, in some hearings which were had some years ago before the Committee on Interstate and Foreign Commerce made the statement that it was the desire on their part at the time that the Government shall control diseases; that they might take possession of diseased persons, and inspect homes, and so forth; and a large share of the scare that has grown up in reference to increasing the efficiency of the Public Health Service has grown out of that statement; and I am frank to say that no member of the Committee on Interstate and Foreign Commerce, and I think no Member of the House, would for a moment be in favor of any such law.

Mr. O'CONNELL and Mr. FITZGERALD rose.

The SPEAKER pro tempore. To whom does the gentleman yield?

Mr. MANN. I yield to the gentleman from New York.

Mr. FITZGERALD. I should like to ask the gentleman just how much does this bill extend the present power and jurisdiction of the Public Health and Marine-Hospital Service. Before the gentleman answers the question, I wish to call his attention to the fact that in the sundry civil bill provision is made for this service to take into one of its hospitals at any one time 10 persons suffering from contagious diseases. Will the gentleman explain if, under this bill, the present powers and jurisdiction of the service are extended?

Mr. MANN. The Public Health Service now has jurisdiction over certain specified contagious diseases.

Mr. COX of Indiana. What diseases?

Mr. MANN. I am not able to enumerate them to the gentleman, but smallpox, cholera, and a few things of that kind. They have also jurisdiction where there is an infectious or contagious disease that breaks out, like bubonic plague. They would have jurisdiction in connection with the officials of the State. They have now jurisdiction in their laboratory to investigate diseases also, and they have been investigating the disease of pellagra. There is a question as to whether they have really jurisdiction to make investigation of such diseases as pellagra, hookworm, and some new diseases which have come up. This gives them the authority to investigate those diseases and specifically includes the authority to investigate pollution of the water supply, which no branch of the Government now possesses.

Mr. COX of Indiana. Will the gentleman yield for a question?

Mr. BARNHART. Will the gentleman yield for a question?

Mr. MANN. I yield to the gentleman from Indiana [Mr. BARNHART] first.

Mr. BARNHART. I want to ask, Mr. Speaker, if this would give the Government authority over the State boards and city boards of health.

Mr. MANN. It would not.

Mr. BARNHART. There is no specific instruction here for it to do anything except to investigate and report?

Mr. MANN. That is all the power it has. I will say to the gentleman that there have been various bills pending that propose to have the Public Health Service given authority to call upon State boards, and so forth. There is nothing of the sort in this bill. We did not desire to include that.

Mr. DALZELL. The text of the bill on page 1, as I read it, does not do any more than to change the name of the Public Health and Marine-Hospital Service.

Mr. MANN. That is all it does on page 1.

Mr. DALZELL. And at the top of page 2 is all the additional power that is given by the bill?

Mr. MANN. That is absolutely true. The only additional power in the bill given to the Public Health Service is in lines from 1 to 7, inclusive, on page 2.

Mr. DALZELL. And section 2 relates entirely to increase of salaries?

Mr. MANN. Relates entirely to increase of salaries.

Mr. MADDEN. How much does this increase the salaries, and how much is the total increase in the cost of the service, and how many additions will it make?

Mr. MANN. Nobody can tell the total of the increase, because that is a matter of longevity pay. They now receive longevity pay. I will state to the gentleman what the increase is so far as individuals are concerned. The Surgeon General now receives $5,000. He has no longevity pay. This bill would give him $6,000. The senior surgeon now gets $4,060, and there are 10 senior surgeons. This would give them a possible $5,000. The surgeons now receive a possible $3,500. This would give them a possible $4,000. That would include the full 20 years' longevity pay. Passed assistant surgeons now receive $2,000. This would give them $2,400. The assistant surgeons now receive $1,600, and this would give them $2,000. The increase in pay is only necessary because the bright young surgeons of the country now will not desire to go into this service, because if they want to enter Government service they make for the Army and Navy, where they get this increased pay and also greater allowances than are provided for even by this bill.

Mr. MADDEN. I just wanted to know whether this did not provide for the employment of a definite number of additional surgeons.

Mr. MANN. Oh, not at all. The last provision does not profess to cover surgeons at all.

Mr. MADDEN. Well, whatever help may be needed is authorized under this bill.

Mr. MANN. As may be provided for from time to time by Congress. But the number of surgeons is fixed by law.

Mr. MADDEN. Does it by appropriation or by law?

Mr. MANN. By appropriation, I suppose.

Mr. MADDEN. This law, then, does lay the foundation for the Appropriations Committee to recommend the pay for any additional number of men that may be required?

Mr. MANN. Only the ordinary force of the office; that is all.

Mr. COX of Indiana. I would like to have the gentleman's information on this, because I always have implicit confidence in his judgment, as to whether or not the gentleman believes this is laying a foundation, either directly or indirectly, later on, on which to establish a department of health.

Mr. MANN. If I thought it was, I would not be for it.

Mr. President, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has five minutes remaining.

Mr. MANN. I will say to the gentleman from Indiana [Mr. Cox], and then I hope I may reserve my time for a moment, that if this bill passes I think it will end the agitation for a department or bureau of health. If this bill does not pass, or some similar bill does not pass in the future, it is likely that sometime, under the same kind of enthusiasm that caused two national conventions to declare in favor of a department of health, such a department might be created. Such a department is not needed, and it would be very much to the disadvantage of the Government to have a department of health, in my judgment.

I reserve the balance of my time.

Mr. BORLAND. Mr. Speaker, I yield five minutes to the gentleman from Colorado [Mr. MARTIN.]

Mr. MARTIN of Colorado. Mr. Speaker and gentlemen, I want to use my five minutes, not to tell what I know about this bill, but rather to suggest what I do not know about it. And it is what I do not know about this measure, its possible scope and result, that causes me to doubt the advisability of passing any such measure after 40 minutes' debate under suspension of the rules; yet I undertake to say that I know as much about this bill as the average Member sitting here present.

Now, the first knowledge I had of such a measure pending was when I received a telegram, such as perhaps all of the other Members of this body have received, protesting against the passage of this bill; and the first thing I did was to go to the chairman of the Interstate Commerce Committee and show him this telegram and ask him what there was about this measure. I recollect very distinctly that he told me that it was a mere matter of a change of name in the Public Health and Marine-Hospital Service, and that some power was to be given that service to prevent the pollution of interstate streams, and I think I can say truthfully that I have heard the chairman of the Committee on Interstate and Foreign Commerce make that same statement to other Members since that time.

I thereupon got a copy of this bill, and concluded at the very first glance that the change of name and the matter of investigating and preventing the pollution of interstate streams were very minor elements in the make-up of this bill, and I am of that opinion still. What is the scope of the authority of this new Public Health Service under this bill? Is it such as the gentleman from Illinois said, with reference to a former measure pending in this House?—

> I do not know to what scope the bill may reach. I do not know from a reading of the bill just how far it is intended to change the law with reference to the quarantine regulations or health regulations.

I defy any Member of this House to read this bill through and tell what is intended by it unless it is to place under the control of the health department the subject of all the health regulations in the United States.

Mr. COOPER of Wisconsin. What is the gentleman reading from?

Mr. MARTIN of Colorado. I am reading now from the hearings before the Interstate and Foreign Commerce Committee.

Mr. COOPER of Wisconsin. Of what date?

Mr. MARTIN of Colorado. On Thursday, January 19, 1911.

Mr. HINSHAW. Was that in reference to this very bill?

Mr. MARTIN of Colorado. No; not in reference to this particular bill, but in reference, as I understand it, to a very similar bill that was introduced in the House in a former Congress. But, leaving that out of consideration, the gentleman from Illinois said a few moments ago that he doubted whether under the existing law the Marine-Hospital Service had the right to investigate certain diseases. I believe he named the hookworm and one or two other diseases. He said he doubted whether under the existing law the Marine-Hospital Service had the right to investigate those diseases, and that the authority or jurisdiction of the Marine-Hospital Service is now confined to certain contagious diseases such as smallpox, the bubonic plague, and so forth.

But I do not suppose the gentleman will say there is any doubt whatever about the jurisdiction and authority of the Public Health Service, if this bill becomes a law, to investigate not only these contagious diseases and such diseases as the hookworm, but every disease to which human flesh is heir; and there is no boundary, no limit that I can see, fixed in the bill as to where and under what conditions and as to when and how these investigations are to be carried on.

I noticed the statement in this bill that the existing rules and regulations of the Public Health and Marine-Hospital Service are made the rules and regulations under the law, as it will be under this bill, and I wrote to the Public Health and Marine-Hospital Service for a copy of their rules and regulations, and I have them here in my hand. You can see the bulk of them, but you do not know what is in them. But I found this one thing in them, that their authority and jurisdiction heretofore seems to be confined to quarantine and quarantinable diseases. Everything in these regulations practically refers to quarantine matters; and, as the chairman of the Committee on Interstate and Foreign Commerce said awhile ago, their present operations are confined to the laboratory here, but if this bill is enacted their operations will be confined by the boundaries of the United States.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BORLAND. Mr. Speaker, I yield two minutes more of my time.

The SPEAKER pro tempore. The gentleman from Missouri [Mr. BORLAND] yields two minutes to the gentleman from Colorado [Mr. MARTIN].

Mr. MARTIN of Colorado. It would be enlightening if some gentleman who understands this business better than I do could take this bill and these regulations and go through them and determine just what would be the power and jurisdiction of this new Public Health Service.

Now, I find this regulation:

> It shall be the duty of the director of the laboratory to recommend to the Surgeon General, from time to time, special researches in the prevention, causation, and cure of disease, matters relating to the public health, and collateral subjects pertaining thereto.

As I say, this authority now seems to be very limited. It is limited to the laboratories down here; it is limited to quarantine stations to prevent the coming in of immigrants with certain contagious diseases—only about seven in all. But this bill authorizes the investigation of all diseases of man, and who will say, in the light of these rules and regulations, that it will not embrace as well the indorsement and recommendation of methods of treatment and the remedies, thereby giving standing and authenticity to certain schools of medicine?

I turn over on the next page, and I find the Chief of the Division of Chemistry shall have certain powers, and the Chief of the Division of Pathology and Bacteriology shall have certain powers, and I find that the Chief of the Division of Pharmacology, going into the matter of medicine, shall have certain powers and shall conduct investigations and analyses in relation to disease, thereby, it seems to me, endangering the creation of a bureau which may conduct investigations and make reports along the line of certain schools of medicine without any limitation being put into the bill as to the scope of its work.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BORLAND. Mr. Speaker, I yield two minutes to the gentleman from Indiana [Mr. COX].

Mr. COX of Indiana. Mr. Speaker, like several other gentlemen of this House, I have received in the last month many protests against the passage of this bill. Personally I do not know very much about it, but I am very much afraid that this bill will do a great deal more than many Members of this House think and believe it will. It may be, and possibly is, true that in the case of a great calamity the Government should take charge of infectious diseases like cholera and diseases of that sort. But this bill goes far beyond anything that the Government has ever undertaken to do heretofore.

I want to call the attention of Members of the House to a paragraph on page 2, which gives authority to the United States to enter the States and examine into the conditions in regard to the propagation and spread of disease, examine sanitation, sewage, and so forth. It strikes me that that is a matter which ought to be left exclusively to the States. I take it that every State in the Union has a State board of health that ought to be competent to examine into these matters.

Mr. FOSTER of Illinois. Will the gentleman yield?

Mr. COX of Indiana. Certainly.

Mr. FOSTER of Illinois. How about agriculture? Do you think the States ought to take care of all the agricultural interests of the State?

Mr. COX of Indiana. That is different. I am unalterably opposed to letting anything go through to lay a foundation for a great department of health, to any proposition that will later on be multiplied and enlarged upon and made the foundation of a great department of health. That I am absolutely opposed to.

It is getting customary for the people to come to the Government of the United States to get the Government to do everything. If it does not stop soon I do not know where we are going to land. It strikes me that the people to-day are growing more and more helpless back in our country and territory. They are getting in the habit of coming to Congress to get the Government to do something for them that they can and ought to do for themselves, and I believe that we are laying the foundation here for the Government to do the very thing which the State ought to do for itself.

Mr. COOPER of Wisconsin. Will the gentleman yield for a question?

Mr. COX of Indiana. Yes.

Mr. COOPER of Wisconsin. Does the gentleman send to the farmers in his district the book on the Diseases of Cattle and Horses?

Mr. COX of Indiana. I do; but I do not propose to allow the Government to send its physicians out there to practice medicine in my district in opposition to the physicians in my district.

Mr. COOPER of Wisconsin. Have the veterinarians or the farmers ever complained about it?

Mr. COX of Indiana. Well, they are not very wild over it or much informed about it, and I doubt if this expense has ever paid for itself.

Mr. BORLAND. Mr. Speaker, this is a pretty safe bill to vote against in any case. If it accomplishes no more than the chairman of the committee explained in his opening statement, then it is scarcely worth voting for. If it accomplishes no more than that, it would hardly find a place on the floor of the House. Pretty nearly everything in it relating to the power of the Public Health and Marine-Hospital Service is already embraced in their power, and they are to-day doing it.

For the purpose of giving the House as much information as I or any Member possesses as to the functions of that bureau, I am going to send to the desk and have read from the Congressional Directory a description of the functions of the Bureau of Public Health and Marine-Hospital Service.

The Clerk read as follows:

PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

The act approved July 1, 1902, "An act to increase the efficiency and change the name of the United States Marine-Hospital Service," provides for a Bureau of Public Health and Marine-Hospital Service at Washington, comprised of seven divisions. The operations of these divisions are coordinated and are under the immediate supervision of the Surgeon General.

Through the Division of Scientific Research and Sanitation are conducted the scientific investigations of the service and the operations of the Hygienic Laboratory at Washington, established for the investigation of contagious and infectious diseases and matters relating to the public health. The advisory board of the Hygienic Laboratory consists of eight scientists eminent in laboratory work in its relation to public health, detailed from other departments of the Government and appointed from endowed institutions. The board may be called into conference with the Surgeon General at any time, the meetings not to exceed 10 days in any one fiscal year. The Surgeon General is required by law to call a conference of all State and Territorial boards of health or quarantine authorities each year, the District of Columbia included, and special conferences when called for by not less than five of said authorities, and he is also authorized to call additional conferences when, in his opinion, the interests of public health demand it. He is charged with the enforcement of the act of July 1, 1902, "An act to regulate the sale of viruses, serums, toxins, and analogous products in the District of Columbia, to regulate interstate traffic in said articles, and for other purposes." He has supervision of special investigations upon leprosy, conducted in Hawaii under the act of July 1, 1905.

Through the Division of Foreign and Insular Quarantine and Immigration the Surgeon General enforces the national quarantine laws and prepares the regulations relating thereto. He has control of 44 Federal quarantine stations in the United States and others in the Philippines, Hawaii, and Porto Rico, and supervises the medical officers detailed in the offices of the American consular officers at foreign ports to prevent

the introduction of contagious or infectious diseases into the United States. Under section 17 of the act approved February 20, 1907, he has supervision over the medical officers engaged in the physical and mental examinations of all arriving aliens.

Through the Division of Domestic (Interstate) Quarantine is enforced section 3 of the act of February 15, 1893, relating to the prevention of the spread of contagious or infectious diseases from one State or Territory into another. This includes the suppression of epidemics.

Through the Division of Sanitary Reports and Statistics there is collected information of the sanitary condition of foreign ports and places and ports and places within the United States, including the existence of epidemics. This information, with morbidity and mortality statistics, domestic and foreign, are published in the weekly Public Health Reports and transmitted to State and municipal health officers and other sanitarians and to collectors of customs.

Through the Division of Marine Hospitals and Relief professional care is taken of sick and disabled seamen at 23 marine hospitals and 123 other relief stations. The beneficiaries include officers and crews of registered, enrolled, or licensed vessels of the United States and of the Revenue-Cutter Service and Lighthouse Service; seamen employed on vessels of the Mississippi River Commission and of the Engineer Corps of the Army; keepers and surfmen of the Life-Saving Service. A purveying depot for the purchase and issuance of supplies is maintained at Washington. Physical examinations of keepers and surfmen of the Life-Saving Service, of officers and seamen of the Revenue-Cutter Service, and the examinations for the detection of colorblindness in masters, mates, and pilots are conducted through this division.

In the Division of Personnel and Accounts are kept the records of the officers and of the expenditures of the appropriations.

Through the Miscellaneous Division the various service publications are issued, including the annual reports, public-health reports and reprints, public-health bulletins, bulletins of the Hygienic Laboratory and Yellow Fever Institute, and the transactions of the annual conferences with State health authorities. The medical evidences of disability in claims for benefits against the Life-Saving Service are reviewed.

Mr. BORLAND. Mr. Speaker, the House can see from that brief statement about what the functions of this hospital and health service are. It is proposed now to grant an increase of salary all down the line to perform some additional duties. If this bill does not impose any additional duties beyond what were explained, there will be no justification for this bill or for the increase of salaries. If the additional duties are embraced anywhere in this bill, they are at the top of page 2:

The Public Health Service may study and investigate the diseases of man and conditions influencing the propagation and spread thereof.

I believe in the old-fashioned school of medicine. While I sympathize with all others who believe in other lines of medicine and who believe in different schools for the cure of human ills, I believe they ought to have all of the liberty that is safe and consistent in this country. But here we will clothe this board with more than its proper Federal functions. It is now proposed to clothe it with part of the police powers of the State, or what will conflict directly with the police powers of the State, by giving them the right to investigate all of the conditions out of which all of the diseases of all of mankind may possibly arise. If that is not a broad power, I never heard of one. I can not conceive of a bill being drawn any broader than that.

To say that this board may study the diseases of man and the conditions influencing the propagation and spread thereof is a very broad power to grant. There is absolutely nothing under that kind of power that this board could not perform, whether it be of a local or national character. Evidently that is what has given rise to the opposition and fear of this bill. Evidently that kind of function is beyond the jurisdiction and power of the Federal board. They now have the power of calling a conference of all of the State officials in regard to contagious diseases and propagating all of the information that the State officials themselves are able to gather, either through the local aid of State officials or through their laboratories here in Washington. They have all of the information in regard to human ills that the Agricultural Department can furnish us in regard to those of animals. The Agricultural Department when it undertakes to cure hogs—and they put this on the same level with the curing of hogs—does not undertake to send out the serum and put it into the hogs. It did that once or twice, but now it sends the inquirer to the State universities.

It is trying to do those things through the State authorities, and this board could do its work through the State authorities by calling a conference, as the law provides, and having its laboratories here in the city of Washington and then sending out the information. It should act in cooperation with the State authorities. There is no need for this law and no demand for it on the part of the public and no need for this increase of salaries.

I yield three minutes to the gentleman from Massachusetts [Mr. McCALL].

Mr. McCALL. Mr. Speaker, I have received a letter from a very distinguished constituent of mine, President Eliot, of Harvard University, referring to the bill H. R. 30292. He says:

I am sure it is not desirable or wise that the national Public Health Service should be placed in the hands of the Surgeon General and his subordinates. The bill H. R. 30292 gives a very wide scope to the activities of the proposed public health service in lines 12 and 13 of page 1 and 1 to 5 of page 11. Over any bureau or department with such functions a civilian scientist ought certainly to preside. Lines 23 to 25 on page 11 would give the Surgeon General control over the entire National Health Service——

Mr. YOUNG of Michigan. Will the gentleman permit a suggestion right there?

Mr. McCALL. Yes.

Mr. YOUNG of Michigan. That letter evidently refers to a different bill than this, because there is no such page as page 11.

Mr. McCALL. It refers to the bill H. R. 30292.

Mr. NYE. That is this bill.

Mr. McCALL. I misread that. That is page 2. At any rate, I will read the letter. He continues:

Lines 23 to 25, on page 2, would give the Surgeon General control over the entire national health service, if Congress should make the necessary appropriation; but all the medical officers employed under that clause would be subordinates of the Surgeon General. We have never had a Surgeon General who was fit to exercise such a comprehensive control, and it is in the highest degree improbable that we ever shall have, since the training and functions of a Surgeon General do not prepare him for that kind of scientific work.

The bill makes an unwise proposal in an insidious way. It ought not to get any standing at all before Congress.

Then he goes on to refer to a certain league, which he says is a combination of all the quacks, and so forth—

against every public control of medical and surgical practitioners and of pharmacists. They also, as a rule, oppose medical research, vaccination, and the use of antitoxins of all sorts. They are opposed to the use of the collective forces of the community to protect people from the results of ignorance, superstition, and deceit. Unfortunately, diseases, like ignorance and superstition, can not be successfully resisted on the principle of respecting each individual's right to suffer, be sick, and die. Possibly there is such a right, but it can not be exercised without grave danger to many other individuals. Contagious diseases take effect on masses of people, and they can only be successfully resisted by collective action.

[Applause.]

That is signed Charles W. Eliot.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MANN. Has the gentleman from Missouri exhausted his time?

The SPEAKER pro tempore. The gentleman has exhausted his time.

Mr. MANN. How much time have I?

The SPEAKER pro tempore. The gentleman has five minutes remaining.

Mr. MANN. I yield two minutes to the gentleman from Illinois [Mr. FOSTER]. [Applause.]

Mr. FOSTER of Illinois. Mr. Speaker, I am as broad, I think, and liberal in medicine as any man who ever practiced that profession. [Applause.] I would not for one minute stand upon this floor and advocate a bill that I thought was going to give to any particular school any right over any other school of medicine, but I want to say that in my judgment this bill only enlarges the power of the Public Health Service to investigate disease, to find out what causes it, and the prevention of that disease. Members to-day appear to be very much scared because they think that this health bill might go into the State and investigate some of the conditions concerning the causes of disease, and yet I have to hear the first one get upon this floor and protest against the Government spending thousands of dollars to investigate the disease of hog cholera throughout the country, of gapes in chickens, of diseases of the horse and cow, and all those troubles that concern the States. This bill is not an invasion of State rights, nor an interference of the rights of any State. Not a word has been uttered against all this. I want to say, Mr. Speaker, that if this bill passes it gives these men the right to investigate the diseases of man and the conditions surrounding the same and will put the Public Health Service upon a footing that it ought to stand upon; that is that it may have the power to go out and investigate the cause of diseases, try to prevent them, and then issue popular bulletins that go to the people that they may read them and become familiar with those causes, and how best to prevent disease affecting man. I hope, Mr. Speaker, nobody in this House to-day will feel that this is an abridgement of the right of any man to practice medicine or to select any particular school of practice that he may desire.

This bill also gives the Public Health Bureau the right to investigate the pollution of streams as affected by sewage and other causes of pollution. No man who has studied the question of water will deny that this is a most important question and one that needs careful study. A nation can not be a prosperous and happy nation without its people are healthy and strong. The cost to the people in sickness amounts to hundreds of millions of dollars each year.

The people of the South recognize of what value the discovery of the cause of yellow fever has been to that section of our country. That disease does not have its terrors since the cause has been ascertained and the means of prevention found.

There are to-day many diseases which affect man that the cause and prevention is not understood, and we hope that with a proper investigation much may be learned and thereby human lives may be saved.

This bill deals with the question of the cause and prevention of disease and not any particular kind of practice. As a physician I feel that we ought to give more attention to the investigation of this great question, and it is to be hoped that if this bill becomes a law it may be the means of saving human life. I hope the bill will pass. [Applause.]

Mr. MANN. Mr. Speaker, there is not a line in the bill, not a word in the bill that in any way will affect the rights of the States or the rights of local communities or the rights of individuals to be protected under the law in every right which they have. There is not a line or a word in the bill that confers upon the General Government or upon this department the authority to interfere with the States or municipalities, or with individuals. What does this bill do in the main? The main provision in the bill is the authority to study the pollution of the water supply of the country, the pollution of the navigable streams and the lakes of the country. If we keep on as we are going now in a few years in this country it will be impossible to drink water any more, and we will be driven to the position to which they have been driven abroad of drinking wine in place of water. [Applause.] I want to see the water supply studied; I want to see a study and investigation of the subject in such a way that we will be protected in the use of water, and this bill will give authority to make a study. This bill authorizes the study and investigation of diseases and the publication of the results of such investigation. It authorizes a scientific study of the diseases of man as we now make a study of the diseases of hogs and chickens, and I think it is just as much worth while for us to know about the diseases to which we are subject as it is to know about the diseases to which hogs are subject, to which our horses are subject, to which our cows are subject. The other day we passed legislation to authorize 100,000 more copies of the horse book——

A MEMBER. And the cattle book.

Mr. MANN. And 100,000 more copies of the cow book. I want to see the time when we can furnish information to the people as to the diseases to which they are subject. [Applause.] I believe by a proper study of the subject that we can eradicate many of the diseases to which the human flesh is now heir. It only takes scientific investigation and a publication of that investigation to eradicate many of those diseases. [Loud applause.]

The SPEAKER pro tempore. The time of the gentleman has expired. All time has expired. The question is on suspending the rules and passing the bill.

The question was taken; and the Chair announced that the ayes seemed to have it.

Mr. COX of Indiana. Division, Mr. Speaker.

The House divided; and there were—ayes 125, noes 51.

Mr. MARTIN of Colorado. Tellers, Mr. Speaker.

Mr. HINSHAW. Mr. Speaker, I demand the yeas and nays.

Mr. HEFLIN. I ask for tellers, Mr. Speaker.

Tellers were refused, 34 Members, not a sufficient number, seconding the demand.

Mr. HEFLIN. Mr. Speaker, I demand the yeas and nays.

The SPEAKER (after counting). Thirty-two Members, not a sufficient number.

Mr. HEFLIN. Mr. Speaker, I ask for the other side.

The negative vote was taken on the demand for the yeas and nays.

The SPEAKER. On this vote there are 32 yeas and 144 nays. The yeas and nays are refused.

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

EXTENSION OF REMARKS ON FORTIFICATION OF THE PANAMA CANAL.

Mr. FOSTER of Vermont. Mr. Speaker, I ask unanimous consent that Members may print remarks on the fortification amendment for four days.

The SPEAKER. Is there objection?

There was no objection.

Mr. TAWNEY. Mr. Speaker, I understand the gentleman from Vermont [Mr. FOSTER] has asked unanimous consent to print remarks on the fortification amendment to the sundry civil bill.

The SPEAKER. Yes; for four days.

Mr. TAWNEY. I have been requested by a number of Members to make that request in their behalf generally, but, of course, will not do so now.

GENERAL DEFICIENCY BILL.

Mr. TAWNEY, by direction of the Committee on Appropriations, reported a bill (H. R. 32957) making appropriations to supply deficiencies in appropriations for the fiscal year 1911, and for prior years, and for other purposes, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union and, with the accompanying report (No. 2268), ordered to be printed.

Mr. FITZGERALD. Mr. Speaker, I reserve all points of order on the bill.

BONDING OF GOVERNMENT EMPLOYEES.

Mr. TAWNEY, from the Committee on Appropriations, submitted a report (No. 2267) of the joint commission of Congress to inquire into the rate of premium heretofore and now being charged, as well as those proposed to be charged, by surety or bonding companies for bonds of officers or employees of the United States, which was referred to the House Calendar and ordered to be printed.

GOLD BULLION AND FOREIGN GOLD COIN.

Mr. PAYNE. Mr. Speaker, I move to suspend the rules and take from the Speaker's table the bill S. 10457 and pass the same.

The SPEAKER. The gentleman from New York moves to suspend the rules and take from the Speaker's table the following Senate bill and pass the same, which bill the Clerk will report.

The Clerk read as follows:

A bill (S. 10457) to amend section 6 of the currency act of March 14, 1900, as amended by the act approved March 4, 1907.

Be it enacted, etc., That section 6 of an act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes, approved March 14, 1900, as amended by the act approved March 4, 1907, be, and the same is hereby, further amended so as to read as follows:

"SEC. 6. That the Secretary of the Treasury is hereby authorized and directed to receive deposits of gold coin with the Treasurer, or any assistant treasurer of the United States, in sums of not less than $20, and to issue gold certificates therefor in denominations of not less than $10, and the coin so deposited shall be retained in the Treasury and held for the payment of such certificates on demand, and used for no other purpose. Such certificates shall be receivable for customs, taxes, and all public dues, and when so received may be reissued, and when held by any national banking association may be counted as a part of its lawful reserve: *Provided,* That whenever and so long as the gold coin and bullion held in the reserve fund in the Treasury for the redemption of United States notes and Treasury notes shall fall and remain below $100,000,000 the authority to issue certificates as herein provided shall be suspended: *And provided further,* That whenever and so long as the aggregate amount of United States notes and silver certificates in the general fund of the Treasury shall exceed $60,000,000 the Secretary of the Treasury may, in his discretion, suspend the issue of the certificates herein provided for: *And provided further,* That of the amount of such outstanding certificates one-fourth at least shall be in denominations of $50 or less: *And provided further,* That the Secretary of the Treasury may, in his discretion, issue such certificates in denominations of $10,000, payable to order: *And provided further,* That the Secretary of the Treasury may, in his discretion, receive, with the assistant treasurer in New York and the assistant treasurer in San Francisco, deposits of foreign gold coin at their bullion value in amounts of not less than $1,000 in value and issue gold certificates therefor of the description herein authorized: *And provided further,* That the Secretary of the Treasury may, in his discretion, receive, with the Treasurer or any assistant treasurer of the United States, deposits of gold bullion bearing the stamp of the coinage mints of the United States, or the assay office in New York, certifying their weight, fineness, and value, in amounts of not less than $1,000 in value, and issue gold certificates therefor of the description herein authorized. But the amount of gold bullion and foreign coin so held shall not at any time exceed one-third of the total amount of gold certificates at such time outstanding. And section 5193 of the Revised Statutes of the United States is hereby repealed."

The SPEAKER. Is a second demanded?

Mr. UNDERWOOD. I am not opposed to this bill, Mr. Speaker, but in order that the House may understand what the bill is, unless someone who is opposed to it desires a second, I will demand a second myself.

The SPEAKER. A second is ordered under the rule. The gentleman from New York [Mr. PAYNE] is entitled to 20 minutes and the gentleman from Alabama [Mr. UNDERWOOD] is entitled to 20 minutes.

Mr. PAYNE. Mr. Speaker, this bill is identical with House bill 31857, to amend section 6 of the currency act of March 14, 1900, as amended by the act approved March 4, 1907, which bill was reported unanimously from the Committee on Ways and Means. It simply allows the Secretary of the Treasury to issue certificates for the value of the gold bullion and gold coin that has been deposited in the Treasury of the United States or in the subtreasuries at New York and San Francisco, I believe.

One object of the bill is to get rid of the expense of recoinage. Under the present practice a large amount of foreign coin is brought into the United States and recoined here and then sent

abroad and recoined there, and this would save the expense of our recoinage. It amends the section of the act which provides for the coinage of gold into coin and the issuance of certificates against that; but the chief object of this bill is to save the coinage of the gold bullion and the gold bars that are deposited in the Treasury and issuing certificates therefor similar to those issued for gold coin.

Mr. NORRIS. Will the gentleman yield?

Mr. PAYNE. Certainly.

Mr. NORRIS. I would like to ask the gentleman whether the bill provides what these certificates shall be called. Will they be a new form of certificate?

Mr. PAYNE. It does not give any particular name to them. It simply authorizes the Secretary of the Treasury to issue certificates for the gold bullion deposited. Of course, they would be similar.

Mr. NORRIS. Are they the same as the present gold certificates?

Mr. PAYNE. They would pass as currency the same as the present gold certificates, and would be of the same value as the bullion represented by these certificates, just as the present certificates certify that gold coin has been deposited in the Treasury to such and such a value.

Mr. NORRIS. Does the law provide that they shall be a legal tender?

Mr. PAYNE. There is no express provision to that effect.

Mr. TAWNEY. There is no express provision to that effect in this act, but there is provision in the general law.

Mr. NORRIS. Would that apply to these certificates?

Mr. PAYNE. This law becomes a part of the act of 1900 and to the amendment of that act in 1907, which requires that all of these certificates shall be redeemed in gold coin.

Mr. TAWNEY. There is another provision of law, carried on the sundry civil appropriation bill, which authorizes the printing of the certificates and requires them all to be of the same size—uniform in size.

Mr. NORRIS. On the presentation of these certificates the Government would have to pay them, not in gold coin, but in bullion?

Mr. PAYNE. In gold coin.

Mr. NORRIS. They would deposit gold bullion, and the men who had them redeemed would get gold coin?

Mr. PAYNE. They are redeemable in gold coin.

Mr. NORRIS. That would obviate the necessity of the coinage of the gold?

Mr. PAYNE. Yes; and it would save the expense of it.

Mr. NORRIS. There might come a time when they would have to coin this bullion in order to have enough gold with which to redeem these certificates.

Mr. PAYNE. That is provided for.

Mr. BENNET of New York. I will ask the gentleman, Would this effect a saving to the Government?

Mr. PAYNE. In answer to that I would say that the Secretary of the Treasury, in his letter, under date of December 10, 1910, addressed to the Speaker of the House of Representatives, said that—

> During the last 20 years there has been imported into this country $379,000,000 in foreign gold coin, and of this amount $311,000,000 was deposited at the mints for recoinage. In the meantime, $829,000,000 of the United States gold coin has been exported. The $311,000,000 of foreign gold coin was recoined at our mints at the expense of our Government, while more than double that amount of our own money was exported during the same period. The coinage of $311,000,000 of foreign gold coin into American coin must have cost at least $800,000, or $40,000 per year.
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> We have now some $940,000,000 in gold coin stored away in the various subtreasuries and mints, the greater part of which is a reserve against gold certificates that in all likelihood will never be presented for redemption in coin. In the majority of cases where gold certificates are presented in large quantities for redemption it is for the purpose of securing gold bars, yet we continue to coin each year nearly $100,000,000 in gold, at an annual cost of somewhere between $200,000 and $300,000. If gold certificates might be issued against this gold bullion, the major part of this cost would be saved without in any way impairing the redeemability of the certificates, and at the same time bankers and exchange dealers could be in a position to secure bars, which they prefer for purposes of export, with greater promptness and less expense. In view of the fact that America produces nearly $100,000,000 in gold per year, and that the inevitable drift of gold must be from America, it is peculiarly reasonable that a considerable part of the gold which we produce should not be transformed at once into coin.
>
> The plan contemplated in the following-suggested bill offers abundant safeguards against the excessive reduction of the deposits of United States coin gold held against the certificates in requiring that the amount of gold bullion so held shall not at any time exceed one-third of the total amount of gold certificates at such time outstanding and in providing that the receipt of gold bullion and foreign gold coin shall always remain at the discretion of the Secretary of the Treasury.

I can not see any possible objection upon the part of any gentleman to the bill.

Mr. BENNET of New York. As I understand, it saves $200,000 or $300,000 a year to the Government.

Mr. PAYNE. Yes. Mr. Speaker, I reserve the balance of my time.

Mr. UNDERWOOD. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. WILSON].

Mr. WILSON of Pennsylvania. I notice that this bill does not provide that these certificates shall be legal tender. It provides that such certificates shall be receivable for taxes and customs, and so forth.

Mr. PAYNE. This is an amendment to section 6. The other sections do provide that the certificates under the act are legal tender.

Mr. WILSON of Pennsylvania. I wanted to get the information, because I wanted to know what the effect would be not only upon these certificates, but upon other certificates, if these were not made legal tender.

Mr. PAYNE. They have the same legal status that the other certificates have. By the other sections of the bill all the certificates issued are put in the same class and have the same provision in regard to redeemability.

The SPEAKER. The question is on the motion of the gentleman from New York.

The question was taken; and two-thirds voting in favor thereof, the rules were suspended, and the bill was passed.

WHITE PHOSPHORUS MATCHES.

Mr. DALZELL. Mr. Speaker, I move to suspend the rules and pass House joint resolution 290, authorizing the President to appoint a competent person to investigate the manufacture of white phosphorus matches and report to the next session of Congress.

The Clerk read the joint resolution, as follows:

> Whereas the President in his message of December, 1910, called the attention of Congress to the diseases incident to the manufacture of white phosphorus matches, and the very serious injury caused to many persons employed therein, and recommended remedial and corrective legislation therefor; and
>
> Whereas the legislation proposed looks to the prohibition of the manufacture of white phosphorus matches from and after July 1, 1912, and the sale of such product from and after July 1, 1914: Therefore
>
> *Resolved, etc.*, That the President is hereby authorized and requested to designate and employ a competent person to visit the match factories of the United States, examine the conditions under which the business is carried on, and report to Congress in December, 1911, as follows:
>
> First. Present conditions of manufacture as affecting the health of the employees.
>
> Second. What, if any, substitutes for white phosphorus can be found by which the dangers can be minimized in the manufacture, distribution, and use of matches.
>
> Third. Whether these substitutes are free from patent control and secret formulas for manufacture and open and unrestricted to general use, and not of excessive cost as compared with the matches now produced.
>
> Fourth. Complete and detailed information as to the commercial conditions under which this industry is carried on, whether controlled by any combination or trust, and whether the sale of the product is in any way now restricted or regulated by the producers, beyond the point of free and reasonable competition in trade, and whether the proposed prohibition of the use of white phosphorus in the manufacture of matches would tend toward a monopoly of what has become a necessity of life.
>
> SEC. 2. That the sum of $5,000, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, for the purpose of this inquiry and investigation.

The SPEAKER. Is a second demanded?

Mr. PARSONS. Mr. Speaker, I demand a second.

Mr. COX of Indiana. I do not know that I am opposed to the bill, but I would like some explanation of it.

The SPEAKER. Under the rule a second is ordered.

Mr. DALZELL. Mr. Speaker, it will be observed that this does not propose any legislation at the present time. It is a joint resolution in lieu of the bill popularly known as the "Esch phosphorus bill." That bill would not go into effect as to a part of its provisions until the 1st of July, 1912, and as to the remaining provisions until July, 1914. The committee did not consider that it has now sufficient information to pass on the questions involved in the bill, and simply reported in lieu of the bill this resolution, which authorizes and directs the President to make an investigation and report at the next session of Congress.

Mr. COX of Indiana. Does the gentleman think that the investigation can be made and the report had at the next session?

Mr. DALZELL. I think so.

Mr. PARSONS. Why is there an investigation needed? Has not the Bureau of Labor investigated the subject?

Mr. DALZELL. It has to a certain extent, but not so thoroughly as the committee thinks it ought.

Mr. PARSONS. In what respect?

Mr. DALZELL. Well, because notwithstanding the question of investigation made by the bureau, there is some question as to whether the passage of the bill in its present shape would not create a monopoly in the manufacture of matches. It is a long story, but I will recite it if gentlemen wish.

The Esch phosphorus bill, in lieu of which this resolution is reported, proposes to tax out of existence the manufacture of matches with white phosphorus. After the first hearing by the committee it appeared that to pass the bill as introduced would be to create a monopoly in the Diamond Match Co., manufacturers of matches in this country. While this was true, there came a pressure from some source or other, so that the Diamond Match Co. was induced in the first place to offer an agreement to the so-called independent match manufacturers that upon payment of a certain amount of money and the performance of certain things the Diamond Match Co. would grant them the use of the French patent under which that company manufactured; still the agreement appeared to the committee to be so unfair that it was not willing to accept it is a justification to the committee in recommending the passage of the bill. Subsequently the Diamond Match Co. surrendered its patent.

But there still remained in the committee a serious doubt as to whether the safe material out of which the Diamond Match Co. makes its matches can be procured in sufficient quantities by outside companies to carry on their business. Furthermore, questions arose as to patented machinery and patented processes, and all that sort of thing, and the committee is not prepared to say now that to report the bill in the shape in which it came to it would not be to establish a monopoly in the manufacture of matches in this country.

Mr. COOPER of Wisconsin. Will the gentleman yield?

Mr. DALZELL. Certainly.

Mr. COOPER of Wisconsin. Does this danger of a monopoly arise out of something connected with patents?

Mr. DALZELL. Out of the fact that the Diamond Match Co. owned a French patent for manufacturing sesquisulphide, which is the only known to be safe material out of which to manufacture safety matches.

Mr. HINSHAW. I understood the gentleman to say that they had canceled the patent.

Mr. DALZELL. They canceled the patent, but there is a question whether or not a sufficient quantity of sesquisulphide, which is controlled by the Diamond Match Co., can be furnished to the independent matchmakers.

Mr. LONGWORTH. I suggest also to my colleague that it is a serious question, as shown by the hearings, whether the passage of the bill in its original form would in fact stop the manufacture of white sulphur matches.

Mr. DALZELL. That is true.

Mr. CALDER. It would not.

Mr. COX of Indiana. Is there any bureau in the Government capable of making this investigation?

Mr. DALZELL. I think there are several.

Mr. COX of Indiana. The gentleman thinks they would have time to do it between now and the convening of Congress?

Mr. DALZELL. I think all of the investigation that is necessary could be made between now and the convening of Congress, certainly in time to legislate at the next Congress.

Mr. COX of Indiana. Does the gentleman express any opinion on this proposition, as to whether or not there is a trust existing in the manufacture of matches?

Mr. DALZELL. Oh, I think there would be if the bill as introduced were passed.

Mr. PARSONS. Will this investigation be confined to matters here, or will they investigate matters abroad also?

Mr. DALZELL. I will read to the gentleman what is proposed to be investigated:

SECTION 1. The President is hereby authorized and requested to designate and employ a competent person to visit the match factories of the United States, examining the conditions under which the business is carried on, and report to Congress in December, 1911, as follows:

First. Present conditions of manufacture as affecting the health of the employees.

Second. What, if any, substitutes for white phosphorus can be found by which the dangers can be minimized in the manufacture, distribution, and use of matches.

Third. Whether these substitutes are free from patent control and secret formulas for manufacturing and open and unrestricted to general use, and not of excessive cost as compared with the matches now produced.

Fourth. Complete and detailed information as to the commercial conditions under which this industry is carried on, whether controlled by any combination or trust, and whether the sale of the product is in any way now restricted or regulated by the producers, beyond the point of free and reasonable competition in trade, and whether the proposed prohibition of the use of white phosphorus in the manufacture of matches would tend toward a monopoly of what has become a necessity of life.

SEC. 2. The sum of $5,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury of the United States not otherwise appropriated for the purposes of this inquiry and investigation.

Mr. GAINES. Mr. Speaker, if my colleague will permit me a moment, I think that I can answer the question of the gentleman from New York [Mr. PARSONS]. If it is in order, or if I can get unanimous consent if not in order, I would like to offer an amendment to page 2, line 15, to insert after the word "conditions" the words "and cost in this and foreign countries," so that the investigation would include not only looking into the matter of whether this business is controlled by a trust in our own country, but the extent to which it is also controlled in foreign countries.

Mr. COX of Indiana. Will the gentleman yield?

Mr. GAINES. If the gentleman from Pennsylvania will permit.

Mr. COX of Indiana. I would like to ask the gentleman whether he does not believe the Tariff Board could investigate this condition.

Mr. GAINES. The Tariff Board might, in the course of time, reach that; but it was supposed that this matter sounded in the public health and that there ought to be some quicker action. I think that is the answer.

Mr. DALZELL. Mr. Speaker, while I do not see any objection to the amendment of my colleague, still, at the same time, it seems to me that $5,000 would not cover an investigation of that character.

Mr. HUGHES of New Jersey. I would have to object to that.

Mr. JAMES. They already have that right under the bill.

Mr. PARSONS. But the first part of the bill does refer to visiting factories in the United States, and it might be construed to be limited to the United States.

Mr. JAMES. But the language directing the investigation of the trust or monopoly does not confine it to the United States. The language of the bill is "whether controlled by any combination or trust." It does not say in the United States at all.

Mr. PARSONS. That might be so, and unless they can investigate conditions abroad then we will not learn what they have been able to do in foreign countries where they have rid themselves of these white phosphorus matches.

Mr. DALZELL. Mr. Speaker, I now yield five minutes to the gentleman from Wisconsin [Mr. ESCH], the author of the bill.

Mr. ESCH. Mr. Speaker, this resolution is not what I had hoped as the result of the introduction of the bill last June seeking to prevent the use of white or yellow phosphorus in the manufacture of matches. A hearing was had before the Committee on Ways and Means and men expert in the matter presented their views, and disclosed a state of facts which would render it inadvisable to much longer defend legislation seeking to prevent the use of a poison in the making of matches. However, as this resolution is the utmost which the Committee on Ways and Means are willing to report at this time, I am content to support it. We sought by several means to prevent the use of the white or yellow phosphorus. We thought at one time it might be done by the exercise of the power given under the interstate-commerce clause of the Constitution, but we found that that would not be a sufficient preventive, because factories could establish themselves in the several States, confine their operations to those States, and thus continue the use of this poison. Therefore we thought we would use the taxing power of the Constitution to prevent the use of this poison. The bill introduced by me is based upon that proposition. Now, this resolution directs that a special investigation be made as to the extent of the use of white or yellow phosphorus and of possible innoxious substitutes, as to patents that are now used and as to questions of monopoly, if any such monopoly exist, in the matchmaking industry. The information thus obtained doubtless will be of value, yet there is in a Government publication already an exhaustive report as to the use of white and yellow phosphorus in the match factories of this country. The January, 1910, number of the Bulletin of the Bureau of Labor gives the location of every factory and gives numerous instances of the disease known as necrosis.

The showing is of such a character as to make every man in this House favor some legislation that will prevent this terrible occupational disease. We sought it in the bill that we have introduced, but if that bill is imperfect in form or in the character of the penalties prescribed, we are willing to submit to any amendment that may be offered to perfect it. Possibly this resolution will disclose some additional evidence to enlighten the committee and the Members of Congress as to the character of the legislation we should enact. Let the purpose of Congress be to destroy this occupational disease. This plan of legislation is to my mind the only effective form to reach that

desirable end. A large percentage of the matches now made in this country are made of white and yellow phosphorus, made by the Diamond Match Factory, a so-called trust, and this trust owns the French patent for the use of the sesquisulphide of phosphorus, an innocuous substitute. It has voluntarily canceled its patent, leaving the sesquisulphide available to any manufacturer who wants to use it.

Mr. COX of Indiana. When did they do that?

Mr. ESCH. They did that within one month, as the result of the agitation following the introduction of the bill.

Mr. COX of Indiana. That was the very question I was about to ask the gentleman.

Mr. ESCH. So that if no legislation follows now, the agitation will have had that effect. There are other innoxious elements that can be used as well as sesquisulphide, and are now being used in some continental countries. I want to say every considerable country, England and most every other country of Europe, is prohibiting the use of white or yellow phosphorus, while America, claiming a superior civilization, permits the use of this poison in the manufacture of matches.

Mr. PARSONS. Will the gentleman permit a question? Does the gentleman think that the Congress would get the information it needs if this investigation is confined to the United States? Ought it not to be an investigation of the conditions in other countries also?

Mr. ESCH. I think the investigation in the United States will disclose sufficient information for Congress to act upon. The idea is to get that information as speedily as possible. England is using the French patent, the sesquisulphide, and continental Europe is using the red or scarlet phosphorus, which is innoxious. I believe the thing to do is to get the information and to act thereon.

Mr. MOORE of Pennsylvania. Can the gentleman give any information in regard to the fire losses or loss of life by the use of these matches?

Mr. ESCH. It is extremely large, and it is one of the things that might largely be avoided by the use of these substitutes.

Mr. YOUNG of New York. I want to ask the gentleman a question with regard to Japan, where matches are made very largely.

Mr. ESCH. I have no information with regard to that. One of the most encouraging signs of the present day is the increasing interest now being taken in protecting the health and well-being of our laboring classes. Not only is this true with reference to State legislatures, but it is also true with reference to Congress. The safety-appliance acts and the locomotive-boiler inspection bill just passed, together with provisions securing greater safety to railway mail clerks by requiring the use on the part of common carriers of steel mail cars, indicate that Congress is directing its attention along humanitarian lines, and is doing what it can, under constitutional limitations, to safeguard the lives of employees of the Government as well as of the common carriers, and incidentally of the general public.

The establishment of labor bureaus and the enactment of laws placing upon employers the liability for injuries received in line of duty by their employees; the regulation of the hours of labor; the prevention of child labor; and the amelioration of the working conditions of women on the part of State legislatures attest this new spirit in matters of legislation.

This movement has only started. It is far from being consummated, but we should feel encouraged at the progress already made. Both State and Nation have for years been legislating to prevent injuries to our fruits and grains and for the protection of our food animals, and the result of such legislation has saved millions of dollars to our people and added largely to the quality and amount of our agricultural products. No one will or can raise an objection to this class of legislation, but it seems inconsistent that for so many years so much attention should be given to the protection of our crops and domestic animals, while protection to the human animal has been wholly ignored.

The study of occupational diseases in the United States has been sadly neglected. Our industrial European rivals have far outstripped us in this particular and have enacted stringent laws, both protective and regulatory, in order to wholly abolish or to minimize such diseases. Only a few States have sought to protect human life against occupational diseases. With increase of our population and of our manufacturing interests the need of such legislation is ever increasing. We are beginning to realize that it is not economy to permit any industry to injure the health or take the life of a workman, and thereby possibly impose upon the public the care and keep of himself or of his family.

The new thought now engaging the minds of progressive men and women everywhere is to place the burden of the death or injury or loss of health of the workman, not upon his shoulders, or, in the case of his death, upon those of his widow or orphaned children, but upon the industry itself, thereby distributing it upon the public at large.

In the carrying out of this thought there was organized in this country five or six years ago the American branch of the International Association for Labor Legislation. This branch has already taken an active interest in promoting legislation aiming to improve the condition of the American workmen and has given much attention to the investigation of occupational diseases.

In the fall of 1908 Dr. John B. Andrews, secretary of the American Association for Labor Legislation, entered upon the study and investigation of "phosphorus necrosis," commonly known as "phossy jaw," an occupational disease connected with the manufacture of matches with white and yellow phosphorus. Shortly after he had started his investigations the Commissioner of Labor, Hon. Charles P. Neill, started a like investigation, and Dr. Andrews was invited to cooperate. The result of their joint labors was published in the January (1910) number of the Bulletin of the Bureau of Labor. The report is exhaustive, practically every match factory in the United States having been investigated personally, either by Dr. Andrews or some official of the Bureau of Labor.

It was found that there were 16 match factories in the United States in 1909, employing 3,591 persons, of which 2,024 were males and 1,253 females 16 years of age or over. The number of children under 16 years of age employed was 314.

Sixteen definite cases of phosphorus poisoning were discovered, and talks with factory managers disclosed the fact that many other cases had occurred. An investigation made by Dr. Andrews in the homes of the work people of 3 of the factories disclosed a total of 82 cases. In 2 factories 8 perfectly authenticated serious cases were found to have occurred during 1909, and references were found to 3 more. Moreover, he discovered records of more than 100 cases within a very short time, notwithstanding the claims made by some of the match manufacturers that this disease had not existed in a serious form for 20 years in this country.

Dr. Andrews further reports as follows:

> In one small factory records were secured of more than 20 serious cases during the past 30 years, many of them requiring the removal of an entire jaw. This factory has been under its present ownership since 1892. In one of the most modern establishments, owned by the same company since 1880, records of 40 cases of phosphorus poisoning were secured. Of this number 15 resulted in permanent deformity through the loss of one or both jaws, and several cases resulted in death. * * * In another factory the records of 21 cases were secured, 6 of which were in the year 1909.

The detailed investigation in 15 out of the 16 factories doing business in the United States showed that 65 per cent of the employees were working under conditions which subjected them to the fumes of the phosphorus and the danger of phosphorus poisoning and that the women and children were much more exposed than the men, 95 per cent of the women and 83 per cent of the children under 16 years of age being so exposed.

The number of cases disclosed by this investigation, while very impressive, is not so impressive as the loathsome character of the disease itself. It results from the breathing of the phosphorus fumes in the mixing, dipping, drying, and packing rooms of the factories and from contact with the phosphorus itself, particles becoming attached to the hands and later being transferred to the mouth.

> One of the general effects most frequently noticed in the cases of chronic phosphorus poisoning is anemia and a lowering of vitality. The peculiar local form, however, of phosphorus necrosis is caused by the absorption of the phosphorus through the teeth or gums, minute particles of the poison entering usually through the cavities of decayed teeth, setting up inflammation which, if not quickly arrested, extends along the jaw, killing the teeth and bones.
>
> The gums become swollen and purple, the teeth loosen and drop out, and the jawbones slowly decompose and pass away in the form of nauseating pus, which sometimes breaks through the neck in the form of an abscess or, if not almost continually washed out, oozes into the mouth, where it mixes with the saliva and is swallowed.

When once this disease is established a surgical operation is often the only means of arresting the process of decay. In many instances it has been found necessary to remove the entire jaw, and in several cases both jaws have been removed at a single operation.

The evil effects of the use of phosphorus in the manufacture of matches was discovered in Europe shortly after the invention of the phosphorus match. For a time some of the European countries sought to lessen this disease or to wholly eradicate it through regulation. This regulation consisted in the

rigid inspection of the factories, thorough sanitation, thorough ventilation, and other means of making the workrooms sanitary, the enforcement of rigid rules as to hours of labor, cleanliness, and inspection of the teeth of the employees by competent experts. Notwithstanding such regulation, however, this terrible disease continued to prevail, although in somewhat lessened degree. As a result of these rigid requirements and the increased cost to the manufacturer resulting from their enforcement, many small establishments were wiped out, and because of the complaints from small manufacturers some of the Governments, like Switzerland, abandoned regulation and finally resorted to the prohibition of the use of the poisonous phosphorus.

In 1872 Finland prohibited the use of white phosphorus in her match factories. Denmark followed in 1874. In these countries no case of phosphorus necrosis has been discovered in the last 35 years.

In France the matchmaking business is in the hands of the Government. As it reimburses its own employees injured in its service and the cost for reimbursement resulting from phosphorus poisoning became a series charge on its treasury it appointed a commission to find an innocuous substitute. As a result the sesquisulphide of phosphorus was discovered, and shortly thereafter, in 1897, France prohibited the use of white phosphorus.

Switzerland decided on prohibition in 1898; the Netherlands in 1901. In 1906 the International Association for Labor Legislation secured an international convention at Berne, Switzerland, which resulted in an international treaty, providing for the "absolute prohibition of the manufacture, importation, or sale of matches made from white phosphorus." This treaty was signed by France, Denmark, Luxemburg, Italy, Switzerland, the Netherlands, and Germany.

In December, 1908, after a most rigid test by way of regulation, England came to the conclusion that the only way to eradicate the disease was through prohibition, and passed an act which became effective January 1, 1910, and joined the other countries in signing the Berne treaty.

Section 1 of the British act is as follows:

It shall not be lawful for any person to use white phosphorus in the manufacture of matches, and any factory in which white phorphorus is so used shall be deemed to be a factory not kept in conformity with the factory and workshop act, 1901, and that act shall apply accordingly.

Sweden does not permit the use of the poisonous matches at home, but allows their manufacture for export to other countries, including the United States.

Russia has attempted to eradicate the disease by taxing matches made out of white phosphorus. She has so far succeeded that in 1906 only 1 out of every 50 matches manufactured within her domains contained the poisonous phosphorus.

In addition to the countries already mentioned, Austria and Spain have prohibited the use of white phosphorus, while Australia has prohibited the importation of matches made of this material.

On November 24, 1910, a bill was introduced in the Canadian House of Commons framed along the lines of the British act. Section 3 of this proposed act is as follows:

It shall not be lawful for any person to use white phosphorus in the manufacture of matches.

Section 4 prohibits the importation into Canada of matches made of this material.

It will thus be seen that practically every civilized country, with the exception of Japan, Belgium, and Hungary, which have laws strictly regulating the operation of match factories, and the United States, have prohibited the use of this dangerous poison.

Not a single State has passed laws prohibiting its use, only the State of Ohio restricting the employment of children in match factories. Three other States—New York, Pennsylvania, and Oklahoma—have endeavored to prevent employers from using children of tender years in match manufacturing, but such legislation affords no protection to older employees.

In the matter of protecting the health of employees in match factories, the United States holds the unenviable position of being the leading civilized nation of the world which does not prohibit either the exportation or importation or the manufacture for domestic use of white phosphorus matches. The necessity for such legislation from the data thus far furnished being manifest, the question arises how best to meet this evil and eradicate it.

Several methods of procedure and lines of relief have been proposed, namely: (1) Through State regulation or prohibition; (2) through the treaty-making power of the Federal Government; (3) through the power granted by the commerce clause of the Federal Constitution; (4) through the taxing power under the Constitution.

A brief discussion of each of these plans or methods may be of interest:

First. Owing to the ever-increasing interstate character of modern business, State regulation or prohibition will be wholly ineffective. If one State sought to control the match-making industry by rigid and suppressive limitations, necessitating inspection, sanitation, and medical attendance, the factories of such State would be unable to meet the competition of manufacturers of other States who are not subjected to such control, nor could such State prohibit the introduction of poisonous matches within its borders which had been manufactured in other States, the same being at the time an article of interstate commerce.

If such State method of regulation sought to prohibit the manufacture of matches made out of white or yellow phosphorus, it would drive the match-making industry beyond its borders, as the manufacturer, being compelled to use an innocuous but more expensive substitute, would again be unable to meet the competition of outside manufacturers. In either event, the State would by its own act lose an industry. Moreover, the task of securing such regulation of this industry in all the States of the Union would be almost insurmountable. There would be no assurance that there would be uniformity in such legislation. Every State would fix its own standards and its own requirements, and there would be every degree of enforcement of these several State laws. It would be exceedingly difficult and burdensome for the manufacturers doing an extensive interstate business to comply with the varying provisions of the enactments of the several States. There would be the same necessity for the uniformity of standards and requirements in this matter, as was found to be necessary when Congress enacted the pure foods and drugs act. Even though the manufacturers may be prohibited from the manufacture of poisonous matches for sale within the State, this prohibition of the State would not extend to matches manufactured by them, but sold for interstate shipments. From every aspect, therefore, State regulation or prohibition would bring chaos to the match-making industry and would eventually prove burdensome if not ineffectual.

Second. Nor would it be possible through the treaty-making power to prohibit the manufacture of matches within the several States. The treaty-making power could only extend to the prohibition of the importation and exportation of matches made out of white or yellow phosphorus. In other words, it could only extend to commercial relations between ourselves and foreign countries.

As the United States has not as yet signed the Berne treaty and as no law has as yet been passed by Congress prohibiting the importation of white phosphorus matches, American citizens are helpless as against such importation. It must be stated, however, that few such matches are now imported, the great majority being safety matches made with the use of a nonpoisonous substance. As the United States exported in 1908 only $68,000 worth of matches of domestic make, prohibition of exportation would not be a serious restraint of our match-making industry.

As stated in the excellent brief of Miles M. Dawson, counsel for the American Association for Labor Legislation, filed with the Committee on Ways and Means—

> The Government may enter into a treaty to prohibit the exportation or the importation of matches manufactured with poisonous phosphorus, but to attempt to prohibit their manufacture within a State, for sale therein, would be to invade the internal police of the States under the form of a treaty, but without any connection with international relations. The Federal Government may by treaty confer rights on foreigners, but can scarcely enter into stipulations, the only effect of which would be upon its own citizens, not in any relation to the foreign government, but wholly in their relation to one another.

Third. Can white or yellow phosphorus in the match-making industry be effectually prohibited under the commerce clause of the Constitution? I do not believe that any law which Congress could enact under such a warrant would be effective. I have no doubt of the power of Congress to pass a law prohibiting the transportation in interstate commerce of matches made of white or yellow phosphorus. The pure foods and drugs act, the vaccine act, and other similar legislation might be cited in support of such proposed legislation.

Such legislation could not prevent the manufacture of matches for sale within a State, and as many of our States afford ample markets for the output of any single factory, its total output, if confined to its own State, would be wholly beyond the reach of an act of Congress.

Fourth. The only recourse, therefore, providing the effectual remedy necessary is the taxing power as exercised by Congress under constitutional limitations.

Section 8 of Article I of the Constitution requires that "All duties, imposts, and excises shall be uniform throughout the United States," and section 9 of the same article provides that

no capitation or other direct tax shall be laid unless in proportion to the census or enumeration provided for in that instrument.

Subject to these two limitations and the prohibition as to exports, Congress can tax all taxable objects, even though such tax results in the destruction of an industry, for under the decision of Chief Justice Marshall, in the case of McCullough *v.* Maryland, "The power to tax involves the power to destroy." This power has been exercised by Congress in several independent instances, and the legislation has been upheld by the Supreme Court.

In the case of Hilton *v.* The United States, decided in 1796, a tax on carriages was held valid.

In Veazie Bank *v.* Fenno, decided in 1869, a prohibitive tax levied on the circulating notes of State banks was sustained, the court holding it a tax which "may very well be classed under the head of duties," and declaring:

> The power to tax may be exercised oppressively upon persons, but the responsibility of the legislature is not to the courts, but to the people by whom its members are elected.

In the case of McCrea *v.* United States, decided in 1904, the tax on oleomargarine colored in imitation of butter was upheld.

The imposition of a tax of 1 cent per 100 matches, as provided in the bill, would be prohibitive and would compel the use of an innocuous substitute such as the sesquisulphide of phosphorus.

After a thorough examination of these several forms of remedial legislation, I came to the conclusion that the last form would be the most effectual, and therefore, at the request of the American Association for Labor Legislation, I introduced on June 3 the first draft of a bill providing for such a tax.

This bill was drawn up by the above association. After much consideration and consultation with various departments of the Government, certain amendments were suggested so as to make the law workable, the final result being the introduction, on December 19, 1910, of House bill 30022, entitled "A bill to provide for a tax on white phosphorus, and for other purposes."

Upon this bill elaborate hearings were had before the House Committee on Ways and Means, but no final action was taken at this session.

As a result of the investigation made by Dr. Andrews and published in the bulletin of the Bureau of Labor, and the publicity given to this report throughout the country, and the agitation which such publicity aroused and the new agitation following the introduction of the bill last June, the President became so deeply interested as to the necessity of legislation by Congress to put an end to the baneful effects of the use of the poisonous phosphorus in the manufacture of matches, that in his annual message to Congress last December he made a recommendation in the following words:

> I invite attention to the very serious injury caused to all those who are engaged in the manufacture of phosphorus matches. The diseases incident to this are frightful, and as matches can be made from other materials entirely innocuous, I believe that the injurious manufacture could be discouraged and ought to be discouraged by the imposition of a heavy Federal tax. I recommend the adoption of this method of stamping out a very serious abuse.

Notwithstanding the widespread interest manifested on this subject and appeals that came to Congress from thousands of citizens, civic bodies, and State legislatures, the Committee on Ways and Means did not believe that it was in such full possession of all the facts as to warrant final action on the bill last introduced by me.

In lieu of reporting this bill to the House with a favorable recommendation, the committee on February 21 reported a joint resolution authorizing the President to appoint a competent person to investigate the manufacture of white phosphorus matches and report at the next regular session of Congress.

The scope of such investigation is contained in these words:

> First. Present conditions of manufacture as affecting the health of employees.
>
> Second. What, if any, substitutes for white phosphorus can be found by which the dangers can be minimized in the manufacture, distribution, and use of matches.
>
> Third. Whether these substitutes are free from patent control and secret formulas for manufacture and open and unrestricted to general use, and not of excessive cost as compared with the matches now produced.
>
> Fourth. Complete and detailed information as to the commercial conditions under which this industry is carried on, whether controlled by any combination or trust, and whether the sale of the product is in any way restricted or regulated by the producers, beyond the point of free and reasonable competition in trade, and whether the proposed prohibition of the use of white phosphorus in the manufacture of matches would tend toward a monopoly of what has become a necessity of life.
>
> SEC. 2. That the sum of $5,000, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, for the purpose of this inquiry and investigation.

This resolution, after debate on the floor, was adopted without amendment on February 27, and was sent over to the Senate, where it was amended by striking out practically all of its provisions and substituting one confining the investigation to this single inquiry, "Whether or not white phosphorus matches were fit subjects for interstate commerce."

The House refused to concur in the Senate amendment, and asked for a conference. The conferees met, but failed to agree, and so the resolution failed of passage. This leaves the entire subject to be revived in the Sixty-second Congress, but the discussion of the bill, and the publicity given to the same, and the widespread demand which has come from every State of the Union for this legislation have assured me that Congress will not long defer favorable action thereon. Even though both the bill and the resolution failed, some good has already come as a result of their consideration.

Shortly after the introduction of the first bill in June, 1910, the Diamond Match Co., an alleged trust, producing over 66 per cent of all the matches manufactured in the United States, felt that legislation either by the several States or by Congress was inevitable. It therefore went on record as favoring Federal as against State legislation, and made overtures to the various independent manufacturers of the country looking to an agreement whereby they—both trust and independents—should discontinue the use of the white and yellow phosphorus and substitute the sesquisulphide form of phosphorus, this being considered the most innocuous and at the same time most practical.

As the Diamond Match Co. had, however, purchased of the French Republic about 12 years ago the sesquisulphide patent, it controlled its use in the United States, and therefore had an advantage over the independent manufacturers. If the bill as originally introduced had passed and the Diamond Match Co. retained its patent rights, it would have strengthened its hold upon the match-making industry, not merely on account of its larger output, but because of its ownership of this patent, and on this account the independents protested against its enactment.

The Diamond Match Co. thereupon voluntarily agreed, in writing, to grant to the several independents the license to use the sesquisulphide process on an equal footing with itself upon certain conditions.

These conditions were as follows:

> The Diamond Match Co. proposes to license manufacturers upon these terms: They will be compelled to pay to the Diamond Co. a proportion of the $100,000 which the Diamond Co. claims to have paid for the patent right in the United States; and in event of the licensee increasing its output beyond that of the year ending June 30, 1910, it is compelled to pay the Diamond Co. a royalty amounting to fourtenths of 1 per cent per 1,000 matches, or about 26 cents per case.

These conditions were accepted by several of the independent manufacturers, but others protested on the ground that the proposed royalty would absolutely prevent any increase in output for their concerns, and would absolutely prevent engaging in the business on the part of any new enterprise. Because of these protests, the Diamond Match Co. subsequently modified this license agreement by cutting out all these limitations, thus seemingly removing all obstacles, save that of permitting new manufacturers on equal terms with those already engaged in the business. To overcome this obstacle the Diamond Match Co., in writing, transferred its patent to a board of three trustees, consisting of Prof. Edwin R. A. Seligman, of New York; Hon. Charles P. Neill, Commissioner of Labor; and Hon. Jackson H. Ralston, of Washington, attorney for the American Federation of Labor. This transfer was made January 6 of this year. This board was given full power to grant licenses to all applicants on reasonable terms for the use of the sesquisulphide of phosphorus.

This action on the part of the Match Trust relieved it of any charge that the enactment of my bill would be of interest to it in promoting its monopoly. In further refutation of this charge it might be stated that by the terms of the bill, it would not become effective until June 1, 1912, and the sesquisulphide patent expires in 1915.

Notwithstanding this transfer of all its rights under its patent of the Diamond Match Co. to this board of trustees, insistent and persistent objections continued to be made against the passage of the bill on the ground that its passage would create a monopoly.

In a letter addressed by this board to President Taft on January 24, 1911, it urged the President—

> * * * to inquire as to the advisability of requesting the Diamond Match Co. and its licensees, in the interest of this humane legislation, to cancel the patent, and thereby grant its free use to all other American match manufacturers. Such a step would, we believe, result in removing the already groundless suspicion of monopoly and, as a consequence, force the opponents of the measure to disclose the actual grounds of their opposition.

In response to this suggestion President Taft, on January 26, replied as follows:

My great anxiety to see American labor protected from the ravages of a wholly unnecessary and loathsome disease to the same extent that foreign countries, including Great Britain, have protected their working people in match factories prompts me to believe that everybody would, of course, be glad to see the owner of the patent and its licensees take the public-spirited action of canceling the patent for the use of sesquisulphide in order that this harmless substitute may be gratuitously used by all other American match manufacturers, for it ought to have the effect of dispelling any fear that the enactment of this legislation would result in a monopoly in the match industry.

In response to this intimation to cancel its patent, the Diamond Match Co. and this board of trustees on January 28 of this year filed with the Commissioner of Patents a certificate declaring the surrender of said letters patent for cancellation and formally abandoning and dedicating the invention to the public of the United States of America forever.

This generous and unheard-of action on the part of the Diamond Match Trust absolutely removed the last ground of objection to the bill so far as the independent manufacturers or those contemplating entering the matchmaking industry were concerned, and there can be left but one legitimate argument against its passage, and that is the argument that it seeks to destroy an industry by the exercise of the taxing power.

In view of the humanitarian purpose of the bill and the improbability that its enactment would be considered as a precedent and the conclusive fact that like legislation for a similar purpose has previously been enacted and the overwhelming demand that it be enacted, no reasonable excuse can now be given for further delay.

As indicative of the interest manifested by the press of the country I herewith attach editorials from prominent newspapers in all sections of the United States.

There is another phase of this legislation which has greatly interested a class of people wholly distinct from the match manufacturers or their employees. This class consists of the insurance companies and their policy holders, who see in the enactment of this legislation, which will require the substitution for the dangerous and deadly parlor match of a safe substitute. As indicating the interest shown by the insurers of life and property I have added two letters, both addressed to Hon. J. HAMPTON MOORE, a Member of the House from Pennsylvania, one from Louis W. Amonson, president of the People's National Fire Insurance Co., of Philadelphia, Pa, the other from Clarence E. Porter, president of the Spring Garden Insurance Co., also of Philadelphia.

There is also added an article from Insurance Statistics, showing casualties resulting from matches in the State of Massachusetts.

[Journal, Topeka, Kans., Dec. 15, 1910.]

MAKE ALL MATCHES "SAFETIES."

"Of the 250,000,000,000 matches used yearly in this country—more than seven a day for every man, woman, and child—four-fifths are of a type that practically every nation of commercial importance prohibits," says the Survey. "For the head of the ordinary 'double dip' parlor match, the tiny round tip, is made of a poison worse than deadly to many of the workers in match factories. Stealing insidiously through a tiny crack in a tooth, it rots the tooth, rots the jawbone, requires mutilating operations, and sometimes results in death after lingering years of suffering. The dead bone, imbedded in living flesh, discharges its foul remains through cheek and mouth. Phosphorus necrosis, commonly called 'phoss jaw,' in matchmakers is so terrible that it might be considered good reason for returning to the flint and steel of our forebears if there were no other way of making fire.

"But there is a harmless substitute, sesquisulphide of phosphorus, for the poisonous white phosphorus. It is to our disgrace that the United States has lagged behind other lands in demanding its use. The indifferent of big business, the tariff, internal-revenue taxes, a 'trust' smothering the harmless but more expensive material, a lack of public information on the subject, and the voiceless obscurity of the match workers have all been factors in our tardy beginning last year to wipe out this unnecessary industrial disease by the Esch bill in Congress."

[Survey, New York City, Jan. 7, 1911.]

TERMS OF LICENSE FOR HARMLESS PHOSPHORUS.

The instinct to "fear the Greeks even bearing gifts" has made many wonder if the Esch bill in Congress to prohibit poisonous phosphorus in matches would not establish a monopoly, since the largest company favors this measure and has patent rights to the most widely used nonpoisonous substitute for white phosphorus. The Diamond Match Co. drew up licenses upon fair, if not generous, terms to govern the use of sesquisulphide of phosphorus by other manufacturers. Eight companies accepted the conditions and have paid in whole or in part their share of the cost of the patent protecting this nonpoisonous composition.

Although each licensee was allowed to produce an unlimited quantity of matches or to use any other form of nonpoisonous phosphorus, of which there are several, some have feared that all the agitation against white phosphorus was but a scheme to place the small independent companies at the mercy of a trust which owns the patent for sesquisulphide. To make this suspicion impossible the president of the Diamond Match Co., in a letter to Representative ESCH, the author of the bill, calls attention to some changes which have been made voluntarily in the licenses already issued. A royalty of four-tenths of a cent for the use of sesquisulphide for every thousand matches beyond the quantity which a company was entitled to make, on the basis of its percentage of the number manufactured for the year ending June 30, 1910, has been remitted, and all restrictions as to the number to be contained in a box waived.

As the president says in his letter, however, "there still remains the problem of how we can best formulate a proposition in respect to granting licenses in the future" to existing manufacturers, or to any other companies that later on may desire permits. He offers to assign the patent in trust to any department or bureau of the Federal Government or to any official of any department and his successor in office, in order that "licenses may be granted on such terms as may appear in the discretion of such department, bureau, or individual equitable and fair." If no department, bureau, or official will accept such an assignment the company offers to execute it in favor of any corporation, association, or individual who can give reasonable assurance of prompt and just treatment of applications for licenses.

The cause of this remarkable offer is said to be the fear of the manufacturers that if Federal legislation is not passed the agitation about the dangers to the workers in the trade will result in State legislation, which will not be uniform throughout the country. In fact a law to prohibit the use of poisonous phosphorus has already been recommended in New York by a high State official.

[Constitution, Atlanta, Ga., Jan. 15, 1911.]

MAKING ALL MATCHES SAFETIES NOT A PLOT OF THE TRUSTS.

Is the Esch bill to prohibit poisonous phosphorus in matches, which is now pending in Congress, a machiavelian scheme to place the small and struggling independent companies in the grasp of a trust notorious in the past for merciless practices? The instinct to "fear the Greeks even bearing gifts" has naturally caused many to look for a sinister connection between the ownership of the patent for the most widely used substitute for white phosphorus by the Diamond Match Co. and its hearty support of the proposed legislation for the protection of match workers.

Eight companies have already contracted for the use of sesquisulphide of phosphorus under terms that allow them to produce an unlimited number of matches and to employ any other form of nonpoisonous phosphorus, of which there are several. But to make all suspicion impossible the Diamond Match Co. has voluntarily remitted a royalty of four-tenths of a cent granted by these contracts for the use of sesquisulphide for every thousand matches beyond the amount which a company was entitled to make on the basis of its percentage of the number manufactured for the year ending June 30, 1910.

As the president says in his letter, however, "there still remains the problem of how we can best formulate a proposition in respect to granting licenses in the future" to existing manufacturers or to any other companies that may later on desire to acquire permits. He offers to assign the patent in trust to any department or bureau of the Federal Government or to any official of any department and his successor in office in order that "licenses may be granted on such terms as may appear in the discretion of such department, bureau, or individual equitable and fair." If no department, bureau, or official will accept such an assignment, the company offers to execute it in favor of any corporation, association, or individual who can give reasonable assurance that applications for licenses will be promptly and justly treated.

The cause that explains this remarkable offer is the fear of the manufacturers that if Federal legislation is not passed the agitation about the dangers in the trade to the workers will result in State legislation that will differ throughout the country and cause unnecessary inconvenience to the business. In fact, such action has already been recommended in New York by a State official. When such an evidence of good faith is given there is no excuse for failure to follow the example of all the other countries of commercial importance by prohibiting the use of a needless and terrible poison in the manufacture of matches.

[People, New York City, Jan. 21, 1911.]

PARTIAL VICTORY AGAINST "PHOSSY JAW."

The Diamond Match Co., commonly known as the Match Trust, has been forced to turn its patent for the most available substitute for poisonous phosphorus in the manufacture of matches over to the three trustees appointed by the American Association for Labor Legislation, which has carried on a campaign for the elimination of the loathsome occupational disease known as "phossy jaw." This step puts an end to all fear that the Match Trust will take advantage of a health campaign to complete its monopoly of the match business.

"Phossy jaw," which threatens 65 per cent of all match-factory workers, will be wiped off the list of occupational disease in America if the Esch phosphorus bill passes in congress. Last year the Labor Legislation Association conducted an investigation, in cooperation with the United States Bureau of Labor, the result being published by the Government in Bulletin No. 86.

Many match manufacturers at first claimed that "phossy jaw" did not exist in America, but they soon admitted that it did. Some of them got busy and started to clean up their factories. But no amount of care in handling the poisonous phosphorus can make the work safe. Safety lies only in the complete prohibition of its use. In June of last year ESCH introduced into Congress a bill providing for a prohibitive Federal tax on white phosphorus.

There are several harmless substitutes for white phosphorus, the best and cheapest being sesquisulphide; but the Diamond Co. owned the patent on sesquisulphide. The association then compelled the Diamond Co. to hand over the patent to three trustees, who have complete control of granting its use to future applicants.

The three trustees are Jackson Ralston, counsel for the American Federation of Labor; Commissioner Neill, of the United States Bureau of Labor; and Prof. Seligman, of Columbia University.

[Union, Springfield, Mass., Jan. 23, 1911.]

The reference in President Taft's recent message to the frightful nature of "phossy jaw," or phosphorus necrosis, a disease which attacks the workers in match factories, and his recommendation that legislation be enacted to prevent the use of the deadly white phosphorus that causes it, will probably have an important effect in expediting the passage of the bill introduced by Congressman JOHN ESCH, which provides for a prohibitive tax on white phosphorus. The use of this poisonous substance is already prohibited in nearly all the European countries, the campaign against it inaugurated in Finland and Denmark having been taken up by Switzerland, France, Italy, the Netherlands, Germany, and Great Britain. White phosphorus is used on four-fifths of the matches sold in the United States, and a recent investigation of the match factories in this country conducted by agents of the United States Bureau of Labor brought to light 16 cases of the terrible necrosis among employees in 15 factories, while 82 cases were discovered in the homes of the working people of three factories, and

records of 40 cases were secured in one modern factory. This insidious disease, caused by the fumes of the wet phosphorus, rots the teeth and jawbone, requires mutilating operations, and often results in death after a long and painful illness. There are several harmless substitutes for the phosphorus, one of which, said to be the cheapest and best, is sesquisulphid, which is controlled by one of the largest match-manufacturing concerns. This company, it is announced, has been compelled to turn over its patent on this substance to three trustees appointed by the American Association for Labor Legislation, who will have full power to grant its use to future applicants. These trustees are Jackson Ralston, counsel for the American Federation of Labor; Commissioner Neill, of the Bureau of Labor; and Prof. Seligman, of Columbia University. With the passage of the Esch bill, taxing white phosphorus out of existence, this substitute will be available for all match manufacturers, and there is every prospect of the wiping out of a fearful industrial disease.

[Free Press, Milwaukee, Wis., Jan. 27, 1911.]

A BILL THAT SHOULD PASS.

It would seem that the one legitimate obstacle to the passage of the Esch bill, which aims at the elimination of poisonous phosphorus from the manufacture of matches, has been overcome.

It will be remembered that the Diamond Match Co., or so-called Match Trust, owns the patent rights to the use of sesquisulphid of phosphorus—the harmless kind. In consequence, it was feared by the independent match manufacturers that legislation hostile to the use of the common white phosphorus would tend to make the trust an actual monopoly because of its control of the harmless article.

This objection has now been robbed of its force by the action of the much worried Diamond Match Co., which has assigned its patent rights to a board of trustees that is given absolute power to fix the terms which it thinks are fair under which every match manufacturer will be able to secure the right to use the nonpoisonous substitute for white phosphorus.

The board of trustees consists of Prof. Edwin Seligman, of Columbia University; Charles P. Neill, United States Commissioner of Labor; and Jackson Ralston, an attorney for the American Federation of Labor.

"Their names," comments the Survey, "are a guaranty that all will receive fair treatment and no one will be so suspicious as to charge them with being under the domination of the Match Trust."

The action of the trust in transferring the legal title of its patent must be considered a great victory for the investigations made by the United States Bureau of Labor at the instance of the American Association for Labor Legislation.

These investigations drew a picture of the ravages of phosphorus necrosis among the workers in American match factories that rivaled the horrors of Dante's Inferno. This disease, which is caused by the phosphorus, affects the jaws of the victim and consists of the wholesale mortification of the bones. It is loathsome, disfiguring, and eventually deadly.

The worst part of the terrible indictment lodged against the employers who subjected young human beings to this peril was that the harmless substitute for white phosphorus was at their command, but for financial reasons remained unused.

It will be remembered that President Taft in a recent message strongly urged legislation against this inhuman evil, and the Esch bill, which should now be passed without delay, is a fruit of that recommendation.

[Tribune, Chicago, Ill., Jan. 29, 1911.]

AN INCIDENT IN SOCIAL REFORM.

The Esch bill to prohibit the use of white phosphorus in the manufacture of matches is one of the social measures which Congress should find time to pass at the present session.

White phosphorus is a poison to workers in the match industry, causing necrosis. The Diamond Match Co. some time ago instituted research to find a safe substitute, and the search was successful. But the discovery was a monopoly of this so-called trust, and it was urged against prohibitory legislation that the competitors of the trust would be put to a serious disadvantage by it.

Then the Diamond Match Co. waived its monopoly—an act of humanitarianism which might very well place it among the "good trusts," if it be a "trust"—and with this waiver disappears whatever reason there was for opposition. The independent manufacturers, in fact, have so announced and approved the Esch bill.

The situation is gratifying as an evidence of the growing sense of social responsibility for the conditions of workers. It should be rounded out by the legislative action sought.

[Tribune, New York City, Jan. 30, 1911.]

A HUMANE ACTION.

The Diamond Match Co. has done an unusually public-spirited thing in causing to be canceled the patent held by it upon a harmless substitute for white phosphorus. This leaves independent manufacturers free to employ the substance in the making of matches and removes the only serious obstacle to the passage of the Esch bill prohibiting the use of white phosphorus in the industry. White phosphorus causes necrosis among the workers engaged in its use. Considerations of humanity caused the introduction of the Esch bill, influenced President Taft to interest himself in its passage to the extent of urging the owner of the patent on sesquisulphide of phosphorus to have it canceled, and led the so-called Match Trust to facilitate the passage of the bill by sacrificing what might have been made a monopoly for the next three years.

Throughout the negotiations leading up to this cancellation the Diamond Match Co. appears to have maintained a more than ordinarily reasonable and public-spirited attitude. When its patent was first declared to stand in the way of prohibiting the use of white phosphorus, it put the patent into the hands of trustees, providing that they should make fair terms upon which any manufacturer might employ the patented article in matchmaking. This concession not having been regarded as sufficient, the company surrendered the patent. The action will be worth more to the company in "good will" on the part of the public than the remaining value of the patent, but that does not detract in the least from its commendable quality.

[Tribune, La Crosse, Wis., Jan. 30, 1911.]

ESCH BILL VINDICATED.

"The Esch bill to prohibit the use of white phosphorus in the manufacture of matches," says the Chicago Tribune, "is one of the social measures which Congress should find time to pass at the present session.

"White phosphorus is a poison to workers in the match industry, causing necrosis. The Diamond Match Co. some time ago instituted research to find a safe substitute, and the search was successful. But the discovery was a monopoly of this so-called trust, and it was urged against prohibitory legislation that the competitors of the trust would be put to a serious disadvantage by it.

"Then the Diamond Match Co. waived its monopoly—an act of humanitarianism which might very well place it among the 'good trusts' if it be a 'trust'—and with this waiver disappears whatever reason there was for opposition. The independent manufacturers, in fact, have so announced and approved the Esch bill.

"The situation is gratifying as an evidence of the growing sense of social responsibility for the conditions of workers. It should be rounded out by the legislative action sought."

When the Esch bill first came into the limelight, certain badly advised critics arose to suggest that it was aimed, not to protect working men, but to compel the use of the Match Trust's patent. Even in his own district Mr. ESCH did not escape the gibes of I-told-you-so gentlemen whose skepticism has made them willingly adverse commentators upon his activities, and in whose view the humane feature of the proposed law was but a cover for a sinister purpose. However, if there now remains a vestige of that unkind suspicion, it must yield to the word of La Follette's Magazine, most trustworthy of all progressive publications, which in its current issue said:

"As a sequel to the story told in La Follette's last week about the dreadful effects of phosphorus poisoning in the match industry and the efforts now being made to prevent it by law, comes the information that the objection most strenuously urged against such legislation has been silenced. This was the objection that the passage of a law abolishing the use of poisonous phosphorus in the making of matches would promote a monopoly in the manufacture of matches from the nonpoisonous sesquisulphide. The use of this harmless substance is covered by a patent. The patent is owned by the Diamond Match Co. Forbidden the use of phosphorus, other manufacturers would have to get permission from the owners of the patent before they could change to the sesquisulphide process. It was important to secure complete assurance from the Diamond Match Co. that future applicants for patent rights would be treated fairly. As early as last June the officers of the American Association for Labor Legislation succeeded in convincing the managers of the Diamond Match Co. that they ought, in the interests of humanity, to throw the patent open. This has finally been done. On January 6 the patent was turned over to three trustees, who are given the power to grant its use upon 'such terms' as the trustees 'shall deem just.' The trustees are Prof. E. R. A. Seligman, of Columbia University; Jackson Ralston, counsel for the American Federation of Labor, and United States Commissioner of Labor Charles P. Neill. These names are a strong guarantee of just dealing. The Association of Labor Legislation is to be congratulated upon so successfully disposing of an objection that for a time threatened to block the way to speedy and complete abolition of phosphorus matches and the distressing 'phossy jaw.'"

[Standard Union, Brooklyn, N. Y., Jan. 30, 1911.]

A CORPORATION WITH A SOUL.

The voluntary surrender by the Diamond Match Co. of its patent rights, covering the manufacture and use of a substitute for white phosphorus so that rival companies can take advantage of the preparation is admittedly a very creditable act. This will end the employment of white phosphorus in match making in this country and consequently do away with the disease known as "phossy jaw" among factory workers.

The relinquishment of the patent rights was not an act of courtesy to competing companies, but a concession to the Government, which is anxious to pass a law prohibiting the use, as in the case in several European countries, of white phosphorus. If the Esch bill now before Congress were placed on the statute books and the Diamond Match Co. retained its right, the rival companies would have been seriously injured. For that reason the bill was not likely to pass. It would have given a virtual monopoly to one concern.

If not a trust, the Diamond Match Co. is a near approach to one. Those who hold that there are no good large corporations must admit that at least one has shown admirable qualities.

[Record, Philadelphia, Pa., Jan. 30, 1911.]

There was never a better use made of the Federal taxing powers than that proposed in the Esch bill to eliminate the health-destroying white phosphorus from the manufacture of matches. The Federal Government can not regulate production within the States, but the end in view would be accomplished by imposing a sufficient internal-revenue tax on white phosphorus matches to make their manufacture commercially impossible. This would be a perfectly constitutional exercise of Federal power, and it would accomplish a result that could otherwise be attained only by legislation in 46 separate States.

[Public Ledger, Philadelphia, Pa., Jan. 30, 1911.]

PROTECTION FOR MATCH WORKERS.

President Taft's recommendation in his annual message for the protection of workmen engaged in the manufacture of matches has borne immediate and interesting fruit. No action has yet been taken on the bill offered by Representative ESCH, of Wisconsin, placing a prohibitive tax upon all matches containing white phosphorus, but by the voluntary initiative of the Diamond Match Co. a situation has been created that opens the way for the passage of such a law free from the suspicion that it is designed to strengthen a monopoly. The making of matches is one of the most dangerous of modern industries, at least under the older methods of manufacture, when the workers were exposed to the fumes of phosphorus, and were almost certain to contract, sooner or later, a loathsome necrosis, or mortification of the bones.

When it was proposed that the United States should at last follow the enlightened lead of Europe in legislation for the restriction of the use of phosphorus and for the protection of the laborers, the assertion was made that the Diamond Match Co.—the corporation which dominates the match industry in this country—controlled patents on the only available substitute for the dangerous forms of phosphorus, and that the imposition of a tax upon all matches made without this substitute would be in effect playing directly into the hands of the monopoly.

This contention of the independent match manufacturers has been vehemently combated, but the Diamond Match Co., nevertheless, has relinquished, in the interest of the public, its patent upon the chemical in question. It is true that this patent has but a few years to run, and that the gift to the public and to humanity has thus but a limited

value, but the public-spirited dedication of the company's rights to the people at large has removed every legal obstacle to humane legislation in the interest of public safety and health.

[News, Rutland, Vt., Jan. 30, 1911.]

RENOUNCES A PATENT FOR HUMANITY'S SAKE.

The Match Trust is a trust that certainly has a soul.

Action was taken Saturday by the Diamond Match Co., the largest producer of matches in this country, which probably means the banishment from the match factories of one of the most serious of what are known as "occupational diseases." The Diamond Match Co., at the request of President Taft, has granted free use of its patent for a style of match that does not call for material poisonous to the workers. This action, it is believed, removes the last objection to the bill introduced in Congress by Representative ESCH, of Wisconsin, for the purpose of abolishing the manufacture of the present poisonous style of match.

The common "parlor match" that will strike anywhere contains white phosphorus, so called, to distinguish it from the red or nonpoisonous variety. The use of this substance in the match industry has been the cause of a form of poisoning among the workers, many of whom are women, that destroys the jawbone slowly. The only cure is to cut away the diseased bone, which often results in disfigurement.

Nearly every European country has done away with this horror of the match factory by prohibiting the use of white phosphorus and requiring that a harmless substitute be employed. Agitation having for its object similar action by this country was begun about a year ago, and this year the President, in his annual message, recommended that such action be taken.

A bill was introduced by Mr. ESCH imposing a sufficient internal-revenue tax upon white phosphorus matches to make their manufacture commercially impossible. This bill would probably have met with little opposition had the fact not developed that the patent for the most practicable form of nonpoisonous match was owned by the Diamond Match Co., or, as it is popularly known, the Match Trust.

The trust declared that it welcomed this reform, and as evidence of its good faith was willing to share the patent on equal terms with all who cared to make use of it, and subsequently entered into agreement with nearly all the independents, representing about 95 per cent of the output, by which these independents were licensed to use the patent.

[Times-Star, Cincinnati, Ohio, Feb. 1, 1911.]

IN THE CAUSE OF HUMANITY.

The urgent recommendation made in the President's annual message to Congress for the protection of those engaged in the manufacture of matches has borne fruit more quickly than many of the most sanguine had dared to hope.

The bill offered by Representative ESCH, of Wisconsin, to prevent the use of the death-spreading white phosphorus by placing a prohibitive internal-revenue tax upon it has not yet been acted upon. But the one and only real objection made to it has been met by the action of the corporation popularly known as the Match Trust in surrendering its patent rights to the exclusive use of sesquisulphide, the only substitute for white phosphorus now known. It was the contention of the independent match companies that prohibiting the use of white phosphorus would result in giving the Match Trust a monopoly. Of course this argument now falls to the ground.

It now seems reasonably certain that the day has arrived for the complete reform of an industry that has claimed many victims and in which a frightful death is the almost sure reward of steady employment. It is a great step forward in the cause of humanity.

[States, New Orleans, La., Feb. 2, 1911.]

PROTECTING THE MATCH WORKERS.

In line with President Taft's recommendation in his annual message for the protection of workmen engaged in the manufacture of matches, Representative ESCH, of Wisconsin, introduced in Congress a bill placing a prohibitive duty upon all matches containing white phosphorus. No action has been taken by the House on the measure, but it has borne fruit in the voluntary action of the Diamond Match Co., known as the Match Trust, which opens the way for the passage of such a law which will be free from the suspicion that it is designed to promote the interests of a monopoly.

Under the older methods of manufacture it is known that the making of matches is a very dangerous industry because the workmen are exposed to the fumes of phosphorus, and in the course of time they contract necrosis, a disease that causes a loathsome mortification of the bones. Some years ago prominent humanitarians urged the United States to follow the example of England in legislation restricting the use of phosphorus and for the protection of the match workers, but at the time it was asserted that the Match Trust, which dominates the industry in this country, controlled patents on the only substitute for the dangerous forms of phosphorus, and the imposition of a tax upon all matches made without this substitute would greatly strengthen a monopoly.

This was the contention of the independent match manufacturers, which was combated by the Diamond Match Co.; but nevertheless that concern recently announced that it had relinquished in the interest of the public its patent upon the chemical substitute for phosphorus, and this generous action has removed all opposition to legislation such as Representative ESCH has proposed.

[Herald, Louisville, Ky., Feb. 13, 1911.]

FOR HUMAN LIFE.

A bill is now pending in Congress that has for its sole aim the protection of human life from a peril of industry that is increasing tremendously in the scope of its menace.

It is known as the Esch bill and aims to prohibit the white phosphorus match as an article of manufacture and sale by imposing a tax so heavy that it will make its continued production unprofitable.

The white phosphorus match is poisonous. The making of it is fraught with deadly danger, and its subsequent use is a constant cause of loss, both to life and property. The fearful disease of necrosis, commonly known among workers in match factories as "phossy jaw," is a direct result of the employment of this particular form of phosphorus. Few of those who engage in the making of these matches can hope to escape its painful and terrible ravages.

It is not a necessary evil. The safety match that the smoker buys for a penny a box and which ignites only on the prepared surface provided is free from this poisonous substance. The red phosphorus match is also unobjectionable. There would be no serious inconvenience to anybody by the abolition of this wicked industry.

Statistics show that the white phosphorus match is to be credited with a large proportion of the fires that result disastrously to property and life. Out of 3,875 fires last year in Chicago of which the cause is known 1,089 were started by matches. The hazard of the safety match and of those made with red phosphorus is much less than that resulting from the white phosphorus variety.

President Taft has expressed his approval of the Esch bill; it is indorsed by health departments, medical organizations, and labor unions. It is opposed by the manufacturers who make money at the cost of human life.

Recently the Canadian minister of labor introduced a Government bill in parliament framed to accomplish the same purpose as that of the Esch bill. We have not followed its fortunes, but the auspices under which it was given place on the order paper assures its enactment.

It is doubtful if the Esch bill will reach consideration at the present session. The pressure of other questions of greater political, if less human, concern may require postponement of action. But it ought to pass at the earliest opportunity. It is typical of a class of legislation of which there is going to be more as we realize more keenly our responsibility for safeguarding life and making existence easier and happier for the multitude.

[World, New York City, Feb. 19, 1911.]

Congress should not adjourn without passing the Esch bill prohibiting the use of poison phosphorus in matches. Since the Diamond Match Co., at the request of President Taft, placed the sesquisulphide patent in the hands of trustees for free general use there is no possible objection to the bill. The poison phosphorus not only gives "phossy jaw" to the workers, but it is dangerous in the home.

[Gazette, Green Bay, Wis., Feb. 22, 1911.]

FOR THE SAKE OF HUMANITY.

The Esch bill, which has been introduced in the United States House of Representatives, providing for the abolition of the use of poisonous phosphorus in the manufacture of matches, will, if passed, be the means of saving many lives and also intense suffering. Sixty-five per cent of all match workers are liable to contract the disease known as "phossy jaw," while 95 per cent of the women and 83 per cent of the children are so exposed, it is claimed. The list of the victims are growing monthly.

The disease is caused by the absorption of phosphorus through the teeth or gums. Inflammation is set up, which extends along the jaw, killing the teeth and bones. The gums become swollen and purple, the teeth loosen and drop out, and the jawbone finally becomes decomposed, which sometimes breaks through the neck, forming an abscess. In this manner an employee of any match factory where poisonous phosphorus is used is exposed. Not only are deaths caused in this manner, but it is commonly learned that children die as a result of eating the heads of matches. Some of the State legislatures in the United States have memorialized Congress to pass the bill as introduced in Congress, while others, it is reported, are to take a similar action.

It has been contended by opponents of the Esch bill that it is unconstitutional, since it attempts to protect the public health through the use of the taxing power of Congress. It is held by others, however, that if it is constitutional to levy a tax in the interests of an industry, as is done by the tariff system, and if it is constitutional to levy a tax on the circulating notes of State banks, then it is constitutional to levy a tax in the broader interests of public health and safety. It is almost assured that nothing will be done with this measure during this short session, but many associations and societies in the country are now earnestly at work in an effort to have it passed and enacted into a law.

[Times, New York City, Feb. 22, 1911.]

MR. ESCH'S "PHOSSY-JAW" BILL.

Now that the Diamond Match Co. has canceled its patent for making matches by the harmless sesquisulphide of phosphorus process, so that every match manufacturer can use this process free of cost, it becomes incumbent on Congress to tax out of existence what is in effect the murderous trade of making matches that inflicts on the factory workers the disease of "phossy jaw," so called, from the effects of the poisonous white and yellow phosphorus used

We have already called public attention to this terrible business. The only remedy for the agonizing disease of the jaws which the phosphorus causes when absorbed through teeth or gums is the cutting out of the diseased bone, often amounting to the entire jaw. President Taft has personally inquired into the conditions in the match factories; he recommends the passage of the Esch bill, laying heavy taxes on all factories that fail to use the harmless substitutes for the poisonous phosphorus as a "method of stamping out a very serious abuse." Besides its responsibility for "phossy jaw," the phosphorus is frequently a cause of death in little children, who suck off the heads of the matches in which it is an ingredient. Letters to Congressmen urging the passage of the Esch bill would be influential.

[Tribune, New York, Mar. 1, 1911.]

"PHOSSY JAW" OR PROFITS?

It is strange and discreditable that antiphosphorus legislation seems to be in danger of failing, and the worst feature of the case is the reason therefor. The evils of phosphorus poisoning are well known. The campaign in Great Britain against "matchmakers' necrosis," popularly called "phossy jaw," some years ago largely roused the world to a recognition of the inhumanity of the industry thus conducted and of the need of reform. Happily, methods of reform were not lacking. The evil is as needless as it is monstrous. Yet remedial or prohibitory legislation is thwarted over a mere question of pecuniary profits.

Now, if this legislation were thus blocked by some manufacturing concern which did not wish its profits interfered with, there would be a storm of indignation against the soulless corporation which sacrificed human health and lives to its greed. But in this case something like the reverse is true. That is to say, those who oppose this much-needed reform do so because they are afraid that it would result in larger profits for some corporation. They are not willing that good shall be done lest somebody profit from it. We really can not see that such opposition is more creditable, or less discreditable, than the other would be.

But there is no convincing proof that the reform would have the result of adding to anybody's profits. If it did, that would be no argument against it. Indeed, it might even be argued that a concern which had the enterprise and the humanity to adopt a harmless substitute for

the pernicious phosphorus was entitled to its reward. There is certainly no indication that any such advantage, if it existed, would work hardship to the public. If there were danger of that, we should still urge the reform, because it ought to be possible through other action to prevent such oppressive results. To argue that undoubted good should not be done because of a danger of possible evil is a counsel of impotence with which there should be no sympathy.

PEOPLE'S NATIONAL FIRE INSURANCE CO.,
Philadelphia, February 21, 1911.

Hon. J. HAMPTON MOORE,
Washington, D. C.

DEAR SIR: There is a bill pending before Congress at the present time prohibiting the use of white phosphorus in match manufacturing, because of the very serious injury caused to all who are engaged in the manufacture of matches. I find, however, on careful examination that this bill does not prohibit the interstate sale and transportation of the so-called "criminal match," namely, matches that ignite by being stepped upon, and I would strongly urge that the bill be amended accordingly before passage, to prohibit dangerous matches of all kinds.

The well-known safety match does not contain white phosphorus, is nonpoisonous, and as the ordinary friction matches are infinitely more destructive to life and property, it would be for the general welfare to make the prohibition include all matches that do not ordinarily require a prepared surface for ignition. Thousands of lives have been lost through the serious fires that have resulted from the use of the "criminal match," and a large proportion of all fires reported throughout the country, destructive to the property interests of the American Nation, arise from so-called "parlor matches." You have probably in your own experience known of some of the numerous cases where women have stepped on such matches and set themselves on fire. Children play with them, because they furnish attractive fireworks; rats and mice nibble them and set homes on fire; and an ordinary box of parlor matches can be ignited even by being thrown on the floor.

If fires originating from this cause were eliminated, it would save thousands of lives and reduce the cost of insurance to policy holders, as the enormous fire waste of the country is necessarily charged for in the established rates. State Fire Marshal Sullivan, of Louisiana, and State Fire Marshal Zueber, of Ohio, together with other State authorities and fire-insurance commissioners in various parts of the country have made recommendations for the enactment of such legislation, but the most effective way of preventing loss of life and property from this cause would be by amending the pending bill so as to prohibit matches of all kinds except "safety matches," after January 1, 1912. Is not the general public entitled to protection as well as the comparatively few employees of match factories?

Trusting that your sense of public spirit and interest in the general welfare will prompt you to demand an amendment of this kind, I remain,

Yours, very truly, LOUIS S. AMONSON, *President.*

THE SPRING GARDEN INSURANCE CO.,
Philadelphia, February 21, 1911.

Hon. J. HAMPTON MOORE,
House of Representatives, Washington, D. C.

DEAR SIR: As one of your constituents, we are writing to request you to use your vote and influence to secure the passage of the Esch bill, to prevent the further use of white phosphorus matches. We understand that this bill is intended to promote the public health by preventing the use of a dangerous material. We approve that motive, but beg to suggest an additional reason, in that the white phosphorus match is chiefly responsible for the thousands of fires started by matches each year in this country, and the hundreds of deaths and fatal burnings which result. We are informed that the kind of matches which will be available, if the white phosphorus match is prohibited, are very much less dangerous from the fire standpoint, and think that this feature should also be taken into consideration. The State fire marshals are beginning campaigns against the use of parlor matches, which they call "the criminal match," because of the number of deaths, accidents, and fires for which it is responsible. It is estimated that match fires cost the country $20,000,000 each year, in addition to the loss of life, which falls chiefly upon women whose skirts are ignited by matches catching fire underfoot, and children who are set on fire while playing with matches.

In the interest of public health and safety, to reduce the fire waste of the country, and thus to conserve its resources, we respectfully urge you to use your vote and influence in behalf of the Esch bill.

Faithfully yours, CLARENCE E. PORTER, *President.*

[Extracts from Insurance Statistics.]

THE MENACE OF THE MATCH—CARELESSNESS WITH MATCHES BRINGS FIRE AND DEATH.

The number of persons burned to death in the United States each year by the common poisonous phosphorus parlor match is between eight and nine hundred, and the property loss more than $2,000,000.

In Massachusetts last year there were 5,794 fires, 1,230 of which, entailing a loss of $658,346, were caused by matches.

Thirty-six women and children were burned to death in Ohio through having their clothing fired by matches. Of these, who suffered death in this, its most horrible form, 30 were children playing with matches left carelessly within their reach, and 6 were women whose clothing took fire from flying match heads. Among these are not included 5 mothers who were themselves burned to death while trying to save the lives of their burning children.

Mr. MANN. Mr. Speaker, the Bureau of Labor made an investigation of the use of white phosphorus in match factories, which was published, as the gentleman from Wisconsin [Mr. ESCH] states, in a bulletin a year ago, in January. The President of the United States, becoming interested in the matter and thinking the subject might be controlled under the commerce clause of the Constitution, turned the papers over to me as chairman of the Committee on Interstate and Foreign Commerce. That was before any bills were pending. With those papers was a letter from the Diamond Match Co., offering to give the use of the patent it owned to any independent company at that time. During last summer I carried on quite an extensive correspondence with the dentists throughout the country. The use of white phosphorus in matches, where there is a cavity in the tooth, causes the phosphorus to get into the tooth, and causes what is called a phossy jaw, which is a putrefaction or wearing away of the jaw. And the dentists are the ones who come in contact with it. So far as I can learn, while there was in many places the phossy jaw, as a rule it has been grossly exaggerated as to the number of people suffering from it throughout the United States.

However, I prepared a bill to regulate the subject by forbidding the transportation of these white phosphorus matches in interstate commerce. The gentleman from Wisconsin [Mr. ESCH] had a bill to tax them out of existence. That went before the Committee on Ways and Means, which had hearings on it. Our committee had no hearings on it, and it seems to me that with the little information which I could obtain through rather full correspondence with dentists throughout the country, and with the question involved as to whether this would in the end result to the benefit of the Diamond Match Co. and against the interests of the independent manufacturers, the resolution submitted by the Ways and Means Committee at this time is the very thing. We ought to have some real knowledge of the subject. The information that was acquired before can not be said to have been wholly disinterested. A gentleman, a competent man, but an enthusiast on one side of the question, made all the investigation that was made, and was thoroughly committed to the proposition that no one in this country ought to be permitted to use white or yellow phosphorus. On the other hand, it is claimed they can not make in this country matches under the Diamond Match or French patents successfully owing to climatic conditions. If that is so, we can ascertain by investigation. An investigation certainly may do good, and can do no harm.

Mr. COX of Indiana. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. WILSON].

Mr. WILSON of Pennsylvania. Mr. Speaker, I do not think I will occupy that much time, but this resolution has grown out of a trade disease existing in the match-manufacturing industry, and that disease has become so pronounced that it is necessary that something should be done to prevent it. When an effort was made by the introduction of a bill by the gentleman from Wisconsin [Mr. ESCH] to regulate the manufacture of matches from white and yellow phosphorus, and hearings were held by the committee, immediately the question was raised as to whether this effort to regulate the manufacture of matches had for its basis the protection of the health of those engaged in its manufacture, or whether it had for its basis the protection of the Match Trust.

There were those who were independent manufacturers of matches who contended that under certain regulations and conditions the matches might be manufactured with a reasonable degree of health on the part of the workers, and that the movement was a movement to promote the interests of the Match Trust of this country. And so there grew opposition to the measure introduced by the gentleman from Wisconsin [Mr. ESCH]. There is still some doubt in the minds of those who have been giving attention to the subject. The matter has not been cleared up, and in my judgment this resolution ought to be adopted. We ought to get the actual facts in the case as to how much disease exists as the result of the use of white and yellow phosphorus, as to how much the passage of a resolution or a bill such as the gentleman from Wisconsin has introduced will affect the match industry, and whether or not it will tend to build up a monopoly in the trade. In other words, how far this industry can be conducted in a healthy condition without at the same time promoting the building up of a trust. In my judgment, this resolution ought to go through for the purpose of giving us information from sources that are not biased by their business interests, upon which we can build satisfactory future legislation.

Mr. COX of Indiana. Mr. Speaker, there is no one else desiring any time on this side of the House as far as I know.

Mr. GAINES. I would like to ask the gentleman to yield to me a moment for the purpose of asking unanimous consent to move an amendment.

Mr. DALZELL. I yield.

Mr. GAINES. I ask unanimous consent, Mr. Speaker, to amend, by inserting on page 2, of line 15, after the word "conditions," these words: "And costs in this and foreign countries."

Mr. COX of Indiana. I object, Mr. Speaker, to that.

The SPEAKER. Objection is heard. The question now is on the passage of the joint resolution.

The question was taken; and, two-thirds voting in the affirmative, the rules were suspended and the joint resolution was passed.

DEBT OF THE DISTRICT OF COLUMBIA, ETC.

Mr. SMITH of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 13474) to provide for the pay-

ment of the debt of the District of Columbia and to provide for permanent improvements, and for other purposes, with committee amendments, which I send to the Clerk's desk and ask to have read.

The Clerk read the bill (H. R. 13474) to provide for the payment of the debt of the District of Columbia and to provide for permanent improvements, and for other purposes, with sundry amendments.

Mr. SMITH of Michigan. Mr. Speaker, I was first going to ask to have the bill read and then ask to have certain amendments read, but——

The SPEAKER. Other amendments than those reported?

Mr. SMITH of Michigan. Yes, sir.

Mr. TAWNEY. I suggest to the gentleman from Michigan that he withdraw that bill and offer another bill, and move to pass that other bill with the amendments that he is prepared to send up.

Mr. SMITH of Michigan. I will do that, Mr. Speaker. I can send up a bill which contains all but one amendment that I wish to offer, as suggested by the gentleman from Minnesota.

The SPEAKER. Is the gentleman from Michigan prepared to withdraw his motion and make another?

Mr. SMITH of Michigan. Yes, sir. I move to suspend the rules and pass the bill as sent now to the Clerk's desk, with one amendment, which I will send up in a moment.

The SPEAKER. The gentleman from Michigan moves to suspend the rules and pass the following bill, with an amendment. The Clerk will report the bill and amendment.

The Clerk read the bill (S. 3260) to provide for the payment of the debt of the District of Columbia, and to provide for permanent improvements, and for other purposes, with sundry amendments.

Mr. SIMS. Mr. Speaker, I demand a second.

The SPEAKER. Under the rule a second is ordered.

Mr. STAFFORD. Mr. Speaker, the amendment just reported by the Clerk did not state where it was to be inserted.

Mr. FITZGERALD. I ask unanimous consent that the bill be reported as it will read when the amendments are inserted.

The SPEAKER. The Clerk informs the Chair that that is the way it has just been read. The Chair is informed at the Clerk's desk that though this is numbered as a Senate bill it has not yet passed the Senate, or at least has not come to the House, but that the gentleman from Michigan is seeking to pass it as a House bill. Is that correct?

Mr. SMITH of Michigan. It is correct, and if I can have the attention of the House I think I can make my position entirely clear. But to save time, Mr. Speaker, I move to strike out all after the enacting clause in the House bill and insert what I have sent to the Clerk's desk. I desire to modify my motion so as to get before the House exactly what I want to do. The House bill which I sent to the Clerk's desk had these amendments exactly as in the Senate print. I do not want to mislead anybody in the House. Some Members seem to think that some of the amendments in the Senate print are not in the bill that I sent to the desk.

Mr. OLMSTED. I understand the gentleman's desire is to move to suspend the rules and pass the House bill in the form in which he has sent it up.

The SPEAKER. The Chair understands that it is the desire of the gentleman from Michigan to take the House bill, move to strike out all after the enacting clause and insert, and to suspend the rules and pass the bill as amended.

Mr. CLARK of Missouri. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. CLARK of Missouri. What is it the gentleman is going to insert?

The SPEAKER. As the Chair understands it, the gentleman wants to pass the text of the bill introduced in the Senate.

Mr. CLARK of Missouri. Has the bill passed the Senate?

Mr. MANN. No; this is not a Senate bill.

The SPEAKER. The Chair will suggest to the gentleman from Michigan that, without further interrupting the business of the House at this time, this matter be postponed until to-morrow, so that we can find out what the motion is.

Mr. SMITH of Michigan. Mr. Speaker, I was about to ask, in view of the fact that so many Members want to see the bill reprinted, that we have a reprint of the bill, and I ask unanimous consent that it be printed in the RECORD.

The SPEAKER. By unanimous consent, this matter will come up as unfinished business to-morrow.

Mr. SIMS. And I ask unanimous consent that the bill as offered may be printed in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

The following is the bill (H. R. 13474) as amended, which it is proposed to pass under a motion to suspend the rules:

A bill (H. R. 13474) to provide for the payment of the debt of the District of Columbia and to provide for permanent improvements, and for other purposes.

Be it enacted, etc., That from and after June 30, 1911, the Commissioners of the District of Columbia, in determining the estimates of funds available for appropriation for each succeeding fiscal year, shall first provide for and set aside from the estimated District revenues a sufficient sum to meet all estimated and fixed charges required by law to be paid wholly from said revenues, including interest at 3 per cent on the annual balance due the United States on account of advances made to the District of Columbia, and including further the sum of $360,000 as a repayment on account of said advances until the indebtedness of the District of Columbia to the United States shall be extinguished, and the annual estimates of appropriations for the expenses of the government of the District of Columbia, exclusive of the charges aforesaid and including amounts estimated or to be estimated under any general appropriation bill, shall not exceed in the aggregate a sum equal to twice the amount of the said District revenues then remaining: *Provided*, That the said commissioners shall allow for the extinguishment of the bonded debt of the District of Columbia out of the combined revenue fund by annually including in their estimates of appropriations a sum equal to the sum heretofore annually appropriated for the interest and sinking fund, namely, $975,408, until the said debt as evidenced by outstanding bonds shall be extinguished: *Provided further*, That hereafter the Commissioners of the District of Columbia shall provide in their estimates of appropriations for permanent works of improvement a sum not less than $1,230,000, beginnig with the fiscal year ending June 30, 1913, and annually thereafter an amount not less than the same sum increased by the sum of $100,000 for each succeeding fiscal year until and including the fiscal year to end June 30, 1924, and said estimates for permanent improvements shall include the reclamation of the Anacostia flats above the Navy Yard Bridge and their conversion into a park or parks, the gradual extension of the park system of the District, the construction of buildings on lands now authorized to be acquired for such purposes, the construction of public wharves, the extensions of trunk water and sewer mains into the suburban portions of the District, the elimination of dangerous grade crossings, and such other permanent public works as may be authorized by Congress from time to time.

BILLS SENT TO THE PRESIDENT.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 10430. An act to authorize the establishment of a marine biological station on the Gulf coast of the State of Florida;

H. R. 23015. An act to protect the dignity and honor of the uniform of the United States;

H. R. 24153. An act for the relief of John Marshall; and

H. R. 32440. An act authorizing the Moline, East Moline & Watertown Railway Co. to construct, maintain, and operate a bridge and approaches thereto across the south branch of the Mississippi River from a point in the village of Watertown, Rock Island County, Ill., to the island known as Campbells Island.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed, without amendment, the following bills:

H. R. 5453. An act for the relief of the legal representatives of M. N. Swofford, deceased;

H. R. 10430. An act to authorize the establishment of a marine biological station on the Gulf coast of the State of Florida;

H. R. 26606. An act for the relief of Charles A. Caswell;

H. R. 28215. An act to fix the time of holding the circuit and district courts for the northern district of West Virginia; and

H. R. 32440. An act authorizing the Moline, East Moline & Watertown Railway Co. to construct, maintain, and operate a bridge and approaches thereto across the south branch of the Mississippi River from a point in the village of Watertown, Rock Island County, Ill., to the island known as Campbells Island.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 10792. An act to promote the erection of a memorial in conjunction with a Perry's victory centennial celebration on Put in Bay Island during the year 1913 in commemoration of the one hundredth anniversary of the Battle of Lake Erie and the northwestern campaign of Gen. William Henry Harrison in the War of 1812; and

S. 10882. An act to authorize the county of Ouachita, in the State of Arkansas, to construct a bridge across the Ouachita River.

The message also announced that the Senate had passed the following bills, with amendments, in which the concurrence of the House of Representatives was requested:

H. R. 18014. An act to amend section 996 of the Revised Statutes of the United States, as amended by the act of February 19, 1897;

H. R. 32344. An act to protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States, or their successors in interest; and

H. R. 30570. An act to authorize the receipt of certified checks drawn on national banks for duties on imports and internal taxes, and for other purposes.

Also, that the Senate had passed the following resolutions:

Senate resolution 372.

Resolved, That the Senate expresses its profound sorrow on account of the death of the Hon. CHARLES QUINCY TIRRELL, late a Member of the House of Representatives from the State of Massachusetts.

Resolved, That the business of the Senate be now suspended in order that fitting tributes may be paid his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Senate resolution 371.

Resolved, That the Senate expresses its profound sorrow on account of the death of the Hon. WILLIAM C. LOVERING, late a Member of the House of Representatives from the State of Massachusetts.

Resolved, That the business of the Senate be now suspended in order that fitting tributes may be paid his high character and distinguished public services.

Resolved, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

Resolved, That as a further mark of respect to the memory of Mr. LOVERING and Mr. TIRRELL, the Senate do now adjourn.

Also that the Senate had passed the following resolution (S. Res. 373):

Resolved, That the Secretary be requested to inform the House of Representatives that the enrolled Senate joint resolution (S. J. Res. 145) providing for the filling of a vacancy which will occur on March 1, 1911, in the board of regents of the Smithsonian Institution of the class other than Members of Congress is now and was in the possession of the House when the House requested its return on the 24th of February, having been delivered to the House on the 23d of February, signed by the Speaker.

A further message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed, without amendment, bills of the House of the following titles:

H. R. 18512. An act for the relief of S. H. Robinson, of Allegheny County, Pa.; and

H. R. 26656. An act to prevent the disclosure of national-defense secrets.

Also that the Senate had passed the following order:

Ordered, That the Secretary be directed to return to the House of Representatives, in compliance with its request, the engrossed copy of the joint resolution (S. J. Res. 145) providing for the filling of a vacancy which will occur on March 1, 1911, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

Also that the Senate had passed the following concurrent resolution (S. Con. Res. 41):

Resolved by the Senate (the House of Representatives concurring), That 5,000 additional copies of Senate Document No. 725, Sixty-first Congress, third session, be printed, 3,000 for the use of the House of Representatives and 2,000 for the use of the Senate.

The message also announced that the Senate further insisted upon its amendments to the bill (H. R. 31856) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1912, and for other purposes, disagreed to by the House of Representatives, and agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. CURTIS, and Mr. TILLMAN as conferees on the part of the Senate.

The message also announced that the Senate further insisted upon its amendments to the bill (H. R. 28406) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1912, Nos. 48, 76, and 82, disagreed to by the House of Representatives, and asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed as conferees on the part of the Senate, Mr. CLAPP, Mr. MCCUMBER, and Mr. STONE.

SENATE CONCURRENT RESOLUTION REFERRED.

The following concurrent resolution (S. Con. Res. 41) of the Senate was taken from the Speaker's table and referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That 5,000 additional copies of Senate document 725, Sixty-first Congress, third session, be printed, 3,000 copies for the use of the House of Representatives and 2,000 copies for the use of the Senate.

ENROLLED BILLS SIGNED.

Mr. WILSON, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 32440. An act authorizing the Moline, East Moline & Watertown Railway Co. to construct, maintain, and operate a bridge and approaches thereto across the south branch of the Mississippi River from a point in the village of Watertown, Rock Island County, Ill., to the island known as Campbells Island;

H. R. 24153. An act for the relief of John Marshall;

H. R. 23015. An act to protect the dignity and honor of the uniform of the United States;

H. R. 10430. An act to authorize the establishment of a marine biological station on the Gulf coast of the State of Florida;

H. R. 26606. An act for the relief of Charles A. Caswell; and

H. R. 5453. An act for the relief of the legal representatives of M. N. Swofford, deceased.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28406) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1912.

JOHN B. HENDERSON, JR.

Mr. DALZELL. Mr. Speaker, a few days ago the House sent a message to the Senate asking for the return of Senate joint resolution 145. It is on the Speaker's table, and I ask that it be taken from the table.

The SPEAKER laid before the House from the Speaker's table S. J. Res. 145, providing for the filling of a vacancy which will occur March 1, 1911, in the Board of Regents for the Smithsonian Institution of a class other than Members of Congress.

Mr. DALZELL. Mr. Speaker, I offer the following amendment.

The SPEAKER. The Clerk will report.

The Clerk read as follows:

Amend by striking out, in line 8, the word "Virginia" and inserting in lieu thereof the words "the city of Washington," so that the resolution will read as follows:

"*Resolved*, That the vacancy in the Board of Regents for the Smithsonian Institution of the class other than Members of Congress, which will occur on March 1, 1911, by the resignation of Hon. John B. Henderson, to take effect on that day, be filled by the appointment of John B. Henderson, jr., of the city of Washington."

The amendment was agreed to.

The joint resolution was ordered to be read a third time, was read the third time, and passed.

Mr. DALZELL. Mr. Speaker, I submit the following resolution (H. Res. 1000), which I send to the desk and ask to have read.

The Clerk read as follows:

Resolved, That the Speaker of the House of Representatives be, and hereby is, directed to cancel his signature to the enrolled joint resolution of the Senate (S. J. Res. 145), a joint resolution providing for the filling of the vacancy which will occur on March 1, 1911, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress, and that the Clerk of the House be directed to return the same to the Senate and request the Senate to reenroll the said resolution.

Mr. DALZELL. Mr. Speaker, that is necessary in order to straighten out the parliamentary tangle.

The SPEAKER. The Chair suggests that the words be added "as amended."

Mr. DALZELL. Very well, I will offer that amendment.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The resolution as amended was agreed to.

ADJOURNMENT.

Mr. MANN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock p. m.) the House adjourned until to-morrow, Tuesday, February 28, 1911, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Postmaster General, transmitting schedules of papers and documents not needed for public business (H. Doc. No. 1411) was taken from the Speaker's table, referred to the Committee on Disposition of Useless Executive Papers, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SMITH of Michigan, from the Committee on the District of Columbia, to which was referred the resolution of the Senate (S. J. Res. 82) directing that a portion of square No.

857 in the city of Washington, D. C., be reserved for use as an avenue and improved, reported the same without amendment, accompanied by a report (No. 2258), which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PRINCE, from the Committee on Military Affairs, to which was referred the joint resolution of the House (H. J. Res. 294) filling vacancies on the Board of Managers of the National Home for Disabled Volunteer Soldiers, reported the same without amendment, accompanied by a report (No. 2259), which said resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. STEVENS of Minnesota, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 7574) for the relief of John M. Bonine, reported the same without amendment, accompanied by a report (No. 2260); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Military Affairs, to which was referred the bill of the Senate (S. 7648) for the relief of Charles J. Smith, reported the same without amendment, accompanied by a report (No. 2261); which said bill and report were referred to the Private Calendar.

Mr. KITCHIN, from the Committee on Claims, to which was referred the bill of the Senate (S. 1031) for the relief of Jaji Bin Ydris, reported the same without amendment, accompanied by a report (No. 2262); which said bill and report were referred to the Private Calendar.

Mr. TILSON, from the Committee on Claims, to which was referred the bill of the Senate (S. 4023) for the relief of Arthur G. Fisk, reported the same without amendment, accompanied by a report (No. 2263); which said bill and report were referred to the Private Calendar.

Mr. HAWLEY, from the Committee on Claims, to which was referred the bill of the Senate (S. 9270) for the relief of Frank W. Hutchins, reported the same without amendment, accompanied by a report (No. 2264), which said bill and report were referred to the Private Calendar.

Mr. GRAHAM of Pennsylvania, from the Committee on Claims, to which was referred the bill of the Senate (S. 9954) for the relief of Lincoln C. Andrews, reported the same without amendment, accompanied by a report (No. 2265), which said bill and report were referred to the Private Calendar.

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 10591) to grant certain lands to the city of Trinidad, Colo., reported the same without amendment, accompanied by a report (No. 2266), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MONDELL: A bill (H. R. 32956) extending the general public-land laws over the lands of the former Fort Laramie Post and wood and timber reserve; to the Committee on the Public Lands.

By Mr. WATKINS: A bill (H. R. 32958) to carry into effect the provisions of the act of Congress forming the Public Health Service by providing penalties for the pollution of the navigable streams and lakes of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. PRINCE: A resolution (H. Res. 999) to pay Nannie E. Williams and others salary and burial expenses of John W. Williams; to the Committee on Accounts.

By Mr. ANDREWS: A joint resolution (H. J. Res. 295) approving the constitution formed by the constitutional convention of the Territory of New Mexico; to the Committee on the Territories.

By Mr. REEDER: A memorial of the Legislature of Kansas protesting against the discontinuance of United States pension agencies; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred, as follows:

By Mr. ANDERSON: A bill (H. R. 32959) granting an increase of pension to Joseph A. Beach; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32960) granting an increase of pension to Elisha L. Larowe; to the Committee on Pensions.

By Mr. ANDREWS: A bill (H. R. 32961) granting an increase of pension to Eveline H. Crichton; to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 32962) granting an increase of pension to John J. Carter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32963) granting an increase of pension to Helen E. Sturtevant; to the Committee on Invalid Pensions.

By Mr. DICKINSON: A bill (H. R. 32964) granting a pension to Roseannah Martin; to the Committee on Invalid Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 32965) granting an increase of pension to J. D. Adkins; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32966) granting an increase of pension to C. Milstead; to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 32967) granting an increase of pension to John Walker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32968) granting an increase of pension to Sarah N. Raulerson; to the Committee on Pensions.

Also, a bill (H. R. 32969) granting an increase of pension to John Bryant; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of mass meeting held at Faneuil Hall, Boston, Mass., praying that Congress take action in favor of the annexation of Crete to Greece; to the Committee on Foreign Affairs.

Also, memorial of the Legislature of the State of Washington, praying for an extension of time for desert-land entries; to the Committee on the Public Lands.

Also, petition of Municipal Council of Iloilo, of the Philippine Islands, protesting against certain statements made by Secretary Dean C. Worcester; to the Committee on Insular Affairs.

Also, petition of Eureka Grange, of Mapleton, Me., protesting against the passage of the trade agreement with Canada; to the Committee on Ways and Means.

Also, petition of C. F. Frey and four other farmers, protesting against the ratification of the trade agreement with Canada; to the Committee on Ways and Means.

Also, petition of Milk Producers' Association of Illinois, Wisconsin, and Indiana, protesting against the ratification of the trade agreement with Canada; to the Committee on Ways and Means.

Also, memorial of Legislature of Massachusetts, praying for the ratification of the Canadian trade agreement; to the Committee on Ways and Means.

Also, petition of Purchase Quarterly Meeting of the Religious Society of Friends, protesting against the fortification of the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Westbury Quarterly Meeting of the Society of Friends, of New York City, protesting against the fortification of the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of Atwood Vanallen, of Collison, Ill., protesting against the establishment of a parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of L. A. Hutchison, of Paris, Ill., protesting against the establishment of a parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of Dr. L. B. Russell, of Hoopeston, Ill., praying for the establishment of a national health department; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Senate of the State of New York, praying for legislation to establish a parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of M. Jessie Wright, of Chebanse, Ill., protesting against the establishment of a parcels post; to the Committee on the Post Office and Post Roads.

Also, petitions of O. E. Harper and 54 other citizens of Danville, Ill., and Danville Trades and Labor Council, praying that the battleship *New York* be built in a Government navy yard; to the Committee on Naval Affairs.

By Mr. ANSBERRY: Petition of Putnam County Grange, of Rimer, Ohio, against reciprocity with Canada; to the Committee on Ways and Means.

Also, petition of the National Piano Manufacturers' Association, in favor of Canadian reciprocity; to the Committee on Ways and Means.

By Mr. ASHBROOK: Petition of L. S. Miley, Harry B. Bertolette, S. Otto Troutman, C. V. Van Numan, O. D. Bruce, A. G.

Frable, M. Booth, of Shreve, Ohio, favoring the passage of the militia pay bill; to the Committee on Militia.

Also, petition of the official board of the Methodist Episcopal Church, against increase of postal rates on second-class matter; to the Committee on the Post Office and Post Roads.

Also, petition of Monroe Grange, No. 1390, Blissfield, Ohio, against the proposed Canadian reciprocity treaty; to the Committee on Ways and Means.

By Mr. BURLEIGH: Petition of Floral Grange, No. 158, North Bucksport, Me., against Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of St. Albans Grange, St. Albans, Me., and Pobbossee Contee Grange, West Gardiner, Me., against Canadian reciprocity treaty; to the Committee on Ways and Means.

By Mr. CALDER: Petition of National Piano Manufacturers' Association of America, for Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of the Polish National Alliance, against further restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of New York State Pharmaceutical Association, Hudson, N. Y., against House bill 25241; to the Committee on Ways and Means.

Also, petition of Philadelphia Peace Association of Friends, for neutralization of the canal; to the Committee on Military Affairs.

By Mr. COX of Ohio: Petition of the Unity Club, against increase of postage on magazines; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of the third congressional district of Ohio against Senate bill 404; to the Committee on the District of Columbia.

Also, petition of Plainview Council, Junior Order United American Mechanics, Dayton, Ohio, for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of 100 members of Vermont Grange, No. 1630, against Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of citizens of Middletown, Ohio, against any parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. DALZELL: Petitions of Washington Camp No. 751, Patriotic Order Sons of America, of Jeannette, Pa.; German Carpenters' Union, No. 164, of Pittsburg, Pa.; and the Junior Order United American Mechanics of Charleroi, Pa., urging the enactment of House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. DRAPER: Petition of citizens of Salem and Hudson Falls, favoring Senate bill 3776; to the Committee on Interstate and Foreign Commerce.

Also, the petition of Sundance Commercial Club., for an appropriation for a public building for Sundance, Wyo.; to the Committee on Public Buildings and Grounds.

By Mr. MICHAEL E. DRISCOLL: Petition of Syracuse Pattern Makers' Association and Coopers' Local No. 98, of Syracuse, N. Y., for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. ESCH: Petition of citizens of Appleton and Arkansaw, Wis., against increase of postal rates on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. FOSS: Petition of H. Daniels and other citizens of North Chicago, opposing any increase in postage rates; to the Committee on the Post Office and Post Roads.

Also, petition of the Zion City Chapter of the American Woman's League, composed of over 100 women, against increase of postal rates; to the Committee on the Post Office and Post Roads.

By Mr. FORNES: Petition of Michael Collins, against increase in postage rates on second-class matter; to the Committee on the Post Office and Post Roads.

Also, petition of National Piano Manufacturers' Association of America, favoring reciprocity with Canada; to the Committee on Ways and Means.

Also, petition of James E. March, against the immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Colliers Weekly and P. V. Collins & Co., against proposed post-office bill; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of E. K. Crawford, Rockford, Ill., for the Esch bill (H. R. 30022); to the Committee on Ways and Means.

Also, petition of the National Association of Merchant Tailors of America and citizens of Shaffona, protesting against an increase of postal rates on magazines; to the Committee on the Post Office and Post Roads.

By Mr. GREENE: Petition of Joseph T. Timberley, jr., and other citizens, of New Bedford, Mass., against increase of postal rates on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. GUERNSEY: Petition of many citizens of the State of Maine; Mabel M. Hoffman and 154 members of the Fort Fairfield Grange, No. 262, Patrons of Husbandry, Aroostook County; and the Eastern Star Grange, No. 473, Patrons of Husbandry, against reciprocity with Canada; to the Committee on Ways and Means.

By Mr. HOWELL of New Jersey: Petition of Milltown Grange, No. 151, Patrons of Husbandry, South River, N. J., against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. HUMPHREY of Washington: Petition of the Master Laurel Grange, No. 208, and other citizens, of Washington, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. LINDBERGH: Petition by citizens of Minnesota, protesting against parcels post; to the Committee on the Post Office and Post Roads.

By Mr. LOUD: Petition of John Kavanagh and Michael La Londe, of Bay City, Mich., against the establishment of a local rural parcels-post service; to the Committee on the Post Office and Post Roads.

Also, petition of George A. Goddard and 12 other residents of Wolverine, Mich., for a general parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of Red Oak Grange, No. 1292, Oscoda County, and Weadock Grange, No. 1145, Weadock County, Mich., against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. McDERMOTT: Petition of A. C. Milburn, Chicago, Ill., for the Burkett-Sims bill; to the Committee on Interstate and Foreign Commerce.

By McKINNEY: Petition of Maple City Chapter, American Woman's League, Monmouth Ill., against increase of postage on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. McMORRAN: Petitions of Elizabeth Gooderham and others, of Huron County; Charles W. Cadow and others, of Sandusky; Walte McLeod and others, of Otter Lake, Fostoria, and Columbiaville, all of the State of Michigan, protesting against Senate bill 404 and House joint resolution 17; to the Committee on the District of Columbia.

By Mr. MAGUIRE of Nebraska: Petition of citizens of Salem, Weeping Water, Baroda, Martell, Beatrice, Nebraska City, and Lincoln, Nebr., against passage of a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. MARTIN of South Dakota: Paper relative to extension of time to homesteaders; to the Committee on Indian Affairs.

By Mr. NICHOLLS: Petition of Washington Camp No. 177, Patriotic Order Sons of America, Scranton, Pa., for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. O'CONNELL: Petition of National Piano Manufacturers' Association, for Canadian reciprocity; to the Committee on Ways and Means.

By Mr. PETERS: Petition of the General Court of Massachusetts, favoring reciprocal trade relations with Canada; to the Committee on Ways and Means.

Also, petition of citizens of Massachusetts and others, favoring passage of resolution by Congress favoring annexation of Crete with Greece; to the Committee on Interstate and Foreign Commerce.

By Mr. SHEFFIELD: Petition of Pawtucket Council, Junior Order United American Mechanics, Shannock, R. I., urging passage of House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. SPARKMAN: Petition of many employees on railroads of the Atlantic coast lines, advocating higher rates for transportation; to the Committee on Interstate and Foreign Commerce.

By Mr. STEENERSON: Petition of Senate of the State of Minnesota, for suspension of action on the reciprocity treaty with Canada; to the Committee on Ways and Means.

By Mr. SULZER: Petition of the Sundance Commercial Club for an appropriation for a public building in Sundance; to the Committee on Public Buildings and Grounds.

By Mr. TAYLOR of Colorado: Petition of citizens of Denver, Colo., against increase of postal rates on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. THISTLEWOOD: Petition by Edwin Band and 160 other citizens of Cairo, Ill., favoring a Federal bureau of health; to the Committee on Interstate and Foreign Commerce.

By Mr. WANGER: Petition of the Maritime Association of New York in behalf of the bill (H. R. 32545) for the relief of Gregory Bennett; to the Committee on Interstate and Foreign Commerce.

SENATE.

TUESDAY, *February 28, 1911.*

The Senate met at 11 o'clock and 50 minutes a. m.
Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

THE JOURNAL.

The Secretary proceeded to read the Journal of the proceedings of Monday, February 27.

Mr. KEAN. Mr. President, a parliamentary inquiry. If the reading of the Journal should be dispensed with, would that comply with the unanimous-consent agreement?

The VICE PRESIDENT. The Chair thinks it would.

Mr. KEAN. Then I ask unanimous consent that the further reading of the Journal be dispensed with.

Mr. BACON. Mr. President, I object, simply for the reason that I want an opportunity for all Senators to be present, and some may not now be here.

Mr. KEAN. I withdraw my request, Mr. President.

The VICE PRESIDENT. The request is withdrawn. The Secretary will continue the reading of the Journal.

The reading of the Journal was resumed.

Mr. DAVIS. Mr. President, I ask unanimous consent that the further reading of the Journal be dispensed with.

Mr. LA FOLLETTE. Mr. President——

The VICE PRESIDENT. Does the Senator from Wisconsin intend to object? The Chair was about to state the request of the Senator from Arkansas, but if the Senator from Wisconsin intends to object the Chair will not state it.

Mr. LA FOLLETTE. I do not intend to object, Mr. President, if I am certain of having a parliamentary question settled to my satisfaction.

The VICE PRESIDENT. The Senator will state his parliamentary question.

Mr. LA FOLLETTE. It occurs to me, Mr. President, that a unanimous-consent agreement to dispense with the reading of the minutes of the previous meeting changes a unanimous-consent agreement which provided that a vote should be taken after the Journal had been read. If that is true, it seems to me it ought not to be done.

The VICE PRESIDENT. The Chair thinks it would not change the agreement.

Mr. BEVERIDGE. If there is any doubt about it, I object.

The VICE PRESIDENT. The Chair suggests that if the reading of the Journal be dispensed with some action will have been taken before the vote is had on the joint resolution. That is all. The Chair thinks to dispense with the further reading of the Journal would not change the unanimous-consent agreement.

Mr. BEVERIDGE. If there is any doubt about that the easiest and quickest way is to object, and also for the reasons stated by the Senator from Georgia [Mr. BACON].

The VICE PRESIDENT. The Senator from Indiana objects. The Secretary will continue the reading of the Journal.

The Secretary resumed and concluded the reading of the Journal.

The VICE PRESIDENT. Without objection, the Journal as read will stand approved.

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. KEAN. Let us have the regular order, Mr. President.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 134) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

The VICE PRESIDENT. The question is on agreeing to the joint resolution, which, without objection, the Secretary will again report.

Mr. NELSON. There is an amendment printed in the joint resolution. I do not think I have offered it. I withdraw the amendment.

The VICE PRESIDENT. The Secretary will read the joint resolution as it will be voted upon.

The Secretary read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That in lieu of the first paragraph of section 3 of Article I of the Constitution of the United States, and in lieu of so much of paragraph 2 of the same section as relates to the filling of vacancies, the following be proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the States:

"The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

"When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election, as the legislature may direct.

"This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution."

The VICE PRESIDENT. The question is on agreeing to the joint resolution.

Mr. BACON obtained the floor.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. BACON. I yield to the Senator from Idaho.

Mr. BORAH. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BACON. I desire to make an inquiry as to the parliamentary situation. As I understand, the joint resolution has not been passed from the Committee of the Whole into the Senate——

Mr. BEVERIDGE. No.

Mr. BACON. And the agreement to vote imports that the Senate shall take up the joint resolution in the situation in which it is found and proceed to its conclusion without debate. I do not understand that it dispenses with any of the regular parliamentary procedure.

The VICE PRESIDENT. The Chair's understanding differs from that of the Senator from Georgia. The Chair's understanding is that the vote shall at once be taken upon the passage of the joint resolution.

Mr. BACON. I will state that the object I have is this: According to the regular parliamentary procedure the joint resolution, resting as it now does in the committee, would be, by the usual formula of the questions, transferred to the Senate, and when it reaches the Senate the question would be upon the adoption of amendments which had been agreed to in Committee of the Whole. It is with that view, desiring myself to offer an amendment, that I make the inquiry.

The VICE PRESIDENT. The Chair thinks that the question now is on the passage of the joint resolution in accordance with the unanimous-consent agreement; that all the prior actions, through committee, and so forth, are assumed to have been taken, and the question now is upon the passage.

Mr. BACON. Of course I would not at this stage endeavor to take issue with the Chair on the subject. I just desire to say that I should not like for it to be adopted as a precedent without dissent, because I do not think it is in accordance with the practice of the Senate in that regard. I think that under no interpretation heretofore has it ever been recognized that a matter pending in the Committee of the Whole could be voted upon as it can be in the House—the rule in the House, I know, is that way, but it is a very different rule and a very different practice here.

I want to say that I am not in any manner going to trespass upon the ruling of the Chair, but I wanted to say that my purpose was to offer this amendment, and I am going to ask unanimous consent that I may offer it. I understand there is an amendment of a grammatical character which the Senator from Idaho will want to ask to have made, and possibly, by unanimous consent, we might be allowed to vote upon this as a part of it.

The VICE PRESIDENT. The Chair thinks that any such request would be a modification of the unanimous-consent agreement——

Mr. BEVERIDGE. That is true.

The VICE PRESIDENT. Which the Senate has invariably refused to do. The Chair thinks it can not be done. The Secretary will call the roll.

Mr. BACON. There undoubtedly can be no modification of a unanimous-consent agreement so far as to displace the order.

The VICE PRESIDENT. The Chair thinks that the order is that the vote shall be at once taken without debate, and that if debate were now permitted it would be a modification of the order.

Mr. BACON. I want to say for myself that at the time the consent was given, I supposed it was the usual consent which is always with us to vote upon the bill and amendments then offered, or upon the joint resolution, as it may be, and the amendments.

I will say, in brief, that the amendment I wanted to offer is simply this: After the words—

The times, places, and manner of holding elections for Senators shall be prescribed in each State by the legislature thereof—

Add:

Provided, That the Congress shall have power to prescribe the times, places, and manner of holding such elections in any State the legislature of which fails or refuses to prescribe such times, places, and manner.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CULBERSON (when Mr. FRAZIER'S name was called). The Senator from Tennessee is unavoidably absent on account of a death in his family. If he were present he would vote "yea."

Mr. BACON (when Mr. TERRELL'S name was called). My colleague [Mr. TERRELL] is detained from the Chamber necessarily by personal illness. If my colleague were present he would vote "nay."

The roll call was concluded, and resulted as follows:

YEAS—54.

Bailey	Clarke, Ark.	La Follette	Smith, Md.
Beveridge	Culberson	McCumber	Smith, Mich.
Borah	Cullom	Martin	Smith, S.C.
Bourne	Cummins	Nelson	Stephenson
Bradley	Curtis	Newlands	Stone
Briggs	Davis	Nixon	Sutherland
Bristow	Dixon	Overman	Swanson
Brown	du Pont	Owen	Taylor
Burkett	Frye	Paynter	Thornton
Burton	Gamble	Perkins	Warner
Carter	Gore	Piles	Watson
Chamberlain	Gronna	Rayner	Young
Clapp	Guggenheim	Shively	
Clark, Wyo.	Jones	Simmons	

NAYS—33.

Bacon	Dillingham	Lodge	Scott
Bankhead	Fletcher	Lorimer	Smoot
Brandegee	Flint	Money	Taliaferro
Bulkeley	Foster	Oliver	Tillman
Burnham	Gallinger	Page	Warren
Burrows	Hale	Penrose	Wetmore
Crane	Heyburn	Percy	
Depew	Johnston	Richardson	
Dick	Kean	Root	

NOT VOTING—4.

Aldrich	Crawford	Frazier	Terrell

The VICE PRESIDENT. Upon this question the yeas are 54, the nays are 33. Two-thirds not having voted therefor, the nays have it and the joint resolution is not passed.

Mr. CRAWFORD subsequently said: Mr. President, I rise to a matter of personal privilege.

The VICE PRESIDENT. The Senator will state it.

Mr. CRAWFORD. As the Senate well knows, I left here this morning at quite a late hour. I went to my apartment and I did my very best to reach here in time to vote on the special order this morning, but was unable to get a car. I did not reach here until about two minutes after the roll call was closed.

I desire to state that had I been present I would have voted for the joint resolution, but I was unavoidably absent on account of what I have said. I understand that my vote would not have saved the joint resolution, which I very much regret.

CONVEYANCE OF MAIL MATTER BY PRIVATE EXPRESS.

The VICE PRESIDENT laid before the Senate a communication from the Postmaster General, stating, in response to a resolution of the 17th instant, that there have not been for many years, nor are there now, frequent, continuous, and systematic violations of section 181 of the Criminal Code of the United States, effective January 1, 1910, etc. (S. Doc. No. 843), which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

LAWRENCE M. SIZER.

The VICE PRESIDENT laid before the Senate a communication from the Postmaster General, transmitting, in response to a resolution of the 27th ultimo, copies of all papers, charges, etc., in the matter of the dismissal from the service of Lawrence M. Sizer, formerly a clerk in the post office at Seattle, Wash. (S. Doc. No. 845), which, with the accompanying papers, was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

THE IRON AND STEEL INDUSTRY.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of Commerce and Labor submitting an estimate of appropriation for inclusion in the sundry civil appropriation bill to complete the investigation and compilation of the report relative to the conditions of employment prevailing in the iron and steel industry of the United States, etc. (S. Doc. No. 844), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

CREDENTIALS.

Mr. JOHNSTON presented the credentials of JOHN HOLLIS BANKHEAD, chosen by the Legislature of the State of Alabama a Senator from that State for the term beginning March 4, 1913, which were read and ordered to be filed.

Mr. FLETCHER presented the credentials of NATHAN P. BRYAN, appointed by the governor of the State of Florida a Senator from that State from the 3d day of March, 1911, until the next meeting of the Legislature of Florida, which were read and ordered to be filed.

Mr. MARTIN presented the credentials of CLAUDE AUGUSTUS SWANSON, appointed by the governor of the State of Virginia a Senator from that State from the 3d day of March, 1911, until the next meeting of the Legislature of Virginia, which were read and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had passed the bill (S. 10457) to amend section 6 of the currency act of March 14, 1900, as amended by the act approved March 4, 1907.

The message also announced that the House had passed the joint resolution (S. J. Res. 145) providing for the filling of a vacancy which will occur on March 1, 1911, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H. R. 30292. An act to change the name of the Public Health and Marine-Hospital Service to the Public Health Service, to increase the pay of officers of said service, and for other purposes; and

H. J. Res. 290. Joint resolution authorizing the President to appoint a competent person to investigate the manufacture of white phosphorus matches and report to the next session of Congress.

The message also announced that the House had agreed to a resolution authorizing the Speaker of the House to cancel his signature to the enrolled joint resolution (S. J. Res. 145) providing for the filling of a vacancy which will occur on March 1, 1911, in the Board of Regents in the Smithsonian Institution of the class other than Members of Congress, and that the Clerk of the House be directed to return the joint resolution to the Senate and request the Senate to reenroll the joint resolution as amended.

REGENTS OF SMITHSONIAN INSTITUTION.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the joint resolution (S. J. Res. 145) providing for the filling of a vacancy which will occur March 1, 1911, in the Board of Regents in the Smithsonian Institution of the class other than Members of Congress, which was, in line 8, to strike out "Virginia" and insert "the city of Washington."

Mr. LODGE. I move that the Senate concur in the amendment of the House.

The motion was agreed to.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented resolutions adopted at the second annual convention of the Jewish Community of New York City, N. Y., favoring the ratification of a new treaty between the United States and Russia, which were referred to the Committee on Foreign Relations.

He also presented a petition of the Citizens' Association of Takoma Park, D. C., praying for the adoption of a system of universal transfers on the railroads in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. GUGGENHEIM. I present a concurrent resolution passed by the General Assembly of the State of Colorado, ratifying the sixteenth amendment to the Constitution of the United States, which I ask may be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the concurrent resolution was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Senate concurrent resolution 3.

Concurrent resolution ratifying the sixteenth amendment to the Constitution of the United States of America.

Whereas both Houses of the Sixty-first Congress of the United States of America at its first session, by a constitutional majority of two-thirds thereof, made the following proposition to amend the Constitution of the United States of America in the following words, to wit:

"A joint resolution proposing an amendment to the Constitution of the United States.

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution, namely:

"'ARTICLE XVI. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportion-

ment among the several States and without regard to any census or enumeration: '"

Therefore be it

Resolved by the General Assembly of the State of Colorado, That the said proposed amendment to the Constitution of the United States of America be, and the same is hereby, ratified by the General Assembly of the State of Colorado.

That certified copies of this preamble and joint resolution be forwarded by the governor of this State to the President of the United States, Secretary of State of the United States, to the Presiding Officer of the United States Senate, and to the Speaker of the United States House of Representatives.

STEPHEN R. FITZGARRALD,
President of the Senate.
GEORGE MCLACHLAN,
Speaker of the House of Representatives.

Approved this 20th day of February, A. D. 1911.

JOHN F. SHAFROTH,
Governor of the State of Colorado.

Filed in the office of the secretary of state of the State of Colorado on the 21st day of February, A. D. 1911, at 5.43 o'clock p. m. Recorded in book —, page —.

JAMES B. PEARCE, *Secretary of State,*
By THOMAS F. DILLON, Jr., *Deputy.*

—

STATE OF COLORADO,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, *State of Colorado, ss:*

I, James B. Pearce, secretary of state of the State of Colorado, do hereby certify that the annexed is a full, true, and complete transcript of senate concurrent resolution No. 3, by Senator Garman, concurrent resolution ratifying the sixteenth amendment to the Constitution of the United States of America, which was filed in this office the 21st day of February, A. D. 1911, at 5.43 o'clock p. m., and admitted to record.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Colorado at the city of Denver this 23d day of February, A. D. 1911.

[SEAL.] JAMES B. PEARCE, *Secretary of State,*
By THOMAS F. DILLON, Jr., *Deputy.*

Mr. BURNHAM presented a petition of the Woman's Christian Temperance Union of New Hampshire, praying that an investigation be made into certain existing conditions in the Territory of New Mexico before the ratification of the constitution thereof, which was referred to the Committee on Territories.

Mr. KEAN presented petitions of Lincoln Post, of Newark; of John M. Wheeler Post, of Montclair; of Uzal Dodd Post, No. 12, of Orange; and of Major Dandy Post, No. 143, of Perth Amboy, all of the Department of New Jersey, Grand Army of the Republic, in the State of New Jersey, praying for the passage of the so-called old-age pension bill, which were ordered to lie on the table.

He also presented the petition of H. B. Cornwall, of Princeton, N. J., praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which was ordered to lie on the table.

He also presented a memorial of the Angle Manufacturing Co., of New York City, N. Y., remonstrating against any change being made in the rate of postage on periodicals and magazines, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Hackensack, N. J., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. CARTER. I present a joint memorial adopted by the Twelfth Legislative Assembly of the State of Montana, which I ask may be printed in the RECORD and referred to the Committee on Irrigation and Reclamation of Arid Lands.

There being no objection, the joint memorial was referred to the Committee on Irrigation and Reclamation of Arid Lands and ordered to be printed in the RECORD, as follows:

Senate joint memorial 4.

Petition to Congress to enact such legislation as will be necessary for the establishment of pleasure grounds on the irrigation districts now laid out, and also naming Fort Shaw Military Post as one of said parks.

To the honorable Senate and House of Representatives in Congress of the United States assembled:

The Great West Country Life Commission, with headquarters at Spokane, Wash., a branch of the organization instituted recently by the executive department of the Government of the United States with a view of inaugurating a movement for the improvement of country-life conditions, has for its object the removal of unrest among the farmers and their families on account of their isolation from urban enjoyment, and especially has for its object the improvement of rural conditions so as to add to the attraction of farm life, and in furtherance of this purpose has formulated a plan for the establishment of pleasure grounds to be known as the Country Life Commission grounds, on which shall be erected halls, schoolhouses with suitable athletic fields, picnic grounds, and such like auxiliaries, thus affording means for education and amusements such as are furnished through the grange hall, harvest feast, and picnics of the Order of the Patrons of Husbandry, the grounds thus to be dedicated to embrace an area of from 10 to 20 acres, as occasion may demand.

The State of Montana, desirous of increasing the fascinations of farm life, gives its unqualified indorsement to this movement, and therefore

Resolved, That we, the Twelfth Legislative Assembly of the State of Montana, the senate and house concurring, do hereby petition the Congress of the United States for the passage of legislation whereby supervising engineers of the several reclamation projects within this State shall be empowered to lay out such grounds for pleasure parks—of from 10 to 20 acres in every 20,000 acres of reclaimed land—and that the title to such parks so established shall be conveyed to a board of trustees to be appointed by the governor of the State, the title so vested to be held in trust.

And we further petition that that portion of the old military post of Fort Shaw, abandoned for garrison and Indian school purposes and now unused, embracing about 60 acres of land, and described as follows:

Lots 11 and 12, section 2; and that portion of the north one-half northeast one-fourth section 11, township 20, north of range 2 west, lying north of the Great Northern Sun River line right of way, the north one-half northeast one-fourth of section 11 being divided east and west by the Great Northern Sun River line right of way, be constituted a pleasure park for the reclamation districts known as the Fort Shaw unit of the Sun River reclamation project.

We do the more readily request the dedication of the Fort Shaw Military Post grounds for pleasure-park purposes as the buildings thereon are adobe and are not in condition to be moved, and the ground on which the buildings stand is valueless for agricultural purposes and the territory adjacent to the post is thickly peopled.

Resolved further, That a copy of this memorial be forwarded by the secretary of state to the honorable Secretary of the Interior and our Senators and Representative in Congress, with the request that they use every effort within their power to secure the enactment of such legislation as is needful to effectuate the purposes herein indicated.

W. R. ALLEN, *President of the Senate.*
W. W. MCDOWELL, *Speaker of the House.*

Approved February 17, 1911.

EDWIN L. NORRIS, *Governor.*

Filed February 17, 1911.

A. N. YODER, *Secretary of State.*

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UNITED STATES OF AMERICA, *State of Montana, ss:*

I, A. N. Yoder, secretary of state of the State of Montana, do hereby certify that the above is a true and correct copy of Senate joint memorial No. 4, petitioning Congress to enact such legislation as will be necessary for the establishment of pleasure grounds on the irrigation districts now laid out, and also naming Fort Shaw Military Post as one of said parks, enacted by the twelfth session of the Legislative Assembly of the State of Montana, and approved by Edwin L. Norris, governor of said State, on the 17th day of February, 1911.

In testimony whereof I have hereunto set my hand and affixed the great seal of said State.

Done at the city of Helena, the capital of said State, this 17th day of February, A. D. 1911.

[SEAL.] A. N. YODER, *Secretary of State.*

Mr. NIXON presented a memorial of sundry citizens of Reno, Nev., remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post Offices and Post Roads.

Mr. GALLINGER presented a petition of the Federation of Citizens' Associations of Washington, D. C., favoring continuation of the present public school system, which was ordered to lie on the table.

He also presented a memorial of the International Pulp and Paper Mill Workers' Unions of Fort Edward, N. Y., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was ordered to lie on the table.

Mr. YOUNG. I present a telegram in the nature of a memorial from the secretary of the Commercial Club of Des Moines, Iowa, relative to the consolidation of the pension agencies. I ask that the telegram lie on the table and that it be printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

DES MOINES, IOWA, *February 27, 1911.*

HON. LAFAYETTE YOUNG,
Washington, D. C.:

If pension offices are to be reduced in number by the consolidation of offices, why not favor the offices located in Government-owned properties, with adequate facilities for their accommodation? In Des Moines the Government owns a Federal building worth, with grounds, three-quarters of a million, used exclusively for Federal offices and courts; also another building, worth $500,000, exclusive of real estate, used exclusively for post office. In the first building is the pension office, using half of the second floor. The entire first floor, of over 10,000 square feet, is not now in use and is available for pension office and would afford more than twice the room now occupied, leaving ample room for courts, custom, and other Federal offices and for their extension for the next 50 years.

COMMERCIAL CLUB,
GEIS BOTSFORD, *Secretary.*

Mr. BURTON presented petitions of sundry citizens of Cleveland, Ohio, praying for the enactment of legislation to further increase the efficiency of the Organized Militia, etc., which were referred to the Committee on Military Affairs.

Mr. ROOT presented petitions of sundry labor organizations of Albany, Amsterdam, Auburn, Buffalo, Batavia, Binghamton, Bridgehampton, Brooklyn, Cornwall, Elmira, Glens Falls, Geneva, Hudson, Herkimer, Ithaca, Kingston, Lake Placid, Lockport, Lestershire, Montgomery, Minaville, Manlius, New York City, Newburgh, New Rochelle, Ogdensburg, Poughkeepsie, Perry, Rochester, Rifton, Syracuse, Union Course, Utica, Waverly, Yonkers, and Valley Stream, all in the State of New York, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of the North Side Board of Trade, of New York City, N. Y., praying for the extension of the pneumatic-tube system into the Borough of the Bronx, New York City, which was referred to the Committee on Post Offices and Post Roads.

Mr. SCOTT presented a petition of the congregation of the Baptist Church of Grafton, W. Va., praying for the enactment of legislation to prohibit the interstate transmission of race-gambling bets, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Okonoko, W. Va., remonstrating against any increase being made in the rate of postage on periodicals and magazines, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. WARREN, from the Committee on Military Affairs, to which was referred the bill (H. R. 22270) for the relief of Amos M. Barbin, reported it without amendment and submitted a report (No. 1261) thereon.

Mr. SMOOT, from the Committee on Finance, to which was referred the bill (H. R. 30281) to provide for the entry under bond of exhibits of arts, sciences, and industries, reported it without amendment and submitted a report (No. 1262) thereon.

Mr. OWEN. From the Committee on Post Offices and Post Roads, and on my own behalf, I submit the following report to accompany the bill (H. R. 31539) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1912, and for other purposes. The attention of the Senate is called to the amendment proposed by me on the 25th instant relative to the rate of postage on periodicals and magazines. I move that the report be printed as Part 2, Senate Report No. 1242, submitted by me a few days ago.

The motion was agreed to.

Mr. SCOTT, from the Committee on Military Affairs, to which was referred the bill (H. R. 32436) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1912, and for other purposes, reported it with amendments and submitted a report (No. 1263) thereon.

DUTY ON DISTILLED SPIRITS.

Mr. LODGE. From the Committee on Finance, I report back favorably without amendment the bill (H. R. 28626) to amend the internal-revenue laws relating to distilled spirits, and for other purposes, and I ask for its present consideration.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill, as follows:

Be it enacted, etc., That section 3255 of the Revised Statutes, as amended by act of June 3, 1896 (29th Stat., p. 195), be amended so as to read as follows:

"SEC. 3255. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may exempt distillers of brandy made exclusively from apples, peaches, grapes, pears, pineapples, oranges, apricots, berries, plums, pawpaws, persimmons, prunes, figs, or cherries from any provision of this title relating to the manufacture of spirits, except as to the tax thereon, when in his judgment it may seem expedient to do so: *Provided*, That where, in the manufacture of wine, artificial sweetening has been used the wine or the fruit pomace residuum may be used in the distillation of brandy, and such use shall not prevent the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, from exempting such distiller from any provision of this title relating to the manufacture of spirits, except as to the tax thereon, when, in his judgment, it may seem expedient to do so."

Mr. HEYBURN. I should like to ask a question of the Senator reporting the bill. I should like to know how much revenue is involved in the exemption of the brandy made from those articles.

Mr. LODGE. Nothing is exempted. The bill will save to the Government about $800,000 in revenue. The Senator, of course, in the confusion did not fully get the purpose of the bill. The language in which the word "exempt" occurs is the existing law, and the exemption applies to everything except taxation. It exempts it from the rules applying to whisky and other articles.

Mr. HEYBURN. It was read amid great confusion.

Mr. LODGE. The necessity arises from this fact. The law says "exclusively," and it has been held lately that if sugar is applied to the grapes or fruit before fermentation then it is not exclusively. It would throw out of business a large number of manufacturers who have been engaged in business for more than 40 years and cost the Government about $800,000 a year in revenue.

Mr. HEYBURN. The bill was read amid much confusion, and I caught it imperfectly, but in this day I am inclined to be rather on the watch for legislation that diminishes the revenues of the Government in one branch so that excuse may exist for changing them in another.

Mr. LODGE. This prevents a reduction of revenue.

Mr. OWEN. Let the bill be read.

The VICE PRESIDENT. It has been once read. Does the Senator desire to have it read again?

Mr. OWEN. I do.

The VICE PRESIDENT. Without objection the Secretary will again read the bill.

The bill was again read.

Mr. OWEN. I should like to have a brief explanation of the bill.

Mr. LODGE. Down to the proviso it is the existing law. The Senator will notice that in that law it says "exclusively" as applied to the brandies made from fruits. It has been recently held by the Comptroller that if sugar was used with the fruits prior to fermentation it was no longer exclusively, and that fruit brandies did not therefore come within the provision of the law. There is quite a large manufacture in certain States, which has existed for some 40 years. At the request of the Treasury Department this bill was put in, as the decision would put an end to that form of industry and would cost the Government some $800,000 a year in revenue.

The bill has passed the House unanimously and is recommended by the department. All that is new is in the proviso, which says even if the sugar is used beforehand they can still be classified as fruit brandies.

Mr. OWEN. I have no objection to the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TAX ON ALCOHOL.

Mr. LODGE. From the Committee on Finance, I report back favorably and ask for the present consideration of the bill (H. R. 29857) to amend section 3287 of the Revised Statutes of the United States as amended by section 6 of chapter 108 of an act approved May 28, 1880, at page 145, volume 21, United States Statutes at Large.

The Secretary read the bill; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to amend section 3287 of the Revised Statutes of the United States, as amended by section 6 of chapter 108 of an act approved May 28, 1880, page 145, of volume 21, United States Statutes at Large, so as to read as follows:

Provided further, That alcohol or high-proof spirits withdrawn free of tax for the use of the United States, as authorized by section 3464, Revised Statutes, may be drawn off for transfer by pipes direct from the receiving cisterns in the cistern room of any distillery to closed metal storage tanks situated in the distillery bonded warehouse and transferred from such storage tanks to tanks or tank cars for shipment, upon the execution of such bonds and under such regulations as the Secretary of the Treasury may prescribe.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ESTATES OF DECEDENTS.

Mr. CULLOM. From the Committee on Finance I report back favorably, without amendment, the bill (H. R. 17433) amending section 1709 of the Revised Statutes of the United States. I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section 1709 of the Revised Statutes of the United States by the addition of the following paragraph:

Sixth. The Auditor for the State and other Departments shall act as conservator of such part of these estates as may be received at the Treasury, and for their protection the Secretary of the Treasury may order such effects to be sold as may consist of jewelry or other articles which have heretofore or may hereafter be received at the Treasury, and pay the expenses of such sale out of the proceeds, provided application for these effects shall not have been made by the legal claimant within two years after their receipt. The Auditor is authorized to indorse all bills of exchange, promissory notes, and other evidences of indebtedness due to such estates, and to take such steps as may be necessary for their collection. The proceeds of such sales, together with such other moneys as may be collected by him, shall be deposited into the Treasury in trust for the legal claimant, and be reported to the Secretary of State.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELECTION OF SENATORS.

Mr. BURROWS. From the Committee on Privileges and Elections, I report back favorably the bill (S. 10862) to alter the regulations respecting the manner of holding elections for Senators, which I ask may go to the calendar.

Mr. ROOT. I ask the chairman of the committee if it was not his intention to ask for the present consideration of the bill?

The VICE PRESIDENT. The Senator from Michigan stated that he wished the bill to go to the calendar.

Mr. ROOT. If the chairman of the committee expressed the wish that the bill should go to the calendar, I have nothing further to say; but if the Senator has no personal objection, as the bill relates to the matter of the election of Senators, I ask for its present consideration. Let the bill be read for the information of the Senate.

The VICE PRESIDENT. The Senator from New York asks unanimous consent for the present consideration of the bill just reported by the Senator from Michigan.

Mr. CULBERSON. I object, Mr. President.

The VICE PRESIDENT. Objection is made, and the bill will be placed on the calendar.

CLAIMS FOR LOSS OR DAMAGE TO PRIVATE PROPERTY.

Mr. BURNHAM. From the Committee on Claims, I report back favorably without amendment the bill (S. 10890) for the payment of certain claims for damages to and loss of private property.

Mr. WARREN. I ask unanimous consent for the immediate consideration of that bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to appropriate $25,535.22 for payment of 200 approved claims for damages to and loss of private property belonging to citizens of the United States, Hawaii, and the Philippine Islands that have arisen previous to February 21, 1911, estimated for in House Documents Nos. 1242 and 1404, Sixty-first Congress, third session.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE SENATE MANUAL.

Mr. CARTER, from the Committee on Rules, reported the following resolution (S. Res. 378), which was considered by unanimous consent and agreed to (S. Doc. No. 846):

Resolved, That the Committee on Rules be instructed to prepare a new edition of the Senate Manual, and that there be printed 4,000 copies of the same for the use of the committee, of which 200 copies shall be bound in full morocco and tagged as to contents.

AFFAIRS IN ALASKA.

Mr. PILES. I submit a concurrent resolution and ask unanimous consent for its present consideration.

The VICE PRESIDENT. The concurrent resolution will be read.

The Secretary read the concurrent resolution (S. Con. Res. 42), as follows:

Resolved by the Senate (the House of Representatives concurring), That a joint committee of both Houses of Congress is hereby appointed, to be composed of five members of the Senate, to be appointed by the Presiding Officer thereof, and five members of the House of Representatives, to be appointed by the Speaker thereof; and any vacancy on the committee shall be filled in the same manner as the original appointment. The said committee is hereby empowered and directed, by subcommittee or otherwise, to sit during the sessions or recess of Congress at such times and places as they may deem desirable, to visit Alaska and make a thorough investigation of existing conditions and of the resources and needs of that Territory, to employ a stenographer and such other assistants as may be necessary to carry out the purposes for which such committee is created.

The said joint committee shall conclude its investigation and report to the Sixty-second Congress the result thereof, together with its recommendations concerning such legislation as may be advisable regarding Alaska. The expenses incurred by said joint committee shall be paid equally out of the contingent funds of the Senate and House of Representatives upon vouchers to be approved by the Committee to Audit and Control the Contingent Expenses of the Senate and of the Committee on Accounts of the House of Representatives, respectively.

The VICE PRESIDENT. Is there objection to the present consideration of the concurrent resolution?

Mr. BURROWS. Let the resolution go over.

Mr. PILES. Mr. President, I hope the Senator will not object to the consideration of the resolution. It is a matter of importance, and not something of mere passing moment.

Mr. GALLINGER. Under the law the resolution will have to go to the Committee to Audit and Control the Contingent Expenses of the Senate, and therefore can not be acted upon now.

The VICE PRESIDENT. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CLARKE of Arkansas:

A bill (S. 10896) for the relief of Lizzie E. McCord, administratrix of Moses S. McCord, deceased; to the Committee on Claims.

By Mr. BROWN:

A bill (S. 10897) granting an increase of compensation to bookbinders, printers, pressmen, clerks, and laborers in the Government Printing Office; to the Committee on Printing.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PENROSE submitted an amendment proposing to appropriate $3,500 for the salary of the Superintendent of Documents, Government Printing Office, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. DU PONT submitted an amendment relative to the requirement of the 40-foot open space for fire protection at the post office at Smyrna, Del., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BURNHAM submitted an amendment proposing to appropriate $12,000 to pay the State of New Hampshire for land and fort in Portsmouth Harbor ceded to the United States, etc., intended to be proposed by him to the general deficiency appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. WARREN submitted an amendment proposing to appropriate $25,000 for the establishment of a fish-cultural station in the State of Wyoming, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BURKETT submitted an amendment proposing to appropriate $10,000 to provide the necessary conduits, cables, wires, and labor in connecting the central heating, electric light, and power plant from Freedmen's Hospital to the various buildings on the Howard University grounds, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CRANE submitted an amendment proposing to appropriate $2,000 to pay the Norcross Bros. Co. for certain work in remodeling the fourth floor of the Treasury Building, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. TALIAFERRO submitted an amendment proposing to appropriate $50,000 for the establishment of a biological and fish-cultural station on the St. Johns River, Fla., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. DICK submitted an amendment proposing to settle the accounts of former postmasters who served at post offices in the various States and Territories of the United States between July 1, 1864, and July 1, 1874, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to pay the salary accounts of certain former postmasters of the State of Colorado between July 1, 1864, and July 1, 1874, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. MONEY submitted an amendment proposing to appropriate $5,000 for the construction of a walk from the National Military Cemetery at Natchez, Miss., to the sidewalks of that city, etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. BRADLEY submitted an amendment proposing to appropriate $45,000 for the completion of the post-office building at Lancaster, Ky., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. LODGE submitted an amendment relative to chaplains in the Navy, etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. BANKHEAD submitted an amendment proposing to appropriate $101,938.81 in settlement of the claims of the Mobile Marine Dock Co., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to appropriate $14,000, being an additional amount for the police fund of the District of Columbia, and $7,000 for the firemen's relief fund of the District of Columbia, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment relative to the employment of substitute teachers in the public schools of the District of

Columbia, etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

He also submitted an amendment relative to the granting of leaves of absence to members of the fire department of the District of Columbia, intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. PAYNTER submitted an amendment proposing to appropriate $2,000 for the salary of one pay-roll clerk, office of the Deputy Public Printer, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

WAGES AND COMMODITIES.

Mr. LODGE submitted the following resolution (S. Res. 377), which was considered by unanimous consent and agreed to (S. Doc. No. 847):

Resolved, That the report of the select committee of the Senate authorized to investigate and make report relative to wages and commodities, and the views of a minority, together with the hearings and appendices, be printed as a document.

RECIPROCITY WITH CANADA.

Mr. DU PONT. I present an article on Canadian reciprocity and the American farmer and manufacturer, which I ask may be printed as a document (S. Doc. No. 842).

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. GALLINGER. I will inquire of the Senator from Delaware what the paper relates to?

Mr. DU PONT. It is in regard to Canadian reciprocity. I will state to the Senator that it contains a great deal of valuable information.

Mr. GALLINGER. If we go into the matter of printing editorials in the RECORD on Canadian reciprocity, I have a basketful of them against it. I suppose this paper is in favor of reciprocity. I think if the Senator could have it printed as a document and not encumber the RECORD with it, it would be better.

The VICE PRESIDENT. The Chair understood the request to be to have it printed as a document.

Mr. GALLINGER. I think the Senator from Delaware asked for both.

The VICE PRESIDENT. The Chair did not so understand the request. The order is that it be printed as a document.

Mr. GALLINGER. That is all right.

HOUSE BILLS REFERRED.

H. R. 30292. An act to change the name of the Public Health and Marine-Hospital Service to the Public Health Service, to increase the pay of officers of said service, and for other purposes, was read twice by its title and referred to the Committee on Public Health and National Quarantine.

H. J. Res. 290. Joint resolution authorizing the President to appoint a competent person to investigate the manufacture of white phosphorus matches and report to the next session of Congress was read twice by its title and referred to the Committee on Finance.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 31856) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1912, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 11, 20, 30, 31, 37, 38, 39, 46, 50, 59, 65, 69, 75, 78, 79, 80, 83, 84, 85, 86, 101, 104, 107, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 123, 129, 134, 137, 140, 142, 143, 147, 150, 152, 159, 164, 165, 171, 172, 175, 176, 181, 187, 188, 190, 191, 196, 199, 200, 202, 203, 204, 205, 209, 213, 220, 222, 230, 231, 232, 235, 238, 239, and 240.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 6, 7, 8, 9, 10, 12, 13, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 35, 36, 40, 41, 42, 43, 44, 45, 47, 51, 52, 53, 54, 55, 56, 57, 58, 60, 61, 62, 63, 64, 66, 67, 68, 70, 71, 72, 73, 74, 76, 77, 82, 87, 88, 91, 92, 96, 97, 98, 99, 100, 103, 108, 119, 120, 122, 124, 125, 126, 127, 128, 130, 131, 135, 138, 139, 141, 144, 146, 153, 154, 158, 162, 166, 167, 168, 169, 170, 173, 174, 177, 180, 182, 183, 184, 189, 193, 194, 197, 206, 210, 212, 214, 215, 216, 217, 221, 223, 224, 225, 226, 227, 228, 229, 233, 234, 241, 242, 243, 244, 245, 246, 247, 248, and 249, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$114,086"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "The provisions of the act approved March 15, 1898, as amended by the act approved July 7, 1898, regulating leave of absence to employees of the Federal Government, are hereby made applicable to the regular annual employees of the government of the District of Columbia, except the police and fire departments, and public-school officers, teachers, and employees"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$179,810"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "two cataloguers, at $540 each"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$40,940"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$123,650"; and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 89 and 90, and agree to the same with amendments as follows: Transpose said amendments and insert the same on page 33 of the bill, after line 26, amended as follows: In line 8 of amendment numbered 89 strike out the word "seventy-five" and insert in lieu thereof the words "one hundred"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$65,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$130,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with amendments as follows: In lieu of the sum proposed insert "$260,000," and on page 35 of the bill, in line 24, after the word "specifications," insert the following:

"*Provided further*, That whenever it shall appear to said commissioners that the work now performed under contract, namely, street sweeping and cleaning alleys and unimproved streets, can, in their judgment, be performed under their immediate direction more advantageously to the District, then, in that event, said commissioners are hereby authorized to perform any part or all of said work in such manner, and to employ all necessary personal services, and purchase and maintain such street-cleaning apparatus, horses, harness, carts, wagons, tools, and equipment as may be necessary for the purpose, and of this appropriation the sum of $40,000 is hereby made immediately available."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Interior Park: For the condemnation of land in the interior of square 534, within the limiting lines shown on approved plans in the office of the Engineer Commissioner of the District of Columbia, and for the development of the land so acquired as an interior park: *Provided*, That the said land shall be condemned by a proceeding in rem in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia within six months after the date of the passage of this act: *And provided further*, That of the amount found to be due and awarded by the jury in said condemnation proceedings as damages for and in respect of the

land to be condemned, plus the cost and expense of said proceeding, not less than one-third thereof shall be assessed by the jury as benefits, $78,000."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$46,495"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$13,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$23,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: In lieu of the number proposed insert "forty-six"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 133, and agree to the same with an amendment as follows: In lieu of the number proposed insert "sixty"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 136, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$940,009.50"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$536,170"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$31,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$128,800"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "The Commissioners of the District of Columbia are hereby directed to make an investigation as to the necessity of installing a high-pressure fire-service system in the business section of the city of Washington, and to report the results of such investigation to Congress at its next regular session"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 155, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "*Provided*, That hereafter any inspector of dairies and dairy farms may act as inspector of live stock when directed by the health officer"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment as follows: On page 68 of the bill, in line 6, strike out the word "ten" and insert in lieu thereof the word "fifteen"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For the construction of a pound and stable, to be immediately available, $10,000: *Provided*, That the Commissioners of the District of Columbia are authorized to build said pound and stable on public space owned or controlled by said District adjacent to James Creek Canal"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 160, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,740"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Deputy financial clerk, $1,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$28,380"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 178, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,600"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 179, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert the following: "900"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$840"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 186, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$27,015"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 192, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$34,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 195, and agree to the same with an amendment as follows: On page 84 of the bill, in line 16, strike out the words "four hundred and eighty," and insert in lieu thereof the words "six hundred"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 198, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,220"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 201, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$48,220"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 207, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "stableman, $300"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 208, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,480"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 211, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$13,930"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 218, and agree to the same with an amendment as follows: In line 22 of said amendment, after the word "workhouse," insert the following: "or in the Washington Asylum and Jail"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 219, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$48,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 236, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$80"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 237, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$80"; and the Senate agree to the same.

J. H. GALLINGER,
CHARLES CURTIS,
B. R. TILLMAN,
Managers on the part of the Senate.
WASHINGTON GARDNER,
E. L. TAYLOR, Jr.,
A. S. BURLESON,
Managers on the part of the House.

Mr. GALLINGER. I will state that the only change in the report is that the House disagreed to the provision increasing the salaries of the Commissioners of the District of Columbia.

The report was agreed to.

RECIPROCITY WITH CANADA.

Mr. McCUMBER. Mr. President, before the morning business closes I wish to ask that a certain portion of a letter submitted and read into the RECORD on the 21st day of February, 1911, be expunged therefrom. The letter is one which deals with the subject of Canadian reciprocity, and, while it contains many important and strong points on that subject, it also contains some things that ought not to have gone into the RECORD. The writer of that letter stated:

I am so stirred up that I can not but express my resentment.

And he carried this spirit into his letter so strongly that I think he gave vent to some expressions which, if he had con-

sidered them, he would not have cared to be spread upon the RECORD.

Mr. President, the portion of the letter which I ask to have expunged refers to Mr. James J. Hill, and it, to some extent, questions his integrity and capability. As one of the representatives of the great Northwest, I feel it incumbent upon me to say that there is no man in the whole country who has done more for the upbuilding, and for the general welfare of the entire northwestern section of this country than has Mr. Hill, and I know of no American citizen who is more patriotic, sincere, ardent, and industrious than is he, in laboring for what he considers the best interest of the country. The great irrigation project which is to make productive vast sections of the West is only one of the fruits of his careful investigations and zealous labor. The value of his studious life in bringing home to the country the rapid and worse than wasteful exhaustion of our national resources, and his instructive addresses over the whole country on the subject of increasing the fertility and productiveness of our farms, are beyond computation. While I am compelled to differ from him upon the effect of the Canadian reciprocity matter, I can not question, nor do I think any other person can justly question, the patriotism of his purpose or his integrity in compiling and presenting facts and figures to the public.

Mr. President, this letter was received by my colleague, the Senator from North Dakota [Mr. GRONNA], and was immediately presented without much time for careful reading. I am certain that had he read over carefuly every paragraph of it, he would have bluepenciled certain portions before he asked that the letter should go into the RECORD. The RECORD should contain no personality or vitriolic accusation of any character against any person. I was going to suggest to my colleague that he himself, inasmuch as he asked for the reading of the letter, should request that the portion to which I have referred be expunged; but, inasmuch as he is not present in the Chamber at this time, I can say that I have talked with him upon the subject, and that I am certain that he agrees with me, and that he would say to the Senate were he present that this portion inadvertently printed into the RECORD ought to be expunged.

I will therefore ask, Mr. President, that on page 3040, second column, of the RECORD of February 21, after the word "us," in the eleventh line of the tenth paragraph of the letter, all that follows, down to and including the word "rot," be stricken out, and also that all but the first four lines of the second paragraph from the bottom of the column be expunged, so that the paragraph will close with the word "way." I ask that the order may be made at this time.

The VICE PRESIDENT. Is there objection to the request of the Senator from North Dakota? The Chair hears none, and the matter referred to will be expunged from the RECORD.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, Executive clerk, announced that the President had approved and signed the following acts:

On February 27, 1911:

S. 608. An act for the relief of Charles T. Gallagher and Samuel H. Proctor;

S. 7640. An act for the the relief of James M. Sweat;

S. 7804. An act for the relief of David Jay Jennings; and

S. 10015. An act for rebuilding and improving the present light and fog-signal station at Lincoln Rock, Alaska, or for building another light and fog-signal station upon a different site near by.

On February 28, 1911:

S. 5432. An act to authorize the city of Seattle, Wash., to purchase certain lands for the protection of the source of its water supply; and

S. 10318. An act authorizing the Secretary of the Interior to grant further extensions of time within which to make proof on desert-land entries in the counties of Benton, Yakima, and Klickitat.

REPORT OF PHILIPPINE COMMISSION.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying paper, referred to the Committee on the Philippines and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the information of the Congress the annual report of the Philippine Commission for the year ended June 30, 1910.

WM. H. TAFT.

THE WHITE HOUSE, *February 28, 1911.*

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House still further insists upon its disagreement to the amendments of the Senate to the bill (H. R. 28406) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1912; agrees to still further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURKE of South Dakota, Mr. CAMPBELL, and Mr. STEPHENS of Texas managers at the conference on the part of the House.

The message also announced that the House had agreed to the report of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House to the following bills:

S. 9903. An act to authorize the Sheridan Railway and Light Co. to construct and operate railway, telegraph, telephone, electric power, and trolley lines through the Fort Mackenzie Military Reservation, and for other purposes; and

S. 9904. An act granting certain rights of way on the Fort D. A. Russell Military Reservation, at Cheyenne, Wyo., for railroad and county road purposes.

SHERIDAN RAILWAY & LIGHT CO.

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 9903) to authorize the Sheridan Railway & Light Co. to construct and operate railway, telegraph, telephone, electric power, and trolley lines through the Fort Mackenzie Military Reservation, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same.

F. E. WARREN,
M. G. BULKELEY,
JAS. P. TALIAFERRO,
Managers on the part of the Senate.

J. A. T. HULL,
F. C. STEVENS,
JAMES HAY,
Managers on the part of the House.

The report was agreed to.

FORT D. A. RUSSELL MILITARY RESERVATION.

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 9904) granting certain rights of way on the Fort D. A. Russell Military Reservation at Cheyenne, Wyo., for railroad and county road purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment.

F. E. WARREN,
M. G. BULKELEY,
JAS. P. TALIAFERRO,
Managers on the part of the Senate.

J. A. T. HULL,
F. C. STEVENS,
JAMES HAY,
Managers on the part of the House.

The report was agreed to.

ATLANTIC COAST LINE RAILROAD CO.

Mr. SIMMONS. I ask unanimous consent for the present consideration of Order of Business 1126, being the bill (S. 10397) for the relief of the Atlantic Coast Line Railroad Co.

The VICE PRESIDENT. The Senator from North Carolina asks unanimous consent for the present consideration of the bill named by him. Is there objection?

Mr. BURKETT. I object to the consideration of any bills by unanimous consent, unless we can go to the calendar and consider the bills there in regular order.

The VICE PRESIDENT. The Senator from Nebraska objects.

SENATOR FROM ILLINOIS.

Mr. LORIMER. Mr. President, last Wednesday when I made some remarks to the Senate, in referring to the organization of the forty-sixth general assembly I made reference to a member of that body, Francis Brady, and I also referred to the use of patronage in organizing that body. Yesterday the Sena-

tor from South Dakota [Mr. CRAWFORD] read into the RECORD statements attempting to refute some of the statements that I made. I have a telegram, which I send to the Secretary's desk, from the speaker of the forty-sixth general assembly, and I ask that it be read.

The VICE PRESIDENT. Without objection the Secretary will read as requested.

The Secretary read as follows:

CHICAGO, ILL., *February 27, 1911.*

Hon. WILLIAM LORIMER,
United States Senate, Washington, D. C.:

Representative Francis P. Brady came to my office and pledged his vote for me for speaker voluntarily in November, 1908. Later he returned and said it was against Gov. Deneen's wishes and he could not be for me, that it would lose him his State patronage and he withdrew his pledge of support.

EDWARD D. SHURTLEFF.

Mr. LORIMER. Mr. President, I also present a telegram from Representative Brownback, which I ask to have read.

The VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

ST. LOUIS, MO., *February 27, 1911.*

Hon. WILLIAM LORIMER,
United States Senate, Washington, D. C.:

Report that Gov. Deneen made no effort to organize the forty-sixth general assembly is absolutely untrue. He urged me to join his forces and insisted that he would defeat Shurtleff for speaker even if it was necessary to use all of the patronage of his office. J. W. Ford, president of Ford Manufacturing Co., was present at this interview.

D. D. BROWNBACK.

Mr. LORIMER. I submit a further telegram.

The VICE PRESIDENT. Without objection, the Secretary will read the third telegram.

The Secretary read as follows:

ST. LOUIS, MO., *February 27, 1911.*

Hon. WILLIAM LORIMER,
United States Senate, Washington, D. C.:

I was present when Gov. Deneen told Representative Brownback that he was doing everything within his power to defeat Shurtleff for speaker for the Forty-sixth General Assembly of Illinois and that he was certain that he would win the fight. Deneen promised Representative Brownback in my presence, among other things, that he would make me a commissioner of southern Illinois penitentiary in case he aided him in Shurtleff's defeat.

J. W. FORD, Jr.

HOT SPRINGS (ARK.) RESERVATION.

Mr. CLARKE of Arkansas. I ask unanimous consent for the consideration of two bills. One supplements the other. They relate to the Hot Springs in Arkansas and are matters necessary to the due administration of affairs there. It will require but a moment or two to consider both of them.

The VICE PRESIDENT. Is there objection to the request of the Senator from Arkansas? The Chair hears none.

The bill (H. R. 32082) limiting the privileges of the Government free bathhouse on the public reservation at Hot Springs, Ark., to persons who are without and unable to obtain the means to pay for baths was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 31806) to amend section 1 of the act approved March 2, 1907, being an act to amend an act entitled "An act conferring jurisdiction upon United States commissioners over offenses committed on a portion of the permanent Hot Springs Mountain Reservation, Ark.," was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GREELEY-ARIZONA IRRIGATION CO.

Mr. GUGGENHEIM. I ask unanimous consent to call up the bill (S. 10808) to authorize the Greeley-Arizona Irrigation Co. to build a dam across the Colorado River at or near Head Gate Rock, near Parker, in Yuma County, Ariz.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Irrigation and Reclamation of Arid Lands with amendments, on page 1, after the word "dam," in line 5, to strike out the words "twelve feet high," and on page 2, line 3, after the word "within," to strike out "five" and insert "four," so as to read:

That the Greeley-Arizona Irrigation Co., a corporation organized under the laws of Arizona, is hereby authorized to construct, maintain, and operate a diversion dam in and across the Colorado River at a place known as Head Gate Rock, near Parker, Yuma County, in the Territory of Arizona, in accordance with the provisions of the act approved June 23, 1910, entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906:" *Provided*, That the actual construction of said dam shall be begun within two years and completed within four years from the date of the passage of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

G. A. EMBRY.

Mr. BRADLEY. I desire to call up and ask immediate consideration of the bill (S. 5037) for the relief of G. A. Embry.

Mr. STONE. I gave notice that after the reading of the Journal this morning I would proceed to address the Senate on the resolution relating to the right of the Senator from Illinois [Mr. LORIMER] to occupy his seat. The Senator from Oklahoma [Mr. OWEN] gave notice that he would proceed at 2 o'clock. I have been depending upon the chairman of the Committee on Privileges and Elections to see to it that two hours, at least, were not taken up with other matters.

I now give notice on my own account, which is rather a delicate and embarrassing thing for me or for any other Senator or gentleman to do, that after this bill has been disposed of I shall object to the consideration of any other bill. I wish to say that I do so solely because I do not wish to trespass further than is necessary upon the Senator from Oklahoma.

The VICE PRESIDENT. Is there objection to the request of the Senator from Kentucky?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to G. A. Embry, of Estill County, Ky., $200 in full compensation for services rendered the United States during the war with Spain.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SENATOR FROM ILLINOIS.

Mr. BURROWS. I ask that the unfinished business be laid before the Senate.

The VICE PRESIDENT. The Senator from Michigan asks that the unfinished business be laid before the Senate. The Secretary will state it.

The SECRETARY. A resolution (S. Res. 315) relative to the election of WILLIAM LORIMER as Senator from the State of Illinois.

Mr. STONE. Mr. President, because of an illness from which I suffered during December and the early part of January my vitality was somewhat impaired, and as I have not yet recovered from the exhausting experiences of last night I do not know whether I will be strong enough to complete what I have to say or not. Nevertheless I will do the best I can.

Mr. President, before I take up the matter immediately before the Senate I desire to advert briefly to two other matters not connected with the Lorimer case. The first of these relates to something which occurred here last night. During the proceedings last night, when the chair was occupied by a distinguished Senator, not by the Vice President, the Senator from Texas [Mr. BAILEY] rose, simultaneously with other Senators, and asked recognition of the Chair, which was given him. He then demanded that when the vote should be taken on the pending resolution—that is, the Lorimer resolution—it should be taken by yeas and nays.

Immediately I rose to my feet. Two other Senators—the Senator from Oklahoma [Mr. OWEN] and the Senator from South Dakota [Mr. CRAWFORD]—also rose immediately, and all of us addressed the Chair with such vigor and volume of voice as we could command. The Chair would not recognize us, but proceeded arbitrarily to submit the question to the Senate, whether the yeas and nays should be ordered.

After that I raised the question of order that the Chair had no right under the rules and the parliamentary practice obtaining in this body to persist in submitting that question to the Senate when Senators were clamoring for recognition. The Chair overruled the point of order, and from that ruling I appealed. The Chair submitted it to the Senate, and the Senate by a decisive vote sustained the ruling of the Chair.

Mr. President, I do not intend to discuss the question involved at length. I well know that there are other Senators so much better versed in the rules of the Senate and the procedure which has characterized this body for years, and with parliamentary law in general, that I prefer to leave a full discussion of the question involved to them on some suitable future occasion, and I have assurance that that will be done when such an occasion presents itself.

I wish now merely to register my protest against the accuracy of the ruling I challenged. I know it has one or two precedents made in the recent past to support it, precedents established very much in the same way as this one. Mr. President, I desire to say that if that ruling is to stand as the per-

manent judgment of the Senate, then we have now already practically established cloture. We have now a rule of parliamentary procedure against which many of the greatest Senators who have ever served in this body have resolutely and consistently stood, and it never found a place in the laws governing the Senate until within a very recent date.

Mr. President, if an alert occupant of the chair, instinct with the spirit of usurption, refuses to see, hear, or recognize a Senator when he rises to address the Chair, as I did last night, and persists in ignoring his calls for recognition, and goes on in spite of protests to submit the demand for the yeas and nays, and to count the hands uplifted in support of the demand, and to declare that the yeas and nays have been ordered—if that is to be the permanent policy and rule of the Senate, then we have reached a point when substantial cloture exists in this body. With the occupant of the chair in sympathy with and having knowledge of the purpose of the Senator whom he recognizes, it can easily be arranged for the recognition of the favored Senator, submit his demand to the Senate in spite of clamorous protests, and declare that the yeas and nays have been ordered. If that is to be the rule of conduct, then we have progressed or receded, as you may regard it, in the parliamentary procedure of the Senate of the United States.

With an alert and willing occupant of the chair, aided by a well-coached clerk sitting just in his front, he can, with the slightest lull in the proceedings, start the roll call, and thus end the debate by sharp practice.

Mr. President, I have heard Senators on this floor within a week, as well as on former occasions, protest in eloquent terms against the Sutherland amendment to the resolution providing for the direct election of Senators, saying it opened a way to the enactment of a force bill and to other statutory evils that might afflict any State or section of the country, and at this time and in the immediate future, the Southern States especially.

Mr. President, I devoutly hope no such legislative crime as a force bill will be presented to the Congress of the United States in future. I hardly believe one will be, and yet it is within the scope of the possible, may I not even say the probable, that many extremely objectionable measures of one kind or another may be forced through the Senate without deliberate consideration and full debate and by the arbitrary denial of a Senator's parliamentary rights.

I think this is a question that Senators on both sides of this Chamber should deeply reflect upon. If this precedent is a bad one, it should be set aside. It is highly important that it be looked into, that it may be determined whether it so reflects the final, thoughtful, and deliberate judgment of the Senate that it should stand. I can not believe that the great Senator from Maine [Mr. HALE], who has served with such distinction and great influence in this body for a generation, believes in the correctness of this ruling, and I am confident no Senator on this side would consent to such a change in the parliamentary practice of the Senate as this ruling would bring about.

Saying this much, Mr. President, I will dismiss the subject, at least for the present. I may recur to it on some other and more opportune occasion.

There is one other subject not connected with the Lorimer case to which I desire to advert. The Senator from North Dakota [Mr. MCCUMBER] moved this morning—and I think very properly—to expunge certain parts of a letter inserted a few days since in the RECORD at the instance and on the request of his colleague [Mr. GRONNA]. At the time the letter was read the senior Senator from Idaho [Mr. HEYBURN] intimated an objection to having a letter phrased as that was being incorporated in the RECORD, but he did not press the objection. Shortly afterwards, because of the personally offensive nature of the letter, I made a direct objection to its insertion in the CONGRESSIONAL RECORD, but the Chair ruled that as the Senate had given consent to the reading of the paper an objection would not prevent its being read; but he said he would submit it to the Senate, which he did, and the Senate, by a vote, authorized the whole letter to be read and inserted in the RECORD. This letter may have made special reference to others, I do not recall, but the gentleman to whom the paper particularly referred was Mr. James J. Hill, the official head of the Great Northern Railway. I do not know why Mr. Hill addressed this letter to me, but he did. I think it appropriate in the circumstances that this communication from Mr. Hill should also be inserted in the RECORD. The letter is as follows:

ST. PAUL, MINN., *February 25, 1911.*

Hon. WILLIAM J. STONE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: The newspapers contain an account of Senator GRONNA, of South Dakota, having procured the reading in the Senate of a letter in which was stated a number of assumed prices of wheat in Winnipeg, Chicago, etc., and that Great Northern stock went from 129 to 136 on the day after the reciprocity agreement was passed by the House. The attached memorandum, which I have prepared, conclusively disposes of both statements.

I also inclose a copy of an article written by a North Dakota farmer entitled "The tariff brought home," which I think you will find interesting.

Yours, very truly, JAS. J. HILL.

The matter referred to in Mr. Hill's communication is as follows; and to this I invite the considerate, if not prayerful, attention of the Senate, and especially of the Senators from North Dakota:

MR. HILL'S MEMORANDUM.

According to the news reports, Senator GRONNA, of North Dakota, procured the reading in the United States Senate of a letter in which it was stated that wheat prices are now higher in Winnipeg than in Chicago, although they were formerly lower, and that Great Northern stock went from 129 to 136 on the day after the reciprocity agreement was passed by the House. The Senator makes himself as directly responsible for these statements, if they are correctly reported, as if he had uttered them himself. Senator MCCUMBER, of North Dakota, is also said to have stated that American wheat prices have been for many years from 13 to 17 cents higher on the American than on the Canadian side of the line. Both Senators are fighting reciprocity on the ground that it will injure the American farmer. They both show a fine disregard of facts, which the country is coming to expect from opponents of the treaty. Since their attacks is inspired by public statements made by me, the facts should be stated.

I have taken the closing prices of May wheat as officially reported for each day of the months of November, 1910, January, 1911, and the first 16 days of February on which the exchanges were open in February of both 1910 and 1911. This covers the period to February 21, 1911. I have averaged these figures to obtain the monthly averages for each of the three great markets—Chicago, Minneapolis, and Winnipeg. The results are not opinions, but facts. The following are the figures:

	Chicago.	Minneapolis.	Winnipeg.
November, 1910	96	105.4	95
January, 1911	99.6	106.5	98.6
February, 1910 (16 days)	111.5	111.7	106.1
February, 1911 (16 days)	93.7	100	95.6

A year ago Chicago and Minneapolis prices were practically identical. Eight months later the Minneapolis price was 9.4 cents higher. A year later it was 6.3 cents lower. Did tariff or reciprocity make these changes? Last February Winnipeg was 5.6 cents below Minneapolis, and 5.4 below Chicago. Now it is 1.9 cents above Chicago and 4.4 cents below Minneapolis. With adverse freight charges of 10 and 16 cents per bushel how would Winnipeg wheat affect Minneapolis and Chicago? May wheat this month was 11.7 cents lower than it was the same month last year in Minneapolis. It was 17.8 lower in Chicago than it was a year ago. Look at the Winnipeg wheat market during the time when reciprocity was being most actively considered. May wheat sold in Winnipeg at 97⅛ on the first day of the present month. It fell to 94⅛ on the 15th. On the 23d it fell to 91⅛, or 6 cents below the price of three weeks before. All the opponents of annexation in Canada are shouting that it will reduce the price of Canadian wheat, while on our side they are shouting that it will depress the American price. Their claims destroy each other. Therefore, according to the line of argument used by the gentlemen cited, the proposal of reciprocity has caused wheat to fall 50 per cent more in Chicago than in Minneapolis. There is no end to the absurdities and contradictions that may be created by this method as long as this country is a large exporter of wheat.

Prices, as I have shown, vary just as much and more between local markets in this country where there is no tariff. For 10 years the average price in California has been 12 cents a bushel higher than in Oregon, and in South Carolina 13 cents higher than in North Carolina. The highest price of wheat for May delivery in Chicago varied last year from $1.11⅞ in August to 98 cents in November; from $1.05⅛ in October to 98 cents in November. The table given above exhibits far more singular fluctuations in respect to where the tariff can not apply than in those where it does.

The basic price of wheat is fixed in Liverpool and varies with the world's supply and demand. It has been affected by a visible supply ranging from 20,000,000 to 40,000,000 bushels and upward larger than a year ago, and by a world's yield which some estimate as high as 25,000,000 bushels larger. The local markets have additional variations from purely local causes. Minneapolis is reported as having nearly three times as much wheat in store as she had a year ago. Therefore the Minneapolis price has declined. To ascribe such changes, whose causes are perfectly visible, to tariff or reciprocity is like charging the comet with an epidemic of infantile paralysis.

Referring briefly to the price of Great Northern stock, which has no connection with this matter except in minds either ignorant or lacking frankness, the official record shows that the highest quotation this year was 131⅛ on the 1st day of February. It was 132⅞ last October, when the reciprocity question had not been raised. Last March it was 140⅞ and last January 143⅞.

Let us dispense with oratory and get back to facts. They are stated as above. The man who is afraid to face them or misrepresents them is the one who must give an account of himself.

[From North Dakota Farmer.]

THE TARIFF BROUGHT HOME.

The Civic Club at the university considers as its peculiar province the work of studying and gathering information on public questions. During the past year many matters of considerable interest have been considered, but none are of greater significance than the topic that was treated at last Friday's meeting.

"North Dakota and the Tariff" was the topic which was treated by George Shafer, who is one of the most active members of the club and one of the heavyweights. He has given a great deal of study to the matter, as he was a member of the debating team which represented the university in this year's contest against Hamline University, at which time this question was the bone of contention. George is a real North Dakota product himself, a resident of McKenzie County, and an alumnus of the Williston High School. He is a close and careful student of North Dakota people and North Dakota conditions. In discussing the effect of the tariff in our State he said in part as follows:

Of all the questions before the public mind at the present time none has aroused more interest and none more widespread discussion than that of the tariff. For the first time in many years people in every part of the country are seriously asking themselves the question, Do the benefits derived from the tariff compensate for its injury to the country? North Dakota, like most of the other States, has always indorsed a high tariff, but it, like many of the others, has begun to doubt the wisdom of its action. It is with the purpose of showing the effect of the tariff on North Dakota that this task is undertaken.

There is only one way in which a protective tariff can be of any benefit to a State or nation. That is, by keeping out or obstructing foreign competition and establishing what is known as a home market. So, in order to determine whether the tariff helps North Dakota, it is necessary to determine what North Dakota produces and to investigate the condition of the markets in which those products are sold.

NORTH DAKOTA AN AGRICULTURAL STATE.

North Dakota is primarily an agricultural State, and 73 per cent of its people are engaged in one form or another of that industry. The two chief branches of that industry are the production of grains and the raising of stock. For many years vast hordes of cattle were raised and fattened on its western plains, and the Red River Valley has long since attained the reputation of being called the "Bread basket of the world." At the present time there are nearly 2,000,000 head of live stock in the State, valued at $77,000,000. In 1907 about $3,000,000 worth of cattle, horses, sheep, and hogs were sold outside of the State. There are 10,500,000 acres of land under cultivation, and still the great plains of the western portion are but scarcely touched. In the production of grains North Dakota is progressing with leaps and bounds. The amount of wheat produced in 1908 was 58,428,000 bushels, while that produced in 1900 was 13,176,213 bushels. (Statistical Abstract of United States, 1908, p. 132.) Nearly the same ratio of increase prevails in the production of oats, flax, barley, etc. It should be remembered also that North Dakota produces more than one-half of all the flax used in this country. Hence, it will be seen from these facts, that not only has North Dakota been a great agricultural State in the past, but that it is destined to remain so for generations to come.

TARIFF DOES NOT AFFECT PRICE OF NORTH DAKOTA PRODUCTS.

Now the question arises, Does our protective tariff in any way increase the prices of either grains or stock to the people of this State? I do not hesitate to say that it does not now, and has not in the past, added one cent to the market price of either product. The reasons are obvious. The United States is the greatest agricultural nation on earth, and its products find their way into the ports of every civilized country. At the present time, and long before North Dakota came into existence as a State, the United States was annually exporting a large surplus of grain and stock. And the prices of both grain and stock are not determined in the local markets, but in the markets of the world. Liverpool is the barometer of the world's market. There the prices rise and fall, according to the supply and demand, and every rise and fall is reflected in the markets of every country. The difference between the price of wheat at home and abroad practically equals the cost of transportation from here to Liverpool, and no more. All other fluctuations are due to conditions in the home market. So long as we export wheat the tariff can not affect the price. It is, therefore, difficult to see how a duty of 25 cents per bushel on wheat helps the farmer of North Dakota, when the price of his product is determined in Europe.

That the tariff will not prevent the price of wheat from going down so long as we are exporting a surplus is evidenced by past experience. Under the Dingley law, for instance, we had the same duty on wheat that we have now, yet everyone knows that prices ranged all the way from 60 cents to $1.25 per bushel during the 13 years that law was in force. Also under the Wilson bill, the much-heralded free-trade measure, there was a duty of 25 cents per bushel on wheat, yet the price went down to the rate of 40 and 50 cents per bushel. The man who says that the tariff on wheat is the cause for the present high prices must utterly disregard historical experience. It is very plain that in no case has the tariff prevented the price of wheat from falling, nor can it do so as long as the United States is exporting a surplus.

The situation regarding flax is little different from that of the other grains. North Dakota is the greatest producer of flaxseed in the United States. In 1908 the crop amounted to 13,770,000 bushels. But notwithstanding such large crops, the United States exports no flax whatever, and imports but very little, only enough for seed. That being the case, the duty of 25 cents per bushel on flaxseed is of no avail whatever, and the price in this country is determined almost entirely by the supply and demand. The reason the price of flax has ranged between $2 and $2.50 per bushel during the past few months is in no way due to the tariff, but to the fact that the supply has not kept pace with the demand.

Let us now notice a few facts concerning our export and import trade in breadstuffs. The following table is taken from the Statistical Abstract of the United States, 1908, pages 400 and 433:

Breadstuffs exported in year ending June 30, 1908.

Barley	bushels	4,349,078
Bread and biscuit	pounds	13,052,074
Buckwheat	bushels	116,127
Corn	do	52,445,800
Corn meal	barrels	654,515
Oats	bushels	1,158,622
Oatmeal	pounds	24,484,199
Rye	bushels	2,419,958
Rye flour	barrels	4,105
Wheat	bushels	100,371,057
Wheat flour	barrels	13,927,247
Total value		$215,260,588

The above figures represent the largest surpluses of breadstuffs exported since 1903.

Breadstuffs imported in the year ending June 30, 1908.

Barley	bushels	199,741
Corn	do	20,312
Oats	do	364,307
Oatmeal	do	344,003
Rye	do	17
Wheat	do	341,617
Wheat flour	barrels	39,593
Total value		$7,138,214

A comparison of these figures will give some idea of the difference in the amounts of our exports and imports. The amount of wheat that we import, for instance, is insignificant as compared with what we export. And that little amount comes from Canada, and after being made into flour becomes a part of our exports.

The situation concerning stock is about the same as that of breadstuffs. For generations the United States has been a great exporter of cattle, horses, sheep, and hogs, and North Dakota has always furnished its share of the supply, particularly of cattle and horses. Western North Dakota was for years considered one of the greatest stock-raising regions in America, and although the form of the industry is changing, still great numbers are forthcoming. The tariff on stock, as on grains, is of no value whatever. There is a duty of $30 per head on horses, and the American horse is found in every continent. There is a duty of $14 per head on cattle, and American beef is eaten by the people of every nation in Europe. There is a tariff on pork, and the American hog has routed his way through the swamps of every country on the globe. In fact, sheep is the only animal that has failed to withstand foreign competition, and most of them have long since left North Dakota, there being only one or two herds in the western part of the State.

The following statistics will throw some light on our export and import trade in stock. (Statistical Abstract of United States, 1908, pp. 398, 433.)

Animals exported and imported in year ending June 30, 1908:

	Exported.	Imported.
Horses	10,000	5,484
Cattle	349,210	92,356
Hogs	3,818	

Total value exports	$34,101,284
Total value imports	4,777,454

That the tariff has in no way enhanced the prices of horses, beef, or pork to the producer is self-evident from these facts. This, however, does not mean that the tariff has not raised the price of beef and pork to the consumer, as will be shown later.

TARIFF ON MINOR PRODUCTS.

Besides the duties on grain and stock, several other minor products of North Dakota, such as eggs, potatoes, etc., are also well protected. As we neither export nor import potatoes, it is impossible for the tariff to in any way affect their price. And the only time it ever could affect them would be in the event of an emergency when there is a shortage in the crop. Then the people would be given the privilege of paying 25 cents per bushel more for imported potatoes than what they would otherwise have to pay. There is a duty of 5 cents per dozen on eggs, and in the year ending June 30, 1908, the United States exported 7,590,977 dozen, while our imports were less than one-fourth of a million dozen. Unless American hens go on a strike there is no danger of the tariff ever affecting the price of eggs.

AMERICAN PRODUCTS CHEAPEST IN WORLD.

But it may be assumed that the tariff upon these various agricultural products has made up for an unfavorable cost of production at home and abroad. That, however, is not true. Notwithstanding the fact that farm labor in the United States is the highest in the world, yet, because of the great fertility from soil, the energy and enterprise of our people, and the use of modern labor-saving machines, the American farmer can produce more cheaply and undersell the farmers of every nation on the globe. The fact that American products are daily selling in Liverpool, in competition with the products produced by the pauper labor of Europe, China, and India, is prima facie evidence of the truth of that statement. But there is other authority sustaining that proposition. Hon. JACOB H. GALLINGER, Senator from New Hampshire, in an address in the United States Senate, said: "As regards power of production, Mulhall has shown that a farm hand in the United States does as much as 2 in the United Kingdom, 3 in Germany, 5 in Austria, and 7 in Russia. The farm laborers of Europe do nine times the work to get double the result of the farm laborers of the United States. That is, it takes 4½ Europeans to equal 1 American. Extend the comparison to Asia and Africa, and we find that the average producer in the United States is equal to 10 the world over, outside of our own country. (Citation: "The Tariff and the Trusts," by Franklin Pierce, p. 230.)

Thus we find, not only that the products of North Dakota have been sold in direct competition with those of the other countries of the world, not only that we are now and always have been producing cheaper than any country in either hemisphere, but we search in vain to discover wherein up to the present time the farmers of this State have realized one dollar by reason of the existence of a protective tariff. If North Dakota has been benefited by the tariff it must be in other realms than that of agriculture.

TARIFF BENEFITS NO INDUSTRY IN NORTH DAKOTA.

Continuing our investigation, then, let us find if possible what people or industry of North Dakota has been benefited by the tariff. In taking a general survey of the State we notice that the tariff has established no factories, built no mills, stimulated the operation of no mines, fostered no "infant industries," and raised no man's wages. We must conclude, then, that up to the present time the tariff has lent no assistance to the development and prosperity of North Dakota.

CHIEF ARGUMENT GIVEN FOR TARIFF.

However, the chief argument that has been given in justification of protective duties on agricultural products is not that they in any way enhance the prices now, but that they will protect the farmer from the dangers of foreign competition in the future. Attention is called to the fact that the population of the United States is increasing at a greater ratio than our grain supply, and that in a few years this country will be importing cereals in large quantities. It is also pointed out that Canada, our neighbor to the north, is rapidly coming forward as a wheat-producing country; that by the time our country ceases to export wheat, our markets will be flooded with the wheat from Canada; and the high tariff is the only thing that can save the price of wheat from becoming ruinously low, and the consequent destruction of the wheat-raising industry in North Dakota.

UNITED STATES WILL NOT BECOME IMPORTING NATION.

At the first glance it would seem that the situation was indeed serious, but upon more mature reflection we find that there is really no cause for alarm. Of course it is true that we are not exporting such a large surplus of wheat as in former years, and that Canada is destined to become a great wheat-producing country, but at the same time there is no likelihood of our becoming an importer of wheat for a number of years to come. Senator P. J. MCCUMBER, in an address in Grand Forks on November 12, 1909, admitted that it would be from five to eight years (Grand Forks Herald, Nov. 13, 1909). But that seems to fall far short of the mark. It utterly overlooks the fact that the wheat crop in

this country is also increasing at a rapid rate. In 1890 the total wheat crop in the United States was 399,262,000 bushels, in 1900 it was 522,229,504 bushels, and in 1908 it was 664,602,000 bushels. (Statistical Abstract of United States, 1908, p. 126.) An increase, you will observe, of more than 264,000,000 bushels, or 66 per cent in 18 years.

Let us look at the question from another standpoint. Senator McCUMBER says that it takes 6½ bushels of wheat per year to supply each person in the United States. Assuming our present population to be 90,000,000, we have increased 14,000,000 in 10 years, and at a rate of one and four-tenths millions per year. It therefore takes an increase of nine and one-tenth million bushels of wheat per year to supply the increase in the population. Now, in 1900 our total wheat production was 522,000,000 bushels, speaking in round numbers, while that in 1908 was 664,000,000 bushels, an increase of 142,000,000 bushels in 8 years, and an average increase of seventeen and three-quarter million bushels per year—almost twice as much as is necessary to supply the increase in population. Let me also call your attention to the fact that the average yearly increase in wheat product for the decade of 1890–1900 was but twelve and three-tenths million bushels, more than 5,000,000 bushels per year less than that of the following 8 years. Assuming that our annual wheat crop remains the same as that produced in 1908, and that our population increases at a rate of one and a half millions each year, it will be 10 years before our surplus will be consumed. In view of these facts it would seem that the statement that our surplus will be extinguished in 5 years is but a forceful creation of the imagination.

WHEAT-GROWING LAND NOT YET EXHAUSTED.

The further fact is overlooked that not as yet have we put under the plow all of the wheat-producing land in this country, but that western North Dakota and eastern Montana, comprising that vast stretch of territory known in the days gone by as the "Great plains of the West," where for years innumerable herds of cattle, horses, and sheep were wont to roam, is but scarcely touched by the hand of the grain grower. In the year of 1908 only 3,703,000 bushels of wheat was grown in Montana. When this great region is finally put under cultivation there is no reason whatever why it should not be as prolific in the production of grain as it was in the production of stock.

That as a nation we shall not soon be importing wheat is evidenced by the further fact that our export surplus has not been decreasing steadily in the last 5 years. In the year ending June 30, 1908, we exported 100,371,057 bushels of wheat, which was the largest surplus exported since 1903. In fact, there has been a steady increase in our exports of wheat since 1905, in which year we exported only 4,394,402 bushels. (Statistical Abstract of United States, 1908, p. 433.) It would be exceedingly hard to say just when the United States will cease to be an exporter of wheat, but from these facts it is safe to predict that such a time is still far distant, at least, or 25 years hence. When that time does come, however, and the farmers are able to maintain the high duties on wheat, then there is no denying that they will be able to take advantage of the necessities of the people and compel them to pay high prices for the breadstuffs. The best that can be said on this point is that there is no hope of the farmer of North Dakota getting any benefit from the tariff in the immediate future, and it is only in the event that he is able to maintain it for a number of years to come will he ever receive any benefit from it.

With reference to the possibility of North Dakota's getting any benefit from the tariff on barley, rye, oats, and other agricultural products, the situation is about the same as that of wheat. It is at least no better and, in all probability, not so good.

The situation regarding the future stock market may be dismissed with a word. In the first place, there seems to be no danger of any foreign competition that will affect the home market. This is well shown by the fact that our exports in cattle and horses have not decreased materially for 10 years, excepting 1908 and 1909. The total value of our exports in 1899 was $37,880,916, while that of 1908 was $24,101,389. (Statistical Abstract of United States, 1908, p. 432.)

Our final conclusions upon the question as to whether North Dakota receives any benefit from our protective tariff is as follows: That in the past it has received no benefit; that at the present time it is receiving no benefit; that for a number of years to come it will receive no benefit; and that there is only a remote possibility of its ever getting any good out of it in the future.

Having found that our protective tariff in no way helps the people of North Dakota, we turn now to consider the more vital question, Does it injure them; and if so, in what way and how much?

TARIFF A BURDEN.

At the outset it should be borne in mind that protection, like any other institution, is in a certain sense a burden—that is, it costs something to maintain it. There is a tariff on nearly everything we consume as well as on everything we produce. Our people are at the same time consumers as well as producers. So that in order to maintain the tariff upon the articles which they produce they must pay for that protection by bearing the burden of the duties upon the products which they buy and consume. We have seen that since our Nation yearly exports a large surplus of farm products, and that since the agricultural industry is not controlled by a trust or monopoly, that the tariff has no effect upon the prices. That, however, is not true with respect to that enormous number of manufactured articles which our people are daily consuming. The reason for that is very clear. If we purchase an imported article we must necessarily pay the amount of the tariff more than that we would otherwise have to pay for it. If we buy an article made or controlled by a monopoly, we pay an added price, equal approximately to the tariff, for the tariff is one of the things which makes it possible for the trust to impose high prices. For instance, if the normal price of a given article is $25 and the tariff rate is 50 per cent, then the home monopoly may, by virtue of that 50 per cent protection, raise the price to $35, and until the price is raised beyond that mark tariff competition can have no effect upon the same. On the other hand, if there was no tariff on that article foreign competition would prevent the price from going beyond $25. So since the average rate in the Payne-Aldrich tariff law is 50–52 per cent, the average increase in the prices of trust-made goods, due to the tariff, is in all probability in the neighborhood of 50 per cent.

COMPETITION IS STIFLED.

In this connection it should be remembered that there is but little competition in this country in the production of the most of the necessaries of life, excepting, of course, agricultural products. And even many of those, such as meat, for instance, is controlled in the home markets. Mr. Franklin Pierce, of the New York bar, in his remarkable book, "The Tariff and the Trusts," says that there are more than 400 trusts in this country covering the production and marketing of most of the manufactured articles. Mr. Lee Francis Tybaryer, of Philadelphia, in his recent book, "The Tariff," makes the startling statement that more than one-third of all the property in this country is in the hands of monopolies. This last statement is, no doubt, somewhat exaggerated, but at the same time there is no denying the fact that industry is very highly organized, and that a few large corporations are in absolute control of the output of many of our factories, and that these trusts are dictating to the people of this country the prices they must pay.

Under the old régime it was not denied that the tariff increased the cost of commodities to the consumers, but competition in the home market was relied upon to prevent the prices from becoming exorbitant. To-day, however, since most of the competition is stifled and the great monopolies reign supreme, the people must patiently bear the added burden. It is obvious, then, that while the people of North Dakota are free from the advantages of the tariff, they are not free from its disadvantages; that its burdens are many and great; and that its injuries are felt every time either an imported or American-made article is sold within the boundaries of the State. The ordinary citizen feels the burden of the tariff when he buys the clothes for himself and family, the carpet on the floor, the furniture in the house, the cooking utensils in the kitchen, the sugar he puts in his food, the tea and coffee he drinks, the musical instruments, if he has any, the watches and clocks which keep his time, the brooms, the glassware, the firearms, the lumber out of which his house is built, the nails used in the house, and the many other things which he must have in order to live in a civilized community. If the consumer happens to be a farmer, he pays liberally for his protection when he buys his mowers, roller, disks, harrows, plows, binders, thrashing machines, wagons, seeders, cultivators, tools, wire, harness, buggies, and the thousand other things which he must have in order to run the farm and raise the products, which he must sell in a market where the tariff can have no rising effect upon their prices. Of course, all these articles are not trust made or controlled, but most of them are, and those that are not soon will be.

NORTH DAKOTA AT MERCY OF TRUSTS.

Some people are of the opinion that since ours is an agricultural State, and that since no trusts are organized under our laws, North Dakota is not dependent upon the trusts. Campaign orators often flatter the farmer by telling him he is the most independent man on earth; that he feeds all the people in the country; and that the Nation bows humbly at his feet. However charming that may sound to the ear, it is not true. No man is more dependent upon the manufacturer than is the farmer, and no State is more at the mercy of the monopolies than is North Dakota. Our State is one of the richest markets for trust-made goods in the world. Its broad fields are "ripe unto the harvests" all the time. And the monopolies are reaping their enormous profits from those fields "by night and by day." It is true that no trust is organized within our boundaries, but nevertheless our people are daily purchasing the products of each of the 400 trusts in this Union, and have been doing so since the time North Dakota was ushered into statehood.

PEOPLE DISCRIMINATED AGAINST.

Authorities do not agree as to the amounts the people of this country are yearly compelled to contribute to the trusts by virtue of the tariff. It is admitted, however, that the sums are enormous. It is also impossible to determine how much North Dakota contributes to these monopolies, but it is safe to say that it bears its proportionate part of the burden. Perhaps the surest method of determining how much the trusts impose upon the people by virtue of the tariff is to notice the difference between the selling prices of certain articles in this country and in Europe which are produced at home and sold abroad. It has long been known that many American manufacturers were selling their goods cheaper in Europe than at home. The report of the Industrial commissioner of the United States (vol. XIX, p. 26) says: "In about 20 per cent of the cases covered by the commission returns the exported prices ruled lower than those charged to the home customers." It would be well to remember that this report was given 10 years ago when the famous "American invasion of the world" was but well under way. The exact amounts, however, of those discriminations will give a better idea of the effect the tariff has upon prices in the home market. The following is a list of prices at home and abroad of certain American-made goods, showing the per cent of the unfavorable differences. This list was prepared by Mr. Byron W. Holt, former editor of Moody's Magazine, and was published in 1896 by the committee on tariff reform of the Reform Club in New York City. His statistics are mainly taken from the Manufacturers' Expert and Home-Price Catalogues:

Articles and description.	Export price.	Home price.	Difference.
			Per ct.
Plows, disk, No. 1 ..... each	$32.50	$40.00	25
Harrows, 25-tooth ..... do	18.25	22.00	------
Cultivators, wheel, No. 61 ..... do	4.00	5.00	------
Plows, shovel, No. 39 ..... do	2.15	2.50	16
Hoes, potato, No. 1 ..... do	4.75	5.50	------
Wheelbarrows, wood, bolt ..... per dozen	14.50	16.00	11
Wheelbarrows, mortar ..... do	18.00	20.00	------
Wheelbarrows, stone ..... do	17.50	19.00	------
Wheelbarrows, garden, wood-wheel ..... each	2.50	3.00	20
Harrows, wood-frame, 18-tooth ..... do	7.50	9.00	------
Board scrapers, No. 1 ..... do	4.00	8.00	25
Horseshoes ..... per 100 pounds	3.38	3.90	15
Calks, toe ..... do	3.00	3.90	30
Thrashers, horse and steam power, 32-inch ..... each	300.00	400.00	33⅓
Straw stackers, 18-foot ..... do	25.00	30.00	20
Grain weigher and bagger ..... do	45.00	60.00	33⅓
Clover hullers, 32-inch ..... do	338.00	480.00	------
Horsepowers, 10-horse ..... do	143.00	190.00	------
Sawmills, 24-foot ..... do	224.00	325.00	------
Engines, traction, 8-horsepower ..... do	917.00	1,225.00	33⅓
Engines, farm, 8-horsepower ..... do	563.00	750.00	------
Clothes wringers, 10 by 12 ..... per dozen	18.70	22.50	20
Scales, wagon and hay, 3-ton ..... each	57.00	75.00	11
Scales, depot, 4-ton ..... do	102.00	180.00	------
Incubators, No. 1 ..... do	15.00	20.00	33⅓
Potato planters, plain ..... do	45.00	50.00	11
Potato diggers ..... do	90.00	100.00	------
Beds, brass, 1½-inch pillars ..... do	22.67	27.50	5
Beds, crib, 1-inch pillars ..... do	20.00	22.50	11
Kitchen knives ..... per dozen	12.00	16.00	33⅓
Auger bits ..... do	1.60	2.40	48
Staples, in kegs, 1-inch ..... per keg	4.80	8.30	------

These facts and figures give some idea of the discriminations to which the American consumers are subjected at the hands of those manufacturers to whom they have given protection and prosperity. It should be remembered in this connection that our home manufacturers are selling at reduced prices stated above, after paying all the costs of transportation, and in many cases after paying the duties imposed by the foreign countries.

The farmers of North Dakota are consumers of every article contained in the list just given, and it is in this way, by paying these enormous differences to the home manufacturers, that they help maintain the tariff, and at the same time assist in creating those large fortunes that have become so large in recent years that their shadows reach round the world. It is in this way that North Dakota pays for that system of protection which does not protect, and maintains that barrier against a danger which does not exist. If we grant for the sake of argument that the duty on grains will enhance the price a few cents per bushel, still the difference which the people would realize would not pay the interest on the money which they annually pay out in order to maintain the system. But since the tariff fails to enhance the prices of the products of North Dakota both the principal and interest are lost—gone never to return. It is that much capital invested in a scheme which bears no profits; that much energy wasted; that much of a burden to obstruct and retard the progress and prosperity of the State. North Dakota gets all of the disadvantages of the tariff, but none of its advantages; bears all the burden, but receives none of its benefits; receives all of its injuries, but enjoys none of its fruits; gets all the harm, but none of its good; pays the price, but gets no return.

TARIFF ONE CAUSE OF HIGH LIVING.

But that is not all. Although at the present time the cost of living is exceedingly high, nevertheless as each day goes by it continues to ascend. Indeed, so high and so rapidly have the prices of the necessaries of life risen that not long ago Congress appointed a special committee to examine into its causes. Of course, the tariff is not the only cause for high prices. There are many causes, but there is no denying that it is one of the causes, and some would say the chief cause. There is, however, no dodging the fact that certain industries are absolutely controlled by a few private monopolies, that by virtue of the tariff they are able to impose high prices upon their commodities, and in that way extort illegitimate profits from the public. And as time goes on industry will become more thoroughly organized, corporations will become larger and stronger, the control of the home markets by the large combinations will become more complete, the tariff will be a more deadly weapon than ever before and will be used with greater effect in taking advantage of the necessities of the people.

North Dakota is now, and always has been, a prosperous and progressive State. Its people are energetic, enterprising, thrifty, and progressive. But it has prospered and progressed not because of the tariff, but in spite of it. Its broad prairies have given homes to thousands of people from every State in the Union; its virgin fields have given forth large returns; and in the fresh vigor of its youth it has marched forward, hardly noticing the mill stone around its neck. But some time in the future, when the population becomes more congested and the soil more exhausted, then North Dakota will discover that cause which helped her least and injured her most—the tariff.

LORIMER CASE.

Mr. STONE. Mr. President, I come now to the case before the Senate. I do not expect to be able to say anything new or throw any new light on the discussion of the facts of this case. Necessarily I must travel for the most part along the same line pursued by those who have preceded me. I have not thought it was necessary to consume any great amount of time in the discussion of this case. It seems to me that an hour or two would be ample for any one to draw out the salient facts in the case and discuss them as far as is necessary.

I shall not consume much time to-day, only just enough to state in concise form the principal grounds upon which I base my judgment. For some time I have had a fairly well-defined view as to the merits of this case, but hitherto I have refrained from giving expression to that view, because I desired to hear the case fully discussed before taking a final stand. I was all the more inclined to this course for the reason that illness and impaired strength, added to the press of various other duties, had made it almost impossible for me to examine the case with that thoroughness I would have liked and which it deserved. While I had devoted considerable time to the investigation of the more important phases of the case, I had not been able to examine all its details with that critical care which would warrant me in feeling that I was entirely familiar with all its features. I had looked through the testimony taken by the committee and had examined the briefs filed by attorneys, but I wanted to hear what learned Senators, who had made a more thorough and exhaustive investigation than I, might have to say on the one side and the other before I reached a final determination. I was anxious to form as intelligent an opinion as I am capable of respecting the merits of the case and to arrive at a conclusion upon which I could rely with sufficient confidence to justify me in acting upon it. My mind is now made up, and, as the case must be voted upon within a week if it is to be concluded at this session, I shall give voice to some of the reasons upon which my judgment is predicated.

Mr. President, I desire at the outset to say that I have arrived at my conclusion reluctantly and with regret. I regret, first, that I am compelled to disagree with the report of the committee. The majority of the committee who signed this report are among the ablest, most distinguished, and honorable Members of this body. I recognize their great abilities and have complete faith, as all their colleagues in the Senate have, in their absolute sincerity and in their high devotion to public duty. The one thing above all others that shakes my confidence in the correctness of my judgment is the fact that the Senators who made this committee report express the unhesitating opinion that Mr. LORIMER is entitled to retain his seat. Nevertheless, I feel reluctantly compelled by the force of my own judgment to put myself in opposition to their view. I regret, also, that I must take this position because of the personal regard I have entertained for the Senator from Illinois and because of his ability to perform useful public services here. It is exceedingly disagreeable that I feel obliged to take a position antagonistic to him in the grave emergency which he now confronts, but my conviction is so pronounced that no other alternative seems open to me.

Mr. President, before adverting to the testimony delivered under oath by witnesses, I desire to make some observations respecting party organization and the question of political morality involved in party loyalty.

I can not believe, as the Senator from Oregon [Mr. BOURNE] believes, that we are upon the verge, the very dawn of the millennium. The shining gateway to that most happy land does not open to my shorter vision. I am going to refer to the political morality of these gentlemen for the reason that when I come to consider this case the initial fact which challenges my attention relates to Mr. LORIMER's personal part in the senatorial fight at Springfield. Mr. Hopkins had been duly and fairly nominated by the Republican voters of Illinois at a State primary for reelection to the seat he then held in the Senate of the United States.

He had been nominated over several opponents after an arduous contest, and the result had been generally acquiesced in. The Senator from Texas [Mr. BAILEY], in the course of his very powerful address defending Mr. LORIMER's right to a seat, remarked, I think facetiously more than seriously, that if anything would justify Republicans bolting that nomination it was the fact that Hopkins was the nominee. Most of us know Mr. Hopkins personally, and I think it not improper to say that he is a gentleman of rather acrid temperament and with very dogmatic and aggressive characteristics. It may be that he was not overly popular among his former colleagues here, and that few of them would have been willing to play Jonathan to his David; and it may be that if it is true, as I suspect it is, that he is personally disliked by many people in Illinois, even of his own party. It is almost inevitable that a man of his irascible and somewhat vindictive disposition would have personal enemies. Why, sir, even gentlemen happily endowed with such patient, serene, and amiable dispositions as the junior Senator from Texas and myself have been known to have enemies in their States. Nevertheless, this may be said for Mr. Hopkins, that he is a man of good character and good abilities. He is also a sturdy Republican, a believer in the doctrines of his party, and one of its consistent and stalwart fighters. Having been duly and fairly nominated at an authorized primary election, concerning the regularity of which there was no question, he was entitled by every rule of fair politics to the support of every Republican member of the Illinois Legislature when that body came to elect a Senator. I am myself a consistent party man and believe in maintaining and standing by my party organization. I believe the struggle for party supremacy and for the enforcement of party policies in public administration is necessary to keep alive a keen interest among the people at large in public affairs, and I believe that parties are essential in an important sense to the preservation of our institutions. Therefore I believe in party organization and the maintenance of party discipline. Whenever we abandon this idea we open wide the door to party disintegration. Whenever there are several aspirants for the same position, if a political party hopes to win it must adopt some method for concentrating upon and selecting its party candidate. Necessarily this must be done by a primary election, a party convention, or a party caucus. Whenever a candidate is so selected I hold it to be the duty of every honorable adherent of that party and every advocate of its policies to accept the result, even though he may suffer a disappointment. No man can ordinarily bolt his party nomination without violating principles of good faith and political morality.

If parties are to be maintained, the voice of the majority must rule. Unless it is known that the candidate is guilty of conduct that makes him unworthy of public confidence, and that would make his occupancy of the office to which he aspires a menace to the public welfare, no party man is justified in refusing to obey the voice of the majority and support the candidate. Whenever I see a band of men conspiring to defeat a personally creditable nominee of their party, I at once become suspicious

of something discreditable and sinister in their motives. Only some extraordinary reason will justify a bolt. A bolter is not only a disorganizer, but he is often a public enemy. And right here, Mr. President, I will take occasion to impress this thought by directing attention to some current examples. The States of New York and Montana have Democratic legislatures. A few months ago the people of those States renounced the Republican Party and by decisive majorities declared in favor of Democratic principles and policies. They did not mean to make a mere empty declaration when they cast their ballots. They meant to have a change in the Federal administration, and that the principles and policies represented by the Democratic Party should be applied, or at least have greater weight, in the practical administration of the Government. That was the verdict and the mandate of the people. But that verdict can not be made effective except through the agency of Democratic Senators and Representatives in Congress. When the people of those States elected Democrats to their legislatures they instructed them to elect Democrats to the Senate of the United States. Over in New York the Democrats of the legislature met in caucus, and a majority of the whole number of senators and representatives elected as Democrats voted in legislative caucus to nominate Mr. Sheehan, and he was nominated; and yet we have the pitiful spectacle of a minority, a comparatively small minority, standing out against their party associates and tying up the legislature for weeks and weeks by their unwarranted recalcitrancy. In Montana we have a spectacle even worse than that, if possible. A majority of the Democrats in the legislature of that State have voted and are still voting for Mr. Walsh, but a minority hold out against the majority and even refuse to go into a caucus to decide upon the party nominee. An almost similar situation exists in Colorado. Shall this go on until these legislatures adjourn without electing Senators? If so, then they pursue a course that not only tends to party disorganization, through the creation of embittered factions, but the bolters will be responsible for denying to their respective constituencies the right they won at the polls to be represented in the Senate by Democrats, and that, too, at a time when the presence of Democratic Senators from those States is tremendously important. What right have these men to permit their ambitions or dislikes to imperil so much and so many things of commanding importance? In a political sense, I look upon bolting as being little short of criminal, and I have no patience with men who are guilty of it—at least, no patience with Democrats who are guilty of it.

The VICE PRESIDENT. The Senator will excuse the Chair for one moment. The hour of 1.50 p. m. having arrived and the unfinished business being already before the Senate, the Chair does not think it necessary to again lay it before the Senate.

Mr. STONE. Mr. President, WILLIAM LORIMER is a Republican. He has been repeatedly honored by the people of his State. He was not a candidate before the primaries for Senator. He did not cross swords with Hopkins and ask the voters of his party to choose between them. Instead of doing that he went to Springfield after the legislature assembled, and there organized a bolt among Republican Senators and Representatives against the election of Mr. Hopkins. I say he organized the bolt. If he did not, who did? Can there be a reasonable doubt that his was the master influence and force at work which organized that revolt and directed its operation? LORIMER did not like Hopkins. His business at Springfield, primarily at least, was to defeat the election of Hopkins; and he was there from the beginning of the fight to its ending. He was the general in command, pulling the strings and directing the force he had organized. All others were subordinate to him; they were but his lieutenants. His was the master mind, and his the dominating influence. Did he leave his seat in Congress and go to Springfield, and remain there for months counseling a course violative of party obligation, calculated to develop warring factions which tended to party disaster, if not to party disintegration, with no other idea than that of merely blocking Hopkins's return to the Senate? I can not but believe, Mr. President, that the real motive for his remarkable and certainly most unusual activities was not one of revenge so much as one that contemplated his personal promotion. I can not but believe that he was influenced far more by vaulting ambition than by any spirit of vindictiveness. If he did have locked up in his heart a secret or ulterior purpose, what was it? There can be but one answer to that question. That purpose must have been his own election to the Senate. The Scriptures teach us to judge a tree by its fruits. So must we judge men by their conduct and by the result of the things they deliberately do. It is said that the election was offered to Gov. Deneen. But if so, he declined to profit by party treachery, or to take honors at such a price. He put the temptation behind him, and LORIMER was elected. May not this alleged offer of the Senatorship to Deneen have been a part of the play? Let me quote from the testimony of Beckemeyer, given before the subcommittee:

Q. Was Gov. Deneen discussed as a candidate for United States Senator that the Democrats, or many of them, would vote for?—A. I don't think that very many of the Democrats at that time would have voted for Deneen.

Q. He was discussed among some of them, was he not?—A. I think probably he was.

There is other testimony to like effect. Was it known that such proffers would be rejected, or, if accepted, was it known they would not be carried out? In either event LORIMER's position would be strengthened and his own triumph made surer at the end. The refusal of others to enter the race would leave him standing out as the one man available and force a situation which would compel his election as the only solution of the problem. Mr. LORIMER walked through a maze of most complicated and confusing manipulation at Springfield, proving himself a master adept in politics, and came out at the end with a senatorial toga. He not only gathered a band of Republican legislators together, but he brought Democrats as well as Republicans into his combination, and together they wrought out his scheme. Shurtleff and Browne were LORIMER'S chief lieutenants and reported to him. These three were a trinity in a close and most confidential alliance. LORIMER and Shurtleff occupied the same rooms at the hotel, and there Browne visited them daily and nightly. There were no secrets between them and no reason for secrets, for the very necessities of the situation made the utmost frankness between all of them absolutely essential. When I behold LORIMER leaving his seat in the House of Representatives on his way to Springfield, and when I see him there at Springfield, a quiet, soft-spoken but forceful man, first gathering Republican senators and representatives about him and then seducing Democratic senators and representatives into his camp, and so welding these antagonistic forces as to make a harmonious body subject to his controlling will, I can not but admire the marvelous skill with which he accomplished his purpose. He was elected by bolters, bolters from both parties, and numerically divided almost evenly between them. The Lorimer Republicans bolted Hopkins and the Lorimer Democrats bolted Stringer, the regular nominee of their party. I have heard it said that these Democrats were justified in deserting Stringer, whose election they say was hopeless, and joining with bolting Republicans to defeat Hopkins, because, forsooth, Hopkins was the Republican nominee, and this because such a course, they say, was calculated to create factions and work harm to the Republican organization. It is claimed that that was legitimate political warfare. We are told that Abraham Lincoln advised his partisans to a like course on one occasion, and other instances are cited where legislators representing opposing parties united on a senatorial candidate. But the case of Lincoln and his followers and the case of Lee O'Neill Browne and his followers are not parallel. Lincoln during his candidacy was not a member of the legislature, upon whom the responsibility of legislative action was cast, but was only a candidate for the Senate, just as Stringer was a candidate for the Senate. Mr. Lincoln, realizing the hopelessness of his candidacy, withdrew himself from the contest and advised his followers to vote for Lyman Trumbull, who, for all intents and practical purposes, was a Republican. Lincoln's followers did not desert him or their party; they only followed his advice that they might elect a Senator whose views accorded with Mr. Lincoln's. But in this case Stringer did not withdraw from the contest. He stood his ground, never wavering and never advising or consenting that the men solemnly pledged and instructed to support him should desert even to another Democrat, much less to a Republican.

No, Mr. President, Lee O'Neil Browne can not shelter himself behind Abraham Lincoln's great name and excuse his desertion of Stringer, the Democrat, and his support of LORIMER, the Republican, by appealing to this episode in Lincoln's life as a precedent. But I will not longer stop to discuss the political ethics or morality involved in a desertion like that of which Browne was guilty, even in cases shorn of venality. Since, however, the alleged example of Abraham Lincoln has been cited to justify that course, I will take the liberty of quoting from another great Illinoisan on the same subject. But before making this quotation, and that it may be better understood, let me first say that the integrity of Salmon P. Chase's election to the Senate by the Ohio Legislature chosen in 1848 was at the time a subject of much controversy. Chase was elected by a combination of Democrats and Free Soilers. Among the Democrats were two men whose seats in the legislature were contested. They were necessary to Chase's election, and his friends in the legislature, as the result of an alleged bargain, voted to admit

the two contested Democrats. Charles Sumner was elected to the Senate from Massachusetts in 1851, also by a combination of Democrats and Free Soilers—a combination which subsequently for several reasons was severely criticized throughout the country. On the 3d day of March, 1854, Stephen A. Douglas, the greatest of Illinois Senators, delivered a notable speech in the Senate during the celebrated debate on the Kansas-Nebraska bill. Replying to strictures made by Chase and Sumner on his motives, Senator Douglas said:

I must be permitted to tell the Senator from Ohio that I did not obtain my seat in this body either by a corrupt bargain or a dishonorable coalition. I must be permitted to remind the Senator from Massachusetts that I did not enter into any combinations or arrangements by which my character, my principles, and my honor were set up at public auction or private sale in order to procure a seat in the Senate of the United States. I did not come into the Senate by any such means. * * * The Senator from Massachusetts comes up with a very bold front and denies the right of any man to put him on defense for the manner of his election. * * * Everybody knows that he came here by a coalition or combination between political parties holding opposite and hostile opinions. But it is not my purpose to go into the morality of the matters involved in his election. The public know the history of that notorious coalition and have formed its judgment upon it. It will not do for the Senator to say that he was not a party to it, for he thereby betrays a consciousness of the immorality of the transaction without acquitting himself of the responsibilities which justly attach to him. As well might the receiver of stolen goods deny any responsibility for the larceny while luxuriating in the proceeds of the crime as the Senator to avoid the consequences resulting from the mode of his election while he clings to the office. I must be permitted to remind him of what he certainly can never forget, that when he arrived here to take his seat for the first time, so firmly were Senators impressed with the conviction that he had been elected by dishonorable and corrupt means, there were very few who, for a long time, could deem it consistent with personal honor to hold private intercourse with him. So general was that impression that for a long time he was avoided and shunned as a person unworthy of the association of gentlemen. Gradually, however, these injurious impressions were worn away by his bland manners and amiable deportment; and I regret that the Senator should now, by a violation of all the rules of courtesy and propriety, compel me to refresh his mind upon these unwelcome reminiscences.

Mr. President, I do not care to further discuss the political morality of such combinations, except to say that if I had been a member of the Illinois Legislature I would have been among those Democrats who remained steadfast in loyalty to Mr. Stringer. I would not have deserted my party standard to consort with the enemy as long as my leader stood his ground and my flag was unfurled. The wage of political sin is as deadly as the wages of other sins. If Lee O'Neil Browne had been honest and true, he would not have led his followers into a foul political mess which besmirched their names and scandalized their party.

Mr. President, I admit that the title of a Senator to his seat, whose election is untainted by actual fraud, can not be invalidated merely because his election was brought about by some combination of hostile political forces. Such an election may be the subject of a just criticism, but it will not invalidate the Senator's title to his seat. What I have said, therefore, about LORIMER and Browne and Shurtleff, and about their connection with the earlier phases of this wretched business, has been said that we might have a clearer insight into conditions preceding the election, and into the conduct and probable motives of men. Mr. LORIMER can not be deprived of his seat unless actual corruption is shown; nor even yet deprived, unless it is also further shown that his election was the result of that corruption, or that he had knowledge of it or sanctioned it.

Mr. President, was bribery employed in this senatorial election? That is the first question. Was White bribed? He confessed under oath that he was. He swore to it before grand juries, petit juries, and the Senate subcommittee. Did he tell the truth? Senators contend that he is a miserable liar and unworthy of belief; and undoubtedly, Mr. President, he is a most despicable character. He is both a Judas and a perjurer. He admits that he betrayed his State and party for money, and admits that he betrayed his friend—the man from whom he claims he received his bribe—for money. Unquestionably the unsupported testimony of such a man is not sufficient to convict anyone accused of any crime.

While the testimony of this creature must be received under grave suspicion and weighed with the greatest caution, still he is capable of speaking the truth; and we must not forget that ordinarily it is impossible to expose the crime of bribery except through the testimony of participating scoundrels. White is a reprobate, and therefore the very kind of man to recklessly use his crime for profit through extortion. If he received a bribe and wasted it in riotous living, he is the kind of man who would seek to retrieve financial distress by blackmailing his confederates, or by putting up his criminal information for sale to the highest bidder. Such a thing is not unprecedented. He did seek to blackmail both Browne and LORIMER. Browne gave him money and sought in other ways to serve him. Were Browne's favors bestowed through friendship or through fear? His patience in dealing with the fellow's exactions was exceedingly great. If White's story is true, then he held Browne at a disadvantage. If White's story is true, then Browne must have feared this wolf when he began to show his teeth. He cozened him with many endearing terms. He called him "dear friend," "dear Charley," "old pal," and by other tender and familiar appellations. Such endearments and favors were calculated to hold the creature in check, if not wholly lost to all sense of decency; but LORIMER was wiser than Browne. He was wise enough to know that one demand of the blackmailer would be followed by another, and that to yield would only result in further and deeper involvement. And so LORIMER suavely showed White the door and turned him down with gracious regrets. But White was not content with the pitiful pin money he got of Browne; he was playing for a larger stake. When LORIMER turned an obdurate face toward him, he sought another market for his wares. He sold his story to the Tribune. Naturally White's maneuvers were bruited about, and naturally, if there were guilty men, they would hunt shelter and seek defense against the coming storm.

All this was to be expected, if White told the truth. Neither LORIMER, nor Browne, nor any man whose name is associated with this alleged bribery, did anything that would surprise us, or anything that we would not have expected, if White told the truth. Everything they did when exposure was threatened, and after it came, were the very kind of things to be expected of them, if White told the truth. To be sure, Browne might have showered his endearments and favors on White, knowing him to be morally depraved, and LORIMER might have written White, as he did, blandly congratulating him on his flattering prospects as an author, when he knew from White's letter to him and from all the circumstances that White was trying to blackmail him—all this may have occurred and yet White's story be false and Browne and LORIMER as innocent as the angels. Certain it is that neither should be convicted on White's unsupported testimony. If there were no strongly corroborating facts and circumstances, LORIMER and Browne would stand instantly acquitted. Unfortunately for the men involved, White's story *is* strongly corroborated, both by positive testimony and by circumstantial facts. Mr. President, White is a knave of the deepest die, but still it must be admitted that he could tell the truth. And here let me ask, What object could White subserve, what advantage gain, by making a false charge of this kind and bolstering it up by perjury? Even bad men do not do serious things without a motive. If he did not himself receive a bribe, and if he knew absolutely nothing that could involve LORIMER, or Browne, or Beckemeyer, or Luke, or Link, or Wilson, or Clark, or Shephard, or any man in the meshes of dishonesty, what possible motive could have prompted him to commit a perjury so gross, and which inevitably would have been so utterly futile?

Would a man even of his caliber and character deliberately brand himself a perjurer and take all the hazards of his crime without a motive? To say so would be to write him down a lunatic and put him in a criminal class all alone and without a counterpart. If he had a motive, it was prompted by cupidity. But if the vice of avarice and the need of money were so great as to make him willing to commit such a crime against innocent and honest men, how could he hope to profit by it? If there had been no bribery, and therefore no creditable or possible proof of the crime, where could he have found a market for his perjury? The Chicago Tribune is LORIMER's inveterate enemy, but the manager of the Tribune is not a fool; and, however wicked his journal may be, he would not have dared to print an unmitigated lie like that, and thus impeach the official integrity of so many influential men. If Browne, Beckemeyer, and the others had been honest men, with clean records, they would have been fearless. They would have been as free from fear as Representative Groves, who drove the tempter, Douglas Patterson, from his room. They would have spurned the charge and prosecuted White for perjury and the Tribune for criminal libel, besides instituting civil suits for their vindication. No, no, Mr. President, White would have found a poor market for his story if it had been a lie out of the whole cloth. Still, I say, White must be corroborated, or we must hold guiltless every man accused. Let White be dismissed, therefore, and let us examine the supporting testimony.

Was Beckemeyer bribed? Was Link bribed? Was Luke bribed? Luke is dead, but Beckemeyer and Link are alive and were witnesses before the subcommittee. They were not willing witnesses, and the testimony shows that they uncovered their secrets with the greatest reluctance. Indeed, so unwilling were they to acknowledge their part in this foul transaction that they committed perjury by denying under oath before the grand jury that they had received corrupt money

or had any knowledge that corrupt methods had been employed. And yet, in the end, driven by fear, they confessed to the receipt of money for things done by them as members of the legislature. Beckemeyer testified that he met Browne, on the latter's invitation, at St. Louis on June 21, 1909, a little more than two weeks after the adjournment of the legislature, and that Browne gave him $1,000, saying, "This is Lorimer money, and there will be some more in a few weeks."

Senator FRAZIER asked the witness if he understood that this $1,000 was paid to him in consequence of his voting for LORIMER, and he answered, "I could not possibly infer anything else."

Again, Beckemeyer testifies that he met Wilson, Browne's alter ego, in St. Louis on July 15, 1909, and then and there received an additional $900 from Wilson. Beckemeyer denied this when he first appeared before the Chicago grand jury. He started in to bluff it through, but when he learned he was likely to be indicted for perjury for denying even his presence in St. Louis at the time alleged he became panic-stricken and hurried back to the grand jury to correct his testimony, and thereafter confessed that he met both Browne and Wilson in St. Louis and received money from both. He was driven through base fear engendered by his conscious perjury to confess his crime. Did he tell the truth? If false, why would he tell such a lie? True, Beckemeyer testifies that while he talked with Browne shortly before LORIMER's election about voting for LORIMER, and talked with other members of the legislature about voting for LORIMER, some of whom said, "I am from Missouri, and have to be shown," yet he affirmed he never received an advance offer of money for his vote. It might be possible, strange as it may seem, that he voted for LORIMER without the hope or expectation of reward. He says that two nights before the day LORIMER was elected Browne talked with him about voting for LORIMER, *and he told Browne he did not think he could do it, as it would ruin him politically at home.* It may be that this man deserted his party standard, betrayed his party nominee, and faced an indignant constituency at home without a thought of any consideration for his sacrifice. It may be that although he received "Lorimer money" he did not expect to get it. Whatever Senators may think of that, it can not be denied that Beckemeyer says that he met Browne a few days after the adjournment—mark you, there was no time lost—and that Browne told him that within a week he would see him and give him a package; nor can it be denied that a few days later he actually did meet Browne in St. Louis on Browne's invitation—indeed, that fact is not denied—and Beckemeyer swears that Browne then gave him $1,000, saying it was Lorimer money. If all Beckemeyer says is true, by what token can we denounce White's story as false?

Michael Link testified that he met Browne on Browne's invitation in Browne's room in the Southern Hotel in St. Louis in the month of June, shortly after the adjournment, and that Browne handed him $1,000, saying, "Here is a package for you." He also testified that in July following this visit to Browne he went to St. Louis again on Wilson's invitation to meet Wilson; that he did meet Wilson in Wilson's room in the Southern Hotel, and that Wilson handed him $900, saying, "Here is a package." On this visit he swears he met Shephard, Clark, Luke, and White at the Southern Hotel. Oh, quite a lot of these carrion birds were gathered there. Link swore before the grand jury that he did not receive any money from Browne or Wilson, and denied that he ever met them in St. Louis. For swearing that he did not meet those men in St. Louis he was indicted for perjury. Like Beckemeyer he broke down under this indictment and the pressure upon him, admitted that he had lied, and not only confessed that he met Browne and Wilson in St. Louis, but also that he received money from both of them. Like Beckemeyer he swore that he did not receive any reward or promise of reward for his vote prior to LORIMER's election. He says he talked to LORIMER and personally pledged him his support because of LORIMER's attitude on the deep-water project. He says Browne approached him about voting for LORIMER, but he told him he was too late, as he had already promised LORIMER his vote.

Mr. President, I believe I will read a part of Link's testimony at this point. It is quite diverting, and fitly illustrates what a tangled web men weave when they attempt by ludicrous falsehoods to deceive:

Q. When after the session of the legislature in June did you see Lee O'Neil Browne?—A. Some time in June.
Q. Where did you see Lee O'Neil Browne?—A. At the Southern Hotel.
Q. What date?—A. I do not know.
Q. Give the date to the best of your recollection.—A. During the month of June.
Q. How did you happen to go to the Southern Hotel in the city of St. Louis in the month of June to meet Lee O'Neil Browne?—A. By invitation.
Q. From whom?—A. I do not remember.
Q. Was it in writing or oral?—A. I do not remember, sir; that is my testimony on the stand here as a witness; I do not remember whether it was oral, or telegraphed, or written. I adhere to that testimony.
Q. But you went?—A. I certainly did.
Q. Did the message say, whether oral or in writing, the place for you to meet him, or did it not?—A. Well, it told me where to meet Mr. Browne.
Q. Where did it tell you to meet Mr. Browne?—A. At the Southern Hotel.
Q. What did it say—anything further, or did it say the purpose of meeting him?—A. No, sir.
Q. What did you conclude the purpose was?—A. I had no idea.
Q. Nothing at all?—A. No, sir.
Q. Mr. Link, was there any surprise—did it surprise you when you received the message?—A. Not to any extent; he was our Democrat leader, and I respected him as such.
Q. You thought you were going down to a banquet, didn't you?—A. No opinion for that kind of a question.
Q. When you arrived at St. Louis in this month of June; what occurred?—A. I went into the Southern Hotel.
Q. Where did you go when you got into the Southern Hotel?—A. I asked where Mr. Browne's room was and the clerk there told me, or some gentleman who had charge.
Q. Did you go up?—A. Yes, sir.
Q. Unannounced, or did you send word that you were downstairs?—A. I do not remember that.
Q. What took place when you got into Mr. Lee O'Neil Browne's presence in his room in the Southern Hotel in the month of June?—A. Well, we were glad to see one another.
Q. What else took place?—A. Mr. Browne handed me some money.
Q. What did he say when he handed you the money?—A. He said, "Here is a package for you."
Q. What amount?—A. I do not think he mentioned the amount to my knowledge; I don't remember.
Q. Well, did you look it over?—A. Oh, I did afterwards.
Q. How much was it?—A. One thousand dollars.
Q. Did you ask him what it was for?—A. No, sir.
Q. Weren't you interested in knowing?—A. No, sir.
Q. You just took it, did you?—A. I thought it was campaign money.
Q. When did you discover that?—A. That is my knowledge—I can not recall that.
Q. Mr. Link, you have testified before the Cook County grand jury of May, have you not?—A. I presume it was; yes.
Q. Now, Mr. Link, after you received this $1,000, and after you went home to your home, did you again go back to St. Louis?—A. I go there two or three times a week.
Q. Did you go to St. Louis to meet Browne or Wilson during the month of July, 1909?—A. Yes, sir.
Q. In response to any invitation to come?—A. Yes, sir.
Q. From whom did that invitation come?—A. I disremember whether it was from Bob Wilson or who it was from; it was an invitation to be at the Southern Hotel.
Q. It was either from Lee O'Neil Browne or from Robert E. Wilson, was it not?—A. It was from some one connected with the Democrats; I don't know who it was.
Q. You haven't any recollection on the subject?—A. Perhaps it was Wilson.
Q. It made no impression on you at all, sir, did it?—A. Not particularly.
Q. It was not anything unusual, was it?—A. It didn't surprise me very much.
Q. Whom did you meet when you got there?—A. Robert Wilson.
Q. Did you meet him at the time appointed in the communication you received inviting you to meet him at St. Louis?—A. I presume it was the time I had the invitation to come down there.
Q. Now, when did you meet Wilson—I understood you to say it was Robert E. Wilson?—A. I rather think that is the word I got—my invitation, or notice, rather.
Q. From Wilson?—A. Yes, sir.
Q. That was what time, if you can tell the committee?—A. In July.
Q. When you met Wilson in St. Louis, where did you meet him?—A. At the Southern Hotel.
Q. Can you give us the date, please?—A. No, sir.
Q. On your visit to see Wilson, whom did you see that belonged to or were members of the Illinois Legislature?—A. Mr. Shephard, Mr. Clark, and Mr. Luke (he is now dead), and White.
Q. Charles A. White?—A. I think his name is Charles, and Wilson, I believe Robert E. Wilson.
Q. Now, where did you meet Wilson in the Southern Hotel?—A. I presume it was his room, but I don't remember the number of the room or what room it was.
Q. It was a room in the Southern Hotel?—A. It was a room in the Southern Hotel.
Q. When you went in the room at the Southern Hotel, or while you were in a room at the Southern Hotel, were there some members of the Illinois Legislature present, whose names you have indicated to this committee?—A. They were not in the room all at one time, I don't think.
Q. Didn't you see all of them there in that room at the same time, or in there while you were in there?—A. I don't remember. I saw them there at the Southern Hotel that day.
Q. Did Wilson hand you anything?—A. Yes, sir.
Q. What?—A. A package.
Q. Did he hand it to you in the presence of the other members of the Illinois Legislature, if any were there?—A. That I don't remember.
Q. Did you see him hand a package to any other member of the Illinois Legislature?—A. No, sir.
Q. What did he tell you it was?—A. He says: "Here is some money."
Q. Did he say, "Here is a package?"—A. He said, "Here is a package."
Q. Did you ask him about it?—A. No, sir.
Q. Mr. Link, did you count the amount of money?—A. Yes, sir.
Q. How much was it?—A. Nine hundred dollars.
Q. Were you surprised when you got it?—A. No, sir.
Q. Did you consider you were getting campaign money?—A. Well, to be sure.
Q. You didn't consider you were getting anything else, did you, sir?—A. I had a right to consider it that way, if I saw fit, and that is the way I looked at it.
Q. Mr. Link, you didn't discuss the receipt of that $900, did you?—A. No, sir.

Q. What campaign did you have, or did you propose to have next after the month of June or July, 1909?—A. I expected to go back to the next legislature.

Q. When was the next legislature to convene or candidates therefor be nominated?—A. 1910.

Q. In what month?—A. In July.

Q. In July or August, was it not?—A. Yes, sir.

Q. 1910?—A. Yes, sir.

Q. It didn't strike you as peculiar that Browne or Wilson on two separate occasions were going to contribute to your campaign expenses more than a year prior to your candidacy, did it?—A. I told you I was not surprised.

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Q. Mr. Link, when you went before the grand jury the first time, did you tell them the truth or did you lie?—A. I kept saying I didn't remember until Wayman wrapped me around his finger.

Q. Did you testify that you had not been paid $1,000 by Browne, and that you had not received $500 from Wilson, or didn't you?—A. At that first interrogation, the question of Robert Wilson was discussed, but not the Browne $1,000.

Q. All right, then; the one they first interrogated you about when you went before the grand jury as to whether or not you had met Wilson in St. Louis?—A. I denied it.

Q. Was that true, or a falsehood?—A. I guess it was a falsehood; but I didn't remember of meeting him at that time, or didn't know the date.

Q. You stated you did not meet him at all, didn't you?—A. I stated afterwards that I did meet him.

Q. You stated afterwards you did meet him, but that was afterwards; after you had been indicted for perjury?—A. Yes, sir.

Q. Now, Mr. Link, did Mr. Wayman or any of his assistants or any officer at any time ask you to tell anything that was not true; yes, or no, please?—A. They asked me so many questions, that is a pretty hard question.

Q. Did anyone, at any time, ever ask you to tell a lie?—A. Not in that specific terms.

Q. Or in any other terms?—A. Not in that kind of terms.

Q. Did anyone, at any time, tell you to testify to any fact other than the truth?—A. Well, I had so many conversations with him, it is hard for me to answer just any remark, Senator.

Q. Tell me if anyone connected with the State's attorney's office, the State's attorney, his assistants, officers, employees asked you to lie?—A. They didn't ask me to lie.

Q. Now, after you were indicted for perjury, you were given the alternative of going before the grand jury and telling the truth, were you not, or be prosecuted for perjury?—A. I came before the grand jury to clear myself.

Q. And tell them the truth?—A. To clear myself.

Q. What do I understand by "clearing yourself?"—A. Telling them I had received some money.

Q. Hadn't you received some money?—A. Well, yes.

Q. You didn't tell the truth, did you, until you got the third-degree methods?—A. Yes; I did.

Q. I am asking you—you are the one that knows, not I.—A. Well, I suppose when I denied seeing Wilson when I did meet him.

Q. You denied, first, having any money?—A. There was no question asked about that. I said I didn't meet him.

Q. Didn't you deny getting any money from him?—A. I said I didn't meet him, and how could I get any money if I didn't meet him?

Q. Didn't you deny getting any money from him?—A. I don't remember.

Q. Didn't you deny getting any money from Browne?—A. That question was not asked me on the first occasion.

Q. Didn't you say before the grand jury that you didn't get any money from Browne, and didn't you say you got it after the third-degree methods?—A. The perjury charges was placed against me for simply saying I didn't meet Wilson.

Q. The perjury charge was correct, was it not?—A. Afterwards it proved it was; yes, sir.

Q. Didn't they give you a chance to go back before the grand jury and make a clean breast of it?—A. To save my life.

Q. Didn't they give you a chance to go back?—A. I didn't go back; I told them all I knew.

Q. You lied?—A. I don't know about that.

Q. Now, Mr. Link, you did go back before the grand jury?—A. I certainly did; on Saturday morning.

Q. You told the truth, and then they nollied the indictment for perjury against you; didn't they?—A. Yes, sir; after I answered those two questions.

Q. Mr. Wayman asked you to tell the truth, didn't he? Did he or didn't he; what is the answer?—A. That was about the Wilson affair, my subpœna here. I didn't care about that; I was asked to tell the truth whether I had met Bob Wilson.

Q. He interrogated you about the $900 and the $1,000?—A. That was afterwards; Mr. Wayman himself asked me those questions.

Q. He asked you to tell the truth?—A. He didn't ask me anything about telling the truth; I admitted that.

Q. When he talked with you; when Mr. Wayman first asked you whether or not you had received any money from Browne, you denied it, didn't you?—A. Yes; of course I did.

Q. When he asked you whether you had received any money from Wilson, you denied it?—A. That was not before the grand jury.

Q. At any time you denied it?—A. To be sure I did.

Q. Why, to be sure you did, what was in your mind that made you deny it?—A. Because I didn't want to get any third-degree methods up here.

Q. You thought that might involve you in the third-degree methods?—A. No, sir; I didn't know anything about that.

Q. When you went before the grand jury subsequently you told them you got $1,000 from Browne?—A. I answered two questions.

Q. Will you please answer my question?—A. I answered two questions: One was that I got $1,000 from Browne, and the other was that I got $900 from Wilson.

Q. In St. Louis?—A. Yes, sir.

Q. You had denied it up to that time. Did you protest and object when the officer went with you to your home?—A. I didn't have knowledge of the law enough. No; I did not. I got tired of it mighty quick.

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Senator FRAZIER. If it were true that you met Wilson at St. Louis and he paid you $900, and that you met Browne and he paid you $1,000, why didn't you tell that when you came up here before the grand jury and before Mr. Wayman? What were you concealing it for?—A. I didn't want to get myself, perhaps, in trouble and my friends in trouble. I didn't know where the money came from. That was the only reason.

Q. Why didn't you tell it if it were a fact that you got it, and that you met those gentlemen? What were you trying to conceal it for? What was there wrong about the transaction?—A. I didn't know anything about what there was about it. And I didn't desire to criminate myself for taking this money. I didn't know where it came from.

Q. If it were a present to you, and a fair and honest transaction for campaign purposes, or a gift or otherwise, why were you trying to conceal it?—A. I had no reason at all for concealing it.

Q. Why didn't you tell it?—A. Pardon me, I will correct that. I was afraid of getting somebody into trouble; I didn't know where this money came from.

Q. Who were you afraid of getting into trouble?—A. Friends of mine or myself.

Q. Who were your friends?—A. I had a great many friends on the Republican side and on the Democratic side in the general assembly.

Q. How would you get your friends into trouble by telling the truth, if this were a perfectly honest and legitimate transaction?—A. I didn't know how it would get them into trouble, only it struck me I might get them into trouble.

Q. You didn't care to admit that some one had given you $1,000 without any explantion about it?—A. No, sir.

Q. Was there anything said by you or Browne at the time he gave you this money as to why he was giving you this $1,000?—A. No, sir; I just supposed it was campaign money; but where it came from I didn't ask him.

Q. You supposed it was what?—A. For campaign purposes or something of that kind.

Q. What sort of campaign purposes?—A. Down in Madison County; it costs a good deal to be elected there.

Q. Had Browne ever contributed to your campaign when you were a real candidate?—A. Not to my knowledge.

Q. Had anybody else ever contributed to your campaign when you were a candidate?—A. Not to my knowledge.

Q. You were not a candidate at that time?—A. I certainly was.

Q. You were a candidate for the next time.—A. Yes, sir.

Q. Had you ever asked Browne for any money for your campaign?—A. No, sir.

Q. You had not?—A. No, sir.

Q. You hadn't suggested to him that you needed any money for your campaign?—A. No, sir; I might have told him—I did have several talks with him—that I was going to have a terrible hard pull to get back.

Q. Did you suggest to him that you were glad to get that money and you would use it in your campaign?—A. I didn't say anything about what I would do with the money.

Q. You didn't say a word about that?—A. No, sir.

Q. As to where it came from or anything about it?—A. No, sir.

Q. You didn't ask him why he gave it to you?—A. No, sir; I didn't ask any questions.

Q. He simply gave you $1,000 and you counted it and saw it was $1,000 and put it in your pocket and went away?—A. Yes, sir.

Q. He made no explanations to you and you asked no questions?—A. No, sir.

Q. You kept it and used for your own benefit?—A. Yes, sir.

Q. When you met Wilson in St. Louis, was that in response to a letter?—A. Some kind of a communication.

Q. Now, when he gave you the $900, did he tell you why he was giving you the $900?—A. No, sir; and I didn't know where it came from.

Q. You didn't ask any questions?—A. No, sir.

Q. Didn't it rather strike you as an extraordinary sort of thing that a gentleman would give you $1,000 with no explanation, and the other $900 with no sort of an explanation?—A. I didn't know what source or what business contributed a nickel of that money at all; never was in any consultation to know where he got this much or that, and how would I know about it?

Q. Were you surprised when you took the $900?—A. Not very much.

Q. Why weren't you surprised?—A. I was glad to get it.

Q. Did anyone in your life ever give you $1,000 without asking you any questions or making any explanation?—A. No; I don't know as they did.

Q. Why was not this an extraordinary sort of thing, then?—A. If he saw fit to give me a present for campaign purposes, I was glad to receive it and ask no questions.

Q. You were not surprised that he did?—A. None whatever, sir.

Q. You had never had anybody give you $1,000 before in your life or $900?—A. Not directly.

Q. We want to get at the whole transaction, Mr. Link, and we are trying to get at the truth about it.—A. Yes, sir.

Q. And we would like to know if at any time there was any reason or any cause why these men should have given you $1,000 and $900. Did they owe you anything or have any transaction between you or business or anything?—A. Not to my knowledge.

Q. Did any other member of the legislature ever give you $1,000 or $900?—A. No, sir.

Q. Or any other man in your history as a politician or statesman in this State, did anybody else ever give you $1,000 or $900?—A. No, sir.

Q. Just on these two occasions. You didn't ask any questions?—A. I didn't ask any questions, and there were no answers given to me or no reasons given to me.

Q. Had you had any information, directly or indirectly, as to any gathering up of funds to be distributed among legislators for votes?—A. No, sir; no direct information.

Q. Had you had any indirect information?—A. It was rumored those things; I don't know whether they did or not.

Q. You had heard rumors of that sort?—A. Yes, sir; but nothing accurately or definitely.

Q. Did Browne, when he handed you the $1,000, say anything about your voting for LORIMER?—A. No, sir; he did not.

Q. Just tell us exactly what he said, if he said anything?—A. We talked casually about——

Q. (Interrupting.) Tell us exactly what he said.—A. I don't remember; he was going back to the next legislature, and so was I if I could; that was the conversation, so far as I could remember.

Q. When you first went into his room was there anyone in there?—A. Not to my knowledge; I think he was by himself.

Q. When he handed you the package, was it in an envelope or wrapped up in some form?—A. I think it was just in separate bills.

Q. He just handed you out the money?—A. Yes, sir.

Q. Did he count it or did you count it?—A. I counted it.

Q. He handed you a package of bills and you counted it?—A. Yes, sir.

Q. When he handed you the thousand-dollar package of bills, did he say anything to you?—A. He said, "This is coming to you." Nothing else was said as to the purpose.

Q. He just said, "This is coming to you?"—A. Something of that nature. I don't remember exactly; of course he was not dumb when he handed it to me.

Q. That is what we want to find out.—A. I don't remember the exact conversation, only he said, "This is a present" or "This is coming to you."

Q. Which did he say, "This is coming to you" or "This is a present"?—A. I don't remember; it was something of that kind.

Q. You can't recall that?—A. No, sir.

Q. What did you reply?—A. I says, "All right, Lee." That is all that was said in relation to it.

Q. You counted the $1,000?—A. Yes, sir.

Q. Did he say it was $1,000, or did he just hand you the package and say it was coming to you?—A. I don't remember whether he used the word "thousand" or not. Not much was said in the conversation at all.

* * * * * * *

Q. When you met Wilson and he gave you $900, will you just state what he said when he handed you the $900?—A. Something similar to what Browne said, "This is coming to you," or "This is for you, Mike." "This is for you."

Q. Did you ask him what it was given to you for?—A. No, sir.

Q. Did you see anyone else in his room during that time?—A. At that specific time I don't recollect, but I mentioned the different gentlemen that I saw there.

Q. Was there anyone else in there at the time he gave you the package of money?—A. I don't remember whether there was or not; I don't think there was, though.

Q. But did you see other gentlemen come in during the——A. (Interrupting.) No conversation was had, I was with Mr. Wilson quite a little while that day.

Q. Did you see these gentlemen—members of the legislature—Mr. Luke——. A. Yes, sir; during the time.

Q. Shephard and Clark?—A. Yes, sir.

Q. And Mr. White. Those were all members of the legislature?—A. Yes, sir.

Q. They were in his room during your visit?—A. During the time of my call there some time, but I can't say just exactly.

Q. They were all members of the legislature who had voted for Mr. LORIMER, were they not?—A. I think every one of them had voted for Mr. LORIMER.

Q. Did you see any other member of the legislature there that day?—A. Not to my knowledge; no, I did not; I am quite certain.

Q. You saw Shephard, Clark, Luke, and White?—A. Yes, sir.

Q. In Wilson's room?—A. Yes, sir.

Q. You don't recollect any others?—A. Not now; no, sir; I do not.

Senator BURROWS. When you got the $1,000 you say you didn't know what it was for; did you count it?—A. I don't remember whether I counted it there at that time. I did afterwards.

Q. Why did you count it?—A. To know whether there was a—how much money there was in the package.

Q. That was all?—A. Certainly; I wanted to know how much the present was worth. I wanted to know just what it was worth.

Q. You had no other purpose in counting it?—A. No, sir; none whatever.

What part of this testimony should be credited and what discredited each Senator must judge. One thing this testimony does make perfectly plain, and that is that Link met Browne and Wilson in St. Louis and received money from both. He at first denied these facts before the grand jury, but now admits he then swore falsely. He now acknowledges the receipt of the money, but still insists he does not know for what purpose these large sums were given to him. That part of his testimony is wholly improbable and unreasonable. When he says he had no idea for what purpose Browne and Wilson summoned him to St. Louis you know he lies. When he says he received this money from them without the faintest idea for what purpose it was given, and that he accepted it without asking for any explanation and without any explanation whatever being offered, you know he lies. When he says he thought the two payments were two presents, or possibly two contributions to his campaign for reelection, 15 or 18 months away, you know he lies. That story is too utterly ludicrous for any unprejudiced mind to give to it the slightest credence. It may be asked why he would admit receiving this money and yet deny all knowledge of the purpose or reason for which it was given and deny all knowledge or even suspicion of the source from which it came. I think this performance, asinine as it is, is not difficult to understand. Link knows that bribery is a felony, punishable by imprisonment in the penitentiary, and he knows that bribery is an odious crime and that a public official guilty of it must wear forever upon his brow the brand of infamy. He feared to confess bribery and face the courts or his constituents. He shrank cowering from a confession that he accepted a bribe for official work, and, hard driven, resorted to the silly device of saying he regarded the money as presents from generous friends or as contributions to a far-off campaign. The mental operations of the man are not difficult to comprehend. Mr. President, with Link's story before our eyes, is it difficult to believe the story of White?

Luke is dead. But Luke was one of the traitorous Democrats who voted for LORIMER. He was also one of that delectable company invited to Wilson's pay-day feast at the Southern Hotel. His wife saw, so she testified, the dispatch inviting him to attend, and there is abundant proof that he did attend. She testified that on one occasion after his return home from some unknown place—that is, some place unknown to her, and he did not disclose where he had been—but on returning he exhibited a large sum of money, she thought $950. True, she says, this was before he went to St. Louis to meet Wilson, but when he went or where he went she did not know. This sweet-scented Wilson convention at St. Louis was held on the 15th day of July, and Browne's convention was about the middle of June. It is important just here to keep these dates in mind. Browne was in St. Louis in June and Wilson in July. Mrs. Luke stated that it was after Luke's return home following the adjournment on June 4, and between that time and his visit to Wilson in St. Louis on July 15 that her husband went away on some mysterious journey and came back with this large sum of money. Did he go away in June to meet Browne? Can there be any reasonable doubt of that? All these occurrences were within the compass of a few weeks. Naturally, Mrs. Luke, poor woman, would shield the memory of her husband as far as possible. No doubt she sought to tell the truth, and there is no occasion for denying that she did. But did Luke see Browne before he saw Wilson?, He went to St. Louis on Wilson's invitation to meet Wilson, just as the others did. If Wilson gave White, Beckemeyer, and Link $900 each on that occasion, can you doubt that he gave Luke the same amount? And if Luke got money from Wilson, can you doubt that he also received money from Browne? If he shared in the spoil Wilson distributed for Browne, can you doubt that he shared in that distributed by Browne himself? Mr. President, the accusing circumstances all point in the same direction. They are overwhelmingly convincing that Luke was one of Browne's band of criminals. Do not these circumstances involving Luke, and the reasonable inferences to be deduced therefrom, tend strongly to corroborate and support the original story of White?

I come now to Senator Holstlaw—or rather to Senators Holstlaw and Broderick. They are so inseparably connected that we can not speak of one without speaking of the other. Driven as the others were by the fear of criminal prosecutions, Holstlaw confessed to the promise of a reward if he voted for LORIMER, and that after he had voted for LORIMER he received $2,500 at one time, and $700 at another time. He testifies that on the night preceding LORIMER's election he had a talk with his colleague, Senator Broderick, in which both expressed the opinion that LORIMER would probably be elected on the following day, and Holstlaw swears that Broderick said this to him, "Well, there is $2,500 for you," or, "There is $2,500 for you if you vote for him." Holstlaw understood, as he must inevitably have understood, from Broderick that he would receive $2,500 if he cast his vote for LORIMER. And Broderick beyond all reasonable doubt intended by what he said to offer Holstlaw this tempting bribe. I say this because a few days after the legislature adjourned Broderick wrote Holstlaw to come to see him in Chicago, and Holstlaw went to Chicago in response to that letter and visited Broderick at his saloon on June 16, 12 days after the dissolution of the legislature. Several weeks after that he went to see Broderick again at the same place. Holstlaw testifies that these were the only two occasions he ever visited Broderick or ever entered his saloon. On his first visit, June 16, Broderick escorted him into his private room and there handed him $2,500 in cash. On Holstlaw's second visit Broderick gave him $700 additional. Holstlaw says that he took the money when offered, and says that Broderick remarked as he handed him the $2,500, "Here is that money." According to Holstlaw's testimony that was the whole conversation—"Here is that money." What money? Why, *that* money. No explanation was asked or given as to where the money came from or for what purpose it was paid, and none was necessary. Broderick was not indebted to Holstlaw, they had never had a business transaction, and this was Holstlaw's first visit to Broderick. Holstlaw was asked:

What did he pay you the $2,500 for?

And he answered:

I supposed he was paying it to me because he had told me that he would give it to me after my having said I was going to vote for LORIMER, and I supposed that he paid it to me for that.

Again, he was asked if Broderick in his letter inviting him to Chicago indicated for what purpose he desired to see him, and Holstlaw answered:

Well, Mr. Broderick told me that he would give me the $2,500.

True, Holstlaw would have the subcommittee and the Senate believe that his vote was not bought or influenced by any prospect of reward. In this particular his attitude is like that assumed by Link and Beckemeyer, and, no doubt, for the same reasons. But if Holstlaw's testimony as to his conversation with Broderick the night before the senatorial election and as to the subsequent receipt of the money is to be believed, then, notwithstanding his belated profession of virtuous intention, we have a clear case of an offer to bribe and the subsequent

payment of the bribe money. If Holstlaw is to be believed, we have a clear case of bribery, and bribery committed for the direct and confessed purpose of promoting Mr. LORIMER's election. Did Holstlaw tell the truth? In answering that question I will say, first, that there was an utter absence of any motive for Holtslaw to tell a lie. There is an utter absence of any motive for Holtslaw desiring or consenting to do either LORIMER or Broderick so foul a wrong as to falsely swear that Broderick offered and paid him money to vote for LORIMER. And I will say, secondly, that there is one circumstance that seems to put the fact of Holstlaw's receipt of the $2,500 beyond all reasonable doubt. That fact is that on the very day he received the money, June 16, he deposited it in the State Bank of Chicago.

Recognizing the damaging force of this circumstance the friends of Senator LORIMER have denied or sought to discredit the statement that Holstlaw made the deposit to which he testified; but, Mr. President, Holstlaw was corroborated in this behalf by the chief clerk of the bank, Jarvis O. Newton, who swore he received the deposit and made out the deposit slip which he gave to Holstlaw. The testimony Newton gave relating to this deposit was so furiously assailed, and charges so seriously affecting the integrity of the bank officials and the truth of Newton's testimony were made, that the Senator from Iowa [Mr. CUMMINS] procured the original deposit slip attached to an affidavit made by Newton, in which he identified the deposit slip as the one he had made and delivered to Holstlaw. This original deposit slip and the affidavit of Mr. Newton were exhibited to numerous Senators here on the floor, the Senator from Texas [Mr. BAILEY] among them. That Senator, on comparing the handwriting of the slip with Newton's signature to the affidavit, declared it to be his deliberate opinion that the two did not correspond and that the deposit slip was a forgery. I examined the same papers, and, although I do not claim to be a handwriting expert, I do not hesitate to say, with all due deference to the Senator from Texas, that to me the writing on the two papers is so strikingly similar that I have no doubt that the man who signed the affidavit wrote the slip. I can not at all agree with the Senator from Texas in this particular. Mr. President, why should this bank officer wantonly commit a forgery of this kind, and then appear before the Senate committee and commit perjury to bolster up the forgery? To my thinking that is wholly improbable, for there is an utter absence of motive for doing such a monstrous thing, and I was astounded at the bold attacks made by Senators on this unoffending man. If the committee had the least doubt or suspicion that Holstlaw and Newton had sworn falsely as to this deposit they could have summoned the bookkeeper, the cashier, and other officials of the bank, and compelled them to produce their books to show whether this sum had been charged in the cash receipts and credited to the account of Holstlaw on the particular day named by the witness. But the committee had no doubt as to the veracity of Newton's statement. Can it be imagined that the executive officers of a responsible institution like this bank would commit or sanction such perjury or forgery, or would tolerate any false entry on their books?

Why, sir, there could be no possible motive for such an act, and aside from every other consideration the exposure of such a crime would have destroyed the bank. If the books of the bank show that that deposit was made, then it was made at the time Holstlaw and Newton stated. Moreover, if that deposit appears on the books of the bank then the deposit was actual and not fictitious. You can not believe that the bank would give Holstlaw a credit for $2,500 without receiving the money or its equivalent. Further still, if Holstlaw deposited that money as he stated, he received it from Broderick as he stated. If not from Broderick, from whom did he get it? Do you suppose he carried this $2,500 in cash from his home to Chicago that he might deposit it there and make it a basis of some false charge against Broderick? It seems to me that all talk and surmising of this kind are too absolutely absurd to deserve attention. It is true Broderick denies the conversation with Holstlaw on the night preceding LORIMER's election, and denies that he paid to Holstlaw any money at any time. He did not deny, however, that he had written to Holstlaw to come to Chicago to see him, as Holstlaw had testified he did, although Holstlaw had never visited him before. He would not say whether he had written such a letter as Holstlaw said he received. He declined to deny that, for he could not tell but that Holstlaw might produce the letter. If you will read Broderick's testimony you will observe that he refused on several occasions to answer pointed questions, giving as a reason for his refusal that he could not be compelled to give testimony against himself, or testimony that might be self-incriminating. If Broderick were a truthful and honest man, why the necessity of sheltering himself behind this privilege and claiming this exemption? Mr. President, taking an impartial and unprejudiced view of all the facts and circumstances it is to my mind perfectly plain, almost indisputably so, that Holstlaw testified to the truth about his conversation with Broderick and about receiving the money. If Broderick told Holstlaw the night before LORIMER's election that he would get $2,500 if he voted for LORIMER, from whom did Broderick expect that money to come? If Broderick gave $2,500 to Holstlaw on one occasion and $700 on another, where did he get the money? Do you suppose, Mr. President and Senators, that this saloonkeeper gave Holstlaw $3,200 of his own money? In your hearing on Wednesday last Mr. LORIMER described Broderick as his bosom friend; still Broderick would not likely pay Holstlaw $3,200 out of his own pocket without any consideration therefor. He swore he made Holstlaw no promise, and therefore was under no sort of obligation to him. If that be true, do you suppose that he so loved the junior Senator from Illinois and was so elated over his success, that, bubbling over with joy, he delved into his own pocket, fished out $3,200 of his own money, and made a jollification gift of that large sum to his senatorial colleague? Yes, sir; Holstlaw's story bears all the earmarks of truth, and if it be true, what good reason have we for denouncing White's story as false?

Mr. President, let me recur to the Browne convocation in St. Louis in June, 1909, that I may propound this question to the Senate: Was the money Browne paid to Beckemeyer, Link, and others bribe money? I do not hesitate to say this, that whether this money, or any part of it, was paid for LORIMER votes or not, beyond all peradventure it was corrupt money, used in some corrupt transaction. Browne and Wilson, of course, deny that they paid any money to any man on the occasions stated. But can you, in the known circumstances of this case, give credit to their oaths? For what purpose were these men assembled at the call of Browne and Wilson in St. Louis? If the mission there was a proper and honest one, why was there so much secrecy about it; and, after the fear of exposure came, why did the participants in those meetings go scurrying about seeking to improvise some defense against the threatened danger? Why did Wilson, in May, 1910, after consulting with his stampeded associates, send out letters to them, dated back to the year before—back to June 26, 1909—inviting them to meet him in St. Louis to discuss the question of giving Browne a banquet? Were they trying to hedge? Why was this posthumous story concocted? Manifestly because they saw the necessity of manufacturing some excuse for that St. Louis meeting. Therefore this letter was written and dated back a year so as to lay a plausible foundation for a contemplated lie. Does not that look as if those men were criminals, fleeing from the wrath to come? If these were honest men, and if the St. Louis meeting was for an honest purpose, there was no need of involving it in mystery, and no need to commit perjury by denying that the meeting was held. There was no need for all that unless these meetings in St. Louis were the culminating acts in a monstrous conspiracy against the honor of a great State. If innocent, every man among them would have scorned the base charge White preferred, and, without a moment's waiting, volunteered the whole truth and sought the vindication of their good names before the courts of the country. But the skulking manner characterizing their every movement, their utter insincerity, their repeated deliberate perjury, all combine to prove them a band of scheming rascals instead of a company of honorable gentlemen. Mr. President, how can you escape the conviction that Browne paid out thousands of dollars to these men? Wilson was merely an agent of Browne, and Browne supplied him with the money he distributed. Where did Browne get this money? Do you imagine for a moment—is it within the range of human probability—that Browne paid all these thousands out of his own personal funds? The very suggestion of that is preposterous. Rather might I ask if there can be a doubt that Browne not only received the money he distributed from some vitally interested source, but that he himself took care to feather his own nest in the interim? Is it reasonable to say that Browne would take the hazard of bribing men without himself receiving some personal emolument?

Mr. President, do the circumstances of the case connect Senator LORIMER with this bribery, and are they sufficient to convince us that he must have had knowledge, some well-grounded intimation at least, as to what was in the air? Remember, sir, his close, confidential relationship with Browne. He seduced Browne from his allegiance to Stringer and made him his right arm in the battle he waged for the senatorship. I know Senator LORIMER denies this. In his last speech he would have the Senate believe that Browne was forced by his followers to the

Senator's support. But no man can read this testimony without seeing that Browne was the one chief, potential force above all others among Democrats, and whose ceaseless activities were most continuously exerted to beguile Democratic votes to LORIMER's standard; and the testimony shows beyond all intelligent dispute that LORIMER depended upon Browne above any and all other Democrats. Their consultations for weeks ran through both days and nights, and their confidences were many and very close. In fact, I would be almost justified in saying that this relation was so close and of such a character that Browne might well be regarded as LORIMER's commissioned agent authorized to employ whatever means he might deem necessary or advisable to bring his followers into line. Under these circumstances does it seem probable that Browne would discuss money considerations with his followers, make promises and afterwards keep them, with utter ignorance on LORIMER's part as to what was being done? LORIMER was in command, and he was to be the beneficiary of the contest. Can LORIMER's lieutenants be guilty of these crimes and yet LORIMER himself, the beneficiary, be wholly innocent? The question "Who furnished the money?" like Banquo's ghost, will not down.

Mr. President, I might go on and consume much time discussing other men and other circumstances connected with this transaction—evidence tending to show a wide range of corruption, and tending to corroborate the story White sold to the Chicago Tribune. I might, for example, discuss the significance of Clark's and Shephard's presence in St. Louis, when White, Beckemeyer, and Link were there to receive money from Browne or Wilson. Clark and Shephard went to St. Louis on the same kind of invitation which carried the others there, and it seems impossible that they attended either of those particular meetings on a different mission. They were there in the same room with Link and White—the same room in which Wilson distributed his corruption fund. What were they there for? Wilson took Shephard into the bathroom. What for? Listen to Shephard's answer to that as he gave it under oath to the subcommittee:

Q. Why did Bob Wilson take you into the bathroom on the 21st of July?—A. I don't know; he took me in there to ask me a question. I will tell you the question if you want to know what it is. He asked me who the lady was he saw me with in the St. Nicholas Hotel in Springfield.
Q. Neither of you being married, that question was so confidential that you had to be taken by him into the bathroom so that he could ask you privately?—A. I don't know what prompted him to do it; I can't say as to that
Q. Did he close the door?—A. I can't say as to that.
Q. Will you say he did not close the door?—A. I am not sure whether he did or not. I can't remember.
Q. Were you the least bit surprised that he should take you out of the main room and into the bathroom and close the door or not close the door, whichever it was, just to ask you who the lady was that you, an unmarried man, had with you in Springfield?—A. I was not surprised at all. I did not think of it. When I told him who it was he said, "I thought it was somebody else."
Q. Were you with this young lady in Springfield when Wilson saw you?—A. At the St. Nicholas Hotel, at the dinner table.
Q. There was no secret about it?—A. No, sir.
Q. It was a relative of yours?—A. Yes, sir; she is my sister-in-law.
Q. And you were all in public?—A. Yes, sir.
Q. At a public hotel, dining with her?—A. Yes, sir.
Q. And a great many other people saw you besides Wilson?—A. Yes, sir; I presume they did.
Q. And just to inquire as to who the name of the young lady was—you having been seen with her in public in the St. Nicholas Hotel—he took you into the bathroom?—A. Yes, sir.
Q. And that is all he asked?—A. That is the only question he asked me there and the only conversation we had there; yes, sir.

Senators, do you believe that to be a reasonable story? What was there about a member of the legislature dining with a lady in the public dining room of a prominent hotel that made it necessary for Browne to employ such secretive tactics to ascertain her identity? And yet these two men, Shephard and Wilson, had the audacity to swear to that absurdity as a fact. No, no; Wilson did not invite Shephard into his bathroom for any such idle, albeit sentimental, purpose.

Again, listen to what Shephard said about meeting Browne in St. Louis:

Senator FRAZIER. What did Mr. Browne want of you when he wrote you to meet him in St. Louis?—A. I don't know, sir. He just simply said in the letter or telegram, whatever it was: "Will be in St. Louis at Southern Hotel" at a certain date, "and if convenient will be glad to see you."
Q. When you saw him did he make any explanation of what he wanted or why he had written?—A. No, sir; I suppose it was just a visit. Mr. Browne and I were very good friends during the session, and he knew I went to St. Louis very frequently, as I do—I go down there nearly every week, maybe twice a week.
Q. He made no explanation to you as to why he wanted to see you?—A. No.
Q. You did not talk politics?—A. We may have talked some politics there in the room. I can't recall what the conversation was there.

Mr. President, I submit that that story, under all the facts and circumstances of which we have been advised, is wholly incredulous. But I forbear to further consume the valuable time of the Senate by pursuing this phase of the controversy.

Mr. President, that there was talk of bribery and efforts to bribe during the senatorial contest is made evident by the testimony of witnesses, members of the legislature who did not vote for LORIMER, as well as by the testimony of those who did vote for him. I refer to such men as Terrill and Groves. These men stand unimpeached, and no charge of dishonorable conduct can be fairly laid at their door. Perhaps in saying this I ought to except the assault made upon Groves and Terrill by the Senator from Texas [Mr. BAILEY]. With due respect, and certainly without meaning in the least to offend, I am bound to say that in assailing these men my distinguished and eloquent friend from Texas gave to his zeal and to his imagination too free a rein. What are the facts? Groves was twice called to the stand by the committee. On his first appearance he was reported by the stenographer as saying that Terrill told him that he had received a thousand dollars for voting for LORIMER. That is the way the testimony appeared in the record. Later he was recalled, at his own request, to correct that statement and did correct it. He declared that he did not say on his first appearance that Terrill told him he actually got a thousand dollars for voting for LORIMER, but that Terrill said that he had been told there was a thousand dollars in sight if he would vote for LORIMER. This is all the Senator from Texas quoted, and thereupon he proceeded to speak with exceeding harshness of Groves. But let me read what immediately follows Groves's correction of that part of the record quoted by the Senator, and thus prove that Groves was both fair and honest:

Mr. AUSTRIAN. The witness notified me that he desired to correct that statement.

That is, the statement that Terrill told him that he received $1,000 for voting for LORIMER. Then this follows:

Senator PAYNTER. Yes; I didn't understand him to say that, anyway.
Mr. AUSTRIAN. That is the way the record reads. I didn't understand it, either, but that is the way the record reads.

So you will observe, Mr. President, that Groves did not swear that Terrill said he had received money for voting for LORIMER. The Senator from Kentucky [Mr. PAYNTER] agreed with Mr. Groves, that the fault was not with Groves, but with the record. The Senator from Kentucky said, "I did not understand him to say that, anyway." Surely that ought to settle it. I think the Senator from Texas must have overlooked what I have quoted, for I am sure he would not do Mr. Groves an intentional injustice. I am sure he would not have sought to discredit Groves in the way he did if he had had the part of the record I have quoted in mind at the time. Terrill himself said that a member by the name of Griffin, from Cook County, asked him to vote for LORIMER, and, being curious to know what was in the wind, he asked Griffin what there was in it, and Griffin answered, "A thousand dollars, anyway." And right here it is not amiss to call attention to the fact that Griffin was the Democratic member whose vote "Hinky Dink," the celebrated Chicago politician, pledged to LORIMER. Griffin is the man Terrill swears told him that there was $1,000, anyway, in voting for LORIMER. It seems, Mr. President, that "a thousand dollars" was the standard market price for votes at Springfield at that time for members of the lower house. There is considerable testimony of this kind running through this voluminous record, but I will keep my promise, and forbear to follow it in detail. And so I will leave my discussion of the testimony at this point.

Mr. President, in the face of what Beckemeyer, Holtslaw, and others, whose evidence has been quoted, testified to; in the face of all the damaging and damning facts developed by both positive and circumstantial testimony, and in the face of all that appears in this most accusing record, Senator LORIMER sat silent as the dead. He had no explanation to make; no word to say. Why did not Mr. LORIMER take the witness stand, speak out like a man who had naught to fear, answer any question propounded to him, and tell everything he knew about the case? Does this attitude of silence comport with innocence? If it was shown that Beckemeyer, Holtslaw, and White had received money for their votes, if it was shown that other legislators had also been the recipients of corrupt money, and if it was shown that still others had been approached with corrupt overtures, did not this volume of inculpating testimony shift the burden of proof on Mr. LORIMER and make it imperative that he should defend his title?

I ask again, if Browne paid this money to Holstlaw, Beckemeyer, and the others in the way they alleged, is it within the scope of things probable that Browne alone was guilty of offending against law and public decency, and that LORIMER wended his tortuous way through the maze, always the dominating and directing influence, without a stain? I will not contend, for it is unnecessary, that Browne was LORIMER's agent in the sense that LORIMER was bound by all his acts. It is unnecessary to

apply the legal maxim qui facit per alium facit per se—he who acts through another acts himself. I do not invoke the rule which governs the relation between principal and agent. It is sufficient for the purposes of this case that we try it by the testimony, unswerved by sentiment and unmoved by passion. It is sufficient if the facts brought home to the Senate convince you that want of knowledge on the part of Mr. LORIMER is wholly improbable. We must judge of Mr. LORIMER's knowledge on probabilities—on probabilities that leave no room for reasonable doubt. I hold that it was incumbent upon him, and if innocent it was a duty he owed to himself, to answer before the committee. If innocent, he should have taken the stand and frankly stated all he knew and submitted himself to the most rigid interrogation, purged his election of taint, and thus defended his title. He made no attempt to defend himself under the sanctity of an oath, but preferred to remain silent while the investigation was in progress and come here to defend himself in a speech before the Senate. He should not have waited to make his defense as an orator or an advocate, pleading his own cause before the forum which is trying him. His address was, indeed, replete with eloquence and pathos, but the Senate is obligated to judge the case solely on facts developed by the testimony delivered under oath. It was meet and proper for him to address the Senate, but that was not the opportune occasion, nor that the most convincing way for him to offer his testimony. Judging this case by the testimony submitted, I am driven, Mr. President, by the irresistible force of my conviction to say that I do not believe Mr. LORIMER is entitled to the seat he holds.

RECIPROCITY WITH CANADA.

The Senate resumed the consideration of the bill (H. R. 32216) to promote reciprocal trade relations with the Dominion of Canada, and for other purposes.

Mr. YOUNG. Mr. President, I rise for the purpose of discussing briefly the pending proposition to institute a trade relation between the United States and the Dominion of Canada. I want to say clearly at the outset that I am opposed to this trade relation, this proposed reciprocity agreement. Before I enter upon that theme, however, Mr. President, I am disposed to give way to the temptation to make a slight reference to what the distinguished Senator from Oregon said last night; I think it was last night; so much has engaged the Senate and at such unseemly hours that I would not be sure. You remember Rip Van Winkle was not sure it was last night after his 20 years' sleep.

In all my experience in listening to political addresses I do not believe I ever heard a more doleful story of a man's own country than that which was given by the Senator from Oregon. I am sorry he is not in his seat now. I am told it is not courteous to make reference to a Senator who is not in his seat.

But I have violated many precedents of the Senate and may be permitted to violate another. Just think of it, this lamentation of last night, this foreboding of evil, came from Oregon, which is washed by the waves of the Pacific, which has been termed our new American lake; in Oregon, where the flowers are in bloom and children at play. I felt at the conclusion of the Senator's remarks that if I had been entitled to take any part in the performance arranged for last evening, I should have advised the Senator from Oregon to stop upon any street in Washington where he heard the music of the Salvation Army, in order that he might be where he could hear a rosy-cheeked hallelujah lassie shout "Glory to God." Then he might have taken new courage and might have set his face more hopefully toward the future.

I want to say to the Senators that you are not performing the duties devolving upon you. This is part of my mission. The Senate should proceed to vote on the resolution involving the honor and seat of a Member of this body. The Senate should proceed to vote squarely upon the measure concerning which I have the honor to speak. The Senate should also vote on the proposition to create a tariff commission. The Senate should consider every appropriation bill and close up its business and go home, as the American people have a right to expect the American Senate to do. There is no sort of necessity for a special session of Congress.

Senators discuss the way and manner of electing Senators. It has been said that if we change the manner of electing Senators, we are going to secure better quality. I say to you that what is needed here is more patriotism and less attention to political factions and less ambition for factional leadership. This Senate can not retain the respect of the American people unless higher ground is taken and more consideration given to the country.

Mr. President, when I return to my theme, after this digression for the good of the order, I am reminded that a few days ago the distinguished Senator from Maine [Mr. HALE] made complaint in relation to the uncertainty of the predictions offered by the Weather Bureau. I want to suggest to him that, while there may be doubts about the Weather Bureau's predictions, there can be no doubt about the political prediction which I made in this Chamber on December 15 last foretelling the new assaults to be made on the interests of the farmer in any new arrangement of the tariff.

Now it is proposed to arrange a swap with Canada, a sort of trade back and forth.

I am opposed to the adoption of the proposed trade agreement with Canada. I am opposed to it because it is unfair. It is popular because of misapprehension. Reciprocity is used in trade generally to cover up sharp practice or hypocrisy on one side, or on both. Reciprocity is never satisfactory. It represents borrowing hoes and plows and kitchenware on the farm. You can not keep books with a neighbor on the plan of borrowing and lending. Borrowing and lending represents an undefined swap with no date fixed for final settlement. Those who have lived on a farm know that a borrowing neighbor is the worst thing that ever happened. If the borrowing represents a clevis or neck yoke, it is found never to have been returned and is missing when most needed. Pardon these familiar agricultural expressions. Some of those who hear will understand. If this borrowing ever happens and you find the articles you wanted are missing, it will be evident that there has been reciprocity in operation; some neighbor has secured the article and never returned it. This reciprocity business is a masquerade. There are millions of people in the United States who will never be satisfied until we have free trade and they never can present it in its own name and right. Free trade in the past 15 years has tried many aliases. I think it is time that it traveled in its own name. I read a story once about some young fellows in a frontier town in Texas, where the opportunities for entertainment were few and where there were no amusements, who, after a night of it, felt in the early morning hours that there was little more to be done. One of them suggested that as a new means of entertainment, they get together and tell their real names. Now, in this discussion of reciprocity with Canada, we have gone far enough to tell our real names. We are told that the flow of Canadian grain into the United States will lower prices of the farmer's products, yet that nobody is going to pay anything less to the farmer. Once there was a merchant who said he sold his goods below cost and could not make anything except that he sold so much.

Sensible neighbors neither borrow nor lend. They prefer to buy and pay for what they get. Thus they preserve friendship and self-respect.

In reciprocity agreements each side feels that it has played a trick upon the other, and when one side discovers that it has had a majority of tricks played upon its side, notice is immediately given that reciprocity is at an end. The pending reciprocity, so it is stated, is to let Canadian grain in without doing any harm to the American grain producer. It is particularly stated that the proposed agreement is to let wheat in, in order that certain of the American people may have cheaper bread. In the same breath it is stated that this arrangement will do no harm because the price of wheat is, and has been for a century, fixed in Liverpool. By this Canadian arrangement, we presume, the American is to surrender the American market to the Canadian and take the Liverpool market in exchange.

But we are told that the price of wheat is fixed in Liverpool. I was born a Democrat and heard that alleged fact in my early youth. It made the West Democratic, at different times, but finally perished in face of the facts as fiction always perishes in the presence of facts. The Liverpool story is as old as the old Bryan statement about the parity between wheat and silver. If I could speak the dialect of Minnesota I could make this plainer.

The alarming thing is that occasionally an American farmer has been found willing to make this exchange. In this connection it might be well to inquire why the Canadian wants to get into the American market if the price of wheat is fixed in Liverpool.

If the Liverpool market is so good and desirable, why does Canada prefer ours? Have you thought of that? If it is such a glorious thing to ship wheat across the Atlantic, why not let George do it?

Is it possible that the Canadian maket is unsatisfactory? Is it possible that Canada prefers to feed the workmen who are engaged in building automobiles in Detroit, to taking any chance on the workman who buys his grain in Liverpool? The truth is probably to be found in the statement that Canada

has discovered, through observation of more than a century, that a good home market beats any market across the water.

I am opposed to this Canadian trade agreement, because it seeks to present to Canada a fortune as great as all the Dominion's present possessions. It seeks to present to Canada what she has needed ever since that historic day when Wolfe died on the Plains of Abraham, to wit, a market.

The Dominion has had resources, but has been in need of a customer. The plan of the United States has been to locate the resources and the customer side by side. The Dominion is larger in area than the United States; yet the United States has 91,000,000 of people, while the Dominion has about 7,000,000 of people. Canada is big enough to be a country on her own account. She should frame up and carry out her own ambitions. She should make her own laws, build her own roads, and put up her own lighthouses. She should establish her own school system, pay her own taxes, and achieve her own results.

When we buy from Canada, we should pay her tariff duties.

When Canada buys from us, she should pay our duties. In this way there will be no old book accounts to settle; there will be no hard feelings, and we shall speak as we pass by.

When a Canadian comes to our markets, driving over our roads and bridges with his grain, he should be required to salute the American flag, and in lieu of the usual salute he should be required to pay a small amount in the way of tax for the privilege of a greater market than he has been able to create. The American people should be paid something for knowing how to create markets and promote enterprises. The Canadians should be penalized for not knowing how. No foreigner has any right to come in and do business with us without paying us something in the shape of taxes. I do not care whether a man comes in as a farmer or a manufacturer. A farmer is just as good as a manufacturer, and, in some cases,

It has been said that letting the Canadian farm products come into the American market will do no harm to the Americans. The markets of our great products are said to be fixed on the other side of the water. But suppose that when the American arrives in Detroit, Buffalo, Cleveland, Chicago, Milwaukee, or any other great city within easy water transportation of Canada, having with him a load of produce to sell, he is told that the Canadian has already been to town and has supplied everybody and that the American products must be hauled back home or shipped to Europe. Just as a matter of patriotism, I think the American ought to have an opportunity to get to town first. If anything is shipped abroad, it ought not to be ours.

If there were a river, like the Yellow River of China, flowing down through Canada and on down through the United States, and that river did not begin to spread over all the lowlands and drown all the people until it reached the United States, is there a man who would not say that something ought to be done to check the flow of that stream before it reaches our country? The illustration carries its own moral. The principal objection to this proposed donation to the Dominion of Canada is yet to be mentioned. This so-called reciprocity agreement practically confers American citizenship on the Canadian. And he is not even asked to take off his hat while the oath is administered. If he has been holding a mean view of the Republic, he need not change his mind while coming to our market. If he thinks the average American is a bluffer and pretender, he can continue to think so. If he regards our free institutions as a joke and our public schools as a farce, he can adhere to that opinion. He is not going to contribute anything for building roads or bridges on the American side. He is going to haul his grain over American roads. He is going to drive his cattle or hogs over our highways to our markets and sell to our people, returning to his Canadian home with his American money in his pocket. He can pass over an American road and in view of an American schoolhouse to which he has not contributed one penny. He can return to his cheaper land and paint his home or leave it unpainted, just as he elects. He can congratulate himself that he did not locate in the great Republic, but that he was reserved for better conditions, where he could have all the advantages of the great Republic with none of its responsibilities. He can congratulate himself that while he is a citizen of what many men consider the greatest kingdom in the world, he can sell his products in the greatest republic in the world.

After this American donation is made a citizen of Canada ought to feel proud. He will be, in fact, a cosmopolitan citizen. Great Britain is a great nation. We call her the "mother country." In enriching Canada we are enriching Great Britain. In case of war with the mother country, Canada would furnish the largest number of soldiers to fight the Americans, and the Canadian soldiers would have been matured and fattened in the American market. I am not a jingo, and I never expect a war with Great Britain; I am only suggesting what might happen. Why should we enrich Canada? Why should we not try to cultivate American soil? Why should we not make a renewed effort to ennoble American agriculture for the purpose of keeping American boys and girls on the farm?

If we are going to make Canada practically a commercial member of the American Republic, why should not Canada help to maintain the American Agricultural Department? Or, why should we not board up the American Agricultural Department and send Secretary Wilson back to his Iowa farm? Or, why should we not send him back to the Iowa College of Agriculture, inasmuch as some branches of his education appear to have been neglected?

If we are going to buy our surplus from Canada, why should we be spending millions of dollars in irrigation enterprises and in attempting to reclaim the arid lands of the Far West?

If the proposed donation is made to Canada, the donation masquerading under the name of reciprocity, there will be thousands of good farmers this very year removed from the Mississippi Valley to Canada for the purpose of farming cheaper land. In Canada these farmers will not be compelled to furnish the hired man with a horse and buggy and give him possession of Parlor A in the home. In Canada the hired man may be willing to sleep in the garret, as he did on the American farms until the doctrine of protection made the American farmer a gentleman. In Canada the American farmer can hire the Asiatic and produce wheat, oats, barley, and live stock for the American market, with no duty whatever. In Canada he can grow rich, provided the American market remains open to him.

But why is this trade arrangement proposed? It is put forward as a means of reducing the cost of living. It is boldly proposed that the farmer shall receive less for what he produces in order that those who do not produce food products may buy their food supplies cheaper. Food is only a small item of living expense at the present time.

The Senator from North Dakota [Mr. McCUMBER] told us the other day that we spend more for liquor than we do for bread. Not a man here said anything about reducing the supply or the price of liquor. [Laughter.] A Senator from the South the other day asked the Senator from North Dakota if he had the audacity to suggest an increase in the cost of bread. The southern Senator had just been out to see the price of cotton, and come back rejoicing that the price had gone up. What we really want is reciprocity between cotton and corn. Both classes of farmers should make money.

The unhappy thought in connection with this entire affair is the refusal on the part of the public to consider the rights of the farmer. The farmers are regarded as a necessity, and there are those who feel their products are, like air and water—or ought to be—incidental to human life and without expense. It is also singular that the intelligent and civilized world calls a man great who has cornered the wheat market and made millions out of the public, while the same educated and refined civilization feels that the farmer ought to produce it without apparent profit. A speculator is a hero and gets his name in print when he endows colleges or gives large sums to the Young Men's Christian Association, but the producer is of no consequence. The large centers of population have been indorsing the Canadian agreement with the purpose, brazenly stated, to cheapen the products of the American farm. American history has never disclosed such a spectacle. If the American is noted for anything, it is his willingness to pay a "live-and-let-live" price.

The American people have received with applause every mention of reciprocity. It is applauded, because it is not understood. Nearly every man regards reciprocity as a means of cheating the other man. The laboring man regards reciprocity as a means of cutting down the earnings of the farmers, at the same time increasing everybody else's compensation. From this estimate of justice may angels and ministers of grace defend us! Pardon this departure from senatorial language; it may be necessary sometimes, in order to speak the truth.

Mr. CHAMBERLAIN. Mr. President, I should like to interrupt the Senator from Iowa, with his permission.

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Iowa yield to the Senator from Oregon?

Mr. YOUNG. Yes, sir.

Mr. CHAMBERLAIN. Mr. President, at some time during the debate this morning, about half past 3 or 4 o'clock, I suggested to the Senator from Kansas [Mr. BRISTOW] that instead of reading the testimony he was reading to the Senate, with

which we are all familiar, he had better read the New Testament, with which many of the Senators, particularly on the Republican side, are not familiar. I would ask the Senator from Iowa to call attention to some of the truths taught in the New Testament.

Mr. YOUNG. Yes; as has been said in all these other debates, "I shall come to that presently." [Laughter.]

But now, those who are not engaged in farming appear to want to fix the farmer's prices. The farmer has passed into the minority as a citizen. There are Members of Congress elected who never see a farmer except when they go through the country in an automobile or the 18-hour limited. Formerly all hats went off to the farmer. Now his toil is unappreciated. He is looked upon complacently. He is mainly thought to live in Kansas and wear whiskers.

If the farmer's prices were submitted to a referendum of all the American people, lower prices would be ordered.

The greasy loafer would come out of his cellar in the large city and would go to the polls and vote to reduce the cost of living. The same loafer has refused to go to the wheat field on special trains and there to receive $3 a day and board during the harvest time.

If a man were to go to the city of New York and offer steady employment to 50,000 present-day loafers who want to reduce the cost of living, not a man would leave the city to go out into the sunshine and the open. He probably would fear that he would become a decent man under the elements. Nature baptizes the soul of man who works out under the sky.

This Canadian contract is said to be popular. Boards of trade, commercial organizations, and all kinds of organizations composed of consumers have indorsed it. A great many men have voted for it without stopping to think. Others have not been considerate enough to care.

As a rule, American people sympathize with all strikes and all the aspirations of all classes for greater income.

A few nights ago 5,000 employees of the Government in the District of Columbia held a meeting in Washington to give expression in favor of greater pay. People of Washington generally sympathize with the movement. I do not think that the Government clerks are sufficiently paid. I hope their salaries can be increased. But their salaries should not be increased on account of the high cost of living, provided the free-trade arrangement with Canada reduces the cost of living, according to promise. The salaries should not be increased on account of the high cost of living, provided those who receive the salaries intend to immediately arrange to reduce the cost of living. At the meeting referred to, which was for the purpose of demanding higher wages, I have no doubt a resolution would have been unanimously passed, demanding a reduction of the earnings of the farmer. These are strange contrasts. But there are other contrasts. The American Congress shuts out the Asiatic on account of American citizenship, and then in the next breath proposes to require the farmer to furnish cheaper products while denying him cheaper labor. If the Asiatics were permitted to overflow this country and were to work with the same industry they do at home, they could produce enough from the American soil to feed one-half the people of the civilized world. But cheap food does not mean happiness in any line. It does not even mean plenty. When the corn laws of England were repealed, the workingman did not receive one additional comfort, and there are more idle men in London at this hour than before the corn laws were abrogated.

Why should the Pacific coast demand such protection at the hands of the Federal Government and receive it and the same protection to no greater extent be denied the American farmer?

The farmers of the South used to complain that cotton was only 5 cents a pound. There was no clamor for cheap cotton. Cheap cotton meant an impoverished people. There was rejoicing when cotton went up to 15 cents per pound. Since that time the South has prospered, banks are overflowing with money, and times are good.

Why should the cotton grower then be willing to join this crusade in the interest of Canada and against the American farmer?

The southern cotton grower should remember reciprocity as between himself and his brother farmer of the North who produces food products.

Yet I heard a Senator on this floor in this debate, a Senator who represents a cotton State, indignantly inquire if it was proposed to keep up the price of bread.

The price of bread bears about the same relation to unground wheat that the dollar shirt bears to raw cotton.

If Cuba were as large as Canada and produced cotton, there would not be a vote in Congress for the free admission of cotton at the ports of Charleston, New Orleans, Galveston, or Mobile. Is not the grain-producing farmer as well worthy of protection as would be the cotton-producing farmer under the conditions I have named? Should not the northern and southern farmer stand together? It is true that there are cotton mills in the South, and it is true that the mill hands must be fed, but has not the cotton grower more interest in the northern American farmer than he has in the New England manufacturer?

It is a pitiful story, but it is a fact, that a few thousand Massachusetts fishermen, some 30 miles from the center of intelligence in the United States, who object to the Canadian trade contract, have been able to receive more attention as regards their objections than have the farmers of the Mississippi Valley to the number of millions. Yet the fishermen do not grow fish. They do not plant them in the sea. An all-wise Creator put them there. The sea feeds millions of the world's poor. The Gloucester fishermen simply go down to the sea in ships. Their fishing vessels and their labor constitute their entire investment.

I now come to the causes leading up to this proposed calamity. The blame should be placed upon the shoulders of men who call themselves insurgents. I notice they have all disappeared from their seats and are probably under the ammunition wagon. [Laughter.] The insurgents, having been defeated in Congress, decided to carry their factional grievances out to the people, not for the sake of the people, but in order to whip another faction and establish new leaderships. They infuriated the people.

Some great newspapers, broken hearted because wood, pulp, and paper were not put on the free list, backed up the insurgents and urged them on. The insurgents made the speeches and the inflammatory arguments, and some of the great newspapers did the rest. The mournful part of it is that these insurgents were from prairie States, from the States producing farm products. The insurgents took the commercial lives of their constituents into their hands and went forth to battle, as I think, for their personal ends. Now the country proposes to respond to the insurgents by giving the newspapers what they ask for, and by giving the farmers what they did not ask for, and giving the insurgents what they did not expect. But the insurgents are geniuses. They know the game of politics. They are preparing to crawl out from under the proposed trade agreement while the newspapers are preparing to enjoy cheaper printing paper and the farmers are preparing to get it in the neck. The insurgents and the newspapers are guilty, but the blow will strike the farmer.

The insurgents say that they are opposed to this Canadian reciprocity because it does not go far enough. An Irishman confessed to his priest and said he had been stealing hay. The good father asked him how much. He said, "Your riverence, I might as well confess to the whole stack, as I am going back after the other half to-night." [Laughter.] The insurgents want another chance at the farmer.

Is there no other way to awaken that grand old party of Lincoln except to go through the valley of the shadow of defeat? How gloriously it came out of its last great defeat when it rallied and gave the country the gold standard.

Unfortunately the farmer is not organized to contend against the organizations, political and commercial. He has been told during the past 10 years that the tariff ought to be revised downward. He believed the politician and gave him his votes. Little did he dream that hides were to be put on the free list and that shoes were to remain protected. Little did he contemplate that the same principles were to be carried further and that the manufacturer was to buy in a free-trade market and sell in a protected market. Little did he believe that when real tariff cutting began he would be the first to be attacked. Little did he believe that flour and meat were to be protected, while wheat and live stock were to be put on the free list. But he went to the political meetings, he heard the statesman tell how he was taxed, and he voted for lower duties. Now comes the sad awakening. He may have faith in the politicians again; but if so, it will be after some reflection.

But men say the Republican party has outlived a protective tariff and can get along without it. I heard a man say that the Christian religion could get along without the Bible, the religion being so well established. Another man pointed to a workman on a ladder. He said: "The workman is up there all right. Why not remove the ladder?" The moral is apparent.

It is difficult to make American people contented with their own market. Without a merchant marine the average American wants to start out looking for the markets of the world. If Germany, France, Italy, or Japan had control of our market, they would look no further. Mr. President, I want to say for

myself that I am opposed utterly and always to this proposed free donation to the Dominion of Canada. It would be a wrong to every American.

Big Tom Reed gave a tariff application to one of Æsop's fables. Tom Reed helped to make Iowa a protection State. The fable related that a lean, lank, hungry dog was swimming across a stream with a juicy beefsteak in his mouth. Seeing the shadow of the meat in the water, several times as big as it was, the dog dropped the meat he had to grab the meat he thought he saw, and lost both. The great speaker also related that there crawled up the bank on the other side the wettest and hungriest dog in all that neighborhood.

I omitted one thing when I referred to my distinguished friend, the Senator from Oregon [Mr. BOURNE]. I had hoped that he would be in his seat by this time, but I will meet the requirements of courtesy and read this speech to him some time. He talked about the political boss and about the utter death of political liberty without fixing the exact date. I want to remind him that there is greater political liberty in the United States now than at any time since Columbus landed. There are 57 varieties of Republicans alone [laughter], and the returns are not all in. The Democratic varieties will be discovered when the new Congress convenes. [Laughter.] I am not through with this part of my theme; I can return to it just as readily as others can return to the Lorimer case. [Laughter.]

I want to say to those Republicans of the 57 varieties who are going out of the Senate, and those who may chance to come in, that if you pretend to be Republicans, you have a work to do. Having in mind the lamentations from Oregon, I think the American motto should be that we buy at home and build at home. What will our ambitious young men do, what are their ambitions for if they are not to have employment in our own country?

The farmer's life is one of toil. His prices are none too high. The past 10 years have been his most prosperous ones. The day has been at hand which the protectionists long foretold, and it is cruel, it is brutal, to continue to build hotels 20 stories high with a daily increase of price so far as every product on the table is concerned and to accompany all this with the demand that the raw material shall cost less. The northern farmer who grows food is just as worthy of a good price as the southern farmer who grows cotton. Both are just as worthy as the New England manufacturer. I want no Chinese wall built around America. I want America to trade with every country under the sun, but I want it to be on a cash basis. Reciprocity is free trade in a masquerade. It is the first move toward the destruction of the American style of living and all that we call American. The entire world would rejoice if the American Republic could be brought down to the world's level of earning and living and of prices. If I were master of the situation, the world would have to wait a long time. I am in favor of eight hours for a day's work. I am in favor of good pay for the men who do the work. I am in favor of gardens around the homes of the working man. I am in favor of the little home having a library and a piano. I am in favor of education and art. I am in favor of improvement, better roads, bigger and better schoolhouses, the church, and the music teacher in the village. I am in favor of more joy in the home and anything that will contribute to that end. I am in favor of loyalty to the American flag and to this great Republic. It is a privilege to live in this great land where liberty is universal and opportunity so inviting. I want every country in the world to prosper. This end can be accomplished by every country cultivating its own patriotism and keeping its own ideals.

The middle man may be robbing the public. The farmer is not doing it. He is working in the open. He is doing his duty, and is entitled to what he earns.

The country owes something to the American farmer. He found the way from the New England beginnings to the pathless West. His ax stroke in the forest awoke the silence of the ages. He built the church on the edge of the clearing. He contended with all the dangers of the frontier. He has given to the country a sturdy race of men. He blazed the trail from Daniel Boone's hunting ground in Kentucky to the valleys of California. He has fought the battles of the Republic from Lexington to Yorktown, from Bull Run to Appomattox. Activity made his sinews, dangers and responsibilities gave him his character and the alertness of his eye. His ear responded to the noise of the breaking twig as quickly as would the ear of the wild beast. His rifle has been above the door. His home has been sacred. It is no flattery to say he has been the bone and sinew of the Republic. He is neither a loafer nor a revolutionist. He is for honor and peace. We owe him more than forgetfulness when trade contracts are made and men are clamoring that everybody's products except their own shall be reduced in price.

In China the farmer is considered the first of citizens. This should be his standing in the great Republic of the United States.

Mr. GRONNA. Mr. President, I would not trespass on the time of the Senate at this juncture, especially in view of the short time remaining of this session and the fact that a large number of very important measures remain to be considered and disposed of if it were not for the vital importance of the Canadian trade agreement to the people of the State which I have the honor, in part, to represent. North Dakota, however, is an agricultural State, and the acceptance of the agreement in its present form, or its rejection, means more to her people than it does to those of any other State in the Union. I should consider myself remiss in my duty did I not attempt to make clear how this agreement will affect my State injuriously. In my discussion of the question I shall endeavor to be as concise as may be consistent with clearness, and as brief as possible.

There are two questions that would naturally call for some consideration in connection with legislation affecting our commercial relations with another country—the one, the question of how the legislation will affect our own industries and our own commerce, and the other, the question of how it will affect our diplomatic relations with the other country and whether it will cause the two peoples to entertain more friendly feelings toward each other or whether it will arouse ill will. This latter question would naturally force itself upon us when considering such legislation directed toward our friend and neighbor on the north, Canada, so alike us in many respects and separated from us only by a political boundary line. Similarity of language, customs, industries, products, ideals, and habits of thought, and identity of interests have always tended to unite neighboring nations, and it is small wonder that some of us, viewing Canada's undeveloped resources and contemplating her undoubted future, have dreamed of the day when but one flag would wave over all of North America north of the Mexican boundary line. It has been intimated that such considerations weighed heavily with our Representatives who accepted the terms of the proposed trade agreement with Canada, now pending in this body.

If this were so, it might be well to hesitate before condemning this agreement on purely economic grounds and consider whether it were not better to bear for a while industrial and commercial disadvantages in the expectation of reaping gain and glory for our country in the future. It has been authoritatively denied, however, that this agreement was negotiated with any such purpose in view, and I for one shall accept this denial at its full value and decline to be influenced one way or the other by any consideration of whether the ratification of this agreement would be a forerunner of a commercial union between the two countries, to be followed later by a political union. As the amicable relations between the two countries at present leave nothing to be wished, and as a failure to ratify the proposed trade agreement by either country will be no cause for a break in these friendly feelings, we may dismiss the question of the political aspects of this agreement and consider merely its economic and industrial effects.

Certain sentimental reasons have been urged in favor of this agreement, which appear to me to be irrelevant. The fact that the Canadians are our "cousins" does not prevent them from competing with our producers whenever the opportunity offers; nor does it make the loss resulting to the American producer from such competition any less real; nor should the fact that many of our friends and relatives have emigrated to the Canadian northwest and are now residents of Canada influence us in this matter. It is our duty to remember that we are here solely to legislate for the benefit of the citizens of our own country, and that this consideration should be paramount in deciding the fate of this trade agreement.

The one question remaining is whether or not the adoption of this agreement will be beneficial to the people of the United States. If it is found that the agreement will benefit some section, some class, or some industry, the question arises whether this will be at the expense of some other section, class, or industry. These considerations will guide me in the discussion of the pending measure. I shall not debate whether or not it may be expected that the agreement will in time change the political relation of Canada to the United States or raise the question of whether this was considered by the representatives of either party to the agreement.

This agreement has been favored by different men for different reasons. Some have frankly expressed their hope of the annexation of Canada to the United States and the hope that

this agreement will help bring this about. Some men, apt to judge legislation and other matters by the name applied to them, without examining into their real nature and result, favor this agreement as it has been called a reciprocity agreement, and this term presupposes mutual benefits. Others frankly admit they want free trade, and look on the adoption of this agreement as the first step in this direction, expecting the farmer, when he sees all his products on the free list, to demand that all other products be admitted free of duty. With many of these political considerations also enter in, and there are those who frankly admit that they hope for the ratification of this agreement, as it will tend to disrupt the Republican Party and to increase the dissatisfaction of the farmers with the Republican Party and the present administration, who will receive the blame if this agreement is ratified at this session of Congress.

Then there are those favoring the agreement because they see in its ratification a benefit to the industry in which they are engaged. They are:

1. The manufacturer. He hopes to extend his market in Canada because of reduced duties on imports into Canada. In some instances his profits on each article manufactured will be increased, as he will be able to import his raw materials from Canada free of duty and at a lower cost than if forced to depend on the United States for raw materials. Some, perhaps, hope in time that the removal of the duties on farm products will lower the cost of living to such an extent that the wages paid their employees may be decreased, or, at any rate, that they may stop increasing.

2. The railroads, who hope for increased business and increased profits carrying the Canadian products, especially the Canadian grain.

3. Business men and commercial organizations, who hope to extend their business operations with the freer commercial intercourse. In many cases their indorsement of the agreement arises from an imperfect understanding of its real nature.

4. Printing companies and large newspapers, who hope that the matters will in time be so adjusted as to give them free print paper.

Our former reciprocity treaty with Canada was negotiated in 1854 and was in operation 10 years. It admitted free of duty grains and breadstuffs of all kinds, animals of all kinds, meats, cotton, wool, seeds, vegetables, fruits, fish of all kinds and products of fish, poultry, eggs, hides and skins; stone or marble, crude; slate, butter, cheese, tallow, lard, horns, manures, ores of metals of all kinds, coal, pitch, tar, turpentine, ashes; timber and lumber of all kinds, unmanufactured; plants, shrubs, and trees; firewood, pelts, fish oil, rice, broom corn and bark, gypsum, grindstones, dyestuffs; flax, hemp, and tow, unmanufactured; unmanufactured tobacco; rags.

This treaty was abrogated in 1864. During its operation many causes of dissatisfaction arose. While our trade with Canada increased, it appeared that our imports increased more than our exports did, and it was charged that Canada derived all the benefits from the treaty. It was charged that while we were admitting free of duty practically all the products of Canada, that country not only did not admit free of duty those articles that we would naturally want to sell in her markets, but was actually engaged in gradually increasing the duties on those articles. Mr. Israel P. Hatch, in a report to Mr. Howell Cobb, Secretary of the Treasury, dated March 28, 1860, makes the following statement:

> The treaty was conceived in the theories of free trade and in harmony with the progress and civilization of the age. It was a step forward in political science. American legislation had been characterized by an extraordinary liberality to a foreign neighbor, placing her lines of transportation upon an equality with our own, and her merchants upon an equality with our own, in receiving foreign merchandise in bond. We conceded commercial freedom upon all their products of agriculture, the forest, and the mine, and they have either closed their markets against the chief productions that we could sell to them or exacted a large duty on admission into their markets.

The treaty had become unpopular long before the expiration of its 10-year term, and was abrogated by a joint resolution approved January 18, 1865.

The trade agreement which is now pending in the Senate places the following articles on the free list: Live animals; poultry, dead or alive; grains; peas and beans; corn, except into Canada for distillation; hay and straw; fresh vegetables; fresh and dried fruits; dairy products; eggs; honey; cottonseed oil; seeds, including flaxseed; fish of all kinds, except when packed in oil; fish oils; salt; mineral waters; timber and lumber, not planed; paving posts, railroad ties, and poles; wooden staves; pickets and palings; gypsum, crude; mica, unmanufactured, and mica, ground; feldspar; asbestos, not further manufactured than ground; fluorspar, crude; glycerin, crude; talc, not for toilet use; sulphate of soda; soda ash; extracts of hemlock bark; carbon electrodes; brass in bars or rods, and brass in strips, not polished; cream separators, and parts for repair; rolled iron sheets; crucible cast steel wire, value not less than 6 cents per pound; galvanized wire, 9, 12, or 13 gauge; type-casting and typesetting machines and parts; barbed fencing wire; coke; rolled round wire rods, in the coil, of iron or steel, not more than three-eighths of an inch in diameter and not less than No. 6 wire gauge; wood pulp and print paper. With a fine irony, it is provided that lemons, oranges, limes, grapefruit, shaddocks, pomelos, and pineapples grown in Canada are not to be admitted free of duty to the United States. I am certain I never met anyone who had ever heard of anyone guilty of trying to raise these fruits in Canada.

The agreement also reduces more or less the duties on a number of manufactures. It is apparent at first glance that the products to be admitted free are farm products, raw materials, and the products of fisheries. While the tariff is reduced somewhat on a few manufactures, the old duties are retained in most instances. It will be interesting to note the duties on some of the manufactures, the raw materials of which are on the free list. Live animals of all kinds are to be admitted free, but fresh meats pay a duty of 1¼ cents per pound; so do dried and smoked meats; canned meats are protected by an ad valorem duty of 20 per cent; fresh pork pays a duty of 1¼ cents a pound; so does bacon; extract of meat pays a duty of 20 per cent ad valorem; lard, a duty of 1½ cents per pound; tallow, 40 cents per 100 pounds; poultry is free, but canned poultry pays a duty of 20 per cent ad valorem. Wheat is free, and flour is protected by a duty of 50 cents a barrel; rye is free, but rye flour pays a tariff of 50 cents a barrel; oats are free, but oatmeal has to be protected by a duty of 50 cents per 100 pounds; corn is free, and corn meal pays a duty of 12½ cents a hundred; barley is free, and barley malt pays a duty of 45 cents a hundred pounds, and pearled barley pays a duty of ½ cent per pound; buckwheat is free, but on buckwheat flour there is a duty of ½ cent per pound; prepared cereals pay a duty of 17½ per cent ad valorem; bran and middlings, a duty of 12½ cents per 100 pounds; biscuits and cakes, sweetened, pay a duty of 25 per cent ad valorem. Flaxseed is free, but on linseed oil the old duty of 15 cents a gallon is retained. Fish is free, but when packed in oil it pays a duty of from 2 to 5 cents a package. Timber and unplaned lumber is free, but on planed lumber the duty ranges from 50 cents to $1.50 per thousand. It might be difficult to convince anyone that it costs $10 more to slaughter and dress a beef dressing 800 pounds, in the United States than in Canada; that it costs our mills 50 cents more to grind a barrel of wheat than it does the Canadian mills; that it costs 15 cents more to manufacture a gallon of linseed oil, or that it costs from 50 cents to $1.50 more to plane a thousand feet of lumber in the United States than it does in Canada.

I wish at this point to insert a table, showing the yield and value of crops produced by the United States and Canada in 1909 and 1910, which I ask to have printed as a part of my remarks.

Crops in 1909.

Crops.	Yield.		Value of crops.	
	Canada.	United States.	Canada.	United States.
Corn.....bushels...	19,258,000	2,772,376,000	$12,760,000	$1,652,968,000
Wheat.....do....	166,744,000	737,189,000	141,320,000	730,046,000
Oats.....do....	353,466,000	1,007,353,000	122,390,000	408,174,000
Barley.....do....	55,398,000	170,284,000	25,434,000	93,971,000
Rye.....do....	1,715,000	32,339,000	1,254,000	23,809,000
Buckwheat.....do....	7,806,000	17,438,000	4,554,000	12,188,000
Flaxseed.....do....	2,213,000	25,856,000	2,761,000	39,466,000
Potatoes.....do....	29,087,200	376,537,000	36,399,000	206,545,000
Hay.....tons...	11,877,100	64,938,000	132,287,700	689,345,000
Total.....			479,159,700	3,856,512,000

Crops in 1910.

Crops.	Yield.		Value of crops.	
	Canada.	United States.	Canada.	United States.
Corn.....bushels...	21,277,000	3,125,713,000	$12,092,000	$1,523,968,000
Wheat.....do....	149,989,000	695,443,000	112,973,000	621,443,000
Oats.....do....	323,449,000	1,126,765,000	114,365,000	384,716,000
Barley.....do....	45,147,000	162,227,000	21,400,300	93,785,000
Hay.....tons...	15,497,000	60,978,000	149,716,000	747,769,000
Total.....			410,546,300	3,370,682,000

This comparison does not include all the crops that the United States and Canada produce. For instance, in the 1909 table, I have left out the production of cotton and tobacco for the reason that Canada does not produce these crops, and

similarly I have left out some of the crops that Canada does produce, but for the production of which in the United States I have not been able to obtain any figures. My purpose is not to compare the production of wealth in the two countries in any one year, or several years, but to compare their production of crops which they both produce and in the sale of which they will compete with each other. For the same reason I have omitted the yields and values of rye, buckwheat, flax, and potatoes in the table for 1910, as I had no figures available as to Canada's production of these crops in 1910.

The value of the corn, wheat, oats, barley, rye, buckwheat, flaxseed, potatoes, and hay produced by Canada in 1909 is thus found to be $479,159,700, and the value of these same crops produced in the United States is $3,856,512,000. The value of the corn, wheat, oats, barley, and hay produced in Canada in 1910 is found to be $410,546,000, and the value of these same crops produced in the United States in 1910 is similarly found to be $3,370,682,000. Omitting the figures as to corn, which Canada does not, and never will, produce in sufficient quantities to entitle her to be considered a competitor in its production, we have the following figures for 1909: The production of Canada, $466,399,700; the production of the United States, $2,263,544,000. For 1910 the figures are $398,454,000 and $1,846,714,000, respectively. In other words, the production of Canada in 1910 of wheat, oats, barley, and hay is in value equal to almost 22 per cent of the production of the United States. When we consider that the production of these crops in Canada, especially of wheat and flax at present, is increasing by leaps and bounds, we can not get away from the fact that Canada is and will in the future be a competitor to be reckoned with in the production of agricultural products, and I submit that, assembled here to legislate for the whole people, we can not, if we would do our duty, avoid the consideration of what effect the removal of the duties on all farm products will have on our agriculture, the industry on which the prosperity of this Nation must ultimately rest.

It has been urged that the absorptive capacity of our markets is so great that the influx of Canadian products will not affect American prices; it has also been argued that the price of most if not all of the products of our farms is set in the world's market and that the removal of the duties on them will have no effect on their prices. So far as the first contention is concerned, I believe that a hasty examination of the figures of production of Canadian crops will convince anyone that Canada produces enough wheat, oats, barley, and other crops to affect the prices of those products when coming into competition with them. With regard to the second contention there might be a difference of opinion. It may be instructive to examine in this connection the production of wheat for the last 10 or 11 years, and also the exports of wheat and wheat flour during the same years. I ask to have printed as a part of my remarks a table showing the production and export of wheat for the years 1900–1910.

Production and exports of wheat by the United States for the years 1900–1910.

Calendar years.	Production.	Exports, fiscal year ending June 30 following.
	Bushels.	*Bushels.*
1900	522,229,505	215,990,073
1901	748,460,218	234,772,515
1902	670,063,008	202,905,598
1903	637,821,835	120,727,613
1904	552,399,517	44,112,910
1905	692,979,489	97,600,425
1906	735,260,970	146,700,425
1907	634,087,000	163,043,660
1908	664,602,000	114,268,468
1909	737,189,000	84,472,352
1910	695,443,000	

The exports of wheat flour have been reduced to bushels, at the rate of 4½ bushels to the barrel.

It is apparent from these figures that while our production of wheat is increasing our yearly exports are decreasing, due to the fact that our consumption of wheat is increasing more rapidly than our production. Following the short wheat crop of 1904, our export of wheat and wheat flour fell to 44,000,000 bushels. The short crop of 1910 will, in all probability, leave a surplus for export, although it will very likely be less than that of any year since 1904.

So long as we continue to export considerable quantities of wheat, the tariff on wheat will not raise the domestic prices above export prices, except in exceptional cases, as, for instance, the formation of a corner in wheat. As many people have found to their sorrow, however, successful corners are few and far between. But when our competitor is as close a neighbor as Canada the duty on wheat does tend to steady our markets by preventing the Canadian crop from being dumped into them in the fall. The Canadian northwest is a new country. As in other new countries, men with little capital go there to win a home and wrest their fortune from the soil. In the early years of their settlement money is short; their purchases are made on credit, with the agreement to pay for them as soon as the crop is thrashed. The result is that practically all the bills of the settler in a new region must be met in the fall. As soon as the crop is thrashed, the farmer must hurry his crop to the market in order to meet his obligations, and the great bulk of the crop is marketed within a short time after it has been thrashed. This breaks the market. The exceptionally heavy receipts with no unusual demand depresses the price below its normal level, and the farmer who is forced to sell at this time does not receive the price for his wheat that he should. Agricultural papers and others interested in the marketing of farm produce have for years urged the wheat growers of the United States to "hold their wheat;" not to rush it to market as soon as thrashed, but to sell it gradually. Until late years, even though the farmers have recognized the wisdom of this plan, it has not been followed, for the simple reason that the great majority of the farmers in the wheat-growing sections were not in a position to do so. They were compelled to sell most of their wheat in the fall, and the wheat markets were regularly glutted. Now this is changed; money is more plentiful and the average farmer can hold his wheat if he feels that market conditions are such that he will not realize its full value. With the free admission of Canadian wheat, however, there is danger that we shall again have the rush of wheat into our terminal markets, especially Minneapolis and Duluth, in the fall, with the consequent unsteadiness of the market and the depression of the price of wheat below the point where it should be. This can not fail to affect our wheat growers, even though we may still be exporting large quantities of wheat and wheat flour.

A consideration of the figures as to our production and our consumption of wheat, however, will convince anyone that in time the latter will overtake the former and that we shall consume all the wheat we produce. When that point is reached the tariff on wheat will increase the domestic price of wheat. With the tariff retained on wheat, I do not believe that we shall import any considerable quantities of it for years to come. We do not now produce all the wheat of which we are capable. There is still land left which will produce wheat, and although this land, or much of it, will not grow wheat profitably with low prices, it will produce a large amount of wheat if the owners are assured that the price will remain high enough to make it profitable. This applies not only to land which is at present owned by private individuals, but also to considerable public land still remaining. Most of the increase in our wheat production, however, must come from increased yields rather than from increase of acreage. More intensive cultivation will increase the yield per acre, and with the increase in price which will follow the overtaking of our production by our consumption, such intensive cultivation will be brought about. If the tariff on wheat is removed, however, such improved cultivation of our wheat lands will be delayed. Agriculture is an industry of diminishing returns; after a certain point in the cultivation of land has been reached, although additional cultivation will increase the yield, each additional unit of crop so produced will cost more in capital and labor expended than did the preceding units. Consequently, those additional units will not be produced until the price received for the product has reached such a point that it will be profitable to expend this additional amount of capital and labor in producing them. With our markets thrown open to Canadian wheat, the production of which is less expensive than that of most American wheat, the price will be prevented by the Canadian wheat from reaching the level making it profitable to raise the additional bushels per acre.

It is perhaps not absolutely necessary, in order to bring about this increased production, to retain the tariff and thus increase the price of wheat. If the tariff is removed from all articles imported from all countries, the cost of the articles that the farmer buys will be lessened, and the production of the additional bushels per acre may be brought about by lessening the cost of production instead of by increasing the price of the product.

If the farmer is to continue to suffer under the disadvantages of buying in a protected market, however, and yet be compelled to compete with the Canadian farmer, we shall be importing wheat from Canada for our own consumption within a comparatively few years. The fact of the cheaper production of Canadian wheat will operate to draw American capital and labor into the Canadian Northwest even at a more rapid rate than has been the case these last few years. It would seem

that no proof is required of the proposition that older lands can not compete with newer, more productive lands in producing wheat. It may be instructive, however, to compare the yields of the Canadian wheat fields with those of our own. The average yield of the Canadian wheat fields in 1909 was 21½ bushels per acre. The average yield of the United States in 1909 was 15.8 bushels per acre. The average yield of Minnesota was 16.8; of North Dakota, 13.7; of South Dakota, 14.1; of Kansas, 14.5. For the sake of comparison I use the figures of 1909, as the average yield of the Canadian fields in 1910 is not available, and the year 1910 was an abnormal one in many of our grain States, the average yield falling to 5 bushels per acre in North Dakota. The value of farm lands in the great grain-producing Provinces of Canada are given as follows for the year 1909: Manitoba, $28.94 per acre; Saskatchewan, $21.54 per acre; Alberta, $20.46 per acre. It is safe to say that equally productive land can not be bought for those prices in the United States. The cheaper land and its greater productiveness explains why the American farmer can not compete on equal footing with the Canadian farmer, even not taking other factors into consideration. If we, the Republican Members of Congress, are to observe the rule laid down in the Republican platform adopted at Chicago in our tariff legislation that the tariff should be equal to the difference in cost of production at home and abroad, we can not justify ourselves in voting to remove the tariff from the products of the farm unless it is conclusively shown that these duties do not benefit the farmer now and will not benefit him in the future.

The considerations as to the tariff on wheat apply with greater force to the tariff on other farm products. Our yearly flax crop, for instance, has from 1908 until last year ranged from 23,000,000 to 29,000,000 bushels. Last year's crop was 14,116,000 bushels. As we retain for domestic consumption from nineteen to twenty-six million bushels annually, it will easily be seen where the duty on flax is going to affect its price this year. The average yield of flax in 1909 was 15.98 bushels to the acre in Canada and 9.4 bushels in the United States. I do not mean to assert that the difference in favor of the Canadian flax grower is always as great as this. The yield of flax will vary more from year to year than that of wheat, and I do not have the figures for a series of years.

In 1910 the average yield of flax in the United States was 4.8 bushels per acre. I have not been able to obtain the figures as to the Canadian yield for that year. It is evident that the cost of raising a bushel of flaxseed is greater in the United States than it is in Canada. The duty on flax under the Payne Tariff Act is 25 cents per bushel. This certainly did not cover the difference in cost of production in 1909, and according to the principle enunciated in the Chicago platform of 1908, instead of removing this duty, it ought to be increased. It will affect the price of flax this year, and its removal can not be excused on the ground that it has no effect on the price and is therefore of no benefit to the farmer. In normal years North Dakota produces about three-fifths of all the flax produced in this country. In 1909 North Dakota's flax crop had a value of $22,340,000. In 1910 the crop was estimated to have a value of $13,578,000. If we remove the duty, we shall reduce the value of this crop by an amount depending on the amount of flax that Canada raised last year.

I shall not take up the other crops separately. It is enough to say that the cost of producing each is less on the new lands in Canada than it is on lands which have been cropped for a number of years in the United States. I wish to insert here a newspaper clipping, showing how the farmers of western Canada view the agreement, which I send to the Secretary's desk and ask to have read.

The Secretary read as follows:

FARMERS FOR RECIPROCITY—AGREEMENT WELCOMED IN WESTERN CANADA, SAYS SPOKESMAN—OPENING UP OF MARKETS, IT IS ASSERTED, WILL CLEAR WAY FOR THE RAISING OF NEW CROPS.

OTTAWA, ONTARIO, *February 25.*

"As far as the reciprocity agreement goes, it has the complete approval of the western farmers, but dissatisfaction is expressed at the smallness of the reduction in the duty on agricultural implements."

This was the statement to-day of James Bower, president of the Canadian National Council of Agriculture and of the United Farmers of Alberta, who is in Ottawa to urge the Government to grant in full the demands made by the farmers' delegation of December 15.

"If, however," said Mr. Bower, "the contention of some is correct, that the agreement is but the first step toward breaking down the whole system of protection, the farmers may well hail it with unqualified satisfaction.

"By opening up new markets the agreement would, without question, give a great impetus to the agricultural industry, particularly in western Canada, and would prove equally advantageous to the farmers of eastern Canada, especially in dairy products and hay.

"The antireciprocity speakers are absolutely wrong as to how it would affect western farming conditions. Take barley, for instance. Western Canada is particularly well adapted to growing barley, but for lack of a market none has been grown except for home consumption. Now, with the prospect of a market, we could engage in growing the crop, which is most suitable to our natural conditions, and with the assurance of competition in the cattle trade and an outside market for our stock the cattle trade would receive a wonderful stimulus.

"But perhaps the greatest boon reciprocity would confer upon the farmers of the West would be its indirect results in reducing freight rates, which would mean increased production all along the line. This would, of course, mean a greater demand for manufactured articles in the West, and a greater ability to pay for them."

Mr. GRONNA. It has been argued that the free admission of Canadian grains will benefit the farmer because the Canadian wheat will not be shipped to Liverpool to break the market there, but will be shipped to the United States with its greater markets, where it will be stored and absorbed and later shipped gradually to Liverpool, steadying our own markets by steadying the Liverpool market, and that the American grain grower will thus secure control of the marketing of the Canadian grain as well as his own, and will consequently control the market to a fuller extent than he now does. How seriously this argument is taken by those who advance it is something that I have not been able to discover. It would seem that it is needless to call anyone's attention to the fact that shipping 50,000,000 or 100,000,000 bushels of wheat into Minneapolis or Chicago is not going to give the American grain grower any control of the market. The American grain grower is not going to buy Canadian wheat. I believe that it is quite enough to ask him to share the American market with the Canadian wheat grower without expecting him also to buy the wheat of his competitor. I do not say that the Canadian wheat will not be bought after it has been shipped to our terminal markets and perhaps held for a while before being shipped to Liverpool or being ground into flour; I do say that it will not be the American grain grower that does this. The farmer does not as a rule speculate in his own products; he is quite content if he can secure a reasonable price for his products, and he is not going to buy foreign wheat and haul it to his own granary and keep it there for two, three, or four months in order to steady the Liverpool market, strange as this may seem to certain gentlemen. I also wish to make another statement in this connection, which I do not believe anyone will dispute, and that is that the persons who do buy this Canadian wheat will not do it for the purpose of increasing the price that the American farmer will get for his wheat, and that the result of the trading in Canadian wheat will not be to increase the price paid the American farmer. It is a decidedly novel and unique theory that the price of wheat can be raised by throwing increased supplies on our own markets.

The ratification of this agreement has been urged on the ground that the reduction of duties on farm products will decrease the high cost of living, and I have no doubt that many people who have not examined its provisions are under the impression that this would result. There is one noticeable thing about this agreement, however, to which I called attention at the opening of my speech, and that is that while the farmer's products are to be admitted free, the food products manufactured from these still pay a duty. Wheat is free, but flour pays a duty of 50 cents a barrel. Cattle are free, but meats pay a duty of 1½ cents per pound. We are to admit oats free, but oatmeal pays a duty of 50 cents a hundred. Barley is free, but pearled barley pays a duty of 50 cents a hundred. Aside from fish—which is to be admitted free at the cost of the New England fisherman—fresh vegetables, fruits, dairy products, eggs, honey, and salt, the consumer will find nothing that he can eat on the free list.

It is a well-known fact that most people do not eat live animals, and they will therefore buy their meat from the protected beef trust; they do not eat wheat, and when they come to purchase flour they find a duty of 50 cents a barrel on it; they do not eat oats, and their breakfast oatmeal is assessed a duty of 50 cents a hundred. Poultry may be eaten dead or alive without paying a duty. It is grim humor to pretend to lower the cost of living by lowering the duties on the raw materials, which the consumer does not buy, and retaining the duties on the finished products which he does buy. I do not know that anyone has ever seriously charged that the farmers get too high prices for their products or that they exact too high prices and are to blame for the high cost of living, and removing the duties on their products is certainly not going to reduce the cost to the consumer so long as the manufactured product is protected.

The farmers who are asked to share their markets with the Canadian farmers will derive no benefit from this agreement. It opens no new markets to them, and it reduces the duties on practically nothing that they buy. It is true that certain kinds of lumber is to be admitted free, but it is unplaned lumber, the kind that the farmer and other consumers of lumber do not buy and do not use. We do not export wheat, or oats, or barley, or flaxseed, or the other products of the farm to Canada, and we never shall. Canada will be exporting these

products long after we have ceased to produce more than enough for our own consumption. It is noticeable that the few manufactures from which the duties have been removed, outside of rough lumber, print paper, and wood pulp, are those of which we never have imported any appreciable quantities from Canada and in all probability never shall. It is evident that whatever interests may derive benefit from this agreement, the only ones to suffer will be the farmers, fishermen, and producers of raw materials. Ample provision seems to have been made against any manufacturing industry being injured, with the exception of the paper industry, and in the case of this industry it does not appear that their products will be admitted free for some time to come, if ever.

I wish to insert at this point a table prepared by the Bureau of Statistics, showing the exports and imports of Canada to the United States and to the United Kingdom, and also her total exports and imports, which I ask to have made a part of my remarks without being read:

Total imports for consumption into Canada and share thereof from the United States, United Kingdom, and all other countries during the years 1900 and 1905 to 1910.

Years.	Imports from the United States.	Imports from the United Kingdom.	Imports from all other countries.	Total imports.
1900	$102,080,177	$44,279,983	$26,146,718	$172,506,878
1905	152,431,626	60,342,704	38,842,789	251,617,119
1906	168,798,376	69,183,915	45,299,913	283,282,204
1907	148,598,061	64,415,415	36,724,398	249,737,874
1908	204,648,885	94,417,314	52,813,756	351,879,955
1909	170,056,178	70,682,101	47,479,236	288,217,515
1910	217,502,415	95,336,427	56,976,585	369,815,427

Total exports from Canada and share thereof exported to the United States, United Kingdom, and all other countries during the years 1900 and 1905 to 1910.

Years.	Exports to the United States.	Exports to the United Kingdom.	Exports to all other countries.	Total exports.
1900	$54,501,394	$107,735,968	$15,538,682	$177,776,044
1905	75,563,015	101,958,771	23,950,275	201,472,061
1906	88,001,309	133,092,571	25,563,922	246,657,802
1907	65,838,636	105,129,601	21,118,996	192,087,233
1908	96,920,138	134,477,124	31,971,690	263,368,952
1909	91,022,387	133,745,123	35,154,856	259,922,366
1910	110,614,327	149,630,488	38,519,178	298,763,993

Figures for the years 1900, 1905, and 1906 are for the fiscal years ending June 30 of the years stated.

Figures for the year 1907 are for the nine months ending March 31 of that year, owing to the fact that the Canadian Government changed the fiscal year from ending June 30 to ending March 31.

Figures for the years 1908, 1909, and 1910 are for the fiscal years ending March 31 of the years stated.

Data taken from the Report of the Department of Trade and Commerce of Canada for the fiscal year ended March 31, 1910, Part I.

BUREAU OF STATISTICS,
DEPARTMENT OF COMMERCE AND LABOR.

This table shows that our exports to Canada increased from $102,060,177 in 1900 to $217,500,000 in 1910, and that our imports from Canada increased from $54,500,000 in 1900 to $110,600,000 in 1910. It does not appear that our commerce with Canada was in such a languishing state that it was necessary to negotiate such a one-sided agreement as this in order to revive it. Of her total imports in 1910 Canada took almost 60 per cent from the United States, and of her exports during the same year we took considerably less than 40 per cent. Is it to be presumed that our commerce with Canada will be more favorable to us in case this agreement should be ratified in its present form? I believe not, viewed as a whole. It is possible that there may be certain interests whose products will enter Canada more easily and which will, therefore, reap benefits from this agreement, but it will be at the expense of other producers.

This agreement was negotiated in the dark. We have been furnished with no information as to what considerations led our representatives to insist on certain reductions of duties or to grant others. We have not been informed what facts, if any, they considered in determining which industries should be favored and which should not be. The more the agreement is examined the less favorably is one impressed with tariff revision by executive order. The agreement has come before us under conditions which make it impossible to secure the many changes which would be necessary to make it an arrangement beneficial to this country. One can not escape the conclusion that it is the result of hasty and ill-considered action, and we are tempted to ask whether our representatives who agreed to this agreement did not unwittingly enact the rôle of the trusting stranger in the large city.

In its drafting the plain words of the Chicago platform, in accordance with which it is pretended to have been formulated, are ignored, and the plain facts of present industrial conditions are disregarded. A few industries are to be aided to extend their markets into Canada, and in order to do this the interests of the American farmer are to be sacrified. The only consolation offered the farmer is that he has been so badly treated in the past whenever tariff legislation has been enacted that he can stand a little more at this time and not feel it very much. The dissatisfaction which arose from the inequalities and injustices of the tariff law of 1909 is used as an excuse for perpetrating further injustice. In this partial tariff revision the duties attacked are the very ones with which there has been no dissatisfaction, as their effect in the past has been almost negligible so far as the price of the products is concerned, and entirely so, so far as the cost of the articles manufactured from them is concerned.

The Chicago platform demanded that the difference in cost of production at home and abroad should be the measure of protection in every instance. This agreement, in effect a revision of certain selected duties, makes no attempt to base its reduction on this principle. Instead of doing so, it removes many duties which do not cover the difference in cost of production, and does not change, or changes only very slightly, duties far in excess of this difference.

The one crying need at the time of the revision of the tariff in 1909 was the lack of reliable, authoritative, and accurate information as to what duties would be just and reasonable on the different articles. If there is one thing for which the country has pronounced it is for a commission to obtain facts and data on which future tariff acts may be constructed, and if there is one thing which the people of this country do not want, it is a tariff constructed by guesswork. We have at present a board that is gathering facts and data as to the cost of production at home and abroad, and we expect to vote hundreds of thousands of dollars for it to continue its work. Yet, we have a tariff schedule drawn up for us and presented to us with the request and implied threat that we must make it law, without any facts justifying the different rates being presented, and with the tariff board, on which everybody relied, apparently having been entirely ignored. It would appear that the rational way to revise the tariff would be to secure the information necessary to effect a scientific revision, before undertaking to change any duties, except in cases of urgent need or where everybody admitted that the duties were too high. Having obtained this information, if it were a question of which rates to change first, it would seem that the ones to select would be the ones the retention of which worked a hardship on the consumer. The course pursued in this instance has been exactly the opposite. With no attempt apparent to discover the effect of the proposed changes, evidently with no facts available bearing on them, seemingly with nothing else as a guide than a desire to reduce and remove some duties on Canadian products, the duties selected are the very ones which everybody agreed could well afford to wait until the last for revision, as their effects in the past have been negligible, they are not onerous at present, and there is no danger of any trusts or combinations forming behind them to force prices up to unreasonable levels.

It has been hinted that this has been done in retaliation for the criticism bestowed upon the tariff act of 1909. I do not believe that this is so, and I sincerely hope that it is not. I did not consider the 1909 tariff act equitable, but this partial tariff revision is more unjust than that act was.

The farmers, the very class who have in the past derived the least benefit from protection, are singled out as the ones to be deprived of whatever benefits they might derive from it in the future. The farmer does not ask for any special favors, but he does demand justice in the making of tariff laws as well as in the making of other laws. If we are to change our policy and adopt free trade, he can perhaps better afford to do this than any other class, but he will demand that it be free trade for all, and not merely free trade for him and protection for all the other industries. If we are to retain the protective policy, he will demand that any benefits that might lie in protective duties on his products be accorded him just as readily as it has in the past been to other industries. I warn Senators that the ratification of as unjust an agreement as this will have its inevitable effects. If the farmer must sell his products in competition with all the world, he will enforce his demand that he be permitted to buy his goods in the world's markets, and in the industrial convulsions which will accompany a sudden change of industrial policy, it will be found that the farmer will suffer less than the person engaged in any other industry.

I am in favor of more liberal trade agreements, not only with Canada, but with all countries. In the making of these agree-

ments, however, it is essential that all industries are given a square deal, and that one industry is not benefited at the expense of another. I will not support an agreement which gives the brewing interests cheaper barley at the expense of the farmer, gives the Milling Trust cheaper wheat at the expense of the farmer, benefits the Meat Trust at the expense of the farmer, and aims to extend the market of the Steel Trust at the expense of the farmer. Neither do I intend to vote to sacrifice the interests of the farmer in order to add to the earnings of the railway magnates of the Northwest, whose millions are made up of the forced contributions of the farmers, and who are now engaged in applying epithets to those who feel that the interests of the farmer is deserving of consideration.

It is no more fair to make an agreement of this kind than it would be to admit all the cotton manufactures free of duty from England and Germany while retaining the duties on farm products and all other manufactures. It has not been shown how the ratification of this agreement will benefit anyone in this country, with the exception of a few large manufacturing interests and certain railways, and it is apparent that the farmer will have to pay the cost.

The name reciprocity attached to this agreement is misleading. When Canada demanded the opening of our markets to her farm products she knew, and we ought to have known, that she was giving very little in return for what she was getting. The reciprocity that Blaine espoused did not contemplate the admission of foreign goods in competition with ours; the cardinal principle of it was the extension of our foreign markets by the removal of duties on goods which we did not produce ourselves and which would therefore not compete with American products. The reciprocity for which the late President McKinley pleaded aimed at the extension of our foreign markets by the removal of such of our duties as were no longer needed to encourage our own industries. Neither of them aimed at the extension of the market of one industry by sacrificing another industry. I can not find that the principle on which this agreement must have been based has anything in common with those enunciated by Blaine and McKinley. I believe that the era of high tariffs is past; I believe that the American producer will in the future have to content himself with a tariff equal only to the difference in cost of production at home and abroad. It is possible that in their present temper the American people will go farther even than this. While part of this may be brought about by wisely and justly drawn reciprocity agreements, I am inclined to believe that more will be brought about by tariff laws applying to all countries alike and discriminating against no country not treating us unfairly. But whatever tariff policy we may pursue, it is essential that in applying it we treat all industries and sections fairly, and do not discriminate against one in favor of another.

SENATOR FROM ILLINOIS.

The Senate resumed the consideration of Senate resolution 315, relative to the right of Mr. LORIMER to a seat in the Senate from the State of Illinois.

Mr. HALE. Mr. President, the Senate has been in constant session from yesterday morning until now, with the exception of about three hours. Such a session as last night, with the burdens upon us for the next few days, is too exacting for the human system. It is the father of malaria and grippe and pneumonia, and so far as I am concerned I shall not ask the Senate to repeat last night's performance.

I do not think it would advantage the public business; I do not think last night's session advantaged the public business; but to-morrow, Mr. President, I shall ask the Senate to take up appropriation bills, and I shall ask the Senate at 5 o'clock or half past 5 o'clock to take a recess, not for such a session as that of last night, but for actual business and the disposal of appropriation bills. It need not be a prolonged, drawn-out, exciting session; but three or four hours spent on appropriation bills will be a profitable investment of the time of the Senate.

There is no reason, Mr. President, why by a reasonable hour, after a reasonable recess, the Senate can not to-morrow pass the agricultural appropriation bill, the Post Office appropriation bill, the counsular and diplomatic appropriation bill, the fortifications appropriation bill, and the Military Academy appropriation bill, and get them out of the way, leaving the great appropriation bills for the last two or three days for the Senate to consider.

I can not have my way about this, Mr. President. I do not know what has been done and I do not know what trafficking has been done; I do not know but that there is some other program that is better than this. I shall feel, however, if this can not be carried out, that I have at least presented it to the Senate, with a view of the waning length of the session and the fact that Saturday noon, only four days away, stands before us as the end of everything that is to be done. Unless something is done in the way, first, of passing these appropriation bills and getting them out of the road and into conference, later we may not be able to properly consider the larger appropriation bills, which are full of controversies.

I have been appalled, Mr. President, as I have studied the great sundry civil appropriation bill and the naval appropriation bill, carrying together nearly $300,000,000, and full of propositions and measures—I say "measures" included in the appropriation bill—that will necessarily involve controversy and discussion. I am appalled as I have been attempting with the clerks to get the sundry civil bill in readiness, so that we may report it later. It has never been so formidable as it is this year sent to us; it never has been so large. It comprises over 230 pages, bristling from the first clause to the last with every possible kind of provision that arouses interest, and confronts objection and controversy.

The naval bill is no better; and the final deficiency appropriation bill is different from any other deficiency bill that we have had of late years. It has been the fashion here to put on most of the items pertaining to such a bill at an early day on the urgent deficiency appropriation bill. That was not done this year; and the general deficiency is the cleaning-up bill.

I want to-morrow to be given to the consideration of the other bills I have named that we have got to get out of the way. As I have said, I shall not ask the Senate to stay here to-night for any proposition. If it does stay it will do so, so far as I am concerned, without any suggestion on my part. Neither do I think it will be good tactics in the way of setting forward the public business. I am sure it will not be for the benefit of the Senate in its condition and in its capacity for work in the succeeding days of the session.

Mr. BAILEY. Now, Mr. President, will the Senator from Maine permit an inquiry?

The VICE PRESIDENT. Does the Senator from Maine yield to the Senator from Texas?

Mr. HALE. Certainly. I am going to make a motion, but I will yield.

Mr. BAILEY. Before the Senator submits the motion I simply want to inquire if it is the Senator's opinion, in view of the statement he has made, that the appropriation bills must fail unless the Senate can address itself to them within a reasonable time?

Mr. HALE. I have no doubt whatever about that, Mr. President. We are going to have very hard work to get them through, anyway, and we are likely to be confronted with another condition as to these great bills. The Senator the other day made a suggestion that I have heard very many times since. Certain authorities, and good authorities, in the other House insist that the popular branch, which comes from the people, instead of this declining Congress, ought to make up the supply bills for the next session; that it should make up the naval bill, the Post Office bill, the sundry civil bill, and the pension bill; that that branch represents the last verdict of the people; that there are no subjects of such importance as the framing of the supply bills; and that that work, instead of being done by a declining and discredited, as they call it, Congress, shall be done by the new organization. We have got to meet that difficulty, Mr. President, and it will grow all the time.

Mr. BURROWS. Mr. President, will the Senator from Maine yield to me?

The VICE PRESIDENT. Does the Senator from Maine yield to the Senator from Michigan?

Mr. HALE. Certainly; I will yield for any suggestion.

Mr. BURROWS. With a view of facilitating the purpose which the Senator from Maine has in mind, of early action upon appropriation bills and other matters, I am constrained to ask unanimous consent that on Wednesday, to-morrow, at 1.30 o'clock, the vote be taken upon Senate resolution No. 315 without further debate.

Mr. HALE. What resolution is that?

Mr. BURROWS. The resolution in reference to the election of Mr. LORIMER.

The VICE PRESIDENT. It is the unfinished business. The Senator from Michigan asks unanimous consent that on to-morrow, Wednesday, at 1.30 o'clock, without further debate, the vote be taken upon Senate resolution 315, known as the Lorimer resolution.

Mr. HALE. Now, Mr. President, as the Senator puts that, it can only occupy the time of the Senate to be consumed by a single roll call. But I am not so unreasonable as to insist upon my program when it is only to be varied so little by what will dispose of a controverted question, if no Senator objects to that proposition and everybody is in favor of it. Let me ask the

Senator whether this is going to be supplemented by some other proposition that will take time?

Mr. BURROWS. I do not know about that.

Mr. BEVERIDGE. Will the Senator yield to a motion for a recess?

Mr. HALE. No; I certainly do not intend to vote for a recess to-night.

The VICE PRESIDENT. Is there objection to the request for unanimous consent?

Mr. SMITH of Michigan and Mr. BEVERIDGE addressed the Chair.

The VICE PRESIDENT. The Senator from Maine has the floor.

Mr. HALE. I will ask that the proposition be stated.

The VICE PRESIDENT. The Chair will again state the proposition, which is that at 1.30 o'clock to-morrow, Wednesday, a vote be taken, without further debate, upon resolution No. 315, known as the Lorimer resolution.

Mr. STONE. Mr. President, I would like to have it understood, if that is agreed to, that no effort will be made this evening to take up any other measure.

Mr. HALE. Mr. President, as soon as this talk has ceased I propose to move that the Senate adjourn; that nothing be taken up this evening.

Mr. KEAN. Why not take a recess and allow the Senator from Oklahoma [Mr. OWEN] to speak to-night?

Mr. HALE. Unless the Senate overrules me, I will not consent to a night session, and Senators ought not, after last night's experience, to ask anybody to come here to-night.

Mr. STONE. I certainly have not any objection to the request for unanimous consent if it is understood that there will be no other business taken up to-night.

Mr. HALE. So far as I am concerned, unless the Senate decides otherwise, I shall move to adjourn, because I do not think as I have said—and I hate to repeat myself—it is good management, and I do not think it is good tactics.

Mr. STONE. Then, if the Senator will permit me, I consent, or, rather, I do not object to the request for unanimous consent, with the understanding, in good faith, that no effort will be made and no motion made to take up any other proposition to-night or lay it before the Senate.

Mr. BURROWS. Mr. President, I would say to the Senator from Missouri that, upon unanimous consent being granted to my request, I propose to ask that the Senate take a recess until 8 o'clock——

Mr. HALE. Mr. President, then I shall object.

Mr. BURROWS (continuing). When the Senator from Oklahoma [Mr. OWEN] desires to address the Senate.

Mr. HALE. I shall object to any session to-night.

Mr. BAILEY. The Senator does not object to the request for unanimous consent, but only to the recess?

Mr. HALE. I do, if there is to be a recess.

Mr. OWEN. Mr. President——

The VICE PRESIDENT. Does the Senator from Maine yield to the Senator from Oklahoma?

Mr. HALE. Mr. President, I will not object if a proposition is to be made to take a recess until 8 o'clock this evening, no other matter to be taken up except the remarks of the Senator from Oklahoma at the evening session.

Mr. SMITH of Michigan. Mr. President——

Mr. HALE. I understand that it is the proposition that nothing but that shall be taken up.

Mr. BURROWS. The Senator from Oklahoma [Mr. OWEN] has been waiting for several days to address the Senate.

Mr. HALE. I am willing——

Mr. OWEN. I think the matter might be easily adjusted by adjourning now, as the Senator from Maine desires, until to-morrow morning at 10 o'clock, and permitting me then to address the Senate. I shall not take very long. I do not expect to make a prolonged speech.

Mr. HALE. I do not object to that.

Mr. BURROWS. Does the Senator from Maine object to the other proposition for a recess?

Mr. HALE. I do.

Mr. BURROWS. And nothing else to be taken up?

Mr. HALE. Yes; I do, unless it is settled that no business shall be transacted except speeches. I do not object to the proposition of the Senator from Oklahoma [Mr. OWEN], though I do not think we need to meet before half past 10 to-morrow.

Mr. PENROSE. I suggest that the Senate continue in session.

Mr. BURROWS. Let us come to an understanding about this matter.

The VICE PRESIDENT. Is there objection to the request of the Senator from Michigan, as stated by the Chair?

Mr. SMITH of Michigan. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. SMITH of Michigan. The yeas and nays having been ordered on the unfinished business, I understand no business can come before the Senate until that order is vacated.

The VICE PRESIDENT. The Senator is in error as to that.

Mr. SMITH of Michigan. Let us see whether I am in error.

The VICE PRESIDENT. But the Chair rules that the Senator is in error.

Mr. SMITH of Michigan. But I should like to make my point. This is the point I desire to make: The yeas and nays having been ordered on the pending question, as I understand the rule it will not be possible to consider appropriation bills with that order pending. Am I in error about that?

The VICE PRESIDENT. The Senator from Michigan is in error.

Mr. BAILEY. Mr. President, the opinion of the Chair—it not being a decision at this time—would be promptly and rather vigorously contested. But that is a mere academic question now.

The VICE PRESIDENT. That question has not been raised. The Chair made the statement in answer to a parliamentary inquiry.

Mr. BAILEY. I think that with a question of the highest privilege pending, and the yeas and nays ordered on it, the demand for the regular order brings that up at any time and against any other matter.

The VICE PRESIDENT. Oh, yes; but that was not the inquiry propounded to the Chair.

Mr. SMITH of Michigan. That was the inquiry I was endeavoring to make. Perhaps I did not make myself clear.

Mr. BAILEY. That was the thing I had in mind.

Mr. SMITH of Michigan. What I had in my mind was whether, if we vote to adjourn until to-morrow on the motion of the Senator from Maine, and then unanimous consent is given to vote on the Lorimer resolution at 1.30 p. m., the session in the morning, up to the time of voting, could be occupied by the consideration of an appropriation bill to the exclusion of any other business?

Mr. HALE. If the Senate so voted, undoubtedly.

The VICE PRESIDENT. If the Senate so voted at a time when the motion could be put, yes.

Mr. SMITH of Michigan. That would be in the control of the Senate.

The VICE PRESIDENT. Certainly.

Mr. SMITH of Michigan. And would be debatable?

Mr. KEAN. No.

The VICE PRESIDENT. No; a motion to proceed to the consideration of an appropriation bill or other matter is not debatable.

Mr. SMITH of Michigan. Mr. President, I desire to say that some of us have listened very patiently to discussion of the pending case which is about to be decided. I have not thus far said a word regarding it, and may not do so to-morrow, although I do not want to be foreclosed by this arrangement. I am unwilling to give my consent that a vote may be taken upon this matter unless the utmost freedom of discussion within the time allowed shall be permitted.

The VICE PRESIDENT. It remains with the Senate to-morrow morning to determine whether it desires to debate the matter further or not.

Mr. HALE. Mr. President, upon the assurance—and I am in the habit of taking the word of fellow Senators—that nothing will be done this evening, except discussion and the making of speeches, that no vote will be had, instead of moving—to-morrow will take care of itself—that the Senate adjourn, I will move that it take a recess until 8 o'clock this evening, and that when the Senate adjourn to-day, it be to meet at half past 10 to-morrow morning. There are three or four committees that want to have meetings about very important appropriation bills.

Mr. CULLOM (to Mr. HALE). Make it 11 o'clock.

Mr. HALE. The Senator from Illinois suggests 11 o'clock.

Mr. CULLOM. I make that suggestion because I have an important committee meeting.

Mr. HALE. Then I will move that when the Senate adjourns to-day, it be to meet at 11 o'clock to-morrow.

The VICE PRESIDENT. Does the Senator desire to make that motion before the request for unanimous consent is disposed of?

Mr. BEVERIDGE. By no manner of means. Let us have the unanimous consent agreement first. The motion is made, and that takes precedence.

The VICE PRESIDENT. The Chair was attempting to understand from the Senator who had the floor, if the Senator from Indiana will permit the Chair to do so, what his intention was. The Chair was undertaking to understand what the Senator from Maine wanted to do.

Mr. BEVERIDGE. I was trying myself to understand it.

The VICE PRESIDENT. The Chair thought he had a right to understand, so that he could put the motion. The Chair still thinks so.

Mr. HALE. I move, first, that when the Senate adjourns to-day—at the suggestion of the Senator from Illinois and the chairmen of other committees—that it be to meet to-morrow at 11 o'clock. I shall follow that by a motion for recess.

The VICE PRESIDENT. The Senator from Maine moves that when the Senate adjourns to-day it be to meet at 11 o'clock to-morrow. [Putting the question.]

Mr. CARTER and others addressed the Chair.

The VICE PRESIDENT. The question is not debatable.

Mr. CARTER. A parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. CARTER. Was the request for unanimous consent, as stated by the Chair, acceded to by the Senate?

The VICE PRESIDENT. It was not. It has not yet been acceded to.

Mr. CARTER. I ask the Chair if any objection was interposed; and if so, by whom?

The VICE PRESIDENT. No objection has yet been interposed, but the Senator from Maine had stated, as the Chair understood, that until this other motion was put, he would not accede to the request. Did the Chair correctly understand the Senator from Maine?

Mr. HALE. The Chair is entirely correct.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Maine.

The motion was agreed to.

The VICE PRESIDENT. Now, the Chair will put the other request, if Senators will permit.

Mr. HALE. Yes; that is right.

The VICE PRESIDENT. Which is that at 1.30 to-morrow a vote be taken, without further debate, upon Senate resolution 315, known as the Lorimer resolution. Is there objection?

Mr. STONE. Mr. President——

Mr. BEVERIDGE. Mr. President——

Mr. HALE. I hope if Senators are going to object, instead of arguing the case, they will object. We ought to know where we are.

Mr. STONE. I do not intend to argue it, although I might do so, following the example of my distinguished friend, the Senator from Maine, when he was on the floor.

Mr. HALE. I have not argued anything; I am trying to do business.

Mr. STONE. I do not mean to argue it. I desire to say again that I have no objection whatever to agreeing to vote on the Lorimer case at 1.30 to-morrow, with the understanding that no other business, save speech making, such as has been indicated, will be transacted until the Senate meets at 11 o'clock to-morrow.

Mr. HALE. That assurance has been given to me, so that I am entirely satisfied.

The VICE PRESIDENT. As thus modified——

Mr. CUMMINS. I do not so understand the situation. I do not know of any arrangement or agreement by which if the Senate meets at 8 o'clock it is limited to speech making.

Mr. BEVERIDGE. There is none.

Mr. CUMMINS. I certainly would not accede to any such suggestion as that. When the Senate comes together it can do as it pleases.

The VICE PRESIDENT. Except as to a matter about which it had made an agreement. Of course that would have to be voted upon at the hour agreed upon. It could be voted upon neither before nor later. Is there objection?

Mr. STONE. Now, what is the request?

The VICE PRESIDENT. The request is that at 1.30 to-morrow, without further debate, a vote be taken upon Senate resolution 315. Is there objection?

Mr. STONE. I said I would not object if it is modified as I indicated—that no other business, except the making of speeches, in case of a recess, shall be transacted prior to 11 o'clock to-morrow, the hour to which the Senate has agreed to adjourn.

Mr. CARTER. Mr. President——

Mr. HALE. I think nobody will object to that.

Mr. CARTER. I inquire whether it is the understanding of the Senator that no business will be transacted during the remainder of the session after the recess—that is, during the evening?

Mr. HALE. That is the understanding.

Mr. CARTER. And the question of the time at which the recess shall be taken is still, of course, in the hands of the Senate.

Mr. STONE. I do not quite understand.

Mr. CARTER. Of course there will be a remnant of the session which will convene after the recess at 8 o'clock.

The VICE PRESIDENT. The Chair desires to make a statement to the Senate. It was the intention of the Chair to recognize some Senator, if this agreement were made, to move to take up some matter, which should be the unfinished business of the Senate.

Mr. STONE. That is what I supposed.

The VICE PRESIDENT. The Chair does not wish the Senate to misunderstand the Chair. Senators can agree to whatever they choose, certainly. But the Chair thought he ought to tell the Senate what his intention was.

Mr. CARTER. I desire to know whether I correctly understand the request of the Senator from Missouri for a modification. Is it that if a recess is taken until 8 o'clock no business shall be transacted after 8 o'clock and before adjournment except the making of speeches?

Mr. HALE. It is.

Mr. CARTER. Is that the full extent of the Senator's request?

Mr. STONE. That there shall be no business transacted.

Mr. CARTER. During the evening session?

Mr. STONE. During this session or the evening session at any time prior to 11 o'clock to-morrow.

Mr. LODGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Massachusetts?

Mr. STONE. In other words, what I desire to be understood as saying is this: That I think it is the intention of some Senator to move to take up some other bill, probably the tariff commission bill—that is the one I apprehend the motion would apply to—and to make it the unfinished business. I would prefer to have it done when the Senate meets at 11 o'clock to-morrow.

Mr. HALE. I think it will speed public business if this consent is given that the vote shall be taken at 1.30 to-morrow, without further debate, and that no business except the making of speeches shall be transacted at the evening session.

Mr. BEVERIDGE. Do not put in that last request.

The VICE PRESIDENT. Is there objection?

Mr. CUMMINS. I object to that.

Mr. PENROSE. I object, Mr. President.

Mr. CUMMINS. I do not object to the request as preferred by the Senator from Michigan.

The VICE PRESIDENT. That is the request which was stated by the Chair.

Mr. CUMMINS. The request, as I understood, as modified by the suggestion of the Senator from Maine, however, was that——

The VICE PRESIDENT. The Chair has not been asked to put any modified request. The Chair has simply put the request that the Chair was asked to put. Is there objection to that request?

Mr. LODGE. Will the Chair restate the request?

Mr. CUMMINS. Yes; restate it.

The VICE PRESIDENT. It is that at 1.30 to-morrow, without further debate, a vote be taken upon Senate resolution 315.

Mr. STONE. Does the Chair think it proper to couple first the——

The VICE PRESIDENT. The Chair will couple anything that he is requested to couple. He has not yet been requested to couple anything.

Mr. STONE. I will prefer the request to the Chair to amend that request to this effect—with the understanding that no business will be transacted during this session or the recess session this evening.

The VICE PRESIDENT. Before adjournment to-day covers it.

Mr. HALE. Yes.

Mr. STONE. Well, before adjournment to-day.

The VICE PRESIDENT. The Chair will again put the request—that at 1.30 to-morrow a vote be taken, without further debate, upon Senate resolution 315, and that during the session of to-day—this legislative day—no business other than debate be transacted.

Mr. CUMMINS. I must object to that.

Mr. PENROSE. I object to the latter part of that proposed agreement.

The VICE PRESIDENT. Objection is made.

Mr. PENROSE. I withdraw my objection. I misunderstood the request.

The VICE PRESIDENT. The Senator from Iowa objected.

Mr. CUMMINS. I desire to be understood in the matter. The Senator from Maine withdrew his motion to adjourn so that a motion could be made to proceed to the consideration of any other business that it may be thought wise to take up and have that matter determined now. I will not object to confining the session this evening to addresses made by Senators who desire to address the Senate.

Mr. HALE. I am willing to leave that entirely to the Senate. For the present I withdraw my motion for a recess this evening.

Mr. STONE. The motion that when we adjourn to-day it be to meet at 11 o'clock to-morrow was agreed to.

The VICE PRESIDENT. Is there objection to the request as stated by the Chair, or does the Senator from Iowa request some modification of it?

Mr. CUMMINS. Mr. President——

Mr. HALE. The Senator, as I understood it, asked me to withdraw my request.

The VICE PRESIDENT. The Chair thinks he can state it as he understands the Senator from Iowa to request it—that at 1.30 to-morrow, without further debate, a vote be taken upon Senate resolution 315; that after the taking of a recess this afternoon no business be transacted prior to adjournment on this legislative day other than addresses.

Mr. KEAN. Except a motion to——

Mr. CUMMINS. I do object to the combined request. I state again my position.

The VICE PRESIDENT. The Chair was trying to state what the Senator requested.

Mr. CUMMINS. If the request made by the Senator from Michigan can be put without any accompaniment I shall not object to it, and if then a motion can be entertained to proceed to the consideration of some other matter which the Senate may desire to take up——

Mr. HALE. What other matter?

Mr. CUMMINS. And that motion is disposed of, I will not then object to the request made by the Senator from Missouri that the evening session be devoted to addresses.

The VICE PRESIDENT. Exclusively to addresses.

Mr. LODGE. If the request of the Senator from Michigan had been agreed to as he made it, without additions, it was my intention to move to proceed to the consideration of the tariff-commission bill. If that motion should be adopted, I should then make no objection, and I do not think anyone else would, to confining the rest of the day to speeches and addresses.

Mr. CUMMINS. The Senator from Massachusetts has stated in terms the matter I had in mind.

The VICE PRESIDENT. The Chair will again put the request.

Mr. HALE. Let me suggest that both Senators can not make that motion.

Mr. CUMMINS. I have not attempted to make any motion. I simply made an objection to the request.

The VICE PRESIDENT. Is there objection to the original request of the Senator from Michigan that at 1.30 to-morrow, without further debate, the Senate take a vote upon Senate resolution 315?

Mr. STONE. I prefer a request of this kind: That the vote be taken at the time indicated, at 1.30 to-morrow, and that as soon as that consent of the Senate is obtained the motion which the Senator proposes to offer may be made to-night, and then the Senate adjourn until 11 o'clock to-morrow.

The VICE PRESIDENT. The Chair will put it that way. The Senator from Missouri asks unanimous consent to modify the request of the Senator from Michigan——

Mr. CUMMINS. Will the Senator from Missouri state the request?

Mr. LODGE. The Chair was about to state it. It is that at 1.30 to-morrow, without further debate, the Senate take a vote on Senate resolution 315; that following the entering into of this agreement the Chair recognize some person to move to consider some other bill; and that when that motion is carried the Senate take a recess until 8 o'clock—did the Senator say?

Mr. STONE. Eleven o'clock.

Mr. BAILEY. We have already agreed that when we adjourn it be until 11 o'clock to-morrow.

The VICE PRESIDENT. It has been agreed that when the Senate adjourns it be until 11 o'clock to-morrow morning. Is there objection? The Chair hears none, and that order is entered.

TARIFF BOARD.

Mr. BEVERIDGE. I move that the Senate proceed to the sideration of the bill (H. R. 32010) to create a tariff board.

Mr. BAILEY. On that I demand the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I notice that the senior Senator from South Carolina [Mr. TILLMAN] is absent. So I withhold my vote, having a general pair with him. Were he present, I would vote "yea."

Mr. FLINT (when his name was called). I am paired with the senior Senator from Texas [Mr. CULBERSON]. He being absent, I will withhold my vote. If he were present, I would vote "yea."

Mr. OVERMAN (when Mr. TALIAFERRO's name was called). I have been requested to announce that the Senator from Florida [Mr. TALIAFERRO] is unavoidably absent and that he is paired with the senior Senator from West Virginia [Mr. SCOTT]. If the Senator from Florida were present, he would vote "nay."

Mr. BACON (when Mr. TERRELL's name was called). I again announce the unavoidable absence of my colleague [Mr. TERRELL] on account of personal illness. I understand that he is paired with the senior Senator from Rhode Island [Mr. ALDRICH]. If my colleague were present, he would vote "nay."

Mr. WARREN (when his name was called). I have a standing pair with the senior Senator from Mississippi [Mr. MONEY], and I therefore withhold my vote.

The roll call was concluded.

Mr. BACON (after having voted in the negative). I inquire whether the junior Senator from Maine [Mr. FRYE] has voted?

The VICE PRESIDENT. He has not.

Mr. BACON. I have a pair with that Senator. In his absence I withdraw my vote.

Mr. BAILEY. Perhaps it is shown by the announcement of the Senator from Vermont [Mr. DILLINGHAM]; but in case it is not, I desire the RECORD to show that if the senior Senator from South Carolina [Mr. TILLMAN] were present he would vote "nay."

The result was announced—yeas 54, nays 21, as follows:

YEAS—54.

Beveridge	Clapp	Guggenheim	Penrose
Bourne	Clark, Wyo.	Hale	Perkins
Bradley	Crane	Jones	Piles
Brandegee	Crawford	Kean	Richardson
Briggs	Cullom	La Follette	Root
Bristow	Cummins	Lodge	Smith, Mich.
Brown	Curtis	Lorimer	Smoot
Bulkeley	Depew	McCumber	Stephenson
Burkett	Dick	Nelson	Sutherland
Burnham	Dixon	Newlands	Warner
Burrows	du Pont	Nixon	Wetmore
Burton	Gallinger	Oliver	Young
Carter	Gamble	Owen	
Chamberlain	Gronna	Page	

NAYS—21.

Bailey	Gore	Rayner	Taylor
Bankhead	Johnston	Shively	Thornton
Clarke, Ark.	Martin	Simmons	Watson
Davis	Overman	Smith, Md.	
Fletcher	Paynter	Smith, S. C.	
Foster	Percy	Swanson	

NOT VOTING—16.

Aldrich	Dillingham	Heyburn	Taliaferro
Bacon	Flint	Money	Terrell
Bradley	Frazier	Scott	Tillman
Culberson	Frye	Stone	Warren

So the motion was agreed to.

Mr. LODGE. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 26 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, March 1, 1911, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February 28, 1911.*

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was approved.

CANCELLATION OF SIGNATURE TO JOINT RESOLUTION.

The SPEAKER. The Chair announces the cancellation of his signature to Senate joint resolution 145, providing for the filling of the vacancy which will occur on March 1, 1911, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress, in accordance with the order of the House.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 10883. An act authorizing the Erie Railroad Co. to construct a canal connecting the Hackensack River and Berrys Creek, Bergen County, N. J., as an aid to navigation, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 29360) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1912, and for other purposes.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GARDNER of Michigan. Mr. Speaker, I call up the conference report on the bill H. R. 31856, making appropriations for the government of the District of Columbia for the fiscal year 1912, and I ask unanimous consent that the statement by the managers on the part of the House may be read in lieu of the report.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 31856) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1912, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 11, 20, 30, 31, 37, 38, 39, 46, 50, 59, 65, 69, 75, 78, 79, 80, 83, 84, 85, 86, 101, 104, 107, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 123, 129, 134, 137, 140, 142, 143, 147, 150, 152, 159, 164, 165, 171, 172, 175, 176, 181, 187, 188, 190, 191, 196, 199, 200, 202, 203, 204, 205, 209, 213, 220, 222, 230, 231, 232, 235, 238, 239, and 240.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 6, 7, 8, 9, 10, 12, 13, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 35, 36, 40, 41, 42, 43, 44, 45, 47, 51, 52, 53, 54, 55, 56, 57, 58, 60, 61, 62, 63, 64, 66, 67, 68, 70, 71, 72, 73, 74, 76, 77, 82, 87, 88, 91, 92, 96, 97, 98, 99, 100, 103, 108, 119, 120, 122, 124, 125, 126, 127, 128, 130, 131, 135, 138, 139, 141, 144, 146, 153, 154, 158, 162, 166, 167, 168, 169, 170, 173, 174, 177, 180, 182, 183, 184, 189, 193, 194, 197, 206, 210, 212, 214, 215, 216, 217, 221, 223, 224, 225, 226, 227, 228, 229, 233, 234, 241, 242, 243, 244, 245, 247, 248, and 249. and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,600"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$114,086"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "The provisions of the act approved March 15, 1898, as amended by the act approved July 7, 1898, regulating leave of absence to employees of the Federal Government, are hereby made applicable to the regular annual employees of the government of the District of Columbia, except the police and fire departments, and public school officers, teachers, and employees"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$179,810"; and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "two cataloguers, at $540 each;" and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "$40,940"; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$123,650"; and the Senate agree to the same.

Amendments numbered 89 and 90: That the House recede from its disagreement to the amendments of the Senate numbered 89 and 90, and agree to the same with amendments as follows: Transpose said amendments and insert the same on page 33 of the bill, after line 26, amended as follows: In line 8 of amendment numbered 89 strike out the word "seventy-five" and insert in lieu thereof the words "one hundred"; and the Senate agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$65,000"; and the Senate agree to the same.

Amendment numbered 94: That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$130,000"; and the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with amendments as follows: In lieu of the sum proposed insert "$260,000," and on page 35 of the bill, in line 24, after the word "specifications," insert the following: "*Provided further*, That whenever it shall appear to said commissioners that the work now performed under contract, namely, street sweeping and cleaning alleys and unimproved streets, can, in their judgment, be performed under their immediate direction more advantageously to the District, then, in that event, said commissioners are hereby authorized to perform any part or all of said work in such manner, and to employ all necessary personal services, and purchase and maintain such street-cleaning apparatus, horses, harness, carts, wagons, tools, and equipment as may be necessary for the purpose; and of this appropriation the sum of $40,000 is hereby made immediately available"; and the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Interior park: For the condemnation of land in the interior of square 534, within the limiting lines shown on approved plans in the office of the engineer commissioner of the District of Columbia, and for the development of the land so acquired as an interior park: *Provided*, That the said land shall be condemned by a proceeding in rem in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia within six months after the date of the passage of this act: *And provided further*, That of the amount found to be due and awarded by the jury in said condemnation proceedings as damages for and in respect of the land to be condemned, plus the cost and expense of said proceeding, not less than one-third thereof shall be assessed by the jury as benefits, $78,000."

And the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$46,495"; and the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$13,500"; and the Senate agree to the same.

Amendment numbered 121: That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$23,500"; and the Senate agree to the same.

Amendment numbered 132: That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment, as follows: In lieu of the number proposed insert "forty-six"; and the Senate agree to the same.

Amendment numbered 133: That the House recede from its disagreement to the amendment of the Senate numbered 133, and agree to the same with an amendment, as follows: In lieu of the

number proposed insert "sixty"; and the Senate agree to the same.

Amendment numbered 136: That the House recede from its disagreement to the amendment of the Senate numbered 136, and agree to the same with an amendment, as follows: In lieu of the sum proposed insert "$940,009.50"; and the Senate agree to the same.

Amendment numbered 145: That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$536,170"; and the Senate agree to the same.

Amendment numbered 148: That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$31,000"; and the Senate agree to the same.

Amendment numbered 149: That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$128,800"; and the Senate agree to the same.

Amendment numbered 151: That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "The Commissioners of the District of Columbia are hereby directed to make an investigation as to the necessity of installing a high-pressure fire-service system in the business section of the city of Washington, and to report the results of such investigation to Congress at its next regular session"; and the Senate agree to the same.

Amendment numbered 155: That the House recede from its disagreement to the amendment of the Senate numbered 155, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "*Provided*, That hereafter any inspector of dairies and dairy farms may act as inspector of live stock when directed by the health officer"; and the Senate agree to the same.

Amendment numbered 156: That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment as follows: On page 68 of the bill, in line 6, strike out the word "ten" and insert in lieu thereof the word "fifteen"; and the Senate agree to the same.

Amendment numbered 157: That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For the construction of a pound and stable, to be immediately available, $10,000: *Provided*, That the Commissioners of the District of Columbia are authorized to build said pound and stable on public space owned or controlled by said District adjacent to James Creek Canal"; and the Senate agree to the same.

Amendment numbered 160: That the House recede from its disagreement to the amendment of the Senate numbered 160, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$11,740"; and the Senate agree to the same.

Amendment numbered 161: That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "deputy financial clerk, $1,500"; and the Senate agree to the same.

Amendment numbered 163: That the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$28,380"; and the Senate agree to the same.

Amendment numbered 178: That the House recede from its disagreement to the amendment of the Senate numbered 178, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,600"; and the Senate agree to the same.

Amendment numbered 179: That the House recede from its disagreement to the amendment of the Senate numbered 179, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert the following: "$900"; and the Senate agree to the same.

Amendment numbered 185: That the House recede from its disagreement to the amendment of the Senate numbered 185, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$840"; and the Senate agree to the same.

Amendment numbered 186: That the House recede from its disagreement to the amendment of the Senate numbered 186, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$27,015"; and the Senate agree to the same.

Amendment numbered 192: That the House recede from its disagreement to the amendment of the Senate numbered 192, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$34,000"; and the Senate agree to the same.

Amendment numbered 195: That the House recede from its disagreement to the amendment of the Senate numbered 195, and agree to the same with an amendment as follows: On page 84 of the bill, in line 16, strike out the words "four hundred and eighty" and insert in lieu thereof the words "six hundred"; and the Senate agree to the same.

Amendment numbered 198: That the House recede from its disagreement to the amendment of the Senate numbered 198, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,220"; and the Senate agree to the same.

Amendment numbered 201: That the House recede from its disagreement to the amendment of the Senate numbered 201, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$48,220"; and the Senate agree to the same.

Amendment numbered 207: That the House recede from its disagreement to the amendment of the Senate numbered 207, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "stableman, $300"; and the Senate agree to the same.

Amendment numbered 208: That the House recede from its disagreement to the amendment of the Senate numbered 208, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,480"; and the Senate agree to the same.

Amendment numbered 211: That the House recede from its disagreement to the amendment of the Senate numbered 211, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$13,930"; and the Senate agree to the same.

Amendment numbered 218: That the House recede from its disagreement to the amendment of the Senate numbered 218, and agree to the same with an amendment as follows: In line 22 of said amendment, after the word "workhouse," insert the following: "or in the Washington Asylum and Jail"; and the Senate agree to the same.

Amendment numbered 219: That the House recede from its disagreement to the amendment of the Senate numbered 219, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$48,000"; and the Senate agree to same.

Amendment numbered 236: That the House recede from its disagreement to the amendment of the Senate numbered 236, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$80"; and the Senate agree to the same.

Amendment numbered 237: That the House recede from its disagreement to the amendment of the Senate numbered 237, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$80"; and the Senate agree to the same.

WASHINGTON GARDNER,
E. L. TAYLOR, Jr.,
A. S. BURLESON,
Managers on the part of the House.

J. H. GALLINGER,
CHARLES CURTIS,
B. R. TILLMAN,
Managers on the part of the Senate.

Mr. GARDNER of Michigan. Mr. Speaker, I have just been informed that the papers have not yet come from the Senate.

The SPEAKER. Then, without objection, the matter will be postponed temporarily.

There was no objection.

INDIAN APPROPRIATION BILL.

Mr. BURKE of South Dakota. Mr. Speaker, I submit the following conference report on the bill (H. R. 28406) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1912.

The Clerk read the conference report, as follows:

SECOND CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 28406, an act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1912, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

On amendments numbered 48, 76, and 82 the committee of conference have been unable to agree.

CHAS. H. BURKE,
P. P. CAMPBELL,
JNO. H. STEPHENS,
Managers on the part of the House.

MOSES E. CLAPP,
P. J. MCCUMBER,
WM. J. STONE,
Managers on the part of the Senate.

Mr. MANN. What is the effect of the report?

The SPEAKER. These are the only matters in difference between the House and the Senate.

Mr. BURKE of South Dakota. There are three disagreements.

The SPEAKER. Otherwise the whole matter is closed up?

Mr. BURKE of South Dakota. Yes.

The SPEAKER. Then the only matter in difference, as the Chair gathers, between the House and the Senate are the three amendments referred to?

Mr. BURKE of South Dakota. Mr. Speaker, I move to further insist on the disagreement of the House to the Senate amendment. I desire to yield to the gentleman from Minnesota [Mr. MILLER] for five minutes.

Mr. MANN. Before the gentleman yields will he state the points in disagreement and what they are?

Mr BURKE of South Dakota. Mr. Speaker, I will state that amendment No. 46 is an amendment which provides legislation in favor of certain traders upon the Standing Rock Indian Reservation, in North Dakota. When the report of the conferees was before the House on the 17th instant I discussed quite fully that amendment, and I understand that the gentleman from Minnesota [Mr. MILLER] desires to make some remarks directed to it.

The second amendment in disagreement has reference to making it possible for certain settlers in Uinta Indian Reservation, in Utah, to acquire patents to their lands without regard to compliance with the homestead laws as to residence.

The third refers to the withholding of $100,000 to the Colville Indians in Washington for the purpose of recognizing a claim that some parties have against these Indians that we think is without merit and which I will discuss before a vote is had upon this motion.

I yield five minutes to the gentleman from Minnesota [Mr. MILLER].

Mr. MILLER of Minnesota. Mr. Speaker, each of the three items involved in this report was before this House on the 17th of February, when a similar report was presented for the consideration of the House. The item referring to the $100,000 belonging to the Colville Indians received a rather full consideration and debate. Amendment No. 48, which is the one upon which I wish to say a few words, was briefly touched upon and dismissed. In view of the fact that the other branch of this legislative body seems inclined to insist upon each of these three amendments, perhaps it is well that the House be fully advised as to their character and importance. That amendment which relates to the Standing Rock Indian traders, if enacted into law, would cause this Congress to depart upon an entirely new theory and new practice in reference to adjusting the affairs of Indians with Indian traders. The purpose of this is plain upon its face. It provides that the Interior Department shall constitute its Indian agent at Standing Rock Agency a collection agent for the benefit of these traders. It would enforce the payment by the Indians of such sums as may be found due by the agent, and from this decree the Indian has no appeal. Before we embark upon such a method of handling Indian affairs I think we should be fully advised as to whither it will lead us. Questions in controversy between Indian traders and the Indians have existed almost from the earliest history of our Indian affairs. We have tried various expedients to have justice done to the traders and to see that injustice was not done to the Indians. We have met with but indifferent success. Payment of debts and alleged debts have nearly always been enforced, and the Indian has been left to vent his feelings in impotent rage. Human ingenuity has gone far in the effort to secure ample protection to the trader, but for the first time we are asked to create in the Interior Department a judicial tribunal for the purpose of determining the amounts alleged to be due and then enforcing their payment. Beyond doubt, the purpose of this amendment is to empower the agent to ascertain any sums alleged to be due for supplies to these traders, and also to empower him to enforce their collection. A remarkable power to give an Indian agent! He would become the court and the sheriff, and from his decree there would be no appeal. The item also provides that the office of collector, on the part of the agent, shall be a continuing one. Not only is he to pay such Indian funds as are in his possession at the time he finds the debt due, but he is to apply future sums as they come into his possession.

As property in the hands of the Government belonging to the debtor Indians is converted into cash and in the process of being turned over to them, then the agent is to deduct 25 or more per cent upon each contemplated payment and place it in the hands of these traders, until the full amount of the debt is discharged. It seems to me this is all radically and fundamentally wrong. When before did we ever think—what right have we now to think—of conferring upon an Indian agent all the powers of a petty court and an executing officer of the law? What right have we to confer upon such a person the power to take testimony, determine what the evidence is, and then execute his decree? We will make of each of these Indian agents a despot who will have a court of his own and a capacity for evil, as well as good, that is repugnant to every sense of justice.

Mr. BUTLER. Any appeal?

Mr. MILLER of Minnesota. There is no appeal, absolutely. We place in the hands of these Indian agents the power which, if it should go into unworthy hands, would be most disastrous to the welfare of the Indians and most disreputable to the Government. I for one do not think we ought to take such a step. It seems to me we have forgotten a little bit of our history. These Indians that are to be treated in this way are descendants or relatives of those Sioux who went upon the warpath about a half century ago, men who suffered from the insatiate greed of Indian traders till their savage natures were whipped into a fury that only blood could satisfy. That old-time difficulty we are now asked to reinstate and give to it an added sting. Then we gave the traders extraordinary opportunities to collect their accounts; now we are gratuitously to collect the debts and turn the amount over to the traders. What a favored class these creditors would become! How popular would become their trade! Payment being thus assured, traders would sell these Indians every conceivable article, useless and worthless. Under the old-time conditions traders sold these very Indians, for large sums, articles that were ridiculous in nature and practically without value. All the old, broken-down buggies, wagons, and carts in St. Paul were once collected and sold to these very Indians. The supply running short, a worn-out hearse was brought forth and sold at a great price. This hearse was black. Some other Indian bought a white one, and all duly celebrated with the white man's fire water, piled their wives and children into the hearses, and dragged them in joyful glee across the prairie.

Mr. BURKE of South Dakota. Mr. Speaker, I yield five minutes more to the gentleman from Minnesota [Mr. MILLER].

Mr. FERRIS. Will the gentleman yield for a question?

Mr. MILLER of Minnesota. Yes.

Mr. FERRIS. What is the status of these Indians with reference to intelligence?

Mr. MILLER of Minnesota. These Indians, I presume, are nearly all full bloods, and they have a fair degree of intelligence for that class of Indians. It is pretty hard to say. As Indians go, the country over, I think they are a little above the average intelligence for full bloods, but they are what we call blanket Indians.

Mr. FERRIS. How much of the land is settled up in that reservation?

Mr. MILLER of Minnesota. As to that I am not able to speak. The chairman of the committee might say.

Mr. FERRIS. I know a good deal of the workings of traders, and the suggestion I wanted to make was, if this land is practically all settled up, I think we ought to do away with the traders altogether rather than to retain them for any purpose.

Mr. BURKE of South Dakota. I desire to say to the gentleman that no part of this reservation, except a very small portion on the south side, has been open to settlement.

Mr. BURKE of Pennsylvania. What is the method by which these claims are prosecuted and collected now?

Mr. MILLER of Minnesota. At the present time?

Mr. BURKE of Pennsylvania. Yes.

Mr. MILLER of Minnesota. The system has been that the Indian and the trader get at some sort of an understanding, and when pay day comes the trader is there and the Indian pays him. I want to say that the Indian generally pays his debts.

Mr. BURKE of Pennsylvania. Has there been any particular abuse arising out of the present practice?

Mr. MILLER of Minnesota. No; not of late years.

Mr. MANN. Will the gentleman yield to a question?

Mr. MILLER of Minnesota. Certainly.

Mr. MANN. I notice the gentleman's committee reported in a bill the other day to pay to an old Indian trader, who has been out of business 20 years or so, the amounts that were due him from the time he went out of business. What is the difference between that proposition and this proposition?

Mr. MILLER of Minnesota. The gentleman has not manifested in this instance his usual clearness and penetration of vision. If he will read the report he will find that under the substitute bill reported by the committee neither the trader nor his heirs can collect a farthing.

Mr. MANN. I have read it.

Mr. MILLER of Minnesota. I am going to call his attention to a feature of the report. If he will read it he will find that if any sums are found due the Secretary may pay them out of any funds now in the Government's hands belonging to the individual debtor Indians. There are no such funds, so nothing can be collected. It was a left-handed way of killing the bill. I wish also to say that there is an adverse report on that bill, flatly and squarely opposing any apparent intent to pay such claims under any conditions. So that substitute bill contemplates only this, that there shall be an investigation made, and in case there is found due from Indians now living any sums to that trader, that those sums, if they are in the hands of the Government, may be paid over; but I will say to the gentleman, and we can both smile——

Mr. MANN. On all fours with this proposition?

Mr. MILLER of Minnesota. I will say to the gentleman that we all know that not one farthing can be collected under that bill.

Mr. MANN. Then why did the gentleman's committee report it? I am glad the gentleman and I agree on this bill.

Mr. MILLER of Minnesota. I wish to speak a little further in respect to one point not yet mentioned, Mr. Speaker, I think, in the debate on this question. If we confer this authority on the Government in respect to this Standing Rock Agency, we are giving these traders a right not enjoyed at any time past and not now, and will not be by any other traders elsewhere in the United States. We can not possibly enact legislation of this character, which will be class legislation of the strongest kind in behalf of these few traders at this agency, and ignore the situation elsewhere throughout the United States. But if we do, Mr. Speaker, establish a precedent at this time, at the next and succeeding sessions of this House I can see that we will have a flood of traders thronging the corridors asking for similar legislation to be effective throughout the United States, and I am quite sure the membership of this House does not want to embark upon any such program as that. And one thing more, Mr. Speaker. By a general law which is now upon the statute books, there is a full, ample measure of relief accorded in circumstances of this kind; and I will say further that although it was after the incurring of most of this indebtedness, there has been in existence a rule of the department that any trader trading with the Indians must do so at his own peril.

He extends credit to the Indians themselves, and does not do so on the faith of the Government of the United States or its guaranty that it will secure the payment of the debt. Notices of this kind were sent throughout the country and were posted up at the different agencies in order that they could be looked at, so that the traders must know there, as elsewhere, that when they are dealing with Indians they are dealing with the Indians as individuals and must not expect to collect the indebtedness through the Government.

Now, it is only fair to say—and I am sorry that the gentleman from North Dakota is not here at this hour; perhaps he will be here before we are through—that these Indians are well off. Many families are worth all the way from $10,000 to $75,000, and they ought to pay their debts. But they will pay their debts, and if they do not, those debts can be collected in the usual way. We have no disposition to encourage dishonesty among the Indians or looseness in their business affairs.

But, if you are going to civilize the Indians—and that it seems to me should be the object of legislation here—we should put them upon the same footing as other citizens of the country, financially as well as otherwise. You can never do that by paying their debts for them and thereby failing to inculcate habits of industry and thrift on their part.

Mr. BURKE of Pennsylvania. Will the gentleman be good enough to answer another question?

Mr. MILLER of Minnesota. Yes.

Mr. BURKE of Pennsylvania. What meaning does the gentleman attach to this language, That in the event the first 25 per cent shall not be sufficient and the "amount due the Indian shall be sufficient, in the judgment of the superintendent, to pay a greater amount of said indebtedness," and so forth, the "superintendent shall use his influence to secure the payment of the whole?" To what extent does that confer authority upon the superintendent? And to what extent does he exercise it?

Mr. MILLER of Minnesota. I think that should properly be pronounced "influocence." [Laughter.] The gentleman has called attention to a very dangerous situation, right there, which this law would create. The influence of the trader with the Indians may be exerted in a thousand ways, perhaps in nine hundred and ninety-nine of them not proper ways.

Mr. BURKE of South Dakota. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. STEPHENS].

Mr. STEPHENS of Texas. Mr. Speaker, there are three Senate amendments to this bill which the conferees have refused to accede to. Amendment No. 48 has just been referred to by the gentleman from Minnesota [Mr. MILLER]. I do not believe that we should now enter upon the policy of making the United States a collecting agency for the benefit of Indian traders, who have claims against Indians. Would any Member of this House vote for a bill making the United States Government a collection agency for the collection of debts in this city—by garnishment or otherwise—from clerks or other employees of the Government by withholding their monthly salaries? In the State of Texas, as well as in other States of the Union, the State governments do not guarantee the debts of employees. We should remember that the amount of money coming to these Indians is in most cases annuities, and it is all that they have to live upon from day to day. The same is true of the wage-earning clerks and employees all over the country, and no Government has ever dared to deprive them of the scanty income due them as wages. In the case of these Indian reservations the traders have a monopoly of the mercantile trade with the Indians, and it is well known they frequently charge two or three times as much for the goods they sell to the Indians as they are worth. There is some reason for these high prices, when we consider that they run the risk of not getting their money from the Indians. They are trading with children, as it were, because Indians are the wards of the Government. We can not afford to take the money that is coming to them, and upon which they live, to pay on old questioned debts, and leave them nothing with which to buy clothing or food or whatever else they must buy.

The next item of disagreement with the Senate is No. 82, in reference to the Colville Indian Reservation, one-half of which was sold several years ago. The last payment is now due and amounts to $300,000. The House passed a bill several years ago to pay these Indians for the north half of the Colville Reservation the sum of $1,500,000.

Mr. TILSON. Mr. Speaker, will the gentleman yield for a question?

Mr. STEPHENS of Texas. There was a claim put forward by attorneys for these Indians for $90,000 of these funds.

Mr. TILSON. May I ask the gentleman what amendment is that?

Mr. STEPHENS of Texas. That is amendment No. 82. The gentleman will see that this Senate amendment strikes out "$300,000" and inserts "$200,000." The object of that amendment does not appear on the face of the amendment, but the object of it is simply that this $100,000 shall be withheld from the Indians for the purpose of enabling these attorneys to collect the $90,000 they claim to be due them by the Indians. That fee should not be paid, because the matter is res adjudicata in my judgment. Several years ago Congress submitted this matter of attorneys' fees to the Court of Claims, and the Court of Claims found that there was due to these attorneys only $60,000, instead of $150,000, as claimed by them.

That decision stands to-day. It has never been appealed from, and Congress can not afford to send these Indians to court again and retry this case. The court by its decree found that this $90,000 belongs to the Indians, and we can not go back upon the order of that court and take the $90,000 from the Indians and redistribute it among attorneys.

Then, again, the very act of Congress that submitted these claims for fees to the court states that the amount decreed the attorneys should be received by them in full payment of all demands for those attorneys' fees. Now, after they have received the money and given their receipts in full for all fees due them as named by the decree of the court—which decree names the amount of money that each one was entitled to—they

are estopped by law or in equity from claiming any more money on these fees. The decree of the Court of Claims required each and every one of these lawyers to give a receipt in full of all demands against the Indians. Now we are asked by this amendment to repudiate these receipts and to leave $100,000 out of this bill so that these attorneys may have another chance to redistribute it among themselves. Mr. Speaker, I never can consent to this amendment of the Senate, for the reasons I have stated.

I yield back the remainder of my time.

Mr. BURKE of South Dakota. Mr. Speaker, I desire to say a word with reference to amendment No. 82, to which the gentleman from Texas has just addressed himself, and which was very fully discussed by the gentleman from Virginia [Mr. SAUNDERS] on the 17th of February, when this matter was before the House on a former occasion.

This proposition, as has been stated, is to withhold from payment the sum of $100,000 out of $300,000 that is due the Colville Indians.

The purpose of withholding this money is to lay a foundation for a claim for attorneys' fees in connection with securing the legislation by which a claim of $1,500,000 was appropriated several years ago.

I may say, Mr. Speaker, as has already been stated, that that claim grows out of the matter of the cession of one-half of the Colville Indian Reservation, in Washington, for which the Indians were to receive $1,500,000.

When that treaty was ratified Congress assumed that the Indians had no rights for which the Government ought to compensate them, and, therefore, struck out of that treaty the provision to pay them $1,500,000 that they had been promised. That was in 1892.

A contract was made with a firm of attorneys here in Washington, one Gordon and one Maish, by which they were to have 10 per cent of whatever they might receive as a fee for their services in obtaining from the Government this $1,500,000.

That contract was limited to 10 years. About the time the contract expired, or just before it expired, this firm of Gordon & Maish entered into a contract with the firm of Butler & Vail, of this city. Butler & Vail were to prosecute this case, to represent Gordon & Maish, and were to receive for their services three-fifteenths of whatever Messrs. Gordon & Maish might receive under their contract.

After the expiration of the contract, whatever service was rendered was rendered, as shown by the record, on a basis of quantum meruit. An examination of the record in the Court of Claims discloses that one of these attorneys, when testifying, stated not only once, but repeatedly, that he was not appearing under any contract, but was simply appearing on a basis of quantum meruit.

If I had time, Mr. Speaker, I would quote the evidence to show that there was no doubt, and that there was no uncertainty about how these attorneys were to get their compensation, if they ever got any for their services. Later, in an Indian appropriation bill, the $1,500,000 was set aside in the Treasury to the credit of these Indians in recognition of their claims. These attorneys claimed 10 per cent of that amount, or $150,000. While the Indian appropriation bill was in conference an item was agreed to by which the question of the attorneys' fees was to be submitted to the Court of Claims, to be determined by that court on a quantum meruit basis. All the several attorneys who claimed to have any interest went into the court, the case was fully heard, it was argued at length, and finally the court decided that the attorneys were entitled to $60,000. The jurisdictional act provided that before the amount should be distributed to the attorneys they should file a receipt in full.

Mr. Speaker, the attorneys who are the most active now in trying to revive this claim have filed a receipt in full and have received the amount of the court's award.

Mr. KEIFER. I would like to ask the gentleman a question.

Mr. BURKE of South Dakota. I will yield to the gentleman from Ohio.

Mr. KEIFER. The gentleman has already said that the Court of Claims fixed the compensation at $60,000. Has that been paid?

Mr. BURKE of South Dakota. Yes; with the exception of two or three small amounts that the claimants are wrangling about, and I believe a receiver has been appointed, and the matter is in court to determine how it shall be divided.

Mr. KEIFER. Did the law authorize the payment of the $60,000, or only a part of it?

Mr. BURKE of South Dakota. The whole $60,000, and made an apportionment, dividing the amount among the several attorneys. I may say that the attorneys, Butler & Vail, received according to this award $30,000, which happened to be precisely what their contract provided, to wit, three-tenths of $150,000. Now, under the provision that was offered in another body it was proposed to pay this firm of attorneys $45,000 more.

Mr. KEIFER. Was not there some provision in the findings that this was only a partial finding?

Mr. BURKE of South Dakota. Absolutely nothing of the kind.

Mr. KEIFER. Was not there a reservation of further consideration of the matter?

Mr. BURKE of South Dakota. Absolutely none whatever.

Mr. KEIFER. If the gentleman will allow me, Maj. Gordon, a most estimable gentleman, and son of Senator John B. Gordon, was interested in this. He was one of the original contractors.

Mr. BURKE of South Dakota. Yes.

Mr. KEIFER. And he claims that as far as he was concerned he took this amount because he had to do it, and that there was no final adjudication under his contract or the quantum meruit.

Mr. BURKE of South Dakota. The gentleman from Ohio is in error. Maj. Gordon intervened in the Court of Claims, and his claim was adjudicated, the same as the other claims, and he was awarded the sum of $14,000, which, in my judgment, was ample compensation for the actual services that he may have rendered.

Mr. KEIFER. It was not the equivalent of the contract price that he had.

Mr. BURKE of South Dakota. The contract had long since expired. The contract was made in 1894, and was for a 10-year period.

Mr. KEIFER. Was it not executed?

Mr. BURKE of South Dakota. On whose part?

Mr. KEIFER. On the part of those who agreed to serve the Indians.

Mr. BURKE of South Dakota. Certainly not; a large part of whatever was done was done after the expiration of that contract.

Mr. COOPER of Wisconsin. Mr. Speaker, if the gentleman will allow me, I listened with much surprise to what the gentleman from Texas said. Does the gentleman from South Dakota say that all of the attorneys agreed to prosecute the suit on a quantum meruit?

Mr. BURKE of South Dakota. The firm of Butler & Vail claimed that they had a private agreement by which all the attorneys agreed that they, Butler & Vail, would go into the Court of Claims, and whatever was recovered was to be divided on a quantum meruit.

Mr. COOPER of Wisconsin. And the contract was left out?

Mr. BURKE of South Dakota. The contract was left out, and I may say that some of these claimants apparently lost confidence in Butler & Vail and were afraid that perhaps they would not get their portion, and so they intervened, and among them this Mr. Gordon, to whom the gentleman from Ohio has referred, and the whole matter was discussed and adjudicated.

Mr. COOPER of Wisconsin. One question more. During the progress of the litigation, when it was before the court for hearing and trial, did the various lawyers attend court in person or by their attorneys and present testimony?

Mr. BURKE of South Dakota. Why certainly, they not only testified, but were represented by counsel and arguments were submitted.

Mr. COOPER of Wisconsin. So then it amounts to this: Upon that hearing both sides presented testimony and the court found on the quantum meruit these men were entitled to a certain sum.

Mr. BURKE of South Dakota. Yes.

Mr. COOPER of Wisconsin. And they filed receipts in full for that?

Mr. BURKE of South Dakota. Yes.

Mr. COOPER of Wisconsin. And now they come in and ask for how much more?

Mr. BURKE of South Dakota. Ninety thousand dollars.

Mr. COOPER of Wisconsin. Well I am very glad to know that we have conferees on the part of the House who will stand out against such a thing.

Mr. KEIFER. They are not asking you to fix $90,000.

Mr. BURKE of South Dakota. Then there can be no question whatever about the purpose of this amendment, and any gentleman who is in doubt about the purpose, if he will consult the CONGRESSIONAL RECORD and particularly the proceedings in another body, will find exactly what the purpose of it is. It can have no other purpose. These Indians were kept out of their money for about 14 or 15 years. Now, we are paying them $300,000 a year. The judgment of this court was rendered in May, 1908. We have gone on appropriating $300,000 each

year, the $1,500,000 to be paid in five annual installments, and now when we are about to pay them the last amount, along comes this claim, something that no person had any idea would ever be brought up.

Mr. KEIFER. Another question. I understand that the proposition is to reserve $100,000, not to pay this claim until there is an adjudication of the claim. Is not that true?

Mr. BURKE of South Dakota. Mr. Speaker, that may be the contention, but I maintain that there is no claim.

Mr. KEIFER. I understand the gentleman's contention, but these people claim they have an unadjudicated claim. They do not claim this $100,000 or $90,000, but that they should have the right, before you make the final disposition of it, to further adjudicate their claim.

Mr. BURKE of South Dakota. It has already been finally adjudicated.

Mr. KEIFER. That is disputed.

Mr. BURKE of South Dakota. In 1906, when this matter was sent to the Court of Claims, it was fully discussed, and it was stated that the purpose of sending it to the Court of Claims was to settle it, and they did not make any payment in that year—that is, the first installment was not paid, because it was said by those who were upon the conference that they ought to wait until the question for services was settled and determined.

Mr. Speaker, I want to make just one concluding statement in regard to this matter.

This proposition is indefensible from the point of view of either law or equity. It can be defended—if defense can be justified in any event—only on the theory that this procedure is in the nature of an appeal from a judgment of the Court of Claims. But I apprehend, Mr. Speaker, no reputable lawyer will contend that it can be defended on such theory. The decree of the court was entered nearly three years ago. The attorneys chiefly concerned in the matter promptly applied for and received their share of the award, to wit, one half of $60,000. They gave their receipts in full satisfaction of all claims and demands upon the Indians for their services in this case. Since that time three installments of $300,000 each have been appropriated, and up to the present time it has never been suggested that the claims had not been fully, conclusively, and finally adjusted by that decree of May 25, 1908. The claim has never been presented to the Committee on Indian Affairs or to this House through any other committee. Not until after the last installment due the Indians had been appropriated by this House, and not until the eleventh hour of the consideration of this bill in the Senate, did we have any knowledge or intimation that another claim had been trumped up against these Indians. The proposition now before this House is in violation of every principle of square dealing with both the Indians and the Congress. [Applause.]

Mr. Speaker, I do not propose to leave any opportunity for doubt as to my position on this proposition, nor do I propose, so far as in my power lies, to leave the record of this case in such an uncertain condition as to permit it to be claimed at any future time that by any act of the Committee on Indian Affairs of this House, or of the House conferees on the Indian bill, this House has admitted there is any shadow of equity in this proposition to withhold $100,000, or any other amount from this fifth and last payment due the Indians. To recognize this alleged claim and pay any amount would be to despoil and defraud the Indians and encourage these lobbyists to continue their wrangle over a division of a fund which by courtesy only can be called "fees."

Mr. Speaker, much has been said in deprecation of muckraking and muckrakers, but I want to go on record in this connection as saying that if such an iniquitous proposition as this can be successfully advanced through Congress to plunder the helpless wards of the Nation, then we are deliberately furnishing material that needs the application of the muckrake to keep the atmosphere of the National Capitol in a sanitary condition. [Applause.]

Mr. MONDELL. Mr. Speaker, there are three items in disagreement, two of which have been discussed, and one of which has not been discussed. I do not think it will be proper to have the matter passed upon without a very brief discussion of the item which proposes to authorize the Commissioner of the General Land Office to grant patents to certain homesteaders in the Unitah Indian Reservation.

The amendment in the form in which it appears should not be agreed to. The House conferees are not willing to agree to it as I understand, and they certainly should be upheld in their position. In its present form the amendment is certainly not good legislation.

Mr. BURKE of South Dakota. Mr. Speaker, I call for a vote.

Mr. MANN. Mr. Speaker, what is the question?

The SPEAKER. The motion is to further insist on the disagreement of the House to the amendments of the Senate.

Mr. MANN. Mr. Speaker, I ask for a division of the question, so that we may have a separate vote on amendment No. 82.

The SPEAKER. The gentleman from Illinois asks unanimous consent for a division and a separate vote on amendment No. 82. The question is on the motion to disagree and further insist on its disagreement to Senate amendments Nos. 47 and 76.

The question was taken, and the motion was agreed to.

The SPEAKER. The motion is to further disagree to Senate amendment No. 82.

Mr. MANN. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 210, noes 0. [Applause.]

The SPEAKER. Without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

Amendment No. 82, page 51, line 2, after the word "one" strike out "three" and insert "two," so it will read "$200,000."

Mr. BURKE of South Dakota. Mr. Speaker, I move that the House consent to the request of the Senate for a further conference.

The motion was agreed to; and the Speaker announced the following conferees:

The Clerk read as follows:

Mr. BURKE of South Dakota, Mr. CAMPBELL, and Mr. STEPHENS of Texas.

SHERIDAN RAILWAY & LIGHT CO., ETC.

Mr. HULL of Iowa. Mr. Speaker, I am instructed to submit the following conference report on the bill S. 9903.

The SPEAKER. The gentleman submits a conference report, which the Clerk will report.

The Clerk read as follows:

A bill (S. 9903) to authorize the Sheridan Railway & Light Co. to construct and operate a railway, telegraph, telephone, electric power and trolley lines through the Fort Mackenzie Military Reservation.

The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 9903) to authorize the Sheridan Railway & Light Co. to construct and operate railway, telegraph, telephone, electric power, and trolley lines through the Fort Mackenzie Military Reservation, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same.

J. A. T. HULL,
F. C. STEVENS,
JAMES HAY,
Managers on the part of the House.

F. E. WARREN,
M. G. BULKELEY,
JAS. P. TALIAFERRO,
Managers on the part of the Senate.

Mr. HULL of Iowa. The Senate recedes from its amendment. I move the report be adopted.

The question was taken, and the conference report was adopted.

CERTAIN RIGHTS OF WAY, FORT D. A. RUSSELL MILITARY RESERVATION.

Mr. HULL of Iowa. Mr. Speaker, I also offer the following conference report.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (S. 9904) granting certain rights of way on the Fort D. A. Russell Military Reservation, at Cheyenne, Wyo., for railroad and county road purposes.

The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 9904) granting certain rights of way on the Fort D. A. Russell Military Reservation, at Cheyenne, Wyo., for railroad and county road purposes, having met, after full and free conference

have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment.

J. A. T. HULL,
F. C. STEVENS,
JAMES HAY,
Managers on the part of the House.

F. E. WARREN,
M. G. BULKELEY,
JAS. P. TALIAFERRO,
Managers on the part of the Senate.

Mr. HULL of Iowa. The House recedes from its amendment, and I move that the conference report be adopted.

Mr. COOPER of Wisconsin. Is that the bill in which there was an amendment to amend, alter, and repeal——

Mr. HULL of Iowa. Yes; I will say to the gentleman that the gentleman from Minnesota and other members of the committee have gone over this very carefully. It gives something less than an acre of land across the corner of a large military reservation as a right of way for the road, and if the entire amount was given to the road in fee there would be no damage whatever to the Government. It is a very small matter, and the main right is given the people for a wagon road.

Mr. COOPER of Wisconsin. Mr. Speaker, as I recall it, this is a bill which concluded with a provision reserving to the Secretary of War the right to revoke a license to the railroad company, while, as a matter of fact, the bill itself before the proviso contained a provision which construed the first part of the bill to be a grant to the railroad company and not a license at all. I remember I called attention to the item, and the gentleman from Iowa promptly accepted an amendment by which Congress reserved the right to alter, amend, or repeal the act, the usual reservation in bills of that kind. It is not a license for this railroad company to go upon a military reservation, and that license is to be revokable at the discretion of the Secretary of War, but it was a straight-out grant, and so interpreted by the bill itself. Not only that, but the word "grant" was used so far as the county is concerned, and there was a conflict to that extent, and inasmuch as that amendment was so promptly accepted, and inasmuch as the railroad company and everybody else knows that the Congress will not do any wrong by that reservation to alter, amend, or repeal the right to go into the military reservation, I do not think we ought to recede from that amendment so promptly without an explanation.

Mr. HULL of Iowa. Well, Mr. Speaker, Congress has repeatedly given railroads across reservations the right to construct and establish a right of way. We did it through a reservation in Oklahoma, and we have done it repeatedly for others. This is a very small fraction of land that the War Department itself concedes is of no value to the Government as a part of the reservation, and the gentleman from Minnesota [Mr. STEVENS] has examined the maps and is thoroughly familiar with it. I only want to say in addition, before yielding to him, that this bill, with this amendment eliminated, will meet the approval of the department, do no harm to the country, and will facilitate the construction of a great work of public improvement.

I now yield to the gentleman from Minnesota [Mr. STEVENS].

Mr. STEVENS of Minnesota. Mr. Speaker, I thoroughly agree with the gentleman from Wisconsin [Mr. COOPER] in that the rule he lays down should be adopted as a general proposition. And I would not agree to this bill, except that it seems to be such an exceptional case, and I am glad to place the facts concerning it of record in the House, so that it shall not be adopted hereafter as a precedent against the wholesome, general rule advocated by the gentleman from Wisconsin.

The tract of land affected is about a quarter of a mile long, and in width contains a county road and the usual right of way for a railroad, and so is about 150 feet wide. This tract lies in a low swamp in the extreme southwest corner of the military reservation, which is not needed under any circumstances for military purposes, as is evident from the map of the reservation, and is so reported by the War Department. The right of way for the railroad and county road, owing to the swampy condition of the land affected, will be obliged to be constructed upon an embankment about 40 feet high, which will have to be filled across this low swamp. Under these circumstances both the county and the railroad state that they could not well construct such a permanent work upon a mere license. This proposition is not merely a right of way across the reservation.

It is of no value at all, except by the permanent use by filling of a strip about 150 feet wide by about a quarter of a mile long across that swamp which is not needed or will not be needed under any circumstances for military purposes. It is clearly of advantage to the reservation to have the county road and the railroad properly constructed and ready for use, and it is certainly of benefit to the public to have both of these constructed. Under this condition this seems to be such an exception that it is wise in this instance for the House to adopt—to recede from the amendment it made to the Senate bill and grant this portion of land for the highway and right of way as required by the county and the railroad company. For that reason I agreed, as conferee, to recede from the amendment of the House.

Mr. COOPER of Wisconsin. Will not this be cited as a precedent?

Mr. STEVENS of Minnesota. No, Mr. Speaker. That is why I desired to place clearly on record the reason why this is an exception, and such an exception that has never before come under my notice since I have been a member of the Committee on Military Affairs.

Mr. COOPER of Wisconsin. Does not the gentleman think that by the enactment of this into law we will make the whole question hereafter one simply of presenting testimony as to the value of the land to be granted? Every bill of this kind should expressly reserve to Congress the right to alter, amend, or repeal. That is a practice which ought unswervingly to be adhered to. But by this bill in its present form we propose, as I have said, to make the whole question as to whether land shall be given away by Congress turn on testimony as to the value of the land. We will not only forsake a principle and a practice of vast importance to the Government, but we will establish an exceedingly troublesome precedent.

Mr. STEVENS of Minnesota. The War Department reports, and the map shows, that this land is not necessary and never can be used for military purposes, and its best and, indeed, only use is for such as we have granted, for public highways. It is a little triangle in the corner that is not included in the main body of the reservation, and is of such a character and location that it can never be of any use or value. But the highway and railroad over it are very much more valuable.

Mr. COOPER of Wisconsin. Will the gentleman permit me to make another suggestion?

Mr. STEVENS of Minnesota. Certainly.

Mr. COOPER of Wisconsin. Originally the railroad company was willing to accept the bill with the proviso allowing the Secretary of War, in his discretion, to revoke what was called the license. It was called a license in the bill which the railroad company had agreed to accept, and which was presented to the House a few days ago by the gentleman from Iowa.

I then pointed out that it was not a license, but a straight grant to the railroad company and also to the county, and that the proviso contradicted the grant, and I proposed an amendment which was adopted by the House, by which the right to alter, amend, or repeal the act was expressly reserved. The gentleman from Iowa accepted the amendment. But now he opposes the amendment providing that Congress may alter, amend, or repeal, and declares that he is not willing to accept it.

Mr. MANN. Will the gentleman yield for a suggestion? The gentleman from Wisconsin has in mind the other bill where a conference report was agreed to, which includes the right to alter, amend, or repeal. The bill that is now before the House did not include the provision which the gentleman refers to. That was in the other bill.

Mr. COOPER of Wisconsin. Has the gentleman the bill there?

Mr. MANN. I have the bill right here.

Mr. MONDELL. Mr. Chairman, I think the gentleman from Wisconsin, and possibly the House, does not understand just the situation with regard to this grant. There is a sharp triangle running down from Fort D. A. Russell——

Mr. COOPER of Wisconsin. I am right. They have stricken out the proviso.

Mr. MONDELL. I would like to have the gentleman's attention. There is a sharp triangle running down from Fort D. A. Russell, and they seek a right of way for a county road along the side of this triangle. The amount of land which the railroad takes is, as I recollect, but a fraction of an acre. The county road takes a strip about 150 feet wide along the edge of this triangle.

It is on the extreme edge of the reservation where, as I say, this triangle runs down, and it is proposed to take along the edge of that triangle a narrow strip for a county road, with an area of a fraction of an acre which the railroad takes at one point. Now there is no earthly reason why the title should not be a fee. The public is obtaining the land for a county road. It is not needed and can not be used for military pur-

poses. The railroad line does not even run onto the reservation. The very small tract which the railroad receives a grant to, a small fraction of an acre, is simply a place where they have to make a heavy fill on a curve; and inasmuch as this land is being transferred for a public purpose, it seems to me there ought to be no objection to the grant being in fee.

Mr. HULL of Iowa. I think the gentleman is absolutely right.

Mr. COOPER of Wisconsin. Mr. Speaker——

Mr. HULL of Iowa. Mr. Speaker, I yield to the gentleman from Wisconsin, if the gentleman from Wyoming is through.

Mr. MONDELL. Mr. Speaker——

Mr. HULL of Iowa. Mr. Speaker, then I yield to the gentleman from Wyoming.

Mr. MONDELL. This grant, with the exception of a small part, is for a public use, for a county road, a necessary county road, and we certainly ought not to do anything more than make the grant in fee where the grant is to the public for a public use. The very small fraction of an acre, which is made necessary by a heavy embankment, granted to the railroad company is so small an area that it seems to me there ought to be no objection to making that also a grant in fee, in view of the fact that it is so far removed from any buildings on the reservation—on this little sharp point that runs down to the southeast corner.

Mr. MANN. Will the gentleman from Wyoming yield?

Mr. MONDELL. Yes.

Mr. MANN. I understand this land does not run through the reservation at all.

Mr. MONDELL. No; it does not. The gentleman is correct.

Mr. MANN. It runs down to the edge of the triangle and laps over, and it is proposed there to give a little piece for the use of the public road?

Mr. MONDELL. Yes; it is for the use of the reservation as much as for the use of the general public, because that county road will be used by people coming down from the Army post. This is one of the largest posts in the country, a brigade post, and that county road is just as necessary for the maintenance of the post as it is for the convenience of the people of the country generally; so that inasmuch as the transfer is for a public purpose, it seems to me it ought to be a transfer in fee.

Mr. COOPER of Wisconsin. Mr. Speaker——

Mr. HULL of Iowa. Mr. Speaker, I yield a half minute to the gentleman from South Dakota [Mr. BURKE].

Mr. BURKE of South Dakota. Mr. Speaker, there has been such a demand for copies of the Indian appropriation bill with the Senate amendments numbered that the supply has been exhausted. There have also been so many inquiries respecting the present status of the bill that I have prepared for the RECORD copies of the bill as passed by the Senate and as agreed to in conference, which I desire to have printed in parallel columns, in order that it may be seen at a glance precisely what has resulted from the several conferences between the managers on the part of the two branches of Congress.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

INDIAN APPROPRIATION BILL (H. R. 28406) FOR THE FISCAL YEAR 1912.

As passed by the Senate with Senate amendments numbered.

[Omit the part inclosed in brackets [] and insert the part printed in italics.]

Be it enacted, etc., That the following sums be, and they are hereby, appropriated out of any money in the Treasury not otherwise appropriated for the purpose of paying the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and in full compensation for all offices the salaries for which are provided for herein for the service of the fiscal year ending June 30, 1912, namely:

For the survey, resurvey, and classification of lands to be allotted in severalty under the provisions of the act of February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians," and under any other act or acts providing for the survey and allotment of lands in severalty to Indians, including the necessary clerical work incident thereto and to the issuance of all patents in the field and in the office of Indian Affairs, and to the delivery of trust patents for allotments under said act or any such act or acts; and for the survey and subdivision of Indian reservations and lands to be allotted to Indians under authority of law, $215,000, to be repaid proportionately out of any Indian moneys held in trust or otherwise by the United States and available by law for such reimbursable purpose and to remain available until expended.

For the construction, repair, and maintenance of ditches, reservoirs, and dams, purchase and use of irrigation tools and appliances, water rights, (1)*ditches*, lands necessary for canals, pipe lines and reservoirs for Indian reservations and allotments, and for drainage and protection of irrigable lands from damage by floods, (2)[two hundred and eighty-nine thousand three hundred] *three hundred and thirty-nine thousand three hundred* dollars, to remain available until expended: *Provided*, That no part of this appropriation shall be expended on any irrigation system or reclamation project for which specific appropriation is made in this act or for which public funds are or may be available under any other act of Congress: *Provided further*, That nothing herein contained shall be construed to prohibit reasonable expenditures from this appropriation for preliminary surveys and investigations to determine the feasibility and estimated cost of new projects, (3)*for investigations and surveys for power and reservoir sites on Indian reservations in accordance with the provisions of section 13 of the act of June 25, 1910*, or to prevent the Bureau of Indian Affairs from having the benefit of consultation with engineers in other branches of the public service or carrying out existing agreements with the Reclamation Service; for pay of one chief inspector of irrigation, who shall be a skilled irrigation engineer, $4,000; one assistant inspector of irrigation, who shall be a skilled irrigation engineer, $2,500; for traveling expenses of two inspectors of irrigation, at $3 per diem when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses authorized by law, and for incidental expenses of negotiation, inspection, and investigation, including telegraphing and expense of going to and from the seat of government and while remaining there under orders, $4,200; in all, three hundred (4)*and fifty* thousand dollars: *Provided also*, That not to exceed seven superintendents of irrigation, who shall be skilled irrigation engineers, may be employed.

For the suppression of the traffic in intoxicating liquors among Indians, (5) [seventy] *eighty* thousand dollars.

To relieve distress among Indians and to provide for their care and for the prevention and treatment of tuberculosis, trachoma, smallpox, and other contagious and infectious diseases, including the purchase of vaccine and expense of vaccination, $60,000.

For support of Indian day and industrial schools, not otherwise provided for, and for other educational and industrial purposes in connection therewith, $1,420,000.

(6) [For construction, lease, purchase, and repair of school buildings, and for sewerage, water supply, lighting plants, and purchase of school sites and improvements of buildings and grounds, $350,000.]

For construction, lease, purchase, repairs, and improvements of school and agency buildings, and for sewerage, water supply, and lighting plants, and for purchase of school sites, $425,000.

As passed by the House with Senate amendments agreed to in conference.

[Omit the part inclosed in brackets [] and insert the part printed in italics.]

Be it enacted, etc., That the following sums be, and they are hereby, appropriated out of any money in the Treasury not otherwise appropriated for the purpose of paying the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and in full compensation for all offices the salaries for which are provided for herein for the service of the fiscal year ending June 30, 1912, namely:

For the survey, resurvey, and classification of lands to be allotted in severalty under the provisions of the act of February 8, 1887, entitled "An act to provide for the allotment of lands in severalty to Indians," and under any other act or acts providing for the survey and allotment of lands in severalty to Indians, including the necessary clerical work incident thereto and to the issuance of all patents in the field and in the office of Indian Affairs, and to the delivery of trust patents for allotments under said act or any such act or acts; and for the survey and subdivision of Indian reservations and lands to be allotted to Indians under authority of law, $215,000, to be repaid proportionately out of any Indian moneys held in trust or otherwise by the United States and available by law for such reimbursable purpose and to remain available until expended.

For the construction, repair, and maintenance of ditches, reservoirs, and dams, purchase and use of irrigation tools and appliances, water rights, *ditches*, lands necessary for canals, pipe lines and reservoirs for Indian reservations and allotments, and for drainage and protection of irrigable lands from damage by floods [two hundred and eighty-nine thousand three hundred] *three hundred and fourteen thousand three hundred* dollars, to remain available until expended: *Provided*, That no part of this appropriation shall be expended on any irrigation system or reclamation project for which specific appropriation is made in this act or for which public funds are or may be available under any other act of Congress: *Provided further*, That nothing herein contained shall be construed to prohibit reasonable expenditures from this appropriation for preliminary surveys and investigations to determine the feasibility and estimated cost of new projects, *for investigations and surveys for power and reservoir sites on Indian reservations in accordance with the provisions of section 13 of the act of June 25, 1910*, or to prevent the Bureau of Indian Affairs from having the benefit of consultation with engineers in other branches of the public service or carrying out existing agreements with the Reclamation Service; for pay of one chief inspector of irrigation, who shall be a skilled irrigation engineer, $4,000; one assistant inspector of irrigation, who shall be a skilled irrigation engineer, $2,500; for traveling expenses of two inspectors of irrigation, at $3 per diem when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses authorized by law, and for incidental expenses of negotiation, inspection, and investigation, including telegraphing and expense of going to and from the seat of government and while remaining there under orders, $4,200; in all, three hundred *and twenty-five* thousand dollars: *Provided also*, That not to exceed seven superintendents of irrigation, who shall be skilled irrigation engineers, may be employed.

For the suppression of the traffic in intoxicating liquors among Indians, [seventy] *seventy-five* thousand dollars.

To relieve distress among Indians and to provide for their care and for the prevention and treatment of tuberculosis, trachoma, smallpox, and other contagious and infectious diseases, including the purchase of vaccine and expense of vaccination, $60,000.

For support of Indian day and industrial schools, not otherwise provided for, and for other educational and industrial purposes in connection therewith, $1,420,000.

[For construction, lease, purchase, and repair of school buildings, and for sewerage, water supply, lighting plants, and purchase of school sites and improvements of buildings and grounds, $350,000.]

For construction, lease, purchase, repairs, and improvements of school and agency buildings, and for sewerage, water supply, and lighting plants, and for purchase of school sites, $425,000: Provided, That the Secretary of the Interior shall report annually to Congress the amount expended at each school and agency for the purposes herein authorized: Provided further, That on the first Monday in December, 1911, the Secretary of the Interior shall transmit to Congress a report in respect to

all school and agency properties entitled to share in appropriations, general or specific, made in this act and such report shall show specifically the cost investment in such properties as of July 1, 1911, including appropriations made available by this act, (1) for the purchase, construction, or lease of buildings, including water supply, sewerage, and heating and lighting plants; the purchase or lease of lands; the purchase or construction of irrigation systems for the irrigation of such school or agency lands, and for the equipment of all such plants for the promotion of industrial education, including agricultural implements, live stock, and the equipment for shops, laundries, and domestic science; (2) the physical condition of such plants and their equipments; (3) an estimate of expenditures necessary for (a) new buildings, (b) improvements, equipment, and repairs necessary for the upkeep of such plants; and (4) a statement of the quantity and market value of the products derived from the operation of such plants for the fiscal year 1911 and the disposition of the same. The Secretary of the Interior shall accompany such report with a recommendation, supported by a statement of his reasons therefor, as to the necessity or advisability of continuing or discontinuing each such school or agency plant.

For collection and transportation of pupils to and from Indian schools, and for the transportation of Indian pupils from any and all Indian schools and placing them, with the consent of their parents, under the care and control of white families qualified to give such pupils moral, industrial, and educational training, (7)[eighty-two] *seventy-two* thousand dollars: *Provided*, That not to exceed $5,000 of this amount may be used in the transportation and placing of Indian pupils in positions where remunerative employment may be found for them in industrial pursuits. The provisions of this section shall also apply to native pupils (8) *of school age under 21 years of age* brought from Alaska.

(9)*All moneys appropriated herein for school purposes among the Indians shall be expended, without restriction as to per capita expenditure, for the annual support and education of any one pupil in any school.*

To conduct experiments on Indian school or agency farms designed to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, and fruits, for the purposes of preserving living and growing timber on Indian reservations and allotments, and to advise the Indians as to the proper care of forests: *Provided*, That this shall not, as to timber, apply to the Menominee Indian Reservation in Wisconsin or the Red Lake Indian Reservation in Minnesota; for the employment of suitable persons as matrons to teach Indian women housekeeping and other household duties, and for furnishing necessary equipments and renting quarters for them where necessary; for the employment of practical farmers and stockmen, in addition to the agency and school farmers now employed; and to superintend and direct farming and stock raising among Indians, $400,000: *Provided further*, That not to exceed $5,000 of the amount herein appropriated shall be used to conduct experiments on Indian school or agency farms to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, and fruits: *Provided, also*, That the amounts paid to matrons, farmers, and stockmen herein provided for shall not be included within the limitation on salaries and compensation of employees contained in the act of June 7, 1897: *Provided still further*, That hereafter the Secretary of the Interior shall transmit to Congress annually on the first Monday in December a cost account for the preceding fiscal year relating to the use of appropriations made for the purposes herein provided for.

For the purchase of goods and supplies for the Indian service, including inspection, pay of necessary employees, and all other expenses connected therewith, including advertising, (10)[telegraphing, telephoning,] storage, and transportation of Indian goods and supplies, (11) *and for general expenses of telegraphing and telephoning in the Indian service: Provided, That the amount appropriated in the Indian appropriation act approved April 4, 1910, for telegraphing and telephoning in connection with the purchase of goods and supplies for the Indian service, is hereby made available to cover all general expenses for telegraphing and telephoning in the Indian service that have been or may be incurred during the fiscal year 1911*, (12)[two hundred and eighty-five thousand] *three hundred thousand* dollars.

(13)[For buildings and repairs of buildings at agencies and for rent of buildings for agency purposes and for water supply at agencies, $75,000.]

For witness fees and other legal expenses incurred in suits instituted in behalf of or against Indians involving the question of title to lands allotted to them, or the right of possession of personal property held by them, $2,500: *Provided*, That no part of this appropriation shall be used in the payment of attorney fees.

For expenses of the Board of Indian Commissioners, $4,000, including not to exceed $300 for office rent.

For payment of necessary interpreters, $8,000.

For payment of Indian police, including chiefs of police at not to exceed $50 per month each, and privates at (14) [twenty] *not to exceed thirty* dollars per month each, to be employed in maintaining order, and for the purchase of equipments and rations for policemen at nonration agencies, $200,000.

For compensation of judges of Indian courts, $12,000.

For contingencies of the Indian service; for traveling and incidental expenses of the Commissioner of Indian Affairs and other officers and employees in the Indian service, including clerks detailed from the Bureau of Indian Affairs for special service in the field; for traveling and incidental expenses of special agents, at $3 per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses, including expenses of going to and from the seat of government and while remaining there under orders; for pay of employees not otherwise provided for; and for pay of special agents, at $2,000 per annum each, $115,000.

(15) *For the classification, indexing, and further collection of all records and data pertaining to the American Indian which are necessary to complete the files of the Indian Office, and preparing historical data from all of said records therein; and the sum of $10,000 is hereby appropriated for the purpose of carrying out the above amendment, including the pay of all employees.*

(16) *There is hereby appropriated the sum of $30,000, or so much thereof as may be necessary, to be immediately available, for the purpose of encouraging industry among Indians, and to aid them to engage in the culture of fruits, grains, and other crops. The said sum may be used for the purchase of animals, machinery, tools, implements, and other agricultural equipment: Provided, That the sum hereby appropriated shall be expended subject to the conditions to be prescribed by the Secretary of the Interior for its repayment to the United States, and all repayments to this fund as herein provided are hereby appropriated for the same purpose as the original fund, and the entire fund,*

For collection and transportation of pupils to and from Indian schools, and for the transportation of Indian pupils from any and all Indian schools and placing them, with the consent of their parents, under the care and control of white families qualified to give such pupils moral, industrial, and educational training, eighty-two thousand dollars: *Provided*, That not to exceed $5,000 of this amount may be used in the transportation and placing of Indian pupils in positions where remunerative employment may be found for them in industrial pursuits. The provisions of this section shall also apply to native pupils *of school age under 21 years of age* brought from Alaska.

All moneys appropriated herein for school purposes among the Indians may be expended, without restriction as to per capita expenditure, for the annual support and education of any one pupil in any school.

To conduct experiments on Indian school or agency farms designed to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, and fruits, for the purposes of preserving living and growing timber on Indian reservations and allotments, and to advise the Indians as to the proper care of forests: *Provided*, That this shall not, as to timber, apply to the Menominee Indian Reservation in Wisconsin or the Red Lake Indian Reservation in Minnesota; for the employment of suitable persons as matrons to teach Indian women housekeeping and other household duties, and for furnishing necessary equipments and renting quarters for them where necessary; for the employment of practical farmers and stockmen, in addition to the agency and school farmers now employed; and to superintend and direct farming and stock raising among Indians, $400,000: *Provided further*, That not to exceed $5,000 of the amount herein appropriated shall be used to conduct experiments on Indian school or agency farms to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, and fruits: *Provided, also*, That the amounts paid to matrons, farmers, and stockmen herein provided for shall not be included within the limitation on salaries and compensation of employees contained in the act of June 7, 1897: *Provided still further*, That hereafter the Secretary of the Interior shall transmit to Congress annually on the first Monday in December a cost account for the preceding fiscal year relating to the use of appropriations made for the purposes herein provided for.

For the purchase of goods and supplies for the Indian service, including inspection, pay of necessary employees, and all other expenses connected therewith, including advertising, [telegraphing, telephoning,] storage, and transportation of Indian goods and supplies, $285,000.

For general expenses for telegraphing and telephoning in the Indian service, $15,000: Provided, That the amount appropriated in the Indian appropriation act approved April 4, 1910, for telegraphing and telephoning in connection with the purchase of goods and supplies for the Indian service, is hereby made available to cover all general expenses for telegraphing and telephoning in the Indian service that have been or may be incurred during the fiscal year 1911.

[For buildings and repairs of buildings at agencies and for rent of buildings for agency purposes and for water supply at agencies, $75,000.]

For witness fees and other legal expenses incurred in suits instituted in behalf of or against Indians involving the question of title to lands allotted to them, or the right of possession of personal property held by them, $2,500: *Provided*, That no part of this appropriation shall be used in the payment of attorney fees.

For expenses of the Board of Indian Commissioners, $4,000, including not to exceed $300 for office rent.

For payment of necessary interpreters, $8,000.

For payment of Indian police, including chiefs of police at not to exceed $50 per month each, and privates at [twenty] *not to exceed thirty* dollars per month each, to be employed in maintaining order, and for the purchase of equipments and rations for policemen at nonration agencies, $200,000.

For compensation of judges of Indian courts, $12,000.

For contingencies of the Indian service; for traveling and incidental expenses of the Commissioner of Indian Affairs and other officers and employees in the Indian service, including clerks detailed from the Bureau of Indian Affairs for special service in the field; for traveling and incidental expenses of special agents, at $3 per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses, including expenses of going to and from the seat of government and while remaining there under orders; for pay of employees not otherwise provided for; and for pay of special agents, at $2,000 per annum each, $115,000.

There is hereby appropriated the sum of $30,000, or so much thereof as may be necessary, to be immediately available, for the purpose of encouraging industry among Indians, and to aid them to engage in the culture of fruits, grains, and other crops. The said sum may be used for the purchase of animals, machinery, tools, implements, and other agricultural equipment: Provided, That the sum hereby appropriated shall be expended subject to the conditions to be prescribed by the Secretary of the Interior for its repayment to the United States, on or before June 30, 1918, and all repayments to this fund made on or before June 30, 1917, are hereby appropriated for the same purpose as the origi-

including repayments, shall remain available until June 30, 1917: Provided further, That the Secretary of the Interior shall submit to Congress annually on the first Monday in December a detailed report of the use of this fund.

ARIZONA AND NEW MEXICO.

SEC. 2. For support and civilization of Indians on reservations in Arizona and New Mexico, $330,000.

For continuing the work of constructing an irrigation system for the irrigation of the lands of the Pima Indians in the vicinity of Sacaton, in the Gila River Indian Reservation, $125,000.

For support and education of 200 Indian pupils at the Indian school at Fort Mojave, and for pay of superintendent, $35,100; for general repairs and improvements, $4,000; in all, $39,100.

For support and education of 700 Indian pupils at the Indian school at Phoenix, Ariz., and for pay of superintendent, $119,400; for general repairs and improvements, $8,000; in all, $127,400.

For support and education of 100 pupils at the Indian school at Truxton Canyon, Ariz., and for pay of superintendent, $18,200; for general repairs and improvements, $3,000; in all, $21,200.

For constructing a bridge across the Little Colorado River on the Navajo Reservation, at or near Tanner's Crossing, Ariz., $90,000.

(17) *For constructing two bridges across the Rio Grande River, one at or near the Isleta Indian pueblo, N. Mex., and the other at or near San Felipe Indian pueblo, N. Mex., $55,000: Provided, That Indian labor shall be employed as far as practicable in the building of said bridges.*

CALIFORNIA.

SEC. 3. For support and civilization of Indians in California, including pay of employees, and for the purchase of small tracts of land situated adjacent to lands heretofore purchased, and for improvements on lands for the use and occupancy of Indians in California, $57,000.

(18) *There is hereby appropriated $20,000 for buildings and equipment in connection with the proposed plant of the Northern California Indian Association to be expended by the said association under such terms and conditions as the Secretary of the Interior may impose, on condition, however, that the Northern California Indians Association shall have raised not less than $100,000 for the erection and support of said institution.*

For support and education of 550 Indian pupils at the Sherman Institute, Riverside, Cal., and for pay of superintendent, $94,350; for new shop building and equipment, $10,000; for general repairs and improvements, $10,000; in all, $114,350.

(19) *That section 25 of the act approved April 21, 1904, entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1905, and for other purposes" (chapter 1402, volume 33, United States Statutes at Large, page 224), be, and the same is hereby, amended as follows: In line 12 strike out the word "five" and insert in lieu thereof the word "ten."*

The sum of $18,000, or so much thereof as may be necessary, is hereby appropriated, from any funds in the Treasury not otherwise appropriated, to meet the costs of the Reclamation Service in the irrigation of the increased allotments, to be reimbursed from any funds received from the sale of the surplus lands of the reservation.

FLORIDA.

SEC. 4. For relief of distress among the Seminole Indians in Florida, and for purposes of their civilization, $10,000.

IDAHO.

SEC. 5. For support and civilization of the Shoshones, Bannocks, Sheepeaters, and other Indians on the Fort Hall Reservation in Idaho, including pay of employees, $36,000.

To complete the work of constructing an irrigating system for the irrigation of lands on the Fort Hall Reservation, Idaho, and lands ceded by the Indians of said reservation, $85,000, including $10,000 for maintenance, to be immediately available.

For fulfilling treaty stipulations with the Bannocks in Idaho: For pay of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith (article 10, treaty of July 3, 1868), $5,000.

For the Coeur d'Alenes, in Idaho: For pay of blacksmith, carpenter, and physician, and purchase of medicines (article 11, agreement ratified March 3, 1891), $3,000.

(20) *That the Secretary of the Interior is hereby authorized to cause allotments to be made of the lands on the Fort Hall Indian Reservation in Idaho in areas as follows: To each head of a family whose consort is dead, 40 acres of irrigable land and 320 acres of grazing land, and to each other Indian belonging on the reservation or having rights thereon, 20 acres of irrigable land and 160 acres of grazing land.*

That the Secretary of the Interior is hereby authorized to set aside and reserve so much of the timber land of the Fort Hall Reservation as he may deem necessary to provide timber for the domestic use of the Indians, not exceeding in aggregate two townships of land; and the said Secretary is hereby authorized to set aside and reserve such lands as may be necessary for agency, school, and religious purposes, not exceeding in aggregate 1,280 acres of land for agency and school purposes and 160 acres for any one religious society, to remain reserved so long as agency, school, or religious institutions are maintained thereon; and the said Secretary is hereby authorized to set aside and reserve

nal fund and the entire fund, including such repayments, shall remain available until June 30, 1917, and all repayments to the fund hereby created which shall be made subsequent to June 30, 1917, shall be covered into the Treasury and shall not be withdrawn or applied except in consequence of a subsequent appropriation made by law: Provided further, That the Secretary of the Interior shall submit to Congress annually on the first Monday in December a detailed report of the use of this fund: Provided still further, That the Secretary of the Interior shall close the account known as the civilization fund created by article 1 of the treaty with the Osage Indians, dated September 29, 1865 (14 Stat. L., p. 687), and cause the balance of any unexpended moneys in that fund to be covered into the Treasury, and thereafter it shall not be withdrawn or applied except in consequence of a subsequent appropriation by law; and that section 11 of the Indian appropriation act for the fiscal year 1898, approved June 7, 1897 (30 Stat. L., p. 93), is hereby repealed.

ARIZONA AND NEW MEXICO.

SEC. 2. For support and civilization of Indians on reservations in Arizona and New Mexico, $330,000.

For continuing the work of constructing an irrigation system for the irrigation of the lands of the Pima Indians in the vicinity of Sacaton, in the Gila River Indian Reservation, $125,000.

For support and education of 200 Indian pupils at the Indian school at Fort Mojave, and for pay of superintendent, $35,100; for general repairs and improvements, $4,000; in all, $39,100.

For support and education of 700 Indian pupils at the Indian school at Phoenix, Ariz., and for pay of superintendent, $119,400; for general repairs and improvements, $8,000; in all, $127,400.

For support and education of 100 pupils at the Indian school at Truxton Canyon, Ariz., and for pay of superintendent, $18,200; for general repairs and improvements, $3,000; in all, $21,200.

For constructing a bridge across the Little Colorado River on the Navajo Reservation, at or near Tanner's Crossing, Ariz., $90,000.

For constructing two bridges across the Rio Grande River, one at or near the Isleta Indian pueblo, N. Mex., and the other at or near San Felipe Indian pueblo, N. Mex., $55,000: Provided, That Indian labor shall be employed as far as practicable in the building of said bridges, and that the limit of cost herein fixed in no event shall be exceeded.

CALIFORNIA.

SEC. 3. For support and civilization of Indians in California, including pay of employees, and for the purchase of small tracts of land situated adjacent to lands heretofore purchased, and for improvements on lands for the use and occupancy of Indians in California, $57,000.

For support and education of 550 Indian pupils at the Sherman Institute, Riverside, Cal., and for pay of superintendent, $94,350; for new shop building and equipment, $10,000; for general repairs and improvements, $10,000; in all, $114,350.

The first proviso in section 25 of the Indian appropriation act approved April 21, 1904 (33 Stat., 224), is hereby amended so that the first sentence in said proviso shall read as follows: "Provided, That there shall be reserved for and allotted to each of the Indians belonging on the said reservations 10 acres of the irrigable lands;" and there is hereby appropriated the sum of $18,000, or so much thereof as may be necessary, to defray the cost of the irrigation of the increased allotments for the fiscal year 1912: Provided, That the entire cost of irrigation of the allotted lands shall be reimbursed to the United States from any funds received from the sale of the surplus lands of the reservations or from any other funds that may become available for such purpose: Provided further, That in the event any allottee shall receive a patent in fee to an allotment of land irrigated under this project, before the United States shall have been wholly reimbursed as herein provided, then the proportionate cost of the project to be apportioned equitably by the Secretary of the Interior, shall become a first lien on such allotment, and the fact of such lien shall be recited on the face of each patent in fee issued and the amount of the lien set forth thereon, which said lien, however, shall not be enforced so long as the original allottee, or his heirs, shall actually occupy the allotment as a homestead, and the receipt of the Secretary of the Interior, or of the officer, agent, or employee duly authorized by him for that purpose, for the payment of the amount assessed against any allotment as herein provided shall, when duly recorded by the recorder of deeds in the county wherein the land is located, operate as a satisfaction of such lien.

FLORIDA.

SEC. 4. For relief of distress among the Seminole Indians in Florida, and for purposes of their civilization, $10,000.

IDAHO.

SEC. 5. For support and civilization of the Shoshones, Bannocks, Sheepeaters, and other Indians on the Fort Hall Reservation in Idaho, including pay of employees, $30,000.

To complete the work of constructing an irrigating system for the irrigation of lands on the Fort Hall Reservation, Idaho, and lands ceded by the Indians of said reservation, $85,000, including $10,000 for maintenance, to be immediately available.

For fulfilling treaty stipulations with the Bannocks in Idaho: For pay of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith (article 10, treaty of July 3, 1868), $5,000.

For the Coeur d'Alenes, in Idaho: For pay of blacksmith, carpenter, and physician, and purchase of medicines (article 11, agreement ratified March 3, 1891), $3,000.

The Secretary of the Interior is hereby authorized to cause allotments to be made of the lands on the Fort Hall Indian Reservation in Idaho in areas as follows: To each head of a family whose consort is dead, 40 acres of irrigable land and 320 acres of grazing land, and to each other Indian belonging on the reservation or having rights thereon, 20 acres of irrigable land and 160 acres of grazing land.

That the Secretary of the Interior is hereby authorized to set aside and reserve so much of the timber land of the Fort Hall Reservation as he may deem necessary to provide timber for the domestic use of the Indians, not exceeding in aggregate two townships of land; and the said Secretary is hereby authorized to set aside and reserve such lands as may be necessary for agency, school, and religious purposes, not exceeding in aggregate 1,280 acres of land for agency and school purposes and 160 acres for any one religious society, to remain reserved so long as agency, school, or religious institutions are maintained thereon; and the said Secretary is hereby authorized to set aside and reserve

certain lands chiefly valuable for the stone quarries situated thereon, not to exceed in aggregate 320 acres of land; and authority is hereby granted the said Secretary to lease said stone quarries under the provisions of section 3 of the act of February 28, 1891, Twenty-sixth United States Statutes at Large, page 795, or, in his discretion, to operate said quarries for the benefit of the Indians of the Fort Hall Reservation and to sell the stone quarried therefrom, the proceeds derived from said quarries to be deposited in the Treasury of the United States to the credit of said Indians and expended for their benefit in such manner as the said Secretary may prescribe.

That the Secretary of the Interior is hereby authorized in his discretion to make allotments as herein provided within the "Fort Hall Bottoms" grazing reserve to those Indians who have occupied and erected valuable improvements on tracts therein.

All acts or parts of acts in conflict herewith are hereby repealed.

KANSAS.

SEC. 6. For support and education of 750 Indian pupils at the Indian school, Haskell Institute, Lawrence, Kans., and for pay of superintendent, $127,750; for general repairs and improvements, $10,000; in all, $137,750.

For support and education of 80 Indian pupils at the Indian school, Kickapoo Reservation, Kans., and for pay of superintendent, $14,860; for general repairs and improvements, $3,000; in all, $17,860.

For fulfilling treaties with the Sacs and Foxes of the Missouri: For support of a school (art. 5, treaty of Mar. 6, 1861), $200.

MICHIGAN.

SEC. 7. For support and education of 300 Indian pupils at the Indian school, Mount Pleasant, Mich., and for pay of superintendent, $51,800; for new lavatories, $4,000; for new dormitory, $15,000; for general repairs and improvements, $5,000; in all, $75,800.

MINNESOTA.

(21) [SEC. 8. For care of buildings, including pay of employees, at the Indian school, Pipestone, Minn., $2,000.]

SEC. 8. *For support and education of 225 Indian pupils at the Indian school, Pipestone, Minn., and for pay of superintendent, $39,175; for general repairs and improvements, $2,500; in all, $41,675.*

For support of a school or schools for the Chippewas of the Mississippi in Minnesota (article 3, treaty of March 19, 1867), $4,000.

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of $165,000, or so much thereof as may be necessary, of the principal sum on deposit to the credit of the Chippewa Indians in the State of Minnesota, arising under section 7 of the act of January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," and to use the same for the purpose of promoting civilization and self-support among the said Indians in manner and for purposes provided for in said act.

(22) *The Secretary of the Interior is hereby authorized to advance to the executive committee of the White Earth band of Chippewa Indians in Minnesota the sum of $1,000, or so much thereof as may be necessary, to be expended in the annual celebration of said band to be held June 14, 1911, out of the funds belonging to said band.*

(23) *That there is hereby granted to the State of Minnesota upon the terms and conditions hereinafter named, the following-described property, known as the Indian school at Pipestone, Minn., and more particularly described as follows, to wit:*

Sections 1 and 2 of township 106 north, range 46 west, and sections 35 and 36 of township 107 north, range 46 west of the fifth principal meridian, containing 648$\frac{4}{10}$ acres more or less:

Provided, That said lands and buildings shall be held and maintained by the State of Minnesota as an agricultural school and that Indian pupils shall at all times be admitted to such school free of charge for tuition and on terms of equality with white pupils:

Provided further, That this grant shall be effective on July 1, 1912, if before that date the State of Minnesota by its legislature shall by bill or joint resolution accept the terms of this grant and in said event the said State of Minnesota shall file with the Secretary of the Interior a certified copy of said act or joint resolution, whereupon this grant shall take effect without further act; and the indorsement of the Secretary of the Interior, upon a certified copy of said act or joint resolution of the Legislature of the State of Minnesota, showing the date of the filing thereof with said Secretary of the Interior and showing said date to be prior to July 1, 1912, shall be competent proof in all courts of record of the filing of such certified copy of such act or joint resolution.

(24) *That the last clause of section 10 of the Indian appropriation act approved April 4, 1910, be amended so as to read as follows:*

"To enable the Secretary of the Interior to construct a bridge on the old Red Lake Agency Road across Clearwater River in township 150, north of range 37, west of the fifth principal meridian, $1,000, to be available until expended."

(25) *That a commission consisting of three members be, and the same is hereby, created, authorized, and empowered to make a complete census roll of all the Chippewa Indians who have received, or are entitled to receive, allotments of land in severalty on the White Earth Indian Reservation in the State of Minnesota.*

Said commission shall consist of the present Chippewa commissioner, a member to be appointed by the Secretary of the Interior, and a member to be chosen and designated in a general council by the White Earth bands of Chippewa Indians, to be held at the village of White Earth, on the White Earth Indian Reservation, in said State, and the proceedings and report of which council shall be certified to the Secretary of the Interior and authenticated by the chairman and secretary of the council.

The commission hereby authorized shall be selected and appointed within 30 days from the passage of this act, and shall forthwith assemble at the village of White Earth aforesaid, and, after organizing, shall proceed to enroll, in alphabetical and convenient order, all persons entitled thereto, showing the name, age, and sex of each, and making the roll in two parts, one of which shall include only persons having Indian blood alone, which persons shall be designated on the rolls as "full-bloods;" the other shall include only persons entitled to enrollment and having other than Indian blood, which persons shall be designated on the rolls as "mixed-bloods."

Said rolls shall be in quadruplicate, one copy to be delivered to a member of the tribe to be designated by the council, one copy to be filed at the White Earth Agency and kept there open to the inspection of any person desiring to examine the same, one copy to be delivered

certain lands chiefly valuable for the stone quarries situated thereon, not to exceed in aggregate 320 acres of land; and authority is hereby granted the said Secretary to lease said stone quarries or, in his discretion, to operate said quarries for the benefit of the Indians of the Fort Hall Reservation and to sell the stone quarried therefrom, the net proceeds derived from said quarries to be deposited in the Treasury of the United States to the credit of said Indians and expended for their benefit in such manner as the said Secretary may prescribe.

That the Secretary of the Interior is hereby authorized in his discretion to make allotments as herein provided within the "Fort Hall Bottoms" grazing reserve to those Indians who have occupied and erected valuable improvements on tracts therein.

That so much of the act of February 23, 1889, entitled "An act to accept and ratify the agreement submitted by the Shoshones, Bannocks, and Sheepeaters, of the Fort Hall and Lemhi Reservations in Idaho, May 14, 1880, and for other purposes," and the provision in section 7 of the Indian appropriation act approved April 4, 1910, as conflict with the provisions herein are hereby repealed.

KANSAS.

SEC. 6. For support and education of 750 Indian pupils at the Indian school, Haskell Institute, Lawrence, Kans., and for pay of superintendent, $127,750; for general repairs and improvements, $10,000; in all, $137,750.

For support and education of 80 Indian pupils at the Indian school, Kickapoo Reservation, Kans., and for pay of superintendent, $14,860; for general repairs and improvements, $3,000; in all, $17,860.

For fulfilling treaties with the Sacs and Foxes of the Missouri: For support of a school (art. 5, treaty of Mar. 6, 1861), $200.

MICHIGAN.

SEC. 7. For support and education of 300 Indian pupils at the Indian school, Mount Pleasant, Mich., and for pay of superintendent, $51,800; for new lavatories, $4,000; for new dormitory, $15,000; for general repairs and improvements, $5,000; in all, $75,800.

MINNESOTA.

[SEC. 8. For care of buildings, including pay of employees, at the Indian school, Pipestone, Minn., $2,000.]

SEC. 8. *For support and education of 225 Indian pupils at the Indian school, Pipestone, Minn., and for pay of superintendent, $39,175; for general repairs and improvements, $2,500; in all, $41,675.*

For support of a school or schools for the Chippewas of the Mississippi in Minnesota (article 3, treaty of March 19, 1867), $4,000.

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of $165,000, or so much thereof as may be necessary, of the principal sum on deposit to the credit of the Chippewa Indians in the State of Minnesota, arising under section 7 of the act of January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," and to use the same for the purpose of promoting civilization and self-support among the said Indians in manner and for purposes provided for in said act.

The Secretary of the Interior is hereby authorized to advance to the executive committee of the White Earth band of Chippewa Indians in Minnesota the sum of $1,000, or so much thereof as may be necessary, to be expended in the annual celebration of said band to be held June 14, 1911, out of the funds belonging to said band.

There is hereby appropriated the sum of $5,000, or so much thereof as may be necessary, to be immediately available, for the purpose of defraying the costs and expenses, including the compensation of counsel, in the proceedings authorized to be brought in the Court of Claims by provisions in section 22 of the Indian appropriation act for the fiscal year 1911, approved April 4, 1910, between the United States and the Yankton Tribe of Indians of South Dakota, to determine the interest, title, ownership, and right of possession of said tribe of Indians in and to certain lands and premises therein described.

That the last clause of section 10 of the Indian appropriation act approved April 4, 1910, be amended so as to read as follows:

"To enable the Secretary of the Interior to construct a bridge on the old Red Lake Agency Road across Clearwater River in township 150, north of range 37, west of the fifth principal meridian, $1,000, to be available until expended."

The Secretary of the Interior is hereby directed to withdraw from the Treasury of the United States the sum of $2,500, or so much thereof as may be necessary of the principal sum on deposit to the credit of the Chippewa Indians in the State of Minnesota, arising under section 7 of the act of January 14, 1889, entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," to pay the actual and necessary expenses of the members of the White Earth Band of Indians sent by a council of said Indians held December 10, 1910, to represent said band in Washington during the third session of the Sixty-first Congress, which expense shall be itemized and verified under oath by Chief Wain-che-mah-dub, of said delegation.

to the Commissioner of Indian Affairs, and one copy to the Secretary of the Interior.

The rolls shall be signed and certified to by the members of the commission and shall be filed, as herein provided, within six months from the date of the appointment of the commissioners by the Secretary of the Interior, and shall be conclusive as to the classes to which said Indians belong, whether "full-bloods" or "mixed-bloods."

Said commission is hereby authorized and empowered to administer oaths and take the necessary testimony for establishing the facts in each case with reference to the class to which any member of said reservation belongs on the rolls.

If any Indian whose name appears as a full-blood on said rolls, has, prior to the making thereof, sold and conveyed his allotment, or any part thereof, to an innocent purchaser, under representation by such Indian that he is a mixed-blood, the Secretary of the Interior may, and he is hereby authorized, with the consent of the allottee, either to confirm such sale, or, if the amount received therefor, in the discretion of the Secretary of the Interior, be deemed inadequate, he may offer for sale, and sell, under such rules and regulations as he may prescribe, such full-blood's allotment, or any part thereof, and, after reimbursing said innocent purchaser for all sums paid to the allottee therein, shall turn over to the allottee the balance so received from the sale: Provided, however, That in all cases where a purchaser has made improvements upon the land at his own expense, such improvements shall be separately appraised by the superintendent in charge of said reservation, by the owner of the improvements, and by the allottee, and said land shall not be sold for less value than said appraisal on both land and improvements.

The allottee or any other person interested in the classification and enrollment under the terms of this act shall be permitted to appear in person or by attorney before said commission and present testimony that he may deem proper.

And to defray the expenses of making such rolls, the sum of $15,000, or so much thereof as may be necessary, is hereby appropriated from the general fund of the Chippewa Indians of Minnesota, now in the Treasury of the United States, to be charged against the Chippewas of White Earth Reservation and be reimbursed to the fund out of their share.

Said commissioners shall be each entitled to compensation at the rate of $10 per day for each and every day actually engaged in the discharge of their duties. They are also hereby authorized to employ an interpreter at $5 per day, and such additional assistance as they may deem proper and necessary, including clerks and stenographers.

MONTANA.

SEC. 9. For support and civilization of the Indians at Fort Belknap Agency, Mont., including pay of employees, $15,000.

For support and civilization of Indians at Flathead Agency, Mont., including pay of employees, $9,000.

For support and civilization of the Indians at Fort Peck Agency, Mont., including pay of employees, $35,000.

For the Milk River irrigation system on the Fort Belknap Reservation, in Montana, $15,000 (26), *the same to be reimbursable.*

For the construction of irrigation systems to irrigate the allotted lands of the Indians of the Flathead Reservation, in Montana, and the unallotted irrigable lands to be disposed of under authority of law, including the necessary surveys, plans, and estimates, (27) [three] *four* hundred thousand dollars.

For continuing construction of first unit of irrigation system to irrigate the allotted lands of the Indians of the Blackfeet Indian Reservation in Montana and the unallotted irrigable lands to be disposed of under authority of law, including the necessary surveys, plans, and estimates, $150,000.

For fulfilling treaties with Crows, Montana: For pay of physician, $1,200, and for pay of carpenter, miller, engineer, farmer, and blacksmith (article 10, treaty of May 7, 1868), $3,600; for pay of second blacksmith (article 8, same treaty), $1,200; in all, $6,000.

For subsistence and civilization (agreement with the Sioux Indians, approved February 28, 1877), including subsistence and civilization of Northern Cheyennes removed from Pine Ridge Agency to Tongue River, Mont., $90,000; for pay of physician, 2 teachers, 2 carpenters, 1 miller, 2 farmers, 1 blacksmith, and engineer (article 7, treaty of May 10, 1868), $9,000; in all, $99,000.

For the employment of "line riders" along the southern and eastern boundaries of the Northern Cheyenne Indian Reservation in the State of Montana, $1,500.

(28) *In the issuance of patents for all tracts of lands bordering upon Flathead Lake, Mont., it shall be incorporated in the patent that "this conveyance is subject to an easement of 100 linear feet back from the meander line constituting the frontage on Flathead Lake, to remain in the Government for purposes connected with the development of water power."*

NEBRASKA.

SEC. 10. For support and education of 300 Indian pupils at the Indian school at Genoa, Nebr., and for pay of superintendent, $52,100; (29) *for repairs to present heating plant, $5,000, to be immediately available; for superintendent's cottage, $5,500;* for two new dormitories, $35,000; for general repairs and improvements, $3,000; in all (30) [ninety thousand one hundred] *one hundred thousand six hundred* dollars.

(31) *To repair the Government bridge in Knox County, Nebr., on the Niobrara, $1,500, to be immediately available.*

NEVADA.

SEC. 11. For support and civilization of the Indians of the Western Shoshone Agency, Nev., including pay of employees, $8,000.

For support and education of 300 Indian pupils at the Indian school at Carson City, Nev., and for pay of superintendent, $50,100; for general repairs and improvements, $6,000; in all, $56,100.

MONTANA.

SEC. 9. For support and civilization of the Indians at Fort Belknap Agency, Mont., including pay of employees, $15,000.

For support and civilization of Indians at Flathead Agency, Mont., including pay of employees, $9,000.

For support and civilization of the Indians at Fort Peck Agency, Mont., including pay of employees, $35,000.

For the Milk River irrigation system on the Fort Belknap Reservation, in Montana, $15,000: *Provided, That the portion of the cost of this project paid from public funds shall be repaid into the Treasury of the United States as and when funds may be available therefor: Provided further, That in the event any allottee shall receive a patent in fee to an allotment of land irrigated under this project, before the United States shall have been wholly reimbursed as herein provided, then the proportionate cost of the project to be apportioned equitably by the Secretary of the Interior, shall become a first lien on such allotment, and the fact of such lien shall be recited on the face of each patent in fee issued and the amount of the lien set forth thereon, which said lien, however, shall not be enforced so long as the original allottee or his heirs shall actually occupy the allotment as a homestead, and the receipt of the Secretary of the Interior, or of the officer, agent, or employee duly authorized by him for that purpose, for the payment of the amount assessed against any allotment as herein provided shall, when duly recorded by the recorder of deeds in the county wherein the land is located, operate as a satisfaction of such lien.*

For the construction of irrigation systems to irrigate the allotted lands of the Indians of the Flathead Reservation, in Montana, and the unallotted irrigable lands to be disposed of under authority of law, including the necessary surveys, plans, and estimates, [three] *four* hundred thousand dollars.

For continuing construction of first unit of irrigation system to irrigate the allotted lands of the Indians of the Blackfeet Indian Reservation in Montana and the unallotted irrigable lands to be disposed of under authority of law, including the necessary surveys, plans, and estimates, $150,000.

For fulfilling treaties with Crows, Montana: For pay of physician, $1,200, and for pay of carpenter, miller, engineer, farmer, and blacksmith (article 10, treaty of May 7, 1868), $3,600; for pay of second blacksmith (article 8, same treaty), $1,200; in all, $6,000.

For subsistence and civilization (agreement with the Sioux Indians, approved February 28, 1877), including subsistence and civilization of Northern Cheyennes removed from Pine Ridge Agency to Tongue River, Mont., $90,000; for pay of physician, 2 teachers, 2 carpenters, 1 miller, 2 farmers, 1 blacksmith, and engineer (article 7, treaty of May 10, 1868), $9,000; in all, $99,000.

For the employment of "line riders" along the southern and eastern boundaries of the Northern Cheyenne Indian Reservation in the State of Montana, $1,500.

In the issuance of patents for all tracts of land bordering upon Flathead Lake, Mont., it shall be incorporated in the patent that "this conveyance is subject to an easement of 100 linear feet back from a contour of elevation 9 feet above the high-water mark of the year 1909 of Flathead Lake, to remain in the Government for purposes connected with the development of water power."

NEBRASKA.

SEC. 10. For support and education of 300 Indian pupils at the Indian school at Genoa, Nebr., and for pay of superintendent, $52,100; *for repairs to present heating plant, $5,000, to be immediately available;* for two new dormitories, $35,000; for general repairs and improvements, $3,000; in all [ninety thousand one hundred] *ninety-five thousand one hundred* dollars.

NEVADA.

SEC. 11. For support and civilization of the Indians of the Western Shoshone Agency, Nev., including pay of employees, $8,000.

For support and education of 300 Indian pupils at the Indian school at Carson City, Nev., and for pay of superintendent, $50,100; for general repairs and improvements, $6,000; in all, $56,100.

For support and civilization of other Indians, in the State of Nevada, $6,500; for pay of employees, including physician, at the Walker River Reservation, $4,000; in all, $10,500.

NEW MEXICO.

SEC. 12. For support and education of 300 Indian pupils at the Indian school at Albuquerque, N. Mex., and for pay of superintendent, $51,900; for general repairs and improvements, $9,000; (32) *for new dormitory for boys, $25,000;* in all, (33) [sixty] *eighty-five* thousand nine hundred dollars.

For support and education of 300 Indian pupils at the Indian school at Santa Fe, N. Mex., and for pay of superintendent, $51,900; for general repairs and improvements, $5,000; for water supply, $1,600; in all, $58,500.

For pay of one special attorney for the Pueblo Indians of New Mexico, $1,500; for necessary traveling and incidental expenses of said attorney, $500; in all, $2,000.

NEW YORK.

SEC. 13. For fulfilling treaties with Senecas of New York: For permanent annuity in lieu of interest on stock (act of February 19, 1831), $6,000.

For fulfilling treaties with Six Nations of New York: For permanent annuity, in clothing and other useful articles (article 6, treaty of November 11, 1794), (34) [three] *four* thousand five hundred dollars.

NORTH CAROLINA.

SEC. 14. For support and education of 180 Indian pupils at the Indian school at Cherokee, N. C., and for pay of superintendent, $26,650; for general repairs and improvements, $2,000; in all, $28,650.

NORTH DAKOTA.

SEC. 15. For support and civilization of the Sioux of Devils Lake, N. Dak., (35) [five thousand] *seven thousand five hundred* dollars.

For support and civilization of Indians at Fort Berthold Agency, in North Dakota, including pay of employees, $15,000.

For support and civilization of Turtle Mountain Band of Chippewas, North Dakota, $13,000.

(36) [For support and education of 325 Indian pupils at the Indian school, Fort Totten, N. Dak., and for pay of superintendent, $55,975; for new hospital, $5,000; for new dairy barn, silo, and equipment, $3,500; for general repairs and improvements, $5,000; in all, $69,475.]

(37) *Fort Totten Indian School.*

(38) *For support and education of 400 Indian pupils at Fort Totten Indian School, Fort Totten, N. Dak., and for pay of superintendent, $68,500.*

(39) *For gymnasium and assembly hall, $8,000.*

(40) *For hospital, $5,000.*

(41) *For residence of superintendent, $4,000.*

(42) *For dairy barn, silo, and equipment, $3,500.*

(43) *For ventilating system, $2,500.*

(44) *For general repairs and improvements, $5,000.*

(45) *In all, $96,500.*

(46) [For support and education of 100 Indian pupils at the Indian school, Wahpeton, N. Dak., and for pay if superintendent, $18,200; for general repairs and improvements, $2,000; in all, $20,200.]

For support and education of 100 Indian pupils at the Indian school, Wahpeton, N. Dak., and pay of superintendent, $18,200; for general repairs and improvements, $2,000; for electric current for lights, power, etc., telephone, and general incidental expenses, $1,000; for ornamental fencing of school grounds and shade trees, $5,000; addition to girls' dormitory, $15,000; addition to boys' dormitory, $15,000; addition to schoolhouse, $10,000; in all, $66,200.

For support and education of 100 Indian pupils at the Indian school, Bismarck, N. Dak., and for pay of superintendent, $18,200; for general repairs and improvements, $2,000; in all, $20,200.

(47) *To enable the superintendent to experiment with agricultural and fruit products in connection with irrigation at said agency, to be expended under the direction of the Commissioner of Indian Affairs, $2,500.*

(48) *Any licensed trader in the Standing Rock Indian Agency of North and South Dakota, who has any claim against any Indian of said agency for goods sold to such Indian may file an itemized statement of said claim with the Indian superintendent. Said superintendent shall forthwith notify said Indian in writing of the filing of said claim and request him to appear within a reasonable time thereafter, to be fixed in said notice, and present any objections he may have to the payment thereof, or any offset or any counterclaim thereto.*

If said Indian appears and contests said claim, or any item therein, the said superintendent shall notify the said trader and fix a time for the settlement of the account between the parties thereto, and shall on a hearing thereof use his efforts to secure an agreement as to the amount due between the said parties. If the said Indian shall not appear within the time specified in the notice, the superintendent shall call in the said trader and carefully investigate every item of said account and determine the amount due thereon. Any account so settled by the superintendent or any such account admitted by the Indian shall be and remain an account stated between the parties thereto.

That out of any moneys that shall thereafter become due to said Indian, by reason of any annuity or other indebtedness, from the Government of the United States, or for property sold by or on account of such Indian, there shall be paid by the superintendent to such trader at least 25 per cent of the money which would be due such Indian and 25 per cent of any money that may thereafter become due to such Indian until the account stated shall have been paid. And where the amount due said Indian shall be sufficient, in the judgment of said superintendent, to pay a greater amount of said indebtedness, still leaving said Indian sufficient for his ordinary needs, such superintendent shall use his influence to secure the payment of the whole or a greater proportion of said account: Provided, That such Indian may at any time appear and contest any item in the said account which he has not proved.

OKLAHOMA.

SEC. 16. For support and civilization of the Wichitas and affiliated bands who have been collected on the reservations set apart for their use and occupation in Oklahoma, $5,000.

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of $25,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Kiowa, Comanche, and Apache Tribes of Indians in Oklahoma, for the support of the agency and pay of employees maintained for their benefit.

(49) *That the Secretary of the Interior is authorized, in his discretion, to use and expend for the benefit and the improvement of the Fort*

For support and civilization of other Indians, in the State of Nevada, $6,500; for pay of employees, including physician, at the Walker River Reservation, $4,000; in all, $10,500.

NEW MEXICO.

SEC. 12. For support and education of 300 Indian pupils at the Indian school at Albuquerque, N. Mex., and for pay of superintendent, $51,900; for general repairs and improvements, $9,000; *for new dormitory for boys, $25,000;* in all [sixty] *eighty-five* thousand nine hundred dollars.

For support and education of 300 Indian pupils at the Indian school at Santa Fe, N. Mex., and for pay of superintendent, $51,900; for general repairs and improvements, $5,000; for water supply, $1,600; in all, $58,500.

For pay of one special attorney for the Pueblo Indians of New Mexico, $1,500; for necessary traveling and incidental expenses of said attorney, $500; in all, $2,000.

NEW YORK.

SEC. 13. For fulfilling treaties with Senecas of New York: For permanent annuity in lieu of interest on stock (act of February 19, 1831), $6,000.

For fulfilling treaties with Six Nations of New York: For permanent annuity, in clothing and other useful articles (article 6, treaty of November 11, 1794), [three] *four* thousand five hundred dollars.

NORTH CAROLINA.

SEC. 14. For support and education of 180 Indian pupils at the Indian school at Cherokee, N. C., and for pay of superintendent, $26,650; for general repairs and improvements, $2,000; in all, $28,650.

NORTH DAKOTA.

SEC. 15. For support and civilization of the Sioux of Devils Lake N. Dak., $5,000.

For support and civilization of Indians at Fort Berthold Agency, in North Dakota, including pay of employees, $15,000.

For support and civilization of Turtle Mountain Band of Chippewas, North Dakota, $13,000.

For support and education of [three] *four* hundred and twenty-five Indian pupils at the Indian school, Fort Totten, N. Dak., and for pay of superintendent, [fifty-five thousand nine hundred and seventy-five] *sixty-eight thousand five hundred* dollars; for new hospital, $5,000; for new dairy barn, silo, and equipment, $3,500; for general repairs and improvements, $5,000; in all, [sixty-nine] *eighty-two* thousand [four hundred and seventy-five] dollars.

For support and education of 100 Indian pupils at the Indian school, Wahpeton, N. Dak., and for pay of superintendent, $18,200; for general repairs and improvements, $2,000; *addition to dormitories, $30,000;* in all, [twenty] *fifty* thousand two hundred dollars.

For support and education of 100 Indian pupils at the Indian school, Bismarck, N. Dak., and for pay of superintendent, $18,200; for general repairs and improvements, $2,000; in all, $20,200.

For the purchase of water and irrigation for the growing of trees, shrubs, and garden truck, $2,500.

(Amendment No. 48 has been disagreed to and is still subject to conference.)

OKLAHOMA.

SEC. 16. For support and civilization of the Wichitas and affiliated bands who have been collected on the reservations set apart for their use and occupation in Oklahoma, $5,000.

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States, at his discretion, the sum of $25,000, or so much thereof as may be necessary, of the funds on deposit to the credit of the Kiowa, Comanche, and Apache Tribes of Indians in Oklahoma, for the support of the agency and pay of employees maintained for their benefit.

Sill Indian School and the Kiowa Indian Agency, in such proportions as he may determine, the proceeds arising from the sale of a certain tract of land sold in pursuance of an act entitled "An act to authorize the Secretary of the Interior to dispose of a fractional tract of land in the Lawton (Okla.) land district at appraised value," approved May 11, 1910, said proceeds amounting to $5,276.60.

(50) *That the Secretary of the Interior, in his discretion, is authorized to sell, upon such terms and under such rules and regulations as he may describe, the following-described tracts of land, to wit: The southeast quarter of section 20, township 6 north, range 15 west of Indian meridian, Oklahoma; the east half of southeast quarter of section 2, township 7 north, range 12 west of Indian Meridian, Oklahoma; the southwest quarter of section 2, township 7 north, range 12 west of Indian meridian, Oklahoma; the southwest quarter of section 5, township 4 north, range 9 west of Indian Meridian, Oklahoma; the southeast quarter of northwest quarter of section 32, township 2 north, range 11 west of Indian meridian, Oklahoma; lots 1 and 2 and south half of southeast quarter of section 17, township 2 north, range 11 west of Indian meridian, Oklahoma; and lots 3 and 4 and south half of southwest quarter of section 17, township 2 north, range 11 west of Indian meridian, Oklahoma; all land in southwest quarter of section 14, township 7 north, range 10 west of Indian meridian, and all land in west half of southeast quarter of section 14, township 7 north, range 10 west of Indian meridian, lying south of the Chicago, Rock Island & Pacific Railway right of way, part of Kiowa Agency Reserve, Okla.: Provided, That the proceeds arising from said sales shall be held by the Secretary of the Interior as a special fund, to be disposed of by future action of the Congress.*

For support and civilization of the Arapahoes and Cheyennes who have been collected on the reservations set apart for their use and occupation in Oklahoma, $35,000.

For support and civilization of the Kansas Indians, Oklahoma, including agricultural assistance and pay of employees, $1,500.

For support and civilization of the Kickapoo Indians in Oklahoma, $2,000.

For support and civilization of the Ponca Indians in Oklahoma, including pay of employees, $8,000.

For support and education of 500 Indian pupils at the Indian school at Chilocco, Okla., and for pay of superintendent, $83,500; for general repairs and improvements, $6,500; in all, $90,000.

For fulfilling treaties with Pawnees, Oklahoma: For perpetual annuity, to be paid in cash to the Pawnees (article 3, agreement of November 23, 1892), $30,000; for support of two manual-labor schools (article 3, treaty of September 24, 1857), $10,000; for pay of one farmer, two blacksmiths, one miller, one engineer and apprentices, and two teachers (article 4, same treaty), $5,400; for purchase of iron and steel and other necessaries for the shops (article 4, same treaty), $500; for pay of physician and purchase of medicines, $1,200; in all, $47,100.

For support of Quapaws, Oklahoma: For education (article 3, treaty of May 13, 1833), $1,000; for blacksmith and assistants, and tools, iron and steel for blacksmith shop (same article and treaty), $500; in all, $1,500: *Provided*, That the President of the United States shall certify the same to be for the best interests of the Indians.

Five Civilized Tribes.

(51) [SEC. 17. For expense of administration of the affairs of the Five Civilized Tribes, Oklahoma, including the salary of superintendent at not to exceed $4,500 per annum, and the compensation of all employees, $175,000.]

SEC. 17. For expense of administration of the affairs of the Five Civilized Tribes, Oklahoma, including the salary of superintendent at not to exceed $4,500 per annum, and the compensation of all employees, $205,000, thirty thousand of which shall be immediately available: Provided, That the Secretary of the Interior is directed to so disburse this appropriation that the final distribution of the lands and the proceeds thereof, together with the funds of the Five Civilized Tribes, shall be definitely completed on or before July 1, 1912, in pursuance of the agreements made with said tribes, and he is hereby expressly authorized to take all necessary steps to carry out the provisions of such agreements and make effective the requirements of this act: Provided further, That nothing herein contained shall apply to the reserved coal and asphalt lands of the Chickasaw and Choctaw Tribes of Indians.

(52) *That the Secretary of the Interior be, and he is hereby, authorized to designate an employee or employees of the Department of the Interior to sign, under the direction of the Secretary, in his name and for him, his approval of tribal deeds to allottees, to purchasers of town lots, to purchasers of unallotted lands, to persons, corporations, or organizations for lands reserved to them under the law for their use and benefit, and to any tribal deeds made and executed according to law for any of the Five Civilized Tribes of Indians in Oklahoma.*

For salaries and expenses of district agents for the Five Civilized Tribes in Oklahoma and other employees connected with the work of such agents, $100,000.

(53) *For support of the tribal schools of Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations, as provided for by section 10 of the act of April 26, 1906, $75,000, or so much thereof as may be necessary.*

(54) *For the benefit and use of the Old Goodland Indian Orphan Industrial School, known also as the Presbyterian Missionary School, $5,000 from the fund belonging to the Choctaw Nation.*

For fulfilling treaties with Choctaws, Oklahoma: For permanent annuity (article 2, treaty of November 16, 1805, and article 13, treaty of June 22, 1855), $3,000; for permanent annuity for support of light horsemen (article 13, treaty of October 18, 1820, and article 13, treaty of June 22, 1855), $600; for permanent annuity for support of blacksmith (article 6, treaty of October 18, 1820, and article 9, treaty of January 20, 1825, and article 13, treaty of June 22, 1855), $600; for permanent annuity for education (article 2, treaty of January 20, 1825, and article 13, treaty of June 22, 1855), $6,000; for permanent annuity for iron and steel (article 9, treaty of January 20, 1825, and article 13, treaty of June 22, 1855), $320; in all, $10,520.

(55) *That tribal contracts which are necessary to the administration of the affairs of the Choctaw and Chickasaw Tribes of Indians by the Government of the United States may be made with the approval of the Secretary of the Interior: Provided, That contracts for professional legal services of attorneys may be made by the tribes for a stipulated amount and period, in no case exceeding one year in duration and $5,000 per annum in amount, with reasonable and necessary expenses to be approved and paid under the direction of the Secretary of the Interior, but such contracts for legal services shall not be of any validity until approved by the President of the United States.*

(56) *Funds arising from the sales of unallotted lands and other tribal property belonging to the Choctaw, Chickasaw, Cherokee, Creek, and Seminole Tribes of Indians may, in the discretion of the Secretary of*

That the Secretary of the Interior, in his discretion, is authorized to sell, upon such terms and under such rules and regulations as he may prescribe, the unused, unallotted, and unreserved lands of the United States in the Kiowa, Comanche, and Apache Reservations.

For support and civilization of the Arapahoes and Cheyennes who have been collected on the reservations set apart for their use and occupation in Oklahoma, $35,000.

For support and civilization of the Kansas Indians, Oklahoma, including agricultural assistance and pay of employees, $1,500.

For support and civilization of the Kickapoo Indians in Oklahoma, $2,000.

For support and civilization of the Ponca Indians in Oklahoma, including pay of employees, $8,000.

For support and education of 500 Indian pupils at the Indian school at Chilocco, Okla., and for pay of superintendent, $83,500; for general repairs and improvements, $6,500; in all, $90,000.

For fulfilling treaties with Pawnees, Oklahoma: For perpetual annuity, to be paid in cash to the Pawnees (article 3, agreement of November 23, 1892), $30,000; for support of two manual-labor schools (article 3, treaty of September 24, 1857), $10,000; for pay of one farmer, two blacksmiths, one miller, one engineer and apprentices, and two teachers (article 4, same treaty), $5,400; for purchase of iron and steel and other necessaries for the shops (article 4, same treaty), $500; for pay of physician and purchase of medicines, $1,200; in all, $47,100.

For support of Quapaws, Oklahoma: For education (article 3, treaty of May 13, 1833), $1,000; for blacksmith and assistants, and tools, iron and steel for blacksmith shop (same article and treaty), $500; in all, $1,500: *Provided*, That the President of the United States shall certify the same to be for the best interests of the Indians.

Five Civilized Tribes.

SEC. 17. For expense of administration of the affairs of the Five Civilized Tribes, Oklahoma, including the salary of superintendent at not to exceed $4,500 per annum, and the compensation of all employees, $175,000.

That the Secretary of the Interior be, and he is hereby, authorized to designate an employee or employees of the Department of the Interior to sign, under the direction of the Secretary, in his name and for him, his approval of tribal deeds to allottees, to purchasers of town lots, to purchasers of unallotted lands, to persons, corporations, or organizations for lands reserved to them under the law for their use and benefit, and to any tribal deeds made and executed according to law for any of the Five Civilized Tribes of Indians in Oklahoma.

For salaries and expenses of district agents for the Five Civilized Tribes in Oklahoma and other employees connected with the work of such agents, $100,000.

For fulfilling treaties with Choctaws, Oklahoma: For permanent annuity (article 2, treaty of November 16, 1805, and article 13, treaty of June 22, 1855), $3,000; for permanent annuity for support of light horsemen (article 13, treaty of October 18, 1820, and article 13, treaty of June 22, 1855), $600; for permanent annuity for support of blacksmith (article 6, treaty of October 18, 1820, and article 9, treaty of January 20, 1825, and article 13, treaty of June 22, 1855), $600; for permanent annuity for education (article 2, treaty of January 20, 1825, and article 13, treaty of June 22, 1855), $6,000; for permanent annuity for iron and steel (article 9, treaty of January 20, 1825, and article 13, treaty of June 22, 1855), $320; in all, $10,520.

That tribal contracts which are necessary to the administration of the affairs of the Choctaw and Chickasaw Tribes of Indians may be made by the Secretary of the Interior: Provided, That contracts for professional legal services of attorneys may be made by the tribes for a stipulated amount and period, in no case exceeding one year in duration and $5,000 per annum in amount, with reasonable and necessary expenses to be approved and paid under the direction of the Secretary of the Interior, but such contracts for legal services shall not be of any validity until approved by the President.

The net receipts from the sales of surplus and unallotted lands and other tribal property belonging to any of the Five Civilized Tribes, after deducting the necessary expense of advertising and sale, may be

the Interior, be deposited in national or State banks in the State of Oklahoma to be designated by him under such rules and regulations governing the rate of interest thereon, the time of deposit and withdrawal thereof, and the security therefor, as he may prescribe. The interest accruing on such funds shall be used toward defraying the costs of sale of such lands and toward the expense of the per capita payments on the distribution of such funds.

(57) That the Secretary of the Treasury be, and he is hereby, authorized and directed to remit the claim of the United States against J. Blair Shoenfelt, late United States Indian agent, Union Agency, Okla., growing out of the embezzlement of moneys by Lyman K. Lane, formerly financial clerk and cashier at said agency, for which said Shoenfelt is accountable; and the Secretary of the Treasury is further authorized and directed to pay to J. Blair Shoenfelt the sum of $3,578.63, being the amount he has paid to the United States on account of said defalcation, and to place to the credit of the proper Indian funds the sum of $3,702.74, embezzled therefrom by said Lane.

(58) That the Secretary of the Treasury is authorized and directed to pay to the heirs of John W. West, deceased, or their legal representative, out of any money in the Treasury of the United States standing to the credit of the Cherokee Nation of Indians, the sum of $5,000, in full payment for the property of said John W. West taken by the Cherokee National Council October 30, 1843; said $5,000 being the amount found due the heirs of the said John W. West by the commission appointed under the provisions of the seventh article of the treaty of August 6, 1846, and affirmed by the Secretary of the Interior September 16, 1884.

OREGON.

SEC. 18. For support and civilization of the Klamath, Modocs, and other Indians of the Klamath Agency, Oreg., including pay of employees, $6,000.

For support and civilization of the confederated tribes and bands under Warm Springs Agency, and for pay of employees, $4,000.

For support and civilization of the Wallawalla, Cayuse, and Umatilla tribes, Oregon, including pay of employees, $3,000.

For support and education of 600 Indian pupils, including native pupils brought from Alaska, at the Indian school, Salem, Oreg., and for pay of superintendent, $102,200; for general repairs and improvements, $10,000; (59) *for extension of wing of present brick school building, $15,000;* in all, one hundred (60) [twelve] *twenty-seven* thousand two hundred dollars.

For support and civilization of Indians of Grande Ronde and Siletz agencies, Oreg., including pay of employees, $4,000.

(61) *For beginning the construction of the Modoc Point irrigation project, $50,000; reimbursable, and to be repaid into the Treasury of the United States from funds derived from the sale of timber on the Klamath Indian Reservation, Oreg.: Provided, That the total cost of this project shall not exceed $185,737.15.*

PENNSYLVANIA.

SEC. 19. For support and education of Indian pupils at the Indian school at Carlisle, Pa., (62) *for transportation of pupils to and from said school,* and for pay of superintendent, one hundred (63) [forty-two] *sixty-four* thousand dollars; for general repairs and improvements, $5,000; in all, one hundred (64) [forty-seven] *sixty-nine* thousand dollars.

SOUTH DAKOTA.

SEC. 20. For support and education of 375 Indian pupils at the Indian school at Flandreau, S. Dak., and for pay of superintendent, $64,425; for general repairs and improvements, $5,000; in all, $69,425.

For support and education of 175 Indian pupils at the Indian school at Pierre, S. Dak., and for pay of superintendent, $32,000; to complete irrigation plant, $17,000; to complete new building, $10,000; for general repairs and improvements, $5,000; in all, sixty-four thousand (65) [five hundred and fifty] dollars.

(66) *For support and education of 175 Indian pupils at the Indian school at Pierre, S. Dak., and for pay of superintendent, $35,000, of which $3,000 shall be immediately available; to complete irrigation plant, $17,000; to complete new building, $10,000; for general repairs and improvement, $5,000; in all, $67,000.*

For support and education of (67) [two hundred and fifty] *three hundred* Indian pupils at the Indian school, Rapid City, S. Dak., and for pay of superintendent, (68) [forty-three thousand three hundred and fifty dollars] *fifty-one thousand nine hundred dollars, $2,000 of which shall be immediately available;* for new dormitory for girls, $20,000; for installation of a central heating plant, $10,000; for general repairs and improvements, $8,000; in all, (69) [eighty-one thousand three hundred and fifty] *eighty-nine thousand nine hundred* dollars.

For support of Sioux of different tribes, including Santee Sioux of Nebraska, North Dakota, and South Dakota: For pay of 5 teachers, 1 physician, 1 carpenter, 1 miller, 1 engineer, 2 farmers, and 1 blacksmith (article 13, treaty of April 29, 1868), $10,400; for pay of second blacksmith, and furnishing iron, steel, and other material (article 8 of same treaty), $1,600; for pay of additional employees at the several agencies for the Sioux in Nebraska, North Dakota, and South Dakota, $88,000; for subsistence of the Sioux, and for purposes of their civilization (act of February 28, 1877), $350,000: *Provided*, That this sum shall include transportation of supplies from the termination of railroad or steamboat transportation, and in this service Indians shall be employed whenever practicable; and additional to the appropriation of $350,000 herein made for the purposes of civilization, and supplemental thereto, there is hereby appropriated the sum of $150,000, to be paid from tribal funds held in trust for the Indians on the Cheyenne River and Standing Rock Reservations, in South Dakota and North Dakota, to be expended for their benefit, as provided for in section 6 of the act of May 29, 1908; in all, $600,000.

For support and maintenance of day and industrial schools among the Sioux Indians in South Dakota, including the erection and repairs of school buildings, $200,000, to be expended under the agreement with said Indians in section 17 of the act of March 2, 1889, which agreement is hereby extended to and including June 30, 1912.

For subsistence and civilization of the Yankton Sioux, South Dakota, $15,000.

For the equipment and maintenance of the asylum for insane Indians at Canton, S. Dak., for incidental and all other expenses necessary for its proper conduct and management, including pay of employees.

deposited in national or State banks in the State of Oklahoma, in the discretion of the Secretary of the Interior, such depositories to be designated by him under such rules and regulations governing the rate of interest thereon, the time of deposit and withdrawal thereof, and the security therefor, as he may prescribe. The interest accruing on such funds may be used to defray the expense of the per capita payments of such funds.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to remit the claim of the United States against J. Blair Schoenfelt, late United States Indian agent, Union Agency, Okla., and the Secretary of the Treasury is further authorized and directed to pay to J. Blair Schoenfelt the sum of $3,578.63, being the amount he has paid to the United States, and the Secretary of the Treasury is further authorized and directed to place to the credit of the proper Indian funds the sum of $3,702.74; and the Senate agree to the same.

OREGON.

SEC. 18. For support and civilization of the Klamath, Modocs, and other Indians of the Klamath Agency, Oreg., including pay of employees, $6,000.

For support and civilization of the confederated tribes and bands under Warm Springs Agency, and for pay of employees, $4,000.

For support and civilization of the Wallawalla, Cayuse, and Umatilla tribes, Oregon, including pay of employees, $3,000.

For support and education of 600 Indian pupils, including native pupils brought from Alaska, at the Indian school, Salem, Oreg., and for pay of superintendent, $102,200; for general repairs and improvements, $10,000; *for extension of wing of present brick school building, $15,000;* in all, one hundred [twelve] *twenty-seven* thousand two hundred dollars.

For support and civilization of Indians of Grande Ronde and Siletz agencies, Oreg., including pay of employees, $4,000.

For continuing the construction of the Modoc Point irrigation project, including drainage and canal systems, within the Klamath Indian Reservation, in the State of Oregon, in accordance with the plans and specifications submitted by the chief engineer in the Indian Service and approved by the Commissioner of Indian Affairs and the Secretary of the Interior in conformity with a provision in section 1 of the Indian appropriation act for the fiscal year 1911, $50,000: Provided, That the total cost of this project shall not exceed $155,000, including the sum of $35,141.89 expended on this project to June 30, 1910, and that the entire cost of the project shall be repaid into the Treasury of the United States from the proceeds from the sale of timber or lands on the Klamath Indian Reservation.

PENNSYLVANIA.

SEC. 19. For support and education of Indian pupils at the Indian school at Carlisle, Pa., and for pay of superintendent, $142,000; for general repairs and improvements, $5,000; in all, $147,000.

SOUTH DAKOTA.

SEC. 20. For support and education of 375 Indian pupils at the Indian school at Flandreau, S. Dak., and for pay of superintendent, $64,425; for general repairs and improvements, $5,000; in all, $69,425.

For support and education of 175 Indian pupils at the Indian school at Pierre, S. Dak., and for pay of superintendent, $32,000; to complete irrigation plant, $17,000; to complete new building, $10,000; for general repairs and improvements, $5,000; in all, sixty-four thousand [five hundred and fifty] dollars.

For support and education of Indian pupils at the Indian school at Pierre, S. Dak., and for general repairs and improvements, to be immediately available, $6,000.

For support and education of [two hundred and fifty] *three hundred* Indian pupils at the Indian school, Rapid City, S. Dak., and for pay of superintendent, [forty-three thousand three hundred and fifty dollars] *fifty-one thousand nine hundred dollars, $2,000 of which shall be immediately available;* for new dormitory for girls, $20,000; for installation of a central heating plant, $10,000; for general repairs and improvements, $8,000; in all, [eighty-one thousand three hundred and fifty] *eighty-nine thousand nine hundred* dollars.

For support of Sioux of different tribes, including Santee Sioux of Nebraska, North Dakota, and South Dakota: For pay of 5 teachers, 1 physician, 1 carpenter, 1 miller, 1 engineer, 2 farmers, and 1 blacksmith (article 13, treaty of April 29, 1868), $10,400; for pay of second blacksmith, and furnishing iron, steel, and other material (article 8 of same treaty), $1,600; for pay of additional employees at the several agencies for the Sioux in Nebraska, North Dakota, and South Dakota, $88,000; for subsistence of the Sioux, and for purposes of their civilization (act of February 28, 1877), $350,000: *Provided*, That this sum shall include transportation of supplies from the termination of railroad or steamboat transportation, and in this service Indians shall be employed whenever practicable; and additional to the appropriation of $350,000 herein made for the purposes of civilization, and supplemental thereto, there is hereby appropriated the sum of $150,000, to be paid from tribal funds held in trust for the Indians on the Cheyenne River and Standing Rock Reservations, in South Dakota and North Dakota, to be expended for their benefit, as provided for in section 6 of the act of May 29, 1908; in all, $600,000.

For support and maintenance of day and industrial schools among the Sioux Indians in South Dakota, including the erection and repairs of school buildings, $200,000, to be expended under the agreement with said Indians in section 17 of the act of March 2, 1889, which agreement is hereby extended to and including June 30, 1912.

For subsistence and civilization of the Yankton Sioux, South Dakota, $15,000.

For the equipment and maintenance of the asylum for insane Indians at Canton, S. Dak., for incidental and all other expenses necessary for its proper conduct and management, including pay of employees,

and for necessary expense of transporting insane Indians to and from said asylum, $30,000.

(70) *That section 8 of an act entitled "An act to authorize the sale and disposition of the surplus and unallotted lands in Bennett County, in the Pine Ridge Indian Reservation, in the State of South Dakota, and making appropriation to carry the same into effect," approved May 27, 1910, is hereby amended so as to read as follows:*

"SEC. 8. That sections 16 and 36 of the land in each township within the tract described in section 1 of this act shall not be subject to entry, but shall be reserved for the use of the common schools and paid for by the United States at $2.50 per acre, and the same are hereby granted to the State of South Dakota for such purpose, and in case any of said sections, or parts thereof, are lost to said State by reason of allotments thereof to any Indian or Indians, or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized, within the area described in section 1 of this act or within the said Pine Ridge Indian Reservation, to locate other lands not otherwise appropriated, not exceeding 2 sections in any one township, which shall be paid for by the United States as herein provided, in quantity equal to the loss, and such selections shall be made prior to the opening of such lands to settlement."

(71) *That section 8 of an act entitled "An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in Mellette and Washabaugh Counties in the Rosebud Indian Reservation in the State of South Dakota, and making appropriation and provision to carry the same into effect," approved May 30, 1910, is hereby amended so as to read as follows:*

"SEC. 8. That sections 16 and 36 of the land in each township within the tract described in section 1 of this act shall not be subject to entry, but shall be reserved for the use of the common schools and paid for by the United States at $2.50 per acre, and the same are hereby granted to the State of South Dakota for such purpose, and in case any of said sections or parts thereof are lost to said State by reason of allotments thereof to any Indian or Indians, or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized, within the area described in section 1 of this act or within the said Rosebud Indian Reservation, to locate other lands not otherwise appropriated, not exceeding 2 sections in any one township, which shall be paid for by the United States as herein provided, in quantity equal to the loss, and such selections shall be made prior to the opening of such lands to settlement."

(72) *That the time in which the commission appointed to inspect, classify, and appraise the unallotted lands in the counties of Mellette and Washabaugh, in the Rosebud Indian Reservation in the State of South Dakota, under an act entitled "An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in Mellette and Washabaugh Counties in the Rosebud Indian Reservation in the State of South Dakota, and making appropriation and provision to carry the same into effect," approved May 30, 1910, be, and the same is hereby, extended to the 1st day of June, 1911, to complete and return the same.*

UTAH.

SEC. 21. For pay of Indian agent at the Uintah and Ouray Agency (consolidated), Utah, $1,800.

For support of Confederated Bands of Utes in Utah: For pay of 2 carpenters, 2 millers, 2 farmers, and 2 blacksmiths (article 15, treaty of March 2, 1868), $6,720; for pay of 2 teachers (same article and treaty), $1,800; for purchase of iron and steel and the necessary tools for blacksmith shop (article 9, same treaty), $220; for annual amount for the purchase of beef, mutton, wheat, flour, beans, and potatoes, or other necessary articles of food (article 12, same treaty), $30,000; for pay of employees at the several Ute agencies, $15,000; in all, $53,740.

(73) *For the maintenance, purchase of seed, farm implements, and stock for the Indians of Skull Valley, Deep Creek, and other detached Indians in Utah, $10,000, or so much thereof as may be necessary, to be immediately available and expended under the direction of the Secretary of the Interior.*

(74) *For continuing the construction of lateral distributing systems and the maintenance of existing irrigation systems to irrigate the allotted lands of the Uncompahgre, Uintah, and White River Utes, in Utah, authorized under the act of June 21, 1906, to be expended under the terms thereof and reimbursable as therein provided, $75,000.*

(75) *There is hereby granted to the State of Utah upon the terms and conditions hereinafter named the following-described property, known as the Indian school, lot 5, block 50, Randlett town site, former Uintah Indian Reservation, including the land, buildings, and fixtures pertaining to said school: Provided, That said land and buildings shall be held and maintained by the State of Utah as an institution of learning, and that Indian pupils may at all times be admitted to such school free of charge for tuition and on terms of equality with white pupils: Provided further, That this grant shall be effective at any time before July 1, 1911, if before that date the governor of Utah files an acceptance thereof with the Secretary of the Interior accepting for said State said property, upon the terms and conditions herein prescribed.*

(76) *That the Commissioner of the General Land Office be, and he is hereby, authorized and directed to cause patents to issue to all persons who have heretofore made settlement in good faith and for their own use and benefit on the unallotted agricultural lands in the Uintah Indian Reservation under the act of Congress approved May 27, 1902, and acts supplementary thereto, and who also have undertaken to maintain continuous residence thereon for one year, but have been prevented through lack of water, upon the payment of $1.25 per acre for said lands.*

(77) *To enable the Secretary of the Interior to construct a bridge each across the Duchesne River and the Strawberry River at or near Theodore, Utah, $25,000 in all, or so much thereof as may be necessary.*

VIRGINIA.

SEC. 22. For support and education of 120 Indian pupils at the school at Hampton, Va., $20,040.

WASHINGTON.

SEC. 23. For support and civilization of the D'Wamish and other allied tribes in Washington, including pay of employees, $7,000.

For support and civilization of the Makahs, Washington, including pay of employees, $2,000.

For support and civilization of the Qui-nai-elts and Quil-leh-utes, including pay of employees, $1,000.

and for necessary expense of transporting insane Indians to and from said asylum, $30,000.

That section 8 of an act entitled "An act to authorize the sale and disposition of the surplus and unallotted lands in Bennett County, in the Pine Ridge Indian Reservation, in the State of South Dakota, and making appropriation to carry the same into effect," approved May 27, 1910, is hereby amended so as to read as follows:

"SEC. 8. That sections 16 and 36 of the land in each township within the tract described in section 1 of this act shall not be subject to entry, but shall be reserved for the use of the common schools and paid for by the United States at $2.50 per acre, and the same are hereby granted to the State of South Dakota for such purpose, and in case any of said sections, or parts thereof, are lost to said State by reason of allotments thereof to any Indian or Indians, or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized, within the area described in section 1 of this act or within the said Pine Ridge Indian Reservation, to locate other lands not otherwise appropriated, not exceeding 2 sections in any one township, which shall be paid for by the United States as herein provided, in quantity equal to the loss, and such selections shall be made prior to the opening of such lands to settlement."

That section 8 of an act entitled "An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in Mellette and Washabaugh Counties in the Rosebud Indian Reservation in the State of South Dakota, and making appropriation and provision to carry the same into effect," approved May 30, 1910, is hereby amended so as to read as follows:

"SEC. 8. That sections 16 and 36 of the land in each township within the tract described in section 1 of this act shall not be subject to entry, but shall be reserved for the use of the common schools and paid for by the United States at $2.50 per acre, and the same are hereby granted to the State of South Dakota for such purpose, and in case any of said sections or parts thereof are lost to said State by reason of allotments thereof to any Indian or Indians, or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized, within the area described in section 1 of this act or within the said Rosebud Indian Reservation, to locate other lands not otherwise appropriated, not exceeding 2 sections in any one township, which shall be paid for by the United States as herein provided, in quantity equal to the loss, and such selections shall be made prior to the opening of such lands to settlement."

That the time in which the commission appointed to inspect, classify, and appraise the unallotted lands in the counties of Mellette and Washabaugh, in the Rosebud Indian Reservation in the State of South Dakota, under an act entitled "An act to authorize the sale and disposition of a portion of the surplus and unallotted lands in Mellette and Washabaugh Counties in the Rosebud Indian Reservation in the State of South Dakota, and making appropriation and provision to carry the same into effect," approved May 30, 1910, be, and the same is hereby, extended to the 1st day of June, 1911, to complete and return the same.

UTAH.

SEC. 21. For pay of Indian agent at the Uintah and Ouray Agency (consolidated), Utah, $1,800.

For support of Confederated Bands of Utes in Utah: For pay of 2 carpenters, 2 millers, 2 farmers, and 2 blacksmiths (article 15, treaty of March 2, 1868), $6,720; for pay of 2 teachers (same article and treaty), $1,800; for purchase of iron and steel and the necessary tools for blacksmith shop (article 9, same treaty), $220; for annual amount for the purchase of beef, mutton, wheat, flour, beans, and potatoes, or other necessary articles of food (article 12, same treaty), $30,000; for pay of employees at the several Ute agencies, $15,000; in all, $53,740.

For the relief of distress among the Indians of Skull Valley and Deep Creek, and other detached Indians in Utah, and for purposes of their civilization, $10,000, or so much thereof as may be necessary, to be immediately available, and the Secretary of the Interior shall report to Congress, at its next session, the condition of the Indians herein appropriated for and the manner in which this appropriation shall have been expended.

For continuing the construction of irrigation systems to irrigate the allotted lands of the Uncompahgre, Uintah, and White River Utes, in Utah, authorized under the act of June 21, 1906, to be expended under the terms thereof and reimbursable as therein provided, $75,000.

There is hereby granted to the State of Utah upon the terms and conditions hereinafter named the following-described property, known as the Indian school, lot 5, block 50, Randlett town site, former Uintah Indian Reservation, including the land, buildings, and fixtures pertaining to said school: Provided, That said land and buildings shall be held and maintained by the State of Utah as an institution of learning, and that Indian pupils may at all times be admitted to such school free of charge for tuition and on terms of equality with white pupils: Provided further, That this grant shall be effective at any time before July 1, 1911, if before that date the governor of Utah files an acceptance thereof with the Secretary of the Interior accepting for said State said property, upon the terms and conditions herein prescribed.

(Amendment No. 76 has been disagreed to and is still subject to conference.)

To enable the Secretary of the Interior to construct a bridge across the Duchesne River at or near Theodore, Utah, $15,000, or so much thereof as may be necessary, to be reimbursed to the United States out of the proceeds of the sale of lands within the ceded Uintah Indian Reservation open to entry under the act of May 27, 1902, including the sales of lots within the said town site of Theodore.

VIRGINIA.

SEC. 22. For support and education of 120 Indian pupils at the school at Hampton, Va., $20,040.

WASHINGTON.

SEC. 23. For support and civilization of the D'Wamish and other allied tribes in Washington, including pay of employees, $7,000.

For support and civilization of the Makahs, Washington, including pay of employees, $2,000.

For support and civilization of the Qui-nai-elts and Quil-leh-utes, including pay of employees, $1,000.

For support and civilization of Yakimas and other Indians at said agency, including pay of employees, $3,000.

For support and civilization of Indians at Colville and Puyallup agencies, Washington, and for pay of employees, $12,000.

For support of Spokanes in Washington (article 6 of agreement with said Indians, dated March 18, 1887, ratified by act of July 13, 1892), $1,000.

(78) *For support and education of Indian pupils, including native pupils brought from Alaska, at the Cushman Indian School, at Tacoma, Wash., and for the pay of superintendent, $70,000.*

(79) *For construction of brick pavement, concrete curbing, and sidewalks on South Twenty-eighth Street in front of the Cushman School grounds at Tacoma, Wash., and in front of tract No. 22, also belonging to the school, $40,000.*

For purchase of agricultural implements, and support and civilization of Joseph's Band of Nez Perce Indians in Washington, $1,000.

For extension and maintenance of the irrigation system on lands allotted to Yakima Indians in Washington, $15,000 (80): *Provided, That the amount hereby appropriated, and all moneys heretofore or hereafter to be appropriated, for this project shall be repaid into the Treasury of the United States in accordance with the provisions of the act of March 1, 1907.*

(81) *For the construction and improvement of wagon roads on the Yakima Indian Reservation, $100,000, to be reimbursable out of the proceeds from sales of surplus lands of said reservation.*

For the fifth and last installment to the Indians on the Colville Reservation, Wash., for the cession of land opened to settlement by the act of July 1, 1892, "To provide for the opening of a part of the Colville Reservation in the State of Washington, and for other purposes," being a part of the full sum set aside and held in the Treasury of the United States in payment for said land under the terms of the Act of June 21, 1906, ratifying the agreement ceding said land to the United States under date of May 9, 1891, (82) [three] *two* hundred thousand dollars, to be expended for the benefit of said Indians in accordance with the provisions of the said act setting aside in the Treasury the money in payment for the land ceded.

(83) *The Secretary of the Interior is authorized to sell and convey the lands, buildings, and other appurtenances of the old Fort Spokane Military Reservation, now used for Indian school purposes, and adjoining the Colville Reservation, in the State of Washington, containing approximately 640 acres, and to use the proceeds thereof in the establishment and maintenance of such new schools and administration of affairs as may be required by the Colville and Spokane Indians in said State: Provided, That the Secretary of the Interior is authorized in his discretion to reserve from sale or other disposition any part of said reservation chiefly valuable for power sites and reservoir sites and land valuable for minerals: Provided further, That in the case of land reserved on account of minerals, the Secretary of the Interior may sell the surface under such regulations as he may prescribe: Provided further, That, in the discretion of the Secretary of the Interior, the surface of the lands may be sold separate from any minerals that may be found thereunder.*

The Secretary of the Interior shall report to Congress at its next session his action in the premises.

(84) *For improvements and general repairs to the Cushman Indian School, at Tacoma, Wash., to be immediately available and to be reimbursable from the "Puyallup ¼ per cent school fund," in amounts payable each year equal to one-tenth of the principal of said "Puyallup ¼ per cent school fund," $75,000.*

WISCONSIN.

(85) [SEC. 24. For care of buildings, including pay of employees, at the Indian school at Hawyard, Wis., $2,000.]

SEC. 24. For the support and education of 210 Indian pupils at the Indian school at Hayward, Wis., and pay of superintendent, $36,670; for general repairs and improvements, $2,000; in all, $38,670.

For support and education of 250 Indian pupils at the Indian school, Tomah, Wis., and for pay of superintendent, $43,450; (86) *for heating plant and ventilating system, $3,500;* for general repairs and improvements, $3,000; in all, (87) [forty-six thousand four hundred and fifty] *forty-nine thousand nine hundred and fifty* dollars.

For support and civilization of the Chippewas of Lake Superior, Wis., $7,000.

The appropriation of $25,000 "for support, education, and civilization of the Pottowatomie Indians who reside in the State of Wisconsin and to investigate their condition," made in the Indian appropriation act for the fiscal year 1911, shall remain available until expended.

WYOMING.

SEC. 25. For support and civilization of Shoshone Indians in Wyoming, $12,000.

For support and education of 175 Indian pupils at the Indian school, Shoshone Reservation, Wyo., and for pay of superintendent, $31,025; for general repairs and improvements, $3,000; in all, $34,025.

For continuing the work of constructing an irrigation system within the diminished Shoshone or Wind River Reservation, in Wyoming, $50,000.

For support of Shoshones in Wyoming: For pay of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith (article 10, treaty of July 3, 1868), $5,000; for pay of second blacksmith, and such iron and steel and other materials as may be required, as per article 8, same treaty, $1,000; in all, $6,000.

(88) [SEC. 26. The agreement concluded January 4, 1909, with the Oneida Tribe of Indians of Wisconsin, as evidenced by the original papers on file in the Office of Indian Affairs and the copies thereof transmitted to Congress by the President and contained in Senate Document No. 358, Sixty-first Congress, second session, for the commutation of their perpetual annuities under treaty stipulations, made in pursuance of a provision of the act of April 30, 1908, authorizing the Commissioner of Indian Affairs, subject to the approval of Congress, to negotiate with any Indian tribe for the commutation of perpetual annuities due under treaty stipulations, is hereby ratified and confirmed.

And the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury to the credit of the said tribe the sum of $20,000, said sum being a capitalization of the perpetual annuities of said tribe, on the basis of 5 per cent, and the same having been accepted by said tribe in the agreement heretofore mentioned in lieu of and as a commutation of said perpetual annuities.

And the Secretary of the Interior is authorized to withdraw said funds from the Treasury for payment to said Indians, or expenditure for their benefit, at such times and in such manner as he may deem proper and under such regulations as he may prescribe.

The sum placed to the credit of the said tribe, less disbursements therefrom as provided for herein, shall draw interest at the rate of five

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For extension and maintenance of the irrigation system on lands allotted to Yakima Indians in Washington, $15,000: *Provided, That the amount hereby appropriated, and all moneys heretofore or hereafter to be appropriated, for this project shall be repaid into the Treasury of the United States in accordance with the povisions of the act of March 1, 1907.*

The Secretary of the Interior is hereby authorized to investigate and to report to Congress at its next session the necessity or advisability of constructing wagon roads on the Yakima Indian Reservation, the cost thereof to be reimbursed out of the proceeds of the sale of surplus lands of such reservation. If he shall find the construction of such roads to be necessary or advisable, he shall submit specific recommendations in respect to the kind of roads to be constructed, their location and extent, together with an estimate of cost for the same.

(Amendment No. 82 has been disagreed to and is still subject to conference.)

The Secretary of the Interior is authorized to sell and convey the lands, buildings, and other appurtenances of the old Fort Spokane Military Reservation, now used for Indian school purposes, and adjoining the Colville Reservation, in the State of Washington, containing approximately 640 acres, and to use the proceeds thereof, not to exceed $35,000, in the establishment and maintenance of such new schools and administration of affairs as may be required by the Colville and Spokane Indians in said State: Provided, That the Secretary of the Interior is authorized in his discretion to reserve from sale or other disposition any part of said reservation chiefly valuable for power sites and reservoir sites and land valuable for minerals: Provided further, That in the case of land reserved on account of minerals, the Secretary of the Interior may sell the surface under such regulations as he may prescribe: Provided further, That, in the discretion of the Secretary of the Interior, the surface of the lands may be sold separate from any minerals that may be found thereunder.

The Secretary of the Interior shall report to Congress at its next session his action in the premises.

WISCONSIN.

[SEC. 24. For care of buildings, including pay of employees, at the Indian school at Hayward, Wis., $2,000.]

SEC. 24. For the support and education of 210 Indian pupils at the Indian school at Hayward, Wis., and pay of superintendent, $36,670; for general repairs and improvements, $2,000; in all, $38,670.

For support and education of 250 Indian pupils at the Indian school, Tomah, Wis., and for pay of superintendent, $43,450; *for heating plant and ventilating system, $3,500;* for general repairs and improvements, $3,000; in all, [forty-six thousand four hundred and fifty] *forty-nine thousand nine hundred and fifty* dollars.

For support and civilization of the Chippewas of Lake Superior, Wis., $7,000.

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For continuing the work of constructing an irrigation system within the diminished Shoshone or Wind River Reservation, in Wyoming, $50,000.

For support of Shoshones in Wyoming: For pay of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith (article 10, treaty of July 3, 1868), $5,000; for pay of second blacksmith, and such iron and steel and other materials as may be required, as per article 8, same treaty, $1,000; in all, $6,000.

[SEC. 26. The agreement concluded January 4, 1909, with the Oneida Tribe of Indians of Wisconsin, as evidenced by the original papers on file in the Office of Indian Affairs and the copies thereof transmitted to Congress by the President and contained in Senate Document No. 358, Sixty-first Congress, second session, for the commutation of their perpetual annuities under treaty stipulations, made in pursuance of a provision of the act of April 30, 1908, authorizing the Commissioner of Indian Affairs, subject to the approval of Congress, to negotiate with any Indian tribe for the commutation of perpetual annuities due under treaty stipulations, is hereby ratified and confirmed.

And the Secretary of the Treasury is hereby authorized and directed to place upon the books of the Treasury to the credit of the said tribe the sum of $20,000, said sum being a capitalization of the perpetual annuities of said tribe, on the basis of 5 per cent, and the same having been accepted by said tribe in the agreement heretofore mentioned in lieu of and as a commutation of said perpetual annuities.

And the Secretary of the Interior is authorized to withdraw said funds from the Treasury for payment to said Indians, or expenditure for their benefit, at such times and in such manner as he may deem proper and under such regulations as he may prescribe.

The sum placed to the credit of the said tribe, less disbursements therefrom as provided for herein, shall draw interest at the rate of five

per centum per annum; and the interest accruing on said principal sum may, in the discretion of the Secretary of the Interior, be paid in cash to the Indians entitled thereto annually or semiannually, or expended for their benefit in such manner and under such regulations as he may prescribe.]

Sec. 26. That upon the passage of this act the Secretary of the Interior be, and he hereby is, authorized and directed to cause to be cut and manufactured into lumber the dead and down timber upon the Menominee Indian Reservation in the State of Wisconsin together with such green timber as may be necessary to cut in order to economically log the dead and down timber, such green timber to be designated and marked by the Forestry Service. For the cutting of such dead and down timber the Secretary of the Interior shall prescribe rules and regulations in conformity with the intent and purpose of the act of March 28, 1908, entitled "An act to authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests upon the Menominee Indian Reservation in the State of Wisconsin." The amount of dead and down timber authorized to be cut under this section shall be in addition to the amount of green timber authorized to be cut, in any one year, under the provisions of said act of March 28, 1908. The green timber authorized to be cut under this section to facilitate the logging of dead and down timber, and which shall be cut in any one year, shall be deducted from the amount of green timber authorized to be cut in that year under the provisions of said act of March 28, 1908. The total amount of green and dead and down timber which shall be logged under the provisions of this section and the provisions of said act of March 28, 1908, shall not exceed 40,000,000 feet in any one year unless the Forestry Service shall certify to the Secretary of the Interior that it is necessary, to save waste and loss on dead and down timber, that a greater amount of such dead and down timber shall be cut; in making such certification the Forestry Service shall designate the additional dead and down timber it deems necessary to cut and such designated timber shall be logged as expeditiously as possible. In the logging operations authorized under this section the Secretary of the Interior may cause to be constructed such roads or logging railway as may be necessary to bring the logs to the mill with expedition and economy. The expense of the logging operations authorized under this section shall be paid in the manner provided in said act of March 28, 1908, authorizing the cutting of timber and the manufacture of lumber upon the Menominee Indian Reservation in the State of Wisconsin.

SEC. 27. Annually, on the first Monday in December, the Secretary of the Interior shall transmit to the Speaker of the House of Representatives a statement of the fiscal affairs of all Indian tribes for whose benefit expenditures from either public or tribal funds shall have been made by any officer, clerk, or employee in the Interior Department during the preceding fiscal year; and such statement shall show (1) the total amount of all moneys, from whatever source derived, standing to the credit of each tribe of Indians, in trust or otherwise, at the close of such fiscal year; (2) an analysis of such credits, by funds, showing how and when they were created, whether by treaty stipulation, agreement, or otherwise; (3) the total amount of disbursements from public or trust funds made on account of each tribe of Indians for such fiscal year; and (4) an analysis of such disbursements showing the amounts disbursed (a) for per capita payments in money to Indians, (b) for salaries or compensation of officers and employees, (c) for compensation of counsel and attorney's fees, and (d) for support and civilization.

(89) *Sec. 28. Hereafter payments to Indians made from moneys appropriated by Congress in satisfaction of the judgment of any court shall be made under the direction of the officers of the Interior Department charged by law with the supervision of Indian affairs, and all such payments shall be accounted for to the Treasury in conformity with law.*

[per centum per annum; and the interest accruing on said principal sum may, in the discretion of the Secretary of the Interior, be paid in cash to the Indians entitled thereto annually or semiannually, or expended for their benefit in such manner and under such regulations as he may prescribe.]

Sec. 26. That upon the passage of this act the Secretary of the Interior be, and he hereby is, authorized and directed to cause to be cut and manufactured into lumber the dead and down timber now upon the Menominee Indian Reservation in the State of Wisconsin together with such green timber as may be necessary to cut in order to economically log the dead and down timber, such green timber to be designated and marked by the Forestry Service. For the cutting of such dead and down timber the Secretary of the Interior shall prescribe rules and regulations in conformity with the intent and purpose of the act of March 28, 1908, entitled "An act to authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests upon the Menominee Indian Reservation in the State of Wisconsin." The amount of dead and down timber authorized to be cut under this section shall be in addition to the amount of green timber authorized to be cut, in any one year, under the provisions of said act of March 28, 1908. The green timber authorized to be cut under this section to facilitate the logging of dead and down timber, and which shall be cut in any one year, shall be deducted from the amount of green timber authorized to be cut in that year under the provisions of said act of March 28, 1908. The total amount of green and dead and down timber which shall be logged under the provisions of this section and the provisions of said act of March 28, 1908, shall not exceed 40,000,000 feet unless the Forestry Service shall certify to the Secretary of the Interior that it is necessary, to save waste and loss on dead and down timber, that a greater amount of such dead and down timber shall be cut; in making such certification the Forestry Service shall designate the additional dead and down timber it deems necessary to cut and such designated timber shall be logged as expeditiously as possible. In the logging operations authorized under this section the Secretary of the Interior may cause to be constructed such roads or logging railway as may be necessary to bring the logs to the mill with expedition and economy. The expense of the logging operations authorized under this section shall be paid in the manner provided in said act of March 28, 1908, authorizing the cutting of timber and the manufacture of lumber upon the Menominee Indian Reservation in the State of Wisconsin.

The Commissioner of Indian Affairs is hereby directed to reopen negotiations with the Oneida Indians of Wisconsin for the commutation of their perpetual annuities under treaty stipulations and report the same to Congress on the first Monday in December, 1911.

SEC. 27. Annually, on the first Monday in December, the Secretary of the Interior shall transmit to the Speaker of the House of Representatives a statement of the fiscal affairs of all Indian tribes for whose benefit expenditures from either public or tribal funds shall have been made by any officer, clerk, or employee in the Interior Department during the preceding fiscal year; and such statement shall show (1) the total amount of all moneys, from whatever source derived, standing to the credit of each tribe of Indians, in trust or otherwise, at the close of such fiscal year; (2) an analysis of such credits, by funds, showing how and when they were created, whether by treaty stipulation, agreement, or otherwise; (3) the total amount of disbursements from public or trust funds made on account of each tribe of Indians for such fiscal year; and (4) an analysis of such disbursements showing the amounts disbursed (a) for per capita payments in money to Indians, (b) for salaries or compensation of officers and employees, (c) for compensation of counsel and attorney's fees, and (d) for support and civilization.

Sec. 28. Hereafter payments to Indians made from moneys appropriated by Congress in satisfaction of the judgment of any court shall be made under the direction of the officers of the Interior Department charged by law with the supervision of Indian affairs, and all such payments shall be accounted for to the Treasury in conformity with law.

FORT D. A. RUSSELL MILITARY RESERVATION.

Mr. COOPER of Wisconsin. Mr. Speaker, I was not mistaken as to the character of this bill.

Mr. HULL of Iowa. Mr. Speaker, how much time have I at my disposal to yield to the gentleman? How much time does the gentleman want?

Mr. COOPER of Wisconsin. Five minutes.

Mr. HULL of Iowa. Then, Mr. Speaker, I yield five minutes to the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. Mr. Speaker, I was absolutely right in my remarks concerning the contents of this bill when it was first brought before the House. It is true, technically speaking, that the original bill appeared first in the Senate, and did not then contain the proviso; but it is true also that the original Senate bill, when it first came before the House for consideration, did contain the proviso reserving to the Secretary of War the power, in his discretion, to revoke the so-called license.

It was a Senate bill, with that proviso added as an amendment after it came to the House by the committee of which the gentleman from Iowa [Mr. HULL] himself is chairman.

Now, the bill, line 6, page 1, provides that—

> The Colorado Railroad Co. is hereby authorized to build a line of railroad, etc.

The word "authorized" is used. The language might be construed as a license, it being a mere authorization to construct a railroad line on the military reservation. But near the end of the bill, on page 3, are these words:

> Saving and excepting therefrom that portion of said strip of land hereinbefore, in section 1 of this act, described as granted to the railroad, etc.

But nowhere before in the bill is any land described as granted to the railroad company.

The amendment, which the gentleman from Iowa himself reported, was the proviso, and I was exactly right when I said that it gave to the Secretary of War the power at any time to revoke the license.

But it was not a license. The original bill with the proviso, if enacted into law, would have made a grant in fee. This contradiction was called to the attention of the House, and I moved an amendment reserving to Congress the right to alter, amend, or repeal the act—the customary reservation in bills of this sort. The gentleman from Iowa [Mr. HULL] said that he was glad to accept the amendment, as did the gentleman from Wyoming [Mr. MONDELL]. So also, in an undertone, did the gentleman from Illinois [Mr. MANN]. He said that such a reservation ought to be in the bill.

The House promptly adopted the amendment without an objection.

But now these gentlemen declare that they are opposed to having Congress, by this bill, reserve to itself the customary right to alter, amend, or repeal.

Mr. MONDELL. Will the gentleman yield to me?

Mr. COOPER of Wisconsin. They desire this to be an absolute grant. Perhaps no great wrong will be done in this particular case, but it will establish a very bad precedent. Hereafter bills will be brought in without the heretofore usual reservation of the right to alter, amend, or repeal. Absolute grants will be given to railroad companies or other corporations to construct works upon Government reservations, and, as an excuse, the claim will be made, as it is here being made, that the land to be given away is not worth much. This precedent will be cited in support of demands for absolute grants in fee.

Mr. MONDELL. Will the gentleman yield to me just to ask him a question?

The SPEAKER. The time of the gentleman has expired.

Mr. HULL of Iowa. I yield to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, the gentleman from Wisconsin is entirely mistaken as to the bill. His statement a moment ago

was that the original bill contained a provision authorizing the Secretary of War to revoke the license.

Mr. COOPER of Wisconsin. I have just explained that the original bill was a Senate bill.

Mr. MANN. Will the gentleman permit me to occupy two minutes? That was his statement a moment ago. I call his attention to the fact that I hold the original bill in my hand, and that no such provision was in the original bill.

Mr. COOPER of Wisconsin. That is begging the question.

Mr. MANN. The gentleman from Wisconsin says that that is begging the question, but that is the fact. His argument, in the first place, was that the railroad company had itself proposed that they give to the Secretary of War authority to revoke the license and was seeking to eliminate that from the bill. That was his position. He was mistaken about that. The provision to which he refers was an amendment offered and agreed to in the House, and not in the original bill. Whether it ought to be in is another question, but it could not be charged that the company itself is seeking to obtain a permit giving authority to revoke the license, and that is the only point I wish to call to the attention of the gentleman from Wisconsin.

Mr. HULL of Iowa. Mr. Speaker, I yield two minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, the gentleman from Wisconsin seems to be under the impression that I agreed to the amendment. I certainly did not, further than that as the bill was up for consideration by unanimous consent I had no option in the matter. I want to call the attention of the House to the fact that this grant, except for less than one-eighth of an acre, is for a county road; that it is not through the military reservation, but along the edge of the military reservation. It is a grant of less than one-eighth of an acre to the railroad company on a little narrow triangle which runs down from the reservation, which has never been occupied for military purposes and can not be occupied for military purposes.

The railroad track does not run on the reservation, but they have to have an embankment on the curve, and it is necessary to give the railroad company one-eighth of an acre for the fill of their embankment. The track is entirely off the reservation. It is necessary to have this county road in order to connect the railroad with the reservation for the benefit of the reservation as well as for the benefit of the citizens. The very small portion that the railroad company receives is but a fragment and upon a triangle far removed from the military use.

Mr. COOPER of Wisconsin. If the gentleman were content to have that proviso reported by the gentleman from Iowa himself calling it a license, and for the Secretary of War, in his discretion, to revoke the license, if the gentleman from Iowa reported that, and was willing to call it a license, and have it revoked at the discretion of the Secretary of War, why do they now insist on striking it out and making it an absolute grant?

Mr. MONDELL. It was a grant in the original bill, although the word "license" may have been used at one point. It was a clear grant, and it ought to be a clear grant, because, with the exception of less than one-eighth of an acre, it is a grant for public purposes, and, as I say, this one-eighth of an acre is far removed from that part of the reservation that can ever be used for military purposes.

Mr. HULL of Iowa. Mr. Speaker, the Committee on Military Affairs did report the amendment to which the gentleman from Wisconsin refers, and has always tried to guard these grants in every way possible. The Committee on Military Affairs afterwards came into more information as to all that was required in this case, and made it without any division of sentiment, and were satisfied that no harm could come to the Government by making this in the form that it will be by eliminating our own amendment.

There are 7 acres of this that goes to the people for a public highway, and less than an acre goes to the railroad to enable them to make a curve without throwing their line out of the regular survey. None of it is worth anything to the country as a military reservation, and to make this grant to the people for a public highway and to the railway can not be injurious to the people of the country.

Mr. Speaker, my general experience has been that whenever a reservation is near a city in any part of the country and they want a road in it they get the Government to build all the roads on the reservation on the theory that it is Government ground. It seems to me that we can well afford to encourage these people who are willing to go to the expense of building their own roads across this reservation by ceding this land to them for that purpose.

Mr. Speaker, I move the previous question on the adoption of the report.

The previous question was ordered.

The conference report was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Coggeshall, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to bills of the following titles:

S. 9904. An act granting certain rights of way on the Fort D. A. Russell Military Reservation, at Cheyenne, Wyo., for railroad and county-road purposes; and

S. 9903. An act to authorize the Sheridan Railway & Light Co. to construct and operate railway, telegraph, telephone, electric power, and trolley lines through the Fort Mackenzie Military Reservation, and for other purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 17433. An act amending section 1709 of the Revised Statutes of the United States;

H. R. 29857. An act to amend section 3287 of the Revised Statutes of the United States as amended by section 6 of chapter 108 of an act approved May 28, 1880, page 145, volume 21, United States Statutes at Large;

H. R. 28626. An act to amend the internal-revenue laws relating to distilled spirits, and for other purposes;

H. R. 32082. An act limiting the privileges of the Government free bathhouse on the public reservation at Hot Springs, Ark., to persons who are without and unable to obtain the means to pay for baths; and

H. R. 31806. An act to amend section 1 of the act approved March 2, 1907, being an act to amend an act entitled "An act conferring jurisdiction upon United States commissioners over offenses committed on a portion of the permanent Hot Springs Mountain Reservation, Ark.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 31856) making appropriations to provide for expenses of the government of the District of Columbia for the fiscal year ending June 30, 1912, and for other purposes.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 10890. An act for the payment of certain claims for damages to and loss of private property.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to joint resolution (S. J. Res. 145) providing for the filling of a vacancy which will occur on March 1, 1911, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

ORGANIZED MILITIA.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report (No. 2275) from the Committee on Rules, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 1001, in lieu of House resolution 978.

Resolved, That immediately upon the adoption of this resolution the House shall proceed to consider the bill (H. R. 28436) to further increase the efficiency of the Organized Militia, and for other purposes with the following amendments:

Page 1, line 10, strike out the words "or may be hereafter;" page 2, line 22, strike out the words "or may be hereafter;" page 3, strike out lines 23, 24, and 25, and on page 4 strike out, in line 1, the words "otherwise appropriated: *Provided;*" page 4, line 14, after the word "trial," insert the following words, "on the charge of desertion," and in line 16 strike out the following words, "shall be adjudged guilty of the crime of desertion and," and add a new section, No. 6: "The Secretary of War shall annually estimate the amount necessary for the carrying out of this act, and no money shall be expended hereunder, except as it shall from time to time be appropriated; that there shall be not to exceed one hour's general debate; that at the conclusion of the general debate the bill shall be read for amendments; and that at the conclusion of the reading of the bill under the five-minute rule the previous question shall be considered as ordered on the bill and all amendments thereto to its final passage."

Mr. CLARK of Missouri. Mr. Speaker, I will ask the gentleman how much time he will occupy.

Mr. DALZELL. I shall occupy only two or three minutes, and then I will yield to the gentleman.

Mr. CLARK of Missouri. How much time will the gentleman give me?

Mr. DALZELL. As much as I occupy myself.

Mr. CLARK of Missouri. But I want 30 minutes.

Mr. DALZELL. Then, I will yield the gentleman 30 minutes.

Mr. TAWNEY. Mr. Speaker, I desire to ask the gentleman from Pennsylvania whether the House will proceed immediately upon the adoption of this rule to the consideration of the militia bill.

Mr. DALZELL. That is the purpose.

Mr. TAWNEY. I will ask the gentleman to withhold that.

Mr. DALZELL. I would like to say to the House that I know of no person on this side of the House who wants to indulge in oratory. I do not propose to speak more than two or three minutes, and when I said the gentleman from Missouri should have 30 minutes it was in my mind that 30 minutes would exhaust the debate, because there is nobody on this side who wants to talk.

The SPEAKER. As the Chair listened to the rule, it provides for the consideration of this bill, without limit, under the five-minute rule in the House or in Committee of the Whole. The Chair desires to call attention to the fact that the deficiency bill is not yet passed. Would the gentleman from Pennsylvania be willing to withhold his report for the present until the deficiency bill is disposed of?

Mr. DALZELL. Why, Mr. Speaker, I will do so, but I think there is a misapprehension as to the time this is going to take.

The SPEAKER. Well, it takes time under the rule, without limit.

Mr. DALZELL. Oh, no; the Chair is mistaken.

Mr. HULL of Iowa. There is one hour of general debate provided for.

Mr. DALZELL. The question now is on the adoption of the rule, not on the discussion of the bill.

Mr. FITZGERALD. There is opposition to this rule, and Members wish to be heard so that they may state their objections to the adoption of the rule as well as to the passage of the bill.

The SPEAKER. Does the rule provide that we shall take it up immediately on the adoption of the rule?

Mr. DALZELL. It does.

The SPEAKER. Would that not hold the floor?

Mr. DALZELL. It would until it is disposed of.

The SPEAKER. And there is no limit for its disposition under the five-minute rule, is there?

Mr. CLARK of Missouri. I think we can make an agreement about that.

Mr. DALZELL. Mr. Speaker, if the Speaker will recognize me after the disposition of the general deficiency bill to present this rule, I will give way for the present.

The SPEAKER. The gentleman from Pennsylvania withdraws his report for the present.

GENERAL DEFICIENCY APROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I move that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the bill (H. R. 32957) making appropriations to supply deficiencies in appropriations for the fiscal year 1911 and for prior years, and for other purposes, and that the rules be suspended and the bill passed with two amendments, which I send to the Clerk's desk.

Mr. COX of Indiana. Mr. Speaker, I demand a second.

The SPEAKER. The motion is to suspend the rules, to discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill, and pass the same——

Mr. TAWNEY. With two amendments which accompany the bill.

Mr. THOMAS of North Carolina. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. THOMAS of North Carolina. Will the bill be read?

The SPEAKER. Under the form of the motion it would be unless its reading was dispensed with by unanimous consent.

Mr. THOMAS of North Carolina. Will it be subject to points of order?

The SPEAKER. It will not.

Mr. THOMAS of North Carolina. I reserve all points of order——

Mr. MANN. You can not.

The SPEAKER. All points of order were reserved when the bill went to the Committee of the Whole House on the state of the Union. This is a motion to suspend all rules and pass this bill.

Mr. SIMS. Does the first reading take place before the motion or after it?

The SPEAKER. Oh, the first reading of the bill under this motion would be before the adoption of the rule disposing of it.

Mr. SIMS. Before the motion is acted upon. Then I demand the first reading of the bill.

Mr. MANN. There is no first reading; it is simply read.

The SPEAKER. It will simply be read, unless its reading be dispensed with by unanimous consent.

Mr. COX of Indiana. Mr. Speaker, I want to demand a second on the request of the gentleman from Minnesota to suspend the rules.

The SPEAKER. The Clerk will read the bill, with the proposed amendments.

The Clerk began the reading of the bill.

The SPEAKER. The Chair calls attention to the fact that it will take about an hour to an hour and 20 minutes to read the bill. The Clerk will proceed with the reading.

The Clerk proceeded with the further reading of the bill.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent to dispense with the further reading of the bill.

The SPEAKER pro tempore (Mr. KENDALL). The gentleman from Minnesota asks unanimous consent to dispense with the further reading of the bill. Is there objection?

Mr. THOMAS of North Carolina. Mr. Speaker, I object.

The Clerk proceeded with the further reading of the bill.

Mr. STANLEY. Mr. Speaker, I ask unanimous consent to dispense with the further reading of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. COX of Indiana. Mr. Speaker, I object.

The Clerk proceeded with the further reading of the bill to page 14, line 19——

Mr. GREENE. Mr. Speaker, I make the point of order on page 14, from line 19 down to and including line 25.

The SPEAKER pro tempore. The Chair thinks a point of order can not be entertained at this time, and the Clerk will read.

The Clerk proceeded with the further reading of the bill.

Mr. MOORE of Pennsylvania rose.

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. MOORE of Pennsylvania. Mr. Speaker, to make a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MOORE of Pennsylvania. Mr. Speaker, I would like to know whether under the present method of procedure it would be in order to move to strike out or in any way discuss any paragraph of the bill.

The SPEAKER pro tempore. The Chair thinks the bill is now being read for the information of the House to enable the membership to determine whether they will support the motion of the gentleman from Minnesota to suspend the rules and place the bill upon its passage with two amendments, and the Chair thinks, therefore, that a motion to strike out or a point of order against any provision would not be in order.

Mr. MOORE of Pennsylvania. Then the motion of a Member who desires to offer an amendment, or a motion of a Member who desires to strike out any given paragraph would not be in order until the bill is read.

The SPEAKER pro tempore. Or any other time, is the Chair's opinion on the subject.

Mr. THOMAS of North Carolina. Mr. Speaker, another parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. THOMAS of North Carolina. When the Clerk finishes the reading of the bill, if the motion of the gentleman from Minnesota to suspend the rules and pass the bill be adopted, will there be any opportunity then to amend or make points of order?

The SPEAKER pro tempore. The Chair thinks not.

Mr. THOMAS of North Carolina. The motion would have to be voted down in order to amend the bill or to make any point of order on the bill.

The SPEAKER pro tempore. That is the opinion of the present occupant of the chair.

The Clerk proceeded with the further reading of the bill.

Mr. SIMS rose.

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. SIMS. Mr. Speaker, there is an important bill being read, and I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The Chair will count. [After counting.] One hundred and ninety-four Members are present, a quorum, and the Clerk will read.

The Clerk proceeded with the further reading of the bill.

Mr. SIMS. Mr. Speaker, there is no quorum present, and therefore I make a point of no quorum.

The SPEAKER pro tempore. The gentleman from Tennessee makes the point that no quorum is present. The Chair will count. [After counting.] There are 114 Members present, not a quorum.

Mr. MANN. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER pro tempore. The doors will be closed, and the Clerk will call the roll.

The roll was called, and the following Members failed to answer to their names:

Ames	Flood, Va.	Legare	Rhinock
Ashbrook	Foelker	Lindsay	Richardson
Barclay	Fordney	Lively	Robinson
Bartlett, Nev.	Fowler	Loudenslager	Rodenberg
Bates	Fuller	McCredie	Rothermel
Bennett, Ky.	Gallagher	McDermott	Sabath
Bingham	Gardner, Mich.	McGuire, Okla.	Scott
Boehne	Garner, Pa.	McKinlay, Cal.	Sharp
Bowers	Gill, Md.	McLachlan, Cal.	Sherley
Broussard	Gill, Mo.	McMorran	Simmons
Burnett	Godwin	Maynard	Small
Byrd	Goebel	Mays	Smith, Cal.
Calderhead	Goldfogle	Millington	Southwick
Campbell	Goulden	Moore, Tex.	Sparkman
Capron	Haugen	Morehead	Spight
Carlin	Havens	Morgan, Okla.	Sterling
Cary	Hayes	Moxley	Sturgiss
Clark, Fla.	Heald	Mudd	Swasey
Cline	Hill	Murdock	Taylor, Colo.
Cooper, Wis.	Hinshaw	Murphy	Thistlewood
Coudrey	Hitchcock	Needham	Thomas, Ky.
Cowles	Howell, Utah	O'Connell	Tou Velle
Craig	Huff	Olcott	Townsend
Cravens	Hughes, W. Va.	Patterson	Volstead
Dawson	Jones	Payne	Wallace
Denby	Kahn	Pearre	Wanger
Driscoll, M. E.	Kennedy, Ohio	Plumley	Weisse
Dupre	Kinkaid, Nebr.	Poindexter	Wickliffe
Ellis	Korbly	Prince	Wiley
Elvins	Kronmiller	Pujo	Willett
Englebright	Küstermann	Rainey	Wood, N. J.
Estopinal	Langham	Ransdell, La.	Woods, Iowa
Fairchild	Latta	Reeder	Woodyard
Ferris	Law	Reid	Young, Mich.

The SPEAKER pro tempore. The roll call discloses the presence of 264 Members of the House—a quorum.

Mr. STAFFORD. Mr. Speaker, I move that further proceedings under the call be dispensed with.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will open the doors, and the Clerk will proceed with the reading of the bill.

The Clerk proceeded with the reading of the bill.

When the Clerk had read to line 5, page 60,

Mr. MOORE of Pennsylvania rose.

The SPEAKER pro tempore. For what purpose does the gentleman from Pennsylvania rise?

Mr. MOORE of Pennsylvania. To make a request for unanimous consent. I would like to print in the RECORD some remarks on the use of barges.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent to print remarks in the RECORD. Is there objection. [After a pause.] The Chair hears none.

Mr. TAWNEY. Mr. Speaker, I ask leave to withdraw my former motion to suspend the rules and pass the bill with the amendments that I sent to the Clerk's desk.

The SPEAKER. The gentleman from Minnesota withdraws his motion.

Mr. TAWNEY. I desire, Mr. Speaker, now to renew the motion to discharge the Committee of the Whole House on the state of the Union from the further consideration of House bill 32957, making appropriations to supply deficiencies in appropriations for the fiscal year 1911 and for prior years, and for other purposes; to suspend the rules and pass the bill without reading, with the amendments that I have sent to the Clerk's desk, together with two additional amendments, which are—

Strike out, on page 14, line 19, and the top of page 15, down to and including line 10.

Also strike out lines 15 and 16 on page 72.

The SPEAKER. The gentleman from Minnesota moves to suspend the rules and discharge the Committee of the Whole House on the state of the Union from the further consideration of the bill, H. R. 32957, and dispense with the reading of the bill; to suspend the rules and pass the bill with the following amendments, which the Clerk will report.

Mr. TAWNEY. The first amendment should read "down to and including line 12," instead of "line 10, on page 15."

The Clerk reported the first amendment.

Mr. TAWNEY. The next is on page 72.

The Clerk reported the next amendment.

The SPEAKER. Were those the amendments that were reported in the first reading?

Mr. TAWNEY. That amendment was withdrawn. There are now two other amendments.

The Clerk read the remaining two amendments.

Mr. COX of Indiana. Mr. Speaker, I demand a second.

The SPEAKER. Is any member of the Committee on Appropriations opposed to this bill?

Mr. LIVINGSTON. I am not opposed to the bill, but I demand a second.

The SPEAKER. In the absence of any member of the Committee on Appropriations demanding a second, the Chair recognizes the gentleman from Indiana [Mr. Cox], who demands a second. Under the rules a second is ordered. The gentleman from Minnesota [Mr. TAWNEY] is entitled to 20 minutes and the gentleman from Indiana [Mr. Cox] is entitled to 20 minutes.

Mr. TAWNEY. Mr. Speaker, I shall not take very much time in stating the appropriating provisions carried in this bill. I want to call attention, however, to the fact that the aggregate amount carried in it is $8,060,126.36. That covers the deficiencies for the fiscal year 1911. It also includes a considerable amount that is not deficiencies. If gentlemen will read the report accompanying the bill, they will find that there is $758,888 of that amount in judgments of the United States courts, the Court of Claims, and audited accounts.

In addition to that we have one deficiency in the appropriation for the payment of pensions of $2,500,000. That deficiency, added to the judgments and audited accounts, makes the aggregate $3,258,888, leaving only a little over $4,000,000 of actual deficiencies, and in the statement of $4,000,000 of actual deficiencies is included a few small and new items.

Mr. BARTLETT of Georgia. I note on page 62, in line 20—

For miscellaneous items and expenses of special and select committees, exclusive of salaries and labor, unless specifically ordered by the House of Representatives, $20,000.

Is the gentleman informed that that will not pay the expenses of those committees whose expenses have been ordered by the House?

Mr. TAWNEY. I will say to the gentleman from Georgia that the information which the committee had when this bill was prepared was that $20,000 would be all that was necessary. I understand that since that time there have been very heavy drafts on this miscellaneous appropriation that will have to be made up by increasing this amount; but I suggest to the gentleman from Georgia that the Chief Clerk of the House will not be able to give complete information as to the exact amount that will be required to meet all of the demands upon this appropriation, and that if the item goes through as we have reported it I will obtain from the Chief Clerk at the latest possible moment the information as to the exact amount and have that incorporated as an amendment at the other end of the Capitol.

Mr. BARTLETT of Georgia. That is satisfactory. Will the gentleman allow me to say that at a meeting of the Committee on Accounts to-day we had to audit nearly $4,000 of expenses for one investigating committee, and we know that others have been estimated for, and unless we are mistaken as to the estimates that have been sent in, in addition to those we have already approved, I know this amount will not be sufficient?

Mr. TAWNEY. I think the gentleman is entirely correct, and I will say that that will be taken care of before this bill becomes a law.

Mr. Speaker, this showing as to the aggregate deficiency appropriation for the fiscal year 1911 is very gratifying to me and, I think, to the House, in view of what these deficiencies were in previous years, or prior to the amendment of the anti-deficiency law at the beginning of the Fifty-ninth Congress. At that time the departments of the Government fixed the standard of public expenditures, and our deficiencies mounted up to as high as $30,000,000 or $35,000,000 annually; but as the result of the law which was passed at the first session of the Fifty-ninth Congress, the standard of public expenditure is and must be fixed by the Congress of the United States, and if the departments or the various branches of the Government do not conform to the standard thus fixed, and if they create deficiencies, the responsible officials are liable to imprisonment, as well as removal from office.

As the result of this legislation, therefore, we have in this deficiency bill only about $4,000,000 of deficiencies for the fiscal year 1911, and, including the $700,000 carried in the urgent deficiency bill, the aggregate of the deficiencies for this fiscal year would be less than $5,000,000.

Now, some Members of the House have said to me this morning that they thought the Committee on Appropriations made a mistake in reporting items for additional compensation to certain employees of certain committees of the House of Representatives. In some of these cases the amount was referred by the Committee on Accounts to the Committee on Appropriations. In one or two other cases the Committee on Appropriations acted independently of the Committee on Accounts, and the position taken by the Committee on Appropriations in respect to this extra compensation of employees of committees of the House was this, and I want the Members of the House to understand what prompted a favorable recommendation in this case, as in all other previous Congresses favorable recommendations have been made on items of this kind. The organization of the House consists of a number of committees of the House, and these committees are composed of the membership of the House. We do not recognize the right of any committee to act as a censor upon any other committee.

So far as our committee is concerned, therefore, when the chairman of another committee comes to the Committee on Appropriations with a unanimous recommendation in favor of additional compensation for services rendered to employees of that committee, we do not deem that we are justified in criticizing their action or questioning their judgment as to the value of the services of the men who are employed by them to serve during the session of Congress. For that reason the Committee on Appropriations have recommended additional compensation in the instances mentioned because of the representation of the committees themselves that these employees were entitled to that compensation, and we therefore did not feel justified in turning them down. If there is any criticism that criticism is upon the committee that employed these services and for whose benefit the services were rendered. Personally I do not feel like criticizing or denying them the only opportunity they have for the purpose of giving extra compensation where, in the unanimous judgment of the committee, they were entitled to compensation.

Now, Mr. Speaker, there is one other item in the bill——

Mr. OLMSTED. If the gentleman will pardon me, I would like to ask if there is in this bill any provision for the establishment of a surety-bond bureau.

Mr. TAWNEY. I was coming to that. There is $25,000 recommended in this bill for the creation of a fidelity division in the Treasury Department. Members of this House will recall the fact that about two years ago 17 surety companies formed a combination and increased the premium rates from 50 to 300 per cent. The attention of the members of the Committee on Appropriations was called to that fact by a demand on the disbursing officer to have salaries increased on account of the increased demand for premium on insurance bonds. On the recommendation of the committee, and in a general deficiency bill which passed at the extra session of this Congress, there was a provision that no officer of the Government should be permitted to accept a corporate surety bond where the premium was in excess of that charged during the calendar year of 1908. That provision passed this House with only five dissenting votes, as I recall it. It went to the Senate and was stricken out in the Senate, and in conference the provision was restored, with a limitation that the rate should not exceed 35 per cent of the rate charged in the calendar year of 1908.

Attached to that was the further provision that a commission consisting of three Senators and three Members of the House should be authorized, whose duty was made to investigate the whole question of the surety bonds or fidelity bonds given by officers, agents, and employees to the Government to insure their integrity. That commission consisted of Senator GALLINGER, Senator CURTIS, and Senator FOSTER of Louisiana, the gentleman from Iowa [Mr. SMITH], the gentleman from Mississippi Mr. [BOWERS], and myself on the part of the House. The commission employed two actuaries, one of whom not long ago was the president of the Actuarial Society of the United States, and to assist him the commission employed Mr. Herbert D. Brown. These men have been at work ever since the 1st of July, 1909, gathering statistics under the supervision and direction of the commission as to the loss experienced by the Government covering a period of 15 years. That period was taken because that marks the beginning of the time when corporate surety bonds were authorized to be accepted by officers of the Government.

The result of that investigation, in a nutshell, was that for the protection which the bonded officers of the Government are paying the surety companies the Government is receiving only 36 per cent of that protection. Of the protection which the Government receives from the personal sureties we in fact receive 43 per cent. That is, the personal surety bonds afford more protection to the Government of the United States than do the corporate surety bonds.

Mr. MARTIN of South Dakota. Will the gentleman yield?

Mr. TAWNEY. I can not yield. Of the aggregate loss during the 15 years the bonded companies have paid only 36 per cent of the loss. The remaining 64 per cent is evaded, first, by the companies taking advantage of every possible technicality and litigation of all kinds; second, by the failure or insolvency of the companies themselves. Only recently the Government lost from $50,000 to $100,000 by the insolvency of two of these surety companies; third, by the releasing of the surety companies through the action of Congress on bonds to indemnify the Government against loss.

This provision aims to remove all three of these causes. As a result, 64 per cent of the amount of the losses incurred among bonded employees of the Government has been lost. This provision will give the Government of the United States full and complete protection, for every dollar that is lost will be charged against the fidelity fund without litigation, and therefore the Government of the United States will have full and complete protection. The employees of the Government will be able also to furnish the Government that complete protection for at least one-third less than the bonding companies are now charging them, and from which the Government receives only one-third of the protection the bonded officers of the Government are paying for.

Second and third, we provide here that all bonds shall run to the United States. There will be no longer bonded officers whose bonds run to their superiors. The system of bonding subordinates to their superiors arose at a time when the principals were responsible for the appointment of their subordinates. That system has been entirely obliterated.

To-day the Treasurer of the United States, who has several hundred employees under him, has no more to say about who shall be appointed under him as a subordinate than you or I. Yet through the act of that subordinate, a defalcation occurring, the Treasurer would be liable to the Government for it; but the fact that the Treasurer is not guilty of any wrong personally has prompted Congress in the past to relieve him from paying that obligation, and thereby the Government must stand the loss. This provision requires all bonds to run direct to the United States Government, and also requires either a surety bond or a bond without surety, and if they pay the premium fixed by the Secretary of the Treasury under this provision to the credit of the fidelity fund then the Government of the United States has ample protection, has all the protection that the bonded officers of the Government have paid for, and those officers of the Government furnish that protection for two-thirds of what they are now paying the bonding company for it.

Mr. A. MITCHELL PALMER. Will the gentleman yield?

Mr. TAWNEY. Yes.

Mr. A. MITCHELL PALMER. I would like to ask the gentleman for information, whether he knows how much in amount the Government has in noncollectible judgments against surety companies on bonds.

Mr. TAWNEY. I do not know how much the Government has in noncollectible judgments, but I do know that the Government has received only a little over 43 per cent of the aggregate loss on personal surety bonds.

Mr. A. MITCHELL PALMER. The rest of it is in dispute, in litigation, is it?

Mr. TAWNEY. The rest of it is wiped out. If there are any judgments in force I know nothing about them, and the investigation does not disclose the fact. I do know that in one case when the commissioners called upon the bonding company for a statement of their premiums and their losses, included in their contingent liability was an item of $61,000, which only a few days ago they settled with the Treasury Department for $6,000; yet they carried the whole $61,000 as a contingent liability for the purpose of making the best showing that they possibly could.

Mr. STAFFORD. Has the committee in relieving the superior officers of liability for the laches or the neglect of their subordinates considered the phase of whether they will not be less liable to scrutinize the action of their subordinates by reason of their being thereby relieved?

Mr. TAWNEY. Yes; the commission has taken that into consideration, and I will say for the benefit of the gentleman from Wisconsin—I can not stop to read it now, for my time is limited—the commission has written to all of the superior officers in the Government whose subordinates are bonded to them, and also to all of the auditors and the chiefs of divisions who have under them bonded subordinates, to ascertain whether or not the surety companies aid them in detecting any misconduct on the part of their subordinates. In every single instance the answer has been that they have never received any support or aid whatever. On the contrary, it appeared from the testimony of the insurance companies themselves that they have concealed the fact of embezzlements and defalcations from the Government officers in the hope that by leeching or coercing the parents of the defaulting officer to make good the loss they will relieve themselves. They have concealed from the Government of the United States the fact of actual embezzlement of public funds, and if they have not thereby compounded a felony, it ought to be so made by statute.

Mr. STAFFORD. That hardly answers the question I had in mind. My query is directed as to whether this relief of exemption of the superior officer will not incline him to be less rigorous in examining into the accounts or the actions of the subordinates. To-day the postmaster is liable for the embezzlements of the clerk, and the like.

Mr. TAWNEY. Yes.

Mr. STAFFORD. He is bound thereby to scrutinize the action of the clerk or the other under official. Relieving him from liability may incline him to be careless.

Mr. TAWNEY. We do not relieve him from liability entirely. I know of a case in the post office—and in the Post Office Department all of the subordinates are bonded direct to the Government—where there was a loss of $4,000 in excess of the penalty of the bond of the subordinate. The Government collected the full amount of the bond of the subordinate, and the postmaster was required to make up the balance.

Mr. MOORE of Pennsylvania. Will the gentleman tell us the effect of this proposition of the fidelity plan upon the bonds given by such officers as deputy collectors of internal revenue, bonds which now run to the collector?

Mr. TAWNEY. Well, these subordinates of the collector would have their bonds run direct to the United States.

Mr. MOORE of Pennsylvania. Under this plan their bonds would run direct to the United States?

Mr. TAWNEY. All the subordinates instead of paying the surety company would pay a premium fixed upon his bond by the Secretary of the Treasury into the Treasury to the credit of the fidelity fund. Let me say one word more, and that is that this plan is entirely optional with the Government employees. It does not compel them to insure through the fidelity fund. If they can get their surety at a less cost they are at liberty to furnish a surety bond, or a personal bond as well.

Mr. MOORE of Pennsylvania. Then he may still go to an outside voluntary company, and that will be satisfactory to the Government?

Mr. TAWNEY. It is optional in that respect. It is different from the plans of Canada and the Philippine Islands. There it is mandatory, and we make it optional.

The SPEAKER. The time of the gentleman has expired.

Mr. COX of Indiana. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. A. MITCHELL PALMER].

Mr. A. MITCHELL PALMER. Mr. Speaker, I am opposed to this steam-roller process of passing this bill through the House for two reasons. In the first place, it is absolutely and entirely unnecessary, for there is plenty of time for the House to give it fair and decent consideration, such as it ought to give to a bill which proposes to appropriate nearly $9,000,000 of the people's money. I am opposed to this method for the second reason that this bill carries a provision which constitutes such a sweeping, far-reaching, and drastic change in the established law of the land that it ought never to find a place in any appropriation bill, much less be forced through the House after only 40 minutes of debate, and I refer, Mr. Speaker, to section 3 of the bill, to which the chairman of the committee has just devoted some attention. This legislation had its inception in the special session in 1909, when, as the chairman of the committee says, this House passed an amendment to the urgent deficiency bill which provided that surety companies thereafter should not charge more than 35 per cent in excess of the charges of the year before on fidelity bonds, and the Senate put an additional amendment on the bill creating a joint commission to investigate the entire question of surety bonds. The commission says in its report, which I have seen within the last half hour, that the commission was created because the argument was made, which the commission says was sound, that this important legislation ought not to be put through without a full investigation and an opportunity for discussion in the Congress. Now, the commission has been working for nearly two years behind closed doors, at a very considerable expense, and before it makes any report to this Congress and before a single Member or any other person in the country interested in this matter has had an opportunity to know what the commission has found, it gives a sort of premature birth to the remarkable piece of legislation found in this bill.

Now, after this legislation was passed in 1909 the surety companies maintained a rate in accordance with the maximum rate established by the law for several months, but in September, 1909, my information is that the surety companies began to cut rates again, and rates went down to the prices which prevailed during the cut rates of 1908, so that the effect of the legislation has been to accomplish all that the chairman of the committee claimed for it when he brought it into the House in the deficiency bill of 1909. Despite that fact he now proposes in this bill to embark the Government of the United States——

The SPEAKER. The time of the gentleman has expired.

Mr. A. MITCHELL PALMER. Can the gentleman from Indiana yield me more time?

Mr. COX of Indiana. I yield the gentleman one minute more.

Mr. A. MITCHELL PALMER. You propose to embark the Government of the United States in the most hazardous business which men could engage in in this country, and I am against the Government going into a business and assuming a liability which this commission itself says amounts to $350,000,000 without an opportunity on the part of the House to understand this question.

Mr. OLMSTED. Will the gentleman yield?

Mr. A. MITCHELL PALMER. I have only a minute; if I could have four minutes more I would.

Mr. OLMSTED. This bill leaves it optional with the clerks. Suppose a limited number of clerks availed themselves of the option, the fidelity fund would be very small. Now, how would the Government be reimbursed for losses which might occur?

Mr. A. MITCHELL PALMER. They propose to levy this assessment in such a way that it will be cheaper for the employees to get in under this plan than to take the bond of any reputable surety company in the country, and therefore I suppose they will get all the employees into the system.

The SPEAKER. The gentleman's time has again expired.

Mr. COX of Indiana. Mr. Speaker, I yield three minutes to the gentleman from Maryland [Mr. COVINGTON].

Mr. COVINGTON. Mr. Speaker, in the short time I have in which to discuss this proposition I do not purpose to deal with the merits of the proposed legislation for bonding Federal employees. I am not concerned with its merits at the present time. But I am opposed to any scheme of legislation which is a radical departure from the settled policy of a century and which seeks to embark the Government into a paternal bonding scheme of any sort for its officers and employees without full opportunity for this House to discuss the merits of the proposition and amend it if necessary.

Only yesterday the report was filed with this House embodying the result of the investigation of the joint commission appointed with regard to this legislation. That report speaks for itself, in that it embraces 100 pages. There have been employed a corps of trained investigators under the charge of two expert actuaries. One year and more of time has been given to the completion of the complicated results of that investigation. Those results have been embodied in a scheme of legislation engrafted upon an appropriation bill, and which scheme seeks to overturn the system of surety liability which the Government has uniformly resorted to in the past. Mr. Speaker, this proposed plan will mean the establishment of the principle of a parental system of government, and is so wide a departure from our settled policy that we ought not to engage in it without careful scrutiny.

I want also to call the attention of this House to the provision of law authorizing the joint commission which has reported the proposed legislation. In the commission's authorization act as embodied in the conference report, and which the gentleman from Minnesota [Mr. TAWNEY] has referred to, there is not a suggestion that it should report a plan of legislation changing the method of suretyship liability to the Government by Government employees. The question at issue at that time was purely one of rates.

I know not, nor do I care, for this purpose, whether the bonding companies' rates have in the past been excessive or not. If they were, they should be regulated. If their surety bonds are in a form which under the law did not adequately protect the Government, then the liability clause should have been changed, and they should all perhaps be made to run directly to the United States. If, as a matter of fact, there was any particular in which those bonds were prepared so that the companies were enabled to evade their liability, I say the bonding companies ought to have been made to change them.

But, Mr. Speaker, the subject under discussion in this House to which the gentleman from Minnesota [Mr. TAWNEY] has referred was purely one of adjusting the existing rates of the bonding companies and of getting the joint commission's authority to investigate embodied into law. The final form of the statute then passed simply provided that the commission—

shall inquire into the rates of premium heretofore and now being charged as well as those proposed to be charged by surety or bonding companies for bonds of officers or employees of the United States and report to Congress by bill or otherwise at its next session what regulation, if any, should be exercised under law or otherwise over the same.

I therefore say, Mr. Speaker, that it is improper to engraft on a deficiency appropriation bill such a comprehensive scheme of legislation as the one before us, and one not contemplated when the commission was created.

Mr. Speaker, the gentleman from Pennsylvania [Mr. OLMSTED] has asked his colleague [Mr. A. MITCHELL PALMER] one very pertinent question I want to refer to, namely, if this legislation be optional, and if there is not held out to the Government employee some remarkable inducement or incentive, what assurance have we that there will be created by this optional

plan of governmental suretyship a fidelity fund from the low premiums collected from any restricted number of employees who may avail themselves of the proposed law, which will be a sufficient fund to reimburse the Government for a single great loss? It sems to me that that question of itself ought to be sufficient reason to prevent us from passing in a hasty fashion on an appropriation bill legislation of this vital character.

Mr. COX of Indiana. Mr. Speaker, I yield four minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Speaker, I want to say that I have as much confidence in a bill reported by the Committee on Appropriations, and which they have considered, as I have in a bill reported by any other committee in the House. But I was struck with a statement made by the gentleman from New York [Mr. FITZGERALD] a few days ago, when the attempt was made to get a rule to pass the sundry civil bill, that he was not willing to ask the membership of this House to take the judgment of any single committee on a great appropriation bill and the items thereof and that he was not willing to adopt any such precedent. I was very much impressed with that, because he is one of the distinguished members of that committee and did not want to share any such responsibility.

Now, I suppose if there is any appropriation bill that has been before this House that might justify us in passing in this way it is this particular bill. But should we on this side, just starting in to legislate in a few days—according to the papers—adopt a precedent that may come home to vex us? We have plenty of time to consider this bill. Every point of order is waived when the motion to suspend is carried. No opportunity to amend is given, and, according to the statement of the gentleman from New York [Mr. FITZGERALD], which I heartily approve, hardly ever can a bill be made as good by any one committee as by the Committee of the Whole House on the state of the Union.

Now, inasmuch as we have plenty of time wherein to consider this bill in the usual way, and perhaps can get it passed this afternoon, why not do it? But I want to say, in justice and fairness to the committee and to the House, that it will be ten times—yes, fifty times—more defensible to pass this bill in this way than to pass a bill which practically puts a charge, one-half on the District of Columbia and one-half on the General Treasury of the United States Government, for a gigantic park scheme involving $20,000,000, which I doubt if 20 men or 50 men in the House know anything about, or can sufficiently inform this House upon it in 20 minutes' debate on a motion to suspend the rules. I hope when that motion comes up that gentlemen will think this is a mere bagatelle as compared with suspending the rules and passing a measure involving as many millions as are required for the fortification of the Panama Canal. But I will vote against this motion, because I think it is a bad precedent, because I think it is unnecessary, and because I think we have ample time in which to consider this bill in the proper way, especially when we know what is coming.

Mr. CLAYTON. And we should vote against it because it ought to be beaten, too.

Mr. COX of Indiana. Mr. Speaker, I yield 10 minutes to the gentleman from North Carolina [Mr. THOMAS].

Mr. THOMAS of North Carolina. Mr. Speaker, I agree with the gentleman from Tennessee [Mr. SIMS] in many respects, but I disagree with one part of his speech, as to the relative importance of this bill.

I think we ought not to adopt a motion to suspend the rules and pass this bill, because I think a general deficiency bill, above all others, ought to be read in the House, subject to amendment, and ought to be subject to points of order. It is a sort of basket bill. Like the basket clause in a tariff bill, it carries many important items which have not heretofore been appropriated for by Congress, and without intending the slightest reflection on the members of the Committee on Appropriations, I think a motion should not be adopted to suspend the rules and pass such a bill, with no opportunity allowed for amendment.

Mr. TAWNEY. Is the gentleman aware of the fact that it is the custom in a short session of Congress to pass the general deficiency bill under a suspension of the rules?

Mr. THOMAS of North Carolina. I was not aware of that fact; but if it is a fact, it is a bad custom. This bill carries $8,000,000. It carries many different items. It carries appropriations for the State Department, the Treasury Department, the District of Columbia, river and harbor work, pensions, the Department of Justice, Department of Agriculture, audited accounts, and many other appropriations. In addition, there have been engrafted upon this bill—and that, I think, is unwise on the part of the Committee on Appropriations—matters not authorized by existing law, which is contrary to the rules of the House, and matters which ought not to go upon an appropriation bill, but should be presented to the House by separate bills.

Now, it is true that the committee puts items subject to points of order in many appropriation bills, but those bills are usually read in the House, and if the items ought not to go in a point of order takes them out of the bill. But if you adopt the motion of the gentleman from Minnesota [Mr. TAWNEY] the effect is that you have not the slightest opportunity to make a point of order against any item in this bill or the slightest opportunity to amend the bill, all rules being suspended.

My friend from Pennsylvania [Mr. A. MITCHELL PALMER] and the gentleman from Maryland [Mr. COVINGTON] have told you that section 3, establishing a fidelity division in the Treasury Department, which practically puts the Government into the bonding business, ought not to be in this bill. Certainly opportunity should be given, if it is subject to a point of order, to those gentlemen and others opposed to that provision to make the point of order. But the effect of the motion of the gentleman from Minnesota [Mr. TAWNEY], if you adopt it, is to pass the bill without any opportunity to make a point of order or any opportunity of amending the bill, and I, for one, am opposed to such procedure.

Mr. COX of Indiana. Mr. Speaker, I desire to detain the House but for a moment. I am unalterably opposed to legislation of this kind. I am opposed to it on principle, because I do not believe it can be justified on any principle whatever.

I recognize the fact that we are here in the closing days of the session of Congress, when everything is in a jam, but I do not believe that the jam can be charged up to this branch of the Congress. If there be a jam anywhere and a fault anywhere, that fault should not be laid at our door. Here is a bill that carries upward of $8,000,000 that must be paid by the people; and while I have the supremest confidence in the great Committee on Appropriations, yet it has been well said, and I have long since learned, that the best legislation is not evolved alone by the committee that has charge of it. I have learned that the best legislation, or at least what I regard as the best legislation, is that which is perfected by going through the Committee of the Whole. Everyone knows that if the motion made by the gentleman from Minnesota is agreed to, all amendments are cut off, all points of order are denied; and while I have had little time to go through this bill, I have no doubt that there are many items in it that ought to go out on points of order. I have no doubt that many of these items should be amended and can be amended.

I know that the threat is constantly held over us "If you men on that side of the House, or those who are opposed to this motion, want to take the chance of a special session, vote down this rule."

Mr. Speaker, I am not desirous of bringing on a special session, but to me it has few terrors when it comes to doing what I regard as my plain duty, in opposing this motion, taking the chances of reading this bill under the five-minute rule, and letting it come up in its natural, orderly, and decent way. [Applause.]

Nor does the argument that it has been customary heretofore to pass general deficiency bills under a suspension of the rules appeal to me; because, if it has ever been the policy of Congress to pass any appropriation bill under a suspension of the rules, that policy, in my judgment, can not be defended. It is erroneous, and it is the last time that we should adopt it.

Mr. CLAYTON. The bill is only 85 pages long.

Mr. COX of Indiana. The bill is only 85 pages long, as suggested by the gentleman from Alabama. Last week we were assured by the able chairman of the Committee on Appropriations that if we did not adopt the motion passing the sundry civil bill under suspension of the rules, it would surely bring on an extra session.

Mr. THOMAS of North Carolina. If we had gone on under the rules of the House to-day we would have been almost through with this bill.

Mr. COX of Indiana. That is true. If we had begun the reading of this bill under the five-minute rule we would have been almost through with it. Last week we considered the sundry civil bill, carrying $140,000,000, and nearly 240 pages long, and passed it through the House in less than two days. I do not entertain any question but what if we remain here we can pass this bill before 12 o'clock to-night, and I hope this motion will be voted down. I will never vote for any rule shutting off points of order or amendments to bills of any kind, when the only argument advanced for the rule is time. The people are entitled to the very best legislation we can give them, and all know that if this amendment be adopted it can not be given due and careful consideration, because the adoption of the rule passes the bill.

The SPEAKER. The question is on the motion to suspend the rules and pass this bill with the amendments.

The question being taken, the Speaker announced that he was in doubt.

Mr. TAWNEY. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 135, nays 157, answered "present" 6, not voting 86, as follows:

YEAS—135.

Alexander, N. Y.	Draper	Hollingsworth	Morgan, Okla.
Anthony	Durey	Howell, N. J.	Nye
Austin	Dwight	Howell, Utah	Olcott
Barchfeld	Edwards, Ky.	Hull, Iowa	Palmer, H. W.
Barclay	Ellis	Humphrey, Wash.	Parker
Barnard	Elvins	Joyce	Payne
Bartholdt	Fairchild	Keifer	Pickett
Bennet, N. Y.	Fish	Kendall	Plumley
Bennett, Ky.	Focht	Kennedy, Iowa	Pratt
Bingham	Fordney	Kennedy, Ohio	Pray
Boutell	Foss	Knapp	Reeder
Bradley	Foster, Vt.	Lafean	Roberts
Burke, Pa.	Gaines	Langham	Scott
Burke, S. Dak.	Gardner, Mass.	Langley	Sheffield
Burleigh	Gardner, Mich.	Lawrence	Simmons
Calder	Gardner, N. J.	Livingston	Smith, Iowa
Calderhead	Gillett	Longworth	Snapp
Campbell	Good	Loud	Sperry
Cassidy	Graff	Loudenslager	Steenerson
Chapman	Graham, Pa.	Lowden	Stevens, Minn.
Cocks, N. Y.	Grant	McCreary	Sulloway
Cole	Greene	McCredie	Swasey
Cowles	Griest	McGuire, Okla.	Tawney
Creager	Guernsey	McKinley, Ill.	Taylor, Ohio
Crow	Hamer	McKinney	Thistlewood
Crumpacker	Hamilton	McLaughlin, Mich.	Thomas, Ohio
Currier	Hanna	McMorran	Volstead
Dalzell	Haugen	Malby	Wanger
Davidson	Hawley	Martin, S. Dak.	Weeks
Davis	Heald	Massey	Wilson, Ill.
Dawson	Henry, Conn.	Miller, Kans.	Young, Mich.
Dickema	Higgins	Miller, Minn.	Young, N. Y.
Dodds	Hill	Mondell	The Speaker
Douglas	Hinshaw	Morgan, Mo.	

NAYS—157.

Adair	Esch	Johnson, Ky.	Peters
Adamson	Ferris	Johnson, Ohio	Rainey
Aiken	Finley	Johnson, S. C.	Randell, Tex.
Alexander, Mo.	Fitzgerald	Keliher	Ransdell, La.
Anderson	Flood, Va.	Kinkead, N. J.	Rauch
Ansberry	Floyd, Ark.	Kitchin	Richardson
Barnhart	Fornes	Kopp	Riordan
Beall, Tex.	Foster, Ill.	Korbly	Roddenbery
Bell, Ga.	Fuller	Kronmiller	Rucker, Mo.
Boehne	Garner, Tex.	Küstermann	Shackleford
Booher	Garrett	Lamb	Sharp
Borland	Gillespie	Latta	Sheppard
Brantley	Glass	Lee	Sherley
Burgess	Gordon	Legare	Sherwood
Burleson	Graham, Ill.	Lenroot	Sims
Burnett	Gregg	Lever	Sisson
Byrns	Hamill	Lindbergh	Slayden
Candler	Hamlin	Lloyd	Smith, Tex.
Cantrill	Hammond	McHenry	Speight
Carlin	Hardwick	Macon	Stafford
Carter	Hardy	Madden	Stanley
Cary	Harrison	Madison	Sturgiss
Clark, Mo.	Havens	Maguire, Nebr.	Sulzer
Clayton	Hay	Mann	Talbott
Cline	Heflin	Martin, Colo.	Taylor, Colo.
Collier	Helm	Mays	Thomas, Ky.
Cooper, Wis.	Henry, Tex.	Mitchell	Thomas, N. C.
Covington	Hitchcock	Moon, Tenn.	Tilson
Cox, Ind.	Hobson	Moore, Pa.	Tou Velle
Cox, Ohio	Houston	Morrison	Townsend
Cullop	Howard	Morse	Turnbull
Dent	Howland	Moss	Washburn
Denver	Hubbard, Iowa	Nelson	Watkins
Dickinson	Hubbard, W. Va.	Nicholls	Webb
Dickson, Miss.	Hughes, Ga.	O'Connell	Wheeler
Dies	Hughes, N. J.	Oldfield	Wilson, Pa.
Dixon, Ind.	Hull, Tenn.	Olmsted	Woods, Iowa
Driscoll, D. A.	Humphreys, Miss.	Padgett	
Edwards, Ga.	James	Page	
Ellerbe	Jamieson	Palmer, A. M.	

ANSWERED "PRESENT"—6.

Andrus	Conry	Slemp	Smith, Mich.
Bartlett, Ga.	Rothermel		

NOT VOTING—86.

Ames	Gallagher	McLachlan, Cal.	Rodenberg
Ashbrook	Garner, Pa.	Maynard	Rucker, Colo.
Bartlett, Nev.	Gill, Md.	Millington	Sabath
Bates	Gill, Mo.	Moon, Pa.	Saunders
Bowers	Godwin	Moore, Tex.	Small
Broussard	Goebel	Morehead	Smith, Cal.
Butler	Goldfogle	Moxley	Southwick
Byrd	Goulden	Mudd	Sparkman
Capron	Hayes	Murdock	Stephens, Tex.
Clark, Fla.	Huff	Murphy	Sterling
Cooper, Pa.	Hughes, W. Va.	Needham	Taylor, Ala.
Coudrey	Jones	Norris	Underwood
Craig	Kahn	Parsons	Vreeland
Cravens	Kinkaid, Nebr.	Patterson	Wallace
Denby	Knowland	Pearre	Weisse
Driscoll, M. E.	Law	Poindexter	Wickliffe
Dupre	Lindsay	Pou	Wiley
Englebright	Lively	Prince	Willett
Estopinal	Lundin	Pujo	Wood, N. J.
Fassett	McCall	Reid	Woodyard
Foelker	McDermott	Rhinock	
Fowler	McKinlay, Cal.	Robinson	

So the motion was lost.

The following pairs were announced:

For the session:

Mr. BUTLER with Mr. BARTLETT of Georgia.

Mr. BRADLEY with Mr. GOULDEN.

Mr. MOREHEAD with Mr. POU.

Mr. SMITH of California with Mr. CRAVENS.

Until further notice:

Mr. SOUTHWICK with Mr. ROBINSON.

Mr. KNOWLAND with Mr. GODWIN.

Mr. MCLACHLAN of California with Mr. ASHBROOK.

Mr. KAHN with Mr. SPARKMAN.

Mr. BATES with Mr. SABATH.

Mr. MCCALL with Mr. UNDERWOOD.

Mr. WOODYARD with Mr. WEISSE.

Mr. DENBY with Mr. GALLAGHER.

Mr. CAPRON with Mr. GILL of Missouri.

Mr. MILLINGTON with Mr. MAYNARD.

Mr. WOOD of New Jersey with Mr. PATTERSON.

Mr. MURDOCK with Mr. RHINOCK.

Mr. AMES with Mr. REID.

Mr. COOPER of Pennsylvania with Mr. BOWERS.

Mr. MICHAEL E. DRISCOLL with Mr. BROUSSARD.

Mr. FASSETT with Mr. CRAIG.

Mr. GARNER of Pennsylvania with Mr. DUPRE.

Mr. HUFF with Mr. ESTOPINAL.

Mr. LAW with Mr. GILL of Maryland.

Mr. LUNDIN with Mr. GOLDFOGLE.

Mr. MOON of Pennsylvania with Mr. JONES.

Mr. MOXLEY with Mr. LIVELY.

Mr. MURPHY with Mr. LINDSAY.

Mr. PARSONS with Mr. MCDERMOTT.

Mr. PEARRE with Mr. MOORE of Texas.

Mr. PRINCE with Mr. PUJO.

Mr. RODENBERG with Mr. RUCKER of Colorado.

Mr. STERLING with Mr. SAUNDERS.

Mr. VREELAND with Mr. STEPHENS of Texas.

Mr. COUDREY with Mr. TAYLOR of Alabama.

Mr. MUDD with Mr. WILLETT.

Mr. FOELKER with Mr. WICKLIFFE.

For the balance of the session:

Mr. HUGHES of West Virginia with Mr. BYRD.

Mr. WILEY with Mr. WALLACE.

Mr. SMITH of Michigan with Mr. CLARK of Florida.

Ending with session of March 1:

Mr. HAYES with Mr. ROTHERMEL.

Ending March 2, at 11 a. m.:

Mr. ENGLEBRIGHT with Mr. BARTLETT of Nevada.

Mr. NEEDHAM with Mr. CONRY.

On this vote:

Mr. FOWLER with Mr. SMALL.

The result of the vote was announced as above recorded.

A MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives, by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and joint resolution of the following titles:

On February 27, 1911:

H. R. 26150. An act to authorize the construction of drawless bridges across a certain portion of the Charles River, in the State of Massachusetts;

H. R. 28632. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes;

H. R. 9221. An act for the relief of James Jones;

H. R. 16268. An act for the relief of Thomas Seals;

H. R. 18542. An act for the relief of Thomas C. Clark;

H. R. 26018. An act for the relief of James Donovan;

H. R. 31538. An act to authorize the Pensacola, Mobile & New Orleans Railway Co., a corporation existing under the laws of the State of Alabama, to construct a bridge over and across the Mobile River and its navigable channels above the city of Mobile, Ala.;

H. R. 32220. An act to authorize the board of supervisors of the town of High Landing, Red Lake County, Minn., to construct a bridge across the Red Lake River;

H. R. 32341. An act to authorize the St. Paul Railway Promotion Co., a corporation, to construct a bridge across the Mississippi River near Nininger, Minn.;

H. R. 32400. An act to authorize the North Pennsylvania Railroad Co. and the Delaware & Bound Brook Railroad Co. to construct a bridge across the Delaware River from Lower Makefield Township, Bucks County, Pa., to Ewing Township, Mercer County, N. J.; and

H. J. Res. 276. Joint resolution modifying certain laws relating to the military records of certain soldiers and sailors.

On February 28, 1911:

H. R. 32571. An act to consolidate certain forest lands in the Kansas National Forest.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GARDNER of Michigan. Mr. Speaker, I call up the conference report on the bill (H. R. 31856) making appropriations to provide for the expenses of the government of the District of Columbia. The statement has already been read this morning and I ask unanimous consent that its reading be dispensed with as well as that of the report.

The SPEAKER. Without objection the reading of the report and the statement will be dispensed with.

There was no objection.

Mr. GARDNER of Michigan. Mr. Speaker, there is a full and complete agreement between the conferees of the two Houses. The action of the House yesterday in defeating the Senate amendment increasing the salaries of the commissioners was conformed to by the conferees. That is the only change in the bill from what it was as presented yesterday. I move the adoption of the report.

The motion was agreed to.

AUTOMOBILES ENGAGED IN INTERSTATE COMMERCE.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, reported the bill (H. R. 32570; H. Rept. No. 2270) providing for the regulation, identification, and registration of automobiles engaged in interstate commerce and the licensing of the operators thereof, which was read a first and second time and, with the accompanying papers, referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. WANGER. Mr. Speaker, I ask unanimous consent that the minority may have until to-morrow to file a report.

The SPEAKER. Is there objection?

There was no objection, and it was so ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Curtis, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5037. An act for the relief of G. A. Embry; and

S. 10808. An act to authorize the Greeley-Arizona Irrigation Co. to build a dam across the Colorado River at or near Head Gate Rock, near Parker, in Yuma County, Ariz.

ORGANIZED MILITIA.

Mr. DALZELL. Mr. Speaker, I call up now the privileged report (No. 2275, with H. Res. 1001) from the Committee on Rules which was under consideration at the time that I yielded to the gentleman from Minnesota [Mr. TAWNEY] to move to suspend the rules and pass the general deficiency bill. The rule has already been read from the desk and I ask unanimous consent that, for the information of the House, it be again reported.

There was no objection, and the Clerk again reported the rule.

Mr. CLARK of Missouri. Mr. Speaker, I desire to make a parliamentary inquiry. Was it not the agreement that the deficiency bill should be gotten out of the way, passed or defeated, before this would come up?

The SPEAKER. There is no agreement about it, so far as the Chair is informed or believes.

Mr. MANN. The motion of the gentleman from Minnesota to suspend the rules was defeated.

The SPEAKER. This is a privileged matter and the deficiency bill is a privileged matter—and many bills are privileged, for that matter——

Mr. CLARK of Missouri. I would like to refresh the memory of the Chair. Did not the Chair make the agreement with the gentleman from Pennsylvania?

Mr. DALZELL. That was, that the gentleman from Minnesota should make his motion to suspend the rules and pass the bill. He has already done that, but the motion was defeated.

Mr. CLARK of Missouri. What has become of the bill?

The SPEAKER. It has gone to the Union Calendar.

Mr. DALZELL. Mr. Speaker, before proceeding to discuss the rule I would like to ask the gentleman from Missouri how much time he wants.

Mr. CLARK of Missouri. Individually, I do not want any. If the gentleman will take 20 minutes off the time granted for the debating of this rule and add it to the general debate under the rule and give me half of the time, I will waive this debate about the rule, as the gentleman from New York [Mr. FITZGERALD] who wanted to debate it is not here.

Mr. DALZELL. Then, Mr. Speaker, I will be willing to add 30 minutes to the general debate on the bill.

Mr. CLARK of Missouri. Yes; and give me half of this. That would be 45 minutes.

Mr. DALZELL. Mr. Speaker, I will agree to that, if the House does. I ask unanimous consent that that agreement may be made.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. HAY) there were—ayes 122, noes 83.

So the resolution was agreed to.

Mr. DALZELL. Mr. Speaker, the bill H. R. 28436 has already been read in the House, and I ask unanimous consent that the first reading of the bill be dispensed with.

The SPEAKER. Is there objection?

There was no objection, and it was so ordered.

The SPEAKER. Under the order previously made by unanimous consent, there will be one hour and a half general debate, 45 minutes to be within the control of the gentleman from Missouri [Mr. CLARK] and 45 minutes within the control of the gentleman from Pennsylvania [Mr. DALZELL].

Mr. DALZELL. Mr. Speaker, I yield to the author of the bill [Mr. STEENERSON].

Mr. STEENERSON. Mr. Speaker, the provisions of this bill may be divided into two classes, the first relating to the pay of the National Guard, and as I have already explained those provisions to the House on the motion to suspend the rules, it is not necessary to go over that again. The other features of the bill may be called the administrative features, and seek to correct some defects in the existing law. We should bear in mind that originally under the acts regarding the militia of 1792 and 1795 the militia could be called out by the President in time of war directly without any intervention of the governor of a State, and at the time of the Civil War that power was exercised in many instances and enforced. Now, when the law of 1903, known as the Dick law, was passed, there appeared for the first time a provision that the call should be made through the governor, and that was retained when that law was amended in 1908.

Originally the law provided that the militia should consist of all able-bodied men between the ages of 18 and 45, and all were required to render military services, to be enrolled, and to provide themselves with certain equipment. The Dick law retained a part of the provisions, but classified the militia into the reserve militia and the Organized Militia or National Guard. Now, the War Department has found fault with the existing law in this, that there is no provision for reaching the militia in case of war and compelling them to respond to a call. There is no jurisdiction in any court-martial to try a militiaman or a national guardsman for refusing to respond, and we have corrected that upon the suggestion and recommendation of the War Department. It simply restores the law and the working system substantially as it was originally, so that you will readily see that the fears of some gentlemen who debated this measure a few days ago upon the motion to suspend the rules are unfounded.

Mr. MONDELL. Will the gentleman yield for a question?

Mr. STEENERSON. In a minute. It does not interfere with the independence of the States or infringe upon the proper limits of the doctrine of autonomy of the States or State rights.

Mr. MONDELL. Do I understand the gentleman to say that the provisions in the bill under which a militiaman is subject to court-martial if he does not respond to the call of the President is in line with the old militia law, and that it simply restores the conditions that were under the old law?

Mr. STEENERSON. That is true.

Mr. MONDELL. The gentleman is certain about that?

Mr. STEENERSON. Yes. Now, the other provisions of the law relate simply to the inspection of the troops. The War Department explained in the hearings, through Maj. Gen. Leonard Wood, Chief of Staff, the necessity for this provision, inasmuch as under the law as it is now they were unable to determine beforehand what part of the National Guard was fit for military duty and was efficient; whether they were physically suitable, and the law, therefore, as we propose to make it, covers that point and makes them subject to examination and approval by the War Department before they can draw any of this pay herein provided for. These provisions were suggested by the War Department as a condition precedent to the pay of the militia as contemplated by the bill, and the Committee on

Militia agreed that that was a proper condition and that these defects in the law should be corrected. Now, in regard to the substantive proposition in the bill, to pay the militia or National Guard for this training, as contemplated by the bill, I wish to remind the Members of the House of the fact that under the law as it is and as it has always been and even under the State constitutions of most of the States, every able-bodied man is liable to military duty in time of war, and impliedly, therefore, everyone should be ready to perform that duty. Now, we are an industrial Nation. The vast population here is engaged in the pursuits of industry and commerce, and although we have estimated approximately 16,000,000 men in the United States of military age, yet none of them, or at least very few, prepare themselves to discharge this duty to their country in case of war, but in each State they have an Organized Militia or National Guard, a voluntary force, that is almost entirely serving without compensation, and this measure seeks to compensate them to a small degree for the extra work involved in acquiring the necessary knowledge and training to fit them for duty in case of war.

Mr. MONDELL. Will the gentleman permit another question?

Mr. STEENERSON. I yield to the gentleman from Wyoming.

Mr. MONDELL. I do not want to break in on the gentleman's argument, but I want to ask the gentleman if he does not think that this provision on page 2—

That no officer shall be entitled to compensation until he shall have passed such examination as shall be prescribed for officers of that grade by the Secretary of War—

is somewhat conflicting.

Mr. STEENERSON. I do not think it conflicts with the Constitution.

Mr. MONDELL. The gentleman is sure of that?

Mr. STEENERSON. Well, it is my opinion.

Mr. FLOYD of Arkansas. Will the gentleman yield for a question?

Mr. STEENERSON. For a question, if it is brief.

Mr. FLOYD of Arkansas. I desire to ask the gentleman from Minnesota who creates the national military board referred to in this act. How is it constituted?

Mr. STEENERSON. That is created under a former law.

Mr. FLOYD of Arkansas. Now, I will say to the gentleman from Minnesota that I have searched the statutes carefully and I can not find where it is in any of the acts.

Mr. STEENERSON. I can not help that. It is there. Now, I desire to say further——

Mr. HOWLAND. Will the gentleman yield?

Mr. STEENERSON. In a moment. I desire to say, further, that the United States, with the exception of Great Britain, is the only important country in the world that has no compulsory military service. We depend for our defense entirely upon volunteers. The Regular Army is recruited from volunteers and so is the National Guard, and that relieves these fifteen or sixteen million men subject to military duty from any preparation.

When these young men throughout the different States who belong to the National Guard are required, as they are under the existing law, to prepare themselves with great labor, it is but fair that the rest of us who do not so prepare or abandon our business should contribute something to aid them in making good at least their loss of money spent in this preparation.

Now, I yield to the gentleman from Ohio [Mr. HOWLAND].

Mr. HOWLAND. I would like to have the gentleman give me the constitutional authority which justifies the Federal Government in appropriating money out of the Federal Treasury to pay the officers of the guard and the men of the guard when they are not in the employ of the Federal Government.

Mr. STEENERSON. Well, the Constitution provides that Congress shall provide for the training of the militia, and this is a provision for that purpose, and I do not think there is any question about it. As I have said, these men, out of 16,000,000 of military age in the United States, are doing this work for our security. And it is but fair that a small allowance should be given to them by the United States. The States contribute something, and in some States I am told those of military age are required to contribute in order that the State may disburse that money to the National Guard in their States. It seems to me it is a perfectly fair and equitable provision.

From the foundation of this Government it was a great problem how to establish a well-regulated militia, and it was conceded up to 1903 that we had failed. Since that legislation the militia has concededly improved, and has now achieved, comparatively speaking, great efficiency. We have accomplished what George Washington so eloquently said was a great work. In one of his messages to Congress he said:

The devising of well-regulated militia would be a genuine source of legislative honor and a perfect title to public gratitude.

We think with this legislation and the previous legislation that I have alluded to, that we will have devised a well-regulated militia system that will prove satisfactory and, in the opinion of the Secretary of War, will give us such preparation as is reasonably necessary for war, and it seems to me we should not look upon this entirely from the standpoint of the Appropriations Committee.

We are responsible for the safety of this great Nation of ninety millions of people. We are responsible for the permanence of its institutions, for its wealth, and for its civilization. History tells us that the richer the nation, the more advanced in civilization, the greater the temptation there is for a foreign foe to seek to invade our limits. And we can not wave it aside by saying it will cost a few million dollars.

We are spending, it is true, $100,000,000 a year upon the Regular Army. We are spending $4,000,000 dollars for equipment for the militia. If we spend the maximum, estimated under this bill as $8,000,000, it will be only $12,000,000 for 120,000 officers and men, or at the rate of $100 apiece for that vast army.

It seems to me that it is the most economical measure that can be proposed. We certainly would not expect that we had done our duty in preparing for the national defense if we did not do something to continue the excellent condition of the militia and continue to improve it, and put the law in such a state as to make it a workable system.

Granted that the Army and Navy and militia costs a large amount annually to maintain, the fact remains that their maintenance is necessary for the security and defense of our country. The service of all these men, in all branches, is voluntary. We must either pay a reasonable compensation or we can not fill the ranks unless we resort to conscription or involuntary servitude. Is there anyone here who advocates that?

We often hear it said that ours is the most expensive military service in the world, and that ours is the most costly army, and so forth. That is true, and the reason is that this is the highest wage country in the world.

When we hire men for this service we must pay something like what could be earned in civil life or the ranks will not be filled.

Upon reflection, therefore, it seems to me that it will appear to any fair-minded person that the large sums spent for the public defense is not due to extravagance on the part of Congress, nor to undue pressure exerted by militarists among us, but to the fact that this is not only a free but a high-priced country, where even the common soldier is entitled to fair pay and a decent standard of living. You can not abandon the country to a defenseless condition, and you can not maintain a proper defense except by paying what it costs.

This legislation was recommended in the annual report of the Secretary of War, and by the Chief of Staff and all the officials of the War Department.

I do not claim to be a military authority, but I lay this before you in the light of common sense and fairness, that it is a measure not for the purpose of giving money for something simply for show, but to compensate these men for actual work. The time of the tin soldier and of display is gone by, so far as the militia is concerned. Everyone familiar with the National Guard work for the last few years knows that it is efficient, and everyone knows that the guardsmen undergo actual training and work and study, and that therefore they are entitled to some recognition for this work for our common benefit. [Applause.]

Mr. DALZELL. Mr. Speaker, how much time has the gentleman consumed?

The SPEAKER pro tempore. The gentleman has two minutes remaining.

Mr. CLARK of Missouri. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, this bill proposes to impose a permanent charge upon the revenues of the Government of about $6,000,000 annually. Members on this side of the House should realize that within a very short time Congress will be convened for the purpose of revising the revenue laws of the United States in order to reduce the burdens of taxation and to afford some relief to the people from the present onerous burdens from which they suffer. It will be impossible to bring any relief whatever to the country if we are continually to add to the permanent charges for which provision must be made by revenue legislation.

Two things will be demanded of the Democratic Party in the next House—one, to reduce substantially the appropriations of the public money for the conduct of the public service, and the other to reduce substantially the taxes imposed under the tariff laws.

The appropriations for the past two or three years have exceeded one thousand millions of dollars annually; unless substantial reductions are made in the appropriations it will be impossible for any committee of this House, however gifted or however earnest, to give any relief from the present extortionate tariff taxes.

It is said that the real purpose of this bill is to perfect the militia of the country, to afford some method by which we may be able to avoid augmenting our permanent military force and to organize the militia upon such a basis that it will be possible to resort to it in the time of difficulty. The truth of the matter is, Mr. Speaker, that this country has been able to rely upon its volunteers and its militia since the foundation of the Government without any financial aid from the Federal Government until within a very few years. In order to harmonize the militia equipment and to standardize its equipment, Congress has enacted laws by which there is annually appropriated $4,000,000 for the militia, and now it is proposed to add to this expenditure $6,000,000 or $8,000,000 annually in addition.

An examination of this bill discloses that it will not accomplish its purposes. It may be of some benefit to the men who have commissions in the National Guard of the various States, because it gives them, during the entire year, a certain percentage of the compensation paid to officers in the Regular Army holding similar rank. But to the enlisted man it will be neither an inducement nor an advantage. It provides that he may receive 25 per cent of the pay of an enlisted man in the Army, provided he satisfactorily performs at least 48 drills in a year. Men in the various States cheerfully enlist in the National Guard and willingly pay dues and subject themselves to fines and punishment for failure to comply with the regulations. Under this bill the opportunity to obtain $45 in one year by compliance with the regulations of the War Department will not be any inducement to others to enter the militia or to have the men perform the duties imposed upon the militia by the Federal Government, but it will do something, Mr. Speaker, that will plague us in the future more than can be foretold at present. It will be the beginning of a movement by which men in the National Guard in all parts of the country will be awakened to take an interest in the amount of money appropriated by the Federal Government for the aid of the militia.

When men are put upon a basis where they receive 25 per cent of the pay of an enlisted man they will very quickly demand that the compensation be increased to 50, to 75, and then to 100 per cent of the pay of an enlisted man; and then, with this organized movement extending into every little hamlet throughout the country, will come an irresistible demand that the pay of the enlisted men of the Army be increased so that the militia may be the beneficiaries, and instead of imposing an annual charge of six or eight million dollars, as some well-informed persons predict, it will very easily result in a fixed charge of over $30,000,000 a year.

I have heard it said by men who are well informed that the best that can be expected at the first attempt to revise our Army estimates will be to save $5,000,000 or $6,000,000 a year from the present appropriations. If this bill becomes a law every dollar to be saved from the present Army budget must be appropriated to carry out the provisions of this act.

We expend now $125,000,000 a year for the Navy, about $100,000,000 for the Army, $4,000,000 under the Dick law for the militia, and now it is proposed to add from $6,000,000 to $8,000,000 more to our expenditures for military purposes.

I will not go into the question as to the necessity or advisability of legislation to improve the militia. It is my contention that in the dying hours of this Congress it is a gross injustice to attempt to enact a bill which is bound to increase the fixed charges of the Government by from $6,000,000 to $8,000,000. Heretofore we have relied upon the patriotism of the men of the United States to interest them in the National Guard and in the militia, and to equip themselves properly for service in time of need, but now it is proposed by the gentleman from Minnesota [Mr. STEENERSON] that we change our policy, and instead of relying upon patriotic motives, that we rely upon selfishness and greed, and entirely upon a financial inducement for men to undertake service in the militia.

The day after this bill was before the House, Friday last, I read in a paper published in my home city of four officers of one of the most prominent regiments in the National Guard having tendered their resignations because of the onerous duties imposed under the revised regulations of the War Department. The statement was made that not only had four resignations been submitted, but that an additional number were soon to be expected.

Those gentlemen who imagine that men engaged in the ordinary occupations of life can in some manner, by some small pittance, be induced to devote an unreasonable amount of time to military service or to the equipment of themselves for military duty will find out that they are very sadly mistaken.

A long step forward was taken when the Dick law was enacted. It provided means by which standardized equipment could be distributed among the National Guard in the various States, and it also provided means by which such men could be compensated when engaging in joint maneuvers with the Regular Army of the United States.

This bill proposes, however, that these men, when they assemble at their armories during the year, to engage in the regular drills which are provided weekly in all parts of the country, shall have as an inducement the fact that if they attend these drills, and attend 75 per cent of the prescribed number of 48, they may be compensated at the rate of not quite $1 for each drill which they attend.

Mr. Speaker, it is preposterous to assert that such compensation will be any inducement to a man who heretofore has been willing to pay for the privilege of engaging in such drills, and who has entered upon an obligation by which he can be subjected to a financial penalty in case he fails to live up to his obligation.

The real effect of this bill will be, first, to advance very materially the interest of the officers of the guard, and secondly, to promote a lobby extending throughout the United States to coerce Congress into greatly increased expenditures for war purposes. I hope this bill will not receive the approval of the House at this time. [Applause.]

Mr. CLARK of Missouri. I yield 20 minutes to the gentleman from Arkansas [Mr. FLOYD].

Mr. FLOYD of Arkansas. Mr. Speaker, this bill, in my judgment, is against the interests of the National Guard of the United States, notwithstanding I have received telegrams and letters from various members of that organization in my State asking me to vote for it. This bill, in my opinion, controverts the spirit of the Federal Constitution. Congress under the Constitution has certain powers over the militia organizations of the different States. In Article I of the Constitution we find this provision:

> Congress shall have power to provide for calling forth the militia to execute the laws of the Union, suppress insurrection, and repel invasion.

Further—

> to provide for organizing the Army and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.

This bill is a departure from that fundamental principle in our Government as embodied in the Constitution, because, as I will be able to show you, the control of these organizations under the provisions of this bill is absolutely transferred from the several States to the War Department here in Washington.

The bill as originally presented by the National Guard had only one purpose, and that was to provide for pay by the Federal Government to the Organized Militia and the officers thereof in order to relieve them in part from the burdens and expenses incident thereto.

But that bill was submitted to the War Department and the War Department added the proviso in section 5, which completely changes the primary object of the bill proposed by the National Guard organization, and transforms the whole tenor and purpose thereof and makes it a bill in the interest of the War Department of the United States, rather than in the interest of the Organized Militia.

It ignores rules heretofore observed in regard to the rights of the States, and provides that even the pay received by the men shall be paid at the office of the War Department.

Now, I want to call your attention to what Gen. Wood, of the United States Army, said about this bill in the hearings and you will see the reasons which influence the War Department in desiring this legislation. We are expending over $100,000,000 annually in maintaining the Regular Army of the United States. We have 82,000 men in the Regular Army, but we have only about 20,000 in the United States proper. I will read from the hearings before the committee the statement of Gen. Wood:

> Mr. ASHBROOK. Is that two years from the time of their enlistment or two years from the time of being called into the service of the United States?
>
> Gen. WOOD. Two years from the time of call. You see, our situation to-day is just this: We have an army of about 82,000 men, of which nearly 18,000 are in the Philippines, a regiment in Alaska, and we have to put about six in Hawaii, and four or five on the Panama Canal, and it is going to bring us down in the United States to less than 20,000 mobile troops. Under the Dick law we are required to accept the whole militia, and these amendments are put in such shape that we shall know we can get it all, get it well instructed, and have it long enough so that it will be of some service, and in case we have to replace it by volunteers there will be time to do it. Of course, the

chances are that as soon as the militia is called, if we had a great war, we would have to call for a certain number of volunteers in addition. We hope to have the militia in such condition that we can accept it all, on a peace basis of perhaps 120,000 men, in round numbers; on a war footing it would be about 200,000 men, so it is evident that to bring this force up to a war footing it will be necessary to add a very large number of new men. This makes it all the more important that we should be able to hold all the old ones, hence the proviso that these men who have received Federal pay shall serve for not to exceed two years if the Government requires their services. And then, again, if these men had been receiving Federal pay for a number of years, it is not right that they should go out of the service immediately; it seems but fair that they should be liable for at least two years' service if needed.

The CHAIRMAN. Suppose a militiaman has served almost two years in the militia, perhaps has a month more to serve, and then is called upon to serve the United States, he would have to serve two years more?

Gen. WOOD. Yes; if he had received Federal pay, and if the Government required him for that length of time.

Now, in that connection, I want to call your attention again to the particular provision in the bill which I regard as the most unjust and monstrous provision ever inserted in a law relating to the military service of the United States. If a proposition was introduced into this House to require and compel all able-bodied men to serve for a definite period in the United States Army, how many of you would dare to vote for it? And yet we have men in the War Department that have recently advocated such a law; but it is contrary to the spirit of American institutions to compel military service except in a great exigency, such as actual war. And yet you propose to require these militia boys, scattered all over the country, in every State of this Union, before they can receive pay under this bill, to take the oath of allegiance and make an agreement to perform military service for two years in case of war independent of their enlistment, which requirement is not imposed on enlisted men in the Regular Army. Listen to this provision. I want to read it again:

Provided, That no money appropriated under the provisions of this act shall be paid to any person who is not suited to the military service according to the standards prescribed by the Secretary of War, nor shall any such money be paid to any person who has not taken the oath of allegiance to the United States, including an agreement to render military service to the United States during any period for which he may be called into such service, providing such period shall not exceed two years.

What is its purport? It is this monstrous propositon, namely, that while the men who enlist in the Regular Army under the rules and regulations of the War Department which have obtained since the establishment of this Government may retire from service at the end of their enlistment, yet if a young man enlists in the militia of his State and under this bill receives one-fourth pay from the Federal Government, he must take an oath and sign an agreement that in case of war he will serve two years, independent of his enlistment—a draft in advance, based upon his honor. Who is willing to stand for it? Yet there it is, and the meaning of it has been clearly explained by Gen. Wood of the Army.

Mr. HUMPHREYS of Mississippi. That is in the amendment proposed?

Mr. FLOYD of Arkansas. That is in the amendment in section 5, but that is not all of section 5. The other day my time was so limited that I did not state my objections to certain other provisions in section 5. I want to call attention to them now. It reads further:

And any officer or enlisted man of the militia who, having received pay under the provisions of this act, neglects or refuses, under any pretext whatsoever, to present himself for muster when called into the service of the United States, shall be subject to trial by any court-martial constituted as now provided by law.

That is the requirement imposed by the terms of this bill upon each member of the Organized Militia who shall receive Federal pay. He can not excuse himself under any pretext whatever without being rendered liable to court-martial and trial for violation of the law as a deserter.

Mr. STEENERSON. Will the gentleman yield?

Mr. FLOYD of Arkansas. I have not the time to yield. Such is the duty imposed upon each enlisted man. They call upon him for his service. He has no discretion. If he refuses under any pretext whatsoever he is to be court-martialed and tried as a deserter and punished as prescribed by law for desertion. What is the converse of that proposition? If they desire his services they compel him to serve, but if, on the other hand, they do not desire his service, what is the result? Listen to the further reading of this proposed amendment:

And provided further, That nothing in this act, or in any other act, shall be construed to require the United States, in time of war, to accept the services of any militia organization or of any person belonging to such organization unless such organization or person has been regularly inspected, reported fit for military service according to the standard prescribed by the Secretary of War, and so carried upon the rolls of the Adjutant General of the Army.

In other words, if you pass this bill you no longer have a State militia in the different States of the Union, but under the designation of a National Guard or militia organization you have an adjunct to the Regular Army of the United States in the several States of the Union. Does the Organized Militia of this country desire any such law? Why, the Constitution says it shall be the duty of the States to drill the men and to appoint the officers of the Organized Militia, and what does this bill provide? The Secretary of War is not obligated under the provisions of this act or any other law to accept any organization or any man in any organization unless they come up to the standard prescribed by the Secretary of War and their names are so carried upon the rolls of the Adjutant General of the Army.

It is a dangerous bill. It is a dangerous bill to the thousands of young men all over this country who, actuated by patriotic impulses, have joined the National Guard expecting, in the event of war, to be associated with their friends and companions, and to be called into the service of the United States in the performance of patriotic duty. In the Secretary of War is lodged the power to dismember their companies, to take the officers and men he thinks proper and to reject the others. You have no National Guard if this becomes a law. The men named and designated as members of the National Guard have become a great and powerful adjunct of the Army of the United States, and, as I said in the outset, that is contrary to the spirit, if not to the letter, of the Federal Constitution. It is contrary to the traditions of the people of the United States for more than 100 years. I resent the effort to pass this bill as dangerous to the liberties of the people and declare that its enactment is against the interest of every national guardsman in the country, notwithstanding the provision for Federal pay. Oh, but they say, if the militiaman receives one-quarter pay he ought to serve two years independent of his enlistment. Yet the Regular soldier, the enlisted man in the United States Army, is not required under any law, except those laws providing that soldiers may be drafted in time of actual war, to perform military service beyond the period of his enlistment. In behalf of the gallant boys who belong to the National Guard in 46 States, I protest against the passage of this bill. They have asked for bread and you propose, at the behest of the War Department, to give them a stone. They asked for a small pittance of Federal pay, and in consideration thereof you propose to impose upon them all the exacting regulations and requirements of the Regular Army, and to enforce a two years' service in case of actual war, independent of their enlistment, by a trial by court-martial, and in case of conviction, by the pains and penalties provided by law for desertion. I regard this bill as the most dangerous, the most far-reaching and momentous measure that has been proposed in this body since I have been a Member of Congress.

Mr. DALZELL. How much time have I remaining?

The SPEAKER pro tempore. The gentleman has 25 minutes remaining and two minutes left from the time he yielded to the gentleman from Minnesota.

Mr. DALZELL. Mr. Speaker, I yield five minutes to the gentleman from Connecticut [Mr. TILSON].

Mr. TILSON. Mr. Speaker, I agree entirely with my friend from Arkansas [Mr. FLOYD] that this country has confidently relied upon its militia for over 100 years for its defense. I go further and say that it ought to rely for all time for its principal defense on its militia. I do not believe that the people of the United States ought ever to become reconciled to the necessity of a large standing army, and I believe that the passage of this bill will go a long way, or at least be a step in the right direction, to prevent that very thing.

Theoretically all able-bodied men are members of the militia, and upon these the Government has a right to rely for its defense. So long as the weapons used by soldiers were of a simple character and they were opposed by similar weapons in the hands of the enemy there was no great need for long or continuous training. It was sufficient when the danger arose for volunteers to be called for, and volunteers have always been forthcoming. Patriotism has always existed in this country, and I believe always will, and that alone might have sufficed so long as simple weapons were used; but one of the greatest developments of this age has been in connection with firearms and ordnance of various kinds.

Mr. SULZER. Will the gentleman yield?

Mr. TILSON. Gladly.

Mr. SULZER. This bill, as I understand it, provides that the Federal Government shall pay the militiamen of the States. Does the gentleman think that that is a good innovation?

Mr. TILSON. Oh, well, it is not an innovation. The members of the militia have received for many years pay from the

Federal Government every time they were called out for maneuvers in connection with the Federal troops. They have always been paid by the Government, and paid directly by the paymaster of the United States Government, so it is not an innovation at all. This bill carries it a little further, and instead of paying for the drills during maneuvers only, it is now proposed to pay them for the drills during the year; in other words, in their preparation for the maneuvers.

Mr. SULZER. Does not the gentleman think it would be sufficient for the Federal Government to furnish the militia of the States with arms, clothes, and munitions of war and for the States to pay their own militia?

Mr. TILSON. If I thought so I should not favor this bill, but it has been my observation and experience as a member of the National Guard for a number of years that we can not depend upon the States alone, and that the States are not uniform in the treatment of their militia. In the gentleman's State of New York I admit that the State has been most liberal, but in other States it has not been so. It is especially not so with the National Guard of some of our Southern States, as appears from a number of letters received by me from guardsmen in that part of the country. Even my own State, though more liberal with its militia than many of the States, has not been liberal enough to enable the members of its National Guard to be thoroughly trained and instructed without considerable financial loss and hardship to themselves.

Mr. SULZER. How much will it cost the Federal Government to carry out the provisions of this act, if it becomes a law?

Mr. TILSON. I understand that the provisions of this law, if applied to the National Guard as it stands to-day, if the ranks were full and all these men had measured up to the standard, would approximate $8,000,000, but taking the ranks depleted in many organizations, as I know to be the case, and assuming that all can not measure up to the high standard of efficiency required by this bill, it is estimated, as nearly as can be gotten at by the reports of the various inspectors sent out by the United States Army into the various States, that a little more than $4,000,000 would be at first required. I for one should hope that at an early day all the organizations of the various States might measure up to the proper standard of efficiency and require the $8,000,000 instead of the $4,000,000.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. TILSON. I should like to have about three minutes more.

Mr. DALZELL. I yield the gentleman three minutes.

Mr. TILSON. Now, Mr. Speaker, just a word in regard to the necessities for this bill.

For more than a dozen years I have been a member of the National Guard. For part of that time I was a captain, and we all know it is an axiom of the Army that "like captain like company;" that the captain is the most important officer of the Army. I know some of the difficulties of a captain in trying to fill the ranks of his company, and I know that those difficulties have been growing from year to year in filling up the organization with proper men.

It is all very well to say that patriotic young men will join these organizations and devote their time to them. They have done so in the past to some extent, but the requirements were not then so great or so exacting. The requirements are growing more and more difficult every year, and we can not find fault with that, because if we are going to have a guard at all we want it so that it will be of some account when the time comes to use it. We can not find fault with the requirements, but the fact remains that they have been growing harder and harder every year, so that whereas companies were easily maintained at a maximum some years ago, it is now increasingly difficult to do so. The officers now have to use additional evenings for study, and the enlisted men, especially the noncommissioned officers, have to give more study to their duties. So that it is more difficult from year to year to fill the ranks of organizations.

It seems to me that if we are to have anything like an efficient force for the national defense it has come down to a choice between enlarging the Regular Army, and making this a valuable adjunct, to use the words of the gentleman from Arkansas [Mr. FLOYD], to the Regular Army in the way of a well-trained and partially paid National Guard.

Mr. Speaker, I yield back the balance of my time.

Mr. MOORE of Pennsylvania. Will the gentleman yield before he does that?

Mr. TILSON. Yes.

Mr. MOORE of Pennsylvania. Is it the experience of the gentleman in his own State that it is more difficult to obtain recruits than formerly?

Mr. TILSON. It is.

Mr. MOORE of Pennsylvania. And I want to say to the gentleman that that is the condition in the State of Pennsylvania, and that this is in compliance with the request of military men to have something of this kind done in order to have the ranks filled.

Mr. TILSON. I am told that the adjutants general of all the States have been urging this from time to time, and they certainly know the needs in their respective States.

Mr. GARDNER of Massachusetts. If the gentleman will permit, I wish to say that I, also, have been a captain in the militia until I was elected to Congress, and every year it became more and more difficult, as the requirements increased, to get recruits in my neighborhood.

The SPEAKER pro tempore. The time of the gentleman from Connecticut has expired.

Mr. CLARK of Missouri. How much time have I left, Mr. Speaker?

The SPEAKER pro tempore. Twenty minutes.

Mr. CLARK of Missouri. I will yield five minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT. Mr. Speaker, I really regret that I am unable to see my way clear to support this bill. My attention was first directed to it by requests coming from my home State that I should support it. Upon scrutinizing the bill and analyzing its terms and provisions as best I could, I was irresistibly driven to the conclusion that, taking its accomplishments and its involvements together, it is one of the most dangerous bills which has been presented to this body for action during this or for several past sessions.

This, Mr. Speaker, is the second step in the movement to absolutely destroy the militia of the States as a State organization and make it a component part of the standing Army of the United States. And, as certain as the sun shines, if this bill shall pass, it will in the years to come be followed by legislation that will accomplish the result of destroying the militia as a State militia and making it all a part and parcel of the regular standing Army of the United States.

Now, I do not think that is a desirable situation. The State militia is not only to be used as a National Guard in times of national stress and storm, but the State militia is also to be used to preserve peace and order and to prevent violence within the States. And yet, sirs, if this bill is passed and is followed to its logical conclusion, as it will be, the time will come, and come soon, when the State militia will not be subject to the orders of the State authorities, but will be absolutely under the orders and subject to the control of the authorities of the United States, and your State militia will be gone.

The gentleman from New York and other gentlemen have dwelt upon the economical phase of the matter, and that is a phase that is worthy of great consideration, particularly since this addition of $6,000,000 to the fixed expenses of the Government is proposed at a time when a deficit is staring the Congress in the face, notwithstanding the fact that through all the years of the past we have moved so admirably and so well under the system of a State militia supported alone by the States. Oh, this is but another movement brought about by that desire to shift expense from the States to the Federal Government, another development brought about by this system of indirect taxation. The man in the State knows when he pays his State taxes, because he pays the cash and gets only a tax receipt in return. But the citizen does not realize when he pays his Federal taxes, because the hand of the taxgatherer is hidden, and the result is that there is constantly growing up in all parts of the country the idea that expenses that have heretofore been borne by the States can properly be shifted upon the Federal Government.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CLARK of Missouri. Mr. Speaker, I suggest that the gentleman from Pennsylvania [Mr. DALZELL] yield some of his time.

Mr. DALZELL. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. BURKE].

Mr. BURKE of Pennsylvania. This bill should pass. It is a reasonable and sensible solution of the problem which for years has perplexed those who are in favor of economy in the administration of public affairs and are at the same time anxious to see the efficiency of our Military Establishment increased.

The suggestion that the measure is unconstitutional is disposed of by the language of the Constitution, which provides that Congress "shall have power to provide for organizing, arming, and disciplining the militia."

The claim that it destroys the State militia as such is wholly unsupported by any line in the bill. Its relation to and duty toward the respective States is not modified in any manner whatsoever.

The complaint that it subjects members of the guard to military duty in an emergency is without merit, because it would be utterly absurd to expend money for the training of these young men and then, when they have become efficient and the Nation needs them, have no right to command their services.

Besides, joining the militia is not compulsory, and in the first instance is entirely voluntary.

As a matter of economy its merits are manifest. We now expend nearly $100,000,000 annually to sustain our present Army of 82,000 men.

By this measure we add to the Nation's reserve force of trained soldiers between 120,000 and 150,000 men by the expenditure of the remarkably small sum of from $4,000,000 to $6,000,000.

By degrees we are wiping out the old prejudice existing between the National Guard and the Regular Army. The harmonizing of the military methods of the two bodies and the uniting of the two in closer relations will do more than all else to avert the increase of the regular standing army at an enormous cost.

By the previous training these young men will receive in times of peace they will prevent that useless and cruel slaughter which has marked the opening of all our military struggles, because of the lack of training of the thousands of brave young raw recruits who have so willingly responded in time of need to their country's call.

With four dying of disease in hospitals for every one in battle, the last war furnished its own sad commentary on former methods.

Add to this useless sacrifice of life the vast sums we necessarily pay in pensions because of the deaths and disease contracted as a consequence of lack of thorough training and another powerful argument is furnished for the passage of this bill from the standpoint of economy alone.

Mr. FLOYD of Arkansas. Will the gentleman yield for a question?

Mr. BURKE of Pennsylvania. I have but five minutes, but I will yield.

Mr. FLOYD of Arkansas. Why not put a similar provision into the law relative to the enlisted men in the Regular Army?

Mr. BURKE of Pennsylvania. Such a provision is not necessary in the case of the enlisted men, because they now enlist for a period of years, and they are subject during that period of years to any military duty that the emergencies of the United States may render necessary.

Now, the duties of these young men in the militia are rather onerous. They are not getting this money for nothing.

Mr. A. MITCHELL PALMER. Will the gentleman from Pennsylvania yield?

Mr. BURKE of Pennsylvania. Certainly, I will yield to my colleague.

Mr. A. MITCHELL PALMER. The gentleman stated a few moments ago that the National Guard of Pennsylvania are unanimous for this bill.

Mr. BURKE of Pennsylvania. I said the sentiment was overwhelmingly for it among the national guardsmen of Pennsylvania.

Mr. A. MITCHELL PALMER. I want to ask the gentleman if he has heard of any sentiment in Pennsylvania in favor of this bill outside of the National Guard?

Mr. BURKE of Pennsylvania. I have always heard of a sentiment in the State of Pennsylvania, especially among the sensible people who compose its citizenship, in favor of any measure that will produce wise and economical results in the management of the civil and military establishments of the United States Government.

As to whether the men in the guard are entitled to pay, I might add that the character of their duties is far more onerous than is ordinarily believed.

In a brief conversation with my distinguished friends Col. Thomas J. Stewart, adjutant general of Pennsylvania, and Col. Albert J. Logan, of our National Guard, at Pittsburg, I was more than ever impressed with the necessity for this legislation, because the detailed explanations were in accord with the statements I had heard from the men in the ranks many times before.

The duties required of officers and enlisted men of the National Guard of the several States since the passage of the Dick bill, with its amendments, closely associating the National Guard with the Army, are very different from that generally understood by many citizens. While the work assigned to both officers and men in every grade requires a great deal of time, study, and attention, the duties that devolve upon the captain of a company and his responsibilities are the greatest. To be a successful company commander in the National Guard requires many qualities; in fact, more than in the regular establishment. First, he must have good health and energy and enthusiasm in his work. In the Army the recruits are secured and sent to the company commander. In the National Guard the company commander is charged with getting the recruits, or members of his company, all of whom have to be passed on by the regimental surgeon as to physical fitness for the service in accordance with the standard set by the War Department. The recruit having passed a satisfactory physical examination, the captain is responsible for his development into a useful fighting machine that will be of service to the United States in case of war.

In a company of Infantry there must be, in time of peace, at least 58 enlisted men. Now, a soldier being physically satisfactory must be taught many things—such as soldierly bearing, promptness, respect to superior authority, obedience to all orders and instructions, the proper care of his person and the property in his charge, how to care for his health under circumstances of limited opportunity, what he should eat and drink and the care of his body, so that fatigue and disease may have the least effect on him. He must be taught how to march and carry a rifle and to maneuver in the squad and company, so that as a unit of either he can do his part in the close-order drill, the close-order drill being that which the public usually sees on the drill floor or in a street parade, and the smallest part of the work of a successful soldier. Guard duty has to be taught. The duties of a sentinel are of the utmost importance to the military organization of any army. For a soldier to know how to best protect the persons and property he is charged with can not be underrated.

The recruit must be taught the proper use of the modern rifle, how to care for it and how to fire accurately with it, how to gauge distance and the proper adjustment of the sight and windage, all of which are so highly important with the present modern rifle. This has to be taught both on the indoor and field ranges.

Then comes the field work, which requires knowledge of maps, contours, judging distance, training in observation, and being able to accurately report that which has been seen.

In addition to the above there is the care of the company property, such as clothing and equipment, that is necessary and required to be on hand by the Government. All this goes to make up the administration of a company of the National Guard and is particularly charged to the company commander, who is required to give bond for the safe-keeping and return of the Government and State property. This is no small task when a company commander must at all times have a full equipment for at least 58 men and may have nearly double this number. This equipment includes the service and dress uniforms, flannel shirt, overcoat, blanket, poncho, hat, cap, shelter tent, haversack, canteen, mess kit, cartridge belt and attachments for each man, and in addition a field kitchen outfit, stove, mess kettles and pans, field desk, intrenching tools, and so forth, in value worth several thousand dollars, and all to be kept in serviceable condition and ready for use at any time they are called for.

Now, while the company commander is the directly responsible party for all I have enumerated, he has to assist him his lieutenants and noncommissioned officers, all of whom are necessarily young men and generally men of small incomes. It is unfair that they should be asked to undertake such responsible duties for the benefit of our Nation without some compensation for their labor. It is true the State and National Government supplies the military equipment, but only in part, as for the proper housing and maintaining of it much has to be added to the most successful commands by the members and generous citizens.

Twice each year my State requires a thorough inspection of both property and men as to the condition of the property and the efficiency of the officers, and one annual inspection is made by an Army officer for report to the War Department, making three inspections that have to be gone through with each year. In addition to the drills officers' and noncommissioned officers' schools have to be conducted. The rifle season, conducted from May to October 31 each year, requires an immense amount of work for officers and men. The summer encampment, which usually requires about nine days, while enjoyed by the enthusiastic soldier, is a tour of hard work and requires considerable time immediately prior to the encampment in making

preparations for the tour of duty, and also after the return home, in having the property put into condition after the field service that will meet with the approval of the critical eye of the inspector.

The national guardsman who fairly well performs his duties has little or no time for study or recreation other than what he finds in his military work, being required to earn a living as well and expend part of his means for the military work. Therefore it must be apparent to you or all fair-minded men that he should have some compensation for his work. I believe the Government in supporting the National Guard as part of our national defense has made a good move in the right direction, but the step made is just a little short of the best results. The additional expense to be added by allowing drill pay I believe will yield a much greater dividend than has been received or anticipated. It will open a field for a more desirable class of recruits.

Now, while I have directed attention particularly to the work of the very important unit of a military organization—the company commander and his administrative duties and responsibilities—it must be remembered that the whole organization as planned has its duties to perform that are more or less of a task on the time and private incomes of the members of the organization. In my mind the best work that can be accomplished in the National Guard to educate the men to be useful for a national defense, in case such a requirement should occur, is to educate the young man from 18 to 22 or 23 years of age in this service. As to the matter of knowledge, the majority of our able-bodied American boys of that age are without much means, usually commencing their careers at trades or in business, and their incomes are small. Therefore the expense of carfare to attend drills as well as giving up their time from their recreations and study should be considered. It must be borne in mind that the program laid out for the work and study of a national guardsman is not only for a few weeks or months, but the program laid out for him covers the entire year. He is expected to give at least one night a week to instructions and drill in addition to the time he is required to spend on the rifle range and the extra days he serves in the summer encampment without compensation. Here it might be well to say that during the summer encampment payment is made for the time the guardsman is actually in camp, yet there is always a day or two, both before and after the encampment, that is taken up by military work for which he gets no compensation. In the State of Pennsylvania, for instance, the guardsman gets only eight days' pay during the entire year.

I believe it is only fair that the guardsmen of the country should receive the compensation that is asked for in the way of drill pay from the National Congress at the present time, and that it will yield for the National Government a much greater dividend in efficiency if we will add the pay to the present money that is being expended in the line of developing the national guardsmen to be a useful part of the National Army in case their services are required.

For these reasons I am heartily in favor of the enactment of this measure into law.

I submit as part of my remarks the memorandum submitted by Gen. Leonard Wood to the Secretary of War in connection with this bill:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF STAFF,
Washington, January 11, 1911.

Herewith is a bill, the purpose of which is to provide Federal pay for the Organized Militia of the several States and Territories and the District of Columbia. The enactment of this bill would mark an entirely new departure in military legislation, and because of its far-reaching effects it is probably the most important legislation now under consideration by the War Department.

The Constitution provides that Congress shall have power—

"To raise and support armies, * * *.

"To make rules for the government and regulation of the land and naval forces.

"To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

"To provide for organizing, arming, and disciplining the militia and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers and the authority of training the militia, according to the discipline prescribed by Congress."

Under the authority thus conferred, Congress enacted militia laws in the early days of the Republic which remained substantially unchanged for more than a hundred years. The essential features of the act of May 8, 1792, remained upon the statutes until the enactment of the so-called Dick bill of January 21, 1903, and some of its provisions having been reenacted by the latter law are still in force.

Under the provisions of the act of May 8, 1792, service in the militia appears to have been regarded as a public duty properly required of every citizen, much like that of working on the public roads in certain rural districts. Every able-bodied male citizen between the ages of 18 and 45 years of age, and every such citizen upon attaining the age of 18 years, was required to be enrolled in the militia, to provide himself with arms, ammunition, and equipment, and to render military service for so many days out of the year. This was in effect compulsory military service. The appointment of the officers and the authority of the training of the militia was left to the respective States, but the President was vested with the authority to call the militia into the service of the United States to execute the laws of the Nation, suppress insurrections, and repel invasions. He was given authority to issue the call direct to such officers of militia as his judgment should dictate, and provision was made as to the punishment to be imposed in the case of persons of the militia who refused or failed to march to the place of rendezvous. There was no obligation on the part of the Federal Government to accept the services of the militia, but there was every obligation upon the part of the citizen to render militia service. This statement is made at this point in order to emphasize the fact that under the modern existing law these conditions are reversed and the United States is required to accept the services of militia, but there is no obligation on the part of the citizen to serve; at least, no valid obligation which can be effectively enforced.

The fundamental idea of the old militia law was excellent in that it recognized compulsory military service as an obligation owed by the citizen to the Republic, but the detailed methods of carrying this idea into effect were so impracticable that the whole plan proved to be a substantial failure. Beginning with the Revolution and ending with the War with Spain, the militia system has proven a failure in every national conflict, and the only success which has ever come to the American arms has been through the services of the Regular Army and the Volunteers. The great majority of American people make no proper distinction between militia and volunteers. The essential difference is that volunteers are under the exclusive control and jurisdiction of the Federal Government, while the militia is under the joint control and jurisdiction of the Federal Government and the State in which it is organized.

George Washington says:

"To place any dependence upon militia is assuredly resting upon a broken staff."

So severe has been the criticism of militia during every national conflict, that as wars have progressed less and less dependence has been placed upon it, until finally, at the end of every war, the entire burden has in every case been borne by Regulars and Volunteers.

The militia organized under the old laws and the National Guard of to-day, however, are very different; so different, in fact, that it may not be considered altogether fair to class them together. But the improvement goes only so far as the defects in the old laws have been remedied, and the two are identically the same so far as the defects in the old laws have not been remedied.

The principal defects in the old militia laws were as follows:

1. Divided responsibility between the Federal Government and the States: Massachusetts, Connecticut, Vermont, Virginia, North Carolina, Kentucky, Tennessee, Missouri, and Arkansas have, through their governors, refused to turn out the militia when called upon by the President to do so. Other States have greatly interfered with the Federal Government in its use of militia either by raising objections and obstacles or by forcing the service of troops not desired.

The modern existing law instead of remedying this defect has intensified it. The old law did not require the President to consult the governors with reference to turning out the militia. He could issue the call direct. As a matter of courtesy, the call was made through the governors. But now it is required by law. There is no way for the Federal Government to coerce the governors, and if any governor should refuse or fail to transmit it to the militia of his State it is easy to see that the whole matter could be thrown into confusion. Moreover, under such conditions it would be impracticable to punish those who failed to answer the call. To make things worse the law requires that the Organized Militia shall be accepted in advance of any volunteers. The Organized Militia is defined by law to be "the regularly enlisted, organized, and uniformed active militia in the several States and Territories and the District of Columbia who have heretofore participated, or who shall hereafter participate, in the apportionment of the annual appropriations provided by section 1661, Revised Statutes of the United States, as amended, whether known as National Guard, militia, or otherwise."

With such a loose definition, each separate State could absolutely control the Federal Government with reference to the militia of that State. After the outbreak of war, or when war was imminent, any State could reorganize its militia, change all of its officers, increase or decrease the number of men, discharge or appoint for political reasons, and then force the Government to take the balance. In case of an unpopular war, it is probable that the confusion and difficulties of organizing an army of militia and volunteers would go far beyond anything in our previous history.

Another provision of the existing law is that for those States which have "adopted the standard of medical examination prescribed for the Regular Army," the militia shall be exempt from medical examination upon muster in. There is no requirement as to enforcement, but only as to adoption, and any State can exempt its militia from medical examination by "adopting" the Army medical standard after war is declared. The last report of the Chief, Militia Division, states that all the States except four have adopted the Army medical standard, but very few of them enforce it.

2. Failure or refusal of troops to serve: So great have been the number of cases where organizations and individuals have declined to serve when called, or have raised objections and obstacles to such service, that no consistent effort seems to have ever been made to compel service. Under the act of 1795 any person called into the service of the United States who refused or neglected to present himself for muster was subject to trial by court-martial and punishment as prescribed in the act. There was another act, April 18, 1814, which prescribed that courts-martial "for the trial of militia, drafted, detached, and called forth for service of the United States," should be composed of militia officers only.

In 1820 the Supreme Court (Mr. Justice Washington) decided that since the statute was silent as to who should convene the court, the Federal Government and the States had concurrent jurisdiction. The modern existing law omits to prescribe any definite punishment. Moreover, in prescribing the composition of courts it mentions only the case of militia in the service of the United States, omitting reference to those who are called and refuse to come. The prior existing law is expressly repealed, and the whole question is in worse shape than it was in 1820. These loosely drawn laws, taken together with the fact that there is no uniform enlistment contract, and in some cases practically no contract at all, offer loopholes through which the guilty will

undoubtedly escape. Like the provisions discussed under the preceding subhead, they place the Federal Government in such a position that at the moment of greatest danger, when quick decisive action is of the most vital importance, the Federal Government will be powerless to act without the good will and the intelligent cooperation of the chief executives of 50 different States.

3. Lack of discipline: The militia of Pennsylvania, New Jersey, Ohio, Kentucky, Virginia, Tennessee, and Florida have mutinied in large bodies in the face of the enemy or during the progress of a campaign. With a loss of but 8 killed and 11 wounded, 5,000 militia of Maryland, Virginia, and the District of Columbia were routed by an inferior force and allowed the city of Washington to be captured and burned. Gen. McDowell's entire force of militia fled in panic at the first battle of Bull Run.

These acts, while chargeable to the militia, could be charged equally to any untrained troops. The present Organized Militia can not be classed as such. Their state of discipline is good, and in many cases no doubt they would acquit themselves with the highest credit; but the existing law does not guarantee that the militia which will turn out for war is the militia which turns out for drills and parade in time of peace.

4. Short term of enlistment: Under the old militia laws the militia was usually called out for short terms of from three months to nine months. The result was that it was hardly trained before it was mustered out. Battles have been precipitated because of the approaching termination of enlistments, and whole armies have been mustered out of the service upon the verge of a campaign.

Upon this question Washington said, on January 4, 1776:

"Search the volumes of history through, and I much question whether a case similar to ours is to be found, namely, to retain a post against the flower of the British troops for six months together, without powder, and then to have one army disbanded and another to be raised within the same distance of a reenforced enemy. It is to attempt too much."

In making this comment, Washington referred only to the history of the past. If he had been able to foresee the history of the future, he would have witnessed many similar instances, the latest of which was during the Spanish-American War, when the Volunteers organized under the act of April 18, 1898, were disbanded, to be replaced by those organized under the act of March 2, 1899.

Because of short-term enlistments 576,000 troops were engaged in the War of 1812 against a force of about 18,000. Sixty years after the war the number of pensions was three times the total force of the enemy the first year of the war.

The provisions with reference to short-term enlistments have been improved to a very great extent, but there is a provision that no man shall be held beyond the time of his existing enlistment in the militia. The terms of enlistment and the conditions of discharge are in the control of the States. These two provisions, together with the one which practically requires the acceptance of all militia offered, place the United States in the position of having to accept short-term militia. Thus the situation so much deplored by Washington will, in all likelihood, be repeated.

5. Arms and equipment: The provisions of the old militia law to the effect that every man should provide himself with his own arms, ammunition, and equipment was so impracticable that it is hardly worthy of discussion. There is a real significance, however, in the fact that such a provision is essentially different from one which requires not only that he should be supplied by the Federal Government with arms, ammunition, and equipment, but in addition should receive Federal pay.

Under the act approved January 21, 1903, as subsequently amended by the act of May 27, 1908, there has been a complete reorganization of the militia with reference to organization, arms, and equipment. The recommendations of Washington in this matter have finally been put into effect, and the organization, arms, equipment, and training of the militia is required by law to conform to that of the Regular Army.

To sum up: The peace organization of the militia, its discipline, training, arms, equipment, esprit de corps, and real efficiency have been wonderfully improved. Its officers and men are zealous, patriotic, and enthusiastic, not only willing and anxious to perfect themselves in their duties, but bright, intelligent, and capable; but they stand in the position of a willing team in a rotten harness.

The war organization is worse than it has ever been. That is to say, the laws governing the transition from peace to war, from the service of the State to the service of the United States, are more indefinite and more liable to lead to confusion and embarrassment than they ever were in the past.

Remedy: The remedy is to follow the advice of Washington: In time of peace prepare for war. In time of peace the Organized Militia should enter a definite contract which could be legally enforced. It should be inspected, accepted, and listed, and the United States should be relieved of all obligation to accept the service of any militia other than that listed prior to the outbreak of war.

The Federal pay bill: The enactment of the Federal pay bill would place the Organized Militia in the first line of national defense. It would give us, at little expense, a substantial addition to the permanent military establishment. But it seems only fair to require that there shall be some definite, tangible, and positive return for the investment. A high state of efficiency in the militia will be of little avail if the militia does not turn out in time of war, or if raw recruits are substituted for the trained officers and men.

In order to guarantee to the United States a positive return for the money invested in pay to the militia, it is recommended that the bill be amended by the addition of the following proviso at the end of section 5, namely:

"*Provided*, That no money appropriated under the provisions of this act shall be paid to any person who is not suited to the military service according to the standards prescribed by the Secretary of War, nor shall any such money be paid to any person who has not taken the oath of allegiance to the United States, including an agreement to render military service to the United States during any period for which he may be called into such service, and any officer or enlisted man of the militia who, having received pay under the provisions of this act, neglects or refuses, under any pretext whatsoever, to present himself for muster when called into the service of the United States shall be subject to trial by any court-martial which the Secretary of War may direct, and upon conviction shall be adjudged guilty of the crime of desertion and shall be punished as such court-martial may direct: *And provided further*, That nothing in this act or in any other act shall be construed to require the United States, in time of war, to accept the services of any militia organization or of any person belonging to such organizations unless such organization or person has been regularly inspected, reported fit for military service according to the standard prescribed by the Secretary of War, and so carried upon the rolls of the Adjutant General of the Army."

As thus amended, it is recommended that the bill receive the heartiest support of the War Department and the administration.

Very respectfully,

L. W.,
Major General, Chief of Staff.

Mr. CLARK of Missouri. I yield three minutes to the gentleman from Pennsylvania [Mr. NICHOLLS].

Mr. NICHOLLS. Mr. Speaker, along with a number of other Members of the House, and I hope a majority, I am opposed to this measure and desire to see it defeated.

Some of those who have presented the matter and argued for the adoption of this bill have said that it would be an economy. It seems to me that we can not add millions to the expenditures of the Government for purposes of preparation for war and at the same time reduce expenditures. It seems to me that the larger we grow in population and in wealth the more some of our people become afraid, and notwithstanding the hundreds of millions of dollars that are expended each year to protect the country, we have heard Members stand upon the floor of this House and say that we are without defense; that the Japanese and other nations might come in at any moment and overwhelm us. What has been done with all the hundreds of millions of dollars, if we are not prepared? Why waste any more of the hard-earned money of the people along these lines? Notwithstanding our tremendous increase in population, the expenditures per capita for purposes of war, preparation for war, and on account of wars that are passed are continually increasing, and those per capita expenses are now greater than at any time in the history of the Government.

In looking up some data a year ago I noticed that in 1861 the expenditure per capita for all the people in the United States—men, women, and children—was $1.17 for the Army, the Navy, and pensions. For the year ending June 30, 1910, it was $4.80. I think it would amount to about $2 per month for the average family of five. In all other lines of business it is a fact that the greater the establishment, the larger the business, the more cheaply it can be conducted per unit; but in this case the larger we grow the more the burden is upon each member of the Nation, and that seems to me to be a ridiculous proposition. When we were much smaller in population our forefathers and those who inhabited the country at that time were able to take care of it and preserve it and to extend its boundaries until it reached from the Atlantic to the Pacific.

Although the Regular Army has been increased over 100 per cent in recent years, there are those who favor a further increase in numbers; 125,000 being the present ambition of some. Rather than the recent increases in numbers, I believe it would have been wiser to have given better pay to the privates, so that men would remain in the Army and become thorough soldiers. As it is, the pay is small and one term is enough for most of them.

While our alarmists are crying out of danger from foreign foes, the press dispatches from abroad quote members of the German and other parliaments as urging increases of armament because of our great increases. We are the one great Nation, best situated, by reason of our isolation, to set an example for peace to the rest of the world. We need not wait to be followers.

Let us stop in a great measure these wasteful expenditures for war and spend more for peaceful pursuits. We should loan money to our people at reasonable rates of interest—2 per cent—and enable them to stock for cultivation the land which is being reclaimed by the Government. Our citizens will go on the land when financially enabled. [Applause.]

Mr. CLARK of Missouri. Mr. Speaker, I yield four minutes to the gentleman from Mississippi [Mr. SISSON].

Mr. SISSON. Mr. Speaker, the gentleman from Pennsylvania was much more painfully candid than the other gentlemen who have been discussing this bill. He admitted that it would virtually increase the standing Army to about 175,000 men. That is exactly what this bill does. It destroys absolutely every vestige of the State Militia as known in the Constitution. But I do not expect, Mr. Speaker, to discuss this feature of the matter in the very short time that is allotted to me. I want to warn the gentlemen of this House that you will be placing in the hands of the War Department a political force and a political organization that is infinitely more dangerous than any other peril in the Government. Because in every community you may not only destroy the high personnel of the militia with this bill, but you will increase the number of undesirable enlistments in order that they may get the small pay of about $4 a month; and each of these organizations will multiply for the purpose of obtaining the $4 a month, and after they shall have been in

the State Militia for a short time and have drilled one night in a week, or 52 drills in a year, then they will demand increased pay.

The Secretary of War, through the War Department, can communicate through every adjutant general, and he with the colonels, and they with the captains, and the Army will in this way build up a political influence that will be supported by all the relatives of the members of the militia in every community throughout the country, and you will have every military company in every congressional district demanding of every Congressman to vote to increase the salary to half pay for the militia. And if a Member of Congress takes a patriotic position and says, "I will not make this new raid on the Treasury," and then his opponent, who may have a little strength, tells the boys that he will give them half pay, they will fill the Halls of Congress with their friends, and by joining hands with the other employees of the Government, the Treasury will go out of your control and go into the hands of the employees of the Government.

Why, even now the rural letter carriers, who are few in number, are able to build fires under Congressmen here, and you see how readily and how willingly they vote for increased pay. You let these men strike hands with the little militia companies throughout the country and begin a demand for increased pay, and they in turn join with the fourth-class postmasters, and the fourth-class postmasters join the other employees, and you are placing a political power in the hands of the people who draw salaries to the extent that it will be doubtful whether Congress will be able to control the expenses of the Government.

Mr. BURKE of Pennsylvania. Will the gentleman yield?

Mr. SISSON. Yes.

Mr. BURKE of Pennsylvania. Does not the gentleman think that Congress ought to be made strong enough to resist any such demand?

Mr. SISSON. It does not seem to be, when the State militia of his own district now has influence enough to get the gentleman to be very enthusiastic over this bill. You will have to get stronger timber than the gentleman is to resist the increased appeal on the part of the State militia after it has been increased under the provisions of this bill. [Laughter and applause.]

The SPEAKER pro tempore. The time of the gentleman from Mississippi has expired.

Mr. SISSON. I am sorry, Mr. Speaker, that I have not more time. [Applause.]

Mr. DALZELL. I yield three minutes to the gentleman from Pennsylvania [Mr. GRAHAM].

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I do not desire to take the time of the House in discussing this question. I want to say that I am most heartily and earnestly in favor of this bill, as I think it will add to the efficiency of the National Guard of the United States. I am confident that it will add greatly to the efficiency of the National Guard in the great State of Pennsylvania. I am proud of the National Guard of Pennsylvania. We have an organization there that the citizens are proud of, and I am anxious to see that guard increased in any way that is possible. I remember with a great deal of pleasure, when the Spanish-American War broke out, the call made upon Pennsylvania was filled instantly by members of the National Guard. We had an army ready equipped, drilled, efficient, which started forth, and they did not require months of drilling to bring a mob into Army efficiency. We had a National Guard ready, earnest, and willing to defend the country. I therefore am most heartily in favor of the measure and hope it will become a law.

Mr. DALZELL. I yield three minutes to the gentleman from Ohio [Mr. KEIFER.]

Mr. KEIFER. Mr. Speaker, there seems to be a good deal of a scare about the militia this afternoon. I have heard it said by two gentlemen that there is a provision in the Constitution of the United States requiring the States to drill the militia. I do not find it. It is not there. In the preparation of the Constitution of the United States one of the things most prominently considered was to give to the Chief Executive of the United States the control of the militia. In speaking of the power of the President the Constitution of the United States reads:

> The President shall be Commander in Chief of the Army and Navy of the United States and of the militia of the several States when called into the actual service of the United States.

Now, this militia service is distinguishable from the Volunteer Army such as we have had from time to time when we have gone to war.

The power was given to the President of the United States to command the militia, and that implies a right if not a duty to have a militia. Early in the history of this country all of the States, I think, were required to have common muster days every year, and there were penalties attached to those within a prescribed age for not attending the musters. I am old enough to have gone to an old-fashioned muster. The Constitution is also plain on these subjects. Section 8 of Article I of the Constitution, speaking of the powers that are granted, it is provided that Congress shall have the right—

> to make rules for the government and regulation of the land and naval forces.

It does not necessarily include the regular forces. Also the same article of the Constitution of the United States grants to the President the right—

> to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

And also:

> To provide for organizing, arming, and disciplining the militia.

It seems to me there is no difficulty about the constitutional powers.

Mr. BARTLETT of Georgia. May I interrupt the gentleman?

Mr. KEIFER. Not now. Mr. Speaker, I have always been a stickler for State rights. I believe in the right of the States over those matters which are exclusively within their jurisdiction, but where the Constitution gives a specific right to the Federal Government and the States have the same rights, then the United States asserting its right is supreme, and that is all there is of it. If we are to depend in the future as we have in the past upon the Volunteer Army, let us prepare the militia so that when called into service, as they may be under the provisions of this bill if it becomes a law, they will be drilled and trained, so that they will be ready for battle and for duty. That is the whole question involved here to-day. Some say we are going to take away the right and power of the States over the militia, but I say the bill will take no power from them. The militia will still be and remain State troops, and I think in every instance under the constitution of every State in the Union the governor of the State will remain commander in chief of the militia unless the time comes when they may be called or mustered into the Volunteer Army of the United States. The provisions of the bill are only the ordinary ones with reference to the power of the Secretary of War to reject an organization or a man if not found up to the proper standard of efficiency. Such is the law now, and this bill, should it become a law, will not change it. The provisions of the bill are wise ones.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CLARK of Missouri. Mr. Speaker, I yield eight minutes to the gentleman from Virginia [Mr. HAY].

Mr. HAY. Mr. Speaker, I am in favor of legislation which will increase the efficiency of the Organized Militia, but I am unwilling to vote a dollar which will result in increasing the Regular Army; and if I believed this bill were in the interest of the National Guard, I would be in favor of it, but it carries with it provisions which, in my judgment, will render inefficient instead of efficient the National Guard of the States. The gentleman from Pennsylvania [Mr. BURKE] and the gentleman from Connecticut [Mr. TILSON] have advocated this bill on the ground of economy. I can not see where the economy comes in. If by the passage of this bill we could take from the expenses of the Regular Army, I might be inclined to vote for it, but we must appropriate the same amount of money for the Regular Army that you now appropriate, and you are going to appropriate in addition what this bill authorizes for the National Guard.

What are the influences behind this bill? The gentleman from Minnesota [Mr. STEENERSON] says that this bill is advocated by the Secretary of War and the Chief of Staff, and I believe this bill never would have seen the light of day and never would have left the committee room unless the amendments suggested by the War Department had been put upon it. What is the history of this legislation? This originally was a bill prepared at a national convention of the National Guard of this country, and when it came to Congress for its approval it was sent to the War Department, and the War Department declined to approve it until they prepared an amendment which placed the National Guard of this country entirely under the administration of the War Department and makes the National Guard a part of the Regular Army.

The amendment proposed by the War Department provides that "no money appropriated under the provisions of this act shall be paid to any person who is not suited to the military

service according to the standards prescribed by the Secretary of War." What does this mean? It means that every officer and enlisted man now in the Organized Militia can be dismissed by the Secretary if they do not comply with regulations and standards prescribed by him. The States and their regulations would be entirely ignored and set aside.

Mr. Speaker, the military men of this country—a large portion of them—are seeking to build up in this country a military spirit. [Applause.]

I know that the Chief of Staff and those under him are constantly telling this Congress, and the people of this country, that we must build up a great force in this country in order to repel—what? Who is undertaking to hurt us or make us afraid? There is no danger from any source of which I know. Why, the very fact that in three days we agreed to a treaty with Japan shows that there is no danger from that country [applause], and the fact that no other country in the world is undertaking to do any harm to us or to interfere with us shows that there is no necessity for all this talk about war and the preparation for war. This is another scheme to add to and magnify the importance of the Army. It is not done for and it will not result in the efficiency of the National Guard. The very amendment proposed by the War Department contains in it, as has been so well said by gentlemen who have preceded me, provisions of the most outrageous character. Why, the gentleman from Pennsylvania [Mr. BURKE] said in answer to a question from the gentleman from Arkansas [Mr. FLOYD] that the reason why they did not require from the enlisted men in the Regular Army an agreement that they should serve the country was because they have to serve during the term of their enlistment. Why, of course; but this provision provides that after the man has served his term of enlistment he must be at the beck and call of the United States, and that he can not escape from it under any pretext whatever. It is not a parallel case at all to the enlisted man in the Army. The enlisted man in the Army receives four times the pay and all the allowances of an enlisted man, which the National Guardsman does not receive at all, and yet he is compelled to sign an agreement to serve after his term of enlistment has expired. But there is another provision in this bill, and that is the amendment proposed by the Committee on Rules to strike out the words "shall be adjudged guilty of the crime of desertion and" and insert, in line 14, "on the charge of desertion." It does not change the character of it at all.

Mr. DALZELL. If the gentleman will permit, that was put in the bill the other day before the House, and the bill in all particulars, except the one I explained, is as voted on in the House.

Mr. HAY. Then it makes a provision that a man can be tried for desertion, and pains and penalties and imprisonment inflicted upon him. He can have no pretext or excuse whatever if he does not respond to the call, even in time of peace. The provision does not apply only in time of war, but it applies at all times.

Mr. STEENERSON rose.

Mr. HAY. Does the gentleman desire to ask a question?

Mr. STEENERSON. I desire to say the language is the same as in the Revised Statutes in effect, and as contained in the present law. This simply provides that the court-martial shall have jurisdiction, and in the existing law there is no court-martial provided for.

Mr. HAY. The gentleman does not mean to say there is anything in the Revised Statutes which provides that after a man has served his term of enlistment he can be court-martialed as a deserter?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. STEENERSON. I thought the gentleman was asking about the court-martial.

Mr. HAY. Not at all.

Mr. DALZELL. How much time have I remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has seven minutes remaining.

Mr. DALZELL. I yield two minutes to the gentleman from Ohio [Mr. COLE].

Mr. COLE. Mr. Speaker, if I thought this bill abridged in the slightest detail the power of the States and the State officials over the National Guard I would not give it my support. There is absolutely no change in existing law provided for in this bill relative to the present duties of the National Guard of the various States. This bill provides for a certain new departure for partial compensation on the part of the National Government to the National Guard, and is the only provision in this bill, so far as I have been able to ascertain, relating to the rules prescribed for the payment of the money to the National Guard. It makes provision that under certain rules and regulations the Secretary of War shall be authorized to make this partial compensation or payment to the enlisted men and officers of the National Guard. It does not transfer the power of giving orders to the National Guard from the State officials, it does not vest in the Secretary of War any additional power whatever in calling out the National Guard. It simply provides that if men fail to respond when they are called out, if they have received pay from the National Government, a court-martial can be instituted. Why, when the National Guard is called out in the States to-day, if a man fails to respond he can be arrested and tried by court-martial just the same as is provided in this law. They say that it is going to give the Secretary of War additional power by giving him the discretion to determine which regiments and organizations shall be accepted in case of war.

That has always been the law of the United States. I fancy that when the National Guard was called out at the time of the opening of the Spanish-American War the Secretary of War was not compelled, without discretion, to accept all troops, whether they measured up to a certain standard or not. Certainly not. That power has always been in the hands of the Secretary of War, and no change whatever is made relative to that power in this bill.

Now, Mr. Speaker, my time has expired, and I ask permission to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. DALZELL. Mr. Speaker, I yield four minutes to the gentleman from Alabama [Mr. HOBSON].

Mr. HOBSON. Mr. Speaker, it is a pity that this simple bill should be unnecessarily complicated through the discussion on the floor of this House, particularly on this side of the Chamber. The bill is very simple in providing for a limited compensation to the National Guard, under reasonable restrictions and conditions for discipline. It is acceptable to both the National Guard and to the Secretary of War in its present state. It has been developed by the combined views of both, and it should not be misunderstood. It does not put too heavy restrictions upon the National Guard and put it too much in the power of the Secretary of War. It simply requires reasonable discipline.

On the other hand, it does not give too much compensation to the National Guard. It is limited and reasonable.

Now, Mr. Speaker, it is a pity that every time we come to discuss measures here on their merits, Members on this side should get up and talk about war, militarism, and the military spirit. The truth is that this country is committed to a non-military policy, and ought to be. We embody a civilization that depends upon the citizen as a soldier, and not upon a standing regular army. And furthermore, it is vital to the permanent success of our institutions that the citizen soldiery, when it is called out in a great struggle in the future, whenever that comes or against whatever nation, against a great military system, it is of vital importance to the perpetuity of our liberal institutions that the citizen soldiers should actually be found efficient; because if they are not, if they turn out as they did in the War of 1812 and in previous wars, and this Nation is humiliated beyond anything in its history in the contact with a great military power, then, emerging from that war, we will no longer put trust in the citizen soldiery, but will go to the standing army, like the other great nations of the world. And the fact is, to put the citizen soldiery on a basis of efficiency is the least we can do as a safeguard and as a guaranty to the efficiency of that soldiery, and therefore against its being taken away in the future and being substituted with a great military system.

We should not found this on any such proposition. Even if war did not come for decades, it ought to be a part of our permanent institution to organize our citizen soldiery as the bulwark of our Nation's defense and see that it is efficient.

Beginning with the Dick bill, we have started along the right line to make the National Guard efficient. I have heard it estimated that the efficiency of the National Guard has increased fully 100 per cent since the passage of that bill. And throughout the whole of the land we find that the trouble with our National Guard now is that we can not get hold of the men, we can not ask them to come even and pay their car fares; there is no way that we can get them except by persuasion and an appeal to their pride, and that, of course, in time of peace is very difficult. The great trouble now is to get men to attend drills. With this we would overcome this element of difficulty.

Mr. DALZELL. Mr. Speaker, in the one minute I have I simply desire to call attention of the House to the fact that its judgment has already been had on the merits of this proposition. On Thursday last a motion was made to suspend the rules and pass this bill. Pending that motion, the bill was explained and debated, and the vote resulted in a majority for the bill of in the neighborhood of 50.

At that time opposition was made to the bill in some quarters because section 5 contained an indefinite permanent appropriation. But in the rule reported from the Committee on Rules there has been a section added to this bill, section 6, in these words:

The Secretary of War shall annually estimate the amount necessary for the carrying out of this act, and no money shall be expended hereunder except as it shall be from time to time appropriated.

So that that objection to the bill has been eliminated, and there is no reason, therefore, why the House ought not now to emphasize the action that it took on Thursday last and pass this bill by an increased majority. I call for the reading of the bill.

The SPEAKER pro tempore. General debate has expired.

Mr. CALDER. It is not my purpose to discuss the measure now under consideration. I am, however, very much in favor of it. I believe it will tend to improve the efficiency of our State militia. The citizen soldiery of the country has been its bulwark in its hour of need, and this measure will do much to keep our State troops in a state of preparedness. I propose taking advantage of leave to extend my remarks in the RECORD by printing a brief sent to me by Mr. George F. Buente, formerly a warrant officer in the United States Navy, giving his views on House bills 18020 and 25714. These bills are in the interest of the warrant officers of the Navy and were introduced by me early last session. I have repeatedly requested the Committee on Naval Affairs to grant me a hearing on these bills, but have been unable to obtain consideration for either of them. I propose introducing them in the Sixty-second Congress, and am hopeful that both bills may receive favorable action in that Congress.

House bills 18020 and 25714 were introduced for the purpose of giving to warrant gunners, boatswains, and carpenters a little more pay in their later years, and also distinguishing titles which will identify them against various pothunters and others who have the name of gunners and boatswains, which are the present titles of some of the warrant officers whom these bills are intended to advance.

To become warrant officers in the Navy, especially with the rank of boatswain and gunner, it is necessary that a young man shall enlist, and, under the law, must serve at least seven years before he can take an examination for the warrant rank, and must also have arrived at the position of a first-class or chief petty officer before he can take the examination for the warrant rank. When he has passed the above qualifications he must then apply to his commanding officer for permission before taking this examination and run the risk of having his application approved or not. Not securing this approval his future chances of advancement are broken and we have a dissatisfied employee. But should he be fortunate enough to have his application accepted he is then examined.

The board who examines these candidates are composed of commissioned officers of the line, and the examination which they have to undergo is a very severe one. They are assigned to serve at least one year at sea and it frequently happens that owing to the position which they are in, this period is sometimes deferred a year or more, and must then have the approval of all their commanding officers under whom they have served, which sometimes works to the disadvantage of the applicant. They must then serve a period of six years from the date of their warrants before they are eligible for further advancement. After the expiration of this period they are again examined for the position of chief in the various grades and in the event of their passing these examinations are given a commission with the title of chief boatswain, chief gunner, chief carpenter, and so forth, and have the rank with but after ensign. The officer at this time has arrived at the age of approximately 35 years, and has served, using the average class of boatswain in the Navy, about 17 years. It is in this period of a man's life that his mental and physical powers are at their maximum, and it is also at this period that they arrive at a point where their ambition is killed for the reason that future promotion or advancement of pay is denied them with the exception of very isolated cases where some of these men have been further promoted to the rank of ensign in the Navy. The above we can well consider as the end of the ambitions of the young men who enter the Navy through the ranks.

We will now take up briefly what happens to a young man who enters the naval service through the academy at Annapolis. These young men are selected by regularly constituted officers of the United States and are then ordered to Annapolis. After having passed satisfactory examination they are admitted to the Naval Academy under instructions. The course at the academy is four years, and upon their graduation are sent to sea for two years for further instructions. Upon the completion of this sea duty they are commissioned ensigns of the Navy, which position they hold for three years, and are then promoted to lieutenant (junior grade). Owing to existing conditions in the upper grades of the line in most every case these young men are promoted almost immediately to full lieutenant. These young men have now arrived at the age of approximately 28 years and their career has just begun.

THE MANIFOLD DUTIES OF THESE OFFICERS.

The chief boatswain—the proposed equipment ensign—is the right hand of the executive officer, who is also the equipment officer on board the modern battleship, and so forth, and under his direction receives and cares for all equipment stores and outfit, handling of crew, anchors, chains, and so forth, storing of boats and holds, in charge of decks, standing deck watches, and drilling of crew. In addition to the above, this officer is subject to call in the performance of various other responsible and important duties appertaining to a battleship, or other ships of the Navy, and is often placed in command of seagoing tugs and other small vessels of the naval service, and while on shore he frequently acts as assistant inspector of equipment, and so forth.

The chief gunner—the proposed ordnance ensign—is the valuable assistant to the ordnance officer and receives and cares for all ordnance stores and outfit, including guns of all descriptions, gun mounts and their appurtenances, all ammunition, submarine mines, torpedoes, and diving apparatus. He personally inspects daily all magazines, shell rooms, and all explosives appertaining to both the great guns, secondary batteries, and small arms, as well as torpedoes and submarine mines. He is held responsible for their readiness for action at all times. He is also assistant to the navigator in the care of the electric plant on board ship, including the electric wiring, dynamos, search and signal lights. He is also an expert diver, and has charge of all diving done from ships in commission. He is frequently placed in charge of a deck watch and division duty, drilling of crew, and in command of tugs, torpedo boats, and submarine boats, and in charge of, or assistant, at magazine and powder depots on shore, and as assistant inspector of ordnance at navy yards and contractors' plants. They are the assistants of the navigator and the executive officer of the ship, but really perform these duties and are held responsible for the various conditions committed to their grade.

An ensign after graduation acts as assistant to the deck officer and occasionally drills the lower divisions in the ships in which there are not a sufficient number of lieutenants or watch officers when they assume their various duties. They really are in the position of a postgraduate course in practical man-of-war's-man ship. The officers with the rank of lieutenant are the watch and division officers of the ship, each drilling his division in the various duties and taking his regular term in having charge of the deck during the period that he is aboard ship, none of the duties of which are considered technical or beyond the capabilities of the chief boatswain or chief gunner. At this point, gentlemen, I want to call to your attention the fact that the duties demanded of the ensign and junior lieutenant are also undertaken and performed by warrant officers and commissioned chiefs in the duties according to their grades, which would show you, gentlemen, that up to this point in their careers the warrant officers and commissioned chiefs are compelled to do exactly the same duty, in addition to other men's duties, laid down by the regulations; so that, in the event of there being no line officers in this grade, the warrant officers and commissioned chiefs have been educated to the point where they will take up the work of the officer in this grade.

The pay of the lieutenant at approximately 28 years of age is $2,400 per annum; the pay of the commissioned chief at 37 years is $1,700 and rank as ensign of the Navy. It seems, in view of the duties demanded of these officers, that these men have educated themselves to the point where they have performed the same duties as those educated by the Government at the cost of $30,000 each. Up to this point I have paralleled the duties of these two grades of officers, showing the duties of each and also the amount which the Government expended on these officers for their services, the one officer serving nine years and the other 17 years. A further duty assigned to the warrant officers and commissioned chiefs, which is of recent arrangement, is in connection with the boards of inspection throughout the various navy yards, and so forth, where their

services are demanded. To each of these boards of inspection is appointed a line officer above the rank of lieutenant, whose duties, as I understand it, is for the inspection of all materials manufactured by the Government and under the Government's specifications. This work is naturally of a technical nature, and it is very rarely that any man at the age of 40 may become proficient in all the lines covered by an inspection officer (especially where they have had little experience on account of their duty continually on shipboard), which goes to make up the work appointed by the Government.

The duty of inspecting these various materials and apparatus devolves on the warrant officer and commissioned chief on account of their special fitness for this particular branch of work. After the work has been inspected by these officers, their reports are submitted to the officer, as we shall designate the chief inspector. The report invariably follows on the lines recommended by the practical men. The very fact that these men are assigned to these duties indicates the department's knowledge of their peculiar fitness for it, which I urge upon the gentlemen of the Naval Committee.

Throughout the various training stations where technical training of the enlisted force is necessary, the warrant officers, commissioned chiefs, and petty officers are the instructors in every case, the classes being nominally under the officer of the line, but the duties of instruction devolving entirely upon the gentlemen whom this bill will benefit. You will notice in both of the paragraphs above that a line officer is nominally in charge, but the actual work being performed by the warrant officers and the commissioned chiefs. Another duty to which these officers are assigned is the command of the various Naval Militia vessels which the Government has turned over to the various States and in whose care both officers and enlisted men are instructed in the duties demanded of them by the warrant officers and commissioned chiefs. These seagoing officers are further placed in command of Government vessels, and valuable property of the Government is intrusted to their care.

Another very important duty is the storing and preparing of the ammunition for the service, the duty of which devolves upon these officers, and the preparing of the stations for the various storehouses and magazines, and in a great many instances have been entirely revised and adopted by the Government upon the recommendation of the warrant officer and commissioned chief stationed there, thus showing that the training of enlisted personnel throughout the service, both technically and practically up to the point of reaching the grade of commissioned chief, is done by these officers.

In connection with the duties of these warrant officers and commissioned chiefs it is very noticeable that the title with which they have been dubbed in the past is very misleading and not appropriate.

The proposed change in titles is in line with the vast changes in the Navy from the old to the new. It is fully realized that the title of boatswain and gunner is a tradition as old as the Navy itself; so are the wooden sailing frigates, and so forth, with their rigging, sails, and deck tackle, smoothbore guns and wooden carriages, hemp breeches, side and train tackles, and crude ammunition. In fear, therefore, of traducing tradition it is thought best not to ask that the title of boatswain and gunner be abolished, but the title of chief boatswain and chief gunner being comparatively of recent origin, it is thought perhaps there would not be the same sentiment against the change.

It is claimed that the title of chief boatswain or boatswain, chief gunner or gunner, carpenter or chief carpenter, is now a misnomer in the Navy, as it certainly does not clearly designate the present duties assigned to these officers, either afloat or ashore. To the novice or civilian it is construed to mean that the chief gunner is the chief gun pointer, or the man who fires the gun. This erroneous idea is obtained from the daily press, which invariably dubs all gunners as men who fire the guns, such as gunners and master gunners of the Army, gun pointers of the Navy, as well as bird and trap shooters in the field of sports. In their category, anyone who fires a gun of any kind or shape is to them a gunner. Hence, when a chief gunner or gunner in the Navy is catechized as to his official position in the naval service invariably the question is asked, Are you one of the men who fire the guns? And generally it is a hard matter to convince them otherwise.

It is true the title of equipment ensign might not be as applicable to chief boatswain as ordnance ensign to chief gunner; nevertheless chief boatswains also suffer from the ambiguousness of their present titles. Therefore it is thought that the proposed title of equipment ensign would be in line with the title of ordnance ensign and more applicable to their present duties, as well as avoiding friction or objection at the Navy Department, both grades being included in one recommendation.

It is thought and strongly urged that the proposed change of title from chief boatswain, chief gunner, and chief carpenter to that of equipment, ordnance, and carpenter ensign would clarify somewhat and define the present ambiguous titles now held by these officers, bringing to them a more satisfactory and dignified title and properly classifying them in accordance with the manifold duties assigned to them in their respective departments.

These new titles will not in any way conflict with the titles now held by either the present line or staff officers, but will at once place them in a class where they professionally belong, and give to them an official designation which will clearly define what they are and what duties they perform.

Referring to section 4 of the proposed bills presented, which provides that the equipment, ordnance, and carpenter ensign after 30 years' service, and having served 10 years as a commissioned officer with a creditable record, shall upon retirement be retired as equipment, ordnance, and carpenter lieutenant, respectively. Perhaps this section may appear to be paradoxical when referring to the claim of the officers concerned that they do not ask in their bill for increased rank, but it should be recognized that this proposed increased rank on the retired list is merely an honorary title, and which will not in any way conflict with rank or precedence of those of the line on the active list; thus it could not meet the same objection as if it referred to the active list. Therefore it is earnestly solicited that your committee will see its way clear to approve this concession as a reward of merit to these officers for their long and faithful service, as well as to place them in a dignified position during their honorable old age.

You will note that this bill positively does not ask for any additional rank for any of these officers except for the honorary rank at the time of 35 years' service, when he retires; and, gentlemen, let me tell you that the Government would be lax in its judgment of these officers if it did not give them some small remuneration after spending their entire life in its service. Concerning the modest request of the bill in the matter of financial increase, it seems that the pay and allowance of these commissioned officers is insufficient for their common existence at the present time when the country is in arms at the exorbitant price for the necessities of life, and they have stood in the same relative position during the past 10 years notwithstanding the fact that the increase in cost of existence has in most cases increased 100 per cent. Is it, then, asking too much to advance them upon a fair and reasonable pay after a willing and faithful service when the same pay, including rank, has been given to the young men whose services have not been one-tenth the value of these faithful men, and who have, in the meantime, probably been trying to raise a family in the way that naval officers should raise one?

It would also act as a strong incentive to the enlisted petty officers and others to aspire to the warrant grades, which they do not do as a class. It would also give them a future to look forward to in their naval career. Likewise there should be an equal incentive to all who reach the commissioned grade of chief. These officers have no future whatever before them, they having reached the height of all preferment at an average age of 35 years, receiving an annual salary, including longevity, amounting to less than that received by a young lieutenant (junior grade) just commissioned, and this is all they have to look forward to during their whole future in the naval service, while the young lieutenants, by rapid promotion, leave them far behind in a few years. By way of illustration, the chief gunner now heading his grade on the active list was appointed gunner in 1870, and all midshipmen who graduated in that year and now in the service are either rear admirals or captains.

It seems to me that the Navy Department is very shortsighted in not lifting these men up a notch rather than their studied position retarding their advancement. This would be the means of the enlisted forces of the Navy taking a greater interest in their duties and probably an incentive for the future reenlistments which the Navy at present is in such a need. On this point let me quote you from the Navy Department records showing a reenlistment during the year 1909. This table is taken from the United States Naval Institute Proceedings, No. 132, December, 1909, volume 35. We had in the service at that time some 40,000 men, of whom approximately 30,000 were in their first enlistment, 5,800 in their second enlistment, and 1,600 in their third enlistment.

This will show conclusively to you gentlemen that there is not sufficient inducement in the Navy at present to demand the interest and self-sacrifice of the enlisted personnel, and something must be done by which they will be stimulated, so that the Navy can have in time of need a sufficient number of trained

man-of-war's men. It is a well-known fact that it requires at least two enlistments to make a man-of-war's man, and if out of a total of 40,000 only 1,000 reenlist you have but a nucleus of 2 per cent to do the work. Is not this deplorable? Let us now take up in short order the United States Revised Statutes, as follows:

Congress by act of March 3, 1899, gave the chief boatswains, and so forth, the rank of ensign, but the Navy Department, through Navy regulations, had delegated these officers just one notch below all ensigns. When I say the Navy Department I mean the leading officers stationed at the Navy Department. These officers are advisers to the Secretary of the Navy, and as such prepare and give him all the information on any subject that he wishes. Whether these officers have been true to their trust, I will let you gentlemen judge from my arguments, as will follow.

The act of March 3, 1899, created the different corps of commissioned chiefs, viz, chief boatswains, chief gunners, chief carpenters, and chief sailmakers.

The act of April 27, 1904, changed the act of March 3, 1899, reducing the time to six years. That commendable law gave some promotion and would have been very efficient had the Navy Department carried out the law as it stands on the statute books, and with the same spirit which prompted Congress to enact that law. But instead, the Navy Department, by regulations, and so forth, has interpreted the law to cheapen the grades of chiefs.

First. As to the status of rank and precedence. The law states "to rank with but after ensign." The Navy Department has interpreted that to mean that all ensigns rank ahead of and take precedence over all chiefs. The chiefs claim, and I think justly so, that is not the law. The law says that they shall have the rank of ensign, and "with but after" must mean that each chief comes right after some specific ensign whose commission antedates the commission of that particular chief. That is the Navy Department's interpretation of all other officers, such as civil engineers, paymasters, and so forth, who rank with ensign. Why this discrimination against the chiefs? The ensign and other officers of similar rank outrank the chiefs after three years' service, when they are promoted to the grade of junior lieutenant. It certainly is not justice to give a chief the rank of ensign and then nullify that law by department regulations. Article 28, paragraph 2, United States Navy Regulations, 1909, reads as follows:

> After six years from date of warrant, boatswains, gunners, carpenters, and sailmakers, respectively, if duly qualified, are commissioned chief boatswains, chief gunners, chief carpenters, and chief sailmakers, to rank with but after ensigns. On the active list of the Navy these commissioned warrant officers take precedence after ensigns and of each other according to the dates of their commissions.

This article does not quote the law. The law is, "with but after ensign," and not "with but after ensigns," which puts the plural on ensign. If Congress intended that all chiefs should take precedence after all ensigns, that law would have read "ensigns;" but it reads "ensign," consequently such was not the intent of Congress, and it would certainly not be right to put a class of officers, with an average of about 17 years of service when reaching that grade, behind all ensigns now in the service and that may become ensigns in the future.

Naval Academy graduates are commissioned ensigns after a course of four years at the Naval Academy and a course of two years at sea, or after taking some special course, as at the Polytechnic Institute, at Boston, and these courses are given them at no expense to themselves, but at a public outlay amounting to $30,000 for each one. Officers such as assistant paymasters and civil engineers, who rank with ensigns, are appointed directly from civil life, and therefore receive that rank on their first day of service, whereas chief boatswains and chief gunners have to serve at least seven years at sea as enlisted men before they are eligible for appointment as warrant officers, then six years as warrant officers, when they are promoted to commissioned chief and rank with an ensign, and are then delegated by Navy Regulations to take precedence after all other officers who have the rank of ensign now in the service, or who may in the future be appointed; and no enlisted man is eligible for appointment as a warrant officer who has not served as a first-class or chief petty officer, and has been at sea for at least seven years; so you see they must be the very cream of the enlisted personnel and have a long and weary road to travel, and their education has not cost the public one cent. As a matter of fact the average service as enlisted men of the boatswains and gunners is about 11 years, then 6 years as a warrant officer, thus a total length of service of 17 years before they reach the grade of chief, with the rank with but after ensign, which gives them the pay of an ensign; and there they remain for the rest of their lives.

Second. The titles of the chiefs. The act creating the chief grade gave these officers a positive promotion with a commission with certain titles and are by law chief boatswains, chief gunners, chief carpenters, and chief sailmakers. The Navy Department has by regulations dubbed these officers commissioned warrant officers. This title has been objected to by the commissioned chiefs, and appeals have been made to the Navy Department to that effect, but the Navy Department has refused to change the regulations, thus refusing to obey the law established by Congress. The title "commissioned warrant officers" is very misleading and unjust, as it infers that the chiefs are still warrant officers, which they are not. By law chiefs are commissioned officers with the rank of ensign. To draw the committee's attention to this, the following reading will be found in House bill 27844 in several places when speaking of this class of officers and warrant officers (both commissioned and warranted), which goes to show that the Navy Department consider the commissioned chiefs as warrant officers. Attention is respectfully called to Article XXIV, paragraphs 2, 4, and 5, also Article XXX, United States Navy Regulations, 1909, where these officers are classified by regulations. If the Navy Department is then allowed to classify commissioned chiefs as commissioned warrant officers, why not officers appointed from civil life as "commissioned civilian officers," and so forth, without end. What is the object of the Navy Department to thus classify these officers, and furthermore, contrary to law, but to cheapen the grade of chief and make it generally understood that they are still warrant officers?

Third. The uniform. The chiefs: Although given the rank of ensign by law, the Navy Department has persistently refused to give these officers the uniform to which their rank entitles them. Appeal after appeal has been sent to the Navy Department by these officers that they be allowed the proper uniform of their rank. These appeals have as often been refused by the Navy Department. All other officers in the Navy who have the rank of ensign are allowed the uniform of that rank. Each and every corps in the Navy has a distinctive corps device which is worn on the collar, shoulder marks, and so forth, but the sleeve marks very distinctly designate the rank. An officer with the rank of ensign wears a gold stripe one-half inch on the sleeve. This is not allowed the commissioned chiefs. They wear a gold stripe, but it is broken with blue silk. All officers except the commissioned chiefs are allowed proper full-dress and social-dress uniforms. This is very unjust and humiliating to these officers when they have to appear at official ceremonies, and so forth, and among officers of their own grade in foreign navies, and thus placing them at a disadvantage, very much to their humiliation and discomfort.

Fourth. Their standing as officers in line of command, and so forth. The Secretary of the Navy, in his letter of comments on House bill 18020 to the chairman of your committee, states the following regarding warrant officers: They take rank or precedence next after midshipmen and ahead of all mates. The Secretary is merely quoting paragraph 1, article 28, United States Navy Regulations, which is contrary to law. Section 12 of the act of March 3, 1899, reads, in part, as follows, referring to chief boatswains, chief gunners, and so forth:

> That nothing in this act shall give additional right to quarters or to command.

Therefore it follows that commissioned chiefs with the rank of ensign also take rank and precedence next after midshipmen. Let us see if the Navy Department's interpretation of the law thus quoted in the Navy Regulations is correct. By section 1410, Revised Statutes, there are only the following officers in the Navy, viz, commissioned, warrant, and petty officers. A midshipman does not hold a commission or warrant, and therefore can not be an officer in the Navy as defined by that statute, and justly so. A midshipman is a young man attending a naval school preparing him to be an officer, and it is a fact that no midshipman has the required practical knowledge to command a fighting ship or to command a fighting division aboard of any ship, which takes years of practical experience to acquire under actual service conditions and can not be taught at any school where only the rudiments are taught. After the midshipman has completed his studies he is given a commission as an officer of the lowest commissioned grade in the Navy, which is that of ensign. The warrant officers and commissioned chiefs therefore justly claim that they must certainly come ahead of all midshipmen, both as to command and precedence. The warrant officers and chiefs have raised themselves to these grades by years of hard work and study in the practical school of the service,

the ship of war, and have passed through several examinations, and therefore there can be no doubt as to their abilities as officers, both in command and otherwise. Again, I think I have shown to you gentlemen the unfair treatment these officers are receiving at the hands of the Navy Department, and have also shown that the Navy Department has no intention of placing these officers in the proper position they are entitled to according to law. Therefore other laws should be passed and so worded that there possibly can not be any mistake as to what they are entitled to by the various acts of Congress.

COMMENTS ON HOUSE BILL 27844.

Regarding section 51 of House bill 27844, which is a personnel bill now before this committee, and which has the approval of the Secretary of the Navy: The section referred to deals with the warrant officers and commissioned chiefs. Let us examine this section. It will bear me out in what I have stated, that the Navy Department is not giving and does not intend, if they can possibly help it in any way, to give the warrant officers and commissioned chiefs, and consequently the enlisted personnel, a square deal as to promotion.

First. Why should the appointments to the different corps of warrant officers be limited to 20 each year? At present the only corps which is limited to 20 each year is that of the machinist; the department has been unable to obtain that many qualified candidates for machinists each year. At present the grades of boatswains, gunners, and carpenters are not limited, but the President is allowed to appoint the number actually required for the service, and if he chooses he can limit that to 20 each year. Therefore, from the above facts, why this unnecessary legislation?

Second. Section 51 reads, as to the rank, pay, and allowances:

Provided, That the rank, pay, and allowances in the several grades shall be the same as now provided by law for boatswains and chief boatswains, respectively.

The rank we have discussed previously, so you gentlemen know how unjust to these officers the law has been interpreted by the Navy Department in the Navy Regulations. As to pay: The present law provides that this pay in the various corps shall be that of boatswains or the equivalent, so why this unnecessary legislation? As to allowances: If the Navy Department wished to do justice to this, recommendations should have been made so as to include warrant officers in the fuel and light allowance, now allowed by law to all officers excepting the warrant officers. At present all warrant officers are allowed by law two rooms when on shore duty, and when not occupying public quarters they are allowed $12 per room per month, but they are not allowed any light or heat for their rooms, which is allowed all other officers at every station where warrant officers are occupying public quarters. These officers have to pay for light and heat out of their already meager pay, when all other officers stationed at these same stations are furnished both at public expense. This is known to the Navy Department, and comments have been frequently made on this unjust state of affairs. Therefore the department has not done justice to these officers by not recommending the above legislation in section 51.

Third. Section 51 reads:

Provided further, That all warrant officers shall be examined for promotion by such examining boards as the Secretary of the Navy shall designate.

Here, again, is a very unjust and discriminating request by the Navy Department. The Chief of the Bureau of Navigation, in his annual report for several years past, has recommended that the above become a law. The annual report for 1910 reads as follows, on page 7:

The law which provides that warrant officers must be examined by a board consisting of chief warrant officers is often a source of embarrassment to the bureau, as it is difficult and many times impracticable, except at much expense, to assemble such a board, particularly on the Pacific coast. It is frequently impracticable to constitute such a board on foreign stations, and in consequence the examination of officers of these grades is delayed for long periods before an opportunity affords for convening a board. This is an injustice to the officer affected, as he is deprived of the increase in his rank and pay until he is qualified for promotion. The bureau sees no reason why warrant officers should not be examined by a regular examining board, as is the case with all other officers.

It certainly is wonderful that the Navy Department should apparently try to take steps to erase an injustice to these officers, as this report and proposed legislation in section 51 appears to do. But the officers affected claim, and justly so, that this report of the Chief of the Bureau of Navigation is very misleading, and by enacting such laws as is requested in section 51 would be very unjust and discriminating, indeed.

To be able to explain this fully I will have to refer to previous legislation that is now a law on the statute books. As regards the injustice as is claimed in rank and pay by delayed examinations, that is not so. Section 1562, Revised Statutes, clearly defines and eliminates any such injustice, and reads as follows:

If an officer of a class subject to examination before promotion shall be absent on duty, and by reason of such absence or of other cause not involving fault on his part, shall not be examined at the time required by law or regulation, and shall afterwards be examined and found qualified, the increased rate of pay to which his promotion would entitle him shall commence from the date when he would have been entitled to it had he been examined and found qualified at the time so required by law or regulations; and this law shall apply to any cases of this description which may have heretofore occurred, and in every such case the period of service of the party in the grade to which he was promoted shall, in reference to the rate of his pay, be considered to have commenced from the date when he was entitled to take rank.

The above law prevents any such injustice as is claimed.

Section 1491, Revised Statutes, reads as follows:

The President may, if he shall deem it conducive to the interests of the service, give assimilated rank to boatswains, gunners, carpenters, and sailmakers, as follows: After five years' service to rank with ensigns, and after 10 years' service with lieutenants, junior grade.

This commendable law, although somewhat defective in its wording, was put on the statute books by Congress in 1864, and evidently that body thought as early as 1864 that it was to the best interest of the service to give warrant officers more rank. This statute has never been effective and no part of it has ever been carried into effect. Why? Is it not reasonable to suppose that during all these years some of the warrant officers have been worthy of this promotion?

It is due to the very fact that the provisions in that statute evidently were not carried out by the Navy Department; that the present law regulating the examination and promotion of warrant officers was enacted by Congress on March 23, 1899, thus putting the warrant officers on the same status as to examination as is now and has been enjoyed by all other officers of the Navy, as each and every corps in the Navy examine the candidates of their respective corps for promotion; so why the request for this discriminating law against the warrant officers? The warrant officers justly feel that if the change should be made as requested in section 51 by the Navy Department, the effect of the present just law would be null and void, just as section 1491 was ineffective for years.

The examining boards, consisting of commissioned chiefs, have carried out these examinations with credit and fairness, and the candidates appearing before these boards know that they are given a square deal.

Fourth. Section 51:

And provided further, That nothing in this act shall be so construed as to affect in any way the present law regulating the appointment of warrant officers (commissioned and warranted) to the grade of ensign, which law shall remain in full effect.

The law referred to is the act of March 3, 1901. The act of March 3, 1903, changed this so as to allow 12 each year. The act of April 27, 1904, reduced the time of service in the warrant grade for the above-mentioned grades and made them eligible for the examination to ensign from six years to four years. The act of March 3, 1909, included chief boatswains, chief gunners, and chief machinists in the above law. The following tables will show how this law has worked for the 10 years since its enactment.

Mr. HAY. Mr. Speaker, I ask leave to extend my remarks in the RECORD.

Mr. FLOYD of Arkansas. Mr. Speaker, I also ask leave to extend my remarks in the RECORD.

Mr. SISSON. Mr. Speaker, I also ask leave to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Virginia [Mr. HAY], the gentleman from Arkansas [Mr. FLOYD], and the gentleman from Mississippi [Mr. SISSON] ask unanimous consent to extend their remarks in the RECORD. Is there objection?

There was no objection.

The SPEAKER pro tempore. General debate has expired, and the Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That under such regulations as the Secretary of War and the National Militia Board may prescribe the commissioned officers of the Organized Militia of each State, Territory, and the District of Columbia shall receive in compensation for their services, other than at annual encampments or in case of riot, insurrection, or invasion, certain percentages of the annual rate of pay for officers of like grade in the Army of the United States as is now or may be hereafter established by law, as follows: All officers below the grade of general officers, including officers of the Medical Corps serving with troops, 15 per cent, and an additional 5 per cent to the commanding officers of all companies, troops, and batteries; general officers and officers of staff departments serving with general officers, 5 per cent: *Provided*, That each such officer shall have performed at least 75 per cent of the duties prescribed by statutes or in orders by the com-

mander in chief of his State or Territory or the commanding general of the Organized Militia of the District of Columbia, excepting for services hereinbefore excluded: *Provided further*, That no officer shall be entitled to such compensation until he shall have passed such examination as shall be prescribed for officers of that grade by the Secretary of War and the National Militia Board.

With the following committee amendment:

On page 1, line 10, after the word "now," strike out the words "or may be hereafter."

The SPEAKER. The question is on agreeing to the amendment.

Mr. CRUMPACKER. Mr. Speaker, what is the proposition?

The SPEAKER. The first amendment.

Mr. CRUMPACKER. I have no objection to the amendment.

The amendment was agreed to.

Mr. CRUMPACKER. Mr. Speaker, I now move to strike out the section—section 1.

The SPEAKER. The gentleman from Indiana is recognized.

Mr. CRUMPACKER. Mr. Speaker, I dislike to sound a discordant note on this bill upon this side of the House, but I do not believe it is a wise measure. Not only that, I believe it is a very unwise measure from almost every standpoint. It seems that the people of this country are talking more about peace and doing less toward its real advancement than the people of any other great country in the world. Since I have been a Member of this body the Regular Army has been increased about 300 per cent, and the expense of its maintenance has been increased, I should say, more than 300 per cent. I voted for nearly every measure that looked toward the reorganization of the Regular Army and the promotion of its efficiency because I believed it was in the interest of the country.

This measure deals with the State militia, the so-called National Guard. I am opposed to it because I believe, with the gentleman from Tennessee [Mr. GARRETT], that its effect will be to practically destroy the State militia as it has existed in this country for a hundred years or more. It will take from the young men of the country——

Mr. HOBSON. Will the gentleman yield for a question?

Mr. CRUMPACKER (continuing). That spirit of patriotism and local pride that has prompted them in times past to enlist in the militia, and its tendency will be to convert that military or semimilitary organization into an organization of professional soldiers.

The SPEAKER. Will the gentleman yield to the gentleman from Alabama?

Mr. CRUMPACKER. Yes.

Mr. HOBSON. Mr. Speaker, I simply wish to ask the gentleman if he thinks the militia in our last and previous wars has been efficient, and if he would be satisfied with the standard of efficiency displayed in our past wars?

Mr. CRUMPACKER. I think the militia has been more satisfactory in the past than the militia of the future will be, if this character of legislation is carried to its logical conclusion. The appropriations out of the Federal Treasury, of course, must necessarily carry with them a corresponding increase of the duties and obligations of the members of the militia and a corresponding increase of military service and discipline. Complaint is being made all over the country now that it is exceedingly difficult to secure recruits for the militia. And why? Because of the movement to place it under control of the Federal Government in times of peace. The so-called Dick law initiated the movement, and this bill, if it becomes a law, will accentuate the difficulties. The young men who will enlist in the militia in the future will be the class of men who would ordinarily go into the Regular Army—men who desire to become professional soldiers, and not the class of young men who would be prompted to become members of State military organizations from a sense of love of country. Men pursuing the occupations of peace are not inclined to subject themselves to the rigid discipline of the Regular Army, and therefore they will decline to go into the militia under Federal regulation and control with the court-martials and severe penalties provided in this bill. Officers of State military organizations are supporting this measure. It will increase their importance from the military standpoint and will carry some compensation for their service, but when it is generally known what exactions are required, where will the privates come from?

The question of cost is one of no inconsiderable consequence. We propose now to give the State Militia a certain percentage of the pay that is given to officers and soldiers in the Regular Army, and it has been said, with a great deal of reason, that it is but the entering wedge. We propose to pay enlisted men and noncommissioned officers 25 per cent of what is paid enlisted men and noncommissioned officers in the Regular Army.

The SPEAKER. The time of the gentleman from Indiana [Mr. CRUMPACKER] has expired.

Mr. DALZELL. Mr. Speaker, I move that all debate on this paragraph and all amendments thereto close in five minutes.

The motion was agreed to.

Mr. STEENERSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. STEENERSON. Who has charge of this bill now, the gentleman from Pennsylvania [Mr. DALZELL] or myself?

The SPEAKER. The rules of the House take charge, under the five-minute debate.

Mr. CRUMPACKER. Mr. Speaker, am I entitled to the remaining five minutes?

The SPEAKER. If the gentleman will bring himself under the rule.

Mr. CRUMPACKER. I ask unanimous consent that I may proceed for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. CRUMPACKER. Under the Dick law, passed a few years ago, a charge upon the Federal Treasury of $4,000,000 a year for the State militia was imposed. It has been stated on the floor in general debate, without contradiction, that this bill will involve an expenditure of $6,000,000 a year in addition, and it provides for the payment of only one-fourth of the compensation paid the soldiers in the Regular Army, and 15 or 20 per cent of the salaries paid to Regular Army officers.

I have had experience enough in national affairs, and sufficient observation of the tendency of legislation of this character, to firmly believe that within five years an effort will be made again in Congress, a successful effort, to double the appropriations that are carried in this bill, because in that time the argument will be stronger than it is to-day that some additional inducements are necessary in order to secure enlistments in the National Guard, and the increase will doubtless be made. Do young men now become members of the National Guard in the hope of emoluments? If the compensation system is entered upon, it must ultimately place the National Guard upon the same footing with the Regular Army in respect to pay and allowances and exact of that organization the same service, discipline, and obedience, substantially, as is required of the standing Army. There will then be no State militia.

Mr. GARRETT. Will the gentleman yield for a question?

Mr. CRUMPACKER. I yield to the gentleman for a question.

Mr. GARRETT. Does not the gentleman believe that this legislation will be followed by the withdrawal by many of the States of the amount that they are now appropriating for the support of their militia?

Mr. CRUMPACKER. That would be the natural result, because if the States can secure money to maintain their National Guard out of the Federal Treasury they will be glad to do so and save their own revenue. Then, having increased the pay to 50 per cent, the next move will be to give the National Guard the same pay and emoluments that are paid to soldiers of the Regular Army, enlisted men and officers. The effect of it will be to convert the State militia into a branch of the Regular Army, not only in its duties and obligations, but in its very character, and it will drive from the militia the class of young men—clerks, mechanics, and others—who have formed that organization in the past and who form it now. I want to emphasize that feature of the bill, and to warn Members of this House against the danger of this kind of legislation. It will convert the State militia into an organization of professional soldiers. We all know that in small communities, in the average country towns of 5,000 or 10,000 population, militia organizations are composed largely of young men whose lives are dedicated to pursuits of peace and not to warfare, and they will not submit themselves to the rigid discipline that will be required and that ought to be required by the Federal Government if large sums of money shall be taken out of the Federal Treasury for the purpose of building up the National Guard and converting it into a real fighting machine.

The average young American who has his mind upon a business career will not voluntarily bow his neck to a rigid yoke of military discipline. He may join an organization of militia, and submit to occasional drills in the manual of arms and general maneuvers, but his thought and energy in the main must be in his business. That is the chief objection I have to this bill. I think highly of the State Militia. A number of years ago I had the honor of being a second lieutenant [applause] in a company of militia organized to conduct military and social operations in the beautiful city of Valparaiso, in the State of Indiana. The social side of that organization was one of its chief attractions. You subject the class of young men that

belonged to that company to the rigid military discipline that must necessarily follow this legislation—trial by court-martial, fines, and imprisonments—and 9 out of 10 of the self-respecting public-spirited young men who now compose the National Guard would never go into it. They would never submit to the rigid requirements of Regular Army discipline in times of peace. The National Guard now is inexpensive, and the training it receives is of great value in time of conflict. Change its character and you will drive out of it the bulk of the intelligent and patriotic young men who now compose it, young men who, with the training they are now receiving, will make the very best soldiers in actual war.

I protest against it. The proposition to pay officers and soldiers in the National Guard a fixed and regular compensation out of the Federal Treasury naturally appeals to them, but how many of them know of the conditions that are attached to the compensatory provision? How many of them know anything about the requirements contained in section 5 of the bill? If this bill becomes a law, there will be an annual charge of $10,000,000 upon the Federal Treasury on account of the State Militia, and the Government has the right to impose reciprocal conditions and obligations in consideration of this large yearly expenditure. In my judgment, the Government will be better off and the militia will be more efficient if this bill is not passed.

The SPEAKER pro tempore (Mr. MANN). Debate on this paragraph is exhausted. The question is on the motion of the gentleman from Indiana, to strike out section 1.

Mr. CRUMPACKER. Mr. Speaker, I withdraw that motion.

Mr. HAY. I renew it, Mr. Speaker.

The SPEAKER pro tempore. The Chair will suggest to the gentleman from Virginia that section 1 carries the enacting clause.

Mr. HAY. I was aware of that fact, and I want to strike out the enacting clause.

The SPEAKER pro tempore. The gentleman from Virginia moves an amendment, to strike out the enacting clause, which the Clerk will report.

The Clerk read as follows:

Amend by striking out the enacting clause.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia to strike out the enacting clause.

The question was taken; and on a division (demanded by Mr. HAY) there were 87 ayes and 96 noes.

Mr. HAY. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 116, nays 151, answered "present" 10, not voting 107, as follows:

YEAS—116.

Adair	Ellerbe	Jamieson	Peters
Aiken	Ferris	Johnson, Ky.	Randell, Tex.
Alexander, Mo.	Fitzgerald	Johnson, S. C.	Ransdell, La.
Barnhart	Floyd, Ark.	Jones	Rauch
Bartlett, Ga.	Garner, Tex.	Kelliher	Riordan
Beall, Tex.	Garrett	Kinkead, N. J.	Robinson
Bell, Ga.	Gillespie	Kitchin	Roddenbery
Boehne	Glass	Korbly	Rucker, Mo.
Booher	Godwin	Lamb	Shackleford
Brantley	Goldfogle	Latta	Sharp
Burgess	Gordon	Legare	Sheppard
Burleson	Graham, Ill.	Lindbergh	Sherley
Burnett	Hamlin	Lively	Sherwood
Campbell	Hammond	Lloyd	Sims
Carter	Hardwick	McHenry	Sisson
Cary	Hardy	Macon	Slayden
Clark, Mo.	Harrison	Maguire, Nebr.	Smith, Tex.
Cline	Hay	Martin, Colo.	Stephens, Tex.
Collier	Helm	Mays	Tawney
Covington	Henry, Tex.	Mitchell	Taylor, Colo.
Cox, Ind.	Hitchcock	Moon, Tenn.	Thomas, Ky.
Crumpacker	Hollingsworth	Morrison	Thomas, N. C.
Cullop	Houston	Moss	Tou Velle
Denver	Howard	Nicholls	Turnbull
Dickinson	Hughes, Ga.	O'Connell	Watkins
Dickson, Miss.	Hughes, N. J.	Oldfield	Webb
Dixon, Ind.	Hull, Tenn.	Padgett	Weisse
Driscoll, D. A.	Humphreys, Miss.	Page	Wickliffe
Edwards, Ga.	James	Palmer, A. M.	Wilson, Pa.

NAYS—151.

Andrus	Butler	Cox, Ohio	Esch
Ansberry	Byrns	Creager	Fairchild
Austin	Calder	Currier	Finley
Barchfeld	Calderhead	Dalzell	Fish
Barclay	Cantrill	Davidson	Focht
Bennet, N. Y.	Carlin	Davis	Foss
Bingham	Cassidy	Dent	Foster, Ill.
Borland	Chapman	Dickema	Foster, Vt.
Boutell	Clayton	Dodds	Gardner, Mich.
Bradley	Cocks, N. Y.	Driscoll, M. E.	Gardner, N. J.
Burke, Pa.	Cole	Dupre	Graff
Burke, S. Dak.	Cooper, Pa.	Dwight	Graham, Pa.
Burleigh	Cooper, Wis.	Ellis	Grant
Greene	Knapp	Moon, Pa.	Small
Griest	Kopp	Moore, Pa.	Smith, Iowa
Guernsey	Kronmiller	Morehead	Snapp
Hamer	Küstermann	Morgan, Mo.	Southwick
Hamilton	Lafean	Morgan, Okla.	Stafford
Hanna	Langham	Morse	Steenerson
Haugen	Langley	Murphy	Sterling
Hawley	Lawrence	Nelson	Sturgiss
Heald	Lenroot	Nye	Sulloway
Heflin	Longworth	Olcott	Taylor, Ohio
Henry, Conn.	Loudenslager	Olmsted	Thistlewood
Higgins	Lowden	Palmer, H. W.	Thomas, Ohio
Hill	McCreary	Parker	Tilson
Hobson	McCredie	Parsons	Townsend
Howell, Utah	McGuire, Okla.	Payne	Volstead
Howland	McKinley, Ill.	Pickett	Vreeland
Hubbard, Iowa	McKinney	Plumley	Washburn
Hubbard, W. Va.	McLaughlin, Mich.	Poindexter	Weeks
Humphrey, Wash.	McMorran	Pou	Wheeler
Johnson, Ohio	Madison	Pratt	Wilson, Ill.
Joyce	Malby	Pray	Woods, Iowa
Kahn	Mann	Roberts	Woodyard
Keifer	Martin, S. Dak.	Rodenberg	Young, Mich.
Kendall	Massey	Rucker, Colo.	The Speaker
Kennedy, Iowa	Miller, Minn.	Scott	

ANSWERED "PRESENT"—10.

Adamson	Fornes	Rothermel	Stanley
Candler	Lee	Slemp	
Flood, Va.	Lever	Smith, Mich.	

NOT VOTING—107.

Alexander, N. Y.	Edwards, Ky.	Hull, Iowa	Pujo
Ames	Elvins	Kennedy, Ohio	Rainey
Anderson	Englebright	Kinkaid, Nebr.	Reeder
Anthony	Estopinal	Knowland	Reid
Ashbrook	Fassett	Law	Rhinock
Barnard	Foelker	Lindsay	Richardson
Bartholdt	Fordney	Livingston	Sabath
Bartlett, Nev.	Fowler	Loud	Saunders
Bates	Fuller	Lundin	Sheffield
Bennett, Ky.	Gaines	McCall	Simmons
Bowers	Gallagher	McDermott	Smith, Cal.
Broussard	Gardner, Mass.	McKinlay, Cal.	Sparkman
Byrd	Garner, Pa.	McLachlan, Cal.	Sperry
Capron	Gill, Md.	Madden	Spight
Clark, Fla.	Gill, Mo.	Maynard	Stevens, Minn.
Conry	Gillett	Miller, Kans.	Sulzer
Coudrey	Goebel	Millington	Swasey
Cowles	Good	Mondell	Talbott
Craig	Goulden	Moore, Tex.	Taylor, Ala.
Cravens	Gregg	Moxley	Underwood
Crow	Hamill	Mudd	Wallace
Dawson	Havens	Murdock	Wanger
Denby	Hayes	Needham	Wiley
Dies	Hinshaw	Norris	Willett
Douglas	Howell, N. J.	Patterson	Wood, N. J.
Draper	Huff	Pearre	Young, N. Y.
Durey	Hughes, W. Va.	Prince	

So the motion was rejected.

The Clerk announced the following additional pairs:

For balance of day:

Mr. DRAPER with Mr. SULZER.

Mr. MILLER of Kansas with Mr. LIVINGSTON.

Mr. FULLER with Mr. DIES.

Mr. REEDER with Mr. RICHARDSON.

Mr. GAINES with Mr. TALBOTT.

Mr. HENRY of Connecticut with Mr. LEE.

On this vote:

Mr. GARDNER of Massachusetts (against) with Mr. LEVER (in favor).

Mr. DUREY with Mr. ANDERSON.

For the session:

Mr. WANGER with Mr. ADAMSON.

Mr. YOUNG of New York with Mr. FORNES.

Mr. SLEMP with Mr. FLOOD of Virginia.

Mr. KNOWLAND with Mr. CANDLER.

Mr. SHEFFIELD with Mr. STANLEY.

Mr. MADDEN with Mr. GOULDEN.

Mr. ALEXANDER of New York with Mr. BOWERS.

Mr. ANTHONY with Mr. BROUSSARD.

Mr. BARTHOLDT with Mr. GREGG.

Mr. DAWSON with Mr. HAMILL.

Mr. FORDNEY with Mr. SPARKMAN.

Mr. GILLETT with Mr. MCDERMOTT.

Mr. HOWELL of New Jersey with Mr. RAINEY.

Mr. MOXLEY with Mr. SAUNDERS.

Mr. LOUD with Mr. SPIGHT.

Mr. MONDELL with Mr. TAYLOR of Alabama.

Mr. SIMMONS with Mr. HAVENS.

Mr. STEVENS of Minnesota with Mr. LINDSAY.

Mr. DOUGLAS with Mr. ESTOPINAL.

Mr. ADAMSON. Mr. Speaker, did the gentleman from Pennsylvania [Mr. WANGER] vote?

The SPEAKER pro tempore. The Chair is informed that the gentleman from Pennsylvania did not vote.

Mr. ADAMSON. Mr. Speaker, I voted "aye," and as I am paired with the distinguished gentleman I wish to withdraw my vote and answer present.

The SPEAKER pro tempore. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. ADAMSON, and he answered "Present."

The result of the vote was announced as above recorded.

Mr. HOWLAND. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 2, line 6, strike out the words "at seventy-five per centum of."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. STAFFORD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. STAFFORD. Mr. Speaker, the amendment suggested by the committee has not been acted upon as yet, has it?

The SPEAKER pro tempore. That amendment has been agreed to.

J. F. M'MURRAY.

Mr. BURKE of South Dakota. Mr. Speaker, I submit the report of the special committee appointed under House resolution 847, to investigate the circumstances connected with certain contracts said to exist between J. F. McMurray, of McAlester, Okla., and certain Indian tribes, and I ask unanimous consent that the report may be printed in the RECORD.

The SPEAKER pro tempore. The gentleman from South Dakota submits a report, and asks unanimous consent that it may be printed in the RECORD. Is there objection?

Mr. JAMES. Mr. Speaker, is it a unanimous report?

Mr. BURKE of South Dakota. The report is not unanimous, Mr. Speaker. There is one member of the committee who has not signed it, but he is present.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent to have my minority report also printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the printing of the two reports in the RECORD, as requested by the gentleman from South Dakota and the gentleman from Texas?

There was no objection.

The reports are as follows:

To the House of Representatives:

The committee appointed pursuant to and by virtue of the following House resolution, No. 847—

"*Resolved*, That a committee consisting of five members, each of whom shall be a Member of the House of Representatives, be appointed by the Speaker to investigate all circumstances connected with certain contracts now said to exist by and between J. F. McMurray, an attorney, of McAlester, Okla., or any other person or persons, and the Choctaw and Chickasaw Tribes of Indians of Oklahoma, or any member or members thereof, or any other of the Five Civilized Tribes, the Osage Indians, or any members thereof, this to include bribery, fraud, or any undue influence that may have been exerted on behalf of the approval or procuring of the said contracts, or any of them.

"Said committee is hereby empowered to sit and act at any place, to require the attendance of witnesses and the production of papers by subpœna to be signed by the chairman of said committee. The chairman of said committee, or any member thereof, is hereby empowered to administer oath. Said committee is further hereby empowered to take testimony under oath and in writing, to obtain documents, papers, and other information from the several departments of the Government or any bureau thereof, to employ not to exceed two stenographers to take and make a record of all evidence received by the committee and to keep a record of its proceedings. All costs and expenses of said investigation shall be paid from the contingent fund of the House of Representatives.

"All hearings by said committee shall be open to the public. The committee shall report to this Congress all evidence taken and their findings and conclusions thereon. And in case of disobedience to a subpœna this committee may invoke the aid of any court of the United States or of any Territories or Districts thereof, within the jurisdiction of which any inquiry may be carried on by said committee in requiring the attendance and testimony of witnesses and the production of books, papers, and documents under the provisions of this resolution, and any such court within the jurisdiction of which the inquiry under this resolution is being carried on may, in case of contumacy or refusal to obey a subpœna issued to any person under authority of this resolution, issue an order requiring such persons to appear before the said committee and produce books and papers, if so ordered, and give evidence touching the matter in question, and any failure to obey such order of the court may be punished by such court as a contempt thereof. The claim that any such testimony or evidence may tend to criminate the person giving such evidence shall not excuse such witness from testifying, but such evidence or testimony shall not be used against such person on the trial of any criminal proceeding except in prosecution for perjury committed in giving such testimony.

"And said committee may file its report with the Clerk of the House during the recess of Congress"—

submits the following report:

The investigation authorized was the result of charges made in the Senate by Senator THOMAS P. GORE, of Oklahoma, June 24, 1910. Speaking of what was known as the "McMurray contracts," Senator GORE said:

"I shall not say what I intended to say when I rose, but I know that improper methods have been attempted in connection with these McMurray contracts. I speak from my own knowledge. A Member of this Senate was approached with an offer to be interested in those contracts, and a Member of the other House was approached on yesterday by a representative of Mr. McMurray with a similar overture.

* * *

"Mr. President, I may be green, and that may explain the presumption which some people have indulged in in connection with this matter, but I can not afford to let a false sense of modesty stand between me and my duty. The whole effort and combination to secure an approval of these contracts is conceived in corruption and has been brought forth in corruption."

He further said:

"On the 6th day of May a representative of Mr. McMurray, a man who resides in my State, a man toward whom I have sustained friendly relations, a man who has rendered me substantial assistance in the past, sir, I may say, came to my office and assured me that it might be made to my interest if I would call on the junior Senator from Colorado and advise him not to report the bill. The bill had already been reported at my urgent instance.

"Now, sir, I repeat that I dislike the humiliation which comes from the fact that anyone should have presumed to approach me on this subject. I suppose it was due to the intimacy of the friendship that had previously existed. There was some suggestion that some twenty-five or fifty thousand dollars might be available if the contracts were not further opposed by me. Unwilling to harbor such a secret, I told the senior Senator from Wisconsin [Mr. LA FOLLETTE] that day what had transpired. I told the Congressman from my State who represents the Indians involved. I also told other friends. My colleague was absent from the city.

"On yesterday, as I am advised, a representative of Mr. McMurray made a similar proposition to a Member in the other House.

"Now, an ex-Senator from Nebraska is interested in these contracts, and an ex-Senator from Kansas is interested in these contracts. A powerful lobby has been maintained here in the interest of these contracts, and I have expended every effort to secure legislation that would make their consummation an impossibility."

Immediately following the appointment of the committee the work of the investigation began by calling upon the Interior Department and the Department of Justice for copies of all contracts comprehended within the scope of the resolution, together with copies of all letters, papers, and other documents material to the subject matter within the scope of the inquiry authorized.

All of the members of the committee assembled at Muskogee, Okla., August 4, 1910, and proceeded on that date to hold the initial hearing. Hearings continued at various places in Oklahoma, to wit: Muskogee, McAlester, Sulphur, Pawhuska, and Tulsa up to and including the 27th day of August, when adjournment was taken to Washington, D. C., at a date in November to be fixed by the chairman. On the 23d day of November hearings were resumed in Washington and continued at intervals up to and including January 10, 1911. Arguments of attorneys were completed January 13, 1911. One hundred and sixteen witnesses were examined and all testimony was given under oath except as otherwise indicated. Numerous contracts, documents, and other papers were examined and some of them form the appendix which appears at pages 1143–1343 of this report.

John F. McMurray, the alleged principal whose agent Jake L. Hamon is alleged to have been, was represented during the entire investigation by counsel, consisting of Messrs. Flynn & Ames, of Oklahoma City, Okla., and Cecil H. Smith, of Sherman, Tex. Senator GORE was present or represented at most of the hearings and was given equal privileges with members of the committee in the matter of examining and cross-examining witnesses, and every person whom he requested to have called as a witness was subpœnaed, and special effort was made to secure all possible evidence touching any interest in the McMurray contracts that may have existed on the part of any Member of either branch of Congress.

At the conclusion of the hearings arguments continuing through two days were made by counsel for McMurray and by Senator GORE.

All of the evidence has been printed and is herewith submitted, together with the appendix containing the exhibits before referred to.

The resolution directs the committee to investigate—

"all circumstances connected with certain contracts now said to exist by and between J. F. McMurray, an attorney of McAlester, Okla., or any other person or persons, and the Choctaw and Chickasaw Tribes of Indians of Oklahoma, or any member or members thereof, or any other of the Five Civilized Tribes, the Osage Indians, or any members thereof, this to include bribery, fraud, or any undue influence that may have been exerted on behalf of the approval or procuring of the said contracts, or any of them."

Strictly construed the text of the resolution would have limited the committee to the investigation of existing contracts. But when the resolution was being considered in the House it was evidently contemplated that the committee was not to be so limited in its inquiry, but might inquire into any contracts. See CONGRESSIONAL RECORD of June 25, 1910, wherein the following colloquy, which occurred on the floor of the House immediately prior to the adoption of the resolution, is reported:

"Mr. STEPHENS of Texas. I desire to ask the chairman of the committee whether or not this resolution is broad enough to include all contracts between this man McMurray and these nations of Indians?

"Mr. TAWNEY. And any other contracts?

"Mr. STEPHENS of Texas. Will it go back 10 years?

"Mr. MANN. It will go back as long as the committee wants it to go back."

It was deemed necessary, therefore, in order to make an exhaustive and intelligent inquiry relative to existing contracts with McMurray, to ascertain his contractual relations with any of the Five Civilized Tribes prior to entering into the pending or existing contracts.

GENERAL REVIEW OF M'MURRAY'S CONTRACTS.

It appears from the evidence that James F. McMurray is a lawyer, having been admitted to the bar at Gainesville, Tex., in 1890, where he resided until he removed to McAlester, Okla., then Indian Territory, in 1897, where he engaged in the practice of law. In 1898 he formed a partnership with George A. Mansfield and Melven Cornish, under the firm name of Mansfield, McMurray & Cornish. In July, 1899, this firm was employed by the Chickasaw Nation to represent the tribe before the Dawes Commission in relation to citizenship matters. A contract was entered into between Mansfield, McMurray & Cornish and the Chickasaw Nation by which the said firm were to receive $5,000 annually for their services. In the early part of the year 1900 a similar contract was made with the Choctaw Nation at a salary of $5,000 per year to represent that nation before the Dawes Commission.

Both of these contracts appear to have been executed in accordance with the law and were approved by the department January 10, 1900.

The employment continued until March 4, 1907. It also appears that in 1900 contracts between Mansfield, McMurray & Cornish and the Chickasaw and Choctaw tribes were entered into by which the firm were to act as general counsel to the nations at an agreed salary of $5,000 per annum, to be paid by each nation; that they continued to serve under said contracts until March 4, 1907; that under the contract to represent the Chickasaw Nation as general counsel the firm were to receive the sum of $2,700 for expenses, and that said amount was paid to the said firm annually either directly or for expenses during their employment.

Enormous expenses were incurred by these attorneys, to pay which the $2,700 authorization was grossly inadequate. To meet the situation both nations passed numerous acts allowing expenses. On October 26, 1900, the Chickasaws passed a "blanket" expense act, authorizing expenses without limit. A fund of $30,000 had already been placed at the disposal of the governor, and he had most of it on hand when this firm began the work. The Choctaws also passed their share of these expense acts, one of which was in blanket form.

The law governing Indian contracts requires that they shall be approved by the Secretary of the Interior and also that acts of the tribal councils authorizing contracts or the appropriation of money shall also be approved by the President, but it appears that neither of the contracts as general counsel or any of the acts of the tribal council making appropriations for expenses were submitted for approval, and, in fact, they were not approved; and large sums of money were paid to the said firm of Mansfield, McMurray & Cornish for alleged expenses and upon vouchers that were not properly itemized; there is no way of determining as to how much of the money paid for alleged expenses were disbursed; but under the contracts referred to and the amounts appropriated and paid for expenses the said firm of Mansfield, McMurray & Cornish, between the dates named, received over $200,000. During this same period they were employed by these Indian tribes in other matters, and received therefor remuneration in large amounts. The contracts for service enjoyed by this firm with these two tribes, together with fees received or to be received up to March 4, 1907, as follows:

Citizenship, annual salary (aggregate)	$70,000
Citizenship court, contingent fee	750,000
General attorneys, annual salary (aggregate)	45,000
Due and unpaid	20,000
Incompetent fund	3,000
Due and unpaid	12,000
Freedman case, yet unpaid	27,500
Mississippi Choctaw case	
J. Hale Sypher case	
Eli Ayers case	
Collection of tribal taxes	
Total	927,500

In addition to above, J. F. McMurray has thus far received on his individual tax contracts the sum of $20,200, and about $55,000 remains unpaid.

During the time that this firm was employed, as has been stated, receiving annually a compensation of $20,000, in addition to the liberal amounts that were paid to them for expenses, besides having other compensation for special services, it developed that owing to some errors in the so-called Atoka agreement made by the Government with the Choctaw and Chickasaw Nations in 1898, and in order to more fully and properly administer the affairs of the two nations, it was thought advisable that there should be a supplemental agreement or new treaty made with the two nations. Mansfield, McMurray & Cornish were necessarily consulted, and aided in preparing a treaty which was subsequently entered into and approved. The work of negotiating this agreement began in 1901. (See testimony, pp. 672, 673.)

The service rendered in connection therewith by Mansfield, McMurray & Cornish was required under their contract of general employment. While employed and paid as stated, they obtained information as to enrollment upon which later was based the tribal contention that many persons had been wrongfully and illegally enrolled notwithstanding the fact that the proceedings which led to their enrollment were conducted in accordance with due process of law and the final order of their enrollment was decreed by a United States court. They thereupon entered into a contract with the two nations by which they were to receive 9 per cent of $4,800 for each person enrolled whose name they could eliminate from the rolls. (See testimony, p. 674.) There was no way by which persons so enrolled—locally known as court citizens—could be eliminated lawfully from participation in the tribal estate. The treaty negotiated in 1901, before referred to, and approved July 1, 1902, originally contained no provision authorizing the elimination of the so-called court citizens.

After the agreement had been duly signed by the representatives of the two nations and by the representatives of the Government, and after it was transmitted to Congress for ratification and approval, sections 31, 32, and 33 were inserted at the request of McMurray, which sections are predicated on the assumption that the United States courts in the Indian Territory, acting under the act of June 10, 1896, had admitted persons to citizenship in the Choctaw and Chickasaw Nations without notice to both of said nations. It was contended by the nations that in such proceedings notice to each of said nations was indispensable, and they claimed and insisted that the proceedings in the United States courts in the Indian Territory under the act of June 10, 1896, should have been confined to a review of the action of the Commission to the Five Civilized Tribes upon the record in each case, and should not have extended to a trial de novo of the question of citizenship.

These sections authorized the two nations, jointly, or either of said nations acting separately and making the other a party defendant, by a bill in equity filed in the citizenship court, to bring a suit for the purpose of testing the validity of all such decisions of the United States courts. It further provided that 10 persons admitted to citizenship or enrollment by the United States courts with notice to but one of said nations, should be made defendants to a suit as representatives of the entire class of persons similarly situated. In other words, it authorized the bringing of a test suit and provided that in the event said citizenship judgments or decisions were annulled or vacated any party thereto within 90 days thereafter by a written application might have his case transferred to the citizenship court by the court where the judgment was entered and that the citizenship court should have jurisdiction therein as if no judgment or decision had been rendered by the United States court. It was provided that the judgment of this citizenship court should be final.

The act provided that it should not be effective until submitted to and ratified by a vote of the two nations, but exception was made as to sections 31, 32, and 33, creating the citizenship court, which became effective upon the passage and approval of the act. (See testimony, p. 675.)

Immediately following the passage of the act ratifying the agreement of 1902 the judges authorized to be appointed to constitute the citizenship court were appointed as follows: Spencer Adams, of North Carolina; Henry S. Foote, of California; and Walter L. Weaver, of Ohio. Judge Foote appears to have been appointed upon the recommendation of Senator Stewart, who was then chairman of the Senate Committee on Indian Affairs, and Judge Adams on the recommendation of Senator Pritchard, of North Carolina. Judge Foote was the brother-in-law of Senator Stewart. (See testimony, p. 675.) The law creating this court is without legislative parallel; the manner of its enactment was extraordinary, and the authority which it conferred upon the court it created is without precedent in American jurisprudence.

As soon as this court was created and organized, the firm of Mansfield, McMurray & Cornish proceeded to bring before it a very large number of claims of "court citizens," and they succeeded in eliminating from the rolls between 3,500 and 4,000 persons. (See testimony, p. 676.) They then claimed a fee of 9 per cent on a basis of $4,800 per person as provided in the contingent-fee contract made in 1901, before referred to, which had not been approved in accordance with the law. After much controversy between Mansfield, McMurray & Cornish and the department, the Secretary of the Interior finally offered to approve their contract in the sum of $250,000. This they refused to accept, and succeeded in having incorporated in an Indian appropriation bill a provision authorizing the so-called "citizenship court" to determine the amount of their compensation. Under the authority conferred by this act the court fixed the amount of the fee at $750,000, and very soon thereafter the court dissolved and ceased to have existence. In addition to this enormous fee, the contract provided that the attorneys should be paid their expenses and they now have a claim against the nations for $25,500 for unpaid expenses. (See testimony, p. 673.)

After protracted litigation in the supreme court of the District of Columbia, Mansfield, McMurray & Cornish succeeded in obtaining from the Secretary of the Treasury a warrant drawn upon the Treasurer of the United States in the sum of $750,000 payable to their order. (For the division and disposition of this sum of money, see testimony at p. 1054 et seq.)

During all of the time that Mansfield, McMurray & Cornish represented the Choctaw and Chickasaw Nations, it appears that they were able to direct the affairs of both tribes, particularly the Chickasaws, to a greater or less extent, and were able apparently to secure the enactment of such tribal acts authorizing their employment, or providing appropriations to pay their expenses, as they seemed to think their interests demanded. The governor of the Chickasaw Nation at all times appears to have followed the suggestions of this firm and was apparently ready and willing always to promote their interests. In return the firm contributed toward the election expenses of the Choctaw governor, and provided a special train to take voters to the polls in the interest of the Chickasaw governor. (See testimony, p. 795.)

Mr. Mansfield appears to have been the lawyer of the firm of Mansfield, McMurray & Cornish. Mr. Cornish was taken into the firm probably because of his employment for some years with the Dawes Commission and his general knowledge of tribal affairs, particularly in respect to the rolls of the Choctaw and Chickasaw Nations. (See testimony, p. 667.) Mr. McMurray was the active member of the firm who attended to political matters, obtaining contracts, securing legislation, and he might be termed the promoter of the firm. It may be said that each member was diligent in performing his part of what the firm undertook to accomplish. Following the payment of the $750,000 fee, before referred to, and in the month of June, 1905, Mansfield, McMurray & Cornish were indicted in the United States court charged with the unlawful expenditure and appropriation of the funds of the Choctaw and Chickasaw Nations, it being alleged that much of the money paid to them for expenses, though it was authorized by the tribal councils, was in fact unlawful, because the tribal acts making appropriations had not been approved by the President of the United States. About this time an act was passed by the Chickasaw Nation authorizing a contract to be made with counsel in connection with the sale of what is known as the segregated land belonging to the Chickasaw and Choctaw Nations, this being the coal and asphalt land. (See Exhibit 11, p. 1158.) A similar act was enacted in 1905 by the Choctaw Nation. (See Exhibit 12, p. 1159.)

In November, 1905, the Chickasaw Nation entered into a contract with Mansfield, McMurray & Cornish and Cecil A. Lyon by which they were to receive 10 per cent from the proceeds from the sale of the segregated land. (See copy of contract in Appendix, p. 1161.) A similar contract was also entered into with the Choctaw Nation in November, 1905. (See copy of contract in Appendix, p. 1162.)

Mr. Lyon is not a lawyer, was not a resident of Oklahoma or associated with Mansfield, McMurray & Cornish, but was a prominent citizen and business man of the State of Texas, and held the position of chairman of the State committee and member of the national committee of the Republican Party for the State of Texas.

It was also well known that he was a personal friend of the then President of the United States. That this was a prominent factor in inducing Mansfield, McMurray & Cornish to give him an interest in the contracts with the two nations is apparent and is admitted by McMurray. (See testimony, p. 716.) It was probably thought that he could be of material service in securing the approval by the President of the tribal contracts referred to, and also that he might contribute toward getting the indictments against the firm dismissed. In July, 1905, Mr. Lyon wrote a letter to the President requesting that the indictments against Mansfield, McMurray & Cornish be investigated, and an investigation was directed by the President. Charles W. Russell, of the Department of Justice, was delegated to direct the investigation, and there were numerous conferences with him and Mansfield, McMurray & Cornish at which Mr. Lyon was present.

On December 8, 1905, Mr. Lyon sent a telegram to the President as follows:

"In spite report Attorney General cases against Johnston, McMurray et al. not dismissed, Ardmore, Ind. T. Please so direct." (See testimony, p. 405.)

The United States attorney for the district in Indian Territory was promptly removed by the President, but on the same day was reinstated. He had been opposing vigorously the dismissal of the indictments and had reported against a dismissal of them to the Department of Justice. The matter was subsequently further investigated and finally was referred to Hon. Charles Nagel, of St. Louis, who investigated and reported that in his judgment the moneys expended having been appropriated by authority of the tribal councils, a con-

viction for having misappropriated funds could not be maintained, and following that report the indictments were finally dismissed.

The tribal contracts for the sale of the segregated land, to which reference has been made, were not transmitted to the President through the Commissioner to the Five Civilized Tribes and the department, as is the custom, but were carried to Washington by Cecil A. Lyon in person and presented to the President for his approval. The President consulted the Commissioner of Indian Affairs and declined to approve the contracts, doing so verbally. No indorsement was made upon them and they were returned to Mr. Lyon. (See testimony, pp. 400, 401.) Copies of the tribal acts authorizing these contracts to be made were discovered by the Commissioner to the Five Civilized Tribes some time in 1908 and transmitted to the President and by him disapproved. Notwithstanding the fact that President Roosevelt refused to approve these tribal contracts and the tribal acts authorizing them had been by him disapproved in 1908, we find in March, 1910, the contracts presented to President Taft and his approval requested, and without regard to the fact that individual contracts had been entered into by a large number of the members of the Choctaw and Chickasaw Nations.

By these individual contracts the Indians agreed to pay him 10 per cent of whatever money might ultimately be received from the proceeds not only of the segregated land, but of the surplus land, and of any other property belonging to the two tribes, including undoubtedly the money already to their credit in the Treasury.

By the terms of the agreements with the Five Civilized Tribes lands allotted to the members thereof were to be exempt from taxation for a period of 21 years. In 1908 Congress passed an act which had the effect of removing the restriction from a very large number of the members of the Choctaw and Chickasaw Tribes. As soon as the restrictions were removed the State of Oklahoma proceeded to assess the lands affected for purposes of taxation. There was much feeling on account of this action and a determined disposition was manifested on the part of the Indians to resist the taxation of their lands.

The subject aroused much contention, and Gov. Johnston, of the Chickasaw Nation, called a mass meeting of Choctaws and Chickasaws at Tishomingo in July, 1908. At this meeting a committee of three or five was named to take into consideration public matters affecting the tribes and make a report to an adjourned meeting of the Indians to be held at Sulphur in August. At the Sulphur meeting the committee was enlarged to 15 and their authority extended to advertise for and employ an attorney. A subsequent meeting was also held at Ardmore. The committee of 15 finally met at Tishomingo in the fall of 1908 and selected J. F. McMurray to act as their attorney. At this meeting an association was formed, known as the Treaty Rights Association, whose object should be to resist the collection of taxes and the securing of an early settlement of all tribal affairs. The invitation for proposals for doing this work brought responses from several firms. These proposals were on a cash basis for the most part. (See record, pp. 502 to 507.) McMurray submitted a proposition that he would undertake the work on a basis of $10 per allotment, the same to be paid in cash by the allottees, offering, however, to take a note in the place of cash. Coupled with this was the requirement that there would be circulated with each of these tax contracts an individual contract employing Mr. McMurray as attorney to handle all the undivided property of the tribe in which the individuals were interested and giving to Mr. McMurray as a fee 10 per cent of any sum or property that might come to the individual from the wealth of the nation.

The committee accepted McMurray's proposition, and members of the committee were thereupon employed by Mr. McMurray as his agents to solicit these contracts. The committee is of the opinion that while proposals from other attorneys were invited, in reality the committee was strongly biased and prejudiced in favor of McMurray. Undoubtedly McMurray, and certain members of the tribes working in his interest, had much to do with the naming of the committee of 15; otherwise that committee would not have consisted of so many strong McMurray admirers, and have been dominated by a few of McMurray's stanch supporters. Members of this committee of 15 and others soliciting these contracts received nothing for the individual property contracts but 10 per cent of the amount stipulated in the tax contracts, which would be $1 for each.

The individual contracts authorized McMurray to draw his compensation, namely, 10 per cent, out of the Treasury of the United States upon the adjustment of any claims of the Choctaws and Chickasaws when the proceeds should be placed in the Treasury to the credit of the tribes, or as money should be realized from the sale of the tribal property. The contracts are signed only by the allottees and not by McMurray, and under the terms thereof he would receive 10 per cent, as above stated, of the amount placed in the Treasury to the credit of the two nations without performing any substantial service, which would amount in the aggregate to a fabulous sum—probably $2,000,000 or more.

The law with reference to Indian contracts makes no reference to individual contracts, and evidently Congress did not contemplate that individual Indians could make contracts affecting their interest in tribal property under any circumstances. McMurray apparently assumed the approval of the President to his individual contracts would at least give them official recognition, so that if legislation should be necessary to make them legal it would be easy to secure. Or he thought the approval might be sufficient to cause the contracts to be recognized by the Treasury Department in withholding and paying to him 10 per cent of such moneys as might be paid into the Treasury from the proceeds of the sale of surplus and segregated lands, which proceeds were to be distributed among the individual members of the two tribes.

The committee is of the opinion that neither these individual contracts nor the tribal contracts should be approved, and that legislation should be enacted, if not declaring them void, providing that the moneys belonging to the tribes when distributed should not be subject to the lien of any debt, obligation, or liability contracted prior to the final distribution of the tribal funds.

It was about this time that the services of two former Senators were secured by McMurray and an active campaign was instituted to secure the approval or recognition of the contracts. Cecil A. Lyon testified that upon President Roosevelt's disapproval of the tribal acts authorizing the contracts in which he was interested he gave the matter no further attention, yet it appears from the testimony that having called at the Department of Justice on April 27, 1910, on a mission unconnected with these contracts, he remained to attend a conference held in the office of the Attorney General on that date, at which hearing ex-Senators Thurston and Long and McMurray were present, and the subject of which hearing was the approval or recognition of these contracts. (See record, p. 407, Exhibit 22, p. 1177.)

One circumstance relating to McMurray's effort to secure presidential approval of his individual contracts is of special interest, as it demonstrates his shrewd methods in accomplishing what he undertakes and is in accord with his general method of operating in securing contracts with the Choctaw and Chickasaw Nations. During the second session of the Sixty-first Congress the Committee on Indian Affairs of the House of Representatives held numerous hearings on bills proposing to reopen the rolls of the Five Civilized Tribes for the purpose of enrolling applicants who claimed to have been denied their rights to enrollment. Naturally those who have been enrolled are opposed to the enrollment of additional persons, and it is an easy matter by a little agitation to arouse opposition to such legislation. Opportunely one Richard C. Adams, a mixed-blood Indian, posing as an Indian historian and representing himself as the friend of Indians generally, projected himself into Choctaw-Chickasaw affairs. Adams is interested in Indian claims of more or less doubtful merit against the Government which he has worked up in his rôle of Indian historian (testimony, p. 915), amounting to more than $20,000,000 (testimony, pp. 918, 935).

In these claims he has a contingent interest of from 10 to 35 per cent. Simultaneously with the agitation among Choctaws and Chickasaws over the subject of adding new names to their rolls, Adams called upon the President in April, 1910, ostensibly for the purpose of protesting against the opening of the rolls of the Five Civilized Tribes, and by reason, in the opinion of this committee, of misleading representations, he induced the President to write a letter stating that he, the President, was opposed to the reopening of the rolls. The letter written was addressed to Adams, and as soon as it was in his possession he caused its publication to be made and it was widely circulated among the Five Civilized Tribes for selfish purposes. Whether he went to McMurray with a suggestion that he might render him valuable service in connection with the matter of securing the approval of his contracts, or whether McMurray conceived the idea that he could make use of Adams, is immaterial, but it does appear that about that time negotiations began between them resulting in a contract being entered into May 3, 1910, by which McMurray agreed to pay to the said Adams a fee equal to one-twentieth of the amount that McMurray might receive from his Choctaw-Chickasaw contracts, whether tribal or individual. (See Exhibit 23, p. 1189.) On the same day McMurray telegraphed his agent in Oklahoma directing him to solicit telegrams to be sent to Adams commending him for his success in getting a statement from the President, and incidentally mentioning approval of his (McMurray's) contracts. For a few days following that date Adams was deluged by such telegrams.

The committee summoned many persons who appeared to have sent such telegrams, and in every instance found that they were solicited by agents of McMurray, and in some instances telegrams were written and signed without the sender seeing or knowing just what the message contained. A large number were written in McMurray's office at McAlester. The following is a fair sample of the telegrams referred to:

"I thank you for services rendered in our matters. We earnestly urge that our rolls be not opened and that our attorney, McMurray, be permitted to represent us in final settlement all matters. No division among our people as to desirability of early settlement. They have confidence in McMurray, and his past services have resulted in great benefit. We urge his recognition and believe desired end can be attained only in that way.

"_____ _____.

"Hon. RICHARD C. ADAMS,
"Washington, D. C."

Adams filed these telegrams with the President as an evidence of the apparent feeling among the members of the Five Civilized Tribes relative to his position on the rolls question, and there was nothing to cause the President to know that Adams was actuated by ulterior motives and certainly nothing to indicate that he was representing McMurray or interested in the McMurray contracts. About the same time ex-Senator Thurston, counsel for McMurray, filed copies of the telegrams with the Attorney General with the following statement:

"WASHINGTON, D. C., *May 10, 1910.*

"In the matter of the McMurray contracts, Mr. R. C. Adams, of this city, has received some 200 or 300 telegrams and letters approving the letter of the President to Mr. Adams of recent date, the publication of which the President authorized. In these communications, sent in without solicitation from Mr. Adams or Mr. McMurray, almost all state their approval of and desire to have McMurray's contracts recognized or approved. These letters and telegrams will be submitted by Mr. Adams to the President to-day or to-morrow in his own matter, but I am having copies of them made to submit to you as having an important bearing in Mr. McMurray's case. They come from the very best men of the Choctaws and Chickasaws and prove how earnestly the great majority of these people desire Mr. McMurray's services under his contracts.

"J. M. THURSTON.

"The ATTORNEY GENERAL."

The purpose of submitting these telegrams to the Attorney General is manifest. It is, however, due to Mr. Thurston to state that he testified he had no knowledge of how the telegrams were obtained or that Adams had any interest in the McMurray contracts, and that he believed the telegrams were received unsolicited, as stated by him to the Attorney General.

Adams was incapable of rendering any service to McMurray in connection with his contracts other than to aid him in securing their approval, and the only assistance he could render in that respect was by allowing himself to be used to secure what might appear to be an expression of approval of the contracts from prominent members of the tribes, and for this service, assuming the contracts should be approved and that McMurray would receive $3,000,000, he, Adams, would receive $150,000. This is sufficient, in the opinion of the committee, to condemn the contracts.

QUESTIONS CONSIDERED—CONCLUSION REACHED.

In reaching its conclusions the committee considered the following questions in the light of the testimony which covered the scope of the charges made by Senator GORE.

(1) Was Senator GORE approached by Jake L. Hamon substantially as charged by Senator GORE on the floor of the Senate June 24 or did Hamon make any improper proposal to Senator GORE respecting the McMurray contracts on May 6 or on any date prior or subsequent thereto? If so, was Hamon, in whatever negotiations he may have sought with Senator GORE, acting by authority or with the consent or knowledge of McMurray?

(2) Was any Member of the House of Representatives approached by Hamon substantially as charged by Senator GORE in his statements on the floor of the Senate June 24, 1910? If so, was Hamon acting as agent of McMurray or with his consent or knowledge?

(3) Was any Member of the House of Representatives interested in the McMurray contracts?

(4) Was any Member of the Senate interested in the McMurray contracts?

(5) Was a former Senator from Nebraska interested in the McMurray contracts? If so, was he improperly interested and did he attempt improperly to influence any Senator or Representative in respect to the McMurray contracts?

(6) Was a former Senator from Kansas interested in the McMurray contracts? If so, was he improperly interested and did he attempt improperly to influence any Senator or Representative in respect to the McMurray contracts?

(7) Was a powerful lobby operating in Washington in the interest of Indian contracts during the second session of the Sixty-first Congress? If so, did such lobby resort to corrupt practices?

(8) Was bribery, fraud, or any undue influence exerted on behalf of the approval or procuring of contracts between J. F. McMurray or any other person or persons and the Choctaw and Chickasaw tribes of Indians or any members thereof, or any other of the Five Civilized Tribes, the Osage Indians, or any members thereof?

The committee makes the following findings of fact relative to the charges made by Senator GORE:

(1) In the opinion of the committee Jake L. Hamon did on or about May 6, 1910, make an improper proposal to Senator GORE respecting the McMurray contracts substantially as charged, but there is no evidence that he was acting by authority or with the consent or knowledge of McMurray.

The evidence discloses the fact that subsequent to May 6 McMurray called upon Senator GORE at his office in the Senate Office Building and was cordially received by the Senator. There was no suggestion by word or act that Senator GORE looked upon McMurray as Hamon's principal in the matter of the corrupt overtures previously made by Hamon. On the contrary, the undisputed conduct of Senator GORE toward McMurray was such as to preclude the possibility of the belief that at that time Senator GORE considered McMurray as a party to the corrupt overtures made by Hamon.

It further appears from the testimony and the statement of Senator GORE when he made the charges in the Senate that he and Hamon are residents of Lawton, Okla., and have been friends for some considerable time; that they had some business relations of a friendly nature; that Hamon prior to May 6, 1910, called occasionally upon Senator GORE while in Washington, and in spite of what occurred on May 6 these relations continued. Subsequent to that date Hamon called upon Senator GORE, who responded to Hamon's request for aid in securing the confirmation of Hamon's father-in-law as postmaster on or about May 10; that on June 14, Hamon called upon the Senator at the Capitol to secure his assistance in passing a bill to which an amendment was to be offered in which Hamon had a substantial financial interest; they discussed the matter, and upon the conclusion of the conference Senator GORE called up a bill in the Senate to which the amendment referred to was offered by another Senator, and the bill was passed; in the evening of that day Hamon called of his own motion at Senator GORE's house, and during the visit expressed his appreciation of the assistance rendered by Senator GORE, and apparently there was nothing to indicate any unfriendliness on the part of Senator GORE toward Hamon. It further appears from the testimony that Senator GORE told one or more friends about May 6 of the offer made by Hamon.

The continuation of Senator GORE's apparently friendly attitude toward Hamon and McMurray may be explained by the statement of Senator GORE in his argument before the committee January 13, when, in response to questions propounded by Mr. STEPHENS, as to whether he had "any other object in bringing these charges except the defeat of the McMurray contracts," Senator GORE replied, "None on earth. That is the only purpose I have had in view."

(2) It is also the conclusion of the committee that Jake L. Hamon did approach a Member of the House of Representatives, Hon. CHARLES E. CREAGER, on or about the 16th day of June, 1910, and made an improper proposal respecting the said McMurray contracts, but there is no evidence to show that he was acting by authority of or with the consent or knowledge of McMurray. The testimony shows that the proposition was a suggestion rather than an offer, and was so promptly and emphatically resented by Mr. CREAGER that no definite proposal was made. No subsequent attempt was made to approach Mr. CREAGER on the subject.

(3) The committee finds that no Member of the House of Representatives has or had any interest of a pecuniary nature in any of the McMurray contracts.

No evidence exists to show that any Member of the House had any pecuniary interest in the contracts, and if there was anything to suggest an improper interest it was due to the friendly relations that appeared to exist between McMurray and Representative B. S. MCGUIRE, and the fact that Mr. MCGUIRE did aid McMurray in securing the approval of his contracts, by trying to secure the adoption of an amendment to an appropriation bill that would have materially increased a fee in which McMurray was interested and in offering to one of the conferees of the House on the deficiency appropriation bill a substitute for the so-called Gore amendment, which substitute might have been construed as an approval of the contracts by legislative act. There is no evidence to sustain any finding that Mr. MCGUIRE profited or expected to profit in any way for any assistance which he may have rendered McMurray.

(4) The committee finds that no Member of the Senate has or had any interest in any of the McMurray contracts. There is nothing whatever in the testimony to sustain such a suggestion. The committee exhausted all possible sources of information and no evidence supporting such a theory could be found. It appears to have been based upon the statement made by Jake L. Hamon to Senator GORE on May 6, 1910, when he approached him and used the names of Senator CHARLES CURTIS, of Kansas, and the Vice President, JAMES S. SHERMAN. It was in consequence of this effort and the statement of Senator GORE that the committee made and published the following finding at Sulphur, Okla., August 20, 1910:

"The committee have heard and carefully considered all of the testimony submitted and is unanimous in the opinion that there is and was no warrant for any person to use the names of Vice President JAMES S. SHERMAN and Senator CHARLES CURTIS in connection with any improper relation with any Indian contract whatever, and commend the statement of Senator GORE in this connection.

"CHAS. H. BURKE, *Chairman.*
"PHIL. P. CAMPBELL.
"C. B. MILLER.
"JNO. H. STEPHENS.
"E. W. SAUNDERS."

Senator GORE's statement was as follows:

"*To the investigating committee appointed in pursuance of House resolution 847.*

"MR. CHAIRMAN AND GENTLEMEN OF THE COMMITTEE: I feel in duty and in honor bound to make the following statement. It is also dictated by considerations of common justice toward the parties concerned. Neither the name of Vice President SHERMAN nor Senator CURTIS was mentioned by me on the floor of the United States Senate. That the name of either of these parties was alluded to by Mr. Hamon was steadfastly withheld from the public until this investigation began. No public mention of their names was ever made, either directly or indirectly, by me until I was required and obliged to do so testifying as a witness under oath and detailing the conversation which occurred between Mr. Hamon and myself. I then made formal protest against introducing their names, but the committee in the proper pursuit of its duties required me to make a full answer without reservation. Their names were disclosed not with any view to inculpating them nor with any view of suggesting guilt, but merely in order that the truth and the whole truth might be related with reference to the details of the conversation in question. The public must realize that the name of any man could be used or misused in the same connection, either as an argument or otherwise, and no public official can have immunity and protection against such an injury and injustice.

"In my last remarks in the Senate I said that 'the integrity of no man can be impeached upon the testimony of an interested or untrustworthy witness.' That was my conviction then. That is my conviction now. I am sure that in the court of public opinion no judgment or verdict has been returned either against the Vice President or Senator CURTIS on account of the misuse of their names in the manner above referred to. The investigation is now practically concluded. Many witnesses have been examined, a volume of evidence has been adduced, and there is no testimony tending to establish any improper connection on the part of either official with the approval of the so-called McMurray contracts. While the public has had no reason to suspect any such improper connection, yet I would venture to suggest, and if I may be pardoned, would request that the committee at the earliest practicable moment make an authoritative finding and statement to the effect that no evidence has been presented tending to establish any improper conduct on the part of either Vice President SHERMAN or Senator CURTIS respecting the subject of this investigation.

"T. P. GORE."

(5) It is established by the evidence that a former Senator from Nebraska, Hon. John M. Thurston, was retained by McMurray as his legal adviser, and that the compensation for his services was upon a contingent basis, but that he had no other interest in the contracts, and his employment was legitimate. Neither is there any evidence that Mr. Thurston attempted improperly to influence any Senator or Representative in respect to the McMurray contracts.

(6) It is established by the evidence that a former Senator from Kansas, Hon. Chester I. Long, subsequent to his retirement from the Senate, was retained by McMurray to assist him in connection with his contracts and to secure the approval thereof and that he was to receive for his services, in addition to his expenses, one-tenth of whatever amount McMurray might ultimately receive from his contracts, and to that extent he was interested therein. His employment, however, was lawful, and there is no evidence that he attempted improperly to influence any Senator or Representative in respect to the said contracts.

With reference to the findings in relation to the employment of ex-Senator Thurston and ex-Senator Long, the committee is of the opinion that while they were lawfully employed to represent Mr. McMurray in the matter of his contracts, McMurray undoubtedly was actuated in engaging their services by the fact that they had served in the Senate and therefore occupied an advantageous position in the matter of assisting him to secure the approval of his contracts or procuring such legislation as might be necessary to insure their approval.

(7) There was a lobby operating in Washington in the interest of the McMurray contracts during the second session of the Sixty-first Congress. No evidence, however, was offered and none could be found to sustain a charge that such lobby resorted to corrupt practices in the interest of such contracts, with the exception of Jake L. Hamon, or that improper overtures were made to any Member of Congress except as herein stated.

(8) Evidence to sustain the charge that bribery, fraud, or undue influence was exerted on behalf of the approval or the procuring of contracts between J. F. McMurray or any other person or persons and the Choctaw and Chickasaw tribes of Indians or any members thereof, or any of the Five Civilized Tribes, the Osage Indians or any members thereof, is limited to the overtures alleged to have been made by McMurray to D. C. McCurtain. The committee believes McMurray sought to obtain the unwavering influence of Principal Chief Green McCurtain, of the Choctaw tribe, and also of his son, Delegate D. C. McCurtain, in support of his contracts, by the transfer of a contingent interest in the contracts to the maximum limit of $25,000 to D. C. McCurtain. It is not probable that such overtures come within the statutory definition of bribery or fraud, but your committee believes that the method employed by McMurray to interest the Choctaw chief and his son is reprehensible and should be characterized by a stronger term than "undue influence." The committee further believes that the mental condition existing among members of the Choctaw and Chickasaw tribes in respect to the good faith of the United States Government in dealing with them has been largely brought about through an effort by McMurray and members of the tribes financially interested or sympathetically cooperating with him to create a sentiment which was designed to aid McMurray in obtaining lucrative contracts with the Indians which otherwise would have been impossible.

INDIAN CLAIMS—CONTINGENT FEES.

The committee made inquiry for the purpose of ascertaining to what extent appropriations have been made by Congress in recent years for the payment of Indian claims, together with the amount of attorney's fees paid. (See testimony, pp. 605–607.) The fees referred to in the testimony amount to nearly $4,000,000, and some of them

were exorbitant, unconscionable, and in contravention of public policy, notwithstanding the fact that they had the direct or indirect approval of Congress.

Many Indian claims, antiquated and without meritorious basis, have been trumped up against the Government by industrious attorneys, claim agents, and professional lobbyists, until there is now pending, in one form or another, in the departments and before Congress, claims of this character amounting to many millions of dollars.

In the present Congress scores of bills have been introduced on the subject of these antiquated claims for no other purpose than to provide a dragnet for obtaining information from the departments with the object of bolstering up these questionable claims, and if an adverse report on one of these bills is authorized by the Committee on Indian Affairs, forces are immediately put in motion in behalf of the same purpose and another bill of the same import is likely to be introduced in the name of some accommodating Member of Congress, who gives the matter slight consideration, depending upon the Committee on Indian Affairs to sift the facts and dispose of the bill. The practice of lobbyists has become so bold that it has happened since this report has been in process of formulation for submission to this House, an adversely reported bill has been succeeded on the committee's calendar by another of similar import without even the knowledge of the Representative in whose name it was introduced. In case of adjournment of Congress without any action by the committee, other bills make their appearance in the succeeding Congress, and so the procedure continues indefinitely in the hope that ultimately a committee and a Congress may be found that will provide the appropriation with the contingent fee attachment.

Of course the purpose of those actively engaged in exploiting such claims is to obtain the fee contracted for upon a contingent basis. The effect of such compensation for adventurers who, quoting the language of the Supreme Court of the United States, "make market of themselves in this way," should receive the careful consideration of Congress. The committee is of the opinion that the court could not have expressed itself more pertinently to many contracts which have been the subject of investigation by this committee within the past eight months than it did in the case of Marshall *v.* Baltimore & Ohio Railroad Co. (57 U. S., 314, 335), when it said:

"Bribes, in the shape of high contingent compensation, must necessarily lead to the use of improper means and the exercise of undue influence. Their necessary consequence is the demoralization of the agent who covenants for them; he is soon brought to believe that any means which will produce so beneficial a result to himself are 'proper means'; and that a share of these profits may have the same effect of quickening the perceptions and warming the zeal of influential or 'careless' Members in favor of his bill."

Again, in the case of Trist *v.* Child (21 U. S., 441, 451) the court expressed itself as follows:

"The agreement in the present case was for the sale of the influence and exertions of the lobby agent to bring about the passage of a law for the payment of a private claim, without reference to its merits, by means which, if not corrupt, were illegitimate, and, considered in connection with the pecuniary interest of the agent at stake, contrary to the plainest principles of public policy. No one has a right, in such circumstances, to put himself in a position of temptation to do what is regarded as so pernicious in its character. The law forbids the inchoate step, and puts the seal of its reprobation upon the undertaking."

In the same case the court continued by making the following observations:

"If any of the great corporations of the country were to hire adventurers who make market of themselves in this way to procure the passage of a general law with a view to the promotion of their private interests, the moral sense of every right-minded man would instinctively denounce the employer and employed as steeped in corruption, and the employment as infamous. * * *

"The prohibition of the law rests upon a solid foundation. A private bill is apt to attract little attention. It involves no great public interest, and usually fails to excite much discussion. Not infrequently the facts are whispered to those whose duty it is to investigate, vouched for by them, and the passage of the measure is thus secured. If the agent is truthful, and conceals nothing, all is well. If he uses nefarious means with success, the springhead and the stream of legislation are polluted. To legalize the traffic of such service would open a door at which fraud and falsehood would not fail to enter and make themselves felt at every accessible point. It would invite their presence and offer them a premium. If the tempted agent be corrupt himself, and disposed to corrupt others, the transition requires but a single step. He has the means in his hands, with every facility and a strong incentive to use them. The widespread suspicion which prevails, and charges openly made and hardly denied, lead to the conclusion that such events are not of rare occurrence. Where the avarice of the agent is inflamed by the hope of a reward contingent upon success, and to be graduated by a percentage upon the amount appropriated, the danger of tampering in its worst form is greatly increased."

The case of Adams, with contracts for claims representing more than $20,000,000, in which he has a contingent interest ranging from 10 to 35 per cent, presents a good example of the necessity and advisability of enacting legislation limiting the fees that shall be paid in any case, and the committee recommends that the subject have careful consideration by Congress and that legislation be enacted with this purpose in view.

Furthermore, the committee is of the opinion that the appearance of former Senators and former Members of the House of Representatives in respect to matters where legislation is desired to be procured through their activities, as well as in matters requiring executive or departmental approval, should be discouraged.

OTHER INDIAN CONTRACTS.

The House resolution also directed the investigation of all existing contracts between any person or persons other than J. F. McMurray who have contracts with the Choctaw and Chickasaw tribes, or any member or members thereof, or any other of the Five Civilized Tribes, the Osage Indians, or any members thereof. The committee therefore endeavored to ascertain, and believes it has ascertained, all existing contracts contemplated by the resolution.

The Choctaw Nation has a contract with the firm of McCurtain & Hill, attorneys at law, McAlester, Okla., by which said attorneys are to advise the principal chief upon all legal matters and questions arising and touching the affairs of the Choctaw Nation, and to represent said nation before the Interior Department, the committees of Congress, and in the courts of the United States in the Indian Territory, the Supreme Court of the United States, and the Court of Claims. In other words, to represent them in all matters requiring legal services. The contract provides for a compensation of $8,000 per annum, payable monthly, in addition to actual personal and traveling expenses of the attorneys when away from the place of their residence, and the salary and expenses of a clerk not to exceed $75 per month. (See Appendix, Exhibit 58, p. 1258.)

The Chickasaw Nation has a contract with Messrs. Rodgers & Clapp, attorneys at law, Muskogee, Okla., similar to the contract of McCurtain & Hill with the Choctaw Nation, the compensation being $6,000 per annum, payable in monthly installments, and all reasonable and proper expenses incurred in the discharge of their duties. (See Appendix, Exhibit 48, p. 1344.)

The Cherokee Nation has a contract with William W. Hastings, attorney at law, of Tahlequah, Okla., substantially the same as the two contracts before referred to, which contract provides for an annual compensation of $5,000, payable monthly, and expenses when outside of the State of Oklahoma. (See Appendix, Exhibit 71, p. 1282.)

The Creek Nation has a contract with M. L. Mott, an attorney at law, residing at Muskogee, Okla. The terms thereof are similar to the other contracts referred to and the compensation is $5,000 per annum. (See Appendix, Exhibit 76, p. 1293.)

The Creek Nation has a contract with M. L. Sturdevant, of St. Louis, Mo., to represent the nation in the courts of Oklahoma in matters affecting the right of heirship on the part of full-bloods, the case being known as the Marchie Tiger case, the compensation being fixed and limited to $5,000. This contract was approved by President Roosevelt in accordance with the law. (See Appendix, Exhibit 78, p. 1296.)

The Creek Nation also has a contract with W. L. Sturdevant, of St. Louis, Mo., to represent the nation in the matter of resisting the collection of taxes upon the homestead of any citizen of the Creek Nation, the compensation being fixed and limited to $15,000, out of which all expenses are to be paid; $3,000 of the amount to be paid to Mr. Grant Forman, of Muskogee, and J. Cudy Johnson, a Creek citizen, of Wewoka, Okla., attorneys at law, employed to assist the said Sturdevant. (See Appendix, Exhibit 78 A, p. 1297.)

The Osage Tribe has a contract with Messrs. Kappler & Merillat, attorneys at law, Washington, D. C. This contract contemplates that they are to represent said nation before the executive departments and the committees of Congress and the courts of the United States in all proceedings relating to the tribal rolls, lands, or funds in which said nation may be interested. The compensation is $5,000 per annum and necessary traveling expenses or costs incurred in the courts or in the executive or other departments of the Government in the prosecution of matters in which said nation is interested. (See Appendix, p. 1299.)

The seven contracts last referred to were all duly approved by the President or Secretary of the Interior as provided by law.

The tribes mentioned in the contracts referred to have large and valuable properties, and there are many questions constantly arising relative to their affairs which require the services of attorneys, and in the opinion of the committee, notwithstanding the obligation of the Government to administer their affairs and finally dispose of and distribute their estates, they should be permitted to have the aid of counsel of their own selection. The contracts specifically mentioned are all with reputable attorneys and at a reasonable compensation.

The Creek Nation also has a contract with Messrs. Butler & Vale and Kappler & Merillat, attorneys at law, Washington, D. C., by which said attorneys agree to represent said nation in the matter of a claim of the Creek Nation to compensation from the United States in which the Indians contend that the Government owes them a sum sufficient to equalize the allotments of the members thereof in accordance with their interpretation of the terms of an agreement between the Government and said nation. This contract is contingent and the attorneys are to receive 10 per cent of whatever amount may be recovered.

This contract does not appear to have been approved in accordance with the law. (See Appendix, Exhibit 79, p. 1298.) If the contention of the nation should prevail it would recover nearly $4,000,000. Under the terms of the contract the attorneys would receive a compensation greater than the services rendered would justify, and if legislation ever should be enacted in recognition of this claim, there should be a limitation in respect to the amount of attorneys' fees to be determined on a basis of quantum meruit.

The Osage Nation has a contract with Messrs. Kappler & Merillat, attorneys at law, Washington, D. C., by which said firm are to undertake to recover from the United States an amount claimed by the Indians to be due them under their interpretation of the terms of a treaty executed in 1865, and the compensation is contingent upon success, and upon the sum which may be recovered. There is involved in this claim nearly $800,000, and the committee makes the same recommendation with respect to attorneys' fees in this case as has been made with reference to the Creek equalization contract. (See Appendix, Exhibit 82, p. 1301.)

The Choctaw Nation made a contract with Mr. Ormsby McHarg, an attorney at law, New York City, in which the said McHarg is required to cooperate and advise with the general attorneys of the nation in all legal matters and questions touching the affairs of said nation. The compensation provided in this contract is $12,000 per annum, payable monthly, and in addition thereto the personal and traveling expenses of Mr. McHarg while out of the city of Washington engaged in the service of the Choctaw Nation. This contract was approved by the President as provided by section 28 of the act of April 26, 1906. (See Appendix, p. 1257.)

In the opinion of this committee this contract is not justified on business principles, and the fact that the compensation is paid from funds of a trust nature under the control of the United States as trustee makes it more important that the contract should be just and equitable than it would be if the Government were employing an attorney on its own behalf to be paid from public funds. When it is considered that McHarg receives a salary equal to that of the Attorney General of the United States and almost equal to that of the Chief Justice of the United States, the excessive compensation paid for his "cooperation and advice" in Choctaw affairs is manifest. One firm of competent attorneys is sufficient to look after the litigation and other matters of interest to the nations requiring the advice of counsel, and it is the opinion of the committee that the McHarg contract can be terminated without prejudice to the interests of the Choctaw Nation.

CONCLUDING OBSERVATIONS.

Under existing law the enrollment of the Five Civilized Tribes was completed on March 4, 1907, and no provision has since been made for the enrollment of additional persons. It appears that there are several thousand persons who are and have been for many years

claiming and demanding that they be enrolled for various reasons. Undoubtedly there are some meritorious cases that should receive consideration and attention before the termination of Federal supervision of the affairs of the nations and the final distribution of the tribal estate. Most of these claimants are represented by attorneys who have contracts with them to pay from 10 to 50 per cent of the value of their interest, contingent upon enrollment, and in two instances it appears that syndicates have been formed for the purpose of prosecuting these claims. These syndicates have advanced considerable sums of money in order to enable attorneys to prosecute their work, the parties furnishing the money to be reimbursed and to participate in the net proceeds that may be derived by the attorneys under their contracts with their clients. In some instances the fee contemplated by the attorneys is not excessive considering the service and the uncertainty of success, but in others the fee provided by contract is excessive and the committee believes that if legislation is ever enacted providing for the enrollment of additional persons it should be safeguarded by a provision with reference to attorney's fees by requiring the fee to be determined on a basis of quantum meruit.

Copies of the forms of contracts of this class are submitted as exhibits in the appendix.

The committee found much sentiment among the members of the Choctaw and Chickasaw Nations, a percentage equaling 85 or 90 per cent favoring the individual and tribal contracts with Mr. McMurray, contracts contemplating fees aggregating several millions of dollars, being a virtual surrender of a considerable portion of their estate. The committee, while in Oklahoma, were impressed with the fact that many members of these nations are business men of far more than ordinary ability and intelligence, who are successful in their own business affairs, some being identified with large business concerns, such as banking and commercial enterprises. These, as well as the less intelligent and more humble members of the nations, alike agreed that they had lost confidence in the capacity or desire on the part of the Government to conclude to their satisfaction their affairs. Many of these witnesses testified that they would not only pay 10 per cent, but 25 per cent, and in some instances witnesses said they would pay 35 per cent for an immediate settlement. This dissatisfaction appears to be based upon the following reasons:

Failure on the part of the Government to carry out its agreement with the Indians in not having closed up the affairs of the nations by March 4, 1907. The fact that the Government agreed that the lands allotted should be exempt from taxation for 21 years and subsequently removed the restrictions upon many of the lands by an act of Congress and thereby subjected them to taxation, has caused great dissatisfaction on the part of the Indians. The fact that there are large numbers of persons who claim the right to enrollment in one or the other of these two nations, and the fear that legislation will be enacted by which many of these persons may be enrolled and thereby materially reduce the tribal wealth per capita, has much to do with the feeling of dissatisfaction existing among the Indians and in a measure accounts for their willingness to contract to pay a substantial portion of what they may receive for an early settlement. Many of them have become discouraged, and there is more or less sentiment in these two nations that final settlement and distribution may not occur in the lifetime of the present generation.

While it is true the Government has not fulfilled assurances made to the Indians when agreements were entered into, and has not carried out fully the terms of the agreement as to the time when the final settlement was to have been made, it does not seem possible to have done more than has been done toward concluding the affairs of the nations. Delays caused on account of litigation, questions made complicated by court decisions, completing of the allotments, and many other questions that could not have been foreseen have arisen, but the Government has actively administered the affairs of the nations looking toward a final settlement, and with some additional legislation there is no reason why there should not be a termination and final settlement within the next few years.

McMurray seems to possess the confidence of a great many of the members of the two nations, due probably to the fact that he has been successful in securing legislation and in the prosecution of claims that have meant much to the nations, and there seems to be a sentiment that he possesses some mysterious power by which if he is actively employed he can facilitate an early settlement, and it is because of that sentiment and for the reasons above stated that it is easy for him to secure contracts with the two nations and with so many individual members.

For many years the Five Civilized Tribes formed a distinctive community in the Indian Territory. Each tribe had its local form of government, and all of them for many years were treated by the United States as dependent nations within its borders. The corruption and incompetence of the Indian governments became so notorious that the United States finally decided to set in motion forces looking to the ultimate termination of the Five Tribes as a distinctive community. Realizing the dominant power of the United States over them and facing the inevitable dissolution of their governments, the tribes reluctantly entered into agreements with the United States with that end in view. The history of legislation and administration having for their purpose the dissolution of the tribal governments have formed a novel chapter in our history.

The first step looking to the removal of these anomalous conditions in our form of government was to determine the rights of claimants to citizenship in the Five Tribes, with the result that the aggregate population of the several nations was found to be something over 100,000 persons. The next step in carrying out the purpose of the Federal Government, with the reluctant consent of the Indians, was to arrange for a distribution of their estate on a per captia basis among the citizens of the several tribes. The administration of their affairs has progressed to the point where their lands have been allotted to them in severalty, and the disposition of the surplus property is pressing for final action. The value of the undistributed estate has been variously estimated from $20,000,000 to $150,000,000, with the lesser amount probably approximately correct. The principal part of this estate belongs to the Choctaw and Chickasaw Nations, and consists of segregated and unallotted lands chiefly valuable for timber and minerals.

The Osage Indians, with a population of about 2,200, are estimated to be the richest people per capita on the face of the earth. They have received allotments of lands in severalty, but still have community interests in oil leases, from which large revenues are derived. Already in the Treasury of the United States a common fund stands to their credit amounting approximately to $8,000,000.

The affairs of this tribe, like the affairs of the Five Civilized Tribes, are being administered under the supervision of the Federal Government. It is commonplace to say that it is incumbent upon the Government at all times to promote and safeguard the material interests and the general welfare of these peoples.

Considering the general standard of intelligence and civilization of these tribes and the great value of their estate, they should be consulted by the Government in administering their affairs and should be permitted to employ counsel to represent them, not only in the courts but before the departments and the Congress, but the responsibility for action is upon the Government, and it is its duty to protect them not only from themselves, as it was decided necessary to do in the closing years of the last century, when the dissolution of their tribal government was decreed, but likewise to protect their estates from plunder by rapacious white men, to many of whom so large a prize appeals beyond their power of self-restraint. Accordingly the most thoughtful consideration should be given by both Houses of Congress to future legislation looking to the final act in the settlement of the affairs of the several tribes.

Respectfully submitted.

CHAS. H. BURKE.
PHIL. P. CAMPBELL.
C. B. MILLER.

I concur in the findings and recommendations of the report.

E. W. SAUNDERS.

VIEWS OF MR. STEPHENS OF TEXAS.

I beg leave to dissent from the above majority report in so far as it disagrees with the answers to the 16 questions submitted to me for answer by the chairman of this committee.

First. Was Senator GORE approached by Jake L. Hamon substantially as charged by Senator GORE on the floor of the Senate June 24, or did Hamon make any improper proposal to Senator GORE respecting the McMurray contracts on May 6, or on any date prior or subsequent thereto?

Answer. Yes.

Second. If so, was Hamon, in whatever negotiations he may have sought with Senator GORE, acting by authority or with the consent or knowledge of McMurray?

Answer. Probably; but the evidence does not prove it beyond doubt.

Third. Was any Member of the House of Representatives approached by Hamon substantially as charged by Senator GORE in his statements on the floor of the Senate June 24, 1910?

Answer. Yes.

Fourth If so, was Hamon acting as agent of McMurray, or with his consent or knowledge?

Answer. Same as to question No. 2, but slightly more evidence.

Fifth. Was any Member of the House of Representatives interested in the McMurray contracts?

Answer. The preponderance of evidence shows a questionable activity on the part of one Member that, to my mind, indicates an interest.

Sixth. Was a Member of the Senate interested in the McMurray contracts?

Answer. The evidence does not prove such an interest.

Seventh. Was a former Senator from Nebraska interested in the McMurray contracts?

Answer. Yes.

Eighth. If so, was he improperly interested?

Answer. The evidence shows no impropriety.

Ninth. Did he attempt improperly to influence any Senator or Representative in respect to the McMurray contracts?

Answer. No testimony to show that he did.

Tenth. Was a former Senator from Kansas interested in the McMurray contracts?

Answer. Yes.

Eleventh. If so, was he improperly interested?

Answer. The evidence shows no impropriety.

Twelfth. Did he attempt improperly to influence any Senator or Representative in respect to the McMurray contracts?

Answer. The evidence does not show that he did.

Thirteenth. Was a corrupt lobby operating in Washington in the interest of Indian contracts during the second session of the Sixty-first Congress?

Answer. The evidence shows that one person at least made corrupt proposals in connection with such contracts.

Fourteenth. If so, did such lobby improperly influence any Representative or Senator, or did any member of such lobby make any improper overtures to any Member of Congress?

Answer. The answer to this question may be found in answer to questions 5 and 13.

Fifteenth. Was bribery, fraud, or any undue influence exerted on behalf of the approval or procuring of contracts between J. F. McMurray or any other person or persons, and the Choctaw and Chickasaw tribes of Indians or any members thereof, or any other of the Five Civilized Tribes, the Osage Indians or any members thereof?

Answer. The evidence proves an improper proposal to D. C. McCurtain on the part of McMurray, an improper proposal to Gov. Green McCurtain on the part of George W. Scott, and an improper proposal to W. A. Durant, speaker of the Choctaw Council, by George W. Scott and Tom Sanguin, as well as other questionable methods and transactions.

Sixteenth. Subsequent to May 6, 1910, were Senator GORE's relations with Hamon and his conduct toward McMurray such as to justify the belief that he (GORE) treated any improper overtures made by Hamon as seriously made by Hamon or made with the knowledge or consent of McMurray?

Answer. The conduct of Senator GORE taken as a whole, including the final disclosures and the conduct of his secretaries, leaves no room to doubt that he regarded Hamon's offer as serious and as authorized by McMurray. It is impossible for me to believe or imagine that he regarded Hamon's offer as a jest or as a joke.

I do not feel called upon to speculate upon this subject; that duty is not imposed upon me. There is no fixed standard of conduct in such a case. Different men would act differently under such circumstances according to the differences of temperament and judgment. Some men perhaps would have answered with a blow. GORE stated that Hamon had done him some favor, and said in substance that he thought it might be best to allow events to take their course, with the idea that sufficient evidence might accumulate which would leave no doubt as to the guilty parties and their guilty connections. This motive and object

was justifiable and his conduct consistent with the end in view. He forbade Hamon to mention the subject to him again and the visits of Hamon and the visits of McMurray were of their own seeking. His opposition to the contracts was active from May 6 until the disclosure was made in the Senate. He wrote letters of protest to the Attorney General. He secured the passage of a bill on May 12 to prohibit the contracts. He offered an amendment to a House bill for the same purpose on or about June 6, and finally secured an amendment to the general deficiency bill on June 21. He advised his brother of Hamon's offer immediately after it was made, also told Senator LA FOLLETTE during the afternoon. He told his wife that night and Congressman CARTER the next day. He assured LA FOLLETTE that he would make the disclosure whenever, if ever, it became necessary to protect the Indians. He did make the disclosure when it became necessary for the protection of the Indians. He stated that he would do his duty when the occasion arose, and, in my judgment, he did his duty when the occasion arose. I am not sure that a man should be subjected to criticism for deferring the performance of such a duty until the necessity became imperative, and I do not care to indulge in speculations upon conventional deportment under the stress of such circumstances.

It is my judgment that had Senator GORE not made the statement, first to a conference committee on an Indian bill and later on the same day to the open Senate, exposing the corrupt methods attempted by Hamon to secure the approval of the McMurray contracts, said contracts would have been approved. These statements by GORE put the House of Representatives on its guard and prevented the approval of the contracts, and this caused the investigation, and it is my firm belief that Senator GORE deserves the commendation of all honest men in making it possible to defeat those outrageous contracts which, if ratified, would have despoiled the Indians of several million dollars.

I further dissent from the views of the majority in their report in this: The report denies that there was a corrupt lobby in Washington seeking the approval of the McMurray contracts, except Hamon only. The fact is that Senator GORE did not use the words "corrupt lobby," but did say that a "powerful lobby" was in Washington in McMurray's behalf. There was, I maintain, a powerful lobby engaged by McMurray. He admits having in his employ two ex-United States Senators—Long and Thurston—also Dick Adams, whose telegraphic activity in McMurray's behalf was amazing. I find that the legal definition of "lobby" is "to urge the passage of a bill by personal influence addressed to the individual legislator." The duty of these employees—Long, Thurston, and Adams—would compel them to lobby through Congress, at that session, the very kind of an amendment that MCGUIRE says he received from either McMurray or Gov. Johnson and had Mr. TAWNEY offer it as an amendment to a bill before a conference committee; this amendment, if it had been incorporated in the law, would have, through the agency of MCGUIRE, secured to McMurray the approval of contracts that would have been worth to him a vast sum of money, and would have despoiled the Indians of the same. The majority members of this committee have heretofore, through the public press, acquitted Mr. MCGUIRE of having any interest in these contracts.

Through the agency of Senator GORE in exposing these contracts in the Senate, as shown by the evidence, this MCGUIRE amendment was defeated, thus defeating the McMurray contracts and causing this investigation to be ordered.

I further dissent from the majority report because in effect it states that there is nothing showing that McMurray knew of Hamon's corrupt activity in his behalf. Is any person credulous enough to believe that McMurray and Hamon and McGuire, all of whom are shown by the evidence to have lived at that time in the Occidental Hotel in this city (and admit being often together), did not discuss these McMurray contracts or endeavor in any way to aid him to secure their approval? This report states, as framed by the majority, that the fact that Hamon once went to GORE'S house is a suspicious circumstance—to show, I presume, collusion of friendship between them—yet this majority report wholly ignores the fact that Hamon, the same man that was once seen with GORE, lived in the same hotel with McMurray and McGuire—thus ignoring everything that would tend to show that Hamon, McGuire, and McMurray were in each other's confidence—and was aiding McMurray in every way he could to secure the approval of these contracts, as I have stated above.

JNO. H. STEPHENS.

ORGANIZED MILITIA.

The Clerk read as follows:

SEC. 2. That under such regulations as the Secretary of War and the National Militia Board shall prescribe each enlisted man of the Organized Militia of each State, Territory, and the District of Columbia shall receive in compensation for his services, other than at annual encampments or in case of riot, insurrection, or invasion, 25 per cent of the annual rate of pay for enlisted men of like grade in the Army of the United States as is now or may be hereafter established by law for attendance upon 48 drills or equivalent military duty prescribed by statutes or in orders by the commander in chief of his State or Territory or the commanding general of the District of Columbia during any one year, or a proportionate amount for attendance upon any number of drills or equivalent military duty not less than 20: *Provided*, That no compensation shall be paid for attendance at less than 20 such drills or equivalent military duty: *Provided further*, That the compensation provided for herein shall be computed and paid semiannually as proportioned above: *And provided further*, That no compensation hereunder shall be paid to any enlisted man, except noncombatants, in the first year of his enlistment unless and until he shall have made a record score with the prescribed weapon of his arm of the service, nor thereafter unless and until he shall have fired the prescribed course or such equivalent as shall be prescribed by the Secretary of War and the National Militia Board.

With the following committee amendment:

Page 2, line 22, strike out the words "or may be hereafter."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

Mr. FITZGERALD. Mr. Speaker, I have an amendment which I desire to offer which strikes out the language which is sought to be stricken out by the committee amendment. If my motion takes preference, I want to submit it at this time.

Mr. TURNBULL rose.

The SPEAKER pro tempore. For what purpose does the gentleman from Virginia rise?

Mr. TURNBULL. To offer an amendment, which I send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 20, strike out all after the word "invasion" to and including the word "law," in line 23, and insert "not to exceed $45 per annum."

Mr. FITZGERALD. Mr. Speaker, under the bill as at present constituted, enlisted men in the Organized Militia may receive not to exceed 25 per cent of the pay of an enlisted man in the Regular Army. The pay of an enlisted man in the Regular Army is $15 a month, or $180 a year. The amendment proposed by me provides than an enlisted man in the Organized Militia shall receive not to exceed $45 per annum.

The purpose is, Mr. Speaker, to avoid the agitation for an increase of the percentage of the pay of enlisted men in the Army in case this bill becomes a law. If it be deemed sufficient now to pay 25 per cent of the pay of an enlisted man in the Army, as that amount can be fixed definitely, I imagine those favoring this bill would be willing to place the amount in the bill. If we enact this bill into law and provide that 25 per cent of the pay of enlisted men in the Regular Army be paid to men in the Organized Militia, pressure to increase the percentage will immediately commence and it will not cease until the enlisted men in the Organized Militia are obtaining 100 per cent of the pay of an enlisted man in the Regular Army. As soon as they are paid the 100 per cent, then a movement to increase the pay of enlisted men in the Regular Army, in order that the enlisted men in the Organized Militia might be the beneficiaries, would be irresistible.

Mr. DALZELL. Does the gentleman understand that the words "or may be hereafter" have been stricken out?

Mr. FITZGERALD. Yes, I understand that. If the gentleman will permit, it refers, unless I am mistaken, to the grade, not to the amount of pay. It says, "annual rate of pay for enlisted men of like grade"——

Mr. DALZELL. Oh, no.

Mr. FITZGERALD. "As is now or may be hereafter established" the "hereafter" refers to the grade, not to the rate of pay.

Mr. DALZELL. It clearly relates to the rate of pay.

Mr. HAY. It refers to the number of men who may hereafter be put in the Army Establishment.

Mr. DALZELL. Where does the gentleman's amendment end; what is the line that is stricken out?

Mr. FITZGERALD. My amendment ends with the word "law" in line 23. The gentleman from Pennsylvania will realize that men in the Army get longevity pay and the grades are fixed by the length of service. Now, if some additional grade be established it will make that difference and it will create this pressure for an increase of the percentage of the men to be paid.

Mr. CLARK of Missouri. If the gentleman will allow me, there are half a dozen ways and variations of paying these soldiers; some of them get increase in the amount of pay for fine marksmanship, and some have longevity pay, and some get pay for one thing and another.

Mr. DALZELL. I do not see any objection to that myself.

Mr. FITZGERALD. I am inclined to believe that if the understanding is that we are to pay $45 a year, which is 25 per cent of the pay——

Mr. DALZELL. That is the way the bill reads now; that is what the bill means now.

Mr. FITZGERALD. There is considerable doubt about the effect of the bill as it now stands. If we put in the amount which equals 25 per cent, there can be no doubt, and it eliminates that question.

Mr. STEENERSON. I will state to the gentleman——

Mr. FITZGERALD The gentleman realizes there will be a movement to increase the percentage, and we eliminate that danger by fixing the amount that may be paid.

Mr. STEENERSON. I was going to say to the gentleman, if he is willing to listen, that all the officers who appeared before the committee stated that according to their computation it amounted to $48 a year.

Mr. FITZGERALD. Well, I will substitute "forty-eight" for the "forty-five," and that will make $1 a drill. Mr. Speaker, I ask to modify my amendment by changing "forty-five" to "forty-eight."

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to modify his amendment so it will read as the Clerk will report.

The Clerk read as follows:

Page 2, line 20, strike out all after the word "invasion" down to and including the word "law," in line 22, and insert "not to exceed $48 per annum."

The SPEAKER pro tempore. The question first recurs on the amendment reported by the Committee on Rules to perfect the text, which is to strike out, in line 22, the words "or may be hereafter."

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The question now recurs on the amendment of the gentleman from New York [Mr. FITZGERALD] to strike out and insert.

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The gentleman from Virginia [Mr. TURNBULL] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out all of the paragraph after word "above," in line 8 of page 3, and insert the following:

"*And provided further*, That enlisted men, except noncombatants, shall receive as compensation hereunder only one-half of the compensation herein provided in the first year of their enlistment and until they shall have made a record score with the prescribed weapon of their arm of the service, nor thereafter until they shall have fired the prescribed course or such equivalent as shall be prescribed by the Secretary of War and the National Militia Board."

Mr. TURNBULL. Mr. Speaker, as I understand it, one of the great troubles is to keep the companies up to the required practice. A provision contained in the bill now does not allow the enlisted men anything for the first year. Therefore this provision contained in the bill does not tend to cause the men to enlist, for they receive no pay at all during the first year. And the object of my amendment is to allow them one-half of the pay provided by the bill during the first year and until they come up to the required standard.

Mr. STEENERSON. Mr. Speaker, I hope the amendment will be voted down. The bill is all right as it is.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Virginia.

The question was taken, and the amendment was rejected.

The Clerk proceeded with and completed the reading of the bill.

The following amendments, reported in the rules, were also read:

Strike out all of lines 23, 24, and 25, and on page 4, line 1, down to and including the word "*Provided.*"

In line 14, page 4, insert the words "on the charge of desertion."

In line 16, after the word "conviction," strike out "shall be guilty of the crime of desertion and."

Mr. FLOYD of Arkansas. Mr. Speaker, I have an amendment which I wish to offer to the section.

The SPEAKER pro tempore. The Clerk will report the first amendment provided for by the rule.

The Clerk read as follows:

Page 3, strike out lines 23, 24, and 25; and on page 4, strike out line 25; and on page 4, line 1, strike out "otherwise appropriated: *Provided.*"

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. FLOYD of Arkansas. Mr. Speaker, I have an amendment which I desire to offer to the section.

The SPEAKER pro tempore. The gentleman will have opportunity at the proper time. The Clerk will now report the other amendments provided for in the rule, which are amendments to the committee amendment.

The Clerk read as follows:

Amend the committee amendment, page 4, line 14, after the word "trial" by inserting the words "on the charge of desertion."

In line 16, after the word "conviction," strike out "shall be adjudged guilty of the crime of desertion and."

The SPEAKER pro tempore. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

Mr. FLOYD of Arkansas. Mr. Speaker, I desire to offer my amendment now.

The SPEAKER pro tempore. The gentleman from Arkansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend section 5, on page 4, beginning in line 1, by striking out the colon and by inserting a period, and by striking out all the remainder of the section.

The SPEAKER pro tempore. The Chair would suggest to the gentleman from Arkansas that that portion of section 5 before the colon, on the top of page, has already been striken out.

Mr. FLOYD of Arkansas. Then I move to strike out the whole section.

The SPEAKER pro tempore. It is not a question now of striking out. It is a question of agreeing to the amendment as amended. All the gentleman needs to do to strike it out is to see that it is not agreed to.

Mr. FLOYD of Arkansas. I would like to be heard for a moment.

Mr. GARRETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GARRETT. Is all of the language after the word "appropriated" on page 4 an amendment?

The SPEAKER pro tempore. It is all a committee amendment.

Mr. GARRETT. And if it fails of adoption——

The SPEAKER pro tempore. There will be nothing left to section 5.

Mr. GARRETT. Then that will eliminate section 5 entirely?

The SPEAKER pro tempore. That will eliminate section 5.

Mr. FLOYD of Arkansas. Mr. Speaker, I desire to be heard.

The SPEAKER pro tempore. The gentleman from Arkansas is recognized.

Mr. FLOYD of Arkansas. Section 5, with the proviso, which itself is an amendment, contains the amendment proposed by the War Department, which I have urged as a most serious objection to this bill. I do not desire to take up the time of the House, but will simply state that the amendment proposed by the War Department, and to which I most seriously object, may be stricken out by voting down this committee amendment.

Mr. DALZELL. Mr. Speaker, in the rule as reported, that amendment, so called, on page 4, after the word "provided," is treated as part of the bill.

The SPEAKER pro tempore. Well, it is a part of the bill as reported, but it is a committee amendment, and the rule does not provide for the treatment of any of the amendments in any other way than that in which they are ordinarily treated in the consideration of a bill under the five-minute rule.

Mr. DALZELL. It makes no difference, except that——

The SPEAKER pro tempore. The question is on agreeing to the committee amendment as amended.

The question was taken; and on a division (demanded by Mr. FLOYD of Arkansas) there were—ayes 99, noes 61.

Mr. GARRETT. Mr. Speaker, I demand tellers.

Mr. FLOYD of Arkansas. I demand the yeas and nays, Mr. Speaker.

The SPEAKER pro tempore (after counting). Twenty-three gentlemen have risen; not a sufficient number, and the yeas and nays are refused.

Mr. GARRETT. Mr. Speaker, I renew my demand for tellers.

Tellers were ordered, and the Speaker pro tempore designated Mr. DALZELL and Mr. FLOYD of Arkansas to act as tellers.

The House again divided; and the tellers reported—ayes 97, nays 74.

So the committee amendment as amended was agreed to.

[Mr. LANGLEY addressed the House. See Appendix.]

Mr. HOWLAND. Mr. Speaker, I offer an amendment, which I send to the Clerk's desk and ask to have read.

The Clerk read the amendment, as follows:

On page 4, after line 25, add the following:

"*And provided further*, That all officers of the militia holding commissions at the time they are called into the service of the United States, and reported fit for military service by the Secretary of War, and so carried upon the rolls of The Adjutant General of the Army, shall be nominated for a commission by the President of the United States for the rank for which such officer is found qualified, and when confirmed by the Senate shall be commissioned by the President as an officer in the military service of the United States for the period for which the organization with which said officer is to perform duty is accepted."

Mr. HAY. Mr. Speaker, I make a point of order on that.

The SPEAKER pro tempore. The gentleman will state the point of order.

Mr. HAY. It is not germane, and it provides by law to have these officers put into the United States Army, while this bill pertains entirely to the Organized Militia.

The SPEAKER pro tempore. The Chair is of the opinion that the bill is so broad that it would warrant the amendment, so far as its being germane is concerned. The Chair therefore overrules the point of order.

The gentleman from Ohio [Mr. HOWLAND] is recognized.

Mr. HOWLAND. Mr. Speaker, I shall not detain the House in an attempt to discuss this amendment at length, but I wish to say that we might as well frankly state the object sought to be accomplished by this bill, and that is that this legislation is intended to make of the National Guard of the several States a strictly Federal force. My amendment provides that as soon as officers of the National Guard are called into the service of

the United States the appointments which they hold as officers of the militia under the governors of the several States shall terminate and they shall then be commissioned by the President of the United States, with the consent of the Senate, so that the officers of the military arm of this Government in actual service in time of war shall derive their authority from and hold their commissions under the Federal Government. We have read somewhere that a man can not serve two masters. This applies with all its original force to the military service, both as to men and officers.

Mr. ANTHONY. May I interrupt the gentleman?

Mr. HOWLAND. Yes.

Mr. ANTHONY. Would not the effect of the gentleman's amendment be that in States which have about 100 colonels to a dozen privates they would put all those colonels and major generals right into the Federal service?

Mr. HOWLAND. No; under my amendment many might be called and few chosen.

Mr. TAWNEY. Right in that line I want to suggest this: Is not the purpose of this bill to increase the efficiency of the militia, so that it can be utilized in case of war? And would it not be proper, therefore, to provide that all officers who have been educated at the expense of the Federal Government in the manner provided in this bill shall be eligible to appointment as commissioned officers in the event of war?

Mr. HOWLAND. I see no objection to that; but the gentleman from Kansas [Mr. ANTHONY] asked me a question. My amendment provides that when those gentlemen who hold commissions in the National Guard are called into the service of the United States, if found by the Federal authorities to be fit, may receive commissions from the President, with the consent of the Senate, and hold the same during the time that the organization to which they belong remains in the Federal service, so that it does not take them into the Federal military establishment at all, except during the time that their organizations remain in the service.

Mr. ANTHONY. Is not the gentleman's amendment too broad? Is not the organization of some of the States top-heavy with major generals, and would you not create an army of major generals?

Mr. HOWLAND. Oh, it is not compulsory that they be taken into the service, because under the bill as now drawn, before I offered this amendment, they can be taken or left, just as the Federal authorities please, and their rank would not be determined by that which they held in the militia, but on the military qualifications which they satisfy the Federal authorities that they possessed at the time they were commissioned in the Federal Army.

Mr. COOPER of Wisconsin. Did I understand the gentleman to say that the bill contemplated the appointment of the officers of the militia by the President of the United States?

Mr. HOWLAND. The bill does not, but I propose to find out whether some of the enthusiasm back of this bill to make a Federal force will go to the extent of allowing the Federal Government to name the officers in that Federal force. [Applause.]

Mr. COOPER of Wisconsin. The gentleman is familiar with the provision of the Constitution——

Mr. HOWLAND. I am familiar with that clause in the Constitution.

Mr. COOPER of Wisconsin. The gentleman is familiar with the provision which requires that the appointment of the officers is reserved to the States, respectively.

Mr. HOWLAND. For the militia; but as soon as the militia go into the Federal service they become a Federal force and cease to be a State force. That is just the point exactly. Therefore the power should attach to the Federal Government to appoint the officers, and all officers in the military service of the United States should derive their power from the Federal Government.

Mr. COOPER of Wisconsin. Will the gentleman wait one moment? I should like to have him construe this provision of the Constitution, that Congress has power—

To provide for organizing, arming, and disciplining the militia and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.

Mr. HOWLAND. That provides for the appointment of officers in the militia by the governors, and I have no quarrel with that clause in the Constitution, but I make the point that when the militia is called into the service of the United States they cease from that moment to be militia and become Federal soldiers; and they then come squarely under the constitutional provisions, which says Congress shall have power to provide—

For governing such part of them as may be employed in the service of the United States.

I know that the States are jealous of this power, and I also know that in our history all kinds of friction has grown out of this very situation. Political generals and lesser officers have been foisted onto the Federal Government in times past, and probably will be again in the future unless some change is made.

Now, when the militia organizations of the States are knocking at the doors of the Federal Treasury, is the best time in the world to place a legislative construction upon the particular clause in the Constitution which has been the cause of so much difficulty in the past, and make of the officers, as well as the men of the militia, a real dependable Federal force.

I am in sympathy with the main objects of this legislation, but if the militia is to be "organized, armed, disciplined, and equipped" at Federal expense and placed on the Federal pay roll in time of peace, it is no more than fair that when called into actual service in time of war it should be a real Federal force. The enlisted man under this bill is getting the short end of this bargain and the officers the long end. The enlisted man must serve two years after he is called into the service of the United States, even though his term of enlistment may be almost at an end, and is subject to court-martial as a deserter if he does not respond promptly. The officers are in terms covered in the same language, but it is easy to get officers, and, in fact, they might not be wanted, but every enlisted man would be forced to respond promptly.

While there seems now to be considerable enthusiasm for this bill among the National Guard, I am afraid the hope of a Federal appropriation has caused them to overlook some points in this legislation which may in the future rise up to plague them.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BARTLETT of Georgia. Mr. Speaker, I am opposed to this amendment. I am opposed to this bill, which carries with it this section 5, because it undertakes to take away from the States the right to organize the militia, which is required by the Constitution. The amendment with it will absolutely destroy the National Guard or the militia in the States. The gentleman from Ohio [Mr. HOWLAND] is candid enough and open and frank enough to offer an amendment which will go to the extent that you ought to go if you undertake to pass this bill—that is, to destroy forever the right of the States to organize and train the militia in accordance with the provisions of the Constitution of the United States.

I for one would be glad to favor the militia or the National Guard in all the States. In every war they have rendered the services which the citizen soldiery of our country are noted for. They have perpetuated this Government in war by their valor and deeds of courage on the battle field, and I am not willing for any reason to strike down from the States the power and the right and the duty to train and organize the militia of our country in accordance with the provisions of the Constitution. [Applause.] This bill will not aid the militia; it may aid a few officers in the militia, but the end of it will be to injure the militia as a whole.

The SPEAKER pro tempore. The question is on agreeing to the amendment offered by the gentleman from Ohio.

The question was taken, and the amendment was lost.

Mr. WEEKS. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

And provided further, That nothing in this act shall be so construed as to place on the pension rolls under any existing law any officer or enlisted man serving in the Organized Militia of any State, Territory, or the District of Columbia under the provisions of this act.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the amendment was agreed to.

The Clerk read the last amendment as a new section, as follows:

SEC. 6. The Secretary of War shall annually estimate the amount necessary for the carrying out of this act, and no money shall be expended hereunder except as it shall from time to time be appropriated.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed.

Mr. HAY. Mr. Speaker, I demand the reading of the engrossed bill.

The SPEAKER pro tempore. The Chair is informed that the engrossed bill is not here, and the bill will be laid aside for the present.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 31806. An act to amend section 1 of the act approved March 2, 1907, being an act to amend an act entitled "An act

conferring jurisdiction upon United States commissioners over offenses committed on a portion of the permanent Hot Springs Mountain Reservation, Ark;"

H. R. 28626. An act to amend the internal-revenue laws relating to distilled spirits, and for other purposes;

H. R. 29360. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1912, and for other purposes;

H. R. 28215. An act to fix the time of holding the circuit and district courts for the northern district of West Virginia;

H. R. 20603. An act for the relief of Henry Halteman;

H. R. 18512. An act for the relief of S. H. Robinson, of Allegheny County, Pa.;

H. R. 32344. An act to protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States, or their successors in interest;

H. R. 26656. An act to prevent the disclosure of national-defense secrets; and

H. R. 30570. An act to authorize the receipt of certified checks drawn on national and State banks for duties on imports and internal taxes, and for other purposes.

The SPEAKER announced his signature to enrolled bills and joint resolution of the following titles:

S. 10457. An act to amend section 6 of the currency act of March 14, 1900, as amended by the act approved March 4, 1907;

S. 9904. An act granting certain rights of way on the Fort D. A. Russell Military Reservation at Cheyenne, Wyo., for railroad and county road purposes;

S. 9903. An act to authorize the Sheridan Railway & Light Co. to construct and operate railway, telegraph, telephone, electric-power, and trolley lines through the Fort Mackenzie Military Reservation, and for other purposes; and

S. J. Res. 145. Joint resolution providing for the filling of a vacancy which will occur on March 1, 1911, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 10890. An act for the payment of certain claims for damages to and loss of private property; to the Committee on Claims.

S. 5037. An act for the relief of G. A. Embry; to the Committee on War Claims.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 5453. An act for the relief of the legal representatives of M. N. Swofford, deceased; and

H. R. 26606. An act for the relief of Charles A. Caswell.

GENERAL DEFICIENCY BILL.

Mr. TAWNEY. Mr. Speaker, I move to suspend the rules and agree to the following resolution (H. Res. 1002).

The Clerk read as follows:

Resolved, That it shall be in order to consider as a part of the bill (H. R. 32957) making appropriations for the several deficiencies in appropriations for the fiscal year 1911, for prior years, and for other purposes, that portion of the printed copy of the bill contained on pages 82 to 85, numbered as section 3, relating to the proposed fidelity division of the Treasury Department.

The SPEAKER. Is a second demanded?

Mr. MACON. I demand a second.

Mr. CARLIN. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Virginia moves that the House do now adjourn.

The question was taken; and on a division (demanded by Mr. CARLIN) there were—ayes 29, noes 134.

So the motion to adjourn was lost.

The SPEAKER. The gentleman from Arkansas demands a second. Under the rule a second is considered as ordered. The gentleman from Minnesota is entitled to 20 minutes, and the gentleman from Arkansas to 20 minutes.

Mr. TAWNEY. Mr. Speaker, the only effect of the adoption of this resolution will be to make the fidelity bonding division in the general deficiency bill in order, so that no Member, however great may be his interest in the fidelity bonding business, can take the provision out of the bill on a point of order. When the provision is reached an opportunity will then be given for consideration on its merits. When this resolution is agreed to it will afford the House an opportunity to proceed with the consideration of the general deficiency bill, and I trust that there will be no objection to its adoption.

Mr. MACON. The only purpose is to make section 3 in order on the appropriation bill, as I understand it.

Mr. TAWNEY. Yes; it does not pass the provision.

Mr. MACON. The bill will be considered in the regular way?

Mr. TAWNEY. Yes; under the five-minute rule, and so will this provision be considered in the regular way; it will be read and an opportunity given for consideration.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and two-thirds having voted in favor thereof, the rules were suspended and the resolution was agreed to.

Mr. TAWNEY. Now, Mr. Speaker, I move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of the general deficiency appropriation bill, and pending that I ask unanimous consent that all general debate be closed in five minutes.

The SPEAKER. The gentleman from Minnesota moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the general deficiency bill, and pending that, asks that all general debate in Committee of the Whole be closed in five minutes. Is there objection?

There was no objection.

The motion of Mr. TAWNEY was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. CURRIER in the chair.

Mr. TAWNEY. Mr. Chairman, this bill (H. R. 32957) has been read in full to-day. I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TAWNEY. Mr. Chairman, I have nothing to add to what I said this afternoon with respect to the various provisions and recommendations carried in this bill. The only provision of any importance that is likely to provoke any discussion is the provision providing for the creating of a fidelity bonding division in the departments and authorizing the Secretary of the Treasury to prescribe rates of premium to be paid by bonded officers, agents, and employees of the Government. I do not care to go into a discussion of that provision now or to occupy the time of the committee for that purpose. I desire to commence the reading of the bill as soon as possible, and unless some gentleman desires the balance of my time in general debate I will ask that the reading of the bill be proceeded with.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

International Seismological Association: For defraying the necessary expenses in fulfilling the obligations of the United States as a member of the International Seismological Association, including the annual contribution to the expenses of the association for the fiscal year ending June 30, 1910, $800.

Mr. COX of Indiana. Mr. Chairman, I reserve the point of order on the paragraph. I am not sure, but I do not believe that there is any law on which to base this appropriation.

Mr. TAWNEY. That is authorized by an international agreement. This is our contribution to the international agreement.

Mr. COX of Indiana. Does it not relate to the same subject that was up in the diplomatic and consular appropriation bill the other evening?

Mr. TAWNEY. I don't know whether it does or not. It may be the same subject. This is a deficiency.

Mr. BENNET of New York. It is the same subject, but it is not subject to a point of order. This is a deficiency.

Mr. TAWNEY. Our contribution for this fiscal year has not been appropriated yet.

Mr. COX of Indiana. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

International Union for Protection of Industrial Property: For additional amount required for defraying the expenses of the next meeting of the International Union for the Protection of Industrial Property, to be held at the city of Washington, D. C., in May, 1911, $10,000.

Mr. STAFFORD. Mr. Chairman, I reserve the point of order on the paragraph.

Mr. TAWNEY. Mr. Chairman, this is authorized also by an international agreement, and the invitation was extended three years ago to this association to hold its next meeting in the city of Washington. The appropriation carried in the last Congress

for this purpose was $10,000, since which time the representatives of South American countries, to the number of sixty-odd, have accepted the invitation, and it is necessary to provide for the entertainment of these additional delegates.

Mr. STAFFORD. What is the purpose of the association?

Mr. TAWNEY. The purpose of the association is to consider and if possible devise uniformity of copyright laws and patent-right laws. It is of the utmost importance.

Mr. STAFFORD. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

The appropriation of $75,000 carried in the sundry civil appropriation act for the fiscal year ending June 30, 1911, concerning the boundary waters between the United States and Canada, may be used for the rent of buildings in the District of Columbia, from the date of the approval of said sundry civil act.

Mr. MANN. Mr. Chairman, I reserve the point of order.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I reserve the point of order on that to get some information.

Mr. TAWNEY. Mr. Chairman, the necessity for that paragraph is this: There was an appropriation of $75,000 carried in the last sundry civil appropriation bill, the one that passed at the last session of Congress, for defraying the expenses of the commission.

The State Department under that authority rented some rooms here in the old Pan-American or American Republics Building. The Secretary of State was of the opinion that the appropriation authorized the payment of the rent and gave specific instructions for its payment. The disbursing officer, on the order of the Secretary of State, made the payment. Now this is for the purpose of legalizing the payment of the rent because the Auditor for the War Department holds that under the act of 1882 that rent can not be paid unless it is specifically authorized. The Secretary of State being one of the great lawyers of the country, the disbursing officer has nothing to do but to pay it. Now this is to make this payment for the balance of the fiscal year out of the $75,000 appropriated for the commission at the last session of Congress.

Mr. MANN. May I ask the gentleman; I understand this is not for the old commission that has been in existence for a number of years.

Mr. TAWNEY. No.

Mr. MANN. Then I withdraw the point of order as far as I am concerned.

Mr. MICHAEL E. DRISCOLL. I reserved the point of order first. How much of the $75,000 will be required to pay this rent?

Mr. TAWNEY. Something like $3,000, and it is divided among three commissions. There are three commissions that will occupy rooms in this building. One is the commission appointed to fix the boundary line between Mexico and Texas, the other is the British Claims Commission, and the other is the International Joint Commission.

Mr. MICHAEL E. DRISCOLL. How much is it altogether?

Mr. TAWNEY. Three thousand dollars a year for all.

Mr. MICHAEL E. DRISCOLL. Why do you require the $75,000 additional appropriation?

Mr. TAWNEY. We are not requiring $75,000. This $3,000 will be taken out of the $75,000, which was appropriated last year for the International Joint Commission, which commission has not yet been appointed.

Mr. MANN. And the old appropriation will not be available for payment of rent in Washington.

Mr. TAWNEY. No.

Mr. MICHAEL E. DRISCOLL. Seventy-five thousand dollars was appropriated last year, and $75,000 is appropriated this year for the same purpose.

Mr. TAWNEY. Yes; but the appropriation for this year does not become available until the 1st of July.

Mr. MICHAEL E. DRISCOLL. I asked the gentleman why he wanted an appropriation of $75,000 additional for this year, when there was $75,000 appropriated last year, none of which was expended.

Mr. MANN. Because that lapsed at the end of the year——

Mr. MICHAEL E. DRISCOLL. What became of the balance of it?

Mr. TAWNEY. It goes back to the Treasury.

Mr. MICHAEL E. DRISCOLL. Does the chairman say that?

Mr. TAWNEY. The balance, unless Congress reappropriates the balance, always goes back into the Treasury under the covering-in act.

Mr. MICHAEL E. DRISCOLL. When the sundry civil bill was up I was trying to find out why you appropriated an additional $75,000 instead of reappropriating the amount heretofore authorized. I thought then, perhaps, you were wanting $150,000 for this commission.

Mr. TAWNEY. The gentleman from New York knows that the appropriation made for the fiscal year 1911 is available for expenditure until the 30th of June of this year. Now, if the commission is appointed and goes to work, the appropriation for this year will be available to defray expenses of the work during the remainder of this year. How much will be unexpended for the balance of this fiscal year no one can at this time determine. The $75,000 appropriated for the fiscal year 1912 will not become available until the 1st of July.

Mr. MICHAEL E. DRISCOLL. How much is paid now by the Government for rent for all purposes?

Mr. TAWNEY. Five hundred thousand dollars.

The CHAIRMAN. The point of order is withdrawn, and the Clerk will read.

The Clerk read as follows:

To reimburse the Treasurer of the United States for the loss which occurred in his office on January 11, 1911, without negligence or fault on his part, $1,000.40.

Mr. CULLOP. Mr. Chairman, I desire to reserve a point of order against the section. I would like to ask the chairman what is the occasion of this appropriation, commencing in line 22, page 4, and ending with line 25?

Mr. TAWNEY. Well, Mr. Chairman, the occasion for that is simply this: The employees in the redemption division of the Treasury Department are not bonded to anybody, either to the United States or to the Treasury. A loss occurred there four or five months ago and the department has endeavored in every way possible to ascertain who was responsible for that loss. It is not due to the fault or neglect of the Treasury. There is, in addition to this, an amount of something over a million dollars carried on the books of the Treasury as an unavailable balance, which represents losses that have occurred and for which Congress has been asked, and has on many occasions granted relief.

Now, unless this is done, the Treasurer, who is in no way responsible for the loss, must make good that loss, although he has no more to do with the appointment of employees in the division than the Members of Congress have. And this illustrates what I tried to explain to the House this afternoon, namely, the necessity for the enactment of the legislation which the Committee on Appropriations has recommended in this bill, namely, requiring all officers, agents, and employees of the Government to give their bonds direct to the United States Government. It is hardly fair, in view of the practice and custom of Congress, to relieve principals under circumstances of this kind and hold the Treasurer, who is in no way responsible, for the fault or theft, or whatever it may be, and require him to reimburse the Government for that amount.

Mr. CULLOP. Now, is not the office there supplied with Secret Service men and detectives?

Mr. TAWNEY. Yes; and Secret Service men have been engaged, I will say, in this case for some time.

Mr. CULLOP. What were they doing when this occurred?

Mr. TAWNEY. Secret Service men are not employed in the Redemption Division all the time.

Mr. CULLOP. Do they not have a corps of detectives in there?

Mr. TAWNEY. Oh, no; they do not.

Mr. CULLOP. Congress has been very liberal in relieving Treasurers and subtreasurers from these losses.

Mr. TAWNEY. Has the gentleman from Indiana ever been in the Redemption Division of the Treasury Department?

Mr. CULLOP. I do not think I have.

Mr. STAFFORD. The gentleman should go down there.

Mr. CULLOP. I do not think I need to go down there, but I do think there should be somebody in control of the office to look more after the business of it than has been done, it seems, in the case of these Treasurers and subtreasurers. These losses are occurring too often.

Now, it seems to me that if the man who has charge of that office was giving attention to the duties of it as he should do, these losses would not occur, or if they did occur they would be immediately known. There is no reason why they should not. They check up every day, or they ought to, at least. It seems to be the practice now that they are not doing that, and yet last year we appropriated for that office a very large sum to install new business methods there on the ground that the old ones were antiquated and out of date.

Mr. DAWSON. If the gentleman will permit me, as he is well aware, the national banks pay all the expense of operating the Redemption Division, so it is not coming out of the Public Treasury at all.

Mr. CULLOP. No. In the Treasury Department last year a very large sum was appropriated to improve the business methods there, and from the reports that are constantly coming in on appropriations to make good the losses that have occurred there, it seems that either some new business methods or new men ought to be instituted and installed for that purpose.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MICHAEL E. DRISCOLL. I move to strike out the last word. I would suggest that if they had allowed the Secret Service force to be used for other purposes except the guarding of the person of the President or the detection of counterfeiters they might not have gotten into this trouble.

Mr. TAWNEY. The Secret Service force has been trying to discover who it was that committed the theft for some time, and have not yet been able to do it.

Mr. MICHAEL E. DRISCOLL. They have not been allowed to chase thieves.

Mr. TAWNEY. They have been allowed to do so under the existing law.

Mr. MICHAEL E. DRISCOLL. And they have nobody to guard the Treasury, since the Secretary of the Treasury is not permitted to employ the detective force for that purpose.

The CHAIRMAN. Does the gentleman from Minnesota desire to be heard on the point of order?

Mr. TAWNEY. No.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

For classifying, indexing, exhibiting, and properly caring for the returns of all corporations required by section 38 of an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, including the employment in the District of Columbia of such clerical and other personal services and for rent of such quarters as may be necessary, $5,000: *Provided*, That any and all such returns shall be open to inspection only upon the order of the President, under rules and regulations to be prescribed by the Secretary of the Treasury and approved by the President.

Mr. CULLOP. Mr. Chairman, I desire to reserve a point of order against that paragraph.

Mr. TAWNEY. Does the gentleman make a point of order or reserve it?

Mr. CULLOP. I reserve it for the present.

Mr. TAWNEY. I suggest that the gentleman make it, because we can dispose of that very readily.

Mr. CULLOP. Then I will make the point of order.

The CHAIRMAN. The gentleman from Indiana makes the point of order.

Mr. TAWNEY. I will state to the gentleman that that is authorized by the tariff act.

Mr. CULLOP. I would like to call attention to the proviso at the close of the section. That is the matter against which I make the point of order, commencing with the word "Provided," on line 11, and ending with the word "President," on line 14.

The CHAIRMAN. The Chair will ask the gentleman from Minnesota if that is a change of existing law?

Mr. TAWNEY. I will say, Mr. Chairman, that that proviso was agreed to at the first regular session of this Congress and is the law to-day. It was not in the original act, but by an amendment to that law at the last session of Congress the proviso was added to the existing law.

The Chair will remember that the original act provided for a tabulation of all returns and the making them available for inspection by everybody. At the last session of Congress that provision was amended so that only those returns that are ordered by the President to be made available for that purpose can be examined or inspected.

The CHAIRMAN. That is the recollection of the Chair. The Chair overrules the point of order.

The Clerk read as follows:

Refund of sums paid for documentary stamps: The time within which claims may be presented for refunding the sums paid for documentary stamps used on foreign bills of exchange drawn between July 1, 1898, and June 30, 1901, against the value of products or merchandise actually exported to foreign countries, specified in the act entitled "An act to provide for refunding stamp taxes paid under the act of June 30, 1898, upon foreign bills of exchange drawn between July 1, 1898, and June 30, 1901, against the value of products or merchandise actually exported to foreign countries and authorizing rebate of duties on anthracite coal imported into the United States from October 6, 1902, to January 15, 1903, and for other purposes," approved February 1, 1909, be, and is hereby, extended to December 1, 1911.

Mr. JOHNSON of South Carolina. Mr. Chairman, I reserve the point of order against the paragraph.

The CHAIRMAN. The Chair will hear from the gentleman from South Carolina on his point of order.

Mr. JOHNSON of South Carolina. I simply reserve the point of order to ascertain why the time is extended.

Mr. TAWNEY. I will say to the gentleman from South Carolina that the Supreme Court of the United States has held that the law requiring the placing of documentary stamps on bills of exchange to be unconstitutional. It was the Spanish-American War revenue act that authorized them. A great deal of money has been collected under that provision. Subsequently Congress passed an act authorizing the Internal Revenue Bureau to refund the amounts collected on foreign bills of exchange. The decision of the Supreme Court of the United States was based upon the theory that this operated as an export tax, and was therefore violative of the Constitution.

Of course it required a great deal of time for some of the claimants to collect their testimony. The act fixed the time within which all claims should be submitted. We have since that time twice extended that time limit. The last time limit expired on the 1st of December last. Now, there have come to the attention of the department some two or three claims——

Mr. JOHNSON of South Carolina. What do they amount to?

Mr. TAWNEY. Aggregating about $6,000. The circumstances were such that the parties were clearly not guilty of any laches in not presenting the claims, and the Internal Revenue Bureau has recommended that the extension should be made that is asked for here because the tax was illegal. The Government, of course, has no legal right to retain the amount that was collected. The department thinks this will close up those cases entirely. The department knows of only two or three claims, aggregating between $6,000 and $7,000.

Mr. JOHNSON of South Carolina. The explanation is perfectly satisfactory to me, but I was particularly anxious to know if the gentleman was in possession of information that would show that these people were not guilty of negligence.

Mr. TAWNEY. I will state, for the information of the gentleman from South Carolina, one case that I have personal knowledge of. It is the case of the firm of the Washburn-Crosby Co., of Minneapolis, the largest milling concern, I think, in the United States. They do a very large export business.

The man in the office who had charge of collecting this evidence and correspondence with their foreign representatives, was taken ill. The people in the office did not know anything about the matter, and this man was sent away on account of his health, and because of that fact the time expired within which the concern hoped that they would be ready and prepared to file their claim. That is one of the claims of which I have personal knowledge.

Mr. JOHNSON of South Carolina. I am satisfied.

The CHAIRMAN. The point of order is withdrawn. The Clerk will read.

The Clerk read as follows:

MINTS AND ASSAY OFFICES.

Assay office at New York: Authority is hereby granted the Secretary of the Treasury to use of the unexpended balance to the credit of the appropriation for parting and refining bullion the sum of $25,000 for the purposes herein stated: To provide lighting fixtures, new melting furnaces, additional scales, balances, and other necessary apparatus, appliances, and equipment, including house telephone and time and watchman's clock systems and office furniture; or so much thereof as may be necessary for the proper equipment of the new assay office, the same to be immediately available.

Mr. BENNET of New York. Mr. Chairman, I have read in the public prints that the assay office in the city which I have the honor in part to represent, is practically falling down, and that a request was made to this Congress to provide an appropriation to keep it standing.

Mr. TAWNEY. The sundry civil bill carries the appropriation for that purpose.

Mr. BENNET of New York. The amount in the sundry civil bill carries what is needed?

Mr. TAWNEY. This is merely to furnish some new equipment, out of the permanent, indefinite appropriation. It covers what is needed in the assay office in the new part.

Mr. BENNET of New York. The gentleman is probably correct, but there is a chance that he may have confused the two things. They are building in the rear of the old assay office in New York City a nine-story building.

Mr. TAWNEY. Yes.

Mr. BENNET of New York. And that building, I hope, is in no danger of falling down.

Mr. TAWNEY. It is the old part in front.

Mr. BENNET of New York. As I read the item that was carried in the sundry civil bill, I do not think it covered the subject of propping up the old assay office during construction.

Mr. TAWNEY. That part of it was carried in the urgent deficiency appropriation bill passed in the beginning of this session.

Mr. BENNET of New York. At any rate, the appropriations in the three bills meet all the needs of the building, do they?

Mr. TAWNEY. They meet all the needs of the office.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn and the Clerk will read.

The Clerk read as follows:

All laws and parts of laws, to the extent that they make a permanent indefinite appropriation for the expenses of parting and refining bullion, are repealed to take effect from and after June 30, 1912, and the Secretary of the Treasury shall, for the fiscal year 1913, and annually thereafter, submit to Congress, in the regular Book of Estimates, detailed estimates for the expenses of this service.

Mr. JOHNSON of South Carolina. Mr. Chairman, I desire to offer an amendment to strike out of line 19 the words "parting and refining bullion."

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

In line 19 strike out "parting and refining bullion."

Mr. JOHNSON of South Carolina. Mr. Chairman, I will perfect the amendment later if I can get any encouragement from my friend on the other side.

Mr. TAWNEY. I think when the gentleman hears from his friend on this side, he will not want to make any amendment whatever.

Mr. JOHNSON of South Carolina. One of the greatest evils that has come under my observation in the 10 year's service I have had in this House is the practice of Congress in passing laws which require annual appropriations without estimates being submitted. I think the chairman of this committee, after his long and useful service, will bear me out in saying that these laws providing for permanent appropriations ought never to have gone upon the statute books, and that most of them ought to be repealed if it is practicable to do so.

Mr. TAWNEY. That is what we propose to do here.

Mr. JOHNSON of South Carolina. That is what you do.

Mr. TAWNEY. Yes.

Mr. JOHNSON of South Carolina. I wanted to strike out the language making it applicable to one particular statute. Of course it is subject to a point of order, but I wanted to strike out the language which makes this legislation applicable to this particular statute only, and to make it applicable to all the laws, and require estimates to be submitted.

Mr. TAWNEY. I am in hearty sympathy with the gentleman so far as he desires to repeal the permanent appropriations. The Committee on Appropriations has in the last six years endeavored on every occasion to recommend the repeal of permanent appropriations; for example, this bill carries the recommendation to repeal the permanent appropriation of $5,500,000 for the collecting of customs. As soon as the bill was reported to the House every Member who had a customs office in his district, where the cost of running the office is greater than the income, became worried for fear it would affect his office and threatened to make points of order and vote against the suspension of the rules until I agreed to strike out that objectionable paragraph.

I will say to the gentleman that the discovery of this permanent appropriation was by accident. The chief of the service, the Director of the Mint, submitted an estimate of $25,000 to be paid out of the permanent appropriation. That permanent appropriation nobody knew existed, but when we came to inquire we found there was an unexpended balance of $450,000, due to modern methods of parting and refining. Prior to the modern methods of parting and refining the by-products were all lost; but now, under the new methods of parting and refining, the by-products are preserved and are valuable. In one by-product last year the Government realized over $100,000 from the sale of it, and for that reason we concluded hereafter that they could come to Congress with their estimates and we would turn in all of the products.

Mr. JOHNSON of South Carolina. I hope my friend the chairman will not misunderstand me. I did not make a point of order against this legislation, but I offered the amendment so as to cut off the possibility of it being cut out of this bill.

Mr. TAWNEY. The proposition of the gentleman, so far as it affects other permanent appropriations, I think he will see, is impracticable and would only complicate matters and leave in doubt whether we effected the repeal of this, and I trust he will not insist on his amendment.

Mr. JOHNSON of South Carolina. I understand that. I offered the amendment and thereby it became impossible for this legislation to go out on a point of order after the discussion began. I find the chairman of the committee agrees with me that these laws providing for permanent appropriations ought not to be enacted. I find that he could not repeal all these laws at one time, because he might interfere with so many that it would make it impossible. Mr. Chairman, I withdraw the amendment, and hope that later we will be able to get more of them repealed.

Mr. BENNET of New York. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from Minnesota a question. I am in sympathy with his purpose, but have not had much opportunity to think this over, and I submit this observation: In the assay office, with which I am more particularly familiar, you can take bullion or anything else from which they can extract gold and they will immediately pay you 98 per cent of the value of the gold that can be extracted from what you bring, and when the gold is refined they pay you the balance. Or you can leave the bullion, and when they get it assayed they will give you the gold less the expense of assaying.

Mr. TAWNEY. That is exactly the practice.

Mr. BENNET of New York. Now, does the repealing of this permanent indefinite appropriation in any way affect that practice?

Mr. TAWNEY. No; that was taken into consideration when it was drawn. It is only so much of the law as authorizes the permanent indefinite appropriation. This provision is carefully guarded.

Mr. BENNET of New York. I hope it is.

Mr. DAWSON. I might add that the Director of the Mint stated that there would be no objection from the standpoint of the service.

Mr. TAWNEY. The Director of the Mint heartily agrees in this, and the committee has carefully guarded the provision so that it will not relieve the owner of the bullion, or whatever he may carry there, for parting and refining, from the charge which the law now imposes.

Mr. BENNET of New York. I have a high personal regard for the gentleman from Iowa, the Director of the Mint, and the immigration officials who submitted to do away with the permanent appropriation for immigration, but I notice they overlooked a kink, and it may be that these people have.

Mr. TAWNEY. No; I think we have guarded against everything.

Mr. AUSTIN. Mr. Chairman, I want to take occasion to commend the legislation carried in this paragraph, about which we have had some discussion, and also embrace this opportunity to express my appreciation of the valuable services of the chairman of the Committee on Appropriations, the gentleman from Minnesota [Mr. TAWNEY]. [Applause.] No man in this House can fully and truthfully estimate the invaluable services rendered the country by the gentleman who heads that committee. I was connected with the House of Representatives more than 30 years ago as one of its subordinate officers, and I have watched with a great deal of interest and followed carefully the career of the gentleman from Minnesota, the chairman of the Committee on Appropriations, and I want to say this, that I hope with the termination of the present session of Congress the American people will not part with the long, splendid, and valuable experience which he has gained at the head of this great committee. It was my opportunity in the first Republican caucus on the roll call to cast my vote for JAMES A. TAWNEY for Speaker of the House of Representatives, and while I am not an old man, nothing in this life would give me greater pleasure than to vote for this same gentleman for President of the United States, one of the best-equipped men in the country for that exalted position. [Applause.]

The Clerk read as follows:

Assay office at Deadwood, S. Dak.: Assayer in charge, additional compensation for the fiscal year 1912, $250.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph. I observe from the hearings that the Director of the Mint recommended this increase because of the increased business at Deadwood. I would like to inquire whether, with this additional salary, it will equalize the salary of the assayer at Deadwood with the salary of assayers at other offices?

Mr. TAWNEY. It will not only equalize it, but it is given because of the great increase in the amount of work being done at the Deadwood office.

Mr. STAFFORD. I withdraw the point of order.

The Clerk read as follows:

Dayton, Ohio, post office and courthouse: For commencement of building, under present limit, $25,000.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on that. My purpose is to ascertain some information as to this

provision. I observe there is nothing referred to in the hearings concerning the appropriation for the Dayton, Ohio, post office. I understand this appropriation was authorized in the last public-buildings bill. Is this an exceptional case, where we are going to provide for the erection of a public building?

Mr. TAWNEY. No; it is not an exceptional case.

Mr. KEIFER. It is to go on with the work.

Mr. TAWNEY. This would have gone into the sundry civil bill when the estimates were sent up if it had been included. A supplemental estimate was sent, but it came too late to have it go into the bill as it was reported to the House. It is authorized by law.

Mr. STAFFORD. Yes; it was authorized in the general public-building bill, as I recall it, of last year.

Mr. TAWNEY. Of 1908.

Mr. STAFFORD. There was some provision in the last sundry civil appropriation bill relating to the post office at Dayton, Ohio.

Mr. KEIFER. That is right; but that was supplemental to the other.

Mr. TAWNEY. I do not recall. I am very sorry that the gentleman from Ohio [Mr. Cox] is not present, so that he could explain the necessity for it.

Mr. COX of Indiana. Mr. Chairman, the gentleman from Ohio told me that he would be compelled to be temporarily absent this evening and requested me to look after this matter for him to the best of my ability. I have had several conversations with with him about it and he assures me that it is needed, that it is absolutely essential, and I hope the gentleman will withdraw the point of order.

Mr. STAFFORD. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

Heating apparatus for public buildings: To pay the balance due the Chisholm Co., under its contract dated February 1, 1908, for heating apparatus supplied for the post office and courthouse at Trenton, N. J., $1,676.55.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph just read and I would like to ask the chairman of the committee wherein this item differs from a claim against the Government.

Mr. TAWNEY. What page?

Mr. STAFFORD. Page 11, lines 8 and 13, inclusive.

Mr. TAWNEY. Well, this is an item where the appropriation that was made for the building lapsed before the contract was completed. This is merely to carry out the contract obligation of the Government with a man who had the contract for the construction of the building.

Mr. STAFFORD. Then there is no additional appropriation and it is within the limit of the original appropriation?

Mr. TAWNEY. Yes, but the appropriation has lapsed.

Mr. STAFFORD. And the following appropriation is in the same condition?

Mr. TAWNEY. Yes; absolutely.

Mr. DAWSON. Some complications arose in the construction of the building which delayed the installation of the heating apparatus until after the appropriation had lapsed.

Mr. STAFFORD. I withdraw the point of order.

The Clerk read as follows:

To defray the expenses of collecting the revenue from customs, being additional to the permanent appropriation for this purpose, for the fiscal year ending June 30, 1911, $500,000.

Mr. JOHNSON of South Carolina. Mr. Chairman, I move to strike out the last word. How much is the permanent appropriation for this purpose?

Mr. TAWNEY. The permanent appropriation is $5,500,000.

Mr. JOHNSON of South Carolina. Why is it necessary to increase the amount provided?

Mr. TAWNEY. Because the amount is not sufficient to pay the expenses of collecting the customs.

Mr. JOHNSON of South Carolina. What percentage of the customs revenue does it take to collect those customs?

Mr. TAWNEY. I can not state accurately now, but my recollection is, though, that it costs about $3 per thousand.

Mr. JOHNSON of South Carolina. Has that percentage for the last few years been increasing or diminishing?

Mr. TAWNEY. I think it has been, on the whole, diminishing. Of course, much of this cost is due to the fact that we are maintaining some forty-odd customs offices in districts where the amount of money collected is much less than the cost of maintaining those customs districts and offices.

Mr. JOHNSON of South Carolina. Why do not you discontinue them?

Mr. TAWNEY. Because we can not do it; we have not got the votes; we have tried a number of times.

Mr. JOHNSON of South Carolina. Take one at a time and you can do it.

Mr. TAWNEY. That is what we are trying to do.

The CHAIRMAN. The pro forma amendment will be considered as withdrawn.

The Clerk read as follows:

Section 3687 of the Revised Statutes of the United States is repealed, to take effect from and after June 30, 1912; and the Secretary of the Treasury shall, for the fiscal year 1913, and annually thereafter, submit to Congress, in the regular Book of Estimates, detailed estimates of expenses of collecting the revenue from customs.

Mr. GREENE. Mr. Chairman, I make the point of order against the paragraph commencing on line 19 and ending on line 25.

Mr. TAWNEY. Mr. Chairman, I call the attention of the gentleman from South Carolina that there is an illustration of the difficulty of repealing a permanent appropriation.

The CHAIRMAN. The Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

Hereafter the Secretary of the Treasury is authorized to obtain by purchase or to cause to be printed blank forms of clearances, manifests, and other forms used in connection with the transaction of customs business, and to sell such forms at ports and subports of entry, ports of delivery, and elsewhere, at a uniform price of 5 cents each, and under regulations to be prescribed by him. All moneys received from the sale of such forms shall be accounted for and paid into the Treasury in the same manner as other moneys collected by customs officers.

Mr. McMORRAN. Mr. Chairman, I make the point of order against the paragraph.

Mr. TAWNEY. If the Chairman will permit me, I just want to say one word as to the reason for the committee making this recommendation. At present the blank forms referred to in this paragraph are furnished by the Government to the collector and sold by the collector to the shipper at 10 cents apiece. It is a species of private graft on the part of the customs collector, and it is proposed now merely to charge about what it costs to provide the forms printed and give the forms to those who desire and need them in the transaction of their business at one-half the cost they are now paying the collector.

Mr. McMORRAN. Mr. Chairman, I am sorry to hear the chairman of the committee make a statement as to private graft——

Mr. TAWNEY. That statement is made on the authority of the Secretary of the Treasury.

Mr. McMORRAN. I do not care who it is made by; whoever makes that is not familiar with the facts.

The facts are, Mr. Chairman, that for a number of years past not only in Detroit, but in Port Huron, Mich., the Grand Trunk Railroad, the Pere Marquette Railroad, and the Michigan Central Railroad have been furnishing their own blanks at a cost of about 1 cent apiece. That is the actual cost. It is true that the customs collectors at Port Huron, where nobody sees fit to furnish his own blanks, charge 10 cents apiece for the blanks. As I understand, that sum of 10 cents goes to the collector as part of his compensation.

Now, I am interested in a local company at Port Huron, my home town, where we have considerable to do with the collector of customs, and we are permitted to furnish our own blanks, costing about 1 cent apiece. The effect of this paragraph would be to create a trust in the Treasury Department, enabling it to hold up the business interests of this country and compelling them to pay 500 per cent actual premium on the business they do with the collector of customs.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Section 2648 of the Revised Statutes of the United States is hereby repealed.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on that paragraph. Since the other paragraph went out, this one also must be eliminated.

The CHAIRMAN. Does the gentleman make a point of order against the paragraph?

Mr. STAFFORD. I reserve it. I ask the chairman if it is necessary to eliminate it? I have nothing at interest in the matter.

Mr. TAWNEY. The previous paragraphs have gone out; and, of course, if we do not repeal that section, the permanent appropriation stands.

Mr. STAFFORD. I make the point of order.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

To refund to the Albert Champion Co., of Boston, Mass., duties erroneously collected from them, as reported by the collector of customs at that port, and covered into the Treasury, $2,272.48.

Mr. STAFFORD. Mr. Chairman, I make the point of order against the paragraph just read.

Mr. TAWNEY. The point of order will not lie, Mr. Chairman.

The CHAIRMAN. The gentleman from Minnesota will be heard on that paragraph.

Mr. TAWNEY. The law authorizes the refund of this duty. The gentleman from Massachusetts [Mr. KELIHER] is perfectly cognizant of the facts. That is expressly authorized by the statute.

Mr. KELIHER. Mr. Chairman, I trust the gentleman from Wisconsin will not press his point of order. I have not the documents at hand at this moment, but I can assure him that this money was collected in excess of the duties prescribed by law. The Treasury Department admits that an error was made in classifying these goods which caused the Albert Champion Co. to pay into the Treasury $2,272.48 more than it rightfully should, and the Treasury Department acknowledges the justice of the claim involved in this proposition.

Mr. STAFFORD. Wherein does this paragraph differ from a claim against the Government?

Mr. TAWNEY. I can state to the gentleman from Wisconsin that the reason this provision becomes necessary is because the protest against the classification or rate of duty was not made within the time fixed or limited by law. Had they filed their protest earlier, had their protest been prosecuted to a final conclusion, resulting in their favor, they would then be entitled to the refund of this money, but the failure on their part to come within the time fixed for the filing of the protest is the only reason, as the Secretary of the Treasury says, why the Treasury authorities are not at liberty now to pay the money out of the Treasury and out of the appropriation that is made for that purpose. That is all there is in it. They did not get there quite in time. That is all.

The CHAIRMAN. Does the gentleman from Wisconsin insist upon the point of order?

Mr. KELIHER. I will say further, in answer to the query of the gentleman on my right [Mr. STAFFORD], that this claim differs from claims that might appear to be of a similar nature, in that there was considerable controversy over the particular paragraph of the Dingley Act under which these goods should have been classified. That question is settled, as the letter I hold here in my hand, which I shall read—a letter from the Secretary of the Treasury, addressed to the chairman of the Committee on Appropriations, in which is set forth by that official an acknowledgment that these duties were in excess of law and the correctness of the amount this item provides refunding. Here is what the Secretary of the Treasury states:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, February 21, 1911.

THE CHAIRMAN COMMITTEE ON APPROPRIATIONS,
House of Representatives.

SIR: I have the honor to acknowledge the receipt of your letter of the 18th instant, in which you state that there is pending before the subcommittee which is considering the sundry civil appropriation bill an item for the payment of $2,285.83 excess duties claimed to have been paid by the Albert Champion Co., of Boston, Mass., upon certain automobile ignition wires imported through that port.

In reply to your inquiry whether this department has any objections to your committee carrying an item in the sundry civil appropriation bill for the refund of the excess duties collected, I have to advise you that the department has no objection if Congress desires to grant the company relief.

I will state, however, that the amount should be changed to $2,272.48, to agree with a report received from the collector of customs at Boston under date of January 30, 1911.

Respectfully, FRANKLIN MACVEAGH, *Secretary.*

Mr. Chairman, for several years this company paid excessive duties through no fault of their own, but rather because of an error of the customs officials. This obviously imposed a handicap upon them in competing with their business rivals. The sum involved is only a couple of thousand dollars, and I trust the gentleman will not split hairs, and will withdraw his point of order, and allow this item to pass.

Mr. STAFFORD. When I was attempting to ascertain the place in the hearings concerning this claim in the index, I found it referred to page 141, which was an erroneous reference. Since the gentleman from Massachusetts [Mr. KELIHER] has called to my attention the correct paging, in which it is clearly shown that the Secretary of the Treasury recommends this claim and the amount, I therefore withdraw the point of order.

The Clerk read as follows:

Relief of Phoebe Clark: To enable the Secretary of the Treasury to carry out the provisions of "An act for the relief of Phoebe Clark," approved February 16, 1911, $116.

Mr. HAWLEY. Mr. Chairman, I offer the following amendment as a new paragraph at the end of line 17.

The CHAIRMAN. The gentleman from Oregon offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 17, after line 17, insert a new paragraph, as follows:

"Relief of the State of Oregon: To enable the Secretary of the Treasury to reimburse the State of Oregon for expenditures made by said State at the request of the authorities of the United States during the Civil War in the enlistment of soldiers mustered into the service of the United States, and there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $193,543.02, this sum being the amount determined upon by the Court of Claims in a finding of fact printed in Senate Document No. 28, Sixty-first Congress, first session."

Mr. KEIFER. Mr. Chairman, I reserve a point of order on that. I wish to state that it is not in order in this part of the bill, if in order at all. It belongs to the War Department.

The CHAIRMAN. Will the gentleman from Ohio [Mr. KEIFER] suggest where it might possibly be in order?

Mr. KEIFER. If it is in order at all, it must come under the head of the War Department later on in the bill.

The CHAIRMAN. On what page?

Mr. KEIFER. On page 27. It is under the head of the "Secretary of War," which is under the head of "Military Establishment." We are now under the "Treasury Department" and that portion of the bill, and certainly the amendment would not be germane there.

Mr. JOHNSON of South Carolina. Mr. Chairman, in order that there may be no mistake and the proposition may not be raised upon the germaneness of the amendment alone, I make the point of order that it is legislation.

The CHAIRMAN. The Chair thinks it is hardly germane to this portion of the bill without passing further.

Mr. KEIFER. I think the point of order better be made now.

The CHAIRMAN. The Chair sustains the point of order, on the ground that it is not germane to this part of the bill.

The Clerk will read.

For amount required to make monthly payments to John S. Kissinger, late of Company D, One hundred and fifty-seventh Regiment Indiana Volunteer Infantry, and also late of Hospital Corps, United States Army, from February 15, 1911, to June 30, 1912, inclusive, as authorized by the act approved February 15, 1911, $1,653.33.

Mr. BARNHART. Mr. Chairman, I ask unanimous consent to change the initial letter "S" in the name of John S. Kissinger, in line 6, to the initial letter "R," so that it will read "John R. Kissinger."

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to modify the paragraph as indicated by him.

Mr. KEIFER. Does the gentleman know the name?

Mr. BARNHART. Yes; it is my bill.

Mr. KEIFER. We agree to that.

Mr. STAFFORD. May I ask the gentleman from Indiana whether in the law granting relief to Mr. Kissinger it is "John S." or "John R.?"

Mr. BARNHART. It is "John R."

The CHAIRMAN. Without objection, the paragraph will be so modified.

There was no objection.

The Clerk read as follows:

For payment to Wesley A. Stuart, attorney, Sturgis, S. Dak., for defending First Lieut. David H. Biddle in suit brought against that officer for causing a herd of horses to be ejected from the military reservation at Fort Meade, S. Dak., $50.

Mr. HAWLEY. Mr. Chairman, I offer again the amendment.

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk read as follows:

On page 27, after line 23, insert as a new paragraph:

"Relief of the State of Oregon: To enable the Secretary of the Treasury to reimburse the State of Oregon for expenditures made by said State, at the request of the authorities of the United States, during the Civil War, in the enlistment of soldiers mustered into the service of the United States; and there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $193,543.02, this sum being the amount determined upon by the Court of Claims in a finding of fact printed in Senate Document No. 28, Sixty-first Congress, first session."

Mr. FITZGERALD. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The Chair will hear the gentleman from New York [Mr. FITZGERALD] on the point of order.

Mr. FITZGERALD. This claim is exactly similar to the so-called Texas claim, which has been heretofore decided. It is not authorized by law. The law under which the claim was examined did not in any way provide a foundation upon which it would be in order in an appropriation bill. I think the Chair has a decision on the Texas claim.

The CHAIRMAN. The Chair has a decision on the Texas claim. Does the gentleman from Oregon [Mr. HAWLEY] desire to be heard on the point of order?

Mr. HAWLEY. This claim was submitted to the Court of Claims by the Senate of the United States, and the amount specified in the amendment I offer is the amount stated by that court in the finding of fact.

The CHAIRMAN. Will the gentleman from Oregon inform the Chair if it is a judgment?

Mr. HAWLEY. It is not a judgment; it is a finding of fact.

The CHAIRMAN. The Chair will hear the gentleman from Oregon further, if he desires to be heard.

Mr. HAWLEY. At the beginning of the war Secretary Seward wrote to the governor of Oregon, saying:

The President has directed me to invite your attention to the subject of the importance of perfecting the defenses of the State of Oregon, over which you preside, and ask you to submit the subject to the consideration of the legislature when it shall have assembled. Such proceedings by the State would require only a temporary use of its means. The expenditures ought to be made the subject of conference with the Federal Government. If they are thus made, with the concurrence of the Government, for the general defense, there is every reason to believe that Congress would sanction what the State should do and would provide for its reimbursement.

Many other communications similar to this are on file in the War Department and printed in the records of the Civil War issued by the Government.

At the instance of the Secretary of War, and through the Secretary of State and the President of the United States, the State of Oregon did exactly what the United States authorities desired it to do, and passed a law providing a bonus of $150 for every soldier who should thereafter enlist in the service of the United States.

A number of soldiers so enlisted, forming a regiment of cavalry and another of infantry, which were mustered into the service of the United States, and served not only in Oregon, but in Idaho and Washington, protecting settlers from the ravages of Indians, defending the overland mails, and defending also the immigrants into the Northwest.

As I said in the beginning, this claim was submitted to the Court of Claims for a finding of fact, and the decision of the court in the finding of fact was that the State had expended this amount of money specified in my proposed amendment, for the purpose stated, and it was done under the request and urgent entreaty and representation of the military authorities of the United States, with President Lincoln at the head.

Mr. KEIFER. Does this entire sum, thus found, arise from paying bounties to soldiers?

Mr. HAWLEY. Yes.

Mr. KEIFER. The Government of the United States paid the other expenses, did it not, long ago?

Mr. HAWLEY. It paid other expenses.

Mr. KEIFER. This is confined to the payment of bounty. Why was not the claim presented many years ago?

Mr. HAWLEY. The State of Oregon issued bonds to pay the soldiers who enlisted after the passage of the act, and as soon as the bonds so issued had matured, so that the State had a matured claim, that claim was presented, but like many other claims, the payment has been delayed.

Mr. KEIFER. Do I understand that the State of Oregon issued bonds to pay $100 to each soldier?

Mr. HAWLEY. One hundred and fifty dollars.

Mr. KEIFER. One hundred and fifty dollars to each one of these soldiers, as a bounty for his enlistment in the United States service?

Mr. HAWLEY. Yes.

Mr. KEIFER. I am under the impression that almost all of the Northern States issued such veteran bounties, as they were called, usually $100, and that no claim was ever presented by the States to the Government for that bounty.

Mr. HAWLEY. In 21 deficiency bills, so far as my investigation has run, a very large number of claims of States have been paid, amounting to many millions of dollars.

Mr. KEIFER. That I agree to, but was the money paid on account of a bounty that was given by a statute passed after the Civil War? In Ohio we paid a great many thousands of dollars on statutes enacted as late as 1867-68, and I think there was never any claim presented to the Government for them.

Mr. DAWSON. Is it not true that these bonds were issued for the purpose of inducing men to enlist as soldiers to repel the Indian invasion, that they were not troops to put down the Civil War at all, but were bonds issued after their service expired, and was in the nature of a bounty which Congress has never gone into heretofore.

Mr. HAWLEY. The bonds were only for reenlistments or volunteers after the passage of the act. The troops were enlisted by the State and were engaged to put down Indian insurrections, and for the other purposes already mentioned, but they were generally veteran soldiers, whose terms of service were expiring. But the conditions were such that these men could not be induced to enlist with the amount that the Government was offering and the Federal Government, through telegrams and letters which I present and many others that could be presented, urged the State to pass this act granting them $150 bounty to induce men to reenlist, which was done. Men reenlisted as volunteer soldiers and served in the State of Oregon and the Territories of Idaho and Washington for some time, and I believe they served more outside of Oregon than they did in Oregon, and the bounty was paid to those who enlisted after the passage of the act.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KEIFER. One more question. When was the act passed granting this $150 bounty?

Mr. HAWLEY. In 1864.

The following is the report of the Secretary of the Treasury upon the claim, made under a provision in the last annual general deficiency act:

[House Document No. 1265, Sixty-first Congress, third session.]

CLAIM OF THE STATE OF OREGON.

Letter from the Secretary of the Treasury, transmitting a report on the claim of the State of Oregon for equipment of volunteer troops:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, January 5, 1911.

SIR: I beg to submit my report pursuant to the act of Congress approved June 25, 1910 (35 Stat., 777), authorizing the Secretary of the Treasury to reopen, adjust, and audit the claims of the State of Oregon for expenses incurred in raising, supplying, and equipping its volunteer troops during the period of the Civil War, and to ascertain and report to Congress for consideration what sums, if any, were expended by the said State and have not been reimbursed to it by the United States on account of the principal of bonds issued, interest paid thereon, the expenses of advertising and printing in connection therewith, in providing means for the payment of bounty to volunteers mustered into the service of the United States and who were engaged in the State of Oregon and adjacent Territories in the suppression of Indian outbreaks.

It is found upon examination that the State of Oregon actually expended $193,929.82 in accordance with said laws in the redemption of bounty lands, interest thereon, and expenses connected therewith, as follows:

Paid for redemption of 2,719 bonds of the par value of $50 each (part redeemed below par)	$128,991.02
Interest on said bonds	64,344.20
Printing bonds, warrants, bond books, and bounty certificates	113.00
Advertising in newspapers for redemption of bonds prior to maturity	481.60
Total	193,929.82

Senate Document No. 28, Sixty-first Congress, first session, presents very clearly the nature and basis of the claim:

[Senate Document No. 28, Sixty-first Congress, first session.]

MAINTAINING STATE MILITIA DURING THE CIVIL WAR.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, April 30, 1909.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings of fact filed by the court in the aforesaid cause, which case was referred to this court by the resolution of the United States Senate, under the act of March 3, 1887, known as the Tucker Act.

I am, very respectfully, yours, JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. JAMES S. SHERMAN,
President of the Senate.

[Court of Claims of the United States. Congressional, No. 13852. The State of Oregon *v.* The United States.]

STATEMENT OF CASE.

This is a claim for money alleged to have been expended by the State of Oregon in recruiting and paying bounty to State volunteers in the United States service, and for recruiting, equipping, and maintaining State militia during the Civil War. The claim was presented to the War Department and disallowed because the department had no jurisdiction to consider claims of this nature. It was then presented to the Treasury Department in 1884 under the act of June 27, 1882 (22 Stat. L., 111). It was disallowed by the Third Auditor on March 10, 1888, on the ground that the act of July 27, 1861 (12 Stat. L., 276), made no provision to pay expenses of raising troops for State purposes and not called into service by the request or authority of the Secretary of War or the President.

On May 29, 1908, the United States Senate, by resolution, referred to the court, under the act of March 3, 1887, known as the Tucker Act, a bill in the following words:

[S. 2951, Sixtieth Congress, second session.]

"A bill for the relief of the State of Oregon.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the sum of $358,235.61 be, and the same is hereby, appropriated, from any money in the Treasury not otherwise appropriated, to pay the State of Oregon, in full settlement of its claim for raising, supplying, and equipping its volunteer troops and militia during the years 1861 to 1865, inclusive."

The claimants appeared and filed their petition in this court July 11, 1908, in which they make substantially the following allegations:

"That on the 14th day of October, 1861, the Chief Executive, acting through the agency of the Hon. William H. Seward, Secretary of State of the United States, addressed to the governor of the State of Oregon a letter, a copy of which is hereunto annexed, marked 'Claimant's Exhibit No. 3,' wherein attention was called to the necessity for the authorities of said State to place the same in a state of defense; to the fact that in previous wars the several States had independently and by separate activity supported and aided the Federal Government in its responsibilities, and that 'in view of this fact, and relying upon

the increase and continuance of the same disposition on the part of the loyal States, the President has directed me to invite your consideration of the subject of the importance of perfecting the defenses of the State over which you preside, and ask you to submit the subject to the consideration of the legislature when it shall have assembled. Such proceedings by the State would require only a temporary use of its means. The expenditures ought to be made the subject of conference with the Federal Government. Being thus made with the concurrence of the Government for general defense, there is every reason to believe that Congress would sanction what the State should do, and would provide for its reimbursement.'"

That in the month of October, 1861, by authority of the War Department, a call was made for the raising of a regiment of cavalry in the State of Oregon, to be mustered into the service of the United States for a term of three years. Six companies of said regiment were raised during the winter of 1861 and 1862, when, by order of the War Department, it was directed that recruiting should cease. On January 5, 1863, a requisition was made upon the governor of said State for the raising of additional companies to fill the regiment. On account of the conditions then existing in that country, as hereinafter more fully set forth, and the inadequacy of the pay of such troops under the Federal laws then existing, it was found impossible to secure recruits to fill more than one company. One company was, however, raised and mustered into the service of the United States, under the command of Capt. H. C. Small.

That, commencing with the act of September 28, 1850 (9 Stat. L., 504), Congress had provided certain extra pay to the officers and enlisted men of the United States Army serving or enrolled in Oregon and California in recognition of the difference in the conditions existing in that section of the country. By said act of September 28, 1850, it was provided that there should be allowed to each commissioned officer while serving in said States, in addition to their regular pay and allowances, a per diem of $2 each, and to each enlisted man a per diem, in addition to their regular pay and allowances, equal to the pay proper of each as established by existing laws, said extra pay to be retained until said enlisted men were honorably discharged. By the act of Congress of August 31, 1852, said appropriation was continued, but the amount of extra pay to be paid enlisted men was reduced to one-half; these appropriations were not continued during the Civil War, and there were no troops of the Regular Army within the State of Oregon after the summer of 1861.

By the act of Congress of June 17, 1850 (9 Stat. L., 438), the President was authorized to enroll privates by volunteer enlistment in regiments of the Regular Army serving at the several military posts on the western frontier, and it was directed that whenever such enlistments were made at these posts a bounty equal to the cost of transporting and subsisting a soldier from the principal recruiting depot in the harbor of New York to the place of such enlistment should be allowed each recruit so enlisted. The amount so paid these recruits exceeded $150 per man. This provision was repealed by the act of August 3, 1861 (12 Stat. L., 288), although at the time of such repeal the conditions which had theretofore existed still obtained.

In the act of Congress authorizing the President to accept volunteers from the governors of the several States (act of July 22, 1861, 12 Stat. L., 268) and in the act of July 27, 1861, directing the refund to the governors of such States for expenses properly incurred for recruiting, etc., there was no restriction imposed as to the character or amount of such proper expenditures to be incurred or reimbursed.

No troops were raised or recruited by the Federal authorities in the State of Oregon during the Civil War. The pay provided by Congress for volunteers, $13 per month, was paid to the Oregon volunteers in legal-tender notes, notwithstanding that in Oregon and in the other Pacific coast States and Territories gold was maintained as to the standard of value, and such notes had in that section of the United States a commercial value of less than half of their face value. The wages of ordinary laborers in the State of Oregon at that time ranged from $2 to $5 per day, and the cost of living and the prices of all commercial commodities was correspondingly high, so that it became and was impossible for the State authorities to furnish volunteers for service without offering certain premiums or inducements as a consideration for enlistment, and after consultation and conference with the Federal officers in charge of the military department of the Pacific, said State, acting through its governor and legislature, and at the urgent solicitation of said Federal officials, agreed to pay and did pay certain considerations for enlistment, as set forth in the succeeding paragraphs of this petition.

On the 5th day of October, 1864, the governor of the State of Oregon addressed a communication to the general commanding the district of Oregon, Brig. Gen. Benjamin Alvord, stating that the question of passing a law giving bounty for recruits was under consideration, but the fact that when they consider that it will run the State in debt $150,000 to raise 1,000 men seems to make the legislature hesitate, and that "if a call is made for more men, I hope it will be made before the adjournment, so that the question will be fairly presented." In reply thereto Gen. Alvord, on October 18, 1865, addressed a letter to the governor of Oregon, wherein he states:

"I feel that it is very important for the public service, as I have continually represented to you for a long time, that the legislature of Oregon should pass a law giving bounty to volunteers."

On October 20, 1864, the legislature having meanwhile done nothing in the execution of these suggestions, Maj. Gen. Irwin McDowell, commanding the Department of the Pacific at San Francisco, Cal., telegraphed to the governor of Oregon that orders had been received from the War Department that a regiment of infantry be raised in the State of Oregon as soon as possible.

Upon the receipt by the governor of Oregon of this call he acknowledged the receipt thereof as follows:

"Your telegram requesting a regiment of infantry has just been received.

"I will do all in my power to raise it, but fear I may not have as good success as desired. I recommend the legislature now in session to offer bounties, but now it is but one day to the time of adjournment, and I regret to say that I fear a bill introduced for that purpose will not pass."

On the same day said governor advised the general commanding the district of Oregon, Brig. Gen. Alvord, of the receipt of the call for the regiment of infantry, stating that although there has not been a general disposition in the legislature to offer bounties, the making of this call will, he thinks, occasion the passing of the bill. Upon the receipt by the general commanding the department, Maj. Gen. Irwin McDowell, of the letter of the governor of Oregon of October 20, 1864, above quoted, said general telegraphed to the governor of Oregon urging the passage of said bounty law, and in response to this telegram said governor, on October 28, 1864, addressed to Gen. McDowell the following communication:

"STATE OF OREGON, EXECUTIVE DEPARTMENT,
"Salem, October 28, 1864.

"GENERAL: Your telegram was duly received. I sent to the legislative assembly the inclosed message, and a law has been passed giving a bounty of $150 to each volunteer. Your telegram just in time. Without it the bounty bill would not have passed. I have the honor to be,

"Very respectfully, your obedient servant,

"ADDISON C. GIBBS.

"Maj. Gen. IRWIN MCDOWELL,
"Commanding Department of the Pacific."

Your petitioner further states that, under stress of the foregoing facts, the Legislature of Oregon, on October 24, 1864, passed two acts, granting in the first what was termed "extra pay," but which was in reality an amount equal to the difference between the value of coin and that of the currency paid to troops serving in the United States Army as volunteers from the State of Oregon, the gold standard being then maintained on the Pacific coast and currency being depreciated approximately 50 per cent, and the second, a bounty of $150 to each recruit thereafter voluntarily enlisting.

There being at the time no available funds for the payment of such extra pay and bounty, it was provided in said acts that, to carry out their provisions, bonds of the State should be issued, and by section 6 of the first-named act it was provided that bonds to the amount of $100,000 should be issued, redeemable on the 1st day of July, 1875, bearing interest at the rate of 7 per cent per annum from the date of their issue, payable semiannually, coupons for such interest to be attached to each bond. By section 8 of the second-named act it was provided that similar bonds bearing the same rate of interest should be issued, redeemable on the 1st day of July, 1884.

By another act, passed October 24, 1864, a copy of which is hereunto annexed, marked "Claimant's Exhibit No. 9," an appropriation of $1,000 was made to pay the expenses of engraving and printing in connection with the two acts above named.

On account of the inducements offered by the acts granting extra pay and bounty, as above set forth, the officers of said State were enabled to promptly and efficiently comply with said third call for the raising of a regiment of infantry, made, as above stated, on the 20th day of October, 1864, and did raise said regiment, which was thereafter mustered into the military service of the United States, and it served for the common defense of the United States until it was mustered out of service by companies at different dates from October 31, 1865, to July 19, 1867; and also, on account of such inducements offered for service in the United States Volunteer Army, said First Regiment of Oregon Volunteer Cavalry, recruited under the calls of October, 1861, and January, 1863, was continued in such service after the expiration of the original terms of service of its veteran volunteers, and, with recruits, continued in the military service of the United States until mustered out by companies at different dates from May 26, 1866, to November 20, 1866.

Your petitioner further states that the difficulties of recruiting troops to serve upon the established rates of Army pay, after the repeal of the provisions of the acts of 1850 and 1851, was fully represented to and recognized by the military authorities of the United States commanding in that country, and was by the general commanding the department duly reported to the War Department; that on November 20, 1863, the general commanding advised the War Department that in the execution of the varied duties and responsibilities in that remote department it had frequently been necessary for him to act promptly and assume responsibilities which in time of peace he would have deferred for the action of the General in Chief and War Department; that he has done and will thereafter do what seems to be his duty, acknowledging his responsibility to the General in Chief, the Secretary of War, and the President, in the concluding paragraph of his letter to the Missouri delegation of October 5, and that he requests of the Secretary of War an approval of all done by him in the matter of raising and organizing volunteer organizations in that department, necessary in view of the fact that objections may be made by the accounting officers in cases where the regulations of the department have not been followed. Inclosed in this communication he forwarded a copy of his General Orders, No. 40, modifying the general orders relative to recruiting by transferring to the governors of the States and Territories the control exercised by commissaries of musters and superintendents of recruiting service.

Your petitioner further states that the passage of these acts granting extra pay were reported to the Secretary of War by the military authorities of said Department of the Pacific, and that the troops so recruited were called for and accepted with the knowledge of the conditions under which said States were required and did secure their enrollment.

The value to the United States of said bounty law in the State of Oregon and the interest of the military authorities of the United States therein is further shown by the following letter of the general commanding the district of Oregon:

HEADQUARTERS, DISTRICT OF OREGON,
Vancouver, Wash., January 10, 1865.

SIR: I learn from Col. Maury on his return from Portland that the idea is entertained by some persons that the act of the Oregon Legislature of 24th October, 1864, providing for payment of $150 bounty "to every soldier who shall hereafter enlist for three years or during the war in any regiment, battalion, or company now organized or hereafter to be organized or raised as part of the quota of volunteers of this State, etc.," was not intended by the members of the Oregon Legislature for any but the First Oregon Infantry.

I desire to say that this must be a mistake, as at the first of the session I saw that a bill had been introduced by Mr. Donnell providing for bounties only to the Oregon Cavalry. I instantly wrote to Mr. Donnell begging him to modify the language of the bill so as to apply to any troops which might be called for, as no one then knew what kind of troops would be called for. The bill passed so as clearly to include either Cavalry or Infantry.

It is essential in the new effort to raise the Oregon Cavalry that the same bounties shall be promised as have been promised the Oregon Infantry. The law clearly and unmistakably provides for them.

I have the honor to be, very respectfully, your obedient servant,

BENJ. ALVORD,
Brigadier General, U. S. Volunteers, Commanding District.

His Excellency A. C. GIBBS,
Governor of Oregon, Portland, Oreg.

That under said act of October 24, 1864, granting extra pay to the Oregon volunteers in the service of the United States, there was expended by your petitioner the sum of $90,392.99, the bonds to raise funds for payment to the amount thereof being issued on January 2, 1865, and during the period while said bonds were outstanding and unpaid, and until the maturity thereof, said State was required to pay and did pay interest thereon at the rate of 7 per cent per annum, amounting to the sum of $44,745.20, making the total expenditure of said State for extra pay under said act the sum of $135,138.19, as will more particularly appear by reference to the vouchers thereof filed in this case under the title of "Abstract K."

Under said act of October 24, 1864, providing for the payment of bounty to volunteers thereafter enlisting, said State paid to such volunteers the sum of $129,041.02, and, having no available funds to meet said expenditure, did, on January 2, 1865, issue bonds bearing interest at 7 per cent per annum, as therein provided, and did actually pay thereon, as interest, the sum of $62,466.45, making a total expenditure of said State on this account of the sum of $191,507.47, as will more fully appear by reference to the vouchers thereof filed in this cause under the title of "Abstract H."

And your petitioner further incurred and paid certain expenses in connection with the office of the adjutant general and the service and the expenses of recruiting officers amounting to the sum of $9,731.33, as will more fully appear by reference to the vouchers thereof filed in this case under the title of "Abstract —."

Your petitioner necessarily incurred and paid certain expenses of the adjutant general's office in connection with the recruiting of said troops for postal expenses, amounting to the sum of $121.72, vouchers for which have been filed in this case under the title of "Abstract F."

And your petitioner further paid certain expenses for services of said adjutant general's office for clerk hire and miscellaneous items, amounting to the sum of $805.66, as will more fully appear by reference to the vouchers filed under the title of "Abstract E."

And your petitioner further paid certain expenses for services rendered by various parties for supplies, printing, services, etc., amounting to the sum of $2,276.63, as will more fully appear by reference to the vouchers filed under the title of "Abstract D."

And your petitioner further states that it paid certain expenses of transportation, amounting to $724.42, as will more fully appear by reference to vouchers filed under the title of "Abstract C."

And your petitioner further states that it paid certain expenses for miscellaneous supplies, such as arms, ammunition, and camp equipage, forage, stationery, etc., amounting to the sum of $3,998.46, as will more fully appear by reference to vouchers filed under the title of "Abstract B."

Your petitioner further states that it was during the years 1863 and 1864 called upon at various times for volunteers for temporary service for periods of a few months, and that troops were mustered into such temporary service, occasioning a part of the expenses hereinbefore set forth; that in order to be in readiness to meet such calls, acting with the full knowledge of the military officers appointed by the War Department and the commander of said military district and in the spirit of the letter of the Hon. William H. Seward to the governor of the State above referred to, it made certain provisions for a State militia, and in order to render such militia efficient it was necessary that the same be assembled at various times, and on this account the petitioner paid during the years 1863, 1864, and 1865 the sum of $9,907; that said militia was not as such mustered into service of the United States, but its organization and efficient condition was occasioned and maintained in order to comply with the request of the honorable Secretary of State, as above set forth, and was reasonable and necessary to that purpose.

Your petitioner further states that it has been guilty of no laches or delay in the preparation or presentation of this claim, but that it duly presented the same to the Treasury Department and to the War Department; that said claim was disallowed by the War Department because said department had no jurisdiction over claims of this nature, and it was disallowed by the Treasury Department for the reason that under the construction of the acts of Congress adopted by that department such expenses could not be allowed.

Your petitioner further states that by an act of Congress approved July 27, 1861, the Secretary of the Treasury was directed to reimburse the States for the costs, charges, and expenses properly incurred in enrolling, paying, etc., troops raised for service during the Civil War, and that under the liberal construction of said act which the Supreme Court of the United States (160 U. S., 598) has decided should be applied, the foregoing disbursements of the State of Oregon should have been allowed and paid, in that they were necessary to accomplish the raising of troops for the common defense.

The case was brought to a hearing on loyalty and merits on the 27th day of November, A. D. 1908.

Messrs. Ralston & Siddons and W. E. Richardson, Esq., appeared for the claimant, and the Attorney General, by Clark McKercher, Esq., his assistant, appeared for the protection and defense of the interests of the United States.

The court, upon the evidence adduced and after considering the arguments and briefs of counsel on both sides, makes the following

FINDINGS OF FACT.

I. In the early part of the Civil War the Federal troops in the State of Oregon were withdrawn for service in the East, rendering it necessary for the State authorities to raise troops for the protection and defense of the State and its citizens and the residents of adjoining Territories. Under various calls made by the War Department, the State raised seven companies of cavalry and one regiment of infantry during said war, as hereinafter set forth, numbering in all about 1,810 men, which were mustered into the United States service and were engaged during the war and until the close of the year 1866 in operations against hostile Indians.

II. In the winter of 1861–62 private citizens of Oregon, pursuant to calls made by the United States military authorities of the Pacific coast, raised six companies of cavalry, thereafter known as the "First Oregon Cavalry," which were mustered into the United States service for the term of three years. On January 5, 1863, to meet the then existing demand for troops, a further call was made on the governor of Oregon for the raising of six additional companies to complete the regiment of First Oregon Cavalry. Efforts were made by the State authorities, assisted by United States officers, to raise these troops, and up to August 10, 1863, they had been successful in raising but one company. The terms of enlistment of many of these men would expire in 1864, and on October 24 of that year the legislature of the State of Oregon passed an act entitled "An act for the relief of the commissioned officers and enlisted men of the Oregon volunteers in the service of the United States," granting to every Oregon volunteer then in the service of the United States extra pay to the amount of $5 per month from date of enlistment to date of discharge. Said act provided for the issuance of bonds to the amount of $100,000, bearing interest at the rate of 7 per cent per annum. In the redemption of these bonds the State expended for principal and interest the sum of $135,279.72, and for advertising for the redemption of the bonds before maturity the sum of $354.10, making a total of $135,633.82.

The amounts so expended under said soldiers' relief act were paid to volunteers whose terms of service had expired or were about to expire. The payment of same was a gratuity on the part of the State and was granted without any authority from the United States, and the State of Oregon has no claim, legal or equitable, against the United States on account of the expenses so incurred.

III. On October 20, 1864, Maj. Gen. McDowell, commanding the Department of the Pacific, telegraphed the governor of Oregon that orders had been received by him from the War Department that a regiment of infantry be raised in the State of Oregon as soon as possible. Upon receipt of said telegram the governor wrote Gen. McDowell, as follows:

"Your telegram requesting a regiment of infantry has just been received. I will do all in my power to raise it, but I fear I may not have as good success as desired. I recommend the legislature now in session to offer bounties, but now it is but one day to the time of adjournment, and I regret to say that I fear a bill introduced for that purpose will not pass."

The conditions then existing in that State on account of the high rate of wages, the cost of living, the inadequacy of the pay of United States troops, and the depreciation of legal-tender notes in which they were paid, as provided by law, made it impossible for the State authorities to secure volunteers for the military service without offering premiums or inducements as a consideration for enlistment.

Brig. Gen. Alvord, commanding the district of Oregon, in a communication to the governor of the State, dated October 18, 1864, which was transmitted to the legislature in a special message by the governor, stated that he felt it important for the public service, as he had continually represented to the governor, that the legislature of Oregon should pass a law giving bounty to volunteers; that the inadequacy of the pay was especially evident on the Pacific coast, where the depreciation of legal-tender notes was discouraging to volunteering. It also appears that immediately after the bounty act of October 24, 1864, hereinafter referred to, was passed, the governor of Oregon, Addison C. Gibbs, sent the following communication to Maj. Gen. Irwin McDowell:

STATE OF OREGON, EXECUTIVE DEPARTMENT,
Salem, October 28, 1864.

GENERAL: Your telegram was duly received. I sent to the legislative assembly the inclosed message, and a law has been passed giving a bounty of $150 to each volunteer. Your telegram just in time. Without it the bounty bill would not have passed.

I have the honor to be, very respectfully, your obedient servant,
ADDISON C. GIBBS.

Maj. Gen. IRWIN MCDOWELL,
Commanding Department of the Pacific.

On October 20, 1864, the governor sent a special message to the legislature of the State, informing it of the call made by the War Department for a regiment of infantry and quoting from Gen. Alvord's letter, above referred to, recommending the passage of a law granting bounty to volunteers.

Thereupon the legislature of the State, acting upon the suggestion of Gen. Alvord, passed an act approved October 24, 1864, granting a bounty of $150 to every soldier who should thereafter enlist for three years or during the war in any regiment, company, or troop, then or thereafter to be organized, and by said act appropriated and set aside a fund of $200,000, called the soldiers' bounty fund, for paying said bounties.

The State at the time was without available funds for the purpose of carrying into effect the provisions of said act, and to provide for the fund thereby created authorized the issuance of bonds, redeemable July 1, 1884, bearing interest at the rate of 7 per cent per annum from the date of issue. Thereafter the State raised one regiment of infantry, known as the First Oregon Infantry, which was mustered into the service of the United States for three years, and recruited all the companies of the First Oregon Cavalry whose terms of enlistment had expired.

In the raising of said regiment of infantry the State issued to soldiers enlisting after the passage of said act 2,760 bonds of the State of the par value of $50 each, and in the redemption of said bonds it necessarily and properly expended the following amounts: For principal, the sum of $129,041.02; for interest thereon the sum of $63,868; and for advertising for the redemption of bonds before maturity the sum of $481. The State also expended in connection with the raising of said troops and the payment of bounty under said act the sum of $153 for printing said bounty bonds, warrants, commissions, bounty certificates, and bond books, making a total expenditure under said bounty act on account of bounties paid to volunteers mustered into the United States service $193,543.02, no part of which appears to have been repaid to it.

IV. The troops so organized and mustered into the United States service as aforesaid were never actually called into the service of the United States in the suppression of the War of the Rebellion, but were engaged exclusively in the State of Oregon and adjacent Territories in the suppression of Indian outbreaks.

V. At the time of the passage of the act of the Legislature of the State of Oregon of October 24, 1864, the act of July 4, 1864 (13 Stat. L., 379), granting bounty to one, two, and three year volunteers was in force and the records of the Treasury Department in the office of the Auditor for the War Department show that the enlisted men of the First Oregon Infantry were paid bounties by the United States under that act.

Said records also show that the enlisted men of the First Battalion of Cavalry, Oregon Volunteers, were paid bounties by the United States under the act of Congress of July 22, 1861 (12 Stat. L., 268, secs. 5 and 6), and orders of the War Department, series of 1863, legalized by joint resolution of January 13, 1864 (13 Stat. L., 400).

VI. The Legislature of Oregon passed an act approved October 16, 1862, provicing for an enrolled militia out of which the Organized Militia of the State should be formed. Companies were raised, equipped, and drilled, and the State expended during the years 1863 to 1865, in raising, supplying, and equipping said militia the sum of $6,323.44.

No part of said militia was ever in the military service of the United States, and the State of Oregon has no claim, legal or equitable, against the United States for expenses incurred by the State in raising, supplying, and equipping the same.

VII. This claim was first presented to the War Department and was disallowed, because that department had no jurisdiction to consider such claims. It was then presented to the Treasury Department in 1884 under the act of June 27, 1882 (22 Stat. L., 111), and was disallowed on the ground that the act of July 27, 1861 (12 Stat. L., 276), made no provision to pay the expenses of raising troops for State purposes.

Thereafter the claim was presented to the Fiftieth and subsequent Congresses, and was transmitted to the court by resolution of the United States Senate, as hereinbefore set forth.

BY THE COURT.

Filed December 31, 1908.
A true copy.
Test this 29th day of April, 1909.
[SEAL.]
JOHN RANDOLPH,
Assistant Clerk Court of Claims.

The CHAIRMAN. The Chair is ready to rule. If this was a judgment of the Court of Claims, it would be in order on a deficiency bill. The gentleman from Oregon states that it is not a judgment of the Court of Claims, but is a mere finding of fact by that court. Findings of fact filed by the Court of Claims do not authorize an appropriation on a general deficiency bill. The Clerk will read.

The Clerk read as follows:

Indiana Harbor, Ind.: So much as may be necessary of the unexpended balance of the appropriation heretofore made for the improvement of the harbor at Indiana Harbor, Ind., is hereby made available, in the discretion of the Secretary of War, for the maintenance of the inner harbor, in accordance with the provisions of House Document No. 1113, Sixtieth Congress, second session.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph. I do not find anything in the index of the hearings relating to this provision. I would like to know whether it was recommended by the Secretary of War to be included in this bill.

Mr. CRUMPACKER. Mr. Chairman, that provision was recommended by the Secretary of War. It was put in the bill at my suggestion and was put into form by the gentleman from New York [Mr. ALEXANDER], chairman of the Committee on Rivers and Harbors.

It involves no appropriation. The situation is this: On December 4, 1908, House Document 1113 was submitted to Congress by the Secretary of War, recommending that the Government take over the harbor at Indiana Harbor, Ind., extending from Lake Michigan to the Calumet River south, a distance of about 3 miles. The document set out the plan of the harbor in detail. At that time what is called the outer harbor, the portion lying between certain railroad and Lake Michigan, had been completed. The last river and harbor bill, approved June 25, 1910, carried an appropriation of $62,000, to be expended in accordance with House Document 1113 for improvement and maintenance of the outer harbor.

House Document 1113 recommended that the Government take over the work from the lake to Calumet River when private interests had dredged the harbor at a depth of 22 feet and 300 feet wide from the lake to the railroads and from the railroad, those located nearest the lake, down to Calumet River, 22 feet deep and 200 feet wide.

It was estimated that $62,000 would be required to improve and maintain that portion called the outer harbor.

That was in December, 1908. There was no legislation until June 25, 1910, when the river and harbor bill carried an appropriation of $62,000, and authorized the Government to take over the improvement. The document required the owners of the land to turn over to the Government, free of cost and free of all claims of whatsoever character, the harbor from Lake Michigan down to the Calumet River.

In the meantime private interests have been dredging the harbor and have completed it for a mile and a half south of the lake. There have been two large industries already located on the inner harbor and one is negotiating now, with a view to establishing a steel plant on the harbor costing upward of $5,000,000, and the question in the mind of that company is whether the Government is committed to the maintenance of the inner harbor after it is completed. The harbor has already been taken over by the Government, and the title was accepted last November. Not a dollar of the $62,000 has been expended, and the probabilities are that little, if any, will be expended until we have another river and harbor bill. The provision authorizes the use of the $62,000, or any part of it, in maintaining the inner harbor as far as completed.

The harbor is dredged, a mile and a half south of the lake, 200 feet wide and 22 feet deep, and the balance of it is dredged 100 feet wide and 22 feet deep, and the company is at work completing the dredging. Local interests did this all at their own expense at a cost of about $750,000, and it is the only harbor in that portion of northwestern Indiana that is free and open and it is being occupied by independent steel makers. There is another harbor at Gary that is owned and controlled by the United States Steel Corporation absolutely, built by the corporation and owned by it, and is under its control, and the importance of this legislation is that independent companies may locate on the channel and get the benefit of the harbor.

Mr. KEIFER. I would like to inquire if the gentleman from Indiana knows the amount of the unexpended balance of the appropriation heretofore made for the improvement of the harbor?

Mr. CRUMPACKER. It is all unexpended.

Mr. KEIFER. How much was it originally?

Mr. CRUMPACKER. Sixty-two thousand dollars, and no part of it has been expended.

Mr. MANN. This is just for maintenance.

Mr. CRUMPACKER. This is for maintenance. It does not appropriate any money, but gives the Secretary of War discretion to use a portion of the appropriation in maintaining the inner harbor.

Mr. STAFFORD. As I understand the proposition, the money was originally appropriated for outer harbor improvements.

Mr. CRUMPACKER. It was appropriated for improvements of the so-called outer harbor in accordance with House Document 1113.

Mr. STAFFORD. And now you wish to apply that to inner harbor development?

Mr. CRUMPACKER. The House document states that the Government should maintain the harbor down as far as it was completed, and it having been completed up to the railroads at that time, it estimated that the amount appropriated was necessary for improvement and maintenance up to that point. That was the interpretation of the law made by the War Department.

Mr. STAFFORD. Will the gentleman explain why this provision was not incorporated in the river and harbor act of this year?

Mr. CRUMPACKER. Because nobody knew. I did not know anything about it. I supposed that the War Department had given the document the construction that it seems to me was almost forced, that the amount was available for maintenance, as far as the harbor was completed, and they have completed the harbor a mile and a half since House Document No. 1113 was filed.

Mr. COX of Indiana. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The regular order is demanded.

Mr. STAFFORD. Mr. Chairman, I desire some further information. If the committee wishes the regular order, I shall insist on the point of order.

Mr. CRUMPACKER. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CRUMPACKER. This paragraph is of a great deal of importance to that locality and it does not cost the Government a penny.

Mr. STAFFORD. Will the gentleman answer me this, whether the Chief of Engineers or the Board of Engineers that review harbor improvement estimates have ever approved of the improvement covered by this document, similar to the practice obtaining to the provisions carried in the river and harbor bill?

Mr. CRUMPACKER. What does the gentleman mean?

Mr. MANN. They made their report, which is House Document 1113.

Mr. CRUMPACKER. All we have on the subject is a letter from the War Department stating that there is no objection to this provision, and they can only use the appropriation as far as the harbor is completed, according to the terms of House Document 1113.

Mr. STAFFORD. Has the Board of Engineers approved of that likewise? The gentleman knows that to obtain an appropriation in the river and harbor act under the practice of the River and Harbor Committee it is necessary to have the favorable indorsement of the Chief of Engineers and also the Board of Engineers.

Mr. CRUMPACKER. The Board of Engineers approved and recommended the taking over of the improvement in the first place, upon the conditions set forth in House Document 1113.

Mr. MANN. That was their report.

Mr. CRUMPACKER. That was the engineer's report, and the Secretary of War has recommended this particular item.

Mr. STAFFORD. As I understand, it is because of the belated information called to the gentleman's attention that this matter was not incorporated in the river and harbor act of this year?

Mr. CRUMPACKER. That is it.

Mr. STAFFORD. I withdraw the point of order.

The Clerk read as follows:

To pay the Canadian Electric Light Co. for damages to its cable by the U. S. gunboat Essex by fouling her anchor with the company's cable between Levis and the city of Quebec, July 17, 1904, the same being in full for and the receipt of the same to be taken and accepted as full and final release of the claim, $7,307.30.

Mr. COX of Indiana. Mr. Chairman, I make a point of order on the paragraph; it is nothing but a claim.

The CHAIRMAN. The Chair desires to inquire of the gentleman from Ohio if there is any law authorizing this expenditure.

Mr. KEIFER. This is, as I understand it, an international matter.

The CHAIRMAN. The Chair fails to hear the gentleman from Ohio. Does the gentleman assert that this appropriation is to carry out the provisions of a treaty?

Mr. KEIFER. That is what I understand by it.

The CHAIRMAN. Then the Chair would overrule the point of order.

Mr. COX of Indiana. Mr. Chairman, but the gentleman does not assert that that is true.

Mr. KEIFER. This is not exactly to carry out a treaty, but it is to carry out an obligation that grows out of an international matter between the two countries, as I understand it.

The CHAIRMAN. The matter has never been adjusted between the two Governments?

Mr. KEIFER. I think it has, but let me make this suggestion if there is any question about it. I am not very familiar with this, and I ask unanimous consent that it be passed over for the present.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the paragraph be passed without prejudice.

Mr. COX of Indiana. I will consent to that; that is, with the point of order pending.

Mr. KEIFER. Certainly.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

The Auditor for the Navy Department is directed to allow mileage to officers of the Navy who have heretofore been disallowed same by reason of a decision of the Assistant Comptroller of the Treasury, dated March 17, 1910; and to pay said allowances out of any balances of the appropriations for pay, miscellaneous, of the Navy.

Mr. COX of Indiana. Mr. Chairman, I reserve the point of order on the paragraph. Is there any authority of law for that? I will make the point of order, then, Mr. Chairman.

The CHAIRMAN. Does the gentleman make the point of order?

Mr. COX of Indiana. I make the point of order.

The CHAIRMAN. The Chair will hear the gentleman from Ohio on the point of order.

Mr. KEIFER. Mr. Chairman, I am not very familiar with the item, but I understand there was a different construction given by the Comptroller of the Treasury with reference to making these payments and allowance of mileage to officers of the Navy; that they have reviewed that and made those allowances to those officers in the form of mileage, and this item is to carry moneys which were disallowed by a former construction of the department.

The CHAIRMAN. Under a present construction given by the department?

Mr. KEIFER. The present construction allows it, and it is recited in the paragraph to which the point of order is made:

The Auditor for the Navy Department is directed to allow mileage to officers of the Navy who have heretofore been disallowed by reason of a decision of the Assistant Comptroller of the Treasury dated March 17, 1910——

Mr. MANN. Will the gentleman yield for a question?

Mr. KEIFER. Yes.

Mr. MANN. Under the wording of the paragraph, does it mean disallowel by reason of the decision by the assistant comptroller or for the purpose of allowing it by reason of a recent decision of the comptroller?

Mr. KEIFER. No; it was formerly disallowed, and on a review in the auditor's office, Navy Department, they reversed the decision of the assistant comptroller.

Mr. MANN. Here is a decision of the assistant comptroller dated March 17, 1910, and the way the paragraph reads it would apparently mean that it was disallowed by reason of that decision. If so, it must be subsequent——

Mr. KEIFER. The allowance of mileage to the officers of the Navy Department who heretofore had their claims disallowed. That is the way I understand it.

Mr. MANN. It says:

Who has heretofore been disallowed same by reason of a decision of the Assistant Comptroller of the Treasury, dated March 17, 1910.

If they were disallowed by reason of that decision, that is one thing. If a decision of the comptroller on March 17 would allow the claim which had been previously disallowed, it might be a different situation.

Mr. TAWNEY. Mr. Chairman, this paragraph authorizes the Auditor for the Navy Department to allow mileage to the officers whose claim for mileage has heretofore been disallowed under a decision of the Comptroller of the Treasury dated March 17, 1910.

The CHAIRMAN. The Chair asks the gentleman from Minnesota if that decision has been reviewed and changed or overruled?

Mr. TAWNEY. It has not, and I will say to the gentleman from Indiana—I do not know whether the facts have been explained fully or not——

Mr. MANN. They have not.

Mr. TAWNEY. The facts are these: These officers, and there are only a few of them, are naval officers who had performed sea duty for a period of three years. They had performed their full period of three years of sea duty. Under the regulations they are entitled to 30 days' leave after three years of sea duty.

They were ordered to their homes with leave for 30 days. Under the decision of the Comptroller of the Treasury and the Auditor for the Navy Department, the fact that leave was granted to them in the same order, and instead of ordering them to their homes to await orders ordered them home on 30 days' leave, under the regulations and under the law, deprived them of their mileage from the station at which they were serving their sea service to their homes. If the order had been to return to their homes and await orders then they would have been entitled to the mileage and would have received it. Now, they attempted to cure the defect in the original order by writing a subsequent letter to the effect that they would be granted 30 days' leave of absence, at the expiration of which they would then receive orders for further duty. In one case there was $700 that one young officer of the Navy had received on account of mileage, and when this decision was rendered the amount which he had just received, and to which he was legally entitled, has been charged against him and is being taken out of his pay from month to month as his pay accrues, when it was no fault of the officer in any sense at all.

Mr. COX of Indiana. As I understand the gentleman's statement, the fault was more in the order than in the decision?

Mr. TAWNEY. The fault was in the order.

Mr. DAWSON. If the gentleman will pardon me, is it not true that the department has corrected this as far as it applies to the future by, instead of issuing one order, issuing two orders, and if that had been done in these instances in the past this probably would never have arisen at all?

Mr. TAWNEY. It is a hardship on the officer, who was in no sense responsible.

Mr. COX of Indiana. The explanation is satisfactory to me, Mr. Chairman.

The CHAIRMAN. The point of order is withdrawn. The Clerk will read.

The Clerk read as follows:

INTERIOR DEPARTMENT.

For reimbursement to the appropriation for contingent expenses, Department of the Interior, 1911, of expenses incurred in the investigation instituted in the Patent Office to determine the validity of certain applications for patent for electric lighting, filed by one John Allen Heany, including traveling expenses, expenses of witnesses, cost of copies of testimony, and other expenses incident to the investigation, $2,500, to remain available until used.

Mr. MANN. Mr. Chairman, I reserve the point of order on the paragraph. I notice that it proposes to reimburse the appropriation for contingent expenses, and then it makes the item available until used. I take it that the unexpended balance of the appropriation for contingent expenses for the Department of the Interior would itself be covered into the Treasury at the end of two years. What is the object of making this item available until used?

Mr. TAWNEY. I will say to the gentleman from Illinois that if there is an unexpended balance in the contingent appropriation it shall be turned into the Treasury at the end of two years, but this is to reimburse that appropriation for the expenses that were incurred in the Patent Office in an investigation that has been going on there for some time regarding the validity of certain patents. There have been some prosecutions already growing out of this investigation. The Commissioner of Patents was obliged to conduct it. There were no funds with which to pay the expenses, and it was necessary in the investigation to bring witnesses to Washington from some distance. The department has paid the expense out of

the contingent appropriation. Now, the amount that has already been expended is something like $2,000 or $2,500, which will materially reduce this appropriation, and it is for that purpose, and that is the reason why it becomes necessary to reimburse this appropriation.

Mr. MANN. Yes; but I call the attention of the gentleman to the fact that this is to reimburse a specific appropriation for contingent expenses for the year 1911.

Mr. TAWNEY. Yes.

Mr. MANN. That appropriation will not remain available after it goes back into the surplus fund of the Treasury, but this appropriation is to remain available until used, and all it could be used for would be to reimburse a fund which has already been covered into the Treasury.

Mr. TAWNEY. The gentleman is right in that, although the commissioner requested this language, because he thought possibly the investigation would not be concluded during this fiscal year, and it was to make available for this investigation the appropriation asked, or the reimbursement asked for, beyond the end of this fiscal year. Now, if it will satisfy the gentleman from Illinois to strike out the provision that it remain available until used, I would be perfectly willing to do it.

Mr. MANN. But this appropriation will remain available without that in, as long as the other appropriation, and made available to reimburse another appropriation.

Mr. TAWNEY. It will remain available for expenditures on account of obligations incurred throughout the year for which the appropriation is made, and not any longer.

Mr. MANN. It is self-contradictory on its face, and for that reason it is objectionable.

Mr. TAWNEY. But if it is a matter of interest to the gentleman, I will ask that the words "to remain available until used" be stricken out of that provision. I make that motion, Mr. Chairman.

The CHAIRMAN. The gentleman from Minnesota moves to strike out the words "to remain available until used." The question is on agreeing to the motion.

The motion was agreed to.

The Clerk read as follows:

To complete the construction of the building for the heating, lighting, and power plant in connection with the Capitol Building and other congressional buildings, including waterway, substation equipment, cable connections between buildings, and for each and every purpose in connection with and necessary for said completion, $54,357.65, to be expended under the direction of the commission in control of the House Office Building appointed under the sundry civil appropriation act approved March 4, 1907.

Mr. CULLOP. Mr. Chairman, I make a point of order on the paragraph commencing on page 42 and running over on page 43. I would like to ask the chairman of the Committee on Appropriations if that commission was not changed the other day in the House?

Mr. FITZGERALD. No; that is not the same commission. There are two House Office Building Commissions, the one in charge of construction and the other that is in charge of the building after construction. The commission originally appointed was known as the commission to construct the building. That commission is ready to report, and this particular language is put in so that there will be no question about the authority to control this appropriation. This commission can only consist of men who are Members of the House.

Mr. CULLOP. Then this is not the same commission that was referred to the other day?

Mr. FITZGERALD. No. The gentleman probably has in mind the commission to reconstruct the Hall of the House.

Mr. CULLOP. Yes. I withdraw the point of order.

The Clerk read as follows:

To pay Elliott Woods compensation for services in connection with the preparation of the plans and specifications for and superintending the construction of the House Office Building, the Capitol power plant, and subway, as authorized by the act approved March 3, 1905, $7,500.

Mr. COX of Indiana. Mr. Chairman, I reserve the point of order on that paragraph.

The CHAIRMAN. The gentleman from Indiana reserves the point of order on the paragraph.

Mr. COX of Indiana. I want some explanation of it, and as suggested by my colleague from Illinois here [Mr. FOSTER], I would like to have some explanation as to why this second item is included.

Mr. TAWNEY. Mr. Chairman, I will say for the information of the gentleman from Indiana that at the close of the Fifty-seventh Congress, or at the last session of the Fifty-seventh Congress, Congress authorized the construction of the House Office Building and also the construction of the Senate Office Building, and Congress at that time created a commission to supervise and superintend the construction of both buildings and the approaches from both buildings, including the tunnels, to the Capitol, which is under the jurisdiction of the Superintendent of the Capitol Building. The aggregate expenditure authorized for the House Office Building was $3,160,548. About the same amount was appropriated for the construction of the Senate Office Building. Now if the commission, as it was authorized to do—and I hope I may have the attention of the gentleman from Indiana——

Mr. COX of Indiana. I am listening——

Mr. TAWNEY. If the commission, as it was authorized to do, had employed an outside architect for the purpose of preparing plans and specifications and for superintending the construction of those buildings, tunnels, and so forth, in connection with and incidental to the construction of those buildings, the architect's charge would have been 6 per cent of this construction. Instead of that, however, the Superintendent of the Capitol Building and Grounds was charged with the duty and responsibility of preparing the plans and specifications and superintending the construction of these buildings, although that work was entirely outside of his statutory duties as Superintendent of the Capitol. But believing, as the commission did, that the Superintendent of the Capitol possessed the requisite ability to plan and superintend this work, they placed him in charge of it. As a matter of protection the commission authorized the Superintendent of the Capitol to employ a consulting architect. The plans and specifications for the buildings were prepared and the buildings were constructed, and if the plans and specifications had been prepared and the construction of the buildings superintended by an outside architect that outside architect would have received a fee ranging somewhere between $350,000 and $400,000.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAWNEY. I trust I may have five minutes more, Mr. Chairman.

The CHAIRMAN. The gentleman desires five minutes more. The Chair hears no objection. The gentleman may proceed.

Mr. TAWNEY. These buildings were constructed under the supervision of the Superintendent of the Capitol at an expense not only within the bare limit of cost, but considerably below the limit of cost. There would have been paid for architect's fees on the House Office Building, on the basis of 5 per cent, $158,000. As it was, the supervisory and architectural work actually cost the Government the sum of $88,000, or only 2.7 per cent of the cost of the building.

Mr. COX of Indiana. To whom was that paid?

Mr. TAWNEY. A large part of that was paid to the consulting architect.

Mr. FITZGERALD. That included the plans, did it not?

Mr. TAWNEY. Oh, yes; that included the office force, the preparation of the plans and specifications, and the compensation of the consulting architect.

Mr. SIMS. That included all the expense of such services as an ordinary architect would perform?

Mr. TAWNEY. Yes; that included all the expense that would have been incurred if an outside architect had been employed.

Mr. SIMS. Let me ask the gentleman how this amount compares with what the architect charged for remodeling the White House?

Mr. TAWNEY. Well, I do not think there is any comparison with the charge made by the architect who prepared the plans and specifications for remodeling the White House.

Mr. SIMS. This is so much more modest.

Mr. TAWNEY. Yes.

Mr. SIMS. There we expended $600,000, and I suppose the architect received his 5 per cent, or $30,000.

Mr. TAWNEY. As I was saying, the work actually cost the Government the sum of $88,000, or 2⅞ per cent on the cost of the building. Out of this the sum of $31,703.95 was paid for the services of a consulting architect, and a further sum of $11,000 for special engineering services, which ordinarily the client has to pay. The total net saving to the Government on architectual cost alone on this building has actually been $70,027.44.

I have a similar statement with regard to the saving on the Senate Office Building. Now, the net saving to the Government on the entire construction has been $140,855.12.

Mr. SIMS. Due to the services of Mr. Woods?

Mr. TAWNEY. And that saving has been due entirely to the fact that the Superintendent of the Capitol Building has rendered the service, for which otherwise the House Office and Senate Office Building Commissions would have had to employ outside architects, at an increased cost of over $140,000.

Now, what it is proposed to do is to allow Mr. Woods $7,500 compensation for the services he has rendered in saving to the Government of the United States more than $140,000.

In this connection it may be of interest to the Members of the House to know——

Mr. COX of Indiana. What is the salary of the Superintendent of the Capitol?

Mr. TAWNEY. The salary is $6,000 a year, but during the time when he was performing most of this service the salary was only $4,500 a year. His salary was raised only a year ago.

In this connection I want to call attention to the fact that when the National Museum was authorized, at a cost of only a little over $2,000,000, the superintendent of the Congressional Library, charged with the responsibility, not of preparing the plans and specifications, but of supervising the construction of the National Museum, was allowed $2,000 a year in addition to the salary of $5,000 a year which he received as superintendent of the Congressional Library, and he has since that time served in that capacity for a period of over seven years, receiving therefor, merely as superintendent, an aggregate of about $14,000 for the entire service, whereas the Committee on Appropriations recommend only $7,500 for Mr. Woods. I trust that the gentleman will not object to this; but if it is objected to on the ground that it is not authorized by law, then I want to say that page 30 of the sundry civil appropriation act approved March 3, 1905, expressly authorized this commission to employ the services of Mr. Woods or any other architect that they might see fit, and this is only a matter of simple justice. In my judgment the amount ought to have been twice what we have allowed.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIMS. I desire to be recognized in my own right, simply to ask a question. Is it not also a fact that the Institute of American Architects made considerable complaint because Mr. Woods was permitted to do this work?

Mr. TAWNEY. They did. The Institute of American Architects made a great deal of complaint against the commission for having employed him.

Mr. SIMS. The object of the commission in employing him was to save money to the Government.

Mr. TAWNEY. To save money to the Government, and there has been a very large saving.

Mr. MANN. Mr. Chairman, I was chairman of the committee on the House Office Building, the special committee on the assignment of rooms in that building. That committee commenced the performance of its duties before this building was completed, and in connection with the position which I occupied I was brought into contact with Mr. Woods for awhile almost daily. I have no hesitation in saying that Mr. Woods saved not merely the amount of money which the gentleman from Minnesota has referred to as saved in architects' fees, but that he saved to the Government a quarter or a half of a million dollars in the construction of the House Office Building. There were no large bills for extras in that building. It is one of the few buildings which have been constructed of such a character in the country where, although the cost of the materials had materially increased, the total cost of the building was within the original estimate of the cost. And it was largely owing to the common sense and to the constant care of Mr. Woods, the Superintendent of the Capitol.

Of course, I do not know whether he is entitled to compensation under the provisions of the law or not; but I do believe it is to the interests of the Government to pay such a man for such services rendered outside of his statutory duties a fair and reasonable amount. It has become the practice to provide, in reference to the erection or repair of Government buildings in Washington, that they shall be constructed under the supervision of the Superintendent of the Capitol. There have been several such cases as that. He has not been here asking for compensation in these cases. But when he did the work which he did on the House Office Building it is an economical proposition to pay him for that and expect other public servants will render like services in the future.

Mr. SIMS. And he did not neglect any of his official duties during that time.

Mr. TAWNEY. He did not.

Mr. ADAMSON. Mr. Chairman, I want to corroborate all that the gentleman from Illinois has said about Mr. Woods. It was my lot to serve upon the committee with the gentleman from Illinois, and I have personal knowledge of the facts which he has stated. I think we not only saved money in employing Mr. Woods, but we saved immensely by the practical, level-headed common-sense way the work was done, as well as architecturally, in my judgment.

Mr. TAWNEY. Mr. Chairman, I want to add a word in justification of the recommendation of the committee. Members of the House will recollect the fact that we constructed new buildings at Annapolis at a limit of cost of about $8,000,000 which was subsequently increased to $10,000,000. The architects' fees, or the fees paid the architects who prepared the plans and specifications and superintended construction of those buildings, aggregated almost $500,000. Here is an expenditure almost equal to that and we recommend the paltry sum of $7,500.

Mr. COX of Indiana. Mr. Chairman, I want to ask the gentleman a question. He and I have no quarrel about the competency of Mr. Woods or about the work he has done and the economy he has effected. But I want to know whether or not, if Mr. Woods gets this $7,500, that that will be in complete payment for everything he has done in superintending the House Office Building?

Mr. TAWNEY. So far as I know there will be no further payment in regard to the House Office Building or the power plant.

Mr. COX of Indiana. Or on the Senate Office Building?

Mr. TAWNEY. I do not know anything about the Senate Office Building. That is under the control of another commission.

Mr. COX of Indiana. If I could have some assurance that this would be the final amount asked for, I might withdraw the point of order.

Mr. TAWNEY. It is a matter of little consequence to me so far as the point of order is concerned, because the employment was authorized by law, at such compensation as the commission deems necessary. The work has been completed, and the compensation carried here has been recommended by the commission.

Mr. MANN. Will the gentleman yield?

Mr. TAWNEY. Certainly.

Mr. MANN. Let us be perfectly on the square about this. We all admit that Mr. Woods ought to receive some compensation. This item proposes to pay him $7,500 on account of the House Office Building.

Mr. TAWNEY. And the power plant.

Mr. MANN. I do not see anything about the power plant.

Mr. TAWNEY. All the work he has done under the direction of the House commission.

Mr. MANN. How much is he to get for superintending the erection of the Senate Office Building?

Mr. TAWNEY. I do not know. We have no control over the matter.

Mr. MANN. I think we have.

Mr. TAWNEY. We have not, and if the Committee on Appropriations had reported a provision here for compensation on account of both buildings it would not have been authorized by law. The construction of the Senate building is under authority entirely distinct from the construction of the House Office Building.

Mr. MANN. I understand that, but——

Mr. TAWNEY. And I do not know that the Senate contemplates giving him anything.

Mr. MANN. The Senate does not give it to him. Congress gives it to him.

Mr. TAWNEY. I mean that I do not know that the Senate proposes to increase this amount. I hope the Senate will.

Mr. MANN. That is what I want to get at. Why not fix the amount here now.

Mr. TAWNEY. I do not think we ought to.

Mr. MANN. I do not think we have turned over everything in connection with the Senate Office Building to the Senate itself.

Mr. TAWNEY. If they think he is entitled to compensation for services rendered to that commission, we ought to leave it to them.

Mr. SMITH of Iowa. It seems to me the gentlemen ought to bear in mind the fact that the House Commission has made an estimate for this amount. No estimate has been received from the Senate Commission. It seems to me it would be highly improper to have put into this bill an appropriation for Mr. Woods for the Senate work without any estimate at all.

Mr. MANN. I bear this fact in mind, which evidently the Committee on Appropriations does not bear in mind, that the limit of cost of both of these buildings has been reached.

Mr. SMITH of Iowa. Yes; and exceeded.

Mr. MANN. And that this item would not be in order because of that fact.

Mr. SMITH of Iowa. Oh, I beg the gentleman's pardon. It is my understanding that there are repeated rulings to the contrary, where the limit has been reached and passed as in this case.

Mr. MANN. By what authority, the limit of cost having been reached?

Mr. SMITH of Iowa. After the Congress has appropriated all the money authorized, as for instance in the case of the

Atlanta Penitentiary and the Leavenworth Penitentiary, and it then makes an additional appropriation, that abandons the limit of cost according to numerous decisions.

Mr. MANN. Not at all.

Mr. SMITH of Iowa. It seems to me that it is perfectly plain why this bill should carry the expense of the House Office Building as reported by the House Commission and estimated for to this Committee on Appropriations.

Mr. MANN. I am not opposed to it. I believe in putting them both together.

Mr. SMITH of Iowa. I do not see why the gentleman insists that an appropriation for the Senate Office Building should be reported by the Appropriations Committee to the House without an estimate and without any information as to what the Senate Commission wants.

Mr. MANN. We have just as much information about one as the other.

Mr. SMITH of Iowa. Oh, I beg the gentleman's pardon.

Mr. MANN. We have. I do not know what the information of the gentleman from Iowa may be, but no information has been furnished to the House more than we have about both buildings.

Mr. SMITH of Iowa. I beg the gentleman's pardon. The estimate is in for the House Office Building.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. COX of Indiana. I ask unanimous consent that his time be extended for five minutes.

There was no objection.

Mr. TAWNEY. I have a letter here addressed to me, dated February 21, 1911, which I will read:

OFFICE BUILDING,
HOUSE OF REPRESENTATIVES,
Washington, D. C., February 21, 1911.

DEAR SIR: We recommend and request that there be included in the general deficiency appropriation bill provisions to pay Elliott Woods, Superintendent of the Capitol Building, the sum of $7,500 for services rendered in the preparation of plans for and superintending the construction of the House Office Building, the Capitol power plant, and the subway connecting the Capitol and House Office Building, and to James C. Courts, clerk of the Committee on Appropriations, the sum of $2,500 for his services as secretary to the House Office Building Commission from the time of its organization in March, 1903, to the present date.

Both of these employments and payment therefor were authorized by a provision carried in the sundry civil act approved March 3, 1905.

It is proper to add that neither Mr. Woods nor Mr. Courts has heretofore been paid anything for the services they have rendered nor has the commission, during its period of service, employed anyone else to act in the capacity in which they have served.

Very respectfully,

J. G. CANNON,
WALTER I. SMITH,
House Office Building Commission.

Hon. JAMES A. TAWNEY,
Chairman Committee on Appropriations,
House of Representatives.

Mr. COX of Indiana. Now will the gentleman yield for a question?

Mr. TAWNEY. Yes.

Mr. COX of Indiana. I want to ask the gentleman this question: Whether or not he has any information from Mr. Woods whatever, if it is not disclosing any confidence, that if this sum of $7,500 be allowed to Mr. Woods he will accept that in lieu of all services, not only for supervising the House Office Building, but the Senate Office Building as well?

Mr. TAWNEY. I will say frankly and truthfully to the gentleman from Indiana——

Mr. COX of Indiana. I know you will, whatever you may say.

Mr. TAWNEY (continuing). That I have never had a word of conversation with Mr. Woods on the subject. He has never asked me to make any recommendation. The matter was not even discussed between him and myself at any time and so far as I am concerned as a member of the Committee on Appropriations I have based my recommendations upon my judgment and belief that so far as Mr. Woods's services to the House Commission was concerned he is entitled to all that we are proposing to give him and even more.

Now, the question of whether the Senate Commission considers that he is entitled to the additional amount on account of superintending the construction of that building is a matter for the Senate Commission to determine, and if they recommend that, in their judgment, he is entitled to compensation, then the matter of his aggregate compensation will be a matter of legitimate conference between the two Houses of Congress. I do not think we ought to preclude or attempt to preclude the Senate Commission from expressing its judgment regarding the question of whether or not Mr. Woods is entitled to any additional compensation above the salary which was paid him for other duties and in performing the services which he did for that commission, and I trust the gentleman——

Mr. COX of Indiana. Mr. Chairman, considerable time has already been taken up in the discussion of this item. There is no dispute between the chairman of this committee and myself in regard to the ability of Mr. Woods. We all agree he is competent and qualified to fill this important position. We all agree that he is able, efficient, and a wise public official; but I do not agree with the chairman of this committee that we must all the time place a premium upon efficiency.

Mr. TAWNEY. Well, if the gentleman from Indiana will pardon me, I am not recommending this appropriation as a premium on efficiency, but as a legitimate compensation for services imposed upon a faithful public official upon whom we had no right to impose them under his statutory employment.

Mr. COX of Indiana. I will agree also that the gentleman saved the Government a good deal of money, but when he did that he did nothing in the world but what his plain, positive duty as a public servant demanded he should do. That is all he did; that is all he was entitled to; and in response to the last proposition stated by the gentleman from Minnesota, that there was an additional burden imposed upon this man in supervising a public building, a complete answer to that is that he was ready and willing to assume the additional burden because drawing his salary at the time, and there is not a word of testimony or any statement made here this evening that he ever demurred or objected for one moment when this additional burden was imposed upon him, but he voluntarily entered upon the additional work, whatever that may be. I have heard the argument made here time and time again that because one public official has done this and another public official has done that, and one public official has brought about some particular economy, for that reason, and that alone, we ought to increase his salary. I object to such legislation as that. And until the chairman of the committee produces the law upon which he contends he is able to hang this appropriation, I insist upon my point of order, and I do it very largely upon the proposition that no assurance is given by the chairman of the committee that this amount will be final. And when it goes to the other end of the Capitol it will emerge from there with an addition to this $7,500 put upon it, and we may be called upon to pay $15,000 instead of $7,500.

Mr. SIMS. Mr. Chairman, will the gentleman withhold his point of order for a moment? This gentleman, Mr. Woods, is peculiarly the servant of this House. He has pride in Congress and in the work of this body and in the success of its undertakings, and I think it is much safer to remunerate this sort of a man than if this legislative body always depended entirely upon the appointees in the executive departments.

I want to say that I believe it would be a wise thing if there was an assistant engineer, or a man having the capacity of an engineer, to be employed by this House to assist the District Committee in its legislation for the improvement of streets and for other permanent improvements in the city of Washington, as an offset against the influence that Executive power has over its own appointees. I think this is something more than a mere personal compliment to Mr. Woods. I think we ought to rely on our own servants and use them as much as we can. Mr. Woods would have, the same as any other man, the pride of having his name connected with this great building, and would perhaps regard that as compensation enough, but I think it is absolutely niggardly on our part not to give him something. I think there is a higher consideration than any contract that can be made. Let us have more of this thing done hereafter, instead of employing experts outside of this House, who have no pride in the success of the economies that may be attempted by this House. I hope my friend from Indiana [Mr. Cox] will not insist on his point of order.

Mr. DAWSON. I would like to ask the gentleman from Indiana [Mr. Cox] a question.

The CHAIRMAN. The Chair will ask the gentleman from Minnesota [Mr. TAWNEY] in what volume and on what page in the statutes this provision allowing compensation to Mr. Woods can be found?

Mr. TAWNEY. It is to be found in the sundry civil act approved March 6, 1905, page 30.

The CHAIRMAN. Under what subtitle?

Mr. TAWNEY. It is under the head of the "Department of the Interior—Public Buildings." The proviso reads as follows:

Provided, That any clerk or other employee designated by the commission on the Senate Office Building or the House Office Building, or the joint commission on the Capitol extension, respectively, and who may now be receiving a salary from the Government, shall be paid from the date of his appointment such compensation as may be fixed by the respective commissions, not to exceed $1,000 per annum in any case.

The CHAIRMAN. The Chair will inquire whether the amount of $7,500 was fixed by the commission as compensation for Mr. Woods?

Mr. TAWNEY. Seven thousand five hundred dollars was the amount fixed by the commission, as shown by the letter, which I read a moment ago, addressed to the chairman of the Committee on Appropriations and signed by the two members of the House Office Building Commission.

Mr. COX of Indiana. What is the amount stated in the law?

The CHAIRMAN. Is that amount in excess of the sum of $1,000 per annum?

Mr. TAWNEY. No; it is not.

The CHAIRMAN. Will the gentleman please send to the Chair a copy of the sundry civil act from which he has just read?

Mr. TAWNEY. I will say, Mr. Chairman, that the services have extended over a period of eight years.

The CHAIRMAN. The Chair finds in the sundry civil appropriation bill approved March 3, 1905, the following proviso:

Provided, That any clerk or other employee designated by the commission on the Senate Office Building or the House Office Building, or the joint commission on the Capitol extension, respectively, and who may now be receiving a salary from the Government, shall be paid from the date of his appointment such compensation as may be fixed by the respective commissions, not to exceed $1,000 per annum in any case.

The Chair understands from the statement of the gentleman from Minnesota [Mr. TAWNEY] that Mr. Woods's services have extended over a period of eight years, and that the Commission on the House Office Building has recommended that he be paid $7,500. In view of that, the Chair overrules the point of order. The Clerk will read.

The Clerk read as follows:

To pay J. C. Courts compensation for services as secretary of the House Office Building Commission since its creation in 1903, as authorized by the act approved March 3, 1905, $2,500.

Mr. COX of Indiana. Mr. Chairman, I move to strike out the last word there.

The CHAIRMAN. The gentleman from Indiana moves to strike out the last word.

Mr. COX of Indiana. I want to ask for a little information. I want to ask whether Mr. Courts is the secretary of this commission?

Mr. TAWNEY. Mr. Courts was appointed as the secretary to the commission at the beginning of its organization.

Mr. COX of Indiana. Is this the first money he has drawn as secretary to the commission?

Mr. TAWNEY. He has not drawn a dollar as secretary of that commission from the time of his appointment.

Mr. COX of Indiana. I am sure that so far as this branch of the Capitol is concerned, that is all that Col. Courts will ever ask.

Mr. TAWNEY. I want to say, however, to the gentleman from Indiana, that the detail work in connection with this commission has been done, and much of its responsibility has been borne by Mr. Woods and by the clerk of that commission, Mr. Courts.

Mr. COX of Indiana. I want to say in response to that, that while I do not know Mr. Woods personally, I do not know that a more efficient, more absolutely honest, and more capable public servant can be found around this Capitol than Mr. Courts. [Applause.]

Mr. MANN. They are two of a kind. [Applause.]

Mr. COX of Indiana. I am glad to know that they are two of a kind. If Mr. Woods gets his, I am glad to see Mr. Courts get his also. [Applause.]

The Clerk read as follows:

To reimburse the State of Idaho, as provided in the act approved August 18, 1894, for moneys advanced by said State to the United States, under provisions of said act, to secure the survey of lands granted to said State with a view to satisfying the public land grant made by the act admitting the State into the Union, as per certificates covering deposits to the credit of the Treasurer of the United States as fully set forth in House Document No. 1402 of this session, $8,004.

Mr. MANN. Mr. Chairman, I move to strike out the last word on page 48 for the purpose of eliciting a little information. This is a suspicious-looking item—the item to reimburse the State of Idaho. I can not see any reason for it. I would like to have somebody explain it.

Mr. HAMER. Mr. Chairman, I would be very glad to be enlightened on this question myself. I would like to know the cause of the gentleman's suspicion. I do not see anything at all suspicious about the item. It is self-explanatory. [Applause.]

As a matter of fact, Mr. Chairman, this is simply to reimburse the State of Idaho for money advanced under the law from time to time for the survey of public lands belonging to the State.

Mr. FITZGERALD. Are those the surveys we have been doing over and over again ever since we began making them? [Laughter.]

Mr. MANN. Is it not rather unusual for a State to advance money to the United States?

Mr. HAMER. No; it is not unusual out in Idaho. The State of Idaho has done it heretofore, and it has always been reimbursed for it heretofore, and we hope to be reimbursed for this item now.

Mr. MANN. Will the gentleman tell us what it is for?

Mr. HAMER. I will tell the gentleman from Illinois what it is for. The State is obliged to make these advances for the survey.

Mr. MANN. How does it happen that the United States discriminates against the State of Idaho? The State of Idaho perhaps is more liberal than the other States. The other States do not advance money to the United States.

Mr. HUGHES of New Jersey. Does the gentleman make the point that that is an improper advance on the part of the State of Idaho?

Mr. HAMER. Mr. Chairman, I have already explained the status of it. That is the situation. [Applause.]

The Clerk read as follows:

MERIDIAN HILL PARK.

Condemnation of land for park purposes in the District of Columbia included between Euclid Street, Columb'a Avenue or Fifteenth Street, W Street or Florida Avenue, and Sixteenth Street extended, in Hall & Elvan's subdivision of Meridian Hill: To enable the Secretary of the Interior to carry into effect the provisions of section 36 of an act of Congress entitled "An act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes," $490,000, or so much thereof as may be necessary; one-half of which sum, or so much thereof as may be expended, shall be reimbursed to the Treasury of the United States, as required in said section 36, out of the revenues of the District of Columbia, in four equal annual installments, beginning with the fiscal year 1912, with interest at the rate of 3 per cent per annum upon the deferred payments.

Mr. STAFFORD. I reserve a point of order on the paragraph just read. I should like to inquire of the chairman of the committee what is the purpose of including this item in the general deficiency bill? I find nothing in the hearings referring to this park.

Mr. TAWNEY. Meridian Hill Park was authorized in the public-buildings act of 1910.

Mr. STAFFORD. Has the purchase of this land been authorized in the public-buildings act?

Mr. TAWNEY. Yes; it was authorized in the public-buildings act of 1910, and the condemnation proceedings are now underway.

Mr. STAFFORD. I did not find anything in the hearings in relation to it, and I thought it was new legislation.

Mr. TAWNEY. There was an estimate submitted for it, but there were no hearings had. It is within the limit of cost, and condemnation proceedings under the direction of the Secretary of the Interior are in progress.

Mr. STAFFORD. I withdraw the point of order.

Mr. MANN. I renew the point of order.

Mr. BARTHOLDT. Mr. Chairman, I do not think this paragraph is subject to a point of order, because the appropriation is authorized in the public-buildings act passed during the last session of Congress, and is based upon that authorization. I want to say, upon the merits of this proposition, that it is one of the most meritorious park projects in this city.

Mr. MANN. I withdraw the point of order.

The Clerk read as follows:

Detection and prosecution of crimes: For the detection and prosecution of crimes against the United States, the investigation of the official acts, records, and accounts of marshals, attorneys, clerks, and referees of the United States courts and the Territorial courts, and United States commissioners, for which purpose all the official papers, records, and dockets of said officers, without exception, shall be examined by the agents of the Attorney General at any time; for the protection of the person of the President of the United States; for such other investigations regarding official matters under the control of the Department of Justice as may be directed by the Attorney General; to be expended under the direction of the Attorney General, $25,000.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 53, in line 15, strike out the words "twenty-five" and insert in lieu thereof the words "forty-five."

Mr. TAWNEY. I will say to the gentleman from Indiana that the Attorney General informed me this afternoon that $25,000, the amount which the committee has recommended, will be insufficient to meet the requirements of this service during the remainder of this fiscal year, and that unless a sufficient amount is allowed, they will have to lay off some of the force.

Mr. COX of Indiana. What is the additional amount?

Mr. TAWNEY. Twenty thousand dollars.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

DEPARTMENT OF AGRICULTURE.

General expenses, Forest Service: To supply a deficiency in the appropriation "General expenses, Forest Service," including each and every object authorized by law and specified in the appropriation of $4,672,900 under this title in the "Act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1911," approved May 26, 1910, $900,000.

Mr. TAYLOR of Colorado. I should like to inquire of some one why this large deficiency, $900,000, has occurred in the Forest Service, and where the amount has gone to? Some one near me suggests that it has gone up in smoke.

Mr. TAWNEY. Most of it has gone up in smoke, and the remainder of it has gone into the graves of the men who sacrificed their lives in fighting forest fires last summer.

Mr. TAYLOR of Colorado. Do I understand that all of this $900,000 has been expended?

Mr. TAWNEY. All has been expended, and this amount is due entirely to the expenses incident to the fighting of forest fires last summer, which the gentleman from Colorado knows were excessive.

Mr. TAYLOR of Colorado. I understand that fully, and I wish to inquire if this amount has all been accounted for, and turned in?

Mr. TAWNEY. All has been accounted for, and the gentleman will find in the hearings an itemized statement of the expenditures, which statement was furnished by the Agricultural Department.

The Clerk read as follows:

For the payment of all necessary expenses involved in the interment of the bodies of men who were killed while in the employment of the Department of Agriculture fighting fires on the national forests prior to December 1, 1910, and for the relief of their dependent relatives, also for the hospital services and medical attendance of the injured men; this appropriation to continue available during the fiscal year 1912, and all payments therefrom to be made by the Secretary of the Treasury upon the recommendation of the Secretary of Agriculture and to be supported by evidence satisfactory to both of them, $15,000.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph in order to ask the gentleman, the chairman of the committee, a question. This involves the payment of necessary expenses involved in the interment of the bodies of men who were killed while fighting fires in the National Forests. Of course there is no objection to that, but there is this further provision, "and for the relief of their dependent relatives." I suppose there is an estimate and statement of what this item is to be expended for. How much is it proposed shall be paid to the dependent relatives of any one person?

Mr. TAWNEY. The Secretary of Agriculture, who appeared before the Committee on Appropriations, was asked that question by members of the committee, and he was not able to give a specific statement in each case for the reason that the Secretary said that the department would have to be governed somewhat by the circumstances of the dependent widow and children. He said:

They were temporary employees engaged in fighting fires, and they were caught in the fire which was the most injurious and dangerous of all. These men were buried where we found them, and we want to bring them out and put them at the permanent rangers' stations, with suitable tablets. And then there are a number of very pitiful cases of families left destitute—one woman with five children, absolutely destitute, and there is no way in which we can help her. This sum of $15,000 would be ample, we think, to take care of all the expenses connected with the interment of the dead and to meet such reasonable cases as that of this woman about whom I have just been speaking.

Many of these men who died or were killed in the service, their homes were unknown; they were volunteers and were buried, and when their residence was ascertained it became necessary to reinter them.

Mr. MANN. Nobody is making any point on that part of it.

Mr. TAWNEY. There are only a few cases of complete destitution, and the amount that will be expended under both heads both for the reinterment of those who lost their lives in that service and also for the relief of the destitute widows and children will not exceed $15,000.

Mr. MANN. These widows and children that are left in this case are no more widows and children than the widows and children of other people who have died in the service of the Government.

Mr. TAWNEY. These people were not in the service of the Government. If the gentleman will pardon me, these were men outside of the Government service who voluntarily performed this service and lost their lives. I think there is more of an obligation resting on the Government of the United States to take care of their destitute widows and children when men have sacrificed their lives for the protection of the public property.

Mr. MANN. I do not recognize any distinction between that and an ordinary case of a man who helps a marshal and loses his life—absolutely no distinction. But $15,000 is not a large amount. If this is to be the end of it, no one would except to it; but if this is only the beginning and perhaps $5,000 is to be paid to one estate, it is a different proposition.

Mr. TAWNEY. The number is now ascertained. I do not know that I can state the exact number, nor could the Secretary of Agriculture.

I asked the Secretary of Agriculture this question:

The CHAIRMAN. How much do you propose to pay to the dependent widows and children—have you fixed upon any amount?

Mr. GRAVES. No; we have not.

The CHAIRMAN. You would be governed by circumstances?

Mr. GRAVES. Yes; it would have to be a pretty small amount, because I presume there might be 25 persons who would have relatives that we would consider. Most of them are the floating population that you usually find in a lumber center.

The CHAIRMAN. You want this paragraph so amended as to include the expenses for hospital services and medical attendance?

Mr. GRAVES. Yes, sir. We started a hospital fund; the Red Cross gave us a thousand dollars and we raised among the employees of the Forestry Service some two thousand and odd dollars to meet these expenses, and we have received later accounts which cover about $1,300, and the suggestion was to put those words in so that could be included—those medical services and hospital expenses included in the $15,000, not asking for any more money, but to use that wording in order to enable us to meet that.

Mr. MANN. Is it intended to refund any of the money out of this $15,000?

Mr. TAWNEY. Refund to whom?

Mr. MANN. Refund to these people who contributed it.

Mr. TAWNEY. No.

Mr. MANN. Does the gentleman think it safe to legislate and authorize one of the departments of the Government to pay for the relief of dependent relatives such sum as it pleases out of a lump-sum appropriation? A hard case comes up and no man's heart is sufficient to withstand the pleading. I think that is very poor legislation. The gentleman himself is a stickler and if he is satisfied, all right.

Mr. TAWNEY. I want to say to the gentleman from Illinois, that while I believe as thoroughly as he does that there should be some limitation, yet when we come to inquire into the circumstances we saw how utterly impossible it was to make any limitation. We also saw there was very little danger to the Public Treasury in the absence of the limitation, because of the limited number of people who would be beneficiaries under this provision.

Mr. MANN. Mr. Chairman, I will make this prediction, that if this item goes in and becomes a law some of these people will be paid money and the rest will come to Congress with claims to be paid large sums of money.

Mr. TAWNEY. If that is so, then the administration of the Forestry Service will be at fault, first, for having——

Mr. MANN. I am inclined to think it will be the Committee on Appropriations that will be at fault.

Mr. TAWNEY. First, for having misrepresented the facts to a committee of Congress, and second, not keeping within the limitation which they themselves have voluntarily fixed on this expenditure.

Mr. MANN. Yes; but they will not spend any more money than the $15,000, but people will say "somebody else has been paid more than we," and they will come to Congress, and there is no way of preventing them when you invite them to come. However, I will withdraw the point of order.

The Clerk read as follows:

To enable the Secretary of Agriculture to prepare and exhibit at the international congress for the consideration of questions pertaining to the growing of barley and hops and the manufacture of the products thereof at the city of Chicago, October, 1911, such samples of barley and hops from the collection of the Department of Agriculture heretofore made of said products from different parts of the world and such other articles and material as may be of interest and instructive in connection with the growth or production of articles herein mentioned, and for each and every purpose necessary for and connected with such exhibit, $8,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I reserve the point of order on that, at the request of several gentlemen near me.

The CHAIRMAN. The gentleman from New York reserves the point of order and the gentleman from Pennsylvania offers an amendment. The point of order will have to be disposed of before the amendment is in order.

Mr. MOORE of Pennsylvania. Mr. Chairman, that paragraph proposes to provide for an exhibition in Chicago, of products pertaining to the growing of barley and hops and the manufactures thereof. I would like to ask the chairman of the committee to tell us about these products of barley and hops that are to be exhibited.

Mr. MANN. If it was merely beer the meeting would be in Milwaukee. [Laughter.]

Mr. MOORE of Pennsylvania. I thought perhaps this question might be answered by the gentleman from Minnesota, but as the gentleman from Illinois has put the boot on his own foot, I would like to ask him whether these peculiar products are indigenous to the city of Chicago?

Mr. STAFFORD. Mr. Chairman, as this relates to the beer industry, St. Louis and Milwaukee being rival claimants for that honor, it was decided to locate the exposition at Chicago, convenient to both cities.

Mr. MOORE of Pennsylvania. I am obliged to the gentleman from Wisconsin, whose city has been made famous by these products of the soil, but as one coming from another large city where we know very little about matters of this kind, I should like to know whether this is to be a world-wide exposition or whether it is to apply only to those whose taste for these products is peculiar, as in Milwaukee and St. Louis and Chicago?

Mr. MANN. It will not apply to a deep waterway, I will assure the gentleman.

Mr. MOORE of Pennsylvania. That might account for the popularity of other things than waterways. I would like to find out whether this exposition is to be a general exposition to which the nations of the world are to be invited?

Mr. TAWNEY. It is to be an international exposition, and the nations of the world will participate.

Mr. MOORE, of Pennsylvania. Mr. Chairman, I believe my time has not expired, but I have not yet had an answer to the question I put.

Mr. TAWNEY. The gentleman from Pennsylvania is talking all of the time, and I can not answer. There is to be held in the city of Chicago, during the month of October, I believe of this year, an international exhibition of various cereals or agricultural products, including hops, barley, and barley malt.

I should say also this involves an exhibition of a great many mechanical devices. The Secretary of Agriculture, on the 25th of February, writes the Committee on Appropriations as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, February 23, 1911.

Hon. JAMES A. TAWNEY,
Chairman Committee on Appropriations,
House of Representatives.

DEAR MR. TAWNEY: The Senate Committee on Agriculture and Forestry, I believe, did not include in the agricultural appropriation bill an item of $8,000 for the exhibit of this department at the International Barley, Hop, and Malt Exposition to be held in Chicago, Ill., during the fall of 1911. I think the department ought to be represented at this exposition, and I hope you can see your way to take care of the item of $8,000 for this purpose in the urgent deficiency bill. The department has had this matter under consideration for some time, and as the exposition in question is an important international affair, it seems to me eminently proper that the department be represented. I therefore hope that you will be able to provide for this appropriation of $8,000 in the way suggested.

Very truly, yours, JAMES WILSON, *Secretary.*

Now, Mr. Chairman, the Agricultural Department has collected samples of barley, hops, and other products of a like character from all parts of the world, and they have an exhibit which, I am informed, is a very instructive and a very interesting exhibit, and the purpose in making this appropriation is to enable the Agricultural Department to first select from these products that they have acquired in the Agricultural Department and then transport that selection to this exposition and there make an exhibition of their collection, which has been made from all over the United States.

Mr. MOORE of Pennsylvania. The gentleman assures the House that this exposition will include exhibits of cereals and machinery.

Mr. TAWNEY. Absolutely; that is the purpose of the appropriation.

Mr. SIMS. Mr. Chairman, before the gentleman takes his seat, this is subject to the point of order, I understand.

Mr. TAWNEY. Yes, it is; but I want to say, however, that bill authorizing this has been reported by a committee of the House. That, of course, does not make it in order, but it shows it has been considered by one of the committees of the House and been recommended to the House.

Mr. SIMS. This is an exhibit of barley, hops, and malt—all beer-making materials?

Mr. TAWNEY. They are, I understand; I am not an expert.

Mr. SIMS. If I understand correctly, these barley and malt people are all objecting to Canadian reciprocity.

Mr. STAFFORD. Oh, far from it. I would like to say to the gentleman for his information that, as he well knows, although he comes from a noted prohibition State, in the manufacture of the best beer, which is made in cities that have been made famous throughout the world, it is necessary to have a very high grade of barley. These brewers are engaged at the present time in experimenting with various kinds of barley from Austria and Germany, where the quality of the barley is superior to that grown in this country. The Department of Agriculture is engaged in importing these various kinds of barley and transplanting them in experiment stations, so as to develop a better kind of barley.

Mr. SIMS. Let me ask the gentleman a practical question——

Mr. STAFFORD. This exposition is for the purpose of displaying the different kinds of barley grown and other kindred growths.

Mr. SIMS. Let me ask the gentleman a practical question. Does the gentleman think it will tend to reduce drunkenness to encourage the people to drink beer instead of red liquor?

Mr. STAFFORD. Oh, there is no question about that. In Denmark to-day there is provision made under Government supervision to permit of light beers being sold so as to take away from the people the taste for strong liquor and incline them to the milder beverage. That is also being tried in Sweden, so as to take from the natives the acquired taste for strong liquor. In North Dakota, in that prohibition State, they allow the entrance of mild beverages—beer which contains less than 2 per cent of alcohol, because it is regarded as a temperance beverage. I do not know whether Tennessee is so enlightened, but I hope——

Mr. SIMS. There is no use going to Denmark, the gentleman from Milwaukee ought to be able to answer the question.

Mr. STAFFORD. The gentleman knows there is less drunkenness in Milwaukee than——

Mr. SIMS. Being assured that this exposition is to be held in the interest of sobriety and to promote temperance, I will not make the point of order.

Mr. STAFFORD. I know the gentleman is very liberal and always in favor of temperance and of temperance beverages. [Applause.]

Mr. MONDELL. Mr. Chairman——

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, as I stated when I reserved the point of order, I did so at the request of several gentlemen around me, and especially my colleagues from New York, who thought it might be embarrassing for them with their home constituents if they directly raised the point of order. And since they do not believe in the business of the manufacture and sale of the products of barley malt, and, furthermore, as they believe the people who do the manufacturing can afford to pay the expenses of these expositions themselves, I make the point of order.

Mr. STAFFORD. Will the gentleman withhold his point of order?

Mr. COX of Indiana. Mr. Chairman, I make the point of order.

Mr. STAFFORD. Will the gentleman from Indiana withhold the point of order?

The CHAIRMAN. The Chair sustains the point of order.

Mr. MONDELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Wyoming offers an amendment which the Clerk will report.

The Clerk read as follows:

Insert as a new paragraph:

"For an exhibit by the Department of Agriculture at the International Dry Farming Congress at Colorado Springs, Colo., October, 1911, $10,000."

Mr. MANN. Mr. Chairman, I reserve a point of order on that.

Mr. MONDELL. Mr. Chairman, the amendment proposes an appropriation of $10,000 for an exhibit by the Agricultural Department at the dry-farming congress to be held in Colorado Springs, Colo., in October of this year. An exhibit at a wet exposition has just been held subject to a point of order, but I trust that this exhibit, at a dry-farming exposition, will not be held subject to a point of order.

Mr. TAWNEY. Mr. Chairman, I think this House is just as much opposed to things dry as they are opposed to things wet, and I insist on the point of order.

The CHAIRMAN. The Chair is ready to rule. The Department of Agriculture is authorized by the organic act to collect and diffuse information. The Chair does not think that an exhibit comes within either the collection of information or diffusing of information, and therefore sustains the point of order.

Mr. AUSTIN. Mr. Chairman, I think I have drawn an amendment which will escape the point of order.

The CHAIRMAN. Is it a new paragraph?

Mr. AUSTIN. It is a new paragraph.

The CHAIRMAN. The gentleman from Tennessee [Mr. AUSTIN] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert as a new paragraph:

"To enable the Secretary of Agriculture to prepare an exhibit at the Appalachian Exposition at Knoxville, Tenn., between October 12 and October 30, 1911, for the consideration of questions pertaining to the conservation of the resources of the Appalachian region, $10,000."

Mr. MANN. Mr. Chairman, I reserve a point of order on the amendment.

Mr. AUSTIN. Mr. Chairman, there is no subject that has been of such general interest as that of conservation of our natural resources. A year ago the enterprising city of Knoxville, Tenn., held the first conservation exposition in this country. They did not seek an appropriation at the hands of Congress, or their State legislature, or the city of Knoxville, but the enterprising citizens of that city by private subscription raised more than $100,000. We gave an exposition lasting one month, and during that time more than 300,000 citizens from various parts of the Republic visited the exposition. It was one of the most unique and creditable exhibitions ever held in the South, and especially without national or State aid. We had extensive exhibits of not only the mineral and manufacturing resources, but of the agricultural resources.

No longer is the watchword "Go west," but it points to that matchless section of the South, where opportunities are unlimited, where development is only in its infancy, and where we have inexhaustible deposits of coal, iron, marble, and almost untouched forests of hardwood timber, a genial climate, a climate in which men can be employed in the open more than eight months in the year.

The North and the West have already practically filled up and are overflowing; but this region below us, this great mineral belt from the Virginias to Alabama, has more undeveloped wealth, splendid opportunities for investment, chances for the young and the ambitious and for the investor, than any other region of our great country.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. AUSTIN. Certainly.

Mr. MOORE of Pennsylvania. Would there be a chance in that beautiful country, which the gentleman describes, for an overplus of population such as exists in the large cities of the country?

Mr. AUSTIN. Yes; especially if that overplus is representative of the type of population so finely represented on the floor of this House by the gentleman from Pennsylvania. [Applause.]

Mr. MOORE of Pennsylvania. I expected that [laughter], but will not the gentleman devote his thoughts for a part of the time remaining to him to the opportunities afforded in his country for those who live in the congested centers, who might be more happily and more healthfully employed if they were enabled to take advantage of the opportunities he pictures?

Mr. AUSTIN. The State of Tennessee has a foreign population of less than 3 per cent. We should like to have those good Pennsylvania Dutchmen or their descendants, such as are in part represented by the gentleman, and the Scotchmen and Scotch-Irish, Irish, Swedes, Scandinavians; but we have no use in the Appalachian region for the foreign undesirables of the large cities of the North. If you will give us the industrious, law-abiding, patriotic foreign element, we will not only welcome them, but we will thrice welcome them.

Mr. MOORE of Pennsylvania. The law of this country presumes that no undesirables are admitted to the United States.

Mr. AUSTIN. That is a very violent presumption, in view of the numerous crimes that are being committed every day by the Black Hand Society, for example, even in the heart of New York City.

Mr. MOORE of Pennsylvania. That organization is just as much condemned by people of foreign birth in the congested centers as it is condemned by the gentleman from Tennessee and those whom he represents. There is no place in any of the large cities to-day for men who believe in the Black Hand, for men who draw the dagger, throw the bombs, or do any of those other things that excite the indignation and opprobrium of the gentleman from Tennessee.

The CHAIRMAN. The time of the gentleman has expired.

Mr. AUSTIN. Mr. Chairman, I would like to have two minutes more.

The CHAIRMAN. The gentleman from Tennessee asks to have his time extended two minutes. Is there objection? The Chair hears none.

Mr. AUSTIN. There is not only an attractive unoccupied field for investment in that Appalachian region, but there is also a cordial welcome awaiting every man who wants to improve his condition and who is law-abiding, industrious, and patriotic.

Mr. MOORE of Pennsylvania. People of that kind were the only persons of alien birth to whom I had reference. I would like to see the opportunities which the gentleman presents afforded to those people.

Mr. AUSTIN. Then send them to the Knoxville Appalachian Exposition at Knoxville, Tenn., from October 12, to October 30, and we will send 10,000 mountain men to meet them and give them the best that there is to be had. [Applause.]

Mr. MOORE of Pennsylvania. I have no doubt they will come in no hostile or unfriendly spirit, and will be warmly welcomed by the people to whom the gentleman refers.

Mr. MANN. Mr. Chairman, I make a point of order on this discussion. [Laughter.]

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DEPARTMENT OF COMMERCE AND LABOR.

BUREAU OF IMMIGRATION AND NATURALIZATION.

Expenses of regulating immigration: For the payment to State institutions for the treatment of aliens deported on or prior to June 30, 1909, under the provisions of section 20 of the act of February 20, 1907 (34 Stats., p. 904), which provides: "That any alien who shall enter the United States in violation of law, and such as become public charges from causes existing prior to landing, shall, upon the warrant of the Secretary of Commerce and Labor, be taken into custody and deported to the country whence he came at any time within three years after the date of his entry into the United States. Such deportation, including one-half of the entire cost of removal to the port of deportation, shall be at the expense of the contractor, procurer, or other person by whom the alien was unlawfully induced to enter the United States, or, if that can not be done, then the cost of removal to the port of deportation shall be at the expense of the immigrant fund," $13,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Pennsylvania moves to strike out the last word.

Mr. MOORE of Pennsylvania. I trust, Mr. Speaker, that the gentleman from Minnesota will give me his attention for a moment. This fund of $13,000 is to cover expenses heretofore incurred for the deportation of aliens, is it not?

Mr. TAWNEY. Yes.

Mr. MOORE of Pennsylvania. Reference is made here to the act of February 20, 1907, which pertains to the immigrant fund. That fund has been abolished, has it not?

Mr. TAWNEY. Yes.

Mr. MOORE of Pennsylvania. May I ask the gentleman whether the aliens whose deportation resulted in this item of $13,000 were housed while in custody in buildings belonging to the Government of the United States, or in buildings owned by municipalities, or buildings owned by steamship and railroad companies?

Mr. TAWNEY. They were housed in buildings owned by municipalities and private associations.

Mr. MOORE of Pennsylvania. Is it not a fact that——

Mr. TAWNEY. Has the gentleman any objection to the appropriation?

Mr. MOORE of Pennsylvania. None at all. I merely wanted some light thrown upon this particular paragraph, as well as upon some other items in which I am interested.

Mr. TAWNEY. I think the gentleman has as much light as the committee has.

Mr. MOORE of Pennsylvania. I want to say to the gentleman and to the House, during the few minutes I have left, that it seems to me a pernicious practice to have aliens who are to be deported kept in buildings owned by the companies that have brought them to the United States. I believe that the Government of the United States ought to be fully equipped to take them in custody and retain them until they are deported.

Mr. TAWNEY. None of this money is on account of the housing or the care of aliens in buildings owned by steamship companies. If it was, there would be no necessity to appropriate money for that purpose.

Mr. BENNET of New York. Furthermore, if they could ascertain the steamship company that brought the people to this country, they would have to take them back free and pay one-half the expense of bringing them back to the port and for housing them while they were being detained.

Mr. MOORE of Pennsylvania. The Government is paying $13,000 here, which apparently the steamship companies ought to be made to pay. That is to say, the companies that brought these aliens here, if they are of the undesirable class referred to a moment ago by the gentleman from Tennessee, should send them back.

The point I am making, and it comes home to a number of the ports of this country, is that the Government itself ought to be in a position to take care of these people whom it arrests and keeps in custody, and that they ought not to be left to the care of those who have an interest in letting them go. They

ought to be under the surveillance of the Government of the United States until they are taken away.

Mr. KEIFER. Wherever they are, they are under the control of the Government.

Mr. BENNET of New York. Mr. Chairman, the steamship companies are held responsible by the Government, and they do pay this money; and wherever they can be identified they will pay their part of this $13,000.

Mr. MOORE of Pennsylvania. Does the gentleman mean to say that this $13,000, which the Government is now paying for the deportation of aliens some years ago, will be returned to the Government?

Mr. BENNET of New York. Every dollar of it will be returned to the Government where they can identify the steamship company.

Mr. MOORE of Pennsylvania. How will they be identified?

Mr. BENNET of New York. It is not difficult.

Mr. MOORE of Pennsylvania. How will that $13,000 be charged up to anybody, if the Government pays it?

Mr. BENNET of New York. The law provides that where an alien becomes a public charge within three years, from causes arising prior to landing, that alien shall be deported.

They become public charges, and the Government picks them up on a warrant. If a State incurs expenses on that account, the Government pays the State and then collects from the steamship company.

Mr. MOORE of Pennsylvania. When found.

Mr. BENNET of New York. They are found easily enough. We have manifests reaching back to 1891 which are complete, and the law provides only a three-year limitation. The sums collected in this way reach up, as I recall it, to something like $75,000 a year, which amount is collected from the steamship companies.

Mr. STERLING. I should like to ask the gentleman why it is that these undesirables come ashore? I supposed they were passed on while on shipboard and were not permitted to come ashore at all.

Mr. MOORE of Pennsylvania. I can answer that, if the gentleman from New York will permit me.

Mr. TAWNEY. Probably the gentleman from New York can answer it.

Mr. MOORE of Pennsylvania. I think I can answer it, probably, better than he can. I can give specific instances.

Mr. STAFFORD. Both gentlemen ought to be allowed an opportunity to answer, in order that we may determine whose answer is the better one.

Mr. BENNET of New York. I will say, Mr. Chairman, that with 800,000 or 900,000 people coming in every year it is not strange that once in awhile an undesirable slips through. The deportations under this section amount to about 2,000 cases a year, which is not a very large percentage.

You can not always tell an insane person when he comes through the examining place; you can not always tell a person who has been sick or who has impaired vitality, and they deport them. I am not arithmetician enough to figure out what per cent 2,000 is of 1,000,000, but it is very small, and 2,000 are all that are deported.

Mr. MOORE of Pennsylvania. The 2,000 might account for the so-called undesirables.

Mr. BENNET of New York. Two thousand would go a long way to account for the undesirables. That is one of the injustices of the whole thing. One Italian who sends a Black Hand letter attracts more attention throughout the country than 250,000 Italians who attend to their own business and go out every day to earn a living.

Mr. MOORE of Pennsylvania. Will not the gentleman from New York admit that since the abolition of the immigration fund it has been very difficult to obtain appropriations for immigration stations in the regular way?

Mr. BENNET of New York. Not in New York.

Mr. MOORE of Pennsylvania. I am quite sure not in New York.

The Clerk read as follows:

Additional assistants to clerks of courts in naturalization cases: For additional clerical assistance in naturalization matters for the clerks of the supreme court for Kings County, N. Y., and the supreme court for New York County, N. Y., in addition to the available one-half of the naturalization fees for clerical assistance in such matters during the fiscal year ending June 30, 1911, $2,861.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. Under the provisions of existing law, is there anything that requires the Government to pay additional compensation for clerks in the State courts?

Mr. TAWNEY. The law expressly authorizes the appropriation. The amount appropriated for the current fiscal year is not sufficient to meet the requirements of the service.

Mr. STAFFORD. I understand that the law relating to naturalization provided that one-half of the fees should be used in payment of clerical expenses.

Mr. BENNET of New York. If the gentleman will allow me, I will say that that is the law, except in cities where they collect more than $6,000 a year. In cities where they collect less the clerks get the fees. In cities where they get more the clerks only get one-half of the $6,000. Above that amount the Government may authorize the hiring of additional clerical assistance, to be paid for out of the sum not to exceed the full value. The large cities are discriminated against to the extent that the clerk of courts only receive one-half of the $6,000.

Mr. STAFFORD. How much is appropriated for excess services of this character in New York City?

Mr. CALDER. The amount appropriated for this year, including one-half of the first $6,000, amounts to $19,618. It is estimated that the collections of these two courts this year will amount to $54,000, so the Government will have a profit of $34,000.

Mr. BENNET of New York. It is a profitable business for the Government.

The pro forma amendment was withdrawn.

OUT OF THE POSTAL REVENUES.

GREATER NEW YORK LETTER CARRIERS.

To pay the claims of Greater New York letter carriers for additional salary under section 2 of the act of January 3, 1887 (24 Stat., 355), the decision of the Court of Claims and the decisions of the Auditor for the Post Office Department and Comptroller of the Treasury, being the unpaid portions chargeable to the fiscal year 1908 and prior years, the appropriations therefor having been exhausted or carried to the surplus fund, said claims being fully set forth in House Document No. 1361 of the present session of Congress, $78,857.45.

Mr. STAFFORD. Mr. Chairman, I make a point of order to that paragraph.

Mr. COCKS of New York. I hope the gentleman will reserve it.

Mr. STAFFORD. The hour is getting late, and I understand the chairman of the committee is anxious to finish the bill.

Mr. FITZGERALD. It is not subject to a point of order.

The CHAIRMAN. The Chair will hear the gentleman from New York.

Mr. COCKS of New York. Mr. Chairman, this has been properly allowed by the accounting officers. It arises from the fact that when Greater New York was established these various post offices were taken within the city. The clerks and carriers thought they were entitled to, and it has been decided that they were entitled to, the pay of first-class offices. That was denied them for several years, but since 1908 they have received the additional pay. These claims have been audited and allowed, and I think the chairman of the committee, Mr. TAWNEY, has a letter from the Secretary on the subject.

Mr. TAWNEY. The points of order having been made, I desire to say that these are audited claims. They have been considered by the Auditor of the Post Office Department, and I have here a letter from the Secretary of the Treasury saying that these claims have been referred to Congress under the provisions of section 2 of the act of July 7, 1884. I was in doubt for several days as to whether the claims referred to in this document were audited claims, but after receiving this letter from the Secretary of the Treasury and reexamining the claims and the report, I find that they are as much an audited account as any of the audited accounts carried in the general deficiency appropriation bill, and are therefore in order.

Mr. STAFFORD. Mr. Chairman, there is nothing in this provision of the claim sought to be recovered to distinguish it from any other claim of any other employee of the Government.

The CHAIRMAN. They have been audited.

Mr. STAFFORD. I grant that.

The CHAIRMAN. Then the Chair overrules the point of order, and the Clerk will read.

The Clerk read as follows:

LEGISLATIVE.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment, which was offered to-day when the bill was read, to follow line 3, after the word "legislative."

The Clerk read as follows:

Page 51, after the word "legislative," insert:

"To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay to the officers and employees of the Senate and House borne on the annual and session rolls on the 1st day of February, 1911, including the Capitol police, official reporters of the Senate and House, and W. A. Smith, CONGRESSIONAL RECORD clerk, for extra services during the third session of the Sixty-first Congress a sum equal to one month's pay at the compensation then paid them by law, the same to be immediately available."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

In all, $14,388.84.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. I assume this is a matter of personal privilege and that under the rules I could present it as such. We have just passed the item carrying $14,388.84 to pay the expenses of contested elections. Those who have had contests understand the difficulties that confront the sitting Member. Those difficulties in the earlier part of this session confronted me. A contest was entered against me, so that I now know what it means to men whose seats in this House are subjected to contest. I question whether there ought not to be a revision of the law with regard to contests. It is a very annoying proposition for a man elected to this House, and coming here in good faith to represent his constituents, to be harassed and annoyed by anyone who cares to open proceedings and embarrass his work during practically the whole of his term.

It happens that this House provides the means by which contests are encouraged and conducted. Perhaps this is wrong. Some day, when a sufficient number of Members of the House, unjustly accused, may have this experience, the House may see it in that light. I do not care to pursue this matter at this time further than to say that although allowances have been made here, and very properly so, under the law, there are contests instituted against Members which in some instances are wholly unjustifiable and should not be encouraged by the hope or inducement of an appropriation from this House.

In my own case, elected over the contestant by nearly 17,000 majority, I find now, after having employed an attorney and prepared myself for a defense in the usual way, as every other sitting Member must whose seat is contested—after all this has been done, notice comes to me that the contest is withdrawn.

Mr. MANN. Is not the gentleman glad of it?

Mr. MOORE of Pennsylvania. This letter of withdrawal I now send to the desk to be read.

The CHAIRMAN. Without objection, the letter will be read in the gentleman's time.

There was no objection, and the Clerk read as follows:

JANUARY 20, 1911.

MURDOCH KENDRICK, Esq.,
1420 Chestnut Street.

DEAR SIR: J. G. Ramsdell, Esq., the contestant for the seat of J. HAMPTON MOORE, Esq., in the third congressional district, has decided to discontinue the contest. There will, therefore, be no further proceedings taken in this matter.

Yours, respectfully, PIERCE ARCHER, Jr.

Mr. MOORE of Pennsylvania. It seems to me that this letter should be a matter of record. I submit it for that purpose only. I hope now to remain in this House during the incoming administration for two years, and to do the best I can for those who sent me here.

Mr. STURGISS. Mr. Chairman, I offer the following amendment which I send to the desk and ask to have read.

The Clerk read as follows:

Insert, following line 19, on page 62:

"To Richard Randolph McMahon, for legal services as of counsel to the Members of the House of Representatives of the Joint Committee on Printing in a suit at law, No. 52342, Valley Paper Co., plaintiff, *v.* The Joint Committee on Printing of Congress, respondents, in the supreme court of the District of Columbia, in February, 1910, $500."

Mr. MANN. Mr. Chairman, on that I make the point of order.

Mr. STURGISS. Mr. Chairman, the same point of order was made at the last session of Congress, overruled by the Chair, and an appeal was taken from that ruling of the Chair on that proposition, and the House sustained the ruling of the Chair. The question was raised whether or not it was founded upon law. The Members of the House have not forgotten the controversy that arose last year. The joint committee composed of the Printing Committee of this House and the corresponding committee of the Senate was sued because they had awarded certain contracts.

The CHAIRMAN. Unless some gentleman desires to be heard on the other side, the Chair is ready to rule.

Mr. STURGISS. Will the Chairman permit me to refer him to the ruling in the House?

The CHAIRMAN. The Chair has the ruling here.

Mr. STURGISS. Then I have nothing further to say.

The CHAIRMAN. On June 17, 1910, it was held by the Chairman of the Whole House on the state of the Union, Mr. TILSON, that a resolution authorizing certain Members to appear and act in response to a rule of a court was sufficient authorization for an appropriation in a general appropriation bill for their counsel. From that decision an appeal was taken and the Chair was sustained without division. The Chair, therefore, overrules the point of order. The question is on agreeing to the amendment.

Mr. TAWNEY. Do I understand the Chair to hold this amendment is in order, according to the ruling——

The CHAIRMAN. The Chair holds that, in accordance with the ruling made last year on exactly the same proposition, and from which ruling an appeal was taken, and the Chair was sustained without division, and upon that decision the Chair overrules the point of order.

Mr. MANN. Mr. Chairman, the question of fact may be mistaken. I was under the impression that the ruling last year was that the committee had authority to employ counsel. I think there is no pretense that the committee employed this counsel.

The CHAIRMAN. No; the ruling last year was that the resolution authorizing certain Members to appear and act in response to a ruling of a court was held to be sufficient authorization for an appropriation in a general appropriation bill for their counsel.

Mr. GARRETT. Mr. Chairman, was there any authorization for the employment of this counsel?

The CHAIRMAN. That is a question the Chair can not pass upon.

Mr. GARRETT. It is not presented in the amendment here.

The CHAIRMAN. The amendment, as the Chair understands, is identical with the amendment offered last year. The question is on agreeing to the amendment.

Mr. TAWNEY. Mr. Chairman, I trust the amendment will not be agreed to. This matter was discussed on a previous occasion, and the two members on printing of the committee of the House disavowed having ever authorized the employment of this man. The Member at whose instance he was employed claimed that he had employed him on his own motion. This proposition was rejected once before, and I hope it will be rejected again.

Mr. STURGISS. Mr. Chairman, I beg to refresh the memory of Members of the House, especially of the gentleman from Illinois, by reference to the RECORD. It clearly appears that this gentleman appeared as cocounsel, with the authority of the other members of the committee. It was true in the first instance he was called in at my suggestion, and the reasons are fully set out in the RECORD, and I do not want to rehash the matter. This House allowed $500 at that time, over an appeal on the point of order, after a full discussion, after this House, through its Judiciary Committee, had spent a whole day and part of a night discussing the matter, and directed its committee to appear and enter an appearance and make a proper defense.

They did so and they won out on the case and the House allowed $1,000 to Hamilton & Yerkes, and $500 to Col. McMahon, but at no time had Col. McMahon failed to discharge his duties in consultation with the other attorneys. That appropriation went to the Senate and there, as you will recall, the Senate having refused to employ counsel or to make an appearance, Senator SMOOT, chairman of the joint committee, upon a letter filed by Hamilton & Yerkes repudiating the amount you had allowed them, of $1,000, because you had not allowed $5,000, Senator SMOOT moved to strike out the item which was to pay $1,000 to Hamilton & Yerkes and $500 for Col. McMahon. This House by an overwhelming vote awarded that amount to the senior attorneys who were in the case and who did not do more work in proportion than Col. McMahon, but they repudiated the action of the House because you did not allow them $5,000, and they would not accept $1,000.

The letter is here in the record. And, acting upon that, the bill went to a committee of conference; and through some influence—and I do not mean any reflection—but through some misapprehension or misstatement, the whole item was rejected. Now, so far as Col. McMahon is concerned, he is entitled to the sum of $500. He rendered the service; he appeared in court on some seven or eight different days; he appeared in consultation, without objection, with the other attorneys; and he never at any time said he was in the case simply for advertising purposes and that he would charge nothing. The gentleman from Wisconsin [Mr. STAFFORD] asked me if he did not agree not to charge anything. I have McMahon's letter, and I asked him personally about it, and he said that never at any time did he make any such statement to any person.

Mr. STAFFORD. The gentleman has called me into the controversy. Will the gentleman yield for a question?

Mr. STURGISS. Certainly.

Mr. STAFFORD. I understood, when I asked the gentleman the question a year ago, that this gentleman from West Virginia

proffered his services and made no claim that he was to make any charge whatsoever for those services, and he led the other members of the Committee on Printing to believe that this would be a voluntary act for the sole purpose of giving him notoriety in the discharge of this work.

Mr. STURGISS. I beg the gentleman's pardon. No member of the committee has made any such statement at any time, neither the chairman nor any member. As to the assertion that he voluntarily appeared for the sake of the reputation it might give him, I have here a copy of the letter I wrote him asking him to appear in the case, and in pursuance of that he met co-counsel, and he met the other members of the committee in consultation, and did his work, and did it well. I only ask that the House maintain its action of a year ago. The amount of the compensation is very reasonable.

My good friend from Illinois [Mr. MANN] himself, in his remarks upon that subject, said that it was a very reasonable compensation.

Mr. GARRETT. Did the gentleman ask him to appear on authority from the committee?

Mr. STURGISS. With just as much authority as any member of the committee asked the other counsel to appear, though he appeared first at my suggestion, but in cooperation with the other counsel, and with their approval, or, at least, without the objection of either counsel or of the other members of the committee.

Mr. GARRETT. Yes; but I want to ask the gentleman, Did the committee employ him, or was it the personal act of the gentleman from West Virginia?

Mr. STURGISS. It was my personal act in the first instance, but, as I say, he was present with the committee, and they acquiesced, and they had the benefit of his service.

The CHAIRMAN. The gentleman's time has expired.

Mr. MANN. Mr. Chairman, the House after a long discussion fixed the payment of $1,000 for the real counsel in the case. I thought the amount was large enough at that time, but the House determined after discussion to fix the counsel fees at $1,000 for the men who tried the case and who did the work; and to pay this man who butted in $500, and not pay the other, seems to be a very queer proposition for us.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

Hereafter the payments made from the contingent fund of the House of Representatives upon vouchers approved by the Committee on Accounts shall be deemed, held, and taken, and are hereby declared, to be conclusive upon all the departments and officers of the Government.

Mr. MANN. Mr. Chairman, I make a point of order on the paragraph.

The CHAIRMAN. The Chair sustains the point of order.

Mr. O'CONNELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 63, after line 3, insert the following:
"For compiler and indexer of reports and hearing of House standing and select committees (William Tyler Page), under the direction of the Committee on Accounts, and for such other duties as the committee may require, at the rate of $4,000 per annum, from March 4, 1911, to June 30, 1912, inclusive, $5,300."

Mr. FITZGERALD. Mr. Chairman, I make a point of order against that.

Mr. O'CONNELL. Mr. Chairman, I ask the gentleman to reserve the point of order.

Mr. FITZGERALD. I prefer not to do so.

The CHAIRMAN. The Chair sustains the point of order.

Mr. COX of Indiana. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Indiana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by inserting the following after line 5, page 63:
"To pay Edwin L. Williams, clerk to Committee on the Post Office and Post Roads, additional compensation, $500."

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, I reserve a point of order.

Mr. MANN. I make the point of order.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] makes the point of order. The Chair sustains the point of order, and the Clerk will read.

The Clerk read as follows:

To pay Robert W. Dyer, clerk to the Committee on the Public Lands, additional compensation, $500.

Mr. COX of Indiana. Mr. Chairman, I make the point of order on that.

The CHAIRMAN. The gentleman from Indiana makes a point of order on the paragraph. The Chair sustains the point of order.

The Clerk read as follows:

To pay George Jennison, special messenger, as additional compensation, $200.

Mr. COX of Indiana. Mr. Chairman, I make the point of order on that.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

To pay R. B. Horton for services rendered the Committee on Insular Affairs $250.

Mr. COX of Indiana. Mr. Chairman, I make the point of order on that item.

The CHAIRMAN. The gentleman from Indiana makes the point of order on that item. The Chair sustains the point of order.

The Clerk read as follows:

For expert, clerical, and stenographic services, to be disbursed by the Clerk of the House on vouchers approved by Representative OSCAR W. UNDERWOOD, and to continue available during the fiscal year 1912, $7,500.

Mr. MANN. Mr. Chairman, I reserve the point of order on that. [Laughter.]

The CHAIRMAN. The gentleman from Illinois reserves the point of order on the item.

Mr. MANN. I did not give the gentleman from Indiana a chance to make the point of order. [Laughter.]

I would like to ask, Mr. Chairman, if the purpose of this is to permit the expected members of the Democratic Ways and Means Committee to go ahead with their tariff hearings?

Mr. TAWNEY. I will say that this provision was prepared and placed in the bill at the request of the prospective chairman of the next Ways and Means Committee of the next House of Representatives.

Mr. MANN. Does not the gentleman think that the limitation of time ought to be only until the next House of Representatives meets?

Mr. TAWNEY. Well, no, I do not, for the reason that——

Mr. MANN. This is to continue available through the fiscal year 1912. That is, after the end of the next regular session of Congress?

Mr. CLARK of Missouri. That ought to be available during all that time.

Mr. MANN. But you will be in possession of the House——

Mr. CLARK of Missouri. That is all true, but——

Mr. MANN. And you will have control of the contingent fund of the House.

Mr. CLARK of Missouri. Well, just so that we get it, we do not care where we get it. [Laughter.]

Mr. MANN. Understand, I am in favor of giving the gentleman the money.

Mr. CLARK of Missouri. This is the situation: When they were preparing the Payne tariff bill all that Mr. PAYNE had to do was to make a requisition on the departments over here in order to get all the assistants he wanted to make any kind of an investigation under heaven. He relied on those men. Mr. UNDERWOOD wants these experts, so that he can rely on these people. I think he ought to have them, and every man who has served on the Ways and Means Committee knows how much services of that kind are needed.

Mr. MANN. I know that everybody concedes that the Ways and Means Committee ought to have the opportunity to go ahead, and if the gentleman believes these employees are needed, they ought to be paid, and they ought to be paid out of the Public Treasury. But is it fair to Mr. UNDERWOOD himself to give him a sum of $7,500 to spend at his will during the next session of Congress?

Mr. FITZGERALD. Mr. Chairman, perhaps I ought to state that the amount fixed here was based on the statement of the gentleman from Alabama [Mr. UNDERWOOD] as to the number of experts and clerks he desired and the compensation to be paid each of them per month, and it made up the sum of $7,500.

Mr. MANN. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn. The Clerk will read.

The Clerk read as follows:

To pay M. C. Shield additional compensation for services during the Sixty-first Congress, $600.

Mr. COX of Indiana. I make the point of order on that.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

To reimburse the official reporters of debates and the stenographers to committees on the rolls on February 22, 1911, for moneys actually expended by them for clerical assistance and for extra clerical services during the third session of the Sixty-first Congress, $750 each; to Mrs. Elizabeth Welch, widow of A. C. Welch, $500; and to John J. Cameron, $240; in all, $7,490.

Mr. COX of Indiana. Mr. Chairman, I make the point of order on that.

The CHAIRMAN. The gentleman from Indiana makes the point of order on the paragraph.

Mr. TAWNEY. Mr. Chairman, it may suit the gentleman from Indiana to retaliate upon the gentleman from Illinois for not allowing him to make the point of order on that other item first [laughter], but——

Mr. COX of Indiana. I did not retaliate.

Mr. TAWNEY. You did not need to make that statement. Everybody understood it.

Mr. COX of Indiana. The gentleman should not say that.

Mr. TAWNEY. This, Mr. Chairman, is a provision that has been carried in this bill from time immemorial, to remburse the official reporters of the House for their expenses in the transcription of their notes, by people employed for that purpose, whom they pay out of their own pockets. It has been the uniform practice of the House to reimburse them. All of the employees in the offices of the official reporters downstairs are employed at the expense of the official reporters, and it would be impossible for them to perform the service they do without this assistance.

Mr. COX of Indiana. If the gentleman will yield to let me ask a question, I think we can come to terms about it.

Mr. TAWNEY. I desire to complete my statement.

Mr. COX of Indiana. I will insist on my point of order unless the gentleman yields for a question.

Mr. TAWNEY. What is the gentleman's question?

Mr. COX of Indiana. Does the gentleman say that the reporters mentioned in this paragraph have actually paid this money out of their own pockets?

Mr. TAWNEY. Yes; I do.

Mr. COX of Indiana. I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn. The Clerk will read.

The Clerk read as follows:

To pay George B. Serenbetz, J. B. Holloway, and Marie G. Potter $600 each, additional compensation for services rendered the Committee on War Claims and the Committee on Claims, respectively, $1,800.

Mr. COX of Indiana. I make a point of order on that.

The CHAIRMAN. The gentleman from Indiana makes a point of order on the paragraph. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

To pay James A. Gassaway for services as a laborer in the offices of the Chief Clerk, the disbursing clerk, and in the stationery room from August 6 to December 6, 1909, $150.

Mr. COX of Indiana. I make a point of order on that.

Mr. COOPER of Pennsylvania. I desire to ask whether these are session or annual employees? If they are session employees, it seems to me the point of order ought not to lie.

The CHAIRMAN. It matters not in this particular case whether they are session or annual employees. The Chair sustains the point of order.

The Clerk read as follows:

To pay Joseph B. Sparks for extra services rendered during the Sixty-first Congress, $87.50.

Mr. COX of Indiana. I make a point of order on that, Mr. Chairman.

The CHAIRMAN. The gentleman from Indiana makes a point of order on the paragraph, and the Chair sustains the point of order.

The Clerk read as follows:

To pay to E. R. Ernst additional compensation for extra services rendered during the Sixty-first Congress, $200.

Mr. COX of Indiana. I make a point of order on that.

The CHAIRMAN. The gentleman from Indiana makes a point of order on the paragraph. The Chair sustains the point of order.

The Clerk read as follows:

For compensation at the rate of $1,200 per annum each for the services of Marshall Pickering and Charles L. Williams, respectively, as special messengers in the majority and minority caucus rooms.

Mr. O'CONNELL. I make the point of order against that paragraph.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

To pay Dio W. Dunham for extra services rendered during the Sixty-first Congress, $300.

Mr. COX of Indiana. I make the point of order on that.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

To pay N. T. Hynson, clerk to the Committee on Expenditures in the Navy Department, additional compensation, $500.

Mr. COX of Indiana. I make a point of order on that.

The CHAIRMAN. The gentleman from Indiana makes a point of order on the paragraph. The Chair sustains the point of order.

The Clerk read as follows:

To pay W. H. Estey, cashier in the office of the Sergeant at Arms, $850.

Mr. COX of Indiana. I make a point of order on that.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

To pay J. C. Stewart for caring for and regulating the House chronometer, $100.

Mr. COX of Indiana. I make the point of order on that.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

To pay Edward S. Glavis, clerk to the Committee on Expenditures in the Department of Agriculture, additional compensation, $500.

Mr. COX of Indiana. I make a point of order on that.

The CHAIRMAN. The gentleman from Indiana makes a point of order on the paragraph. The Chair sustains the point of order.

The Clerk read as follows:

To pay Charles S. Greenwood, clerk to the Committee on Expenditures in the Treasury Department, additional compensation, $500.

Mr. COX of Indiana. I make the point of order on that.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

For indexing and typewriting services, at $75 per month from March 4, 1911, to June 30, 1912, to continue the compilation of laws, etc., relating to the employees, duties, and compensation of employees of the House of Representatives and matter pertaining to the disbursement of the contingent fund authorized by resolution of March 10, 1910, $1,400.

Mr. COX of Indiana. Mr. Chairman, to that I reserve a point of order. I want to ask the chairman of the committee in charge of the bill whether there is authority for the appropriation?

Mr. TAWNEY. There is; the authority is found in the resolution of March, 1910.

Mr. MANN. May I ask the gentleman in charge of the bill a question?

Mr. TAWNEY. Certainly.

Mr. MANN. There seems to be $75 a month for the compilations of laws and matter pertaining to the disbursement of the contingent fund of the House. I suppose this has been running some time. It is rare to find anybody on the floor of the House that knows anything about the law relating to the disbursement of the contingent fund, and even the Committee on Accounts is sometimes troubled to get at them. If we have had a committee working a year compiling the laws, for the Lord's sake, how long will it take to complete it? These laws can not be more than four or five pages in length.

Mr. TAWNEY. I think if the gentleman will consult the members of the Committee on Accounts he will find that there has been a very complete compilation of these laws. I do not think, however, that the gentleman has taken the trouble to inquire whether anything has been done or not. The authority for the appropriation is found in the following resolution:

[Sixty-first Congress, second session.]

Resolved, That there shall be paid out of the contingent fund of the House, to continue from the close of the Sixtieth Congress, the compilation of laws, decisions, tabular statements, and debates, pursuant to the act of March 3, 1901, relative to the employment, duties, and compensation of the employees of the House of Representatives, to which shall be added matter pertaining to the disbursement of the contingent fund of the House, for stenographic and typewriting services, not exceeding the rate of $75 per month, authorized by House resolution adopted January 10, 1908.

I am informed by the Committee on Accounts that this expenditure has not been made to any clerk or employee of any committee, but has been expended for clerical services in doing the work.

Mr. MANN. Of course the resolution which the gentleman has read is not a sufficient basis for this item.

Mr. DAWSON. If the gentleman will allow me, the work has progressed from the beginning of the Government down, I think, to about the Fifty-seventh or Fifty-eighth Congress.

Mr. MANN. Then why can we not get the information?

Mr. DAWSON. Because it is not completed.

Mr. TAWNEY. Has the gentleman from Illinois tried to get it?

Mr. MANN. I have tried to get it, but have been unable to.

Mr. DAWSON. I will state that the preparation of this set of volumes, which will be about two in number, requires very careful examination of the statutes, together with the decisions of the comptroller. I understand it was the gentleman from Indiana that wanted the information.

Mr. COX of Indiana. I wanted to know if there was any authority of law to make the appropriation?

Mr. DAWSON. The chairman of the committee has cited the law and I was undertaking to explain the progress of the work, and its present condition.

Mr. COX of Indiana. Mr. Chairman, I make the point of order.

The CHAIRMAN (Mr. KENDALL). The Chair overrules the point of order.

Mr. MANN. But does the Chair understand that this resolution was expressly limited to the Sixtieth Congress?

The CHAIRMAN. The Chair understood the gentleman from Minnesota to say that it was not.

Mr. TAWNEY. The resolution was adopted January 10, 1908.

Mr. MANN. Will not the gentleman read the resolution, and see if it is not expressly limited to the life of that Congress?

Mr. TAWNEY. The resolution expressly says—

that there shall be paid out of the contingent fund of the House to continue from the close of the Sixtieth Congress.

It runs indefinitely.

Mr. MANN. I did not understand the gentleman to so read the resolution.

Mr. TAWNEY. The service began at the close of the Sixtieth Congress and has continued ever since under that authority.

The CHAIRMAN. The Chair overrules the point of order.

Mr. TAWNEY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 66, after line 3, insert:
"For folding speeches and pamphlets at the rate of not exceeding $1 per thousand during the year 1912, $2,000."

The amendment was agreed to.

The Clerk read as follows:

For payment to Samuel Robinson, William Madden, and Joseph De Fontes, as messengers on night duty during the third session of the present Congress, for extra services, $700 each; in all, $2,100.

Mr. COX of Indiana. Mr. Chairman, I want to ask the chairman in charge of this bill what these men's salaries are now.

Mr. TAWNEY. Two dollars and forty cents a day.

Mr. HUGHES of New Jersey. Too much money; too much money. [Laughter.]

The Clerk read as follows:

JUDGMENTS, UNITED STATES COURTS.

For payment of the final judgments and decrees, including costs of suit, which have been rendered under the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," certified to Congress at its present session by the Attorney General in House Document No. 1327, and which have not been appealed, $14,926.59, together with such additional sum as may be necessary to pay interest on the respective judgments at the rate of 4 per cent per annum from the date thereof until the time this appropriation is made: *Provided*, That none of the judgments herein provided for shall be paid until the right of appeal shall have expired.

Mr. BENNET of New York. Mr. Chairman, I move to strike out the last word for the purpose of expressing in connection with this particular item, which does not affect the city of New York in any way, the thanks of my colleagues and myself and of the city of New York to the chairman of the Committee on Appropriations, who is so soon, to our great regret, to leave us, for the many kindnesses which we have had at his hands during the time he has been chairman of this committee. There is an impression that there is discrimination against great cities. Possibly at times that is so, but I want to bear testimony to the fact that during the last six years at least the chairman of this great committee, the gentleman from Minnesota [Mr. TAWNEY], has treated our city with entire justice, and that every request that we have made of the Committee on Appropriations, which was authorized by law, has been received with courteous consideration and we have received the money. Before the gentleman goes out of office I think it is due to him that those of us who are here from the great city of New York should express to him the appreciation we have for the consideration we have had at his hands during the years of his chairmanship. [Applause.]

The Clerk read as follows:

JUDGMENTS IN INDIAN DEPREDATION CLAIMS.

For payment of judgments rendered by the Court of Claims in Indian depredation cases, certified to Congress in House Document No. 1371, at its present session, $14,829; said judgments to be paid after the deductions required to be made under the provisions of section 6 of the act approved March 3, 1891, entitled "An act to provide for the adjustment and payment of claims arising from Indian depredations," shall have been ascertained and duly certified by the Secretary of the Interior to the Secretary of the Treasury, which certification shall be made as soon as practicable after the passage of this act, and such deductions shall be made according to the discretion of the Secretary of the Interior, having due regard to the educational and other necessary requirements of the tribe or tribes affected; and the amounts paid shall be reimbursed to the United States at such times and in such proportions as the Secretary of the Interior may decide to be for the interests of the Indian Service: *Provided*, That no one of said judgments provided in this paragraph shall be paid until the Attorney General shall have certified to the Secretary of the Treasury that there exists no grounds sufficient, in his opinion, to support a motion for a new trial or an appeal of said cause.

SEC. 2. That for the payment of the following claims, certified to be due by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1908 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in House Document No. 1368, reported to Congress at its present session, there is appropriated as follows:

Mr. TAWNEY. Mr. Chairman, the following items up to section 3 of the bill are all judgments of the United States courts, the Court of Claims, or audited claims. They have been once read to-day and I ask unanimous consent that the remaining pages up to and including page 81 be considered as read.

Mr. BUTLER. Mr. Chairman, in this connection I would like to ask the gentleman from Minnesota a question.

The CHAIRMAN. Does the gentleman yield?

Mr. TAWNEY. I yield.

Mr. BUTLER. I find on page 77 an item of 7 cents to cover funeral and transportation expenses of a number of Indians. Will the gentleman inform me whether or not that pays all the expenses of the funeral of these Indians? [Laughter.]

The gentleman having answered that question, I would like to ask him another. How many Indians did the 7 cents bury?

Mr. TAWNEY. That depends upon the breed of Indians they were.

Mr. BUTLER. I am satisfied with the answer.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the reading of the bill, from line 7 on page 69, down to the bottom of page 81, be dispensed with. Is there objection?

Mr. SISSON. Mr. Chairman, reserving the right to object, I want to ask the chairman of the committee about an item which I find on page 72, in line 15, relative to the capture of Jefferson Davis. I do not know when that late capture was made. It seems that Jefferson Davis has lately been captured.

Mr. TAWNEY. Mr. Chairman, that item was the cause of a great deal of excitement on the other side of the House this afternoon when the bill was first read. The gentleman from Mississippi [Mr. SISSON] since that time has obtained full and complete information from a letter sent to the Committee on Appropriations by the Secretary of the Treasury on that subject. The Congress of the United States in 1868 appropriated $100,000 and authorized the President of the United States to expend that amount of money in paying or rewarding men who participated in the capture of Jefferson Davis.

When we passed the covering-in act two years ago, which requires the payment into the Treasury of all unexpended balances, there was an unexpended balance of this appropriation of $100,000, made away back in 1868, for this purpose. Under that act that balance was paid into the Treasury of the United States. Recently a constituent of the gentleman from Wisconsin [Mr. CARY], he having previously supposed that his right to participate in the distribution of the reward had expired by limitation, was informed by his Member of Congress, after examination, that such was not the fact, and, at the instance of the gentleman from Wisconsin, the Secretary of the Treasurer certified, after full investigation and proof, that this man was one of the three participants in that capture who had not been rewarded. After ascertaining that fact he sent his claim to Congress as an audited claim. That is all I know about it. If it were not for the fact that the balance had not been turned into the Treasury of the United States as a result of the action of Congress on the sundry civil appropriation bill in the closing days of the Sixtieth Congress, this amount would have been paid to this man out of the balance unexpended.

Mr. SISSON. Mr. Chairman, I have no objection, of course, to this item, and from what I have seen from the correspondence it seems to be perfectly correct; but the bill did not give the name of the party to whom the money was to be paid, and a letter from the Secretary of the Treasury does give his name, and I am going to ask unanimous consent that the letter from the Secretary of the Treasury may be published in the RECORD as a part of my remarks, because that explains the matter fully.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to insert the letter to which he refers as a

part of his remarks. Is there objection? [After a pause.] The Chair hears none.

TREASURY DEPARTMENT,
Washington, February 20, 1911.

Hon. J. A. TAWNEY,
Chairman Committee on Appropriations,
House of Representatives.

SIR: In reply to your telegram of February 17, relative to audited claim No. 12248 for $293 in favor of John T. Smith, alias John Wagner, for capture of Jefferson Davis, contained in House Document No. 1368, page 15, I have the honor to advise you that the Auditor for the War Department states that this claim is for a portion of the reward of $100,000 offered by the President of the United States for the capture of Jefferson Davis under the act of Congress of July 27, 1865 (15 Stat., 400), this being one of three cases remaining unpaid of those who took part in the capture and who are entitled to participate in the distribution of this reward, no application ever having been made heretofore by this claimant.

The auditor further states that three comrades of this claimant testify that John T. Smith and John Wagner are one and the same person; and it appears that John T. Smith, alias John Wagner, is drawing a pension under certificate No. 1157572; also that this claim was originally presented to his office by Hon. WILLIAM J. CARY of the House of Representatives, who stated that the claimant had an excellent record; that he had not sooner applied for payment because he was under the impression that his claim was barred by the statute of limitations, and that a copy of his honorable discharge was in his [Mr. CARY'S] possession. Copies of Mr. Cary's letter and of the affidavits of Lieut. O. P. Clinton and Corpl. E. H. Stuart, of claimant's regiment and company, as to his identity and his presence at the capture are inclosed for your information.

The papers in claimant's pension case disclose the fact that he enlisted when under age under an assumed name for fear of parental disapproval, and that his sisters and friends corresponded with him under the name of John Wagner throughout the war.

The act of Congress above cited appropriated the sum of $100,000 as a reward for the capture of Jefferson Davis, to be paid to the officers and enlisted men named therein, including the claimant, and to certain other members of regiments present at the capture whose names are unknown, or to their heirs, in proportion to the monthly pay to which they were severally entitled according to law.

This appropriation has remained available since the passage of the act for the specific payments authorized therein, being drawn upon from time to time as claims were presented and allowed until June 30, 1909, when the balance thereof, amounting to $1,210.48, was carried to the surplus fund under the provisions of section 10 of the sundry civil act of March 4, 1909 (35 Stat., 1027), which provided that all unexpended balances remaining upon the books of the Treasury on July 1, 1904, should be carried to the surplus fund and covered into the Treasury.

The claim has now been allowed by the Auditor for the War Department under the provisions of the act of July 7, 1884 (23 Stat., 254), authorizing the allowance of claims under appropriations the balances of which have been exhausted or carried to the surplus fund.

Respectfully, FRANKLIN MACVEAGH, *Secretary.*

Mr. SISSON. Mr. Chairman, I have no further objection, because it appeared to me as rather a strange item when I saw in the bill that Mr. Davis had lately been captured, and I thought it well that we have some explanation as to why Mr. Davis was being paraded around at this late day.

Mr. DAWSON. There is no doubt existing anywhere that he was captured, is there?

Mr. SISSON. None in the world.

Mr. TAWNEY. I trust the gentlemen of the House will now give attention to the request for unanimous consent, as we desire to close this bill if possible.

Mr. SISSON. I want to state to the gentleman I did not think there was any doubt about his being captured and above all things about a capture that was as much talked about at that particular time, and I thought it strange that any man living on earth would have waited this long to get his money, especially if he belonged to the party of the gentleman who made the inquiry. Republicans are usually not so long in getting their money.

Mr. CAMPBELL. Mr. Chairman, for the purpose of getting some information before consent is given to the unanimous consent, I notice, beginning on page 76, a number of items for the Indian Service, including an item for telegraphing, amounting to $22,418, and another item for telegraphing amounting to $3,000.

Mr. TAWNEY. Read the whole item and the gentleman will see it includes transportation and a good many items.

Mr. CAMPBELL. Yes; there are a number of these items. The Indian appropriation bill gave the Indian Service everything they asked on these matters and——

Mr. TAWNEY. Well, the gentleman from Kansas will pardon me, but he certainly realizes and knows that in the administration of the affairs of the Indians and of all the departments it happens frequently that accounts are not sent in for settlement and payment until the appropriation has elapsed. Now, that account is audited and the appropriation made for the year, the fiscal year in which the obligation was created, but there is no money available for the payment of that account.

And, therefore, under the statutes the heads of the departments are required to certify to the Secretary of the Treasury, the Secretary of the Treasury to certify to Congress, all audited accounts of that kind, and that is how these accounts come here. They are not claims. They are simply accounts that were not paid out of appropriations for the years in which the indebtedness occurred because of the lapse of the appropriation.

Mr. CAMPBELL. The Indian Department had ample opportunity to present this to the Committee on Indian Affairs for consideration in the bill providing for the year 1910.

Mr. TAWNEY. The Indian Bureau did not have the information itself. Why, in some of these cases the claimants, or the persons to whom the money is due, will not present the account for two or three years. The department is not to blame if the persons to whom the money is due fail to present their accounts, and it is only when the accounts are presented——

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. TAWNEY. I yield.

Mr. BURKE of South Dakota. It does not necessarily mean that these deficiencies call for any additional appropriation.

Mr. TAWNEY. Money that would otherwise be used to meet these accounts is returned into the Treasury by reason of the lapse of the appropriation.

Mr. STEPHENS of Texas. Will the gentleman explain one item, in line 16 on page 76, which reads:

For telegraphing, transportation, and so forth, of Indian supplies, 1910, $22,000.

I understand what telegraphing is and what transportation is, but what do they mean by "and so forth" there, and what part of the $22,000 is to pay for that?

Mr. TAWNEY. It is for advertising and sundry expenses. When they send in the audited claims they do not enumerate all the items involving small amounts of money.

Mr. STEPHENS of Texas. I do not remember to have seen that in any other bill.

Mr. TAWNEY. If the gentleman will look at the document that is referred to in that paragraph, he will obtain a full itemized statement of every item that goes to make up that $20,000, but the gentleman must realize that it would not be fair to the House to describe every little item in the appropriation act. For that reason we refer to the document which conveys all the details of the appropriation. Now, Mr. Speaker, before submitting the request, I am informed that while I was out this evening for a few moments a certain request was made. If the Chair will submit the request now, I will recur.

The CHAIRMAN. The Chair will state it. The gentleman from Minnesota asked unanimous consent that further reading of the bill, from line 7, page 69, down to and including line 25, on page 81, be dispensed with.

Mr. COVINGTON. Mr. Chairman, I notice that on page 81, among claims allowed by the Auditor for the Post Office Department, there is an item in line 7 of $257, for indemnity for losses by registered mail. I want to ask the chairman of the committee under what circumstances the Government assumes to indemnify anyone for the loss of registered mail?

Mr. STAFFORD. Under the law the department indemnifies the senders of registered mail up to $50; formerly it was $45.

Mr. COVINGTON. And this claim has been audited according to the existing law?

Mr. STAFFORD. These are several claims where the appropriation was not sufficient to pay the claims of indemnity that year.

Mr. MACON. I want to ask the gentleman if all of these items have been audited.

Mr. TAWNEY. All of them have been audited, and they have all been read once to-day.

Mr. MACON. And they are all authorized by existing law?

Mr. TAWNEY. They are all authorized by existing law.

Mr. HUGHES of New Jersey. I would like to offer the following amendment, and ask unanimous consent for its present consideration.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

To Commander Robert E. Peary, for services rendered in the discovery of the North Pole, $10,000.

Mr. MACON. Mr. Chairman, I make a point of order upon that. [Laughter.]

The CHAIRMAN. Does the gentleman from Arkansas reserve the point of order?

Mr. MACON. I make it. [Laughter.]

The CHAIRMAN. The Chair sustains the point of order.

Mr. MOORE of Pennsylvania. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. MOORE of Pennsylvania. I would like to have unanimous consent to ask the gentleman from Arkansas [Mr. MACON] to reserve his point of order in order that I may make a statement.

Mr. TAWNEY. I hope the gentleman from Pennsylvania will desist.

Mr. MOORE of Pennsylvania. Mr. Chairman, there is no desire on the part of Commander Peary's friends that this award should be made to Commander Peary. [Applause.]

Mr. TAWNEY. Mr. Chairman, I ask that this paragraph on page 32, which was passed over in my absence without prejudice, be taken up by unanimous consent.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent to return to the item on page 32. Is there objection? The Chair hears none. The gentleman from Indiana [Mr. COX], as the Chair recollects, reserved a point of order on the paragraph. The Chair will hear the gentleman from Minnesota.

Mr. TAWNEY. Mr. Chairman, this is an item that has been the subject of international negotiation and also the subject of a message from the President of the United States. The naval gunboat *Essex* damaged the cable of the Canadian Electric Light Co. near or in the vicinity of Quebec. The House has already passed a bill authorizing the payment of this claim, and the Senate has reported favorably a bill for the same purpose. Now the matter has been taken up again. I have a statement here which says—

Since then we have made all possible efforts through the British Embassy, through the Department of State, but we have never been able to bring the matter to a final conclusion.

Mr. COX of Indiana. Will the gentleman yield a moment?

Mr. TAWNEY. The matter, I repeat, was made the subject of a message by the President of the United States. I concede that it is not authorized by law, but it is a matter of international comity.

Mr. COX of Indiana. If the gentleman will give me but a moment we can settle it, so far as I am concerned. The explanation has gone far enough, and I withdraw the point of order.

The CHAIRMAN. The gentleman from Indiana withdraws the point of order. The Clerk will read.

The Clerk read as follows:

SEC. 3. For salaries, to be fixed by the Secretary of the Treasury, of a chief and other employees and for all other necessary expenses of a division in the Treasury Department, which is hereby created, to be known as the Fidelity Division, $25,000, to continue available during the fiscal year 1912. The said Fidelity Division, under the direction of the Secretary of the Treasury, shall hereafter have charge of all matters pertaining to the bonding of all Government officers, agents, and employees, and of the fidelity fund herein provided for, and custody of the bonds of all such officers, agents, and employees. From and after the 1st day of July, 1911, every officer, agent, and employee of the Government who is now or may hereafter be required by law or Executive order to give bond shall at his option give bond either with good and sufficient sureties or, upon contributing to the fidelity fund the premium or premiums herein authorized, give such bond without sureties, and all such bonds shall run to the United States whether given with or without sureties as above provided: *Provided*, That this section shall not apply to what are commonly known as contract, or court bonds. The Secretary of the Treasury shall classify all bonded officers, agents, and employees of the Government, and the premium rates per thousand of penalty for the various classes shall be established by him after due consideration of the aggregate penalties of bonds given by such classes between the 1st day of January, 1895, and the 31st day of December next preceding the promulgation of such rates, and the aggregate losses incurred on such bonds during the same period, but in the aggregate the average annual premium per thousand of penalty shall be equal to not less than 175 per cent of the average annual loss incurred per thousand or penalty upon the bonds of all officers, agents, and employees of the United States between the 1st day of January, 1895, and the 31st day of December next preceding the promulgation of such rates: *Provided further*, That premium rates for officers, agents, and employees of the Post Office Department and the postal service may be based on the penalties of the bonds of such employees and the losses incurred under such bonds, as herein provided, between the 1st day of January, 1905, and the 31st day of December next preceding the promulgation of such rates: *And provided further*, That, should the moneys to the credit of the fidelity fund, less any outstanding claims, become equal to 1 per cent of the total penalties of all the bonds of those contributing to said fund, the rates may be lowered to such an extent as, in the judgment of the Secretary of the Treasury, will suffice to meet the average yearly losses and all expenses of the Fidelity Division. The Fidelity Division shall pay all moneys received for the fidelity fund to the Treasurer of the United States, and all such payments shall be covered into the Treasury by him as miscellaneous receipts, but credited on the books of the Treasury to said fidelity fund. Whenever the Secretary of the Treasury shall finally determine that any sum is due the United States upon any such bond without sureties, such sum shall at once be charged or debited to said fidelity fund, but such charge or debit shall not operate to release the officer, agent, or employee, but he shall be liable as fully on his bond and otherwise as if no such charge or debit had been made; and any moneys that may thereafter be recovered from such officer, agent, or employee, or from anyone for him, shall be covered into the Treasury as miscellaneous receipts and credited to the fidelity fund. All moneys paid into the Treasury to the credit of the fidelity fund shall be the property of the United States for the purposes above specified, and shall be used like other moneys belonging to the Government, but strict account shall be kept of the amount due said fund. All expenses of said Fidelity Division, including salaries therein, shall be annually estimated and appropriated for, but after July 1, 1912, all sums so expended shall be charged or debited to said fidelity fund. That from and after the 1st day of July, 1911, every officer, agent, or employee of the Government receiving, disbursing, or otherwise handling moneys belonging to the United States, or moneys in the custody of the United States, amounting to $1,000 or more per annum, shall give bond to the United States for the faithful performance of his duty, and, unless otherwise provided by law, the Secretary of the Treasury shall prescribe the amount of the penalties of such bonds. The Secretary of the Treasury shall make all necessary rules and regulations to carry out the provisions of this section and may utilize and employ for such purpose the services of such officers, clerks, and other employees in the Treasury Department as he may direct. The Secretary of the Treasury shall, in his annual report to Congress, submit a detailed statement of the credits to said fidelity fund and of all charges or debits against the same for the preceding fiscal year, and the number and aggregate penalties of all bonds without sureties executed hereunder during such year.

Mr. TAWNEY. Mr. Chairman, this section has already been read, and I ask unanimous consent that the further reading be dispensed with. Then, if any gentleman wishes to make amendments or motions to strike out, he can do so.

The CHAIRMAN. Is there objection?

Mr. A. MITCHELL PALMER. Mr. Chairman, I move to amend by striking out the section.

The CHAIRMAN. Will the gentleman withhold his motion for a moment?

Mr. A. MITCHELL PALMER. Certainly.

The CHAIRMAN. The Chair desires to call the attention of the gentleman from Minnesota to two typographical errors, on line 10 and line 17, on page 83.

Mr. TAWNEY. The word "or" on line 10 should be "of," and on line 17 the word at the end of the line should be "loss."

The CHAIRMAN. The paragraph can be amended so as to correct those errors. The gentleman from Pennsylvania moves to strike out the paragraph.

Mr. TAWNEY. Mr. Chairman, I would like to ask the gentleman from Pennsylvania [Mr. A. MITCHELL PALMER] if we could arrange to close the debate by unanimous consent in 30 minutes, 15 minutes to a side?

Mr. A. MITCHELL PALMER. If the gentleman will let the matter go over until to-morrow I think we could make better progress.

Mr. TAWNEY. We are so near the end of the bill now, and the time is so short, and the enrollment of the bill is such an important matter as to the economy of time in the brief space allowed us before the close of this session, when only four days remain, that I would like to dispose of the bill to-night.

Mr. A. MITCHELL PALMER. I do not want very much time on the proposition, but I do not know how much time other Members may desire to take, and I would dislike to agree that the debate close in 30 minutes if other gentlemen desire to speak. It is a very important matter.

Mr. TAWNEY. I move, Mr. Chairman, that the debate on the paragraph be closed in 30 minutes.

The CHAIRMAN. The Chair would suggest that the debate has not fairly begun. The Chair would further suggest to the gentleman from Minnesota that there is a typographical error on page 83, line 23. The second word on line 23 should contain a letter "m" instead of an "n."

Mr. TAWNEY. Yes; the word should be "claims."

The CHAIRMAN. If there be no objection, it will be so modified.

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. A. MITCHELL PALMER] is recognized.

Mr. A. MITCHELL PALMER. Mr. Chairman, it will not take me very long to state my objections to this proposed legislation. I have no interest, direct or indirect, in any bonding company doing business in the United States, or anywhere else, and so far as I know there is not a company doing a surety business in the district that I represent which will be affected in any way by this legislation. But, Mr. Chairman, in days gone by I have had considerable experience in connection with the business of surety companies, and I think I can say that I speak from out my own experience when I express the deliberate judgment that if the Government of the United States, by passing this legislation, now goes into the surety business, the time will come when the Congress will regret it.

As I said earlier in the day, there is no business being engaged in by men in this country at the present time which is of a more hazardous and risky character than that of writing bonds to secure the fidelity and honesty of men in official positions and their undertakings of a contract nature in their dealings with the Government.

There are something like 210,000 fidelity bonds running to the United States given by officers, agents, and employees. There are a great many other bonds running from subemployees to superior officers, but I speak only of those in which the United States is the obligee. The aggregate of the penalties of those 210,000 or 220,000 bonds is the enormous sum of $360,000,000.

This section proposes that we shall appropriate the sum of $25,000 as an initial expense in the organization of a bureau which shall manage the bonding business for the Government of the United States, in which it proposes to assume a risk amounting to $360,000,000.

Mr. MOORE of Pennsylvania. Will the gentleman pardon me?

Mr. A. MITCHELL PALMER. Certainly.

Mr. MOORE of Pennsylvania. If this risk were called suddenly, what would it mean?

Mr. A. MITCHELL PALMER. It would mean bankruptcy, I suppose, if it were called suddenly.

Mr. MOORE of Pennsylvania. Will the gentleman tell us what amount of premiums would justify this liability of $360,000,000 which the Government apparently would assume under this system?

Mr. A. MITCHELL PALMER. I am not going into those figures. I am not an insurance actuary.

Mr. SMITH of Iowa. What would happen to the bonding companies if this $360,000,000 of liability should be called?

Mr. A. MITCHELL PALMER. I am not arguing that it is probable that this enormous liability will ever be incurred at one time under either the present or the proposed system. In the last analysis, Mr. Chairman, the thing amounts to just this: We propose to reduce the salary of every man who is working for the Government, and then, after having reduced his salary, we propose that the Government itself shall assume all the risk of his personal honesty and his fidelity to his employer.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. FITZGERALD. I ask unanimous consent that the gentleman's time be extended 10 minutes.

Mr. SMITH of Iowa. There ought to be some understanding about the time.

Mr. FITZGERALD. There are only one or two gentlemen who wish to be heard.

Mr. SMITH of Iowa. I know; but it was proposed to close this debate at 12 o'clock.

Mr. A. MITCHELL PALMER. There was no agreement of that kind. Give me five minutes, then.

Mr. FITZGERALD. I ask unanimous consent that the time of the gentleman from Pennsylvania be extended 10 minutes.

The CHAIRMAN. The gentleman from Pennsylvania has just announced that he does not care for more than five minutes.

Mr. A. MITCHELL PALMER. I should like to have 10 minutes. I do not want to prolong the debate.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent that the time of the gentleman from Pennsylvania be extended 10 minutes.

Mr. STAFFORD. I object. I understand the gentleman will be satisfied with five minutes.

Mr. A. MITCHELL PALMER. I will not be satisfied with five minutes. I am sure I can conclude inside of 10 minutes.

Mr. HILL. It is too late. I was so informed a few minutes ago, when I asked to be allowed to make a statement.

Mr. FITZGERALD. I ask for five minutes, then.

The CHAIRMAN. The Chair will submit the request. The gentleman from New York asks unanimous consent that the time of the gentleman from Pennsylvania be extended five minutes. Is there objection?

There was no objection.

Mr. HILL. I will not object to five minutes. I will object to 10.

Mr. A. MITCHELL PALMER. Mr. Chairman, in five minutes it is of course difficult to cover very much of a question of this kind. I simply want to add to what I have said on that branch of the proposition—that it does seem to me to be false economy for us to assume this enormous risk because the Government of the United States, while it proposes to pay the losses out of the reduction of salaries by way of assessments made upon employees and officers of the Government, will, nevertheless, be liable for the entire penalty of these bonds, to the extent of all the losses that may occur upon them. So there is no need of dealing in figures as to what losses have been made in the last few years, or what they may be in the future. We propose to make the Government responsible hereafter, so that we are practically saying that in the future we will do what this Government has never done in the past—take these employees, officers, and agents into its employ without any security whatever to protect the Government in the performance of their duties.

Now, I want to refer to another paragraph in this section which raises the strongest possible objection to this proposed legislation. There is a proviso that this section shall not apply to what are commonly known as contract or court bonds. We might as well be practical about this thing. Everybody who has given the subject any attention knows perfectly well that the great bonding companies have made some money out of the fidelity bonds running to the Government. They have been able to get prices on those which, while lower than prices charged to persons in a fiduciary capacity in private life, have yielded profits to the great surety companies. And they have been willing to continue in the business of writing all kinds of bonds running to the Government because of the prestige which the Government of the United States as a patron and customer has given to the companies, despite the fact that the contract business, the business of writing bonds to secure the execution of contracts, has been done at an enormous loss. I know that one company, situated in the city of Baltimore, in less than 10 years, has received $301,000 in premiums on contract bonds, and has paid out to the Government of the United States for losses $910,000 in the same length of time.

Now, I say we should be practical. What is going to happen? You put this law into operation and take away from the surety companies the fidelity business in which they can make living profits and they are going to refuse to write the contract bonds, and the Government of the United States will be forced to go back to the antiquated and old-fashioned system of taking individual sureties upon every contract bond running to the Government of the United States.

Why, this little thing of fidelity bonds is a picayune matter compared with the danger that you are running into of being required to accept individual sureties on all your contract bonds. Is not that a serious matter? In 1894, when this Congress passed a law permitting surety companies to write bonds of this character, the Secretary of the Treasury reported to Congress that we had upon our books $35,000,000 of uncollected and uncollectible judgments against individuals upon surety bonds of this character—contract and fidelity.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. FITZGERALD. I ask unanimous consent that the gentleman may proceed for five minutes.

Mr. STAFFORD. Will the gentleman conclude in five minutes?

Mr. A. MITCHELL PALMER. Yes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. A. MITCHELL PALMER. At that time this argument of the Secretary of the Treasury showing our dealings with individuals as sureties was sufficient to impress upon this Congress the necessity of a change, and the law making it possible to get surety companies on bonds was enacted. We propose deliberately now to repeal that law, in effect, by driving the insurance companies away from the contract business and by reducing the price of fidelity business to such an extent that no surety company will enter the field. If it was a good thing to take surety companies in 1894, when they were weak and inexperienced, when they did not know what this business meant, I think it must be a bad thing to drive them out of the field and make it impossible for the Government to have the benefit of their security now, 17 years later.

The gentlemen complain of the fact that the surety companies have charged high prices. The fact is that the prices charged as premiums on fidelity bonds to-day by the surety companies average as low as they were before this legislation had its inception in the special session of 1909. The fact is that that law which we passed at the tariff session in 1909 has accomplished the purpose which gentlemen on the other side then said they desired, and that was to give some power to the Government over the prices that the surety companies might charge.

I will tell you, if you want to know, how you can go a little farther in the same direction and give your employees and your officers the benefit of better prices without embarking the Government of the United States into this tremendously risky business of writing bonds. You put into the act of 1894 a provision that the Government might accept bonds written by surety companies incorporated under the laws of the United States or of any State in the Union. If you will strike out of that law the words "incorporated under the laws of the United States or of any State in the Union," you will do more than any other act could do in giving a better, bigger, and stronger competition, which would result in lower premiums upon this same class of bonds you are striking at now. There are surety companies all over the world. Great Britain has strong companies. The Dominion of Canada has strong companies. They are doing business in the American field. They are after the business, and

they want the Government business, and the prestige and advertisement of the Government business are such that if these foreigners could come into this field and bid against the American companies for the business the rates would go down below the cut rates of 1907 and 1908. It seems to me, Mr. Chairman, that rather than go hastily into this business of creating a new department of the Government for the purpose of taking care of this insurance business we might better overhaul that law and make more effective the law of 1909 that the gentleman from Iowa and the gentleman from Minnesota were so eloquent in defending and so successful in obtaining two years ago. I have heard these gentlemen, especially the gentleman from Minnesota [Mr. TAWNEY], upon whom eulogies as the watchdog of the Treasury have been delivered to-night, inveigh here time after time during my short service against the proposition that we should be constantly creating new bureaus in the executive departments of the Government, and I am sorry to see him celebrate his passing from the House by the attempt to foist upon the United States Government a bureau, with an appropriation of $25,000 to start with—and nobody knows how much will follow in the years to come—and to embark that bureau into the business of writing bonds to the extent of $360,000,000. [Applause on the Democratic side.]

Mr. SMITH of Iowa. Mr. Chairman, I desire to say only a very few words in reply to the gentleman from Pennsylvania [Mr. A. MITCHELL PALMER]. He says that the bonds are for penalties of $300,000,000 and wants to know what will become of us if they all mature at the same time. I would like to know what would become of the bonding companies, with their thirty-five or thirty-six millions of dollars of capital and surplus, if the whole $300,000,000 should fall due at the same time?

Mr. A. MITCHELL PALMER. If the gentleman will pardon me, he should remember that I was not guilty of asking that question. That was asked by my colleague, the gentleman from Philadelphia.

Mr. SMITH of Iowa. I know, but the gentleman assumed that there were $300,000,000 of penalties, and it was an awful liability for this Government to undertake. If it fell due at the same time it would be quite as fatal to his $35,000,000 surety companies as to the Government of the United States.

He says we will have to go back to private sureties again. Well, godspeed the day when we do, if we can not get something better than we have been getting from the surety companies. I predicted when the actuaries undertook the work that it would appear that the private sureties had paid a greater percentage of their losses than have these bonding companies, and it appeared from the investigation covering 15 years that the private sureties had paid 30 per cent more of their losses than the surety companies. He said that if it was a good thing to take these bonding companies when we started, many years ago, why not now? We never knew it was a good thing to take their bonds. We thought it was a good thing to try their bonds, and we have tried them, and found that after extorting six times as much from Government employees as they have paid over to us, outside of the Post Office Department, and over four times as much in the Post Office Department, they were then beating us out of two-thirds of what was due us. If any man is opposed to trusts in this world I do not see how he can stand here and defend allowing the Government employees to be robbed of the premiums and then the Government to be robbed of the amounts due or the bonds when they fall due.

We do not object so much to the amount of the premium as we object to the fact that these companies will not pay if they lose. We want the Government to recover the money that is due it and we will have to devise some scheme by which the Government can get this money. Now we are putting upon these employees not an additional burden, as stated by the gentleman from Pennsylvania, but we are proposing to put upon them a less premium than is put upon them by these companies. We are not reducing their salaries. We are increasing the salaries of all of them by charging a lower premium than the bonding companies charge, and then we are paying 100 cents on the dollar of the Government's obligation and not one-third as they have been doing.

Mr. A. MITCHELL PALMER. Just there as the gentleman refers to the fact, and to have the record right, is it not true that the Government of the United States does not have a single uncollectible judgment against any of these bonding companies?

Mr. SMITH of Iowa. It is true; when companies have failed it is not necessary——

Mr. A. MITCHELL PALMER. Have you a claim?

Mr. SMITH of Iowa. If they have failed, there is no use in getting a judgment which would be utterly worthless.

Mr. A. MITCHELL PALMER. How much would that amount to?

Mr. SMITH of Iowa. I can not give the exact figures.

Mr. A. MITCHELL PALMER. Is it not also true that in 1894 we had thirty-five millions of uncollectible judgments against individuals?

Mr. SMITH of Iowa. Fidelity bonds; no. The gentleman adroitly picks the bonds that are not here in question, but contract bonds, and the like; there never was such an amount of fidelity bonds due the Government.

Mr. MOORE of Pennsylvania. I could tell the gentleman of one fidelity bond that was paid to the Government within the last six months.

Mr. SMITH of Iowa. And that company is bankrupt.

Mr. MOORE of Pennsylvania. That is true, and it is because of the 4,000 people who had their money in that company that I do not want to see this injustice done to them.

Mr. SMITH of Iowa. I can not yield the gentleman all my time——

Mr. MOORE of Pennsylvania. I know the company was made to pay——

Mr. SMITH of Iowa. I beg the gentleman's pardon; I will answer any questions, but he must not take up all of my time.

Mr. MOORE of Pennsylvania. I hope the gentleman will answer this question. He has referred to one company that is bankrupt, and that is because it has endeavored to pay its obligations to the Government, and had to go to the wall——

Mr. SMITH of Iowa. That was not the only reason, but it was forced into the hands of a receiver before it went to the wall.

Mr. MOORE of Pennsylvania. Has not the receivership actually paid to the Government——

Mr. SMITH of Iowa. I must insist, Mr. Chairman——

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMITH of Iowa. I ask for two more minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SMITH of Iowa. Under this provision we find that it will greatly reduce the premiums paid by the Government employees and take them out of the clutches of this combine of 17 companies, and at the same time we will pay to the Government three times as much upon its losses as it now receives. For these reasons the commission, composed of three Senators and three Members of the House, after two years of effort, has reported this measure in the confident belief that it will be successful if tried.

The CHAIRMAN. The question is upon agreeing to the amendment.

The question was taken, and the Chair announced the noes appeared to have it.

Upon a division (demanded by Mr. A. MITCHELL PALMER), there were—ayes 37, noes 66.

So the amendment was rejected.

Mr. TAWNEY. Mr. Chairman, I move that the committee do now rise and report the bill and amendments to the House with the recommendation that the amendments be adopted and the bill as amended do pass.

The motion was agreed to; and the Speaker having resumed the chair, Mr. CURRIER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 32967, the general deficiency bill, and had instructed him to report the same to the House with sundry amendments, with a recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? [After a pause.] The Chair hears no request. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was read a third time, and passed.

On motion of Mr. TAWNEY, a motion to reconsider the vote by which the bill was passed was laid upon the table.

MANAGERS FOR THE SOLDIERS' HOME BOARD.

Mr. TILSON. Mr. Speaker, I move to suspend the rules and pass House joint resolution 294, for the appointment of members of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That Hon. Z. D. Massey and Capt. Lucian S. Lambert be, and they are hereby, appointed as members of the Board of Managers of the National Home for Disabled Volunteer Soldiers of the United States: Hon. Z. D. Massey to succeed Walter P. Brownlow, deceased, whose term of office would expire April 21, 1914, and Capt. Lucian S. Lambert to succeed Thomas J. Henderson, deceased, whose term of office would expire April 21, 1914.

The SPEAKER. Is a second demanded?

Mr. GARRETT. I hope the gentleman does not care to press that resolution to-night.

Mr. TILSON. I understand there is no objection to it. Every member of the Committee on Military Affairs is in favor of it.

Mr. FITZGERALD. Has it the unanimous consent of the Committee on Military Affairs?

Mr. STAFFORD. I understand that the gentleman from Michigan [Mr. GARDNER] has been considered.

Mr. TILSON. The gentleman withdrew.

Mr. COOPER of Wisconsin. I move the House do now adjourn.

The SPEAKER. The gentleman from Wisconsin [Mr. STAFFORD] is entitled to 20 minutes and the gentleman from Connecticut [Mr. TILSON] 20 minutes.

Mr. UNDERWOOD. I hope the gentleman from Connecticut will let it go until to-morrow morning.

Mr. TILSON. I understand there is no objection to it.

Mr. COOPER of Wisconsin. Mr. Speaker, I move that the House do now adjourn.

Mr. TILSON. If there is any objection to my motion, I certainly will withdraw it.

NANNIE E. WILLIAMS, GEORGE GRAY, AND R. L. GAINES.

Mr. CURRIER. Mr. Speaker, I submit the following privileged report (No. 2277) from the Committee on Accounts.

The SPEAKER. The gentleman from New Hampshire offers the following privileged report from the Committee on Accounts, which the Clerk will read.

The Clerk read as follows:

Resolution 1004, in lieu of House resolution 999.

Resolved, That there shall be paid out of the contingent fund of the House to Nannie E. Williams, widow of John W. Williams, late a laborer in the heating and ventilating department of the House, an amount equal to six months' salary as such laborer, at the rate of compensation paid at the time of his decease; also there shall be paid out of the contingent fund of the House to George Gray $150, and to R. L. Gaines $63, to defray the expenses of the burial, etc., of said John W. Williams.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

CLERICAL ASSISTANCE, COMMITTEE ON ENROLLED BILLS.

Mr. CURRIER. I also submit the following privileged report (No. 2276) from the Committee on Accounts.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

House resolution 1003.

Resolved, That there shall be paid out of the contingent fund of the House not exceeding $200, for additional clerical assistance to the Committee on Enrolled Bills, during the remainder of the present session, upon the certificate of the chairman of said committee.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

WITHDRAWAL OF REPORT.

Mr. GRAHAM of Pennsylvania. Mr. Speaker, I ask unanimous consent to withdraw the report filed yesterday, from the Committee on Claims, on Senate bill 1031, Report No. 2262; Senate bill 9270, Report No. 2264; Senate bill 4023, Report No. 2263; and Senate bill 9954, Report No. 2265, for correction and reprint of said reports, leaving the bills on file.

The SPEAKER. Is there objection?

There was no objection.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 31856. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1912, and for other purposes;

H. R. 29857. An act to amend section 3287 of the Revised Statutes of the United States as amended by section 6 of chapter 108 of an act approved May 28, 1880, page 145, volume 121, United States Statutes at Large; and

H. R. 32082. An act limiting the privileges of the Government free bathhouse on the public reservation at Hot Springs, Ark., to persons who are without and unable to obtain the means to pay for baths.

PHILIPPINE COMMISSION.

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with accompanying papers, referred to the Committee on Insular Affairs and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the information of the Congress the Annual Report of the Philippine Commission for the year ended June 30, 1910.

WM. H. TAFT.

THE WHITE HOUSE, *February 28, 1911.*

WITHDRAWAL OF PAPERS—THEODORE N. GATES AND SARAH B. SCHAEFFER.

By unanimous consent, leave was granted to Mr. WASHBURN to withdraw from the files of the House, without leaving copies, the papers in the case of Theodore N. Gates, Sixty-first Congress, no adverse report having been made thereon.

By unanimous consent, Mr. NYE was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Sarah B. Schaeffer, Sixty-first Congress, no adverse report having been made thereon.

WITHDRAWAL OF HOUSE RESOLUTION 996.

Mr. CARY. Mr. Speaker, I would like to ask unanimous consent to withdraw House resolution No. 996, which I introduced the other day by request under a misapprehension.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent to withdraw House resolution 996.

Mr. MANN. To withdraw it how?

The SPEAKER. From the files of the House. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. TAWNEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 4 minutes a. m.) the House adjourned until 11 o'clock a. m. Wednesday, March 1, 1911.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Interior, transmitting a copy of a letter from the Commissioner of the General Land Office with a report as to the southern boundary of Alabama (H. Doc. No. 1413), was taken from the Speaker's table, referred to the Committee on the Judiciary, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 32570) providing for the regulation, identification, and registration of automobiles engaged in interstate commerce and the licensing of operators thereof, reported the same without amendment, accompanied by a report (No. 2270), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. STEPHENS of Texas, from the Committee on Indian Affairs, to which was referred the bill of the House (H. R. 32531) authorizing the Secretary of the Interior to permit the Missouri, Kansas & Texas Coal Co. and the Eastern Coal & Mining Co. to exchange certain lands embraced within their existing coal leases in the Choctaw and Chickasaw Nation for other lands within said nation, reported the same with amendment, accompanied by a report (No. 2272), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. HAMILTON, from the Committee on the Territories, to which was referred the joint resolution of the House (H. J. Res. 295) approving the constitution formed by the constitutional convention of the Territory of New Mexico, reported the same without amendment, accompanied by a report (No. 2269), which said resolution and report were referred to the House Calendar.

Mr. SMITH of Michigan, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 6582) to amend an act entitled "An act to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes," approved March 19, 1906, as amended by act of Congress approved March 2, 1907, reported the same without amendment, accompanied by a report (No. 2274), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. TAYLOR of Colorado, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 10756) granting public lands to the town of Omak, State of Washington, for public-park purposes, reported the same without amendment, accompanied by a report (No. 2271), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred, as follows:

By Mr. BENNET of New York: A bill (H. R. 32970) to amend the immigration law relative to the separation of families and to criminal aliens; to the Committee on Immigration and Naturalization.

By Mr. CARY: A bill (H. R. 32971) to amend section 4488, Revised Statutes, for the greater safety and protection of passengers on steam vessels of the United States; to the Committee on the Merchant Marine and Fisheries.

By Mr. CAMPBELL: Memorial of the Legislature of Kansas, relative to pension agencies; to the Committee on Appropriations.

By Mr. ANTHONY: Memorial of the Legislature of Kansas, protesting against consolidation of United States pension agencies; to the Committee on Appropriations.

By Mr. ELLIS: Memorial of the Legislature of Oregon, in favor of a parcels post; to the Committee on the Post Office and Post Roads.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURLEIGH: A bill (H. R. 32972) granting an increase of pension to Charles Thurston; to the Committee on Invalid Pensions.

By Mr. KINKAID of Nebraska: A bill (H. R. 32973) granting a pension to John Phillips; to the Committee on Pensions.

By Mr. RANSDELL of Louisiana: A bill (H. R. 32974) for the relief of N. W. Jones; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAIR: Petition of E. M. Kenedy and others, against Senate bill 404 and House joint resolution 17; to the Committee on the District of Columbia.

By Mr. ANDERSON: Petition of Chamber of Commerce and Manufacturers' Club, of Buffalo, N. Y., for Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of Ohio Branch of the National German Alliance, for monument at Germantown; to the Committee on the Library.

Also, petition of Oceola Council, No. 116, Oceola, Ohio, for H. R. 15413; to the Committee on Immigration and Naturalization.

Also, petition of Walla Walla (Wash.) Trades and Labor Council, relative to disposition of certain lands; to the Committee on the Public Lands.

Also, papers to accompany bills for relief of George W. Mackey, N. B. Peterman, John W. Robinson, Christian Younkman, Thomas Chance, Frederick J. Rieser, Margaret A. Patterson, G. O. Maskey, Henry Stork, Jacob Clark, William Mereness, George Smith, and Sarah Mount; to the Committee on Invalid Pensions.

Also, petition of the Old Age Brotherhood, Lancaster, Ohio, for enactment of an old-age pension system; to the Committee on Pensions.

By Mr. ASHBROOK: Petition of Capt. M. R. Limbie and 12 other prominent citizens of Wooster, Ohio, for the militia-pay bill; to the Committee on Militia.

Also, petition of Jersey (Ohio) Grange, the Congress (Ohio) Grange, and the Tiverton (Ohio) Grange No. 1515, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. BRADLEY: Petition of Washington Camp, No. 35, Patriotic Order Sons of America, Washingtonville, N. Y., for H. R. 15413; to the Committee on Immigration and Naturalization.

By Mr. DALZELL: Petition of Washington Camp No. 742, Patriotic Order Sons of America, of Latrobe, Pa., relative to House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. DAWSON: Petition of Elmer Perstman and other citizens of Buffalo, Iowa, against reciprocity with Canada; to the Committee on Ways and Means.

Also, petition of Local Union No. 312, of Davenport, Iowa, for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of R. Sharp and 71 other citizens of Maquoketa, Iowa, against a parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of Ed D. Mayer and 15 other citizens of Muscatine, Iowa, for building of battleship *New York* in a Government navy yard; to the Committee on Naval Affairs.

By Mr. DODDS: Petition of Robert Gladstone and others, R. E. Latty and others, and citizens of Gratiot County, against Senate bill 404 and House joint resolution 17, Sunday legislation in the District of Columbia; to the Committee on the District of Columbia.

By Mr. DRAPER: Petition of the Sunday School Council of Evangelical Denominations against increase in postage rates on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. DUREY: Petition of the Woman's Home Missionary Society of Corinth, N. Y.; also petition of the Woman's Home Missionary Society of Mechanicsville, N. Y., favoring the enactment of the Miller-Curtis bill and other prohibition legislation; also petition of the Home Missionary Society of Galway, N. Y., favoring the enactment of the same measures; to the Committee on the Judiciary.

By Mr. ELLIS: Petition of E. Chandler and 15 others, of Richland, Oreg., against the establishment of a local rural parcels-post service; to the Committee on the Post Office and Post Roads.

By Mr. FORNES: Petition of Jewelers' Board of Trade, urging speedy passage of House bill 32260; to the Committee on Interstate and Foreign Commerce.

Also, petition of Pictorial Review Co., New York City, against increase of postage on second-class matter; to the Committee on the Post Office and Post Roads.

Also, petition of Milton Piano Co., favoring a merchant marine as per the Gallinger bill; to the Committee on the Merchant Marine and Fisheries.

By Mr. FULLER: Petition of Sundance Commercial Club, of Wyoming, for an appropriation to purchase a site for a Government building in Sundance, Wyo.; to the Committee on Public Buildings and Grounds.

Also, petition of the Furner Motor Car Co., for the Wanger bill (H. R. 32570); to the Committee on Interstate and Foreign Commerce.

Also, petition of Pictorial Review Co., of Chicago, protesting against an increase of postal rates on magazines; to the Committee on the Post Office and Post Roads.

By Mr. GRIEST: Petition of Westbury Quarterly Meeting of the Society of Friends, for neutralization of the canal and against use of public funds for warlike preparations; to the Committee on Military Affairs.

By Mr. HAMILTON: Petition of D. G. Clark and 18 others, of Allegan County, Mich., and citizens of Paw Paw, Mich., favoring the Miller-Curtis bill; to the Committee on the Judiciary.

By Mr. HANNA: Petition of Legislature of North Dakota, favoring annexation with Canada; to the Committee on Foreign Affairs.

Also, petition of citizens of North Dakota, against Senate bill 404 and House joint resolution 14; to the Committee on the District of Columbia.

Also, petition of citizens of North Dakota, against a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of citizens along post-office rural routes in North Dakota, for House bill 26791, favoring additional pay for rural

delivery carriers; to the Committee on the Post Office and Post Roads.

Also, petition of Sundance Commercial Club, for an appropriation for a public building in Sundance, Wyo.; to the Committee on Public Buildings and Grounds.

Also, petition of Twelfth Legislative Assembly of North Dakota, for a system of Federal inspection of grain; to the Committee on Interstate and Foreign Commerce.

Also, petition of C. A. Weeden and others, against increase of postal rates; to the Committee on the Post Office and Post Roads.

Also, petition of Legislature of North Dakota, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. HILL: Petition of citizens of Danbury, Conn., against a donation of land to J. B. Pitcoal, of Santa Fe, N. Mex.; to the Committee on the Public Lands.

Also, petitions of Greenfield Hill Grange, No. 139; Danbury Grange, No. 156; Reppowan Grange, No. 145, Stamford; Goshen Grange, No. 143; Colebrook Grange, No. 82; and Plymouth Grange, No. 72, all in the State of Connecticut, favoring a parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. HOUSTON: Paper to accompany bills for relief of H. B. Crowell and William H. Jones (previously referred to the Committee on Invalid Pensions); to the Committee on Claims.

By Mr. AIKEN: Petition of Junior Order United American Mechanics, Park Hill, S. C., and Jefferson, S. C., for enactment of House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. KINKEAD of New Jersey: Petition of Franklin Union No. 23, International Pressmen's Assistants Union of North America, against increase of postage rates on second-class mail matter; to the Committee on the Post Office and Post Roads.

By Mr. KRONMILLER: Petition of United Hebrew Charities of Baltimore, against violation of treaty obligations by the Government of Russia; to the Committee on Foreign Affairs.

Also, petition of Jeremiah Neman, Baltimore, Md., for building of battleship *New York* in a Government navy yard; to the Committee on Naval Affairs.

By Mr. LLOYD: Petition of citizens of the first congressional district of Missouri, against parcels-post legislation; to the Committee on the Post Office and Post Roads.

Also, petition of National Consumers' League, against minors holding positions in post offices; to the Committee on the Post Office and Post Roads.

Also, petition of Mrs. C. B. Linville and others, favoring investigation of causes of tuberculosis, typhoid fever, and other diseases originating in dairy products; to the Committee on Agriculture.

Also, petition of citizens of Hamilton, Mo., against Senate bill 404, Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

By Mr. LOUD: Petition of John H. Wildey and 12 other residents, of Pinconning, Mich., and Lodge Ancient Order of Gleaners, Midland, Mich., against Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of Oscar Mathison and 4 others, of Alpina, Mich., against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. McCALL: Petition of John T. Wilson, Esq., Post 148, Grand Army of the Republic, Massachusetts, favoring House bill 31238, Lincoln memorial highway; to the Committee on the Library.

By Mr. McCREDIE: Petitions of Lincoln Grange, No. 357, Fishers Grange, No. 211, and others, against Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of citizens of Washington, against passage of a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of Mrs. Harriet Siddall and others, favoring the Bartholdt bill for indemnity to the Lewis Publishing Co.; to the Committee on Claims.

Also, petition of Bakery and Confectionery Workers' International Union of America, Tacoma, Wash., against the tax on oleomargarine; to the Committee on Agriculture.

Also, petition of J. J. Flood and others, insisting that the battleship *New York* be built in a Government navy yard, in compliance with the law of 1910, and for eight-hour clause of naval appropriation bill; to the Committee on Naval Affairs.

By Mr. McHENRY: Paper to accompany bill for relief of Christopher Sigoma (previously referred to the Committee on Invalid Pensions); to the Committee on Pensions.

By Mr. McKINNEY: Petition of Rock Island (Ill.) Chapter, American Woman's League, against increase of postal rates for magazines; to the Committee on the Post Office and Post Roads.

By Mr. MANN: Petition of Piano Manufacturing Association, favoring Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of citizens of Chicago, for the construction of the battleship *New York* in a Government navy yard; to the Committee on Naval Affairs.

By Mr. MOORE of Pennsylvania: Petitions of American Standard Council, No. 830; Martha G. Kimball Council, No. 553; Ivanhoe Council, No. 994; McAllister Council, No. 1011; Lansdale Council, No. 934; McDonald Council, No. 199; Reserve Council, No. 253; George Bancroft Council, No. 571; M. G. Lowrey Council, No. 722; Thaddeus Stevens Council, No. 252; Samuel J. Randall Council, No. 448; Melrose Council, No. 928; Robert Tippett Council, No. 736; Neversink Council, No. 371; Globe Council, No. 54; Robert Morris Council, No. 41; William Windom Council, No. 580; Heilman Council, No. 277; the Temple Council, No. 1010; James Allen Council, No. 835; Woodland Council, No. 179; Fourth Estate Council, No. 170; Malta Council, No. 905; Volunteer Council, No. 679; Mantua Council, No. 83; Blair Council, No. 15; Hazel Council, No. 258; North American Council, No. 332; Ford City Council, No. 272; Betsy Ross Council, No. 668; York Council, No. 505; Tamaqua Council, No. 547; and Chestnut Hill Council, No. 215, all of Order of Independent Americans, and Washington Camps Nos. 497, 284, and 742, Patriotic Order Sons of America, urging the enactment of an illiteracy test; to the Committee on Immigration and Naturalization.

Also, petition of National Piano Manufacturers' Association of America, for Canadian reciprocity as per the McCall bill; to the Committee on Ways and Means.

Also, petition of the Association of Military Surgeons of the United States, for a national department of health; to the Committee on Interstate and Foreign Commerce.

Also, petition of Shoe Wholesalers and Manufacturers' Protective Association, Philadelphia, Pa., against a parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of Local Union No. 161, International Brotherhood of Bookbinders, of Philadelphia, opposing any increase in postage rates; to the Committee on the Post Office and Post Roads.

Also, petition of Rhode Island Avenue Suburban Citizens' Association, urging enactment of all unobjected bills on House Calendar concerning the District of Columbia; to the Committee on the District of Columbia.

By Mr. MORGAN of Oklahoma: Petition from O. T. Robinson, C. E. Chadock, J. Rosing, J. G. Henry, G. S. Yates, jr., A. H. Goldberg, A. A. Bennett, A. R. Helmer, S. C. Tyler, P. R. Woods, W. H. Spillers, H. G. Truitt, James E. Kelso, Chris Kamp, J. C. Ward, S. S. Garber, A. S. Ball, J. C. West, W. L. Wansen, J. B. McGinnis, J. P. Martin, J. M. Warren, Henry Crosby, J. P. Crowder, T. R. Lawson, F. W. Layton, J. W. Webb, W. J. Olney, Carpenter Bros., and others, citizens of the second congressional district of the State of Oklahoma, protesting against a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. OLMSTED: Petition of Samuel W. Larcomb Post, No. 351, Grand Army of the Republic, Steelton, Pa., for House bill 18899 (previously sent to the Committee on Invalid Pensions); to the Committee on Military Affairs.

By Mr. SULZER: Petition of the Sunday School Council of Evangelical Denominations, against increase of postal rates on second-class matter; to the Committee on the Post Office and Post Roads.

Also, petition of Jewelers' Board of Trade, favoring House bill 32260; to the Committee on the Judiciary.

Also, petition of Overland Sales Co., of New York, favoring House bill 32570, the automobile registration bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of George O. Street & Sons, New York, for House bill 32260, by Mr. CARLIN, of Virginia; to the Committee on the Judiciary.

Also, petition of Franklin Union, No. 23, against increase of postal rates; to the Committee on the Post Office and Post Roads.

By Mr. WOOD of New Jersey: Petition of Women's Club of Lawrenceville, N. J., against use in United States Navy of a silver service having upon it any representation of Brigham Young, of Utah; to the Committee on Naval Affairs.

SENATE.

WEDNESDAY, *March 1, 1911.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

THE JOURNAL.

The Secretary proceeded to read the Journal of yesterday's proceedings and was interrupted by

Mr. STONE. Mr. President, I insist on the Secretary reading the entire Journal.

The VICE PRESIDENT. The Secretary is reading the Journal in full. He will proceed so to do.

Mr. STONE. I should like to inquire if he is reading it in full.

The VICE PRESIDENT. Petitions which have been presented do not appear in the Journal in full, but there is simply an annotation showing that they were presented, and that annotation the Secretary is reading. A petition does not appear in full in the Journal of course.

Mr. STONE. When the Secretary reads "as follows" and turns over a sheet without reading it, I should like to know what that sheet contains.

The VICE PRESIDENT. That was a roll call.

Mr. STONE. Is not a roll call a part of the Journal?

The VICE PRESIDENT. It is a part of the Journal. If the Senator from Missouri desires that the Secretary, in each instance, shall read the roll call, the Secretary, will do so.

Mr. STONE. Well, for the present at least.

The VICE PRESIDENT. The Secretary will resume the reading of the Journal.

The Secretary resumed the reading of the Journal.

Mr. BROWN. I ask unanimous consent that the further reading of the Journal be dispensed with.

Mr. HALE. Mr. President, the Senator from Missouri gave notice of his purpose to have the Journal read. However, he is here.

The VICE PRESIDENT. The Senator objects. The Secretary will continue the reading of the Journal.

The reading of the Journal was resumed and concluded, and it was approved.

INDIAN DEPREDATION CLAIMS.

The VICE PRESIDENT laid before the Senate a communication from the Attorney General, transmitting, in response to a resolution of the 25th ultimo, a list of judgments rendered by the Court of Claims in favor of claimants in Indian depredation cases not heretofore reported etc. (S. Doc. No. 850), which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

SOUTH BOUNDARY LINE OF ALABAMA.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a letter from the Commissioner of the General Land Office, together with the field notes of an examination of surveys of the former south boundary of the State of Alabama, which, with the accompanying papers, was referred to the Committee on Public Lands and ordered to be printed.

LIST OF CLAIMANTS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a list of judgments rendered by the Court of Claims amounting to $245,332.81, which have been presented to the department and require an appropriation for their payment, etc. (S. Doc. No. 851), which, with an accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

CASS GILBERT.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, recommending the adoption of an amendment to the general deficiency appropriation bill to appropriate $3,434.92 commissions due Cass Gilbert, architect of the new customhouse, New York City, N. Y., for professional services, rendered, etc. (S. Doc. No. 852), which was referred to the Committee on Appropriations and ordered to be printed.

SCHEDULE OF CLAIMS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a schedule of claims allowed by the accounting officers of the Treasury under appropriations, the balance of which have been exhausted or carried to a surplus fund under the provisions of section 5 of the act of June 20, 1874, $163,409.11 (S. Doc. No. 853), which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had passed the following bills:

S. 10476. An act for the relief of Passed Asst. Paymaster Edwin M. Hacker;

S. 10808. An act to authorize the Greeley-Arizona Irrigation Co. to build a dam across the Colorado River at or near Head Gate Rock, near Parker, in Yuma County, Ariz.; and

S. 10882. An act to authorize the county of Ouachita, in the State of Arkansas, to construct a bridge across Ouachita River.

The message also announced that the House had agreed to the report of the third committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 31856) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1912, and for other purposes.

The message further announced that the House had passed a bill (H. R. 32957) making appropriations to supply deficiencies in appropriations for the fiscal year 1911 and for prior years, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice President:

S. 9903. An act to authorize the Sheridan Railway & Light Co. to construct and operate railway, telegraph, telephone, electric power, and trolley lines through the Fort Mackenzie Military Reservation, and for other purposes;

S. 9904. An act granting right of way on the Fort D. A. Russell Military Reservation, at Cheyenne, Wyo., for railroad and county-road purposes;

S. 10457. An act to amend section 6 of the currency act of March 14, 1900, as amended by the act approved March 4, 1907;

H. R. 18512. An act for the relief of S. H. Robinson, of Allegheny County, Pa.;

H. R. 20603. An act for the relief of Henry Halteman;

H. R. 26656. An act to prevent the disclosure of national-defense secrets;

H. R. 28215. An act to fix the time of holding the circuit and district courts for the northern district of West Virginia;

H. R. 28626. An act to amend the internal-revenue laws relating to distilled spirits, and for other purposes;

H. R. 29857. An act to amend section 3287 of the Revised Statutes of the United States, as amended by section 6 of chapter 108 of an act approved May 28, 1880, page 145, volume 121, United States Statutes at Large;

H. R. 29360. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1912, and for other purposes;

H. R. 30570. An act to authorize the receipt of certified checks drawn on national and State banks for duties on imports and internal taxes, and for other purposes;

H. R. 31806. An act to amend section 1 of the act approved March 2, 1907, being an act to amend an act entitled "An act conferring jurisdiction upon United States commissioners over offenses committed on a portion of the permanent Hot Springs Mountain Reservation, Ark.;"

H. R. 31856. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1912, and for other purposes;

H. R. 32082. An act limiting the privileges of the Government free bathhouse on the public reservation at Hot Springs, Ark., to persons who are without and unable to obtain the means to pay for baths;

H. R. 32344. An act to protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States, or their successors in interest; and

S. J. Res. 145. Joint resolution providing for the filling of a vacancy which will occur on March 1, 1911, in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a telegram in the nature of a memorial signed by the president of the Chicago Photo-Engravers' Union, of Illinois, remonstrating against the proposed increase in the rate of postage on certain sections of magazines, which was ordered to lie on the table.

Mr. JONES. I present a short telegram from the governor of our State in reference to the action of the legislature on reciprocity, which I ask may be read. I also present two short telegrams, one for and the other against the parcels post.

These telegrams are from my home town, and I should like to have them read.

The VICE PRESIDENT. The Secretary will read the telegrams, if there be no objection.

Mr. BEVERIDGE. I object, Mr. President.

The VICE PRESIDENT. An objection having been made to the reading of the telegrams, the question is, Shall the telegrams be read?

Mr. JONES. I will not ask to have them read now, but will have the Secretary return them to me. I will put them in later and will not take the time now, as the Senator from Oklahoma [Mr. OWEN] is ready to take the floor.

Mr. BEVERIDGE. To save time, I will state now that to any request to pass bills, read resolutions or papers, I shall be constrained to object, for the plain reason that there is very little time before the time will arrive for the vote agreed by unanimous consent to be taken, and several Senators desire to speak.

Mr. GALLINGER presented a memorial of Local Union No. 29, International Brotherhood of Paper Makers, of Berlin, N. H., and a memorial of Local Grange No. 238, Patrons of Husbandry, of Stratford, N. H., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

Mr. DILLINGHAM presented memorials of Fall Mountain Grange, No. 297, of Bellows Falls; of Orion Grange, No. 83, of Woodstock; of Prospect Grange, No. 429, of Fair Haven; of Local Lodge No. 114, of Springfield; of Central Vermont Grange, No. 6, of Brookfield; of Local Grange No. 289, of Poultney; of Local Grange of Plymouth Union; of Local Grange No. 303, of Bridport; and of East Barnard Grange, of East Barnard; all of the Patrons of Husbandry; and of the International Brotherhood of Paper Makers of Bellows Falls, all in the State of Vermont, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

Mr. DICK presented a memorial of Mutual Lodge, No. 225, International Association of Machinists, of Dayton, Ohio, remonstrating against the abolishment of the eight-hour provision in the naval appropriation bill, which was referred to the Committee on Naval Affairs.

Mr. SCOTT presented a petition signed by 187 members of Post 5, Grand Army of the Republic, of Lynn, Mass., praying for the passage of the so-called Sulloway old-age pension bill, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Ethel, W. Va., remonstrating against any change being made in the rate of postage on periodicals and magazines, which was ordered to lie on the table.

Mr. KEAN presented the petition of Clinton Bowen, of Salem, N. J., and the petition of John E. Clarey, of Madison, N. J., praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of General Henry W. Slocum Post, No. 55, Grand Army of the Republic, Department of New Jersey, of Paterson, N. J., and the petition of Thomas J. Roberts, of Bogota, N. J., praying for the passage of the so-called old-age pension bill, which were ordered to lie on the table.

He also presented a petition of Washington Camp No. 112, Patriotic Order Sons of America, of Yorktown, N. J., and a petition of sundry citizens of Hackensack, N. J., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

Mr. YOUNG presented a memorial of sundry citizens of Ainsworth, Iowa, remonstrating against the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Local Union No. 1069, Brotherhood of Carpenters and Joiners of America, of Muscatine, Iowa, praying for the enactment of legislation to further restrict immigration, which was referred to the Committee on Post Offices and Post Roads.

Mr. SHIVELY presented petitions of William Jones, Phil Sanford, Maggie Scott, Amanda Spatti, Agusta Gladbach, Samuel Railing, Minnie Ellison, Lee Wilson, Mary Sutton, Josephine Roberts, Mary Deak, William Shopman, Mary Getty, Annie Doyle, Frank Casso, Frank Lipps, Jennie Blue, Samuel Girard, W. McCormick, Eva Cragg, John Palmer, John Miller, Dora Koch, M. Budde, and Mary Rand, all of Fort Wayne, in the State of Indiana, and petitions of Hanna Bowers, Carrie Webber, Clara Meyers, Louis Certia, Any Sheeler, Rosa Meyer, Eugene Cour, Rose Day, Eva Hargrove, Anna Meyer, Forest Ellsworth, R. Hathaway, Fanny Leatherman, and Henry Butler, all of New Haven, in the State of Indiana, praying for the establishment of a national department of health, which were referred to the Committee on Public Health and National Quarantine.

Mr. PILES presented a petition of Local Lodge No. 126, Bakery and Confectionery Workers' International Union, of Tacoma, Wash., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of Briedablick Grange, No. 292, Patrons of Husbandry, of Paulsbo, Wash., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was ordered to lie on the table.

Mr. BURNHAM presented a memorial of Local Grange No. 238, Patrons of Husbandry, of Stratford, N. H., and a memorial of Local Union No. 29, International Brotherhood of Paper Makers, of Berlin, N. H., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

Mr. HALE presented petitions of Aurora Grange, No. 202, of Strong; of Sheepscot Leake Grange, No. 455, of Palermo; of Local Grange No. 262, of Fort Fairfield; of Floral Grange, No. 158, of North Bucksport; of Local Grange No. 165, of Perham; of Narramissic Grange, No. 224, of Orland; and of Lake Grange, No. 24, of West Poland, all of the Patrons of Husbandry, in the State of Maine, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

Mr. DEPEW presented memorials of Chicago Grange, No. 446; Sodus Grange, No. 73; Veteran Grange, No. 1108; Bath Grange, No. 294; Nestor Grange, No. 969; Hartland Grange, No. 1190; Caledonia Grange, No. 870; Gaines Grange, No. 1147; and of Medina Grange, No. 1160, all of the Patrons of Husbandry; of the Dairymen's League, and sundry citizens of Canastota, Fort Covington, and Albion, all in the State of New York, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

He also presented a petition of the Ad Club of Buffalo, N. Y., and a petition of the Ad Club of Rochester, N. Y., praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

Mr. LODGE. I present a memorial of the municipal council of Gloucester, Mass., which I ask may lie on the table and be printed in the RECORD.

There being no objection, the memorial was ordered to lie on the table and be printed in the RECORD, as follows:

GLOUCESTER, MASS., *January 27, 1911.*

Whereas the commission appointed by the Governments of the United States and Canada to draw up an agreement of reciprocity between the two countries has reported to Congress; and

Whereas said agreement puts on the free list fish of all kinds, fresh, frozen, packed in ice, salted, or preserved in any form, with some few exceptions, which means the destruction of the fishing industry in Gloucester, an industry which has continued from 1623 to the present time; and

Whereas the President of the United States recommended the appointment of a tariff commission to investigate the difference in the cost of production here and abroad, which is a fair and just way to get at the facts, and which for some reason has not been acted upon; and

Whereas it is unfair to adopt such measures without a hearing, thereby destroying an important industry, which has lasted so long and which on account of the nature of its business has fitted men who have always been ready to come to their country's aid in time of war; and

Whereas a great many articles which enter into the manufacture and production of our fish products are highly protected, and because the profit on our fish products is too small to permit us to compete with our English neighbors if this agreement is carried out, inasmuch as labor costs are so much lower in Canada than in the United States, and also because of the nearness of the fishing grounds to Canada: Therefore be it

Resolved, That we, the municipal council, representing the people of Gloucester, believing that this action will be positively ruinous to the fishing industry and to the city of Gloucester as a whole, do hereby protest against this action, feeling that it is unfair to blot out an industry which has played such an important part in our country's welfare, and we most respectfully urge that the United States Government use all honorable means to prevent such a course of action; and be it further

Resolved, That a copy of this resolution be sent to the President of the United States, the Senators of this Commonwealth, our Representative in Congress and the other Representatives in Congress from this Commonwealth, requesting them to use their best endeavors to defeat any action which will ruin the oldest industry in the history of the United States.

ISAAC PATCH, *Mayor.*
C. H. BARRETT,
SAM'L MONTGOMERY,
A. N. DONAHOE,
GEO. E. MERCHANT,
Aldermen, Municipal Council of Gloucester, Mass.

In municipal council, January 27, 1911, unanimously adopted.
A true copy.
Attest:

JOHN J. SOMES, *City Clerk.*

Mr. LODGE presented memorials of Ware Grange, No. 164, of Ware; Phillipston Grange, of Phillipston; Littleton Grange, of Littleton; Bernardston Grange, of Bernardston; Northampton Grange, No. 138, of Northampton; Grafton Grange, No. 93, of Grafton; West Newbury Grange, No. 146, of West Newbury; Hanson Grange, No. 209, of Hanson; Danvers Grange, No. 263, of Danvers; Sturbridge Grange, No. 177, of Sturbridge; Berlin Grange, No. 134, of Berlin; Dalton Grange, of Dalton; Barre Grange, No. 9, of Barre; Duxbury Grange, of Duxbury; West Gloucester Grange, No. 286, of West Gloucester, all in the State of Massachusetts, remonstrating against the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

He also presented telegrams from Auburn Grange, of Auburn; West Medway Grange, of West Medway; Westboro Grange, of Westboro; Borough Pomona Grange, of Marlboro; Petersham Grange, of Petersham; Sutton Grange, of Milbury; Rutland Grange, of Worcester; and East Medway Grange, all in the State of Massachusetts, remonstrating against the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

He also presented memorials and telegrams from Charles M. Gardner, of Westfield, master of the Massachusetts State Grange; Edward E. Chapman, of Ludlow, overseer; and Charles H. Preston, of Hathorne, deputy, remonstrating against the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

Mr. DU PONT presented a memorial of Evergreen Grange, No. 29, Patrons of Husbandry, of Nassau, Del., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was ordered to lie on the table.

STANDARDS FOR COINAGE.

Mr. SMOOT. From the Committee on Finance I report back favorably without amendment the bill (H. R. 24886) to amend sections 3548 and 3549 of the Revised Statutes of the United States relative to the standards for coinage, and I ask for its immediate consideration.

Mr. BEVERIDGE. In conformity with my notice a moment ago, which applies to all Senators, and for the reasons given, I object.

Mr. SMOOT. I will withdraw the report for the present.

The VICE PRESIDENT. The Senator from Utah withdraws the report for the present.

REPORTS OF COMMITTEES.

Mr. WARREN, from the Committee on Military Affairs, to which was referred the bill (H. R. 10605) for the relief of Aaron Wakefield, reported it with an amendment and submitted a report (No. 1264) thereon.

Mr. CHAMBERLAIN, from the Committee on Public Lands, to which was referred the bill (H. R. 27298) relating to homestead entries in the former Siletz Indian Reservation, in the State of Oregon, reported it without amendment.

Mr. BULKELEY, from the Committee on Military Affairs, to which was referred the amendment submitted by himself on the 24th instant, relative to the settlement of the claims of the 14 members of Companies B, C, and D, Twenty-fifth United States Infantry, etc., reported it with an amendment, and moved that it be printed and (with accompanying paper) referred to the Committee on Appropriations, which was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 10898) to authorize the Secretary of the Treasury to use at his discretion surplus moneys in the Treasury in the purchase or redemption of the outstanding interest-bearing obligations of the United States; to the Committee on Finance.

By Mr. SIMMONS:

A bill (S. 10899) granting an increase of pension to Frederick White (with accompanying papers); to the Committee on Pensions.

By Mr. NEWLANDS:

A bill (S. 10900) to create a board of river regulation and to provide a fund for the regulation and control of the flow of navigable rivers in aid of interstate commerce, and as a means to that end to provide for flood prevention and protection and for the beneficial use of flood waters and for water storage and for the protection of watersheds from denudation and erosion and from forest fires and for the cooperation of Government services and bureaus with each other and with States, municipalities, and other local agencies; to the Committee on Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PENROSE submitted an amendment proposing to appropriate $40,000 for the purchase of a site and commencement of a post-office building at Hanover, Pa., etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CURTIS submitted an amendment proposing to appropriate $1,500 to pay F. H. Wakefield for preparing a history of legislation for the Senate of the Sixty-first Congress, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. OLIVER submitted an amendment proposing to increase the appropriation for the analyzing and testing of the coals, lignites, ores, and other mineral fuel susbtances belonging to or for the use of the United States from $100,000 to $135,000, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to increase the salary of the superintendent of documents from $3,000 to $3,500, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. OVERMAN submitted an amendment relative to the settlement of the claims of the State of North Carolina, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. WARREN submitted an amendment proposing credit in accounts of Capt. Claudius M. Seaman and Lieut. William C. Langfitt, United States Army, intended to be proposed by him to the general deficiency appropriation bill, which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

Mr. FRYE submitted an amendment proposing to appropriate $25,535.22 for the payment of 200 approved claims for damages and loss of private property belonging to citizens of the United States, Hawaii, and the Philippine Islands, etc., intended to be proposed by him to the sundry civil appropriation bill, which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. PILES submitted an amendment proposing to appropriate $10,000 for the appointment and expenses of a committee to investigate conditions in the Territory of Alaska, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SCOTT submitted an amendment intended to be proposed by him to the bill (H. R. 29157) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1912, and for other purposes, which was ordered to lie on the table and be printed.

Mr. ROOT submitted an amendment proposing to appropriate $9,000 for the participation by the United States in the International Congress to Promote Uniform Legislation Concerning Letters of Exchange, to be held at The Hague in 1911, etc., intended to be proposed by him to the diplomatic and consular appropriation bill, which was ordered to lie on the table and be printed.

He also submitted an amendment proposing to appropriate $25,000 toward the maintenance of the Bureau of the Interparliamentary Union for the Promotion of International Arbitration, etc., intended to be proposed by him to the diplomatic and consular appropriation bill, which was ordered to lie on the table and be printed.

WITHDRAWAL OF PAPERS—DANIEL WELLS.

On motion of Mr. NELSON, it was

Ordered, That the papers in the case of Daniel Wells, S. 615, Sixty-first Congress, first session, be taken from the files of the Senate, no adverse report having been made on said bill.

ASSISTANT CLERK TO COMMITTEE ON FINANCE.

Mr. PENROSE submitted the following resolution (S. Res. 379), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Finance be, and it is hereby, authorized to employ an assistant clerk, at a salary of $2,220 per annum, to be paid out of the contingent fund of the Senate, until otherwise directed by law.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had, on February 28, 1911, approved and signed the following acts:

S. 10817. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

S. 10818. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 10849. An act to authorize the city of Shreveport to construct a bridge across Red River.

RECIPROCITY WITH CANADA.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 849), which was read and, with the accompanying papers and illustrations, ordered to lie on the table and be printed:

To the Senate:

In response to the resolution of the Senate of February 23, 1911, requesting the President, if not incompatible with the public interests, to transmit to the Senate all the information secured, and the tables and statistics prepared, by the board of experts composed of Henry C. Emery, James B. Reynolds, and Alvin H. Sanders, relating to the various articles and commodities named in the Canadian reciprocity measure, and especially to the following: Pulp wood; wood pulp; and paper of whatever value; wool, whether raw or further advanced in manufacture; woolen thread, cloth, and clothing; cotton thread, cloth, and clothing; carpets; boots and shoes; iron ore; pig iron and manufactured iron and steel; agricultural implements; coal; meats; flour and lumber. I transmit herewith a report from the Tariff Board giving the information in its possession relating to pulp wood, pulp, and news-print paper; and farm products (including live stock), and current relative prices in Canada and the United States of wheat, barley, and food products of the farm, including meats, poultry and eggs, dairy products and vegetables. The Tariff Board reports that its information with reference to the following articles especially mentioned in the resolution: Iron ore; pig iron and manufactured iron and steel; agricultural implements; coal and lumber, is not available for transmission. The following articles named in the resolution, namely: Wool, whether raw or further advanced in manufacture; woolen thread, cloth, and clothing; cotton thread, cloth, and clothing; carpets; boots and shoes are not included in the report because they are not included in the bill under consideration, and also because the material in the possession of the Tariff Board is not in condition for immediate transmission.

WM. H. TAFT.

THE WHITE HOUSE, *February 28, 1911.*

HOUSE BILL REFERRED.

H. R. 32957. An act making appropriations to supply deficiencies in appropriations for the fiscal year 1911 and for prior years, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

SENATOR FROM ILLINOIS.

Mr. McCUMBER. Mr. President, I understand that it is the purpose of the Senate immediately after the close of the morning business to proceed to the consideration of the Lorimer case, and in as much as many Senators have spoken for hours and days upon the subject and as there are many here who have not spoken at all, and as the vote will be had at 1.30 this afternoon, I am going to ask unanimous consent that in the consideration of and argument upon the resolution, no Senator shall speak to exceed 15 minutes until all those who desire to speak upon the subject have been heard.

The VICE PRESIDENT. Is there objection to the request of the Senator from North Dakota?

Mr. BEVERIDGE. Mr. President, the debate has occupied a great many weeks and even months. There has been ample opportunity for Senators to speak. I shall be constrained to object to any such rule. I say further that the Senator knows this is also in accordance with the convictions that I have heretofore expressed in similar debates.

The VICE PRESIDENT. The Senator from Indiana objects. Is there further morning business? If not, morning business is closed. The calendar under Rule VIII is in order.

Mr. OWEN. Mr. President——

The VICE PRESIDENT. The Senator from Oklahoma.

Mr. McCUMBER. I insist that we proceed with the calendar. Then, if no one is to speak to-day, and no one to be allowed to speak but one or two Senators upon this proposition, it seems to me that we ought to go to the calendar.

The VICE PRESIDENT. The Senator from Oklahoma has the floor.

Mr. BEVERIDGE. Regular order.

The VICE PRESIDENT. The Senator from Oklahoma has the floor.

Mr. McCUMBER. Mr. President, I desire to ask what order of business the Senate is now on?

The VICE PRESIDENT. The Senator from Oklahoma has the floor.

Mr. McCUMBER. Under what order?

The VICE PRESIDENT. Not under anything. He is on the floor.

Mr. McCUMBER. I simply desired to know what the order is so as to see whether we are going to have morning business or whether we are not.

The VICE PRESIDENT. The Chair had announced that the calendar under Rule VIII was in order. The Senator from Oklahoma then asked the floor, and he has the floor.

Mr. OWEN. Mr. President, in speaking upon this matter, I wish first of all to say that I am sincerely sorry for WILLIAM LORIMER. I am sorry for him, whether his title be held valid by the Senate of the United States or whether it be not. I am sorry for him because he has demonstrated on this floor that he has intellectual and oratorical qualities of the first magnitude, and he has demonstrated more, from the story of his life, that he has had a kind and magnanimous heart; but there is nothing that can ever remove the stain upon the record of his election or relieve the stigma of this record, because the evidence is convincing that his election to this body was procured by corrupt practices, and must always remain a painful memory to him and to his friends. For four hours he addressed this body in a speech of wonderful eloquence and power—an appeal that moved the hearts of all. The most remarkable thing of all in that speech was that he refrained from any reference to the evidence in the case and devoted himself to other questions which were immaterial to the point at issue while vehemently assuring the Senate of his innocence.

What are we to believe as to these assurances? In answer to a suggestion made to me I sent telegrams to three persons referred to by Mr. LORIMER, asking as to the accuracy of his references to them. One confirmed Mr. LORIMER's reference to him, one partly denied, but the third, the governor of Illinois, Charles S. Deneen, vigorously denied the truth of Mr. LORIMER's statements. I hold in my hand a telegram from the governor of the State of Illinois denying in serial order the statements made by Mr. LORIMER with regard to the governor of Illinois. Mr. LORIMER had the opportunity of appearing before a committee of this body. Why did he not appear before this committee investigating the question of whether or not he was aware of corrupt practices in the matter of his election?

Mr. HEYBURN. Mr. President——

The VICE PRESIDENT. Will the Senator from Oklahoma yield to the Senator from Idaho?

Mr. OWEN. I can not now yield to the Senator from Idaho.

The VICE PRESIDENT. The Senator declines to yield.

Mr. HEYBURN. Yes. I will not ask the Senator to yield; but I will appeal to the Presiding Officer on a question of privilege.

The VICE PRESIDENT. The Senator rises to a question of privilege.

Mr. HEYBURN. When a Senator states on this floor that he has a telegram containing certain facts and a member of the committee who is, by implication, charged with having misconducted this investigation rises for the purpose of asking that that telegram or the contents of it be made public, the Senator has no right to withhold it. The Senator has passed on to another subject without telling what is in that telegram.

The VICE PRESIDENT. The Chair thinks that is not a question of privilege to be decided by the Chair.

Mr. HEYBURN. Well, it is in the record.

The VICE PRESIDENT. The Senator from Oklahoma will proceed.

Mr. OWEN. Mr. President, as I had fully intended, the telegram will be read immediately to the Senate of the United States to show that the governor of the State of Illinois denies the truth of what Mr. LORIMER alleges on the floor of the Senate to be true. He appeared as a witness before this body, not under oath; he appeared as a witness where he can not be held to account; and he makes statements that are denied by the governor of his own State. I read the telegram of the governor of Illinois:

STATE CAPITOL,
Springfield, Ill., February 24, 1911.

Hon. ROBERT L. OWEN,
United States Senate, Washington, D. C.:

As requested in your telegram, I transmit you herewith published statements made by me concerning Senator LORIMER's speeches.

The published statement made May 29, 1910, he first answers, which I will put into the RECORD without reading.

Mr. HEYBURN. I object to it going into the RECORD without reading.

Mr. OWEN. I will read it in full.

Published statement made May 29, 1910:

"Very meager reports of Senator LORIMER's speech have been given out. I understand that he charges that I entered into a conspiracy with the Chicago Tribune to publish the confession of Representative White. This charge is without any foundation in fact. The facts are as follows: About midnight of the day before the story was published a representative of the Chicago Tribune met me at the Union League Club and informed me that he had been waiting two hours to see me; that the editor of the Tribune was exceedingly anxious to interview me about a matter of very great importance, and that they would have to go to press within a few minutes. Accordingly I went with him to the Tribune office, which was near by.

"A statement was there made to me of Mr. White's confession, and an interview was requested. A very brief interview was given at once on the statement, in which I stated, in substance, that a full examination should be made of the statements contained in the confession and expressed no opinion regarding the truth of the charges. Mr. White's confession was in type and was on the press when I arrived at the Tribune office, and this was the first intimation I had that Mr. White had confessed or was in any way implicated in the charges of bribery.

"Regarding the deadlock over the senatorship, after the primaries I stood for the election of Senator Hopkins and did not know that Senator LORIMER and Mr. Shurtleff and their friends were against him until a minority of Republican members who were in harmony with Senator LORIMER and Speaker Shurtleff effected an organization of the house of representatives with the aid of the Democratic members. After the deadlock had existed some time Senator LORIMER called upon me repeatedly. I had assumed from the conversations we had at these times that it was entirely with a view to effecting a reconciliation between Republican factions, and notwithstanding that I felt I had suffered unjustly by reason of attacks made upon me by him and his friends in the preceding legislature, the preceding primaries, the preceding election, the preceding organization of the house, and in the effort to unseat me and seat my opponent as governor, I felt that I should lay aside all personal feeling and interest in the hope of bringing about harmony in the party.

"Senator LORIMER informed me that his friends would, under no circumstances, vote for Senator Hopkins, and, as it was impossible to elect a Senator by Republican votes without the votes of his friends, I stated that they should go into a Republican caucus to select a candidate who could be sure of the majority vote in the caucus, and thereafter the full vote of the party in his election to the senatorship.

"This was the view taken by Republicans throughout the State, and a number of names had been mentioned in this connection by friends of various candidates—Col. LOWDEN, Congressman MCKINLEY, A. C. Bartlett, W. A. RODENBERG, and a number of others, among them Mr. West. Senator LORIMER was opposed to the plan of nominating by caucus. Later I was informed by him and his friends that I could be elected Senator. I refused absolutely to consider it. Nevertheless, shortly before his election an effort was made by him and his friends in the general assembly to elect me. I called together in my office Republicans who had supported me in the Senate and who had gone into a Republican caucus in the house and stated to them that this movement was without my approval, and that I would not accept the office if elected.

"Shortly before Senator LORIMER was elected and after the deadlock had dragged on for months, it became apparent that he was a candidate. A number of my friends, whom he mentions in his speech, called upon me, and I advised them strongly against voting for him even though he could get a minority of the Republicans to aid the Democrats in electing him. All of these facts were published as the contest went on and were at that time familiar to the public.

"While I am surprised at the character of the statements made by Senator LORIMER, I am at a loss to know the positive relation they bear to the charge now under investigation, that his election to the United States Senate was procured by means of bribery."

Published statement made February 23, 1911:

"I have only such meager information regarding the speech made by Senator LORIMER to-day as appeared in the afternoon editions of the Springfield papers. I notice, however, that he followed the course which I have often observed followed by men charged with serious offenses in Cook County when I was State attorney there, of trying to escape an explanation of the facts against him by making charges against men who are not on trial. He has followed the course of Mr. Erbstein, one of the attorneys for Mr. Lee O'Neil Browne, who was recently indicted and tried in the criminal courts of Cook County for jury bribing, and who refrained from going on the witness stand to testify under oath, where he could be cross-examined, and instead made a speech to the jury where his statements were not subject to the rules of cross-examination.

"Mr. LORIMER states—

I would like to call the attention of the Senate to this. Mr. President, here comes a categorical denial by the governor of Illinois of the statements made by Mr. LORIMER on this floor. It goes to the credibility of Mr. LORIMER—

"1. That I consented to become a candidate for Senator, and then immediately withdrew. This is not true"—

Says the governor of Illinois—

"I never gave my consent to him or anybody else to become a candidate, but on the contrary refused to do so, and stated to everyone who spoke to me upon the subject that I refused to become a candidate and would not accept the office if elected.

"2. He charges that Edward Shurtleff became speaker because I threatened to deprive representatives of patronage should they vote for him, and that I tried to elect one of my friends as speaker. Neither of these charges is true. I threatened no one with taking patronage from him, nor did I ask any member to vote for any particular person for speaker. I urged the Republicans to go into a Republican caucus and abide by the will of majority as expressed there, and had Mr. Shurtleff been selected as Republican candidate for speaker in a Republican caucus any man who would have followed my advice would have supported him.

The same situation arose here last month at the beginning of the present session of the general assembly. Mr. Shurtleff and his friends again refused to go into the regular Republican caucus. The other 64 Republicans, most of whom were my friends, went into the caucus, and there selected Mr. Charles Adkins as Republican candidate. I urged the Republicans to go into this caucus and abide by its decision, but did not indicate to any Republican any preference for speaker. Immediately after Mr. Adkins had been chosen for speaker it appeared that Mr. Shurtleff and his friends, who were very hostile to me and were opposed to the Republican platform, would be given conspicuous places and would in fact dominate the house organization. Notwithstanding this was apparent, every one of the 64 members who went into the caucus voted for Mr. Adkins for speaker because he was the caucus nominee.

"3. Senator LORIMER states that I could have elected Mr. Hopkins Senator at any time. In view of the fact that he charges in the same breath that I could not elect a speaker, this statement falls by its own weight and needs no further refutation.

"4. He states that Mr. Shurtleff was one of Mr. Hopkins's managers. This will be news in Illinois.

"5. He has added to the list of candidates whom he claimed in his speech of May 29, 1910, that he submitted to me, Mr. GEORGE EDMUND FOSS. My answer, made on May 29, the day after Mr. LORIMER'S speech in the Senate, stands now as to Mr. FOSS, also."

I call the attention of the Senate that this is the sixth categorical denial of the truth of the statements made by Mr. LORIMER on the floor of the Senate.

"6. He states: 'I urged him (Deneen) to become a candidate, telling him I believed he would reunite our party, torn asunder by factional strife.' The proposal to elect me United States Senator was not by Republican votes alone, but I was assured by him that I would get practically the entire Democratic vote in the house. No one who is at all familiar with the situation but knows that the majority of the Republicans were at all times for Senator Hopkins, and would not have voted for me had I become a candidate, or for anyone else; and the only hope of electing anybody but Senator Hopkins lay in securing a large Democratic support. No Democrat offered me such support, and the assurances of that vote came directly from Senator LORIMER, who appeared even at that time to have authority to speak for the Democrats in this matter.

"7. I notice that he gives reasons why the Democrats would support him. I have looked in vain in his speech for reasons why they would support me or any other Republican whom he named in his speech to-day, none of whom could have gotten a majority of the Republicans, because the majority felt bound by the primary vote to vote for Senator Hopkins. The truth is, the bipartisan coalition, which reached its climax in the election of Senator LORIMER, was formed in the general assembly which preceded this election, for the purpose of defeating me. To injure me it made a spurious investigation of our State institutions; it made corrupt alliances with certain interests."—

The governor of Illinois says it made corrupt alliances. Who made corrupt alliances? This Democratic coalition of Republicans and Democrats of the Illinois Legislature did. "It made corrupt alliances with certain interests," says the governor of Illinois—

"that could not use me to secure my defeat in the primaries and got a very influential wing of the Democratic Party to unite with it in this effort. It was the understanding, then, that if the effort to defeat me at the primaries failed the Republican members of this bipartisan coalition would in turn join with the Democrats to defeat me at the polls, a program which was followed to the letter."

I remind the Senate that Senator LORIMER pointed out the small vote which Gov. Deneen got in Illinois, and the governor explains it by the treachery of the Republicans who were engaged in this coalition with the Democrats.

Mr. BEVERIDGE. A corrupt coalition.

Mr. OWEN. A corrupt coalition.

"After the election it became apparent that the Republican wing of this bipartisan coalition would not go into a Republican caucus upon the speakership, where they would be in a hopeless minority, and before the general assembly it became apparent also that they would join with the Democrats to elect a speaker and organize the house of representatives upon bipartisan lines. This was done, and Mr. Shurtleff was elected speaker. It was understood that the first fruits of this coalition would be to unseat me as governor, and the public is familiar with the long-drawn-out contest where the plan was to unseat me without counting votes, upon trumped-up, general charges affecting every county in the State. Finally, the contest committee ruled that they would have to file specifications, when the whole rotten fabric of false accusation dissolved and disappeared.

"It was after this that I was tendered the nomination for the Senatorship by men who had waged this unrelenting warfare against me for so long a time. Manifestly the only purpose of such a proposal from such a source was to get me out of the governor's chair, where I stood in the way of their plans, and leave to this bipartisan combination the reuniting of the Republican Party, torn asunder by factional strife."

"What interest," says the governor of Illinois—

the 53 Democrats who voted for Senator LORIMER had in the "reconciliation of Republican factions torn asunder by factional strife" does not yet appear.

The governor closes his telegram with this interesting question:

But what does all this have to do with the charges or the evidence that Mr. LORIMER was elected by the corrupt use of money?

CHARLES S. DENEEN.

What are we to believe is the truth? What will the country believe is the truth? Mr. LORIMER, when this evidence had been piled up mountain high, when the evidence showed that 10 men, at least, had been corrupted, when the evidence showed that three additional members had dishonorable and corrupt proposals made to them, did not appear under oath before the committee of this honorable body charged with the duty of in-

vestigating this question, and did not there on his oath as a man deny the truth of the charge made that his election was procured by corrupt practices.

Mr. President, the committee of the Senate was charged by the resolution of the Senate of June 20, 1910, with the duty "to report to the Senate whether in the election of said WILLIAM LORIMER as a Senator of the United States from said State of Illinois there were used corrupt methods or practices in this election." The report speaks for itself. The committee does not report whether there were such corrupt practices, and does not abstract the testimony so as to make it easily intelligible. The committee reports, on the contrary, that "the title of Mr. LORIMER to a seat in the Senate has not been shown to be invalid by the use or employment of corrupt methods or practices," which they were not directed to do.

Mr. President, this is not merely the trial of an individual. This is not a question of determining merely the validity of a title to a seat in this body. It goes far beyond that question. It is a question of a great public policy. It is a question of determining by our conduct in this case whether we shall pursue a policy which shall promote corruption and bribery in this Republic, or whether we shall put an iron hand upon corruption in the election of Senators and set an example of nobility and virtue before the entire country.

I took issue with the report of the committee at the first reasonable opportunity, on the 9th of January, for the reason that I had made all of my arrangements to be absent for two or three weeks in Oklahoma, and I did not want this matter determined without putting upon the record my protest at least against an unwise report, which I thought might lead to an unwise decision in this body.

I regretted to find myself differing with the committee. The members of the committee I respect. A number of them are warm personal friends. I can easily understand how a committee in dealing with such a mass of evidence might arrive at an erroneous conclusion, probably leaving to some of the members the task of digesting the volume of evidence, perhaps leaving to some member the task of writing a report, but whatever the cause I will not give my assent to the doctrine which they have laid down, both because the doctrine itself is unsound and because their conclusion from the evidence, in my judgment, is in great error.

I read this evidence of over 700 pages carefully and patiently digested it.

This evidence shows, Mr. President, that Holstlaw in Chicago June 16, 1909, received $2,500 in cash and deposited it. The proof is clear. That White received a thousand dollars in Chicago and received afterwards $900 in St. Louis. He accounts for it. The evidence shows that Beckemeyer and Link received a thousand dollars each at the same time and place and $900 at the same time and place as the other conspirators did. And so one, two, three, four of these conspirators show that they confessed that they received the cash and how it was deposited or used and six others are proven equally guilty in my opinion. The proof is complete. The evidence is clear.

Three others—Luke, Clark, and Shephard—are circumstantially shown to have received the same amount of bribe money, to wit, $1,000 each, in the Southern Hotel, St. Louis, Mo., on June 21, 1909, and $900 each on July 15, 1909, at the Southern Hotel, St. Louis, as did Beckemeyer and Link.

Three others swore to attempts to bribe them.

I presented an abstract of this evidence in my remarks January 9, 1911. I will not now repeat it. It is not necessary to repeat it. The evidence speaks for itself. Page by page were recited by me showing where this evidence could be found in the printed record, of which I then had no index, and upon that evidence there can be no doubt that corrupt practices did take place in a wholesale fashion.

The committee did not go into the jack pot, as I thought they ought to have done. The jack-pot combination of the Illinois Legislature was evidently strong enough and had in it enough of Republicans and of Democrats to control legislation in that body, or to defeat legislation in that body, and it is perfectly obvious that the powers of the jack-pot combination and conspiracy, this bipartisan thieving, knavish combination of that Illinois Legislature, was strong enough to elect any man who would make terms with it or to elect any man whose friends would make terms with it.

The committee did not think it wise, did not think itself justified in going into that evidence and finding out what this jack pot was, and what its strength was. I think it ought still to be done. I think that the Senate should not rest content until it had dug up the jack pot of Illinois by the roots. The time of jack-pot control of the legislative power of this country and of the governing powers of this country must end, or the Republic itself does not deserve as a Government to live, and can not long endure. It will fall as Rome did from that identical cause.

I call your attention to the evidence of the control of the governing powers in this country by these evil and sinister forces. Look at the Pacific coast, and the control of that great and splendid metropolis of San Francisco, and its municipal powers by the corrupt combination of Democrats and Republicans, which was disclosed by Francis Heney. Look at the control of Denver, Colo., by the corrupt combination of Democratic and Republican thieves, as disclosed by Ben Lindsey in the Beast and the Jungle. Look at St. Louis and the control of the governing powers of that great metropolis of the Mississippi Valley by the thieves banded together to steal the governing powers of that municipality for private profit and municipal graft, which was disclosed to the wondering eyes of honest citizens by Joseph W. Folk, who could neither be bribed nor bullied nor threatened from the discharge of his honest duties as an officer. Look at the control for years of Pittsburg by municipal thieves, and the final disclosure there by the private enterprise of citizens who employed for long periods of time experts, detectives, putting craft against craft, and finally disclosing a nest of thieves of bipartisans, indicting finally in one grand coup 116 criminals in the governing business, members of the municipal council, bankers, and other wealthy business men in that city. Look at the disclosure of corrupt practices in that capital city in the building of the capitol in Harrisburg and the furnishing of the capitol of the great Commonwealth of Pennsylvania. Look at the disclosures of the bipartisan corruption in Albany, N. Y.

Are we going to have an end to this sort of thing or not?

Mr. BEVERIDGE. Mr. President——

The VICE PRESIDENT. Will the Senator from Oklahoma yield to the Senator from Indiana?

Mr. OWEN. I yield.

Mr. BEVERIDGE. At this most important——

Mr. HEYBURN. Mr. President, I object to the Senator from Oklahoma yielding.

The VICE PRESIDENT. Objection is made. The Senator from Oklahoma will proceed.

Mr. BEVERIDGE. Mr. President, a point of order.

The VICE PRESIDENT. The Senator will state it.

Mr. BEVERIDGE. I do not want to take up any time at all, but the Chair will find, and I think——

Mr. KEAN. Regular order!

The VICE PRESIDENT. The Senator from Indiana will state his point of order.

Mr. BEVERIDGE. Does not the rule of the Senate provide that a Senator may be interrupted by his own consent?

The VICE PRESIDENT. There is no rule which provides that a Senator can yield the floor to any other Senator in the face of an objection. The Senator from Oklahoma will proceed.

Mr. OWEN. Mr. President, it is for the purpose of having the influence of the Senate of the United States thrown upon the right side of this great contest between the sinister, secret, crafty, most powerful and tremendous commercial interests of the Republic and those demanding integrity of government that I have thought fit to express my views in this case. It is not because I would be willing to wound the feelings of the sitting Member. If he were merely a sinner, so are all men, and so am I, and I would be glad to give him a friendly, brotherly hand. All men make mistakes. I have made many grievous ones, and grievously have I repented them. When men commit wrong, they do it in ignorance of what is best for themselves. No man would willingly do himself a conscious injury. Any man who does wrong does himself a personal injury. This is not a question of personalities. The question is, Shall we by our vote on this case establish a policy of government that will by example and precedent put an end to bribery and corrupt practices or promote it? That is the question, and that is the only question of any great importance in this case. It is true that if the Senate decides erroneously in this matter it will impair its high standing before the people of the United States, and this I should deeply regret, but that is not the most important question.

Mr. President, the committee lays down the doctrine, that if the sitting Member has a majority of the untainted votes he has a title in law which can not be disputed either in law or in morals. I want to examine where that leads. Mr. LORIMER had 108 votes. Seven votes are practically conceded to have been corrupt. That will reduce his number to 101 so-called untainted votes, not enough to elect. It required 102 votes to be a majority of 202, which were present and voting in that legislative assembly. In order to enable a majority to be obtained, therefore, it is necessary to argue that the majority of

the untainted votes will suffice; that is, that the 7 bribed votes must not be counted as voting at all. This theory would require 15 tainted votes to have been proven to have been bribed to unseat Mr. LORIMER, and when you prove 15 votes to have been tainted, that argument would admit a larger number to be bribed in order to seat the sitting Member; and when you prove a larger number, that again will permit still more to be tainted, and it would be impossible to unseat any Member on such a basis until you exhausted the quorum.

Let me explain in a moment. Take the case of Mr. Hopkins. He had 70 untainted votes. Suppose some bad friend of Mr. Hopkins—suppose this indeterminate, unknown thing called the Lumber Trust, for example—had been so friendly with Mr. Hopkins and so wanted to seat him that it had gone into the open market and bought 24 votes belonging to Mr. Stringer and had bought 39 votes belonging to Mr. LORIMER, then Mr. LORIMER would have had left only 69 untainted votes, and Mr. Hopkins, with 70 untainted votes, his bad friends having bought in the open market 63 votes, would have a title so pure and so strong under the law that it could not be disputed either in law or in morals.

What kind of doctrine is that? That is the logical consequence of the doctrine of a majority of the untainted votes being sufficient to establish a valid title. Is it good policy? I am sorry that the Senate, at the closing moments of this debate, does itself the honor to absent itself from this Chamber. I wish there could be a photograph of these vacant seats sent out to the American people. I appeal against the proposed judgment of the Senate as prophesied by the Senator from New Hampshire [Mr. GALLINGER], who advised the Senate on this floor there were sufficient votes to seat Mr. LORIMER, to the people of the United States. I am not speaking now to the Senate; I am speaking to the masters of the Senate—to the American people.

The election of Senators has been defeated by this body by a few votes. The Members from the Southern States, with the great race question before them, I can sympathize with and I do sympathize with in the fear that moved them; but I have but little sympathy with those of a white constituency who voted against it. I call attention to the fact that the defeat of the joint resolution for the election of Senators by the people was accomplished by the vote of Mr. LORIMER and those other Senators whose seats on this floor are no longer acceptable to the people of their States.

I think the English law is the better law. I think we ought to follow it, because they have found a way to put an end to corrupt practices in that country. It seems to me that whatever the old rule of politics may have been in the past, even those who have played the old pitiful, corrupt game ought to be willing now to let a new rule come in by which our elections shall be clean in this country. The English corrupt-practices act ought to be a matter of easy access to the people, and I should ask that it be made a Senate document, except for the reason that I am quite sure the Senator from Idaho [Mr. HEYBURN] would object.

I call the attention of the country to the remarkable doctrine of the Committee on Privileges and Elections—that a majority of the untainted votes shall suffice. Here is an editorial from the New York Evening Post, from which I read the following:

> If on February 22, when Mr. Sheehan lacked 12 votes of an election in the New York Legislature, his friends had, without his knowledge or consent, bribed 23 of his opponents to vote for him or absent themselves, would the people of New York have regarded this as a valid election in spite of clear proof of the bribery?

Under the rule laid down by the Committee on Privileges and Elections that would have been good law. That title of Mr. Sheehan under such circumstances could not be held invalid either in law or in morals. I will not stultify myself by giving my vote for such a doctrine. It is not only unreasonable; it is not only absurd; it is not only preposterous, but it is immoral, because it promotes immorality, and I will have none of it so far as I am concerned. I propose to stand for what I think is right regardless of whether I meet the approval of the members of the committee or not. They may charge me with a race of diligence in this matter and hold me up to contempt by impugning my motives by suggesting the unworthy purpose of seeking the limelight. So much the worse for those who are pilloried in a vain effort to serve the country. One way to serve bad government is to hold in contempt those who seek good government. But this is not a question of the motives of Senators who may differ with the committee. The advocate of good government now before the Senate knows well enough that he is at present unequal to the task before him. This question is one of great national importance. Its wise determination is of vital consequence. It is the question as to whether the Senate of the United States will throw the weight of its favor and its power on the side of purity of elections or whether it will not, and I leave that question to be determined by the Senators who have absented themselves from this Chamber while the closing argument in this case is being presented and by those Senators who have been already recalled by the American people. These are the Senators who will seat Mr. LORIMER. The decision in this case will have its compensations.

Mr. SIMMONS. Mr. President, I have read the report of the committee appointed to investigate the charges against the Senator from Illinois exonerating him of these charges. That report is signed by six of the seven Republicans and four of the five Democrats on this committee. The 10 Senators signing this report are all lawyers; some of them have been judges, trained and educated in weighing and applying testimony, and they are as pure and able men as sit in this body.

I have read practically all the evidence adduced before this committee. I have heard nearly all the speeches that have been delivered on both sides of this controversy. I heard the speech of the junior Senator from Illinois in his own defense—a speech which in logical symmetry and force, in inherent evidences of sincerity and truth, in simple and unconscious pathos will ever live in the memory of all who heard it as one of the most remarkable deliverances ever uttered in this Chamber.

When that speech was concluded my inner consciousness said to me, as many people who heard it have since said to me, if the Senator from Illinois had been guilty he could not have conceived that speech and delivered it as it was delivered by him.

Mr. President, it is said in some sources that the Senator from Illinois is a bad man and unfit for a seat in this body. His speech to which I have just referred answers conclusively the charge of mental fitness for the high office he now fills. That speech shows that intellectually he is the peer of any Senator here. The evidence of the people of his own State and city, who have known him all his life, who have known him in his business, political, and social life, known him in all the walks of life, the evidence of his associates in the House of Representatives, where he served for more than 13 years, all answer the charge that he is a bad man and show that so far from being a bad man in the purity of his life and character he is the peer of any man here.

Giving due weight to the report of the committee, the evidence and the arguments, under my oath I do not feel that the evidence is sufficient to justify me in voting that the Senator is not entitled to the seat in this body to which the certificate of the great State of Illinois, under the common seal of that Commonwealth, declares he is elected.

That various fraudulent schemes to promote and defeat legislation were organized in the Illinois Legislature which elected the Senator, organized when the Senator was at his home sick nigh unto death, organized long before he became a candidate for the Senate and when he was supporting another candidate, I have no doubt; but that the Senator from Illinois bribed anyone to vote for him, or had knowledge of anyone's being bribed to vote for him, I do not believe; and I do not think there are many who do believe it, nor do I believe the evidence satisfactorily proves that anybody was bribed to vote for him.

Mr. President, I can not vote to deprive this man of his property and destroy his character upon the evidence of four men, three of whom were offered immunity from prosecution for high crimes and misdemeanors and who accepted that offer upon condition that they would recant their statement denying that they had been bribed and swear that they had been bribed, and one man who admitted that he sold his story of confession to an inveterate enemy of the Senator for $3,500. I can not accept the testimony of men of this character, especially when the three members of the legislature who they say bribed them have each sworn that there was not a word of truth in their statement and that they have never paid them, or either of them, any money for their votes for the Senator from Illinois. I can not accept as the basis of my vote to destroy the character of a man who has always maintained an irreproachable character evidence of men of the character of these men, especially when the three members of the legislature who, they say, corrupted them, and who under oath flatly contradicted these statements, have been victoriously re-elected to the legislature of Illinois and now hold seats in that honorable body, one of them having been elected speaker of the house of representatives.

Mr. President, we must decide this question on the evidence and the law. Every Senator must apply the evidence for himself. Upon this question we must act as jurors. For myself, I do not question the act of any honorable man who acts upon his oath. With my views of this evidence, if I should yield to the clamor of the newspapers, instigated by the Chicago Tribune, the ancient and relentless enemy of the Senator from Illinois, if I should yield to public clamor aroused and excited

by this newspaper agitation based upon articles and editorials written by men, nine-tenths of whom have never read a line of the testimony in this case and know nothing about it except what they have read in other newspapers, I should perjure my conscience and lose my own self-respect.

Mr. President, I was a man zealous of my intellectual integrity and earnestly seeking to preserve the integrity of my conscience as the thing of supremest importance before I was a Senator, and, sir, whatever may happen to me, I shall try to maintain that integrity of thought and conscience to the last.

Mr. LORIMER. Mr. President, the Senator from Oklahoma [Mr. OWEN] read into the RECORD a telegram that he received from the governor of Illinois, endeavoring to refute the statements I made on this floor. An examination of that telegram and the statements that I made will show that to a very great degree the telegram justified the statements, and every statement, that I made with reference to the election of the speaker of the house of the Illinois Legislature. Every statement that I made with reference to the governor's position in the election of United States Senator can be verified by the journal of the joint assembly and the sessions of the two separate bodies.

I made no statement here that can not be verified by an examination of this journal, excepting the statements that I made with reference to the use of patronage in the organization of the house, and those statements have been justified by telegrams from that speaker of the house of representatives, Mr. Shurtleff, Representative Brownback, and Mr. Ford, which I presented to the Senate yesterday.

Much of the telegram submitted by the Senator from Oklahoma [Mr. OWEN] has no reference at all to any statement that I made upon this floor, but a part of the telegram would indicate that LORIMER and his friends were trying to unseat the governor of the State of Illinois. An investigation of the election was demanded by the Democratic candidate for governor. A resolution was adopted by both branches of the general assembly authorizing such an investigation. Mr. Shurtleff, the speaker of the house, appointed the committee to make the investigation upon the part of the house. He appointed as the chairman Mr. Reynolds, a member of that body and a Republican, Messrs. Maclean, King, Ap Madoc, and Price, five Republicans in all, together with four Democrats. Every solitary one of these Republicans, who constituted the majority of the committee appointed by Mr. Shurtleff, were the close personal friends of Gov. Deneen—men who had followed Gov. Deneen in his contest against Mr. Shurtleff; men who had done what they could, at the dictation of the governor of our State, to defeat Mr. Shurtleff in his candidacy for speaker of the house of representatives of the legislature.

If the appointment of five of the governor's friends, a majority of the committee, is an evidence that Mr. Shurtleff was trying to unseat Gov. Deneen, then it is the sort of evidence, in my opinion, that would convict nobody on any charge in any court anywhere in this country or in any part of the civilized world.

Mr. President, I had not intended to make a further statement, but since I made my statement last Wednesday the Senator from Oklahoma [Mr. OWEN] has been zealously trying to test my statements by sending telegrams of inquiry to senators of the Illinois Legislature whose names I mentioned upon this floor, for the purpose of finding out whether or not I told the truth. I listened to most of his remarks here to-day. I was called out for a moment, and it may happen that during that moment he put into the RECORD a telegram to which I am going to refer, but he did not read it while I was present.

State Senator Hearn responded to Senator OWEN'S request for a statement, and in reply sent a telegram to him. I do not know that Senator OWEN ever received the telegram; I do not know whether the telegram was delivered or not, but when Senator Hearn sent his telegram to Washington, he gave a copy of it to the newspaper men, and it was published in the Chicago newspapers—at least one newspaper—for I read it there.

If Senators will remember, I said I had discussed the tariff with Senator Hearn, that he wanted me to vote with the Democrats on that subject, that I told him I was a Republican and had always been a protectionist and that I could not do that. Here is what Senator Hearn telegraphed to the Senator from Oklahoma:

SPRINGFIELD, ILL., *February 24.*

Senator ROBERT L. OWEN,
Washington, D. C.

The interview quoted in Chicago Tribune of this morning regarding conversation I had with Senator LORIMER is substantially correct. He said he was for the income tax and I said that was a Democratic principle which I strongly approved. The only reference to the tariff was as regards to lumber schedule. I asked him if he would be for free lumber. His reply was that he had always been a protectionist and a Republican and would have to remain so. The interview (Tribune) was incorrect in stating that I had been sent for to go to Shurtleff's room. I went of my own accord to see Shurtleff about some bills.

CAMPBELL S. HEARN.

Mr. President, I do not know why that telegram was not read into the RECORD. If we are going to try this case on telegrams, then it does strike me that any Senator who has a degree of fairness about him will publish all the telegrams that he receives when he is trying to get the truth on this question, in order that he who is to be judged may get the benefit of all of the testimony that any Senator may procure in this case.

I take it, Mr. President, that no Senator is searching for that testimony which tends only to convict. I take it that every Senator here, no matter what position he has taken on this question, has been searching for the truth; and the whole truth with reference to this campaign of telegrams should be submitted to this body when they are sent to Senators on their personal inquiry, not only for the satisfaction of the Senator who made the inquiry, but that the Senate may know the whole truth about this matter now under consideration.

Mr. SMITH of Michigan. Mr. President, I am well aware that the time for discussion of this case is past and I can not hope to affect the judgment of Senators, and do not rise for that purpose. I desire to put into the RECORD the reasons for the position which I feel called upon to take in this matter.

I shall say nothing which in any manner could be construed into a doubt as to my belief in the honesty and integrity of the junior Senator from Illinois. I have served with him for 12 years, and never have had occasion to doubt either his capacity or his patriotism. If the speech of the junior Senator from Illinois had been made from his desk on the 6th day of June, when these charges were preferred, I should have accepted his protestations without a moment's hesitation. Indeed, I believe the statement of the Senator from Illinois made in this Chamber a few days ago, detailing the touching and beautiful story of his rise from obscurity to this high position, affected us all; that story is not new to me. It is the story of millions of our countrymen. I am as familiar with the struggles of life as is the junior Senator from Illinois. I honor him for his career and his accomplishments, and we who share the blessing of popular government must never offend against it or bring stain upon our institutions. We have a special duty to our country for the priceless privileges we enjoy. Holding the speech of the Senator from Illinois in one hand and the report of the investigating committee, made by my colleague, in the other, I can not shut my eyes to the overwhelming evidence of debauchery, bribery, and corruption which infested the Legislature of Illinois and left a blazing trail of infamy and dishonor from Springfield to Washington.

The present speaker of the Illinois Assembly said a few days ago that he was not unmindful of the fact that the legislature of that State had lost the confidence of the people of Illinois.

Mr. President, I have not taken part in this debate hitherto because of my respect for my honored colleague, who was the chairman of the committee conducting this investigation. I wish I might be able to reach the same conclusion that he has reached, but I have gone through that record very thoroughly from cover to cover. There is not a line or a syllable in it that I have not read and pondered over. I have gone through the record of the trial of Lee O'Neil Browne before the courts. I have carefully read the charge of the judge in that case.

But, sir, no man can read this testimony without coming to the conclusion that the committee did not go as far as they ought to have gone. They did not summon the witnesses they should have summoned. They have not in the conduct of their investigation met the expectations of the Senate or of the country. More than half the record is encumbered with the controversy of counsel.

From the first day's session until the last counsel for the sitting Member obstructed in every possible way the purpose and the desire of this body to know the truth. For two days Judge Hanecy argued to that committee whether or not they had the power to inquire into the conduct of the joint assembly, the Legislature of Illinois, which had chosen the junior Senator from Illinois, it having adjourned immediately after his election sine die. He seriously consumed the time of the committee over the question of jurisdiction, over the conduct of the members of the Illinois joint assembly, and for two days wrangled with the committee over the admission of testimony plainly relevant on that subject.

From the first page to the last of that written record the counsel of Mr. LORIMER, with a deliberation and a resourcefulness which would have been more creditable to him in a worthier cause, absolutely blocked the purpose of this investigation.

The committee spent little time in Chicago. The witnesses were none of them willing to come. The officers of the committee spent days looking for these witnesses, and finally when they submitted themselves to examination and were asked pointed questions bearing upon the truthfulness of these charges, dissembled and hesitated and some shielded themselves behind their constitutional right and refused to testify.

Mr. BAILEY. Mr. President——

The VICE PRESIDENT. Will the Senator from Michigan yield to the Senator from Texas?

Mr. SMITH of Michigan. Certainly.

Mr. BAILEY. If it interrupts the Senator, I have no desire to proceed; but I am so sure he does not want to put anything in the RECORD which is not fair and just that I should like to have the privilege of calling his attention to one matter with respect to a circumstance on which he has just been commenting.

Mr. SMITH of Michigan. I am very glad to yield to the Senator from Texas.

Mr. BAILEY. While it is true that the witness Broderick claimed his exemption, he did it under a constitutional provision in Illinois—somewhat different from that which exists in most States—which privileges a man against furnishing evidence or testimony against himself.

The Senator from Michigan, of course, knows that Broderick was at that time under indictment in Sangamon County on the charge of having bribed Holstlaw. The county attorney, or State's attorney, whatever his legal designation is, of that county sat in the room of this committee. That the Senator from Michigan may know exactly what Broderick meant, one of the questions which he refused to answer was as to the people who were in his barroom at the time Holstlaw was in there.

Of course, the Senator from Michigan perfectly understands that such a question had no relation to whether or not he had paid to this man Holstlaw any money; but the purpose was to get from Broderick a list of his witnesses by whom he intended to prove that he did not take Holstlaw into the side room where this money was said to have been paid.

Broderick answered all of the questions as to the distinct and separate charge of bribery, but he declined simply to unfold his defense before the committee; and I hardly think the Senator from Michigan, upon a reexamination of the record, would be willing to have it stand as his judgment that Broderick did not have a right to do that.

Mr. SMITH of Michigan. No, Mr. President; the Senator from Texas misunderstands me. When Broderick took the stand his counsel tried to get an agreement with the Senate committee as to the extent of their inquiry and the rule as to his privilege.

The VICE PRESIDENT. Will the Senator from Michigan yield? The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which the Secretary will state.

The SECRETARY. A bill (H. R. 32010) to create a tariff board.

Mr. BEVERIDGE. I ask that the unfinished business be temporarily laid aside until the vote has been taken.

The VICE PRESIDENT. The Senator from Indiana asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none. The Senator from Michigan will proceed.

Mr. SMITH of Michigan. I want the Senator from Texas, whose judgment I always respect, to understand the point I have made, that the counsel for Mr. LORIMER and the counsel for Mr. Broderick undertook to thwart the purposes of this investigation at every point.

Mr. BAILEY. No; the Senator——

Mr. SMITH of Michigan. One moment. Let me finish that.

Mr. BAILEY. Very well.

Mr. SMITH of Michigan. As an illustration: When Broderick took the stand, his counsel, Mr. Dawson, undertook to get an agreement from the committee that they would not ask him certain questions. The Senator from Texas remembers that.

Mr. BAILEY. Certainly.

Mr. SMITH of Michigan. The Senator from Texas also remembers that when the committee did ask certain questions of Mr. Broderick it was not Mr. Broderick who first availed himself of his constitutional privilege, but it was Mr. Dawson, his counsel, who indignantly said that he must not answer because it would incriminate him.

Mr. BAILEY. No; he did not use the word "incriminate," as I recall it.

Mr. SMITH of Michigan. What did he say?

Mr. BAILEY. He simply invoked the constitution of Illinois. However, that is not material. I will not even say that I am correct in saying that he did not use that particular word; but what I wanted the Senator to understand and what I wanted the Senate to understand was that Broderick's exemption was claimed under a statute of Illinois, and that exemption was not that this testimony would incriminate him, but that he was not compelled to furnish evidence. For instance, my recollection is that they once asked him if he wrote a letter to Holstlaw, and he declined to answer that. My recollection is that he afterwards did answer it; but when they asked him who was in the barroom, that could plainly have no bearing on this case. Its only purpose was to compel Broderick to furnish the State attorney with the names of the witnesses by whom he intended upon the trial to contradict the testimony of Holstlaw. Broderick did testify pointedly and distinctly on the main point involved here, and that is that he made no contract with Holstlaw to pay him money, and that he did not pay any money to Holstlaw. He did not refuse to testify on those points.

Mr. SMITH of Michigan. Did he not refuse to answer whether he had written to Holstlaw to come to Chicago and get that money?

Mr. BAILEY. No; that was not the question. The question was whether he had written a letter asking Holstlaw to come to Chicago.

Mr. SMITH of Michigan. In answer to that question he said——

Mr. BAILEY. He refused to answer.

Mr. SMITH of Michigan. He said, "I refuse to answer."

Mr. BAILEY. I have just stated that; but I am under the impression that at a different time in the investigation he did answer that.

Mr. SMITH of Michigan. I think not.

Mr. BAILEY. The Senator——

Mr. SMITH of Michigan. I am quite familiar with the record.

Mr. BAILEY. The Senator from Alabama [Mr. JOHNSTON], who sits here, and who was a member of the subcommittee, advises me that I am right about that. But whether he did or not, the Senator just makes it evident that he is not as unbiased in this matter as he usually is about all matters, because he states that Broderick was asked if he did not write a letter to Holstlaw to come to Chicago and get that money. That question was not asked him. The question asked him was whether he had written Holstlaw a letter to come to Chicago. He might have written a letter to a man asking him to come from some other place for some other purpose, and that is a different question from the one the Senator has just stated.

But, Mr. President, I beg the Senator's pardon, and I would not have ventured to interrupt him to put this in the RECORD except that I know he wants to be just and fair, and I pay him the compliment to take his time in order to help him to be so.

Mr. SMITH of Michigan. I thank the Senator from Texas. I do want to be just and fair, and I do know the record. I have studied the case with great care, and I repeat what I said in the first place, that the most studied attempt from the beginning of this investigation until its close was made by the counsel of Mr. LORIMER and the counsel of Mr. Broderick and others who appeared there to thwart the purpose of this investigation. I know that I am right about it.

Mr. BAILEY. Will the Senator permit me? Of course, I have nothing to say about the counsel of Mr. Broderick. I am not sure that I remember the name, though I think the Senator has called it correctly when he named him Dawson.

Mr. SMITH of Michigan. His name was Dawson.

Mr. BAILEY. But the Senator is a lawyer, and if he were employed to defend a man against any charge and that man were to be called before a committee or a tribunal of any kind to testify with respect to a transaction for which he had been indicted, would not the Senator feel bound by his duty to his client to protect him against being compelled to unfold his case? The more innocent I felt that my client was, the more I would feel compelled to protect him under such a condition.

Mr. SMITH of Michigan. The Senator from Texas knows that every accused person is entitled to trial and that every accused person is entitled to counsel.

Mr. BAILEY. And to a fair trial.

Mr. SMITH of Michigan. To a fair trial and to counsel. But the point I am making is that this is not a forum where the rules of evidence are hard and fast. This was not such a tribunal as gave to the counsel for any of these parties a right to be heard. They were there by the courtesy of this committee, and I say that their course should have been to have assisted the committee in getting at the actual facts under investigation.

Mr. BAILEY. The Senator and I agree about that. I think the committee very properly refused to make any agreement

as to the extent of its examination of Broderick. I am sure they were wise in that and well within the rules. The only suggestion I was making here was that it is fair to say that because the counsel had interposed to protect his client, not against answering questions which were under investigation, but against being compelled to file, as it were, a list of his witnesses in that proceeding, he was trying to thwart the object of the investigation.

Mr. SMITH of Michigan. Mr. President, this book is simply filled with attempts upon the part of Judge Haney and Mr. Dawson and the other lawyers and advisers in this proceeding to thwart the purpose of the Senate, which was to get at the facts. I marvel at the patience of the committee and I am surprised that they should have denied themselves the latitude conferred by the Senate resolution.

Mr. BAILEY. Will the Senator permit me just this one suggestion further?

Mr. SMITH of Michigan. Certainly.

Mr. BAILEY. I think the Senate committee acted properly in refusing to permit any testimony to come before it except what related to the election of a Senator. I would resist to the utmost of my power any effort of the Senate of the United States to investigate the proceedings of the Texas Legislature, except so far as it touched the election of a Senator here, and that is all that this committee did.

Mr. SMITH of Michigan. The Senator from Texas and myself differ very widely on that question.

Mr. President, I can not be interrupted again; others desire to speak, and the time for a vote is at hand. I wish I had time to discuss the treatment of witnesses, but I can not do so.

White has been discredited by everyone. He has been absolutely repudiated. Yet on the day this money was given to him by Mr. Browne at St. Louis poor White went into a department store, the largest in East St. Louis, and asked for the manager and handed him the money and left it with him over night and got it next day; is there any doubt about that? It has gone unchallenged and must be accepted as true. From what source did he get this money? Everybody knows that it harmonizes with the other circumstances surrounding the case.

But, Mr. President, I shall not even mention the name of another witness. We are weary of their misdoings. I am fully convinced that this record as we have it before us discloses the most brazen bravado, bribery, and corruption in the election of the Senator from Illinois, and I can not close my eyes to the record now a part of the official proceedings of this body.

Mr. President, I reach that conclusion very reluctantly. I am sorry I can not agree with my venerable colleague, but I am out of accord with his conclusions at every point on this question. I will not stultify myself or misrepresent the law-abiding people of my State in such a crisis as now confronts us. This record is reeking with perjury and corruption, and I can not by my vote approve the character and integrity of the Legislature of Illinois in this proceeding.

Mr. President, we must soon vote. I have sought only to be fair and just in my judgment on this case. I have given my opinion without prejudice, with the kindliest spirit, regretting the unfortunate circumstance which forced this issue upon us and brought this scandal upon the country. The conduct of certain members of the Legislature of Illinois was most reprehensible. It is not creditable to the people of that State, and I believe will be repudiated by them when opportunity offers; and if approved by the Senate its historic traditions will mean less to the youth of our land than ever before; for us to condone this crime against our institutions is for us to trifle with our sacred responsibility to the people and voluntarily fix a new standard of political excellence unworthy our example in this exalted station.

Mr. LA FOLLETTE. Mr. President, in the few moments remaining before the discussion is closed I can only leave a word upon this record.

Those of us upon whom rests the responsibility for the rule which the Senate of the United States is to adopt are here but for a brief time at best. The record which we are to make is enduring.

Forces as irresistible as the tides are at work and moving throughout the land toward a complete restoration of self-government. This is manifest in the record made yesterday for the election of United States Senators by direct vote of the people after every effort to secure consideration has been baffled for more than half a century. It will confront the Senate again at the next session. It will not be denied. The people are aroused. They well understand that representative government fails at the point where they transfer their authority to the representative. The purchase of United States Senatorships, the bribing of State legislatures, has occurred too often in recent years. Corrupt the election of the representative and the whole system goes down.

In the case which we have under discussion, these are the facts that will hereafter be accepted and established as a precedent for all time to come: That money was paid to members of the legislature, Democratic members, who voted to elect a Republican United States Senator; that four Democratic members confessed to receiving such money, under circumstances that can leave no doubt that they were bribed; that one Democratic member, deceased, was proven to have been present when the money was distributed, and proven afterwards to have had money in substantially the same-sized bills, and the same amount, as that corruptly paid to others; that strong circumstantial evidence points to the payment of money to still other members who were closely associated with those proven to have received it; that at least one member of the legislature was bribed to vote for the sitting Member by the promise that he, the legislator, should exercise a certain control regarding a post-office appointment at Jerseyville, Ill., and that this was on the promise of the sitting Member, and was the consideration and the only consideration for said legislator's vote for WILLIAM LORIMER; that at least one other member of the legislature was offered money to vote for the sitting Member and that others were approached and sounded on the subject; that three other members of the legislature—one of them the leader, the organizer—swore that he did not know the sitting Member "except to see him," a "mere passing acquaintance," "hardly a speaking acquaintance," and that LORIMER contradicted him and said that he "became very intimate with him years ago;" that one other member of the legislature, as soon as an investigation was ordered, ran to cover, and remained beyond the reach of a subpœna for weeks; that still another, who refused to answer because if he answered and told the truth it would incriminate him, claimed his privilege before the Senate committee.

Mr. President, you may go down the records of the Senate of the United States and you can find no other case like this one.

The precedent to be established will not only react on the future of the Senate, it will stand as a fearful example to our State legislatures. Every citizen knows that the Senate is the judge—the absolute judge—of the elections, returns, and qualifications of its own Members. And the American people are waiting with even tenser feeling than this audience the result of the roll call upon this question. The principal facts are as clear in the public mind as they are clear in the minds of Senators here, and no discussion of technicalities as to how many tainted votes are needful to corrupt an election will affect their judgment. The decision about to be recorded will destroy public confidence and create a revulsion of feeling beyond our comprehension.

For two months and one day this case was dragged along here, a vote upon it resisted by the Senators who are defending the title to this seat. When finally a sort of understanding appeared to be reached, and the word was passed along the line that there were enough votes, then those who had been resisting a vote upon the question became eager to put it through.

Now, Mr. President, taken altogether, the testimony in this case convinces me that the sitting Member had personal knowledge of the bribery which was committed to secure his seat. The testimony shows that he occupied a room with the speaker of the house of representatives, who was in constant communication with Lee O'Neil Browne, through whose hands thousands of dollars of the bribe money passed. The testimony shows that Browne occupied a room either connected with or near to the speaker's room. They are proven to have been in conference day and night. It is impossible, Senators, that the sitting Member should not have known what was going on. If you believe that there is bribery in this case, you must, it seems to me, believe that he knew it.

Why did he not go as a witness before the investigating committee? Would not any other Senator on this floor have demanded to be heard by that committee?

Mr. BURROWS. Mr. President——

The VICE PRESIDENT. Will the Senator from Wisconsin yield to the Senator from Michigan?

Mr. LA FOLLETTE. In——

Mr. BURROWS. I wish to put in just a word at this point, where the statement is made that the Senator from Illinois knew about this. One of the members of the subcommittee, the Senator from Tennessee [Mr. FRAZIER], in his minority views, says:

> While there are some facts and circumstances in this case tending to show that Senator LORIMER may have heard of or known that corrupt practices were being resorted to, and while Senator LORIMER failed to avail himself of the opportunity of going on the stand as a witness and

denying any such knowledge or sanction of corrupt practices, if any such were being practiced, still I am of the opinion that the testimony fails to establish the fact that Senator LORIMER was himself guilty of bribery or other corrupt practices——

Mr. LA FOLLETTE. I can not yield further. My time expires in a moment.

Mr. BURROWS (reading):

or that he sanctioned or was cognizant of the fact that bribery or other corrupt practices were being used by others to influence votes for him.

The VICE PRESIDENT. The Senator from Wisconsin declines to yield.

Mr. LA FOLLETTE. I will reply to what the Senator is seeking to put into the record.

Mr. BURROWS. Just one sentence.

Mr. LA FOLLETTE. One moment. It can not be claimed, and I am not claiming, that there is direct and positive evidence to prove personal knowledge. If there were it would end this contest and vacate this seat. But I say, when you take this whole case, take the atmosphere that surrounded the entire situation there—this man on the ground for months, a shrewd, trained political manager, blocking the election of any avowed candidate, while men were being sounded out, terms agreed upon, patronage promised, and prices fixed, the votes delivered, for which the money was subsequently paid—I say, it is unbelievable that he, in whose interest it was all worked out, was ignorant of what was in every mind and whispered in nearly every ear. It is impossible that he should have been in daily contact with the men who were bribed and the men who bribed them and fail to know just what was afoot.

The conviction that he had guilty knowledge is strenghthened and confirmed by the fact that he did not offer himself as a witness and demand that his testimony be taken and that he be subject to the most searching cross-examination. Instead he is silent. He does not even make a statement on the floor in this debate until he was led to believe that he would have the last word. It all goes to show that this seat was secured by bribery and with the knowledge of the man who claims it.

Mr. BURROWS. Now, Mr. President, will the Senator allow me just a word more?

The VICE PRESIDENT. Will the Senator from Wisconsin yield?

Mr. LA FOLLETTE. Just a word.

The VICE PRESIDENT. The Senator from Wisconsin declines to yield.

Mr. LA FOLLETTE. We do not know, we are not able to say just where the money came from. I concede that. That is often so; that must be so; but a large amount of money is shown to have been used in this case.

I am not able to say where the $114,000, which was acknowledged to have been used in Wisconsin to defeat my election, came from further than to be able to say that I can prove that part of it came from Wall Street and——

The VICE PRESIDENT. The hour of half past 1 o'clock having arrived——

Mr. BEVERIDGE. Let the resolution on which we are to vote be read, Mr. President.

The VICE PRESIDENT. Without objection, the Secretary will read the resolution.

The Secretary read Senate resolution 315, submitted by Mr. BEVERIDGE on January 9, 1911, as follows:

Resolved, That WILLIAM LORIMER was not duly and legally elected to a seat in the Senate of the United States by the Legislature of the State of Illinois.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CULBERSON (when Mr. FRAZIER's name was called). The Senator from Tennessee [Mr. FRAZIER] is absent at his home on account of the death of his mother. If present, he would vote "yea."

Mr. BACON (when Mr. TERRELL's name was called). My colleague [Mr. TERRELL] is necessarily detained from the Chamber by personal illness. I desire to state for him and upon his authority that, while he has been detained from the Chamber, he has examined the record in the case and has made up his judgment, and that if he were present he would vote "yea."

The roll call having been concluded, the result was announced—yeas 40, nays 46, as follows:

YEAS—40.

Bacon	Clarke, Ark.	Lodge	Root
Beveridge	Crawford	Martin	Shively
Borah	Culberson	Money	Smith, Mich.
Bourne	Cummins	Nelson	Smith, S. C.
Bristow	Davis	Newlands	Stone
Brown	Dixon	Overman	Sutherland
Burkett	Gore	Owen	Swanson
Burton	Gronna	Page	Taylor
Chamberlain	Jones	Percy	Warner
Clapp	La Follette	Rayner	Young

NAYS—46.

Bailey	Curtis	Hale	Scott
Bankhead	Depew	Heyburn	Simmons
Bradley	Dick	Johnston	Smith, Md.
Brandegee	Dillingham	Kean	Smoot
Briggs	du Pont	McCumber	Stephenson
Bulkeley	Fletcher	Nixon	Thornton
Burnham	Flint	Oliver	Tillman
Burrows	Foster	Paynter	Warren
Carter	Frye	Penrose	Watson
Clark, Wyo.	Gallinger	Perkins	Wetmore
Crane	Gamble	Piles	
Cullom	Guggenheim	Richardson	

NOT VOTING—5.

Aldrich	Lorimer	Taliaferro	Terrell
Frazier			

So the resolution of Mr. BEVERIDGE was not agreed to.

REVISION OF LAWS—JUDICIARY TITLE.

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, the title of which will be stated.

Mr. HEYBURN. Mr. President, before the unfinished business is stated I desire to make a conference report, for which I ask present consideration.

The VICE PRESIDENT. The Senator from Idaho presents a conference report, and asks for its present consideration. Is there objection?

Mr. HALE and Mr. SMOOT. Let the report be read, Mr. President.

The VICE PRESIDENT. The report will be read.

Mr. ROOT. Before the question of whether there is objection to the consideration of the conference report, I beg to inquire what is its nature?

Mr. KEAN. Let us have order.

Mr. SCOTT. We can not hear.

The VICE PRESIDENT. As soon as order is restored the Secretary will read the conference report, which will disclose what it is.

Mr. ROOT. Mr. President——

The VICE PRESIDENT. Until the Senate is in order nothing will be done.

Mr. BEVERIDGE. What is the conference report, Mr. President?

The VICE PRESIDENT. The report will be read as soon as order is restored.

Mr. ROOT. Mr. President——

The VICE PRESIDENT. Does the Senator from Idaho yield to the Senator from New York.

Mr. HEYBURN. Yes; I will yield, although this is a privileged report, to which there can be no objection.

Mr. ROOT. I purpose to speak in my own right, Mr. President, on——

The VICE PRESIDENT. The Senator from New York has not yet obtained the floor.

Mr. ROOT (continuing). The question of whether there was objection to the present consideration of the conference report.

The VICE PRESIDENT. A request has been made by the Senator from Maine [Mr. HALE] that the report be read before the request for its consideration be put. The Chair has said that the report is about to be read, and then the Chair will state the request.

Mr. ROOT. The only purpose I had in rising was to secure the reading of the report before the question was foreclosed.

The VICE PRESIDENT. It certainly will be read before there is any foreclosure or any other proceeding.

Mr. BEVERIDGE. May I ask the Senator presenting this conference report to state its nature, because, if it is a long report——

Mr. HEYBURN. Regular order, Mr. President.

The VICE PRESIDENT. The regular order is the reading of the report.

Mr. BEVERIDGE. By what right?

The VICE PRESIDENT. A conference report can be presented at any time, but it can not be acted upon without a vote of the Senate.

Mr. NEWLANDS. Mr. President, I ask the Senator from Idaho——

The VICE PRESIDENT. The regular order has been demanded, which is the reading of the conference report. The Secretary will read the report (S. Doc. No. 848).

The Secretary read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 7031, being a bill to codify, revise, and amend the laws relating to the judiciary, having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate agree to the House amendment, with amendments to sections 2, 13, 14, 21, 24, 28, 29, 30, 40, 56, 70, 76, 78, 88, 91, 92, 99, 103, 106, 112, 118, 126, 128, 140, 151, 152, 178, 182, 186, 201, 207, 226, 227, 228, 229, 240, 250, 251, 259, 284, 289, 298, 301.

That the House agree to the amendments proposed by the Senate conferees, as follows:

(The references to section numbers and pages are to the bill as reported by the conferees and not to the bill as it passed the House or Senate.)

Section 2: On page 3, in line 16, beginning after the word "installments" strike out the remainder of the section.

Section 13: On page 7, in line 2, after the word "absence" insert the words "of all the circuit judges."

Section 14: Page 8, in line 1, strike out the word "their" and insert in lieu thereof the word "the"; and after the word "absence" insert the words "of all the circuit judges."

Section 21: On page 10, in line 13, strike out the words "or his counsel." In line 22, before the word "reason" insert the words "facts and the." In line 22, after the word "cause" insert the word "shall." On page 11, line 2, after the word "affidavit" insert the words "and no such affidavit shall be filed unless accompanied by a certificate of counsel of record that such affidavit and application are made in good faith."

Section 24: On page 12, in line 10, strike out the word "five" and insert "three." On page 15, in line 1, after the word "authority" strike out the following: "except in suits to suspend, enjoin, or restrain the action of any officer of a State in the enforcement, operation, or execution of a statute of such State, upon the ground of the unconstitutionality of such statute," and insert in lieu thereof the following, which will be section 266:

"No interlocutory injunction suspending or restraining the enforcement, operation, or execution of any statute of a State by restraining the action of any officer of such State in the enforcement or execution of such statute, shall be issued or granted by any justice of the Supreme Court, or by any district court of the United States, or by any judge thereof, or by any circuit judge acting as district judge, upon the ground of the unconstitutionality of such statute, unless the application for the same shall be presented to a justice of the Supreme Court of the United States, or to a circuit or district judge, and shall be heard and determined by three judges, of whom at least one shall be a justice of the Supreme Court, or a circuit judge, and the other two may be either circuit or district judges, and unless a majority of said three judges shall concur in granting such application. Whenever such application as aforesaid is presented to a justice of the Supreme Court, or to a judge, he shall immediately call to his assistance to hear and determine the application two other judges: *Provided, however*, That one of such three judges shall be a justice of the Supreme Court, or a circuit judge. Said application shall not be heard or determined before at least five days' notice of the hearing has been given to the governor and to the attorney general of the State, and to such other persons as may be defendants in the suit: *Provided*, That if of opinion that irreparable loss or damage would result to the complainant unless a temporary restraining order is granted, any justice of the Supreme Court, or any circuit or district judge, may grant such temporary restraining order at any time before such hearing and determination of the application for an interlocutory injunction, but such temporary restraining order shall remain in force only until the hearing and determination of the application for an interlocutory injunction upon notice as aforesaid. The hearing upon such application for an interlocutory injunction shall be given precedence and shall be in every way expedited and be assigned for a hearing at the earliest practicable day after the expiration of the notice hereinbefore provided for. An appeal may be taken direct to The Supreme Court of the United States from the order granting or denying, after notice and hearing, an interlocutory injunction in such case."

Section 28: On page 23, beginning in line 24, amend so as to read: "*Provided further*, That no suit against a corporation or joint-stock company, brought in a State court of the State in which the cause of action arose, shall be removed to any court of the United States on the ground that the parties are citizens of different States, if the suit is brought in the county where the cause of action arose or within the county where the defendant is served with process and the plaintiff resides."

Section 29: On page 24, in line 17, strike out the word "twenty" and insert the word "thirty." On page 24, in line 25, strike out the word "due" and insert the word "written." In line 3 on page 25 strike out the word "twenty" and insert the word "thirty"; in line 5 strike out the word "twenty" and insert the word "thirty."

Section 30: On page 25, in line 13, strike out the word "five" and insert the word "three."

Section 40: On page 35 restore section 40, reading: "The trial of offenses punishable with death shall be had in the county where the offense was committed where that can be done without great inconvenience."

Section 56: On page 41, in line 15, substitute a period for the semicolon, and strike out the words "provided that." On page 41, in line 21, strike out the word "approval" and substitute the word "disapproval"; in line 1, on page 42, strike out the word "approval" and substitute the word "disapproval." In line 5 strike out the words "The failure to secure"; also the word "approval," and substitute the word "disapproval." Beginning after the word "brought," in line 10, strike out the words "The circuit court of appeals, or the judge thereof approving such order or appointment may, at any time, for good cause shown, revoke such approval; and thereafter, unless the circuit court of appeals shall renew such order, the receiver shall thereby be divested of jurisdiction over all such property lying or being without the State in which the suit has been brought." In line 17 strike out the words "proviso to" and insert the words "provisions of"; and in line 4 strike out the words "and his appointment so approved."

Section 70: On page 51, in line 9, after the word "district," insert the words "also the territory embraced on the date last mentioned in the counties of Walker, Winston, Marion, Fayette and Lamar, which shall constitute the Jasper division of said district." On page 52, in line 4, after the word "year," insert the words "for the Jasper division, at Jasper, on the second Tuesdays in January and June: *Provided*, That suitable rooms and accommodations for holding court at Jasper shall be furnished free of expense to the Government."

Section 76: On page 58 strike out all of lines 16, 17, and 18 after the word "Tallahassee" and insert in lieu thereof the following: "on the second Monday in January; at Pensacola on the first Mondays in May and November; at Marianna on the first Monday in April; and at Gainesville on the second Mondays in June and December."

Section 78: Strike out the section and insert in lieu thereof the following:

"SEC. —. The State of Idaho shall constitute one judicial district, to be known as the district of Idaho. It is divided into four divisions, to be known as the northern, central, southern, and eastern divisions."

"The territory embraced on the 1st day of July, 1910, in the counties of Bonner, Kootenai, and Shoshone shall constitute the northern division of said district; and the territory embraced on the date last mentioned in the counties of Idaho, Latah, and Nez Perce shall constitute the central division of said district; and the territory embraced on the date last mentioned in the counties of Ada, Boise, Blaine, Casia, Twin Falls, Canyon, Elmore, Lincoln, Owyhee, and Washington shall constitute the southern division of said district; and the territory embraced on the date last mentioned in the counties of Bannock, Bear, Lake, Bingham, Custer, Fremont, Lemhi, and Oneida shall constitute the eastern division of the said district. Terms of the district court for the northern division of the said district shall be held at Coeur d'Alene city on the fourth Monday in May and the third Monday in November; for the central division, at Moscow on the second Monday in May and the first Monday in November; for the southern division, at Boise City on the second Mondays of February and September; and for the eastern division, at Pocatello on the second Mondays of March and October. The clerk of the court shall maintain an office in charge of himself or a deputy at Coeur d'Alene city, at Moscow, at Boise City, and at Pocatello, which shall be open at all times for the transaction of the business of the court."

Section 88: On page 76, in line 6, after the word "Crawford," insert the word "Genesee"; in line 8, after the word "Saginaw," insert the word "Shiawassee"; in line 11 strike out the word "Genesee"; and in line 13 strike out the word "Shiawassee."

Section 91: On page 82, in line 3, after the word "Lincoln," insert the word "Maries"; in line 14, on page 83, strike out the word "Maries." On page 84, in line 10, after the words "Saint Joseph," insert the words "at Joplin"; in line 14 strike out the words "of holding court" and insert in lieu thereof the words "at which court is now held."

Section 92: On page 84, in line 20, after the word "October," insert the following: "at Missoula on the first Mondays in January and June; and at Billings on the first Mondays in March and August."

Section 99: On page 94, in line 9, strike out the words "of holding court" and insert in lieu thereof the following: "at which court is now held."

Section 103: On page 99, at the end of line 4, add the following: "The clerk of the court for the middle district shall main-

tain an office in charge of himself or a deputy at Harrisburg; and civil suits instituted at that place shall be tried there if either party resides nearest that place of holding court unless by consent of parties they are removed to another place for trial."

Section 106: On page 101, line 2, strike out the word "Lyman"; in line 3 strike out "Crow Creek"; in line 4 strike out "Lower Brule and"; in line 7 strike out "Armstrong"; in line 8 strike out "Dewey"; and strike out all from the word "Reservation," in line 10, and substitute the following: "and in that portion of the Standing Rock Indian Reservation lying in South Dakota shall constitute the northern division; the territory embraced on the date last mentioned in the counties of Armstrong, Buffalo, Dewey, Faulk, Hand, Hughes, Hyde, Jerauld, Lyman, Potter, Stanley, and Sully, and in Cheyenne River, Lower Brule, and Crow Creek Indian Reservations, shall constitute the central division; and the territory embraced on the date last mentioned in the counties of Bennett, Butte, Custer, Fall River, Harding, Lawrence, Meade, Mellette, Pennington, Perkins, Shannon, Todd, Tripp, Washabaugh, and Washington and in the Rosebud and Pine Ridge Indian Reservations shall constitute the western division. Terms of the district court for the southern division shall be held at Sioux Falls on the first Tuesday in April and the third Tuesday in October; for the northern division at Aberdeen on the first Tuesday in May and the second Tuesday in November; for the central division at Pierre on the second Tuesday in June and the first Tuesday in October; and for the western division at Deadwood on the third Tuesday in May and the first Tuesday in September. The clerk of the district court shall maintain an office in charge of himself or a deputy at Sioux Falls, at Pierre, at Aberdeen, and at Deadwood, which shall be kept open for the transaction of the business of the court."

Section 112: On page 113, line 23, strike out the word "Kittitas" and insert it in line 4 on page 114, after the word "Klickitat"; in lines 1 and 7 on page 114 strike out the word "eastern" and insert in lieu thereof the word "northern"; in lines 21 and 25 strike out the word "western" and insert in lieu thereof the word "southern."

Section 118: On page 121, in line 22, beginning after the word "circuit" strike out the remainder of the section.

Section 126: Strike out the section. The provisions of this section are embraced in section 259.

Section 128: On page 128, in line 5, after the word "laws" insert the words "under the copyright laws."

Section 140: On page 134, in line 5, strike out the word "quarterly" and insert in lieu thereof the word "monthly."

Section 151: On page 139, in line 18, after the word "may" strike out the words "or the committee thereof to which it shall have been referred, also may,". On page 140, in line 18, after the word "House" strike out the words "or such committee." At the end of the section add the following: "In any proceeding under this section, the court shall determine as a preliminary inquiry the question of limitation, delay, or laches; and if it shall be of opinion that the delay in presenting the claim is not excusable, and that the bar of the statute of limitation should not be removed, it shall not proceed further to find the existence of loyalty, liability, or the extent thereof, in such case, but shall report such finding in bar to the House by which the claim or matter was referred."

Section 152: Strike out the section.

Section 178: On page 140, in line 16, strike out the word "hereinbefore" and add, after the word "provided," the words "by law."

Section 182: Insert a new section numbered 182, as follows:

"SEC. 182. In any case brought in the Court of Claims under any act of Congress by which that court is authorized to render a judgment or decree against the United States, or against any Indian tribe or any Indians, or against any fund held in trust by the United States for any Indian tribe or for any Indians, the claimant, or the United States, or the tribe of Indians, or other party in interest shall have the same right of appeal as is conferred under sections 229 and 230; and such right shall be exercised only within the time and in the manner therein prescribed."

Section 186: On page 152, in line 23, add the words "on account of color."

Section 201: Strike out this section, the provisions of this section being embraced in section 259.

Section 207: On page 169, in line 15, strike out the word "now"; in line 16, after the word "thereof" add the following: "immediately prior to June 18, 1910."

Section 226: On page 182, in line 7, after the word "court," insert the words "heretofore published"; in line 8 strike out the words "after the 5th of August, 1882"; in line 10 strike out the word "one" and insert the word "two," and strike out "and fifty cents." After the word "volume" add the following: "and those hereafter published at a sum not to exceed $1.75 per volume;" in line 18 strike out "fifty" and insert "seventy-five."

Section 227: On page 183, in line 7, after the words "Attorney General," insert the words "each United States district attorney." On page 184, in line 14, after the word "twenty," add the word "five." On page 185, in line 3, after the word "them," insert the words "to each United States judge and to each United States district attorney who has not received a set." On page 185, in line 17, after the word "office," strike out the remainder of the section.

Section 228: On page 186, in line 7, strike out the words "or hereafter." In line 9, after the word "than," strike out "one" and insert "two"; and after the word "dollar" strike out "and fifty cents"; and at the end of the line add: "and such number of copies of each report hereafter published as he may require, for which he shall pay not more than $1.75 per volume."

Section 229: On page 187. Strike out the section and insert in lieu thereof the following:

"SEC. —. The Attorney General is authorized to procure complete sets of the Federal Reporter or, in his discretion, other publication containing the decisions of the circuit courts of appeals, circuit courts, and district courts, and digests thereof, and also future volumes of the same as issued, and distribute a copy of each such reports and digests to each place where a circuit court of appeals or a district court is now or may hereafter regularly be held, and to the Supreme Court of the United States, the Court of Claims, the Court of Customs Appeals, the Commerce Court, the court of appeals and the supreme court of the District of Columbia, the Attorney General, the Solicitor General, the Solicitor of the Treasury, the Assistant Attorney General for the Department of the Interior, the Commissioner of Patents, and the Interstate Commerce Commission; and to the Secretary of the Senate, for the use of the Senate, and to the Clerk of the House of Representatives, not more than three sets each. Whenever any such court room, office, or officer shall have a partial or complete set of any such reports or digest already purchased or owned by the United States, the Attorney General shall distribute to such court room, office, or officer only sufficient volumes to make a complete set thereof. No distribution of reports or digests under this section shall be made to any place where the court is held in a building not owned by the United States, unless there be at such place a United States officer to whose responsible custody they can be committed. The clerks of the courts (except the Supreme Court) to which the reports and digests are distributed under this section shall keep such reports and digests for the use of the courts and the officers thereof. All reports and digests distributed under the provisions of this section shall be and remain the property of the United States, and before distribution shall be plainly marked on their covers with the words 'The property of the United States,' and shall be transmitted by the officers receiving them to their successors in office. Not to exceed $2 per volume shall be paid for the back and current volumes of the Federal Reporter or other publication purchased under the provisions of this section, and not to exceed $5 per volume for the digest, the said money to be disbursed under the direction of the Attorney General; and the Attorney General shall include in his annual estimates submitted to Congress an estimate for the back and current volumes of such reports and digests, the distribution of which is provided for in this section."

Section 240: On page 192, in line 19, after the word "case," insert "civil or criminal"; in line 22, after the word "otherwise," insert "upon the petition of any party thereto."

Section 250: This section is intended to take the place of section 237 of the House amendment.

SEC. 250. Any final judgment or decree of the court of appeals of the District of Columbia may be reexamined and affirmed, reversed, or modified by the Supreme Court of the United States upon writ of error or appeal in the following cases:

First. In cases in which the jurisdiction of the trial court is in issue; but when any such case is not otherwise reviewable in said Supreme Court, then the question of jurisdiction alone shall be certified to said Supreme Court for decision.

Second. In prize cases.

Third. In cases involving the construction or application of the Constitution of the United States, or the constitutionality of any law of the United States, or the validity or construction of any treaty made under its authority.

Fourth. In cases in which the constitution or any law of a State is claimed to be in contravention of the Constitution of the United States.

Fifth. In cases in which the validity of any authority exercised under the United States or the existence or scope of any power or duty of an officer of the United States is drawn in question.

Sixth. In cases in which the construction of any law of the United States is drawn in question by the defendant. Except as provided in the next succeeding section, the judgments and decrees of the said court of appeals shall be final in all cases arising under the patent laws, the copyright laws, the revenue laws, the criminal laws, and in admiralty cases. Except as provided in the next succeeding section, the judgments and decrees of the said court of appeals shall be final in all cases not reviewable as hereinbefore provided.

Writs of error and appeals shall be taken within the same time, in the same manner, and under the same regulations as writs of error and appeals are taken from the circuit courts of appeals to the Supreme Court of the United States.

Section 251: This section is intended to take the place of section 238 of the House amendment.

Section 251: Strike out the section and substitute the following: "In any case in which the judgment or decree of said court of appeals is made final by the section last preceding, it shall be competent for the Supreme Court of the United States to require, by certiorari or otherwise, any such cause to be certified to it for its review and determination, with the same power and authority in the case as if it had been carried by writ of error or appeal to said Supreme Court. It shall also be competent for said court of appeals, in any case in which its judgment or decree is made final under the section last preceding, at any time to certify to the Supreme Court of the United States any questions or propositions of law concerning which it desires the instruction of that court for their proper decision; and thereupon the Supreme Court may either give its instructions on the questions and propositions certified to it, which shall be binding upon said court of appeals in such case, or it may require that the whole record and cause be sent up to it for its consideration, and thereupon shall decide the whole matter in controversy in the same manner as if it had been brought there for review by writ of error or appeal."

Section 259: This section is intended to take the place of a part of section 2, all of section 126, and of 202*bb*, in the bill as it passed the House.

"SEC. 259. The circuit justices, the circuit and district judges of the United States, and the judges of the district courts of the United States in Alaska, Hawaii, and Porto Rico, shall each be allowed and paid his necessary expenses of travel, and his reasonable expenses (not to exceed $10 per day) actually incurred for maintenance, consequent upon his attending court or transacting other official business in pursuance of law at any place other than his official place of residence, said expenses to be paid by the marshal of the district in which such court is held or official business transacted, upon the written certificate of the justice or judge. The official place of residence of each justice and of each circuit judge while assigned to the Commerce Court shall be at Washington; and the official place of residence of each circuit and district judge, and of each judge of the district courts of the United States in Alaska, Hawaii, and Porto Rico, shall be at that place nearest his actual residence at which either a circuit court of appeals or a district court is regularly held. Every such judge shall, upon his appointment, and from time to time thereafter whenever he may change his official residence, in writing notify the Department of Justice of his official place of residence."

Section 260: On page 202, in line 10, strike out the words "a time 10 years before" and insert "at the time of."

Section 284: On page 211, in line 20, after the word "therefor," insert the following:

"If the United States attorney for any district which has a city or borough containing at least 300,000 inhabitants shall certify in writing to the district judge, or the senior district judge of the district, that the exigencies of the public service require it, the judge may, in his discretion, also order a venire to issue for a second grand jury."

Section 289: On page 216, in line 3, before the word "authority," insert the word "same."

Section 297: On page 218, in line 13, strike out "twenty" and insert "fourteen"; in line 14, after the word "inclusive," insert the following: "Sections 716 to 720, both inclusive."

On page 220, in line 3, after the word "eighty-seven," insert "except sections 4, 5, 6, 7, and 10 thereof." Beginning in line 13 strike out the following: "An act to establish circuit court of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes, approved March 3, 1891." On page 221, in line 13, after the word "eleven," insert the following: "Sections 1, 2, 3, 4, 5, the first paragraph of section 6, and section 17 of an act entitled 'An act to create a Commerce Court, and to amend an act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, and for other purposes,' approved June 18, 1910."

Section 298: On page 221, in line 21, after the word "act," insert the words "or affecting the organization of the courts."

Section 299: On page 222, in line 6, after the word "proceeding," insert the following: "including those pending on writ of error, appeal, certificate, or writ of certiorari, in any appellate court referred to or included within the provisions of this act."

Section 301: On page 222, in line 19, strike out the word "July" and insert "January"; and strike out the word "eleven" and insert the word "twelve."

W. B. HEYBURN,
GEO. SUTHERLAND,
JAMES P. CLARKE,
Managers on the part of the Senate.

R. O. MOON,
HERBERT PARSONS,
SWAGAR SHERLEY,
Managers on the part of the House.

The PRESIDING OFFICER (Mr. KEAN in the chair). The question is on agreeing to the conference report.

Mr. BEVERIDGE. If it is a question merely of agreeing to the report without proceeding to its consideration and discussion, that might be done; but, if agreeing to the report——

The PRESIDING OFFICER. The only motion before the Senate is on agreeing to the conference report.

Mr. BEVERIDGE. I understand that; but I should like to inquire of the Senator from Idaho——

Mr. HEYBURN. Mr. President, I would be very glad, indeed, to have the report agreed to, with such exceptions as Senators may desire to designate.

The PRESIDING OFFICER. That can not be done.

Mr. HEYBURN. I think, Mr. President, that is done every day in the case of conference reports——

Mr. BEVERIDGE. Let the report go over for a day.

Mr. HEYBURN. I should like to finish the sentence that I am uttering.

Mr. President, what I desire to have is that the uncontroverted portion of the report may be acted upon as we do every day and then ask for a further conference upon the contested points.

Mr. LODGE. Is it a complete agreement?

Mr. HEYBURN. Yes.

Mr. LODGE. Then it can only be acted upon as a whole.

The PRESIDING OFFICER. The Chair so understands. The Senator from Idaho presented a conference report which is a complete agreement.

Mr. HEYBURN. I understand that. If we act upon it as a whole, I understand we can not amend it, but we can reserve for further conference——

The PRESIDING OFFICER. The Senator can withdraw his report and make a partial report and ask for a further conference.

Mr. BEVERIDGE. That is the only way.

Mr. HEYBURN. I will proceed along those lines and will make a partial report. Let me have the report.

The PRESIDING OFFICER. The Senator withdraws the report.

SEVERAL SENATORS. The regular order!

Mr. HEYBURN. I desire to retain the floor.

Mr. BEVERIDGE. You can not withdraw the report and retain the floor.

The PRESIDING OFFICER. The Senator from California [Mr. PERKINS].

Mr. HEYBURN. I had the floor for the purpose of making this report, and I have not yielded.

SEVERAL SENATORS. The regular order!

Mr. WARREN. I do not see any necessity for this commotion about the regular order, and so forth. Of course, a conference report is entitled to be presented, and if its consideration is denied, it goes over.

The PRESIDING OFFICER. Without objection——

Mr. HEYBURN. I desire to present a partial report.

Mr. BEVERIDGE. Oh, no, Mr. President.

Mr. HEYBURN. A partial report has the same privilege as a complete report.

Mr. BEVERIDGE. The Senator can not——

Mr. WARREN. As far as a conference report is concerned, it has the right of way——

Mr. BEVERIDGE. Mr. President——

Mr. WARREN. One moment, if you please; I have the floor.

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. The Senator from Wyoming has the floor.

Mr. WARREN. After sitting here some 10 days with an appropriation bill half finished, I shall very soon raise the question of consideration upon any other business.

As to the matter of conference reports, it is well established that a report can be presented. It is well established that when presented, if objected to it must go over.

Mr. LODGE. The privilege is to make the report.

Mr. HEYBURN. Yes.

The PRESIDING OFFICER. That is correct.

Mr. LODGE. That privilege is now exhausted, and I raise the question of consideration.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. The question is, Will the Senate consider the conference report?

Mr. HEYBURN. I am not asking that. I have withdrawn that, or, rather, it was only an alternative suggestion. But I now ask to present a partial report from the conference committee on this bill and ask for the adoption of the partial report, which does not include the provision with regard to the removal of causes to United States courts.

The PRESIDING OFFICER. The Senator from Idaho presents the following conference report.

Mr. HALE. Mr. President——

The PRESIDING OFFICER. The Senator from Maine.

Mr. PENROSE. But the conferees have not signed any partial report.

The PRESIDING OFFICER. The Chair has no notice of a partial report until it is presented.

Mr. BEVERIDGE. No.

The PRESIDING OFFICER. The Chair has no record of that.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. The Senator from Maine was recognized, and not the Senator from Indiana.

Mr. HALE. What I desire is to call the attention of the Senate to the parliamentary course upon conference reports. They are always privileged. They are not subject to a single objection, which carries them over.

Mr. BEVERIDGE. Certainly.

Mr. HALE. But the moment a conference report is presented the question of consideration can be raised by any Senator.

Mr. LODGE. And that is what I did.

Mr. HALE. It is not a personal matter. It is not a desire to take the Senator from Idaho from the floor. It is simply what we have got to do at this stage in order to give the Senate the opportunity of considering or not. That is not debatable. It is a question for the Senate at once to decide.

Nobody is seeking to drive the Senator from Idaho from the floor. All of us have had experience with the Senator, so that we are not inclined to enter into that contest. But I gave notice yesterday—and that does not settle anything—that after the vote was taken on the Lorimer case I should ask the Senate to proceed with the appropriation bills. I also gave notice, and the foundation of that was my somewhat long experience in the way to manage evening sessions, that instead of undertaking a protracted session, which never ends in business, I should ask the Senate at half past 5—that is what we have done heretofore—to take a recess until 8 o'clock. That gives the Senators who have been here, as some of us have been, ever since 9 o'clock, if we choose, to go home to dinner or to go to our committee rooms for luncheon or dinner and come back at 8 o'clock.

All of my experience is that in three hours, after that respite between half past 5 and 8 o'clock, the Senate is ready and desirous of doing business. I would give more for those three hours between 8 and 11 to do business, pass bills, and make progress, which is essential, than I would for all of the time on a protracted session. We tried it the other night and made no progress in anything, and I shall move at half past 5 that the Senate take a recess until 8 o'clock.

But I am entirely in the hands of the Senate. If the Senate does not want to give the evening to appropriation bills and wants to give the evening to something else, I am powerless. But so far as I am concerned, with these days disappearing, and it being a question not of days, but of hours, the Senate may just as well be confronted with the fact that half a dozen of the appropriation bills will go over. I am going to submit to the action of the Senate.

I should hope, the question of consideration having been raised, that the Senator from Wyoming, who has charge of the agricultural appropriation bill, will go on with it unless—and when I say that I know what the habit and courtesy of the Senate are—some Senator desires to take the floor. If so, the Senate loses nothing by allowing that Senator to take the floor, because if you get up the appropriation bill under our rules the Senator may talk upon the bill and spend all the time that is necessary.

I do not know about it, but I should like to have the Senate put itself on record whether it wants to go on now with the appropriation bills.

Mr. HEYBURN. I ask to make a privileged report.

Mr. PERKINS. Mr. President——

The PRESIDING OFFICER. The Senator from California has been recognized to make a report.

Mr. HALE. What has become of the other report of the Senator from Idaho?

The PRESIDING OFFICER. He has withdrawn it.

Mr. HEYBURN. I have a privileged report.

The PRESIDING OFFICER. The Chair recognized the Senator from California to make a report.

REPORT OF COMMITTEE.

Mr. PERKINS. I am directed by the Committee on Naval Affairs, to which was referred the bill (H. R. 32212) making appropriations for the naval service for the fiscal year ending June 30, 1912, and for other purposes, to report it with amendments, and I submit a report (No. 1265) thereon.

Mr. HALE. The Senator undoubtedly has the right to submit his report.

REVISION OF LAWS—JUDICIARY TITLE.

Mr. HEYBURN. I make the following privileged report.

Mr. CLARKE of Arkansas. If the Senator has in any way modified the report as signed by the conferees, his action, of course, is not——

Mr. HEYBURN. I have not in any wise modified or disturbed it. It is the report made by the conferees.

Mr. CLARKE of Arkansas. I would like to say a word about that.

Mr. HEYBURN. I have not asked for its present consideration.

The PRESIDING OFFICER. The Senator from Massachusetts raises the question of the consideration of the report, and that has to be put to the Senate without debate. The question is, Will the Senate consider the report?

Mr. GALLINGER. The Senator from Idaho says he does not ask for present consideration.

Mr. OVERMAN. Mr. President——

The PRESIDING OFFICER. The report will be read.

Mr. LODGE. I raise the question of consideration.

Mr. HEYBURN. Let the report be printed and go over.

Mr. CLARKE of Arkansas. That will be satisfactory.

Mr. JONES. Will the Secretary read the report, so that we may know what it is?

The PRESIDING OFFICER. The title of the bill involved in the report will be stated.

Mr. JONES. I object to the waiving of the reading of the report.

The PRESIDING OFFICER. The reading of the report, the Chair will state to the Senator from Washington, is a part of the consideration of the report.

Mr. CLARKE of Arkansas. The report has been read.

The PRESIDING OFFICER. The report has been read.

Mr. OVERMAN. No; the report has not been read.

The PRESIDING OFFICER. The report goes over.

Mr. CLARKE of Arkansas. The Senator returned the same report—the report which has been read. There is no mistake about that. The Clerk read the report.

Mr. LODGE. The whole thing has gone over.

Mr. CLARKE of Arkansas. I understand that. I want it to go over to a time when it——

Mr. OVERMAN. The Senate will not take it up now unless it votes affirmatively on the point of consideration now.

Mr. WARREN. Mr. President, under what order are we now doing business?

The PRESIDING OFFICER. The unfinished business.

Mr. WARREN. I wish to give notice now that, unless there shall be some motion to lay aside the unfinished business, I shall, at 3 o'clock, move to take up the agricultural appropriation bill.

Mr. BEVERIDGE. I ask that when 3 o'clock arrives the unfinished business be temporarily laid aside so that the agricultural appropriation bill may be proceeded with.

Mr. WARREN. I wish to say in this connection, so that those who have an interest in that bill may be here, it is my purpose to move at 3 o'clock to take up the agricultural appropriation bill.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Nevada?

Mr. WARREN. Yes.

Mr. NEWLANDS. Out of order I wish to introduce a bill.

SEVERAL SENATORS. The regular order.

The PRESIDING OFFICER. The regular order will be stated.

The SECRETARY. A bill (H. R. 32010) to create a tariff board.

TARIFF BOARD.

The Senate as in Committee of the Whole resumed the consideration of the bill.

Mr. STONE. What is the question now before the Senate?

The PRESIDING OFFICER. The question is on agreeing——

Mr. LODGE. The bill has been read and all the committee amendments agreed to except the last. The question is upon the last amendment.

The PRESIDING OFFICER. The bill is in Committee of the Whole and open to amendment.

Mr. OVERMAN. There are two or three Senators talking at the same time. I would like to know what is the question.

Mr. BEVERIDGE. On page 5——

The PRESIDING OFFICER. The question is on agreeing to the amendment to section 7. The Secretary will state it.

Mr. OVERMAN. Read it.

Mr. NELSON. What bill is this?

Mr. LODGE. The tariff commission bill.

Mr. BEVERIDGE. It is the Tariff Board bill.

Mr. OVERMAN. I want to ask the Senator——

Mr. NELSON. What bill is this?

The PRESIDING OFFICER. Senators will kindly take their seats. Senators will come to order. The Chair will recognize a Senator when there is order. The Secretary will state the pending amendment.

Mr. HALE. There was an understanding, I supposed, that the Senator from Iowa [Mr. CUMMINS] desired to address the Senate upon this bill, and the Senator from Wyoming, in charge of the next appropriation bill, had yielded for that purpose, and he agreed that he would wait and would not call up the appropriation bill until after 3 o'clock.

Mr. CUMMINS. I do not know how the Senator from Maine received that impression. I said to certain Senators that I thought the unfinished business ought to be proceeded with for an hour, at least, this afternoon, but I did not suggest to anybody that I had any desire to make a speech upon it. I want to vote upon it.

Mr. HALE. The Senator from Iowa can not have a vote upon it while appropriation bills are pending.

Mr. PENROSE. Let us have the regular order.

The PRESIDING OFFICER. The regular order is demanded.

Mr. BEVERIDGE. I give notice that when 3 o'clock arrives I will ask that the unfinished business——

The PRESIDING OFFICER. The Senator from Indiana is out of order, and he will take his seat.

Mr. BEVERIDGE. And I will say to the Senator——

The PRESIDING OFFICER. The Senator from Maine has been recognized and not the Senator from Indiana.

Mr. HALE. If any Senator desires to go on and debate this question or any other question——

The PRESIDING OFFICER. The Chair is not informed as to that.

Mr. OVERMAN. I was just rising to ask the Senator from Iowa if the proposition is to take this vote without discussion.

Mr. LODGE. Of course it is not.

Mr. CUMMINS. Any Senator who desires to discuss this bill or any amendment to it can do so.

Mr. OVERMAN. We ought to have a quorum here. I suggest the want of a quorum.

The PRESIDING OFFICER. The Senator from North Caroline suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Crane	Heyburn	Richardson
Bankhead	Culberson	Johnston	Root
Beveridge	Cullom	Jones	Scott
Borah	Cummins	Kean	Shively
Bourne	Curtis	Lodge	Smith, Mich
Bradley	Depew	Lorimer	Smoot
Brandegee	Dick	Martin	Stone
Briggs	Dixon	Money	Sutherland
Brown	Fletcher	Nelson	Swanson
Bulkeley	Flint	Newlands	Taliaferro
Burkett	Foster	Overman	Taylor
Burnham	Gallinger	Page	Warner
Burrows	Gamble	Penrose	Warren
Burton	Gore	Percy	Wetmore
Chamberlain	Gronna	Perkins	Young
Clapp	Guggenheim	Piles	
Clarke, Ark.	Hale	Rayner	

The PRESIDING OFFICER. Sixty-six Senators have responded to their names. A quorum of the Senate is present. The question is on agreeing to the amendment, which the Secretary will report.

The SECRETARY. On page 5, section 7, in line 17, after the word "with," insert "as hereinbefore provided, including all testimony."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. HEYBURN. Mr. President, I regret very much that this measure should be taken under consideration when the time for consideration is so brief as it necessarily will be, inasmuch as the agricultural appropriation bill is to be taken up in about 40 minutes.

Mr. President, I am not at all in sympathy with this measure. I am not in sympathy with it as a political principle. I do not approve it because of its language or the purpose for which the language is used. It seems to be going along in rather a merry mood, as though it could do no harm. There is not a measure before Congress that may do more harm than this.

I will desist for a moment. I am not accustomed to participating in duets or trios.

Mr. DEPEW. Order, Mr. President.

The PRESIDING OFFICER. It is impossible for the Senator from Idaho to proceed until there is order. The Senate will be in order, and Senators will kindly take their seats.

Mr. HEYBURN. Mr. President, if the Senate is going to insist on the consideration of this bill, the Senate had better devote its attention to the consideration of it.

I am not surprised that there has been an inquiry as to what bill it is. It is a bill which proposes to transfer the duties which are vested in Congress by the Constitution to an irresponsible board, in order, I suppose, that the people's rights may flow from a different source, because in the judgment of those who drew or conceived the idea of this bill Congress was a very incompetent medium through which the people should obtain their legal rights.

Mr. HALE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Maine?

Mr. HEYBURN. Yes.

Mr. HALE. I think from the Senator's remarks that I now recognize the bill to which he refers.

Mr. HEYBURN. I am pleased to have so accurately described it; and I assume that the Senator from Maine has some sympathy with the description which I have given of it that may go to the merits of it.

When this question was before the Senate some time ago I expressed myself briefly upon the general principle. But this being made the unfinished business, if we are going to be compelled to stand between the people of this country and a proposed infringement of their rights, I shall have to hold myself ready to speak upon this bill at any time; and I think I am prepared to do it.

It is true for the moment only that the amendment, which is expressed in the words "as hereinbefore provided, including all testimony," attached to one of the paragraphs or sections of this bill, is of the utmost importance.

This section reads, with the proposed amendment, section 7:

That said board shall submit the results of its investigations, as hereinbefore provided, including all testimony, together with any explanatory report of the facts so ascertained, to the President or to either House of Congress, from time to time, when called upon by the President or either House of Congress.

This is rather an expensive board, and if the President should overlook them, which I suppose he would for intervals, say, of a year or two and Congress should forget their existence for another year or two, they would have nothing to do but draw their salaries.

But the "hereinbefore provided" part of the amendment under consideration invites us to look back at the other sections of the bill to see what is hereinbefore provided. Every section preceding section 7 is made a part of section 7 by those words. I repeat that. Those two words, innocent appearing, become a part of every preceding section, and require every section preceding section 7 to be interpreted in connection with that provision before you can know what the law is. That is part of the amendment directly under consideration.

Section 6 contains a part of the "hereinbefore provided." In section 6 it is provided that any investigation authorized by the proposed act the board may obtain such evidence or information as it may deem advisable.

Now, Mr. President, that leaves the board the sole judge as to what information Congress needs or the President needs in determining the basis upon which revenue laws shall be made.

We are not to have any other information except such as this board may deem advisable. The words "for its confidential

use, and in case the evidence or information is so obtained" were crossed out. It was intended originally that they should not disclose to Congress or the President the information upon which they were going to act, but they repented of that evil and sought to make the evil less.

But said board shall not be required to divulge the names of persons.

There is no exception or limitation to that. We are going to create a few favored men who go and pry into the private business of the people in this and other countries and keep it to themselves, confidential information. They may give us the results of it and some general expression of their wisdom.

Mr. HALE. Or may not.

Mr. HEYBURN. Or may not.

Mr. OVERMAN. May I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from North Carolina?

Mr. HEYBURN. I do.

Mr. OVERMAN. I notice that we appropriate about $400,000 in the sundry civil appropriation bill for a tariff board to be continued for two, three, or four years, and now this is another commission. Do I understand it is the policy to continue paying to that board $400,000 and to appropriate money for this board, too?

Mr. HEYBURN. I can not answer all of that, because I can not anticipate what the policy is. Policies are as indefinite as floating clouds. If it pleases the person who is desirous of adopting it, it is all right, and if it does not, it is all wrong.

Now, just a moment about that—

But said board shall not be required to divulge the names of persons furnishing such evidence or information.

I am not a prophet of evil, but I can see a certain class of men on a board of that kind possessed, at the expense of the Government, of a vast amount of private information, who might be blessed with a few relatives who could put them in the way of doing rather a nice stroke of business, having private knowledge as to the private affairs of people in other countries and in this country, because this board is also, in another section, authorized to investigate these same questions in the United States and to have information about the business of business men of the United States that no one else would have.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. HEYBURN. I yield.

Mr. NELSON. Does it not strike the Senator from Idaho that it would be of great value to Congress to get the names of the parties giving this testimony? Would not that enable Congress to determine whether the testimony is of any value? Ought we not to have the sources from which that testimony comes?

Mr. HEYBURN. Certainly. The statement itself that some person had testified so and so would be of no value whatever.

Mr. NELSON. It strikes me that that is a great mistake. We ought to have the names of all the witnesses published.

Mr. HEYBURN. I thoroughly agree with the Senator from Minnesota in that regard, and I will doubtless reach the discussion of that question under the conditions.

Mr. NELSON. I will be glad to have the Senator discuss it.

Mr. HEYBURN. I think I shall doubtless reach it.

Mr. President, what are the members of this board to do? We will look at that. Here in section 5 there is a provision that has no equal or counterpart in the history of legislation:

SEC. 5. That for the purposes of this act said board shall have power to subpœna witnesses, to take testimony, administer oaths, and to require any person, firm, copartnership, corporation, or association engaged in the production, importation, or distribution of any article under investigation to produce books and papers relating to any matter pertaining to such investigation. In case of failure to comply with the requirements of this section, the board may report to Congress such failure, specifying the names of such persons, the individual names of such firm or copartnership, and the names of the officers and directors of each such corporation or association so failing, which report shall also specify the article or articles produced, imported, or distributed by such person, firm, copartnership, corporation, or association, and the tariff schedule which applies to such article.

That is a part of the hereinbefore provided amendment.

Then section 4 gives or purports to give the purpose of this act:

SEC. 4. That to enable the President to secure information as to the effect of tariff rates, restrictions, exactions, or any regulations imposed at any time by any foreign country upon the importation into or sale in any such foreign country of any products of the United States, and as to any export bounty paid or export duty imposed or prohibition made by any country upon the exportation of any article to the United States which discriminates against the United States or the products thereof, and to assist the President in the application of the maximum and minimum tariffs and other administrative provisions of the customs laws, the board shall, from time to time, make report, as the President shall direct.

Where is Congress? Has Congress adjourned?

They shall make that class of reports as the President may direct, and they are paid to obtain information through secret means and retain the information to themselves. We are to pay for it. For what purpose? I suppose wrapped up in that language is the purpose to determine just exactly the relative cost of certain articles in foreign countries and at home. But while that is always a proper inquiry in considering tariff rates, it is not a proper consideration of the basis upon which tariff rates are to be fixed. They are authorized to inquire, for instance, in Germany as to the cost of hardware or any other article. They go there to the German shops of the higher order. The exports from the country are principally from the larger manufacturing establishments or exporting houses. The product of the small shop generally supplies the local market. Then they report that the cost of a certain line of hardware or cutlery, which are important items of importation from Germany, is a certain figure. They report that to the President. They do not tell him how they obtained the information or from whom they obtained it, because they are forbidden to report names.

Now, Mr. President, the object of that report may be a basis for comparison of the cost of production between that country and ours. Doubtless those countries would aid the representatives if they knew they were making the inquiry to ascertain the facts, but it seems to be contemplated that they shall obtain these facts surreptitiously from the manufacturers of those countries or the producers of the product.

Now, then, the next step on the part of this board is to come home to this country with this information that they have gathered for the purpose of ascertaining the cost of producing a like product here. We will say that they go to a large establishment, equipped in the most complete manner, where the article can be produced for the least possible price, and they take that as a basis of the cost of American production. They will not go to the little mill or factory up the valley to find out what it costs them, with machinery not so modern, with equipment and conditions not so favorable. They will not go there for information. They will take as the basis of the cost of American production the cost in this finished, improved, and least expensively operated mill, and they will compare that with the cost abroad.

Then what? What is the object? If it is to be used as a basis of tariff making, we are required, according to the doctrine of this bill, to find what would be a reasonable profit. This commission is to investigate that question. What would be the result? First, what would they take as a basis for a reasonable profit? Would it be a reasonable profit with a large and expensively equipped and cheaply operated mill, with a large investment of capital, or would it be a reasonable profit to the owner of the little mill up the canyon or down on the river bank who operated it with his own hands, with the assistance perhaps of his own family? Which are you going to take? If you base the tariff upon the difference of cost between the finished, high-class mill abroad and a mill of the same class on this side, then 5 or 6 per cent difference or 7 or 8 per cent, as they might conclude, would be considered a reasonable profit. But that difference would not only not afford a reasonable profit to the mill that was not equipped so well, but which if they operated at all they operated at a loss.

That applies to every foundry and factory, to mechanical processes of any kind that produce articles entering into the American market. Who is going to say what profit shall be guaranteed, so far as tariff legislation is concerned, to the mill that is equipped in the old fashion and that is operated by the owner? Who is going to say what a fair profit shall be to that man? If his profit is to be fixed upon the basis of the investigation of this commission, then that would afford a very generous profit to the better-equipped manufacturer.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from Idaho yield to the Senator from North Dakota?

Mr. HEYBURN. I do.

Mr. McCUMBER. Would not all those matters be taken into consideration by this commission, and could we not trust the Senate and the House to give us a perfected bill that would practically guard all our industries, even though some should make a little more profit than we would think they needed?

Mr. HEYBURN. Mr. President, I sincerely trust we can. The endeavor of those who really understand and represent the protective tariff policy has been in the past and doubtless will be in the future to make a tariff wall high enough to insure protection to all of them. I presume the Senator from Indiana [Mr. BEVERIDGE] is answering the question asked by the Senator from North Dakota.

Mr. BEVERIDGE. Not at all. It was not even mentioned.

The PRESIDING OFFICER. The Senator from Idaho has the floor.

Mr. HEYBURN. Mr. President, I am seeking to address myself to the Chair.

The PRESIDING OFFICER. The Senator from Indiana was out of order.

Mr. HEYBURN. Yes, I think so. The Senator from North Dakota asked me a question, and before I could answer it I found that I was blockaded.

However, Mr. President, I want to answer the question of the Senator from North Dakota because it is a very important consideration in determining this matter.

The making of tariff laws can be and should be regulated by Congress, but the proposition here is based upon the fact that it will not be regulated by Congress but by this board. That is the trouble. According to the belief of the lovers of our own country and its people that they are entitled to the first consideration in the making of laws, the tariff should be so high as to include all these classes. In other words, as I said on a former occasion in discussing this question here, the tariff wall should be above the highest tide. Why, a 10-foot wall will not protect the valley against a 12-foot tide any better than a 1-foot wall would protect it. As some one said in discussing the question here, a 16-inch boot top will not enable you to cross a ford of 20 inches of water dry-shod any more than would a boot top of 3 inches.

Between these extremes of cost the cost to the poorly equipped and yet justly entitled citizen is one thing. It is based upon the imperfection of his machinery. It is based upon the fact that he has neither the ability nor should he have the necessity of expending a large amount of money upon his mill in order that he might compete with the larger mills of perfect equipment.

For instance, in the production of sugar from beets it requires an investment of several hundred thousand dollars, but when that investment is made sugar can be produced cheaper than it could be produced by the sugar mills operated upon individual endeavor and capital anywhere in the country. They can drive them out of business because of the quantity of raw material which they can convert into the articles of commerce. Suppose you were to base the profit that might be made and recognized as legitimate upon the operations of these large sugar mills, what would become of the thousands, perhaps many, many thousands, of the smaller mills in the country?

The same is true of the iron-working furnaces. There are little furnaces up here in the Allegheny and Blue Ridge Mountains and in other sections of the country that are not equipped with the modern equipment of the large iron furnaces and can not produce their product at anything like the cost of the large mill. Now, upon the profits of which of these two manufacturers is the commission to base its conclusion as to how high a tariff should be?

We are drifting toward that condition of affairs where the duties of Congress are to be discredited at every turn in favor of a board of laymen. It is a dangerous drift of opinion. It is a charge against the ability of Congress to enact the laws for the people. It amounts to a confession on the part of Congress that it is unable to enact the necessary laws when it delegates the duties that rest upon it to some board merely that it may be easier.

What is the result of such a concession? This commission, working like a mole underground, accountable to no one, may report and it may not. It may withhold information under the provisions of this bill, but it is working away like a mole, gathering something to be used as a basis for legislation. What then? Senators who have served here long enough to know how these measures go through the committees and are adopted in the Senate know that information, so much of it as might go to the Committee on Finance, would go there. They would give Congress so much of it as they might under the law. They would base their action in the way of recommendation of legislation upon that information which had been doled out to them by the commission and a finance bill would come in here providing the protection that the people are entitled to against competition in their own markets, and we would be told with the gesture of eloquence that the committee had given it great consideration. We would be told that the facts had all been ascertained by this board and we would be met with a shrug of impatience if we insisted or were persistent in insisting that we should have the same information the committee had in order that we could judge of the wisdom of the committee's action.

That would be the position. Behind it all would be retreat of the committee to the information that was doled out to them, and the Senate would be told that this information had been whispered by the oracle of this board to them in secret with a pledge that it could not be printed.

That is not in accord with the principles of this Government. The American people want to know the facts upon which their representatives act, and they are entitled to know them. There is no proceeding of this body that may properly be withheld from the people, nor is there any information upon which this body acts that may properly be withheld from the people, with the exception of information upon which this body acts in executive session, wherein the affairs of other countries are concerned and intrusted to our confidence in order that we may deal with them without disclosing matters that other countries desire should be kept secret.

I want no tariff board to do that which we have for a hundred years performed for ourselves without any serious inconvenience or expense to the public or to ourselves. No man should sit in this body who is not equipped with the intelligence requisite to enable him to perform the duties pertaining to his office. If he finds the people have overestimated his ability to intelligently participate in the making of laws he should advise them of that fact and they could then perhaps correct the evil. Whenever a Member of Congress requires the assistance of some laymen to enable him to intelligently perform his duties, it is then time that the people were notified of that fact.

It is said that it is convenient. The argument of convenience has no place in this body. It is said that it will result in saving the committees a great deal of work. The committees can protect themselves against overburdens by the employment of better men than would ever sit upon this board.

There seems to be so much excellent conversation going on that I hardly feel it necessary to contribute to it.

The PRESIDING OFFICER. Senators will please take their seats.

Mr. NELSON. Will the Senator allow me to make a formal motion?

The PRESIDING OFFICER. Does the Senator yield to the Senator from Minnesota?

Mr. BEVERIDGE. Mr. President, I ask——

The PRESIDING OFFICER. The Senator from Minnesota first addressed the Chair.

Mr. HEYBURN. I think I know the purpose of the Senator from Minnesota, and if this discussion were to proceed any length of time I would cheerfully yield, but the Senator from Indiana desires to ask that the unfinished business be laid aside.

Mr. NELSON. All right.

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Indiana?

Mr. HEYBURN. I do.

Mr. BEVERIDGE. I ask that the unfinished business be laid aside temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGRICULTURAL APPROPRIATION BILL.

Mr. WARREN. I ask the Senate to take up the agricultural appropriation bill, House bill 31596.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 31596) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1912.

Mr. WARREN. I ask that the Secretary may be instructed before the bill leaves the desk to correct all totals that may be changed by amendments during the consideration of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARREN. I ask that the reading of the bill be resumed at page 15, where we left off when the bill was under consideration on a former day.

The Secretary resumed the reading of the bill on page 15, line 22.

The next amendment of the Committee on Agriculture and Forestry was, on page 15, line 23, after the word "thousand," to insert "seven hundred and fifty," so as to make the clause read:

Total for Bureau of Animal Industry, $1,654,750.

The amendment was agreed to.

The Secretary continued the reading of the bill to the end of the paragraph beginning in line 1 on page 22.

Mr. WARREN. In order to adjust that clause with the amendment proposed by the committee at the end thereof, I move, on page 22, line 3, before the word "thousand," to strike out "thirty-eight" and insert "forty-two."

The PRESIDING OFFICER. The amendment proposed by the Senator from Wyoming will be stated.

The SECRETARY. On page 22, line 3, before the word "thousand," it is proposed to strike out "thirty-eight" and to insert "forty-two," so as to make the clause read:

To investigate and encourage the adoption of improved methods of farm management and farm practice, $142,920.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, under the head of "Bureau of Plant Industry," on page 22, line 3, after the word "dollars," to insert "*Provided*, That of the amount hereby appropriated the sum of $4,000 shall be used in agricultural reconnoissance work in Alaska," so as to make the clause read:

To investigate and encourage the adoption of improved methods of farm management and farm practice, $142,920: *Provided*, That of the amount hereby appropriated the sum of $4,000 shall be used in agricultural reconnoissance work in Alaska.

The amendment was agreed to.

The next amendment was, on page 22, line 10, before the word "dollars," to strike out "two hundred and seventy-eight thousand and fifty-five" and insert "three hundred and fifty thousand," so as to make the clause read:

For the study and demonstration of the best methods of meeting the ravages of the cotton-boll weevil, $350,000.

The amendment was agreed to.

The next amendment was, on page 22, line 12, before the word "thousand," to strike out "fifty-six" and insert "seventy-six," so as to make the clause read:

For the investigation and improvement of methods of crop production under semiarid or dry-land conditions, $76,730.

The amendment was agreed to.

The next amendment was, on page 23, line 18, to increase the total appropriation for general expenses of the Bureau of Plant Industry from $1,352,321 to $1,444,266.

The amendment was agreed to.

The next amendment was, on page 26, line 19, to increase the total appropriation for the maintenance of the Bureau of Plant Industry from $1,972,471 to $2,064,416.

The amendment was agreed to.

The reading of the bill was continued to the end of the following clause, in lines 8 and 9, on page 41:

Nez Perce National Forest, Idaho, $23,036.

Mr. HEYBURN. Mr. President, I should like to inquire as to the item for the Nez Perce Forest Reserve. What is the appropriation for in that case?

Mr. WARREN. The appropriation for the Nez Perce Reservation amounts to $23,036.

Mr. HEYBURN. What is it for?

Mr. WARREN. We have no information as to what this money is to be expended for, other than that there is a supervisor on that, or on that and the adjoining reservation, and, of course, the foresters are there.

Mr. HEYBURN. There is an entirely separate and distinct enumeration of the appropriations for foresters.

Mr. WARREN. As to the controlling ones; yes.

Mr. HEYBURN. No; as to all of them. There is another place in the bill where foresters are especially provided for. I only want to say that there are some singular conditions existing in the Forestry Service. For instance, the foresters engage in killing animals under the bounty law of the State. They collect large sums of money from the State for killing wild animals, and at the same time draw their salaries from the Government.

Mr. WARREN. May I ask the Senator what is the class of animals for which the State pays a bounty—wolves, I suppose—and the more of those animals they kill the better for the country.

Mr. HEYBURN. Yes; that class of animals. First a private reserve is created upon which no one is allowed to shoot but the foresters. They kill the wild animals on that reserve, and then they collect from the State for killing those animals, so that they have what might be called, to use a very homely term, a "private snap." They create the reserve and prohibit everybody else from killing the animals, and then they kill them and draw very large sums of money from our State.

Mr. HALE. From the State?

Mr. HEYBURN. Yes; from the State. They draw two salaries, one under this bill and one from the State.

Mr. WARREN. The reason I asked the Senator as to what animals they pay a bounty for killing was——

Mr. HEYBURN. They are enumerated—for coyotes, wolves, and so forth.

Mr. CULLOM. What do they get for a scalp?

Mr. WARREN. In this same bill we are providing in a way for the preservation of certain game animals. Under the laws of the State of Wyoming a bounty is paid for killing destructive animals, but money is also paid for the preservation of game animals. I suppose it is the same in Idaho. I did not know that the foresters were engaging in the business of killing wild animals and collecting bounty on them.

Mr. HEYBURN. I have a list of the bounties paid. They also have bird men to preserve the birds of the West. That extends clear back to the State of Illinois or farther east. They have a class of employees whose business it is to protect various kinds of fancy birds, and they are engaged in that in the interest of retaining the natural resources of the country, music being one of them.

Mr. SMITH of Michigan. Mr. President, the Senator from Idaho says that these wardens have the exclusive right to kill on the forest reservations?

Mr. HEYBURN. I said they exercise it.

Mr. SMITH of Michigan. They exercise exclusive right on the forest reservations?

Mr. HEYBURN. No man may enter a forest reserve without a permit from the forester.

Mr. SMITH of Michigan. Is it possible that others are not permitted to hunt on these reserves?

Mr. HEYBURN. Not at all. You must have a permit or you can not do it.

The PRESIDING OFFICER. The Secretary will proceed with the reading of the bill.

Mr. HEYBURN. Mr. President, I have grown a little callous. Other affairs press upon us here, but this is a subject which should be ventilated.

The Senator from Maine [Mr. HALE], in the Sixtieth Congress, when we were appropriating about one hundred and some odd thousand dollars, I think, for this work, then inquired as to where this would lead and whether it was the beginning of a great expensive bureau. We were met with all sorts of assurances that after four years the forest reserves would not only be self-sustaining, but would contribute to the Treasury of the United States. Now, there is in this bill an appropriation for this service of nearly $8,000,000.

Mr. CLARK of Wyoming. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. HEYBURN. I do.

Mr. CLARK of Wyoming. In connection with the remarks of the Senator from Idaho [Mr. HEYBURN], I should like to put in the RECORD the statement that this bill carries for the Forestry Service the amount of $4,672,900.

Mr. WARREN. Other items added make the total somewhat more than that, I will say to my colleague, if we take into account emergency allotments.

Mr. CLARK of Wyoming. In addition to that, it carries another million dollars in another item, and a bill which comes over here to-day from the House of Representatives carries a deficiency appropriation of $900,000, coming over from last year in excess of the appropriation we gave them then of between five and six million dollars. So that the total amount appropriated for the Forestry Service this year and this week amounts to over $7,000,000.

I merely desired to make that statement in connection with the remarks made by the Senator from Idaho that this was supposed to be a self-sustaining service.

Mr. WARREN. I may say, in that connection, that we have recently passed a forestry bill which carries from ten to eleven million dollars. I refer to the so-called Appalachian Forest bill.

Mr. CLARK of Wyoming. And there is no knowing what the future possibilities of that bill may be.

Mr. WARREN. Only a word, Mr. President——

Mr. OVERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from North Carolina?

Mr. WARREN. Certainly.

Mr. OVERMAN. Can the Senator tell how much money has been spent for the Forestry Service during the last 10 years?

Mr. WARREN. The annual amount has not been large until recent years. The first general appropriation was $100,000, I believe, and was carried in the sundry civil bill; but if we are going into the business of buying forests—private lands—in the eastern country, as provided, and manning them, I will not pretend to say how far we may go as to the amount that will finally make up the total of the forestry expenses of the United States.

Mr. KEAN. Mr. President——

Mr. OVERMAN. Mr. President, I have not yielded the floor.

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from New Jersey?

Mr. OVERMAN. In a moment. The Senator from Wyoming speaks of the money that is being expended in the Eastern States.

Mr. KEAN. I want to say to the Senator from Wyoming that not a dollar has been spent on forest reserves in the East.

Mr. OVERMAN. I want merely to say to the Senator from Wyoming that there is as much spent in the West in one year for forestry as will be appropriated for all time to come for the Southern Appalachian Reserve, and there is as much appropriated in this bill as will be appropriated for all time to come for that reserve.

I see, on page 40, in line 23, in regard to the Nebraska National Forest, that there is a proviso that certain trees might be furnished from the nurseries of the national forest. Is the Government in the nursery business?

Mr. CLARK of Wyoming and others. Yes.

Mr. OVERMAN. Of all the money appropriated for all these forests, is a part for the purpose of keeping up nurseries?

Mr. HEYBURN. What kind of nurseries?

Mr. OVERMAN. I do not know. I am trying to get some information. What is being done with this money? It seems to me a great amount of money. The Senator says seven or eight million dollars are being appropriated. There ought not anything to be mentioned whether the forests are in the East or the West. It ought not to be mentioned upon this floor. Simply pass the bill. When you talk about spending money, you are spending five times as much money out there as you are here. What I am asking is—to get some information—whether the Government is in the nursery business in all these forests, spending millions of dollars raising trees? What sort of trees are being raised out there—fruit trees?

Mr. CLARK of Wyoming. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Wyoming?

Mr. OVERMAN. Yes.

Mr. CLARK of Wyoming. I think the Senator from North Carolina misapprehended my purpose in calling attention to this appropriation.

Mr. OVERMAN. I hope I did.

Mr. CLARK of Wyoming. A great many people from the West are inclined to complain of the tremendous amounts that are being appropriated from year to year to be expended by the Forestry Service. They do that upon two grounds. First, upon the ground that it is an extravagant use of the public funds, and second, upon the ground that for nearly every dollar that is so expended another dollar is expended side by side with it that stops the development of that country; and I miss my guess if the Senator from North Carolina and those who acted with him in the Appalachian business will not live to rue the time when they have put it within the power of the General Government and the Agricultural Department and the Forestry Service to handle their lands upon this eastern coast.

We complain of it bitterly. We complain of it because it has bound up our water powers, because it has precluded us from the development we ought to have, because we can not use the resources that nature has put down at our very doors. The Senator from North Carolina will find that in his Appalachian bill he has been forging the same sort of fetters for his own country, or I will miss my guess.

But the Senator asked a question a few moments ago in regard to appropriations that have been made. This matter is of little moment—started as a small tree. It did not amount to much. It was simply a little experiment as to what the Government could do with trees, but it has been growing in spite of all our warnings. Not a man in this body has voted to approve these increased appropriations, not a man has voted to put these shackles on our industry but has done so with his eyes open and knowing what he was doing. It has never passed through the Senate but that it has been met by the determined and indignant opposition of those upon whom it was forced.

This thing that was not to grow; this thing that was to become a beneficence; this thing that was to be a blessing to us all and was to pay its own way, that was not to fatten upon the Treasury of the United States—this is what it has done: In the year 1900 there was an appropriation of $48,520, not very much, a mere experiment to see what could be done to protect our watersheds. No question then of gain to the Government by exploiting our resources; no question then of setting the price of lumber over half of this continent; no question then as to the money that was to be taken from the inhabitants of that country for the free grass God raised from the soil; not a question of that sort, but a question of the benevolent, paternal, governmental control, because, forsooth, the people in that country knew not how to husband their own resources, because they did not know what was best for them and needed a guardian.

And from that has grown the appropriations, from the $48,000 in 1900 it doubled in 1901. It doubled again in 1902. It doubled again in 1903. No arithmetical progression, but geometrical progression from start to finish.

In 1903, $291,860; in 1904, $366,864; in 1905, $545,282; in 1906, $1,642,000; and in 1907, $2,757,000.

I want these figures heeded. In 1908, $2,304,000; in 1909, $3,989,000; in 1910, $4,682,000; in 1911, $5,051,000, and to-day this service is passing through the Congress of the United States, in addition to the more than $5,000,000, $900,000 on a deficiency bill that they have expended in violation of the law.

Now, do Senators wonder when every dollar that has been expended by the Government of the United States has been an absolute injury to the country which it is sought to protect; that every year, notwithstanding this great Forestry Service, which spreads is protecting care over our western forests, finds our forest fires more and more destructive? Let the people who live in that country protect their forests, and they will protect them. Let the people in that country fight the fires, and they will put them out. But every time you have taken from the men who are bred to the soil the authority to do with their natural resources as the necessities require, as their experience determines, not only do you take away that the loss of which injures them, but you put in the power of those who know little or nothing about the subject matter the authority to deal with things in such a way that it brings destruction to their own cause and to people as well.

I want to put these figures in the RECORD, so that the Members of the Senate may know—and may vote with their eyes open—that they are spending as much upon the Forestry Service of this Nation, against the protests of those who live within gunshot of the forests, against the protests of men who are as patriotic, who are as honest, who are as earnest as ever crossed this continent, who know what is right, who know how to handle these matters—in the face of their protests you are making a drain upon the Treasury of the United States that is absolutely without excuse, and the $900,000 to which I have called attention has been expended absolutely in spite of the law.

Mr. OVERMAN. I want to ask the Senator from Wyoming a question before he sits down. The Senator read for each year the figures. I should like to know what is the grand total?

Mr. CLARK of Wyoming. The grand total?

Mr. OVERMAN. Yes. Since 1900.

Mr. CLARK of Wyoming. Twenty-one million nine hundred and fifty thousand dollars.

Mr. OVERMAN. I mentioned it as over ten million. That is over twice as much as I thought.

Mr. CLARK of Wyoming. The amount appropriated each year for permanent improvements was $1,975,000.

Mr. NELSON. I rise simply to respond to an inquiry made by the Senator from North Carolina, which I think the Senator from Wyoming in his able remarks has not responded to. It is the question of nurseries.

For salaries and field and station expenses, including the maintenance of nurseries, collecting seed, and planting, necessary for the use, maintenance, and protection of the national forests named below.

I find among the appropriations $25,000 for the Chugach Forest Reserve in Alaska. That is in the southern part of Alaska, opposite the Gulf of Alaska. Over half, two-thirds perhaps, of that reserve, consists chiefly of barren mountains, icebergs, dead and living glaciers, and old moraines.

Now, it is conceived that it would be an elegant place to establish a nursery at the foot of those glaciers, for the reason that the young plants would have an abundance of moisture there, as those glaciers thaw out in summer.

Then, more than that, after they get the little plants started at the foot of the glaciers they can have those old dead glaciers or moraines planted over with this nursery stock and raise a valuable addition to the timber supply of Alaska.

Mr. OVERMAN. Perhaps it is for raising moss.

Mr. NELSON. They can raise tundra over there, too. Another thing, and I learned that in my younger days when I worked in a nursery where we did a little grafting—— [Laughter.]

Mr. WARREN. I wish, to preserve the peace, that the Senator will not commit himself in any manner. [Laughter.]

Mr. NELSON. I see Senators are swift to get a wrong impression on the question of grafting. I meant that in an innocent sense; and I was about to explain that when we made what is called root grafting, in order to keep the grafted pieces

in good shape and moist, when we put them in the ground we wanted a little moss around them.

Now, there is another advantage up in Alaska. They can go to work and graft trees, and until they get them set out and get the moisture from the thawing glaciers, they can take that tundra, covered in the ice there, and wrap it around these graft stems, and in that way I think we can establish a nursery out there in the Chugach Forest Reserve in southern Alaska that will supply all the Pacific coast. I am even in hopes of getting some of the grafts and stems in Minnesota.

The PRESIDING OFFICER. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Agriculture and Forestry was, on page 46, in line 17, after "fires," to insert "and insect infestation," and in line 19, after the word "dollars," to insert "of which sum $35,000 shall be immediately available," so as to read:

For fighting forest fires and insect infestation and for other unforeseen emergencies, $135,000, of which sum $35,000 shall be immediately available.

Mr. HEYBURN. That item interests me. I saw them fighting fires last summer——

Mr. WARREN. This is insect infestation.

Mr. HEYBURN. No; fighting fires.

Mr. WARREN. No; insect infestation.

Mr. HEYBURN. I saw a section of the country burning to a very large extent, in which not a fire ever started in the neighborhood of a settlement. There was not a storm of lightning during the period the fire was in progress. I happened to be there.

Mr. HALE. Forest fires?

Mr. HEYBURN. Yes. Parties wanted me to bring the facts to Congress, and I told them that this burden had grown so heavy that I did not feel that I could stem the tide here.

It is so appalling and so discouraging to a man who cares for his Government that it is very difficult, after all these years in which we have contended and sought to bring some comprehension of this subject to the people, to enter upon it.

Now, about those fires last summer. It is a very important point where the fires started. Fire fighters they talk about! I saw them; poor fellows picked up among the unemployed around towns, timid as rabbits, some of them, and those who were not were as vicious as wolves. These were good men, if they could get anything to do. I saw them go out to fight fires. Of course, when you speak of a fire fighter you imagine a man like a Viking going out to conquer nature's forces. You saw these poor, little, stoop-shouldered fellows going around the streets, some of them with scarcely covering on their feet. They would go out with shovels or axes or any implement of warfare that might be furnished them, and they had no more idea of how to use it than the untutored savage.

Mr. HALE. Fans.

Mr. HEYBURN. Fans probably were not suggested to them. But I saw them come in. I saw some of them come in wrapped in blankets, 80-odd, into our city. I saw them lying on the floor of my office. I saw them lying where they could find room to put them. Then I saw the necessity of housing those people, and we provided a place for them to sleep and blankets to roll themselves up in, and with food to eat until the regular organization could pick it up.

Mr. HALE. Do you mean the settlers?

Mr. HEYBURN. No; the settlers were driven from their homes by the fires that were started beyond their homes and swept through the country.

Of course, the papers exaggerated the loss immensely. The loss of life and property was bad enough, but it was not as pictured. I had papers, I think, from this city sent me which told of flames 30 feet high and 12 miles in length, a solid sheet of flames, destroying the city of Wallace. I was there during all that time. You would have to have somebody point out in that city where the fire was. All of the hillsides that were burned, while, as compared with a garden patch, they are large areas, were, as compared with the public desert out there, but garden patches.

By public desert I mean a land that produces nothing and that has been reduced to a condition where it is not liable ever to. It produces a home and a playground for a lot of idlers, for which we are appropriating four or five million dollars to-day. It produces a home and an occupation for a lot of favorites who otherwise might starve to death, and it may have an element of humanity in it.

Mr. OVERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from North Carolina?

Mr. HEYBURN. Yes.

Mr. OVERMAN. Does the Senator from Idaho have any idea of the total number of men employed in this service?

Mr. HEYBURN. I should have to look up the report. I have no doubt the report tells how many men. But it is an army of men. Somewhere in the neighborhood of 12,000 men.

Mr. OVERMAN. I see they are appropriating from $8,000 to $17,000 for every one of these forests. Is all that money expended in hiring men—such men as you describe?

Mr. HEYBURN. No; I was speaking of the hour of emergency. Ordinarily these are about as neat and trim and well-selected a lot of young fellows as you ever saw. I have referred to them often, and it is no exaggeration to say those men are neatly uniformed and that they claim special privileges and rights for themselves as against the citizens of the country, and they have them under the law. Congress in its hour of forgetfulness has enabled them to take possession of a third of a State and administer it; and when you are reading all these names of forest reserves you are simply reading the subdivisions into which they have divided this country, and they are proceeding to enlarge it.

Mr. OVERMAN. But of these 12,000 men——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from North Carolina?

Mr. HEYBURN. Yes; I yield.

Mr. WARREN. I do not want to interrupt these pleasantries, but I ought to say that the regular employees are between three and four thousand men. Of course, in cases of great conflagrations, additional men are hired, but the regular force is something over 3,000.

Mr. OVERMAN. Suppose that is so——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from North Carolina?

Mr. HEYBURN. Yes.

Mr. OVERMAN. I want to know something about it.

Mr. WARREN. That includes, of course, the overhead charges, the men employed in Washington, and the full force.

Mr. OVERMAN. The Senate ought to know how this great amount of money is being spent. It is not disbursed in buying forests and in keeping up forests. Why should it take so many men at such great salaries? If there are only 4,000 men employed and about $5,000,000 is expended to pay the salaries, they must get big salaries. Or is the money spent in some other way, in nurseries, raising fruit trees?

Mr. HEYBURN. That nursery question is a pleasantry of the most unpleasant kind.

Mr. OVERMAN. Do you not think the Senate ought to know something about it? We people who do not live out there do not know anything about it.

Mr. HEYBURN. I am delighted that the Senator from North Carolina has awakened to a realization that the Senate should know something about it.

Mr. OVERMAN. We know there are $5,000,000 being spent out there each year on the forests, and I for one would like to know how it is being spent. I do not like to vote for appropriations unless I know something about where the money goes.

Mr. HEYBURN. I hope the Senator's interest will continue to grow.

Mr. CLARK of Wyoming. In answer to the inquiry of the Senator from North Carolina, I will say that these forests are now simply an infant industry. They are going to progress. As to the number of people employed, as the chairman says, it is between three and four thousand now. But I can give to the Senator from North Carolina the opinion as expressed by the most eminent forester in the United States, the former head of this bureau, in an address before the Geographic Society some years ago, when we had about two-thirds of the acreage in forests that we now have, that the real, proper care of those forests would require the employment of about 117,000 men.

So the Senator from North Carolina can readily figure, if with the limited number we employ now we expend $7,000,000, how much we will be required to spend when this system reaches its real development and 118,000 or 120,000 men will be required.

Mr. OVERMAN. It will bankrupt the Treasury.

Mr. HEYBURN. I want to proceed just a little further.

There is a most exaggerated opinion in the minds of people as to the value of these lands. There is not an acre of land in the forest reserves in the United States—I say not an acre; there might be some exceptions, but I will rest it upon that—the timber upon which is worth $100. You might imagine that these forest lands grew timber worth thousands of dollars per acre. The average value of the timber on forest reserves actually timbered is less than $40 an acre; and I will undertake to say that the greater part of that land will produce a single crop of cabbages worth more than the timber on it.

You know when you multiply atoms you can get very large figures if you multiply them enough, and they always talk about the millions of acres of forests and then give you the total as to the timber on it. I know the scale of timber upon millions of acres of land. I have had it passed before my notice. It is a matter that you can obtain anywhere where these lands are—in the land offices, the surveyor general's office, the State board offices. The very best timber land in the United States, the white-pine timber lands, the timber upon which is worth more than any other is probably the Marble Creek district.

Mr. HALE. Where is that?

Mr. HEYBURN. That is in Idaho, and it is conceded to be the finest body of white pine in the world. Any great timber man will tell you.

Mr. HALE. Where is that?

Mr. HEYBURN. That lies in this——

Mr. OVERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from North Carolina?

Mr. HEYBURN. It is about 40 by 60 miles. That is, of course, not in even lines, but that is approximately its size.

Mr. OVERMAN. I have heard the Senator very interestingly, and he speaks very interestingly on these matters and gives us information. We know nothing about it, and I have heard the senior Senator from Wyoming. We have this up every year. It seems to me the Senator ought to offer some amendment by which some of this money could be saved. Some Senators understand these questions. I do not understand them. I do not live there. But the Senator talks very interestingly, and I am inclined to go with him; but it is all talk. Why is not some bill or some amendment introduced here?

Mr. HEYBURN. That is not a fair charge—that it is all talk. We have made amendments covering all these questions only to see Senators vote them down.

Mr. OVERMAN. Because they were not informed about the question.

Mr. HEYBURN. We have spent days in discussing it only to see Senators' minds occupied with other questions.

Return those forests, make them available to the settler, and all these questions will pass away. There is no citizenship in the forester. He is probably appointed from the District of Columbia or from some place where his sponsor lives. There is no citizenship. It adds nothing to the State. He does not bring property there. He does not pay taxes there, and this land pays no taxes and contributes nothing except a little sum that is provided if Congress has to violate the constitution of the State.

The constitution of the State says for what purpose school funds or the funds from the sale of timber lands shall be used. Congress goes in and says, "Well, we will use it for some other purpose."

Mr. HALE. Are not the foresters in Idaho citizens of the State?

Mr. HEYBURN. I expect there are some citizens of Idaho appointed foresters, but that simply withdraws them from profitable industrial enterprises and makes them range riders for the Government of the United States.

Mr. President, this question is of enough importance to occupy the attention of the Senate for a time I would not undertake to limit, but unless Senators are ready to wake up to the importance it would be merely to be voted down and probably add another million dollars. Four years ago when we had fought this question on the lines of truth and had presented it in such way as should have convinced any Senator, we were met with a ribald amendment that was sent over here merely to show us what the power was, adding another half a million dollars to the bill, without even prescribing what it was for. It was just legislative ribaldry. That is what we have met from the beginning. We are feeling no less earnest about it to-day.

If you do not want that country settled by industrious citizens and growing communities, what do you hold it for? As a fuel supply? How much have you drawn from it? Settlers know better what to do with that land than any theorists in the world. It sounds well to sit back here and build up a Utopian idea of great national forests which shall pour out mighty wealth to the people, and pour out wood and lumber in various ways. But they do not do it. There have been more trees falling down rotten with age in those forest reserves since they were created than there have been cut for use.

Mr. OVERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from North Carolina?

Mr. HEYBURN. I do.

Mr. OVERMAN. Do not the forest reserves protect the water power and the water?

Mr. HEYBURN. That is so absolutely absurd that an intelligent man is not patient with it.

Mr. OVERMAN. That is what has been said.

Mr. HEYBURN. I know it is being said.

Mr. OVERMAN. I want to draw the Senator out on that point, because I do not understand it. I do not think this side of the Chamber understands it.

Mr. HEYBURN. Mr. President, water power has no more value than the song of the birds, unless it is being utilized and applied.

Mr. OVERMAN. Then, why have the forest reserves protect it?

Mr. HEYBURN. The forests do not protect the water power.

There is no water power merely because there is water, unless it is improved and applied. You have been creating forest reserves out there to protect water for the last 10 years, and the water would have been just as well protected without them. No one wanted to use it then. The water would have been there without them. It is there now. The water that is here to-day is somewhere else to-morrow. What we want is some one to come in there and develop the water power. I would rather offer a premium for its development than enact a law that would prevent its development. There is more nonsense talked about the water power on the public domain than should be expressed on all subjects on the earth combined. There is no sincerity behind it, in the first place. There is no intelligence behind it. Here is the water power of the falls of the Potomac River that has been flowing there for a century, and no one using it or wanting to use it. You can look out almost from the Capitol Building on the water power of the Potomac River. No one is making use of it. Why not? If our water power undeveloped in the mountains of our country is so precious, why is not this a precious heritage to the people of the District of Columbia?

They talk about reforestation. Why do they not reforest the lands between the city of Washington and Baltimore? We ride through on the Pennsylvania Railroad trains and look out and see scrub pines on those lands. They allow the things near home, the home of the Government, to go to wreck and ruin through neglect merely that they may engraft themselves upon our country. Talk about the word "graft;" there is no better application of it on earth. We have natural resources and prosperity, and these do-nothing people come and engraft themselves upon those conditions. They do not bring capital, they do not bring the strength of an industrious arm, but they bring there the sucker to draw from us to the amount of their living and their salary; that is all.

Mr. OVERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from North Carolina?

Mr. HEYBURN. I do.

Mr. OVERMAN. I would like to ask the Senator, for my own information, are not the headwaters of the streams held in the reserves in reservoirs or ponds or lakes?

Mr. HEYBURN. That is, where the water has been appropriated, of course. We were going along very well, and had no talk of monopoly of water at all. We have been using water for mining and irrigation. We have made a provision in our constitution for its distribution and apportionment. We were going along there under as good a system of government as could be devised, when these grafters sought to engraft themselves upon us, in order that they might draw a salary which they would not otherwise be able to draw. That is grafting. That is a good definition of a grafter. A grafter is not a man who puts his hand in your till and takes your money. He is not a man who embezzles the funds of a bank or insurance company, because he does that under a very different principle. But a grafter is a man who attaches himself to some other person's prosperity and draws from him and contributes nothing. Neither are they taxpayers. They are lobbyists. In one part of the State, on the occasion of an election two years ago, they gave out, in violation of orders, doubtless, that they were instructed to see that the senior Senator from Idaho did not return. They can do that, and I speak it boldly, and they do not dare deny it, because if they did I would probably follow them up pretty closely. That shows what kind of men they sent there.

Now, you ask what we shall do. Return those lands to the public domain of the United States, that American citizens may make homes upon them; that they may discover and develop mines upon them. You say they belong to the people of

all the country. Are not they a part of the people of the country as much as you are?

Here is another serious thing. There are no prospectors in the field to-day looking for mines. We are working the mines we had before this infamy was perpetrated.

Mr. OVERMAN. I understood the forest reserves were all mountains, and you could not settle upon them; that these reserves are not lands upon which settlers could locate, but that they are mountains.

Mr. HEYBURN. Yes; Mr. President, I remember when I was a boy there was a map on the wall. It was Pelton's outline map of the United States, and it had the Rocky Mountains a series of chains of little tents, just a line of them from the Mexican border clear up through the United States. I used to think that those mountains were just as they appeared upon that map. I will disabuse the Senator's mind about that. It is in the mountains that the valleys are. There never were two mountains in the world without a valley. The Senator realizes that.

Mr. OVERMAN. Are those valleys in the reserves in the mountains?

Mr. HEYBURN. Certainly, they are. They delight in the valley because it makes a more comfortable home for the foresters to live in.

Mr. OVERMAN. I thought it was only the mountain tops.

Mr. HEYBURN. I would suggest that the Senator go out into that country this year if we have a vacation and just look it over once.

Mr. OVERMAN. It seems they ought to exempt the valleys from the forest reserves, so people could locate there and have homes.

Mr. HEYBURN. Mr. President, the question of mining is one that affects this country in a manner as far-reaching as any other public question. It was the mines in Nevada and Colorado that enabled this country to carry on its war and to pay its debt; that gave a substantial basis behind the bonds of the country. They produced during the war in Idaho from gold mines $200,000,000, and it was money when it was produced. It needed not to be coined or stamped; it was money. The same was going on down in Colorado and in Nevada and in California. They were pouring hundreds of millions of dollars into the circulation of the country. Now, what do we see to-day? The prospector has withdrawn. I could name a hundred prospectors whose names are famous in that great country. I will name a few of them. Take men like Comstock, who discovered the Comstock mines. I could name a hundred of them, but I do not want to put in a list of all the citizens of Idaho.

A Senator suggests to me that the bill should be passed, but I tell you sometimes it is better not to get a bill through with certain provisions in it. Take men like Jack Smith, and John King, and Mike Harlan, and N. S. Kellogg, who discovered the Bunker Hill mines. I could name them all. They have added more to the wealth of the country than all the bankers. The bankers develop no wealth to the country. They simply turn the money over to what they call a "kitty," into which goes the gold.

Mr. President, I am not going to take up much time in this matter, but I would feel that I had not performed a duty if I did not sound a note of warning here.

I want to say just a word more about those prospectors, because the gold mines, the silver and lead and copper mines of to-morrow depend upon those prospectors. As I have said here before, no geologist ever discovered a mine. There is not a mine on record discovered by a geologist that ever paid a dollar. They are not the class of men who produce mines. Suppose we have no new mines discovered, and they have withdrawn everything. Every class of country where mines are located they have withdrawn. Then they passed a foolish little innocent bill providing that the lands should be opened to location and purchase.

A mining prospector would no more start out on a search for mines, knowing that his work and his judgment had to be submitted to some forester as to its efficiency and validity, than he would start to climb a pole to reach the sky.

We succeeded in getting that question before the United States Supreme Court in the case of Harrington *v.* Chambers. The courts had held in some instances that this or that rule should determine whether or not a discovery was valid. The Supreme Court in that case said whenever a prospector or miner had found such indications of ore or mineral-bearing rock as indicated the presence of a lead he could locate a claim, and it is a valid claim. He is the man to judge, according to the Supreme Court of the United States. In a case in which I was counsel the court below undertook to qualify it by putting in the word "reasonably," that he might reasonably expect to lead to ore. The court said "no;" there is no limitation on that prospector; he is the fellow who went out there under the hardships for the purpose of finding that mine, and to have some smart grafter come along and draw fine lines as to whether or not his discovery is valid was intolerable.

Mr. OVERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from North Carolina?

Mr. HEYBURN. Yes.

Mr. OVERMAN. I want to suggest that if you do not allow the lands on which there are mines and water power to be settled, how are they going to be developed? You can not get capital to develop mines or water power unless you give title to them. I do not think this Government will ever find any people to go out there with money to invest under any other condition.

Mr. HEYBURN. They have tied up all applications for mines and patents. They issued a sweeping order and withdrew every one in the United States.

Mr. OVERMAN. Was there any reason for that?

Mr. HEYBURN. No; there was no reason for it. They only wanted to do it.

Mr. President, I hope that the provisions of this bill in reference to making appropriations to perpetuate this infamy will be stricken out, and that we will open up the country to settlement.

Mr. OVERMAN. If the Senator will excuse me for interrupting him, the Senator from Missouri and others here are interested in this matter and want to know if it is true that people can not locate and own mines any more out in that country? Can not a prospector locate a mine and own it and develop it?

Mr. HEYBURN. He can not do it under any conditions that any prospector will endure or submit himself to. They have a law which says this land shall be open to exploration and settlement, and they have made a set of rules which we have here, every Member, which makes it absolutely impossible to secure the location of mining claims, and the prospectors have withdrawn and gone out of business.

I shall at the proper time move to strike out all of the provision with reference to this matter.

Mr. WARREN. Mr. President, I am exceedingly anxious to conclude the consideration of this bill, but I can not refrain from making a few brief observations. One is that every man who grazes a domestic animal in a forest reserve pays for the privilege, and those who take timber and lumber from it pay for the same, and the income from these and other sources is about two millions a year.

Now, as to the West and the South and East: The West, as is shown in this bill, by forest reserves, covers about one-half of the United States.

As to the nursery provision, I understand there is an experiment station in one of the Nebraska reserves. The provision as to nurseries was put in on the floor of the House, I think, by an almost unanimous vote, in order that at that station free trees might be given to those living in the country adjoining.

The PRESIDING OFFICER. The Secretary will report the next amendment.

The next amendment was, under the head of "Forest Service," on page 46, line 17, after the word "fires," to insert "and insect infestation," and in line 19, after the word "dollars," to insert "of which sum $35,000 shall be immediately available," so as to make the clause read:

For fighting forest fires and insect infestation and for other unforeseen emergencies, $135,000, of which sum $35,000 shall be immediately available.

The amendment was agreed to.

Mr. HEYBURN. Mr. President, I move to strike out of this bill all of the provisions of the clauses or the chapter providing for the payment of the expenses of these forest reserves.

The PRESIDING OFFICER. The amendment proposed by the Senator from Idaho will be stated.

The SECRETARY. The proposed amendment is to strike out, beginning on page 26, line 23, with the heading "Forest Service," down to the end of line 2 on page 50.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Idaho.

Mr. HEYBURN. I am in favor of the motion. I am not going to make a speech, but I am going to let the RECORD show that I did not propose the amendment in the sense of ridicule.

Mr. OVERMAN. Instead of striking out all of the items, will not the Senator go over each one and see what are abso-

lutely necessary? I think he might probably get such an amendment through, but to strike out all of the items might involve more than is necessary.

Mr. HEYBURN. Nobody ever thought it necessary to make that inquiry in originating this scheme. It was simply originated because somebody thought it was right. The proper thing to do with this is to pull it up by the roots and throw it over the wall.

Mr. OVERMAN. There is another appropriation here of $500,000 for the improvement and building of roads and bridges.

Mr. HEYBURN. Well, Mr. President, of course, that only emphasizes the ridiculous nature of this whole legislation. It reminds me of a lot of dissipated, half-drunken fox hunters jumping over the fences and trampling down the crops of the farmers. That is the kind of principle behind it. The way to do is not to remove the fence, but to remove the offenders.

Mr. President, I expect that it needs no prophet to tell the Senate what the result of this motion may be, but if Senators would give it the attention which they give to matters that affect their own constituencies and in their own homes, there would be no such legislation as this upon the statute books. It is based upon the assumption that the people who have the knowledge and the intelligence to go into a new country to open it up are not as intelligent as the drones who stay behind.

My amendment includes the matter that I object to. The whole spirit of these forest reserves, which are so expensive, is based upon the assumption that men in the West are not as patriotic and as observant of the law or care less for the interests of the country of which they are a part than they do in the East. That is all.

Mr. WARREN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. HEYBURN. Yes.

Mr. WARREN. I thought the Senator from Idaho had finished. I do not wish to take his time.

Mr. HEYBURN. No; I am going to sit down as soon as I get through.

Mr. WARREN. Very well. I will simply say that the motion which the Senator has made could hardly be entertained at this time, because it is not to amend an amendment of the committee, but to strike out a portion of the House bill which the committee has not reported to amend; and the unanimous consent in proceeding to the consideration of the bill was that it should be read for amendment, the committee amendments first to be considered.

Mr. HEYBURN. I realize that, and I am merely recording this amendment. It may be held under consideration until we are considering general amendments.

Mr. PILES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Washington?

Mr. HEYBURN. Yes.

Mr. PILES. I wish to ask the Senator from Idaho if the $500,000 appropriation for roads in the forest reservations is included within his motion?

Mr. HEYBURN. Yes. The first thing that should be stopped is the building of roads by these foresters out of the Public Treasury of the United States from nowhere to nowhere, from one forester's camp to another. Perhaps one of the most ridiculous features of this whole performance is the construction of roads and trails for the foresters to ride over. Nobody else is allowed to ride over them; you are not allowed to come within a forest reserve and use those roads. They are taking public money to build private roads for their use, so that it will enable them to get quickly from one part to another.

Mr. PILES. I can not agree with the Senator from Idaho on the road proposition, because those roads through the forest reserves give aid to the settlers.

Mr. HEYBURN. To what settlers?

Mr. PILES. The settlers in the vicinity of the forest reserves. The settlers must use those roads in order to pass through the forest reserves. Having no jurisdiction over them, the State can not construct roads in the forest reserves. I hope the Senator will not attempt to strike out the appropriation for the building of roads in forest reserves which are of real benefit to the settlers in the several States.

Mr. HEYBURN. Mr. President, I can give the Senator from Washington some information. The Forest Service took possession of several hundred miles of road that the State had built, had issued bonds for, and had paid the bonds. They took possession of those roads; and they do not recognize the right of the State to use them or to exercise any control of them. One of the very first measures after Idaho began to settle up was for the building of a road from one end of it to the other. We built it, and the forest reserve has it now.

Mr. PILES. Do not others use those roads?

Mr. HEYBURN. I understand there may be roads through some little neck of a forest reserve that might be used; but people can not camp there and they can not feed their horses along the road. In our State I know of the fact—and I have it upon such authority as leaves no doubt about it—that they have actually sought to charge immigrants who were passing through the forest reserves over those roads for feeding and grazing their horses in those woods.

This is not a subject that a man can discuss calmly and dispassionately when he finds a situation confronting him that renders everything that he may say utterly useless. This is a difficult subject.

Mr. STONE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Missouri?

Mr. HEYBURN. Yes.

Mr. STONE. I am desiring to vote on definite information, and I should like to know of the Senator from Idaho whether he intends by his motion to strike out everything in the bill relating to the Forestry Service? I do not know where the motion to strike out begins.

Mr. HEYBURN. I would strike out of the provision included within the scope of my motion only what relates to the officers who are there to do that which is best not done; that is all.

Mr. STONE. I am in a large degree in sympathy with a great deal of what the Senator says is his purpose. On page 49, ending with line 10, is a summing up of the total amount of appropriations made down to that point, being $2,699,420. Does the motion of the Senator from Idaho to strike out end at that point?

Mr. HEYBURN. Yes; it ends at that point.

Mr. STONE. As reported by the Secretary, I understood that it went further, and ended at line 2, on page 50.

Mr. WARREN. Mr. President, the Secretary evidently misapprehended the amendment. The amendment offered was to strike out the amount which covers the general expenses of the Forestry Service, but that did not comprise within it a single amendment reported by the committee. The Secretary, as I understood him, must have misunderstood the Senator, and stated that the amendment was to strike out everything relating to forestry, which would be a matter of about double the amount which the Senator has just stated.

Mr. HEYBURN. My motion covered—and I had the bill before me then——

The PRESIDING OFFICER. The Chair understands the motion is not in order at the present time, while the Senate is considering committee amendments, it having been agreed by unanimous consent that the committee amendments were first to be considered.

Mr. HEYBURN. It is an amendment that may be offered at any time and be considered later. If I can do so, it is my intention to shut off the appropriations that are intended for the destruction of our country, its interests, and its prosperity.

I am admonished that we ought not to take up the time of the Senate. You might as well be admonished not to resist against an attempt upon your life or property. They say, "Oh, no, do not disturb us; we want to do this in peace; we want to destroy you gracefully and quickly; but we do not want you to call attention to the fact at all." Well, that country is not inhabited by people with those predilections. Those people defended themselves against hardship and poverty and Indians and a lot of other things to go to that country; and they had an energy, an enterprise, and a manhood that enabled them to reach that country. They left behind a lot of drones—I do not mean all of those left behind were drones, but they left behind a lot of drones—that are to-day claiming the fruits of the labor of those pioneers. They made a country valuable that was not worth a nickel; they converted a solitude into a State. Those left behind then began to regret that they had not dragged their lazy limbs across the plains so as to share in the reward, and they sent out word, "Send us back the fruits of your victory;" and a senator has just suggested that we send them back about $2,000,000 of something that they never earned. They want what they and their ancestors have accumulated in this country, and they want in addition what the pioneers have made. They want two portions, and they would take 20 if they could get them for nothing. They are that kind of citizens. They have no suggestion in their minds or hearts of real patriotism. There is not an intelligent, thoughtful suggestion in the minds of those people who want to ride roughshod over us as to the equities of the situation. They only know that they see

some one who is on the way to prosperity, and they want to hitch him to their chariot wheels and rob him as they drag him beside their chariot.

What do they propose to give us for it? They exclude us from the land at our doors, the heritage that was intended for the pioneer. This country was based upon the principle of pioneerism. Pioneers came over here and landed along the Atlantic coast, leaving the comforts and traditions of their lives and of the lives of those before them, in order to come here, not to enjoy some new, well-furnished house, but to carve a future for themselves out of the forests of New England and Virginia and Maryland and Pennsylvania. Suppose that a forest reserve had covered the States of New York and Pennsylvania and Massachusetts in those days; I suppose the settlers would, like animals, have dug holes in the ground to live in, because they would not have been allowed to use the timber to build themselves houses. Put yourselves in the place of the pioneers of the West. They have done in 10 years what it has taken you 100 years to do. The State of Idaho is further advanced in 10 years than any State in New England was at the end of a century; yet, through a spirit of jealous grasping and enviousness, you would stop our growth because, forsooth, the day may come when we will be as big as you are. I will be content with the same size. I am not always claiming or desiring to go above everybody else. I want to stand on a level with them at both ends, my head and my feet.

This amendment to strike out this infamy, when we come to vote on it, ought to be adopted. It is costing the Government of the United States not only what they spend, but it is costing them the citizenship that is represented by the possibilities of that country. With all these difficulties and these obstructions the State of Idaho made a gain of 100.3 per cent in the last decade, and she would have doubled that increase had it not been that a third of her territory is shut up and made a solitude.

The foresters are a trifling crew. Last year I called the attention of the Senate to their methods. There are men who stand before national geographical societies and other learned societies with impressive titles and tell them how the world ought to be run. They sent men out there into that country for the purpose of gathering seed to plant in the nurseries, and the seeds were gathered by robbing the squirrels' nests. That is what they did. Forty-five bushels of seed from a little area of country right near my home were gathered by men who had no more conscience than to rob the squirrels' nests, and they turned the seed over to the Government with a full knowledge of where they had procured it. I speak of it merely to illustrate the class of men they have in the service.

Then they take possession of men's homes. I have in my mind now one especially beautiful cottage located upon a high plateau above the river near Evergreen, in the State of Idaho. A man had built it there on unsurveyed land. Had it been surveyed land he would have bought it from the Government and been glad to do so; but they came along and they said, "This is too good for you; we will take it," and they put him out and took possession of it for what they called "administrative purposes." They did the same thing to another man who had been living in his home for 20 years upon unsurveyed land, while Congress was refusing to make appropriations for surveys. I put before the Committee on Appropriations yesterday an amendment to a bill authorizing the expenditure of money for those surveys in order that the Government may not have an excuse for putting men out of their homes on the ground that the lands are not surveyed. Every acre ought to be surveyed. If a railroad wants its land grant surveyed, as they sometimes do, they survey the lands to the extent of the demand. Of course the railroads do not want their land grants surveyed unless, in exceptional cases, because they would have to pay taxes on the land if they enter it. They have lands in our State worth millions of dollars upon which they pay no taxes whatever, because they have managed it so that the lands are not surveyed.

Mr. President, I have very little hope of reformation in this hour. This is not the hour of reforms. It is the hour of chaos—political chaos, governmental chaos—and I will wait until conditions settle down and men begin to think.

Mr. SMITH of Michigan. Will we have an opportunity to vote on the amendment of the Senator from Idaho?

Mr. HEYBURN. I have offered it, and it will be considered in the regular order of business after committee amendments are disposed of. Then the amendment will be before the Senate.

The reading of the bill was resumed.

The next amendment was, on page 49, line 16, before the word "thousand," to strike out "four hundred and ninety" and insert "five hundred and five," so as to make the clause read:

Improvement of the National Forests: For the construction and maintenance of roads, trails, bridges, fire lanes, telephone lines, cabins, fences, and other permanent improvements necessary for the proper and economical administration, protection, and development of the National Forests, $505,000.

The amendment was agreed to.

The next amendment was, on page 49, line 18, after the word exceed," to strike out "ten" and insert "fifteen," so as to make the clause read:

Not to exceed 15 per cent of the total of all sums appropriated under "General Expenses, Forest Service," and under "Improvement of the National Forests," may be used in the discretion of the Secretary of Agriculture as provided above under "General Expenses, Forest Service," and under "Improvement of the National Forests," for all expenses necessary for the general administration of the Forest Service.

The amendment was agreed to.

The next amendment was, on page 50, line 2, to increase the total appropriation for the maintenance of the Forest Service from $5,508,100 to $5,523,100.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Chemistry," on page 50, line 6, before the word "dollars," to strike out "one thousand eight hundred" and insert "two thousand," so as to read:

Salaries, Bureau of Chemistry: One chemist, who shall be chief of bureau, $5,000; 1 chief clerk, $2,000.

The amendment was agreed to.

The next amendment was, on page 51, line 22, to increase the total appropriation for salaries of the Bureau of Chemistry from $241,990 to $242,190.

The amendment was agreed to.

The next amendment was, on page 53, line 5, after the word "act," to strike out "and the insecticide act;" in line 12, after the word "purposes," to strike out "and the insecticide act of 1910;" and in line 20, before the word "thousand," to strike out "ninety-seven" and insert "ten," so as to make the clause read:

Enforcement of the food and drugs act: For enabling the Secretary of Agriculture to carry into effect the provisions of the act of June 30, 1906, entitled "An act for preventing the manufacture, sale, or transportation of adulterated, or misbranded, or poisonous, or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," in the city of Washington and elsewhere, including chemical apparatus, chemicals and supplies, repairs to apparatus, rent, gas, electric current, official traveling expenses, telegraph and telephone service, express and freight charges, and all other expenses, employing such assistants, clerks, and other persons as may be considered necessary for the purposes named, $610,110.

The amendment was agreed to.

The next amendment was, on page 53, after line 20, to insert:

That the act of June 30, 1906, entitled "An act for preventing the manufacture, sale, or transportation of adulterated, or misbranded, or poisonous, or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," be amended so as to provide that whenever any preparation, such as tincture made from a fresh plant or from any part thereof, or a dilution of either a fresh or dried plant tincture or other drug substance which may be made upon the scale of 1 part of the tincture or solution and 9 parts of menstruum and which process may be successively repeated by using 1 part of each succeeding dilution and 9 parts of menstruum or a trituration made upon the sale or proportion of 1 part of the substance and 9 parts of milk sugar, and which process may be successively repeated by using 1 part of each succeeding trituration and 9 parts of milk sugar, is not mentioned in the United States Pharmacopœia or the National Formulary and is mentioned in the Homœopathic Pharmacopœia of the United States, it shall be judged by the standard contained in the Homœopathic Pharmacopœia of the United States.

Mr. WARREN. In line 8, I move to strike out "sale" and insert "scale."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. BRANDEGEE. I do not understand at what part of the pure-food act this provision is supposed to come in. The language of the proposed amendment is that the act be amended so as to provide, and so forth, but it does not appear from this whether this particular language is to be incorporated into the act and to be in the provision or not.

Mr. WARREN. The act, of course, is not now before us, but it seems to me that the meaning of the amendment can not be misunderstood.

Mr. BRANDEGEE. No.

Mr. WARREN. I think it will cover the purposes for which it is intended.

Mr. BRANDEGEE. But should it not state that the pure-food act in a certain section of it is to be amended to read as follows?

This is simply a general provision that it shall be amended to provide that; but it does not. In other words, is the proposition to insert this language in the pure-food act?

Mr. WARREN. No; this will be a later act, which in its effect will amend the other. It is a very trifling matter. It is only to bring in a class of medicines and practitioners not covered, probably inadvertently, by the original act.

Mr. BRANDEGEE. I understand that; but my point is this: Is there to be a separate bill introduced hereafter to amend the pure-food act in general, as stated here? If so, what is the use of this provision?

Mr. WARREN. A pure-food act has already passed. Another one is being considered. This, while not having reference particularly to the second bill, is intended now to bring up the subject, so that it may be covered as to the first, and its substance may be included in the second, as I understand the committee is liable to do.

Mr. LODGE. I think that provision is perfectly clear. It authorizes the officers of the Agricultural Department, who have to enforce the pure-food act, to use as their drug standard the homeopathic pharmacopœia as well as the pharmacopœia of the United States. That is the whole thing. It is simply an authority to them to use a second standard in addition to the one they now have.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The next amendment was, on page 54, line 16, to increase the total appropriation for the maintenance of the Bureau of Chemistry from $1,050,980 to $1,963,780.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Soils," on page 54, line 22, before the word "dollars," to strike out "three thousand five hundred" and insert "four thousand," and on page 55, line 12, before the word "hundred," to strike out "forty-seven thousand eight" and insert "forty-eight thousand three," so as to make the clause read:

Salaries, Bureau of Soils: One soil physicist, who shall be chief of bureau, $4,000; 1 chief clerk, $2,000; 1 executive assistant, $2,000; 3 clerks, class 4; 2 clerks, class 3; 3 clerks, class 2; 1 clerk, $1,260; 8 clerks, class 1; 4 clerks, at $1,000 each; 3 clerks, at $840 each; 1 soil bibliographer, $1,400; 3 draftsmen, at $1,200 each; 1 draftsman, $1,000; 1 photographer, $1,200; 1 messenger, $720; 1 messenger, messenger boy, or laborer, $480; 1 messenger boy, $360; 1 laborer, $600; 1 laborer $300; 1 charwoman or laborer, $480; in all, $48,320.

The amendment was agreed to.

The next amendment was, on page 55, after line 23, to insert:

For the investigation of the relation of soil drainage and seepage waters to the maintenance and development of underground water supplies and the storage of waters in the ground and in underground reservoirs and the enlargement of the areas and raising of the levels of the ground waters, $5,000.

The amendment was agreed to.

The next amendment was, on page 56, line 13, before the word "dollars," to strike out "forty-five thousand" and insert "sixty-six thousand nine hundred and sixty," so as to make the clause read:

For the investigation of soils, and for indicating upon maps and plats, by coloring or otherwise, the results of such investigations, $166,960: *Provided*, That not more than 10 per cent of this sum shall be expended in any one State.

The amendment was agreed to.

The next amendment was, on page 56, line 20, to increase the total appropriation for general expenses of the Bureau of Soils from $213,740 to $240,700.

The amendment was agreed to.

The next amendment was, on page 56, line 22, to increase the total appropriation for the maintenance of the Bureau of Soils from $261,560 to $289,020.

The amendment was agreed to.

The next amendment was, on page 60, line 8, before the word "dollars," to insert "five hundred," and in line 17, before the word "dollars," to strike out "twenty-three thousand four hundred" and insert "twenty-four thousand," so as to make the clause read:

Salaries, Bureau of Biological Survey: One biologist, who shall be chief of bureau, $3,500; 1 chief clerk, $1,800; 1 clerk, class 4; 1 clerk, class 3; 1 clerk, class 2; 4 clerks, class 1; 3 clerks, at $1,000 each; 2 clerks, at $900 each; 1 photographer, $1,300; 1 warden, $1,200; 1 messenger, $720; 1 messenger, messenger boy, or laborer, $480; 1 laborer, $600; in all, $24,000.

The amendment was agreed to.

The next amendment was, on page 61, line 14, before the word "thousand," to strike out "twelve" and insert "seventeen," and in the same line, after the word "dollars," to insert "of which sum $5,000 shall be used for the purchase, capture, and transportation of game for national reservations," so as to make the clause read:

For the maintenance of the Montana National Bison Range and other reservations for mammals and birds, and for the enforcement of section 84 of the act approved March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States," $17,000, of which sum $5,000 shall be used for the purchase, capture, and transportation of game for national reservations.

The amendment was agreed to.

The next amendment was, on page 62, line 5, to increase the total appropriation for general expenses of the Bureau of Biological Survey from $93,200 to $98,200.

The amendment was agreed to.

The next amendment was, on page 62, line 8, to increase the total appropriation for the maintenance of the Bureau of Biological Survey from $116,600 to $122,200.

The amendment was agreed to.

The next amendment was, on page 62, line 14, before the word "hundred," to strike out "two" and insert "seven," so as to read:

Salaries, Division of Accounts and Disbursements: One chief of division and disbursing clerk, who shall be administrative officer of the fiscal affairs of the department, $3,750.

The amendment was agreed to.

The next amendment was, on page 63, line 18, to increase the total appropriation for the maintenance of the Division of Accounts and Disbursements from $96,770 to $97,270.

The amendment was agreed to.

The next amendment was, under the head of "Division of Publications," on page 63, line 23, before the word "dollars," to insert "two hundred and fifty," so as to read:

One editor, who shall be chief of division, $3,250.

The amendment was agreed to.

The next amendment was, on page 64, line 1, before the word "assistant," to strike out "three" and insert "five;" and in line 2, after the word "each," to strike out "one assistant editor, $1,600," so as to read:

Salaries, Division of Publications: One editor, who shall be chief of division, $3,250; 1 editor, who shall be assistant chief of division, $2,250; 1 chief clerk, $2,000; 2 assistant editors, at $2,000 each; 5 assistant editors, at $1,600 each.

Mr. WARREN. I ask a disagreement to the amendment.

The amendment was rejected.

The next amendment was, in the item of appropriation for salaries, Division of Publications, on page 64, line 20, before the word "clerks," to strike out "five" and insert "six;" in line 21, before the word "clerks," to strike out "forty" and insert "thirty-nine;" on page 65, line 2, before the word "folders," to strike out "one folder, $900; four" and insert "five;" and in line 16, before the word "dollars," to strike out "seventy-six thousand seven hundred and ninety" and insert "seventy-eight thousand five hundred," so as to read:

One clerk, class 2; 6 clerks, class 1; 12 clerks, at $1,000 each; 10 clerks, at $900 each; 39 clerks or skilled laborers, at $840 each; 15 clerks or skilled laborers, at $780 each; 50 clerks or skilled laborers, at $720 each; 1 chief folder, $1,000; 5 folders, at $900 each; 1 skilled laborer, at $1,000; 2 messengers, at $840 each; 4 messengers, at $720 each; 3 messengers, at $600 each; 2 messengers or messenger boys, at $480 each; 2 messengers or messenger boys, at $420 each; 2 messengers or messenger boys, at $360 each; 2 laborers, at $660 each; 1 laborer, $600; 4 charwomen, at $480 each; 3 charwomen, at $240 each; in all $178,500.

The amendment was agreed to.

The next amendment was, on page 66, line 17, to increase the total appropriation for the maintenance of the Division of Publications from $206,790 to $208,500.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Statistics," on page 66, line 22, before the word "dollars," to strike out "three thousand five hundred" and insert "four thousand;" and on page 67, line 12, before the word "hundred," to strike out "two" and insert "seven," so as to make the clause read:

Salaries, Bureau of Statistics: One statistician, who shall be chief of bureau, $4,000; 1 assistant statistician, who shall be assistant chief of bureau, $2,500; 1 chief clerk, $1,800; 6 clerks, class 4; 9 clerks, class 3; 12 clerks, class 2; 2 clerks, at $1,300; 17 clerks, class 1; 11 clerks, at $1,000 each; 10 clerks, at $900 each; 11 clerks, at $840 each; 2 messengers, at $840 each; 2 messengers or laborers, at $720 each; 2 messengers or laborers, at $660 each; 1 messenger or messenger boy, $480; 1 charwoman, $540; 2 charwomen, at $360 each; in all, $108,720.

The amendment was agreed to.

The next amendment was, on page 68, line 9, to increase the total appropriation for the maintenance of the Bureau of Statistics from $231,120 to $231,620.

The amendment was agreed to.

The next amendment was, under the head of "Office of Experiment Stations," on page 70, line 7, before the word "dollars," to insert "five hundred;" in line 8, before the word "dollars," to strike out "one thousand eight hundred" and insert "two thousand;" in line 10, before the word "hundred," to strike out "six" and insert "eight;" and in line 25, before the word "dollars," to strike out "fifty-five thousand six hundred" and insert "fifty-six thousand five hundred," so as to make the clause read:

Salaries, Office of Experiment Stations: One director, $4,500; 1 chief clerk, $2,000; 1 computer, $2,000; 1 draftsman, $1,800; 1 clerk and

proof reader, $1,800; 1 editorial clerk, $1,400; 1 editorial clerk, $1,200; 1 draftsman, $1,200; 5 clerks, class 2; 7 clerks, class 1; 6 clerks, at $1,000 each; 4 clerks, at $900 each; 9 clerks or messengers, at $840 each; 1 clerk or messenger, $720; 3 clerks, messengers, or laborers, at $600 each; 4 messengers, messenger boys, or laborers, at $480 each; 1 copyist or laborer, $720; 5 laborers or charwomen, at $480 each; 2 laborers or charwomen, at $240 each; in all, $56,500.

The amendment was agreed to.

The next amendment was, on page 72, after line 6, to insert:

To enable the Secretary of Agriculture, in cooperation with the Association of American Agricultural Colleges and Experiment Stations, to prepare, publish, and distribute original technical reports of the scientific investigations made by the agricultural experiment stations established in accordance with the aforementioned act approved March 2, 1887, and the acts supplementary thereto, including rent and the employment of clerks, assistants, and other employees in the city of Washington and elsewhere, printing, illustrations, and all necessary expenses, $20,000: *Provided*, That said reports may be issued in editions not exceeding 2,500 copies and distributed without charge to libraries, colleges, scientific institutions, and persons actually engaged in teaching or in scientific investigations relating to agriculture.

The amendment was agreed to.

The next amendment was, on page 73, line 24, to increase the total appropriation for general expenses, Office of Experiment Stations, from $1,592,500 to $1,612,500.

The amendment was agreed to.

The next amendment was, on page 75, line 4, before the word "thousand" to insert "and fifty;" so as to make the clause read:

Drainage investigations: To enable the Secretary of Agriculture to investigate and report upon the drainage of swamp and other wet lands and to prepare plans for the removal of surplus waters by drainage and for the preparation and illustration of reports and bulletins on drainage, including rent and the employment of labor in the city of Washington and elsewhere, and all necessary expenses, $150,000. And the Secretary of Agriculture shall make a special report to the next session of Congress giving the aggregate expenditures under this provision and the areas in the several States and Territories which have been investigated.

The amendment was agreed to.

The next amendment was, on page 75, line 10, to increase the total appropriation for the maintenance of the Office of Experiment Stations from $1,883,100 to $1,934,000.

The amendment was agreed to.

The next amendment was, under the head of "Office of Public Roads," on page 75, line 15, before the word "dollars," to insert "five hundred;" in line 18, before the word "dollars," to strike out "three hundred and eighty" and insert "four hundred," and on page 76, line 10, before the word "dollars," to strike out "thirty-two thousand eight hundred" and insert "thirty-three thousand five hundred and twenty;" so as to make the clause read:

Salaries, Office of Public Roads: One director, who shall be a scientist and have charge of all scientific and technical work, $3,500; 1 chief clerk, $1,800; 1 clerk, class 3; 1 clerk, $1,400; 1 clerk, $1,320; 2 clerks, at $1,260 each; 3 clerks, class 1; 1 clerk or photographer, $1,200; 1 clerk or photographer, $1,000; 2 clerks, at $1,140 each; 1 clerk, $1,080; 1 clerk, $1,020; 4 clerks, at $1,000 each; 1 clerk, $900; 1 instrument maker, $1,200; 1 messenger or laborer, $720; 1 messenger or laborer, $660; 4 messengers or laborers, at $600 each; 1 messenger boy, $480; 1 messenger boy, $360; 2 charwomen, at $240 each; in all, $33,520.

Mr. WARREN. On page 75, line 15, I move to strike out the words "three thousand five hundred" and insert "four thousand."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 77, after line 6, to insert:

For conducting field experiments and various methods of road construction and maintenance, and investigations concerning various road materials and preparations; for investigating and developing equipment intended for the preparation and application of bituminous and other binders; for the purchase of materials and equipment; for the employment of assistants and labor; for the rental and erection of buildings; such experimental work to be confined as nearly as possible to one point during the fiscal year, $10,000.

The amendment was agreed to.

The next amendment was, on page 77, line 20, to increase the total appropriation for general expenses, Office of Public Roads, from $116,700 to $126,700.

The PRESIDING OFFICER. The total should be changed.

Mr. WARREN. I asked early in the day that the clerks might correct the totals.

The PRESIDING OFFICER. It will be so ordered.

The amendment was agreed to.

The next amendment was, on page 77, line 23, to increase the total appropriation for the maintenance of the Office of Public Roads from $149,500 to $160,220.

The amendment was agreed to.

The next amendment was, on page 78, line 10, to increase the total appropriation, Department of Agriculture, for routine and ordinary work, from $15,744,361 to $15,888,196.

The amendment was agreed to.

The next amendment was, under the head of "Miscellaneous," on page 78, after line 17, to insert:

Enforcement of the insecticide act: To enable the Secretary of Agriculture to carry into effect the provisions of the act of April 26, 1910, entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded Paris greens, lead arsenates, and other insecticides, and also fungicides, and for regulating traffic therein, and for other purposes," in the city of Washington and elsewhere, including chemical apparatus, chemicals, and supplies, repairs to apparatus, rent, gas, electric current, official traveling expenses, telegraph and telephone service, express and freight charges, and all other expenses, employing such assistants, clerks, and other persons as may be considered necessary for the purposes named, $87,000.

The amendment was agreed to.

The next amendment was, on page 79, after line 7, to insert:

That the sum of $5,000, or so much thereof as may be necessary, is hereby appropriated, from moneys in the Treasury not otherwise appropriated, and to become immediately available, for the purpose of further study and examination into the nature and habits of the chestnut tree bark disease now spreading over the Atlantic seaboard States and destroying the native wild chestnut trees, and for the further purpose of discovering remedies by means of which it may be destroyed, checked, or controlled.

The amendment was agreed to.

The next amendment was, on page 80, line 7, before the word "dollars," to strike out "sixteen million seven hundred and forty-four thousand three hundred and sixty-one" and insert "sixteen million nine hundred and eighty thousand one hundred and ninety-six," so as to make the clause read:

Total carried by this bill for the Department of Agriculture, $16,980,196.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. WARREN. There are certain committee amendments that I will now offer. Just before finishing the consideration of the bill on a former day the Senate adopted an amendment in regard to the protection of elk, $15,000. I wish to reconsider the vote by which that was inserted at that place, and offer the amendment which I send to the desk.

The PRESIDING OFFICER. Without objection, the vote by which the amendment was agreed to will be reconsidered. The Senator from Wyoming offers the following amendment.

The SECRETARY. On page 61, after line 16, insert:

For the feeding, protecting, and removal to safety of elk in the country known as Jacksons Hole and vicinity, in the State of Wyoming, $20,000, to become immediately available and remain available until expended.

The amendment was agreed to.

Mr. WARREN. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 57, line 3, after the word "thousand," insert the words "five hundred."

The amendment was agreed to.

Mr. WARREN. On page 59, I offer the amendment which I send to the desk.

The SECRETARY. On page 59, line 8, strike out the word "ten," before the word "dollars," and insert in lieu the word "fifteen."

The amendment was agreed to.

Mr. WARREN. On page 64, line 1, after the word "each," I move to insert:

One assistant editor, $1,800.

The amendment was agreed to.

Mr. WARREN. On page 64, line 1, change the word "five" to "four," so as to read "four assistant editors."

The amendment was agreed to.

Mr. WARREN. On page 64, line 4, I move to strike out the words "one thousand eight hundred" and insert the words "two thousand."

The amendment was agreed to.

Mr. WARREN. I move, on the same page, line 20, to strike out the word "ten" and insert the word "eleven."

The amendment was agreed to.

Mr. WARREN. In line 21, same page, I move to strike out the words "thirty-nine" and insert the words "thirty-eight."

The amendment was agreed to.

Mr. WARREN. On page 62, line 21, I move, after the word "thousand," to insert the words "two hundred and fifty."

The amendment was agreed to.

Mr. WARREN. I move, on page 65, lines 2 and 3, to strike out the words "one skilled laborer" and to insert the words "two skilled laborers;" and after the word "dollars" in line 3, I move to insert the word "each."

The amendment was agreed to.

Mr. WARREN. I will ask the Secretary to look at the amendment which I send to the desk to see if the bill has already been fixed according to the proposition sent up.

The SECRETARY. On page 76, line 21, after the word "for," strike out the hyphen and the semicolon and insert a colon.

The amendment was agreed to.

Mr. WARREN. In passing over an amendment on page 79, I overlooked a change in language which I wish to make. I send the amendment to the desk now.

The PRESIDING OFFICER. Without objection, the vote by which the amendment was agreed to will be considered. The Secretary will state the amendment.

The SECRETARY. It is proposed to strike out from line 8 to line 17, inclusive, and to insert:

For the study and examination into the nature and habits of the chestnut-tree bark disease and for the purpose of discovering remedies by means of which it may be destroyed, checked, or controlled, $5,000, to become immediately available.

The amendment was agreed to.

Mr. WARREN. I have one more committee amendment, which I send to the desk.

The SECRETARY. On page 80, line 3, after the word "repealed," insert the following proviso:

Provided, That hereafter officers and employees of the Department of Agriculture transferred from one official station to another for permanent duty, when authorized by the Secretary of Agriculture, may be allowed actual traveling expenses, including charges for the transfer of their effects and personal property used in official work, under such rules and regulations as may be prescribed by the Secretary of Agriculture.

The amendment was agreed to.

Mr. WARREN. On page 46, line 18, I move to strike out "thirty-five" and to insert "seventy."

The amendment was agreed to.

Mr. WARREN. I move, on page 46, line 19, to strike out "thirty-five" and to insert "seventh."

The amendment was agreed to.

Mr. DIXON. On page 50, after line 2, at the end of the items regarding the Forest Service, I offer the following amendment.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 50, after line 2, insert:

That the Secretary of Agriculture be, and he hereby is, authorized and empowered, under general regulations to be fixed by him, to grant an easement for rights of way, for a period not exceeding 50 years from the date of the issuance of such grant, over, across, and upon the public lands, national forests, and reservations of the United States for electrical poles and lines for the transmission and distribution of electrical power, and for poles and lines for telephone and telegraph purposes, to the extent of 20 feet on each side of the center line of such electrical, telephone, and telegraph lines and poles, to any citizen, association, or corporation of the United States, where it is intended by such to exercise the right of way herein granted for any one or more of the purposes herein named: *Provided*, That such right of way shall be allowed within or through any national park, national forest, military, Indian, or any other reservation only upon the approval of the chief officer of the department under whose supervision or control such reservation falls, and upon a finding by him that the same is not incompatible with the public interest: *Provided*, That all or any part of such right of way may be forfeited and annulled by declaration of the Secretary of Agriculture for nonuse for a period of two years or for abandonment.

That any citizen, association, or corporation of the United States to whom there has heretofore been issued a permit for any of the purposes specified herein under any existing law, may obtain the benefit of this act upon the same terms and conditions as shall be required of citizens, associations, or corporations hereafter making application under the provisions of this statute.

Mr. WARREN. That having already passed the Senate in the form of a bill, I have no objection to its going in and going to conference.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LODGE. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. On page 80, after line 3, insert:

That the Secretary of Agriculture be, and he is hereby, authorized and directed to extend to plants engaged in drying and freezing eggs for interstate commerce the inspection provided for in the act approved June 30, 1906.

The amendment was agreed to.

Mr. LODGE. I would like to have printed in the RECORD two letters in relation to this subject. One is from M. J. Roseman, professor, department of preventive medicine and hygiene at Harvard, and the other from Edwin O. Jordan, of the University of Chicago, editor of the Journal of Infectious Diseases.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF PREVENTIVE MEDICINE AND HYGIENE,
HARVARD MEDICAL SCHOOL,
Boston, Mass., February 25, 1911.

Senator HENRY CABOT LODGE,
Washington, D. C.

DEAR SENATOR: I desire to state that I am thoroughly in favor of a factory inspection of eggs and briefly give you herewith a few reasons for this opinion.

There is at present no satisfactory scientific standard by which the quality of an egg may be determined; we must therefore largely rely upon the evidence of our senses. Bacteriology, chemistry, and the microscope afford rather meager and incomplete knowledge so far as eggs are concerned. A good egg may contain many bacteria; a thoroughly bad egg may actually contain none. The chemical products of decomposition are often detected more readily and more quickly by the sense of smell or taste than by laboratory methods. It would therefore seem a reasonable protection to the consumer to have a Government supervision over eggs along the same lines that the Government inspects and supervises the killing, preparation, and packing of meat and meat food products.

Eggs differ from other animal foods in that the surplus egg crop is largely limited to about three or four months in the year. It is therefore necessary to preserve the excess production of this important article of diet in order to supply the demand during the remaining eight or nine months. In my judgment, the best method of preserving eggs is by refrigeration. At a temperature far below the freezing point (substantially 0° F.) at which canned eggs are ordinarily kept, all bacterial action and decomposition practically ceases. Eggs in the shell must be kept above the freezing point for well-known reasons; in consequence, shell eggs deteriorate in cold storage. It will be seen that there is a wide difference in temperature at which canned eggs and shell eggs are kept in cold storage—a difference in favor of the former.

It is therefore desirable that eggs should first be graded by candling, then broken out, and again carefully inspected at the breaking table before they are placed in cold storage, all under official supervision. Such an inspection would correspond to the ante-mortem and post-mortem inspections of cattle and would be a protection to the consumer and be welcomed by all honest dealers engaged in the egg industry.

Another very satisfactory method, from the sanitary standpoint, of preserving eggs is by drying them after they have been broken out in bulk. In this dried condition they may be preserved for a very long time, just as other dried food products are preserved.

Canned eggs—that is, eggs that are broken out and frozen in bulk—as well as dried eggs should, in my judgment, be labeled, sealed, and dated under Government surveillance when they are placed in cold storage, and perhaps again when they are taken out. Proper labeling and dating applies, of course, equally to all canned foods and especially to foods preserved in cold storage. The consumer is entitled to this knowledge.

The Government inspection of eggs at the factory would not displace bacterial, chemical, or other scientific methods that may now exist or hereafter be devised to detect whether the eggs have subsequently become "decomposed, filthy, or putrid." There would, however, be little chance for contamination provided the eggs are placed in a satisfactory container and properly sealed, and therefore there would be little occasion in actual practice to enforce the expensive, harassing, and time-consuming methods now in vogue to detect adulteration or misbranding after it occurs. Preventive measures which would be assured by factory inspection are infinitely better from all standpoints than detective methods after the food has entered interstate commerce.

Eggs have a good health record. There is no known infection of the hen transmissible to man. The only way in which bulk eggs could become seriously infected would be through insanitary or uncleanly methods. Factory inspection would largely safeguard the consumer against such possibility, however slight.

Sanitarians have long ago come to the conclusion that the chemical and bacteriological examination of water as it flows from the tap affords no satisfactory safeguard. The water should be kept clean and pure at its source by a system of inspection and control. The same principle applies to milk. The bacteriological and chemical examination of milk occasionally detects samples that are old, watered, adulterated, or dirty. However, it is now well recognized that the best way to provide for a safe and clean milk is through inspection at the source of its production. The same principles apply to meat, eggs, and all other food products. I am especially interested in preventive measures and believe that the factory inspection of eggs would accomplish good results along these lines.

From the standpoint of the economist and sociologist it is important to preserve the large amount of valuable food (eggs) which nature furnishes in excess of the demand during the spring and summer months in our agricultural districts for metropolitan use during the fall and winter seasons. The principles of conservation of our resources and the thoughts upon the increased cost of living teach us that we are dealing with a subject that is theoretically sound and practically important.

The eggshell is porous and brittle; it readily absorbs odors, and bacteria often penetrate it. The preservation and transportation of eggs in the shell, therefore, is neither economical nor entirely satisfactory from a sanitary standpoint. Eggs that are carefully opened and graded by experts in factories under Government surveillance may be placed in clean, sterile containers and frozen or dried so that further decomposition may be averted, and the loss and deterioration incident to shell eggs prevented.

The preservation of eggs and a system of factory inspection where the eggs are examined, graded, opened, frozen, dried, or otherwise handled for the market would be an advantage to the consumer, the producer, and would greatly facilitate the sanitary authorities charged with the administration of our pure-food laws. It is my opinion, therefore, that legislation providing for a factory inspection of eggs is worthy of your careful consideration and encouragement.

Very truly, yours,

M. J. ROSEMAN,
Professor Preventive Medicine and Hygiene.

THE JOURNAL OF INFECTIOUS DISEASES,
Chicago, Ill., February 26, 1911.

Hon. HENRY CABOT LODGE,
Senate Chamber, Washington D. C.

DEAR SIR: I am deeply interested as a sanitarian and student on public-health questions in your proposed amendment covering factory inspection of canned and dried eggs. I sincerely trust that this amendment may receive favorable consideration. My reasons are briefly these:

1. The experience of the last 20 years in sanitation and preventive medicine has shown that it is much easier and more effective to control the sanitary quality of food substances at or near their source than in retail markets at the door of the consumer. This has become particularly clear in the case of milk supply where seizure of a few cans of milk in a large city may occasionally reveal adulteration or fraud, but never goes to the root of the matter, namely, the original character of the milk and the sanitary conditions under which the milk was produced. Disease germs can not be detected in the bottle of milk delivered to the householder. Inspection of the farm and

farmer's family, however, would in many cases result in cutting off all danger at its source and in preventing not 1 but 100 families from becoming infected with typhoid fever or other milk-borne diseases. For these reasons sanitarians universally recognize the prime importance of controlling conditions of collection, transportation, and distribution in contrast to an attempt to examine the contents of individual cans and milk bottles. The latter method, even if it could be carried out, would be not only wasteful, but relatively ineffective. Such principles which are of universal acceptance as regards milk should be applied as soon as possible to the supervision of other food substances. I may add at this point that inspection and control of the sources of water supply has long been recognized as more essential than attempts to control on the basis of merely analytical data.

2. In the case of egg supply the existence of a surplus for one-third of the year and a corresponding scarcity in the fall and early winter make necessary the adoption of some process of preservation for this important element of food supply. In my opinion, cold is one of the best preservatives for this purpose. This form of preservation is better adapted to the handling of egg substance removed from the shell than to eggs in their natural condition. Whatever method be employed it seems desirable that proper methods of candling, grading, and handling be carried out. Such methods might conceivably be left to the honesty and efficiency of individual dealers or they might be under the supervision and advice of experts appointed by the Federal Government. It is my belief that the method of Federal inspection should be adopted. This is necessary in order to protect the public against improper practices such as the use of chemical preservatives, the admixture of spoiled eggs, and the danger, however slight, of possible infection during the processes of handling and preparation.

3. Such a method of centralized control would be especially to the point in the case of eggs as compared with some other food substances. There is at present no recognized scientific standard whereby the quality of an egg may be determined in the laboratory. A sweet and wholesome egg may contain many more bacteria than a rotten egg. Chemical products of decomposition may often be detected more simply and readily by the sense of taste or smell than by refined laboratory methods. From a scientific standpoint therefore, endeavors to control the quality of the egg supply by analyses of frozen, dried, or shell eggs are premature and may even be misleading. Centralized inspection, on the other hand, would be more accurate, precise, and effective.

4. I would further urge such inspection on grounds of economy. At present a large part of the egg supply of the country is wasted and rendered unavailable by the prevalence of antiquated and unintelligent methods. The growing need for a conservation of our food supplies seems to emphasize this point especially. A large amount of valuable food could be saved annually through the encouragement of suitable means of preservation, and by education of the farmer and dealer in proper and cleanly methods of handling this food. Cooperation on the part of the Federal Government would seem plainly indicated. I firmly believe that a close and friendly contact of the Government experts with practical dealers in egg products would result in the solving of many problems and would be of great benefit to the whole country.

Very respectfully, yours, EDWIN O. JORDAN,
Professor of Bacteriology, University of Chicago.

Mr. CARTER. I offer an amendment to come in on page 50, after the word "dollars," in line 2.

The PRESIDING OFFICER. The amendment will be stated.

Mr. WARREN. I will say to the Senator that his colleague has already secured the adoption of an amendment at that point, and the amendment which the Senator now offers should be to what will follow that, unless he wishes his amendment to precede that one.

The PRESIDING OFFICER. This is to come in previous to that amendment. The Senator desires to have his amendment, as the Chair understands, before his colleague's amendment.

Mr. CARTER. I desire to have the amendment inserted between the text of the bill and the amendment which was adopted.

The PRESIDING OFFICER. The amendment proposed by the Senator from Montana will be stated.

The SECRETARY. After the word "dollars" at the end of line 2, on page 50, it is proposed to insert:

Provided, That no part of this sum shall be expended to pay salary or expenses of any person for the examination of protest or contest of any mining claim upon which there is not a growth of timber of commercial value.

The amendment was agreed to.

Mr. CARTER. At the end of the bill I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Montana will be stated.

The SECRETARY. Just before the last paragraph in the bill it is proposed to insert:

That the Secretary of Agriculture shall prepare, or cause to be prepared, a statement showing all expenditures made each fiscal year by, through, or on account of the Forest Service from the year 1900 to the year 1910, both inclusive, stated as follows:

"For permanent forest improvements in each State and Territory; for salaries and other compensation of inspectors, forest supervisors, forest rangers, deputy forest rangers, assistant forest rangers, stating the number of each class; for part-time force to meet emergencies in extinguishing forest fires; for railroad fares, automobile hire, carriage and horse hire; for hotel bills; for freight and express; for telephone and telegraph; for statutory and lump-fund salaries of officers and clerks and the number thereof in the city of Washington, and all other expenditures made for the conduct of the bureau in the city of Washington, including rent, fuel, stationery, furniture, furnishings, typewriters (giving number purchased), miscellaneous supplies (giving classification of same); for salaries, clerk hire, hotel bills, automobile, carriage, and horse hire, miscellaneous supplies (giving classification thereof), office supplies, and all other expenditures made in connection with the conduct of the Forest Service outside of the city of Washington; for compensation of persons engaged in writing descriptive or other matter for publication (giving names of persons so employed and amount paid to each therefor), and the names of publications accepting such matter for publication and amount paid to each therefor; for photographs, lantern slides, lecture equipment, and lecturers; for printing and binding; said statement to show also for the same period of time the amounts collected by the Forest Service for timber and the use of the forest."

Mr. WARREN. The committee does not propose to object to that amendment, although the greater portion of it is already covered by a former bill which carries the necessary legislation. I do not object to the amendment.

Mr. CARTER. I observe that the concluding paragraph in the bill provides for the repeal of the statute heretofore passed providing for an examination. Hence I have offered the amendment.

The amendment was agreed to.

Mr. WARREN subsequently said: I wish to call the attention of the Senator from Montana [Mr. CARTER] to an amendment which he offered and to ask him if he will not be willing to change its position and let it repeal the matter from line 18 on page 79 to line 3 on page 80, inserting in lieu thereof what he has proposed.

Mr. CARTER. I ask that the arrangement suggested by the Senator from Wyoming be made in the structure of the bill.

The PRESIDING OFFICER. Without objection, the change will be made.

Mr. PILES. I offer the amendment which I send to the desk. It should come in on page 47, line 4.

The PRESIDING OFFICER. The amendment proposed by the Senator from Washington will be stated.

The SECRETARY. On page 47, in line 4, before the word "dollars," it is proposed to strike out the words "one hundred and seventy-seven thousand and forty" and to insert in lieu thereof the words "one hundred and eighty-seven thousand and forty."

The amendment was agreed to.

Mr. CLARKE of Arkansas. I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Arkansas will be stated.

The Secretary proceeded to read the amendment.

Mr. WARREN. Mr. President, I have been waiting during the reading to ascertain whether there was anything germane in the amendment or anything that should by right go into the bill. It seems to me it is general legislation of the very broadest type, and I will have to make the point of order against it.

Mr. CLARKE of Arkansas. Mr. President, I object to the Senator from Wyoming undertaking to dispose of the character of the amendment or deciding how wide or how narrow it is until it has been read.

Mr. WARREN. I make the point of order against the amendment.

Mr. CLARKE of Arkansas. Let the amendment be read, so as to see whether you will want to make the point of order on it. You may change your mind when you hear it all.

The Secretary resumed and concluded the reading of the amendment; which was to insert at the end of the bill the following:

SEC. —. That certain words used in this act and in proceedings pursuant hereto shall, unless the same be inconsistent with the context, be construed as follows: The word "message" shall mean any communication by telegraph, telephone, wireless telegraph, cable, or other means of communication from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia or to any foreign country. The word "person" shall mean any person, partnership, joint stock company, society, association, or corporation, their managers and officers, and when used with reference to the commission of acts which are herein required or forbidden shall include persons who are participants in the required or forbidden acts, and the agents, officers, and members of the boards of directors and trustees, or other similar controlling or directing bodies of partnerships, joint stock companies, societies, associations, and corporations. And words importing the plural number, wherever used, may be applied to or mean only a single person or thing, and words importing the singular number may be applied to or mean several persons or things.

SEC. —. That it shall be unlawful for any person to send or cause to be sent any message offering to make or enter into a contract for the purchase or sale for future delivery of cotton without intending that such cotton shall be actually delivered or received, or offering to make or enter into a contract whereby any party thereto or any party for whom or in whose behalf such contract is made acquires the right or privilege to demand in the future the acceptance or delivery of cotton without being thereby obligated to accept or to deliver such cotton; and the transmission of any message relating to any such transaction is hereby declared to be an interference with commerce among the States and Territories and with foreign nations. Any person who shall be guilty of violating this section shall, upon conviction thereof, be fined in any sum not more than $1,000 nor less than $100 or shall be imprisoned for not more than six months nor less than one month, or by both such fine and imprisonment, and the sending or causing to be sent of each such message shall constitute a separate offense.

SEC. —. That it shall be the duty of any person sending any message relating to a contract or to the making of a contract for future delivery

of cotton to furnish to the person transmitting such message an affidavit stating that he is the owner of such cotton and that he has the intention to deliver such cotton; or that such cotton is at the time in actual course of growth on land owned, controlled, or cultivated by him, and that he has the intention to deliver such cotton; or that he is, at the time, legally entitled to the right of future possession of such cotton under and by authority of a contract for the sale and future delivery thereof previously made by the owner of such cotton, giving the name of the party or names of parties to such contract and the time when and the place where such contract was made and the price therein stipulated, and that he has the intention to deliver such cotton; or that he has the intention to acquire and deliver such cotton; or that he has the intention to receive and pay for such cotton: *Provided*, That any person electing to do so may file with the telegraph, telephone, wireless telegraph, or cable company an affidavit stating that the message or messages being sent, or to be sent, for the six months next ensuing by such person do not and will not relate to any such contract or offers to contract as are described in section 2 of this act, and any such company shall issue thereupon a certificate evidencing the fact that such affidavit has been duly filed and such certificate shall be accepted in lieu of the affidavit herein required at all the transmitting offices of such company during the life of said affidavit. Any person who knowingly shall make a false statement in any affidavit provided for in this act shall be punished by a fine of not more than $5,000 nor less than $500 or shall be imprisoned for not more than two years nor less than one year, or by both such fine and imprisonment. And in any prosecution under the provisions of sections 2 or 3 of this act the proof of failure to make any affidavit herein required shall be prima facie evidence that said message or messages related to a contract prohibited by section 2 of this act, and the proof of failure to deliver or receive the cotton called for in any contract for future delivery of cotton shall be prima facie evidence that there was no intention to deliver or receive such cotton when said contract was made.

SEC. —. That it shall be unlawful for any person owning or operating any telegraph or telephone line, wireless telegraph, cable, or other means of communication, or any officer, agent, or employee of such person, knowingly to use such property or knowingly to allow such property to be used for the transmission of any message relating to such contracts as are described in section 2 of this act. Any person who shall be guilty of violating this section shall, upon conviction thereof, be punished for each offense by a fine of not more than $1,000 nor less than $500, and the sending of each message in violation of the provisions of this section shall constitute a separate offense.

SEC. —. That in any proceeding under this act all persons may be required to testify and to produce books and papers, and the claim that such testimony or evidence may tend to criminate the persons giving such testimony or producing such evidence shall not excuse such person from testifying or producing such books and papers; but no person shall be prosecuted or subjected to any penalty or punishment whatever for or on account of any transaction, matter, or thing concerning which he may testify or produce evidence of any character whatever.

SEC. —. The foregoing sections shall take effect and be in force from and after January 1, 1912.

The PRESIDING OFFICER. The Chair sustains the point of order made by the Senator from Wyoming.

Mr. CLARKE of Arkansas. Mr. President, there was, I think, no point of order made against the amendment after it had been presented to the Senate. For the first time the amendment is pending. I do not think that a premature point of order can have the effect of representing the present views of the Senator in charge of the bill.

The PRESIDING OFFICER. The question, then, is on agreeing to the amendment. The Senator from Wyoming, the Chair understood, made a point of order against it.

Mr. WARREN. I made a point of order.

Mr. HALE. Did the Chair rule on the point of order?

The PRESIDING OFFICER. The Chair ruled the amendment out of order.

Mr. CLARKE of Arkansas. It is not out of order in the absence of objection.

The PRESIDING OFFICER. The Chair understood the Senator from Wyoming to object.

Mr. CLARKE of Arkansas. That objection was withdrawn pending the reading of the amendment.

The PRESIDING OFFICER. The objection, the Chair understood, was withheld.

Mr. CLARKE of Arkansas. I can not draw the distinction.

Mr. WARREN. Mr. President, there was no withdrawal of the point of order, but I again make the point of order against the amendment, that it is general legislation.

The PRESIDING OFFICER. The Chair sustains the point of order. The amendment evidently proposes general legislation.

Mr. HALE. Mr. President, it is evident that we can not complete the bill now, but can do so very soon after a recess. I move that the Senate take a recess.

Mr. PENROSE. I ask the Senator to withhold that motion for a moment until I can give notice to the Senate that I hope to bring up the Post Office appropriation bill on the conclusion of the bill now pending.

Mr. HALE. That is the understanding. I move that the Senate take a recess until 8 o'clock.

Mr. HEYBURN. Mr. President, allow me, before that is passed upon, to send to the desk two amendments which I desire to have considered before the bill passes from the Committee of the Whole.

The PRESIDING OFFICER. The amendments will be received.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had passed the following bills:

S. 10456. An act to restrain the Secretary of the Treasury from receiving bonds issued to provide money for the building of the Panama Canal as security for the issue of circulating notes to national banks, and for other purposes; and

S. 10883. An act authorizing the Erie Railroad Co. to construct a canal connecting the Hackensack River and Berrys Creek, Bergen County, N. J., as an aid to navigation, and for other purposes.

The message also announced that the House had passed a bill (H. R. 28436) to further increase the efficiency of the Organized Militia, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 10476. An act for the relief of Passed Asst. Paymaster Edwin M. Hacker;

S. 10808. An act to authorize the Greeley-Arizona Irrigation Co. to build a dam across the Colorado River at or near Head Gate Rock, near Parker, in Yuma County, Ariz.; and

S. 10882. An act to authorize the county of Ouachita, in the State of Arkansas, to construct a bridge across the Ouachita River.

RECESS.

Mr. HALE. I renew my motion that the Senate take a recess until 8 o'clock.

The motion was agreed to; and (at 5 o'clock and 35 minutes p. m.) the Senate took a recess until 8 o'clock p. m.

EVENING SESSION.

At the expiration of the recess, at 8 o'clock p. m., the Senate reassembled.

AGRICULTURAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 31596) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1912.

The PRESIDING OFFICER (Mr. KEAN in the chair). The bill is in the Senate and open to amendments.

Mr. HEYBURN. There are two amendments pending.

The PRESIDING OFFICER. The Chair informs the Senator that two amendments can not be pending at the same time. Which amendment does the Senator desire to have acted upon first?

Mr. HEYBURN. Let them be acted upon in the order in which they come in the bill.

The PRESIDING OFFICER. The Secretary will state the first amendment proposed by the Senator from Idaho.

The SECRETARY. Strike out all after "For," on page 32, line 24, down to the word "dollars," line 2, page 50, and insert:

For maintenance and protection of national forests, $1,000,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. HEYBURN. Mr. President, just a remark. That brings the Forestry Service within $1,000,000, that is, so far as maintenance is concerned. I think this is a proper time to enter upon this reform. One million dollars for the maintenance of the forests ought to be quite sufficient, and if it requires more than that then there is something wrong with the system.

This amendment is not offered in any other than with the serious intention of trying to reform the service. I should like to have the Senate here to vote by yea and nay vote upon the question.

Mr. WARREN. May I call the attention of the Senator to his amendment? I wish to know where the words to be stricken out end.

The SECRETARY. On page 50, line 2.

Mr. WARREN. What I wanted to say to the Senator is, if he strikes that out he strikes out the total for the Forestry Service, five million five hundred and odd thousand dollars.

Mr. HEYBURN. Yes; and I insert $1,000,000.

Mr. WARREN. He inserts that, but he leaves some $3,000,000 preceding which by law would be then payable, although the amount would not be appropriated for it.

Mr. HEYBURN. A little entanglement like that would, perhaps, improve this measure.

Mr. WARREN. I wanted the Senator to know what he would do.

Mr. HEYBURN. I am starting in here with a reduction of only a little over $4,000,000. It may be that there will be other work with the pruning knife later; but this is a clear-cut item leaving a vicious principle in this service. If we start in upon our reformation at this point I care not what other reformation becomes necessary.

I do not like to have a call, but I wish Senators would come in in order to vote on this question.

Mr. JONES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Washington?

Mr. HEYBURN. The Senator from Washington has called for a quorum.

The PRESIDING OFFICER. The Chair has not recognized the Senator from Washington for that purpose. He asked if the Senator from Idaho would yield to the Senator from Washington?

Mr. JONES. No; I addressed the Chair. I simply ask that a quorum be present.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll and the following Senators answered to their names:

Beveridge	Clark, Wyo.	Johnston	Richardson
Borah	Clarke, Ark.	Jones	Root
Bourne	Culberson	Kean	Shively
Bradley	Cummins	La Follette	Smoot
Bristow	Curtis	Lodge	Stone
Brown	Dick	McCumber	Sutherland
Bulkeley	Dillingham	Martin	Thornton
Burnham	Fletcher	Nelson	Warner
Burrows	Foster	Overman	Warren
Burton	Gallinger	Page	Wetmore
Carter	Gamble	Paynter	Young
Chamberlain	Hale	Perkins	
Clapp	Heyburn	Piles	

The PRESIDING OFFICER. Fifty Senators have answered to their names. A quorum is present.

Mr. WARREN. Mr. President, I think I ought to ask for the reading of the second amendment. There are two amendments. I will ask the Senator from Idaho whether one depends in any way upon the other.

Mr. HEYBURN. One of them might very properly follow the other. I have not a copy. I will get a copy.

The PRESIDING OFFICER. The amendment has not yet been read.

Mr. HEYBURN. Mr. President, since the Senator is present I will restate in a word the purpose of this amendment. It proposes to strike out this long enumeration of local subdivisions of the Forest Service with its officers, commencing on page 32, line 24, down to the end of that subject, and it will then read:

For maintenance and protection of the national forests, $1,000,000.

That will enable them to adjust themselves to a million-dollar business. It cuts the appropriation for the item down a little over $4,000,000. That is a sum of money worth considering. The matter has not been discussed at length, but I am going to give Senators who do believe in this retrenchment an opportunity to vote on it. I ask for the yeas and nays.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Idaho, upon which he demands the yeas and nays.

The yeas and nays were ordered.

Mr. WARREN. I wish to call the attention of the Senator to the proposition, to ascertain whether I understand it aright. The "Forest Service" in the bill commences on page 26 and extends to page 50, carrying with it definite positions and salaries for different officers and employees, and ends with an appropriation of $2,318,680. Following on under "General expenses" to page 50, the total, which includes the one I have just mentioned, and for general expenses, is $5,523,100.

The amendment does not include the first pages and therefore while the five million five hundred and odd thousand dollars would be reduced to $1,000,000 there would still be in the law appropriations between two and three million dollars, definitely stating where it should go, but with merely the total stricken out, so that the law would provide for the employment just the same, and the payment would have come in later as a deficiency.

Mr. HEYBURN. Mr. President, of course the totals can be arranged. There will be no difficulty about that. The totals should be made to conform with the appropriations.

Mr. SMOOT. I should like to call the Senator's attention——

Mr. HEYBURN. Let me first answer this. As to the number of men employed, that is cut out by the amendment. The Forestry Service would then employ only so many men as could be employed within the appropriation.

Mr. SMOOT. I wish to call the Senator's attention to the fact that the amendment is rather inconsistent in this way, that it takes out all of the Forest Service local employees of the States with the exception of the number $1,000,000 would employ.

Mr. HEYBURN. No; it simply disenumerates them, if I may use such a word, and leaves the employment to be governed by the amount of money to be expended. I propose to take out the enumeration.

Mr. SMOOT. I was about to say if we are going to employ only men to the amount of $1,000,000, then the first part of the Forest Service would be altogether more than is necessary.

Mr. HEYBURN. It would be out of proportion.

Mr. SMOOT. It would be out of proportion not only because they could not use so many men here, but their work depends largely upon the number who are available for the field.

Mr. HEYBURN. That is a very proper suggestion, and one that I have given attention to and marked, but it is a proper subject for another amendment. In other words, I do not want to make an amendment that covers a part of two subjects matter. But first let us deal with this, which is complete within itself. It is an enumeration of the employees, and it provides for an appropriation of something over $5,000,000.

I leave the provision for the performance of the necessary work to be done by a proper number of men within the appropriation of $1,000,000, giving them a million dollars instead of $5,000,000. The only result will be that they will have to cut their work, or the number of men, down to suit their appropriations.

The other question of the preceding section—that is, the executive departments here in Washington and elsewhere—is not at all disturbed by the amendment. I do not want to amend two parts of the bill in one amendment.

Mr. SMOOT. If this amendment passes without changing the other provision, it will be so out of proportion that it will virtually destroy the Forest Service, and if that is the object——

Mr. HEYBURN. No.

Mr. SMOOT. We might as well destroy it at once and have done with the whole thing.

Mr. HEYBURN. A million dollars for field work can not be said to destroy any enterprise. It is a considerable sum of money. We were promised that $50,000 would be sufficient, and then we were promised that one hundred thousand, two hundred thousand, and so on, would be sufficient.

Now, let us go back to first principles and reduce the number of employees to a number commensurate with the appropriation. We have got to commence somewhere, or we have got to allow this thing to grow, and it will rival the Army and Navy bills in a few years if we do not stop it. It was the statement of the Chief Forester, a year or two ago in a public address, that this would require something like 160,000 men. One hundred and sixty thousand is a pretty large body of men, and the expense at an average of $1,000 a year, which is not far from the average, would be a very large item, and we would be dealing here as we do with items that go to the protection of the Government. I would be willing to cooperate with the Senator from Utah to adjust the preceding paragraphs to this, but let us vote upon this and adopt it and then fit the bill to it.

Mr. WARREN. Mr. President, I am forced to say that the amendment will not do what its mover evidently thinks it will, because it leaves intact here the language of the bill, which provides for the improvement of the national forests and states how much shall be expended for them. It leaves the statement that there shall be one forester at $5,000, or, rather, a chief of division, so many officials at so many dollars per annum salary, and so forth, and the two lines which he proposes to strike out would simply strike out the assembled total. Putting a million dollars in its place would be, of course, contrary to the footing that preceded it; and, under the order of the Senate, the grand totals are to be completed by the clerks at the desk. So I shall have to ask that the amendment be voted down, although I desire economy, as does everyone else.

The PRESIDING OFFICER. The question is on the amendment.

Mr. SUTHERLAND. Let the amendment be again stated.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. Beginning on page 32 with line 24, it is proposed to strike out all down to and including line 2, on page 50, and to insert in lieu thereof the following words:

For maintenance and protection of the national forests, $1,000,000.

Mr. BORAH. Mr. President, I desire to ask the Senator in charge of the bill, if this amendment should be adopted, how much of an appropriation would be left to the Forestry Department for the conduct of its business for the next year?

Mr. HEYBURN. One million dollars.

Mr. BORAH. Am I to understand that $1,000,000 is proposed to be appropriated to this particular work?

Mr. HEYBURN. No. I propose to follow this amendment with an additional amendment to strike out from line 23, on page 26, down to the place where the amendment under consideration commences.

Mr. BORAH. I understood the chairman——

Mr. HEYBURN. That will give them a million dollars for the maintenance and protection of the national forest reserves, without any details whatever. They will have a million dollars, and they will have to get along the best they can with that.

Mr. GALLINGER. Why did the Senator not make it one amendment?

Mr. HEYBURN. I might have made it one amendment. I might, perhaps, get at it more quickly by modifying the amendment. I will modify the amendment by moving to strike out all after line 23, on page 26, down to and including the provision on page 50.

Mr. GALLINGER. That makes it clear.

Mr. HEYBURN. That gives them a round sum of money. Let them cut their coat to fit the cloth and organize themselves, knowing that they are not allowed to spend over $1,000,000. That is a good bit of money to spend on the Forestry Service.

Mr. SMOOT. Does the Senator mean, then, to begin the amendment on page 26, after line 23, and to strike out all of the text, with the exception of the appropriation of $1,000,000?

Mr. HEYBURN. Yes. It will then provide——

Mr. SMOOT. Then it provides for the Forest Service $1,000,000?

Mr. HEYBURN. I would probably consider it if the Senator would suggest that amendment, but I intended that it should provide for the maintenance and protection of the national forests, and I prefer those words.

Mr. SMOOT. I was not suggesting the words that should be used; I was only suggesting my understanding of the amendment.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to his colleague?

Mr. HEYBURN. Yes.

Mr. BORAH. Mr. President, I do not desire to delay this bill; but while I am very much in favor of reducing the amount of the appropriation, there seems to be an involved understanding as to what we are doing. I should like to see the amount reduced very materially, and yet I think it would be unwise to reduce it to such an extent that it would leave the Government without the power to take care of that which it must necessarily take care of now, as it has done in the Forest Service. We do not understand here what the effect of this amendment is going to be.

Mr. SMOOT. It would destroy the Forest Service.

Mr. BORAH. The Senator from Utah says it means the destruction of the Forest Service.

Mr. SMOOT. Mr. President, I think if the amendment is carried, that the Forest Service will be so crippled that $1,000,000 will not do it any good at all. We collect to-day from the sale of timber within the forest reserves more than $1,000,000.

Mr. HEYBURN. Well, Mr. President, it was not intended, nor do we now contemplate, that the Government shall go into the lumber business. I realize that this is a radical proposition and I realize that this is a radical step, and you have got to deal with it in that way. The $1,000,000 to be used by the Agricultural Department can protect and maintain the forests of the United States so far as it is necessary to do so.

I hope to see at an early day these lands no longer in a forest. I will read as a part of my suggestion the amendment which I shall propose to follow the pending one:

Provided, That all lands upon which there is growing less than 4,000 feet of merchantable timber, board measure, shall be excluded from the forest reserves, and no part of any appropriation herein made shall be expended upon any lands thus precluded.

That will eliminate fully one-half of the lands from the existing forest reserves. That is an admitted fact; nobody will controvert that who knows the figures and knows the lands. With this amendment bringing the appropriation down to a million dollars, to be expended for the maintenance and protection—that is all; those two words embody it all—of the national forests, and providing for the elimination from the national forests of untimbered lands, or lands with less than 4,000 feet of lumber upon them, you will have a forest-reserve law that will eventually result in the lands being thrown open to settlement.

Mr. SUTHERLAND. Mr. President, I wish to ask the Senator from Idaho a question.

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Certainly.

Mr. SUTHERLAND. I was not in the Senate when the pending amendment was proposed. As I understand it, the Senator from Idaho proposes to strike out of this bill all of the language beginning with line 24, on page 26, down to and including line 6, on page 31.

Mr. HEYBURN. On page 50.

Mr. WARREN. The Senator from Idaho proposes to go further than that and to strike out the text of the bill down to and including the first two lines on page 50; in other words, to cover——

Mr. SUTHERLAND. And to insert the general language which he has stated?

Mr. WARREN. In other words, to strike out the entire forestry work of the bill and to insert therein the language "one million dollars" in place of "five million five hundred thousand dollars."

Mr. SUTHERLAND. Then, if the Senator will permit me, what he proposes to do is to make an appropriation of $1,000,000 instead of $5,000,000, without any investigation as to details, as to what may be needed by the Forest Service; and, in addition to that, the Senator proposes to make a lump appropriation one $1,000,000, to be expended by the Forester as he pleases, without any limitation whatever.

Mr. HEYBURN. No; the Senator from Utah has not heard all of this. The section will read when it is amended:

For maintenance and protection of the national forests, $1,000,000.

That is to maintain and protect them.

Mr. SUTHERLAND. I know; but the Senator proposes to turn the million dollars over to a bureau chief, to be expended in his discretion.

Mr. HEYBURN. We have been doing that in every appropriation bill since we have had a Forest Service.

Mr. SUTHERLAND. Oh, no.

Mr. HEYBURN. An amendment adopted four years ago gave the Forest Service a million dollars, I think, to expend, without any limitation.

Mr. SUTHERLAND. This bill enumerates the various officials who shall be paid and fixes their salaries. Now, the Senator proposes to turn over the vast sum of a million dollars to the forester to pay to whomsoever he pleases, without any limitation upon him at all. It seems to me a most remarkable proposition.

Mr. HEYBURN. The reduction I propose is a limitation of some consequence. It will save the Government several million dollars and still leave an effective provision for the maintenance and protection of the forests.

Mr. ROOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New York?

Mr. HEYBURN. Certainly.

Mr. ROOT. This amendment is proposed by the Senator from Idaho as an open, frank, and avowed enemy of the forest policy of the United States. With the frankness that always characterizes him he says that he is an enemy of it.

Mr. HEYBURN. No; I did not use the term "enemy."

Mr. ROOT. I shall not make a speech, but shall state my protest against the abandonment of a settled policy by a vote of the Senate of the United States upon the proposal of a single enemy of that policy, without consideration, without the report of a committee, and without grave and substantial reasons convincing the judgment of the Senate.

Mr. HEYBURN. Well, Mr. President, much of the demand of the Senator has already been supplied in his absence. The question was under consideration for about an hour before the recess was ordered.

Mr. ROOT. Upon the report of what committee, Mr. President, is this change to be made?

Mr. HEYBURN. Mr. President, we do not act upon amendments to appropriation bills upon the report of a committee where the amendment is to strike out or reduce. I know of no such procedure in this body.

Mr. ROOT. I observe that this amendment has no such basis.

Mr. HEYBURN. Mr. President, there is not the slightest reason why an amendment of this kind should be submitted to or reported from a committee. It is an amendment proposed within the rules of procedure of this body, at a proper time and in a proper manner, to amend an appropriation bill by reducing the appropriation proposed in the bill; and it is not open to any objection under any rule of this body.

Mr. BORAH. Mr. President, I want to ask my colleague if he would not be willing——

The PRESIDING OFFICER. Does the senior Senator from Idaho yield to his colleague?

Mr. HEYBURN. I do.

Mr. BORAH. I will ask the Senator if he would not be willing to change his amendment so as to leave a larger sum—say, $2,000,000 or $2,500,000—for the Forestry Bureau? I am very anxious to see the amount reduced, because I have no doubt my colleague is entirely correct as to the extravagance in some of these matters, and it should be reduced; but I am not willing to leave the Government in a crippled condition to do what it ought to do.

Mr. HEYBURN. Well, Mr. President, one of the purposes that I had in mind in proposing the amendment was to reduce the expenses of this bureau. The fact that I suggested $1,000,000 is not conclusive of the fact that I would insist upon that exact amount, but $1,000,000 is more than the department ever claimed up to two years ago that it would require for the Forestry Service, and I was practically taking them at their word.

If my colleague thinks a larger sum should be expended, and will propose an amendment without affecting the integrity of the amendment I have offered, I will not be illiberal or obstinate about it. I want some definite time fixed when this policy is to stop. Let us quit dealing in politics of government and deal in the law of the land. I care not whose policy it is; it is not the law; it does not appeal to me. Of course, this is the only part of the Government where policy or a reference to a policy is appropriate, because we take up policies here and crystallize them into statutes. I care nothing at all about the policy of anybody outside of the membership of Congress. It does not appeal to me.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. HEYBURN. Certainly.

Mr. GALLINGER. I am in sympathy, Mr. President, with the desire of the Senator from Idaho to reduce this appropriation. I believe we have drifted into an unwise and extravagant policy in regard to forest reserves, but I am troubled about the Senator's amendment in one respect, and desire to call his attention to that. The first portion of the section which the Senator proposes to strike out deals with the organization of the Forest Service. It provides for a Forester and states his salary, for forest supervisors, and so on. If the Senator's amendment is adopted, that goes out of the bill, the entire Forest Service will be necessarily disorganized, and the money be left in the hands, I suppose, of the Secretary of Agriculture to expend. I think that probably would not be a desirable change to make—to utterly disorganize a service so far as its present organization is concerned, and put this money in the hands of the Secretary. I think, if the amendment could be in some way reconstructed so as to leave the same organization as at present, that would be better than to strike it entirely out. I may be wrong about it; but that is the way it impresses me just now.

Mr. HEYBURN. I would suggest to the Senator from New Hampshire that did I not think that the existing machinery of the Government in the Agricultural Department was sufficient and competent to deal with it, I would not have offered the amendment in this form.

Mr. SMITH of South Carolina. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from South Carolina?

Mr. HEYBURN. Yes.

Mr. SMITH of South Carolina. I merely want to state to the Senator from Idaho that as one member of the Committee on Agriculture, from which this bill comes, I was in some doubt as to a great many of these items, but the rule seems to have been to rely largely on the heads of the departments. For instance, the Secretary of Agriculture is in the confidence of all, and it was felt that he would not make a recommendation that was not clearly within the scope of what he considered to be for the best interests of each bureau under his department. I acknowledge that I was totally ignorant of what was essential for the various forest reserves. They are in a section of country which made it inconvenient for me to see and to study them and I felt my inability to judge as to their needs. As I mentioned to a member of the committee, I did not feel that I ought to assume the responsibility of making a report when I did not know the minute details and the needs of that upon which I was assuming the responsibility of reporting.

But I want to call the Senator's attention to the fact that the bill, coming from the House, was printed and at his service and the service of other Senators. The committee had a stated day for meeting, and it seems to me that, in fairness to the committee and in fairness to the American people, the thing for the Senator to have done was to have come to the committee, to have laid the facts before us, and then let us assume the responsibility, either pro or con, with the facts as the Senator has given them to the Senate. Then we could have defended any action that might have been taken in accordance with the facts as submitted by the Senator from Idaho, in whose integrity I have implicit confidence.

Mr. HEYBURN. The suggestion that the matter should have been presented to the Committee on Agriculture is in one sense entirely correct, but the Senator should bear in mind that this is the Committee on Agriculture now in session. We are sitting here as the greater Committee on Agriculture, with the rights to amend any bill that comes before us to the extent or within the limits of the practice and procedure of this body.

Mr. SMITH of South Carolina. If the Senator from Idaho will permit me, if that be true, it is true in the larger sense, and we had as well dispense with all of our committees in reference to the Senate, because those of us who have passed upon this bill do not feel like it is exactly fair to us to meet in all good faith and digest a bill when Members who think that they could correct it refuse to meet with us. I think these committees were appointed for the expedition of business, and we are not certainly meeting with closed doors.

I will admit to the Senator from Idaho that some facts he has brought out this afternoon I knew nothing about. I was not in a position to know them. I suppose I should have held the bill up, according to his contention, until such time as I knew these facts, or not being given a satisfactory answer, refused to acquiesce in it until I did get a satisfactory answer.

But I went upon the presumption that the chairman of the committee and Senators who came from that section, plus the Secretary of Agriculture, would not recommend a thing which was to the detriment of the American people. Possibly I am getting wiser. I hope the Senator from Idaho will help me to get wiser.

Mr. HEYBURN. The recommendation of the Secretary of Agriculture is simply a suggestion. The Secretary of Agriculture has no function involving the suggestion of legislation, and it is purely a matter of convenience. He is the convenient vehicle, rather, through whom the committee gathers information. That is all. His recommendation carries no weight whatever with it.

Mr. SMITH of South Carolina. The Senator from Idaho will permit me to suggest that as the Secretary of Agriculture is charged with these subdivisions——

Mr. HEYBURN. No; he has charge of nothing. He has charge of carrying out the expressed will of Congress; no other. They have grown to think that they have policies that they are in charge of, but he is purely an executive officer, and he violated, or some one under him violated, the law, the written law of this land, to the extent of $900,000 or thereabouts by expending money in advance of appropriations——

Mr. SMITH of South Carolina. That may be true.

Mr. HEYBURN. Which he had no right to do, and we put it in the urgent deficiency bill to allow them to recoup the fund.

Mr. SMITH of South Carolina. That may be true.

Mr. HEYBURN. I would suggest to the Senator not to give too much weight to the recommendations of officials in regard to appropriation bills. They are more often warnings than they are of assistance. The departments are more or less ambitious to spend large sums of money, and I say it with all due regard to the personnel.

I hold them in as high regard as any other member of this body, but I have learned something in regard to it in the years that have gone by as to the estimates and the desire to have money to spend.

Mr. SMITH of South Carolina. If the Senator from Idaho will allow just one word, I would hate to arrive at that state of mind with reference to the heads of our departments where their recommendation would come to me as a member of the committee as being a warning for me to go in the other direction. Then I should certainly vote, and I think I would introduce a bill to the effect that——

Mr. HEYBURN. The Senator states it more strongly than I stated it, or intended to state it.

Mr. SMITH of South Carolina. I was inferring——

Mr. HEYBURN. I said they were more often a warning to be on guard against excessive appropriations.

Mr. SMITH of South Carolina. In a word I just meant to say this. It seemed to me that the head of the department, with all of its subdivisions, charged with the discharge of a duty which we have delegated to them or which under our law

rightly belongs to them, would of necessity be more familiar with all the detailed workings and the needs of it than any member of the committee might be. I mean the personnel, the aggregate of the committee.

There may be some on the committee who are more familiar than he, but with his advice, plus the advice of others who knew, it seems to me that he would, in general terms, know more about what was necessary for the proper discharge of the functions of his office than any other member, providing he was an honest man, efficient and hoping to serve the people in his capacity.

Mr. HEYBURN. I would suggest to the Senator from South Carolina that I think it is only four years ago since the Secretary of Agriculture was introduced to the forestry subject. We only transferred it to that department four years ago, and it is of not such ancient authority or experience as to make his opinion of very great value.

The responsibility is upon the Senate, and there are members of the committee now dealing with this who have had that subject under consideration for as long as or twice as long as——

Mr. SMITH of South Carolina. The Senator from Idaho will please understand me. I am not defending this expenditure. I am simply stating why I, as a member of the committee, acquiesced in it. I want the Senator to understand that, if he can show where it is an extravagance, I will vote for his resolution as quick as though I were on the committee, because I did not have sufficient facts to vote intelligently while in committee.

Mr. FLINT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from California?

Mr. HEYBURN. Yes.

Mr. FLINT. May I ask the Senator what is his proposition?

Mr. HEYBURN. I will state what the bill will be after this is stricken out. We propose to strike out a number of pages. This part of the bill will read, when amended: "For maintenance and protection of national forests, $1,000,000." There are rules and regulations in existence that provide for all of the details of the management of the forests. Those rules can be changed by the department in charge of them, and he can immediately adapt those rules to the sum of money he has to spend.

Mr. FLINT. Let me call attention to the fact that this amount of money that the Senator has asked to be stricken out, or to have the amount reduced, is to be expended for trails, for fire brakes. I trust that the Senator——

Mr. HEYBURN. That is in the judgment of the department; whatever is included within the meaning of the words "maintenance" and "protection." Those words are very comprehensive. It leaves it to the department to maintain and protect the forests. That is all that should be left to the department, and it gives it a million dollars, if we agree upon that sum. I am perfectly free to say that if Senators think that sum should be increased some, I would not protest.

Mr. FLINT. I take it the Senator is not in favor of making the appropriation so low that we could not have sufficient trails and firebreaks.

Mr. HEYBURN. I am proposing to make it three or four times the amount that they said to us, well within the memory of the Senator from California and myself, would be sufficient. I am proposing to make it more than double the sum they told us—I think it was four years ago—would be sufficient.

Now, at that time there was practically the same amount of land in forest reserves that there is now—not a very great difference. I am also coupling with this an amendment providing for the elimination of nontimbered land. That will take at least one-third, according to the official report in our State. It takes more than one-third of them out of the forest reserves, and provides that no part of the money shall be expended in connection with the lands that are to be eliminated from the forest reserves. I am starting—I will say to the Senator from California—I am trying to start in the right direction. First stay the hand and then look over the field between now and the next Congress and let us see what the expenditure of a million dollars will do. It may be that upon a proper reorganization of the working forces of the Forest Service a million dollars will be sufficient. They told us it would be more than sufficient so recently that I am inclined to give some credit to them for having tried to make a truthful statement and an intelligent statement. They told us not only that it would be sufficient, but at that time, or at least within the next two years, it would be self-supporting and it would be contributing to the National Treasury instead of withdrawing from it. Let us try. We know the present condition is intolerable; but let us try.

Mr. FLINT. Assuming that the forester, or whoever had charge of the Forest Service, made a mistake, certainly we should not now stop the trails and firebreaks when we know the disasters that have taken place during the last few years.

Mr. HEYBURN. I do not know, of course, upon what the Senator from California bases his statement with reference to trails and roads.

Mr. FLINT. Firebreaks.

Mr. HEYBURN. The trails that were builded up in the forests in the northwestern country afforded no assistance whatever to the fire fighters. The men were found burned and lying dead in the trails.

Mr. FLINT. I want to say to the Senator from Idaho, as far as my part of the State is concerned, they are not likely to reach places where they are likely to have fires, because they do not have trails. Instead of this appropriation being decreased, it ought to be increased, as far as concerns the building of trails and firebreaks. It would be a great misfortune, even though the Senator's view may be carried out of reducing this expenditure, to take and provide that this part of the forest-reserves system shall be reduced, so far as the appropriations are concerned.

Mr. HEYBURN. If it is so important, and the Secretary is convinced of that, he probably will spend a large proportion of this million dollars for that purpose.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Connecticut?

Mr. HEYBURN. Yes.

Mr. BRANDEGEE. If I understand the Senator from Idaho, he proposes to reduce the total appropriation for the Forest Service from $5,500,000, as proposed by the bill, to a round sum of $1,000,000.

It appears on page 31 of the bill that it now takes $2,318,680 to pay for the salaries of the various officers in the department and the rangers in the field in this service. If I understand it correctly, the Senator would limit the total appropriation for use in the field and in the offices of the Forest Service to $1,000,000, which would be less than one-half of what is spent at present for the salaries of officers employed in the service, and would leave nothing whatever for actual service in the forests.

Mr. HEYBURN. I think I can show the Senator wherein he misunderstands the amendment. The amendment was amended so as to commence on page 26.

Mr. SMITH of Michigan. We can not hear the Senator.

Mr. HEYBURN. I am simply stating that the amendment was amended so as to commence on page 26. The Senator from Connecticut [Mr. BRANDEGEE] was referring to the amendment as it was first proposed.

Mr. BRANDEGEE. As I understand, the amendment as first proposed was the pending amendment coupled with a notice by the Senator that if that was adopted he then would move to strike out all from the bottom of page 26 to line 6 on page 31.

Mr. HEYBURN. Upon the suggestion of Senators, I consolidated and made one amendment of it.

Mr. BRANDEGEE. That I did not know. Let the amendment be reported to the Senate.

The PRESIDING OFFICER. The Secretary will read the amendment.

The Secretary read the amendment, as follows:

The SECRETARY. On page 26, after the heading "Forest Service," strike out all of the bill down to and including line 2 on page 50, and insert:

For maintenance and protection of the national forests, $1,000,000.

Mr. BRANDEGEE. That is substantially as I understood it. It reduces the amount appropriated for salaries for all officials and employees of the bureau, estimated to be over $2,000,000, to $1,000,000, and leaves nothing for service in the forests.

Mr. HEYBURN. It might be a good thing if we would eliminate some of the office appropriation—the officers who live in Washington. The place to protect those forests is in the forests. No man can protect a forest in Montana or Oregon by remaining in Washington. There is nothing that he can do in Washington that will extinguish a fire in Montana.

It is suggested to me that it might be done by wireless telegraph. That is about as practicable as some of the schemes that have been indulged in.

Mr. SMITH of Michigan. The Senator from Idaho has referred to the impression which was left upon us several years ago that this branch of the service would be self-sustaining. I remember very well when that suggestion was made and how deeply impressed we all were with the fact that the down and fallen timber upon these reserves would soon afford a fine income to the Government over and above the expenses of operation.

I should like to ask the Senator from Idaho whether he has any figures to show the income of the Government from these forest reserve lands?

Mr. HEYBURN. The Senator from Michigan has given one of the nicest demonstrations of the reasoning in regard to this matter and its practical effect that I could possibly want. It was promised that the sale of the dead and down timber would result in a revenue to the Government toward the payment of the expenses of the Forest Service.

Where the dead and down timber in the forests can be found, there is no market for it, because it being in a forest reserve there is nobody around to buy it, and it is not worth hauling out.

Mr. SMITH of Michigan. And it has not been marketed?

Mr. HEYBURN. It has not been marketed to any extent when you compare it with the existing conditions—none whatever. The dead and down timber in the forest reserves has no market value, because there is no market for it.

Take a forest reserve like the forest reserve in Idaho, the first one created there. It is about as large as the State of Connecticut. Everybody is excluded from it. One of the first acts that I did was to get the little town of Elk City eliminated, with a township or two. All outside of that it is a howling wilderness, and the howls do not come from men but from beasts. Where are you going to find market in a country like that for anything—for lumber or vegetables or energy or anything that a man has to sell?

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Michigan?

Mr. HEYBURN. Yes.

Mr. SMITH of Michigan. I was somewhat impressed by the statement made by the Senator from Idaho this afternoon that the wardens, I believe they are called, had an exclusive monopoly of the hunting privileges in the forest reserves, and that they were enabled to draw large sums of money for killing undesirable animals infesting those forests. If that is true, and they do draw extra compensation from that source, I do not think there should be any great apprehension about the ability of the department to secure the services of young rangers for the service that is required.

Mr. HEYBURN. There is no difficulty about securing the services of sufficient people for this work. They are glad to get the job of idleness.

I do not desire to continue the discussion of this question. I desire to start the wedge that shall ultimately split this vicious system.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Idaho.

Mr. HEYBURN. Upon that I ask for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. DILLINGHAM. Noticing the absence of the senior Senator from South Carolina [Mr. TILLMAN], with whom I have a pair, I withhold my vote.

Mr. BACON (after having voted in the affirmative). I will inquire whether the junior Senator from Maine [Mr. FRYE] has voted.

The PRESIDING OFFICER. The Chair is informed that he has not voted.

Mr. BACON. I withdraw my vote, as I have a general pair with that Senator.

The result was announced—yeas 19, nays 50, as follows:

YEAS—19.

Bailey	Clarke, Ark.	Nelson	Smith, Mich.
Borah	Gallinger	Overman	Stone
Bradley	Heyburn	Penrose	Swanson
Bulkeley	Johnston	Piles	Taylor
Clark, Wyo.	Martin	Shively	

NAYS—50.

Beveridge	Culberson	Jones	Richardson
Bourne	Culiom	Kean	Root
Brandegee	Cummins	La Follette	Smith, S. C.
Bristow	Dick	Lodge	Smoot
Brown	Dixon	McCumber	Sutherland
Burkett	du Pont	Money	Thornton
Burnham	Fletcher	Newlands	Warner
Burrows	Flint	Owen	Warren
Burton	Foster	Page	Watson
Carter	Gamble	Paynter	Wetmore
Chamberlain	Gore	Percy	Young
Clapp	Gronna	Perkins	
Crane	Guggenheim	Rayner	

NOT VOTING—22.

Aldrich	Davis	Lorimer	Stephenson
Bacon	Depew	Nixon	Taliaferro
Bankhead	Dillingham	Oliver	Terrell
Briggs	Frazier	Scott	Tillman
Crawford	Frye	Simmons	
Curtis	Hale	Smith, Md.	

So Mr. HEYBURN's amendment was rejected.

Mr. HEYBURN. I send the following amendment to the desk to be inserted on page 49, at the end of the page.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 49, after the words "Forest Service," insert the following proviso:

Provided, That all land upon which there is growing less than 4,000 feet of merchantable timber, board measure, per acre, shall be excluded from all forest reserves, and no part of any appropriation herein made shall be expended upon any area thus excluded.

Mr. HEYBURN. I think that amendment should be amended so as to define that these lands should be lying outside of the general body of the timber. That is the limit fixed by the Secretary of Agriculture. After the Secretary of Agriculture had visited the forest lands of the United States he was accredited with a statement, purporting to be official, that in his judgment, unless the land had growing upon it 4,000 feet or upward of timber per acre, it should not be classed as forest lands. I have said "board measure." That is merely to designate it with certainty.

This amendment proposes to eliminate those lands from the forests of the United States. They would then, of course, pass under the jurisdiction of the Secretary of the Interior and might be taken up as other public lands.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from North Dakota?

Mr. HEYBURN. I do.

Mr. McCUMBER. Will the Senator give us a little explanation? I conceive that 1 acre might not have 4,000 board feet, and that 159 acres might have that much. The Senator does not designate in his amendment what body this is to cover, but simply, the way the amendment reads, if there is an acre that has not 4,000 feet of board measure in lumber that acre should be excluded, even though that acre might be far up in the mountains and would be required possibly for the purpose of growing timber to protect the water, and so forth. I think there is a great deal in the Senator's proposition, but it ought to be couched in such language that there can be no misconstruction of it.

Mr. HEYBURN. I think the Senator failed to take into account the suggestion I made when I had it read. I suggested, after hearing it read, that there should be a designation of the area to be taken into consideration, and I would amend the amendment by providing that at least the size of a homestead, 160 acres of land, should not be in the forest reserve.

The PRESIDING OFFICER. The Senator has a right to modify his amendment.

Mr. HEYBURN. I have corrected it, and I call the attention of the Senator from North Dakota to it.

The PRESIDING OFFICER. The Senator from Idaho will send it to the desk.

Mr. HEYBURN. I can perhaps explain it quite as well here.

Provided, That all land upon which there is growing less than 4,000 feet of merchantable timber board measure per acre, in contiguous areas of 160 acres, shall be excluded, etc.

That is a whole farm.

Mr. DIXON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Montana?

Mr. HEYBURN. Certainly.

Mr. DIXON. I want the Senator to bear in mind this. He certainly does not want to make a joke out of this appropriation bill so far as the forest reserves are concerned. Under the orders of the Secretary of Agriculture now any agricultural land that contains less than 4,000 feet per acre will be eliminated on application. Three-fourths of the forest reserves are not even surveyed. If you attempted to eliminate every 160-acre plot from the Canadian border to the Mexican boundary line, including the top of bald mountains and rock slides on the hills, it would cost $20,000,000 for the Forest Service to make the inspection and surveys and to report and to do what this amendment would call for, which the order of the Secretary now eliminates when there are less than 4,000 feet of timber per acre on agricultural land by merely making an application to him.

Mr. HEYBURN. I should like to interrupt the Senator.

Mr. DIXON. It would make a million holes in the forest reserves in a million places.

Mr. HEYBURN. This is just that kind of red tape and machinery at the expense of the Government that I desire to do away with. Of course if you would carry out the system that is now in operation it would cost perhaps more than that, because these men insist on escorting you from your farm through an intervening forest reserve or making you go 100 miles around. They have all sorts of tantalizing and interfering processes. There is no reason on earth why if there are 160 acres

of farm land or land upon which a man is willing to make his home within a forest reserve he should not be entitled and encouraged to use it.

The proposition that you may do it now is a myth. You can not do anything of the kind. I can show a stack of letters, and so can every other Senator from the Western States who is supposed to be in sympathy with the settler, appealing against the interference of the forester, who makes it absolutely and practically impossible to take advantage of a provision that never was intended to be made available to the settler. The first thing they do, if the settler has a case that they can not answer in any other way, is to declare that the land is necessary for administrative purposes. That is the first thing they do. Then if they can not make that stick longer there is sufficient time to hunt up some other reason. They will prove that he was off his land overnight, or that he went to town to get groceries and violated what they call their rules and regulations.

Mr. FLINT. Mr. President——

Mr. HEYBURN. I yield to the Senator from California.

Mr. FLINT. I realize what the Senator from Idaho is trying to accomplish by this amendment, but I want to point out to him the great injustice it would cause if it should be adopted.

Mr. HEYBURN. To whom?

Mr. FLINT. If the Senator will permit me, to the people in the southern part of my State and I think in some parts of his State, where the land has not been reserved for the purpose of its timber, but for the water supply, if we permit this land to be taken up. The mountains can not be cultivated. There is chaparral on them and small growth that would not be used for timber, and it would not have the amount of timber the Senator indicates in his amendment. Yet that land would be thrown open to settlement.

Mr. HEYBURN. Are not settlers worth more than the chaparral on the mountain?

Mr. FLINT. No; I say to the Senator, it is not possible to cultivate the land.

Mr. HEYBURN. Then settlers probably would not go there if it is not profitable to cultivate the land.

Mr. FLINT. I am not so certain of that. They would go there and attempt to make a homestead on the land and destroy it for a watershed.

Mr. HEYBURN. That illustrates the evil of this whole system. Instead of allowing a man to select a homestead for himself—and each man has a different standard according to his own qualifications—they insist on selecting it for him. By virtue of what principle, written or unwritten, in the laws of this country is one man entitled to constitute himself a guardian of another to determine whether his judgment is sufficient to enable him to carve out a living?

Mr. FLINT. No; but a whole community should be looked after rather than the individual. Where we have a community it would be absolutely on the mountain streams with the chaparral there holding back the winter waters. Would the Senator permit that to be taken up and destroy that watershed and destroy the entire community? It seems to me it would be a great mistake. I do not think the Senator wants to accomplish that at all.

Mr. HEYBURN. Mr. President, I can hardly think that the Senator from California has given serious thought to that proposition. Here is land that he suggests is of sufficient value to induce settlement, and because, forsooth, some other settler might be inconvenienced by it, you would leave half the land idle. I do not think upon further thought the Senator from California would enunciate a doctrine of that kind. Some people prefer to live in the hills, some prefer to live in the valleys, some prefer to live in the open plains, and some prefer to live in the mountains.

Mr. FLINT. If the Senator will permit me, the valleys are where the great crops are produced.

Mr. HEYBURN. Whose crops? It is not the crop of the man who wants land on the top of the mountain; and his rights are equal. Let us share the benefits of climate and soil and conditions among all classes of people. The idea that the men in the valley shall say that great areas of land valuable for cultivation shall lie idle because it would inconvenience them! There is no principle of this Government that recognizes such a thing as that.

Mr. FLINT. It is not to inconvenience them, but to absolutely destroy them.

Mr. HEYBURN. Well, let us see. Of course there is not a thing on earth in the proposition that the snow lies longer in the timber than it does in the plains; it is quite the contrary. I went West two or three years ago with some of these enthusiastic people from the northeast corner of the United States. We were traveling along on the railroad, on the Oregon Short Line, up through the moutnains, and those hills and mountains there afforded one of the nicest examples and demonstrations of that question in the world. There were the bald mountains, with the snow on them, and the timbered mountains without any snow; the dandelions were growing under the trees; the snow had disappeared there first, because it falls lighter and the drippings from the trees tend to crystallize the snow. All at once it goes; you do not know just when it goes, but that solid, frozen snow will lie on those mountains until July and August. I have walked over it in July and August when it was 30 feet deep under my feet, and it was hard and frozen. It would remain there until the fall rains, which were the first things that had any influence on it. Those were the conditions; and I have known them in all of the Rocky Mountain States. You have only to look at it, and the fact there is worth more in determining this question than the theory of how nature ought to do things. There is nothing in the statement that timber holds snow back. It does not.

Mr. FLINT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from California?

Mr. HEYBURN. Yes.

Mr. FLINT. I simply want to say to the Senator that I did not mention snow. I am not at all out of harmony with the argument the Senator makes in reference to snow and water falls.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. HEYBURN. Mr. President, I understand that the amendment will be accepted.

Mr. WARREN. Mr. President, rather than extend this colloquy any further, I am willing the amendment shall go into the bill. It will then go to conference, and we will view it there and see if we can save it.

Mr. HEYBURN. Mr. President, I have great confidence, when the Senator from Wyoming tells me that he will attempt to save the amendment in conference, that he will do so.

It is not a waste of time. We have wasted the time of the Senate on matters which are absolutely unimportant as compared with this. I am speaking for a large portion of a great country, and I am speaking in earnestness and seriousness and from experience. I know something about it. I have not much patience with the declarations of those who have never seen a mountain or known the snow to lie upon it. They talk about its effect upon streams. I am not going to waste the time of the Senate. I never felt that I was more justified in any act that I have performed in my life than when I have stood here to protect that great country against the ravages and the impositions of a lot of theorists, who only go there when they come to disport themselves and to kill the animals. It is the man who lives there year after year, it is the man who wants to go there and live, that I care for. You are going to make those men so poor along the Canadian border and through this eastern country that you had better begin to get some land ready for them, because they will have to go somewhere—migrate to Canada or take to the ocean.

Mr. CLARK of Wyoming. Mr. President, I voted yea on the first amendment of the Senator from Idaho, not with any view that the amendment would carry or with any great desire that it should carry, for I thought the Senator from Idaho realized as much as I did that in the hurry incident to the close of the session it was almost impossible to frame a just amendment to meet the conditions as they are presented in this bill to-day. But I voted yea on that amendment as a protest—a solemn protest—against a policy that has worked as has the forestry policy. I want here and now to make my meaning perfectly clear when I say I protest now against the idea that the lands and that the resources of our new States are the common property of the whole people in the sense that is urged on this floor. The waters in our streams, the gold in our hills, and the coal in our deserts are the common property of the people of the United States, but they are only the property of the people of the United States when the people come there to make use of them.

This Government of ours, Mr. President, has never been intended as a commercial or a mercantile or a money-making proposition. The true function of a government is to govern, and not to buy and sell. The true function of a nation is to make use of what God has given it. The true function of the nation is to raise up citizens for that nation and, as much as it can, contribute to their happiness, their comfort, and their prosperity.

My vote upon this amendment was cast as a protest against a policy that would harness the streams of the West for

revenue to the Government; as a protest against a policy that would harvest the timbers of the West to go into the coffers of the Government; as a protest against a policy that would lock up the coal and the fuel supply of this country when it is needed. We know how badly it is needed for use upon our hearths and to turn our wheels. Guard as much as you can the use of this property, of these resources, but let them be used.

Mr. President, if this policy had been in force 100 years ago, not one-third of the area of New England would ever have passed into private ownership. Every horsepower in your beautiful streams that gives you wealth and riches and happy homes would have been taxed—the water would have passed over taxed wheels. Do Senators know that water power practically is impossible in the Rocky Mountains to-day? Do Senators know that the policy of the Government to-day is to impose a tax upon every horsepower that passes in water down our mountain sides? Do Senators realize that some of us who are opposing that policy feel as though the iron hand of the Republic was laid upon the throat of our sovereign States?

It has come to be thought a joke when anybody rises and opposes this policy. I say to the Senator from New York it is because we are so vitally interested that we bring this subject up from time to time; it is not because we would lay hands upon things that are sacred in the Republic; but it is because, if we can, we want to maintain what we have got and grow into something in the future; it is because we do not want to live in that country as tenants of this Government; it is because we want the opportunity to use the resources within the borders of our State; and I serve notice here and now that the next agricultural bill that comes before the Senate has got to show some reason for this tremendous expenditure of money.

Four years ago we wrote into the law on an agricultural appropriation bill a direction to those in authority to give the items of the estimates for this tremendous expense, to classify them, and when the expense was made, we directed them to make reports to Congress. We all remember that up to that time Congress had never asked for such an estimate.

Congress had never demanded a report of how the money had been spent; and the service lifted up its hands in horror when Congress assumed to direct that it should give some account of its stewardship, and it gave but a lame and incomplete account of it.

To show, Mr. President, the spirit that still animates that service, the desire to rise superior to and above the law, the desire to throw off all restraint of Congress upon this bureau, we are asked in this very bill—it was written into the bill as it passed the other House—to repeal the law which we passed requiring an estimate to be made of the appropriations, and requiring a report to be made of expenditures.

Mr. HALE. Is that in this bill?

Mr. CLARK of Wyoming. That is in this bill, Mr. President. It is not in the bill now as it appears in the Senate, because we have amended it as it came to the Senate, but I want to read to the Senator from Maine exactly what the bill called for as coming from the House. I do this simply to show, as I have said, how the desire is to create a great bureau in this Nation that shall control a great commercial enterprise; that shall handle, if you please, the entire destinies of a strip of land in forest reserves 200 miles wide that would extend two-thirds of the way across this continent.

I am afraid that we do not more than half appreciate the situation; I am afraid we do not more than half appreciate that if the forest reserves in the Rocky Mountains were put upon the Atlantic seacoast there would be no Senators here from New England; there would be no Senators in this Chamber from the Imperial State of New York; there would be no Senators here from Pennsylvania or Ohio; and more than that area is taken away from the use of the people in the Rocky Mountain country. We do not appreciate the scope of this matter.

I will say to the Senator from Maine that here is the paragraph to which I refer:

> That the provisions of the act entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908," requiring the Secretary of Agriculture to submit to Congress classified and detailed reports of receipts and classified and detailed estimates and reports of expenditures by the Forest Service, and classified and detailed estimates and reports of every subject of expenditure by the Agricultural Department; statements showing all appointments, promotions, or other changes made in the salaries paid from lump funds, are hereby repealed.

Mr. President, I protest against making this a commercial proposition.

Mr. HALE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Maine?

Mr. CLARK of Wyoming. Certainly.

Mr. HALE. Mr. President, we can not take cognizance of nor keep informed upon everything, so various are the measures before the Senate. It is to me, Mr. President, a surprise and a wonder that the provision which Congress put upon that appropriation bill holding this department and the bureaus of this department to accountability in reporting to Congress has ever been—I will not say repealed by the law—but that a suggestion of repeal should have been made. Will the Senator inform the Senate whether the provision he has read was in the House bill?

Mr. CLARK of Wyoming. The provision which I have read comes from a document which I hold in my hand, calendar No. 1138, House bill 31596, which purports to be the agricultural appropriation bill, which passed the House of Representatives and is now in the Senate, reported from the Committee on Agriculture and Forestry.

Mr. WARREN. Mr. President, if the Senator will permit me, there is a general law that provides for making in detail reports of expenditures of the departments. When the money which came from the Forestry Service went straight into a general forestry fund for expenditure, instead of into the Treasury, and when there were no appointments under the civil-service regulations, and when the appropriation was in a lump sum for payment of salaries, hire of laborers, and so forth, there was a call made by law requiring a report, stating the name of every man in the Forest Service, when he commenced and when he finished, the amount paid him, and so forth. For some reason the House seemed to think that the general law requiring these reports was sufficient; and, therefore, they put in a clause in the pending bill repealing the particular act which requires such procedure, under which the matter was gone into in such detail that some seven or eight hundred pages were required. That is the whole story.

Mr. HALE. I think the repeal of that provision of law is very offensive and ought not to be consented to by the Senate.

Mr. WARREN. The bill as it came from the House has already been amended by the amendment offered by the Senator from Montana [Mr. CARTER], which not only strikes that out, but which requires a report far more in the line of particularity, a report which will require the bureau to go in extenso into a great many matters; for instance, as to how many dollars and cents are expended for each meal when traveling, the amount expended for each mile of travel, and so forth. That amendment is now in the bill.

Mr. HALE. I think that is right.

Mr. CARTER. Mr. President, will the Senator from Wyoming permit an interruption?

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Montana?

Mr. CLARK of Wyoming. Yes.

Mr. CARTER. Mr. President, the section referred to should not only be left on the statute book, but there should be insistence by the Secretary of Agriculture or by the Congress upon compliance with the statute. For many years the Forest Service made general collections for forest use and the sale of timber. This amounted in one year to $750,000.

There was no law fixing anybody's salary. There was no provision of law directing the method of expenditure. Expenditures were made according to the sweet will of the bureau and the department, and there never has been any satisfactory statement rendered of the disbursements of that fund. Called upon at one time for a statement, it was presented in such jumbled and confused form that the law officer of the Department of Agriculture informed me within a week that there was no data within the possession of the Agricultural Department from which a statement could be made of the manner in which that large amount of money had been disbursed; that it would be necessary to go back to the vouchers in the Treasury Department in order to get some light upon the subject, and that that would require a considerable length of time.

I introduced an amendment covering the period of time from 1900 to 1910, inclusive of those years, directing specific questions to the department, which I hope will elicit an answer covering that large sum of money for which no adequate or satisfactory account has ever been given to Congress or the department.

Mr. CLARK of Wyoming. I called attention to this part of the bill simply to show the apparent determination to build up a great institution or a great bureau in this Forest Service, and I called attention to it so that I might protest against the Western States of this Nation being exploited by any bureau as a business or commercial proposition. But it seems to me that that protest has been unheeded in the years that are past.

Now, I want simply to say that if it is to be exploited as a business and a commercial proposition, it is only just to demand from those who are at the head of that great commercial enterprise that they render unto the people and unto the Congress a true, just, and accurate statement of their expenditures.

As I said, Mr. President, I have only done this to record my protest, but I do believe that the time is coming when in the Congress of the United States a different policy will be determined upon and demanded, and if it were not for living in the hope of that better day the people of the Rocky Mountain States might just as well bid farewell to any hope of future prosperity.

Mr. PENROSE and Mr. WARREN. Question!

The PRESIDING OFFICER. The question is on the amendment.

Mr. WARREN. Which the committee has accepted.

The amendment was agreed to.

Mr. OWEN. I offer the following amendment, and while I am aware that it is subject to a point of order, at the same time I should like to explain in a few words to the Senate the meaning of it. The amount is $50,000.

Mr. WARREN. Of course, I must make the point of order if the Senator says the amendment is susceptible of it. On the other hand, the making of the point of order shuts out debate. I am perfectly willing to withhold the point of order for a moment if the Senator from Oklahoma wishes to explain it briefly.

Mr. OWEN. That is what I wish.

The amendment is:

Fifty thousand dollars for rewards and premiums to be distributed to the members of the corn clubs which have been or may be established by the Agricultural Department.

Of course the corn crop in this country is the greatest producer of value of any product, and the Agricultural Department has been stimulating the boys of the country with these corn clubs. In the State of Oklahoma there are over 5,000 members of these corn clubs. In some other States the membership is still larger, and it has been of very great value, not only stimulating the boys in the cultivation of corn, but, what is perhaps of equal importance, it has stimulated the attention of men engaged in the cultivation of corn.

The State of Iowa has doubled its production of corn by giving care to the question of seed selection and of proper cultivation, and the stimulation of these boys by offering them a small reward would be of very great commercial value to the people of the United States.

The PRESIDING OFFICER. The Secretary will report the amendment.

The SECRETARY. Insert in the bill the following words:

Fifty thousand dollars for rewards and premiums to be distributed to the members of the corn clubs which have been or may be established by the Agricultural Department.

Mr. WARREN. I make the point of order that it has not been estimated for and has not been recommended by any standing committee.

The PRESIDING OFFICER. The Chair sustains the point of order.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

TARIFF BOARD.

Mr. PENROSE. I desire to call up the appropriation bill for the Post Office Department.

Mr. BEVERIDGE. Mr. President——

Mr. PENROSE. I yield to the Senator from Indiana.

Mr. BEVERIDGE. I prefer to proceed now with the unfinished business if it is agreeable to the Senator from Pennsylvania.

Mr. PENROSE. I am extremely solicitous to have this bill acted on some time or other. I have been waiting around here for considerably over a week to be present when the bill could be called up, but, of course, I recognize the right which the Senator from Indiana has to have the unfinished business fairly and fully considered, and I will yield this time whatever claim I may have on the attention of the Senate for the appropriation bill. But I hope some time or other, to-night or to-morrow, certainly at the latest, I can have the Senate consider it.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 32010) to create a tariff board.

The PRESIDING OFFICER. The question is on agreeing to the amendment to section 7, which the Secretary will report.

The SECRETARY. On page 5, section 7, line 17, after the word "investigations," insert "as hereinbefore provided, including all testimony."

Mr. STONE. What is the amendment?

The PRESIDING OFFICER. The Secretary will again report the amendment.

The Secretary again read the amendment.

Mr. STONE. Mr. President, before proceeding further, I desire to make an inquiry and also a statement. I am curious to know who is in charge of this bill, now being the unfinished business before the Senate. I have the honor to be a member of the Finance Committee. There were amendments offered in the committee to the bill which were voted down, as is well known, and notice was given that amendments would be offered on the floor of the Senate. Those amendments will be offered in due time, and I have no doubt will be debated to a greater or less extent.

Mr. President, it is a rule or practice which has been followed long and consistently in the Senate—so far as I know it is practically without exception—that some member of the committee takes charge of the conduct and management of its bills on the floor. I am sure it will be difficult to find any striking exception to that rule when important bills—controverted measures—were under consideration.

This bill was reported to the Senate by the senior Senator from Massachusetts [Mr. LODGE], and I presumed, of course, he would have charge of it. But he seems to have disappeared—whether willingly or unwillingly I am not advised—but he has withdrawn by persuasion or force from the management of this bill which was committed to his hands by the committee.

Mr. President, this is a House bill. It passed the House of Representatives, in which body it was first introduced. It came to the Senate in due course and was referred to the Finance Committee. There it was debated at length and fully considered, and a majority of the committee determined to report it favorably. The Senator from Massachusetts was selected to discharge the important duty of reporting the bill and managing it on the floor of the Senate. I am curious to know why that Senator has surrendered this important right and duty.

Mr. HALE rose.

Mr. STONE. Just a moment, and I will yield to the Senator from Maine, who maybe can answer the inquiry I am about to propound. I hope he can. Is it possible that no Republican member of the Finance Committee is willing to take charge of this bill? It has been said, and so far as I know not denied, that there was not a member of the Finance Committee who favored this measure, and that those who voted to report it did so reluctantly. It may be that their opinion of it is so bad that no member of that committee dares to take the responsibility of trying to conduct it through the Senate of the United States.

I am curious to know how this unusual thing was brought about. The Senator from Maine is on the floor. He is an old and distinguished Senator of long service on the Finance Committee, a Republican of prominence and power and influence, and it may be that he can inform me upon this interesting subject.

Mr. HALE. I am in a condition of surprise. I supposed the Senator from Massachusetts was in charge of this bill. When it came up last night, he made the motion, and as a kind of insignia of authority when the motion had passed making it the unfinished business, he made the important motion, indicating leadership and control, to adjourn. I am surprised at what the Senator says. I supposed the Senator from Massachusetts was and is in charge of this bill.

I do not know of any process of legerdemain that ousts a member of a committee who has been directed to report a bill to the Senate, it having been duly referred to the committee, of the control and management of it, and I do not think my modest friend, the Senator from Indiana [Mr. BEVERIDGE], would for a moment undertake to assume—I use that word with some knowledge of the extent of it—to take charge of this important bill, which was matured by the Ways and Means Committee in the House and referred to the Finance Committee of the Senate, duly considered there, if not, I will say, in a very enamored way, but with a feeling that it ought to be reported and submitted to the Senate by the committee to which it was intrusted; and under those conditions, I will not say groping about for somebody to report it, but being desirous that it should be reported by somebody who was in favor of it, the committee selected the eminent Senator from Massachusetts, not a novice, not a new, untried man, to launch this measure upon this body and to manage it here.

I am inclined to think certain members of the committee reserved the right as members of the committee to vote according to their own views of public policy upon it, but the Committee

on Finance intrusted the measure to the Senator from Massachusetts, and until this moment I did not know, after what took place last night, the Senator from Massachusetts moving to adjourn when the bill had been taken up, that it was not an abandonment of his leadership, but an assertion of his leadership. I do not know, until the Senator who is a member of the committee made his protest, that the Senator from Massachusetts is not in charge of the bill. I agree with the Senator from Missouri, if there has been any process, any mechanical arrangement by which the cogwheels of ordinary senatorial procedure have been reversed and the Senator from Massachusetts has been displaced and has been succeeded by the eminent, eloquent, and able Senator from Indiana, I must assume without his consent, I would like to know what that process has been.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Oklahoma?

Mr. HALE. Yes.

Mr. OWEN. Mr. President, I should like to ask the distinguished Senator from Maine a courteous question.

Mr. HALE. All the Senator's questions are courteous.

Mr. OWEN. I should like to be informed if this interesting colloquy between the Senator from Maine and the Senator from Missouri is a conspiracy.

Mr. HALE. Yes, Mr. President; it is the conspiracy which results from the union of two serious and honest minds in the same direction, if that is a conspiracy.

Mr. MONEY. Will the Senator allow me a word there?

Mr. HALE. Yes; two or three words.

Mr. MONEY. I do not want two. I would like to know if it is not an attempt to uncover a conspiracy.

Mr. HALE. I am an old hand here, and I have not seen anything like this before. I am used to mutations. I have seen majorities turned into minorities by the vote of the Senate. But I have never before known the charge of an important bill somehow, somewhere turned from one Senator, representing the committee, to another Senator, who does not represent the committee.

As to a conspiracy, as I said, the mind of the Senator from Missouri runs as mine does. I am curious to know, and I wish somebody would tell us, what this process or transformation was that ousted the Senator, if he is ousted—I did not suppose he was—from the control of this bill. I am free to say if the matter was in the air and it was a question that somebody should take charge of it, the eminent Senator from Indiana is a most proper man to take charge of it; but I should like to have the process unfolded. Would not the Senator from Missouri like to have the process unfolded?

Mr. STONE. The purpose of my inquiry was to unfold it.

Mr. HALE. There is another instance of the conspiracy between the Senator from Missouri and me. I await the disclosure of some deus ex machina.

Mr. STONE. If the Senator will permit me, I am not only desirous, but I am overanxious, to know by what means this unusual proceeding took place.

Mr. HALE. I thought so.

Mr. STONE. There seemed to be an abandoned child.

Mr. HALE. Yes; a foundling.

Mr. STONE. I wanted to know if the Senator from Massachusetts had laid it on the doorstep of the Senator from Indiana. [Laughter.]

Mr. HALE. I think we ought to know whether this tariff-board bill is actually a foundling, that had nobody to assume its control, and was at last laid at the doorstep of the Senator from Indiana.

Mr. OWEN. Mr. President, this foundling, so called, came to the Senate of the United States from the House of Representatives. Its paternity is of unquestioned respectability. It has been reported to the Senate of the United States, and while I do not wish to impute any discredit to the Senator from Massachusetts, who is absent, by charging him with the maternity of the bill, his absence is a necessary excuse for not discussing this matter when he is not here. But at all events, it is before the Senate, and the Senate is abundantly capable of handling any bill which is brought before it and requires no leadership. There is every reason in the world why the bill should pass.

Mr. STONE. Allow me to correct the Senator. Do I understand the Senator to say that the Senator from Massachusetts was absent?

Mr. OWEN. I had not observed him in the chamber.

Mr. STONE. He has been here all the evening.

Mr. OWEN. I assumed that he was absent. But whether he is absent or present, this matter is now before the Senate as a Committee of the Whole, and each Member of the Senate is able to take charge of the bill if every other Member outside of a quorum were absent. I do not understand the extraordinary colloquy between the Senator from Maine and the Senator from Missouri. I thought perhaps it might be explained.

Mr. MONEY. Mr. President, I have no desire to be facetious, for this is a serious inquiry into the proper conduct of the affairs of the Senate. It should be explained by some one who knows how it happened that when the greatest committee in the Senate, in charge of a very important measure, had reported it and put it in charge of one of its members, here, at this stage, we find it now in the hands of a very distinguished gentleman, it is true, but not a member of that committee. We should be informed how that came to be. If there has been a precedent like this, I do not recall it in my pretty long service. It is very important, in order that the Senate may conduct its business in a proper way, that the committee that has had referred to it by the Senate a measure should also have charge of that measure when that committee reports it back to the Senate.

It would be a most disorderly proceeding if any man here, as was suggested by the distinguished Senator from Oklahoma, could take charge of a bill with which he had nothing to do in committee, a bill coming from a committee of which he was not a member.

Now, I do not know how this happened. There is some irregularity here just as patent as that we are here on this floor, and it is due to the Senate that somebody should explain to us before we proceed how this bill should suddenly disappear from the control of the Committee on Finance and get into the hands of the Chairman of the Committee on Territories.

This is no laughing matter. No man has a right to take charge of a bill unless by instruction of the committee which reports it. I deny that the Committee on Finance has had a meeting for this purpose or to consider this measure since it reported it. I for one supposed that the senior Senator from Massachusetts [Mr. LODGE] had charge of the bill. He was authorized to report it and to take its management on the floor.

I do not know that there is any rule bearing on this question, but there is a uniform practice, and common decency and common sense are quite sufficient to carry home to the mind of every Senator here that there is no man on this floor outside of the committee that reports a bill who has any right whatever to take it in his keeping. It was not done by some sort of consent of the committee. I deny that that committee has consented to part with the management of this bill. I know that no Democrat here is aware of any such transaction or agreement between anybody. How did it happen, and when, and where, and by whom?

The Senator from Oklahoma speaks about a conspiracy here between two gentlemen to call up these questions. Of course he says that facetiously, and it is one of the vices of this age that nobody can talk about a serious question without being funny. A newspaper can not announce a death scene without being a little bit facetious. It is the vice of the time. This is a matter which can not be laughed down or explained away with a joke. The Senate owes it to itself to have it explained fully how the Committee on Finance has lost the charge of its own bill. I assure Senators that that must be explained.

I for one am not satisfied with this condition. The Senator from Indiana understands me well enough to know that there is no disparagement of him personally when I make this suggestion. I would say the same thing of any other Senator in the Chamber not a member of the committee who took charge of the bill, for certainly it is all wrong. It is out of the order of business. It is a severe reflection on the committee that sent it here, and, in some measure, it must be a reflection upon the gentleman who has been somehow or other ousted from the management. Whether he feels anything about it or not I do not know, but it is a serious matter for you to consider, Senators—whether this shall be a precedent. It certainly is a bad one and would lead to any kind of disorder. To-morrow any man could get up here and claim to manage one of your appropriation bills, and why not, if this is to go without any explanation whatever?

I do not believe it can be explained to the satisfaction of the Senate. It can not be explained to the satisfaction of the five Senators sitting on this side of the Chamber who are members of the committee that had charge of this measure. If this is a beginning here, where is it going to end? Instead of the orderly process of business it leads to a disorderly scramble to rise first and say, "I have charge of the bill." It is time it was settled, and it ought to be settled right now before we proceed with any consideration of the bill; and I would add that I do not know anybody more competent than the Senator from Indiana, who has charge of it, to tell how he got it.

Mr. BEVERIDGE. Mr. President, more than four years ago I introduced in this body, as all Senators will remember, a bill substantially like the bill under discussion. Senators will find there is very little difference, certainly none in substance. I immediately spoke upon that measure after careful preparation. It was discussed, debated, and fought over for a long time both on the floor of the Senate and throughout the country. There are other Senators here who have given even more arduous service in behalf of a tariff board or a tariff commission than I have.

I moved to proceed to the consideration of this bill after I had conversed with the Senator from Massachusetts [Mr. LODGE], who said he was agreeable to that proposition. I take it, Mr. President, it is not so much a question as to who moves to proceed to the consideration of a measure as it is whether the measure is wise.

Mr. MONEY. Mr. President, I listened with care and respect to what the Senator from Indiana said, but that does not explain how he gets this bill. It makes no difference if he made speeches 104 years ago. This is a House bill. It is not the child of the Senator from Indiana. It comes here in its regular way and it is referred to the Committee on Finance, which has charge of it. It has charge of it until the Senate has considered and passed or rejected it, and there is no authority on that side of the Chamber or in the whole Senate, as far as I know, unless unanimous consent will carry everything, that any other man except a member of that committee shall be put in charge of this important measure.

I would like to move to recommit this measure to the Committee on Finance that we may have a clearing of the atmosphere, and then if anybody has got a confession to make I should like to hear it. There is something rotten in the State of Denmark, or dead, or whatever the expression is. Something has been agreed to which the Senate has not heard of.

I was told this morning that there has been an agreement reached, by which two important matters before the Senate were to be taken up, by the gentlemen who opposed one and advocated the other and vice versa. Is this a part of that agreement? Let us be honest and frank with one another. We will all be away in three days. Why this shuffling at the very last moment? I want to enter my serious protest against this whole business.

Mr. President, I make the motion now that the bill be recommitted to the Committee on Finance, and I hope the chairman will call that committee together and report it back as he did a few days ago. I will say with all respect to the senior Senator from Massachusetts [Mr. LODGE], whom I esteem as one of the first Members of the Senate, that if he does not want to take charge of it I think some one else can be found on the committee to represent the committee in the management on this floor.

I make the motion, Mr. President, to recommit the bill.

Mr. PENROSE. I hope that motion will not prevail. I believe the Senate could devote its time much more profitably to discussing the bill on its merits than to wrangling over who is technically in charge of it. I do not believe it is disclosing any secrets of the committee room to say that while many Senators who had been brought up in the old-fashioned school of protection were ready to vote for this measure, they were not full of enthusiasm for it. It seemed, however, to be demanded by many persons, and in deference to an unquestioned public sentiment they voted in favor of its report to the Senate, as any friend of the bill ought to do, with the amendments which I understand are entirely acceptable.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from North Dakota?

Mr. PENROSE. I do.

Mr. McCUMBER. I wish to say to the Senator from Pennsylvania that I do not wish him to convey the impression that the members who voted for this bill were not in favor of it. I was one of the members on that committee, and as a member of the committee I am in favor of the passage of the bill and said in the committee—not simply that I was willing to let it pass but I want to see it pass the Senate.

Mr. LODGE. Mr. President——

Mr. PENROSE. I entirely agree with the statement of the Senator from North Dakota, and I anticipate the statement of the Senator from Massachusetts that he was likewise one of its zealous members. Perhaps in making my statement I rather disclosed my own feelings on the matter, and while I am ready to vote for this measure I was not one of the original advocates of it.

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Massachusetts?

Mr. PENROSE. Certainly.

Mr. LODGE. I merely desire to say, Mr. President, that I took a very great interest in this measure. I was thoroughly and heartily in favor of it. I was very glad to have the opportunity to report it and cause it to take its formal reading and have the amendments of the committee adopted.

My withdrawal from its charge was a matter which I assented to, so far as I am personally concerned, merely because I wished to facilitate the progress of the business of the Senate. I can only act for myself; the action of the Finance Committee is another matter.

Mr. PENROSE. The Senator from Massachusetts is correct. I would hardly call him one of the original advocates of the tariff-board plan, but he has lately become a zealous advocate of it.

If there are any other members of the committee who were original and zealous friends of the measure, I will wait until they can make their statements, but, in the absence of others, I will say for myself that I am only too glad to have the help of the Senator from Indiana in bringing about the passage of this measure. He has been a genuine and original advocate of the proposition; he has addressed gatherings all over the United States in its favor; his public career is preeminently identified with it; and if the motion to recommit is made to kill the measure everyone who sincerely believes in the bill should endeavor to retain it before the Senate and let us have a chance to vote on it one way or the other.

Mr. MONEY. Mr. President, I do not understand that the Senator from Pennsylvania means to affront anyone on this side by saying that the purpose of raising this point is to defeat the measure. If he conceives that to be the idea, he is entirely mistaken. I am opposed to the proposed tariff commission, and I think it is pretty well known that I have some amendments to offer to the bill; but I shall not filibuster a moment, and I have never done so. I am not delaying anything here, but I am proceeding to a point which the Senator has carefully dodged.

I want to ask the Senator from Massachusetts what prevailed upon him or what made him believe that he was facilitating the passage of this measure when he resigned its charge to the Senator from Indiana [Mr. BEVERIDGE]? Why does the Senator from Massachusetts think that under the management of the senior Senator from Indiana, not a member of the Finance Committee, this bill would fare any better than under his able management, with his zeal for its passage?

Mr. LODGE. Mr. President, it would not be proper for me to reveal a private conversation, but I was satisfied that my standing aside would facilitate the agreement which has enabled us to dispose of the Lorimer case and to bring this matter before the Senate. I did not desire any personal feeling on my part, or any desire on my part to conduct the bill, which I should have been very glad to have done, to stand in the way of the settlement of the Lorimer case, on which I thought we ought to vote, or the bringing of this measure before the Senate, which I was most anxious to have done.

Mr. MONEY. Now, Mr. President, we are getting a little information.

Mr. LODGE. And I very gladly yielded to representations that were made to me on that point.

Mr. MONEY. Mr. President, I feel like a woman picking a cork out of a bottle with a hairpin. I now understand that there was some sort of an agreement made by gentlemen who wanted to vote for Mr. LORIMER with the gentlemen who wanted this bill considered, that the two should unite, and then the bill was transferred from the Committee on Finance to the Committee on Territories. I do not understand that under any rule of the Senate such a thing has ever been done before, and I do not believe it is proper now. I gave good reasons for what I mean by this awhile ago, and it is unnecessary to repeat them, but I say the Senate ought not to proceed with this measure until we know how the Senator from Indiana got control of a bill that belonged to the Finance Committee. If any gentlemen here thinks I am delaying, he is mistaken.

I do not consume time for nothing. This is an important question. It is not simply the fate of this bill that is involved, but it is the fate of measures that will come up hereafter, whether they shall be proceeded with or whether they shall not, or whether some agreement or some logrolling by gentlemen on one side or the other of this Chamber shall dispossess the committee—the whole committee, the Democratic as well as the Republican side—of its charge and commit it to a gentleman, of distinction, it is true, who is not on the committee and whom the Senate never did intrust with it; it never sent it to the committee to which he belonged; it was not intended by the Senate that he should have charge of it. If the gentlemen on the other

side are so reluctant to proceed with it, I think they can find some one on this side who would take it up and present to the Senate amendments reported by the committee, as well as other amendments, and give the bill a fair show. Certainly it is a most serious thing to the Senate whether this disorderly business shall go on in this way by an agreement made in secret and not in the face of the whole Senate. It ought to be determined by the Senate, and the only way I know of to determine it is to recommit the bill and let it come back to-morrow morning. I do not know any other way, unless somebody will tell us a little more of what was done in the secret room.

The PRESIDING OFFICER. The question is on the motion of the Senator from Mississippi to recommit the bill.

Mr. MONEY. I shall ask for the yeas and nays on that.

Mr. PENROSE. Unless the Senator desires to press that motion, I will ask the Senate to proceed to the consideration of the Post Office appropriation bill.

Mr. HALE. Mr. President, I hope the Senator from Mississippi, so far as he is concerned, will let this matter stand for the present to-night, and let us go on with the appropriation bill.

Mr. MONEY. I have no objection to this matter standing, and I have no objection to it coming up and passing; but it certainly must be settled in some way.

Mr. HALE. Well, let it go over.

Mr. MONEY. I am perfectly willing to let it go over, or I am willing to vote on it or do anything else with it. I myself would prefer that we go on with the appropriation bills before we call this up. We have only got two or three more days to pass upon them. Another thing: The Senator will recollect that there is important executive business that ought to be attended to, and it was very much desired and hoped that there would be an executive session to-night. I am one of those who would like to have it to-night, and there are quite a number of others who have spoken to me about it.

Mr. HALE. I think we ought to have it.

Mr. MONEY. I think so. So far as the bill in charge of the Senator from Pennsylvania [Mr. PENROSE] is concerned, I think the bill ought to be brought up and ought to be considered; but I would dislike very much to see a gentleman from the Committee on Territories in charge of the Post Office appropriation bill.

Mr. BROWN. Mr. President, I call for the regular order.

Mr. PENROSE. I withdraw my request, if it is not satisfactory to the Senator from Mississippi.

The PRESIDING OFFICER. The regular order is the motion of the Senator from Mississippi to recommit the bill.

Mr. MONEY. Mr. President, I will withdraw that motion if the Senator from Pennsylvania is permitted to go on with the Post Office appropriation bill. I do not want to delay any matter here. I should like to see the Post Office appropriation bill acted on, and I am willing to vote on this measure whenever I can, but it ought to be here under proper management. If the Senator from Pennsylvania wants to proceed with the Post Office appropriation bill, I shall not object.

The PRESIDING OFFICER. Does the Senator from Mississippi withdraw his motion?

Mr. MONEY. I do if the Senator from Pennsylvania can get consent to go on with his appropriation bill.

Mr. PENROSE. Mr. President, if it is satisfactory to the Senator having the unfinished business in charge, I will make the request; if it is not, I will withdraw it. The hour is getting late and probably we could make some progress with the Post Office appropriation bill and take up the other measure in a better frame of mind to-morrow.

Mr. BEVERIDGE. Mr. President, the friends of this measure, who I trust are in a substantial majority, and whose frame of mind I hope I apprehend correctly, think, and I myself think, speaking for myself, that we should proceed with the consideration of the pending measure.

Mr. PENROSE. Then I withdraw my request.

The PRESIDING OFFICER. The question is on the motion of the Senator from Mississippi.

Mr. MONEY. Mr. President, I could not understand exactly the remarks made by the Senator from Indiana. If he wants to go on with the bill, I move to recommit, and I ask for the yeas and nays on that motion.

The PRESIDING OFFICER. The Senator from Mississippi moves to recommit the bill to the Committee on Finance; and on that motion he asks for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). Again I announce my pair with the senior Senator from South Carolina [Mr. TILLMAN], who is absent. I therefore withhold my vote.

The roll call was concluded.

Mr. OVERMAN. I am requested to state that the Senator from Maryland [Mr. RAYNER] is unavoidably absent. He is paired with the Senator from Delaware [Mr. RICHARDSON].

Mr. BACON (after having voted in the affirmative). I am informed that the Senator from Maine [Mr. FRYE] has not voted. I have a pair with that Senator and therefore withdraw my vote.

The result was announced—yeas 22, nays 51, as follows:

YEAS—22.

Bankhead	Johnston	Shively	Taliaferro
Chamberlain	Martin	Simmons	Taylor
Clarke, Ark.	Money	Smith, Md.	Thornton
Culberson	Overman	Smith, S. C.	Watson
Fletcher	Paynter	Stone	
Foster	Percy	Swanson	

NAYS—51.

Beveridge	Carter	Gamble	Page
Borah	Clapp	Gronna	Penrose
Bourne	Clark, Wyo.	Guggenheim	Perkins
Bradley	Crane	Hale	Piles
Brandegee	Crawford	Jones	Root
Briggs	Cullom	Kean	Scott
Bristow	Cummins	La Follette	Smith, Mich.
Brown	Curtis	Lorimer	Smoot
Bulkeley	Dick	McCumber	Sutherland
Burkett	Dixon	Nelson	Warner
Burnham	du Pont	Nixon	Warren
Burrows	Flint	Oliver	Young
Burton	Gallinger	Owen	

NOT VOTING—18.

Aldrich	Dillingham	Lodge	Terrell
Bacon	Frazier	Newlands	Tillman
Bailey	Frye	Rayner	Wetmore
Davis	Gore	Richardson	
Depew	Heyburn	Stephenson	

So the motion to recommit was not agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee to section 7.

The amendment was agreed to.

Mr. MONEY. Mr. President, I send to the desk an amendment which I desire to offer. I want, however, to say a word before I do so.

It is now lacking 25 minutes of 11 o'clock. I do not know what the purpose is on the other side, but I understood that this evening we were going to have an executive session. It is not likely we shall sit here all night and work all day to-morrow, and I should like to know whether it is the intention to have an executive session to-night, because if I offer this amendment I will have to speak, and I do not want to do that.

Mr. CULLOM. So far as I am concerned, I do not wish to have an executive session to-night.

Mr. MONEY. Very well. Then I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The Secretary read amendments proposed by Mr. MONEY, as follows:

On page 1, line 4, strike out all after the word "of" down to and including the word "annum," in line 14, on page 2, and insert the words "10 members, 5 of whom shall be Members of the Senate of the Sixty-first and the Sixty-second Congresses and shall be appointed by the President of the Senate, and 5 of whom shall be Members of the House of Representatives of the Sixty-first and the Sixty-second Congresses and shall be appointed by the Speaker of the House of Representatives. The members appointed under this act shall continue in office for the term of six years, and any vacancy occurring during said term of six years shall be filled in the same manner as the original appointment. The chairman of the said board shall be selected by the members of the board. Not more than three Senators and three Members of the House of Representatives appointed on said board shall be members of the same political party. Six members of said board shall constitute a quorum. The term of any Member of either House of Congress appointed under this act shall expire and terminate when he shall cease to be a Member of Congress."

On page 3, line 23, strike out all after the word "aiding" down to and including the word "Government," in line 24.

On page 4, line 3, strike out the words "to enable the President."

On page 4, line 14, strike out the words "as the President shall direct" and insert the words "when called upon by the President or either House of Congress."

On page 5, line 19, strike out the words "the President or to;" and in line 20 strike out the words "the President;" and in line 21 strike out the word "or."

Mr. MONEY. I dislike extremely, Mr. President, to take the time of the Senate at this late hour, but this amendment seems to me to be worthy of some consideration.

In framing this Government of ours, one of the main ideas was to secure the permanence of our institutions by strictly dissociating the powers of the three distinct branches, and the object of the founders was to be carried out by preserving, so far as we could, this strict dissociation of power.

The framing of a tariff bill is the work of Congress. The work of framing a tariff is devolved originally upon the House of Representatives. The bill comes to this body for its amendments, and the concurrence of both Houses being obtained, it meets the approval or veto of the President. The Constitution

has invested the President with authority to make such recommendations for legislation as he may think wise and proper, and has invested him with the power to veto a bill which is not in his judgment proper and wise, or constitutional, or for any other reason.

There is no reason that I know of why the President should be intruded into this business any further than the Constitution permits him to go. If the business is to be transacted, as it will be, by the Committee on Ways and Means in the House and the Committee on Finance in the Senate, they are quite as competent to choose the instrumentalities which will aid them in obtaining information of any kind as the President possibly can be, and there is not the slightest necessity of introducing him into the work, not authorized by the Constitution, or providing for the Congress of the United States an agent and instrument by which they are to get the information to frame their legislation.

I venture to say there is not a member of the committee who is not quite competent for the task of getting all the information that they need or that is to be gotten at all by anybody, as much so as the commission appointed by the President.

The object of this amendment is to exclude the President from a share in legislation to which I do not think he is entitled. On the same principle are framed the Waterways Commission and the Monetary Commission. I thought these were wise measures. They confined it to the two Houses, with the power to act, and with the right to secure information by the means they thought best.

The amendments which are submitted after this are simply to make the whole bill accord with the amendment I have offered to the first section.

I have not heard any particularly good argument why this commission should be had at all, because it is quite evident, to my mind, that the agents or experts of a committee can get by the order of that committee everything that can be obtained by a commission; and certainly I am opposed to any commission that has an indefinite extension of life. It ought to be limited to six years, so that Congress can discontinue it or continue it as it thinks proper. But it should not be put upon the bench for life, as you would a judge, a member of an independent branch of the Government. I do not see that there can be any particular information obtained by a commission from my own experience with commissions.

I recollect about 30 years ago, or probably a little longer, that a commission of extremely good men, it was admitted, nonpartisan in character, was appointed to frame a tariff bill or to get information for it. They did get the information, and they framed the bill. That bill was brought to the House of Representatives and referred to the Ways and Means Committee, and as that committee reported it it was an entirely different bill. When the House proceeded to act on the committee's bill they brought forth a third bill, totally different from the two, vitally different. It was sent to this body, referred to the Committee on Finance, and they produced the fourth bill—all of them extremely unlike. It came into the Senate, and the Senate set all four of them aside and produced the fifth bill, and it went to conference, and the conferees made an almost out and out new bill.

So you see my experience with commissions does not warrant me to believe that they can do any better than the committees can, and I venture to say that the information obtained in the last debate here was quite as good as will be obtained by any commission. By the kindness of the gentlemen of the Republican Party, the minority were permitted to select two experts of their own, and I am quite sure that those two experts obtained as much information as any commission that will ever sit, authorized or appointed by either the President or Congress.

I have not the strength to go on if I would, and I have no desire in the world to consume time. I presented this just as briefly as I could, and I hope the Senate will consider it favorably.

Mr. BAILEY. Mr. President, it is not necessary for me to supplement what the Senator from Mississippi [Mr. MONEY] has already said, but I will ventue to detain the Senate long enough to add to what he has said a consideration which strongly appeals to my mind in favor of his amendment as against the provision of the bill.

If this board is left to the appointment of the President, then no information desired by any Senator can be obtained from it or through it except upon the demand of one or the other House of Congress or the President; but if the amendment of the Senator from Mississippi is adopted, any Senator or any Representative can obtain any day in the year any information which he might desire.

As the bill now stands, a Senator might in the preparation for a debate upon a tariff measure desire some special information, but if the Congress was not then in session he could not obtain it except by the grace of a presidential commission; and I have some doubt if that commission, under the provision of the pending bill, would be permitted to furnish it. On the other hand and under the amendment proposed by the Senator from Mississippi, any Senator desiring this information, no matter whether Congress were at adjournment or in session, could apply to any member of the commission and that member of the commission could direct the experts to prepare and furnish that information without delay.

Perhaps I can illustrate the difference between the two propositions more clearly by supposing a case. If the Senator from Mississippi desired to make preparation for a debate, and he sought information which had been obtained by this presidential commission, he could not obtain it except by waiting until the Senate convened, and then by resolution or request the Senate obtained it for him.

But if the commission should be appointed, as he proposes, and he should want this information, he could apply by an ordinary letter, in which he stated what he wanted, to any Senator who happened to be a member of that commission, and that Senator would simply transmit the letter of the Senator from Mississippi, together with a letter of his own, directing the experts of the commission to furnish the information desired. It seems to me that this is obviously more advantageous than the method proposed in the bill itself.

I take it that other Senators are not different in their situations from me, and I know that many times when we are not in session I need and I desire particular knowledge with reference to some item or some schedule, and that often happens when we have no tariff bill under consideration or in contemplation. I have heretofore supposed that it was my duty to obtain that information by my own labor or at my own expense, but if we are to provide an educational bureau for Senators and Representatives we at least ought to devise it in a way to answer their purpose when and as they need the knowledge.

I can easily conceive how this commission constituted as the Senator from Mississippi now proposes could be made most useful to every Senator. Not to every Senator in framing a tariff bill, because I frankly say that the only knowledge I need in framing a bill, according to my conception of such a measure, is the amount of revenue which the Government must collect through the customhouses and a list of the imports for the immediately preceding years. I do not conceive it to be the duty, and indeed I do not conceive it to be within the power, of Congress in framing a tariff bill to consider the difference in the cost of production here and abroad. But that question I reserve for a discussion when the bill is on its passage; and I content myself now with earnestly advocating this amendment, if the bill is to become a law.

I do not doubt that some Senators and some Representatives stand badly in need of information on the tariff as well as on all other subjects, and if the American people are to be taxed to educate their representatives, in addition to the salaries they now pay them, I am not sure that they ought to stop this educational process with this single question.

But, sir, if it is information we want, tell me why experts within our own power and subject to our own control can not furnish us with it better than a presidential commission? If it is information that we want, under the amendment of the Senator from Mississippi we can employ the same experts, and we can require them to collect the same information as the presidential board. The only difference between the presidential and the congressional commission is this: The presidential commission will make a report and the congressional commission will not; and there, Mr. President, lies the significance of this very earnest effort to establish this presidential board. Political parties sometimes change in midadministration, but this presidential board will not.

Apply the condition which exists to-day. Under the Constitution of the United States a revenue bill must originate in the House of Representatives. I am not just exactly clear how long this provision of the Constitution will be respected and observed, seeing that the President now assumes and asserts the right to initiate revenue measures in the shape of these trade agreements. But so long as the Constitution is obeyed, all revenue bills must originate in the House of Representatives.

If the next House, soon to assemble—sooner, I am told, than under the Constitution it would regularly assemble—is convened, as the President will have the right to convene it, in an extraordinary session, it will proceed at once, if it does its duty, and as it is Democratic I must assume that it will do its duty, to frame a tariff bill, and yet it must take its recommendations and its information from a presidential commission, the majority of whose members will be Republicans. Just exactly what wise advice a Republican majority of a presidential

commission would give a Democratic House is one of the mysteries of modern legislation that passes entirely beyond my comprehension.

When the Democratic House takes this presidential commission's recommendation it will do it precisely as the Senator from Mississippi recites that Congress has done with other commissions and other recommendations. It will proceed to lay it on the table or proceed to put it in the desk, and it will do its work according to its own judgment and not according to the advice and recommendation of men who disagree with it on this tariff question as widely as the poles.

But they tell us that the President will appoint experts and politicians; but the more expert they are the worse it will be, for I do not consider their advice of any special value to men charged with the high and grave duty of levying taxes upon these people. If they are a board of experts, and if they are continued long in office, they will control the American Congress in making its tariff bills as often as the majority of the Congress happens to belong to the same political party as the majority of that commission. This is neither more nor less than a solemn proposal to abdicate the power of the American Congress to a board composed of men not selected by it.

They also tell us that we will thus take the tariff question out of politics. At the risk of offending the business interests of this country, who talk so glibly as if all politicians were unworthy of public confidence—and by the way, the business people of the country, and not the muckrakers, originated that idea, for ever since I was a boy I have heard men talking about the business of the country being disturbed by the politicians—I will say that this Government can not be administered for the business interests alone.

Sir, when you take the great question of taxation out of American politics you take from the American people one of their highest incentives to interest themselves in governmental affairs. Withdraw from the decision of the electors this momentous question which has divided parties since the infancy of the Republic, this momentous question which has divided the people in every country on the globe, remove it from politics, and you will remove half the public interest in your elections. If there is any class, if there is any occupation, if there is any industry that can only be saved only by abating the interest of the American people in their own Government, I am willing to see it abandoned. There are, sir, better things in this world than material prosperity. There are higher considerations than the profits of commerce or the accumulation of wealth. I would rather see my countrymen free and poor than to see them rich and indifferent to their institutions and their freedom.

The recommendation which has been made by all the advocates of this measure, the promises which have been printed by all the papers now supporting it, that we will relieve the business of the country from the constantly recurring disturbances of a tariff discussion, do not appeal to my mind. But, Mr. President, even if that were desirable, I am by no means certain that it is attainable in this way.

We now revise the tariff, and if well revised the business of the country adjusts itself to the law and proceeds in peace and without the fear of another disturbance for 10 or 12 years, when we have another revision adjusted to the new and changed conditions.

But under this proposal we will never have any industrial or commercial peace, because what industry, sir, will take a bond that these five wise gentlemen will not recommend to the very next session of Congress a change in some tariff schedule? No man can give his orders, no man can sell his goods, to be delivered at some future time, if a session of Congress is to intervene, without being more or less uncertain as to the prices which he must pay for his raw material and the prices at which his competitors may sell the same article.

Oh, no, sir; this proposal to set a tariff mill at an eternal grind is not a proposal to give stability and repose to legitimate and useful industry. It will not do that, but it will relieve the American people of taking great questions into consideration by turning them over to a board of experts.

Mr. President, I am not in the habit of flattering the American Congress, although I think better of it than the people seem to do. Perhaps that is because I have been longer with it and closer to it than the people. It has its shortcomings; it has its deficiencies; and those shortcomings and those deficiencies vary according to its politics, being greater when the Republicans are in power and less when the Democrats control. But, sir, whatever its shortcomings and whatever its deficiencies are, the American Congress, as a whole, is quite capable of taking good care of the interests of the American people.

Sometimes I have wondered how a man both honest and wise could advocate a protective tariff. Sometimes I have thought the Republicans were honest and not wise; and sometimes I have thought they were wise and not honest. But that was simply the distemper of a moment, and when I come to remember those whom I have known in intimate association I believe they are both wise and honest. If I am ever tempted to doubt your honesty and your wisdom I resist that temptation by remembering that Henry Clay devised your system. He has been gathered to the fathers long enough for the bitterness of party spirit and the intensity of party rivalry to accord him the full measure of honor and the full measure of confidence to which his fame, his patriotism, and his wisdom entitle him. Much as I might differ from them, I can not doubt that the men in this day who believe in and advocate the American policy inaugurated and defended with such consummate ability by the greatest statesmen of his school and State must not be suspected either as to their wisdom or as to their patriotism.

Then, when I turn to my own side and the long line of illustrious statesmen who have combated and who have successfully combated that doctrine, I no more doubt them than I doubt you. It is a conflict of ideas, sir, and out of that conflict, if there does not come justice as exact as I would like to have it, there does come a decision at least sanctified by the disinterested and unselfish patriotism of the majority.

I believe in the wisdom and in the patriotism of the American Congress absolutely, and I am not willing to abdicate its power over the greatest question that ever engaged the thoughtful attention of the American people. If you gentlemen on the other side are willing to say that you have not sense enough to use the information which you have or that you have not information enough to utilize the sense you have, perhaps I ought not to challenge your poor opinion of yourselves; but, although you are willing to stand before the American people and say that while your fathers who professed your faith could make great tariff bills under which these people grew and prospered as no other people in the history of the world have ever grown and prospered, still their sons and their descendants are not as capable as their fathers, I would save you from that humiliating position if I could.

You are not willing to rise over there, one after another, and confess that you must have somebody help you make a tariff bill, or that you are incapable of making one, and yet what not one of you would do individually you all seem anxious to do collectively.

This is one of the few united Republican votes that the roll calls of this session will show. By reading the RECORD in the morning it will be impossible to tell who is an insurgent and who is a standpatter. In fact, Mr. President, some of the insurgents are standing pat, and some of the standpatters are insurging on this question. A united party asking the country to commission you to govern it, and yet confessing yourselves incapable of doing it is a spectacle not reassuring to the American people. But we will save you from that embarrassment if you will simply let this bill go over until the next session. We will introduce to the American people a confident Democratic majority which will not ask the aid of people who can not be elected to Congress to help them frame a measure of taxation.

I saw one of my friends on that side smile when I said "if you would let that bill go over until the next session of Congress," and he smiled a half-suspicious and half-cynical smile, as if he thought I intimated a filibuster by that. But I did not so intend it. I was not a party to the agreement over there, and I was not called into the council; but I think I was permanently cured of the filibustering habit by the operations of the other night, and I do not intend to filibuster on this bill.

While I am at this point, Mr. President, I want to refer to another matter, and I do it with great hesitation, because I think the last word on the Lorimer case ought to have been spoken before the roll was called. Intending to say what I am now about to say, I sent to the committee room of the Senator from Wisconsin [Mr. LA FOLLETTE] awhile ago to ask him to come, and I am satisfied he is about the Chamber somewhere. I did not have an opportunity to make this statement immediately after he spoke, because the roll was called as soon as he concluded his observations. The Senator from Wisconsin [Mr. LA FOLLETTE] declared to-day that a vote was resisted by those who believe the election of the Senator from Illinois to be valid, when it was supposed that the vote would be different from what the RECORD showed it to-day. Of course, I do not know what information the Senator from Wisconsin had, but I want to say here in the presence of the Senate, and I want to have it written in this enduring record, that never at any time or under any circumstances did I countenance a suggestion of a filibuster on that question. I was asked more than once if there would be a vote on the Lorimer question, when it was supposed the vote would be adverse to the opinion which I held, and in every

instance I answered that there would be a vote if it were within my power to force it. I even went so far as to say that if the Senator from Illinois would countenance or encourage an attempt to prevent the Senate from voting on the question of his right to his seat, though I would not change my vote on this particular matter, I would change my opinion of him.

Mr. President, I have felt that I ought to say this much in justice to myself, though I have no idea that the Senator from Wisconsin had me in his mind; indeed, I am sure he did not, because there could have been not the slightest basis for a statement of that kind with reference to me.

Mr. PAYNTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Kentucky?

Mr. BAILEY. Yes, sir.

Mr. PAYNTER. Will the Senator allow me? I should like to say in this same connection that there never was a time during the consideration of that case, however much I was interested in the result of it, that I would have given aid or countenance in any way to a filibuster on that question. The Senator from Texas and I discussed that on more than one occasion, and we were both agreed upon it.

Mr. BAILEY. That is true.

Mr. PAYNTER. I want to say further in defense of the chairman of the committee, I do not think at any time he had any purpose to delay the vote upon that question beyond the time when Senators could get through with the discussion.

Mr. LODGE. Mr. President, I move that when the Senate adjourns to-day it be to meet at 11 o'clock to-morrow.

Mr. BAILEY. Has the Senator from Massachusetts taken charge of the bill?

Mr. LODGE. No, Mr. President; I am not taking charge of the bill, but I am making a suggestion about the time of meeting.

Mr. BAILEY. I wanted to understand the suggestion.

The PRESIDING OFFICER. The Senator from Massachusetts moves——

Mr. SMOOT. Mr. President, would not 10 o'clock suit the Senator better?

Mr. LODGE. I make it 11 o'clock because, I understand, the Committee on Appropriations have a meeting in the morning; but I should be glad to make it 10 o'clock. My impression is that that would be just as well.

Mr. CURTIS. Mr. President, in the absence of the chairman of the Committee on Appropriations, I desire to suggest that notice has been sent to members of that committee that there will be a meeting to-morrow morning, and that all members are expected to be present, because there will be a hearing by the committee.

Mr. LODGE. That is what I understood.

The PRESIDING OFFICER. The Senator from Massachusetts moves that when the Senate adjourn to-day it be to meet at 11 o'clock to-morrow.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Mississippi [Mr. MONEY].

Mr. OVERMAN. Mr. President, I call for the yeas and nays on that question.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FLINT (when his name was called). I am paired with the senior Senator from Texas [Mr. CULBERSON]. He being absent, I will withhold my vote. If he were present, I should vote "nay."

The roll call was concluded.

Mr. DILLINGHAM. Mr. President, owing to the absence of the senior Senator from South Carolina [Mr. TILLMAN], with whom I have a pair, I withhold my vote. I make that announcement for all votes for the evening.

Mr. FLINT. As I have heretofore stated, I am paired with the senior Senator from Texas [Mr. CULBERSON]. I transfer that pair to the senior Senator from New York [Mr. DEPEW] and vote. I vote "nay."

Mr. OVERMAN (after having voted in the affirmative). I inquire whether the senior Senator from California [Mr. PERKINS] has voted?

The PRESIDING OFFICER. The Chair is informed that he has not.

Mr. OVERMAN. I have a pair with that Senator and therefore desire to withdraw my vote.

I am also requested to announce that the senior Senator from Maryland [Mr. RAYNER] is paired with the Senator from Delaware [Mr. RICHARDSON]. The senior Senator from Maryland is unavoidably detained from the Senate.

I am also requested to announce that the Senator from Arkansas [Mr. DAVIS] is paired with the Senator from Utah [Mr. SUTHERLAND].

Mr. BACON (after having voted in the affirmative). I observe that the junior Senator from Maine [Mr. FRYE], with whom I paired, has not voted. I therefore withdraw my vote.

The result was announced—yeas 22, nays 48, as follows:

YEAS—22.

Bailey	Heyburn	Shively	Taliaferro
Chamberlain	Johnston	Simmons	Taylor
Clarke, Ark.	Martin	Smith, Md.	Thornton
Fletcher	Money	Smith, S. C.	Watson
Foster	Paynter	Stone	
Gore	Percy	Swanson	

NAYS—48.

Beveridge	Burton	Flint	Owen
Borah	Carter	Gamble	Page
Bourne	Clapp	Gronna	Penrose
Bradley	Clark, Wyo.	Guggenheim	Piles
Brandegee	Crane	Jones	Root
Briggs	Crawford	Kean	Scott
Bristow	Cullom	Lodge	Smith, Mich.
Brown	Cummins	Lorimer	Smoot
Bulkeley	Curtis	McCumber	Warner
Burkett	Dick	Nelson	Warren
Burnham	Dixon	Nixon	Wetmore
Burrows	du Pont	Oliver	Young

NOT VOTING—21.

Aldrich	Dillingham	Newlands	Sutherland
Bacon	Frazier	Overman	Terrell
Bankhead	Frye	Perkins	Tillman
Culberson	Gallinger	Rayner	
Davis	Hale	Richardson	
Depew	La Follette	Stephenson	

So Mr. MONEY's amendment was rejected.

EFFICIENCY OF ORGANIZED MILITIA.

Mr. DIXON. I ask unanimous consent to report favorably from the Committee on Military Affairs the bill (S. 9292) to further increase the efficiency of the Organized Militia, and for other purposes, with amendments, and to submit a report (No. 1266) thereon. I make this request now, in order that we may get the bill as amended printed by to-morrow morning.

Mr. BACON. What is the request?

The PRESIDING OFFICER. The Senator from Montana desires to make a report from the Committee on Military Affairs. Is there objection to receiving the report?

Mr. BACON. Is that the House bill on the subject?

Mr. DIXON. The House has passed a bill and the Senate committee has reported a different bill. We want it reported to-night, so that we can get the bill printed by to-morrow morning in order that we may compare the bill that the House has passed with the one the Senate committee has reported.

Mr. BACON. The Senator is not asking for any action now?

Mr. DIXON. Oh, no.

CANADIAN RECIPROCITY.

Mr. OLIVER. Mr. President, I wish to give notice that to-morrow at the conclusion of the routine morning business I will address the Senate briefly on the subject of Canadian reciprocity.

TARIFF BOARD.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 32010) to create a tariff board.

Mr. OVERMAN. Mr. President, I trust the Senator in charge of this bill will not insist on a vote to-night.

Mr. BAILEY. I desire to offer an amendment. I move to strike out all of section 5.

The PRESIDING OFFICER. The Senator from Texas moves an amendment, which will be stated.

The SECRETARY. It is proposed to strike out section 5 of the bill.

Mr. BAILEY. Mr. President, I would not object to the commission or the board, or whatever it may be called, having the power to subpœna witnesses, provided their obedience to the subpœna was left to their voluntary action; but this bill requires them to come and to produce their books and their papers. In order that the Senate may have that provision before it, I will ask the Secretary to read the section which I have moved to strike out and upon which I desire to base some remarks.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read the section proposed to be stricken out, as follows:

SEC. 5. That for the purposes of this act said board shall have power to subpœna witnesses, to take testimony, administer oaths, and to require any person, firm, copartnership, corporation, or association engaged in the production, importation, or distribution of any article under investigation to produce books and papers relating to any matter pertaining to such investigation. In case of failure to comply with the requirements of this section, the board may report to Congress such failure, specifying the names of such persons, the individual names of

such firm or copartnership, and the names of the officers and directors of each such corporation or association so failing, which report shall also specify the article or articles produced, imported, or distributed by such person, firm, copartnership, corporation, or association, and the tariff schedule which applies to such article.

Mr. BAILEY. Mr. President, it is perfectly plain to the lawyers of this body that Congress possesses no power to compel an American citizen to produce his books and exhibit the secrets of his business. If a corporation is charged with a crime, perhaps it has been held that it can be compelled to produce its books, even though those books bear testimony against it. That was going a long way. Still, I offer no criticism against that decision, because there it was charged that a crime was being committed against the law and that the protection of the Constitution did not extend to these arificial persons. But to assume and to assert that Congress has the power, in order to educate its Members and qualify them for the discharge of their duty, is an absurdity on its face. These people have their business secrets, and they are entitled to immunity from the curiosity of a Government official.

Mr. President, if I were engaged in business, no commission Congress could create would ever be permitted to look into my books, and the more honestly they were kept the more certainly I would guard them against this inquisitorial and visitorial power of men who say that they do not know how to make laws unless they can invade the offices of our various business enterprises and compel them to subject their business—their profits, their losses, and their capital—to the scrutiny of Government officials.

We have already perpetrated this folly. We incorporated a similar but more drastic provision in the census bill, but no officer of the Government has attempted to enforce it, because they knew it could not be enforced. Under a power to enumerate the people for the purposes of representation, Congress can not confer the power to punish a man because he will not help to enumerate cattle and hogs. Neither can we, under our power to levy taxes, compel the taxpayer to do more than to render a full list of the property which we desire to tax.

The American Congress does itself no credit to write into these bills a provision that is mere brutum fulmen, if the power of the General Government is challenged in that respect. Analyze it. Here we are, saying to the world that we do not know how to legislate with the information before us, and in order to educate ourselves we must invade the privacy of every business office in this land, inspect their books, and for what? In order to ascertain their profits, so that we may measure out to them a protection that will exactly cover the difference in the cost of production here and abroad, plus a profit to the manufacturer.

I would almost consent to pass this bill with this provision in it if I thought some officer would try to compel one of these men to produce their books. For then, sir, we could bring the question squarely before the court whether the Government possesses this power, and as incidental to that question we could probably induce the court to say whether the Government has the power to levy taxes to cover the difference between the cost of production at home and abroad.

That, sir, would not be a question of taxation. That, sir, would not be a regulation of interstate and foreign commerce. I do not doubt that Congress has power, even by taxation, to regulate interstate and foreign commerce where taxation is a fit instrument to execute that purpose. But if we could get this question on this provision before the court by the refusal of some man affected by it to obey the subpœna issued under it, we could raise the question, first, as to whether the citizen can be compelled to open his books in order to educate Congress, and if that should be decided in the affirmative it could only be by the court deciding it upon the theory that this education was necessary in order not to levy taxes, but to extend a protection which would cover the difference between the cost of production here and abroad, plus a profit to the home manufacturer.

It is only and precisely this purpose which you seek to serve by this provision. You want every man to lay before the American Congress his profit and loss account, so that you can adjust your tariff to reduce his profits if they are too large and to enlarge his profits if they are now too small. In other words, sir, you are proposing to read into the statutes the promise of the Republican party that every manufacturer shall have, over and above the cost of production, a fair profit on his enterprise.

Who else in this American Republic is guaranteed a profit on his business? Who guarantees the farmer a profit? No one. He takes the chances of flood and drought. He takes the chances of insects and pests. He assumes a risk assumed by no other man, a risk so great that Thomas Jefferson, a farmer himself—and, by the way, the most intelligent farmer the world ever knew; a farmer who knew all about the soil and its properties; a farmer who knew all about arboriculture as well as agriculture; a farmer who knew all about horticulture as well as arboriculture and agriculture—and yet this greatest of all men, this most accomplished of all farmers, was moved by the vicissitudes of his class to say that the farmers were the greatest gamblers in the world, meaning it in no offensive sense, but simply seeking to emphasize the great risks which they take. And yet you offer them no guaranty of profit; you propose to levy no taxes on others to insure the prosperity of their farms; but they and all other classes are to be burdened in order that this Government may keep its pledge that the protected manufacturers shall be insured a fair profit.

I warn you gentlemen on the other side that you must answer for this. The people will not agree that any one class shall be separated from all others, and that from the earnings and the savings of those others shall be guaranteed a profit on their business. You will not be able to answer to the farmers any more, that you are guaranteeing their profits as well as others after your reciprocity with Canada; for under that agreement almost everything the farmer produces goes on the free list, and almost everything the farmer buys stays on the dutiable list. It is true you do give him automobile parts free. You tax his flour, but you let him go after it in an untaxed automobile. Oh, splendid generosity!

You confess that you do not know as much as you ought to know by wanting somebody to teach you; and I am going to teach you now. Your Canadian reciprocity is going to disappoint the cities because it will not reduce the cost of living to any appreciable extent. The number of articles affected by it, the area from which those articles come, is altogether too restricted to produce any appreciable effect on general prices, and therefore when your Canadian reciprocity is in full operation, if it ever is, the people in the overcrowded cities and industrial centers will soon discover that you have broken your word of promise to their hope, though you may claim to have kept it to their ear.

The price of living will not be reduced 2 per cent even in the cities nearest the Canadian border, because the articles from which you take the duty constitute only a very small part of every household's expense, and you take the duty from those articles generally in the shape where the people can not consume them and leave the duty on them in the shape in which the people do consume them.

Let us suppose that you pass your Canadian agreement, and we do not succeed in putting our tariff bill on the statute books. Then you are to be tried by your bill and your agreement, and your reduction in the cost of living will not net 1 per cent on the average family's expenses. I know what you hope to do, and I suspect that is what some of you intend to do. You want an excuse to say to the people of the country it was not the tariff that caused the high cost of living. You are seeking to give the people an object lesson, so that you can say that you had given them free trade with Canada, and that did not reduce the cost of living; and then the insurgents will disappear and the standpatters will again take charge of the Republican Party.

I do not lightly suspect the motives or the sincerity of men, but it is impossible for me to believe that any man who is wise enough to be President of the United States expects much out of that Canadian agreement. If he did, he would not have made wheat free and left the duty on flour.

He will not even catch the millers by that kind of a bait, and I will tell you why. He will catch the American millers along the Canadian border, because he is giving them their wheat free and leaving a duty on their flour. With his free wheat, these American millers can invade the territory now occupied by southern and southwestern millers, and they will invade it, or perhaps I would speak more accurately to say they will encroach upon it. With free wheat and taxed flour, they will be protected against their Canadian competitors, because it will cost the Canadian mills just as much to ship the flour as it will cost the American mills to ship the wheat, and so freight will cancel freight in that contest for trade, and the 50 cents per barrel duty on Canadian flour will amply protect the American miller in his own country and with his own trade.

Mr. CARTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Montana?

Mr. BAILEY. I am delighted to do so.

Mr. CARTER. Mr. President, with the permission of the Senator from Texas, I venture to interpose a remark at this time, to the end that the attitude of the State Department and the President, as I understand that attitude, may be clearly set forth.

Mr. BAILEY. I hope the Senator will be able to explain it. I doubt if the principals could.

Mr. CARTER. The statement will explain itself. It is true that cattle are to be admitted free. It is true that wheat is to be admitted free, and that meat is to be subject to a duty, and that flour is likewise to be subject to a duty. Let me say now that that was not at the option or in conformity with the will or desire of the United States. The Canadian people feared competition with the millers of the United States. Desiring to build up a milling industry in Canada, they have established a protective duty on flour. Desiring to build up a packing business, they have prescribed certain protective duties on the introduction of meat into Canada.

Our State Department was entirely agreeable to the free admission or the interchange of meat products between the two countries just as has been arranged with regard to cattle, but the Canadians said: "Nay; our packers can not compete with the American packers." The State Department was prepared to have free flour——

Mr. BAILEY. But we could have taken it off of Canadian meat and flour coming into our country without requiring Canada to take it off of American meat and flour going into Canada.

Mr. CARTER. Permit me to finish this statement.

Mr. BAILEY. Very well.

Mr. CARTER. The State Department was prepared to remove the duty off meat and have meat, as well as flour, passed freely across the line. I understand the fact to be that an amendment admitting meat free from Canada will be agreeable to the Department of State and not obnoxious to the agreement; that the free admission of flour from Canada will not be opposed; but if we provide for a reciprocal arrangement whereby our meat products can enter Canada free of duty, whereby our flour can enter Canada free of duty, the Canadians will refuse to comply, because they desire to maintain their protective tariff as to meat and flour.

Mr. BAILEY. Mr. President, there would have been no trouble in leaving the duty on flour and meat going from this country into Canada and taking it off the meat and flour coming from Canada into this country. They have done that with other articles in this very agreement. Does not the Senator from Montana know that?

Mr. CARTER. Mr. President, my understanding is that in certain instances that is correct; but if in the judgment of the Congress it is desirable to allow Canadian meats and flour to enter the United States free of duty, while our citizens pay a duty for entering the Canadian markets with those products, there will be no objection so far as the State Department is concerned, and no obstruction placed in the way of the ratification of the agreement.

Mr. BAILEY. Mr. President, the duty on cattle is $2 per head on the cheapest cattle that would come from Canada and less than 30 per cent on the best. When you talk about such a duty on cattle and 55 per cent duty on cheap clothing you begin to understand the difference between the treatment of the farmer and the treatment of the manufacturer, even under the present law, and by this agreement to strip the former of all advantage. No wonder the Senator from Iowa is opposed to this. The wonder to me is that any man who represents an agricultural constituency could consent to such a gross and indefensible discrimination.

Mr. President, I am going to ask the Senator from Montana this question for future use: If this agreement fails to reduce the cost of living, does not the Senator from Montana intend then to stand up and tell the people that it thus proves that the increased cost of living was not attributable to the protective tariff?

Mr. CARTER. Mr. President, although opposed on principle to dealing in futures, I am inclined to sympathize with the view of the Senator from Texas that perfectly free and unrestricted trade with Canada on her productions will cut little figure in the domestic economy or the markets of the United States. What I do think of the subject in a broader sense may be briefly stated in this connection.

The Canadians have a climate much like our own, but a little more severe. They must buy overcoats in that country, just as they buy them in North Dakota and Montana. It is a little more expensive to live in a country where the seasons are short for crop raising and the winters are long, where houses must be built more substantially for the protection of the people during the winter season, where stock must be housed in a more secure and comfortable line of quarters. The people speak the same language. They receive in the main the same pay for their labor. Thousands of our people have gone into Canada and a very large number of Canadians have come into this country. The Canada of 20 years ago is not the Canada of to-day. Great transcontinental railways have extended or are being extended from ocean to ocean.

Mr. BAILEY. And wheat fields faster than railroads.

Mr. CARTER. Wheat fields are developing, and they are largely being developed by former citizens of Iowa and North Dakota and Minnesota and Montana—men who are familiar with the American standards of living. The competition with a people thus situated is not an unequal competition; but, Mr. President, competition with a man of India raising wheat is unequal competition; competition with a man of the Argentine Republic is unequal competition; competition with a man of South Africa is not fair competition; and I would prefer relaxing the grip, loosening the line somewhat, in order to save the protective tariff from complete annihilation.

I believe that the reciprocity proposition with Canada, if adopted, would not seriously change conditions in this country. I think the Canadian wheat would pass through our mills on the way to the Liverpool market.

Mr. McCUMBER. May I ask a question here? Can not that same wheat pass through the mills now on the way to the markets of the outside world? Can it not go in bond through the United States now as well as it could under a reciprocity agreement; and if it could, then why should we need a reciprocity agreement in order that the wheat may reach Liverpool?

Mr. CARTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield further to the Senator from Montana?

Mr. BAILEY. Mr. President, I would like to hear the Senator from Montana, but I am a little afraid I will be suspected of filibustering. However, disclaiming that, I will yield to the Senator.

Mr. CARTER. Mr. President, the trade, in a way, with Canada is not unequal or unjust or unfair competition in the sense in which free trade with the world would be. The verdict of last November can not well be ignored. The people of the country determined to have a relaxation of the protective policy. This is but a slight concession to that sentiment. I would prefer making this concession to accepting what the Senator's party will give us as the product of the deliberations that are to proceed at the other end of the Capitol during the session of Congress which will meet, according to popular report, about the 4th day of next April.

Mr. BAILEY. Mr. President, the Senator from Montana confirms me in the opinion which I expressed, and that is that these gentlemen do not expect any substantial result from the Canadian trade agreement, and then they intend to tell the people that free trade or freer trade will not reduce the cost of living.

The Senator from Montana, however, is mistaken when he says their labor is about the same as ours, and when he says their lands are about the same as ours, because if he will go and ask those Americans why it was they left this country and went to Canada they will tell him it was for the cheaper land with greater fertility, producing double as much as our American wheat-growing lands.

I am not advocating protection for anybody. I want the duty taken off of what the people eat and not from what the mills eat. The Senator knows that they take the duty off of barley and leave it on malt, and malt is used to make the poor man's beverage. The Senator from Montana does not deny that. The Senator from Montana will not deny it. This inequality and this injustice runs all through this trade agreement, which I may take occasion to analyze fully before the session is over, perhaps.

I beg the pardon of those in charge of this bill for having digressed from a discussion of profits to be disclosed by the books over to the Canadian trade agreement. I hope now that, without being supposed to desire to delay this matter, because when I said I was through filibustering I meant it, the Senator in charge of this bill will let the Senate adjourn. It is 12 o'clock. We must be back at 11 to-morrow, and my opinion is we will make no progress to-night, although I am through.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Texas to strike out section 5.

Mr. BAILEY. I should like to have the yeas and nays on that question.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FLINT (when his name was called). I am paired with the senior Senator from Texas [Mr. CULBERSON]. I transfer my pair to the Senator from New York [Mr. DEPEW], and vote "nay."

Mr. PERCY (when Mr. FRAZIER's name was called). I was requested to announce that the Senator from Tennessee [Mr. FRAZIER] is paired on this vote with the Senator from Illinois [Mr. CULLOM].

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. MONEY]. I therefore withhold my vote.

The roll call was concluded.

Mr. BRANDEGEE. I wish to announce that the senior Senator from Illinois [Mr. CULLOM] is paired with the senior Senator from Tennessee [Mr. FRAZIER].

Mr. PAGE. My colleague [Mr. DILLINGHAM] is unavoidably detained from the Senate. He has a general pair with the senior Senator from South Carolina [Mr. TILLMAN].

Mr. BAILEY. I wish to announce that the Senator from Kentucky [Mr. PAYNTER] is paired with the Senator from Delaware [Mr. DU PONT]. If the Senator from Kentucky were permitted to vote he would vote "yea."

Mr. OVERMAN. I should like to inquire if the senior Senator from California [Mr. PERKINS] has voted?

The PRESIDING OFFICER. The Chair is informed that he has not.

Mr. OVERMAN. I will withhold my vote and announce that I would vote "yea" if he were present. I also desire to announce that the senior Senator from Maryland [Mr. RAYNER] is unavoidably detained, and is paired with the Senator from Delaware [Mr. RICHARDSON]. I also announce a pair between the Senator from Utah [Mr. SUTHERLAND] and the Senator from Arkansas [Mr. DAVIS].

Mr. DIXON (after having voted in the negative). I remember that I was paired with the junior Senator from Florida [Mr. FLETCHER]. I therefore withdraw my vote.

The result was announced—yeas 25, nays 37, as follows:

YEAS—25.

Bacon	Clark, Wyo.	Martin	Swanson
Bailey	Dick	Oliver	Taylor
Bankhead	Foster	Percy	Thornton
Brandegee	Gore	Simmons	Watson
Briggs	Heyburn	Smith, Md.	
Bulkeley	Johnston	Smith, S. C.	
Chamberlain	Kean	Stone	

NAYS—37.

Beveridge	Carter	Jones	Piles
Borah	Clapp	La Follette	Root
Bourne	Crane	Lodge	Smith, Mich.
Bradley	Crawford	Lorimer	Smoot
Bristow	Cummins	McCumber	Warner
Brown	Curtis	Nelson	Wetmore
Burkett	Flint	Nixon	Young
Burnham	Gamble	Owen	
Burrows	Gronna	Page	
Burton	Guggenheim	Penrose	

NOT VOTING—29.

Aldrich	du Pont	Overman	Sutherland
Clarke, Ark.	Fletcher	Paynter	Taliaferro
Culberson	Frazier	Perkins	Terrell
Cullom	Frye	Rayner	Tillman
Davis	Gallinger	Richardson	Warren
Depew	Hale	Scott	
Dillingham	Money	Shively	
Dixon	Newlands	Stephenson	

So Mr. BAILEY's amendment was rejected.

The PRESIDING OFFICER. The bill is still in Committee of the Whole and open to amendment. If there be no further amendments to be proposed the bill will be reported to the Senate.

Mr. STONE. Mr. President, I suggest to Senators on the other side, and particularly to the Senator from Indiana in charge of the bill, that we now take an adjournment. Then those of us on this side who are opposed to the bill will have an opportunity to have some conference to see whether it is possible for us to come to some agreement. It is useless to stay here all night.

Mr. PENROSE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Pennsylvania?

Mr. STONE. Certainly.

Mr. PENROSE. I should like to ask the Senator from Missouri whether by coming to an agreement he would suggest that we could perhaps fix a time for voting on the measure, if we adjourn now and take it up in the morning, or whether some amendments are in question?

Mr. STONE. I do not quite understand the Senator.

Mr. PENROSE. My query was, whether the Senator from Missouri had in mind offering any amendments to the measure or whether his suggestion was that we could fix a time for voting on the bill?

Mr. STONE. I do not know, Mr. President, at this moment of any amendments that are to be proposed. I have not heard of any. I presume that if any agreement should be made it would be with reference to some time for disposing of this measure. I say that because I do not suppose that the Senator from Indiana and those who are acting with him would consider any agreement that did not fix some time for the vote. I can not give any assurance, I have no right to give any assurance, that any agreement will be made, and I am not asking an adjournment upon the basis that it can be made; but I do not think any progress can be made toward an agreement by continuing an indefinite session. Nothing can be accomplished in that way—I give assurance of that much—and if it is desired to do anything with this bill, we had better go home, sleep awhile, get breakfast, and come back in better humor than we would be if we were compelled to go on with this bill to-night.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Utah?

Mr. STONE. Certainly.

Mr. SMOOT. I ask unanimous consent that we take a vote upon the bill and pending amendments at 6 o'clock to-morrow.

Mr. STONE. Mr. President, I will object to any agreement of that kind to-night.

Mr. SMOOT. Will the Senator agree for an early vote on Friday?

Mr. STONE. I will not make any agreement to-night for a vote.

Mr. BEVERIDGE. Mr. President, will the Senator——

Mr. STONE. It might be that some arrangement of that kind could be made after consultation, but I have no right to make any agreement. I am not authorized to do it.

Mr. OVERMAN. Mr. President, I suggest to the Senator that probably in the morning, when we are all fresh and have had a night's rest, we might get together, as we did on another question, and settle it. I do not believe in agreeing to anything to-night.

Mr. BEVERIDGE. That was at 8 o'clock in the morning.

Mr. OVERMAN. If we adjourn now we might be able to come to some agreement, but I do not think we can do so to-night. I suggest to the Senator from Missouri that he remembers what took place here the other night, that we had Democrats talk him over, and there was some understanding arrived at, and it might be accomplished again.

Mr. BEVERIDGE. But not at this hour.

Mr. OVERMAN. Well, if the Senator wants to go on——

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Indiana?

Mr. BEVERIDGE. I do not desire the Senator to yield to me. He asked me a question.

Mr. STONE. If I did or did not, I will yield with great pleasure to the Senator.

Mr. BEVERIDGE. I will wait until the Senator is through.

Mr. STONE. Well, I am through, if the Senator desires to have the floor.

Mr. MARTIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Virginia?

Mr. STONE. Yes.

Mr. MARTIN. Mr. President, I simply want to suggest that it is not likely that an agreement to vote will be gotten under the threat of an all-night session. I am ready to vote now. I do not want a minute's delay, but I do not want to stay here all night, and I do not want to come to any consent agreement under the threat of an all-night session. I do not like that sort of practice. I think the consent ought to be given; I think there ought to be a vote on this measure. I see no object in preventing it and I am ready for a vote, but I am not ready for a consent agreement under a menace that if we do not do it we will be kept here all night.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Utah?

Mr. MARTIN. That is all I had to say. I merely want it understood that consent can not be gotten; that I will not consent under threat of an all-night session; but I am ready for a vote, and I think it will be obtained in due time.

Mr. SMOOT. Mr. President, the only object I had in asking for a consent agreement was that we might thereby hasten the business. Not only that, but I am perfectly willing to let the vote be put off just as long as possible, in order that the bill may go to the other House. It will have to go to conference and be acted upon by the House, but it would not do to let it go beyond Friday morning.

Mr. BEVERIDGE. Mr. President, the situation, of course, is perfectly clear to everybody. But two days more and two nights remain—that is all—to pass the appropriation bills that remain to be considered and this measure. It must be patent then, Mr. President, to everybody that you can not put the matter over as would be done at an earlier period in any ses-

sion. At 12 o'clock on Saturday we stand adjourned under the provisions of the Constitution.

The Senator from Virginia [Mr. MARTIN] says that he is ready to vote now and sees no good reason for delay. This is not a new subject. It has been before the Senate for four years, and during that time it has been extensively debated. There is not a Senator on either side of the Chamber, no matter how he looks at this question, who does not understand it. The particular bill before us is not substantially different from the one which has been before us for four years. The question merely is, then, not the discussion of the provisions of this measure as to its wisdom or policy, but the question is whether or not we are going to pass the bill. Delay patently endangers it. As the Senator from Utah [Mr. SMOOT] has pointed out, not only must we pass the bill within the next few days but we must pass it early enough to enable it to go to the House, because there are amendments to the bill, and that body must pass upon them. Therefore, if we intend to pass it, there is not a moment to be lost. I ask for the regular order.

Mr. OVERMAN. It is very evident we can not pass this bill to-night.

Mr. BEVERIDGE. I do not know why.

Mr. OVERMAN. And I think we shall save time by taking a recess or an adjournment and get to work in the morning. Let us get together and talk this matter over among ourselves, because some Senators have gone home and we should like to confer with each other as to what course we should pursue.

Mr. BEVERIDGE. Mr. President, if the Senator will permit me, the bill was made the unfinished business last night. There was no night session last night. It was perfectly understood by everybody that, when the bill at that late moment in the session was made the unfinished business, it would be pressed, and therefore there was ample opportunity, unobstructed by anything or anybody, for Senators to get together and talk it over. If what they wanted to get together and talk it over about was what plans they were going to adopt with reference to it, there was no occasion for anybody getting together and talking it over so far as the bill itself was concerned. That is all there is to this situation. Senators who want delay, we must conclude, want it for the purpose of defeating the bill. I call for the regular order.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole and still open to amendment.

Mr. SIMMONS. Mr. President, I do not think there is anybody on this side who has any desire to delay a vote upon this bill; but it is a fact that a number of Senators, not expecting a vote to be taken to-night, have gone home, and I think it is rather unfair of the Senator from Indiana to insist upon a vote under those circumstances to-night. I am quite sure if the Senator in charge of this bill will consent to let it go over until to-morrow that we will have no difficulty whatever in agreeing upon an hour upon which a vote may be taken. I know myself that the Senator from Mississippi [Mr. MONEY], the ranking minority member of the Committee on Finance, has gone home to-night in the expectation that there will be no action upon this measure. I do not think that, in his absence under those circumstances, the Senator from Indiana ought to insist upon a vote.

The PRESIDING OFFICER. The bill is still before the Senate, as in Committee of the Whole, and open to amendment.

Mr. SIMMONS (at 12 o'clock and 35 minutes a. m., Thursday, March 2). Mr. President, I move that the Senate adjourn.

The PRESIDING OFFICER. The question is on the motion of the Senator from North Carolina that the Senate adjourn. [Putting the question.] By the sound the noes seem to have it.

Mr. SIMMONS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). I am paired for the night with the Senator from Alabama [Mr. BANKHEAD], and therefore withhold my vote.

Mr. DIXON (when his name was called). I am paired for the night with the junior Senator from Florida [Mr. FLETCHER].

Mr. FLINT (when his name was called). I again announce my pair with the senior Senator from Texas [Mr. CULBERSON]. I transfer that pair to the senior Senator from New York [Mr. DEPEW] and vote. I vote nay.

Mr. FOSTER (when his name was called). I am paired with the senior Senator from North Dakota [Mr. MCCUMBER], and therefore withhold my vote.

The roll call was concluded.

Mr. OVERMAN. I inquire if the senior Senator from California [Mr. PERKINS] has voted?

The PRESIDING OFFICER. The Chair is informed that he has not.

Mr. OVERMAN. Again I announce my pair with the senior Senator from California [Mr. PERKINS]. If he were present, he would vote "nay," and I should vote "yea."

I also announce again that the senior Senator from Maryland [Mr. RAYNER] is unavoidably detained. He is paired with the junior Senator from Delaware [Mr. RICHARDSON].

I also am requested to announce a pair between the Senator from Arkansas [Mr. DAVIS] and the Senator from Utah [Mr. SUTHERLAND].

Mr. DIXON. I transfer my pair with the junior Senator from Florida [Mr. FLETCHER] to the junior Senator from Wisconsin [Mr. STEPHENSON] and vote. I vote "nay."

Mr. PAGE. I again announce the necessary absence of my colleague [Mr. DILLINGHAM] and that he is paired with the senior Senator from South Carolina [Mr. TILLMAN].

The result was announced—yeas 3, nays 44, as follows:

YEAS—3.

Bacon	Bulkeley	Thornton

NAYS—44.

Beveridge	Burton	Gronna	Oliver
Borah	Carter	Guggenheim	Owen
Bourne	Clapp	Heyburn	Page
Bradley	Clark, Wyo.	Jones	Penrose
Brandegee	Crane	Kean	Piles
Briggs	Crawford	La Follette	Root
Bristow	Cummins	Lodge	Smith, Mich.
Brown	Dick	Lorimer	Smoot
Burkett	Dixon	McCumber	Warner
Burnham	Flint	Nelson	Wetmore
Burrows	Gamble	Nixon	Young

NOT VOTING—44.

Aldrich	du Pont	Newlands	Smith, S. C.
Bailey	Fletcher	Overman	Stephenson
Bankhead	Foster	Paynter	Stone
Chamberlain	Frazier	Percy	Sutherland
Clarke, Ark.	Frye	Perkins	Swanson
Culberson	Gallinger	Rayner	Taliaferro
Cullom	Gore	Richardson	Taylor
Curtis	Hale	Scott	Terrell
Davis	Johnston	Shively	Tillman
Depew	Martin	Simmons	Warren
Dillingham	Money	Smith, Md.	Watson

So the Senate refused to adjourn.

Mr. OVERMAN. I will say to the Senator from Indiana it is evident we will not have a quorum here very long.

Mr. BEVERIDGE. We have a quorum now.

Mr. OVERMAN. I want to say that this side can not be driven into an agreement to-night. If the Senator desires me to go on, I will.

I propose to discuss this question as to the cost and as to how much money we are from day to day expending in this Government for getting this information proposed by this bill. We have consular agents in every country in the world sending daily and weekly reports to us.

Not only that, but we have an appropriation bill here pending that appropriates the large sum of $400,000 for a tariff board. We are spending nearly $38,000,000 for consular agents abroad to send in reports on the cost of goods abroad and here—the information we desire. Then we have what are known as the Bureau of Statistics and the Bureau of Labor, which are sending their agents all over this country and all over foreign countries to get this information.

What do we want with another tariff board? This tariff board, if you will read the bill and study its provisions, in section 5, you will see will cost not less than $1,000,000 a year. One million dollars a year for a tariff board, $38,000,000 for consular agents, and then there is $200,000 in the agricultural bill to gather statistics on this subject.

To show you that we have agents abroad who are sending all these statistics to the State Department, which are available to every Senator, to get all the information that is desired in making a tariff bill, I am going to show you that we have got from every country in the world, from our consular agents, all kinds of statistics in regard to the tariff. I do not think the people will stand for all this expenditure of money. We go on and pass bills here year in and year out, day in and day out. We do not ever count the cost. It costs nearly a billion dollars every year to run this Government, and the people are going to be shown how this money is expended. This bill is only to make more officeholders. We are adding fifty or seventy-five thousand officeholders every year, and now it is proposed to add about 10,000 more, because it will take at least 10,000 men to get up the information that this bill provides for.

Now, let us see. It was stated by the Senator from New Hampshire [Mr. GALLINGER], and stated upon this floor by other Senators, when it was charged on this side of the House that our manufactured goods were sold abroad cheaper than they were in this country, that foreign goods, too, were sold in this country cheaper than they were abroad. We charged that they were selling sewing machines in Europe for $19, and that the

poor sewing woman in this country has to pay $56. It was not denied, because we had the proof—the sworn testimony. It was shown that a certain class of harvesters and binders were sold in Canada, just across the line, for $90, which sold in this country for $125; and you could not buy them for any less, because every dealer who sold them had a contract with the Harvester Trust to sell them for $125. In other words, an American citizen had to pay for that farming implement $35 more than his neighbor just a mile away had to pay, and his neighbor lived in a foreign country.

The plow that was sold in Europe for $8 was sold in this country for $12. They paid the freight on the harvesters. Indeed, I saw in a magazine of this country a picture of harvesters and binders cutting wheat in Asia with implements that sold there, with the freight paid, and delivered there, for $90, which our people here were paying $150 for. When those facts were shown, I believe it was the Senator from New Hampshire [Mr. GALLINGER] who rose and said that the reason for that was that our people wanted to get rid of their surplus products in order to give employment to labor, and in order to give employment to labor they had to sell them abroad cheaper, and he then alleged that goods manufactured abroad, too, were sold cheaper here upon the same idea—to give employment to labor they would accumulate a surplus and that they could afford to sell them cheaper in this country than they did at home.

The distinguished Senator from New Hampshire [Mr. GALLINGER] wanted to be fair about this. I think he thought that was the truth; he had been so informed. So he introduced a resolution in Congress asking that the Secretary of State ascertain from our consular agents abroad the truth or falsity of the facts that goods manufactured abroad were sold cheaper in this country than they were sold in the foreign country, the place of manufacture.

That document is here, and I know that since that document has been printed and laid upon the desk of Members that charge has not been made, for we have reports from consular agents from every country abroad, giving the statistics showing that is not the truth. Let us see how that is:

Senate Document No. 16, Sixty-first Congress, first session.
Selling foreign manufactured goods in United States at prices lower than the domestic prices.
Letter from the Secretary of State, transmitting, with accompanying papers, in response to Senate resolutions of March 6 and April 5, 1909, information concerning the practice of selling foreign manufactured goods in this country at prices lower than the domestic prices.

This is such a valuable document and there is so much information in it that I should like to have the Senate present. I do not like to speak to empty seats, and therefore I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from North Carolina suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Beveridge	Chamberlain	Heyburn	Penrose
Borah	Clapp	Jones	Piles
Bourne	Clark, Wyo.	Kean	Root
Bradley	Crane	La Follette	Smith, Mich.
Brandegee	Crawford	Lodge	Smith, S. C.
Briggs	Cummins	Lorimer	Smoot
Bristow	Dick	McCumber	Thornton
Brown	Dixon	Nelson	Warner
Burkett	Flint	Newlands	Warren
Burnham	Foster	Nixon	Wetmore
Burrows	Gamble	Oliver	Young
Burton	Gronna	Overman	
Carter	Guggenheim	Page	

The PRESIDING OFFICER. Fifty Senators have answered to their names. A quorum is present.

Mr. OVERMAN. Mr. President, I was proceeding to say that I am opposed to all this extravagance, making more office holders, spending millions and millions and millions of dollars, and duplicating offices. That is what we are doing. If you would investigate these departments of the Government you would find a hundred duplications in the different departments. We have got these consular agents, I say, costing us $38,000,000, sending the very same information here that it costs a couple of millions in another department to get. We have those consular reports weekly and monthly. We have the reports of the Bureau of Statistics weekly and monthly, publishing practically the same thing, piling up, piling up statistics on these very subjects, and here we come in now and ask for a tariff commission that is going to cost us at least $500,000, because this board over here costs $400,000, and they are given extensive power to send all sort of agents abroad, to Europe, and to sit down with consular agents and drink wine, and see the country at $15 a day and $10 a day salary, and when they get the information and send it back here, what is it worth? You will have no more valuable information than you have to-day right here in the office of the Secretary of State and the Bureau of Statistics.

If these consular agents can not give us all this information, let us send somebody there who will. I know myself, Mr. President, of an agent who has been sent abroad at $10 a day salary and $10 expenses, who has traveled all around the world, visiting every country in the world. He has sent information back here—valuable information it is—and we have it. What do you want with any more? He is a tariff expert, too, and one of the best tariff experts in this country.

After getting this information and coming back, what did we do with it? There is now a tariff board in this city that is costing us $200,000 a year, and the first thing we do when they go to work is to send for this young man and give him $4,500 and put him at work on the tariff board here. Here we have appropriated $60,000 in one bill to send more trained agents abroad. That is a very wise provision of law. Two hundred thousand dollars more is provided, I think, in the bill passed this evening to send agents abroad, in addition to the $38,000,000 appropriated for these consular agents.

I say you can go up here in this document room and you will find tons and tons of documents. Sometimes you have the Committee on the Disposition of Useless Papers come in here with a report, and when you read the report you see that they ask for the destruction of hundreds and hundreds of tons of valuable information furnished on the question of the tariff that no man ever read or ever intends to read. It is destroyed year in and year out. Still the money goes into the pockets of the men to employ these agents and the taxpayers have to pay for it. I doubt if there is a man in the Senate who has ever read this document [exhibiting]. I doubt if there is a Senator who has ever read it. Every morning we find documents laid on our desks that it costs the Government thousands and hundreds of thousands of dollars to print. No mortal man ever reads them. They go into the files up here, and reports come in year in and year out from the same old Committee on the Disposition of Useless Papers and Documents, and they are sold for old paper.

Mr. SMOOT. And every Senator is asking for the printing of them.

Mr. OVERMAN. And every Senator is asking for the printing of them. That is the truth; it happens here every morning. It costs the Printing Office here millions and millions of dollars every year. Hundreds of thousands of dollars are spent in the duplication of work. Take the State Department, with their agents going abroad, taking a trip to Europe and around the world, paid $10 a day and $15 expenses; the Treasury Department, with hundreds and hundreds of agents sent abroad on a trip to Europe, $10 a day and $15 expenses; the Department of Commerce and Labor, hundreds of officeholders. I heard a Republican Senator here make a speech, and he said if these officers would start up Pennsylvania Avenue, they would make an army of men greater than Grant's army in the grand march after the war that marched up Pennsylvania Avenue. He was appointed on a committee here to investigate the matter, and he described it as equal to the army of Gen. Grant marching up Pennsylvania Avenue.

We do not know how many men we have, how many useless men and how many useless documents. We have all the information that can be gathered on the tariff. As to the consular reports, sometimes when they come we can not read them, and when we ask for a translation we can not get it.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to his colleague?

Mr. OVERMAN. Certainly.

Mr. SIMMONS. Mr. President, I have been recently a member of the committee having in charge the destruction of useless documents, and I know what an exceedingly important subject this is. My colleague is now making a speech that I think ought to be heard by every Member of the Senate. Looking around at the empty benches, I feel like there is a necessity of getting a quorum of the Senate here to hear his very illuminating remarks upon this exceedingly important subject. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Beveridge	Burton	Gamble	Page
Borah	Carter	Gronna	Penrose
Bourne	Chamberlain	Heyburn	Piles
Bradley	Clapp	Jones	Root
Brandegee	Clark, Wyo.	Kean	Smith, Mich.
Briggs	Crane	La Follette	Smith, S. C.
Bristow	Crawford	Lodge	Smoot
Brown	Cummins	Lorimer	Warner
Burkett	Dick	Newlands	Warren
Burnham	Dixon	Nixon	Wetmore
Burrows	Flint	Owen	Young

The PRESIDING OFFICER. Forty-four Senators have answered to their names. A quorum is not present.

Mr. SMOOT. I ask that the names of the absentees be called.

Mr. OVERMAN. I move that the Senate adjourn.

The PRESIDING OFFICER. Pending the demand of the Senator from Utah, the Senator from North Carolina moves that the Senate adjourn.

The Senate refused to adjourn.

The PRESIDING OFFICER. The Secretary will call the names of absent Senators.

The Secretary called the names of absent Senators, and Mr. OVERMAN responded to his name when called.

The PRESIDING OFFICER. Forty-five Senators are present. There is no quorum present.

Mr. SMOOT. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

Mr. STONE. Mr. President, may I have the attention of the Senator from Indiana?

It is manifest that we will not make any rapid progress, at least, by continuing to-night. I have said already that if there was an adjournment to give us time to rest so that we could get up before noon and get our breakfast, it is more than probable, I believe it is altogether probable, that to-morrow we can come to some satisfactory agreement between the parties with reference to this matter. Of course, I am not in any position to have anything to say that anything can be done and I will not say it. I would not want the Senator from Indiana or any other Senator to come to me and say that I had made a promise I was not keeping, and I will not make a promise that I can not keep and know I can not. I do not make any promise that I can not keep absolutely.

But I think it may be more than likely we can reach a conclusion to-morrow that will be satisfactory. I hope so; and I ask the Senator from Indiana, in charge of the bill, to consent now to an adjournment. This is the last time I am going to make the request. I am doing it for the physical comfort of all concerned. Of course, if it is denied, all that we can do is to go on without any effort on my part to come to any conclusion to-night about anything. I am not saying that in any spirit——

Mr. BEVERIDGE. While the Senator has the floor, I understand the Senator to say that in his judgment and from his knowledge of those associated with him in his views on this question, he believes that if we should not continue to-night an agreement can be reached to-morrow morning to vote on the bill. I understand perfectly the Senator does not put that in the form of a promise; it is his belief that that can be done.

Mr. STONE. I believe that after conferring among ourselves and then having some conferences with Senators upon the other side an agreement can be arrived at. That is my view about it now, but——

Mr. BEVERIDGE. The Senator said in private conversation with me a moment ago—and I repeat it merely because it is substantially what the Senator is saying now, except the time—it was his confident belief that if we did not continue the consideration of this matter to-night an agreement could be reached to vote upon the measure early Thursday, or at the latest early Friday morning. If that is the Senator's understanding, I think it clears my mind.

Mr. STONE. The Senator is, of course, using his own language. What I have said I say on the floor, that I think if an opportunity is given for conferences among our friends here, this side and that, an understanding can be arrived at.

Mr. BEVERIDGE. Well, Mr. President——

Mr. STONE. Now, what I say is that I am expressing my individual views upon the proposition.

Mr. OVERMAN. I have no doubt that is the view of the few Senators on this side who are here. What others who are not here are going to say about it I do not know. Of course, the Senator from Missouri can not be bound by that.

Mr. STONE. I can not be, and I do not intend to put myself in the attitude of being bound by it.

Mr. SMOOT. The Senator from Indiana understood that.

Mr. STONE. I do not know what can be done, but I do say that there is a far better opportunity of accomplishing the end the Senator from Indiana has in view—that is, a vote on this bill on Thursday afternoon or Friday morning—by this arrangement than by the course of coercion.

Mr. BEVERIDGE. The Senator must modify that term.

Mr. STONE. If the Senator will permit me, I wish to say—and this I say with a good deal of feeling and conscience—that whatever the discomforts may be to Senators on either side, we shall debate the question—we can do it and are prepared to do it as long as we feel we desire to do it. Therefore it is better to give the opportunity for this conference in the hope and belief that an arrangement can be made.

Mr. BEVERIDGE. Mr. President, my friend's last suggestion was, I am sure he will see on reflection, unnecessary. Everybody takes it for granted that the Senator can always debate; and of course the Senator does not mean to use the word "coercion," because that is not in anybody's mind, as the Senator well knows.

The Senator has given us his views, for which I have very great respect, as he very well knows. I observed that the Senator from North Carolina spoke to him, and then wanted to take the floor himself.

Mr. OVERMAN. I wanted to have a thorough understanding. So far as I am concerned, I am willing to have an agreement in the morning. I know what the Senator says, but I do not know what somebody else may say. I do not know——

Mr. WARREN. I desire that Senators should address the Chair. We should like to hear what they say.

Mr. OVERMAN. I said I did not want to give his views or those of any other Senator on this floor. I can only say what we have said and done among ourselves. For some Senator at home and in bed asleep I can not speak. We only say what we think about it, and we give our own views in the matter.

Mr. BEVERIDGE. Does the opinion of the Senator's colleague coincide with the opinion of the Senator from Missouri?

Mr. SIMMONS. Mr. President, so far as I am personally concerned, I would have no disposition to participate in any filibustering tactics upon this measure, and I would be perfectly willing to fix a time to vote. So far as my whispered conversation with the Senator from Missouri is concerned, I will say to the Senator that my suggestion was that we would probably be able at a conference in the morning to come to some agreement about it, but that I did not think it would be wise to unqualifiedly promise or to hold out any false hopes about it until we had had an opportunity to confer.

Mr. BEVERIDGE. The Senator, then, thinks as the Senator from Missouri [Mr. STONE] and his colleague [Mr. OVERMAN] think, that it is likely——

Mr. SIMMONS. I think if we are given an opportunity to have a conference in the morning that the probabilities are that we will be able to come to a satisfactory agreement; but I do not think that we are in a position to promise absolutely that we will be able to do so.

Mr. BEVERIDGE. Mr. President, upon the assurance as stated by the three Senators, I move that the Senate adjourn.

The PRESIDING OFFICER. Before putting that motion the Chair will suggest that, if there be no objection, the proceedings under the call of the Senate will be vacated. The question is on the motion of the Senator from Indiana that the Senate adjourn.

Mr. LA FOLLETTE. Mr. President, let us have the yeas and nays on that motion.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FLINT (when his name was called). I again announce my pair with the senior Senator from Texas [Mr. CULBERSON]. I transfer that pair to the senior Senator from New York [Mr. DEPEW] and vote. I vote "nay."

The roll call was concluded.

Mr. CLARK of Wyoming (after having voted in the affirmative). I have a general pair with the Senator from Missouri [Mr. STONE]. I notice that on the roll call he is apparently absent, and I therefore withdraw my vote.

Mr. DIXON (after having voted in the negative). I forgot that I have a pair with the junior Senator from Florida [Mr. FLETCHER]. I transfer that pair to the junior Senator from Wisconsin [Mr. STEPHENSON] and will let my vote stand.

Mr. PAGE. I again announce the necessary absence of my colleague [Mr. DILLINGHAM]. He is paired with the senior Senator from South Carolina [Mr. TILLMAN].

Mr. OVERMAN (after having voted in the affirmative). I voted under a misapprehension. I thought that the Senator from California [Mr. PERKINS], with whom I am paired, was present. I see he is not, and therefore I will withdraw my vote.

The result was announced; and there were—yeas 25, nays 24, as follows:

YEAS—25.

Bankhead	Cummins	Root	Thornton
Beveridge	Gore	Shively	Watson
Briggs	Heyburn	Simmons	Wetmore
Burton	Kean	Smith, Md.	Young
Carter	Lodge	Smith, S. C.	
Chamberlain	Martin	Swanson	
Crane	Percy	Taylor	

NAYS—24.

Borah	Burkett	Dixon	Owen
Bourne	Burnham	Flint	Page
Bradley	Burrows	Gamble	Penrose
Brandegee	Clapp	Gronna	Smith, Mich.
Bristow	Crawford	La Follette	Smoot
Brown	Dick	Lorimer	Warner

NOT VOTING—42.

Aldrich	Dillingham	McCumber	Richardson
Bacon	du Pont	Money	Scott
Bailey	Fletcher	Nelson	Stephenson
Bulkeley	Foster	Newlands	Stone
Clark, Wyo.	Frazier	Nixon	Sutherland
Clarke, Ark.	Frye	Oliver	Taliaferro
Culberson	Gallinger	Overman	Terrell
Cullom	Guggenheim	Paynter	Tillman
Curtis	Hale	Perkins	Warren
Davis	Johnston	Piles	
Depew	Jones	Rayner	

Mr. WARREN (after having voted in the affirmative). I overlooked the fact for the moment that I was paired with the Senator from Mississippi [Mr. MONEY], and, although I believe he would vote on the same side of this question as I have voted, I will withdraw my vote and preserve the pair.

So the motion was agreed to; and (at 1 o'clock and 35 minutes a. m. Thursday, March 2, 1911) the Senate adjourned until Thursday, March 2, 1911, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *March 1, 1911.*

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

DAM ACROSS THE COLORADO RIVER, ARIZ.

The SPEAKER. The Chair lays before the House the bill (S. 10808) to authorize the Greeley-Arizona Irrigation Co. to build a dam across the Colorado River at or near Head Gate Rock, near Parker, in Yuma County, Ariz., which the Clerk will read, a similar House bill being on the calendar.

The Clerk read as follows:

Be it enacted, etc., That the Greeley-Arizona Irrigation Co., a corporation organized under the laws of Arizona, is hereby authorized to construct, maintain, and operate a diversion dam in and across the Colorado River at a place known as Head Gate Rock, near Parker, Yuma County, in the Territory of Arizona, in accordance with the provisions of the act approved June 23, 1910, entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906:" *Provided*, That the actual construction of said dam shall be begun within two years and completed within four years from the date of the passage of this act: *And provided further*, That the actual construction of said dam shall not be commenced until the plans and specifications therefor shall have been presented to and approved by the Secretary of the Interior in addition to the requirements of the act approved June 23, 1910, entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906," and, in approving the plans and specifications, the Secretary of the Interior may impose such conditions as to him shall seem proper for the protection of the public interests of Indians and the United States.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

A similar House bill, H. R. 32756, on the House Calendar was, by unanimous consent, ordered to lie on the table.

BRIDGE ACROSS THE OUACHITA RIVER, ARK.

The SPEAKER. The Chair also lays before the House the bill (S. 10882) to authorize the county of Ouachita, in the State of Arkansas, to construct a bridge across Ouachita River, which the Clerk will read, a similar House bill being on the calendar.

The Clerk read as follows:

Be it enacted, etc., That the county of Ouachita, in the State of Arkansas, be, and is hereby, authorized to construct, maintain, and operate a traffic bridge and approaches thereto across the Ouachita River at Camden, Ark., in accordance with the provisions of the act entitled "An act to regulate the construction of a bridge over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read the third time, was read the third time, and passed.

A similar House bill, H. R. 32908, on the House Calendar was, by unanimous consent, ordered to lie on the table.

EDWIN M. HACKER.

The SPEAKER. The Chair also lays before the House the bill (S. 10476) for the relief of Passed Asst. Paymaster Edwin M. Hacker, which the Clerk will read, a similar House bill being on the calendar.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to restore Passed Asst. Paymaster Edwin M. Hacker, United States Navy, to a place on the list of pay officers of the Navy, next after Passed Asst. Paymaster Thom Williamson, jr., United States Navy.

Mr. STAFFORD. Mr. Speaker, I reserve the right to object.

The SPEAKER. What is the gentleman's objection?

Mr. STAFFORD. I oppose the passage of this bill.

Mr. AUSTIN. Mr. Speaker——

The SPEAKER. The gentleman from Tennessee is recognized.

Mr. AUSTIN. Mr. Speaker, a bill similar to this one has been unanimously reported from the House Committee on Naval Affairs. It has been recommended by the excellent Assistant Secretary of the Navy. I hope the gentleman from Wisconsin will not object to its passage. It is in every way a meritorious proposition. The bill is one in which I am not personally interested; it is really not of interest to my constituents, being an inherited proposition left to me by my late colleague, Mr. Brownlow. It is a measure in which he was very deeply concerned. Paymaster Hacker is a competent, worthy, and deserving official. He has been unfairly treated, unintentionally, and I appeal to the Members of this House to support this just bill.

In order that the merits of this bill may be fully understood I ask that the report of the Committee on Naval Affairs be read.

The report was read, as follows:

The Committee on Naval Affairs, to whom was referred the bill (S. 10476) for the relief of Passed Asst. Paymaster Edwin M. Hacker, having considered the same, report thereon with a recommendation that it pass, with the following amendments:

At the end of line 7 change comma to period.

Strike out lines 8 to 12, inclusive.

The bill as amended has the approval of the Navy Department, as will appear by the following communication:

DEPARTMENT OF THE NAVY,
Washington, February 10, 1911.

MY DEAR SENATOR: Referring to your letter dated January 27, 1911, transmitting a bill (S. 10476) "for the relief of Passed Asst. Paymaster Edwin M. Hacker," and requesting the department's opinion thereon, I have the honor to inform you as follows:

The act of March 3, 1903 (32 Stat., 1197), authorized the appointment of "26 additional passed assistant and assistant paymasters, in all 96," and for reasons which seemed controlling at that time to the department, this entire increase was placed in the lower of those two grades.

On January 1, 1908, Passed Asst. Paymaster Edwin M. Hacker, United States Navy, then an assistant paymaster, stood No. 3 in his grade.

Early in that year the department considered the matter of the promotion of the pay officers in the lower grades, and, being uncertain as to the proper construction of the law, asked for an opinion of the Attorney General upon the question, which opinion was rendered on February 19, 1908 (26 Op. A. G., 511), and of which the following is the syllabus:

"The number of passed assistant and assistant paymasters in the Navy to be appointed in each of the two grades under the act of March 3, 1903 (32 Stat., 1197), not being prescribed by that act, is necessarily left to Executive discretion, to be controlled by the general terms and regulations providing for the advancement of officers in the naval service.

"Nor is it required that the relative proportion of officers in each of those two grades shall remain always the same, a change in the proportion being within the discretion of the Executive, unless controlled by general laws or regulations."

In accordance with this opinion the department, on February 21, 1908, issued the following memorandum:

"It is directed that hereafter assistant paymasters shall be considered due for promotion to be passed assistant paymasters as soon as they have served three years in the grade of assistant paymaster: *Provided*, That the number of passed assistant paymasters shall not exceed 56."

As a result of this direction some 30 assistant paymasters were examined for promotion, one of whom was Mr. Hacker, who failed professionally, and, in accordance with law, was suspended from promotion for one year. It thus happened that about 28 of his juniors advanced above him, and it is from this excessive loss of numbers that the bill aims to give relief.

Subsequently, Mr. Hacker made application to the department for such action as might be necessary to restore to him the loss of numbers. This application was most favorably indorsed by the Chief of the Bureau of Supplies and Accounts, and Mr. Hacker's record being otherwise excellent, the department replied in part as follows:

"You are informed that under the circumstances, and after careful consideration, the department decides that as the average rate of promotion of assistant paymasters during the five years from 1902 to 1907, inclusive, was approximately seven numbers a year, there is no objection to your obtaining relief to that extent."

While the law relating to loss of numbers resulting from suspension from promotion should be applied impartially, yet its rigors may be relaxed in meritorious cases where there is an abnormal loss of files not contemplated by the law.

The normal operation of the statute indicates the legislative view as to the penalty for professional failure upon examination for promotion—that is, one year's suspension with corresponding loss of numbers and difference of pay—and this should not be modified in individual cases, nor in any case where any of the attendant circumstances render the officer unworthy.

Had Mr. Hacker been examined at practically any other time and failed professionally, he would have suffered a normal loss of numbers (found to be about seven), but owing to special and extraordinary circumstances hereinbefore outlined he lost four times that many.

Inasmuch, however, as Mr. Hacker was suspended from promotion for one year, by which, it is true, he lost an abnormal number of files,

yet he did not actually lose any more pay than would have been the case under normal conditions. All but seven of the lost files the bill now proposes to restore to him, but with no loss of pay at all, though under any year's suspension there is always a corresponding loss of difference of pay. It is therefore recommended that the following modifications be made in the bill:

Line 7, at end of line, change comma to period.

Lines 8 to 12, inclusive, strike out.

As thus modified the department has no objection to the measure.

Faithfully, yours, BEEKMAN WINTHROP,
Acting Secretary of the Navy.

The CHAIRMAN COMMITTEE ON NAVAL AFFAIRS,
United States Senate.

Mr. STAFFORD. Will the gentleman yield a little time to me?

Mr. AUSTIN. Certainly.

The SPEAKER. How much time does the gentleman yield?

Mr. AUSTIN. I yield 10 minutes to the gentleman.

Mr. STAFFORD. Mr. Speaker, this bill is similar in terms to H. R. 30940. It appears from the report that Mr. Hacker, passed assistant paymaster, was examined and failed to pass professionally in the examination that is required by the Navy Department for promotion.

During the intervening year that he was obliged, under the rules of the Navy Department, to await another examination 28 of Mr. Hacker's juniors were advanced in the service. This bill contemplates restoring Mr. Hacker to a grade above those who passed successfully. I can not see wherein there is any merit in singling out for promotion a man who failed in the examination when he had his chance and who, after having failed, asks to be given preference over those who passed the examination.

Mr. SLAYDEN. Is that seriously proposed?

Mr. STAFFORD. This is the purpose and effect of the bill.

We had a similar matter up before the Interstate and Foreign Commerce Committee, where some lieutenants in the Revenue-Cutter Service had failed to pass the examination for promotion, and were obliged to remain in the lower grade for a year, and during that intervening year many were promoted in the regular course to the higher numbers. It was proposed to bring those lieutenants back several numbers to the standing near to that they might have had if they had passed successfully.

Mr. SLAYDEN. What reason is there why this extraordinary thing should be done?

Mr. STAFFORD. There is no reason whatsoever advanced, except that during this intervening year a great number of men happen to be promoted to the higher grade, more than the usual number. I do not believe it is fair to the men who have passed successfully; who have taken the examination, and who have met the conditions.

If the gentleman can advance any reason why this man, who, in the examination, failed to meet the requirements of the service, I may withdraw my objection; but there is no excuse whatsoever advanced for his failure to pass the professional examination, and I ask why this man should be singled out and placed above these 28 others who were promoted during that year, and given something that he does not deserve, because he did not keep up with the requirements of the service. If I had not examined this bill on the Unanimous Consent Calendar, I would not have raised this objection. My objection to the bill is based on principle, and I am opposing it as I have opposed similar bills. It is not right that we should single out for promotion a man who has failed in his examination.

Mr. MANN. Is it not a fact that this bill proposes to leave the man seven numbers lower down on the list, which is the normal loss under such circumstances?

Mr. STAFFORD. Yes. There is a similar bill pending before the Interstate and Foreign Commerce Committee.

Mr. MANN. If there is such a bill before our committee, I have never heard of it.

Mr. STAFFORD. That was a case where certain men desired to be placed in a standing that they did not deserve.

Mr. MANN. I think the gentleman is mistaken in saying that there is any similar bill before our committee.

Mr. STAFFORD. There is a similar bill, that has been called to the attention of the chairman of the committee.

Mr. AUSTIN. Mr. Speaker, I move the previous question on the bill to the final passage.

The previous question was ordered.

The bill was ordered to a third reading, and was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

The question being taken, the Speaker announced that the ayes appeared to have it.

Mr. STAFFORD. Division!

The House again divided; and there were 101 ayes and 29 noes.

So the bill was passed.

ORGANIZED MILITIA.

The SPEAKER laid before the House the bill (H. R. 28436) to further increase the efficiency of the Organized Militia, and for other purposes, a third reading of which was ordered yesterday and was laid over because of a demand for the reading of the engrossed bill.

Mr. HAY. Mr. Speaker, I withdraw the demand for the reading of the engrossed bill.

The bill was read the third time.

The SPEAKER. The question now is on the passage of the bill.

Mr. HAY. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. STAFFORD and Mr. MANN made the point of order that no quorum was present.

The SPEAKER. Evidently no quorum is present, and the Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 159, nays 125, answered "present" 12, not voting 88, as follows:

YEAS—159.

Alexander, N. Y.	Estopinal	Knapp	Parsons
Andrus	Fairchild	Kopp	Payne
Ansberry	Fassett	Küstermann	Pickett
Anthony	Fish	Lafean	Plumley
Austin	Focht	Langham	Poindexter
Barclay	Fordney	Langley	Pratt
Barnard	Foss	Law	Pray
Bartholdt	Foster, Vt.	Lawrence	Pujo
Bennett, Ky.	Fuller	Lenroot	Reeder
Bingham	Gardner, Mass.	Livingston	Roberts
Borland	Gardner, N. J.	Longworth	Rodenberg
Boutell	Graff	Loud	Scott
Bradley	Graham, Pa.	Loudenslager	Sheffield
Burke, S. Dak.	Grant	Lowden	Simmons
Burleigh	Greene	McCreary	Snapp
Butler	Griest	McGuire, Okla.	Sperry
Calder	Guernsey	McKinley, Ill.	Stafford
Calderhead	Hamer	McKinney	Steenerson
Cantrill	Hamilton	McLaughlin, Mich.	Sterling
Cassidy	Hanna	McMorran	Sturgiss
Chapman	Haugen	Madden	Sulloway
Cocks, N. Y.	Hawley	Malby	Swasey
Cole	Heald	Mann	Taylor, Ala.
Cooper, Pa.	Higgins	Massey	Taylor, Ohio
Cox, Ohio	Hill	Miller, Kans.	Thistlewood
Craig	Hobson	Miller, Minn.	Tilson
Creager	Howell, N. J.	Moon, Pa.	Townsend
Currier	Howland	Moore, Pa.	Underwood
Dalzell	Hubbard, Iowa	Morehead	Volstead
Davidson	Hubbard, W. Va.	Morgan, Mo.	Vreeland
Dawson	Hull, Iowa	Morgan, Okla.	Washburn
Diekema	Humphrey, Wash.	Moxley	Weeks
Dodds	Jamieson	Murphy	Wheeler
Douglas	Johnson, Ohio	Nelson	Wilson, Ill.
Driscoll, M. E.	Joyce	Norris	Woods, Iowa
Dupre	Keifer	Nye	Woodyard
Durey	Kendall	Olcott	Young, Mich.
Dwight	Kennedy, Iowa	Olmsted	Young, N. Y.
Ellis	Kennedy, Ohio	Palmer, H. W.	The Speaker
Esch	Kinkaid, Nebr.	Parker	

NAYS—125.

Adair	Ferris	Johnson, S. C.	Rauch
Aiken	Fitzgerald	Jones	Richardson
Alexander, Mo.	Floyd, Ark.	Kelliher	Robinson
Barnhart	Garner, Tex.	Kinkead, N. J.	Roddenbery
Bartlett, Ga.	Garrett	Kitchin	Rucker, Mo.
Beall, Tex.	Gillespie	Korbly	Saunders
Bell, Ga.	Glass	Lamb	Shackleford
Boehne	Godwin	Latta	Sharp
Booher	Goldfogle	Lee	Sheppard
Brantley	Gordon	Lever	Sherley
Burgess	Graham, Ill.	Lindbergh	Sherwood
Burleson	Gregg	Lloyd	Sims
Candler	Hamlin	McCall	Sisson
Carlin	Hammond	McDermott	Slayden
Carter	Hardwick	McHenry	Small
Cary	Hardy	Macon	Smith, Tex.
Clark, Mo.	Harrison	Maguire, Nebr.	Speight
Clayton	Havens	Martin, Colo.	Stephens, Tex.
Cline	Hay	Mays	Sulzer
Collier	Heflin	Mitchell	Talbott
Cooper, Wis.	Helm	Moon, Tenn.	Tawney
Covington	Henry, Tex.	Morrison	Taylor, Colo.
Cox, Ind.	Hitchcock	Moss	Thomas, Ky.
Crumpacker	Hollingsworth	Nicholls	Thomas, N. C.
Cullop	Houston	O'Connell	Tou Velle
Denver	Howard	Oldfield	Turnbull
Dickinson	Hughes, Ga.	Padgett	Webb
Dickson, Miss.	Hughes, N. J.	Page	Wickliffe
Dixon, Ind.	Hull, Tenn.	Palmer, A. M.	Wilson, Pa.
Driscoll, D. A.	Humphreys, Miss.	Peters	
Edwards, Ga.	James	Rainey	
Ellerbe	Johnson, Ky.	Ransdell, La.	

ANSWERED "PRESENT"—12.

Adamson	Finley	Foster, Ill.	Smith, Mich.
Conry	Flood, Va.	Henry, Conn.	Stanley
Cowles	Fornes	Slemp	Wallace

NOT VOTING—88.

Ames	Bennet, N. Y.	Byrns	Crow
Anderson	Bowers	Campbell	Davis
Ashbrook	Broussard	Capron	Denby
Barchfeld	Burke, Pa.	Clark, Fla.	Dent
Bartlett, Nev.	Burnett	Coudrey	Dies
Bates	Byrd	Cravens	Draper

Edwards, Ky.	Hayes	Martin, S. Dak.	Riordan
Elvins	Hinshaw	Maynard	Rothermel
Englebright	Howell, Utah	Millington	Rucker, Colo.
Foelker	Huff	Mondell	Sabath
Fowler	Hughes, W. Va.	Moore, Tex.	Smith, Cal.
Gaines	Kahn	Morse	Smith, Iowa
Gallagher	Knowland	Mudd	Southwick
Gardner, Mich.	Kronmiller	Murdock	Sparkman
Garner, Pa.	Legare	Needham	Stevens, Minn.
Gill, Md.	Lindsay	Patterson	Thomas, Ohio
Gill, Mo.	Lively	Pearre	Wanger
Gillett	Lundin	Pou	Watkins
Goebel	McCredie	Prince	Weisse
Good	McKinlay, Cal.	Randell, Tex.	Wiley
Goulden	McLachlan, Cal.	Reid	Willett
Hamill	Madison	Rhinock	Wood, N. J.

So the bill was passed.

The Clerk announced the following pairs:

For the session:

Mr. WANGER with Mr. ADAMSON.

Mr. WILEY with Mr. WALLACE.

Mr. SMITH of Michigan with Mr. CLARK of Florida (excepting District legislation).

Mr. HUGHES of West Virginia with Mr. BYRD.

Mr. SMITH of California with Mr. CRAVENS.

Mr. SLEMP with Mr. FLOOD of Virginia.

Until further notice:

Mr. COWLES with Mr. BYRNS.

Mr. GOEBEL with Mr. DENT.

Mr. DENBY with Mr. GALLAGHER.

Mr. EDWARDS of Kentucky with Mr. ANDERSON.

Mr. BATES with Mr. SABATH.

Mr. MCLACHLAN of California with Mr. ASHBROOK.

Mr. AMES with Mr. REID.

Mr. MURDOCK with Mr. RHINOCK.

Mr. WOOD of New Jersey with Mr. PATTERSON.

Mr. MILLINGTON with Mr. MAYNARD.

Mr. CAPRON with Mr. GILL of Missouri.

Mr. MONDELL with Mr. SPARKMAN.

Mr. BARCHFELD with Mr. BOWERS.

Mr. BURKE of Pennsylvania with Mr. BROUSSARD.

Mr. CAMPBELL with Mr. FINLEY.

Mr. DAVIS with Mr. STANLEY.

Mr. DRAPER with Mr. DIES.

Mr. GAINES with Mr. GILL of Maryland.

Mr. GILLETT with Mr. GOULDEN.

Mr. HENRY of Connecticut with Mr. HAMILL.

Mr. HOWELL of Utah with Mr. LEGARE.

Mr. KAHN with Mr. LINDSAY.

Mr. KNOWLAND with Mr. LIVELY.

Mr. MARTIN of South Dakota with Mr. MOORE of Texas.

Mr. PEARRE with Mr. POU.

Mr. PRINCE with Mr. RANDELL of Texas.

Mr. SMITH of Iowa with Mr. RIORDAN.

Mr. STEVENS of Minnesota with Mr. RUCKER of Colorado.

Mr. GOOD with Mr. WATKINS.

Mr. MUDD with Mr. WEISSE.

Mr. COUDREY with Mr. WILLETT.

Mr. ELVINS with Mr. FORNES.

Ending March 2, 11 a. m.:

Mr. ENGLEBRIGHT with Mr. BARTLETT of Nevada.

Mr. NEEDHAM with Mr. CONRY.

For this day:

Mr. HAYES with Mr. ROTHERMEL.

On militia bill alone:

Mr. BENNETT of Kentucky (in favor) with Mr. BURNETT (against).

On this vote:

Mr. SOUTHWICK with Mr. FOSTER of Illinois.

Mr. ADAMSON. Mr. Speaker, under a misapprehension I voted "no." I find that I am paired with the gentleman from Pennsylvania, Mr. WANGER. I wish to change my vote.

The SPEAKER. The Clerk will call the name of the gentleman from Georgia.

The Clerk called the name of Mr. ADAMSON, and he answered "Present."

The result of the vote was announced as above recorded.

On motion of Mr. STEENERSON, a motion to reconsider the last vote was laid on the table.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 28215. An act to fix the time of holding the circuit and district courts for the northern district of West Virginia;

H. R. 18512. An act for the relief of S. H. Robinson, of Allegheny County, Pa.;

H. R. 20603. An act for the relief of Henry Haltman;

H. R. 26656. An act to prevent the disclosure of national defense secrets;

H. R. 29857. An act to amend section 3287 of the Revised Statutes of the United States as amended by section 6 of chapter 108 of an act approved May 28, 1880, page 145, volume 21, United States Statutes at Large;

H. R. 30570. An act to authorize the receipt of certified checks drawn on national and State banks for duties on imports and internal taxes, and for other purposes;

H. R. 31806. An act to amend section 1 of the act approved March 2, 1907, being an act to amend an act entitled "An act conferring jurisdiction upon United States commissioners over offenses committed on a portion of the permanent Hot Springs Reservation, Ark.;"

H. R. 32082. An act limiting the privileges of the Government free bathhouse on the public reservation at Hot Springs, Ark., to persons who are without and unable to obtain the means to pay for baths;

H. R. 32344. An act to protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States, or their successors in interest;

H. R. 29360. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1912, and for other purposes; and

H. R. 31856. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1912, and for other purposes.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 10882. An act to authorize the county of Ouachita, in the State of Arkansas, to construct a bridge across Ouachita River;

S. 10808. An act to authorize the Greeley-Arizona Irrigation Co. to build a dam across the Colorado River at or near Head Gate Rock, near Parker, in Yuma County, Ariz; and

S. 10476. An act for the relief of Passed Asst. Paymaster Edwin M. Hacker.

PANAMA CANAL BONDS.

The SPEAKER laid before the House the bill (S. 10456) to restrain the Secretary of the Treasury from receiving bonds issued to provide money for the building of the Panama Canal as security for the issue of circulating notes to national banks, and for other purposes, a similar House bill (H. R. 32218) being on the calendar.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to insert in the bonds to be issued by him under section 39 of an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, a provision that such bonds shall not be receivable by the Treasurer of the United States as security for the issue of circulating notes to national banks; and the bonds containing such provision shall not be receivable for that purpose.

Mr. UNDERWOOD. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. UNDERWOOD. Mr. Speaker, I desire to raise the question of consideration on this bill, and pending that I want to see if I can make an arrangement with the gentleman from New York about the debate on the bill, if the question of consideration is not raised.

Mr. PAYNE. What does the gentleman desire in reference to debate?

Mr. UNDERWOOD. I think there ought to be an hour on a side.

Mr. PAYNE. It is pretty late in the session for that, but it is a very important bill. I suppose if the gentleman raises the question of consideration it might take half an hour to vote. I have thought of an hour for both sides. Will the gentleman compromise on an hour and a half?

Mr. UNDERWOOD. There are a great many requests on this side for time. Gentlemen would like to be heard.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that the debate proceed for two hours, one-half to be controlled by the gentleman from Alabama [Mr. UNDERWOOD] and one-half by myself, and at the end of that time the previous question to be considered as ordered.

Mr. UNDERWOOD. Subject to amendment.

The SPEAKER. The gentleman from New York asks unanimous consent that all debate on this bill shall be closed in two hours, one-half to be controlled by the gentleman from New York and one-half by the gentleman from Alabama [Mr. UNDERWOOD], at the end of which time the previous question shall be considered as ordered on the bill for final passage.

Mr. UNDERWOOD. On the bill and amendments. I do not think there will be any.

Mr. PAYNE. I modify the request to that extent.

The SPEAKER. Is there objection?

There was no objection, and it was so ordered.

Mr. PAYNE. Mr. Speaker, at the time we were formulating the present tariff law there had been issued bonds for the construction of the Panama Canal in the amount of $87,309,594.83 and that money had been turned in to pay toward the construction of the canal. There has been expended in the construction of the canal up to this date $229,430,929.45, leaving a balance expended out of the general fund of the Treasury, and reimbursable from the sale of bonds, of $140,000,000 and upward. We put a clause in the tariff act authorizing the Secretary of the Treasury to issue bonds bearing a rate of interest not exceeding 3 per cent to provide funds for the entire construction of the Panama Canal as then estimated, to wit, $375,200,950. There have been issued to this date $84,000,000, leaving a balance of bonds authorized and not yet issued of $290,569,000. The construction so far of the canal has been paid out of the general funds of the Treasury, and although in the last three or four years we have been running pretty close on the balance of general funds in the Treasury, still the Treasury Department has been able to pay for this construction up to date. But, Mr. Speaker, the time is coming, and is not far off, when we would have to issue bonds to reimburse the Treasury for a portion of this expenditure. The deficit from the 1st of July up to the present date, by the Treasury report of this morning, is $4,975,038.36. This is on the basis of the ordinary expenses of the Government, but we have already expended this year for canal purposes $25,334,587.38, so that the total deficit for this year, including Panama expenditures, is $30,309,625.21. It is hoped that this deficit may be decreased between now and the 30th of June; but, on the other hand, we have to look in the face of the fact of some extraordinary expenditures which the Treasury may be called upon to pay.

In the first place, we have actions pending against the Treasury for the tax on corporations on which we have collected in round numbers $27,000,000. Of course, as gentlemen all know, that case is pending in the Supreme Court, but we can not always tell with certainty what the court may decide. As for myself, I have always believed that the tax was constitutional. Other gentlemen of the House, better lawyers than I am, believe that it is not, but if the court decides against us that $27,000,000 must be paid and can only be paid out of the issue of bonds, because we are authorized to reimburse the Treasury for the expenditures for the canal, and, of course, that reimbursement, if necessary, will go into the general fund for the expenditures of the Treasury Department.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. PAYNE. Yes; for just a question.

Mr. MADDEN. I desire to ask this question for information. Does the gentleman from New York know how much has been paid out of the Treasury that has not been reimbursed from any source in the matter of the canal construction?

Mr. PAYNE. The balance over and above the bonds that have been issued is one hundred and forty-two million one hundred and twenty-one thousand and odd dollars. We are entitled to issue bonds to the amount to-day to place the amount in the Treasury now.

Mr. DOUGLAS. Will the gentleman yield to me?

Mr. PAYNE. If the gentleman will indulge me on this immediate point I will then yield for a question.

Mr. DOUGLAS. I thought the gentleman would yield as he has yielded once. Is the gentleman of opinion that taking from these bonds the right to secure circulation——

Mr. PAYNE. I will come to that; of course I can not speak about everything at once. Now, Mr. Speaker, if I can get back to the point from which my attention was diverted, if the Supreme Court should decide this tax case against us, we would also lose $25,000,000 the Treasury estimated for the tax to be collected for this fiscal year. Adding that to the $27,000,000 already collected, which we would have to reimburse, would make a further deficit of $52,000,000. Then we can not ignore the fact that the pension bill, which we have passed, and which is now in the Senate, and which may or may not become a law before the 4th day of this present month, calls all the way from the lowest estimate to perhaps not the highest, of from $30,000,000 to $50,000,000.

So that an issue of bonds is imminent. Then, there is the question of the ordinary receipts and disbursements. Every gentleman knows that under any revenue bill the receipts are largely affected by the business of the country. What the business of the country may be for the present year that we have now entered upon no man can say. We have had two quite prosperous years, and an immense revenue under the present law. Whether there will be a curtailment of that revenue or not, of course, is only in the future, but it would be a calamity if some legislation were not passed by which we could at any time replenish the Treasury for these overdrafts which may come upon us.

Now, Mr. Speaker, in the clause of the tariff act which authorized these bonds, as in the other bonding acts, no reference was made as to whether the bonds should or should not be used as security for the issue of currency notes of the national banks, and therefore they come under the banking act which provides that any bonds of the United States may be so used as security for the redemption of these national-bank notes.

Outside of these bonds authorized, the only method by which the funds in the Treasury can be replenished would be by borrowing money on certificates which the Treasury is authorized to issue and which is provided for in this same tariff act, to run not in excess of one year, and to draw interest at the rate of not exceeding 3 per cent. These certificates might be issued in an emergency, but it is quite plain, if the emergency arises and the bonds or certificates are issued, we shall not want to redeem any part of them within a year after the issue. Congress has settled on the policy that the expense of this canal is to be paid for out of bonds, to be paid for by the future generations that will enjoy more the benefit of the canal than the present generation. And so it would seem that the last thing to be resorted to would be the $200,000,000 of Treasury certificates authorized by the act. The provision for these certificates was made a part of the permanent law of the country, so that in any case where the receipts run below the expenditures it will be possible to borrow for a short length of time money to be paid within the year. It is not desirable to issue them for the funding of the canal debt. They were not meant for that purpose. We provided bonds for that purpose, to become due in the future and to be paid in the future.

Mr. Speaker, the security for national-bank notes, of course, has been 2 per cent bonds issued by the United States—not because the investors of money in the country desired generally to lend money to the Government at 2 per cent—that did not pay; the credit of the Treasury was not sufficient to justify the loaning of money to the Government at 2 per cent. But, coupled with that, we have this provision of the national banking law which virtually compelled the banks when they took out circulation to take these 2 per cent bonds, and, with the half of 1 per cent tax upon their circulation, to take what little there was in it, and they could not get the circulation unless they bought the bonds. These bonds have been bought by them at par, or a little beyond—at 102, generally. Of the 2 per cent bonds that have been issued the great bulk of them are held by the national banks. Seven hundred and thirty million dollars of them have been carried by the banks for circulation, but they have reached the limit where they want these bonds for circulation, and no more circulation is desired. Not even the emergency circulation proposed in the previous bill has been desired by the banks since that bill passed, and here are these $730,000,000 of bonds held by the banks.

Now, Mr. Speaker, in addition to that the banks hold a block of these bonds which they have deposited with the Treasury Department as security for the deposits of the national funds. The banks have the bonds yet, but we have run so low that we have no money to deposit as security for these bonds. Of course there is a prejudice against banks and always will be, and yet the banks are represented by stockholders, and stockholders are human beings, and some of those human stockholders, or, at least, I suppose a good many of them, are sitting in this House to-day, and they know something about their human feelings toward banks and bank stock. These people have been forced by their Government to buy these bonds and pay above par for them, and pay more than they were really worth, for security of the banks' circulation, and they were led into supposing that they were going to get some deposits of the United States funds, and they bought more of these bonds, which they now hold. The bonds held by individuals are only a small amount in the whole. I will not undertake to say from memory how much.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. PAYNE. In just a moment.

Mr. FITZGERALD. Right at that point.

Mr. PAYNE. Well, right at that point.

Mr. FITZGERALD. Does the gentleman from New York imagine that the national banks were innocently misled into making a bad investment?

Mr. DOUGLAS. Or does he think they were forced to make a bad investment?

Mr. PAYNE. They were forced to make a bad investment or else go without circulation. Whether that is misleading or not I leave to the gentleman's conscience.

Mr. FITZGERALD. Why were they forced?

Mr. PAYNE. Because they could not get along without it. They had to put up bonds. These were the only ones they could do it with.

Mr. FITZGERALD. Were they forced to do that when other bonds were outstanding at the same premium?

Mr. DOUGLAS. They did not need to take out circulation if they did not think it was profitable.

Mr. PAYNE. They were not forced? What a proposition! We had to have banks; we had to have currency; we had to have money; and the only way it could be given to them was by putting up these bonds. You may call it force, or you may call it patriotism on the part of the banks to furnish currency. However it was, they were squeezed between the upper and the nether millstones, and they did not suppose that the United States would ever do anything to disparage those bonds and send them to a discount.

They supposed that the United States in the issue of bonds would make some regulation by which the new bonds would give no better privilege to the other national banks coming in than they had themselves, or force the rate of premium up so high that they could not afford to take them. In any event, in any way you put it, the result is the same. If it were merely a pocketing of the loss by somebody, and that were all there was of the question, it would be different. But the Government of the United States ought to be as honest and scrupulous in its transactions as the most scrupulous of its citizenship.

Mr. DAWSON. Mr. Speaker, will the gentleman yield?

Mr. PAYNE. And when a private individual forces a loan from another and then goes to work to impair the value of that loan, he creates an equity against himself.

Mr. DAWSON. Will the gentleman allow me to suggest right there that by reason of the refunding of the 2 per cent bonds the Government made a net saving in interest charges of over $17,000,000?

Mr. PAYNE. There is no doubt about that.

Mr. FITZGERALD. Does the gentleman know that if they did not refund them they would not have paid any interest at all?

Mr. HARDY. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from New York yield?

Mr. PAYNE. Yes.

Mr. HARDY. I understood the gentleman to say that of these bonds the banks bought a certain quantity with the idea of issuing circulation upon them as the basis of circulation, and that they were induced to do so through the belief that the Government would make deposits in their banks.

Mr. PAYNE. The gentleman is getting two things mixed up. It is true that a portion of the bonds were bought for circulation, and a portion were bought for security of deposits. The large bulk were bought for circulation.

Mr. HARDY. "For security of deposits," the gentleman says. I understand the gentleman said that in that hope they were misled. Now, did not the bankers know as much about the possibilities of Government bonds as anybody in this country? How could they have been misled?

Mr. PAYNE. They might have known that and still would not know that the Government funds would be entirely withdrawn.

Mr. HARDY. How could they be misled by any act of the Government?

Mr. PAYNE. They did not know how much money would be expended by the Government. You and I did not know it. Nobody knew it. Nobody could know it. Nobody knew how much money would be raised by taxation.

Mr. HARDY. They knew the condition of the Treasury and the laws under which they were expected to get these deposits.

Mr. PAYNE. They knew Congress might change the taxing law any day. If there was a man in the United States who knew what the expenses of the Government would be under the appropriations made by Congress he was wiser than any man who ever sat on this floor and wiser than any banker that ever lived.

Mr. HARDY. One more question and then I will be through. Did not the bankers, in taking that risk, take the ordinary risk of a purchaser?

Mr. HILL. No; they were forced to take 25 per cent.

Mr. PAYNE. Why, the ordinary risk of a purchaser from the Government of the United States, believing that the United States would do the honorable thing by them.

Mr. HARDY. The United States Government in no way pledged itself to deposit anything with these banks.

Mr. PAYNE. The gentleman said he only wanted to ask one question. I think he will have to stop. He is using all my time.

Mr. HARDY. Very well.

Mr. SIMS. May I ask half a question? They were confined to United States bonds to secure deposits——

Mr. PAYNE. I do not yield to the gentleman. How much time have I?

The SPEAKER. The gentleman has 23 minutes.

Mr. PAYNE. I will reserve the balance of my time.

Mr. DOUGLAS. I should like to ask the gentleman——

Mr. PAYNE. After I have yielded to others, I will be glad to yield to the gentleman from Ohio.

Mr. UNDERWOOD. Mr. Speaker, I yield to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Speaker, the strictly domestic affairs of this Government are of surpassing importance to its citizens but lack the novelty and picturesqueness of certain newer and, in the judgment of some of us, at least, less worthy policies.

Our colonial experiments command the interest of all thoughtful citizens, however much they may be deprecated. What we are doing in the Philippines, what we have done and especially what we may hereafter do in those islands is a matter of absorbing interest.

Never for an instant since the first armed American set foot on those far-away Asiatic islands have I approved of the enterprise. I can not view it in any other light than as a disaster to the people of the United States, the unjustified assumption of enormous expense, and the abandonment of our holiest political tenets.

I wish very much that in the study of this problem one could find more pleasing chapters. It is not a story in which Americans can take pride. The recent investigation under the so-called Martin resolution disclosed a shameful but not unexpected condition of affairs.

Our government in the Philippines is a carpetbag government, and seems to have all the characteristics of government of that sort. In fact government of any people by aliens from the days of Roman proconsuls down through Clive and Hastings, the very best and ablest of the tribe, to that unmatched horde of rascals who ruled and robbed the people of the South after our great Civil War has not varied greatly.

Now and then there has been an honest governor, an unselfish, altruistic, confiding sort of man. I have in mind such a one now. But they have been few, and the subordinates have not all been like the occasionally honest chief.

Our government in the Philippines has probably not been as bad as carpetbag government in Roman colonies, in the Indies, or in the Southern States, but in the main it has been no credit to us. Like the carpetbaggers who have gone before, our Philippine administrators have, as the evidence adduced in the recent investigation plainly shows, displayed conspicuous zeal in their own interest.

That modern device known as State credit, evidenced by bonds and other securities, has been used to enhance the value of choice town sites and pieces of farm lands that provident carpetbaggers had selected for themselves. Railways and highways have been built by public funds, and strangely enough have led to the lands previously acquired by these trustees of the Philippine people. It may be a mere coincidence, this juxtaposition of American-owned property and these publicly built roads, but knowing something of the tribe of carpetbaggers I have my doubts.

That in the Philippines we have simply followed the usual rule of the conqueror and plundered the subject nation, doing this despite all protestations of disinterestedness, has been demonstrated this very winter before the Insular Committee of this House. The Insular Committee acted under resolutions limited in character, but allowing it to investigate as to whether sales and leases of public lands had been made in the Philippines in violation of law. If its investigation had extended to the whole subject of the American action in the Philippines, it is to be feared that a much more disgraceful condition of affairs would have been developed. As it is, considering, as the committee did, only certain phases of the land question, the results were bad enough.

Great aid in the examination of the record of affairs before the committee has been furnished by the brief presented by Jackson H. Ralston, Frederick L. Siddons, and William E.

Richardson, attorneys for the Anti-Imperialist League, and who followed the course of the investigations with the greatest possible care. I find from examination of their brief that they have demonstrated certain legal propositions with, as I believe, absolute clearness. These propositions, in brief, are as follows:

(1) By the terms of the act creating the existing Philippine Government no American citizen or citizen of any country, save of the Philippine Islands, was empowered to buy a foot of public lands in the Philippine Islands, while only Filipinos could obtain them by virtue of occupation and cultivation, extending over a period of five years, and then only in tracts not exceeding to an individual 40 acres in extent, and to a corporation 2,500 acres. The citizens of the islands to whom such sales of lands were permitted are defined by the act to be—

All inhabitants of the Philippine Islands continuing to reside therein who were Spanish subjects on the 11th day of April, 1899, and then resided in said islands and their children born subsequent thereto * * * except such as shall have elected to preserve their allegiance to the Crown of Spain.

(2) It is next shown by the brief that the so-called friar lands of the Philippines, which were purchased under the authority of the act of July 1, 1902, creating the Government of the islands, were subject to the same restrictions as were the public lands—that is, they might only be sold to citizens of the islands and in tracts of the size I have mentioned, and subject to like conditions.

Despite the conditions of law above shown to exist in the Philippine Islands, it appeared in the investigation that direct violations of law of the following descriptions had taken place:

(1) The commission had valued and sold to its own members tracts of public lands. This without any conditions as to occupation or cultivation, the members purchasing being citizens of the United States and not citizens of the Philippine Islands.

(2) The commission, in like defiance of the plain letter of the statute, had sold to corporations (not Filipino, but American) tracts of public land as large in three several cases as 2,500 acres in extent; this in like defiance of law.

(3) The commission, without any authorization of Congress to pass such an act, had provided by its public-land laws for the lease in tracts as large as 2,500 acres of public lands to American citizens for a term of from 25 to 50 years and at a minimum and usual rental of 10 cents gold per acre. Under this violation of law the commission had permitted to be leased to the nephew of the member approving the lease a tract of 2,500 acres for a period of 25 years, renewable for a like period, at $250 gold per annum.

(4) The commission had permitted the sale to its own executive secretary of 4,200 acres of land near the city of Manila, this land to be paid for in the course of 20 years, the annual payments being met directly from the labor of Filipino tenants.

(5) The commission had sold tracts of friar lands, the largest being a body of 55,000 acres, to persons closely identified with the American Sugar Trust, the purpose of the purchase being to erect a large mill and, incidentally, to control in a great measure the sugar business of the Philippine Islands.

The nature of the offenses committed by the members of the commission and their subordinates is more fully set out in the brief to which I have referred, such brief stating succinctly the facts proven before the committee and making a most damning total. I print extracts from the brief:

TRANSACTIONS AT BAGUIO.

Shortly after the acquisition of the Philippine Islands it was considered that it would be necessary to establish a health resort in the mountains of the island of Luzon, and Baguio, about 160 miles from Manila, was chosen as the place for its establishment. By Executive order of October 10, 1903, Camp John Hay was established as a military reservation at this point. On December 21, 1900 (act No. 61), the Philippine Commission appropriated $75,000 in gold to construct a road from Pazorubio to Baguio. On November 11, 1901 (act No. 297), the Philippine Commission appropriated ₱11,000 for the purchase of lands and buildings at Baguio for the insular and provincial governments.

On December 31, 1904, the commission, on the recommendation of Secretary of the Interior Worcester, resolved to establish a town site at Baguio. By its act, No. 636, it had created a Government reservation pending the establishment of a town site.

On May 29, 1903 (act No. 767), $1,500, local currency, was appropriated for work on Government buildings. On June 30, 1903 (act No. 794), a survey was ordered for a road from Naguilian to Baguio, to cost $2,500, and a survey directed of the town site; and for location of pumping stations and reservoir $5,000 was appropriated.

By resolution of the commission, dated April 30, 1904, the expenditure of $3,500 was ordered for improvements at Baguio, and by further resolution (Annual Report 4, 1904, p. 519) ₱880 were appropriated for a pesthouse at that point. On May 26, 1906 (act No. 1495), the Burnham plans for the town at Baguio were adopted.

By act of August 18, 1906 (act No. 1527), the resolutions of the commission of May, June, and July, 1906, directing the proceeds of land sales at Baguio to be used in or near the town site for public improvements, and expended by the superintendent of the Benguet Road, on approval of the secretary of commerce and police (now Gov. Gen. Forbes), were confirmed.

On December 22, 1906 (act No. 1508), ₱30,000 were appropriated for the Governor General's residence and ₱5,000 for a building for the employees of the bureau of public works.

On June 27, 1907 (act No. 1662), ₱5,000 were appropriated for the construction of the hospital building at Baguio. On August 17, 1907, ₱8,250 were appropriated for buildings for the bureau of agriculture and ₱20,000 for the improvement of the Baguio town site.

On October 2, 1907 (act No. 1735), grant of a railway concession for the railway to Baguio was ordered.

On May 29, 1908 (act No. 1837 of the Philippine Legislature), ₱11,000 were appropriated for additions to Benguet Sanitarium. On June 15, 1909 (act No. 1957) the commission, as governing non-Christian tribes, passed an act governing local improvements in Baguio and referring to a resolution of March 30, 1907, as amended, which resolution is not found reported in the appropriate volume.

On June 26, 1909 (act No. 1957), the Philippine Commission, acting under its authority as above, amended the act last recited, and on the same day, by act No. 1959, provided for rules governing the Benguet toll road.

The above recital is believed complete according to data at hand, but apparently does not cover all appropriations.

Under the public-land act, passed by the Philippine Commission, a commission was appointed to value the lands of the town site in Baguio. This commission acted under the direction and with the approval of Secretary of the Interior Worcester. The lands having been thus valued, Secretary Worcester, on May 28, 1906, bought at the appraised value about 10 acres of ground, which he had, as he says was known, long desired to buy and which he considered the best building site in Baguio, although, as is evident from the report of sales at this point and a consideration of all the circumstances, not land of the highest appraised value.

With this résumé of facts in mind, let us consider the law and the proprieties of the situation, discussing some matters heretofore not under examination.

It seems to us of the highest importance to call attention to certain rules of the common law, and one or two embodiments of the rule in statutory law, which seem to offer a touchstone to determine whether the actions of Government officials in the Philippines in the cases to be enumerated were consistent or inconsistent with the principles of sound business morality.

It is a principle of law so well known as to need no citation, save it were to convince persons as ignorant of fundamentals as seem to have been the leading officials of the United States in the Philippine Islands, that a person occupying a trust relation can not deal in the property with relation to which he is a trustee, and can gain no profit out of or from such dealings if he so far transgress as to deal in it.

The soundness of this rule was recognized by its embodiment in statutory law in section 452 of the Revised Statutes of the United States, which reads as follows:

"The officers, clerks, and employees in the General Land Office are prohibited from directly or indirectly purchasing or becoming interested in the purchase of any of the public land; and any person who violates this section shall forthwith be removed from his office."

In the case of Lavagnino v. Uhlig (26 Utah, 1) it was said, in substance, that it was the intention of Congress to prohibit, on the ground of public policy, the officers, clerks, and employees in the General Land Office from acquiring, directly or indirectly, through a purchase from the Government, any of the public lands of the United States, and that the foregoing section applied as well to the mineral as to the other lands.

In re Frazin and Oppenheim the circuit court of appeals of the United States for the second circuit said (vol. 181, Fed. Rep., p. 307):

"It is a long-established principle of equity jurisprudence that a trustee can not become a purchaser of the trust estate. And not only trustees, strictly speaking, but agents, attorneys, and all persons acting in behalf of other persons and obtaining confidential information concerning their affairs can not purchase their property, except under certain restraints not necessary to be considered here."

In this case the appraiser himself had undertaken to purchase, and the court, among other things, said:

"We are fully satisfied from the record that the appraiser was negotiating with respect to the purchase of the property before he signed the appraisals. Upon these facts, we are of the opinion that the appraiser, Hoerle, was as a matter of law incapable of purchasing the property in question at the trustee's sale."

Having, therefore, laid down the general principles, which, in our judgment, control, or should control, the disposition of lands in the Philippines to public functionaries, let us consider the actions of Philippine officials with regard to Baguio lands, beginning first with those who are highest in office.

THE CASE OF GOV. GEN. FORBES.

The present governor general of the Philippine Islands is W. Cameron Forbes, who became such governor in the year 1909, having been appointed vice governor on July 1, 1908, previous to which time he was secretary of commerce and police.

Gov. Forbes purchased at Baguio, on May 28, 1906, two tracts of land (p. 464), aggregating 64,600.03 square meters, or, as nearly as may be, 15 acres, of ground. For this he paid 1,293 pesos, or approximately 86 pesos per acre; in gold about $43. It is a fair assumption from the evidence that this was the appraised value, and this assumption is borne out by the testimony of Secretary Worcester (p. 693). The appraised value was fixed by an assessment committee, whose actions were subject to the approval of Mr. Worcester. To the extent, therefore, of 15 acres of land, in what was designed to be the summer capital of the Philippines, Mr. Forbes became the purchaser of a tract of land which, according to Secretary Worcester (p. 696), he, Forbes, considers the best site in Baguio.

Since the time of his purchase Mr. Forbes has become Governor General, and there has been erected for his use as Governor General, at the expense of the Philippine Government, a mansion costing nearly, or quite, 30,000 pesos, so that apparently the land he purchased is now held for investment or speculation. From the time of his purchase up to his appointment as Governor or Vice Governor, Forbes was secretary of commerce and police, and under his jurisdiction came the bureau of public works. This bureau had and has charge of the expenditure of public moneys at Baguio and under it a large amount of money, only in part, as we believe, ascertainable from a careful perusal of the reports of the commission, has been expended for the improvement and development of Baguio. For instance, an automobile road has been constructed, public buildings have been erected, a sanitarium has been established, drives of an extensive character have been made, and

expenditures aggregating hundreds of thousands of dollars, the effect of which has been to increase the value of lands in Baguio, have been made or provided for, many of these expenditures antedating the time of purchase, and many occurring subsequently.

No thought of the impropriety of his conduct seems to have entered the head of the Governor General of the Philippine Islands.

THE CASE OF DEAN C. WORCESTER.

For many years, in fact, nearly or quite from the beginning, Dean C. Worcester has been secretary of the interior of the Philippine Islands. The land laws, with all their incongruities, with their defiance in spirit and in text of the statute of the United States forming the Philippine Government, have been framed or supervised by him.

Mr. Worcester controlled the board making the appraisements upon the land at Baguio. He knew in advance of the establishment of the new town, the tract he desired for himself. As he says (p. 696), "It was known for fully five years that I intended to bid for the lot, which I afterwards occupied." His appraisers, therefore, whose actions he confirmed, must have known the same thing. He, like Mr. Forbes, considered that he had the best site. He purchased, on May 28, 1906, the date of the purchase of Mr. Forbes, 39,676.97 square meters of land, paying therefor 595.15 pesos. In other words, for approximately 10 acres he paid 60 pesos per acre, or $30 in gold, in the summer capital of the Philippines, upon the approach to which hundreds of thousands of dollars had been expended, and hundreds of thousands of dollars, as stated, had or have been since then paid out for public buildings and public improvements under the direction of the Philippine Commission, consisting of himself and his immediate official and personal associates. As if this were not sufficient defiance of all rules of official propriety, on the same day that the personal purchase was made by Mr. Worcester there was sold to the Baguio Country Club, of which Mr. Worcester is president, 345,473.97 square meters for the sum of 2,303.20 pesos, being approximately 82 acres at the rate of 28 pesos per acre, or in gold $14.

A pretense is made in the testimony of Capt. Sleeper that Secretary Worcester purchased at public auction. It is manifest from the surrounding circumstances, as well as Secretary Worcester's own testimony, that this is not so and that if he had no one would have had the temerity to bid against him had he so purchased.

Mr. Worcester (p. 577) complains bitterly of the libelous statement about himself, which he cites, and which charges a desire to possess for his essential personal benefit properties registered under the names of others. It appears to the contrary in this instance; Mr. Worcester frankly and openly, and with the utmost insouciance, violated in his own person the canons of business and professional ethics to which we have alluded, his moral and business sense not being sufficiently acute to enable him to know when he was violating the proprieties due to his position.

It is not to be wondered at that many of the American officials followed the example of Forbes and Worcester and purchased at Baguio large tracts of land of great potential value.

Let us pass now to other cases.

EXECUTIVE SECRETARY FRANK CARPENTER.

"Like master, like man." We next come to consider a case of patent wrongdoing on the part of Mr. Worcester, secretary of the interior; Capt. Sleeper, director of public lands; and Mr. Carpenter, executive secretary.

Mr. Carpenter became fired with the ambition to make money in the Philippines, an ambition fostered and furthered by Capt. Sleeper and sanctioned and approved by his superior officers. There existed an estate, at its nearest point 8 miles from the boundaries of Manila, having upon parts of it over a thousand people, and adjoining another estate lying between it and Manila, upon which there were over 2,000. This estate, called Tala, was for the most part unoccupied, and Mr. Carpenter determined to acquire such portion.

The roads to the estate were in bad condition. Mr. Carpenter's associates therefore promised him, if he would take it, they would be placed in good condition, and the Government has expended upon such roads and approaches approximately, as nearly as the testimony shows, as much money as Mr. Carpenter was to pay for the estate he finally took, or agreed to take.

The conditions in the neighborhood as to order were not good. The facile Government agreed to furnish all police protection needed.

The people in the neighborhood were not rich, and stood in need, as it was believed, of money with which to purchase carabao and other things needful for its successful cultivation. Thereupon the loan fund for that purpose, which had not theretofore been intended to affect the Tala estate, was extended to it within a few months after Carpenter's contract was made.

The congressional act permitted a leasing of friar lands for three years, the Tala estate being of this character. The Government, looking with peculiar favor upon one of its pets, undertook to change the laws so that Mr. Carpenter might not only lease, but on easy terms become the owner in fee simple.

Under these circumstances Mr. Carpenter agreed to lease, with the right to purchase, upon a change of the laws. The laws were changed so far as the commission could do so, the conditions as to protection and road and bridge building were met, and Mr. Carpenter is now on the highway to become the owner of 1,694 hectares of productive land, at its nearest point, as stated, within a short distance of Manila, and approximately 4 miles from the railway station of Polo, running north from that city.

The conditions of terms of payment deserve special attention. We find on page 106 of the report of the Governor General and others that the average price per acre was ₱7.48, which would make the sale price of the whole tract ₱31,677. This is to be paid at the rate of one-twentieth per annum for 20 years, a credit being allowed Carpenter for the amount he may have paid under his leases. The average per acre per year, therefore, to be paid on account of the purchase price approximates 37½ centavos (18¾ cents) per acre plus 4 per cent interest on the deferred purchase money.

It appears from Mr. Carpenter's testimony that he does not expect himself to pay any portion of this sum, but to make the same out of his tenants. This is certainly the meaning of his answer to the question on page 472:

"Q. Do you expect the returns from your tenants to meet your payments for the land, this without any material advance by you?—A. I do not expect the returns from my tenants—i. e., any share in the crop which may pertain to me, to meet my payments for the land during the lease period—i. e., three years. I do expect that beginning with the fourth year the product of my tree plantations, the increase of my cattle, and my share of crops raised by tenants will meet the annual payments on the lands which I should purchase under the terms of my contract with the Government and the expenses generally of the plantation as a whole. However, I shall not be surprised if, during the first and second years of the purchase period—i. e., the fourth and fifth years of occupancy—I have a deficit to meet from my salary."

The net result, therefore, of this proceeding is that through the kindness of the Philippine Government in all the particulars we have enumerated, a kindness which does not appear to have been extended to another person in the land, American or Filipino, Mr. Carpenter at the end of 20 years will find himself in the possession of a property originally valued at about ₱32,000, paid for by the labor of his Filipino tenants, increased in value by the expenditures of the public money, liberally promised and liberally made by the government of the island, and, so far as he is concerned, he will have furthered the creation of a landlord and tenant system in the Philippine Islands, turning the Filipino from being a possible landowner into that of a contributor to the wealth of a member of an alien race. All this is done under the guise of tender consideration for the welfare of the Filipinos.

Like Gov. Forbes, like Secretary Worcester, it seems never to have occurred to Mr. Carpenter that in speculating in the natural wealth of the Philippine Islands, he was dealing in property as to which he was an administrator, and not a proprietor in his own right. A haunting fear of public comment upon this transaction seems, nevertheless, to have possessed the Philippine officials, for never till June 10, 1910, was an official report made to Congress on the subject, while with the utmost deliberation, Capt Sleeper twice over in his report for the year ending June 30, 1909 (H. Doc. 914, 61st Cong., 2d sess.), speaks of the intention to place the Tala estate on sale, although he had, when he wrote the lines, contracted to sell the remainder of the estate to Carpenter.

CAPT. SLEEPER, DIRECTOR OF PUBLIC LANDS.

Capt. Sleeper, so far as his testimony and the records in the case show, has confined his operations to investments in mining prospects or mines. In this respect he would, in the United States, under the decision in the Utah case, above referred to, have fallen under the condemnation of the statute. In the Philippines his actions escape statutory condemnation and receive the praise of his superiors in office. He made, as director of public lands, the arrangements with Mr. Carpenter containing the pledges as to police protection, road and bridge building, and additional legislation, and his promises have all been redeemed at the expense of the Philippine people.

J. R. WILSON, ASSISTANT DIRECTOR OF PUBLIC LANDS.

The position of Mr. Wilson seems to us as flagrant as that of any of his associates. He has applied to lease nearly 2,500 acres of land in the island of Mindanao for 25 years, renewable for a similar period. This application, while not formally granted, has never been rejected. For this he apparently will pay 50 centavos a hectare. He has taken possession of the lands, planted them in coconuts and so long as official action upon his application is delayed, and until the lease is formally issued, he will not be under obligation to pay rent. In the absence of Capt. Sleeper, he would be called upon to approve his own application, and would literally lease to himself. It is presumable that his superior officer would not care to disapprove an application of such sort presented by his immediate inferior, and it is also presumable that it will not be acted upon as long as Mr. Wilson can, by nonaction, avoid the payment of rent. Meanwhile Mr. Wilson is enjoying the reception of an annual salary of ₱7,500 per year, paid by those for whom he is trustee, and whose trust he has abused.

The example of the present Governor General and of the secretary of the interior, purchasers of land at Baguio, was not thrown away upon Mr. Wilson, and on the same day that they did he purchased in that town a tract of land approximating an acre and a half in extent, for which he paid ₱60.39, or at the rate of about ₱40 per acre, or $20. He also purchased, on April 15, 1908, about an acre and a quarter of land, paying at the rate of approximately ₱180, or $90, an acre. The deeds presumably were made by the Governor General, who was empowered to execute deeds of public lands.

OTHER INSTANCES OF PURCHASE BY PUBLIC OFFICIALS.

The worthy example set by Government chiefs in the Philippine Islands was, as we have seen, not lost upon their immediate subordinates, and the virus extended all through the service. We will cite only a few illustrations. Mr. Z. K. Miller, machinery expert of the bureau of agriculture, applied for 350 acres of land (p. 460), which application is still in full force and effect. The solicitor general, George Harvey, paid ₱10,000 a year by the Filipinos, appears as the president (p. 461) of the Siasi Plantation & Building Co., applying for a lease of 2,500 acres of land. A very large number of employees appear as purchasers of tracts at Baguio.

LEASES TO THE WORCESTERS.

Mr. E. L. Worcester, nephew of the Philippine secretary of the interior, seeking new bulbs wherewith to glorify Easter, went to the islands. Not unlike the unlucky man in the poem who in sinking a well for water missed it, but struck a gold mine, Nephew Worcester failed to find satisfactory flowers, but did find a glorious opportunity to gain a fortune. In the rich lands of the Province of Nueva Ecija he discovered a tract of nearly 2,500 acres so level that by making little embankments the water in the rainy season could be retained long enough to produce rice. For this land he applied, and with no difficulty the Government leased it to him at the lowest rental permitted by a law apparently framed by the secretary of the interior. Thus the nephew of the secretary of the interior has been given an apparent right to possess for a period of from 25 to 50 years nearly 4 square miles of land, paying therefor for the first period the lowest possible rental of 50 centavos a hectare, or 10 cents in gold per acre, or a sum total of less than $250 in gold per annum for its exclusive enjoyment free of taxes.

That the public land law and the administration thereof presented violations of the letter and spirit of the act of Congress is manifest on little consideration.

Without any restriction as to cultivation such as was required by law in the case of the sale of public lands, (*a*) this land has, through long time lease, been conveyed (*b*) to an American and (*c*) in a quantity exceeding by 60 times that which even a Filipino would take in fee.

It is idle for men situated as were those of the Philippine Commission to suggest that while Congress has limited the sale of public lands to Filipinos and on terms of occupancy, it has given to the commission a general power to lease without restriction. It was the duty of the commission to know the spirit and intent of the act, which expressly declared (sec. 12) that the lands were to be administered for the benefit of the inhabitants, specifying what lands citizens could take and what lands Americans. As trustees, the commission was charged with a sacred duty. It was neither becoming nor decent to seek a way of

escape from the purpose of the act because its framers did not at every moment reiterate their manifest purpose.

It is unfortunate for the reputation of Secretary Worcester that up to this time the largest beneficiary more than seven times over by the actual reception of a lease of public land consequent upon this perversion of congressional intent has been his nephew. It is also unfortunate for him that one of the largest prospective beneficiaries to the extent of 500 hectares should be his brother, George S. Worcester (p. 205), whose application for lands in the same immediate neighborhood stands unrejected. It thus appears, besides the holdings of public lands by Secretary Worcester, in clear violation of express statute, his immediate family now controls practically 6 square miles of Philippine farming lands, which were to have been administered by him for the benefit of the inhabitants (meaning citizens of the islands).

OTHER PUBLIC-LAND SALES TO INDIVIDUALS OR CORPORATIONS.

It would be useless and unnecessary to multiply indefinitely as we might instances of dispositions of public lands to private individuals or corporations, in violation of the letter and spirit of the law, but we can not refrain from giving some special attention to those to California corporations.

Certain peculiarly well-informed sugar interests in this country, evidently in a position to read the future with marvelous accuracy, determined, far in advance of congressional action as to the admission of sugar from the islands, to invest largely in Philippine lands aside from the purchase of friar lands hereafter to be discussed, and these interests thought it advisable to purchase public lands. Though Congress had, as we have stated, limited possible sales to Filipino citizens and corporations, the commission, with lofty disregard of a legislative body 11,000 miles away, had made a law unto itself permitting sales to American corporations, and thus it came to pass that when the San Mateo Agricultural Co., the San Carlos Agricultural Co., and the San Francisco Agricultural Co., all California corporations, presented themselves, through E. L. Poole, the common agent of the American sugar interests, he was heartily welcomed, taken on a Government steamer to Mindoro, shown the fatness of the land, and given patents for his principals. Thus it was that 7,500 acres of Philippine public lands, their heritage, as the Filipinos vainly thought, passed into the possession of a small group of Americans who will give Filipinos leave to toil for aliens on the lands of their fathers. This land, capable of supporting, as Filipino farms go, near 2,000 people, is made the patrimony of a few persons, foreign to the workers. Can we understand why the Filipinos do not love us?

FRIAR-LAND TRANSACTIONS.

We come to discuss as we shall only briefly, notwithstanding their real importance, because they have been so fully elucidated by Mr. Martin, the friar land transactions.

We have in the earlier portion of this brief pointed out the fact that it was the intent of Congress that the limitations as to sales of these lands were the same as pertained to public lands—that is, that they might only be sold to citizens of the islands under special conditions as to occupancy, and then only to private persons (citizens of the islands) in tracts not exceeding 40 acres in extent and to corporations not exceeding 2,500 acres. We allude, in passing, to the fact that the Insular Bureau had pointed out to Mr. Hammond, the original attorney of the sugar interests, the futility of restrictions upon the extent of holdings in the island of Porto Rico, with a tacit intimation that the restrictions in the Philippines might be no stronger. (H. Doc. 957, 61st Cong., 2d sess., p. 72.) (Maj. Frank McIntyre, Acting Chief of the Insular Bureau, on September 4, 1909, in writing to Mr. John Henry Hammond, after quoting section 3 of the act of May 1, 1900, relating to Porto Rico, and restricting the holdings of agricultural corporations to 500 acres, said: "It seems to me that we would make a mistake, now that this question is about to arise seriously in the Philippine Islands, to wholly neglect the precedents that may have been established in the construction of this act in Porto Rico. Maj. Shelton, one of the officers of the bureau, was in Porto Rico about the time of the passage of the recent tariff bill, and I cabled him to look up this feature of the matter in Porto Rico, and when he returns, which will be in a few days, he may have this specific information. However, it is very generally known that, notwithstanding the very restrictive nature of the section above referred to, the sugar industry in Porto Rico has been developed as fully as though there were no such provision.")

Let us, then, enumerate the large parcels of land which have passed or are about to pass under the control of the American sugar interests.

San Jose estate.—In the island of Mindoro is a tract of friar lands, about 55,000 acres in extent, which the Philippine Government has contracted to sell, and in large part has sold, to E. L. Poole, as representing H. O. Havemeyer, Charles J. Welsh, and Charles H. Senff, all of whom for years have been engaged in sugar growing or refining in the United States, Cuba, and the Hawaiian Islands. These gentlemen, as stated, long before others appreciated the fact, realized that Congress would so act as to sugar from the Philippines that its production there would be specially profitable and adaptable lands advance in value. Thus an agent, J. Montgomery Strong, was first sent out and looked over certain tracts, making known the object of his visit to some of the Government officials. Thereafter and on his return one E. L. Poole, experienced in the sugar business in Cuba, was made agent for the syndicate and sent to the Philippines with authority to act. Meanwhile the three associates had entered into a sort of partnership agreement, contemplating the immediate raising of $40,000 and thereafter as much as might be necessary for the purchase of 25,000 acres of Philippine sugar lands, the erection of a mill, etc. Pursuant to this agreement the Mindoro Development Co. was formed under the laws of the State of New Jersey, its capital first fixed at $100,000 and afterwards raised to $1,000,000, and the purchase of the San Jose estate took place.

On November 23, 1909, Director of Public Lands Sleeper, with the approval of Secretary of the Interior Worcester (p. 251), entered into a contract with E. L. Poole to convey to him or his nominees 22,484 hectares, 81 acres, and 50 centares of land (the San Jose estate) for the sum of ₱634,000, or $317,000, ₱42,875 being payable January 4, 1910, and the balance in 19 equal annual installments of ₱36,375, deferred purchase money to bear 4 per cent interest. Some later divisions took place, part of the land being conveyed to the Mindoro Development Co. and the balance became transferable to E. L. Poole, his corporate or individual nominees.

Steps have been taken to cultivate sugar and to build extensive mills, to be operated for the benefit of the owners of these lands and of the tracts of 7,500 acres before spoken of deeded to California corporations. Meanwhile, except as finally patented, and little has been or will be for 19 years, no taxes are paid on the land.

The effect of this transaction upon the ultimate welfare of the Filipinos we will consider later.

The Isabela tract.—Mr. E. B. Bruce, of Manila, whose firm represents the principal American exploiting interests in the Philippines, represented the Havemeyer syndicate in the San José transaction and on his own behalf and for others, including his law partner (p. 265), deemed the opportunity of obtaining landed wealth in the Philippines too good to be lost. Accordingly, we find (p. 218) that on January 6, 1910, he entered into a contract of lease for one year, with right of purchase, of 19,448 hectares, 35 ares, and 44 centares (approximately 49,000 acres) of the Isabela tract. For this, if he completes his purchase, he will pay 422,500 pesos, or $211,250, in 20 installments, with 4 per cent interest on deferred payments. For the lease for one year he pays $100, promising the Government, should he not take the lands, to give it the benefit of an agricultural investigation he proposed to make. This investigation has shown the land to be valuable for sugar growing.

Differing from nearly all other leases, Bruce has an unrestricted right of assignment without governmental consent.

The Calamba and Biñan tracts.—Shortly after the above transactions there appeared at Manila A. F. Thayer, who professed to represent, and doubtless in certain respects, if not in all, did represent the Dillinghams, extensive sugar growers of the Hawaiian Islands, and there was leased to him on April 2, 1910, over 1,000 acres of the Calamba estate for the term of six months and for the sum of 487.33 pesos. We find, however, that A. F. Thayer is the lessee (p. 197) of a total of 614 hectares, 24 ares, 32 centares of the Biñan estate and a total of 3,287 hectares, 57 ares, and 55 centares of the Calamba estate. He acquired control, therefore, over approximately 10,000 acres of valuable lands.

We shall not attempt to follow other purchases by or leases to Americans of friar lands, as those furnished are sufficient for illustration, and we have already discussed the Carpenter purchase. Their evils we have commented upon, and we shall recur to them.

GENERAL OBSERVATIONS AS TO THE LAND POLICY OF THE COMMISSION.

It is probable that wrongdoers are rarely unable to justify to themselves their own wrongdoing. In this instance we find that the sale or lease of Filipino land in great quantities to exploiters is justified under plea of the highest welfare of the Filipino, their more steady employment, their enhanced wages.

Even so did Jacob undoubtedly justify his purchase from Esau of his birthright for a mess of pottage, for by so doing did he not give Esau a new lease of life? Has not many a moral slave dealer justified the reduction of his captive to submission by pointing out that but for his intervention the slave would not have been taught the ways of industry and shown the truths of his owner's religion?

It is not a far cry from the position of Jacob or of the slave dealer to that of Secretary Worcester and his fellows of the Philippine Commission. Let us review some of the facts and see.

Ostensibly to benefit the Filipino, to give him employment and raise his wages, the commission, as we believe we have shown, violated the law in the sale to sugar magnates of 55,000 acres of friar lands. The purchasers intend, first, to establish a sugar mill of large capacity and grind all the cane to be produced on this tract and other tracts of 7,500 additional acres. Next they seek to put to work, for a while at least, as many Filipinos as will work for them. Then they propose to sell off or lease to these or other Filipinos the lands they work, and grind their cane for them.

After the Filipinos shall have bought or leased in small farms, and at such prices as the syndicate may fix, the lands in question, the mill will grind their cane, and will be able to charge for such service a price which will leave to the Filipino his bare subsistence. The poor farmer will be at its mercy, for there will be no competitor for the purchase of the cane. A perfect working illustration of the operations of the modern "trust" will thus be supplied, and a thousand Filipinos will make "bricks without straw" for strange masters. The plan is well thought out, and save for unexpected obstacles, not to originate with the commission, will meet with success.

That success is to be expected will be apparent from a consideration of the circumstances. In the island of Negros are Filipino farmers making a fair and independent living, though only with their crude mills extracting 50 to 60 per cent of the saccharine matter. These can not compete with farmers in Mindoro from whose cane will be extracted 90 to 95 per cent. They must either immediately retrogress in the social scale or move to Mindoro. Accepting the latter alternative, they become first laborers for the sugar syndicate and next landowners or lessees in a small way, surrendering all their earnings, save a bare pittance, to the Mindoro Development Co. Their birthright will have been sold to-day for a mess of pottage, and to-morrow they will go hungry.

Let us conceive what an opportunity the commission in its blindness has thrown away. If instead of spending the money of the people in Baguio improving the property of its members, building a mansion for the governor general, and in other things burthensome to the people, it had started or helped to start sugar mills in Negros or Cebu or southern Luzon where charges for grinding would have been under the control of the government, real prosperity and independence would have been the lot of the Filipino farmers and a debt of gratitude would at least have been earned. As it is, the Filipino has seen his patrimony frittered away, as far as opportunity to fritter it away has opened to the commission. Land capable of supporting in comfort and plenty many thousands of toilers has become the possession of a few. The Old World conditions, which have caused millions of people to cross the Atlantic to the United States, are, so far as the humble powers of the commission permit, being reproduced in the Philippines. The ornithologist of Michigan has become a landowner, virtually through sale to himself, the seeker after Easter lilies is the lord of thousands of acres, the executive secretary has and will have hundreds and even thousands of Filipinos contributing through their toil to swell his fortune, the debonair gentlemen of the future American-Philippine sugar trust will command the services of thousands of tenants, the rich sugar lands of the Isabela tract will make more Americans millionaires.

Except as we have indicated we do not attack the "law" honesty of the Philippine officials. While they may not have stolen the goose from off the common, they have permitted the theft of "the common from off the goose." Their intelligent comprehension of their duty to their wards we deny in toto. They have no more idea of true republicanism, of true democracy, than if they had lived 300 years ago. Modern thought means nothing to them. Conservation of resources for future generations they are incapable of understanding.

It is not necessary for us to determine how far their errors and blunders and shortcomings are due to the situation in which they find themselves. We can not forget, however, that they have been petty

monarchs among a people for whom their contempt has been little disguised. Filipino public opinion is either ignored or its existence denied, as has repeatedly been done before this committee. Their attitude is that of the aristocrat toward the plebe, the master toward the serf. Too ignorant to know they should not speculate in things as to which they were trustees, they have had the effrontery to judge as to what was good for a people over whom an unkind Providence has placed them.

THE WORCESTER LIBEL SUIT.

Our review of the record, necessarily brief considering the importance of its subject, would be incomplete without express reference to an instance of tactlessness and official indiscretion, which, were further proof necessary, demonstrates the utter unfitness of Secretary Worcester for the delicate and well-nigh impossible task set before him—that of governing, in defiance of all American ideas of home rule and self-government, an alien race—an instance which shows that, however good a zoologist a man may be, he may lack an intelligent comprehension of the human race.

The judges of the Philippine Islands (save those of the supreme court) are named by the Governor General with the advice and consent of the commission. Such judges hold office during the pleasure of the commission. (Act No. 136.)

Secretary Worcester (p. 577), conceiving himself libeled by a publication in El Renacimiento, induced or permitted the public prosecutor to bring a criminal libel case against the supposed authors, under which they were sentenced to six, six, and eight months in the penitentiary. Not content with this, and perhaps like John Gilpin, possessing a frugal mind, he brought a suit for damages, which, in the Philippines, like the criminal case, was tried without a jury, and recovered a judgment of ₱60,000, or $30,000.

The man who would seek to recover damages for injured reputation before a judge whom he helped to create, and can help to destroy, when such judge must himself determine the measure of recovery without the intervention of a jury, is not such a man as can safely control the liberties of a people.

CONCLUSION.

We have finished our review, incomplete as of necessity it must be, but developing the most salient points. What should be done?

Many of the most prominent American officials in the Philippine Islands have demonstrated such intellectual unfitness and moral obtuseness that they should be summarily removed.

The Philippine Government, without authority, has caused deeds and leases of public and friar lands to be executed to American citizens and corporations. The Attorney General should be empowered to take appropriate methods to have these instruments set aside.

It should be made a criminal offense for Philippine officials, directly or indirectly, to purchase or lease the lands of the Philippines.

Such further legislation should be had as will absolutely prevent American exploitation of the Philippines so long as we exercise jurisdiction over them.

While we have enumerated those things which seem most immediately pressing, we should not for an instant be unconscious of the infinite egotism of Americans in assuming that they, who as yet are but learning to govern themselves, are competent to rule a people of another language, customs, traditions, ideals, and mode of thought. Rather than continue to display our necessary incompetence, we should permit the Filipinos in their own way, learning by their own mistakes, to develop for themselves that system of government and that civilization which shall prove most nearly in accord with their aspirations.

Under the leave to print granted me by the House I shall also insert an interesting article that recently appeared in the National Monthly:

PHILIPPINE INDEPENDENCE—THE DEMOCRATIC DUTY AND OPPORTUNITY.

(By Erving Winslow, secretary of the Anti-Imperialist League.)

THE DUTY.

If a great party ever inherits a duty, none could be more binding than that which devolves upon the Democratic Party as a sacred obligation—to make a declaration of the purpose of the United States to give independence to the Philippine Islands. In three successive national platforms, which were shaped by the leading men of all schools in the Democratic Party, this doctrine has been enunciated in unmistakable terms. The Democratic national platform of 1900 asserted:

"We favor an immediate declaration of the Nation's purpose to give to the Filipinos, first, a stable form of government; second, independence; and, third, protection from outside interference, such as has been given for nearly a century to the Republics of Central and South America."

The Democratic platform of 1904 contained this declaration:

"We insist that we ought to do for the Filipinos what we have already done for the Cubans, and it is our duty to make that promise now, and upon suitable guaranties of protection to citizens of our own and other countries resident there at the time of our withdrawal—set the Filipino people upon their feet, free and independent, to work out their own destiny."

And this was the language of the Democratic platform in 1908:

"We condemn the experiment in imperialism as an inexcusable blunder that has involved us in an enormous expense, brought us weakness instead of strength, and laid our Nation open to the charge of abandoning a fundamental doctrine of self-government. We favor an immediate declaration of the Nation's purpose to recognize the independence of the Philippine Islands as soon as a stable government can be established, such independence to be guaranteed by us as we guarantee the independence of Cuba, until the neutralization of the islands can be secured by treaty with other powers. In recognizing the independence of the Philippines our Government should retain such land as may be necessary for coaling stations and naval bases."

Nothing has arisen to modify or to alter the obligation thus repeatedly and clearly expressed. It is true that in the uprising which has changed Democratic minorities into Democratic majorities no formal appeal concerning this matter has been made to the electorate. But the uprising has been against the elements of centralization, the "new nationalism," and the corrupt and powerful interests, creations of that imperialism, which took its rise from the period of the Spanish War and the establishment of the colonial system. The duty of the Democracy is to destroy the foundations of this corrupting and unnatural growth. It is the "interests," the trusts, and syndicates that are now opposing a promise of independence to the Philippine Islands and which, if they become rooted there, will forever oppose independence.

THE OPPORTUNITY.

The opportunity for fulfilling this duty is a critical one. Year after year Mr. Taft, as Governor General and President, has urged the removal of the tariff barriers between the Philippine Islands and the United States, afterwards to be followed by relaxation of the restrictions limiting the sales of land to individuals and to corporations.

In the first month of his Presidency, Mr. Taft succeeded in effecting the modifications of the tariff between the United States and the Philippines. And last year, with the approval of the Attorney General, he endeavored to have what are called the friar lands, the richest lands in the archipelago, purchased by the United States from the orders, thrown open for unlimited sales to large operators. All the much-vaunted prosperity in the Philippine Islands is connected with this form of stimulation. Concerning it President Schurman, of Cornell, himself one of the early commissioners to the Philippines, writes:

"I was heartily in favor of the policy championed by Senator Hoar and embodied in the act of 1902, limiting the area of sale of lands in the Philippine Islands. In the absence of such limitation the lands would have been sold in large blocks to individuals or corporations, and the Filipinos would have had imposed upon them all the evils of monopolies and trusts from which we are suffering in the United States, without the means of protecting themselves against those evils which we enjoy from the right to choose Representatives and Senators to make and repeal our laws.

"I suppose that the people and Congress of the United States have the power to do anything they like with this Philippine question. But while it is glorious to have a giant's strength, it is tyrannous to use it like a giant. And the subjection of the Filipinos to capitalistic domination, however we may cloak the business in terms of trade and commerce, is oppression and cruelty of the same order as the most despotic empires have ever practiced on subjugated and dependent peoples.

"I hope, therefore, that the Philippine act will be so amended as to bring the lands purchased from the friars under the same restrictions as that act imposed upon the sale of all other lands in the Philippine Islands. If this is not done, and if these friar lands are sold in large areas to individuals or corporations, we shall have officially abandoned the policy of the 'Philippines for the Filipinos,' which we have proclaimed as the established policy of the United States since the islands came under our sovereignty. The Filipinos would feel that we had betrayed a most sacred trust, a trust involving the welfare and economic independence of 7,000,000 people, for whose destiny we have become responsible."

Efforts continuously made ever since Mr. Taft became Governor General of the Philippine Islands are being more persistently pressed than ever under the administration of Gov. Forbes, and are again urged in the report of Secretary Dickinson to open the Philippine Islands in a large way for the investment of capital in exploration, mining, and agriculture. There is no doubt that the islands are rich in many ways hitherto unsuspected and that it would require but little encouragement from the great interests to establish that hold in the Philippine Islands from which the Democratic Party is pledged to deliver the people of the United States. This policy of encouragement has been stated by Mr. Morgan Shuster, formerly of the customs service in the Philippines, when he says, after quoting the belief that the administration favors a long continuance of our sovereignty: "Capital * * * is not in the habit of acting on mere expressions of opinion in matters so vital to its safety * * * I believe that a declaration at the proper time by the Congress of the United States that our sovereignty will not be withdrawn from the islands for a period of at least 50 years * * * would go far to reassure those who are at present deterred by the comparative uncertainty in which the future of the Philippines is veiled." That which predatory wealth desires is, of course, in a general way the exact opposite of what the public good demands. It is the part of Democracy to cause the declaration of Philippine independence to be made that capital may adjust itself accordingly. The occupation of the Philippine lands by absentee owners and their development by the kind of labor which satisfies the owners' demands would absolutely destroy any hopes of independence to the natives or any tenure as possessors of their own soil. This is the result of an administration whose head has repeatedly expressed his belief in a permanent connection of the Philippine Archipelago with the United States, while deceiving himself, perhaps, as well as those who hear him, by promising that in two or three generations the pledge of independence shall be made; meanwhile in every way encouraging the exploitation of the land, which must absolutely confirm the colonial attachment, every foreign capitalist, trust, and syndicate becoming an active lobbyist against any such disturbance of his security as the removal of the United States sovereignty.

The educational system of which we hear so much, and which in its way is a reasonable source of pride, should have gone along with the development of the capacity for ownership and cultivation of the land.

Dr. Barrows, the former superintendent of education in the Philippines, himself says:

"The limitation of land areas to be sold to individuals and corporations, introduced into the organic act of 1902 by the efforts of Senator Hoar, was intended to carry on the excellent economic development of the Philippines under Spanish rule without the investment in productive industry of foreign capital. The Spanish laws for utilizing Spanish lands, forests, and mines were scientifically conceived in the public interests. The Government's first duty was to the small farmer or peasant proprietor, and to the young native merchant and manufacturer.

"The forestry and land bureau had been organized for years and was conducted on scientific lines and produced revenue for the State. The taking up of public lands for agricultural purposes was encouraged, and title given to the actual occupant and settler, but it forbade the possession of landed property by foreign corporations. The unlimited acquisition of mining lands was not permitted, but they were subject to leases or concessions."

While we point to the increase of exports and imports since the removal of the Philippine tariff as an indication of prosperity, what efforts have been made and with what success to build up the prosperity and happiness of the Filipino people? Because the lands have not been rapidly taken up by the Filipinos, Gov. Gen. Forbes now says that it is useless to wait, that it might take several generations to develop the latent resources of the islands without the assistance of outside capital. But the Government has merely published favorable laws, and has taken no pains to acquaint the poorer classes with the opportunity to acquire lands, and has done nothing to encourage its clients by supplying surveyors and land agents to assure the correct location of settlers. The only successful result to which the Secretary

of War can point, in his recent report, is the penal colony of Iwahig, where thousands of criminals carry on industrial and agricultural pursuits under an administration largely controlled by themselves—a very striking object lesson of what real Filipino independence might be.

On the other hand, the agricultural bank, which was intended to be of assistance to the peasant proprietor, has been a wretched failure, excuse being made therefor that so many of the titles of applicants were defective, a matter which, with good will, could be easily cured. Out of 565 applications for loans, 453 were refused, so that the total amount loaned has aggregated only $142,225.

Without entering into particulars of the sales of the friar lands, which it has been attempted to exempt from the conditions applying to the other public lands in the Philippine Islands, it is sufficient to summarize that, first, the lands were held by friars; second, the American Government found the money to buy them out; third, the Filipinos pay the interest on this loaned purchase money; fourth, American trusts and companies walk into possession and acquire the benefit thereof.

Those who are the guardians of the common people and who believe that one of the functions of government is the restraint of greedy and selfish capital desire, for the peace and welfare of those who are at present their wards, that the Filipinos should be protected by the certainty that their independence is a fixed and inevitable fact and that the promise of it is not a rainbow, an iridescent dream, to be offered them at some future time when, with the unchecked trend of affairs, the occupants of the islands will be either representatives of foreign or American capitalists, or landless peasants.

The matter of government would arrange itself in case of independence under that protection secured to the Archipelago by neutralization of the powers.

And here let the repeated mendacity be once more refuted that, while the Filipinos want independence, they want American protection at the same time. They want general neutralization under the ægis of that great principle of international law prevailing in Belgium, Switzerland, Luxemburg, and Norway.

The absurdity of the stupid persistence of the statement is beyond belief that the Filipinos are still untrained in the exercise of political rights under a republican form of government. The Secretary of War acknowledges that "there are very many highly educated Filipinos, many men of talent, ability, and brilliancy," perfectly capable, of course, of guiding the destinies of their own people according to their own methods and their own way of understanding and enjoying life. We are not going to turn the Oriental into a Yankee until the crack of doom. We have not quite yet decided ourselves what a "republican form of government" is here in America after our long experience, and the question whether the popular initiative and referendum is consistent therewith is yet to be decided by our courts. There might even be some internal disorders in the evolution of national life in the Philippines. What then? We had a little difficulty, a generation or two ago, which rather puts us out of court as throwers of stones. As Mr. Storey says:

"A formal declaration of independence is the only source of peace and good order. It must be remembered that the speeches and writings of the fathers of the country and of our great statesmen are in the hands of the educated Filipinos, and that they are deeply imbued with the aphorisms of the Declaration of Independence and the principles of our Constitution. Any effort to turn the wheels of progress backward will inevitably lead to disorder. Secretary Dickinson warns his countrymen that 'if the present policy of control of the islands by the American people shall continue,' there will be discontent, and this discontent will increase. A recent writer says, addressing the American people: 'If your policy is against independence, and even against encouraging hopes for it and plans for it, and if you are stubborn enough to persist in that policy after it has been shown to be a mistake, you must expect the natural consequence to follow, namely, frequent dissatisfaction, dislike, and failure. But a change of policy would lead to quite other results.'

"We learn now that the two houses of the Philippine Assembly are in a deadlock because they can not agree upon the choice of the two Resident Commissioners which the Philippine Assembly is authorized to elect and send to the United States. These Commissioners have no power and no vote. They are intended merely to speak for the Filipinos, and for this purpose have seats in the House of Representatives. They are the only channel through which the Filipino people can reach the Congress and people of the United States. The representatives of the Filipinos should surely have the right to select these, but, as a matter of fact, the upper house of the Filipino Legislature, which consists of the Philippine Commission, including the Governor General, controls their choice. The men selected by the United States to govern can dictate who shall speak for the people whom they govern. This can not continue.

"Every American, whether in official station or private life, feels superior to the brown man and consciously or unconsciously shows it. Such an attitude is fatal to any real sympathy between governors and governed, without which no government can hope to succeed. We have no right in the islands, and the longer we stay the wider will be the gulf between the Filipinos and ourselves. The present relation costs both nations dearly, not merely in money, but in character and self-respect. It can not endure, and no financial ties can do more than make the separation more difficult and costly. All the money invested in slaves could not save slavery, and it will be equally powerless in the Philippines when the hour and the man come. To the Democrats, soon to be in power, the Americans and the Filipinos appeal: 'Deliver us from the body of this death.'"

Mr. UNDERWOOD. Mr. Speaker, the proposition before the House is this: We have issued nine hundred and some odd million dollars of 2 per cent bonds that the banks can use for the purpose of issuing bank notes against them for circulation purposes. Of those nine hundred and odd million dollars' worth of bonds that are now outstanding, seven hundred and odd millions are owned by the banks. There are only something like $200,000,000 of bonds that the banks of the country can buy to-day if they want to start new banks or increase their circulation, so that there is very nearly a monopoly of this right.

Last year, when it was demonstrated that we would have a deficit in the Treasury unless we paid the expenses of building the Panama Canal by the issuance of bonds, a law was passed providing for the issuance of $200,000,000 worth of bonds to pay those expenses. That law provided that these bonds should be sold by the Secretary of the Treasury, to bear not over 3 per cent interest, and on the same terms, so far as being used for security for national-bank notes, as the 2 per cents were issued.

Now, it is not necessary for the Secretary of the Treasury to sell these bonds as 3 per cent bonds if he does not want to do it. If the condition of the country will warrant it, he can sell them to bear 2 per cent interest, just like the other 2 per cent bonds. I concede the fact that the Secretary of the Treasury does not think he can sell them as 2 per cent bonds, and I am inclined to think he can not, but he has the right to sell them, paying 2 per cent interest, if he desires to do so and if the country will absorb them at that rate. That is the law. There has not been any reason within the last year why the Secretary of the Treasury could not sell the bonds and get the money that he wants to take care of the Government, except that he does not want to sell the bonds that he has been authorized by law to sell. If this bill is defeated, there will be no reason why the Secretary of the Treasury can not sell bonds to make up the deficit in the Treasury, except his own refusal to do so.

Mr. CULLOP. Will the gentleman permit a question?

Mr. UNDERWOOD. Certainly.

Mr. CULLOP. It seems that the purpose of this bill is to prevent these bonds from being used as security for the issuing of circulating notes by national banks.

Mr. UNDERWOOD. That is correct.

Mr. CULLOP. That is the purpose expressed in the bill.

Mr. UNDERWOOD. That is correct.

Mr. CULLOP. What reason is given why bonds issued for the building of the Panama Canal should not be used to secure the circulation of national-bank notes?

Mr. UNDERWOOD. There was a hearing before the committee, and the reason stated in that hearing was that if we gave these bonds that the Secretary of the Treasury is authorized to sell the privilege of being used as security for the issuance of circulating notes by national banks we would depress the price of bonds that we have already issued. That is the reason that they gave.

Mr. CULLOP. How would it depreciate them?

Mr. UNDERWOOD. Because they say there would be more bonds in the market with that privilege than the market is ready to take up. That is the reason given by gentlemen who want the privilege stricken out.

Mr. GILLESPIE. Is not there another reason—that you can not sell the bonds now at 2 per cent? If you sell the bonds at 3 per cent the national banks, under the privilege attached to those bonds, will throw the twos on the market in order to get the threes.

Mr. UNDERWOOD. I do not agree with my friend there.

Mr. GILLESPIE. Is not that what they claim?

Mr. UNDERWOOD. Yes, they claim that; but the most of these twos are held by the national banks to-day. I say it would be simply absurd to say that the national banks of this country are going to force on the market a 2 per cent bond which they hold, and against which they can issue money up to its par value, in order to go out and buy a 3 per cent bond at a higher price.

Mr. FOSTER of Illinois. Will the gentleman yield?

Mr. UNDERWOOD. Certainly.

Mr. FOSTER of Illinois. Are any of these bonds now held by banks as a basis of circulation in such condition that if they surrendered the 2 per cents and 3 per cents deposited in their places that they could go to the Treasury and demand payment of the bonds?

Mr. UNDERWOOD. Not at all, for none of them are due. But I understand there has been some claim by outside parties, not by the Treasury Department, that there is some moral obligation on the part of the Government to maintain the price of these 2 per cent bonds. The Secretary of the Treasury went before the Ways and Means Committee and disclaimed that proposition.

Mr. FOSTER of Illinois. When are the 2 per cent bonds due?

Mr. UNDERWOOD. They are 30-year bonds; they are not due for nearly 30 years to come.

Mr. CULLOP. One more question, if the gentleman will allow me. If this bill should become a law, would not the effect be to diminish the amount of securities for securing the national-bank circulation and therefore have a tendency to decrease the amount of circulating money in the country?

Mr. UNDERWOOD. Undoubtedly it would make it more difficult for a new bank to get bonds to issue circulation.

Mr. CULLOP. Would it not also have the effect of increasing the market price of the other bonds on the market?

Mr. UNDERWOOD. Certainly, and that is the reason they want this stricken out.

Mr. PICKETT. Will the gentleman yield?

Mr. UNDERWOOD. I will yield to the gentleman.

Mr. PICKETT. I want to get a correct understanding of the situation. Is it the gentleman's opinion that a permission for the Panama bonds to be used as a basis of circulation will depreciate the 2 per cent bonds?

Mr. UNDERWOOD. I said I did not think it would seriously depreciate the 2 per cent bonds. The reason is that the twos, or the larger portion of them, to-day are held by the national banks, they having issued money against them to the full face value of the bonds. Now, why should they draw in that circulation and sell the twos or put them on the market? Unless the twos are forced on the market there will be no depreciation below what they are selling for to-day, which is about par.

Mr. PICKETT. There may be some impairment, but not serious, the gentleman thinks?

Mr. UNDERWOOD. Oh, there may be some. I think the real situation is this: These 2 per cent bonds some years ago were bought by the banks when the Government was depositing money in the banks. They bought them and got 2 per cent interest, and got the Government money deposited and the amount of the bonds. When they did that it was a profitable undertaking. They bought these bonds in the market at a premium. It was a mere matter of speculation, just as you and I would go out and buy a block of railroad stock. Now, I think they want to prevent the use of these bonds for a circulating medium and thereby ultimately force the twos back to the price they originally paid for them.

Mr. FORDNEY. Will the gentleman yield?

Mr. UNDERWOOD. Certainly.

Mr. FORDNEY. How many of the 2 per cent bonds are now held by the national banks?

Mr. UNDERWOOD. I understand that there are $736,000,000.

Mr. FORDNEY. Is it not true that if the 3 per cent Panama bonds are permitted to be used for circulation in the establishment of more national banks in the country, no 2 per cent bonds will be used at all, but 3 per cent bonds would be at a premium and the 2 per cent bonds would be depreciated?

Mr. UNDERWOOD. Well, I think this: I do not hesitate to say that if the Secretary of the Treasury sells these bonds at 3 per cent—and mind you, he can sell them at 2, if somebody will buy them from him——

Mr. SHERLEY. Will it not also depend upon the price that the threes bring?

Mr. UNDERWOOD. Oh, yes.

Mr. SHERLEY. Threes may be worth so much in the market, and there will be no advantage to the bank to buy threes for circulation any more than twos.

Mr. UNDERWOOD. If 3 per cent bonds are put on the market they will sell for more than 2 per cent bonds, of course; but I say this: If there is likely to be any injury done by issuing the 3 per cent bonds there is a remedy for that that would not work an injury to the Government, and that will be to equalize the bonds when used for the purpose of issuing money against them, so that the bonds would stand on a parity, so far as the issuance of national-bank notes is concerned.

Mr. PUJO. As a matter of fact, do not the great stable Governments of Europe issue their obligations for a much higher rate of interest than 2 per cent?

Mr. UNDERWOOD. They do.

Mr. PUJO. Is it not true that British consols are quoted as yielding 3.16 per cent, French rentes 3.06, and imperial bonds 3.61?

Mr. UNDERWOOD. Well, I do not know the exact figures.

Mr. PUJO. Approximately. Now, does the gentleman believe that the Congress of the United States, after having issued its obligations for approximately $912,000,000 as a basis for its circulation, should subsequently issue these bonds first at 2 per cent and then come in and issue a bond bearing a higher rate of interest, thereby depreciating the obligations which it has made current?

Mr. UNDERWOOD. If the gentleman is through, I will answer the question. I do. I most emphatically do. There is not a municipality or county or city that does not issue its bonds, and then, if its financial exigencies require it to issue more bonds, that does not do so according to the conditions that confront it at the time. There is not a great Government in this world except ours that attempts to maintain the price of Government security. British consols sell up and down the line, according to the demand for them, and there is no reason and it is not good financial policy for the Government of the United States to inject the Treasury Department into the bond markets of the world to sustain the price of these bonds. We should sell the new bonds at 2 if we can do it, and if we can not, we must sell them at the price that Government bonds will bring to-day in the market.

And I say that it is bad financial policy for us to attempt to pass a bill to-day that is intended to depreciate the security we are selling for the benefit of the American people, to appreciate, on the other hand, a security that we have already sold and are under no moral obligation of any kind whatever to maintain the price of.

Mr. LONGWORTH. Will the gentleman yield?

Mr. UNDERWOOD. I yield to the gentleman.

Mr. LONGWORTH. I merely wanted to suggest to the gentleman that I think he omitted to say what I regarded as the most important argument advanced by the representatives of the Treasury Department, to wit, that it was their desire that this new issue of bonds should go generally to hundreds of small holders, which of course would not be possible in the case of 2 per cent bonds, and that there would be no object therefore in having the circulation privilege attached, the desire being not to have these bonds absorbed by the banks, but to have them spread generally over the country.

Mr. UNDERWOOD. I can not appreciate fully the argument of my friend from Ohio, when I realize that the Government of the United States has had adopted a savings-banks policy in which they propose to pay the depositors only 2½ per cent interest, and to which the depositors can go to-day and get 2½ per cent interest, for them to come here now and say they want to issue these bonds for the purpose of having them held by individual citizens instead of for circulation—in the face of already having adopted another policy for the citizen of the United States to lend money to the Government.

Mr. ADAIR. Will the gentleman yield?

Mr. UNDERWOOD. Certainly.

Mr. ADAIR. Is there any provision in the law authorizing the issue of Panama bonds requiring the departments to charge a higher rate of interest to banks which may put them up as security for currency than is charged on the 2 per cent bonds?

Mr. UNDERWOOD. Not now. I merely suggested that could be done if the Treasury Department desired to balance the advisability of issuing these bonds for circulating purposes, but it is not the law now.

Mr. McCALL. Will the gentleman permit me to say what would be the object for the private investor to pay par for Government 2 per cent bonds when he can deposit his money with the Government and get 2½ per cent for it?

Mr. UNDERWOOD. Well, I do not think there would be any object.

Mr. FITZGERALD. Only very small investors, however.

Mr. UNDERWOOD. Now, Mr. Speaker, I think I have stated my position on the bill, and I desire to yield five minutes to the gentleman from New York [Mr. HARRISON].

Mr. HARRISON. Mr. Speaker, this should be called a bill to sustain the assets of the national banks of the United States at the expense of the Government. If these bonds are put out at 3 per cent with the circulation privilege they will bring a higher price in the market than if they are put out at 3 per cent without the circulating privilege, because they will be worth more to the national banks of the United States. Now, in that respect I differ slightly from my colleague on the committee, the gentleman from Alabama [Mr. UNDERWOOD]. I believe that to some extent the national banks will sell their twos and buy these 3 per cents if they carry the circulation privilege, because, deducting the one-half per cent tax, they will get a half per cent more for holding the 3 per cent bonds with the circulating privilege than they would by holding the 2 per cent bonds.

Mr. DOUGLAS. Will the gentleman permit a question?

Mr. HARRISON. I can not yield in only five minutes, I regret very much. If there is to be any profit made out of this bond transaction that profit should go, in my judgment, into the Treasury of the United States, and it should not be diverted by this proposed change in the law to the treasuries of the national banks of the United States. Now, the gentleman from Ohio advanced the argument that this exempting of these proposed bonds from the circulating privilege was for the purpose of disseminating these investments into the hands of small holders throughout the United States. That was the argument advanced by the Treasury officials before the committee, but in my judgment that is not entitled to an atom of respect. The people of the United States have not yet reached a point where they are going to tie their money up in 3 per cent Government bonds, which they have to buy at a premium, when the money markets of the world have during the last 10 years uniformly increased the returns to investors upon the highest gilt-edged securities. It was only 15 years ago when the British consols, then paying 3 per cent interest, were selling at 10 points premium. They are now at 2¼ interest and selling at 78.

The 2 per cent bonds of the United States were not so very long ago selling at 10 points premium. They are now down to about three-quarters of 1 per cent premium and the general tendency of the money markets all over the world is in the direction of giving the individual investor greater returns upon high grade gilt-edged securities. Now, that being so, in my judgment it is inevitable that the value of our 2 per cent bonds artificially sustained by our national-bank act are going down in the same way that other Government securities have gone down and in the same way they are all going down, and it is futile to attempt to stop this decline by any such legislation as this.

Mr. FORNES. Will the gentleman yield?

Mr. HARRISON. I will.

Mr. FORNES. Is it not a fact that the New York municipal bonds sold on a basis as low as 1.90; that the Massachusetts State bonds sold within the last 12 years on a basis as low as 1.80; and is it not a fact now that these very same bonds are selling not on a basis of 4 per cent but on a basis of about 3½ per cent?

Mr. HARRISON. I thank my colleague for the suggestion, and that is in line with the argument I am pursuing.

Mr. HILL rose.

Mr. HARRISON. I am very sorry to seem discourteous, but I have only two or three minutes and I must decline to yield. Now, Mr. Speaker, there is one other point in this discussion which I have heard brought out and upon which I wish to dilate for the few moments which remain to me. This will be the beginning of the end of issuing United States bonds with the circulation privilege, and if we stop it now on these bonds we will stop it for good and for all. It would be most desirable to adopt some basis for our currency other than United States bonds, but until we have adopted some other system of banking we can not afford to close that market entirely to the issue of national currency.

The SPEAKER. The time of the gentleman has expired.

Mr. HARRISON. Mr. Speaker, I will ask the gentleman from Alabama [Mr. UNDERWOOD] to give me three minutes more.

Mr. UNDERWOOD. I yield three minutes more to the gentleman from New York.

Mr. HARRISON. In the recent Roosevelt panic in 1907 in New York, the credit of the banks and of the trust companies was so restricted that the merchants of that community were obliged to deal in clearinghouse certificates. In other words, there was not enough currency to enable them to do their business. Now, if we take away from these Panama bonds the currency privilege, that in so far will restrict for the future the possible expansion of our money market at a time when we need it most.

Now, the Secretary of the Treasury in answer to that maintains that at the present time the market is saturated with bonds bearing the circulation privilege. Well, perhaps it is, but there are times of the year, and, at other times, from year to year, when the market becomes contracted, notably every year when it comes to moving the crops of the country, and at those times more money and not less money is necessary to transact the business of the country. If we now begin to chop off from the United States bonds the circulation privilege without giving in exchange some other method or basis for issuing the currency of the national banks, we thereby and in so far take away from the possibility of an extension of credit at times when the market needs it the most.

Now, Mr. Speaker, for that reason, in addition to the others that I have stated, I am opposed to this bill, and I hope the Congress will not—under the idea that we are obligated, even if it is only a moral obligation, to sustain the assets of the national banks—which is an erroneous conviction, I believe—put it out of the power of the national banks in the future to issue the currency which is needed by the business interests of the United States. [Applause.]

Mr. UNDERWOOD. Mr. Speaker, I yield to the gentleman from Indiana [Mr. KORBLY].

Mr. KORBLY. Mr. Speaker, according to its title this is a bill—

> to restrain the Secretary of the Treasury from receiving bonds issued to provide money for the building of the Panama Canal as security for the issue of circulating notes to national banks, and for other purposes.

The real purpose of the bill is not disclosed in its title. This purpose is to prevent some $700,000,000 worth of 2 per cent bonds from going below par in the market. In proof of this I wish to quote a few words from the speech of President Taft made on Lincoln's birthday, 1910, in New York City, as follows:

> We have now about $700,000,000 of 2 per cent bonds, with respect to which we owe a duty to the owners to see that these bonds may be taken care of without reduction below the par value thereof, because they were forced upon national banks at this low rate in order that the banks might have a basis of circulation.

Hence I am justified in saying that the real purpose of this bill is to prevent the Government 2 per cent bonds from going below par.

The Panama bonds named in this bill are the bonds which were authorized by the lamented Payne-Aldrich Tariff Act of August 5, 1909, which authorized the issuance of Panama bonds at a rate not excepting 3 per cent interest per annum to the amount of $290,569,000. This is the sum determined upon as necessary to effect reimbursement to the Treasury for advances from the general revenues and to pay for the work remaining to be done before the canal is completed. It is estimated that some $160,000,000 worth of these bonds must soon be sold for the purpose of reimbursing the Treasury and for the completion of the canal.

At the time these bonds were authorized the difficulties attending their issue could be clearly discerned. It was then well known that an issue would send below par more than $700,000,000 of outstanding 2 per cent bonds. These 2 per cent bonds were all issued under inducements pursuant to which the holders of 3 per cent, 4 per cent, and 5 per cent bonds accepted the 2 per cent bonds in their stead. The foremost inducement for this exchange was a reduction of the tax on the circulating notes of national banks from 1 per cent per annum to one-half per cent per annum on all circulation secured by the 2 per cent bonds. It was suggested at the time that the Government should safeguard the immense issue of 2 per cent bonds by a differential tax, equalizing the proposed 3 per cent bonds with the outstanding 2 per cent bonds; that is to say, if the Panama 3 per cent bonds were to be used to secure bank circulation, the tax on the bank notes issued in such a case would be increased so as to reduce the profits of the 3 per cent bonds to a point equal to the profits of the 2 per cent bonds. This, however, would have been, in effect, the issuance of more 2 per cent bonds, and the truth is that the large volume of 2 per cent bonds are in need of something more than the protection of a mere parity in this behalf.

In a speech made in the House on June 9, 1910, on postal savings banks, I said:

> It is well known that the President will not sell any of the 3 per cent bonds authorized by the new tariff law, for the reason that it would force an equal amount of the 2 per cents on the market on an investment basis, which would result in the "reduction below the par value thereof," probably of one-third. And it is actually proposed to invest the people's savings in these bonds, notwithstanding the widespread opinion that they would rule below par as an investment.

Another one of the purposes of this bill is to make easy the way for a central bank. The question of the establishment of a central bank of issue which shall provide currency in lieu of the national-bank notes now in circulation, is pressing to the front. This, of course, will be an administration measure. Those who are promoting the central-bank scheme recognize that one of the most difficult problems to be solved is that of providing for the national-bank notes now outstanding. It is clearly seen that in order to make satisfactory provision for these bank notes some means must be found for taking care of the $700,000,000 of 2 per cent bonds now pledged by the national banks to secure these notes. If the circulation privilege or burden, to speak more accurately, were to be taken from these notes they would fall in price to a point which would entail a tremendous loss upon the banks which hold them. The postal savings-bank scheme was adopted as one means of relief. It is proposed that the funds of the poor people will be used by the Government to take the 2 per cent bonds off the hands of the national bankers and thereby discharge the duty which the President said in his Lincoln birthday speech "we owe to the owners" thereof. In other words, we must not allow these 2 per cent bonds to be forced to an investment basis by the issuance of Panama bonds, but the washerwomen and the poor people, generally, who are not supposed to possess sufficient intelligence to make their own investments are to have their savings invested in these 2 per cent bonds by the Government, notwithstanding the fact that these bonds are likely to go below par and would go below par on a purely investment basis.

Over and over we have been told about the duty we owe to the national bankers who own the great bulk of the 2 per cent Government bonds, and it is a distressing thing to see the administration steadily pursuing a policy which indicates an intention to shift the burdens incident to these bonds from the shoulders of the bankers to the shoulders of the poor people.

The bill in question is another of the many proofs of the folly of bond-secured currency. What a ridiculous proposition that a bank note promising to pay the bearer a dollar shall be

secured by a Government bond which would not sell in the markets for a dollar. The great function of currency is subordinated to the bond market.

Our experience with the so-called national currency has been an unhappy one. It had its origin in an attempt to force a market for United States bonds; and as is usual, one folly leads to another and this is the latest one to make its appearance. The Government of the United States has too long been in the banking business and incidentally in the business of supporting the bond market. The bonds of other nations sell in the markets of the world sometimes above par and sometimes below par. In the days of the Civil War and subsequently the American Government prided itself upon the fact that its bonds did not fall in price below par. This was merely closing the eyes to the fact that the bonds, which were a written express promise to pay, were measured in value by greenbacks, which were an only implied promise in writing to pay.

Unquestionably this bill discloses the fact that the Government of the United States has overreached itself in the matter of 2 per cent bonds. This ought to give pause to that apparently large number of people who regard the promise of the Government as the best security obtainable. It is very evident that the national bankers do not regard the possession of these bonds as the most desirable property, and instead of the administration looking the situation squarely in the face and admitting the truth of the statement that the outstanding 2 per cent bonds would not float at par on a purely investment basis, it seeks to conceal the fact by legislative juggiery. The honest, manly, statesmanlike way of meeting the difficulties of the situation is to refund all the bonds of the United States Government, so that any duty we owe to the owners thereof may be discharged by putting these bonds on such an investment basis as will protect the owners and conserve the honor of the Nation.

The Republican Party has boasted of its enlightenment and its capacity, but it has not shown incapacity and ignorance in anything more markedly than it has in dealing with the great question of banking and currency. This bill is but one more patch to the already crazy patchwork of the past 60 years.

Mr. UNDERWOOD. Mr. Speaker, I yield three minutes to the gentleman from Indiana [Mr. CULLOP].

Mr. CULLOP. Mr. Speaker, the purpose of this bill, as it will be seen from the reading of it, is that all bonds hereafter issued for the purpose of raising money to build the Panama Canal shall contain a provision in such bond that they shall not be receivable by the Treasurer of the United States as security for the issue of circulating notes to national banks, and the bonds containing such provision shall not be receivable for that purpose.

This legislation is proposed for the purpose of contracting the circulating medium of the country. It can have no other purpose. A scarcity of money makes money dearer, makes money scarce, and the rates of interest high. If it will not contract the currency, the circulating medium of the country, it will prevent an expansion of the same, and as the growing population and the commerce of the country require a greater volume of money to conduct the increasing business incident thereto, it will therefore have the effect to prevent the issuing of a larger amount of bank notes to meet the requirements of public demand.

It will do another thing, and that seems to be the real purpose of the bill. As I gather from the statements that have been made by the gentleman from Alabama [Mr. UNDERWOOD] and the gentleman from New York [Mr. PAYNE], it might properly be inferred that it is a matter of speculation created by legislation to enable bondholders and speculators in bonds to appreciate the value of their holdings. It has been suggested that legislation ought to be enacted which would prevent a depreciation in the value of the bonds of any holder in this country. Upon what principle is that suggestion founded? Is there any more reason that legislation should be enacted to sustain the value of one man's property any more than that of another? If you are to legislate to sustain the value of the bondholder's bonds, you ought to legislate to maintain the value of the farmer's corn, of his wheat, and of the merchant's merchandise, and of every other product on the market. [Applause.]

Pass this measure and it will prove an obstruction to the expansion of our circulating medium and place in the hands of capitalists an instrument by which they can regulate the amount of currency at their pleasure for their advantage at the expense of the people and the business of the country. Pass it and it will swell by millions the profits of bond speculators by increasing the value of one kind of Government bonds and depreciating the value of the other kind.

The measure is indefensible, in my judgment, and should be defeated. [Applause.]

I suggest that the proper title of this bill should be "A bonus for the bondholder." This occurs to me from its provisions to be its real purpose, and this will be the effect of its passage. The millions of Government bonds issued for the construction of the Panama Canal will have taken from them one of their most valuable functions, that of securing the issue of national-bank notes, a circulating medium which constitutes a large portion of the amount of money in circulation. Eliminate this function from the Panama bonds and you depreciate their value on the market, lessen the demand for them, and increase the demands for all other Government bonds and appreciate their value. This result is inevitable. This is the real purpose for the passage of the bill. Any other purpose expressed is merely ostensible and not the real one.

It will injure the advantages now secured to the people for a stable expansion of the currency of the country by limiting the securities for the issuing of national-bank notes, and for this reason in the event of a money stringency at any time would inure very advantageously to the benefit of the money sharks and enable them to exact larger interest for money loaned. Our population is rapidly increasing, our commerce is growing daily, and to enable us to conduct it freely and profitably ample money must be provided to meet its requirements.

The SPEAKER. The time of the gentleman has expired.

Mr. UNDERWOOD. Mr. Speaker, I yield to the gentleman from Indiana [Mr. ADAIR].

Mr. ADAIR. Mr. Speaker, during the four years I have occupied a seat in this House I have bitterly opposed all forms of special privilege and class legislation. I shall vote against this bill, because I consider it a proposition solely in the interest of the banks and individual bondholders. Congress has authorized the issue of $200,000,000 of bonds, at a maximum rate of 3 per cent, to pay for the construction of the Panama Canal.

The question involved in this bill is, How shall these bonds be issued? Shall they be issued with or without the circulation privilege? To issue them without the circulation privilege will undoubtedly lessen their value and decrease the amount the Government will realize from their sale. To issue them with the circulation privilege will increase their value and add to the amount the Government will realize from their sale.

Now, Mr. Speaker, I propose to stand by the interests of the Government and the people by voting against the passage of this bill. I want the Government to receive the very best price for these bonds, therefore I shall not vote to lessen their value by taking away from them the privilege or right to be deposited with the United States Treasury for the purpose of securing circulation of bank notes. The real motive behind this bill is to increase the value of the outstanding 2 per cent bonds, of which there are $912,000,000, and this is to be done for the benefit of the banks and individual bondholders. While I am interested in the banking business myself and would profit by the passage of this bill, I shall nevertheless vote against it and fight it just as hard as I would any other bill intended to enrich the few at the expense of the many. We are not here to legislate in the interest of the banks and bondholders, but we are here to legislate for all, and to see that everybody gets a square deal. Our duty is to the Treasury and the people, and that is the side I propose to advocate. The Member who votes for this bill must answer to his constituents and can not escape the consequences.

The country is growing rapidly and our increased population will necessitate the organization of more banks to care for the increased business, and these additional banks will be required to put up bonds with the Government to secure circulation. Of the $912,000,000 2 per cent bonds now outstanding, all except $72,000,000 are now owned by the banks and are deposited with the Treasury to secure circulation. This only leaves $72,000,000 available for new banks organizing in the future. Therefore, Mr. Speaker, it will readily be seen that if the Panama bonds are denied the same privilege as the present 2 per cent bonds, it will create a very large demand for the twos and materially increase their value. This result will greatly inure to the benefit of the banks, while it will depreciate the value of the Panama bonds and work an injury to the taxpayers of the country.

Mr. Speaker, it has been argued here that to allow these bonds the circulation privilege will depreciate the value of the outstanding 2 per cent bonds held by the banks, and that it is the duty of the Government to maintain all of its securities at par. In the first place, I do not believe the 2 per cent bonds will depreciate, and, besides, the Government is under no obligation to guarantee their market value. The purchaser of a Government bond takes the same chance that the purchaser of

any other bond takes. The value of all bonds goes up and down according to the prevailing interest rates and business conditions. If you are going to ask the Government to guarantee the price of bonds for the benefit of the bondholders, why not with equal consistency ask the Government to guarantee the price of the farmer's products or the products of the manufacturer.

Ah, Mr. Speaker, this is simply a scheme to blacklist the Panama Canal bond issue for the benefit of a bond-holding class. I am not surprised that the Wall Street interests are back of this proposition, but I am surprised at the argument some gentlemen are making on this floor. To provide that no other bonds shall be issued to secure circulation except the $912,000,000 now owned by a few people is the worst form of class legislation, and I am unalterably opposed to it.

Not only is it class legislation, but what would be the result in case of a money panic? Everybody well remembers that during the Roosevelt panic in 1907 actual money in circulation was insufficient to carry on the business, and in all the large cities they resorted to clearinghouse certificates, while in many country towns banks were forced to limited payments. Now, if you take away from the Panama bonds the circulation privilege, you will make it impossible to expand our money market at the very time it is most needed. This bill, if passed, can not but contract the circulating medium of the country, and by so doing makes money scarce and interest rates high. This will work a great hardship on the merchant, laborer, farmer, and manufacturer, and no Member who has the interest of the plain people at heart should support it.

Mr. Speaker, the issue is plain. It is the people against the bondholders. It is the interest of the masses against the selfish interest of the speculator. It is simply a proposition to rob the United States Treasury of the true value of the Panama bonds and add to the burdens of an already overtaxed people for the benefit of a bond-holding class. I am opposed to it. I shall vote to safeguard the Treasury and protect the people. I sincerely hope this bill will be defeated, and that this day will mark the beginning when the granting of special privileges will be brought to an end.

Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. UNDERWOOD. Mr. Speaker, how much time have I consumed?

The SPEAKER. The gentleman has 28 minutes remaining.

Mr. UNDERWOOD. I yield five minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. I want to state to our party friends over here and our contending friends on this side that this bill is, in effect, equivalent to making a direct appropriation out of the Treasury of the United States to cover losses which may be incurred by the holders of present bonds. That is what it means, because if you blacklist future issues of bonds of this Government for the benefit of the men who already own the bonds now outstanding and damage the selling value of the future issues of bonds, to the extent of that depreciation it is a direct appropriation to the present bondholders.

How many stockholders of national banks in this House are going to vote for this measure that is of direct personal interest to them? I hope not one. If you will not vote for it on account of being interested, why would you vote for it at all? Whenever you say that a future issue of United States bonds, the securities of the Government that must be issued perhaps to carry on war or defend the Nation, may be blacklisted in the effort to sustain the value of personal property of private and corporate holders, I say in effect that any man who buys Government bonds does it under the rule of caveat emptor—takes the risk and takes the profit if there is one, and takes the loss if there is no profit. Six hundred and thirty-six millions of these bonds are now owned by the banks, on which they have issued circulation to the par value. They get interest on the bonds at 2 per cent, and they get interest at 6 or 8 or 10 per cent, or whatever they loan the circulation for, in addition. There never was an hour since the Civil War, when the bonds are used to secure circulation, that the interest on the bonds so deposited should not have stopped immediately.

The proposition is brought up here that the banks bought these bonds to use as security to get United States deposits. What do they want with deposits? To loan them out for a profit. The whole object and purpose of buying these bonds to secure deposits was to make money for the banks, for the stockholders.

The people are not going to be fooled by such a measure as this. They know that this is in the interest of the Banking Trust of this country, the Money Trust, and you can not fool them one bit. If this bill will not reduce the price of the bonds hereafter to be sold, it will not reduce the price of those already sold. You can not get away from the inevitable, natural, logical result of this act.

Now, if any of you gentlemen on that side, or anybody on this side, wants to vote here directly in the interest of private holders, in order to make sure that purchasers have made no mistake in purchasing the bonds heretofore purchased, he should understand that the bonds were in fact purchased for speculative, selfish, business reasons. Who ever heard of bankers and financiers loaning out their circulation for anything less than the interest which money loaned was commanding at the time the loan was made? Why, I am astonished that our Republican friends, who have always been the friends of the national banks when they have had any friends, should come now, when they are about to go out of this House, and make this last dying effort, in order to sustain the banks and the private owners of the stock, and ask that we blacklist the securities of the Government itself in order to do so.

If these issues are to be deprived of any of the elements of value that the other issues ever had, then the argument will be made and the precedent will be set with respect to some other issue of bonds, issued, perhaps, to build a canal or do some other Government work, and that precedent will be cited as the reason for doing it again. I am astonished that financiers and great statesmen should think of embarking upon a proposition of this kind. The day will come when you may want to add taxes of certain issues, when someone who for selfish reasons has bought bonds for profit or speculation will invoke the precedent now sought to be established. My friends, that is bad business.

The SPEAKER. The time of the gentleman has expired.

Mr. UNDERWOOD. I hope the gentleman from New York [Mr. PAYNE] will take some of his time, if he has anybody else who wants to make any speech.

Mr. PAYNE. Mr. Speaker, I now yield five minutes to the gentleman from Louisiana [Mr. PUJO].

Mr. PUJO. Mr. Speaker, I regret not to be in sympathy with the views expressed on this bill by the chairman-to-be of the Ways and Means Committee, but as we disagree as to the premise we naturally arrive at different conclusions.

The Payne Tariff Act of 1909 authorizes the Secretary of the Treasury to borrow $290,569,000 on Panama bonds at an interest-bearing rate not exceeding 3 per cent for the purpose of reimbursing the Treasury in that sum advanced and used in the construction of the Panama Canal.

The alternative to issue short-term certificates of indebtedness to obtain this sum would not meet but would merely temporize with the situation. These Panama bonds, as all others issued by the Government, have the privilege of being used to secure bank circulation.

Under the terms of the bill now under consideration, should it be enacted into law, the bonds for $290,569,000 will be issued by the Treasury Department, but they will not enjoy the privilege of being used as the basis for securing national bank-note circulation.

It has been urged by some who are opposed to this measure that the effect of such legislation will be to maintain by law the market price of the 2 per cent bonds maturing in 1930, heretofore sold by the Government and now held by the banks, to the extent of $607,198,000.

Mr. Speaker, this is not a correct statement of the purposes sought to be accomplished by the bill. When the Government of the United States issued these 2 per cent interest-bearing bonds, maturing in 1930, it refunded outstanding threes, fours, and fives amounting to $646,250,150.

The greater part of these 2 per cents were purchased by the banks at par, some at 101, 102, and 103. All of the 2 per cents are now about at par. The banks used these 2 per cent bonds to secure their bank-note circulation, which has increased from $300,000,000 in 1900 to more than $700,000,000 at this time. Should the Secretary of the Treasury, in order to pay for the work on the Panama Canal as it progresses, issue the bonds authorized for that purpose, amounting to almost $300,000,000, we would have a bank-note circulation of $1,000,000,000.

I do not believe that the circulating medium of the United States should be based upon a Government bond, as it is merely a promise to pay. I think the time has come when we should by a legislative act show that we are going to put a stop to this system and endeavor to go to a more scientific and stable one.

It would almost be an act of bad faith on the part of our Government to issue these Panama bonds bearing interest at the rate of 3 per cent with the privilege of being used as a basis for circulation, because the immediate and approximate effect of such legislation would be to impair the value of the $730,000,000 2 per cent bonds now at par. I do not for one moment contend that it is the function of the Government to maintain the market level of its obligations, but I do insist that the Government should not by its own act depreciate the value of its own obligations, sold by it to citizens at par and above, by issuing obligations of a similar character bearing a higher rate of interest. Why? Because the $730,000,000 2 per cent bonds, already issued, would fall at least 10 per cent, thus causing loss to the holders of approximately $70,000,000 or more.

On the other hand, should the 3 per cent Panama bonds, to be issued, not enjoy the privilege of being used for circulation, they will be bought by our citizens instead of financial institutions, thereby affording the humblest of our citizens a safe investment. It is interesting to note in this connection that out of the $912,000,000 of United States bonds outstanding, more than 80 per cent are held by national banks and only 20 per cent among our entire population, exceeding 90,000,000 people.

In France, with a population not exceeding 45,000,000, nearly 5,000,000 people are holders of the national bonds.

Mr. Speaker, it has been claimed that this measure is in favor of the national banks of the country, but this will not bear analysis. Should the bill become a law, the banks can not buy and then use them as a basis for circulation, issuing notes to their par value, and then obtaining the 3 per cent interest less the duty on circulation. A reasonable deduction to be drawn from this legislation is that it will develop patriotism among our people, who will invest in the bonds; and it will likewise have a tendency to bring into circulation hoarded money which is wary of all investments that are not secured by the Government.

I give my unqualified indorsement to the principles of this bill and hope that it will pass.

I will add as an appendix to these remarks a statement of the Assistant Secretary of the Treasury, Mr. A. Piatt Andrew, dated February 24, 1911, marked "A;" statement showing the prices at which 1930 bonds were refunded, marked "B;" and analysis of United States bond holdings, marked "C."

A.

STATEMENT OF ASSISTANT SECRETARY ANDREW OF THE TREASURY, FEBRUARY 24, 1911.

Secretary MacVeagh and the officers of the Treasury are awaiting with great anxiety the action which the House of Representatives may take with respect to the bill to authorize the issue of Panama bonds without the circulation privilege. This bill was proposed by Secretary MacVeagh, has passed the Senate, and now awaits the action of the House. That Secretary MacVeagh will be obliged to borrow money before many months have elapsed seems clear. The working balance which stood at $37,000,000 on December 31 and at $30,000,000 on January 31 was reduced, according to the cash statement of February 21, to less than $25,000,000. Any considerable further decrease will bring it close to the danger point. Then the Secretary must begin to borrow. Under existing legislation, although he is authorized to borrow $290,569,000 on Panama bonds at a rate not exceeding 3 per cent, the want of adjustment with respect to the circulation tax on national-bank notes issued against these new bonds forbids his issuing them at 3 per cent, the only rate at which they would find an investment market. Accordingly, if Congress fails to pass the pending bill, the Secretary might be driven to the temporary expedient of short-term certificates of indebtedness. Fortunately, he may withhold from these certificates the privilege of their being used as a basis for national-bank circulation.

Recognizing that these certificates are only a temporary expedient, however, Secretary MacVeagh has urged upon Congress the passage of a law authorizing him to issue the Panama bonds without the circulation privilege. He bases his indorsement of this bill on a number of reasons.

We believe, first, that the Government bonds, because of the security which they offer as means of investment, should be available not merely for the banks but for the general public. Of the $912,000,000 of United States bonds now outstanding, $735,000,000, or more than four-fifths, are held by the national banks, and outside of the national banks only 20,000 among our 92,000,000 of people are registered holders of the Government debt. On the other hand, of the population of France of only 40,000,000 between 4,000,000 and 5,000,000 are holders of Government bonds. So long as the circulation privilege is attached to our Government bonds, and especially so long as such bonds yield an interest rate of less than 3 per cent, there can be little opportunity for the general public to share in their ownership. The bonds of the most stable European governments to-day sell at prices which yield more than 3 per cent—the British consols at their present prices yield 3.16 per cent; the French rentes, 3.06 per cent; and the German imperial 3 per cent bonds, 3.61 per cent. It is not likely that the credit of our Government is so much higher than the credit of England, France, or Germany that we could borrow upon an investment basis of much less than 3 per cent.

If a 3 per cent bond were issued to-day under the conditions prescribed by the act of August 5, 1909, with circulation privileges attached, subject to a tax of only 1 per cent, those bonds would have an advantage over all other United States bonds, when used for circulation, amounting to one-half of 1 per cent per year, which would insure their purchase by the banks and preclude their purchase by the general public. The demand in certain parts of the country for a system of bank-deposit guaranty and the demand for a Government-guaranteed postal-savings system would seem to indicate a desire for such governmentally secured means of investment as would be presented by Government bonds available to the public. This can only be achieved by the withdrawal of the circulation privilege, which keeps our bonds in the possession of national banks.

Our second reason is based upon the practical agreement which exists among students of banking, however much they may differ in regard to the ideal system, that the system of bond-secured currency ought to be done away with. Within the last 10 years this system has become more deeply intrenched than in any other decade since its establishment. Since 1900 the circulation secured by United States bonds has increased from $300,000,000 to more than $700,000,000. If the Treasury is not relieved from the obligation to issue bonds with the circulation privilege as prescribed by the act of August 5, 1909, there is likely to be added nearly $300,000,000 more to this unscientific and generally condemned currency system. The Treasury Department asks Congress to be relieved from the necessity of further intrenching this system.

A third reason for denying the new Panama bonds the circulation privilege is that there is absolutely no connection between the requirements of the country for revenue to pay for the construction of the Panama Canal and the need of the country for additional circulating medium. Most authorities are agreed that the money supply of the world has increased too rapidly in the last decade. The world-wide rise in the prices of commodities, though due to a variety of causes in particular instances, has doubtless been largely influenced by the vast increase in gold production, which in this country has resulted in an increase in our gold stock from $600,000,000 in 1896 to over $1,600,000,000 in 1910, to which we have also added $500,000,000 of national-bank notes. This means an increase per capita from $21 to $35, or about 65 per cent. On this account it would seem unfortunate to add artificially to the existing plethora of money at the present time and so contribute further to the general rise in prices.

If the circulation privilege were removed from the Panama bonds the Secretary of the Treasury would still be able to provide for additional issues of bank notes in time of emergency through the issue of certificates of indebtedness, of which he is authorized to issue $200,000,000, which may, but need not, be made available for circulation, as well as through the instrumentalities provided by the Aldrich-Vreeland Act of May 30, 1908.

As a final argument, we feel that the consideration that the market value of the $730,000,000 of outstanding 2 per cent bonds would probably fall below par as a result ought to forbid the issue of additional bonds bearing the circulation privilege. The outstanding 2s, though issued some two or three points above par, have already lost their premium value and for several years have hovered about par. The national banks have already written off some $25,000,000 to cover the loss due to the decline in the price of these bonds which has already occurred. According to the last report of the Comptroller of the Currency, they still carry these bonds at a premium of $10,060,037. If the authorized 290 million Panama bonds were issued with the circulation privilege, the bonds now held would probably drop from 10 to 15 points, causing an additional loss to the banks of from $70,000,000 to $100,000,000. Secretary MacVeagh is of the opinion that the Treasury ought not to be forced to take any step which would cause such losses to the national banking system.

B.

Statement showing the prices at which 3 per cent, 4 per cent, and 5 per cent bonds were refunded into 2 per cent consols of 1930.

3 per cent, 4 per cent, and 5 per cent bonds refunded under circular of Mar. 14, 1900; new bonds issued at par; old bonds refunded at following prices:		
3 per cent bonds of 1908–1918, at 105.562	$98,879,700	
4 per cent bonds of 1907, at 111.349	274,989,750	
5 per cent bonds of 1904, at 109.535	72,071,300	
Total		$445,940,750
3 per cent and 4 per cent bonds refunded under circular of Mar. 26, 1903; price of new bonds, 102; old bonds refunded at following prices:		
3 per cent bonds of 1908–1918, at 103.69	16,042,700	
4 per cent bonds of 1907, at 107.02	65,099,900	
Total		81,142,600
3 per cent and 4 per cent bonds refunded under circular of Sept. 23, 1903; price of new bonds, 102; old bonds refunded at following prices:		
3 per cent bonds of 1908–1918, at 103.39	4,337,600	
4 per cent bonds of 1907, at 106.099	11,489,000	
Total		15,826,600
3 per cent and 4 per cent bonds refunded under circular of Sept. 28, 1905; price of new bonds, 101; old bonds refunded at following prices:		
3 per cent bonds of 1908–1918, at 102	13,189,900	
4 per cent bonds of 1907, at 102.89	39,842,500	
Total		53,032,400
4 per cent bonds refunded under circular of Apr. 2, 1907; price of new bonds, 103; old bonds refunded at 100.348		50,307,800
Total		646,250,150
Total 3 per cent bonds of 1908–1918 refunded		132,449,900
Total 4 per cent bonds of 1907 refunded		441,728,950
Total 5 per cent bonds of 1904 refunded		72,071,300
Total		646,250,150

C.

Analysis of United States bond holdings with reference to number of holders in banks and among individuals.

Loans.	Banks.		Institutions and miscellaneous.	
	Amount.	Holders.	Amount.	Holders.
2 per cent, 1930	$607,198,000	7,071	$10,136,900	215
3 per cent, 1908	19,659,900	476	4,147,020	339
4 per cent, 1925	26,317,100	200	29,441,900	286
P. C., 1906	54,257,760	928	159,460	17
P. C., 1908	29,178,740	455	310,260	11
Total	736,611,500	9,130	44,195,540	868

Loans.	Individuals.		Total.	
	Amount.	Holders.	Amount.	Holders.
2 per cent, 1930	$24,434,050	2,743	$641,768,950	10,029
3 per cent, 1908	19,272,420	12,977	43,079,340	13,792
4 per cent, 1925	42,954,400	3,634	98,713,400	4,120
P. C., 1906	188,000	70	54,605,220	1,015
P. C., 1908	137,720	19	29,626,720	485
Total	86,986,590	19,443	867,793,630	29,441

Mr. PAYNE. I ask general leave to print for those who speak on this bill.

The SPEAKER. The gentleman from New York asks general leave to print for all those who speak on the bill. Is there objection?

There was no objection.

Mr. HILL. Mr. Speaker——

Mr. DOUGLAS. Will the gentleman from Connecticut permit me to make a suggestion to him?

Mr. HILL. Yes; if it is not taken out of my time.

Mr. DOUGLAS. I should like to have the gentleman address himself to the effect of this provision on the market price of the bonds, in view of the statement in the report that there are about $220,000,000 bonds now outstanding which are available to secure circulation.

Mr. HILL. I will come to that in just a moment. The gist of the remarks made thus far on the Democratic side of the Chamber is that this legislation is for the benefit of private bondholders. Gentlemen, you never were more mistaken in your lives. These 2 per cent bonds are held largely by small banks in the country. In 1900 a new law was passed, and since that time 4,600 little banks, most of them banks of $25,000 capital, have been organized, and they are scattered through your country towns. This is not a matter that seriously affects New England. We have only 10 per cent of the national-bank capital of this country anyway. Two thousand six hundred of those little banks are in your towns in the West and South, several hundred of them in the State of Texas, if I am not mistaken.

These banks have been compelled by law to take these bonds. They have not taken them as a matter of speculation. No national bank can organize without taking 25 per cent of its capital in Government bonds. They are not obliged to issue circulation against those bonds, but they must buy them, and they have bought them, and every dollar of these 2 per cents now outstanding, except the $87,000,000 Panamas, are those bonds which have been issued under the refunding act, and which have been taken largely by your country banks in the West and South. They have not gone into New England, they have not gone into the pockets of private bondholders at all. You never were more mistaken in your lives as to the situation than you are in regard to this, and I refer any gentleman who wants a verification of that statement to the last comptroller's report lying on my desk.

Mr. GILLESPIE. Does the gentleman think that ought to change our attitude?

Mr. HILL. Not a bit. I am a bank stockholder myself, and anybody who wants to discount my statement because of that fact can do so if he sees fit; but that does not alter the fact that I am going to tell the truth on the floor of the House.

Mr. FORNES. Will the gentleman yield for a question?

Mr. HILL. Certainly, if I have time.

Mr. FORNES. The gentleman states that most of these bonds were taken by the small banks. Did not the City National Bank of New York increase its capital and did not the Bank of Commerce, and almost every large bank, within the last 5 or 10 years increase its capital? If so, where did they obtain the bonds to make that increase?

Mr. HILL. They were organized before the act of March, 1900, and had the fours and threes as well as twos. To be sure, some of them refunded them, but one of the principal objects of the act of March 14, 1900, was to institute small banks throughout the country. That was one of the purposes for which the 2 per cent refunding act was passed.

Mr. FORNES. Was not the purpose of it to increase the capital of the large banks?

Mr. HILL. We have $290,000,000 of bonds to issue. Congress has decided to pay the expenses of the Panama Canal by a bond issue. You have authorized those bonds with the circulation privilege attaching to them. You have now a total of $216,000,000 of Government bonds unused for the circulation privilege. The amount taken up last year was $9,000,000. If the same process goes on, it will take 24 years to use up the $216,000,000 of bonds already outstanding.

Mr. FITZGERALD. Will the gentleman yield?

Mr. HILL. If I have time.

Mr. FITZGERALD. How much money is deposited in the national banks?

Mr. HILL. Forty-eight millions.

Mr. FITZGERALD. What is the nature of the security?

Mr. HILL. Government bonds.

Mr. FITZGERALD. Is there any outside security?

Mr. HILL. Not at present, but they can take something else. You have got something else with the circulation privilege, the same as you have for deposits. Talk about needing this issue for circulation—it would be just like any one of you gentlemen issuing all the notes your credit will stand and then doubling it. It would be a foolish thing for you to do, and it is a foolish thing for the Government to do. What have we got? Not only two hundred and sixteen millions of unused bonds, but on the statute books is a law which authorizes the use for emergency circulation of three hundred millions more of promiscuous bonds. The circulation privilege is saturated now.

Mr. Speaker, I find that my time has expired, and, availing myself of the privilege of the House, I will take the liberty of briefly extending my remarks in the RECORD, and submit herewith as a part of such remarks the report of the committee, which I was requested to prepare:

[House Report No. 2031, Sixty-first Congress, third session.]

BONDS FOR BUILDING PANAMA CANAL.

The Committee on Ways and Means, to whom was referred the bill (H. R. 32218) to restrain the Secretary of the Treasury from receiving bonds issued to provide money for the building of the Panama Canal as security for the issue of circulating notes to national banks, and for other purposes, respectfully report that they have had the same under consideration and recommend its adoption.

The purpose of the bill is to procure funds for the payment of the expense of the construction of the Panama Canal.

The total amount expended on purchase and construction of the canal to date is $226,841,768.88. Of this amount there has been paid from proceeds of sale of bonds, including premiums, $87,309,594.83. The balance, $139,532,174.05, has been paid from the general fund of the Treasury and is reimbursable from proceeds of bonds not yet sold.

The total bonds authorized by existing law for the construction of the Panama Canal is $375,200,980, less the number of 2 per cent Panama bonds issued to date in the sum of $84,631,980, leaving a balance of $290,569,000, which were authorized under the provisions of section 39 of the tariff act of 1909. Under the provisions of this act these bonds were authorized to be issued with a rate of interest not exceeding 3 per cent per annum, and the authority for the issuance of further Panama bonds at an interest rate of 2 per cent was by the same act repealed.

There is now outstanding of 2 per cent bonds having the privilege of securing circulation an amount of $730,882,130 and an actual deposit for the security of circulation of the sum of $660,136,080, leaving a margin of $70,000,000 of 2 per cent outstanding bonds over and above the amount now required. The total amount of all kinds of bonds available for circulation purposes outstanding is $913,316,590. Of this amount there is now on deposit to secure circulation $696,758,220, leaving a margin of outstanding bonds available for further circulation of $216,558,370.

From this statement it is manifest that the market for the bonds possessing this privilege is saturated and that the Treasury could not hope to sell the new issue at any appreciable addition to the price because of the circulation privilege being attached to the bonds; on the other hand, it is perfectly manifest that if a 3 per cent bond, issued to meet the expenses of the Panama Canal, is now issued with that privilege it will inevitably have the effect of a corresponding reduction in the value of the 2 per cent bond with the same privilege. Of this the Secretary says:

"By the opinion of everybody 3 per cent is as low as you can market these bonds, unless, of course, you could force them on the banks as the 2 per cent bonds were previously forced on the banks, but that is no longer possible. It is a condition of complete saturation and you can not put in any more moisture; but we do not want to do this if we could. It would be utterly unfair and it would destroy the present market value of the bonds. They have been held at par, but held there by their eyelids. They have succeeded in holding them at par, but if you put another issue on top there is no power in the financial world which could hold them at par."

I am advised by the Treasury Department that the value of a 2 per cent of 1930 upon a 3 per cent basis would be 85.464, and there can not be any question but what the further issue of $290,000,000 of bonds with like privileges, except at a 3 per cent rate of interest, would bring the 2 per cent bonds to this value and with the probable result of a withdrawal of circulation of about $120,000,000 in order to keep the

bonds now on deposit at par with the amount of circulation taken out against them as required by law.

To avoid this contingency and meet the absolute necessity both of an immediate and future supply of funds to carry on the work of the Panama Canal, it is the desire of the Treasury Department to float this new issue at 3 per cent as an investment security, putting the same upon the market in small amounts from time to time as conditions justify and the necessity for funds occurs, and it is believed that this can be done at a rate slightly above par without any shock to existing financial conditions.

The alternative to this proposition is the issuance of 3 per cent one-year certificates, which the Treasury has authority to issue to the amount of $100,000,000, but your committee believes that it would be far better to permanently provide for the expenditures for the construction of the Panama Canal by the issue of these 50-year 3 per cent bonds, and thus carry out the intentions of Congress as manifested by the provision in the tariff act of 1909.

They therefore recommend the passage of the bill.

There is no probability, even if these 3 per cent bonds were put out with the privilege of circulation, that they would be taken by the banks in lieu of the 2 per cents which they are now hold, for the reason that at the price of 85.464, which the Treasury states would be the equivalent value of a 2 per cent bond as compared with a 3 per cent for investment, the profit on circulation based upon 2 per cents would be materially larger than it would upon the 3 per cents, because there would be a gradual appreciation of the principal invested until maturity, when the bond would be worth par instead of the purchase price, 85.464, so that until the outstanding twos were all exhausted probably no additional value would come to the new issue of threes because of the circulation privilege.

Under existing law the Secretary of the Treasury is compelled to require national banks to maintain the bond security to the full amount of circulation outstanding, and if at any time the bonds fall below par the banks would be required to do one of two things: First, buy additional bonds to make the margin good, or, as an alternative, to reduce circulation to the market value of the bonds. In the one case the issuance of these bonds with the circulation privilege would take more than one hundred millions of money from commercial uses for a permanent investment in additional bonds, or what would be more likely, would compel a like amount of circulation to be withdrawn.

I am wholly unable to understand how the Democratic Members of this House, with very few exceptions, can put themselves in the position of deliberately voting to depreciate the value of the bonded indebtedness of the United States, especially in view of the fact that at the last election by the deliberate action of the people of this country they were given control of the House of Representatives and were, so to speak, put on probation until another election should be held.

They have already announced that they intend to bring in at the next session of Congress and put on trial a tariff for revenue only. One would naturally suppose that the last thing they would desire would be financial disturbance or a stringency in the money market during the coming fall when their new tariff scheme is to go to the country.

Nobody knows to-day whether the Wilson tariff bill of 1894 was in and of itself a failure, or whether the failure was due in whole or in part to the financial conditions which obtained at that time. It is only fair to our Democratic friends to admit that it was born in a panic and was cut off in its childhood with the financial depression still in existence.

It would seem that their desire now would be to give to the child to be born a clear field in which to run and be glorified, and no obstructions of any kind or character put in its pathway, and yet upon the very threshold of their entrance to power we see the Republican and Democratic Parties lined up in opposition to each other, the Democratic Party declaring its undying hostility to the national banking system and a sound currency and the Republican Party favoring any and all legislation looking to the maintenance of the credit of the Government and the preservation of sound financial and industrial conditions in the business world.

Little thought was given in the last election to the fact that the time was rapidly approaching when more financial legislation would be needed in order to save the national credit and give to the country a greatly improved system of currency. It will be of little satisfaction now to those people who voted last November to transfer the House of Representatives to Democratic control that at the very first opportunity the unfortunate financial vagaries which have controlled the Democratic Party in years gone by should be again brought to the front and accepted practically without change by the men to whom this new lease of power was given.

I commend it to the careful consideration of the country.

In the wonderful development of our industries and the tremendous growth of our population this country can stand almost any form of tariff legislation and still struggle on without complete and total collapse and ultimately adjust itself to the change, but a bad currency system is not only bad in the beginning, but is sure to go on in an increasing degree to the inevitable end of national and individual bankruptcy.

The one overshadowing necessity of this country in the near future is legislation looking to radical improvements in our banking and currency system, and if the attitude of the two parties to-day on this measure is indicative of their respective policies in the future, the men who cast their votes for a Democratic House of Representatives in the last election will have abundant cause to regret their action.

Mr. PADGETT. Mr. Speaker, I favor the passage of this bill because as I see it it is a plain, business, common-sense proposition. We have issued more than $700,000,000 of 2 per cent bonds. Everybody knows that these bonds at 2 per cent were not investment bonds. The Government has been enabled to maintain them at par and above par because they have the circulation privilege. Now it is proposed to issue $290,000,000 of 3 per cent bonds and give them the same circulation privilege. If we do so we will disparage the credit of the Government and drive down the 2 per cent bonds below par.

I believe in maintaining the credit of the Government. I do not believe that it is right, I do not believe that it is a good business proposition, I do not believe it is sound policy for the Government to put out a 2 per cent bond which was not an investment bond, which was maintained at par because of the artificial value that was given to it by reason of the circulation privilege, and then put out a higher interest rate bond and thereby depreciate the value of the former bond and disparage the credit of the Government by forcing its 2 per cent bonds below par.

Mr. FITZGERALD. Will the gentleman yield?

Mr. PADGETT. I will.

Mr. FITZGERALD. Would not the same logic apply to the action of the Government when it refunded under the act of 1900 and issued the 2 per cent bonds at 102?

Mr. PADGETT. Not at all; because that was a matter of interest calculation.

Mr. FITZGERALD. This is a matter of interest calculation.

Mr. PADGETT. Not at all; it is a question of policy. When you give the 3 per cent bonds the privilege that we gave to the 2 per cent bond and which held it at par, we are depreciating the value of the 2 per cent bond below par and thereby injuring and disparaging the credit of the Government.

Mr. FITZGERALD. A 3 per cent bond with a circulation privilege would bring more than without it, would it not?

Mr. PADGETT. I do not believe under existing circumstances that it would increase the value of the 3 per cent bond. I think it would simply supplement the 2 per cent bond and throw it as a drug on the market.

The SPEAKER. The time of the gentleman from Tennessee has expired.

Mr. PAYNE. I yield to the gentleman from Iowa [Mr. DAWSON].

Mr. DAWSON. Mr. Speaker, I desire to take this opportunity of printing in the RECORD a brief history of legislation relating to the greenbacks. This is done with the thought that it may prove of interest in view of the widespread study and discussion of the currency question which now prevails throughout the country.

The greenback was born February 25, 1862, and was a child of the desperate financial situation created by the Civil War and the almost exclusive circulation of wildcat State-bank notes. The bottom of the National Treasury was being scraped to provide funds for carrying on the war, and the issue of these notes was deemed essential to the very existence of the Government. It is not surprising that a child born of such parents and during such travail should have a turbulent and eventful life.

On the above date a law was enacted authorizing the Secretary of the Treasury to issue 150,000,000 of United States notes, ever since known as greenbacks, on the credit of the Government. If you will examine one of these notes you will find printed on the back that it "is a legal tender at its face value for all debts, public and private, except duties on imports and interest on the public debt," and this constituted the principal propelling force behind them. They were given a continuous lease on life, it being provided that when redeemed at the Treasury they should be reissued and kept in circulation.

Four months later an equal amount was authorized, and nine months after that another equal sum was provided for, of which $50,000,000 were to be used to redeem temporary loans. As the volume increased the purchasing power decreased. Before the first 100,000,000 had been issued a paper dollar was worth about 87 cents in gold. When 300,000,000 were in circulation they were 23 cents below par. When the public debt

reached its maximum, on August 31, 1865, there were $432,553,912 of greenbacks in circulation, and they were slightly over 30 per cent below par, although the fluctuations had at times carried them down to a much lower figure.

It was the intention of the leaders in Congress that these irredeemable paper promises should ultimately be redeemed or convertible into real money, and to that end it was provided by law in 1864 that the total amount outstanding should never exceed $400,000,000, and until this limit was reached in the process of reduction, all notes redeemed were to be canceled and retired from circulation.

When the war drew to a close the money circulation of the country consisted of the greenbacks and State bank notes, gold and silver having almost entirely disappeared. The national bank act, which was passed in 1863, was now liberalized in its provisions, and with the rise in the circulation of national bank notes Congress set about to put a few crimps in the greenback circulation, in pursuance of a well-defined policy looking to their future redemption or convertibility.

In the early part of Johnson's administration a law was passed providing for their retirement at the rate of not more than ten millions within the following six months, and thereafter at the rate of four millions per month. Correlated to this, and as a part of the general financial policy, was the act placing a 10 per cent tax on State bank notes, which effectually retired them from circulation. This legislation was designed to increase the stability and security of the currency system by exterminating the wildcat State bank notes and gradually replacing them and the greenbacks retired with bond-secured national-bank notes.

Under this legislation of 1866 the national-bank circulation did not increase as rapidly as had been expected, and the result was a temporary stringency in the money market. These causes, coupled with the political agitation on the subject, resulted in the act of February 4, 1868, which repealed the former law and suspended the process of retirement and cancellation. The greenbacks outstanding had been reduced to three hundred and fifty-six millions.

Ever since the close of the war the money question had been gradually drifting into politics, and this legislation had the effect of injecting an additional amount of partisanship into the subject. The Democrats, forgetting their opposition to the original issue of the greenbacks, now became their ardent champion. They not only opposed retirement, but went to the other extreme and favored their further issuance without any specified limit. The political exigencies of the period incubated a variety of other schemes. The bondholder was the principal subject of attack, and a proposition was set on foot to pay the principal of the five-twenty bonds in greenbacks. The Democrats took up this proposal with energy and enthusiasm and incorporated it in their national platform of 1868 as one of the leading planks. The Republicans took the ground that such a step was opposed to the spirit of the law, and would be virtual repudiation. Sides were taken along these lines, and it is hardly necessary to chronicle that Gen. Grant won an overwhelming victory at the polls.

President Grant called a special session of Congress shortly after taking his seat, and the first law that he signed was the act of March 18, 1869, to strengthen the public credit, a similar bill having been defeated by President Johnson only a short time before by means of a "pocket veto." This act declared that the faith of the Government is solemnly pledged to the payment in coin of all the greenbacks. It further solemnly pledged the faith of the Government to make provision for such redemption at the earliest practicable period.

Backed by this pledge and strengthened by this solemn assurance the greenback traveled along an even path for the next four years, the aggregate amount outstanding remaining at $356,000,000 until the panic of 1873 came on, with Black Friday and the suspension of currency payments in all the large cities of the country. Under the stress of this monetary crisis the Secretary of the Treasury, Hon. William A. Richardson, of Massachusetts, put into circulation $26,000,000 of the greenbacks which had been retired by the act of 1866. The administration held that the law of 1866, while it provided for a reduction of the greenbacks, did not repeal that part of the law of 1864 which fixed the maximum at $400,000,000, and therefore the $44,000,000 between the amount outstanding and this maximum limit constituted an emergency reserve.

The currency thus paid out by the Treasury did much to prevent further spread of the panic and its disastrous consequences. These new notes also had the effect of producing a lively debate when Congress met as to the legality of their issue. Out of all the discussion came a Senate bill to fix the maximum amount of greenbacks at $400,000,000, thus in effect legalizing Secretary Richardson's emergency issue and relieving the Treasury from the embarrassment of exercising a disputed power, and further providing for an increase of $46,000,000 of bank-note circulation, but the measure was vetoed by President Grant, and sufficient votes could not be mustered to pass it over the veto. Later in the session an appropriation bill was made the vehicle for passing through Congress a proviso by which the maximum amount outstanding was fixed at $382,000,000.

All this time the country was on a paper basis, and the sentiment was steadily growing in favor of making concrete provisions for specie resumption. President Grant had repeatedly urged it in his messages to Congress, expressing the opinion in his message to the first session of the Forty-third Congress in December, 1873, that the country "can never have permanent prosperity until a specie basis is reached." This sentiment had crystallized into a determination among the Republicans to bring about this result during that Congress, but the first session was fruitless in this particular. The election of a Democratic House of Representatives in the fall of 1874 served as the necessary spur, and during the short session between that election and the 4th of March following, when the new Congress would begin, the resumption act was passed by a unique and somewhat unusual method of procedure.

Promptly after the assembling of Congress in December, 1874, the Republicans of the Senate named a select committee of 11, which soon drafted a measure and submitted it to the party caucus. The bill was so adroitly drawn that men of widely divergent views accepted it, by placing their own construction upon its phraseology. From one who was a member of this committee of 11 I learn that the caucus not only unanimously agreed to support the measure and pass it without dotting an "i" or crossing a "t," but also that no Republican would debate the bill or undertake to explain its provisions on the floor of the Senate. In the discussion which followed it must have been a little embarrassing for Senator Sherman, then chairman of the Finance Committee, in charge of the bill, to answer all inquiries from opponents of the measure as to the interpretation or effect of its provisions by saying that the bill spoke for itself and each Senator could read it and decide for himself as to the true construction to be placed upon it. Under these tactics the bill ran the gantlet of unlimited Senate debate in a few days, speedily passed the House, and became a law before the middle of January over the signature of President Grant, who took the unusual method of conveying the notice of approval to Congress in a special message.

In addition to the provisions for the resumption of specie payments on January 1, 1879, the bill provided for a gradual redemption and retirement of the greenbacks to an amount equal to 80 per cent of the national-bank notes thereafter issued, until the amount of greenbacks outstanding should be 300,000,000 and no more, and provided for a fund in the Treasury by sale of bonds and accumulation of surplus for such redemption. Beyond this a layman should perhaps not undertake to interpret this law, inasmuch as there was among its supporters in Congress a marked difference of opinion as to whether or not these notes when redeemed should be reissued. A few years later Congress dispelled all doubt on this point by further legislation.

Once again the retirement of the greenbacks commenced. The process continued steadily until late in the spring of 1878, when once again further retirement was prohibited by the act of May 31, after thirty-five millions had been retired. The amount had been reduced to $346,681,016, and these are still outstanding, except those lost or destroyed. Congress in this law specifically provided that all the greenbacks then outstanding should be reissued after redemption. Thus was forged the "endless chain" which was dragged through the Treasury during the second Cleveland administration, drawing a constant stream of gold along with it.

The greenback enjoyed a fairly peaceful existence in the currency system of the Government for the next 12 years, so far as legislation goes, but it was not forgotten politically. A national party appeared in 1876 calling itself the Greenback Party, which maintained an organization during three successive presidential campaigns, reaching its maximum strength in 1880, when its candidate for President, Gen. James B. Weaver, of Iowa, polled over 300,000 votes.

The Sherman Act of 1890, which one writer has felicitously described as a "concession born of political timidity," brought forth a twin brother to the greenback by creating the Treasury notes, with the same provisions as to their legal-tender qualities and reissuance. They were to be issued to pay for four and a half million ounces of silver, which the law directed the Secretary of the Treasury to purchase each month. Under

this law one hundred and fifty-seven millions of these Treasury notes were placed by the side of the greenbacks, with nothing for them to lean upon except the silver bullion so purchased and the reserve set aside for the redemption of the greenbacks.

Under fair financial skies no trouble was occasioned, but when pinching times came in 1893 there came with them a feeling of apprehension that unless the purchasing clause of the Sherman Act were repealed the convertibility of the greenbacks was endangered and the country would soon be on a silver standard.

Few have forgotten the memorable struggle in the special session of the Fifty-third Congress, called together in August by President Cleveland for the express purpose of repealing this purchasing clause. It was a struggle replete with sensational and dramatic incidents, from the ringing message of the President to the final repeal three months later over the negative votes of a majority of the President's own party.

Provision was made in 1900 for the retirement and cancellation of the Treasury notes of 1890 as fast as silver dollars were coined, and they have all disappeared from circulation, except $3,388,000, which are shown to be outstanding by the Treasury statement to-day.

To-day the stability of the greenbacks is amply assured, fortified as they are by the one hundred and fifty millions of gold held in the Treasury as a reserve under the gold-standard act of 1900; and they seem to be reasonably secure in the affections of the people, although the charge is laid against them that they are unscientific and should be supplanted.

Mr. UNDERWOOD. I yield three minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, I am not a currency expert, and if I was one I could not make much of a statement in regard to this important measure in three minutes; but I desire to express my views on this bill briefly.

The first Panama bonds were 2 per cent bonds, but for some reason or other which seemed good and sufficient to the Committee on Ways and Means and the House, in the Payne Tariff Act of August 5, 1909, we provided for an additional issue of two hundred and ninety millions of 3 per cent bonds. Eighty-four millions were issued of the 2 per cent bonds. Now, I do not understand what has occurred since the legislation of August 5, 1909, to make it wise to amend in the way proposed that legislation. We should have understood the effect on the Government credit when we passed the legislation. I think this legislation is unwise, first, because it is very unwise and very dangerous to begin to differentiate in the matter of Government bonds touching the circulation privilege.

Second, I do not believe that the issue of a 3 per cent bond would affect the market value of the 2 per cent bonds outstanding unless it be the unfortunate fact, which I do not believe to be true, that the country is in such a condition that we can not sell a bond for what it is worth. It is true that there is outstanding some $200,000,000 of bonds which may be used for circulation, and it is assumed that the market has been saturated with bonds having the circulalation privilege and that we do not need any further bonds for circulation purposes. Well, that is assuming we are always to have the present condition. We have an emergency currency provision of law in contemplation of conditions when we may want to expand our currency, and if that legislation was wise when passed, and is still wise, I think it is well to have an anchor to windward in the matter of additional bonds which may be made the basis of circulation.

The latter is certainly the better as the basis of an expanding currency, rather than to call upon the very questionable law which we passed to provide for emergencies. So it seems to me that, first, we took the action we did in the matter of the Panama bonds with our eyes open and understanding conditions, and that there have been no changes to warrant this modification of law; second, we are embarking upon a very questionable policy when we depart from the practice of having the circulation privilege apply to all Government bonds.

The SPEAKER. The time of the gentleman has expired.

Mr. UNDERWOOD. Mr. Speaker, I yield five minutes to the gentleman from Nebraska [Mr. HITCHCOCK].

Mr. HITCHCOCK. Mr. Speaker, I have been surprised that so little has been said of any weight in favor of this extraordinary proposition. I had supposed, when I began to listen to the argument, that there must be cogent and important reasons why this important and revolutionary step to blacklist this big bond issue should be taken. I realized that the banking interests of the country were strongly in favor of it, but I did not assume they were in favor of it, as now appears from the debate, simply for the purpose of giving them practically a monopoly of the bonds that may be used for the purpose of securing circulation.

The gentleman from Connecticut [Mr. HILL] has called our attention to the fact that during the recent past there has been a rapid increase particularly in the West and South in the number of national banks. That increase will go on, if given an opportunity, but I want to tell the House that that increase can not go on if by an act of Congress the bonds which can be used for the purpose of securing circulation are limited to those already authorized and monopolized by existing banks. I want to tell the House that three or four hundred national banks can not be organized every year hereafter, as has been done in recent years, if, when the organizers of those banks go into the market to buy bonds for the purpose of securing their circulation, they find that all the bonds that may be used for that purpose are already owned by the national banks of the country and held at a premium, as they will be.

Mr. MADDEN. Will the gentleman yield?

Mr. HITCHCOCK. I do.

Mr. MADDEN. Does the gentleman from Nebraska know what percentage of increase there is in the national bank capitalization every year?

Mr. HITCHCOCK. I am not familiar with the figures at the present time, but I understand that about 300 new national banks are organized every year in the natural course of the growth of the country and that these banks must buy bonds to secure circulation. We now have 7,200 national banks, and those banks practically own at the present time all of the bonds available for national-bank circulation. What are the new banks to do; how are they to get the bonds upon which to issue circulation if, hereafter, bonds to be issued shall not be available as security for bank notes?

Mr. HUGHES of New Jersey. The gentleman from Connecticut states that it would take 25 years at the natural increase for the national banks to absorb the bonds we have already issued.

Mr. HITCHCOCK. But the gentleman is mistaken. There are at the present time only $72,000,000 worth of 2 per cent bonds that are not being used by banks for that purpose, and I want to tell the gentleman that those bonds are quoted in the market at a premium of 1 per cent in the New York papers this morning. If they bring a premium of 1 per cent now, what premium will they bring if this legislation is passed and Congress gives a practical monopoly of bank-note security privilege to the present holders of those bonds? They will undoubtedly rise to a high premium. That is the purpose of this legislation—first, to restrict the organization of new banks; second, to restrict the issuance of the circulating medium; and, third, to increase the premium on these bonds.

Mr. HILL. I would like to ask a question. What are you going to do with the $142,000,000 threes and fours that are equally available for circulation?

Mr. HITCHCOCK. I am not going to do anything with them.

Mr. HILL. I do not think anybody is, and that is the reason there is no necessity——

Mr. HITCHCOCK. They take care of themselves. There are few of them. They will gradually be retired. Here in this bill we have a proposition to blacklist the future bond issues of the United States; here is a proposition, by discriminating against these bonds, to make necessary a higher rate of interest in order to sell them. The Secretary of the Treasury already has the power to issue bonds at 2 per cent with this circulation privilege. Why does he not exercise that privilege? He says the market is saturated. How can he prove the market is saturated when these bonds are selling at a premium of 1 per cent? How can you prove that the market is saturated when Government 2 percents now sell in the open market at a premium of 1 per cent?

Mr. HILL. New York City bonds sold less than a month ago—$60,000,000 of them—bearing 4¼ per cent interest, at less than 1 per cent premium. How can you sell 2 per cent bonds at par?

The SPEAKER. The time of the gentleman has expired.

Mr. UNDERWOOD. Mr. Speaker, I ask the gentleman from New York whether he expects to have more than one speech in closing.

Mr. PAYNE. Two.

Mr. UNDERWOOD. Then I will ask the gentleman to use some of his time.

Mr. PAYNE. I yield 10 minutes to the gentleman from New York [Mr. VREELAND].

Mr. VREELAND. Mr. Speaker, it seems to me unfortunate that a question of such great importance as the one now before the House should seem to be put to the judgment of the House mainly from the standpoint of whether the banks will make or lose some money by the transaction. To my mind that is a very small part of the question presented for us to determine.

Although, Mr. Speaker, it seems clear to me that from that standpoint alone this bill should pass, it seems to me that as a matter of fairness to the customers of the United States who have purchased their securities—and they at present are mainly the banks, and mainly the banks because the securities of the country have been sold below the credit of the country—upon that standpoint alone we should not inflict loss needlessly and deliberately upon the customers of the United States. These 2 per cent bonds have gone down in the last few years in an amount equal to $30,000,000; that has been charged off by the banks holding them, except ten or eleven millions still carried in the last report as premium. The Comptroller of the Currency has steadily required every bank that holds these bonds to charge off constantly a portion of their premium value. As I say, it seems to me, if we merely regard it from the standpoint of selling more bonds, it will be unwise for Congress needlessly and deliberately to inflict this great loss upon the holders of these bonds. There seems to be no question, Mr. Speaker, that if this bill should pass the 2 per cent bonds of the United States will go down, not all at once, but go down as the years go by until they reach at least 90, and probably lower. No gentleman can doubt this who is familiar with bond issues of this Government or the bonds of the city of New York which have been referred to.

Mr. HITCHCOCK. Will the gentleman yield?

Mr. VREELAND. I will.

Mr. HITCHCOCK. Is it not a fact while the banks may have lost some premiums upon these bonds they have made large sums by their privilege to issue their circulation upon them, and the transaction as a whole has been profitable, as the dividends show?

Mr. VREELAND. I think that is true, I will say to the gentleman. I think if we figure out the money they have been able to make on circulation that they have made money, or come out even, but that of course depends upon many other things, but I think upon the whole transaction up to date there will be no loss in that respect. But the banks should make something out of the money they invest in bonds——

Mr. SHERLEY. Will the gentleman permit a question?

Mr. VREELAND. Yes.

Mr. SHERLEY. Is the privilege to issue bonds as a basis for circulation a valuable privilege?

Mr. VREELAND. It will not be considered a valuable privilege in the years to come if this bill is passed because the profit is very small and so much uncertainty would exist as to whether any profit at all would accrue that banks will keep their circulation down to the minimum.

Mr. SHERLEY. Is it not in point of fact that it was for the reason of increasing the sale value of the bond, that the privilege was given to it? Is not that true?

Mr. VREELAND. Originally?

Mr. SHERLEY. Originally.

Mr. VREELAND. I do not wish to say no to the whole question. That was a part of the purpose. Of course, I can not go into that now. The primary purpose, as the gentleman will find in reading the debates of Congress and reports of the Secretary of the Treasury at that time, was to furnish a national system of money with which to pay the troops of the United States—to create a national currency. But I can not go into that part of the discussion.

Mr. SHERLEY. If the gentleman will permit, the purpose of my inquiry is to ask you, if we take away this privilege from the 3 per cent bonds, do we not to a certain extent reduce their sale value in the market?

Mr. VREELAND. I will say frankly that I do not believe we do. We will realize as much as we are likely to receive, with circulation right included, because by our action we shall deal a blow to the credit of the country.

Mr. SHERLEY. Is it not true that in the past we have, by giving the privilege, increased the sale value of other Government bonds?

Mr. VREELAND. We undoubtedly have in the past.

Mr. SHERLEY. Then you think the rule of the past will not be the rule of the future?

Mr. VREELAND. I have answered the gentleman's question. I was saying that anyone familiar with bonds and their issue in this country must know that the issue of these bonds will drive down the price of the 2 per cent bonds to at least 90; that is, 10 per cent below par. We only need to look at the issue of bonds in the great city of New York, which a few years ago was issuing 3 per cent bonds, then 3½ per cent bonds, and now it is issuing 4½ per cent bonds. The earlier bonds have gone down and down until they are worth only about 85 on the market, bonds for which a premium was paid when they were purchased.

But I will say, gentlemen, that I do not consider that an important part of this question. The fact is that if we choose to inflict this loss of 75, 80, or 90 millions on the banks of the country, my judgment is that they are able to stand it. They have not appeared in the hearings here. They can absorb that loss, if we choose to put it upon them. My contention is that that is one of the least of the questions involved in this discussion. The question is, How will the credit of the United States be affected?

The next great question is, What will be the effect on the business of the country and on the banking and currency system of the country if we permit our already redundant bank-note circulation to be increased by several hundred millions of dollars or more of national-bank notes, which will be crowded into the channels of business, whether there is need for them or not?

Mr. FITZGERALD. There is a limit upon the amount of bank circulation that can be issued in addition to the amount of bonds outstanding, is there not? It is regulated by the capital or unimpaired surplus of the banks, is it not?

Mr. VREELAND. But the capital of national banks is over $1,000,000,000; that is $300,000,000 more than the present circulation of banks; so that question is not pertinent. It leaves it open for these new bonds to be turned into national-bank circulation. I will ask the gentleman if the people of the United States want to see their bonds go down, and down, until they reach 90 cents on the dollar? I will ask, furthermore, if they realize the fact that, in case these bonds go down, it becomes the duty of the Comptroller of the Currency to require of the banks of the country to put up additional security for the $700,000,000 of bank circulation which now exists? I ask the gentlemen how they would think the people would view it, if we pass an act whereby it takes $1.10 of the bonds of the United States to support as credit one of the paper dollars issued by the national banks of the country. It seems to me that the first great question involved is the credit of the United States. I have said here, and I say it unhesitatingly, that, in my judgment, the Treasury will receive as much money for these bonds if this bill passes as it will if it does not pass.

It seems to me it would make those who might desire to buy United States bonds afraid of the bonds of the United States, because they would be afraid to invest their money in bonds when, overnight, by the passage of a law, their value might be dropped down from par to less than 90 cents on a dollar. Mr. Speaker, what connection should there be between digging the Panama Canal and issuing $300,000,000 of bonds to pay for it and forcing $300,000,000 more of paper money into the channels of the business of the United States? What sort of a system of currency is that? Gentlemen are treating the issuance of $290,000,000 more of bank circulation, if these bonds are issued, as merely incidental to this discussion. Why, gentlemen, if to-day in any of the great countries across the sea—in France, in Germany—the proposition were made to increase the paper circulation by $100,000,000 even, it would be a question that would be deliberated upon by the finance minister, by the Government. It would be brought up in the Parliaments of those countries. It would be discussed long and carefully as to the effect on their financial systems and upon the business of their country. And yet we, lightly and carelessly, incidentally, as a mere side issue in the passage of a bill authorizing the sale of bonds——

Mr. TILSON. Will the gentleman yield?

Mr. VREELAND (continuing). Of the United States are deliberately injecting into our currency possibly $290,000,000 of paper money. I regret that I can not yield to the gentleman until I am through.

The SPEAKER. The time of the gentleman has expired.

Mr. PAYNE. Mr. Speaker, I yield three minutes more to the gentleman.

The SPEAKER. The gentleman from New York [Mr. PAYNE] yields three minutes more.

Mr. VREELAND. I want to say, Mr. Speaker, that some Members think that if we have more bank circulation the people in their districts can borrow it at lower rates of interest. But I want you to take this into consideration: Very likely the issuance of this great mass of additional bank-note circulation does not mean that we will have more money in the United States. It means, rather, that we will have poorer money in the United States. All of you, gentlemen, are familiar with the fact that when we push out more money than is needed for the business of the country, more of this bank-note circulation, it pushes out the gold that we have, and it flies away to some country where it is more needed.

I call attention to the fact that during the last two years, while our bank-note circulation has steadily increased, we have made a net loss of gold exported of more than $135,000,000. Why, gentlemen, our bank-note circulation has more than

doubled in the last seven years. It has gone up from a little over $300,000,000 to over $700,000,000. We all know that the great fault of our financial system to-day—one of the great faults—is that there is no present connection between the demands of business and the amount of bank notes that we push into the channels of business.

This action here to-day illustrates one great fault in our system. We all know that the amount of circulation issued by banks depends, not upon the needs of business, but depends almost entirely upon the price of United States bonds on the market and upon whether the banks can make more money by issuing more circulation than by issuing less circulation.

Now, gentlemen, it is well known to all students of this question, to all business men—and all economists agree in the opinion—that we shall never have a system suitable for our needs until the circulation of money is disassociated from bonds; until the circulation depends on the needs of the business of the country; until it shall come out when more money is needed in the fall and go back when less money is needed in the spring.

We may disagree about the best plan for accomplishing this purpose, but I say that opinion in the country is unanimous that we must dissociate bonds from our circulating medium and connect them with the needs of the business interests of the country.

Already this great sum of $700,000,000 of 2 per cent bonds, with circulation depending upon it, is one of the great obstacles in the road of accomplishing any banking and currency reform, and from that standpoint alone I say that we ought not to make this problem more difficult by adding $200,000,000 more of bond-secured circulation to our already redundant issue.

Mr. PAYNE. I will say to the gentleman from Alabama that there will be only one more speech on this side.

Mr. UNDERWOOD. Mr. Speaker, I think this is a very important bill, and that a quorum ought to be present.

The SPEAKER. Does the gentleman make the point of no quorum present?

Mr. UNDERWOOD. I make the point of no quorum present.

The SPEAKER. The point is sustained.

Mr. UNDERWOOD. I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Aiken	Dent	Hughes, W. Va.	Poindexter
Ames	Denver	Kahn	Pray
Ansberry	Dies	Keifer	Reid
Ashbrook	Driscoll, M. E.	Kennedy, Iowa	Rhinock
Barclay	Durey	Kennedy, Ohio	Rothermel
Bates	Englebright	Knowland	Sabath
Bennett, Ky.	Estopinal	Kronmiller	Saunders
Booher	Foelker	Legare	Sheffield
Bowers	Fowler	Lindsay	Smith, Cal.
Bradley	Gaines	Lively	Southwick
Broussard	Gardner, Mass.	Lundin	Sparkman
Burke, Pa.	Gardner, Mich.	McCredie	Sperry
Burnett	Garner, Pa.	McKinlay, Cal.	Spight
Byrd	Gill, Md.	McLachlan, Cal.	Stevens, Minn.
Capron	Gill, Mo.	Maynard	Sturgiss
Clark, Fla.	Gillett	Mays	Wallace
Cline	Goulden	Millington	Wanger
Collier	Graham, Pa.	Moore, Tex.	Weisse
Coudrey	Hamill	Morgan, Mo.	Wiley
Cox, Ohio	Haugen	Mudd	Willett
Craig	Hayes	Murdock	Wilson, Ill.
Cravens	Heald	Needham	Wood, N. J.
Creager	Huff, Pa.	Parsons	Woods, Iowa
Crow	Hughes, N. J.	Patterson	

The SPEAKER. The roll call shows that there are 290 Members present—a quorum.

Mr. PAYNE. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will open the doors.

Mr. PAYNE. Mr. Speaker, I give two minutes to the gentleman from Iowa [Mr. PICKETT].

Mr. PICKETT. Mr. Speaker, the brief limit of time granted does not permit of a discussion of the question involved, and I will confine my remarks to a single observation.

It is practically conceded that the 2 per cent bonds were enhanced in value through Government action. It is also conceded that if the Panama bonds are used as a basis of circulation the effect will be to depress the 2 per cent bonds below par. In other words, the Government having given to the 2 per cent bonds an enhanced or artificial value, it is now urged that converse action ought to be taken or permitted which would have the effect of depreciating the value of the bonds below par. I do not believe in legislation the effect of which will be to place obligations of the Government below par, which seems to be the status if this measure is not passed. I have never stood for any legislation which I believed would directly or indirectly amount to a repudiation of our obligations. [Applause.]

While this will not be the direct result if we fail to pass the pending bill, it will at least be the effect. It seems to me there is a moral obligation Congress can not ignore. In view of circumstances with which you are familiar it does not seem to me that the proposition is a debatable one or that the House should hesitate to pass this measure. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. UNDERWOOD. Mr. Speaker, I yield the balance of my time to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. How much time have I, Mr. Speaker?

The SPEAKER. The gentleman has 15 minutes.

Mr. FITZGERALD. Mr. Speaker, the gentleman from Iowa [Mr. PICKETT] says that he will not vote for legislation that will in effect depreciate the outstanding securities of the United States. He is not asked to do anything of the kind. Nobody has proposed legislation to depreciate securities now outstanding. The law now authorizes the issuance of two hundred and ninety millions of Panama bonds. If the Secretary of the Treasury were properly to discharge his duty he would issue them at the rate of interest he believes advisable up to the limit permitted by law, and obtain the best price he could for them in the market. But the effect of this bill will be to fasten the hold of certain great national banks upon the Treasury Department, and to perpetuate a deplorable and shameful situation.

In 1900 the so-called gold standard act was passed. In that act certain refunding schemes were authorized, and authority was given to refund certain 5, 4, and 3 per cent bonds by the issuance of 2 per cent bonds in their place. The act provided that the Secretary of the Treasury might redeem those outstanding bonds at a valuation not greater than their then present worth so that they would yield an income of 2½ per cent per annum; but in order to make the refunding proposition more palatable to the national banks the then law was changed so as to permit the banks to use bonds of the United States to secure circulation up to the par value of the bonds instead of up to 90 per cent, as the law then provided.

The cause for the refunding proposition was that the 5, 4, and 3 per cent bonds were rapidly becoming due and the Treasury at that time was overflowing with money. Its revenues were largely in excess of its expenditures and the Treasury Department was redeeming the outstanding obligations of the Government. Suddenly it was realized that if the Treasury continued to pay off the outstanding bonded debt of the United States there would be no basis for the circulation of the national banks; widespread alarm was awakened among the banking interests and efforts made to protect their circulation. The result was the refunding scheme, by which 2 per cent 30-year bonds were to be exchanged for our then outstanding and almost due obligations.

Gentlemen talk about depreciating the securities held by the banks. Let me read you how they operated under the refunding proposition. Under the first circular issued by the Treasury Department, under the law of 1900, over four hundred and forty-five millions of 2 per cent bonds were issued at par in exchange for outstanding fives, fours, and threes. Let me read from the testimony of one who benefited by the process how the scheme was conducted:

> I was connected with one of these banks and am still, and have a great interest in it. I telegraphed our correspondent right after the act was passed to purchase $250,000 in those bonds. The currency against these bonds issued as currency against this particular bank was used to pay for the purchase of the bonds, less a small item of premium, and thereafter and since that time this bank has been saving 2 per cent on the bonds substantially without any investment whatever. The bonds yield about 1½ per cent net, and as the national banks are getting the interest on over $700,000,000 of bonds which cost the banks nothing, or a negligible amount, they have abused the confidence of their friends in claiming to have been buncoed.

In other words, these banks, under the refunding scheme, arranged to obtain a certain number of 2 per cent bonds; by taking out an equal amount of circulation it was necessary to pay only the trifling sum required to equalize values, or for commissions, in effecting the exchanges, and by issuing their notes without interest, upon which a tax of one-half of 1 per cent was paid, they obtained in return bonds to the same amount, upon which they received 2 per cent interest. Ever since then the transaction has netted them 1½ per cent interest annually on the par value of the bonds, for which they have been compelled practically to invest nothing.

Mr. WEEKS. I did not understand what authority the gentleman was reading from.

Mr. FITZGERALD. I am reading from a speech by a Senator, made in the United States Senate, and not challenged by any of the distinguished financiers in that body. It was

during the session of Congress when the postal savings-bank bill was under discussion—the session just ended.

Mr. WEEKS. Who was it?

Mr. FITZGERALD. Mr. OWEN—largely interested in the national bank which purchased these bonds in this manner. The gentleman laughs. Perhaps the gentleman comes from a community where his banks were not sufficiently sharp to engage in such an enterprise; perhaps the institutions with which he is familiar may have bought their bonds of the New York and Oklahoma bankers who were so much more keen and informed about the banking business than the gentlemen whom he represents. Nobody professes that the national banks have been fooled in this operation.

Two other circulars have been issued by the Treasury Department under which refunding operations have been conducted. So profitable was the exchange of bonds to the national banks that, under the circular issued in March, 1903, for additional refunding operations, although in 1900 the 2 per cent bonds had been exchanged at par, the Treasury Department was able later to issue and exchange them on a bisis of 102, and eighty-one millions of them at that price were issued in March, 1903; in September, 1903, fifty millions more were exchanged at 102. In 1905 fifty-three millions were exchanged at 101.

I know some gentlemen have said to me that the national banks have already sustained a great loss. But they are unduly alarmed, and laboring under a misapprehension. All of the operations under the refunding act have been highly profitable to the national banks. They eagerly seized the opportunity to obtain 30-year 2 per cent bonds under the highly favorable conditions for their rapidly maturing fives, fours, and threes.

It may be, however, that some of the smaller and more recently organized banks were shorn by the skillful men in charge of the larger and stronger banks.

At some time after the refunding operations were initiated the Secretary of the Treasury made it known that he was prepared to deposit some fifty or seventy-five millions of dollars in the national banks, and that Government bonds would be required as security for those deposits. Some of the banks rushed into the market to obtain bonds to enable them to obtain deposits, and very probably had unloaded on them by those banks which engaged in the profitable refunding operations some of the 2 per cent bonds.

In some instances as high as 109 was paid for them. In a short time, through the operations of our indefensible appropriations, our surplus greatly dwindled, and it was necessary to withdraw these deposits from the banks. It was then that the innocent national-bank lambs found themselves with some securities on their hands that were not quite as useful and as valuable and as desirable as they had been led to believe. But the original parties to the refunding scheme sat back and laughed and waited and have probably bought back these unloaded bonds at greatly reduced prices.

The gentleman from New York [Mr. VREELAND] spoke about inflating our currency by $300,000,000 through the issuing of two hundred and ninety millions of these bonds, with the right to use them for circulation privileges. There is not much danger of the bank circulation being inflated for any such reason. The gentleman overlooked the fact that while there are seven hundred and thirty-five millions of our outstanding bonds deposited in the Treasury to secure circulation, a balance up to nine hundred and twelve millions is still available for circulation, and that there has been no extraordinary desire on the part of banks to obtain and use these bonds, and by their use to increase the now outstanding circulation. Upon what does he base his assertion that a bond issue increases the circulation? Who is threatening to do so? Whence is there a demand for it? Who can profit by it? The statement is preposterous. There are nearly two hundred millions of bonds available for the purpose of increasing circulation not so used, but nobody is attempting to use them for any such purpose.

Mr. VREELAND. I would like to ask the gentleman if he does not think that the doubling of the bank-note circulation in six years and a half is a measure of inflation which ought to be avoided if possible.

Mr. LIVINGSTON. That does not follow as a matter of course.

Mr. FITZGERALD. There is no indication that there will be any such inflation; but, after all, Mr. Speaker, that leads to the point I wish to reach in this discussion. Gentlemen have overlooked the important point in this entire discussion; have missed the question of first importance to us. Because of the condition of the Treasury, the Treasury Department finds it imperative to issue a certain number of bonds in order to obtain money to pay our current obligations.

That is the object of selling the bonds at this time. The working balance in the Treasury is between $25,000,000 and $30,000,000. The Secretary of the Treasury asserts that within a very short time he must sell bonds in order to replenish the Treasury. He has authority to issue bonds up to $200,000,000 to reimburse the Treasury to the extent that expenditures have been made for the construction of the Panama Canal. We have already issued $84,000,000 of such bonds at 2 per cent, and have expended something over $200,000,000 in the construction of the canal. There is at least $125,000,000 which may be reimbursed by the sale of bonds for canal construction. The prime purpose of issuing these bonds is to obtain money to replenish the Treasury. What is the important thing for us to look at? Are we to be interested chiefly in those who have been speculating in United States bonds heretofore, or are we to take such action as will result in the largest possible price being received for the bonds about to be sold? Is our interest and duty to protect the Treasury and the people, or the bondholders and the banks? In other words, are we to look to the interests of the people, or are we to look to the interests of some banks who either have made advantageous or foolish investments?

Mr. REEDER. Will the gentleman permit a question?

Mr. FITZGERALD. Yes.

Mr. REEDER. If it is true that all the gentleman from New York is looking after is to make the bonds produce as much as possible and get the money into the Treasury, why not put into this law a provision that the bonds used for circulation shall not be used and these alone shall be used for circulation? That would make these sell at about 4 per cent.

Mr. FITZGERALD. That would be just as fair to the people as to pass this bill, with its resulting advantage, is to the banks. There is no difference at all in principle.

Mr. REEDER. If the gentleman concedes it would make a good deal more money in the sale of these bonds, then on your theory you ought to favor it.

Mr. FITZGERALD. I am in favor of getting the highest possible price for our obligations. When bonds are sold, under any circumstances, it is unfortunate for the country. If bonds must be sold and the future mortgaged, it should be under as little onerous conditions as possible. Some gentlemen may be oversolicitous for the bondholders. In my opinion, our duty is to the Treasury and to the people. That is the side I prefer to advocate. No one will be able to escape the consequences of his action upon this question. A choice must be made between the people and the bond-holding banks. This bond issue is authorized in the act of August 4, 1909. Nobody dreamed at that time of putting a restriction upon the issue for circulation purposes. What has happened since? All should remember that certain important financial interests in this country are quietly and industriously and persistently working to secure a very drastic change in our monetary laws. They have in mind the desire to control the financial operations not only of the Treasury, but of the country. There was never a suggestion that any bank had lost a dollar on these refunding schemes until the postal-savings act came up for consideration in the Senate. Then when a provision was inserted to permit the use of the funds acquired through the operations of the postal savings-bank act for the purchase of outstanding bonds we commenced to hear much about the injustice that would be done to the national banks if the outstanding twos were not protected.

Did it ever occur to this House that opposition to the postal-savings system from powerful banks suddenly ceased? That opposition stopped when certain provisions were inserted in the bill to compel the application of the proceeds of postal-savings bonds to the redemption at par of outstanding bonds of the United States subject to call.

The next step to fasten the hold of the national banks upon the Treasury is this bill.

National banks are being organized continuously. They are required to invest in a certain amount of United States bonds. They need bonds to secure circulation. This bill fixes definitely the present outstanding bonds of $912,000,000 as the limit of bonds available for such purposes. The twos are selling to-day at 101.

The enactment of this bill will have a twofold effect. It will lessen the value of the $290,000,000 of Panama bonds to be issued and compel them to be issued at a higher rate than otherwise, and it will greatly enhance the value of the outstanding twos. This bill, if enacted, enriches the bondholding banks at the expense of the people. I venture to predict that within six months the price of our outstanding 2 per cent bonds will be much greater than at present. Why such solicitude for the

banks, when the Treasury is depleted? Why not some thought for the protection of the Treasury?

It has been asserted that the failure to enact this bill will depreciate the bonds now outstanding. Suppose it should do so. Will anyone assert that the Government is bound to legislate so as to maintain at par its bonds? The same logic would require us to refrain from issuing any additional bonds whatever, since every additional bond issued increases by so much the obligations of the Government and lessens the security of the present bondholder.

Had I time I should discuss some other phases of this entire subject. I view, however, with suspicion a bill of such far-reaching effect upon our entire financial system submitted in the rush and hurry of the closing days of the session, and passed through one House without any discussion and crowded upon us here without adequate time for sufficient analysis and consideration.

Let me, however, call attention to one phase of the question which, because of my duties in connection with the appropriation bills, I have not had time to consider sufficiently to appreciate and determine the anxiety for this legislation.

Practically all of the 5, 4, and 3 per cent bonds have matured or will mature within a very few years.

The 2 per cents issued under the act of 1900 are 30-year bonds and will mature in about 20 years. The $84,000,000 of Panama bonds heretofore issued are redeemable 10 years after issue, and will be subject to call before the twos issued under the act of 1900.

But, Mr. Speaker, the $290,000,000 of bonds authorized under section 39 of the Payne-Aldrich Act (approved August 5, 1909) may bear interest at not exceeding 3 per cent and are redeemable 50 years from the date of issue. None of these bonds have yet been issued. Long-term bonds, capable of paying up to 3 per cent interest, they should not be made unavailable for a purpose for which all other Government bonds are applicable. Not more than 12 months ago the Treasury Department accepted certain State, municipal, and other securities as security for deposits in place of Government bonds because they were unobtainable. No one can foretell accurately what the necessities of the future will require. It is little less than criminal for the Congress deliberately to act in such a manner as to impair the value of Government securities about to be sold for the purpose of replenishing the Treasury solely to protect bond-holding banks from possible loss.

The issue here is plain. It is the people against the banks; the Treasury against the bond speculators; the welfare of the many against the selfish interests of the few. Such a choice must be made. It can not be evaded. Those who vote for this bill do so with full knowledge of its purpose and effect. I hope it will not pass, but that it will be defeated; that the Treasury, where the people's interests are, and not the bond-holding banks, where the interests of the speculators in the Government's credit centers, will be safeguarded. [Applause.]

Mr. PAYNE. Mr. Speaker, I yield the balance of my time to the gentleman from Massachusetts [Mr. WEEKS].

Mr. WEEKS. Mr. Speaker, I want to state in a word what this proposition means. We have authorized an issue of $290,000,000, in round numbers, of Panama bonds, at a maximum rate of 3 per cent. About $90,000,000—somewhat less than $90,000,000—have been issued, leaving an authorization of $200,000,000 available. More than $100,000,000 has been spent on the Panama Canal in addition to the amount provided by the bonds issued, and the purpose of this act is to determine the rate of interest and form of the bonds to be issued in future. We have outstanding $867,793,630 of bonds. Of these, $98,713,400 are 4 per cent bonds issued in 1895, coming due in 1925; $641,768,950 more are 2 per cent bonds, due in 1930, issued under the act of March, 1900, and they are the result of refunding operations; $84,231,940 are Panama twos; and $43,079,340 are threes due in 1918, but callable since 1908. The bonds which are generally used for circulation purposes by the banks are the fours and the twos, the reason being that, except the Panama twos, they have a definite date of maturity.

Now, the only question for this House to consider is how these bonds shall be issued. Undoubtedly rates of interest are increasing the world over. The little community where I live issued about 10 years ago 3 per cent bonds on a 2.95 per cent basis. We are now selling bonds on a 3½ per cent basis. All first-grade bonds have advanced in about the same ratio, and the 2 per cent bond, with the circulation privilege behind it, acceptable though it may have been when issued, is not now attractive to anyone, and bonds will have to bear even a higher rate of interest to be sold to the public or to the banks.

We provided in the postal savings bank bill that depositors could exchange their deposits for 2½ per cent bonds, and there was grave doubt in the minds of many Members of this House whether that rate was high enough, whether it should not be made 2¾ or even 3 per cent; but a saving clause was added that that bond could be presented and paid at par, and therefore, the depositor in the savings bank would be protected in the market value of his investment. There are other reasons than the consideration of the circulation privilege, which bear on the issuing of these bonds. In the first place, from the standpoint of most men who have considered financial matters it seems wise to get our national debt into the hands of the people rather than have it concentrated in the banks.

Mr. KOPP. Will the gentleman yield?

Mr. WEEKS. Yes.

Mr. KOPP. Can the gentleman state how these bonds will be given to the public?

Mr. WEEKS. I assume they will be given to the public at the best price at which they can be sold.

Mr. KOPP. With no limitation as to whom——

Mr. WEEKS. I do not know about that.

Mr. KOPP. I am favorable toward the proposition, but there are some things I want cleared up. Will these bonds be callable?

Mr. WEEKS. I do not understand so.

Mr. KOPP. Now, then, if they are all issued, or practically so, how can they be used by the Government for paying postal savings depositors or exchanging postal savings deposits for the bonds?

Mr. WEEKS. The trustees of the postal savings banks have a right to invest in any Government bond, twos, threes, or fours, or whatever rate it may bear, but the depositor in the postal savings bank has only the privilege of exchanging his deposit for a 2½ per cent bond, which has not the circulating privilege.

Now, I must go on. I would like to know how much time I have remaining.

The SPEAKER. The gentleman has six minutes.

Mr. WEEKS. What I was saying, Mr. Speaker, was this, that it is desirable to get these bonds into the hands of the people, and usual and proper means will be used for that purpose. It makes a better citizen of a man if he has a United States bond, for it gives him a personal interest in his Government, even if it is not more than a $20 bond; and it is desirable from that standpoint that we distribute these bonds rather than to have them go into the hands of the banks. This policy has been followed for many years in France with most satisfactory results. It is said that more than 4,000,000 French citizens own Government bonds.

Now, as to the circulation privilege. We have $35 per capita of circulation in this country, which is the largest per capita circulation of any nation in the world. There is no desire or need for more, and the only reason that circulation is not reduced is because the banks have these 2 per cent bonds on hand, and they can not sell any great quantity of them and retire the circulation. It has been correctly stated to-day that the country is saturated with circulation, and we would be better off with less rather than more; but to add to that the possibility of $200,000,000 more would result in depreciating our currency and would drive gold out of the country.

My friend from Tennessee Mr. SIMS talks about the "Money Trust." But national banks do not make abnormal profits, which is proven by the statement that the national banks are not increasing in number in proportion to the increase in other banks. The proportion is more than two to one of State banks as compared with the national banks, and the capital going into State banks is in about the same ratio. My friend from New York [Mr. VREELAND], for instance, is the president of a State bank, not a national bank. Undoubtedly, he would prefer to have a national charter if conditions were equal, but because of the fact that he can make more money as a State banker than as a national banker he takes the State charter. That condition is general throughout the country, and it is the reason why State banks are increasing in number so rapidly, at the expense of national banks.

Some gentlemen have suggested that there is a very large profit to be made out of circulation. This is not a correct statement, for it only varies from three-fourths of 1 per cent to 1¼ per cent. But there are so many restrictions placed upon national banks by the Government, and the profits from circulation are so limited compared with the possibilities of loss on bonds, and so forth, that I do not recall any bank in a large community that is not limiting itself as nearly as possible to its minimum amount of circulation. It must have 25 per cent of its capital invested in Government bonds, and the only way it can get a decent return on that is to issue against them its circulation.

Now, the gentleman from New York [Mr. FITZGERALD] referred to the statement made by a Senator in debate during the discussion of the postal savings-bank bill. It must have been delivered at one of those times when the Senate Chamber was empty.

Mr. FITZGERALD. The gentleman was making his speech, and he interrupted.

Mr. WEEKS. Anybody who has a semblance of financial knowledge could make a complete and convincing answer to that statement. The banks exchanged high-rate bonds for 2 per cent bonds. They had their money invested in fives, fours, and threes, which were about to mature. They simply exchanged one class of bonds into another.

And incidentally they wanted to aid the Government in its refunding operations. As a matter of fact the Government saved between $16,000,000 and $17,000,000 in these different refunding operations, which it would not have saved if these bonds had been allowed to come to maturity.

In addition to that, the very fact that the national banks hold these 2 per cent bonds, the fact that the circulation privilege has made a market for them, has enabled the Government to save something like $7,000,000 a year since 1900. If they had been issued on a 3 per cent basis, the Government would have lost the difference between 2 and 3 per cent. Furthermore, the Government has sold all these bonds at a premium, obtaining on each $1,000,000 of twos sold about $40,000 premium, whereas if the bonds had been sold in the open market there would have been received for them between $100,000 and $150,000 less than par on every $1,000,000 of bonds sold.

Now, while I am not contending that it is the duty of the Government to bolster up the national banks, I do contend that it is the duty of the Government to maintain its own credit. The Government of the United States uses the national banks as its fiscal agents. It does its business through them, so far as it can do so. It has cooperated with the banks, and the banks have cooperated with the Government, in placing these bonds whenever it has been found necessary to sell bonds. I understand the last twos sold were taken by the banks on the condition that at that time a certain percentage of the money paid for them should be left on deposit in the banks. As far as I know no bank wanted to take the 2 per cent bonds, either at a premium or at par, and the only reasons for so doing were the possibilities of making something out of the money left on deposit and because they wished to be of service to the Government.

Mr. STAFFORD. Will the gentleman yield?

Mr. WEEKS. Yes.

Mr. STAFFORD. Will the gentleman explain what effect the issuance of the 3 per cent bonds of the issue of 1898 had upon the 2 per cent bonds?

Mr. WEEKS. There were no twos outstanding at that time.

I want to state to the House what, in my judgment, will happen if we issue these 3 per cent bonds with the circulation privilege attached. The 4 per cent bonds are selling on a 2½ basis, the 3 per cent bonds are selling on a 2¾ per cent basis, and they are selling on that basis because they are callable at any time, and naturally they do not command a high premium. The 2 per cent bonds are selling at about par. If they were sold on a 2½ per cent basis, as the fours are, and as they undoubtedly would sell if we put other bonds on the market bearing a higher rate and having the same privilege, I believe it is safe to say that they would gradually go down to about 90. The banks have already charged off $35,000,000 of loss on account of those bonds, marking them down from 104 or 104½ to par.

Under the law, if security behind circulation decreases in value so that the bonds sell below par, the comptroller calls on the banks for additional security, or to reduce their circulation, or to deposit the cash difference between the price of the bonds and their par value. Therefore if they should decrease in price to 90, which would be about a 2½ per cent basis, it would mean a loss to the banks of the country of $70,000,000, which the banks would have to supply, either with other securities, Government bonds, or in cash. Now, I maintain that it is the duty of Congress to prevent any such condition as that. The banks should not be considered as corporations, but as collections of individuals who own this stock. In the State of Massachusetts, for instance, among the limited investments which our mutual savings banks can make are national-bank stocks. They hold something like $11,000,000 of national-bank stocks. Two millions of the three and a quarter millions population of Massachusetts are depositors in our mutual savings banks. This legislation would directly affect not the interests of "the Money Trust," but in this instance of those 2,000,000 depositors in savings banks, and it would be an element in destroying the credit which we have all taken pride in. [Applause.]

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to a third reading, and was accordingly read the third time.

The question being taken on the passage of the bill, Mr. UNDERWOOD demanded a division.

The House divided; and there were—ayes 131, noes 99.

Mr. UNDERWOOD and Mr. MORSE demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 169, nays 135, answered "present" 11, not voting 68, as follows:

YEAS—169.

Aiken	Fassett	Kinkaid, Nebr.	Parker
Alexander, N. Y.	Focht	Knapp	Parsons
Andrus	Fordney	Knowland	Payne
Austin	Foss	Kopp	Peters
Barchfeld	Foster, Vt.	Küstermann	Pickett
Barclay	Fuller	Lafean	Plumley
Barnard	Gardner, Mass.	Lamb	Pratt
Bartholdt	Gardner, Mich.	Langham	Pray
Bartlett, Ga.	Gardner, N. J.	Langley	Pujo
Bennet, N. Y.	Gillett	Law	Ransdell, La.
Bennett, Ky.	Glass	Lawrence	Reeder
Bingham	Goebel	Lenroot	Roberts
Boutell	Graff	Longworth	Rodenberg
Bradley	Graham, Pa.	Loud	Scott
Burgess	Grant	Loudenslager	Simmons
Burke, Pa.	Greene	Lowden	Slemp
Burke, S. Dak.	Griest	McCall	Snapp
Burleigh	Guernsey	McCreary	Sperry
Butler	Hamer	McCredie	Stafford
Calder	Hamilton	McGuire, Okla.	Steenerson
Calderhead	Hanna	McKinlay, Cal.	Sterling
Cassidy	Hardwick	McKinley, Ill.	Stevens, Minn.
Chapman	Havens	McKinney	Sulloway
Cole	Hawley	McLaughlin, Mich.	Swasey
Cooper, Pa.	Heald	McMorran	Tawney
Cowles	Henry, Conn.	Madden	Taylor, Ohio
Crumpacker	Higgins	Madison	Thistlewood
Dalzell	Hill	Malby	Thomas, Ohio
Davidson	Hinshaw	Mann	Tilson
Dawson	Hollingsworth	Martin, S. Dak.	Townsend
Denby	Howell, N. J.	Massey	Volstead
Diekema	Howell, Utah	Miller, Kans.	Vreeland
Dodds	Howland	Miller, Minn.	Washburn
Douglas	Hubbard, Iowa	Moon, Pa.	Weeks
Draper	Hubbard, W. Va.	Moore, Pa.	Wheeler
Dupre	Hull, Iowa	Morehead	Wilson, Ill.
Durey	Humphrey, Wash.	Morgan, Mo.	Woods, Iowa
Dwight	Johnson, Ohio	Morgan, Okla.	Woodyard
Edwards, Ky.	Joyce	Moxley	Young, Mich.
Ellis	Keifer	Murphy	Young, N. Y.
Elvins	Keliher	Olcott	
Esch	Kennedy, Iowa	Olmsted	
Fairchild	Kennedy, Ohio	Padgett	

NAYS—135.

Adair	Edwards, Ga.	Johnson, Ky.	Rainey
Alexander, Mo.	Ellerbe	Johnson, S. C.	Randell, Tex.
Anderson	Ferris	Jones	Rauch
Ansberry	Fish	Kendall	Richardson
Anthony	Fitzgerald	Kinkead, N. J.	Riordan
Barnhart	Flood, Va.	Kitchin	Robinson
Beall, Tex.	Floyd, Ark.	Korbly	Roddenbery
Boehne	Fornes	Latta	Rucker, Colo.
Booher	Foster, Ill.	Lee	Rucker, Mo.
Borland	Gaines	Legare	Saunders
Burleson	Gallagher	Lever	Shackleford
Burnett	Garrett	Lindbergh	Sheppard
Byrns	Gillespie	Lively	Sherley
Campbell	Godwin	Lloyd	Sherwood
Candler	Good	McDermott	Sims
Cantrill	Gordon	Macon	Sisson
Carlin	Graham, Ill.	Maguire, Nebr.	Small
Cary	Gregg	Martin, Colo.	Smith, Iowa
Clark, Mo.	Hamlin	Mays	Smith, Tex.
Clayton	Hammond	Mitchell	Stanley
Cline	Hardy	Mondell	Stephens, Tex.
Collier	Harrison	Moon, Tenn.	Sulzer
Cooper, Wis.	Hay	Morrison	Talbott
Covington	Heflin	Morse	Taylor, Colo.
Cox, Ind.	Helm	Moss	Thomas, Ky.
Cox, Ohio	Henry, Tex.	Nelson	Thomas, N. C.
Craig	Hitchcock	Nicholls	Tou Velle
Cullop	Houston	Norris	Turnbull
Davis	Howard	Nye	Underwood
Denver	Hughes, Ga.	O'Connell	Watkins
Dickinson	Hull, Tenn.	Oldfield	Webb
Dickson, Miss.	Humphreys, Miss.	Page	Wickliffe
Dixon, Ind.	James	Poindexter	Wilson, Pa.
Driscoll, D. A.	Jamieson	Pou	

ANSWERED "PRESENT"—11.

Adamson	Conry	Livingston	Sharp
Bartlett, Nev.	Currier	McHenry	Smith, Mich.
Brantley	Garner, Tex.	Palmer, A. M.	

NOT VOTING—68.

Ames	Driscoll, M. E.	Hughes, W. Va.	Rhinock
Ashbrook	Englebright	Kahn	Rothermel
Bates	Estopinal	Kronmiller	Sabath
Bell, Ga.	Finley	Lindsay	Sheffield
Bowers	Foelker	Lundin	Slayden
Broussard	Fowler	McLachlan, Cal.	Smith, Cal.
Byrd	Garner, Pa.	Maynard	Southwick
Capron	Gill, Md.	Millington	Sparkman
Carter	Gill, Mo.	Moore, Tex.	Spight
Clark, Fla.	Goldfogle	Mudd	Sturgiss
Cocks, N. Y.	Goulden	Murdock	Taylor, Ala.
Coudrey	Hamill	Needham	Wallace
Cravens	Haugen	Palmer, H. W.	Wanger
Creager	Hayes	Patterson	Weisse
Crow	Hobson	Pearre	Wiley
Dent	Huff	Prince	Willett
Dies	Hughes, N. J.	Reid	Wood, N. J.

So the bill was passed.

The following additional pairs were announced:
For the session:
Mr. CURRIER with Mr. FINLEY.
Until further notice:
Mr. HUFF with Mr. GARNER of Texas.
Mr. GARNER of Pennsylvania with Mr. BELL of Georgia.
Mr. HENRY W. PALMER with Mr. GOULDEN.
Mr. KRONMILLER with Mr. BROUSSARD.
Mr. PRINCE with Mr. DIES.
Mr. PEARRE with Mr. DENT.
Mr. LUNDIN with Mr. HUGHES of New Jersey.
Mr. SOUTHWICK with Mr. ESTOPINAL.
Mr. HAUGEN with Mr. MOORE of Texas.
Mr. COCKS of New York with Mr. SPARKMAN.
Mr. MUDD with Mr. TAYLOR of Alabama.
For balance of day:
Mr. SHEFFIELD with Mr. GOLDFOGLE.
On this vote:
Mr. MICHAEL E. DRISCOLL with Mr. SLAYDEN.
Mr. CREAGER with Mr. CARTER.

Mr. CURRIER. Mr. Speaker, I desire to inquire if Mr. FINLEY has voted.

The SPEAKER. He has not.

Mr. CURRIER. I voted "aye" and I desire to change my vote.

The name of Mr. CURRIER was called, and he answered "Present," as above recorded.

The result of the vote was then announced as above recorded.

On motion of Mr. PAYNE, a motion to reconsider the vote whereby the bill was passed was laid on the table.

A similar House bill, H. R. 32218, on the House Calendar, was laid on the table.

BOARD OF MANAGERS NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

Mr. TILSON. Mr. Speaker, I call up House joint resolution 294, and move to suspend the rules and pass the resolution.

The Clerk read the House joint resolution 294, as follows:

Joint resolution for the appointment of members of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

Resolved, etc., That Hon. Z. D. MASSEY and Capt. Lucian S. Lambert be, and they are hereby, appointed as members of the Board of Managers of the National Home for Disabled Volunteer Soldiers of the United States; Hon. Z. D. MASSEY to succeed Walter P. Brownlow, deceased, whose term of office would expire April 21, 1914, and Capt. Lucian S. Lambert to succeed Thomas J. Henderson, deceased, whose term of office would expire April 21, 1914.

The SPEAKER. Is a second demanded?

There was no demand for a second.

The question was taken; and (two-thirds having voted in favor thereof) the House joint resolution was passed.

CONSTRUCTION OF A CANAL IN BERGEN COUNTY, N. J.

The SPEAKER laid before the House the bill (S. 10883) authorizing the Erie Railroad Co. to construct a canal connecting the Hackensack River and Berrys Creek, Bergen County, N. J., as an aid to navigation, and for other purposes, a similar House bill being on the calendar.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Erie Railroad Co., a corporation of the State of New York, its successors and assigns, is hereby authorized, for the purpose of removing perils and delays now incident to the navigation of Berrys Creek, in the county of Bergen and State of New Jersey, through the presence of the bridge of the said Erie Railroad Co. across said creek at a distance of about 8,700 feet from the point where said creek empties into the Hackensack River and of improving the navigation of said Berrys Creek, to construct a suitable canal, from a point in the center of Berrys Creek, northeast of the bridge of the Erie Railroad Co. over said stream, to and into the Hackensack River: *Provided*, That no canal shall be constructed under this authority unless the plans for the same are approved by the Corps of Engineers and the Secretary of War, who are authorized to impose such conditions as may be necessary to maintain the navigability of Berrys Creek unimpaired. And if said railroad company shall construct said canal to the approval of the Secretary of War, said railroad company shall be authorized and permitted to maintain a fixed bridge over Berrys Creek at a point where the main line of the railroad company now crosses said creek.

The bill was ordered to be read a third time, was read the third time, and passed.

A similar House bill (H. R. 32910) on the calendar was laid on the table.

On motion of Mr. HUGHES of New Jersey, a motion to reconsider the vote whereby the bill was passed was laid on the table.

INDEBTEDNESS OF THE DISTRICT OF COLUMBIA.

Mr. SMITH of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 13474) to provide for the payment of the debt of the District of Columbia, and to provide for permanent improvements, and for other purposes, with the following amendment, which I send to the desk.

The Clerk read as follows:

Strike out all after the enacting clause and insert the following:

"That from and after June 30, 1911, the Commissioners of the District of Columbia, in determining the estimates of funds available for appropriation for each succeeding fiscal year, shall first provide for and set aside from the estimated District revenues a sufficient sum to meet all estimated and fixed charges required by law to be paid wholly from said revenues, including interest at 3 per cent on the annual balance due the United States on account of advances made to the District of Columbia, and including, further, the sum of $300,000 as a repayment on account of said advances, until the indebtedness of the District of Columbia to the United States shall be extinguished; and the annual estimates of appropriations for the expenses of the government of the District of Columbia, exclusive of the charges aforesaid, and including amounts estimated or to be estimated under any general appropriation bill, shall not exceed in the aggregate a sum equal to twice the amount of the said District revenues then remaining: *Provided*, That the said commissioners shall allow for the extinguishment of the bonded debt of the District of Columbia out of the combined revenue fund by annually including in their estimates of appropriations a sum equal to the sum heretofore annually appropriated for the interest and sinking fund, namely, $975,408, until the said debt as evidenced by outstanding bonds shall be extinguished: *Provided further*, That hereafter the Commissioners of the District of Columbia shall provide in their estimates of appropriations for permanent works of improvement a sum not less than $1,230,000, beginning with the fiscal year ending June 30, 1913, and annually thereafter an amount not less than the same sum increased by the sum of $100,000 for each succeeding fiscal year until and including the fiscal year to end June 30, 1924; and said estimates for permanent improvements shall include the reclamation of the Anacostia Flats above the navy-yard bridge, and their conversion into a park or parks; the gradual extension of the park system of the District; the construction of public wharves; the extensions of trunk water and sewer mains into the suburban portions of the District; the elimination of dangerous grade crossings; and such other permanent public works as may be hereafter authorized by Congress from time to time."

The SPEAKER. Is a second demanded?

Mr. SIMS. I demand a second.

The SPEAKER. Under the rules a second is ordered.

Mr. SIMS. Mr. Speaker, I ask unanimous consent that the time be extended to 40 minutes on a side. This is a very important bill.

Mr. SMITH of Michigan. I have no objection.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the time under the rules, which is 20 minutes on a side, be extended to 40 minutes on a side.

Mr. DALZELL. Reserving the right to object——

Mr. SMITH of Michigan. I desire to say to the gentleman from Pennsylvania that there are at least four or five gentlemen on this side who want to speak.

Mr. DALZELL. But that makes an hour and 20 minutes. I suggest that the gentleman ask for 30 minutes on a side; that will make an hour.

Mr. SMITH of Michigan. Mr. Speaker, I desire to say to gentlemen who may want to follow this debate that this bill, as reprinted, can be found at the desk.

In my judgment, this is one of the most important bills that has been reported from the Committee on the District of Columbia during this Congress. No one regrets more than myself that we have not had an opportunity to present this bill to the House before this time, but everyone knows that it is because this committee has been denied its time under the rules of the House, so much so that we have not had two full legislative days since the middle of last May, and I further regret that we are obliged to consider this bill under the suspension of the rules, which allows so little time for debate. I have no hesitancy in saying that if this bill could be fairly and fully debated and understood by the Members, it would receive even more than the two-thirds vote required under the suspension of the rules.

This bill, if enacted into law, will accomplish two things: First, it will pay the debt of the District and provide for some needed permanent improvements.

The estimated funded debt of the District on the 30th of June, 1911, will be $8,800,000. The floating debt at that time will be $2,400,000. The estimated funded debt on the 30th of June, 1912, and that is what the estimates have already been made for, will be $8,200,000, and the floating debt will be $1,800,000. The funded debt of the District is the debt owed by the District and the General Government in the form of outstanding bonds, which bear 3.65 per cent. The floating debt of the District is the debt which the District owes to the General Government, and which bears 2 per cent interest. It may be of interest to Members to know that the bonded debt is paid one-half by the United States and one-half by the District. The debt of the District at any one time is determined by adding the floating debt to one-half the bonded debt, or by subtracting the District surplus from one-half the bonded debt. I shall be glad to insert in my remarks a table, and an explanation of the table, showing the actual debt of the District at this time.

[Explanation of table.—Column I, fiscal year; Column II, surplus in Treasury at end of fiscal year standing to credit of District; Column III, floating debt, being balance due the United States by the District at the end of the fiscal year; Column IV, bonded debt outstanding at end of fiscal year, payable half and half; Column V, actual debt of District proper (to wit, one-half of bonded debt, plus the floating debt, or minus the surplus) at end of fiscal year.]

I Fiscal year.	II Surplus in United States Treasury to credit of the District.	III Deficit, balance due United States by District.	IV Bonded debt, balance outstanding, due half by United States and half by District.	V Actual debt, District proper.
1879 [1]	$257,618.47		$21,688,473.33	$10,586,618.19
1880 [1]	302,923.45		22,144,400.00	10,760,276.55
1881 [1]	410,768.08		21,892,750.00	10,535,606.92
1882 [1]	446,411.73		21,664,600.00	10,385,888.27
1883 [1]	461,580.29		21,501,950.00	10,289,394.71
1884 [1]	515,764.16		21,279,100.00	10,123,785.84
1885 [1]	505,963.20		21,279,550.00	10,133,811.80
1886	685,652.89		21,070,150.00	9,849,422.11
1887	978,349.15		20,635,100.00	9,339,200.85
1888	1,310,119.39		20,581,450.00	8,980,605.61
1889	1,328,747.78		20,142,050.00	8,742,277.22
1890	314,240.81		19,781,050.00	9,576,284.19
1891	112,210.64		19,500,300.00	9,637,939.36
1892		$5,088.04	19,133,400.00	9,571,758.04
1893	83,767.19		18,575,400.00	9,203,932.81
1894	625,207.74		18,184,200.00	8,466,892.26
1895	429,090.99		17,772,700.00	8,457,259.01
1896	845,335.93		17,207,000.00	7,758,164.07
1897	683,936.80		16,649,700.00	7,640,913.20
1898	917,581.91		16,038,100.00	7,111,468.09
1899	603,255.28		15,888,200.00	7,340,844.72
1900	387,577.18		15,091,300.00	7,158,072.18
1901		220,182.57	15,068,350.00	7,754,357.57
1902		1,759,238.34	14,196,550.00	8,857,513.34
1903		1,653,517.51	12,917,250.00	8,112,142.51
1904		1,349,661.69	12,492,700.00	7,596,111.69
1905		2,240,030.14	12,051,350.00	8,265,705.14
1906		2,931,259.49	11,587,700.00	8,725,109.49
1907		3,277,866.28	11,103,750.00	8,829,741.28
1908		3,650,563.06	10,602,750.00	8,951,938.06
1909		3,992,515.03	10,114,150.00	9,049,590.03
1910		3,274,278.98	9,492,100.00	8,020,328.98
1911 [2]		2,400,000.00	8,800,000.00	6,996,000.00
1912 [2]		1,800,000.00	8,200,000.00	5,971,000.00

[1] Fiscal years 1879–1885 include also trust and water funds.
[2] Estimated.

D. J. DONOVAN,
Acting Auditor, District of Columbia.

OFFICE OF THE AUDITOR, DISTRICT OF COLUMBIA,
January 7, 1911.

You will see that the actual debt of the District proper, estimated on June 30, 1911, is $6,996,000.

I apprehend that in this body there are two schools of financiers, so to speak. There are those who believe that a city like this should never be out of debt, while on the contrary there are those who maintain the debt should be paid as soon as practicable. I find these opposite views entertained by the opponents of this bill. I do not know on this point how they may seek to harmonize their differences. While I do not claim to belong to any school of finance, I believe in paying the debt of this city as well as that of any other city as soon as possible.

I apprehend that if the distinguished Member from New York [Mr. ANDRUS] were to express his opinion, as doubtless he will before this debate is over, it will be shown that he belongs to that school of financiers who believe that the debt of the District ought not to be paid, at least for the present, and certainly his opinion is entitled to great respect, for while he does not often participate in debate he has taken great interest in the affairs of the District, is a wizard in finance, and one of the profound thinkers of the House.

In my opinion, while we are paying the debt of the District, we ought at the same time to provide funds for permanent improvements. The plea is constantly made in this Chamber, when appropriations are being made for the District, that nothing is being done in behalf of the people of the General Government. In other words, under our present system, which is half and half under the organic law beginning with 1878, Members frequently say, What does the General Government, in these appropriations, do for our constituents, and what do our constituents, so to speak, get out of this proposition by which the District contributes one half and the United States the other half. If this bill is enacted into law, when money is raised to carry on the affairs of the District instead of the balance being used for current expenses that balance will be used for permanent improvements, as I insist it should be, and when our constituents come to the Capital City they will see upon every hand something in the form of permanent substantial improvements which would be the result of the one-half that is contributed by the General Government.

I am sure before this debate is concluded some Member or Members will take the position that the United States should no longer contribute one-half. There are Members of this body and their friends who are fortunate enough from time to time to go abroad. We are glad they can. They come back and tell us of the beauties and the glory and the grandeur of Paris, Vienna, Berlin, and other cities; and they must not forget that the Republic of France and the other countries of which these cities are capitals contribute their proportion, as does this Republic to the city of Washington, toward making splendid improvements, which are admired not only by the people of those cities and countries, but by the entire world.

I frankly admit that if the revenues of the District continue to increase as they have been doing in the past the time will come, doubtless, when the organic law will be changed so that the General Government will not contribute as much as it does at this time, but I am sure that no one will contend for a single moment that the time is ripe for such legislation as this.

This bill has been reported from the committee and has been on the calendar for many months. It has been the subject of much discussion in the newspapers of this city and before the chamber of commerce and the board of trade and in other ways, and as a result we have had an opportunity to learn of some of the objections that have been offered, and especially by Members who no doubt will participate in the debate.

First. Some gentlemen complain of the form of government for the District and say that this must be changed before this legislation is passed. I want to say to you that, in my judgment, the present form of government is established for many years to come, and whether you agree with me or not, I have no hesitancy in saying that under the present form of government the city of Washington is the best-governed city in this Republic.

Second. Others are dissatisfied with the law as to the assessment of personal property and insist that it should be remedied. I agree with all such and want to call attention to the fact that upon the calendar of the District of Columbia we have had for months a bill to tax intangible property, yet I have no hesitancy in saying to the Members of the House that if we had time now or had had weeks ago to pass this bill, as we doubtless could, through this body and it had gone to the other end of the Capitol it would have slept where the bill for taxing inheritances sleeps, and you all remember that this bill took a whole District day. I refer to the bill which was introduced and so ably presented by the gentleman from Minnesota [Mr. MILLER]. So I say we can hardly afford to wait until legislation of this character is passed, for, as much as you and I may desire it, no one can foretell when such legislation will be enacted into law.

These, briefly, are some of the objections that are made. Let us see if we can not agree on some things in the bill that are stated under the head of permanent improvements. I doubt if there is a Member who is not in favor of giving to the people of the District additional suburban trunk sewers and an extension of trunk water mains, to the end that the people of Anacostia, Tennallytown, and other portions of the District may have the same. Provision is made in this bill for 25 miles of suburban trunk sewers and 40 miles of extensions of trunk water mains, and I have heard no one contend that they would not be needed by the time, under the provisions of this bill, when the money will be available to pay for them. Is there anyone here that is not in favor of doing away with railroad grade crossings? The time is past when there is any longer any difference of opinion among the people or even among the railroad companies upon this proposition. It is in the interest of human life, if for nothing else.

Even our constituents who visit the National Capital are in favor of appropriating money for the doing away of that eyesore, that disturber of public health, to the end that the Anacostia Flats may be improved; and in so doing this is only one link in that chain of permanent improvements which are outlined in this book which I hold in my hand, entitled "Improvement of the Park System of the District of Columbia," the result of the labors of a commission authorized by Congress, and composed of Burnham, St. Gaudens, Olmstead, and McKim, men eminent in their profession, and which was obtained at a cost of $70,000. The question is, Shall we make use of and take advantage at this time of the labors of these gentlemen?

But, gentlemen, the most serious bone of contention in this bill is undoubtedly that portion of it which seeks to own and control the link between Rock Creek Park and Potomac Park,

and it is to this question for a moment I desire to address myself. I hold in my hand Senate Document No. 458, Sixtieth Congress, first session, "Report upon improvement of valley of Rock Creek from Massachusetts Avenue to mouth of the creek," and want to call your attention to page 8 of this report which, without objection, I will insert in my remarks, and for the moment I wish each of you had this page before you.

Estimates for the improvement of Rock Creek Valley, open-valley plan.

MASSACHUSETTS AVENUE TO P STREET.

2,490,733 square feet land (including improvements)	$1,061,386
492,000 cubic yards grading, at 30 cents	147,600
300 linear feet tunnel (Massachusetts Avenue), at $350	105,000
7,500 square feet bridge (Montrose), at $6.50	48,750
8,750 square feet bridge (pumping station), at $4	35,000
9,000 square feet bridge (Lyons's mill), at $5	45,000
50,000 square feet bridge (R and S Streets), at $9	450,000
21,056 square feet bridge (Q Street), at $8.50	178,976
20,915 square feet bridge (P Street), at $8.50	177,778
Removing P Street Bridge and temporary bridge	8,000
4,792 linear feet retaining walls	239,600
2,100 linear feet parapet walls, at $6.75	14,175
1,000 linear feet railing, at $5	5,000
2,400 linear feet cemetery walls, at $7	16,800
17,989 linear feet roads	82,750
18,200 linear feet paths, at 50 cents	9,100
38 acres of cultivation, at $1,200	45,600
6,000 linear feet 4-inch water pipe, with laterals, at $1.50	9,000
3,933 linear feet, west side Rock Creek intercepting sewer, at $15	59,000
5,000 linear feet 12-inch sewer, at $2	10,000
33 catch basins, with connections, at $100	3,300
130 traps, with connections, at $40	5,200
250 graves to be removed	50,000
Restoring Lyons's mill	3,500
Total cost, Massachusetts Avenue to P Street	2,810,515

FROM P TO L STREET.

1,261,827 square feet land (including improvements)	$860,351
308,000 cubic yards grading, at 30 cents	92,400
9,333 square feet bridge (P Street low level), at $3.75	35,000
20,700 square feet bridge (N Street), at $8	165,600
16,200 square feet bridge (M Street), at $8	129,600
19,285 square feet bridge (Pennsylvania Avenue), at $8	154,280
7,000 square feet bridge (Chesapeake & Ohio Canal), at $5.70	40,000
Removing M Street Bridge	8,000
Removing Pennsylvania Avenue Bridge	6,000
2,799 linear feet retaining walls	245,950
1,200 linear feet parapet walls, at $6.75	8,100
5,000 linear feet railing, at $5	25,000
9,638 linear feet roads	53,010
15,000 linear feet paths, at 50 cents	7,500
6,000 linear feet 4-inch water pipe (with laterals), at $1.50	9,000
3,900 linear feet intercepting sewer (west side Rock Creek), at $15	58,500
7,250 linear feet 12-inch sewer, at $2	14,500
15 catch basins, with connections, at $100	1,500
15 traps, with connections, at $40	600
12 acres of cultivation, at $1,200	14,400
Total cost P to L Street	1,929,291
	2,810,515
Total cost Massachusetts Avenue to L street	4,739,806

NOTE.—Engineering and contingencies included in total.

It is only an estimate of the expense that is to be incurred if this improvement is to be made, and there are gentlemen who insist that it is too much. Let us see. From Massachusetts Avenue to P Street there are 2,490,733 square feet land (including improvements), estimated at $1,061,386. From P to L Street there are 1,261,827 square feet land (including improvements), estimated at $860,351, making a total of 3,752,560 square feet, estimated at $1,921,737, approximately $0.50 per square foot. Who is there that is familiar with this territory and surrounding country that will say that this number of square feet, with the improvements which are already on it, is not worth approximately $0.50 per square foot?

But I want to be fair in the discussion of this matter, and so will add that there are those who insist that the estimated total cost of $4,739,806 is too much for this number of square feet with the improvements which are already on the same and the improvements which are to be put upon it in accordance with the plans for the "Improvement of the park system of the District of Columbia"—in round numbers, 75 cents per square foot. I doubt if some gentlemen who are opposing this proposition, and who so far have only casually considered it, will further investigate the matter, if they even will think that 75 cents per square foot is far out of the way. And in this connection I want to call your attention to the number of bridges and their estimated cost which of necessity must be built across Rock Creek whether this bill is enacted into law or not. Their estimated cost amounts to hundreds of thousands of dollars.

But, gentlemen, this question of the cost of land when improvements are to be made in the District is no new one. It is ever with us. When I came to Congress 14 years ago they were completing that splendid structure, the Congressional Library. I heard it said many times then that too much was paid for the land upon which the Congressional Library stands. Who is there here to-day that has not heard complaints about the price which was paid for the land upon which the House Office Building stands, and so with the Senate Office Building. This is equally true of the land on which the splendid municipal building on Pennsylvania Avenue stands. One morning a few years ago we woke up and found that the old power house which stood on this land had burned, and for months we were drawn about the city by mules. Later on this land was purchased for the municipal building, and again I repeat, Who is there that has not heard complaints that too much was paid for this property? Recently the Government purchased squares at the corner of Pennsylvania Avenue and Fifteenth Street, upon which are to be erected three buildings—the Department of Justice, Department of Commerce and Labor, and the Department of State. Already criticisms and complaints are heard that too much has been paid for the land, and so, in my judgment, it will ever be, not only here but elsewhere, as long as improvements continue to be made.

Mr. MARTIN of South Dakota. Does the gentleman desire not to be interrupted?

Mr. SMITH of Michigan. I want to answer questions, but I do want to reserve time for other Members.

Mr. MARTIN of South Dakota. There are some of us very desirous of light on this subject. Is it the understanding of the gentleman that if this bill passes it would authorize the construction of these various projects, and it would leave it entirely discretionary with the commissioners?

Mr. SMITH of Michigan. Oh, no. The bill as reported does not confer additional power on the commissioners, but rather enjoins them:

First. To limit their estimates to the combined revenues, whereas until last year they have been in the habit of submitting estimates exceeding by millions of dollars the anticipated revenues.

Second. To include in their estimates provision for payment of the debt, whereas preceding last year it has been the habit of the commissioners, in connection with their estimates, to seek to borrow large sums annually in the way of advances from the United States Treasury.

Third. To put in their estimates for the action of Congress the things to execute which they have been asking large loans from the Federal Treasury.

Mr. MARTIN of South Dakota. Would it authorize the construction of these various undertakings and leave the matter of the order with the Board of Commissioners?

Mr. MANN. Oh, no. They would be appropriated for specifically.

Mr. MARTIN of South Dakota. Appropriations would have to be made specifically, but a reading of the report would indicate that authorization of these various enterprises would go with the passing of this bill. I would like to know if that was the view of the chairman of the committee.

Mr. MANN. You mean so as not to be subject to a point of order?

Mr. SMITH of Michigan. That is all.

Mr. MARTIN of South Dakota. I would like to know whether the gentleman does not think it is giving pretty large authorization in the hands of a single board of commissioners covering all these subjects of improvements?

Mr. SMITH of Michigan. I certainly do not. Taking into consideration that the General Government pays half, I think they certainly should begin to get something in the way of permanent improvements for the payment of this money.

Mr. MARTIN of South Dakota. Would the discretion be left entirely with the board as to which one of these enterprises would be taken up first?

Mr. SMITH of Michigan. Oh, no; Congress would have the say.

Mr. MARTIN of South Dakota. It seems to me that Congress would have to appropriate the money, but is not the authorization and discretion left entirely with the board of commissioners?

Mr. SMITH of Michigan. The last line in the bill provides that Congress shall have the say.

I want to call your attention to who has taken an interest in this proposed legislation. It is quite natural that we should hear criticisms of the board of commissioners, active and earn-

est as they are in the discharge of their duties, a commission which is made up of three men, namely: Two civilians and an officer from the Army. These men are appointed by the President of the United States, and I have no hesitancy in saying to you that I care not what party the President comes from he will always select commissioners who will reflect honor and credit upon themselves, the District, and the Government.

It was not the two civil commissioners that originated this proposed legislation; they do not claim, neither do they want any credit for it.

Under the practice here legislation for the District can originate in two ways. It is within the province of any Member of Congress to introduce a bill affecting legislation in the District, and such bills, under the practice, are referred by the chairmen of the Senate and House District Committees to the Commissioners of the District for their report on the same. The citizens, if you please, can appear before the commissioners and urge legislation, and if they can convince the commissioners of the wisdom of the same, then the commissioners prepare the bills and send them to the chairmen of the respective House and Senate District Committees, who, under the practice, introduce them in the respective bodies, the Senate and the House; and for years it has been the practice for the chairman of the House District Committee to introduce no other legislation affecting the District of Columbia save that which first receives the indorsement of the commissioners, so that it has become known that when a bill affecting the District of Columbia is introduced by the chairman of the House Committee on the District of Columbia it goes without saying that it has first received the indorsement of the commissioners.

This bill did not originate among the real-estate people of the District, as we have often heard it said. It originated in the brain of the engineer commissioner of the District, a man who is not only eminently fitted as an Army engineer, but who is so fortunate as to possess an added qualification, viz, that of being a good business man—a very happy combination, indeed, to say the least.

At first there were few to be found who favored the proposed legislation, but the more they investigated the matter and listened to the engineer commissioner the more they became satisfied that it was good legislation and was in the interests of the people of the District and the country in general.

It was some time even before the citizens of this District could be convinced that this proposed legislation was wise, but it was only necessary for the engineer commissioner to accept an invitation to speak before the chamber of commerce and the board of trade, when these bodies gave the same their hearty and cordial support, as is shown by the following communication from the Washington Chamber of Commerce:

THE WASHINGTON CHAMBER OF COMMERCE,
Washington, D. C., March 2, 1911.

The following is a transcript taken from the minutes of the regular monthly meeting of the chamber of commerce, held November 9, 1909.

Under reports of committees the following:

COMMITTEE ON DISTRICT FINANCE.

Mr. George W. White, chairman, introduced Mr. Alonzo Tweedale, of committee, who presented an able and exhaustive report on bonded debt of District of Columbia. It was listened to with pleasure by the organization.

Mr. Tweedale proposed the following:

"*Resolved by the Washington Chamber of Commerce*, That the plan proposed by the Commissioners of the District of Columbia looking to the final extinguishment of the debt of the District of Columbia and proper provision for the future needs of the municipality, both ordinary and extraordinary, is most strongly approved, and that a committee of three members of the chamber be appointed by the president to urge upon Congress the passage of appropriate legislation giving effect to the commissioners' recommendation."

On motion of Mr. Sinclair, the committee's report and resolution were adopted.

And from the Washington Board of Trade:

SPECIAL REPORT OF THE COMMITTEE ON MUNICIPAL FINANCE, WASHINGTON BOARD OF TRADE.

WASHINGTON, D. C., *February 23, 1910.*

To the Washington Board of Trade:

The committee on municipal finance has had under consideration S. 3260 and H. R. 13474—precisely similar bills—to provide for the payment of the debt of the District of Columbia, and to provide for permanent improvements, and for other purposes—referred to it by the board of directors and begs to submit thereon the following report:

These bills were sent to the Senate and House of Representatives by the honorable Commissioners of the District of Columbia, and were drawn to carry out the plan suggested by Maj. Judson, engineer commissioner, to relieve the present financial situation of the District and to accomplish the objects suggested in the title of the bills. This plan has been published in the newspapers, and has been so thoroughly discussed in financial circles, and has been received with such general expressions of approval, that your committee deems it unnecessary to make further extended explanations. A brief statement of the present financial status of the District and of the proposed methods of relief may, however, be appropriate:

The present funded debt of the District, approximating $10,000,000, is being provided for by annual payments to the sinking fund of $975,408, one-half of which—$487,704—is charged against the revenues of the District. The floating debt, some $4,000,000 additional, covering advances by the United States for and on account of the District in constructing permanent improvements, is payable under present requirements of law in five years, or if annual installments are demanded at the rate of $798,503 per annum, with interest at 2 per cent, making $79,850 additional.

With this total annual charge of $1,366,057 against the revenues of the District—which reduces by the same amount the contribution of the United States—there remains, after providing for urgent current needs, as shown in the letter of the commissioners accompanying the bill, "no sufficient provision for the many great public works of importance to the future which should be undertaken and carried forward with reasonable rapidity."

This situation, which has to a great extent been brought upon the District by charging, in many instances, large appropriations wholly to the revenues of the District in clear violation of the organic act, and by requiring advances of the United States, made necessary by reason thereof, to be repaid in too short a period, demands careful consideration of the board of trade.

Under the existing plan of financing the requirements of the District, while the funded debt has decreased under the payments to the sinking fund, the floating debt has increased from approximately $1,900,000, July 1, 1903, to about $4,000,000, notwithstanding large repayments to the United States since that date. If continued, it promises to afford only temporary relief at the expense of increased financial embarrassment. It is evident that the District can not from its present revenues meet its obligations to the United States, provide for current needs, and do much in the way of permanent improvements. Such important public works, necessary to the health, convenience, and comfort of not only the residents of the District, but of all who visit the national capital, as the reclamation of the Anacostia Flats, improvement of Rock Creek Valley, improvement of harbor front, high-pressure fire-protection system, suburban trunk sewers, extension of trunk water mains, building for reformatory and workhouse, acquiring land for park purposes, municipal hospital, and other important works must be indefinitely deferred unless some more satisfactory and effective plan be provided for financing these projects than the one now in practice, which has proven after long trial only adapted, as was doubtless intended, to meet temporary needs.

Shall the debt under any form be increased? The illuminating letter of the commissioners, already referred to, turns a strong light upon the heavy penalty which the District incurs in borrowing money at any ordinary rate of interest. Its annual interest charges are deducted from its revenues, resulting in a corresponding reduction in the contribution of the United States toward the expenses of the District, so that when the full residue of the District revenues is appropriated the practical result is the same as if the District paid double the nominal rate of interest on its debt. For instance, while it pays 3.65 per cent on its funded debt and 2 per cent on its floating debt, yet under the operation of the 50 per cent clause of the organic act the rate of interest is practically $7\frac{1}{3}$ per cent on its funded and 4 per cent on its floating debt. Every dollar of interest paid by the District reduces the combined revenues of the District and the United States available for District needs by $2. Other strong objections to a further increase of the debt are mentioned by the commissioners. They say:

"It appears to be generally true in the lives of cities that the so-called extraordinary improvements in sight at any one epoch are always more numerous and costly than works of the same class that were in sight at any previous epoch, even though all of the latter works may have been executed. The board of commissioners, therefore, is unwilling to advocate a policy of borrowing to accomplish works of this class, as it is apparent that there would be no end of such borrowing. The loans would, in fact, come due at the very time when other so-called extraordinary improvements would demand to be done."

Whatever the views of the board of trade may be as to the expediency of increasing the District debt to provide for permanent improvements, your committee feels assured that no member of the board desires any further debt to be incurred in the way the present floating debt was in great part created by repeated infractions of the organic act.

Sections 12, 16, and 17 provide:

"The said commissioners shall submit to the Secretary of the Treasury for the fiscal year ending June 30, 1879, and annually thereafter, for his examination and approval, a statement showing in detail the work proposed to be undertaken by them during the fiscal year next ensuing and the estimated cost thereof.

"To the extent to which Congress shall approve of the commissioners' estimates Congress shall appropriate the amount of 50 per cent thereof.

"And the remaining 50 per cent of such approved estimates shall be levied and assessed upon the taxable property and privileges in said District other than the property of the United States and of the District of Columbia."

That act pledges Congress to appropriate 50 per cent, nothing less, of the amount of the approved estimates of the commissioners, and authorizes the remaining 50 per cent, nothing more, to be levied and assessed against District property.

One-half the total amount of the approved estimates was made the measure of the tax levy upon District property after 50 per cent thereof has first been appropriated by Congress. Every appropriation made exclusively from the revenues of the District, except for payment of debt and interest, is in violation of that act and costs the District $2 for every $1 expended.

This act was a tardy recognition by Congress of its long-neglected financial responsibilities and obligations to the District of Columbia. Its observance has brought prosperity; its nonobservance, floating debt, with all its serious consequences. The board of trade should take note of how slowly but surely the nonobservance of this act by Congress has eaten into the revenues of the District to the extent of many millions of dollars, until it threatens, unless checked, the ultimate destruction of the half-and-half feature.

From the first dangerous precedent, established in 1891, 13 years after the passage of the organic act, appropriating wholly from the revenues of the District the insignificant sum of $3,000 for a bathing beach, the amounts so appropriated have increased from year to year until they aggregated at the end of the fiscal year ending June 30, 1909, $2,847,283.51. That large sum, with interest thereon, including the interest upon the same amount made thereby unavailable for appropriation for District purposes from the Federal Treasury, approximates the amount of the present floating debt. The importance of the 50 per cent clause of the act, and that it was intended to be a permanent (and final) assumption by the United States of one-half the entire burden of carrying on the government of the District of Columbia, is clearly shown not only in the unmistakable language of the act, but in the protracted debates upon the measure in both Houses of Congress.

Mr. Hendee, in reporting the bill H. R. 3259, Forty-fifth Congress, second session, said:

"There is another clause in the bill which I consider very wise, and perhaps the most important provision in it. It provides that of the expenses or burdens of this District the United States Government shall bear 50 per cent and the people of the District 50 per cent. The United States owns 55 per cent of the entire area of this District. * * * Since the seat of government was established in this District, the entire expenditures of the United States for improvements in the District have been about $9,000,000, while the amount paid by the citizens of the District for the same purpose exceeds the sum of $34,000,000—about four times the amount which has been appropriated by the Federal Government. I make these statements upon data furnished by the Treasury Department and other departments of the Government."

Mr. Blackburn of the committee said:

"I desire to say that the understanding that I have of this feature of the bill—and I am sure that I shall be supported by the committee in the interpretation I give to it—is that the proposition embodied in the bill to divide the expenses between the Federal Government and the District upon the basis of 50 per cent does include all the expenses necessarily incurred in the conduct of the affairs of the District, and does include the very items to which my attention was called by the gentleman from Missouri, Mr. Buckner. * * *

"There is one point more to which I desire to call the attention of the House and then I have done: It is the necessity of having some basis of expenditure fixed between the Federal Treasury and the District treasury. How can a property holder in the District of Columbia determine or gauge the value of his property to-day? Can he tell what tax it will be subjected to as long as he is left the victim of the whim and caprice of Congress? The property holder does not know whether the appropriation made by Congress will be 10 per cent or 90 per cent of the expenditures of the District. No value can be attached to a foot of real estate owned by a property holder within the limits of this District, because the purchaser can not tell what taxation he will be subjected to. The people of the District have a right to demand that you shall fix this question permanently and finally. If you do not intend to bear more than 10 per cent of the burdens of taxation, say so; if you will bear 50 per cent of it, then say so. But whatever per cent the Federal Government is to bear should be determined and fixed permanently, so that legitimate and permanent values may be established in this District. I beg Congress to establish some permanent form of government."

Mr. Hunton said:

"I have studied this question with a great deal of care, and having been a member of the joint select committee, and also a member of the committee which framed and reported this bill, I say after the maturest reflection I could give to the subject that it is but just to the people that the Government should bear equally with the people the burdens of the government of the District of Columbia."

Two amendments were offered in the House—one reducing the share of the expenditures to be assumed by the United States to 25 per cent and the other to 40 per cent thereof. Both amendments were overwhelmingly defeated.

In the Senate no amendment was offered upon this feature of the bill.

Senator Bayard offered an amendment, which was accepted by the Senate, reducing the rate per hundred from $2 to $1.50. Upon that amendment he said:

"The bill contains excellent provision as to estimates for the expenditures of the District, so that Congress shall have control of the cost of governing the District, of carrying on public works here, and then the laying of the tax shall follow that. I have before now expressed the belief, and I now reiterate it, that I do not believe the property of this District in the hands of private citizens can bear one-half the cost of keeping up improvements such as we see around us on the scale which they have assumed. The effect of overtaxation is obvious. It stops all improvements; it deters immigration; it lowers the value of property; discourages persons coming here and attempting to improve the city."

These debates show in the strongest and clearest language that it was the intention of the framers of the organic act, and the intention of the Congress which enacted it into law, that it was to permanently and finally fix the share of expenditures in this District to be assumed by the United States at 50 per cent, and that the amount was not to be left—in the language of Mr. Blackburn—to the whim or caprice of Congress. They show also that Congress intended to protect property here from excessive taxation by reserving to itself the exclusive right to fix the amount of taxes to be raised each year, rather than leave it to the caprice or whim of anyone charged with the duty of valuing property for taxation. The assessor may not fix the value for taxation at less than two-thirds its actual market value nor the rate at more than $1.50 per hundred. But whatever the rate may be, or whatever the value may be, whether they go up or down, these two factors, if the organic act is to be followed, must be so adjusted as to produce 50 per cent, or more, of the amount of the approved estimates. That law contemplated no surplus revenues in this District to induce or tempt extravagant expenditures on the one hand nor did it on the other hand contemplate floating debt with its evil consequences.

If this act may be ignored for one purpose, it may be ignored for all purposes. Let there be no infractions of the half-and-half plan should be the slogan of the board of trade, in the opinion of your committee.

Fortunately for all concerned, the plan under consideration, while avoiding any additions to the present debt, provides in a simple and effective way for current needs, all necessary permanent works, and for the gradual and easy extinction of both the funded and floating debts within 30 years. By extending the time for the payment of the floating debt until 1925, when the funded debt will have been extinguished under the operation of the sinking fund, there will be released until that time the amount that otherwise would be annually paid on the floating debt, plus an equal amount contributed by the United States, so that had this plan been authorized by the last Congress there would have been available for permanent improvements in 1911 approximately $1,030,000, after providing sufficiently for all current needs. Under this plan the normal annual increase of $500,000 in the District revenues, including the 50 per cent to be paid by the United States, will be applied as follows: Four hundred thousand dollars to current needs and $100,000 to permanent improvements, thus largely increasing the annual expenditures for these purposes.

"If," say the commissioners, "the arrangement be adopted during the 12 years beginning with 1912, the amounts available for extraordinary improvements will aggregate $20,160,000. It is believed that in 12 years not more than this sum can be expended on the objects proposed (those hereinafter mentioned) with economy and in accordance with plans deliberately matured."

CONCLUSIONS.

The great advantages of the plan proposed in S. 3260 and H. R. 13474 are:

First. Its simplicity.

Second. That it avoids further advance by the United States or further increase of the District debt.

Third. That it provides a certain and easy way for gradually extinguishing the entire debt within 30 years.

Fourth. That it provides amply for all needs, current and extraordinary, and for an annual increase of half a million dollars in the appropriations for all purposes.

Fifth. That with the knowledge for several years in advance of approximately the amount that will be available each year, the commissioners and the committees of Congress can work out more economical and better digested plans for all important works.

Finally, it will, if adopted, make a most satisfactory settlement of a most unsatisfactory and disturbing financial situation, and place the financial affairs of the District upon a safe, certain, and permanent basis.

Your committee, therefore, strongly recommends that the board of trade give these bills its unqualified approval and earnest support.

Respectfully submitted.

GEORGE TRUESDELL, *Chairman.*

APPENDIX A.

Revenues of the District of Columbia for fiscal years 1898–1909, inclusive.

1898	$3,316,099.85
1899	3,618,141.95
1900	3,437,367.62
1901	3,387,635.73
1902	3,594,569.55
1903	4,540,228.00
1904	4,757,236.85
1905	4,847,644.54
1906	5,094,744.97
1907	5,286,802.10
1908	5,494,447.18
1909	6,058,077.32
Total	53,432,995.66

APPENDIX B.

Extraordinary improvements.

2. Improvement of Rock Creek Valley from Massachusetts Avenue to mouth of creek:	
Appropriation of $4,000 made to prepare plans and estimates in District appropriation act for 1908. Report made Apr. 25, 1908.	
Total estimated cost	$4,750,000
3. Improvement of harbor front:	
Appropriation of $2,500 for plans and estimates made in District appropriation act for fiscal year 1907. Report made May 23, 1908.	
Total estimated cost, $2,880,000.	
To be expended in 12 years	1,200,000
4. High-pressure fire protection system:	
Project estimated for by superintendent of the water department (not by direction of Congress)	750,000
5. Park system of District of Columbia:	
Report made Jan. 15, 1902, in pursuance of Senate resolution dated Mar. 8, 1901. No estimate of cost given.	
Approximate estimate of value of land recommended to be acquired for park purposes	5,000,000
Amount to be expended in improvements in 12 years	1,000,000
	6,000,000
6. Suburban trunk sewers:	
Estimate of the superintendent of sewers for extension of suburban trunk sewer system for the next 12 years	2,000,000
7. Municipal hospital	500,000
8. Elimination of dangerous grade crossings outside of city limits	400,000
9. Extension to suburbs of trunk water mains	800,000
10. Buildings for reformatory and workhouse:	
Plans for permanent buildings authorized in the District appropriation act for fiscal year 1910. Estimated cost of buildings	1,000,000
Total	19,952,320

APPENDIX C.

Statement of appropriations made since 1878, chargeable wholly to the revenues of the District of Columbia, including fiscal year ended June 30, 1909.

Fiscal years.	Street extensions.	Expenses of excise board.		Miscellaneous.	Total for fiscal year.
1891			Bathing Beach	$3,000.00	$3,000.00
1893			Alleys	40,000.00	
			G. A. R. Encampment	90,000.00	130,000.00
1894	$15,000.00	$2,218.53	Payment to W. S. Abert for compilation of laws	4,000.00	17,218.53
1895	22,500.00	6,794.38	Judgment of Chas. C. Tucker, administrator, *v.* District of Columbia.	699.40	33,993.98
1896	17,991.00	7,000.00	Redemption tax sale certificates	1,031.00	26,022.00
1897	121,686.00	6,935.83	Relief of Emmart Dunbar & Co	14,548.22	143,170.05
1898	21,179.50	4,011.65	Investigating Northern Liberty Market claims	5,000.00	30,191.15
1899	250,576.03	5,995.65	Northern Liberty Market claims	134,578.50	391,150.18
1900	235,465.99	3,682.17	do	275.00	
			Redemption tax lien certificates	415.00	239,838.16
1901	301,232.64	6,900.00			308,132.64
1902	1,194,889.78	8,000.00			1,199,889.78
1903	2,500.00				2,500.00
1904	4,900.00	17.50	Alleys	25,000.00	29,917.50
1905	5,691.58		Reimbursement of Alice L. Riggs	1,004.96	
			Reimbursement of L. I. O'Neal	140.00	6,836.54
1906	47,871.46				47,871.46
1907	27,073.43		Alleys	50,000.00	
			Relief of Gurley Memorial Church and others	4,101.39	81,174.82
1908	60,369.09		Alleys	50,000.00	110,369.09
1909	45,457.63		Investigating Northern Liberty Market claims	550.00	46,007.63
Total	2,374,384.13	48,555.91		424,343.47	2,847,283.51

And individual citizens became deeply interested as they acquainted themselves with the proposition, as is shown by the following letter from Mr. Hopewell H. Darneille, for several years one of the best and most popular assessors of the District:

WASHINGTON, D. C., *April 18, 1910.*

Hon. SAMUEL W. SMITH,
Chairman District of Columbia Committee,
House of Representatives.

MY DEAR MR. SMITH: In accordance with my promise, I send you herewith my views of House bill No. 13474, known as the Judson financial bill.

After consulting some of my most intimate friends, who are very familiar with the District's finances, and making a thorough and lengthy study of this bill, I am of the opinion that it is a fine solution of the financial affairs of the District of Columbia.

The condition that confronts the District at the present is that there are permanent improvements which seem to demand immediate attention, viz, reclamation of the Anacostia Flats, Rock Creek Valley improvements, harbor front, high-pressure service, parking system suburban trunk sewers and water mains, municipal hospital, grade crossings, and workhouse, estimated at about $18,733,795, after eliminating section 1 of the estimates for Anacostia Flats, which is for a navigable river and will no doubt be provided for by the General Government appropriations, which is usual for such rivers.

The bonded debt of the District is approximately $10,000,000, at 3.65 per cent interest, and the floating debt about $4,000,000, at 2 per cent interest.

By operation of the sinking fund the bonded debt will be extinguished in about 12 years, thus leaving the $487,704, which is now paid yearly from District revenue for interest and sinking fund, it being one-half of the appropriation, to be applied to the liquidation of the floating debt, and in addition to this sum the $80,000 annual interest on the $4,000,000 floating debt, and we have $567,704 annually from District revenues to take care of the floating debt after the bonded debt is extinguished. In other words, at the end of the term of, say, 12 years, or at the most 14 years, the District will have paid the bonded debt and the interest on the floating debt up to that time, leaving its indebtedness to the United States in the sum of $4,000,000 at 2 per cent interest per annum. This sum, together with the interest, could be paid by applying the $567,704 annually to its liquidation in a little over seven years.

On this basis of present revenues available and its reasonable annual increase, it would leave after providing for other municipal needs about $1,100,000 annually to be applied to these permanent improvements out of combined revenues, without any increase in indebtedness. This would leave the District in first-class financial condition.

Congress should have entire control of the expenditures, and I would suggest that a proviso be added to the bill that hereafter no indebtedness be incurred or money expended under the provisions of this act without the specific authorization of Congress, and then you could so regulate appropriations and avoid making any serious indebtedness in the future.

To pay back the $4,000,000 in five years, as is now provided, would so cripple the revenues that any considerable amount of permanent improvements is out of the question and will be for some years to come.

I feel very confident that 20 years, or 22 years at most, would be the limit for the entire extinguishment of all indebtedness now owed by the District if the scheme proposed in this bill is carried out.

I send herewith figures demonstrating how the $4,000,000 could be paid in eight years after the bonded debt has been paid.

Yours, very sincerely, H. H. DARNEILLE.

Debt	$4,000,000
Interest	80,000
Debt and interest	4,080,000
First payment	567,704
Balance of debt	3,512,296
Interest	70,246
Debt and interest	$3,582,542
Second payment	567,704
Balance of debt	3,014,838
Interest	60,297
Balance and interest	3,075,135
Third payment	567,704
Balance	2,507,431
Interest	50,148
Balance and interest	2,557,579
Fourth payment	567,704
Balance	1,989,875
Interest	39,797
Balance and interest	2,029,672
Fifth payment	567,704
Balance	1,461,968
Interest	29,239
Balance and interest	1,491,207
Sixth payment	567,704
Balance	923,503
Interest	18,470
Balance and interest	941,973
Seventh payment	567,704
Balance	374,269
Interest	7,483
Balance	381,752

And last, but not least, I insert a quotation from the annual message of President Taft of December 6, 1910, viz:

PERMANENT IMPROVEMENTS.

Among the items for permanent improvements appearing in the District estimates for 1912 is one designed to substitute for Willow Tree Alley, notorious in the records of the police and health departments, a playground with a building containing baths, a gymnasium, and other helpful features, and I hope Congress will approve this estimate. Fair as Washington seems with her beautiful streets and shade trees, and free, as the expanse of territory which she occupies would seem to make her, from slums and insanitary congestion of population, there are centers in the interior of squares where the very poor, and the criminal classes as well, huddle together in filth and noisome surroundings, and it is of primary importance that these nuclei of disease and suffering and vice should be removed, and that there should be substituted for them small parks as breathing spaces, and model tenements having sufficient air space and meeting other hygienic requirements. The estimate for the reform of Willow Tree Alley, the worst of these places in the city, is the beginning of a movement that ought to attract the earnest attention and support of Congress, for Congress can not escape its responsibility for the existence of these human pestholes.

The estimates for the District of Columbia for the fiscal year 1912 provide for the repayment to the United States of $616,000, one-fourth of the floating debt that will remain on June 30, 1911. The bonded debt will be reduced in 1912 by about the same amount.

The District of Columbia is now in an excellent financial condition. Its own share of indebtedness will, it is estimated, be less than $6,000,000 on June 30, 1912, as compared with about $9,000,000 on June 30, 1909.

The bonded debt, owed half and half by the United States and the District, will be extinguished by 1924, and the floating debt of the District probably long before that time.

The revenues have doubled in the last 10 years, while the population during the same period has increased but 18.78 per cent. It is believed

that, if due economy be practiced, the District can soon emerge from debt, even while financing its permanent improvements with reasonable rapidity from current revenues.

To this end, I recommend the enactment into law of a bill now before Congress—and known as the Judson bill—which will insure the gradual extinguishment of the District's debt, while at the same time requiring that the many permanent improvements needed to complete a fitting Capital City shall be carried on from year to year and at a proper rate of progress with funds derived from the rapidly increasing revenues.

And I want to say that no President since the days of Washington has taken a deeper interest in the affairs of the District of Columbia than has our beloved President, William Howard Taft.

I do not feel that these remarks would be complete without inserting as a part of the same a letter from the former commissioners, addressed to Hon. JOSEPH G. CANNON, Speaker of the House of Representatives, dated October 25, 1909:

COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
EXECUTIVE DEPARTMENT,
Washington, October 25, 1909.

Hon. JOSEPH G. CANNON,
Speaker of the House of Representatives.

SIR: In preparing its annual estimates for the fiscal year 1911, the Board of Commissioners of the District of Columbia has found no difficulty in providing within the estimated means available for all current needs in accordance with reasonable standards of efficiency.

In addition to current needs, provision has been made for the payment of $975,408 on account of interest and sinking fund pertaining to the bonded indebtedness, and provision has further been made for repayment to the United States of $480,000, principal and interest, on account of advances made by the United States to the District proper.

The debt of the District of Columbia, considering the latter as made up of two partners, the District proper and the United States, includes a bonded debt of approximately $10,000,000. The District proper owes the other partner, the United States, approximately $4,000,000. Inasmuch as repayments on account of this $4,000,000, principal and interest, will be deducted from the District's future contributions to the partnership fund, perforce the contributions of the other partner, the United States, will be diminished accordingly. That is to say, in the future as the District proper repays to the United States this $4,000,000, with interest, the total means available of the partnership will be reduced by an amount equivalent to $8,000,000, with interest at 2 per cent. The financial condition of the District, then, considered as a partnership, is precisely as if it owed a bonded debt of nearly $10,000,000, bearing 3.65 per cent interest, and a floating debt of approximately $8,000,000, bearing 2 per cent interest.

It appears to be the intention of Congress that the floating debt shall be paid off within five years. The bonded debt must be paid within 15 years, if the bonds are to be met at maturity. Thus the District, considered as a partnership, appears obligated to pay off its debt of virtually $18,000,000 wholly within 15 years and in very large part within five years.

Due to payments on account of debt, the combined resources of the partnership available for general purposes are, in effect, reduced, in the estimate submitted for the fiscal year 1911, by $975,408, plus $960,000, or a total of $1,935,408.

While, as above stated, current needs have been amply provided for in the 1911 estimates, yet it must be admitted that no sufficient provision has been made for the many great public works of importance to the future, which should soon be undertaken and carried forward with reasonable rapidity. In the past this provision has been made by generous advances from the Federal Treasury. It is apparent, however, that if this arrangement is continued in order that these great projects which already demand initiation shall be undertaken, not to mention the enterprises which experience shows will undoubtedly present themselves in the future, the amount of debt now incurred will be greatly increased and its burden will eventually rest heavily upon the District. If, therefore, any plan can be presented whereby these advances shall cease and yet these large permanent improvements can be carried forward without sacrificing the efficiency in current municipal work, the commissioners believe that such a plan would commend itself to Congress and to the community, whose affairs are, in part, intrusted to their administration. The solution of the problem, in their judgment, lies in extending the period of time in which the debt of the District shall be paid.

If of the contribution of the District proper there be each year applied to payment of debt, principal, and interest $567,704, it is certain that the process will, in some such period as 25 years, extinguish principal and interest of the half of the bonded and floating debt of the District proper, such half amounting to approximately $9,000,000. Each year the financial condition of the District will be improved, for each year its debt will be less, until within 25 years it will be extinguished, provided nothing more be borrowed in the meantime. This arrangement would be equivalent to an extension of time granted by the United States to its partner, the District proper, for the repayment of the $4,000,000 which the latter owes the former. The annual provision of $567,704 from District revenues includes $487,704, which is the District's half of annual payments, sufficient to extinguish the bonded debt, and the further sum of $80,000, the interest due annually on the $4,000,000 advanced by the United States to the District proper. After the extinction of the bonded debt in 1924, the $567,704 would be applied annually toward the extinction of the debt owed by the District proper to the United States.

If this arrangement had been authorized by Congress when the estimates for the fiscal year 1911 were being prepared, there would have been available for extraordinary improvements approximately $1,030,000.

The revenues of the District proper increase at the rate of practically $250,000 per annum. Thus the revenues of the partnership may be said to increase at the rate of $500,000 per annum. This rate of increase, past and prospective, makes the proposed plan practicable. The board of commissioners is confident that four-fifths of this increment will be an ample annual increase in the aggregate of all those items of the estimates devoted to current needs.

It is proposed, therefore, as a quid pro quo, if Congress shall extend the time during which the debt shall be paid to some such period as 25 years, that it shall be made obligatory upon the commissioners, in submitting their estimates, to provide annually for such reduction of the debt as will make it each year less and finally extinguish it, principal and interest, in about 25 years; to borrow no more money from the United States Treasury or elsewhere, and to provide annually for extraordinary improvements on the scale on which they might have been undertaken in 1911 (without sacrifice of current needs) if the payment of the debt had already been made more gradual, as proposed above, adding each year to the fund for extraordinary improvements a sum estimated to be one-fifth of the increase in combined revenues. Thus for any fiscal year there would be added for extraordinary improvements to $1,030,000 one-fifth the increment of means available, counting from 1911, so that, for example, if in 1911 $1,030,000 were available, that amount would be increased by $100,000 the subsequent year; $100,000 more would be added the next year, and so on.

To the end that this policy may be inaugurated and the continuance of the policy safeguarded, the board of commissioners presents herewith a draft of a bill designed to place such a system in operation and to insure its continuance. A term of 12 years has been provided in the bill as the period during which this arrangement shall continue.

If the arrangement be adopted, during the 12 years beginning with 1912 the amounts available for extraordinary improvements will aggregate $20,160,000. It is believed that in 12 years not more than this sum can be expended on the objects proposed with economy and in accordance with plans deliberately matured.

By the end of the 12 years doubtless other great projects will demand recognition, but by that time, under the same system, much larger sums will be annually available.

To recapitulate, the plan advocated will not only reduce the debt every year and finally extinguish it, but, always caring for current needs, will insure the expenditure of some $20,000,000 in extraordinary improvements during the 12 years ending with 1923, and leave, at the end of that period, an even greater power in the District to accomplish the extraordinary projects which will then be in sight.

There is inclosed herewith, in addition to the draft of the proposed bill, a memorandum of the proposed items of extraordinary improvements, together with tentative estimates of cost.

Very respectfully,

HENRY B. F. MACFARLAND,
HENRY L. WEST,
W. V. JUDSON,
Commissioners of the District of Columbia.

And the full and comprehensive argument of the Engineer Commissioner—Maj. W. V. Judson:

Payment of District debt and permanent improvements.

COMMITTEE ON THE DISTRICT OF COLUMBIA,
HOUSE OF REPRESENTATIVES,
Thursday, March 3, 1910.

The subcommittee met at 11.10 o'clock a. m., Chairman Smith presiding.

ARGUMENT OF MAJ. W. V. JUDSON, ENGINEER COMMISSIONER, REPRESENTING THE BOARD OF DISTRICT COMMISSIONERS.

The city of Washington, because it is the seat of government and the capital city of the United States, possesses among all American cities a peculiar function, which is to attract and hold the sentimental regard of all the Nation and add to its patriotic feeling. Its physical characteristics must be such as are consistent with this function.

In a sense, the capital city of a nation is symbolic of its stability and aspirations.

In performing its function it acts in a certain degree as do the national colors, centering about itself the affection of the people and inspiring them to a healthy national feeling.

In time of war a national capital is often made the objective of hostile operations by reason of the moral effect that would result from its capture, injury, or destruction, and a government would rely largely upon the love of a people for its capital to stir the nation to a successful resistance.

The public interest of all the people of the United States in Washington is evidenced not only by the constitutional provision for its government and by the considerations I have mentioned, but also by the policy of Congress, as evidenced by annual contributions to the District of Columbia of between $5,000,000 and $6,000,000. In fairness the people must find in Washington some quid pro quo. When they visit Washington or talk or read about it, they expect, as a result of their contributions, to contemplate a city worthy of the natural pride that has induced such contributions. It would seem, even, that they may properly demand this.

In Washington, then, to satisfy physical requirements, so far as they depend upon public funds, a part of the expenditures must be directed toward, we may say, monumental things. To satisfy bare current necessities by current public expenditure will not produce a city such as the people have a right to demand. And yet in our last few appropriation acts nothing has been done except to care for current needs. In the last year or two, certainly, the people of the Nation, not resident in Washington, have received but little for their very large contributions to the funds appropriated.

The revenues of the District of Columbia have been increasing rapidly, at the rate of about $250,000 per annum; thus the combined revenues have been and are increasing at the rate of about $500,000 per annum. Current needs, being a function of area and of population, are increasing at a much less rapid rate than are the means available. The debt is being rapidly paid off. The only thing that is not being done at the present time is to effect those permanent or extraordinary improvements such as are essential in the case of Washington. These improvements can be made more economically if made systematically. The ample revenues eliminate any need for the borrowing of money. It is only necessary to make a program of expenditure so that each item of work shall not be "new legislation," requiring, for consideration and appropriation, the action of four or more committees of Congress and the passage of a separate act.

The bill is designed to carry out this idea of establishing a program. As the result of the passage of this bill, $20,160,000 would become available for expenditure on permanent or extraordinary improvements within the next 12 years. The gradual elimination of the debt is provided for so that within 25 years no indebtedness would remain.

There is nothing in this bill that would divert from the funds annually available more than can be spared for the purposes under consideration. An ample amount will remain each year for all current needs. This bill has been forwarded to Congress by the Commissioners of the District of Columbia with their most favorable consideration. It is very important that it should become a law at this session of Congress in order that the halt in the making of permanent improvements may end before the advance in real estate values shall materially increase the cost of obtaining the land that will be required for parks, etc.

In preparing its annual estimates for the fiscal year 1911 the Board of Commissioners of the District of Columbia found no difficulty in providing within the estimated means available for all current needs in accordance with reasonable standards of efficiency.

In addition to current needs, provision was made for the payment of $975,408 on account of interest and sinking fund pertaining to the bonded indebtedness, and provision has further been made for payment to the United States of $480,000, principal and interest on account of advances made by the United States to the District proper.

The debt of the District of Columbia, considering the latter as made up of two partners, the District proper and the United States, includes a bonded debt of approximately $10,000,000. The District proper owes the other partner, the United States, approximately $4,000,000. Inasmuch as payments on account of this $4,000,000, principal and interest will be deducted from the District's future contributions to the partnership fund, perforce the contributions of the other partner, the United States, will be diminished accordingly. That is to say, in the future, as the District proper repays to the United States this $4,000,000, with interest, the total means available of the partnership will be reduced by an amount equivalent to $8,000,000, with interest at 2 per cent. The financial condition of the District, then, considered as a partnership, is precisely as if it owed a bonded debt of nearly $10,000,000, bearing 3.65 per cent interest, and a floating debt of approximately $8,000,000, bearing 2 per cent interest.

It appears to be the intention of Congress that the floating debt shall be paid off within 5 years. The bonded debt must be paid off within 15 years, if the bonds are to be met at maturity. Thus the District, considered as a partnership, appears obligated to pay off its debt of $18,000,000 wholly within 15 years, and in very large part within 5 years.

In the last 30 years the debt has been reduced from $23,000,000 to virtually $18,000,000. What is provided in the bill is, therefore, a great improvement on what has been done in the past, as regards the debt, for the bill contemplates the complete extinction of the debt in 25 years or less.

Due to payments on account of debt, the combined resources of the partnership available for general purposes are, in effect, reduced in the estimates submitted for the fiscal year 1911 by $975,408 plus $960,000, or a total of $1,935,408.

The District appropriation bill as it comes from conference shows a reduction of $555,205.50 from the estimates of the commissioners. The effect is to cause the District to repay to the United States on account of advances a further sum of one-half that amount, or $277,602.75. The total reduction due to payments on account of debt during 1911 may therefore be set at $2,490,613.50.

While, as above stated, current needs have been amply provided for in the 1911 estimates, and Congress has been able to provide for said current needs with an appropriation $555,205.50 less than the estimates, yet it must be admitted that no sufficient provision has been made for the many great public works of importance to the future which should be undertaken and carried forward with reasonable rapidity.

The Board of Commissioners hestitates to employ the phrase "extraordinary improvements" as applied to works of this class, for the reason that it appears to be generally true in the lives of cities that the so-called extraordinary improvements in sight at any one epoch are always more numerous and costly than works of the same class that were in sight at any previous epoch, even though all of the latter works may have been executed. The Board of Commissioners, therefore, is unwilling to advocate a policy of borrowing to accomplish works of this class, as it is apparent that there would be no end to such borrowing. The loans would, in fact, come due at the very time when other so-called extraordinary improvements would demand to be done.

In emergencies doubtless the creation of municipal debts is justifiable. Certainly the borrowing of money by anybody is a sound business proposition when a larger interest can be earned upon the money borrowed than is paid for its use. But it is, nevertheless, true that no one should go in debt whose means are ample, with due economy but with reasonable dispatch, to make all of the outlays which he considers desirable. And such is the position of the District of Columbia at this time.

It appears to be in accordance with sound business policy now to arrange our finances and our public works in such a manner as will permit of an annual reduction of our debt and at the same time insure the carrying forward of the permanent improvements that, for lack of a better word, may be termed "extraordinary," since it is apparent that these things can be done without sacrifice of efficiency in the ordinary current work.

The Board of Commissioners is convinced that but one thing is needed to make this practicable, and that is an extension of the period of time during which the debt of the District shall be paid. Even this extension is more apparent than real, as only the estimates of the commissioners are to be based upon such extension, while by one-half of whatever amount Congress shall in appropriating see fit to reduce such estimates—and, judging by the past, it seems probable that Congress will reduce them—the debt due the United States by the District will, in fact, be diminished. Moreover, whatever appropriations be made, there are always some balances unexpended at the end of each fiscal year, and one-half of all such balances are applied to a reduction of the debt due the United States by the District.

If of the District proper contribution there be each year applied to the payment of debt, principal and interest, $567,704, it is certain that the process will, in some such period as 25 years, extinguish principal and interest of the District proper half of the bonded and floating debt, such half amounting to approximately $9,000,000. Each year the financial condition of the District will be improved; for each year its debt will be less, until within 25 years it will be extinguished, provided nothing more be borrowed in the meantime. This arrangement would be equivalent to an extension of time granted by the United States to its partner, the District proper, for the repayment of the $4,000,000, which the latter owes the former. But, as is above pointed out, this debt would in all probability be paid in a considerably shorter space of time, due to the anticipated action of Congress in reducing the commissioners' estimates.

The annual provision of $567,704 from the District revenues includes $487,704, which is the District's half of an annual payment sufficient to extinguish the bonded debt, and the further sum of $80,000, the interest due annually on the $4,000,000 advanced by the United States to the District proper. After the extinction of the bonded debt in 1924, the $567,704 would be applied annually toward the extinction of the debt owed by the District proper to the United States, if any such debt should then remain.

If this arrangement had been authorized by Congress when the estimates for the fiscal year 1911 were being prepared, there would have been available for extraordinary improvements approximately $1,030,000. Or assuming that the provisions of the District appropriation bill, as agreed upon in conference, are ample for current needs, then $1,585,205.50 would have been so available.

As has been before stated, the revenues of the District proper increase at the rate of practically $250,000 per annum. Thus the revenues of the partnership may be said to increase at the rate of $500,000 per annum. The Board of Commissioners is confident that four-fifths of this increment will be an ample annual increase in the aggregate of all those items of the estimates devoted to current needs.

It is proposed therefore as a quid pro quo, if Congress shall extend the time for paying the debt, as provided in the bill and as explained above, that it shall be made obligatory upon the commissioners, in submitting their estimates, to provide annually for such reduction of the debt as will make it each year less and, finally, extinguish it, principal and interest, in less than 25 years; to seek to borrow no more money from the United States Treasury or elsewhere, and to provide annually for extraordinary improvements on the scale on which they might have been undertaken in 1911 (without neglect of current needs) if the payment of the debt had already been made more gradual, as proposed above, adding each year to the fund for extraordinary improvements a sum estimated to be one-fifth of the increase in combined revenues. Thus, for any fiscal year there would be added for extraordinary improvements to $1,030,000 one-fifth of the increment of means available, counting from 1911; so that, for example, if in 1911 $1,030,000 were available, that amount would be increased by $100,000 the subsequent year, $100,000 more would be added the next year, and so on.

To the end that this policy may be inaugurated and the continuance of the policy safeguarded, the Board of Commissioners presents herewith a draft of a bill designed to place such a system in operation and to insure its continuance. A term of 12 years has been provided in the bill as the period during which this arrangement shall continue.

If the arrangement be adopted, during the 12 years beginning with 1912 the amounts available for extraordinary improvements will aggregate $20,160,000. It is believed that in 12 years not more than this sum can be expended on the objects proposed with economy and in accordance with plans deliberately matured.

At the end of the 12 years doubtless other great projects will demand recognition, but by this time, under the same system, much larger sums will be annually available.

To recapitulate, the plan advocated will not only reduce the debt every year and finally extinguish it, but, always caring for current needs, will insure the expenditure of some $20,000,000 in extraordinary improvements during the 12 years ending with 1923, and leave at the end of that period an even greater power in the District to accomplish the extraordinary projects that will be then in sight.

List of extraordinary improvements.

1. Reclamation of the Anacostia Flats:		
Secretary of War directed to submit project by joint resolution approved Apr. 11, 1898. Report made Dec. 12, 1898, with the following estimates—		
Section 1, mouth of river to navy-yard bridge	$1,218,525	
Section 2, navy-yard bridge to Bennings bridge	976,195	
Section 3, Bennings bridge to District line	644,600	
	2,839,320	
Less cost of work already undertaken by United States incident to improving the Anacostia up to the navy yard	1,218,515	
		$1,620,795
2. Improvement of Rock Creek Valley from Massachusetts Avenue to mouth of creek:		
Appropriation of $4,000 made to prepare plans and estimates in District appropriation act for 1908. Report made Apr. 23, 1908. Total estimated cost		4,750,000
3. Improvement of harbor front:		
Appropriation of $2,500 for plans and estimates made in District appropriation act for fiscal year 1907. Report made May 23, 1908. Total estimated cost, $2,880,000. To be expended in 12 years		1,200,000
4. High-pressure fire-protection system:		
Project estimated for by superintendent of the water department (not by direction of Congress)		750,000
5. Park system of District of Columbia:		
Report made Jan. 15, 1902, in pursuance of Senate resolution dated Mar. 8, 1901. No estimate of cost given. Approximate estimate of value of land recommended to be acquired for park purposes	$5,000,000	
Amount to be expended in improvements in 12 years	1,000,000	
		6,000,000
6. Suburban trunk sewers:		
Estimate of the superintendent of sewers for extension of suburban trunk-sewer system for the next 12 years		2,000,000
7. Municipal hospital		500,000

8. Elimination of dangerous grade crossings outside of city limits: Estimated amount required in 12 years	$400,000
9. Extensions to suburbs of trunk water mains: Work desirable in next 12 years	800,000
10. Buildings for reformatory and workhouse: Plans for permanent buildings authorized in the District appropriation act for fiscal year 1910. Estimated cost of buildings	400,000
Total	18,420,795
Amount available under bill for extraordinary improvements	20,160,000
Amount that can be expended on additional extraordinary improvements if and as authorized by Congress	1,739,205

SUPPLEMENTAL STATEMENT BY MAJ. JUDSON, FEBRUARY 28, 1911.

The argument for this bill was prepared about a year ago. Since that time there has been a considerable reduction of both bonded and floating debts.

By June 30, 1911, it is estimated that the bonded debt will be reduced to $8,800,000, and the floating debt to $2,400,000; and by June 30, 1912, it is estimated that the bonded debt will be reduced to $8,200,000, and the floating debt to $1,800,000.

The bill now before the House controls the allotment of District funds in the estimates of the commissioners from and after June 30, 1912, when the debt condition will be as last stated.

If this bill shall become a law the bonded debt will necessarily be extinguished by 1924, and the floating debt by 1928. Certain practical causes will operate to extinguish the debt at a much earlier period. In the first place it is inconceivable that Congress will appropriate in the future any more than it has in the past every dollar recommended by the commissioners in their estimates. And by every dollar that Congress, in appropriating, reduces the annual estimates of the commissioners the floating debt of the District will be reduced 50 cents. Again, the commissioners, in beginning to prepare their annual estimates, are obliged to start out with a conservative estimate of the amount that will be received from taxes and other sources. By just the amount that the actual receipts exceed this conservative estimate of them the floating debt will be automatically reduced. Experience shows that the commissioners do make this estimate conservatively, and that the actual revenues do exceed their estimates of them. And finally there are always unexpended balances of appropriations that revert to the Treasury every year. These balances operate automatically to reduce the floating debt.

The closest students of the District's finances believe that the floating debt will in fact be extinguished before 1924, when the bonds will have been retired. At any rate, it is certain that if this bill passes, the District will emerge from debt at some time between 1924 and 1928—and in all probability by 1924.

Mr. SMITH of Michigan. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has 13 minutes remaining.

Mr. SIMS. I yield 10 minutes to the gentleman from Kentucky [Mr. JOHNSON].

Mr. SMITH of Michigan. Mr. Speaker, I reserve the balance of my time.

Mr. JOHNSON of Kentucky. Mr. Speaker, as has been properly said by the chairman of the District Committee, this is one of the most important bills that has come before this body for its consideration. And in connection with it there has been more parliamentary legerdemain than I ever saw connected with any bill that has ever come upon this floor.

About a year ago a bill was introduced under the number which this one now bears. It was considered by the committee, and thereby a bill under this number was brought before the committee. There it was considered by the committee; and, if I recollect correctly, it passed the committee by a scant majority.

But the other day, Mr. Speaker, I ask this House to remember, when this bill by number came up for consideration, the chairman of the committee asked that a Senate bill, which, if I am correctly informed, has not yet passed the Senate, be substituted for it.

Mr. SIMS. It has not been reported by any committee.

Mr. JOHNSON of Kentucky. Yes. And yet in less than a minute he changed his position and asked that another bill still might be introduced in lieu of the bill that was introduced here a year ago.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. SMITH of Michigan. I am sure that the gentleman does not intend to make a misstatement. I have never made the claim for a single moment that the Senate bill had passed.

Mr. SIMS. He did not even show the number of it.

Mr. JOHNSON of Kentucky. Now, Mr. Speaker, when this bill was called up by number for consideration, it was moved, I repeat, to substitute a Senate bill, which had never been reported, as I understand, to the Senate, and therefore had never been adopted by the Senate. Then, in a few seconds thereafter, the chairman of the committee asked leave to withdraw that and to substitute another bill in lieu of the Senate bill. That other bill which he asked leave to introduce in lieu of it had not then been prepared. Not only had it not been introduced before this House, not only that, but it had never gone to a committee of either this House or the Senate; and, I repeat, it had not then been prepared. But on night before last it was prepared and was printed in the RECORD of yesterday, and here it comes to-day, offered to this House, changed even again, so that it is not the bill which you gentlemen read in the RECORD of yesterday morning.

And, more than that, I say that the bill which you are asked to vote for now has never been considered by a committee, either of this House or of the Senate.

Mr. SMITH of Michigan. The gentleman is mistaken. The bill which is reported here is identical with the one printed in the RECORD, with the exception of one line, and that was stricken out to please Members here, and certainly they ought not to object to that.

Mr. JOHNSON of Kentucky. When did the committee meet to approve this bill?

Mr. SMITH of Michigan. The gentleman knows why we have not met. It has simply been because we have not had opportunity to do business.

Mr. JOHNSON of Kentucky. Here is a bill called up before this House which the committee has not been called together to consider, and even the bill which appeared yesterday morning in the RECORD for your consideration is changed now, and the Members of this House are asked to vote for a bill which they have not seen, unless they have gotten it from that desk a few moments ago.

The members of the committee have not been advised as to the changes made in the bill except as by diligence, perchance, they themselves have found them.

Now, what does this bill do—this bill that is sprung before this House without notice and without warning? It appropriates more millions of dollars than any man here supposes. I say there is no limit to the amount of money which this bill carries. And when you have adopted it you have taken from the District Committee, you have taken from this House, the right to make appropriations for permanent improvements herein contained until the year 1925.

The bill provides that in determining the estimates of funds available for appropriation in each succeeding fiscal year the commissioners shall first provide and set aside from the estimated District revenues a sufficient sum to meet all the estimated and fixed charges required by law to be paid wholly from the revenues of the District. How much is that? Who knows? Where is the man who can tell us how much that amounts to? And then you go along further down to the bottom of the page and observe that it appropriates the sum of $300,000 as "a repayment on account of said advances" until the indebtedness of the District of Columbia to the United States has been paid. How many years, I pray of you, will it take at $300,000 a year to pay the indebtedness to the United States?

Mr. BORLAND. Twelve years.

Mr. JOHNSON of Kentucky. It is not stated here, and no man can tell if those commissioners are left to approximate the amounts as they may see fit.

In addition to that the District of Columbia is now indebted to the United States Government to the amount of something like $13,500,000. They say this bill is introduced in order that the District of Columbia may pay that indebtedness, but how is it to be paid?

Mr. GARDNER of Michigan. Did I understand the gentleman to say that this District was indebted to the Government to the amount of $13,500,000?

Mr. JOHNSON of Kentucky. I said about that sum, and I can prove it.

Mr. GARDNER of Michigan. I should like to hear the proof.

Mr. JOHNSON of Kentucky. Here is a letter, signed by a man whose name I can not read, but he is auditor of the District of Columbia, in which he says:

On page 13 you will find a recapitulation of the total debt of the District. The bonded indebtedness, represented by 3.65 bonds outstanding June 30, 1910, is $9,492,100. The floating indebtedness at the same time amounted to $3,374,278.98, making a total of $12,766,378.96.

Mr. GARDNER of Michigan. Will the gentleman yield for a question?

Mr. JOHNSON of Kentucky. Yes.

Mr. GARDNER of Michigan. Does the gentleman from Kentucky know, or does he not know, that the Government of the United States pays one-half of the bonded indebtedness?

Mr. JOHNSON of Kentucky. I say——

Mr. GARDNER of Michigan. Will the gentleman answer?

Mr. JOHNSON of Kentucky. That depends on whether or not this bill passes.

Mr. GARDNER of Michigan. On the bonds outstanding which the gentleman speaks of.

Mr. JOHNSON of Kentucky. Here are $9,500,000 in a bonded debt owing by the District of Columbia to the United States. And this measure proposes not that the District of Columbia shall pay that debt to the United States, but that it shall be paid out of the joint funds owned by the District of Columbia and the United States, thereby compelling the United States Government to pay one-half of the bonds held against the District of Columbia, which bonds are made payable to the United States.

The SPEAKER. The time of the gentleman has expired.

Mr. SMITH of Michigan. How much time has the gentleman used?

The SPEAKER. Ten minutes. The gentleman from Tennessee [Mr. SIMS] has 20 minutes remaining.

Mr. SIMS. I yield five minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker, as a member of the District of Columbia Committee I wish to substantiate what the gentleman from Kentucky [Mr. JOHNSON] has said concerning this measure.

The bill has been changed four times within 48 hours. It has never been reported from our committee; it has never been submitted to the members of the committee, separately or individually, and yet, at this late hour, this House is asked to suspend the rules for the purpose of divesting Congress of the power and giving to the Commissioners of the District of Columbia certain functions, for which the sum of at least $20,000,000 is to be expended in the next 12 years, and the amount of money may run to thirty or forty millions of dollars.

Now this is the proposition before the House. As a result of the study of the organic act of 1878 creating the District government, I maintain that it was never contemplated to divest Congress of its power over the appropriations for great contemplated public works in the District. That act shows that those urging them must come to Congress every year for their public works. The chairman of the District of Columbia Committee [Mr. SMITH of Michigan] gave the whole secret away when he said it emanated from the brain of the District Engineer Commissioner. It did emanate from his fertile brain, for the purpose of seizing power which now belongs to Congress, and which should not be placed beyond the power of Congress.

As a member of the District of Columbia Committee I have favored large appropriations for public improvements, but I do not desire in the closing hours of my service in this House to give my sanction to any such bill as this. It has a very pleasing fringe about it in the beginning of the bill, where it speaks about wiping out debt, but the purpose of this bill, as the gentleman from Michigan [Mr. SMITH] himself has said, is to increase the power of the District engineer officer and to make the District Commissioners and not Congress the arbiters of permanent improvements in the District.

I submit, Mr. Speaker, that the House should never enact legislation of so extraordinary a character unless there is some general demand for it, and as a member of the Committee on the District of Columbia, I must say that I have failed to see any demand for it except from some real estate speculators and the District engineer commissioner. Among the public improvements contemplated by this bill, may I ask why there is only one mentioned by name, and that is the reclamation of the Anacostia flats? Who are behind that, that they have power enough to spring their pet project in a bill like this? Now, I wish to call the attention of the House to the report of the committee on the Union Calendar, No. 276, made by the gentleman from Michigan when this bill was first introduced in the House some year and a half ago.

Mr. SMITH of Michigan. In June, 1910.

Mr. FISH. They have stricken out of this bill improvements estimated to cost some $6,000,000.

The SPEAKER. The time of the gentleman has expired.

Mr. FISH. I ask for one minute more.

Mr. SMITH of Michigan. I yield to the gentleman one minute more.

Mr. FISH. I want to call attention of the House that while this bill estimates for improvements to cost the same amount as the bill originally introduced by the gentleman from Michigan—that is, covering at least $20,000,000—they have left out of this bill the improvement of Rock Creek Valley, at an estimated cost of $4,750,000, and the improvement of harbor front, at an estimated cost of $1,200,000, the two items aggregating almost $6,000,000. In all there should be only $14,000,000 instead of $20,000,000 appropriated in this bill. [Applause.]

Mr. SMITH of Michigan. Mr. Speaker, I yield to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, the revenues of the District of Columbia are increasing every day. Every dollar of the revenue thus far raised has been used for the ordinary running expenses of the government. All permanent improvements thus far made have been made from funds borrowed from the Federal Treasury. There are $2,800,000 of this money borrowed to be paid. This bill provides for the payment of this $2,800,000 out of the revenues of the District at the rate of $300,000 every year. This bill provides for the setting aside of $1,230,000 a year until 1924, for the purpose of making permanent improvements, and these permanent improvements consist of the reclamation of the Anacostia Flats and the turning of these flats into a park. They consist of a permanent system of sewerage, the extension of the water mains, furnishing facilities to the people who are here to-day and those who are yet to come.

The bill provides that after these two sums—$1,230,000 and $300,000, making $1,530,000—every year shall have been taken from the revenues of the District, that what remains after the deduction of these sums shall be appropriated for the ordinary conduct of the District of Columbia, and to this sum, which is set aside after making these enormous deductions, shall be added an equal sum out of the Treasury of the Federal Government.

This bill should be entitled "For economy of government." It is the best bill ever reported by any committee in charge of District affairs. It contains a permanent system of improvements. It contains a policy of paying the debt of the people of the District of Columbia. It contains the policy of the extension of parks for the people of the District. It contains a permanent policy for the beautification of the District of Columbia, a thing in which every citizen of the Union is interested. It economizes in the conduct of the government. It takes $1,550,000 every year less out of the Federal Treasury than is taken from it now. It compels the people of the District to pay for their permanent improvements out of the revenues which they raise from taxation every year, and there is nothing behind the bill to frighten anybody. It is a bill prepared after the most deliberate consideration. It is a bill in the interest of the future of the District of Columbia. It is a bill which prompts men to do what is best for the people of this District in the days that are to come, and there is no man on the floor of this House, no matter which side of the aisle he may sit upon, who ought not to be in favor of its enactment into law.

The gentleman from Kentucky [Mr. JOHNSON] did not state the facts. He talked about the bonded debt, and this bill has nothing to do with the bonded debt. This bill deals with the floating debt, and it compels them to pay a fixed sum every year, and at the same time appropriates for the development of the District so that every citizen in America will be proud of Washington when he comes to visit it. [Applause.]

Mr. SIMS. I yield five minutes to the gentleman from New York [Mr. ANDRUS].

Mr. ANDRUS. Mr. Speaker, it is not an easy thing for me to disagree with the chairman of the District of Columbia Committee. I respect him highly; I consider him an honest, forceful, efficient Member, and whatever I accord to myself I am willing to give to every other person. If I want to investigate a matter, and my judgment dictates a certain line of policy, it is my duty to follow it, because I want to live in peace with my conscience.

I object to certain features in this bill, and I see no good reason why we should pay the funded debt just now, or why we should pay for these great improvements upward of $20,000,000 as the work is done.

Mr. TAYLOR of Ohio. Will the gentleman yield?

Mr. ANDRUS. I can not; I have only five minutes. I believe good business sense should prevail in my district as in yours. Perhaps our people are paying 4 to 4½ and 5 per cent and perhaps 6 per cent on money used for purposes in our cities, villages, or county. Is it not good business to pay the obligations drawing the highest rate of interest rather than to pay the obligations drawing the lowest rate of interest?

I see no reason why we should not continue to issue a few bonds. What is the bonded debt of the District to-day? Thirteen million five hundred thousand dollars. To the credit of the District be it said they are reducing their indebtedness rather than increasing it, but during the last 30 years what has been the result? They have reduced their bonded indebtedness from twenty-three million to thirteen million five hundred thousand.

I secured these figures in the report accompanying the original bill, and the District has reduced its bonded indebtedness during the last 30 years at the rate of $166,666 a year. It is creditable to the District.

Now, what is it we propose to do? We propose to spend twenty millions and reduce the indebtedness of $13,500,000 in 12 years. We have been reducing it at the rate of one hundred and sixty-six thousand plus, and now we are proposing to reduce it three millions—plus 19 times as much—and pay off this sum each year. I think this proposition should be voted down.

But there is a more serious objection. In this report there is an item of $4,750,000 for buying and improving that part of Rock Creek south of Massachusetts Avenue to the Potomac River—a ravine, with steep-sided hills, so narrow at the bottom in some places that the bed of the stream crowds right to the shore, to the foothills of the banks, and it is proposed to buy that ravine, including cost of improvements, for the sum of $4,750,000. It costs, as the chairman of the committee says, about 60 or 70 cents per square foot. It costs, with estimated improvements, about $2,000 a city lot of 25 feet by 100. It costs about $32,000 an acre. What have we after we buy and improve it? It is merely a roadway, a link between the Potomac and Rock Creek Park, a driveway for automobiles, carriages, and equestrian uses, and it costs $4,750,000 improved, according to the report. Sometimes we are amazed when we see that railroads report spending $400,000 or $500,000 a mile for a four-track road over which limited trains run at more than a mile a minute, and the people want that sort of thing investigated, and when we build a park road from the Potomac to Rock Creek Park that costs $3,166,666 a mile, is there not a chance for investigation? [Applause.]

The SPEAKER pro tempore (Mr. BURKE of Pennsylvania). The time of the gentleman has expired.

Mr. SMITH of Michigan. Mr. Speaker, I yield one-half minute to the gentleman from New York [Mr. OLCOTT].

Mr. OLCOTT. Mr. Speaker, in this half minute I can not say very much. All I want to say is that this is one of the best bills ever presented by the District of Columbia Committee during the six years that I have been here, and it ought to pass.

I want to extend my remarks in the RECORD and show wherein the statements even of the gentleman for whom I have such high respect, my colleague from New York [Mr. ANDRUS], are in error as to the figures which he has used. This bill ought to pass.

[By unanimous consent, Mr. OLCOTT was permitted leave to extend his remarks in the RECORD.]

Mr. SMITH of Michigan. Mr. Speaker, I yield two minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, the amount of taxes which we collect from the District is fixed by law. It does not depend upon the amount of the expenditures. The expenditures depend upon the taxes, and this bill simply proposes to limit the current expenses of the Government, so that there shall be a surplus fund out of the current revenues which can be applied to permanent improvements of $1,230,000, and that is all it does do.

Mr. HULL of Tennessee. I will ask the gentleman——

Mr. MANN. The gentleman will not ask me anything in two minutes. That is all it does. It does not confer any additional authority upon the District Commissioners in any respect whatever. It confers no additional authority upon the Committee on Appropriations in any respect whatever. Every item in it not authorized by previous law will still remain subject to a point of order when it comes into the House. The District Commissioners may now estimate for $2,000,000 of public improvements if they wish to or they can estimate for $10,000,000 if they wish to. All this bill does is to require them to save out of the current revenues in making their estimates enough to estimate $1,270,000 for public improvements and a certain amount to repay the indebtedness of the District, and it does not make those items in order on an appropriation bill. It will still be simply an estimate, the same kind of an estimate the commissioners can now make.

The fear that gentlemen have that this will create a park system depends solely on what Congress will do in the future, because this will not make park systems in order. All it will do will be to have a fund of $1,230,000 which could be applied to public improvements, and which, if not applied to public improvements will be applied to the extinguishment of the debt.

Mr. JOHNSON of South Carolina. Then, why put anything about parks in the bill?

Mr. MANN. Because they have to make their estimate include everything.

Mr. SMITH of Michigan. How much time have I remaining?

The SPEAKER pro tempore. The gentleman has six and a half minutes.

Mr. SMITH of Michigan. Will the gentleman from Tennessee use some of his time?

Mr. SIMS. Is the gentleman going to use all of his time in one speech?

Mr. SMITH of Michigan. No.

Mr. SIMS. Then the gentleman should use some time. He only yielded two minutes to the gentleman from Illinois [Mr. MANN].

Mr. SMITH of Michigan. How much time has the other side?

The SPEAKER pro tempore. The gentleman from Tennessee has nine minutes and the gentleman from Michigan six and a half minutes.

Mr. SIMS. I yield one minute to the gentleman from South Dakota [Mr. MARTIN].

Mr. MARTIN of South Dakota. Mr. Speaker, from a somewhat careful study of this bill and report I am obliged to entirely differ from the gentleman from Illinois in his views, and only desire in this one minute to show that the committee itself in making this report took a different view from what the gentleman has put upon it. This report says, on page 2:

> The only thing that is not being done at the present time is to effect those permanent or extraordinary improvements such as are essential in the case of Washington. These improvements can be made more economically if made systematically. The ample revenues eliminate any need for the borrowing of money. It is only necessary to make a program of expenditure, so that each item of work shall not be "new legislation," requiring, for consideration and appropriation, the action of four or more committees of Congress and the passage of a separate act.
>
> The bill is designed to carry out this idea of establishing a program.

Evidently one purpose of this bill is to authorize the various improvements mentioned in the report, extending over a period of 12 years. I believe in liberal improvements in the District, but think that Congress should not relinquish its power to designate what improvements shall be made and the order of their importance from year to year.

Mr. SIMS. Mr. Speaker, I yield four minutes to the gentleman from Missouri [Mr. BORLAND], a Member of the District Committee.

Mr. BORLAND. Mr. Speaker, the effect of this bill is that it fastens upon the United States Congress and the District for the next 12 years the same iniquitous system of fiscal revenue that has made this District the haven for the tax dodgers for years. It is to enable the District to carry on these expenditures for permanent improvements at the expense of the people of the country. Now, in 30 years, according to the statement of the engineer commissioner, they have only reduced their indebtedness to the United States about $5,000,000. The reason why they have only reduced their indebtedness $5,000,000 is because they have found a way to increase their expenditures and dump a floating debt upon the United States and get the money advanced to them by the Federal Treasury at 2 per cent. Now they propose to have not only $30,000,000 advanced and pay that back without any interest, but to charge 50 per cent of it to the Federal Treasury. According to the words of the bill, the commissioners—

> shall provide in their estimates of appropriations for permanent work of improvements a sum not less than $1,230,000.

And are to increase that amount $100,000 every year. They are to estimate no less than $1,230,000. How much they are going to estimate depends upon how much more will be submitted to by this Congress. We are binding ourselves now for 12 years to a system of Uncle Sam paying 50 per cent of every important improvement in the District of Columbia. The time has long since come when the taxpayers living in this District ought to be put in a position where the District could easily take care of itself, if we were to undertake to tax the property in the District in any fair way. Under a Democratic Congress we will tax some of these tax dodgers and compel

them to make returns to the District of Columbia, and there will be ample revenue in the District to carry on a system of improvements without paying 50 per cent of that which belongs to the people of this Government. I hope when the District Committee is reorganized in the Sixty-second Congress that the first thing will be to tax these tax dodgers on some of the personal property they have brought here into the District which escapes taxation and that opportunity will be given to avoid the criticism in the past that the United States Government has been ready and willing to further every one of these real-estate schemes. This bill ought to be voted down until such time as they choose to bring in a bill providing for the payment of the debt the District of Columbia owes to the United States. The only good feature about this bill is it provides the only measure that has ever been introduced for the payment of the indebtedness, and I want to say right now to the credit of the gentleman who is the chairman of the subcommittee on the District of Columbia that he is the man who has insist d upon the payment of this floating debt.

The last set of commissioners rolled up a floating debt deliberately and intentionally against the Treasury of the United States, in the hope that that floating debt would be turned in bonds, and then the United States would be bound for 50 per cent of those bonds, whereas before that the District of Columbia was liable for 100 per cent of the floating debt. But the gentleman from Michigan [Mr. SMITH] has pursued the policy of compelling the District of Columbia to pay back annually a portion of that floating debt, until now it is less than $3,000,000. It ought to be all wiped out, and there is not a moral reason on earth why we should pay 50 per cent of the $10,000,000 worth of bonds. Those bonds never were issued on the credit of the United States and they are not now issued on the credit of the United States. The United States do not owe a dollar of them, and ought not to pay a dollar of this additional $20,000,000. [Applause.]

Mr. SMITH of Michigan. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman from Michigan has six minutes and a half remaining.

Mr. SMITH of Michigan. I regret that anyone, even the gentleman from New York [Mr. FISH], should feel constrained to say that this bill has been changed four times in 48 hours. This is a mistake. Fortunately I hold in my hand the bill which was read by the Clerk night before last with amendments, but at that time there was so much confusion in the House it was suggested by the gentleman from Tennessee [Mr. SIMS] and others that it would be well if the chairman would print the bill as amended in the RECORD, which appeared the next morning, and is identical with the bill under consideration, except that on page 3, line 4 has been stricken out and line 5 to and including the word "purpose;" and in line 9, after the word "be," "hereafter" has been inserted, all at the request of Members who thought that we were providing for too many public improvements; and certainly, as these provisions for public improvements one after the other have been stricken out, it ought to be a matter from their standpoint of congratulation rather than of criticism and complaint.

Mr. MANN. The gentleman does not need any defense from such a charge.

Mr. SIMS. What interest does the engineer commissioner have in laying down financial plans, and so forth?

Mr. SMITH of Michigan. Simply the interests of 90,000,000 of people.

Mr. SIMS. That is not his function.

Mr. SMITH of Michigan. He is in line with his duties, I insist, and I regret that heretofore engineer commissioners in the discharge of their duty have not seen fit to do just exactly what the present engineer commissioner has done.

Mr. SIMS. He wants to raise the interest on the debt. Is that a part of the engineering scheme?

Mr. SMITH of Michigan. The gentleman from Tennessee [Mr. SIMS] has in his remarks made some grave charges. I am wondering if by so doing he intended to indict all those who have taken a very deep interest in this proposed legislation, including the former as well as the present Commissioners of the District; the 16 members of the Committee on the District of Columbia of the House, who voted for a favorable report on the bill when it carried more improvements than does the present bill; Members of both sides of the Chamber, including members of the Appropriations Committee, who have spoken in behalf of the bill, as well as others who would like to speak; Senators who likewise feel that this is wise legislation and who had hoped that it could be enacted into law during this session of Congress; the great body of citizens of the District of Columbia, as represented by the Chamber of Commerce and the Board of Trade; the four newspapers of the city, which have given the same their most cordial indorsement; and the President, who gave his hearty and emphatic indorsement in the following language:

> To this end I recommend the enactment into law of a bill now before Congress, and known as the Judson bill, which will insure the gradual extinguishment of the District's debt, while at the same time requiring that the many permanent improvements needed to complete a fitting capital city shall be carried on from year to year and at a proper rate of progress with funds derived from the rapidly increasing revenues.

There are those who feel that Washington has now all the parks that are needed, but as a matter of fact, comparing territory for territory, it will be shown that Washington has less than London, Paris, New York, or Boston, and we ought not in this connection to forget that parks in cities are not alone for the residents of those cities, but for the thousands who annually visit them and derive much pleasure and comfort in riding and walking about and through the beautiful and attractive parks that are found in the various cities of this country and in the cities of the Old World.

It is not often that in the presentation of legislation in this body that so much misunderstanding, prejudice, and misrepresentation is shown as has been exhibited in the discussion of this bill.

Gentlemen, I feel that this proposed legislation will be of such lasting benefit that I urge you one and all to vote for the same, feeling sure that as these improvements are consummated, consisting of parks and beautiful driveways encircling the city, we now and in the years to come will be proud that we had an opportunity to use our efforts in making this the most beautiful and attractive capital city in a Republic the greatest in all the world.

Mr. SIMS. Will the gentleman use the balance of his time? Is the gentleman going to use it all in one speech?

Mr. SMITH of Michigan. No, sir.

Mr. SIMS. There is only one speech on this side. I suggest the gentleman use his time.

Mr. SMITH of Michigan. I yield four minutes to the gentleman from Texas [Mr. BURLESON].

Mr. BURLESON. Mr. Speaker, it sometimes occurs that meritorious propositions of legislation are defeated because of the discovery of an imaginary "nigger in the woodpile." Some seem to think they have found one in the pending bill. I want to assure the House that this bill does not enlarge the powers of the District Commissioners in the slightest particular. On the contrary, it places a limitation upon power they now possess. And I want to say further that this bill does not change in the slightest particular the method of payment of the bonded indebtedness of the District of Columbia, one-half of which the General Government owes, but it does materially change the law with reference to the payment of the unfunded debt of the District of Columbia which is due by the District to the General Government.

When the gentleman from Michigan [Mr. GARDNER] and I came on to the subcommittee of the Committee on Appropriations, which deals with District finances, the unfunded debt of this District, which is a debt due by the District to the General Government, as I have said, and which draws only 2 per cent interest, amounted to approximately $4,000,000. The law as it then was required that this unfunded debt should be liquidated within five years' time. The District Commissioners in framing their estimates disregarded this law, and year after year instead of estimating within the anticipated receipts of the city and decreasing this debt, they disregarded the law and estimated for amounts far beyond what they should, at one time two and one-half millions of dollars in excess of the anticipated revenues, resulting, as was said by the gentleman from Missouri, in an increase of the unfunded debt instead of diminishing it as the law plainly directed should be done. We required that estimates should come within their revenues, and adopted the policy of reducing this debt, and within the last few years we have brough. this indebtedness down to $2,400,000, and after the present appropriation bill, which has passed, takes effect it will amount to only $1,800,000. Under this bill this unfunded debt, instead of being increased, as has been the practice as I have shown, will be absolutely liquidated within seven years' time from this date.

Now, what else does this bill do? It places a limitation upon the power of the District Commissioners so that they can not, in making their estimates, absorb all of its revenues for current expenses. As was so forcibly said by the gentleman from Illinois [Mr. MANN], it says in plain terms to these officials, "You shall not absorb all the revenues of this District for cur-

rent expenses, by increase of salary for a favorite class here and an increase for another set there, an enlargement of this department's force here and an enlargement of this division's force there, but you shall bring your estimate down to a common-sense basis, provide for current expenses and also set apart a substantial portion of the revenue to meet what has been termed permanent or extraordinary improvements. In other words it provides for an intelligent and systematic plan for expending the District revenues.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SMITH of Michigan. Mr. Speaker, how much time have I left?

The SPEAKER pro tempore. The gentleman from Michigan has one and a half minutes remaining.

Mr. SIMS. Mr. Speaker——

Mr. BURLESON. Just one minute more. It sets apart a part of the revenues to meet what have been termed permanent improvements. If the gentleman will give me just a few minutes more I can finish.

Mr. SIMS. I can not give the gentleman any time. Yonder is the gentleman [Mr. SMITH of Michigan] who can give the gentleman time.

Mr. SMITH of Michigan. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore. The gentleman has one and one-half minutes remaining.

Mr. SIMS. Mr. Speaker, how much time have I?

The SPEAKER pro tempore. The gentleman has four minutes.

Mr. SIMS. Now, Mr. Speaker, I want to prove to this House in one minute what is the real object of this bill. [Applause.] I propose right here and now to every gentleman supporting this bill: If you will begin, on line 15 of page 2, and strike out all the real estate part of this bill and leave every bit of the fiscal part of it in, I will vote for it and work for its passage. Will you do it? [Applause.]

No. The nigger in the woodpile is a nigger in such a little woodpile that it is all nigger and no woodpile. [Laughter and applause.] This is a $20,000,000 scheme to buy land that nobody will have, land that nobody can use, by act of Congress. Is this a good bill? Is this the best bill ever introduced in Congress, as claimed by some of its supporters? I will prove to you how good a bill it is. If this is such a good bill, why do you want to ram it through the House on a motion to suspend the rules? [Applause.] That of itself shows what it is. The bill that has been reported has been on the calendar ever since June, 1910.

Mr. SMITH of Michigan. Our committee never had a day allotted to us on which to consider it.

Mr. SIMS. I do not know why you grab up this indefensible and abominable measure and try to jam it through this House over every other bill from your committee on the calendar. [Applause.]

Mr. MANN. What is the gentleman's proposition?

Mr. SIMS. I have not time to go into particulars. I tried to get an hour or 40 minutes on each side, and that side shut down on debate on this new-born measure, which they did not want anybody to know anything about. [Laughter and applause.] Whenever a man has a good bill he is naturally anxious to take time on it and let everybody else have time.

In the closing days of the last Congress a bill similar to this was sought to be jammed through here, two years ago, on a motion to suspend the rules, and part of the identical land referred to in that bill is to be included in this nefarious scheme. [Applause.]

Mr. Speaker, I will never vote here to give to any one man, be he an engineer commissioner or the President of the United States, the power to fasten a liability of $20,000,000 on this Government for the purpose of buying a few old frog ponds, a few old ash dumps, to enable real-estate speculators of this city to do as they are now doing, as I understand, getting options on every old dump pile on the outskirts and trying to get a bill passed through this Congress in its dying hours to authorize their purchase by the Government at most extravagant prices. [Applause.]

If you think you can ram through a measure of this kind under a motion to suspend the rules, you are wrong. Let me call on all the Members of this House to think before they vote, and let me particularly call upon those Members of this House who do not want to reenter private life to think before they vote for this proposition. If you do, you will not be here very much longer. The gentleman from New York [Mr. FISH], the gentleman from Missouri [Mr. BORLAND], and the gentleman from Kentucky [Mr. JOHNSON], members of the District Committee, are fighting this bill tooth and toenail, and the bill is supported only by the chairman of the District Committee, who asserts that this is the most valuable bill that has ever been reported.

The District Committee has not reported this bill. It is true that some of the provisions contained in it have been favored by the committee, but let me say, gentlemen, if you ram this sort of thing through in this way you will ram yourselves out of public life. [Applause and cries of "Vote!" "Vote!"]

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee may be permitted to state the proposition that he made before.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the gentleman from Tennessee be permitted to state his proposition.

Mr. SIMS. Oh, go ahead, and let us have a vote, and then bring in another bill. If it is a decent bill I will support it. [Applause.]

Mr. SMITH of Michigan. Mr. Speaker, how much time have I?

The SPEAKER pro tempore. The gentleman has one-half minute.

Mr. SMITH of Michigan. Mr. Speaker, it is a grave charge which the gentleman from Tennessee [Mr. SIMS] makes when he claims that the real-estate men of this city are behind this measure. The President of the United States, William Howard Taft, than whom no man since the days of George Washington has taken more interest in this city and its development, says——

Mr. SIMS. Are you with the President in favor of reciprocity? That is a cause in which you would do well to follow him. [Applause and laughter.]

The SPEAKER pro tempore. The question is on the motion of the gentleman from Michigan [Mr. SMITH] to suspend the rules and pass the bill as amended.

Mr. SMITH of Michigan. A division, Mr. Speaker.

Mr. SIMS. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 87, nays 151, answered "present" 7, not voting 138, as follows:

YEAS—87.

Austin	Fordney	Langham	Pickett
Barclay	Foss	Lawrence	Plumley
Bingham	Gardner, Mich.	Longworth	Pray
Boutell	Gillett	Loud	Roberts
Burke, Pa.	Graff	Loudenslager	Scott
Burleigh	Graham, Pa.	Lowden	Smith, Iowa
Burleson	Grant	McCall	Smith, Mich.
Calder	Greene	McKinley, Ill.	Snapp
Campbell	Guernsey	McLaughlin, Mich.	Sperry
Cocks, N. Y.	Hamilton	McMorran	Sterling
Cole	Hawley	Madden	Stevens, Minn.
Cooper, Wis.	Heald	Malby	Sulloway
Crumpacker	Henry, Conn.	Mann	Swasey
Currier	Higgins	Massey	Taylor, Ohio
Dalzell	Hill	Moore, Pa.	Thistlewood
Diekema	Howell, N. J.	Morgan, Okla.	Thomas, Ohio
Dodds	Hull, Iowa	Nye	Townsend
Edwards, Ky.	Humphrey, Wash.	Olcott	Washburn
Ellis	Johnson, Ohio	Olmsted	Weeks
Estopinal	Keifer	Parker	Young, Mich.
Fassett	Kennedy, Iowa	Parsons	Young, N. Y.
Fitzgerald	Lafean	Pearre	

NAYS—151.

Adair	Dent	Havens	Lever
Aiken	Denver	Hay	Lindbergh
Alexander, Mo.	Dickinson	Heflin	Lloyd
Anderson	Dixon, Ind.	Helm	McCreary
Andrus	Draper	Henry, Tex.	McHenry
Ansberry	Driscoll, D. A.	Hinshaw	McKinney
Barnhart	Driscoll, M. E.	Hitchcock	Macon
Bartlett, Ga.	Durey	Hollingsworth	Maguire, Nebr.
Beall, Tex.	Dwight	Houston	Martin, Colo.
Boehne	Ellerbe	Howard	Martin, S. Dak.
Booher	Esch	Howland	Mays
Borland	Ferris	Hughes, Ga.	Mitchell
Brantley	Finley	Hughes, N. J.	Moon, Tenn.
Burgess	Fish	Hull, Tenn.	Morrison
Burke, S. Dak.	Floyd, Ark.	Humphreys, Miss.	Morse
Burnett	Foster, Ill.	James	Moss
Butler	Gallagher	Jamieson	Moxley
Byrns	Gardner, Mass.	Johnson, Ky.	Murphy
Candler	Garner, Tex.	Johnson, S. C.	Nelson
Carlin	Garrett	Jones	Nicholls
Cary	Gillespie	Kendall	Norris
Chapman	Glass	Kinkead, N. J.	O'Connell
Clark, Mo.	Godwin	Kitchin	Oldfield
Clayton	Good	Knowland	Padgett
Cline	Gordon	Kopp	Palmer, A. M.
Covington	Graham, Ill.	Korbly	Peters
Cox, Ind.	Gregg	Küstermann	Poindexter
Cox, Ohio	Hamlin	Lamb	Rainey
Craig	Hardwick	Latta	Randell, Tex.
Cullop	Hardy	Legare	Rauch
Davis	Harrison	Lenroot	Richardson

Riordan	Sherwood	Stephens, Tex.	Underwood
Robinson	Sims	Sulzer	Volstead
Roddenbery	Sisson	Taylor, Colo.	Watkins
Rucker, Mo.	Small	Thomas, Ky.	Webb
Shackleford	Smith, Tex.	Thomas, N. C.	Wheeler
Sheppard	Stafford	Tou Velle	Wilson, Pa.
Sherley	Stanley	Turnbull	

ANSWERED "PRESENT"—7.

Adamson	Collier	Douglas	Miller, Minn.
Bartlett, Nev.	Conry	Lee	

NOT VOTING—138.

Alexander, N. Y.	Englebright	Knapp	Reid
Ames	Fairchild	Kronmiller	Rhinock
Anthony	Flood, Va.	Langley	Rodenberg
Ashbrook	Focht	Law	Rothermel
Barchfeld	Foelker	Lindsay	Rucker, Colo.
Barnard	Fornes	Lively	Sabath
Bartholdt	Foster, Vt.	Livingston	Saunders
Bates	Fowler	Lundin	Sharp
Bell, Ga.	Fuller	McCredie	Sheffield
Bennet, N. Y.	Gaines	McDermott	Simmons
Bennett, Ky.	Gardner, N. J.	McGuire, Okla.	Slayden
Bowers	Garner, Pa.	McKinlay, Cal.	Slemp
Bradley	Gill, Md.	McLachlan, Cal.	Smith, Cal.
Broussard	Gill, Mo.	Madison	Southwick
Byrd	Goebel	Maynard	Sparkman
Calderhead	Goldfogle	Miller, Kans.	Spight
Cantrill	Goulden	Millington	Steenerson
Capron	Griest	Mondell	Sturgiss
Carter	Hamer	Moon, Pa.	Talbott
Cassidy	Hamill	Moore, Tex.	Tawney
Clark, Fla.	Hammond	Morehead	Taylor, Ala.
Cooper, Pa.	Hanna	Morgan, Mo.	Tilson
Coudrey	Haugen	Mudd	Vreeland
Cowles	Hayes	Murdock	Wallace
Cravens	Hobson	Needham	Wanger
Creager	Howell, Utah	Page	Weisse
Crow	Hubbard, Iowa	Palmer, H. W.	Wickliffe
Davidson	Hubbard, W. Va.	Patterson	Wiley
Dawson	Huff	Payne	Willett
Denby	Hughes, W. Va.	Pou	Wilson, Ill.
Dickson, Miss.	Joyce	Pratt	Wood, N. J.
Dies	Kahn	Prince	Woods, Iowa
Dupre	Kelliher	Pujo	Woodyard
Edwards, Ga.	Kennedy, Ohio	Ransdell, La.	
Elvins	Kinkaid, Nebr.	Reeder	

The Clerk announced the following additional pairs:

For the session:

Mr. BRADLEY with Mr. GOULDEN.

Mr. MOREHEAD with Mr. POU.

Mr. WOODS of Iowa with Mr. COLLIER.

Until further notice:

Mr. WOODYARD with Mr. WILLETT.

Mr. VREELAND with Mr. WEISSE.

Mr. PEARRE with Mr. WICKLIFFE.

Mr. SIMMONS with Mr. SLAYDEN.

Mr. TILSON with Mr. SPIGHT.

Mr. PAYNE with Mr. SAUNDERS.

Mr. RODENBERG with Mr. SHARP.

Mr. MOON of Pennsylvania with Mr. RUCKER of Colorado.

Mr. MONDELL with Mr. RANSDELL of Louisiana.

Mr. HUBBARD of West Virginia with Mr. PUJO.

Mr. HOWELL of Utah with Mr. TAYLOR of Alabama.

Mr. GRIEST with Mr. MOORE of Texas.

Mr. GARDNER of New Jersey with Mr. MCDERMOTT.

Mr. FULLER with Mr. LIVELY.

Mr. FOSTER of Vermont with Mr. KELIHER.

Mr. FOCHT with Mr. HOBSON.

Mr. FAIRCHILD with Mr. HAMMOND.

Mr. SOUTHWICK with Mr. HAMILL.

Mr. DENBY with Mr. GILL of Maryland.

Mr. DAVIDSON with Mr. BELL of Georgia.

Mr. CREAGER with Mr. FORNES.

Mr. CASSIDY with Mr. EDWARDS of Georgia.

Mr. HENRY W. PALMER with Mr. DUPRE.

Mr. BENNET of New York with Mr. DICKSON of Mississippi.

Mr. BARNARD with Mr. SPARKMAN.

Mr. BARCHFELD with Mr. BOWERS.

Mr. ANTHONY with Mr. CANTRILL.

Mr. ALEXANDER of New York with Mr. BROUSSARD.

Mr. HANNA with Mr. LEE.

Mr. DOUGLAS with Mr. PAGE.

For the balance of the day:

Mr. MORGAN of Missouri with Mr. LIVINGSTON.

Mr. KNAPP with Mr. TALBOTT.

So (two-thirds not voting in the affirmative) the motion to suspend the rules and pass the bill was rejected.

Mr. COLLIER. Mr. Speaker, I desire to know if the gentleman from Iowa, Mr. WOODS, voted.

The SPEAKER. He did not.

Mr. COLLIER. I voted no. I would like to withdraw my vote and answer "present."

The result of the vote was announced as above recorded.

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

There was no objection.

OREGON LANDS.

Mr. ELLIS. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 30280, with the committee amendments.

The SPEAKER. The gentleman from Oregon moves to suspend the rules and pass the following bill, with the committee amendments. The Clerk will report the bill.

The Clerk read the bill (H. R. 30280) authorizing the Secretary of the Interior to exchange certain desert lands for lands within national forests in Oregon, with the committee amendments, as follows:

Be it enacted, etc., That the State of Oregon is hereby authorized to relinquish its selection heretofore made under the terms of the act of August 18, 1894 (28 Stats., 372), and acts amendatory and supplemental thereto of the following lands:

Section 3; east half, east half of west half, southwest quarter of southwest quarter of section 4; southwest quarter, west half of southeast quarter, southeast quarter of southeast quarter of section 5; south half of section 6; all of sections 7, 8, 9, 10, 15, 17, 18, 19, 20, 21, and 22 of township 24 south, range 33 east, Willamette meridian, containing 8,793.47 acres; and the Secretary of the Interior, upon recommendation of the Secretary of Agriculture, may issue patent to said lands in exchange for and upon reconveyance to the United States of the following lands within national forests in the State of Oregon:

All of fractional section 36, township 21 south, range 12 east; all of section 16, township 21 south, range 12 east; the southeast quarter of section 36, township 20 south, range 14 east; all of section 16, township 23 south, range 16 east; the south half of northwest quarter, the northwest quarter of northwest quarter, the northeast quarter of northeast quarter, the south half of section 16, township 28 south, range 10 east; south half of north half of section 16, township 15 south, range 31 east; northwest quarter of northwest quarter of section 16, township 17 south, range 32 east; all of section 36, township 3 south, range 47 east; all of section 16, township 19 south, range 31 east; southeast quarter of southeast quarter of section 16, east half of northeast quarter, west half of northwest quarter of section 36, township 20 south, range 33 east; all of section 16, township 3 south, range 41 east; south half and northwest quarter of section 36, township 19 south, range 32 east; north half of section 16, township 14 south, range 33 east; all of sections 16 and 36, township 7 south, range 34 east; section 16, township 8 south, range 32 east; all of section 36, township 14 south, range 35½ east; all of section 36, township 2 south, range 40 east, Willamette meridian.

Provided, That the timber or undergrowth shall not have been removed from said forest lands: *Provided further*, That upon reconveyance to the United States the lands shall become parts of the national forests in which they are situated.

The SPEAKER. Is a second demanded?

Mr. ROBINSON. I demand a second.

The SPEAKER. Under the rule, a second is ordered. The gentleman from Oregon [Mr. ELLIS] is entitled to 20 minutes and the gentleman from Arkansas [Mr. ROBINSON] to 20 minutes.

Mr. ELLIS. Mr. Speaker, I desire to say that this is a bill which proposes to exchange 8,793 acres of desert land, which has been selected under the Carey Act for reclamation, being desert lands. It is situated in the county of Malheur, southeastern Oregon, upon a high plateau, in a desert region, where there is a great scarcity of water. These parties have attempted to reclaim the land by an artesian project. They have expended a great deal of money, but thus far have not sufficient water to satisfy the State so that they could get certificate as to reclamation. Now, they desire to go on and further prosecute the artesian project and try to perfect the reclamation of the land, but it is difficult to do so within the limited time they have before the State selection will expire in 1912.

They own in fee simple 9,401 acres of timberland in the various forest reserves, which were school lands, and have been selected and bought outright by them. They have a fee simple title, which they got at an expense of about $40,000. They only desire to exchange these lands for the 8,793 acres of the Government, and the Government give them a title to the desert lands in lieu of the several tracts of lands described in the report, and all within forest reserves.

The lands are not now a part of the forest reserve, but they are within the reserves and belong to individuals. By the amendment of the committee attached to this bill it is provided that if this exchange takes place it immediately becomes a part of the forest reserve. No part of this land has been cut over, and it is as it was originally.

Mr. ROBINSON. Will the gentleman yield?

Mr. ELLIS. Certainly.

Mr. ROBINSON. It is true that the Government will acquire a larger area of land by this exchange than it gives?

Mr. ELLIS. Over 600 acres.

Mr. ROBINSON. The character of the land is desert land of a potential timber value?

Mr. ELLIS. Yes.

Mr. ROBINSON. What is "a potential timber value?"

Mr. ELLIS. The report states that the potential timber value is what it will bring for pasturage by leasing it to the stockmen in the vicinity or by the sale of matured timber they can

sell from it. The amount of timber is estimated in the report, and runs as high as $2.50 to $5 and gives the number of thousand feet of board measure per acre. It is the purpose to preserve it with other timber in the forest reserve.

Mr. ROBINSON. The district forester seems to think that the Government gets the better of the transfer in this proposed legislation.

Mr. ELLIS. He says the Government gets the better of the trade if the lands we get in return are desert lands. There can be no question about that. I know the lands that the people are seeking to reclaim, and they will not produce anything until water can be put upon them. If they can make a success of it, the lands will become valuable, but not as valuable as some in a latitude not so high.

But it is their purpose to try to reclaim it in small tracts of 160 acres by artesian water and sell that off in smaller tracts, and go on until they can reclaim the entire tract. They are not able to finance the matter and reclaim the entire 8,000 acres by this system.

Mr. ROBINSON. The lands which the Government is to acquire by this proposed legislation are lands now in private ownership within forest reserves.

Mr. ELLIS. Yes; they are in private ownership within forest reserves. They will pass from private ownership into the ownership of the Government, and, instead of being as they are now, they would then be subject to all the laws of the Government pertaining to forest reserves and under the direct supervision of the Government. They are not at this time.

Mr. HITCHCOCK. What is the approximate value of these lands now owned by the private individuals within forest reserves?

Mr. ELLIS. They cost something over $40,000. The estimate, I think, of the forester is—their value—$45,000.

Mr. HITCHCOCK. That is the present value?

Mr. ELLIS. Yes.

Mr. HITCHCOCK. Is that valued for timber purposes or agricultural?

Mr. ELLIS. Largely timber and pasture; not very much for agriculture.

Mr. HITCHCOCK. And they propose to trade that land for some desert land?

Mr. ELLIS. Yes.

Mr. HITCHCOCK. What is the value of the desert land?

Mr. ELLIS. That is largely speculative. Unless these people can get artesian water and reclaim it, it is valueless.

Mr. HITCHCOCK. What is the possible motive that inspires private individuals to want to trade $40,000 worth of property for property of questionable value?

Mr. ELLIS. They feel hopeful that they can reclaim this land. They can interest additional capital in the project if they can control it; but as it is to-day, not having control over it and being unable to assure them they can go on to completion of these projects, they can not interest anyone in it. Therefore they are unable to finance the thing.

Mr. HITCHCOCK. They are already interested in the land they desire to procure?

Mr. ELLIS. Oh, yes; the Government has already turned it over to the State, and they have until June, 1912, to handle it as it now exists.

Mr. HITCHCOCK. If they succeed in irrigating the land, it will be of much greater value than the land they are relinquishing?

Mr. ELLIS. Yes; it would be of some greater value; but, of course, that is speculative. They may never be able to reclaim it or they may reclaim only a part of it. If they should happen to get artesian water, it would be all right. They have spent a great deal of money——

Mr. LONGWORTH. How much money have they expended on it?

Mr. ELLIS. Several thousand dollars. I am unable to state the exact amount.

Mr. ROBINSON. Are any of the lands the Government proposes to exchange for these lands mineral in character?

Mr. ELLIS. No.

Mr. ROBINSON. Mr. Speaker, I do not desire to consume the time allotted to me in the consideration of this bill. I know of no objection to the passage of this legislation. The bill is unanimously reported by the Committee on the Public Lands, and I believe that the measure should pass, and unless some gentleman on this side of the House or on the other desires time, I shall consume no further time.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

CONSTITUTION OF NEW MEXICO.

Mr. HAMILTON. Mr. Speaker, I move to suspend the rules and pass House joint resolution 295, approving the constitution formed by the constitutional convention of the Territory of New Mexico, which I send to the desk and ask to have read.

The Clerk read as follows:

Resolved, etc., That the constitution formed by the constitutional convention of the Territory of New Mexico, elected in accordance with the terms of the act of Congress entitled "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States, etc.," approved June 20, A. D. 1910, which said constitutional convention met at Santa Fe, N. Mex., on the 3d day of October, A. D. 1910, and adjourned November 21, A. D. 1910, and which constitution was subsequently ratified and adopted by the duly qualified electors of the Territory of New Mexico, at an election held according to law, on the 21st day of January, A. D. 1911, being republican in form, and not repugnant to the Constitution of the United States and the principles of the Declaration of Independence, and complying with the terms of said enabling act, be, and the same is hereby, approved, subject to the terms and conditions of the joint resolution entitled "Joint resolution reaffirming the boundary line between Texas and the Territory of New Mexico," approved on the 16th day of February, A. D. 1911.

The SPEAKER. Is a second demanded? Is any gentleman opposed to the resolution?

Mr. LLOYD. Mr. Speaker, if anyone here is opposed to the measure, I will not demand a second myself, otherwise I want to demand a second.

The SPEAKER. No one opposed to the bill demanding a second, the gentleman from Missouri will be recognized to demand a second and a second under the rule is ordered. The gentleman from Michigan is entitled to 20 minutes and the gentleman from Missouri is entitled to 20 minutes.

Mr. HAMILTON. Gentlemen will remember that in the last session of Congress, on June 20, we passed an enabling act to permit the people of New Mexico to adopt a constitution and become a State. That enabling act also permitted the people of Arizona to adopt a constitution and become a State, but the Arizona constitution has not yet arrived. By the terms of the enabling act we provided for the election of delegates to a constitutional convention and empowered them to frame a constitution. We provided also for the ratification of the constitution or the nonratification of the constitution. On the 21st day of January of this year a vote was taken upon the constitution as adopted by the constitutional convention provided for in the enabling act, and the constitution was ratified by a majority of something over 18,000. By the terms of the enabling act we provided that the election should be confined to an election for the ratification of the constitution, so that no other question should be submitted to the people. We provided that if the constitution should be republican in form, not in conflict with the Declaration of Independence, and should conform to the terms of the enabling act, it might be submitted to Congress and to the President, and if Congress should approve and the President should approve, then, upon notice by the President to the governor of the Territory, an election of State officers might be held. On the 24th day of February just passed the President by a message to Congress approved of this constitution. The constitution came to the House, was referred to the Committee on the Territories. That committee has gone over it and finds it to be republican in form, not in conflict with the Declaration of Independence, and in conformity with the enabling act, and therefore has reported in favor of the approval of the constitution by Congress.

Mr. MARTIN of Colorado. Will the gentleman permit me to ask him a question there?

Mr. HAMILTON. Yes.

Mr. MARTIN of Colorado. Does the gentleman from Michigan understand that the approval of Congress is necessary——

Mr. HAMILTON. To the constitution?

Mr. MARTIN of Colorado. Does the gentleman understand that the approval of Congress is necessary to complete the admission of New Mexico as a State?

Mr. HAMILTON. There was an alternative proposition, if Congress should not disapprove and the President should approve, but it is necessary that this constitution should be approved if we do not mean to let it pass over into the next session of Congress.

Mr. MARTIN of Colorado. I will say to the gentleman my understanding of the language in section 4 of the enabling act is this: That while the approval of the President is necessary, the approval of Congress is not, and that it would take the disapproval of Congress to nullify the approval of the President.

Mr. HAMILTON. The provision, giving a free translation of it to the gentleman from Colorado, as I recall it, is that if Con-

gress shall approve and the President shall approve, upon notice by the President to the governor the election of State and other officers shall be had, or if the Congress shall not disapprove during the next regular session and the President shall approve, then upon notice by the President to the governor an election of State and other officers shall occur.

Mr. MARTIN of Colorado. When is that session, this one?

Mr. HAMILTON. I think not; therefore I think it is necessary it should be approved.

Mr. MARTIN of Colorado. Your understanding is this: That if this Congress should fail to approve the New Mexico constitution, the next Congress would have the entire session in which to act in the way of disapproval?

Mr. HAMILTON. That is substantially it.

Mr. MARTIN of Colorado. So that the constitution would not become operative until the entire next session of Congress had expired in the event the next session did not take any action.

Mr. HAMILTON. And I understand the Attorney General's opinion is in conformity——

Mr. JAMES. Will the gentleman yield for a question? In the report of the committee upon the question of the acceptance of their constitution you do not undertake to pass upon the question of liking or disliking the constitution.

Mr. HAMILTON. No.

Mr. JAMES. But you merely pass upon the question as to whether or not the Constitution is republican in form and complies with the enabling act.

Mr. HAMILTON. Precisely.

Mr. JAMES. So that is the precedent to be established here by the passage of this bill?

Mr. HAMILTON. So far as this constitutes a precedent, it is.

Mr. JAMES. It would certainly constitute a precedent coming from the gentleman's committee with a unanimous report.

Mr. HAMILTON. It is a unanimous report.

Mr. JAMES. And the precedent would be that Congress had no right to pass upon the constitution as to whether they like or dislike its provisions, but only the right to reject it upon the ground that it was not republican in form, or that it violated the provisions of the enabling act.

Mr. MANN. Is the gentleman from Kentucky trying to interject a partisan proposition in this for the purpose of passing the resolution or defeating the resolution?

Mr. JAMES. No, sir. I am trying to interject the constitutional right of the admission of States to the Union in the debate that may be called to the mind of the gentlemen on the other side at a later day. If the gentleman from Illinois can tell me some political question that was suggested by the question I asked, I would like to know what it is.

Mr. MANN. I thought the gentleman plainly was aiming at a partisan question.

Mr. JAMES. Not at all.

Mr. MANN. Then I am sorry I attributed motives to the gentleman which he did not have.

Mr. JAMES. I merely suggested a question of whether or not the people who have made a constitution could have it rejected simply because the people who had to pass upon it did not like it.

Mr. HAMILTON. I take it the gentleman from Kentucky [Mr. JAMES] has no ulterior motive.

Mr. JAMES. I take it that the gentleman from Illinois [Mr. MANN] would think that I was suggesting something political if I suggested that the people had a right to have something to say.

Mr. MANN. The Republican Party believes that the people have something to say.

Mr. JAMES. There are some elements of the gentleman's party that believe the people have something to say in a sort of a way.

Mr. MANN. When the gentleman from Kentucky assumes that he holds the people in his hands, it is likely to be partisan.

Mr. JAMES. Oh, my hands are not large enough to hold the people, nor are the gentleman's.

Mr. KEIFER. This colloquy that has been going on would indicate that there was action taken by your committee that looked as though you could not reject the constitution by reason of certain things in it. Did the committee pass upon that question?

Mr. HAMILTON. The committee found nothing in this constitution that would warrant it in rejecting the constitution.

Mr. KEIFER. They recognized the right to look into it, did they not?

Mr. HAMILTON. Undoubtedly, and that was the purpose for which that clause was put into the enabling act.

Mr. KEIFER. Has it not been the case all along, through the history of the admission of the States, especially back in the days of Kansas and Nebraska, that the Congress of the United States has passed on constitutions and determined whether they would admit the States or not?

Mr. HAMILTON. Certainly. In the case of Missouri, in the case of Nebraska, and in the case of Michigan, for illustration.

Mr. MARTIN of Colorado. Would the gentleman permit a further interruption?

Mr. HAMILTON. Yes.

Mr. MARTIN of Colorado. While I agree with the answers of the gentleman from Michigan——

Mr. HAMILTON. I want to say this to the gentleman from Colorado that, while I want to answer all inquiries, there is one other matter that is rather important that I wish to call the attention of the House before I sit down, and I want to yield a little time to some other members of the committee.

Mr. MARTIN of Colorado. I want to say that, while I agree with the answers of the gentleman from Michigan as to these provisos in the enabling act, I feel inclined to criticize the character of the provisos themselves, because under conditions that are quickly to ensue in Congress I believe that the matter of the approval of the Arizona constitution will be left wholly with the President, and that Congress will be virtually powerless in the matter.

Mr. HAMILTON. That is possible. I can see conditions, I will say to the gentleman from Colorado, where that might be possible, but that provision in the enabling act was intended in the broadest way to give to Congress a power which I think it has never exercised before in connection with the admission of States.

Mr. MARTIN of Colorado. And that is the power of disapproval?

Mr. HAMILTON. That is the power of disapproval. Heretofore the constitution was submitted to the President of the United States, and if he, the President of the United States, found the constitution to be republican in form, not in conflict with the Declaration of Independence, and in conformity with the enabling act, he had the power to approve that constitution.

Mr. SULZER. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER. Does the gentleman yield?

Mr. HAMILTON. Certainly.

Mr. SULZER. The passage of this act admits New Mexico as a State?

Mr. HAMILTON. Yes; that is to say, it is an essential step toward admission.

Mr. SULZER. I understand that President Taft has already approved the constitution of New Mexico?

Mr. HAMILTON. Yes; by message to Congress.

Mr. SULZER. Exactly. Now, why not admit the Territory of Arizona at the same time. Is there any reason for not doing that?

Mr. HAMILTON. We can not act upon the Arizona constitution because the constitution of Arizona has not arrived. That is a very good reason.

Mr. SULZER. The gentleman does not know of any reason why there would be any objection to the admission of Arizona?

Mr. HAMILTON. I have not had an opportunity to read the constitution of Arizona. Of course the gentleman from New York would not expect me to pass upon the provisions of that constitution without having seen it.

Mr. SULZER. I was indulging the hope that both of these Territories would come in at the same time, inasmuch as the enabling acts were passed at the same time.

Mr. HAMILTON. I will say to the gentleman from New York—and I think he knows the history of my service in that connection—that for several years I have been in my service here in Congress an earnest friend of both of those Territories and have desired statehood for them. But the constitution of Arizona has not yet arrived.

Mr. SULZER. I know that the gentleman from Michigan has done everything he could to promote legislation to admit these Territories, and that is the reason why I was making these inquiries, to find out why it was that we are now passing

this legislation to admit New Mexico and not passing legislation also to admit Arizona.

Mr. HAMILTON. There is no discrimination. It is simply because the constitution of Arizona has not yet arrived. We have not yet been called upon to act upon it. The constitution of New Mexico was referred to the committee for action. The constitution of Arizona has not arrived, and we have no jurisdiction, therefore.

Mr. SULZER. Of course that is a good reason.

Mr. COOPER of Wisconsin. I would like to ask the gentleman from Michigan this question, prompted by the answer of the gentleman from Michigan to the question of the gentleman from Colorado [Mr. MARTIN]: Did I understand the gentleman from Michigan to say that it was left optional with the President of the United States to admit or not admit?

Mr. HAMILTON. Oh, no. I said that in the enabling act we had provided that if the Congress shall approve and the President shall approve, then the President shall notify the governor of the Territory, whereupon the governor of the Territory shall proceed to call an election of State officers. But if Congress shall not disapprove during the next regular session of Congress and the President shall approve, then the same proceeding is to be gone through.

Mr. COOPER of Wisconsin. Was not the question of the gentleman from Colorado as to whether the President approved or did not approve the constitution of Arizona?

Mr. HAMILTON. I know the gentleman from Colorado asked me whether Congress had the power to approve or disapprove. That is my recollection.

Mr. MARTIN of Colorado. My proposition is that Congress has only the power of disapproval.

Mr. COOPER of Wisconsin. The language of the Constitution is that "new States may be admitted by the Congress into the Union." I could not see how, if Congress approved, the President himself could prevent a State from coming into the Union.

Mr. HAMILTON. I think myself that the terms of the enabling act are so plain and unmistakable that no misunderstanding is possible.

The SPEAKER. The time of the gentleman has expired.

Mr. MARTIN of Colorado. Mr. Speaker, I request that the gentleman from Michigan be given 10 minutes in addition to the time he has already had. I desire to ask the gentleman a question. I ask unanimous consent that the gentleman from Michigan [Mr. HAMILTON] be given 10 minutes more.

Mr. LLOYD. Mr. Speaker, I yield five minutes to the gentleman from Michigan.

Mr. HAMILTON. Let me make a suggestion to the gentleman from Colorado, that he ask the gentleman from Missouri [Mr. LLOYD] for a little time, so that I can make a statement to the House about an important matter that I have not had opportunity to touch upon. Some of the Members of the House, and perhaps all, have known that there was a controversy between the State of Texas and the Territory of New Mexico about a boundary. Some years ago, in 1859, a survey was run known as the Clarke survey, beginning at the northeast corner of New Mexico, at the intersection of the one hundred and third meridian and the thirty-seventh parallel, running thence south to latitude 36.30, thence jogging westerly, and then running south, parallel to the one hundred and third meridian, to the thirty-second parallel, and thence running west to the Rio Grande. Legislation has been had from time to time confirming that so-called Clarke survey. Finally the people of New Mexico, under the terms of this enabling act, through their constitutional convention, adopted this constitution. It was then found that they had made a mistake in their boundary, making their eastern boundary the one hundred and third meridian. Thereupon, on the 16th day of November—it is important that Members should get the sequence of events here—a joint resolution was passed by Congress and approved by the President, declaring the Clarke survey to be the proper boundary line between New Mexico and Texas, and declaring that any boundary which differed from that should not be the true boundary. The gentleman from Texas [Mr. STEPHENS] recollects the facts very well. I have stated the gist of it, have I not?

Mr. STEPHENS of Texas. That is correct; and in 1891 Congress also confirmed the Clark line.

Mr. HAMILTON. I so stated, only I did not give the year.

Mr. STEPHENS of Texas. And the State of Texas in 1892 confirmed it.

Mr. HAMILTON. That is true.

Mr. STEPHENS of Texas. And the Texas State government had patented up to this line.

Mr. HAMILTON. Now, the purpose of this statement is to call attention to a clause which we have incorporated in this joint resolution of approval, to wit, that we approve of the constitution of New Mexico, subject to the terms and conditions of the joint resolution of February 16, 1911, on the theory that some one in the future might possibly say that, notwithstanding the fact that Congress had defined the boundaries of New Mexico in the joint resolution of February 16, 1911, yet by the terms of this joint resolution of approval we had superseded the joint resolution of February 16, 1911. In order to save all question as to that boundary for all time to come we put into this enabling act the statement that we approved this constitution, subject to the terms and conditions of the joint resolution of February 16, 1911.

Mr. STEPHENS of Texas. That is entirely satisfactory to the State of Texas, and also not in conflict with the act passed this year and the one passed in 1892.

Mr. HAMILTON. It is exactly in conformity with it.

Mr. STEPHENS of Texas. It carries out the wishes of the State of Texas.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. HAMILTON. I wanted to yield a little time to the gentleman from Ohio [Mr. COLE].

Mr. COLE. I have made arrangements with the gentleman from Missouri [Mr. LLOYD].

Mr. LLOYD. Mr. Speaker, the people of the United States have from time to time shown a disposition to want New Mexico and Arizona to become States of the American Union. There has been very much difficulty in securing proper recognition of those two Territories. In the last Congress an enabling act was passed which gave statehood under proper conditions to both of these Territories. New Mexico has had its convention and has adopted its constitution. Following the adoption of that constitution it was ratified by the people by a very decided vote. At the election that was held on the 21st day of January there were about 46,000 votes cast, and at that election there was a majority in favor of the constitution of nearly 19,000. So that nearly two-thirds of the votes cast were cast in favor of the constitution.

It is the duty of Congress, as I understand it, to determine whether the constitution which the people have adopted, and the constitution which has been ratified by them at the polls, is republican in form. The Committee on Territories has very carefully investigated this instrument, and while there are provisions in the instrument that I would not put in it, and there are other provisions which I would put in it, if I was fixing that constitution, my judgment is, and that is the judgment of the committee, that the only thing upon which we are to pass is to determine whether this constitution is republican in form, and whether it complies with the provisions of the enabling act.

Mr. HOBSON. Will the gentleman yield?

Mr. LLOYD. I will.

Mr. HOBSON. I have just now received the printed hearings before the committee They have not been available before, and I have not been able to get them, although I have been after them for several days since my attention was called to this matter. I do not think that any of the Members have had them.

Mr. LLOYD. That is true; they were not published until yesterday; they were not available for distribution until this morning.

Mr. HOBSON. Would there be any objection to postponing the consideration of this measure until to-morrow?

Mr. LLOYD. It is very necessary that this bill should be passed now in order that the Senate may take action on it before the adjournment of Congress.

Mr. HOBSON. Could not the Senate act independently of the House?

Mr. LLOYD. No, sir. Gentlemen will observe that these hearings comprise a large book. The committee has given unusual consideration to the matter. There has been some objection to this constitution. The objection came from the Anti-Saloon League and from some other individuals who made objections on the ground that the election was not properly conducted, and that on the day of the election the saloons in some places were open in violation of the statute of that Territory.

Mr. HOBSON. Have those matters been investigated?

Mr. LLOYD. We very carefully investigated in the limited time we had, and if the gentleman will examine the hearings he will ascertain that there are affidavits from every county in the Territory of New Mexico—one or more in most cases,

and as many as 25 affidavits in some cases—to the effect that the election was properly conducted, that the ballots were properly distributed, and that there was peace and order, and that everyone had an opportunity to vote in accordance with his conviction.

My own judgment is, from a careful investigation of the testimony, that there were some places where the saloons were open on that day in violation of the Territorial law, but on the other hand I do not think that because a saloon may happen to be open in violation of the law that that fact alone vitiates the election.

Mr. ALEXANDER of Missouri. Will the gentleman yield?

Mr. LLOYD. Certainly.

Mr. ALEXANDER of Missouri. Was there testimony before your committee to the effect that individuals were not permitted to vote?

Mr. LLOYD. No, sir; there was only one instance, as far as I remember it, where an individual was not permitted to vote. One individual testified that he went to the polling place and asked for a ballot. He asked for a ballot aganst the constitution. He was informed that there were no ballots there against the constitution. He says he then said, "Give me one in favor of it, and I will scratch out the word 'for' and write the word 'against,'" and he was notified by the judge that that would not be legal. He then said, "I will write my ballot," and they said that a written ballot was in violation of the law. [Laughter.] That is the one instance where the law was not properly executed.

Mr. ROBINSON. That would not change the result, would it?

Mr. LLOYD. No; it would not change the result. Now, there is another objection urged to the election, and that is that the largest vote that was ever polled in the Territory was about 57,000 votes. At this election there were a little over 45,000 votes, so that 12,000 of the 57,000 did not vote; but it is a fact that if the vote of every one of the absent voters were counted, and counted against the adoption of the constitution, there would then be a majority of over 7,000 votes in favor of the adoption of the constitution.

Mr. ROBINSON. The vote in support of the constitution was more than a majority of the whole vote?

Mr. LLOYD. Yes. I now yield three minutes to the gentleman from Colorado [Mr. MARTIN].

Mr. MARTIN of Colorado rose.

Mr. STANLEY. Mr. Speaker, before the gentleman from Colorado begins, I desire to make one suggestion, and that is that this Congress is interested, I assume, in something about the nature of this constitution, and not about any breaches of the peace that were committed on the day the constitution was adopted. I think we would like to hear something on that subject.

Mr. MARTIN of Colorado. Mr. Speaker, I have not anything whatever to offer either upon the constitution or the happenings on the day of election when it was ratified by the people of New Mexico, but it seems to me, under the terms of the enabling act, that this action on the part of the House is a sort of empty ceremony, and that really, aside from the question of delay, in the long run it makes no difference to the people of New Mexico whether we approve or disapprove of their constitution. I will say frankly that I had hoped there would be some way in which we could tie together the admission of New Mexico and Arizona as States of the Union, because, as Members all know, it has been reported in the public press that because of certain so-called radical provisions in the constitution of Arizona the President will not approve that instrument when it comes up to him for approval. I looked into the enabling act to ascertain whether it was possible for Congress to tie those two States together and make the approval of the constitution of one of them by Congress a condition precedent to the approval of the other, so that they would stand on the same basis and both be admitted or refused admission together. But I find that after the President approves these constitutions he submits them to Congress, and if Congress fails to approve, the constitution becomes effective, as though Congress approved.

Now, that would create this situation. Suppose this Congress failed to approve this constitution. Suppose this vote to-day were to be adverse, and it sent this constitution over to the next Congress, at which time that of Arizona would have arrived. We would have the control of the House of Representatives in one political party and of the Senate in the other political party, and this House might approve the Arizona constitution and disapprove that of New Mexico, and its entire action would be a nullity and the session would go by, for the Senate might take the other position, approve the New Mexico constitution and disapprove that of Arizona. So Congress would virtually take no action whatever. It would take the action of both Houses to effect a disapproval, and the consequence is that under the conditions that have been brought about in Congress politically, the final say in this matter is in the hands of the President, and the apparent power conferred upon Congress is a mere empty ceremony.

Mr. JAMES. Mr. Speaker, I think this debate has demonstrated one fact that will be of some value to us hereafter when we come to pass upon the constitutions of other States, and that is that the unanimous report of this committee made by the chairman, the gentleman from Michigan [Mr. HAMILTON], has established this well-settled doctrine which we hope will guide the House hereafter, and that is this: The first thing we are to inquire, when we pass on the constitution of a State we have admitted into the Union, Is it the will of the people; second, is it in conformity with the enabling act; and, third, is it republican in form? When these three things are established in the affirmative, the power of Congress is at an end. Congress has no power, nor has the President any power, to say that he will reject a constitution or for us to say that we will reject a constitution, simply because if we had been making that constitution we would not have put into it the provisions that are contained there. This is a republican form of government. It is grounded upon the bedrock of popular will, and when the people make their constitution you have no right to keep a State out of the Union because that constitution contains, for instance, the initiative and referendum, or the recall system, or the Oregon plan of electing United States Senators, or some other provision you may not like. You are brought up to the sole and lone proposition, first, is it republican in form; second, is it in conformity with the provisions of the enabling act; third, is it the will of the people? If these things are established, then the power of Congress is at an end and the power of the President is at an end. Under our Constitution neither Congress nor the President has the power to make constitutions for States admitted to the Union; the people of the States themselves do that, and this thing of trying to scare or sandbag States into suppressing the popular will, or making an unprogressive constitution, by saying Congress will not approve it or the President will not approve it if you do, does not meet my approval nor that of this House nor the country. [Applause.] These new States ought to profit by the mistakes of the old ones and write the remedy in their constitutions.

So far as I am individually concerned, I should have been glad if Arizona and New Mexico both might have had their constitutions passed on by Congress at the same time, so that we might have an example of some gentleman opposing one constitution because it is too republican or democratic in form and upholding another constitution because it is not so republican in form. But Arizona's constitution, we are told, is not here. I am informed that it was adopted by a vote of 3 to 1. I do not know whether I would have supported that constitution or all the provisions contained in it if I had been in that convention—I have not had the time to examine it thoroughly—but one thing I do know and that is it is the will of that people, and if it is the will of the people of Arizona and conforms to these provisions that I have enumerated the duty of Congress is plain and that is to admit the State into the sisterhood of States of this great Republic. [Applause.] The constitution of New Mexico, conforming to the three propositions I have set forth, and which the committee' unanimously agrees is the sum total of the power of Congress when passing upon the constitution of States to become a part of our great Union, I am going to support this bill to accept their constitution, for it is their will, being republican in form and in conformity with the enabling act. I do not know whether or not this election was fair. I am willing to take the word of my colleague from Missouri [Mr. LLOYD] and the members of the committee, who have so thoroughly examined into that question, that the election was fair. [Applause.]

I am willing to trust the people who make their own laws; they are just, they are honest, they bear the burdens of supporting the State, they defend it in an hour of peril; if they make a mistake, they are those who suffer and therefore quick to remedy it. [Loud applause.]

Mr. LLOYD. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. COLE].

The SPEAKER. The gentleman has but three minutes.

Mr. LLOYD. I yield that to the gentleman from Ohio [Mr. COLE].

[Mr. COLE addressed the House. See Appendix.]

The question was taken; and, in the opinion of the Chair, two-thirds having voted therefor, the joint resolution was passed.

ALLOWANCE FOR LOSS OF DISTILLED SPIRITS DEPOSITED IN INTERNAL-REVENUE WAREHOUSES.

Mr. DALZELL. Mr. Speaker, I call up the privileged bill, the bill H. R. 29466.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 29466) to provide an allowance for loss of distilled spirits deposited in internal-revenue warehouses.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk proceeded with the first reading of the bill.

Mr. DALZELL. Mr. Speaker, this bill is made up largely of figures. Therefore, I ask unanimous consent that the first reading of the bill be dispensed with.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The bill will be read under the five-minute rule.

The Clerk read as follows:

A bill (H. R. 29466) to provide an allowance for loss of distilled spirits deposited in internal-revenue warehouses.

Be it enacted, etc., That the distiller of any distilled spirits which shall be on deposit on the 1st day of July, 1911, or which may thereafter be deposited in any distillery warehouse or special or general bonded warehouse existing under the internal-revenue laws of the United States, may, prior to the expiration of eight years from the date of original gauge as to fruit brandy, or original entry as to all other spirits, file with the collector a notice giving a description of the packages containing the spirits, and request a regauge of the same, for the purpose of tax payment of such spirits. If upon such regauging it shall appear that there has been a loss of distilled spirits from any cask or package, without the fault or negligence of the distiller thereof, taxes shall be collected only on the quantity of distilled spirits contained in such cask or package at the time of the withdrawal thereof from the distillery warehouse or other bonded warehouse: *Provided, however*, That the allowance which shall be made for such loss of spirits as aforesaid shall not exceed 1 proof gallon for 1 month or part thereof; 1½ gallons for 2 months; 2 gallons for 3 months; 2½ gallons for 4 months; 3 gallons for 5 and 6 months; 3½ gallons for 7 and 8 months; 4 gallons for 9 and 10 months; 4½ gallons for 11 and 12 months; 5 gallons for 13, 14, and 15 months; 5½ gallons for 16, 17, and 18 months; 6 gallons for 19, 20, and 21 months; 6½ gallons for 22, 23, and 24 months; 7 gallons for 25, 26, and 27 months; 7½ gallons for 28, 29, and 30 months; 8 gallons for 31, 32, and 33 months; 8½ gallons for 34, 35, and 36 months; 9 gallons for 37, 38, and 39 months; 9½ gallons for 40, 41, and 42 months; 10 gallons for 43, 44, and 45 months; 10½ gallons for 46, 47, and 48 months; 11 gallons for 49, 50, 51, and 52 months; 11½ gallons for 53, 54, 55, and 56 months; 12 gallons for 57, 58, 59, and 60 months; 12½ gallons for 61, 62, 63, and 64 months; 13 gallons for 65, 66, 67, and 68 months; 13½ gallons for 69, 70, 71, and 72 months; 14 gallons for 73, 74, 75, 76, 77, and 78 months; 14½ gallons for 79, 80, 81, 82, 83, and 84 months; 15 gallons for 85, 86, 87, 88, 89, and 90 months; 15½ gallons for 91, 92, 93, 94, 95, and 96 months: *And provided further*, That taxes shall be collected on the quantity contained in each cask or package as shown by the original gauge where the distiller does not request a regauge before the expiration of eight years from the date of original entry or gauge: *And provided also*, That the foregoing allowance of loss shall apply only to casks or packages of a capacity of 40 or more wine gallons, and that the allowance for loss on casks or packages of less capacity than 40 gallons shall not exceed one-half the amount allowed on said 40-gallon cask or package; but no allowance shall be made on casks or packages of less capacity than 20 gallons: *And provided further*, That the proof of such distilled spirits shall not in any case be computed at the time of withdrawal at less than 100 per cent.

SEC. 2. That section 50 of the act of August 28, 1894, entitled "An act to reduce taxation, to provide revenue for the support of the Government, and for other purposes," section 1 of the act of March 3, 1899, entitled "An act to amend the internal-revenue laws relating to distilled spirits, and for other purposes," and the act of January 13, 1903, entitled "An act to amend the internal-revenue laws," be, and the same are hereby, repealed from and after the 1st day of July, 1911.

Also the following committee amendments were read:

On page 4, line 8, strike out "eighth" and insert "seventh."

On page 4, line 9, strike out "support of the."

Mr. DALZELL. Mr. Speaker, I ask for the vote on the amendments.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

AUTOMOBILE LICENSES.

Mr. BARTLETT of Georgia, from the Committee on Interstate and Foreign Commerce, presented the views of the minority (H. Rept. No. 2270, pt. 2) on the bill (H. R. 32570) providing for the licensing of automobiles, etc., for printing under the rules.

ANNUITIES TO SIOUX INDIANS, ETC.

Mr. BURKE of South Dakota. Mr. Speaker, I move to suspend the rules and pass the bill (S. 5121) with an amendment.

The SPEAKER. The gentleman from South Dakota moves to suspend the rules and pass the bill (S. 5121), which the Clerk will report.

The Clerk read as follows:

A bill (S. 5121) for the restoration of annuities to the Medawakanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863.

The SPEAKER. Without objection, the substitute, with an amendment, will be read in lieu of the bill.

There was no objection.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

"That jurisdiction be, and hereby is, conferred upon the Court of Claims to hear, determine, and render final judgment for any balance that may be found due the Medawakanton and Wahpakoota bands of Sioux Indians, otherwise known as Santee Sioux Indians, with right of appeal as in other cases, for any annuities that may be ascertained to be due to the said bands of Indians under and by virtue of the treaties between said bands and the United States, dated September 29, 1837 (7 Stat. L., p. 538), and August 5, 1851 (10 Stat. L., p. 954), as if the act of forfeiture of the annuities of said bands, approved February 16, 1863, had not been passed: *Provided*, That the court, in rendering judgment, shall ascertain and include therein the amount of accrued annuities under the treaty of September 29, 1837, up to the date of the passage of this act, and shall determine and include the present value of the same, not including interest, and the capital sum of said annuity, which shall be in lieu of said perpetual annuity granted in said treaty; and to ascertain and set off against any amount found due under said treaties all moneys paid to said Indians or expended for their benefit by the Government of the United States since the treaties were abrogated by the act of 1863, except such amounts as have been paid them for an otherwise adequate consideration. Upon the rendition of such judgment and in conformity therewith the Secretary of the Interior is hereby directed to ascertain and determine which of said Indians now living took part in said outbreak, and to prepare a roll of the persons entitled to share in said judgment by placing thereon the names of all living members of said bands residing in the United States at the time of the passage of this act, excluding therefrom only the names of those found to have personally participated in the outbreak; and he is directed to distribute the proceeds of such judgment, except as hereinafter provided, per capita, to the persons borne on the said roll.

"Proceedings shall be commenced by petition, verified by the attorney to be employed by said bands of Indians to prosecute their claims under this act under contract to be approved by the Commissioner of Indian Affairs and the Secretary of the Interior, as provided by law, upon information and belief as to the existence of the facts stated in said petition and no other verification shall be necessary. Upon final determination of the cause the Court of Claims shall decree such fees as the court shall find to be reasonable upon a quantum meruit for services performed or to be performed, to be paid to the attorney or attorneys employed by the said band of Indians, and the same shall be paid out of the balance found to be due said bands of Indians, when an appropriation therefor shall have been made by Congress: *Provided*, That in no case shall the fees decreed by the court amount in the aggregate to more than 10 per cent of the amount of the judgment recovered, and in no event shall the aggregate amount exceed $25,000: *Provided further*, That the court shall by its decree distribute such fees equitably between the attorneys who have been or who may hereafter be employed by said bands of Indians in said cause."

Also the following amendment was read:

Page 5, line 21, strike out the word "said" and insert the words "the Sioux," and in the same line, after the word "outbreak" insert "of 1862."

The SPEAKER. Is a second demanded?

Mr. STEPHENS of Texas. Mr. Speaker, I demand a second.

The SPEAKER. Without objection a second will be considered as ordered. [After a pause.] The Chair hears no objection. The gentleman from South Dakota [Mr. BURKE] is entitled to 20 minutes and the gentleman from Texas [Mr. STEPHENS] 20 minutes.

Mr. BURKE of South Dakota. Mr. Speaker, I yield five minutes to the gentleman from Minnesota [Mr. MILLER].

Mr. MILLER of Minnesota. Mr. Speaker, the purpose of this bill is to restore to certain Sioux Indians residing in the United States, the majority of whom now live in the State of Nebraska, and a minority of whom now live in southwestern Minnesota, certain rights which belong to them and which were taken from them by congressional act dated February 16, 1863. Just a word as to what those rights were.

These two bands were a portion of the Sioux Indians of the Northwest. There were four of the bands, the Wahpeton, the Sisseton, the Medewakanton, and the Wahpakoota. The Wahpakootas and the Medewakantons were the southern Indians, known more commonly as the "farmer" Indians. By three consecutive treaties, the first dated 1830, these Indians ceded to the United States Government a tract of land in northern Iowa and southern Minnesota, consisting of a little more than 2,000,000 acres, for which they received 2 cents per acre, given largely, almost exclusively, in the way of presents to the headmen of the tribe. In 1837 they made a second treaty, by which they ceded to the Government 32,000,000 acres of land, for which they received a little less than 10 cents per acre, to be paid only as interest on the entire amount, which amounted to about $15,000 per year, and was to be paid to the end of time. By a subsequent treaty, that of 1851, they ceded the balance of their lands in southern Minnesota to the United States, amounting to, approximately, 15,000,000 acres, for which they were to receive about 10 cents an acre, to be paid at the rate of $60,000 per year for a period of 50 years, which meant, as you see, in round numbers, about $3,000,000. These Indians were receiving these payments regularly from the Government. Of the $60,000 per year they received 13 annual payments from the time of the treaty up to 1863. There were certain conditions in southern Minnesota and

southeastern Dakota, in the fall of 1862, which resulted in what is known as the "Sioux outbreak."

There was a great many causes, which it is not necessary to enter into now, leading up to the outbreak. At all events, the outbreak was put down in a vigorous manner. In the inflamed condition of the public mind this body passed an act, following the suppression of the outbreak, by which were declared forfeited all the rights of these Indians to the property in the hands of the Government. It was an exceedingly drastic and an exceedingly harsh measure to enact. However, the Government then proceeded to select from among the many Indians then living those who participated in the outbreak. They numbered about 400, and these 400, with their families, were taken first to Rock Island, on the Mississippi River, and from thence into the State of Nebraska, numbering altogether about 2,000. There they have since remained. The others were left in the southern part of Minnesota.

These Indians lost every foot of land that they owned and every dollar of property they owned, not only the guilty, but the innocent as well. They then had a strip of land, one of the fairest portions of the Northwest, a strip 10 miles wide and stretching along the Minnesota River, in the southern part of the State of Minnesota. That has been taken from them, and since has been sold by the Government to settlers.

Of those Indians who were found guilty of participating in the outbreak, as is well known, 38 were hanged in the fall of 1863. After the minds of the people had been permitted to cool off, sober thought was forced to see that a great hardship had been committed upon these Indians. By a congressional act of a few years ago the treaty rights of the two upper bands, the Sissetons and Wahpetons, were entirely restored to them. This bill is intended to restore to the two lower bands of Indians the same rights that have heretofore been restored to the upper bands.

Now, a question may arise in the minds of some as to whether there is any particular reason, beyond the ordinary consideration of common humanity, why these rights should be restored, and in answer to that I would like to say that of all the Indians who participated in this outbreak to-day there are now living in the United States and Canada less than 50, and these particular Indians are excepted from enjoying any of the privileges of this bill. While there were some that committed great atrocities during that terrible outbreak, we must not be unmindful of the fact that the great bulk of these Indians did not participate in the outbreak and that many of them performed deeds of heroism in the protection of the whites and the protection of their property that stand unparalleled in the annals of history.

The SPEAKER. The time of the gentleman has expired.

Mr. STAFFORD. I would like to ask the gentleman what privileges were granted under the annuities?

Mr. FERRIS. Mr Speaker, I would like to have a few minutes in which to address the House.

The SPEAKER. The gentleman from South Dakota [Mr. BURKE] controls the time.

Mr. STEPHENS of Texas. Mr. Speaker, I yield five minutes to the gentleman from Oklahoma.

Mr. FERRIS. Mr. Speaker, I have no objection to the main purposes of this bill. The gentleman from Minnesota [Mr. MILLER] has made a very clear statement and a very sympathetic one, as well, covering this subject. But I have wondered a little about the last proviso, on page 6, with reference to the question of attorneys' fees. In my time I have not been over Populistic about the question of attorneys' fees, but I am inclined to think from recent experience in this House and from recent experience with attorneys'-fee matters generally that it is a bad idea for Congress and the Committee on Indian Affairs and the Government of the United States to incorporate a provision of this kind in a law. Here is the proviso:

Provided, That in no case shall the fees decreed by the court amount in the aggregate to more than 10 per cent of the amount of the judgment recovered, and in no event shall the aggregate amount exceed $25,000: *Provided further*, That the court shall by its decree distribute such fees equitably between the attorneys who have been or who may hereafter be employed by said bands of Indians in said cause.

Now, Mr. Speaker, the thought I have is this: If Congress begins now, or if it further pursues the idea of recognizing attorneys' fees, and recognizing the principle of prorating attorneys' fees around between lawyers, the result will be that lawyers will continue to dig up old claims, old judgments, equities, and treaty claims against the Government, and the thing that will stimulate them to do it is for the Government to recognize the fees that are to be paid.

I repeat, I do not want to grow so fanatical and Populistic as to think that lawyers are not entitled to fees for services rendered in a legal way, because I believe they are, but I am emphatic in the belief that it is bad policy for Congress to make recognition of fees in cases of this character.

Mr. MONDELL. Will not this limitation of the amount that can be allowed for fees discourage the very sort of thing that the gentleman desires to discourage?

Mr. FERRIS. A $25,000 fee is not very discouraging to a Washington lawyer.

Mr. MONDELL. Except for this limitation could they not make a contract with the Indians for a larger amount? Was it not the intent to place a limitation upon it?

Mr. FERRIS. We have a large number of cases in which it is provided that the contract is of no effect unless approved by the President or the Secretary of the Interior.

Mr. MONDELL. Without this limitation, might it not be possible that the attorneys' fees would be very much larger?

Mr. FERRIS. No; because unless the Secretary of the Interior, the President, or Congress approves it no contract they could make would have any force whatever. Noncompetent Indians can not make contracts.

Mr. MANN. The gentleman has referred only to the proviso. Has the gentleman noticed that the previous portion of the bill provides for the determination of the fees upon a quantum meruit, without any limitation, unless this limitation goes in.

Mr. FERRIS. I understand that.

Mr. STEPHENS of Texas. Not to exceed 10 per cent.

Mr. MANN. Is the gentleman opposed to that part of the bill? He only called attention to the proviso.

Mr. FERRIS. The thought I desire to express is simply this: I do not believe that Congress ought to make any recognition whatever of these old, rusty, stale Indian claims against the Government, dug up or trumped up by attorneys here and there.

Mr. STEPHENS of Texas. How does the gentleman think the attorneys' fees should be regulated? I ask for information.

Mr. FERRIS. The Interior Department has ample authority to employ attorneys at fixed salaries to transact the business of the Indians.

Mr. KOPP. Does the gentleman think better results can be attained by having the Indian Department approve the method of payment and the contracts than can be obtained by having Congress give its approval?

Mr. FERRIS. As the gentleman will recollect, that was a mooted question in the closing days of the last Congress. I have no fixed opinion about that, but I do have an emphatic opinion about Congress fixing the amount that they shall charge in a specific case, when we do not know whether they have any claim at all.

Mr. MANN. This only says that the fees shall not exceed a certain amount. It does not fix the amount of the fees.

Mr. FERRIS. The attorneys are usually industrious enough to get not only what Congress authorizes them to get, but a good deal more.

Mr. MANN. That is the reason I think the limitation is a good one.

Mr. STEPHENS of Texas. I yield to the gentleman from Nebraska [Mr. LATTA].

Mr. LATTA. Mr. Speaker and gentlemen, this is a very meritorious bill. The Indians for whose benefit the passage of the bill is asked are residents of my district. I am acquainted with nearly all of them. They are very poor Indians. As the gentleman from Minnesota explained the reason why they are in this condition, it is not necessary for me to go over it. I hope the bill will pass.

Mr. BURKE of South Dakota. Mr. Speaker, I desire to say a word in reply to the gentleman from Oklahoma [Mr. FERRIS], and that is that this bill has been on the calendar since May 24, 1910, and there have been several protests against the proviso to which the gentleman has called attention, and all from attorneys that are hoping to get some part of the fee that will be paid in this case. The gentleman from Oklahoma is the first one that I have heard to make any objection to that proviso.

The SPEAKER. The question is on the motion.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

SALE OF BURNT TIMBER ON PUBLIC LANDS.

Mr. HAMER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 9957) to authorize the sale of burnt timber on the public lands, and for other purposes, with the committee amendment and another amendment which I send to the desk. I ask that the Clerk read the bill as amended.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, under such rules and regulations as he may prescribe, to sell and dispose of to the highest bidder, at public auction or through sealed bids, timber on lands of the United States, outside of national forests, not covered by a valid subsisting location or entry made prior to December 1, 1910, and which has not been abandoned or canceled, that may have been killed or seriously damaged by forest fires prior to December 1, 1910, the proceeds of the sale of such timber on lands within the States and Territories named in section 1 of the act entitled "An act appropriating the receipts from the sale and disposal

of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June 17, 1902, shall be deposited in and form a part of the "reclamation fund" described in said section, and the proceeds of such timber on lands in other States and Territories than those named in said section shall pass into and form a part of the general funds of the Treasury.

SEC. 2. That the Secretary of the Interior, under regulations to be prescribed by him, is hereby authorized, upon application by the claimant, to permit the sale of timber killed or seriously damaged by forest fires prior to December 1, 1910, on any lands of the United States embraced within any valid subsisting location, selection, or entry made prior to the 1st day of December, 1910: *Provided*, That timber on such lands within the exterior boundaries of national forests shall be disposed of under joint regulations prescribed by the Secretary of Agriculture and Secretary of the Interior.

The SPEAKER. Is a second demanded?

Mr. FERRIS. I demand a second, Mr. Speaker.

Mr. STAFFORD. I demand a second.

The SPEAKER. Is the gentleman from Oklahoma opposed to the bill?

Mr. FERRIS. I am not sure; I want to hear some explanation of it.

The SPEAKER. Is the gentleman from Wisconsin opposed to the bill?

Mr. STAFFORD. I am in the same attitude.

The SPEAKER. The gentleman from Oklahoma demands a second. Under the rule a second is ordered, and the gentleman from Idaho has 20 minutes and the gentleman from Oklahoma 20 minutes.

Mr. HAMER. Mr. Speaker, this bill is designed to cover the condition that exists by reason of forest fires in the Northwestern States occurring during the latter part of the year just ended. It is well known by Members of the House that large areas of timber were killed or more or less damaged by fire. Under the existing law the Secretary of the Interior has no authority to dispose of this timber. I desire to suggest to the House at this time a fact which may not be generally known—that timber that has been burned over becomes useless unless cut and sawed into lumber within a very short time.

This bill is designed to permit the Secretary of the Interior to dispose of the timber on the public lands of the United States, in order that the Government may receive compensation for timber that otherwise would be a dead loss. It is also designed to permit those who have a valid and subsisting location or entry to dispose of timber under the direction of the Secretary. Under the existing law, of course, they can not do this. In one instance the Secretary is authorized to dispose of the timber and in the other he is authorized to permit the sale of the timber under proper regulations.

The SPEAKER. The question is on the motion of the gentleman from Idaho.

The question was taken; and (two-thirds having voted in favor thereof) the bill was passed.

OSAGE INDIANS IN OKLAHOMA.

Mr. McGUIRE of Oklahoma. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 32348) supplementary to and amendatory of the act entitled "An act for the division of the lands and funds of the Osage Nation of Indians in Oklahoma," approved June 28, 1906, and for other purposes, with the committee amendments.

The Clerk read the bill as amended, as follows:

Be it enacted, etc., That from and after the approval of this act all allotments belonging to members of the Osage Tribe of Indians, except homesteads, be, and the same hereby are, declared subject to taxation, under the laws of the State of Oklahoma, from and after issuance of the certificate of competency or removal of restrictions on alienation: *Provided*, That inherited lands shall be subject to taxation from and after the date of death of the allottee; and until said lands be partitioned or sold the Secretary of the Interior be, and he hereby is, authorized to pay the taxes on said land out of moneys due and payable to the heirs from the segregated decedent's funds in the Treasury of the United States.

SEC. 2. That the Secretary of the Interior be, and he hereby is, authorized, where the same would be to the best interests of Osage allottees, and the same is recommended by the Osage council, to permit the exchange of homesteads or other allotments, or any portions thereof, of Osage allottees under such rules and regulations as he may prescribe and upon such terms as he shall approve: *Provided*, That where a homestead or homesteads pass in the exchange, in whole or in part, an equivalent in value of land suitable for agricultural purposes shall be furnished, to be designated as a homestead. The new homestead shall be subject to the same restrictions as the original homestead. The Secretary shall have authority to do any and all things necessary to make these exchanges effective.

SEC. 3. That the property of deceased and of orphan minor, insane, or other allottees of the Osage Tribe incompetent under the laws of the State of Oklahoma shall, in probate matters, be subject to the jurisdiction of the probate courts of the State of Oklahoma, but a copy of all papers filed in the probate court shall be served on the superintendent of the Osage Agency at the time of filing, and said superintendent is authorized, whenever the interests of the allottee requires, to appear in the probate court for the protection of the interests of the allottee. The superintendent of the Osage Agency or the Secretary of the Interior, whenever he deems the same necessary, may investigate the conduct of executors, administrators, and guardians or other persons having in charge the estate of any deceased allottee or of minors or persons incompetent under the laws of Oklahoma, and whenever he shall be of opinion that the estate is in any manner being dissipated or wasted or is being permitted to deteriorate in value by reason of the negligence, carelessness, or incompetency of the guardian or other person in charge of the estate, the superintendent of the Osage Agency or the Secretary of the Interior or his representative shall have power, and it shall be his duty, to report said matter to the probate court and take the necessary steps to have such case fully investigated, and also to prosecute any remedy, either civil or criminal, as the exigencies of the case and the preservation and protection of the interests of the deceased allottee or his estate or of the minor or incompetent person may require, the costs and expenses of the civil proceedings to be a charge upon the estate of the allottee or upon the executor, administrator, guardian, or other person in charge of the estate of the allottee or of the minor or incompetent person and his surety, as the probate court shall determine. Every bond of the executor, administrator, guardian, or other person in charge of the estate of any Osage allottee shall be subject to the provisions of this section and shall contain therein a reference hereto: *Provided*, That no guardian shall be appointed for a minor whose parents are living, unless the estate of said minor is being wasted or misused by such parents: *Provided further*, That no land shall be sold or alienated under the provisions of this section without the approval of the Secretary of the Interior.

SEC. 4. That any minor female Osage allottee who has reached the age of 18 years and whose parents are not living or who has had a guardian previously appointed shall be entitled to have the same care and control and the profits thereof of her lands and moneys as is provided by law for adult Osage allottees, and the Secretary of the Interior shall pay to such minor her annuities and royalties the same as to adult Osage allottees.

SEC. 5. That the Secretary of the Interior be, and he hereby is, authorized, in his discretion, to remove restrictions upon alienation of all or only a described portion of the surplus lands of any Osage allottee, whereupon all such surplus lands or the described portion thereof permitted to be alienated shall become taxable. Public records shall be kept at the office of the register of deeds for Osage County showing what land each allottee is authorized to alienate.

SEC. 6. That the Secretary of the Interior, in his discretion, hereby is authorized, under rules and regulations to be prescribed by him and upon application therefor, to turn over to Osage allottees, including the blind, crippled, aged, or helpless, all or part of the funds in the Treasury of the United States to their individual credit: *Provided*, That he shall be first satisfied of the competency of the allottee or that the release of said individual trust funds would be to the manifest best interests and welfare of the allottee: *Provided further*, That no trust funds of a minor, of a person so afflicted as above mentioned, or an allottee non compos mentis shall be released and paid over except upon the appointment of a guardian and an order of the proper court and after the filing and approval by the court of a sufficient bond conditioned to faithfully administer the funds released and the avails thereof.

SEC. 7. That from and after the approval of this act the lands of deceased Osage allottees, unless the heirs desire to and can agree as to partition of the same, may be partitioned or sold upon proper order of the county court of Osage County, State of Oklahoma, in accordance with the laws of the State of Oklahoma: *Provided*, That no partition or sale of the restricted lands of a deceased Osage allottee shall be valid until approved by the Secretary of the Interior. Where some of the heirs are minors, the county court may appoint a guardian for said minors in the matter of said partition, and partition of said land shall be valid when approved by the county court and the Secretary of the Interior. When the heirs of such deceased allottees have certificates of competency or are not members of the tribe, the restrictions on alienation are hereby removed as to such heirs. If some of the heirs are competent and others have not certificates of competency, the proceeds of such part of the sale as the competent heirs shall be entitled to shall be turned over to them without the intervention of an administrator. The shares due minor Indian heirs, including such Indian heirs as may not be tribal members and those Indian heirs not having certificates of competency, shall be turned into the Treasury of the United States and placed to the credit of the Indians upon the same conditions as attach to segregated shares of the Osage national fund, or paid to the duly appointed guardian, or be disbursed in such manner and to such extent as the Secretary of the Interior may determine. The same disposition as herein provided for with reference to the proceeds of inherited lands sold shall be made of the money in the Treasury of the United States to the credit of deceased Osage allottees.

SEC. 8. That the lands allotted to members of the Osage Tribe shall not in any manner whatsoever, or at any time heretofore or hereafter, be encumbered, taken, or sold to secure or satisfy any debt or obligation contracted or incurred prior to the issuance of a certificate of competency or removal of restriction on alienation, nor shall the lands or funds of Osage tribal members be subject to any claim against the same arising prior to grant of a certificate of competency. That no lands or moneys inherited from Osage allottees shall be subject to or be taken or sold to secure the payment of any indebtedness incurred by such heir prior to the time such lands and moneys are turned over to such heirs: *Provided, however*, That inherited moneys shall be liable for funeral expenses and expenses of last illness of deceased Osage allottees, to be paid upon order of the Secretary of the Interior.

SEC. 9. That any adult member of the Osage Tribe of Indians may dispose of any or all of his estate, real, personal, or mixed, including trust funds from which restrictions as to alienation have not been removed, by will, in accordance with the laws of the State of Oklahoma: *Provided*, That no such will shall be admitted to probate or have any validity unless approved by the Secretary of the Interior.

SEC. 10. That the word "competent," as used in this act, shall mean a person to whom a certificate has been issued authorizing alienation of all the lands comprising his allotment, except his homestead.

SEC. 11. That with respect to this agency the Secretary of the Interior shall have authority to expend for regular employees and other necessary expenses under existing laws a sum not exceeding $40,000 annually, and the restrictions upon the employment of white persons are hereby removed as to this agency.

SEC. 12. That all acts or parts of acts inconsistent herewith be, and the same hereby are, repealed.

The SPEAKER. Is a second demanded?

Mr. STEPHENS of Texas. I demand a second.

The SPEAKER. Under the rule a second is ordered; and the gentleman from Oklahoma has 20 minutes and the gentleman from Texas 20 minutes.

Mr. McGUIRE of Oklahoma. Hr. Speaker, In 1906 the Osage Indians in Oklahoma were given their allotment. They had 657

acres of land each. The allotment act was very brief. It left a number of things unprovided for that this bill seeks to remedy. Under the original allotment act there was a homestead of 160 acres, and the difference between the homestead of 160 acres and 657 acres under that act was called surplus land. The present law is that the Secretary, upon investigation, may issue to the Osage allottee a certificate of competency, and when that certificate is issued the person of Indian blood can dispose of his surplus land, but not his homestead. In a number of instances the Secretary feels that the Indians can be trusted with a portion of his surplus, but not all, and this bill seeks to remedy that. At present the Secretary can not issue a certificate for a portion of the surplus lands without that applying to all of it, and this is one of the things the bill seeks to remedy.

Another condition that exists is that the original allotment act in the present law provides that this land shall not be taxed for three years. The question has now arisen as to whether this land can be taxed at the expiration of three years, and suits have been begun or the cases are now in course of preparation, and there is going to be heavy litigation. It is the desire of the persons interested, both the taxpayers and the Indians, to have this matter settled, and this bill seeks to remedy that condition and stop those suits. It is recommended by the Secretary of the Interior, in fact he prepared the bill——

Mr. MANN. Where? Why did not we have a report from the Secretary on this bill?

Mr. McGUIRE of Oklahoma. The Secretary has reported it.

Mr. MANN. If he has reported it, why is not the report published in the report of the committee?

Mr. McGUIRE of Oklahoma. I do not know. The Secretary drew this bill.

Mr. MANN. I notice four or five other bills referred to in the report, but this bill is not.

Mr. McGUIRE of Oklahoma. There is a report upon a Senate bill identical with it as amended.

Mr. MANN. We have no way of knowing or examining the Senate bill. Besides, the Secretary recommended an amendment on the Senate bill, and the committee has made amendments on this bill.

Mr. McGUIRE of Oklahoma. Every amendment on this bill and every portion of the bill has been submitted to the Secretary of the Interior, and he has recommended it, and this report we have here from the Interior Department applies to the subject matter in this bill and other bills, which the Secretary has recommended.

Mr. MANN. Oh, yes; the gentleman knows that, but here is a bill introduced on February 1 and reported on February 21, and there was ample time to get a report from the Secretary of the Interior which is not forthcoming and which ought to be forthcoming and printed in the report. This is a technical matter about which Members of the House can not be thoroughly conversant, and they have the right to expect that the committee will furnish a report from the department, whether favorable or unfavorable.

Mr. STEPHENS of Texas. There was an attorney from the department, if I remember correctly, who was with us at the time we were considering this bill.

Mr. MANN. I do not doubt the gentleman's word, but that is a statement that any gentleman can make about a bill. That may be a matter of opinion. It is easy enough to send a bill to the department and have them report upon the bill.

Mr. McGUIRE of Oklahoma. Mr. Speaker, I yield to the gentleman from South Dakota [Mr. BURKE].

Mr. BURKE of South Dakota. Mr. Speaker, this bill was the result of a bill which had been previously introduced, which bill was referred to the department, and I will say that after the bill had been considered to some extent a new bill was introduced. That bill was prepared in the department by the representatives of the Osage Indians participating in the matter of agreeing upon the bill, and when the matter came before the committee it was indorsed by all hands—by the department, by the Indians—and there were three real Indians before the committee, representative Indians, one of them the present governor of the Osage Nation, and the bill represents, as I have already stated, what the department desires and what the Indians wish, and I think is free from any objection and ought to pass.

Mr. McGUIRE of Oklahoma. Also the people of the county were represented by different persons.

Mr. BURKE of South Dakota. Everybody was for this bill. I sent down for the hearings, thinking perhaps there might be some question raised as to what transpired, and there was no final report upon the bill as it is now before the House, and I believe that is what the gentleman is criticizing.

Mr. CLARK of Missouri. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. The Chair sustains the point of order.

Mr. MANN. Mr. Speaker, I move that the House do now adjourn.

WITHDRAWAL OF PAPERS—SHIBLEY SHEPARD.

By unanimous consent, Mr. DENBY was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Shibley Shepard, Sixty-first Congress, no adverse report having been made thereon.

LEAVE TO PRINT.

By unanimous consent, leave was granted to Mr. DAVIDSON to print a brief hearing before the Committee on Railways and Canals on the commerce of the Great Lakes.

VALIDATION OF CERTAIN HOMESTEAD ENTRIES.

Mr. MONDELL. Mr. Speaker, I will ask the gentleman from Illinois if he will withhold his motion for a moment that I may submit the following resolution (H. Con. Res. 63), which I send to the desk and ask to have read.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the President of the United States be, and hereby is, requested to return to the House the bill (H. R. 26290) providing for the validation of certain homestead entries.

Mr. MONDELL. Mr. Speaker, the bill was erroneously enrolled by inserting the word "than" instead of the word "that," and the resolution provides for the return of the bill to the House.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

LEAVE TO EXTEND REMARKS.

Mr. COLE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the adoption of the constitution of New Mexico.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. AUSTIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Paymaster Hacker bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

ADJOURNMENT.

Then, in accordance with the motion previously made, the House (at 6 o'clock and 15 minutes) adjourned to meet on Thursday, March 2, 1911, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. MOORE of Pennsylvania, from the Committee on the District of Columbia, to which was referred the bill of the House (H. R. 27173) to regulate the storage of food supplies in the District of Columbia, reported the same without amendment, accompanied by a report (No. 2278), which said bill and report were referred to the House Calendar.

Mr. HUGHES of New Jersey, from the Committee on Railways and Canals, to which was referred the bill of the House (H. R. 32910) to authorize the construction of a canal connecting the Hackensack River with Berrys Creek at Rutherford, in the State of New Jersey, reported the same with amendment, accompanied by a report (No. 2279), which said bill and report were referred to the House Calendar.

Mr. ADAIR, from the Committee on Claims, to which was referred the bill of the Senate (S. 9874) to refund to the Gate of Heaven Church, South Boston, Mass., duty collected on stained-glass windows, reported the same without amendment, accompanied by a report (No. 2280), which said bill and report were referred to the Private Calendar.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 32975) granting an increase of pension to John Gruver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32976) granting an increase of pension to Jacob Henry; to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 32977) granting an increase of pension to Martha McGregor; to the Committee on Invalid Pensions.

By Mr. CRAIG: A bill (H. R. 32978) for the relief of George W. Underwood; to the Committee on War Claims.

Also, a bill (H. R. 32979) for the relief of the estate of Samuel H. Allison, deceased; to the Committee on War Claims.

By Mr. FINLEY: A bill (H. R. 32980) to remove the charge of desertion against David R. Lane; to the Committee on Military Affairs.

Also, a bill (H. R. 32981) for the relief of the estate of A. E. Hutchison; to the Committee on War Claims.

By Mr. LAFEAN: A bill (H. R. 32982) granting a pension to Benjamin W. Unger; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 32983) for the relief of Riley Howard; to the Committee on War Claims.

By Mr. MORGAN of Missouri (by request): A bill (H. R. 32984) for the relief of the Ottawa Indian tribe of Blanchard Fork and Rouch de Boeuf; to the Committee on Indian Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Petition of J. C. Barton and 15 other citizens of Creston, Ohio, against increase of postage on magazines; to the Committee on the Post Office and Post Roads.

Also, petition of Blue Ridge Grange, No. 1448, of Coshocton County, Ohio, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. BARCLAY: Petition of Washington Camps No. 372, of Woodland, and No. 591, of Clearfield, Pa., Patriotic Order Sons of America, for House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of Leafydale Grange, No. 1268, Patrons of Husbandry, of Custer City, Pa., for Senate bill 5842; to the Committee on Agriculture.

By Mr. BOOHER: Petition of 51 citizens of Fillmore and 46 citizens of Oregon, Mo., against parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. BURLEIGH: Petition of Charles F. Flynt, commissioner on federal relations of the Maine Legislature, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. CALDER: Petition of the Manufacturer's Association of New York City, favoring increase of second-class postage rates; to the Committee on the Post Office and Post Roads.

By Mr. CRAIG: Paper to accompany bill for relief of Samuel H. Allison; to the Committee on War Claims.

By Mr. DUREY: Petitions of the Woman's Home Missionary Societies of Round Lake, Waterford, Ballston Spa, and Green Island, all in the State of New York, favoring the enactment of the Miller-Curtis bill, and other prohibition legislation; to the Committee on Alcoholic Liquor Traffic.

Also, petition of the Glens Falls Chapter of the American Woman's League, against increase of postage on second-class mail matter; to the Committee on the Post Office and Post Roads.

By Mr. ESCH: Petition of the Sunday School Council of Evangelical denominations, against increase of postal rates on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. FOCHT: Petition of C. H. Miller Hardware Co. and other merchants of Huntingdon, Pa., against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. FORNES: Petition of Collier's Weekly, against increase of postage on magazines; to the Committee on the Post Office and Post Roads.

Also, petition of the American Bonding Co., of Baltimore, against an appropriation of $200,000 for the establishment of a bonding bureau under the direction of the Treasury Department; to the Committee on Appropriations.

By Mr. FULLER: Petition of County Line Grange, No. 1751, of Illinois, against Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of ladies of Shabbona, Ill., for the Carter-Weeks bill and against increase of postage on magazines; to the Committee on the Post Office and Post Roads.

Also, petition of the National Piano Manufacturing Co. of America, for Canadian reciprocity; to the Committee on Ways and Means.

By Mr. GORDON: Petition of citizens of the tenth Tennessee district, against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. HAWLEY: Memorial of State of Oregon relative to irrigation; to the Committee on Irrigation of Arid Lands.

Also, memorial of State of Oregon for a full and complete parcels post; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Oregon, against a parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. HENRY of Connecticut: Petition of State Central Pomona Grange of Connecticut, for an enlarged and improved parcels post; to the Committee on the Post Office and Post Roads.

By Mr. HIGGINS: Petition of Lebanon, New London, Ashford, and Lenexet (Conn.) Granges, for a full and complete parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of Salem (Conn.) Grange, against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. JAMES: Petition of Local No. 171, Willard, Ky., for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. LOUD: Petition of Religious Liberty Society of the Seventh-Day Adventist Church, Bay City, and 45 other residents of Bay City, Mich., against Senate bill 404 and House joint resolution 17; to the Committee on the District of Columbia.

Also, petition of Bentley Grange, No. 822, Patrons of Husbandry, against Canadian reciprocity; to the Committee on Ways and Means.

Also, petition of A. A. Keller and 30 other residents of Bentley, Mich., for a full and complete parcels post; to the Committee on the Post Office and Post Roads.

By Mr. McMORRAN: Petition of W. C. Worden and 56 other citizens of Atkins; A. I. Morrison and others, of Lapeer; and Mr. Percy Edgeworth and others, of Fostoria and Otter Lake, against Senate bill 404 and House joint resolution 17; to the Committee on the District of Columbia.

By Mr. MAGUIRE of Nebraska: Petition of citizens of College View, Nebr., against Senate bill 404 and House joint resolution 17; to the Committee on the District of Columbia.

By Mr. MONDELL: Memorial of Legislature of Wyoming, for a full and complete parcels post; to the Committee on the Post Office and Post Roads.

Also, memorial of the Legislature of Wyoming, for legislation relative to conservation; to the Committee on Irrigation of Arid Lands.

By Mr. RAINEY: Petition of citizens of the twentieth congressional district of Illinois, for a parcels-post law; to the Committee on the Post Office and Post Roads.

Also, petition of 166 merchants and business men of the twentieth Illinois congressional district, against the establishment of a local rural parcels-post service; to the Committee on the Post Office and Post Roads.

By Mr. SHEFFIELD: Petition of Local No. 1695, United Brotherhood of Carpenters and Joiners of America, Providence, R. I., for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. SMITH of Michigan: Petitions of W. L. Ingalls and 35 others, Hattie Losey and 20 others, S. C. Goodrich and 11 others, N. C. Roberts and 14 others, W. C. Roberts and 20 others, Ashbang Grange and others, Geo. H. Williams and 77 others, Peter Foley and 45 others, and C. A. Mapes and 30 others, for a full and complete parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. STURGISS: Petition of Grafton Baptist Church, Grafton, W. Va., favoring the Burkett-Sims bill; to the Committee on the Judiciary.

By Mr. SULZER: Petition of John A. Griffin against the bonding-bureau item of the deficiency bill; to the Committee on Appropriations.

Also, petition of the Sunday School Council of Evangelical Denominations against increase in postage on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. TILSON: Petitions of Bridgewater, Aspetuck Valley, Kent, Ridgefield, Central Pomona, Burritt, Farmington, Avon, East Hampton, and Clinton Granges, all in the State of Connecticut, for a full and complete parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petitions of Rippowan Grange, No. 145, and granges of Danbury, Lebanon, Greenfield Hill, New London County, and Senexet, all in the State of Connecticut, for a full and complete parcels-post law; to the Committee on the Post Office and Post Roads.

By Mr. TOWNSEND: Petitions of N. P. Hale and 33 others and Blake Cole and Ed Andrews, of Eaton County; and W. B. Pinch and seven others, for a parcels-post system; to the Committee on the Post Office and Post Roads.

Also, petition of citizens of Kalamazoo, Mich., insisting that the battleship *New York* be built in a Government navy yard, in compliance with the law of 1910, and for eight-hour clause of naval appropriation bill; to the Committee on Naval Affairs.

SENATE.

THURSDAY, *March 2, 1911.*

The Senate met at 11 o'clock a. m.

Prayer by Rev. Charles Wood, D. D., of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SMOOT, and by unanimous consent, the further reading was dispensed with.

REVISION OF LAWS—JUDICIARY TITLE.

Mr. HEYBURN. I ask unanimous consent to withdraw the report of the committee of conference on the disagreeing votes of the two Houses upon the bill (S. 7031) to codify, revise, and amend the laws relating to the judiciary, that it may go back to the committee of conference for correction.

The VICE PRESIDENT. Is there objection? The Chair hears none.

ORGANIZED MILITIA.

H. R. 28436. An act to further increase the efficiency of the Organized Militia, and for other purposes, was read the first time by its title.

Mr. BACON. I object to the second reading of the bill to-day.

The VICE PRESIDENT. The bill will lie upon the table.

ENROLLED BILLS SIGNED.

The VICE PRESIDENT announced his signature to the following enrolled bills, which had heretofore been signed by the Speaker of the House of Representatives:

S. 10476. An act for the relief of Passed Asst. Paymaster Edwin M. Hacker;

S. 10808. An act to authorize the Greeley-Arizona Irrigation Co. to build a dam across the Colorado River at or near Head Gate Rock, near Parker, in Yuma County, Ariz.; and

S. 10882. An act to authorize the county of Ouachita, in the State of Arkansas, to construct a bridge across the Ouachita River.

LABOR CONDITIONS IN HAWAII.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, the fourth report on the commercial, industrial, social, educational, and sanitary conditions of the laboring classes of the Territory of Hawaii, which, with the accompanying papers, was referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed.

TITLE GUARANTY & SURETY CO., SCRANTON, PA.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, recommending an item of appropriation to be included in the general deficiency appropriation bill to pay the Title Guaranty & Surety Co., of Scranton, Pa., surety for David B. Wickersham, United States deputy surveyor, for surveying public lands in Idaho, etc., $1,620.08 (S. Doc. No. 854), which was referred to the Committee on Appropriations and ordered to be printed.

REGENT OF SMITHSONIAN INSTITUTION.

The VICE PRESIDENT. The Chair announces the appointment of the Senator from Massachusetts [Mr. LODGE] a member of the Board of Regents of the Smithsonian Institution, to succeed himself, his term of office expiring on March 4, 1911, as provided for in the act of August 10, 1846, entitled "An act to establish the Smithsonian Institution for the increase and diffusion of knowledge among men."

MESSAGE FROM THE HOUSE.

A message from the House, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the following bills with amendments, in which it requested the concurrence of the Senate:

S. 5121. An act for the restoration of annuities to the Medawamanton and Wahpakoota (Santee) Sioux Indians, declared forfeited by the act of February 16, 1863; and

S. 9957. An act to authorize the sale of burnt timber on the public lands, and for other purposes.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 29466. An act to provide an allowance for loss of distilled spirits deposited in internal-revenue warehouses;

H. R. 30280. An act authorizing the Secretary of the Interior to exchange certain desert lands for lands within national forests in Oregon;

H. J. Res. 294. Joint resolution for the appointment of members of the Board of Managers of the National Home for Disabled Volunteer Soldiers; and

H. J. Res. 295. Joint resolution approving the constitution formed by the constitutional convention of the Territory of New Mexico.

The message further announced that the House had agreed to a concurrent resolution requesting the President of the United States to return to the House the bill (H. R. 26290) providing for the validation of certain homestead entries, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a memorial of Pine Tree Grange, No. 466, Patrons of Husbandry, of Lapeer County, Mich., and a memorial of sundry citizens of Tabor, Minn., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

Mr. CULLOM presented memorials of sundry citizens of Edwardsville, Belleville, Bloomington, Kent, Morseville, and Willow, all in the State of Illinois, remonstrating against any increase being made in the rates of postage on periodicals and magazines, which were ordered to lie on the table.

He also presented a memorial of Local Grange No. 1757, Patrons of Husbandry, of Farmdale, Ill., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Marion, Ill., praying for the passage of the so-called Scott antioption bill, relative to dealing in cotton futures, which was ordered to lie on the table.

He also presented a memorial of the American League of Associations, of Chicago, Ill., remonstrating against the passage of the so-called parcels-post bill, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of Progressive Lodge, No. 440, International Association of Machinists, of Rockford, Ill., praying for the construction of United States battleships in Government navy yards, which was ordered to lie on the table.

Mr. BURROWS presented memorials of Local Granges, Patrons of Husbandry, of Mount Pleasant, East Casco, Minden City, Jasper, Birch Lake, and Escanaba, all in the State of Michigan, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

He also presented petitions of the Woman's Christian Temperance Union of Holly, and sundry citizens of Inland and Grand Haven, in the State of Michigan, praying for the enactment of legislation to prohibit the interstate transportation of intoxicating liquors into prohibition districts, which were referred to the Committee on the Judiciary.

He also presented petitions of Liston Grange, Patrons of Husbandry, of Alcona County, and of sundry citizens of Washtenaw County, in the State of Michigan, praying for the passage of the so-called parcels-post bill, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the North End Taft Republican Club, of Detroit, Mich., praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which was ordered to lie on the table.

He also presented memorials of Local Granges, Patrons of Husbandry, of Mount Pleasant, East Casco, Minden City, Jasper, Birch Lake, Escanaba, Caledonia, York, Webberville, West Handy, Bentley, Scottville, White Pigeon, Hale, Axalia, Selo, Brown City, Marietta, Cadillac, Gregory, and Romulus; of the Monroe County Farmers' Institute; the Orleans Farmers' Club; the Michigan Short Course Association; of N. J. Bachelder, master of the National Grange, Patrons of Husbandry; of the Board of Commerce of Bay City, all in the State of Michigan; and of W. J. McCamridge, of Ticonderoga, N. Y.; of D. B. Sencabaugh and sundry mill employees, of Bellows Falls; and of Chester A. Watson, of Wilder, all in the State of Vermont; of John Flynn, of Berlin, N. H.; and of Sidney Grover, Milton Dearnley, Daniel Savage, and W. A. Hollis, of Lisbon Falls, in the State of Maine, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

He also presented the petition of S. M. Lemon, of Grand Rapids, Mich., praying for the enactment of legislation relative to the civil-service status of deputy collectors of internal revenue, which was referred to the Committee on Finance.

He also presented a petition of the executive committee of the American Association for Labor, praying that an investigation

be made into the use of poisonous phosphorus in the match industry, which was referred to the Committee on Finance.

He also presented a memorial of the Trade Journal Association, of Detroit, Mich., and a memorial of J. E. Beal, Philip Riemenschneider, Frederick Kalmbach, August Hoppe, and Charles Riemenschneider, of Francisco, Mich., remonstrating against any change being made in the rate of postage on periodicals and magazines, which were ordered to lie on the table.

He also presented petitions of the National Wholesale Liquor Dealers' Association of America, of the Loewenstein Co., of Menominee, Mich., of William W. Harmon, of Menominee, Mich., and of the Edward Henkel Co., of Detroit, Mich., praying for the enactment of legislation to provide an allowance for loss of distilled spirits deposited in internal-revenue warehouses, which were referred to the Committee on Finance.

He also presented a petition of the A. B. Morse Co., of St. Joseph, Mich., praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Commercial Club of Kalamazoo, Mich., praying that an appropriation be made for the purchase of suitable residences for United States ambassadors in foreign countries, which was ordered to lie on the table.

Mr. DICK. I present a large number of telegrams and letters in the nature of petitions from boards of trade, chambers of commerce, and citizens in the State of Ohio, favoring the ratification of the proposed reciprocal agreement between the United States and Canada. I ask that the petitions lie on the table and be noted in the RECORD.

There being no objection, the petitions were ordered to lie on the table and to be noted in the RECORD, as follows:

Petition of the Marion Commercial Club, of Marion, Ohio;

Petition of the Youngstown Chamber of Commerce, of Youngstown, Ohio;

Petition of the Niles Board of Trade, of Niles, Ohio;

Petition of the Summit Republican Club, of Akron, Ohio;

Petition of the Board of Trade of Cambridge, Ohio;

Petition of Cincinnati Chamber of Commerce, of Cincinnati, Ohio;

Petition of the Springfield Commercial Club, of Springfield, Ohio;

Petition of the Commercial Club of Galion, Ohio;

Petition of the Newark Board of Trade, of Newark, Ohio;

Petition of the Board of Trade of Salem, Ohio;

Petition of A. B. McLean, president of the Roderick-McLean Manufacturing Co., of Mansfield, Ohio;

Petition of the Chamber of Commerce of Dayton, Ohio;

Petition of John F. Brennan, member of the city council of Massillon, Ohio;

Petition of the Canton Board of Trade, of Canton, Ohio;

Petition of the Hamilton Retail Grocers and Butchers' Association, of Hamilton, Ohio;

Petition of the Chamber of Commerce of Hamilton, Ohio;

Petition of the Business Men's Association of Middleport, Ohio;

Petition of the Board of Trade of Portsmouth, Ohio; and

Petition of the Cleveland Chamber of Commerce, of Cleveland, Ohio.

Mr. DICK. I present a number of memorials from boards of trade, chambers of commerce, and citizens in the State of Ohio, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada. I ask that the memorials lie on the table and be noted in the RECORD.

There being no objection, the memorials were ordered to lie on the table and to be noted in the RECORD, as follows:

Memorial of Local No. 49, International Brotherhood of Stationary Firemen, of Cincinnati, Ohio;

Memorial of Local No. 52, International Brotherhood of Stationary Firemen, of Cleveland, Ohio;

Memorial of the Congress of the Knights of Labor of Albany, N. Y.;

Memorial of the Central Trades and Labor Council of Coshocton, Ohio;

Memorial of Keene Hill Grange, No. 1602, of Coshocton, Ohio;

Memorial of the Lebanon Farmers' Club, of Lebanon, Ohio; and

Memorial of Hanover Local, No. 1, the Farmers' Educational and Cooperative Union of America, of Hamilton, Ohio.

Mr. DICK presented telegrams from sundry granges, Patrons of Husbandry, of Ashtabula, Athens, Belmont, Carroll, Crawford, Clinton, Champaign, Columbiana, Clark, Coshocton, Cuyahoga, Clermont, Defiance, Erie,. Fairfield, Franklin, Fulton, Geauga, Holmes, Harrison, Hamilton, Hardin, Hocking, Jackson, Jefferson, Knox, Lake, Licking, Logan, Loraine, Mahoning, Medina, Meigs, Miami, Morgan, Muskingum, Perry, Pike, Portage, Pickaway, Paulding, Putnam, Richland, Sandusky, Shelby, Seneca, Stark, Summit, Trumbull, Tuscarawas, Warren, Washington, Wayne, Williams, and Wood Counties, all in the State of Ohio, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

Mr. BRANDEGEE. I present a resolution adopted by the General Assembly of the State of Connecticut, favoring the passage of the so-called Sulloway pension bill. I move that the resolution lie on the table and be printed in the RECORD.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

STATE OF CONNECTICUT,
OFFICE OF THE SECRETARY.

House joint resolution 351.

Whereas a bill, known as the Sulloway bill, granting pensions to certain enlisted men, soldiers and officers, who enlisted in the Civil War and War with Mexico, has passed the House of Representatives in Congress of the United States, and is now pending in the Senate:

Resolved by this assembly, That we heartily approve of the provisions of said bill, and we hereby respectfully request our Senators in Congress to vote for and use all honorable means to secure its passage by the Senate of the United States.

Passed house of representatives February 14, 1911.

Passed senate February 16, 1911.

STATE OF CONNECTICUT,
Office of the Secretary, ss:

I hereby certify that the foregoing is a true copy of record in this office.

In testimony whereof I have hereunto set my hand and affixed the seal of said State, at Hartford, this 28th day of February, A. D. 1911.

[SEAL.] MATTHEW H. ROGERS, *Secretary.*

Mr. BRANDEGEE. I present petitions of sundry granges, Patrons of Husbandry, in the State of Connecticut, praying for the passage of a full and complete parcels-post bill, which I ask may be noted in the RECORD and referred to the Committee on Post Offices and Post Roads.

There being no objection, the petitions were referred to the Committee on Post Offices and Post Roads and ordered to be noted in the RECORD, as follows:

Petition of Central Pomona Grange of Connecticut;

Petition of New London County Ponoma Grange, of Connecticut;

Petition of East Haddam Grange, of Connecticut;

Petition of Senexet Grange, of Woodstock, Conn.;

Petition of Lebanon Grange, of Connecticut;

Petition of Burritt Grange, of New Britain, Conn.;

Petition of Aspetuck Valley Grange, of New Milford, Conn.;

Petition of Bridgewater Grange, of Connecticut;

Petition of Ridgefield Grange, of Connecticut;

Petition of East Hampton Grange, of Connecticut;

Petition of Avon Grange, of Connecticut;

Petition of Farmington Grange, of Connecticut;

Petition of Clinton Grange, of Connecticut;

Petition of Wolcott Grange, of Connecticut; and

Petition of Higganum Grange, of Connecticut.

Mr. BRANDEGEE. I present memorials of sundry granges, Patrons of Husbandry, in the State of Connecticut, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which I ask may lie on the table and be noted in the RECORD.

There being no objection, the memorials were ordered to lie on the table and to be noted in the RECORD, as follows:

Memorial of Harmony Grange, of Monroe, Conn.;

Memorial of Meriden Grange, of Connecticut;

Memorial of Higganum Grange, of Connecticut;

Memorial of Webutuck Grange, of Sharon, Conn.;

Memorial of Salem Grange, of Connecticut;

Memorial of Norfield Grange, of Weston, Conn.;

Memorial of Farmington Grange, of Connecticut; and

Memorial of Highland Grange, of Killingly, Conn.

Mr. JONES. I have a telegram here from Hon. M. E. Hay, governor of our State, stating that the State senate had indorsed the Canadian reciprocity agreement, and he believes the house will also indorse it. I have also a telegram from the Commercial Club of Seattle unanimously indorsing the Canadian reciprocity agreement and urging me to vote in favor of it.

I wish to state that this club is composed of over 1,000 active members, residents of the city of Seattle.

I present a letter from the Chamber of Commerce of Blaine, a town located just on this side of the border line, urging the adoption of the Canadian reciprocity agreement.

The VICE PRESIDENT. The telegrams will lie on the table.

Mr. BURTON presented telegrams in the nature of petitions from the Chamber of Commerce of Cincinnati, Ohio, and from the Chamber of Commerce of Ashtabula, Ohio, praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

Mr. NELSON. I present resolutions adopted by the Minnesota Cooperative Dairies Association (Inc.), in delegate convention assembled in St. Paul, Minn., February 23, 1911, relating to the proposed reciprocal agreement between the United States and Canada. I ask that the resolutions lie on the table and be printed in the RECORD.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

Resolutions adopted by the Minnesota Cooperative Dairies Association (Inc.), in delegate convention assembled, St. Paul, Minn., February 23, 1911.

Whereas His Excellency President William H. Taft has sent to Congress a special message embodying the terms of a proposed agreement between the United States and Canada, having reference to certain reciprocal trade relations; and

Whereas these proposed trade relations will admit free to the United States all agricultural products, including manufactured dairy products, without a corresponding reduction on manufactured products from Canada to this country; and

Whereas this agreement, if ratified by Congress, will tend to materially reduce the selling price of United States farm products, and consequently reduce the scale of wages to farm laborers: Now, therefore, be it

Resolved, That we, members of the Minnesota Cooperative Dairies Association (Inc.), in delegate convention assembled in the city of St. Paul, Minn., and representing 10,000 dairymen and farmers, do protest against this unjust discrimination against the agricultural class; and be it further

Resolved, That we urge our Members of the United States Senate, Hon. KNUTE NELSON and Hon. MOSES E. CLAPP, and our honorable Congressmen, TAWNEY, HAMMOND, DAVIS, STEVENS, NYE, MILLER, LINDBERGH, VOLSTEAD, and STEENERSON, of the lower House of Congress, individually and collectively, to do all in their power to defeat the proposed reciprocity treaty; and be it further

Resolved, That our secretary be instructed to forward a copy of these resolutions to President Taft and to each Senator and Member from the State of Minnesota without unnecessary delay, and immediately to transmit a telegram to Senators NELSON and CLAPP.

The above resolutions, as duly adopted at the said convention, were introduced by the committee on resolutions, composed of Albert Westrup, G. A. Stoltz, Theo. Hilpert, and John R. Morley.

[SEAL.] MINNESOTA COOPERATIVE DAIRIES ASSOCIATION (INC.),
By CHARLES A. MORSE, *Secretary*.
JOHN R. MORLEY, *President*.

I hereby certify that the above is a true copy of resolutions, adopted as stated above, and that such resolutions stand unrevoked at this date.

Sauk Center, Minn., February 25, 1911.

CHARLES A. MORSE, *Secretary*.

Mr. KEAN presented the petitions of E. A. Smith and Victor L. Syein, of Hackensack, N. J., praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a memorial of Local Grange No. 146, Patrons of Husbandry, of Egg Harbor, N. J., remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which was ordered to lie on the table.

Mr. WATSON presented a memorial, signed by T. O. Deannier, manager Rex Coal & Coke Co.; J. P. Small, superintendent Logan Coal Co.; L. Epperly, superintendent Ethel Coal Co.; R. H. Hammill, superintendent Manitoba Coal Co.; B. Edgar Chatfield, secretary Logan Coal Co.; J. D. Copley, store manager Logan Coal Co.; B. S. Smith, cashier Ethel Coal Co.; A. O. Dudding, store manager Ethel Coal Co.; Bernard T. Call, cashier Rex Coal & Coke Co.; E. R. Mullins, stenographer Manitoba Coal Co.; W. W. Green, cashier Price Coal Co.; L. C. White, assistant cashier Logan Coal Co.; E. A. Anthony, store manager Rex Coal Co.; J. P. Kinzier, stockholder, Rex Coal & Coke Co.; G. H. Bolen, stockholder, Rex Coal & Coke Co.; and Frank Fleiny, store manager Price Coal Co., all of Ethel, in the State of West Virginia, remonstrating against any increase being made in the rate of postage on periodicals and magazines, which was ordered to lie on the table.

Mr. STEPHENSON presented memorials of Local Grange, Patrons of Husbandry, of Medina; of the Brown County Butter Makers' Association, of West De Pere; of J. M. Rambach and sundry citizens of Amherst Junction; and of F. Garner and sundry citizens of Chetek, all in the State of Wisconsin, remonstrating against the ratification of the proposed reciprocal agreement between the United States and Canada, which were ordered to lie on the table.

He also presented a petition of the Milwaukee Daily Newspapers' Association, of Wisconsin, praying for the ratification of the proposed reciprocal agreement between the United States and Canada, which was ordered to lie on the table.

He also presented a petition of the Ben Franklin Club of West Wisconsin, praying for the enactment of legislation to prohibit the printing of certain matter on stamped envelopes, which was referred to the Committee on Post Offices and Post Roads.

He also presented petitions of the Central Labor Council of Ashland, and of the Federated Trades Council of Milwaukee, in the State of Wisconsin, praying for the enactment of legislation to further restrict immigration, which were referred to the Committee on Immigration.

He also presented a petition of the Woman's Club of Grand Rapids, Mich., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Chamber of Commerce of Oshkosh, Wis., praying that an appropriation be made to provide suitable residences for United States ambassadors abroad, which was ordered to lie on the table.

Mr. PAGE presented a memorial of Local Union No. 5, International Brotherhood of Paper Makers, of Bellows Falls, Vt., remonstrating against the passage of the proposed reciprocal agreement between the United States and Canada, which was ordered to lie on the table.

Mr. CLAPP presented memorials of sundry citizens of Northfield, Minn., remonstrating against the proposed increase in the rate of postage on periodicals and magazines, which were ordered to lie on the table.

Mr. GUGGENHEIM presented a memorial of the congregation of the Friends Church of Paonia, Colo., remonstrating against any appropriation being made for the fortification of the Panama Canal, which was referred to the Committee on Appropriations.

Mr. GRONNA. I present a telegram transmitting resolutions adopted by the Legislature of the State of North Dakota, which I ask may lie on the table and be printed in the RECORD.

There being no objection, the telegram was ordered to lie on the table and to be printed in the RECORD, as follows:

BISMARCK, N. DAK., *March 1, 1911*.

Hon. A. J. GRONNA,
Washington, D. C.:

Be it resolved by the house of representatives of the Legislative Assembly of the State of North Dakota (the senate concurring), That we send a telegram letter to each of our three representatives in Congress protesting against the passage of the periodical postage rate amendment to the Post Office appropriation bill unless it shall be changed so as first not in interfere with the continuance to the people of literature at present reasonable cost.

Second. To provide for the classification of periodicals and newspapers by law rather than by one man's discretion.

Third. To safeguard the right of free expression of opinion against the censorship of any single individual.

Have copies of this letter delivered to Hon. P. J. MCCUMBER and Hon. J. B. HANNA immediately.

E. H. GRIFFIN,
Chief Clerk House of Representatives.

REPORTS OF COMMITTEES.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 7632) to acquire a site for a public building at Glenwood Springs, Colo., reported it without amendment and submitted a report (No. 1267) thereon.

Mr. MARTIN, from the Committee on Commerce, to which was referred the bill (S. 10878) to authorize the Commercial Club of Payette, Idaho, to construct a bridge across the Snake River, near the town of Payette, Idaho, reported it with amendments and submitted a report (No. 1268) thereon.

Mr. PENROSE, from the Committee on Finance, to which was referred the bill (S. 9530) to amend section 5 of an act entitled "An act providing for an inspection of meats for exportation, prohibiting the importation of adulterated articles of food or drink, and authorizing the President to make proclamation in certain cases, and for other purposes," reported it with an amendment and submitted a report (No. 1269) thereon.

Mr. OLIVER. On request of the Senator from New Hampshire [Mr. BURNHAM], the chairman of the Committee on Claims, who is confined at his house by illness, I report back sundry bills that have already been acted upon, for indefinite postponement without adverse report.

The bills were postponed indefinitely as follows:

A bill (S. 2262) for the relief of Allen Edward O'Toole and others, who sustained damage by reason of accident at Rock Island Arsenal.

A bill (S. 4200) for the relief of Pete Jelovac;

A bill (S. 4400) to pay Thomas P. Morgan, jr., amount found due him by the Court of Claims;

A bill (S. 5365) for the relief of registers and former registers of the United States land offices;

A bill (S. 5553) for the relief of the heirs at law of Etienne Chappuis, deceased;

A bill (S. 5718) for the relief of Theodore Schroeter;

A bill (S. 6864) for the relief of Dr. J. L. Vineyard;

A bill (S. 7616) referring the claim of the owners of the steamers *Harry Brown* and *Stella Moren* to the Court of Claims;

A bill (S. 8042) for the relief of Daniel Robinson;

A bill (S. 9519) for the relief of James D. Gilman;

A bill (S. 10247) to confer jurisdiction on the Court of Claims to adjudicate the claims of the heirs at law of Greenwood Leflore, deceased, late chief of the Choctaw Nation;

A bill (S. 10506) for the relief of William F. Norris;

A bill (S. 10598) for the relief of William F. Norris;

A bill (S. 10681) for the relief of Victor Beaulac and others;

A bill (S. 10765) for the relief of the representatives of the estate of Henry C. Sills, deceased;

A bill (S. 10843) for the settlement of claims for damages to and loss of private property;

A bill (S. 1460) for the relief of the legal representatives of Samuel Schiffer;

A bill (S. 2423) for the relief of registers and former registers of the United States land offices;

A bill (S. 1824) for the relief of the heirs of J. H. Peeples;

A bill (S. 3495) to reimburse Charles K. Darling for moneys necessarily expended by him as clerk of the court of appeals for the first circuit;

A bill (S. 3907) for the relief of Capt. Evan M. Johnson, United States Army;

A bill (S. 4454) for the relief of Thomas C. Clark;

A bill (S. 4802) for the relief of Laura A. Wagner; and

A bill (S. 6863) for the relief of Michael B. Ryan, son and administrator de bonis non of John S. Ryan, deceased, late of Charleston, S. C.

Mr. BEVERIDGE, from the Committee on Territories, to which was referred the amendment submitted by Mr. JONES on the 25th instant, proposing to appropriate $12,000 for the suppression of the traffic in intoxicating liquors among the natives of Alaska, etc., intended to be proposed to the sundry civil appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. SMOOT, from the Committee on Claims, to which was referred the bill (S. 10745) for the relief of Scott P. Stewart and Andrew J. Stewart, jr., reported it without amendment and submitted a report (No. 1270) thereon.

He also, from the Committee on Printing, to which were referred the following joint resolutions, reported them each with amendments:

H. J. Res. 286. Joint resolution authorizing the printing of 100,000 copies of the Special Report on the Diseases of the Horse; and

H. J. Res. 287. Joint resolution authorizing the printing of 100,000 copies of the Special Report on the Diseases of Cattle.

DAUGHTERS OF THE AMERICAN REVOLUTION.

Mr. SMOOT, from the Committee on Printing, reported the following resolution (S. Res. 380), which was considered by unanimous consent and agreed to (S. Doc. No. 856):

Resolved, That the Thirteenth Report of the Daughters of the American Revolution, with accompanying illustrations, be printed as a document.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BURROWS submitted an amendment proposing to appropriate $1,000 to pay K. F. Lawler for services rendered the Committee on Privileges and Elections in the investigation of the charges against Hon. WILLIAM LORIMER, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations.

Mr. LORIMER submitted an amendment proposing to appropriate $36,300.09 to pay H. E. Overstreet, of Chicago, Ill., in full payment of his claim against the Government under a contract with the Navy Department, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. GUGGENHEIM submitted an amendment proposing to pay one month's salary to the employees of the Senate Office Building now carried on the maintenance roll of that building for extra services, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

WITHDRAWAL OF PAPERS—JOSEPH D. HAZZARD.

On motion of Mr. TALIAFERRO, it was

Ordered, That permission be granted to withdraw from the files of the Senate all papers accompanying Senate bill No. 9719, Sixty-first Congress, third session, no adverse report having been made thereon.

PAPER ON LABOR.

Mr. JONES. I present an article by David Lubin, of the International Institute of Agriculture, he being the delegate of the United States to the International Institute of Agriculture, relative to the bearing which that institute has upon the question of labor. I move that the paper be referred to the Committee on Printing, with a view to having 25,000 copies printed.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 31596) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1912; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and has appointed Mr. SCOTT, Mr. COX, and Mr. LAMB managers at the conference on the part of the House.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 30273. An act for the relief of the city of Quincy, the towns of Weymouth and Hingham, and the Old Colonial Street Railway Co., all of Massachusetts; and

H. R. 32348. An act supplementary to and amendatory of the act entitled "An act for the division of lands and funds of the Osage Nation of Indians in Oklahoma," approved June 28, 1906, and for other purposes.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 10456. An act to restrain the Secretary of the Treasury from receiving bonds issued to provide money for the building of the Panama Canal as security for the issue of circulating notes to national banks, and for other purposes; and

S. 10883. An act authorizing the Erie Railroad Co. to construct a canal connecting the Hackensack River and Berrys Creek, Bergen County, N. J., as an aid to navigation, and for other purposes.

AGRICULTURAL APPROPRIATION BILL.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 31596) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1912, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insist upon its amendments and that the request of the House of Representatives for a conference be granted and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to, and the Vice President appointed Mr. WARREN, Mr. BURNHAM, and Mr. MONEY conferees on the part of the Senate.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, Executive clerk, announced that the President had approved and signed the following joint resolution and acts:

On March 1, 1911:

S. J. Res. 145. Joint resolution providing for the filling of a vacancy which will occur on March 1, 1911, in the Board of Regents of the Smithsonian Institution, of the class other than Member of Congress.

On March 2, 1911:

S. 10457. An act to amend section 6 of the currency act of March 14, 1900, as amended by the act approved March 4, 1907; and

S. 10691. An act granting pensions and increases of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors.

FRANCHISES OF PORTO RICO.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 855), which was read and, with the accompanying papers, referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed:

To the Senate and House of Representatives:

As required by section 32 of the act of Congress, approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith certified copies of franchises granted by the executive council of Porto Rico, which are described in the accompanying letter from the Secretary of War transmitting them to me. Such of these as relate to railroad, street railway, telegraph, and telephone franchises, privileges, or con-

cessions have been approved by me as required by the joint resolution of May 1, 1900 (31 Stat. L., p. 715).

WM. H. TAFT.

THE WHITE HOUSE, *March 2, 1911.*

VALIDATION OF CERTAIN HOMESTEAD ENTRIES.

The VICE PRESIDENT laid before the Senate a concurrent resolution from the House of Representatives (H. Con. Res. 63), which was read, considered by unanimous consent, and agreed to, as follows:

Resolved by the House of Representatives (the Senate concurring), That the President of the United States be, and hereby is, requested to return to the House the bill (H. R. 26290) providing for the validation of certain homestead entries.

SALE OF BURNT TIMBER ON PUBLIC LANDS.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 9957) to authorize the sale of burnt timber on the public lands, and for other purposes.

Mr. NELSON. I move that the amendments of the House of Representatives be referred to the Committee on Public Lands.

The motion was agreed to.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED.

H. R. 29466. An act to provide an allowance for loss of distilled spirits deposited in internal-revenue warehouses was read twice by its title and referred to the Committee on Finance.

H. R. 30280. An act authorizing the Secretary of the Interior to exchange certain desert lands for lands within national forests in Oregon was read twice by its title and referred to the Committee on Public Lands.

H. J. Res. 294. Joint resolution for the appointment of members of the Board of Managers of the National Home for Disabled Volunteer Soldiers was read twice by its title and referred to the Committee on Military Affairs.

H. J. Res. 295. Joint resolution approving the constitution formed by the constitutional convention of the Territory of New Mexico was read twice by its title and referred to the Committee on Territories.

BUSINESS OF THE SESSION.

Mr. MONEY. Mr. President, yesterday I made a statement on the floor as to the business of the Senate and stating generally the disposition of the Senators on this side. It seems that after I was compelled to leave the Senate sat until a late hour, and there were complaints made of filibustering. I do not know what are the particulars of that charge, but I am told the last filibuster was the demand of a Republican Senator to call the roll on a motion to adjourn at nearly 2 o'clock. I have no desire to fix the charge of filibustering on anybody, but I stated on yesterday that nobody can justly say that there has been any filibustering on this side.

We have arrived at a point now where we have two days and one hour to consider and dispose of the public business. I understand that there are nine appropriation bills yet to be considered. If I make a misstatement, I can be corrected by the chairman of the committee. There are a number of conference reports that will be coming in all the time. There must be an executive session, or probably two or three of them, at the heel of the Congress.

Mr. CULLOM. If the Senator will allow me, I desire to move an executive session right now.

Mr. MONEY. Just allow me to finish in one minute, Senator. I will then very cheerfully agree to your proposition.

I want to facilitate the business. I for one will not filibuster on anything, and I believe that is the spirit on this side. Of course, I can not speak for every gentleman on the Democratic side; neither can any of you speak for everybody on the other side. On the contrary, nobody can speak for a dozen on the other side. You can get together and do what you please on any bill, and you alone are responsible for anything that may happen.

But I have this proposition to make on behalf of my associates: We realize the fact that we are here with two days and one hour remaining for legislative work, with nine great appropriation bills which have not been considered, with conference reports that must come in and two or three executive sessions, at least, that must be had, and we have this proposition to submit to you for your consideration: Take up the appropriation bills and pass them. We do not intend to obstruct; on the contrary, we intend to facilitate. This, of course, means that there is to be proper debate on anything that we think requires it, but not at length, and not with any dilatory intention whatever.

If the Senators on the other side wish to see the budget of the Government so provided that the public affairs can be administered for another fiscal year it seems to me they ought to accept this proposition. It is made in entire good faith. I personally am prepared to vote on any proposition, for I do not want to say one word about any of them. It rests entirely with the Republicans.

The public will undoubtedly observe, and this side of the Chamber so intends, that whatever may happen by any delay whatever will be by the substitution of set measures for appropriation bills. I recognize fully the responsibility which each Senator in this Chamber on either side may feel to his own constituency, to his own faction or party, and to himself, but I recognize also that whatever we are doing is done with a good purpose. But good intentions do not always lead to good results. It has been often said that the way to hell is paved with good intentions. If that is true, the facilis descensus averni is the best-paved roadway in existence.

I submit this proposition, and it is for your consideration. I do not require an answer, but would like to see action that will show you have accepted it. We stand prepared to help the Republican side to consider the public business and to take up whatever may come after the appropriation bills in good faith.

Mr. SMOOT. Do I understand the Senator to say that the other side are not prepared to agree upon a time to vote upon the tariff-board bill?

Mr. MONEY. There has not been any agreement of that sort reached that I am aware of. Indeed, I do not know of any.

Mr. SMOOT. No one wants to interfere with the passage of the appropriation bills. I believe if we can agree upon a time to vote not later than 12 o'clock on Friday upon the tariff-board bill there will be no time consumed whatever with that bill from now on, and we can devote all the time to the appropriation bills.

That being the case, Mr. President, I ask unanimous consent that we agree to vote upon all amendments to the tariff-board bill and upon the bill itself at 12 o'clock on Friday.

Mr. MONEY. Will the Senator permit me? It does not seem that my proposition has had any consideration whatever from the other side. The distinguished Senator from Utah has presented a counter proposition which simply negatives everything I have said. If the appropriation bills are to pass they ought to be passed first, so that there will be no danger of one of them failing. I can assure the Senate that, as far as I can, I will vote without any debate on anything myself, and I believe that is the disposition on this side of the Chamber.

Mr. SMOOT. Mr. President——

Mr. MONEY. If the Senator can assure this side of the Chamber that the appropriation bills will be disposed of, I do not think there will be any objection on this side to his proposition.

Mr. SMOOT. That it will be impossible to do.

Mr. MONEY. Of course. So will the other.

Mr. HALE. Mr. President——

The VICE PRESIDENT. Does the Senator from Mississippi yield to the Senator from Maine?

Mr. MONEY. Certainly; I have not the floor.

The VICE PRESIDENT. Then the Senator from Maine has the floor in his own right.

Mr. HALE. The Committee on Appropriations is in constant session, and will be in continuous session, with the hope and expectation of passing all the appropriation bills before Saturday noon, but in order to do that it will not do to confiscate to-day and part of to-morrow by other business.

The Senate can see that as plainly as I can. We will not have time to get them in and we must have certain time. We lost yesterday. We passed only one appropriation bill.

I do not object to an agreement to take a vote, if that can be had at any time, on the tariff-board bill. Whenever we are ready to vote on it, whenever we agree upon a time, we will withdraw an appropriation bill in time for a vote; but I do not want to have it understood that any more of the time between now and the time indicated by the Senator from Utah is to be taken by further debate upon it. However, I will agree that any Senator in charge of an appropriation bill, if you can fix a time now for the vote to be taken, will withhold it for the time to take the vote without further debate on amendments and on the tariff-board bill; and by that means we will get it out of the way and we will pass all the appropriation bills.

Mr. CULLOM. Mr. President——

The VICE PRESIDENT. Does the Senator from Maine yield to the Senator from Illinois?

Mr. CULLOM. I simply desire to move an executive session. Before I make that motion I am willing to yield, if there are conference reports on appropriation bills ready to be presented.

Mr. HALE. I do not yield the floor for any motion, if we can agree upon a time to vote upon the tariff-board bill.

The VICE PRESIDENT. May the Chair put the request for the Senator from Maine?

Mr. HALE. Mr. President, the suggestion is made that on Friday at 12 o'clock the vote shall be taken upon the tariff-board bill, and I agree for the Committee on Appropriations that whatever appropriation bill in charge of the committee is pending at that time shall be withdrawn in order that a vote may be taken. I do not want to have it understood, and I can not agree as far as I can prevent it, to hold up appropriation bills in the meantime for debate on that subject.

Mr. OVERMAN. I ask the Senator from Maine, How long will it take to pass the appropriation bills without any obstructive tactics? Can you get through by Friday?

Mr. HALE. That is to-morrow. We have got to be in continuous session, and the Committee on Appropriations——

Mr. OVERMAN. Can they be passed at this session at all?

Mr. HALE. We can pass them if this arrangement is made. If we agree to take a vote on the tariff-board bill at 12 o'clock on Friday we will get that out of the way and we will pass every appropriation bill by Saturday noon, but we can not do it by easy work. I hope that will be agreed to unanimously.

Mr. LA FOLLETTE. Mr. President——

The VICE PRESIDENT. Will the Senator from Maine yield to the Senator from Wisconsin?

Mr. HALE. I do not want to spend any time in discussion. Will the Senate agree to that proposition?

Mr. LA FOLLETTE. I wish to ask the Senator from Maine a question.

Mr. HALE. Certainly.

Mr. LA FOLLETTE. I have yet to learn that there is any disposition upon the part of any Senator here to extend the discussion on the tariff-board bill.

Mr. HALE. I so understand.

Mr. LA FOLLETTE. If no Senator wishes to speak, is there any reason why the bill might not be passed to a vote much earlier than 12 o'clock to-morrow?

Mr. HALE. It seems to me that is not very essential, but I do not care when the vote is taken.

Mr. LA FOLLETTE. It is very plain, I think, that if the bill is not passed until 12 o'clock to-morrow and it has got to be returned to the House there is grave danger that it might not get through at all.

Mr. HALE. No; I do not think so. I want to say this to the Senator——

Mr. LA FOLLETTE. Unless there is some reason for the vote being deferred until that time, why not fix an earlier hour?

Mr. HALE. I am entirely willing for a vote to-morrow morning.

Mr. LA FOLLETTE. Say at 10 o'clock to-night.

Mr. HALE. I do not object to that.

Mr. LA FOLLETTE. That would allow time for a conference and the engrossing of the bill and would expedite the business of consideration.

Mr. HALE. I will change the proposition, and ask that the vote be taken at 10 o'clock to-night on the tariff-board bill.

Mr. MONEY. Mr. President——

The VICE PRESIDENT. Does the Senator from Maine yield to the Senator from Mississippi?

Mr. HALE. I do.

Mr. MONEY. I can not understand why this little commission is of more importance than the appropriation bills.

Mr. HALE. Does not the Senator see the trouble we are in?

Mr. MONEY. I see the trouble that we are in.

Mr. HALE. If we do not agree to something, we will not pass anything.

Mr. MONEY. Let us consider the appropriation bills. But what I was about to say was, that I can not understand the overpowering importance of this little tariff board, but I can see the importance of passing the appropriation bills. I am myself perfectly willing to vote this very moment on the measure which the Senator proposes—the tariff-commission bill.

Mr. HALE. Let us vote to-night at 10 o'clock.

Mr. MONEY. But we have no authority to say so for anyone else, and I do not believe the Democrats here are altogether willing to have a fixed time. You have got the power to take the bill up whenever you want to by a vote, and can do so at this very moment. You have two-thirds of this House, and you have a right to take the bill up at this moment. Now, do that, and take the responsibility.

Mr. HALE. I want to take up the appropriation bills also.

Mr. MONEY. I do, too.

Mr. ROOT. I beg to suggest that we should now vote on the bill.

The VICE PRESIDENT. The Chair will put the request of the Senator from Maine [Mr. HALE]. It is that at 10 o'clock to-night a vote be taken, without further debate, upon House bill 32010, to create a tariff board. Is there objection?

Mr. SIMMONS. Mr. President——

Mr. HALE. I hope the Senator from North Carolina will not object.

Mr. SIMMONS. I do not desire to agree personally to a time for a vote on the bill, but I am perfectly willing that it be taken up right now, and as soon as the discussion is over—I think there will be some further discussion—that a vote be taken in the regular course of business. I do not myself care—and I am only speaking for myself—to agree upon a specific hour to vote upon the bill.

Mr. HALE. What I am afraid of is, that if we do not have any agreement the whole of this day will be consumed in discussion upon the bill and we shall not get the appropriation bills through.

Mr. SIMMONS. I think I can say to the Senator from Maine that if the bill is taken up in the regular course to-day, after certain discussion, not in the nature of dilatory discussion, but upon the merits of the bill——

Mr. HALE. How much time?

Mr. SIMMONS. I would not be willing to venture a statement as to the time. For myself I should probably want about half an hour, but I do not know of any other Senator who would probably occupy much time.

Mr. McCUMBER. Mr. President——

The VICE PRESIDENT. Does the Senator from Maine yield to the Senator from North Dakota?

Mr. HALE. Yes.

Mr. McCUMBER. I merely wish to ask one question of the other side of the Chamber, and that is, if they do not wish to agree upon a time certain for voting, can we get an assurance from that side of the Chamber that a vote may be had upon this bill a sufficient time before the closing of this Congress to secure action in the other House and make the bill a law if it should pass both branches?

Mr. SIMMONS. If there is anyone on this side who intends to indulge in anything except a meritorious discussion of the bill, I do not know of it.

Mr. McCUMBER. The information I desired was whether we could now get assurance that we could get a vote on the bill.

Mr. HALE. It is a rather strange thing to me that, with the universal desire, I think, that we should not be forced to fail in some of the appropriation bills, we can not make an agreement now. If we do not, then I shall ask that the Senate proceed at once to the consideration of the tariff-board bill, and take it up now.

Mr. BEVERIDGE. I suggest to the Senator to make that motion.

The VICE PRESIDENT. The Senator from Maine is making a motion which the Chair did not understand.

TARIFF BOARD.

Mr. HALE. I move that the Senate proceed to the consideration of the tariff-board bill.

The VICE PRESIDENT. The Senator from Maine moves to proceed at once to the consideration of House bill 32010.

Mr. BACON. Mr. President——

Mr. BEVERIDGE. Regular order!

Mr. BACON. Is that the tariff-board bill?

The VICE PRESIDENT. It is the tariff-board bill.

Mr. BACON. I understood that was the unfinished business.

Mr. HALE. It is; but it does not come up until the end of the morning hour; and I am trying to save time. Let us have a vote on my motion, Mr. President.

Mr. BANKHEAD. Pending that motion, I move that the Senate proceed to the consideration of the Post Office appropriation bill.

Mr. BEVERIDGE. The Senator can not make that motion.

The VICE PRESIDENT. Until the motion of the Senator from Maine is disposed of the motion of the Senator from Alabama is not in order. The question is on the motion of the Senator from Maine.

Mr. OVERMAN. Let us have the yeas and nays on the motion.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CULBERSON (when Mr. FRAZIER's name was called). As I have stated several times, the Senator from Tennessee [Mr. FRAZIER] is unavoidably absent on account of a death in his family. He has a pair for to-day with the Senator from New Hampshire [Mr. BURNHAM].

Mr. PAYNTER (when his name was called). I have a general pair with the Senator from Colorado [Mr. GUGGENHEIM]. He is necessarily absent from the Chamber, and I therefore withhold my vote.

Mr. RICHARDSON (when his name was called). I am paired with the senior Senator from Maryland [Mr. RAYNER], but I transfer that pair to my colleague, the Senator from Delaware [Mr. DU PONT] and vote. I vote "yea."

The roll call was concluded.

Mr. GALLINGER. I am requested to announce that my colleague [Mr. BURNHAM] is ill to-day and stands paired with the Senator from Tennessee [Mr. FRAZIER].

The result was announced—yeas 55, nays 23, as follows:

YEAS—55.

Beveridge	Clarke, Ark.	Gronna	Penrose
Borah	Crane	Hale	Perkins
Bradley	Crawford	Jones	Piles
Brandegee	Cullom	Kean	Richardson
Briggs	Cummins	La Follette	Root
Bristow	Curtis	Lodge	Scott
Brown	Depew	Lorimer	Smoot
Burkett	Dick	McCumber	Stephenson
Burrows	Dillingham	Nelson	Sutherland
Burton	Dixon	Newlands	Warner
Carter	Flint	Nixon	Warren
Chamberlain	Frye	Oliver	Wetmore
Clapp	Gallinger	Owen	Young
Clark, Wyo.	Gamble	Page	

NAYS—23.

Bacon	Gore	Shively	Taliaferro
Bailey	Johnston	Simmons	Taylor
Bankhead	Martin	Smith, Md.	Thornton
Bulkeley	Money	Smith, S. C.	Tillman
Culberson	Overman	Stone	Watson
Fletcher	Percy	Swanson	

NOT VOTING—13.

Aldrich	du Pont	Heyburn	Terrell
Bourne	Foster	Paynter	
Burnham	Frazier	Rayner	
Davis	Guggenheim	Smith, Mich.	

So Mr. HALE's motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 32010) to create a tariff board.

REVISION OF LAWS—JUDICIARY TITLE.

Mr. HEYBURN. Mr. President, I present a conference report on the bill (S. 7031) to codify, revise, and amend the laws relating to the judiciary.

Mr. BEVERIDGE. The report has been read.

Mr. OVERMAN. Let it be read again. This is another report.

Mr. BEVERIDGE. I object.

Mr. OVERMAN. I ask for the reading of the report.

Mr. BEVERIDGE. The report has been read.

The VICE PRESIDENT. The report has once been read.

Mr. OVERMAN. This is another report.

Mr. HEYBURN. If the Senator will allow me, I wish to make a brief statement. The report has been read with the exception of the reserved point, upon which there is now a unanimous report. The only part of the report that has not been read is section 28. The rest of the report was read yesterday. We have all agreed upon section 28, on both sides.

The VICE PRESIDENT. The Secretary will read the part of the report that he did not read yesterday.

The Secretary read as follows:

SEC. 28. On page 23, in line 22, after the words "United States," strike out the remainder of the section, reading: *"Provided further*, That no suit against a corporation or joint-stock company brought in a State court of the State in which the plaintiff resides, or in which the cause of action arose, or within which the defendant has its place of business or carries on its business, shall be removed to any court of the United States on the ground of diverse citizenship."

Mr. HEYBURN. Mr. President, that is the portion stricken out, and it leaves the law stand as it is to-day.

The VICE PRESIDENT. Is there objection to the present consideration of the conference report?

Mr. BEVERIDGE. If it will not involve any debate, I do not object.

The VICE PRESIDENT. The Chair hears no objection. The question is on agreeing to the conference report.

The report was agreed to.

INDIAN APPROPRIATION BILL.

Mr. CLAPP submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28406) making appropriation for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1912, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 82.

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows:

Strike out all of the proposed amendment and insert the following:

"Any licensed trader on the Standing Rock Indian Reservation in North Dakota, who has any claim against any Indian of said reservation for goods sold to such Indian, may file an itemized statement of said claim with the Indian superintendent. Said superintendent shall forthwith notify said Indian in writing of the filing of said claim and request him to appear within a reasonable time, to be fixed in said notice, and present any objections he may have to the payment thereof, or any offset or any counterclaim thereto.

"If said Indian appears and contests said claim, or any item therein, the said superintendent shall notify the said trader and fix a time for a meeting of the parties thereto, and shall on a hearing thereof use his efforts to secure an agreement as to the amount due between the said parties. If the said Indian shall not appear within the time specified in the notice, the superintendent shall call in the said trader and carefully investigate every item of said account and ascertain the amount due thereon. Any account so ascertained by the superintendent or any account admitted by the Indian shall be and remain an account stated between the parties thereto.

"That any moneys which shall thereafter become due to said Indian by reason of any annuity or other indebtedness from the Government of the United States, or for property sold by or on account of such Indian and which shall be under the control of the Secretary of the Interior, or any agent or superintendent, shall be paid such Indian only at the agency headquarters. And it shall be the duty of such agent or superintendent to use his influence, advice, and good offices, to the end that such Indian shall, as rapidly as his means shall permit, pay the said account stated."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: Strike out all of said amendment and in lieu thereof insert the following:

"That any person who prior to March 1, 1909, made homestead entry for land in the Uintah Indian Reservation, in the State of Utah, under the act of May 27, 1902, and acts supplementary thereto, and who has not abandoned the same, may make commutation proof therefor: *Provided*, Such person has fully complied with the provisions of the homestead laws as to improvements, and has maintained an actual bona fide residence upon the land for a period of not less than eight months and upon payment thereof of $1.25 per acre: *Provided further*, That nothing contained herein shall affect any valid adverse claim initiated prior to the passage of this act."

And the Senate agree to the same.

MOSES E. CLAPP,
P. J. MCCUMBER,
W. J. STONE,
Managers on the part of the Senate.

CHAS. H. BURKE,
P. P. CAMPBELL,
JNO. H. STEPHENS,
Managers on the part of the House.

The report was agreed to.

TARIFF BOARD.

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 32010) to create a tariff board.

Mr. OVERMAN obtained the floor.

Mr. SMITH of South Carolina. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from South Carolina?

Mr. OVERMAN. Yes.

Mr. SMITH of South Carolina. Mr. President, I understand the bill now before the Senate has reference to a tariff board.

The VICE PRESIDENT. That is the bill now before the Senate.

Mr. SMITH of South Carolina addressed the Senate. After having spoken for some time,

Mr. CULLOM. I ask the Senator from South Carolina if he will yield to me for a brief executive session—for a few minutes only.

Mr. SMITH of South Carolina. I yield, although I am not near through. This is the first opportunity I have had to give my views on governmental affairs. I have been a novitiate in

this body, and I have tried to follow the old-established rule that you have to be here two years before you speak at length, and I was desirous of giving this body a thorough sample of just what I was capable of when I was in the spirit on the Lord's day, and I am to-day.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 28 minutes spent in executive session the doors were reopened.

TARIFF BOARD.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 32010) to create a tariff board.

Mr. SMITH of South Carolina. Mr. President, I do not propose to take up very much time, but I do want to get on record as giving my reasons why I do not believe that this board is a necessity. I hold in my hand here the report from the minority and the majority of the Committee on Investigation of the High Cost of Living. The two parties are divided on the one issue of the tariff question, we on our side affirming and alleging that the tariff, high protection, is the cause of the high cost of living, and, on the other hand, the Republicans claim that it has nothing to do with it. We have two reports coming from that committee. There were men selected from this side who investigated as thoroughly as the men on the other side, for we did it together. We examined the same witnesses and heard the same reports and reached as diametrically opposite conclusions as was possible.

We were practically a tariff board, with all the facts submitted to us; and after we had examined the witnesses, after we had discussed all the matters that came before us, the majority brought in a report exonerating the tariff, reaching an entirely different conclusion from that which we, the minority, reached.

Now, suppose the President of the United States appoints a bipartisan board as is contemplated in this resolution, some from the Democratic Party and some from the Republican Party. No matter what data they get the conclusions drawn will be in exact accord with the political bias of the different parties. If, on the other hand, we accept the amendment which proposes that the House and Senate appoint the members, we would have exactly the same condition. I want to say that I think it is beneath the dignity of the Senate of the United States here in the last hour, when he have 9 or 10 appropriation bills to pass, that the people of this country have a right to expect that we shall not consume the time in bargaining and counterbargaining for an opening for the purpose of carrying through some pet measure, when it is absolutely essential that these great matters shall be disposed of. It is no wonder that the people have become restive and are seeking some relief from the present status of affairs. I can not understand how men occupying the positions that we occupy can afford to allow themselves to become parties to these proceedings that we have had here from night to night and day to day, when questions of grave importance are before us.

Mr. President, it seems to me that we have no right to consume the time of the Senate in attempting to pass those measures for which there has been no great demand from the people. We are now beginning to delegate step by step the powers which are given to us under the Constitution to men who will not be responsible under the Constitution, and, if we do our duty as men, we shall settle on the floor of the Senate by open and free discussion the great questions involved in governmental affairs, and not delegate them to a board over which we practically have no control.

The people of the United States did not elect the members of this body for the purpose of allowing them in turn to delegate the powers granted them under the Constitution to some irresponsible board.

The Interstate Commerce Commission is not a parallel case. Every one is affected in exactly the same manner by virtue of any rate legislation made for the railroads. But each and every one is not affected the same way by the operation of the tariff. There are portions of this country which, by the nature of soil and climate, can not produce the raw material but can manufacture, and hence by the very nature of the case become the beneficiaries of the protective tariff. The line of demarcation is clearly drawn.

Take the New England States, with their bleak hills, sterile soil, with their great water power. It is naturally the home of the manufacturer. Take the fertile fields of the South and West, the natural fields for the production of the raw material.

Is it not natural, therefore, for the South and West to want to have the freest access to the markets of the world? While, on the other hand, it is quite as natural from a selfish standpoint for New England and those countries dependent upon manufacturing enterprises for their welfare to have a high protective tariff. As I stated here to-day, the battle that is being fought in the political arena of America, reduced to its last analysis, is a contest between those who are dependent upon favored legislation and those who are simply dependent upon the bounty of God for their welfare. You can abrogate for a time the natural law, but a false principle wrought into real life will work for itself disaster, and it has already done this in the economical affairs in America. Who can stand here and fail to justify the cotton grower of the South in protesting against selling his cotton in the free markets of the world and then paying the manufacturers of America a hundred per cent on the very articles made from the raw materials that he himself produced.

I have seen, Mr. President, poor, poverty-stricken ones in the fields of the South, who have produced on their farms cotton enough to have clothed a hundred while they themselves went naked. Not because what was raised was not sufficient to clothe them and give them a profit, but because there was wrung from their pockets by unjust protection on the shoes they wore and clothes they wore and hardware and house furnishings they used all the profits that would have naturally come to them. Take the millionaire manufacturer, and from the producer of the raw material is wrung the profit that he, the producer, has made, in order to enrich the manufacturer.

What is true about the cotton of the South is absolutely true about the wheat of the West. There has been put upon the statute books a duty on wheat, when the monstrous absurdity presents itself that here we have a duty to prevent the importation of wheat, while we are the biggest wheat-exporting country in the world. Do you not see that it is perfectly natural for those who produce the raw material to ask, not that their article shall be protected, but that the manufactured article shall be unprotected as well?

Again, what happened here last year—to show the attitude of these two contending forces? When the producers of the cotton of the South had been by Providence restricted in their output, and the spindles of the world had increased in the last two or three years from 15 to 20 per cent, and the use of the cotton had advanced beyond the dream of the most sanguine, the natural tendency of the law of supply and demand was that as the article was increasing in demand that the price should rise. Compared with the price of the manufactured article, the price of the raw material was absurdly low. Some southern men believing that the price should go up by virtue of the law of supply and demand, and recognizing the power of organized wealth and brain to frustrate and to emasculate a natural law, met and discussed plans by which the law of supply and demand might be put into operation. They agreed that if certain mills throughout the country would take this cotton [illegible] would go on the exchanges and buy at the absurd price that certain individuals who did not own a pound were offering it at.

These men made a proposition to the mills that they would buy these tissue-paper contracts and then demand the specific fulfillment of these contracts if the mills would agree to take it off of our hands. What did that mean? It meant that they would supply the mills with the actual cotton at a price which was lower than that which obtained in the South at that time. These men went to work in their legitimate way and distributed these contracts amongst the mills; then what happened? Just the moment the price began to rise certain parties who had sold this cotton and did not own a pound of it indicted these men or reported them to the grand jury, and the Attorney General of the United States issued warrants and had them haled into court, under the absurd idea that it was in restraint of trade, while the men who had sold this cotton that they did not own were allowed to go free. Can not you understand at a glance that no matter what kind of board you may appoint, if it is bipartisan, the man who can not produce the raw material and wants it cheap, wants a law passed by which he can profit in his business while the man who produces the raw material wants no interference, because the producer of the raw material under the law of trade is forced to sell at world prices if he produces sufficient to meet the needs, not only of his people, but of the world at large.

[At this point Mr. SMITH of South Carolina yielded for an executive session.]

Mr. SMITH of South Carolina. Mr. President, in resuming my remarks on this proposed tariff commission, I should like to disabuse the minds of Senators of any idea that I am myself attempting a filibuster or to in any way delay the order of busi-

ness. I feel like it is my duty to discuss what I believe are the merits—if there be any merits—and the demerits of this proposed measure.

I should like to call the attention of some of the advocates of the election of Senators by direct vote to the absurd position in which they place themselves in reference to this measure when they oppose it. They claim that we ought to have Senators elected by the people for the reason that the legislatures are more available for corrupt practices, or more easily approached and controlled than are the great mass of the people, and they cited some very unpleasant and unfortunate instances to prove that selfish interests wishing to control legislation could take a few men, manipulate a few men, pervert justice, and distort law easier than they could go out among the rank and file of the people and do so. But almost with the next breath these very advocates of this measure declare that we, representing all the States, are not competent, on account of selfish interests, to decide the great question as to what shall be the proper attitude of the Government in collecting its revenue and protecting its industries; but that we, the representatives of the people, certainly more numerous than this proposed commission, must surrender our commission and put it into the hands of a very few men; in other words, reduced to its last analysis, it means that in the election of the representatives of the people the people must be taken into the confidence of those seeking these seats, and, when they have happily carried that point, with the next breath they demand the passage of an act that would take away from them the very power given and delegated to them by virtue of that vote, and put it into the hands of a few men to control the economic policy of this Government.

I insist that we can not play fast and loose with the American people. In every move of this kind where there is a contradiction in logic and a contradiction of seeming sincerity, the American people have a right to know what is the motive other than pure, clear truth and logic. They say to the people, "We want to get into your confidence; we want the initiative and referendum; we want to bring the Government down as close as is compatible with anything like expedition to where the great voice of the people can immediately effect legislation; they stand here and make eloquent speeches in pleading for the rights of the American people to come in direct contact with those who legislate, or with legislation; and then these same advocates, in the very next breath, stand here and demand and plead for a measure which proposes to take out of the hands of those to whom it is delegated this power and put it into the hands of other men to decide the grave economic questions that come before us, and upon which the welfare of this country depends.

As I said a moment ago, we can not expect the American people to have confidence in us when we, the highest legislative body in this country, or in the world, are guilty of such inconsistency.

Now, I should like to call attention, Mr. President, to the circumstances, perhaps, or the conditions that have caused a demand for a tariff commission. There has come such complaint, there has been such unrest amongst the people that some earnest men here from the new Western States, with their persistency and with their determination to right wrongs, have at last forced their own party to deal fairly, in a measure at least, with the American people. I am going to take this occasion to stand here, and though I am greatly disappointed that they should, in my judgment, be misguided in advocating the creation of a tariff board, because I believe it means the practical undoing of all that they have done—I am going to take this occasion to say that I feel like taking off my hat in the presence of that little coterie of true-hearted, plucky Americans who dared on the floor of the United States Senate to antagonize and confront the rulers, who in years past to confront meant ruin. I pay them this tribute, though I am sorry that they have committed themselves to this measure, for I am persuaded that the true thing for us to do, the true thing for you to do, is not to ask that our power shall be delegated to a small few, but that we shall purify the Senate by virtue of our agitation until what we do here will need no commission. As Burns says:

I'll no say men are villians a';
The real, harden'd, wicked,
Wha hae nae check but human law,
Are to a few restricked;
But, och! mankind are unco weak,
And little to be trusted;
If self the wavering balance shake,
It's rarely right adjusted!

Now, Mr. President, I am going to challenge everyone on this side and on the other side not to answer me directly, but in his heart. We say that we want to equalize the difference in the cost of production here and abroad in order to protect American labor and then guarantee a reasonable profit to the manufacturer. I shall not draw any distinction between the manufacturer's business and other vocations. I am going to confine myself to this: How many Senators on this side and how many on the other side believe in their heart of hearts that the rank and file of the manufacturers who clamor for protection are unselfishly clamoring for it for the benefit of the American laborers who have to work in their factories and in their mines?

Here comes in another absurdity. They clamor for a law that will protect the much-talked of and dearly beloved American laborer in the Halls of Congress, and then fling wide the doors to the scum and offscouring of Europe and bring this element into our country in direct competition with our native-born American labor.

The highest type which a legislator can reach is to strive to eliminate low and selfish interests and legislate for the best interests of all the people; and when we fail in that, Mr. President, it is simply because of the result of an unfortunate circumstance which took place 45 years ago. There was an alienation in sentiment between the sections as well as an alienation commercially in those things we produced. Thank God, that is passing rapidly; and I rejoice to see the interests common to one section being developed in another section, so that we are beginning to get together again.

But there is not enough knowledge on the part of the junior Senator from South Carolina of the conditions that exist in Wisconsin, and there is not enough knowledge on the part of the Senator from Wisconsin of the conditions that exist in my section. We need to mingle more, and here is the place, in lieu of a better one, for us to mingle, not on party lines, fighting for sectional supremacy, but on cooperative lines, fighting for American supremacy.

When we come here to discuss the tariff question it is a battle. Who pretends to say it is not? It is not a battle of great statesmanship to bring about the best interests of all concerned, but it is a battle of self-interests, to see who will drive and who will follow.

Mr. GORE. Mr. President——

The PRESIDING OFFICER (Mr. BRIGGS in the chair). Does the Senator from South Carolina yield to the Senator from Oklahoma?

Mr. SMITH of South Carolina. I do.

Mr. GORE. I rose to suggest the absence of a quorum.

Mr. SMITH of South Carolina. I hope the Senator will not do that. Senators are down at lunch. I ask my friend not to make that suggestion.

Mr. GORE. Very well; I withdraw the suggestion.

Mr. SMITH of South Carolina. Just the other day the President of the United States submitted a proposition to Congress in order to bring about, as he thought, a better condition for the American laborer—because no man dare stand here on this floor and tell me that the high cost of living has not ground the face of the poor; tell me that the doubling of the price of meat, the doubling of the price of flour, the doubling of the price of the necessities of life has been followed pari pasu by a doubling of the wages of those who produce and labor in field and in factory!

I myself have seen distress; I have seen retrenchment to where it was absolutely cruel in the homes of the poor on account of these high prices. The matter with the American Senate, Mr. President and gentlemen, is this: Most of us are too far removed from the bleeding, suffering hearts of those that produce that out of which we roll in wealth. I want the Senate to remember one thing. Thank God, the love that a mother and father have for their children is not measured by the number of dollars they own. In spite of the calico dress, in spite of the work-distorted hands, in spite of the seamed cheeks, from which the bloom of beauty has been smitten by the cruel hand of poverty and adversity; in spite of the stooped form, thank God, underneath that calico dress, despite all of these physical distortions, the poverty-stricken mother loves the bright darlings about her feet with as glorious and divine a love as ever burned in the heart of a queen.

That is the problem; that is the inspiration that is making for righteousness in America; and I for one deem it a privilege beyond price to stand here at the seat of legislation that must inevitably affect for weal or woe my people and enter my protest against any legislation which I believe will not give equal rights to all and special privileges to none under the law.

The papers have been filled with the cry "Back to the farm;" "back to the farm." Why? Because you are crowding into the cities, preempting the work of the already city dwellers. Eggs are 40 cents a dozen. Meat is high. Provisions are high, and some of us who claim the privilege of staying in the easy places and enjoying a good living at others' expense insist that you shall go back in order to cheapen living for us and allow us to feast on you a bit longer. Who are the ones who made the cry

"back to the farms?" Did you hear any banker who was making a fortune out of the banking business go into the highways and through the printing presses tell men to come into the banking business? Did you hear any politician who was enjoying the pleasure of serving his people in the Halls of Congress clamoring for others to study politics, that they might pick up where he left off, or, if these students proved themselves better than he, take his place?

In a word, Mr. President, in any great wealth-producing professions, vocations, or avocations, have you heard any man clamor "back to law," "back to medicine," "back to the railroad business," "back to the great manufacturing enterprises?" No. The cry has been, "back to the farm." "We need a broader foundation of bleeding hearts and poverty-stricken bodies in order that velvet-shod feet may walk a little smoother." That is why. You do not deceive them. You do not deceive them by your proposed tariff commission. You do not deceive them by your false assertions as to measuring the difference between the cost of production at home and abroad. You do not deceive them by any of your subterfuges, because, thank God! He means that every man shall have an equal chance on the fighting line of life. And as the race has progressed He has given them the facilities to progress. Step by step, from the impenetrable darkness of the earlier ages, when ignorance was the plaything of intellect—as it has ever been—the rich and the powerful fed upon the proceeds of the poor and helpless. But the printing press, the facilities for transportation, for communication, the thousand avenues for men to meet, are within the reach of the poor. We have our daily papers and magazines, and knowledge to-day is being put at such a price that it is covering the earth, as the waters the sea, and the man out in the woods, in the far rural districts, is becoming as cosmopolitan as the man who walks the streets of Washington, and you can not fool him any more. He is coming into his own.

This country was startled last year. The great trust buster of America did what? He went abroad and joined battle with the fierce beasts of Africa. Then he landed as a great triumphant hero on these shores to dictate to the American people the policy they should pursue. And in one fell swoop the fiat went forth in the November elections—the people served notice on all self-appointed leaders that they were still to be reckoned with. I say to-day that if the Democratic Party, with this the first sign of dawn on its horizon, does not see fit to take advantage of the opportunity, in honesty, in fearlessness, and in integrity, to solve some of the vexed problems that affect us and relieve some of the burdens that oppress us, then there shall be found in America some one who will bring the relief. We have our opportunity.

As I said a moment ago, speaking of this spurious doctrine—that we wish to have a tariff that will measure the difference between the cost of labor here and abroad—everyone knows that the most startling absurdity that was ever expressed was that we by artificial law have attempted to indefinitely perpetuate the enrichment of a few at the expense of the many.

I am not a free trader. I allow my free-trade tendencies to run just to one point and there stop, and that is to collect from all the importations, regardless of what they are, sufficient revenue to run this Government and to restrict the expense of Government down to the last possible dollar commensurate with the efficient administration of our administrative affairs.

I am not going to vote for this measure. I should like to call your attention to just one other thought.

You can not get away from this fact. I said the other night, in my speech on reciprocity, I do not propose to question the President's motives no more than he has a right to question mine. As an official, and the chief official, I think it is the duty of each and every one to give him such implicit confidence as to encourage confidence on his part in us. I have no patience with this unfortunate habit that we are drifting into of speaking of the President as though he were not worthy of confidence after he has been placed in this position of trust and tremendous responsibility. I believe he should be strengthened. I believe that even though he were a weak man he could fill in a measure the place of a strong man were he given the strong, undivided support of those upon whom he is dependent for the execution of the laws of the country.

He comes right into the face of this acute stage in America's production of the necessaries of life and their consequent rise, and proposes a remedy, small perhaps in area, but still a beginning, and what do we do? We propose a tariff commission. How long would it take that tariff commission to begin the business of relieving the condition that confronts us? We strongly oppose making a beginning for the relief of the people. The western wheat grower says, "I must have protection on my wheat, because the people who eat my bread must enrich me, even though they and theirs go on a crust a day." I do not believe they say that, but some of their representatives pretend like they do. I do not believe they themselves say it, because it is an absurdity.

Mr. GRONNA. Will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from North Dakota?

Mr. SMITH of South Carolina. With pleasure.

Mr. GRONNA. Does the Senator from South Carolina believe that the proposed agreement is reciprocal in its terms?

Mr. SMITH of South Carolina. As far as I have the ability to read the English language; yes, I do.

Mr. GRONNA. Will the Senator name certain manufactured articles that the farmer will be able to buy cheaper under this agreement as compared with the present tariff law?

Mr. SMITH of South Carolina. You have some farm implements in there—harvesters, reapers, and binders, and others that I could call attention to. I will go to my desk and get it and read the list. But even suppose there is but one. That one is more than has ever been done before, and it is a beginning.

Mr. GRONNA. I wish to state to the Senator that the rate is not changed on farm implements, binders, wagons, and so forth. There is no change.

Mr. SMITH of South Carolina. In Schedules C and D there is an understanding. Now, to be perfectly fair, there is an understanding that upon the ratification of this treaty, if Schedule A and Schedule B are put into operation, then these others will naturally follow in their reciprocal relations.

Now, Mr. President, I do not want the Senators over here to think that I am talking to kill time. I am trying to talk to kill iniquity, not time. I am talking to kill this injustice, if I can. Why should I stand here and waste the time of the Senate when great issues are affecting me, and thank God I am a representative direct from the people, from the field. I have no other profession, vocation, or avocation, and yet because I am not trained in the law to split hairs and to differentiate to the shadow of a shade the Supreme Court's interpretation of the law some hear me indifferently. The people themselves are no more competent to understand these abstrusities than I, and you have no right to make a law that the great rank and file, though they be uneducated, can not understand. We are legislating for the American people and not for lawyers. We have legislated all these years for the courthouses and not for the people, and it is the shame of the American people that a direct representative from the American people, coming from them, is looked upon by certain professional classes as being unfitted for the work of legislation.

Mr. GRONNA. Will the Senator from South Carolina permit me to ask him another question?

Mr. SMITH of South Carolina. I will.

Mr. GRONNA. Then, if I understand the Senator correctly, he is willing to give the farmer the same opportunity that he would accord to the manufacturer?

Mr. SMITH of South Carolina. In justice; yes, in justice. I qualify it.

Mr. GRONNA. Does the Senator believe that it is being done in this proposed agreement?

Mr. SMITH of South Carolina. I do, for this reason: It makes no difference to me whether or not another profits by an injustice. If I am the proper kind of a man and have the proper character, I will not profit by injustice, but rather stand by my principles and lose all I have, if necessary, to uphold that principle.

To illustrate, I know exactly the comparison that you want to make, that when the farmer sells the wheat in the free and open markets of the world he should not be compelled to buy what he needs in the protected market. As I said the other night, to repeat now, if I was so unfortunate as to live in a community of thieves, whose profit was dependent upon their dishonesty and their thievery, and I was being ruined by their thievery and dishonesty, what would be my proper attitude? To denounce that thievery and dishonesty or join forces with them and say, "I will be dishonest and steal, too, until I can get a law passed that will either prohibit it or educate public opinion to where they will not allow it."

What is my proper attitude? To stand by my conviction of what is right, regardless of whether there is a dollar in it for me or for you? There is a certain story written in an old book that on a hill over in the east one man went to the cross rather than to succumb to the seduction of court and power. He could afford to allow himself to be crucified for humanity's sake. Any man who enjoys the blessing of civilization that dares do less is not worthy of the sacrifice that the Man of Galilee made for modern civilization. [Manifestations of applause in the galleries.]

Now, Mr. President, I am glad of having this opportunity. My ideal of the United States Senate was of so high an order that I thought my association with them would be a blessing, and that I would go back to the people rejuvenated with high ideals of the relationship of people to their legislators and their legislators to the people. Mr. President, I bring no railing accusation, but what an awakening I have had! I have come here with old-fashioned ideals of honesty and square dealing to find them out of place.

Mr. President, I understand thoroughly that God puts a premium on brains. He puts a premium on thrift. He puts a premium on every industry controlled by intelligence, and the ignorant and poor must take the wage of the ignorant and the poor. The nearer a man approaches the animal the nearer he has got to take the wage of the animal—which is his feed and keep. The higher he gets in intelligence the better he is able to avail himself of those forces that make for civilization, culture, refinement, and wealth.

Therefore the great lesson for the masses of the people to learn, and which they are learning, is not the teaching of the demagogues who would have them to believe that because they are poor they are entitled to special privileges and that poverty is a badge of honor, but rather to learn the road which leads from poverty to a higher condition of life.

Mr. President, I have seen a young American start out as a farmer to build a home, and to realize the hopes and ambitions that burn within us all. I have seen him take to his heart a beautiful girl, and these two, in perfect happiness, begin the journey of life. I have seen the farm that they tilled produce year after year an abundance of that out of which the world grew rich, but left them poor. But they strove on; each year hoping that the next year would bring a realization to offset the disappointment of the one preceding. They had an humble home; there were no carpets on the floor, no pictures on the wall; their clothes were the coarsest and cheapest; their table was furnished with the barest necessities of life. Yet they worked on and hoped on, in spite of the fact that hope deferred was making the heart sick, and each year witnessed the death of a fond hope. In these years there were gathered about their feet the little ones—pledges of their faithfulness, each to the other—for whom they dreamed even more extravagant dreams than they had dreamed for themselves; I have seen the mother, with the loving mother's heart, laboring and toiling, willing to do any drudgery; willing to put her body in the stony road of poverty, in order that the feet of her darlings might have a smoother road to travel than mother had walked.

I have seen the father, racked by disease, struggle on to better a condition which he could not understand. I have seen this little family at the Christmas time, the time when the Christian world celebrates the birth of Him who brought the doctrine of "peace on earth, good will to men." I have seen the father of this family at this time start to market with that which represented the labor of this struggling home. I have seen him when he came to this market and as he passed from one to the other of those who stood in the market place to buy; I have seen him with a mute helplessness written on his care-worn face, where was depicted the tragedy of unjust legislation. I have seen him unable to cope with the organized forces that he found, surrender a year's labor and carry back to his home disappointment and pain.

In studying these conditions, seeing this tragedy of the oppressed, I pledged myself then—as I pledge the Senate now—that I shall strive to see to it that those who produce the wealth of this country shall enjoy the proceeds of the wealth they produce.

Mr. SHIVELY. Mr. President, I shall owe no apology for the time I shall consume. Impressed with the magnitude of the business before the Senate at this session, I have steadily refrained from the use of time except when the occasion in all respects justified it. The conditions now confronting the Senate present an issue that should not be misunderstood. We are within 48 hours of final adjournment. There are eight annual appropriation bills that remain unconsidered. These carry a total of nearly $800,000,000. They provide means for the execution of the powers committed to the several departments of the Government. In the presence of this startling situation, the chairman of the Committee on Appropriations ignores these appropriation bills, moves the Senate to proceed to the consideration of a purely political measure and make it the unfinished business, and this motion is adopted by the members of the dominant party in this Chamber.

We hear whispers of a filibuster. If there is such a movement on, who are parties to it? Being a novice in the Senate, I am curious to learn the secrets of a parliamentary procedure that deliberately forces the great supply bills into the background at this late hour in the session. Several of these bills are crowded with new and general legislation. Some of the new legislation involves vital questions of policy in government. How much mischief has crept into these bills in the haste and rush of committee work since they came from the House, no one can know. The party dominant in this Senate has had from 12 to 14 years of unrestrained power within which to create a tariff board. Do the Senators representing that party on this floor now require the country to believe that the necessity of such a board has suddenly become so overwhelming as to justify postponement of the appropriation bills, and the consequent choice between the starvation of government and an extraordinary session of Congress?

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from North Carolina?

Mr. SHIVELY. I do.

Mr. SIMMONS. I want to call the Senator's attention to a fact that I think ought to be emphasized in connection with the remarks he is making. When the Senator from Mississippi [Mr. MONEY], speaking for his Democratic associates, and he so stated, proposed to the other side of the Chamber that we should now take up and pass all of the appropriation bills before any other subject of legislation was considered, the other side of the Chamber not so much as responded in any way to the suggestion, but he was met with a demand that we fix an hour to vote upon this bill.

Mr. SHIVELY. A demand without a reason.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Utah?

Mr. SHIVELY. I do.

Mr. SMOOT. I did not understand what the Senator said at the beginning of his remarks. I would like to have him repeat it.

Mr. SIMMONS. I said that this morning when the Senator from Mississippi [Mr. MONEY], speaking for the Democrats in this body, and he so stated that he spoke for his party, made a plain, direct, unqualified proposition to the Senate that we take up now the appropriation bills, and that we proceed to no other business until all of those bills have been acted upon and passed, and that that suggestion and that proposition on the part of the Senator from Mississippi, speaking for his party, was absolutely ignored by the majority in this body, and the only response, if it could be called a response, was a demand that we should agree to fixing a time upon which the vote upon this tariff-board bill should be taken.

Mr. SMOOT. Mr. President, the Senator must know that if that request had been complied with it would mean the absolute defeat of the bill under consideration.

Mr. SIMMONS. That, Mr. President, is exactly the point I wish to emphasize and call to the attention of the country, to wit, that the majority in this body have deliberately determined that for the purpose of securing a vote upon this bill they will defeat, if necessary, all of the great appropriation bills that have not yet been acted upon and force an extra session.

Mr. SMOOT. On the other hand, this is the unfinished business before the Senate, and the Senator knows that——

Mr. OVERMAN. It is not the unfinished business now.

Mr. SHIVELY. It was made the unfinished business by the Senator and those who are cooperating with him.

Mr. SMOOT. Certainly; it was made the unfinished business by the Senate, and I do not care——

Mr. SIMMONS. The gravamen and meaning of the proposition of the Senator from Mississippi was if the other side had consented to it, we would, by consent, displace the special business by the appropriation bills.

Mr. SMOOT. I do not desire to take up any time in discussion, but if there had been an agreement to vote upon this bill as requested, as late as Friday at 12 o'clock, there would have been no further discussion and we would have proceeded immediately to the consideration of appropriation bills.

Mr. SIMMONS. With the consent of the Senator from Indiana I want to ask the Senator from Utah if an agreement has not, as a matter of fact, been made upon the other side of the Chamber that a certain element of that side shall be permitted to take charge of this bill and force it to a vote regardless of the fate of the appropriation bills, and that the balance of that side will stand by them in that proceeding.

Mr. SHIVELY. The silence of the Senator is eloquence.

Mr. SMOOT. Mr. President, I am not going to be drawn into any discussion simply to take up time. I could answer the question very——

Mr. SIMMONS. The Senator was not drawn into it. He interjected himself into it by asking me a question.

Mr. SHIVELY. It will be a good deal easier for the Senator to answer the question than to evade it.

Mr. SMOOT. The question put by the Senator could be answered very easily by saying there was no such agreement.

Mr. SHIVELY. To what agreement does the Senator now refer?

Mr. SIMMONS. If the Senator from Indiana will permit me, the Senator from Utah says it could be answered. Does the Senator say that there was no such agreement or understanding on the part of the majority?

Mr. SMOOT. I can say that there was no such agreement as the question of the Senator——

Mr. SIMMONS. What kind of an agreement with reference to keeping this bill before the Senate to the exclusion of the consideration of any other legislation?

Mr. SMOOT. The question is not pertinent to the question under discussion.

Mr. SHIVELY. Its pertinency is what makes it troublesome.

Mr. SIMMONS. I ask the Senator if there was an agreement on the part of the majority Members of this body that this particular bill should be kept before the Senate to the last minute of the session, if necessary to secure its passage, to the exclusion of other and more important legislation, in my opinion.

Mr. SMOOT. There was no such agreement.

Mr. SIMMONS. But the Senator will not state what was the character of the agreement as affecting the consideration of this bill in preference to other important measures.

Mr. SMOOT. The agreement was that the bill should be the unfinished business, and that is what it is.

Mr. SIMMONS. And should remain the unfinished business to the exclusion of all other bills.

Mr. SMOOT. As long as the Senate makes it so.

Mr. SIMMONS. The Senator will not make any direct answer and I will not press him any further about it.

Mr. SHIVELY. Mr. President, this colloquy has tended somewhat to clear the atmosphere. An agreement was entered into on the other side of the Chamber by which this bill is given the right of way over eight annual appropriation bills. This was done in the face of the manifest fact that such agreement means that the appropriation bills must fail of passage or be rushed through at the last moment without any semblance of adequate consideration. What is back of such agreement? Is there not another measure in the background that is the real cause of the unprecedented delay in reporting out the appropriation bills? The gentlemen's agreement is gradually getting into the RECORD. What about the Canadian agreements? Are these the ghosts that stalk the darkness of the background and disturb the peace of mind of those who entered into the gentlemen's agreement? Must nothing but gallop time be left to appropriation bills lest some sinful Senator attempt to secure a vote on the Canadian agreements? Do the advocates of the pending bill require that its enactment shall be also a purely physical performance, in which all scrutiny and discussion are to be regarded as an impertinent consumption of precious time?

Nothing in this session is more noticeable than that the Senators who have been the liveliest gluttons in the consumption of time themselves have suddenly become economists on the time of others. Persistent profligacy suddenly has changed into anxious parsimony. To meet this change I serve notice now that I shall cheerfully yield the floor at any moment for a motion to take up any of the appropriation bills. Nor in the absence of such motion shall I consume time further than to briefly discuss the merits of this bill. A bill which the majority in this Chamber regards as of such transcendent importance as to be entitled to displace the supply bills on which the life of the Government depends may be safely regarded as too important and fraught with too much consequence to be lashed through the Senate without debate.

It is proposed by the pending bill to create a tariff board composed of five members, the chairman of which is to receive $7,500 per annum and the other members $7,000 each per annum. The board is to be appointed by the President. The board is given power to select, appoint, and fix the salary of a secretary. The board is given power to select, appoint, and fix the salaries of "such other employees as it may find necessary to the performance of its duties." It shall have its principal office in the city of Washington, but "shall have full authority, as a body, by one or more of its members, or through its employees, to conduct investigations at any other place or places, either in the United States or foreign countries, as the board may determine." All expenses of such investigations shall be paid on the presentation of vouchers "approved by the chairman of the board."

The multiplication of bureaus at Washington has forced annual expenditures up to nearly eleven hundred million dollars. Here is proposed the creation of a body with almost infinite possibilities of expansion in patronage and no restraint save such limitation as may be made from time to time on appropriations. From the day of its appointment it becomes an appetite that grows with what it feeds on, and it feeds on the Federal Treasury. The largest temptations are constantly present for it to augment its powers, its importance, its patronage, and to secure its own perpetuation. What visions of foreign travel at the expense of the Government the plan presents! The millions of taxpayers on whom must fall the burden are scattered, unorganized, and without coherency of action. The special interests back of the protection principle are organized, vigilant, and alert to bend such a body to their own purposes. The whole force of the situation will be toward using patronage to secure enlarged appropriations, and these appropriations in turn are more likely to be employed as an influence to sustain rather than to correct the mischiefs arising from a perverted use of the taxing power. This tendency is doubly probable in view of the undisguised adherence by the advocates of this bill to the doctrine of Federal taxation for private profit.

But in all legislation some risk must be taken. This is only justified, however, by a reasonable prospect of superior good to be attained. Of course, a careful, intelligent, scientific revision of the tariff is desired. Must this desire be coupled with new additions to the civil list of the Government or be disappointed? What is the purpose of the bill? To secure information on which to make an intelligent revision of the tariff? There is not a Member of either branch of Congress who, in his last campaign, was not more than willing that the people for whose suffrages he stood should confidently believe him well equipped for the work of revising customhouse taxation. Those people had at least the right to assume that he had the industry to study the question, and the intelligence to understand it. Having employed him for this high service, must they now by the pending bill employ a board of teachers to instruct and qualify him for the task?

Mr. JOHNSTON. Mr. President——

The VICE PRESIDENT. Does the Senator from Indiana yield to the Senator from Alabama?

Mr. SHIVELY. I do.

Mr. JOHNSTON. I want to suggest to the Senator from Indiana that the passage of this bill has been delayed, as he says, from 12 to 14 years, and delayed until the majority of the other House of Congress is about to change, when this information will be of no practical value if they follow the Democratic principle on the tariff.

Mr. SHIVELY. It never seriously occurred to the majority to suggest a tariff board until the American people suggested the retirement of that majority from control of the Congress.

Mr. JOHNSTON. And the framing of a tariff bill on a different principle.

Mr. SHIVELY. Framing a tariff primarily to provide for the fiscal necessities of the Government instead of framing a tariff primarily to provide enormous profits for the few interests it can protect by sponging up by means of artificial prices the natural and legitimate rewards of the industries and occupations which it does not and can not protect. But, Mr. President, giving the advocates of this bill the benefit of every claim they make as to the necessity of procuring information as to cost at home and cost abroad, and difference in costs and conditions of production, what necessity even then exists for setting this new company of tax eaters in the United States Treasury?

What about ascertaining cost at home? In 1903 Congress created the Department of Commerce and Labor. This has become one of the great departments of the Government. It has jurisdiction over a wide variety of subject matter. The organic act creating this department established a Bureau of Manufactures, gave it a chief at a high salary, and equipped it with all necessary expert and clerical assistance to perform its work. The same act created a Bureau of Corporations, gave it a high-salaried commissioner and a deputy commissioner, and equipped it with special agents, experts, clerks, and other employees. In this department is also the Bureau of Statistics. What greater equipment can be asked for the purpose of ascertaining the cost of production at home in so far as such cost is ascertainable by any human agency?

I observed the contention of the Senator from Texas [Mr. BAILEY] that the Government has no power to compel the private citizen to disclose the secrets of his business. I am waiving the abstract question of power in testing the necessity for this legislation. Of course the secrets involved in the methods and devices, which applied by the citizen in production, make short cuts toward minimizing cost, improving quality, and

reaching the markets against competition are among the most precious of his possessions, and as much entitled to the security of the laws as any other of his rights in property. His triumphs in this legitimate sphere of action give zest, satisfaction, and compensation amid the worries, struggles, and cares of his business life. To these, by every consideration of equity, he is entitled. But when the private citizen reduces the taxing power of his government to an asset in his business, and insists on retaining it as a profit producer, he is in poor position to complain when his government attempts to use inquisitorial power to ascertain the effect of such use of the taxing power. Such inquisition into private enterprise results from the vicious principle that projects the Federal taxing power into private enterprise. In any event, for every purpose for which the power of government can be used to ascertain the cost of production at home, it is amply equipped without this legislation.

What about information as to cost of production abroad? Whatever may be said of the extent of the inquisitorial power of our Government at home, it certainly has none abroad. Were the agent of a foreign government to enter an American factory and demand that the owner open his books, exhibit the items of cost, and generally disclose the secrets of his business, such owner would scorn the demand, and the whole police power of the State and Federal Governments would back him in his refusal. We can confer no power on the proposed board or its agents or employees to compel a manufacturer, farmer, or other producer abroad to either state the cost of his product or furnish information on which to make a decent guess at it. Whatever information we should acquire must come to us as a matter of grace and favor, and not because of any enforceable right to it. And how much can you expect as a matter of favor? Human nature abroad is unlike human nature at home if it is ready to yield up the secrets of its business for the benefit of its competitors. Yet it is on some fantastic theory that the impossible will be attained that we are asked to close our eyes, rush through this bill, or sacrifice the appropriation bills.

Mr. OVERMAN. And, Mr. President, run the risk of defeating a $400,000 appropriation for the tariff board that is already in existence.

Mr. SHIVELY. Oh, yes. Among the other risks, they are willing to jeopardize the appropriation for the darling board we already have.

Mr. President, that certain information can be secured abroad no one doubts. Information as to the markets, as to the condition of the industry, the general processes employed, the relative progress of the art, and in some instances close approximation to the first cost of the product can be secured. Such information is available to our representatives in the consular service. The duties of consuls are commercial in character. We have a representative of this service in every industrial center of any importance in every foreign country. Far more likely would our accredited consul, in the course of his other official duties, be able to gather information as to foreign production and its cost than would the special representative of a tariff board appearing on the ground for that special purpose. So the creation of the proposed tariff board is as unnecessary for the purpose of securing information abroad as it is for securing information at home. This becomes even more patent when attention is called to the following provision in section 5 of the act creating the Department of Commerce and Labor:

> And all consular officers of the United States, including consuls general, consuls, and commercial agents, are hereby required, and it is made a part of their duty, under the direction of the Secretary of State, to gather and compile from time to time useful information and statistics in respect to the subjects enumerated in section 3 of this act in the countries and places to which consular officers are accredited and to send, under the direction of the Secretary of State, reports as often as required by the Secretary of Commerce and Labor of the information and statistics thus gathered and compiled, such reports to be transmitted through the State Department to the Secretary of the Department of Commerce and Labor.

Congress appropriated last year for the Department of Commerce and Labor nearly $20,000,000. We are appropriating each year increasing sums for the Diplomatic and Consular Service and increasing sums for the Department of Agriculture. If these departments lack anything in point of power, confer it. But let no one pretend that we have not ample machinery at present to conduct any investigation and gather any information available through the proposed tariff board. Those at the head of these departments were appointed and are kept in position by precisely the same authority that would appoint the tariff board. If these departments are indifferent or inert in the matter of assembling information on subjects important to tariff legislation, it is unfortunate. There is certainly no potentiality in the pending bill to insure greater fidelity in the proposed board to the cause of tariff reform. All I have said as to the use of our Consular Service to supply available information as to cost abroad for the purposes of making a tariff is equally applicable to our Diplomatic Service as a means of enabling the President to adjust rates under the maximum and minimum provisions of the present law in response to undue discriminations made by foreign governments.

Thus far I have sought to point out how unnecessary is the proposed board even from the standpoint of protectionism, whether extreme or moderate. But approach the question for a moment without reference to any given theory. In government, impracticable plans are spurious plans. Have Senators who insist on the passage of this bill reflected on what they undertake when they propose to ascertain the cost of products at home and abroad? There are practically as many different costs in this country in agricultural products as there are farms; in manufactures as there are factories, mills, and workshops; and in mining as there are mines. A like interminable variety of costs characterizes the different industries in each country abroad, to say nothing of the variety in the problem when extended to all countries abroad. When we shall have performed the Herculean task of ascertaining the different costs of the product of a given industry at home and the impossible task of ascertaining the different costs of the corresponding product abroad, we are then to throw each set of costs into a separate pot, mix them up, strike an average, compare the averages, ascertain the difference, add something for reasonable profit, and call this performance a scientific revision of a paragraph of the tariff.

I may be stating the case too strongly when I speak of an "impossible task." Due allowance should be made for the marvelous changes the pending bill is to work in the chemistry of human nature. According to the logic of its advocates, we are, by an act of Congress, to produce prodigies of genius for this arm of the public service; we are to endow the proposed board with omniscience; we are to remove the limitations on human wisdom; we are to equip this board to know as much about everybody's business as the wisest man knows about his own business, and more than the average business man knows at the end of a life of business struggle. The board is to ascertain the "cost of production of all articles which by any act of Congress now in force or hereafter enacted are made the subject of tariff legislation." When the board shall have ascertained such cost at home, its work has only begun. Though without inquisitorial power abroad, it is still required to ascertain cost abroad. Does any Senator present in this Chamber pretend to think that any but voluntary information can be secured abroad?

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER (Mr. JONES in the chair). Does the Senator from Indiana yield to the Senator from New Hampshire?

Mr. SHIVELY. I do.

Mr. GALLINGER. With the permission of the Senator, I want to state my view in just a word as being in exact accord with that of the Senator from Indiana when he states that it is utterly beyond the power of any agent of our Government to get this information with any degree of accuracy in foreign countries. I do not see how we can send a man into a German manufacturing district, for instance, with instructions to ascertain the cost of production in a great manufacturing concern with any authority whatever, and if he is denied the privilege of examining the books, and all that sort of thing, his mission will be utterly futile. I think that feature of this contention as to getting the cost of production abroad and at home will fall of its own weight when it is attempted.

Mr. SHIVELY. That the Senator should agree with me may be his misfortune, but it shows we are making some progress in the matter of agreements. This agreement involves no mystery, whatever may be said of others. The proposed tariff board, like our consuls and commercial agents, would be helpless when our foreign competitors decline to furnish the United States Government with information on which to frame tariff legislation against themselves. Such board would be as helpless as the agent of a foreign producer when the American citizen declines to furnish information on which a foreign government designs to frame tariff legislation against his product. The statement of the Senator from New Hampshire is so palpably true that no Senator on the other side of the Chamber has challenged it or dares challenge it, and yet that statement admits away about the whole case claimed for the bill.

Despite this situation, the majority here persist in permitting the supply bills to go by default, and forcing an extra session of Congress as the price of this confessedly impotent legislation. Last evening the chairman of the Committee on Post Offices and Post Roads gave notice to the Senate that this morning he

would call up the Post Office appropriation bill for consideration. Why has he not done so? We are ready on this side to proceed at once with that or any other appropriation bill.

Mr. BANKHEAD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Alabama?

Mr. SHIVELY. I yield.

Mr. BANKHEAD. Mr. President, with the permission of the Senator from Indiana, I desire to say a word or two with reference to the situation in which the Senate finds itself, and to point out briefly what the process has been which has created the situation.

The distinguished Senator from Maine [Mr. HALE], the acknowledged leader on the Republican side in respect of appropriations and appropriation bills, has from time to time admonished the Senate that it was absolutely necessary to proceed with the consideration of the supply bills if they were to be passed before the 4th of March.

Now, what do we find this morning? To the astonishment, I think, perhaps of every Member of the Senate, we find that great Senator coming on the floor of the Senate within 48 hours of final adjournment, and with eight of the great appropriation or supply bills yet unconsidered, and preferring a request to the Senate that at 11 o'clock to-night this question might be voted upon. Not waiting, Mr. President, to have that request acted upon, he himself immediately proceeded to move that this question be taken up for consideration and placed before the Senate as the unfinished business.

Now, Mr. President, what I charge is this—and I do it upon my responsibility as a Senator—that there is a deliberate plot or plan or conspiracy, or whatever else you may call it, on the other side of the Chamber to defeat the appropriation bills. If any gentleman on the other side cares to deny that proposition and can give a sufficient reason for his denial, I should be glad to hear him.

Mr. SHIVELY. I will allow a denial to be made in my time. I still have the floor, but I am entirely willing that any disclaimer shall be entered.

Mr. SIMMONS. I call the Senator's attention to the fact that the other side have declined to make a statement in response to a similar request.

Mr. WARREN. I do not like a challenge of that kind to go unanswered. I wish to say that there will be a time found to pass the appropriation bills.

Mr. SHIVELY. When?

Mr. WARREN. It will be later, I suppose.

Mr. SHIVELY. Yes; a good deal later at the rate at which you are proceeding now.

Mr. BANKHEAD. Mr. President, we will come to that later. I am not going to make a speech. Nobody in this Senate can accuse me of consuming the time of the Senate unduly. I have not occupied five minutes of its time during this session of Congress, but I am not willing to sit here in my place as a Senator and witness the conduct that has been exhibited on the floor of the Senate this morning with reference to these questions without entering my protest against it.

I want the Senate to understand, Mr. President, and I want the country to understand—and they will understand—where the responsibility is and where it should be properly placed for the failure of the passage of the eight appropriation bills and the attempt to drive Senators into voting for a measure that there is no possible necessity for. That is all I care to say. I make that charge.

Now, if the Senator from Indiana will yield further to me, I desire to make a motion.

Mr. SHIVELY. I will yield for a motion.

Mr. BANKHEAD. I move, Mr. President, that the Senate now proceed to the consideration of the Post Office appropriation bill, the morning hour having expired and the bill having been on the calendar for three weeks.

Mr. BEVERIDGE. Mr. President, the motion is not debatable.

Mr. BANKHEAD. I am not debating it.

Mr. SHIVELY. I desire it to be distinctly understood that I merely yielded the floor for that motion and that I have not yielded it generally.

Mr. BANKHEAD. With that understanding, I make the motion, Mr. President.

The PRESIDING OFFICER. The question is on the motion of the Senator from Alabama that the Senate proceed to the consideration of the Post Office appropriation bill, being House bill 31539. [Putting the question.] By the sound, the "noes" seem to have it.

Mr. BANKHEAD and Mr. SIMMONS. Yeas and nays, Mr. President.

The yeas and nays were ordered and taken.

Mr. DILLINGHAM (after having voted in the negative). Noticing the absence of the senior Senator from South Carolina [Mr. TILLMAN], with whom I am paired, I withdraw my vote.

Mr. MONEY (after having voted in the affirmative). I am paired with the senior Senator from Wyoming [Mr. WARREN]. I thought he was in the Chamber when I voted, but it seems that he is not. I therefore withdraw my vote.

The result was announced—yeas 24, nays 56, as follows:

YEAS—24.

Bacon	Gore	Percy	Stone
Bankhead	Heyburn	Rayner	Swanson
Clarke, Ark.	Johnston	Shively	Taliaferro
Culberson	Martin	Simmons	Taylor
Fletcher	Overman	Smith, Md.	Thornton
Foster	Paynter	Smith, S. C.	Watson

NAYS—56.

Beveridge	Clapp	Gallinger	Owen
Borah	Clark, Wyo.	Gamble	Page
Bourne	Crane	Gronna	Penrose
Bradley	Crawford	Guggenheim	Perkins
Brandegee	Cullom	Jones	Piles
Briggs	Cummins	Kean	Richardson
Bristow	Curtis	La Follette	Root
Brown	Davis	Lodge	Scott
Bulkeley	Depew	Lorimer	Smith, Mich.
Burkett	Dick	McCumber	Smoot
Burrows	Dixon	Nelson	Stephenson
Burton	du Pont	Newlands	Sutherland
Carter	Flint	Nixon	Warner
Chamberlain	Frye	Oliver	Wetmore

NOT VOTING—11.

Aldrich	Dillingham	Money	Warren
Bailey	Frazier	Terrell	Young
Burnham	Hale	Tillman	

So Mr. BANKHEAD's motion was not agreed to.

Mr. SHIVELY. By this vote of 56 to 24 the Senate has again decided to continue the consideration of this bill to the exclusion of the appropriation bills. This vote has again fixed and made certain the responsibility for ill-considered legislation or no legislation in the matter of appropriations. Who can conceive of a more amazing situation? The Senator who to-day moved to take up the pending bill and thus make it the unfinished business exhibited through two sessions of this Congress singular contempt for the proposed legislation. The dominant party had an opportunity to create a tariff board before it entered on the work of producing the tariff act of 1897. That party had ample opportunity to create and equip a tariff board before it proceeded to make the tariff of 1909. What has produced the sudden change and all at once filled Senators with so much anxiety for a tariff board? Do they feel that such a board may be useful in discrediting future efforts to change the tariff except in conformity with the principle that has reduced the taxing power of the Federal Government to private merchandise?

We had a tariff commission prior to the revision of 1882. It was created by a Republican administration. That commission took testimony in many parts of the country. We had no Department of Commerce and Labor at that time. That commission did much work and created much literature. It prepared a careful report on the subject. That report was commended by a Republican President to a Republican Congress. The report recommended a substantial reduction of rates in the then existing schedules. The majority in that Congress scorned the recommendations, moved in the opposite direction, and promptly increased the rates instead of decreasing them. Having ignored the work of the only commission they ever created, and having thereafter made two revisions of the tariff without commissions, what is the occasion for their hurry for a tariff board now?

The tariff act of 1909 is the latest official expression and interpretation of what the dominant party conceives to be the proper use of the taxing power. President Taft has pronounced that act the best tariff law the country ever had. Our good President thoroughly believes in the principle exemplified and illustrated in that act, or he would not pay the act such unqualified tribute. He is to appoint the proposed tariff board. Has anyone a right to believe that he would appoint a board not committed in principle to the capital measure of his administration? All levity aside, the board would be composed of men with their biases, their prejudices, and their convictions on the tariff question. There is no colony of archangels available from which to choose the board. There is no alchemy in the proposed legislation to refine away the honest bias and predilections or the selfishness of men. The appointment of men whose minds are white blank sheets on the subject no one would expect. The appointees would come to their duties with their preconceived opinions on the principle involved, and essentially partisans in a degree. The Democracy has been commissioned in the next House to advance the work of tariff reformation. No one who votes for this bill will have a right to complain when the proposed tariff board pours ice water in

the form of "conclusions" over measures because they do not conform to the principle underlying the present law.

I am in complete sympathy with the citizen who beckons the day when the tariff question shall be out of politics. But that day can never dawn until the taxing power is withdrawn from private business. The business man who honestly regards his industrial enterprise as resting on an act of Congress rather than on the solid foundation of the splendid natural resources of his country and his capacity to develop them is doomed to shiver at the approach of each succeeding campaign. To the extent that the taxing power of the Government is imported into private business, just to that extent is private business subject to the whims, caprices, and vicissitudes of politics. In the process of restoring the taxing power to its rightful public purpose, I would not lightly ignore even the groundless fears and mistaken apprehensions of those who helplessly regard their industries as parliamentary in character. The man who is scared to death is as dead as if the end came in any other way. There are millions of victims of the system who cherish the delusion that in some mysterious way they are its beneficiaries. With these the doctrine long preached of the weakness, the feebleness, the helplessness, the incapacity of American labor and American capital to compete did its work. But this delusion is passing. The consciousness is growing that the Republic is of age and has not entered on its second childhood.

Mr. President, I am opposed to the pending bill, not only because it is unnecessary to the ends which its friends profess to have in view, but because in every section it contemplates permanency in the use of a principle in Federal taxation by which the Government in perverting its taxing power to private and selfish purposes is precipitating the very mischiefs on society which all good government is designed to prevent. There is not a line in the bill that makes it the duty of the board to give attention to the question of revenue. The prime purpose for which the taxing power was conferred on the Government is utterly ignored in its pages. From first to last it contemplates inquiry and investigation only with a view to determining where and how far the taxing power may be effectually employed for private profit. The real issue is against the underlying principle of the system, and is too fundamental to be permitted to be obscured or befogged or confused by incidental and distracting questions about a tariff board which on the face of the bill is made an adjunct to the system itself.

If any bill is to be used by the other side of the Chamber as an instrument to obstruct the passage of the necessary supply bills in the closing hours of this session and subject the country to the expense of an extra session of Congress, it may be fitting that they selected for that purpose a bill which creates a tariff board which is to deal with every imaginable subject associated with the tariff except that of revenue. It is remarkable how indifferent Senators have suddenly become to both revenue and appropriations.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Will the Senator from Indiana yield to the Senator from North Carolina?

Mr. SHIVELY. Yes; I yield.

Mr. SIMMONS. In line with what the Senator says—I think this is an appropriate time to do it—I ask unanimous consent that we now proceed to the consideration of appropriation bills——

Mr. BEVERIDGE. I object.

Mr. SIMMONS. I have not finished stating my proposition. When we have passed all of the appropriation bills, then that we take a vote upon the bill now before the Senate, the unfinished business, without further debate.

The PRESIDING OFFICER. The Senator from North Carolina asks unanimous consent that the Senate proceed to the consideration of appropriation bills, and that when these are all passed we vote on this bill without further debate.

Mr. BEVERIDGE. I object.

The PRESIDING OFFICER. The Senator from Indiana objects.

Mr. SHIVELY. It is clear that the other side of the Chamber prefers to deliberate at length on the pending bill. I may, therefore, be excused if I yield no further to efforts to secure consideration of the appropriation bills. When I yielded the floor I was noting the absence of any concern by the author of the bill about the question of revenue. Nothing can indicate more sharply the effect of habitual perversion of the taxing power, or admonish more urgently to early correction of the evil tendency.

However unfashionable it may be, Mr. President, my political faith is that of men who know that the thing called wealth is a social, not a political, product; that this wealth is born of brawn of muscle, skill of hand, and vigil of brain, not of the roll calls of Congress; that the thing called industrial prosperity is a social, not a political product; that such prosperity is born of the energy and genius of man applied to the bounties of nature and not of the cunning and greed and craft of man applied to the powers of government. The power of government to tax is the power to take; not the power to make. The power to tax is the power to transfer; not the power to produce. Our Government has no reserve fund of power out of which to grant privileges. It can grant privileges only by carving them out of the body of common rights.

The power to tax is the oldest power of government. It was the first power of government to be abused. This for the reason that it is the power to take, and the temptation is always present to use it to take for private gain. The whole theory of the proposed tariff board is that it shall assist in arranging the mechanism for sponging up and distributing this private gain. The formula of a tariff based on difference of cost plus a reasonable profit is a smooth maxim of unmixed graft. The Government having no profits to bestow, the reasonable profit the law is to assure must be sponged from the victims the law makes. Of course the difference of cost is the only incentive to trade that does or ever did exist, whether within the neighborhood, within the Nation, or throughout the world. The proposed tariff board is to help ascertain what this difference is, to the end that Congress may proceed in economic effect to abolish it. Trade is the means by which each by his own labor avails himself of things produced by others. It has been supposed to be a time-saving, labor-saving, capital-saving institution. It has been regarded as at once the product and pioneer of civilization. The philosophy of this bill is that trade, except within certain prescribed limits, is a swindle, and that we need a board to assist in strangling it in an intelligent and scientific way.

Opposition to this bill involves no denial of information to Congress or to any other department of Government. The agencies to supply all available information, both from the fiscal and economic standpoints, now exist and are maintained at high cost to the Federal Treasury. Any fancied exception will be found to rest on official languor or faithlessness and not on lack of agency or power. To add this board would be wanton extravagance, and, in view of the end sought, as gathered from the plain tenor of the bill, is worse than extravagance, as it carries not only its own cost, but seeks to reduce to a science and to maintain and perpetuate a profligate system of taxation. Among the many sources of information at the command of Congress I refer for illustration to the single one of the official reports of our exports and imports. Therein is a mine of illuminating facts the value of which I fear is underestimated. Each item tells its own story. It is the concrete truth coming through no reluctant witness, but hammered out in actual transactions by men who staked fortune on the verity of the facts as reported. In the volume, character, and variety of our exports is a parable of economic power which should reassure the timid soul whom the doctrine of American feebleness has led to regard his country as a helpless paralytic when confronted by foreign competition.

I must be permitted to conclude as I began, by expressing the earnest hope that we may not persist in using the last hours of the session on a purely political measure of worse than doubtful utility, but may turn to the consideration of the great supply bills of Government, which merit vastly more attention than with every remaining minute we have time to give.

I ask now, inasmuch as that bill seems to be at the front, unanimous consent that the Post Office appropriation bill be taken up and proceeded with. I believe there will be no disposition to delay procedure on that bill, and I make this suggestion in the earnest hope that the supply bills of the Government may pass at this session.

The PRESIDING OFFICER. The Senator from Indiana asks unanimous consent that the Senate now proceed to the consideration of the Post Office appropriation bill.

Mr. BEVERIDGE. I object.

The PRESIDING OFFICER. The Senator from Indiana objects.

Mr. SHIVELY. I move that the Senate now proceed to the consideration of the Post Office appropriation bill.

The PRESIDING OFFICER. The Senator from Indiana moves that the Senate proceed to the consideration of the Post Office appropriation bill.

Mr. BEVERIDGE. I make the point of order that the motion has just been made and defeated.

The PRESIDING OFFICER. The Chair will have to overrule the point of order. The question is on the motion of the junior Senator from Indiana.

Mr. SHIVELY. On that I ask for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. DILLINGHAM. I am paired with the senior Senator from South Carolina [Mr. TILLMAN], and I withhold my vote.

The result was announced—yeas 25, nays 51, as follows:

YEAS—25.

Bacon	Gore	Rayner	Taliaferro
Bankhead	Johnston	Shively	Taylor
Clarke, Ark.	Martin	Simmons	Warren
Culberson	Money	Smith, Md.	Watson
Davis	Overman	Smith, S. C.	
Fletcher	Paynter	Stone	
Foster	Percy	Swanson	

NAYS—51.

Beveridge	Clark, Wyo.	Guggenheim	Penrose
Borah	Crane	Jones	Perkins
Bourne	Crawford	Kean	Piles
Bradley	Cullom	La Follette	Richardson
Brandegee	Cummins	Lodge	Root
Briggs	Curtis	Lorimer	Scott
Brown	Dick	McCumber	Smith, Mich.
Burkett	du Pont	Nelson	Smoot
Burrows	Flint	Newlands	Stephenson
Burton	Frye	Nixon	Sutherland
Carter	Gallinger	Oliver	Warner
Chamberlain	Gamble	Owen	Wetmore
Clapp	Gronna	Page	

NOT VOTING—15.

Aldrich	Burnham	Frazier	Thornton
Bailey	Depew	Hale	Tillman
Bristow	Dillingham	Heyburn	Young
Bulkeley	Dixon	Terrell	

So Mr. SHIVELY's motion was not agreed to.

Mr. NEWLANDS. Mr. President, contrary to the general action upon this side of the Chamber, I have voted against any motion to displace the tariff-board bill with the Post Office appropriation bill, and I have done so for the following reason:

I was present last night during the debate on the pending bill. It was a protracted debate, lasting until nearly 2 o'clock in the morning. The suggestion was made by Senators on this side that an adjournment should be had until 11 o'clock this morning, with the statement that by that time, probably, a satisfactory arrangement would be made resulting in final action upon this bill. Statements were made by several Senators upon this side to that effect, and there was no statement to the contrary. The senior Senator from Indiana, relying upon these statements, acquiesced in letting the bill go over till this morning. I felt, therefore, that as I was present last night and did not dissent, I was individually bound in good faith to see to it that every effort was made at the session this morning for an arrangement for a final vote upon this bill, and as such an arrangement has not been made, I have voted against any motions to displace the pending bill until it can be made.

Now, so far as the merits of this bill are concerned, I have to say that I have for years favored a tariff board. When the Senator from Indiana [Mr. BEVERIDGE] made his first speech upon this subject, years ago, I followed him, acquiescing in his general line of thought and insisting upon it that Congress should even go further and should fix a rule of action under which excessive customs duties could be gradually reduced, without bringing into this body at frequent intervals measures looking to a general revision of the tariff with all its disturbing conditions. I have entertained that view ever since, and my convictions upon that subject have strengthened as the result of the recent revision of the tariff and the agitation now pending for a new revision of the tariff.

THE TARIFF SHOULD BE TAKEN OUT OF POLITICS.

I believe that party jockeying upon this subject should end; that we should treat it as an economic problem, and should address ourselves to the practical question of reducing the duties that are excessively high under the standard fixed by the party in power, whatever that party may be; that what the people of the United States want is not a general revision of the tariff, not an endless discussion of the principles that should govern were we entering upon this question as a new question, but a correction of existing abuses in the shape of excessive rates.

Mr. President, what are the existing conditions? The existing conditions are that every industry in the United States protected by the tariff is on stilts; that every industry, or almost every industry, in the United States, as the result of our tariff system, has a cost of production in excess of the average cost of the outside world; and we know that if we knock these stilts from under all those industries they will be prostrated to the ground, and that the business of the country will be in a state of confusion. All of us, Republicans and Democrats, realize this. The Democratic Party, whatever its view may be of the essential principles that should govern us in tariff making, has recognized existing conditions in its platform and has demanded not radical action pursuant to its general principles, but a gradual and progressive reduction of tariff duties.

Mr. President, of our present imports, amounting to about $1,200,000,000 annually, nearly one-half comes in free, and upon the other half an average duty of 43 per cent is proposed, and behind our tariff wall there is a domestic production of about $14,000,000,000 of articles similar to those on the dutiable list. In other words, our domestic production of articles similar to imported and dutiable articles is about 10 times as great as the value of the articles imported.

On those articles which are imported we collect a duty aggregating about $300,000,000. Upon nearly $700,000,000 of imports we get duties of $300,000,000, and the country needs $300,000,000 of revenue. If we should immediately reduce the average duty upon existing imports from an average of 43 per cent to 30 per cent we would receive only $194,000,000, and we would be without adequate revenue unless the imports materially increased.

In order to make an average duty of 30 per cent yield us our present revenue of $300,000,000, there would have to be nearly $400,000,000 more of dutiable imports than now, which means that whilst to-day dutiable goods are imported to the extent of nearly $700,000,000, we would have to add to that nearly $400,000,000, and to that extent we would immediately displace the domestic American products, and to that extent immediately displace the labor producing those products unless they immediately came down to the foreign prices plus the import duty, in which event we would have no increased imports and an inadequate revenue aggregating $194,000,000 instead of $300,000,000.

TARIFF REDUCTIONS SHOULD BE GRADUAL.

It is therefore incumbent upon us to move slowly in the reduction from an average of 43 per cent to 30 per cent for two reasons: One is that if our American prices adjust themselves so that there will be no additional imports we will have inadequate revenue; and the other is that if our American prices do not adjust themselves to the foreign prices plus the duty, then the foreign goods will displace the American goods, and to that extent displace American labor. Thus, considering the matter as a pure party question, the Democratic Party, in the pursuit of a theory undoubtedly right, that duties should be based upon the revenue principle and not upon the protective principle, would be guilty of the folly of alienating from it the support of large numbers of men engaged in the industries that would be displaced, and thus, whilst intent upon accomplishing good to the country through the control of the Government, it would lose the opportunity of removing any of the abuses that now exist by losing the control of the Government.

Mr. President, there are many reforms to be accomplished in this country outside of tariff reform, and I believe that the Democratic Party will be commissioned by the people to carry those reforms into effect if we are not guilty of the supreme folly of hastening this country into economic distress and confusion. The great Democratic Party met in convention at Denver, composed of representatives not from a section, as our party largely is in the Congress of the United States to-day, but representing the entire Democracy of every section of the country. It there declared itself against economic revolution and in favor of a gradual and progressive reform of existing abuses.

Mr. President, I stand for the Tariff Board as a means of gradually accomplishing these reforms. This bill does not suit me. I would go further. I would give such a commission larger powers and duties as the servant, not the master of Congress. I would fix rules under which it should proceed; I would establish rules and give it powers similar to those that we have enacted with reference to the Interstate Commerce Commission.

When we entered upon the question of the rates of transportation, undoubtedly objection was made, when we organized the Interstate Commerce Commission, that we were delegating a legislative function to that commission. It is the duty of Congress to fix the rates of transportation on interstate railroads, and it can not delegate that power to anyone under the Constitution any more than we can delegate the power of fixing a customs duty; yet realizing that it was utterly impossible for Congress, with its 92 Senators and its 400 Members of the other House, to act upon these questions of infinite detail affecting the rate tariff of every interstate railroad in the country, and to do exactly right upon every rate as to communities and individuals, we organized a commission as the servant of Congress to carry out its will under rules fixed by it.

The courts of the country have determined that not to be a delegation of power, but a proper exercise of legislative functions. What has been the result? Suppose we had kept the railroad-rate question in Congress, as it has been kept by some of the States in the legislatures, what advance would we have made by this time? To the neglect of our other duties, we would have been engaged in settling the wars between sections and communities relating to the rates and the wars between ship-

pers and carriers, and we would have made little progress; whereas this commission, gradually increasing powers having been conferred upon it as the servant of Congress by Congress, has within a little over 20 years practically reached an economic solution of the transportation question, and we find their labors crowned by a great and illuminating decision recently delivered by Commissioner Franklin K. Lane, which demonstrates to the country and to the world the determination of this tribunal to be fair and just as between the carriers and the shippers—to secure to the shippers protection from exaction and to the carriers a fair return upon the value of their property. That decision will give assurance to the world, notwithstanding the outcry and complaint of the railway managers, that there are no better securities than those of the American railways and will strengthen them in every market.

SCIENTIFIC ADJUSTMENT OF RAILROAD PROBLEMS.

The railroad question has practically been taken out of politics by the wise action of Congress in organizing the railroad commission. We have taken it out of politics, and we have brought about a scientific adjustment of all the matter relating to interstate transportation.

So it would be with reference to this tariff question. If we would fix a rule under which prohibitive and excessive duties should be gradually reduced, we would have, as a result of the action of five intelligent men charged with the duty under the responsibility of their oaths, the gradual reduction of excessive duties, those duties that constitute the existing abuses, and thus gradually the tariff would fade out of politics.

Of course there would always be the economic question remaining as to the theory upon which the rule for the reduction of excessive duties should be framed, but certainly any reduction of an excessive or prohibitory duty is an advance toward the principle upon which we Democrats claim a tariff should be framed. The creation of such a tariff board, charged with the duty of ascertaining whether the existing duty is in excess of the difference between the American and the foreign cost, accompanied by a legislative declaration that as soon as the fact was ascertained the duty should be reduced to that standard, would result at least in the absolute destruction of the prohibitive duties of the country, and would bring every duty down to the point of an importing level, so that the competition of foreign goods would diminish the present extortion and oppression existing back of the tariff wall through the protection afforded by it.

Mr. President, it was my purpose to offer an amendment to this bill giving this tariff board power to ascertain whether or not any existing duty was above the standard fixed by Congress, and then declaring in the law that that duty should be, either immediately or in installments covering a period of three or four years, reduced to that standard. It was my purpose, in order to allay the alarm of those who fear the disturbance of existing conditions, to provide in the amendment for a brake with which the President, after these installment reductions were commenced, could, in case of a flood of importations destructive to any American industry, arrest the reduction until the matter could be referred to Congress for its action. Congress could then determine whether the installment reduction should continue or whether it should be temporarily discontinued. In this way we could guard against the fears of the entire country.

The Senator from Indiana [Mr. SHIVELY] says it is just as bad for a man to be scared to death as it is to die of a mortal disease. We wish in shaping our legislation to protect the people of the United States from unnecessary scares, and in this process of the reduction of duties, with its accompanying disarrangement of industries, we should assure them not only that the reduction shall be gradual, but we should assure them that somewhere there will be a brake applied in case, either through the ignorance or the mistake of the commission or through the overzeal of Congress, any industry in the country is threatened with a flood that may impair or destroy it.

The Democratic Party is dependent upon the support of the great industrial masses of the country, upon voters who are now protected under the protective tariff, who agree with us that this tariff is unnecessarily high, that it gives an exaggerated profit to the manufacturers, to the trusts, and to the monopolies, and who will stand with us so long as we reduce it only to a standard that will not affect their wages and give our enemies the chance to arouse their fears with reference to their wages, and they will vote against any party whose success involves or may involve or has the chance of involving a reduction in those wages.

The Democratic Party is not pursuing a propaganda either against a moderate profit to the manufacturer or the reasonable wages of employees, and our legislation should, at all events for the present, be applied simply to the reduction of unreasonable exactions.

GENERAL TARIFF REVISION UNDESIRABLE.

So, Mr. President, I do not think we ought to throw this entire country into the agonies of a general tariff revision. I believe that we should adopt some method of reaching the prohibitive duties and those duties that are unreasonably high, just as we did with reference to the railroad question. We gave the railroad commission no power originally to fix rates. When we finally gave them the power upon that subject, we did not give them power to increase a rate, but we gave them only the power to reduce rates that were unreasonably high.

That work has operated to the advantage of the entire country, and it has moved on without industrial or economic disturbance in the country. The men in control of the railroads, it is true, sought to arouse the alarm of the country, sought to arouse the alarm of the financial markets of the world, by insisting that unless this process of reducing excessive rates was stopped and unless their rates were increased their finances would be imperiled and that they would be unable to negotiate stocks and bonds, upon whose negotiation would depend the construction and maintenance of their roads. As a result of their complaint we have this great and luminous decision, convincing to the entire world, and yet if we had not had such a commission of capable men, able to render such a decision, and had precisely the same action that has been accomplished by the Interstate Commerce Commission——

Mr. GALLINGER. Mr. President——

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from New Hampshire?

Mr. NEWLANDS. In a moment. Had the same regulation been accomplished by the act of the National Congress, with all the attendant political agitation and disturbance, instead of by a quasi-judicial tribunal created by Congress and acting under general rules prescribed by Congress, we would have had, with the outcry of the railroad managers and the general political agitation, a dislocation of the markets of the world and a liquidation of the railroad securities of this country that would have involved us all in financial distress. I yield now to the Senator.

Mr. GALLINGER. Mr. President, I want to call the attention of the Senator to the fact that there is a very striking difference between regulating the charges on railroads and regulating our import duties, for the reason that we have in the matter of railroad transportation no foreign competition, while in the matter of our tariff we are directly in competition with all the nations of the world, so that it is a very much easier matter to regulate fares and freights on American railroads when they are simply competing amongst themselves than it would be if we had the competition of foreign countries.

One other point: The Senator suggested that we gradually decrease the duties that we are now exacting from foreigners who send their goods into our market place. The Senator, I trust, will give consideration to this suggestion: That there is a protective line, a line that protects our manufacturers and our farmers against the manufacturers and farmers of other countries. Forty-five per cent may be protection; 43 per cent might not be protection, because it might fall below the protective line, and, except so far as revenue is concerned, we might as well have free trade as to have a rate of duty below the protective line. I presume the Senator has given consideration to that.

Mr. NEWLANDS. Mr. President, in the brief time that I intend to devote to the discussion of this question to-day I do not care to enter into refinements as to where the protective line is or where the revenue line is. I have addressed myself merely to the general consideration of the question. Members of both political parties, and the American people at large, realize that there are duties that are unreasonably high, judged by the standards of either and both of the parties, and, inasmuch as the Republican Party is in power and is likely to remain sufficiently in power, at least for the next two years, to prevent the complete vindication of Democratic theory, we can, at all events, address ourselves to the practical question of reducing the duties that are excessively high as judged by both standards.

The Senator says that, with reference to railroads, the duty of fixing railroad rates is easier than that of fixing customs duties, because in America we have no foreign competition as to our transportation, while in production we have the competition of foreign countries. Well, I do not care to enter into the question as to which is the more difficult task. If the question of the adjustment of rates is the more difficult task, it is all the more essential that we should have expert aid; that we should have a commission of capable and competent men, acting under the sanction of an oath, charged with full responsibility to ascertain the facts and to submit the facts with all their deductions to Congress.

I take no stock in the suggestion of the liability of such a commission to mislead Congress. I do not believe that such a commission will attempt to mislead Congress; I do not believe that they will dare to do it; I do not believe they will have the disposition to do it. The oath which they take obligates them, the high responsibility of their position would give solemnity to their actions, and the very high character of their duty will lift them up to the standard of its true performance.

So, Mr. President, so far as I am concerned as a Democrat, I am willing that there should be a tariff board of five members, of which only three shall belong to the dominant party. I am willing that the appointment of the minority of those shall be intrusted to the selection of a President, who, however we may differ with him upon many matters, is highly conscientious in the discharge of duty—a President who appointed upon the Supreme Bench such Democrats as White and Lurton and Lamar. I do not believe that the President will endeavor to deceive the Democratic Party; that he will endeavor to appoint Democrats who are in harmony with the protective theory. I believe that he will realize his obligation to appoint men upon that commission who are true to the principles of the party to which they belong, and I believe that the work of such a high-class commission will be as beneficial in promoting the economic interests of the country as has been the selection of the Interstate Commerce Commission, and that it will be as free from constitutional objection as was the establishment of the Interstate Commerce Commission 23 years ago.

Mr. OWEN. Mr. President, I voted against taking up the Post Office appropriation bill. I did so because I want the bill to create a tariff board, which is now before the Senate, House bill 32010, to pass. It does not in every particular accord with my precise views. I should amend it in some respects. I do not believe in authorizing the tariff board "to require" any person to produce books and papers relating to any matter pertaining to the investigation of the board. I think the word "require" ought to be "request," leaving the report to be made and further action to be taken if it prove expedient and necessary.

This is a measure that has been, in some form, before the Senate and before Congress for a long time. I think that it ought to be brought to a conclusion. I know that when the tariff question came before the special session two years ago it was impossible for a man who was industrious and who was conscientious to go through and properly digest 8,000 pages of miscellaneous matter collected together under the form of evidence before the Committee on Ways and Means. This miscellaneous stuff, with no order; this so-called evidence, taken without the proper safeguard of possible perjury prosecution for violating the so-called oath administered, was confused, disorderly, and impossible to digest.

I think the conscientious, laborious, and faithful legislator ought to have the benefit of the continued service of expert men devoted to procuring the facts upon which Senators and Congressmen may proceed with intelligence; that those facts ought to be put together in an orderly way; that there ought to be comparative tables, arranged upon a scientific plan, so that one may arrive at an intelligent comprehension of what would be the effect of any given rate. For these reasons, among others, without going into this matter in detail, I am in favor of the proposed tariff board.

But, more than that, I do not think that this Congress should pass any of the appropriation bills, as I stated when the Senate was forcing through the ship-subsidy bill. This subsidy bill, by the vote of 10 Senators who had been refused reelection by their respective States, was, on a tie vote so obtained, passed by the Vice President's vote. I favor an extra session where the newly elected representatives of the people may frame these bills. That is my opinion, if I am alone in it; and my reason is that this Congress does not represent the will of the American people and has no right to fix the fiscal policy of this country for 18 months after it has died. It has no right to appropriate a thousand millions of the people's money after it has been repudiated at the polls. That is a good and sufficient reason why we should not now pass these appropriation bills or any of them. The chosen representatives of the people of the United States are waiting at the doors to enter this Capitol and to write the fiscal policy of this Government. What right have you to deny them? There is plenty of time for the new Congress to act before the fiscal year expires. The Democratic Party went before the people of the United States and sought the authority to govern this country. They have been granted the right to govern this country, and I want the party to which I belong to exercise the duty imposed upon it by the people of the United States, and to do it now, not at some future time, Mr. President, but now; and I enter my vigorous protest against your rushing these bills through now, without time for examination and without any moral or ethical right to exercise this power. At all events, I hope by this protest to promote a reform in this respect.

Senators and Representatives defeated by the people ought no longer to exercise the legislative power of the people. I hope to see an end of this mischievous and dangerous practice.

Mr. STONE. Mr. President, I do not rise to discuss the matter now immediately before the Senate, but to reply to an observation made by the Senator from Nevada [Mr. NEWLANDS], which will require but a few minutes.

The Senator from Nevada, as I understood him, said he was present during some colloquy last night with reference to an adjournment, and that he was impressed with the idea that the meaning and effect of that colloquy was a practical agreement or understanding that to-day some definite time would be fixed for voting on the pending bill.

Mr. President, I desire to read from the RECORD of yesterday just what was said in the two colloquies had and to put the whole matter in as compact a form as possible. It is now scattered through the RECORD in rather a disconnected way. I begin reading from page 3796:

Mr. STONE. Mr. President, I suggest to Senators on the other side, and particularly to the Senator from Indiana in charge of the bill, that we now take an adjournment. Then those of us on this side who are opposed to the bill will have an opportunity to have some conference to see whether it is possible for us to come to some agreement. It is useless to stay here all night.

Mr. PENROSE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Pennsylvania?

Mr. STONE. Certainly.

Mr. PENROSE. I should like to ask the Senator from Missouri whether by coming to an agreement he would suggest that we could perhaps fix a time for voting on the measure, if we adjourn now and take it up in the morning, or whether some amendments are in question?

Mr. STONE. I do not quite understand the Senator.

Mr. PENROSE. My query was, whether the Senator from Missouri had in mind offering any amendments to the measure or whether his suggestion was that we could fix a time for voting on the bill?

Mr. STONE. I do not know, Mr. President, at this moment of any amendments that are to be proposed. I have not heard of any. I presume that if any agreement should be made it would be with reference to some time for disposing of this measure. I say that because I do not suppose that the Senator from Indiana and those who are acting with him would consider any agreement that did not fix some time for the vote. I can not give any assurance, I have no right to give any assurance, that any agreement will be made, and I am not asking an adjournment upon the basis that it can be made; but I do not think any progress can be made toward an agreement by continuing an indefinite session. Nothing can be accomplished in that way—I give assurance of that much—and if it is desired to do anything with this bill, ws had better go home, sleep a while, get breakfast, and come back in better humor than we would be if we were compelled to go on with this bill to-night.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Utah?

Mr. STONE. Certainly.

Mr. SMOOT. I ask unanimous consent that we take a vote upon the bill and pending amendments at 6 o'clock to-morrow.

Mr. STONE. Mr. President, I will object to any agreement of that kind to-night.

Mr. SMOOT. Will the Senator agree for an early vote on Friday?

Mr. STONE. I will not make any agreement to-night for a vote.

Mr. BEVERIDGE. Mr. President, will the Senator——

Mr. STONE. It might be that some arrangement of that kind could be made after consultation, but I have no right to make any agreement. I am not authorized to do it.

Mr. OVERMAN. Mr. President, I suggest to the Senator that probably in the morning, when we are all fresh and have had a night's rest, we might get together, as we did on another question, and settle it. I do not believe in agreeing to anything to-night.

Mr. BEVERIDGE. That was at 8 o'clock in the morning.

Mr. OVERMAN. If we adjourn now we might be able to come to some agreement, but I do not think we can do so to-night. I suggest to the Senator from Missouri that he remembers what took place here the other night, that we had Democrats talk him over, and there was some understanding arrived at, and it might be accomplished again.

Mr. BEVERIDGE. But not at this hour.

Mr. OVERMAN. Well, if the Senator wants to go on——

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Indiana?

Mr. BEVERIDGE. I do not desire the Senator to yield to me. He asked me a question.

Mr. STONE. If I did or did not, I will yield with great pleasure to the Senator.

Mr. BEVERIDGE. I will wait until the Senator is through.

Mr. STONE. Well, I am through, if the Senator desires to have the floor.

Mr. MARTIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Virginia?

Mr. STONE. Yes.

Mr. MARTIN. Mr. President, I simply want to suggest that it is not likely that an agreement to vote will be gotten under the threat of an all-night session. I am ready to vote now. I do not want a minute's delay, but I do not want to stay here all night, and I do not want to come to any consent agreement under the threat of an all-night session. I do not like that sort of practice. I think the consent ought to be given; I think there ought to be a vote on this measure. I see no object in preventing it and I am ready for a vote, but I am not ready for a consent agreement under a menace that if we do not do it we will be kept here all night.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Utah?

Mr. MARTIN. That is all I had to say. I merely want it understood that consent can not be gotten; that I will not consent under threat of an all-night session; but I am ready for a vote, and I think it will be obtained in due time.

Mr. SMOOT. Mr. President, the only object I had in asking for a consent agreement was that we might thereby hasten the business. Not only that, but I am perfectly willing to let the vote be put off just as long as possible, in order that the bill may go to the other House. It will have to go to conference and be acted upon by the House, but it would not do to let it go beyond Friday morning.

Mr. BEVERIDGE. Mr. President, the situation, of course, is perfectly clear to everybody. But two days more and two nights remain—that is all—to pass the appropriation bills that remain to be considered and this measure. It must be patent then, Mr. President, to everybody that you can not put the matter over as would be done at an earlier period in any session. At 12 o'clock on Saturday we stand adjourned under the provisions of the Constitution.

The Senator from Virginia [Mr. MARTIN] says that he is ready to vote now and sees no good reason for delay. This is not a new subject. It has been before the Senate for four years, and during that time it has been extensively debated. There is not a Senator on either side of the Chamber, no matter how he looks at this question, who does not understand it. The particular bill before us is not substantially different from the one which has been before us for four years. The question merely is, then, not the discussion of the provisions of this measure as to its wisdom or policy, but the question is whether or not we are going to pass the bill. Delay patently endangers it. As the Senator from Utah [Mr. SMOOT] has pointed out, not only must we pass the bill within the next few days, but we must pass it early enough to enable it to go to the House, because there are amendments to the bill, and that body must pass upon them. Therefore, if we intend to pass it, there is not a moment to be lost. I ask for the regular order.

Mr. OVERMAN. It is very evident we can not pass this bill to-night.

Mr. BEVERIDGE. I do not know why.

Mr. OVERMAN. And I think we shall save time by taking a recess or an adjournment and get to work in the morning. Let us get together and talk this matter over among ourselves, because some Senators have gone home and we should like to confer with each other as to what course we should pursue.

Mr. BEVERIDGE. Mr. President, if the Senator will permit me, the bill was made the unfinished business last night. There was no night session last night. It was perfectly understood by everybody that, when the bill at that late moment in the session was made the unfinished business, it would be pressed, and therefore there was ample opportunity, unobstructed by anything or anybody, for Senators to get together and talk it over. If what they wanted to get together and talk it over about was what plans they were going to adopt with reference to it, there was no occasion for anybody getting together and talking it over so far as the bill itself was concerned. That is all there is to this situation. Senators who want delay, we must conclude, want it for the purpose of defeating the bill. I call for the regular order.

I read now from page 3797:

Mr. SIMMONS. Mr. President, I do not think there is anybody on this side who has any desire to delay a vote upon this bill; but it is a fact that a number of Senators, not expecting a vote to be taken to-night, have gone home, and I think it is rather unfair of the Senator from Indiana to insist upon a vote under those circumstances to-night. I am quite sure if the Senator in charge of this bill will consent to let it go over until to-morrow that we will have no difficulty whatever in agreeing upon an hour upon which a vote may be taken. I know myself that the Senator from Mississippi [Mr. MONEY], the ranking minority member of the Committee on Finance, has gone home to-night in the expectation that there will be no action upon this measure. I do not think that, in his absence under those circumstances, the Senator from Indiana ought to insist upon a vote.

* * * * * * *

Mr. OVERMAN. I will say to the Senator from Indiana it is evident we will not have a quorum here very long.

Mr. BEVERIDGE. We have a quorum now.

Mr. OVERMAN. I want to say that this side can not be driven into an agreement to-night. If the Senator desires me to go on, I will.

He was desired to proceed, and he did, with an address. I will not read that.

Later on (it appears on page 3798) the absence of a quorum was suggested and a roll call had. At the end of that the Presiding Officer said:

Forty-four Senators have answered to their names. A quorum is not present.

Mr. SMOOT. I ask that the names of the absentees be called.

Mr. OVERMAN. I move that the Senate adjourn.

The PRESIDING OFFICER. Pending the demand of the Senator from Utah, the Senator from North Carolina moves that the Senate adjourn.

The Senate refused to adjourn.

The PRESIDING OFFICER. The Secretary will call the names of absent Senators.

The Secretary called the names of absent Senators, and Mr. OVERMAN responded to his name when called.

The PRESIDING OFFICER. Forty-five Senators are present. There is no quorum present.

Mr. SMOOT. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

Mr. STONE. Mr. President, may I have the attention of the Senator from Indiana?

It is manifest that we will not make any rapid progress, at least, by continuing to-night. I have said already that if there was an adjournment to give us time to rest so that we could get up before noon and get our breakfast, it is more than probable, I believe it is altogether probable, that to-morrow we can come to some satisfactory agreement between the parties with reference to this matter. Of course, I am not in any position to have anything to say that anything can be done, and I will not say it. I would not want the Senator from Indiana or any other Senator to come to me and say that I had made a promise I was not keeping, and I will not make a promise that I can not keep and know that I can not. I do not make any promise that I can not keep absolutely.

But I think it may be more than likely we can reach a conclusion to-morrow that will be satisfactory. I hope so; and I ask the Senator from Indiana, in charge of the bill, to consent now to an adjournment. This is the last time I am going to make the request. I am doing it for the physical comfort of all concerned. Of course, if it is denied, all that we can do is to go on without any effort on my part to come to any conclusion to-night about anything. I am not saying that in any spirit——

Mr. BEVERIDGE. While the Senator has the floor, I understand the Senator to say that in his judgment and from his knowledge of those associated with him in his views on this question, he believes that if we should not continue to-night an agreement can be reached to-morrow morning to vote on the bill. I understand perfectly the Senator does not put that in the form of a promise; it is his belief that that can be done.

Mr. STONE. I believe that after conferring among ourselves and then having some conferences with Senators upon the other side an agreement can be arrived at. That is my view about it now, but——

Mr. BEVERIDGE. The Senator said in private conversation with me a moment ago—and I repeat it merely because it is substantially what the Senator is saying now, except the time—it was his confident belief that if we did not continue the consideration of this matter to-night an agreement could be reached to vote upon the measure early Thursday, or at the latest early Friday morning. If that is the Senator's understanding, I think it clears my mind.

Mr. STONE. The Senator is, of course, using his own language. What I have said I say on the floor, that I think if an opportunity is given for conferences among our friends here, this side and that, an understanding can be arrived at.

Mr. BEVERIDGE. Well, Mr. President——

Mr. STONE. Now, what I say is that I am expressing my individual views upon the proposition.

Mr. OVERMAN. I have no doubt that is the view of the few Senators on this side who are here. What others who are not here are going to say about it I do not know. Of course, the Senator from Missouri can not be bound by that.

Mr. STONE. I can not be, and I do not intend to put myself in the attitude of being bound by it.

Mr. SMOOT. The Senator from Indiana understood that.

Mr. STONE. I do not know what can be done, but I do say that there is a far better opportunity of accomplishing the end the Senator from Indiana has in view—that is, a vote on this bill on Thursday afternoon or Friday morning—by this arrangement than by the course of coercion.

Mr. BEVERIDGE. The Senator must modify that term.

Mr. STONE. If the Senator will permit me, I wish to say—and this I say with a good deal of feeling and conscience—that whatever the discomforts may be to Senators on either side, we shall debate the question—we can do it and are prepared to do it as long as we feel we desire to do it. Therefore it is better to give the opportunity for this conference in the hope and belief that an arrangement can be made.

Mr. BEVERIDGE. Mr. President, my friend's last suggestion was, I am sure he will see on reflection, unnecessary. Everybody takes it for granted that the Senator can always debate; and of course the Senator does not mean to use the word "coercion," because that is not in anybody's mind, as the Senator well knows.

The Senator has given us his views, for which I have very great respect, as he very well knows. I observed that the Senator from North Carolina spoke to him, and then wanted to take the floor himself.

Mr. OVERMAN. I wanted to have a thorough understanding. So far as I am concerned, I am willing to have an agreement in the morning. I know what the Senator says, but I do not know what somebody else may say. I do not know——

Mr. WARREN. I desire that Senators should address the Chair. We should like to hear what they say.

Mr. OVERMAN. I said I did not want to give his views or those of any other Senator on this floor. I can only say what we have said and done among ourselves. For some Senator at home and in bed asleep I can not speak. We only say what we think about it, and we give our own views in the matter.

Mr. BEVERIDGE. Does the opinion of the Senator's colleague coincide with the opinion of the Senator from Missouri?

Mr. SIMMONS. Mr. President, so far as I am personally concerned, I would have no disposition to participate in any filibustering tactics upon this measure, and I would be perfectly willing to fix a time to vote. So far as my whispered conversation with the Senator from Missouri is concerned, I will say to the Senator that my suggestion was that we would probably be able at a conference in the morning to come to some agreement about it, but that I did not think it would be wise to unqualifiedly promise or to hold out any false hopes about it until we had had an opportunity to confer.

Mr. BEVERIDGE. The Senator, then, thinks as the Senator from Missouri [Mr. STONE] and his colleague [Mr. OVERMAN] think, that it is likely——

Mr. SIMMONS. I think if we are given an opportunity to have a conference in the morning that the probabilities are that we will be able to come to a satisfactory agreement; but I do not think that we are in a position to promise absolutely that we will be able to do so.

Thereupon the Senator from Indiana moved to adjourn.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER (Mr. CUMMINS in the chair). Does the Senator from Missouri yield to the Senator from Nevada?

Mr. STONE. I will yield. I was going to make a very brief statement.

Mr. NEWLANDS. I wish to make a statement right here, if the Senator will permit me. I was simply giving my individual view of the understanding last night. Other Senators may have had a different impression. I was not here during the first colloquy which the Senator has read from the CONGRESSIONAL RECORD. I was here only during the second colloquy. The Senator from Indiana [Mr. BEVERIDGE], in charge of the bill, had won in a number of votes regarding adjournment. He was in position to press the bill with a view to final vote. Several of the Senators upon our side wished an adjournment

until the morning, and some of them gave, as I understand, the hope—the hope; probably assurance would be too strong a term—that in the morning they would reach an agreement as to the time for a vote.

The reason, as I understand, why the Senators who participated in giving that hope were not willing absolutely to commit themselves was that there were Senators absent whom they could not commit and that they wished to confer with them.

My individual view regarding my own action was that, as I acquiesced in the plea made to the Senator from Indiana regarding an adjournment, and in the hope and the qualified assurance of reaching an agreement regarding a final vote, I was bound to act as to my vote in this body to-day in such a way as to expedite the Senator from Indiana in getting a vote.

I do not intend to cast any reflection whatever upon my associates. My impression derived from the colloquy may have been a wrong one, and theirs may be the right one. All I can say is that I am bound to act upon my own impressions and not upon the impressions of others. In my judgment, good faith therefore requires me to act in this matter in opposition to what has been the general vote of my party upon this side, and I am simply explaining my vote.

I wish to say that when I was up before I did not state that there was any assurance given that an agreement to vote would be reached this morning. But I understood that there was an assurance given upon the part of all who were here—no one dissented—that there would be an endeavor to reach a vote, and all that I am doing is to endeavor to reach a vote, and I am taking such action as I think necessary in order to comply with what I regard as my obligation.

Mr. STONE. I have read these parts of the RECORD that the colloquies might appear in a consecutive and condensed form. Senators of course can form any opinions as to their obligations they see proper. I have nothing to do with that. But we must judge what the understanding was by what was said, not by what others may have thought, because different men might have different views about a given statement. We must judge by what is actually said.

Now, it was too often iterated and reiterated during those colloquies by all who participated in them on this side that no assurance would be given, and that the suggestion for an adjournment should not be made upon the basis of any promise, express or implied, that an agreement would be reached. So far as I am personally concerned, and I am sure that is true, I know it is of the junior Senator from North Carolina, we were willing to make an agreement with Senators on the other side—I am willing to do it now.

Immediately after the adjournment I requested one of the employees of the Senate to send out notices to Democratic Senators requesting them to appear here in the Democratic cloakroom this morning for a conference. Fourteen Senators, as I counted them, appeared. They were late in coming, some of them at least.

The hour fixed for the conference was 10 o'clock, but because of the fatigue incident to the late adjournment, I presume, they were delayed. Anyhow we finally discussed the question informally among ourselves. I was willing to agree that this debate should be terminated at a given hour to-day—before 6 o'clock—and that a recess should follow until, say, 8 o'clock, and that then some appropriation bill should be taken up and considered until some given hour, to be followed by an adjournment until, say, 11 o'clock to-morrow, at which time a vote might be had upon the pending bill.

Mr. President, there were Senators present who were not satisfied with that arrangement and distinctly expressed their disapproval of it, declaring that they would not consent to any unanimous-consent agreement of that kind; they told me so; and they were very determined in their attitude.

I reported that situation to Senators on the other side. That is all there is to it. I have read this RECORD and made these remarks simply that they might go in now in conjunction with what the Senator from Nevada said. I am making no criticism of his attitude on the bill. I have no criticism to offer as to any Senator's attitude. That is a matter of right; the right to do as he pleases, which each Senator should, and I presume will, exercise.

Mr. President, that concludes what I have to say on the subject. The Senator from North Carolina [Mr. OVERMAN] has intimated to me that he desires to say something on the same subject.

Mr. PERCY. Mr. President, if this measure should be submitted for consideration to the Senate at any time, many and valid objections could be urged to the passage of it. Submitted at this time the measure is absolutely indefensible. It is projected into the closing days of a session crowded with business, where it is impossible for any fair consideration to be given it. It is impossible for any intelligent discussion of it to be had without obstructing the passage of legislation necessary in order to carry on the Government.

Again, what is the character of the information that this board sought here to be created is primarily charged with the duty of collecting? It is to obtain information as to the cost of the production of manufactured articles in all of the countries of the world, and then to obtain information as to the cost of such production in this country. What is the value of this information? For what purpose can it be used? Only for the purpose of framing a tariff measure based upon the difference in the cost of production at home and abroad, and so framed as to allow a reasonable profit to the manufacturers here after taking into consideration the greater cost of production in this country.

This information, if it were possible to secure it, might be valuable for the use of a Republican House engaged in the duty of framing a protective tariff measure, but the information is to be gathered for the benefit of a Democratic House of Representatives, charged with the duty of framing the next tariff bill, a House which will frame that bill as a revenue measure only, collecting only such tariff as will suffice to supply the revenues of a Government economically administered, a House that does not believe it has the right to frame a tariff measure so as to insure an exorbitant profit to manufacturers here, a reasonable profit to American manufacturers, or any profit at all to such manufacturers, such profit necessarily to be raised by the taxation of the balance of the American people. It is no part of the province of the Government to guarantee business success.

The information thus gathered will be absolutely useless to that Congress in the framing of any legislation, and yet the expense of collecting this useless information is almost incalculable. The present tariff board requires an expenditure of about $400,000 a year. The proposed tariff board, when in full operation, will doubtless require an annual expenditure of a million dollars a year. The measure can not be repealed during the next Congress because a Republican President would veto any measure repealing it. So, for two years you have this enormous outlay saddled upon the country; and not for two years alone, but indefinitely, because no such board thus created is ever destroyed. Is this to be the outcome of this boasted economy of this administration?

Mr. President, there is legislation now upon the calendar which will be sought to be enacted, and doubtless will be enacted, into law within the next two days carrying so many millions of dollars of expenditure that it will be a matter of precious little importance to the American people whether you have a tariff board or not, whether the Democratic or the Republican party is to come in power, because with those expenditures fixed upon the people no party can by any legislation substantially reduce the burden of taxation.

Can it be that this measure is held up here for discussion so that no opportunity will be given to intelligently discuss the appropriation bills carrying millions upon millions of dollars that are to be passed now within less than two days? Is it so that those measures can be crowded through this Senate without an opportunity of having disclosed to the American people the character of those appropriations? So, Mr. President, it may be; and I wish briefly to address myself to one of those proposed measures as an illustration of the extravagant and wasteful character of the legislation now on the calendar which is to be crowded through as soon as this measure is out of the way, and crowded through absolutely without an opportunity for any consideration of them.

The measure I wish to briefly discuss, and upon which we may be called upon to vote at any hour with no opportunity then being presented for discussion, is known as the Sulloway pension bill, and I wish briefly to review the provisions of that bill.

Mr. President, the South has long deemed it a privilege to bear her fair share of the burdens of the National Government, and no part of that burden has been borne more cheerfully than the expenditures in behalf of those who fought to preserve this Union. While fully cognizant of her unquestioned right to join in the discussions in this Chamber of these expenditures, yet her representatives have uniformly refrained from taking part in such discussions for reasons easily understood, and to that custom I would now conform but for the startling nature of the bill before the Senate. Startling because, coming, as it does, 45 years after the close of the Civil War, it carries an increase in pensions of approximately $50,000,000, a greater increase than has occurred in the appropriation for this purpose during any single year since that war, the greatest increase in any

year prior to this time having occurred in 1878-79, when the appropriation was increased $23,000,000.

The estimated increase carried is greater than the total amount expended by this Government for pensions during any year after the war up to 1880. It is half as much as the total amount expended by this Government for all pensions for the three-quarters of a century of its history ending with June 30, 1865, and this increase is to be added to a general pensions bill carrying $153,000,000. It will add $385,000,000 to governmental expenditures in 10 years.

The treatment accorded by this Government to those who fought for its preservation in its generosity finds no parallel in the history of the world, and this whether judged by the annual expenditure for pensions, the number of people cared for by pensions, the classes of people enjoying the benefits of pensions, the liberality of the laws under which pensions are granted, or the favorable consideration extended to those seeking the benefit of these laws in the construction and administration of them.

In regard to the number of pensioners and the disbursements made in their behalf, the following is shown by the records, stated at decades since the war, and in round numbers:

	Number of pensioners.	Appropriation.
1870	198,000	$29,000,000
1880	250,000	56,000,000
1890	537,000	106,000,000
1900	993,000	138,000,000
1910	921,000	159,000,000

These figures do not include the cost of maintenance of the Pension Bureau, examiners, and so forth, which has averaged from two and one-half to three and one-half million dollars per annum. The pension appropriation for the last year was the greatest of any year except for 1909, when it was $161,000,000. Nor does this include the cost of the soldiers' homes, liberally provided throughout the country, where thousands are cared for and millions each year expended in their care.

The total expenditure for pensions since the war has been $3,976,000,000, exclusive of the cost of maintenance, and, including that, $4,094,000,000 the figures being given in round numbers.

As stated by an eminent Republican leader, Hon. SERENO PAYNE, in 1908 this Government expended 31 per cent of its total revenues in the payment of pensions and for national cemeteries, soldiers' homes, and other beneficial aids to the old soldier. It is stated in another way by an equally well-recognized Republican authority, 72 per cent of our total governmental expenditures are to defray the expenses of war, past and to come.

Not taking into consideration the effect of this measure, the expenditures of this Government in preparing for war and in defraying the expenses of past wars annually amount to about $84,000,000 more than England's military expenses, with the greatest navy that the world has even seen; $136,000,000 more than Germany, with an army which is the admiration of the world and a navy larger than ours; $152,000,000 more than France, with a standing army of 500,000 men.

TAWNEY, New York Times, January 16, 1910:

> There is no evidence here of an illiberal or parsimonious spirit in fixing the amounts which have been disbursed for pensions.

Again this same generosity of spirit is evidenced in the designation of the classes who are permitted to share in the beneficent aid of the Government, other than enlisted soldiers. Provision is made for widows, dependent children, mothers, fathers, brothers, and sisters of deceased pensioners, imbecile children and minor children of their widows, and for nurses. The number of those cared for in greater or less degree is evidenced by the fact that Gen. Ainsworth estimates the total number of Army and naval survivors of the Civil War, excluding deserters, on June 30, 1910, at 626,231, this being the total number of survivors, without reference to the pension roll. The report of the Commissioner of Pensions shows that of the 921,000 drawing pensions June 30, 1910, 562,000 were survivors of the Civil War, about 40,000 survivors of the Mexican, Indian, and Spanish Wars, their widows and relatives, and 318,461 were widows and dependent relatives, and 442 were nurses from the Civil War. Surely no class entitled to consideration seems to have been overlooked.

Again, there are few who had any participation in the war, however indirect, however insignificant, however brief such participation was, who are not given opportunity under existing laws to share in the beneficence of the Government. There has been by successive legislation a breaking down of all barriers between those who could establish any connection with the war and the Treasury of the Government. The course of legislation has been such as to present the anomalous spectacle of a constantly dwindling band of survivors coupled with not only constantly swelling appropriations but almost a constantly increasing number of pensioners. Death has scarce been busier thinning the ranks of the old soldiers than legislation has been recruiting the ranks of the pensioners.

Pension legislation for the Civil War had practically its origin in the act of July 14, 1862, and the act of March 3, 1873, amendatory thereof, which, in substance, gave pensions in cases of disability by reason of wounds received or diseases contracted, such pensions to last during the continuance of the disability, and a provision for dependent relatives upon the death of the pensioner.

Under the act of June 27, 1890, as amended by the act of May 9, 1900, a soldier who served 90 days and was honorably discharged, and who suffered from disability of permanent character, incapacitating him from the performance of manual labor, was entitled to be pensioned, though such disability did not have its origin in wounds received or diseases contracted during the war, and his widow became entitled to such pension upon his death, provided she married him prior to June 27, 1890, and was without other means of support than her daily labor. This was amended by the act of May 9, 1900, providing, that in determining inability to earn a support, each and every infirmity should be considered, and the aggregate of the disabilities should be rated; and it further provided that the widow might have the benefit of the pension if without other means of support than her daily labor, and with a net income not exceeding $250 per year.

The act of April 19, 1908, granted a pension to widows regardless of the amount of property they possessed. Two hundred and two thousand persons were benefited by this last provision. Twenty-two thousand new applications were filed before the close of the year, and in 1909, 46,634 new applications were filed under it. And by another act, March 3, 1901, the widow is insured against the danger of a second matrimonial venture by her pension being revived in case of the death or divorce from the second husband.

The act of February 6, 1907, pensioned soldiers who had served 90 days, and had been honorably discharged, and who had reached the age of 62 years, eliminating from consideration as a condition for enjoying the Government's bounty inability to earn a living, disability of any kind by reason of the service rendered, or wealth of the pensioner, however great it might be.

But in addition to those provided for by the wondrous liberality of the general laws, it appears from the report of the Commissioner of Pensions that Congress has since 1861 granted pensions and increases of pensions by 32,401 special acts, and of this number there are now on the roll 19,422, provided for by special acts, either because they were entitled to no pension under the general laws or it was thought that the pension so provided was not adequate to meet their needs or their deserts.

The first general bill which passed Congress permitting a pension to soliders upon the ground of service and present disability alone in the absence of injuries received during the service was vetoed by President Cleveland February 11, 1887. Up to that time the principle had been observed in legislation that pensions should be bestowed upon those who in military service, or in the line of military duty, had been to a greater or less extent disabled. Some of the observations contained in this veto message of President Cleveland seem to me especially pertinent at this time and to this bill. He said:

> No corresponding number of statutes have ever been passed to cover every kind of injury or disability incured in the military service of any war.

Yet at that time the appropriation for the year ending June 30, 1887, was $75,000,000, less than half of the annual appropriation to-day for this purpose, and the total amount expended up to that date for pensions was $808,000,000. He said this bill—

> Authorizes the pension for three months' service without any requirement of actual engagement with the enemy in battle, and without a subjection to any of the actual dangers of war. It includes those who never reached the front at all, and those discharged from rendezvous at the close of the war, if discharged three months after enlistment.

Said the President:

> I can not but remember that the soldiers of our Civil War in their pay and bounty received such compensation for military services as has never been received by soldiers before since mankind first went to war; that never before on behalf of any soldiery have so many, and such generous laws, been passed to relieve against the incidents of war; that statutes have been passed giving them preference in all public employment; that the really needy and homeless Union soldiers of the Rebellion have been to a great extent provided for at soldiers'

homes, instituted and cared for by the Government, where they are maintained together free from the sense of degradation which attaches to the usual support of charity; and that never before in the history of the country has it been proposed to render Government aid toward the support of any of its soldiers, based alone upon a military service so recent, and where age and circumstances appear so little to demand such aid.

He said further, and it was less true then than it is to-day:

If this bill should become a law, with its tremendous addition to our pension obligation, I am thoroughly convinced that further efforts to reduce the Federal revenue and restore some part of it to our people will, and, perhaps, should be seriously questioned. It has constantly been a cause of pride and congratulation to the American citizen that his country is not put to the charge of maintaining a large standing Army in time of peace. Yet, we are now living under a war tax which has been tolerated in peaceful times to meet the obligations incurred in war, and for years past in all parts of the country the demand for the reduction of the burdens of taxation upon our labor and production have increased in volume and urgency.

Then the demand referred to for the reduction of the burdens in taxation, for a reduction in the cost of living, was but a whisper. Now, with the passing of years, and the continued increase in governmental expenditures, it has swelled to a roar which no political party can with safety or wisdom disregard. Yet the act which President Cleveland vetoed carried with it the requirement of incapacity in such a degree as to be unable to earn a support, and the pension was allowed only to those who were dependent upon their daily labor for support.

As there never has been a suspicion of parsimony in the enactment of pension laws, so there has never been a suspicion of harshness in the administration of those laws. No hostile eye has viewed with disfavor the claims of those seeking to enjoy the benefits of these laws. In fact, if there be cause of criticism that cause lies rather in the laxity than the strictness of the administration.

A former Republican Attorney General of the United States, in a recent article in the North American Review, has said: "One hundred million dollars could be saved in pensions alone if only those deserving pensions received them, but if a single deserter from the colors during the Civil War, or a single miscalled Spanish War veteran malingering in camp at Chickamauga, or a single worthless woman who beguiled an old soldier with one foot in the grave into marrying her, is not on the pension list for life, it is wholly due to some oversight on the part of the pension agents."

The proposed act provides for the following increases in existing pensions:

Age.	Increase per month.	Number.	Annual increase.	Amount.
62 years	$12 to $15	93,589	$36.00	$3,369,204.00
65 years	12 to 20	184,577	96.00	17,719,392.00
70 years	15 to 25	101,778	120.00	12,213,350.00
75 years	20 to 30	63,461	120.00	7,493,687.00
Total increase				40,795,643.00

The Secretary of the Interior estimates that the increase under this act between the date of its passage and June 30, 1912, would be about $30,000,000, but that the maximum rate of increase would be reached in the second year, and that the amount which would be required for the payment of pensions for the fiscal year ending June 30, 1913, should this bill be enacted, would be about $200,000,000, and this taking fully into account the loss to the pension roll by reason of the death of pensioners between now and that date and not taking into account any increase in the pension roll that might result from other legislation.

The payment of the pension roll under this bill would impose a burden as great as the annual expenditure for the maintenance of the German army, the world's greatest military organization.

The proposed act, like the act of 1907, is based on service alone, without regard to the merit of that service. Three months is the length of time required. No disability or incapacity by reason of that service is a condition. No poverty or destitution is a factor. The sick and the well, the strong and the weak, the rich and the poor, the hero and the skulker are pensioned indiscriminately.

It is said to be a measure not for the relief of destitution, but a testimonial of the Nation's gratitude. Such an argument would as readily support an appropriation of $500,000,000 as of $50,000,000.

Such a system of pensioning finds no precedent in history and rests on no foundation which can be approved of by reason. Approving of this appropriation, imagination can conjure no reason for opposing any other for the same purpose.

The committee, in reporting this bill in the House, said:

Your committee feels that the time has come when there should be something done to relieve the Pension Committees of Congress from the tremendous amount of work that confronts them. Your committee feels that the time has come when Congress should enact general legislation that will reduce private pension legislation to a minimum. While these estimates add a large sum to the present pension appropriation, yet it is necessary if we are to bring the pension of the soldier to a point where Congress will be relieved of a vast amount of special pension legislation.

This would seem to recommend the bill more as a relief to the Pension Committee than as a measure meritorious in itself; yet by special acts it is supposed that the helpless and deserving are benefited, while the proposed legislation is indiscriminating and irrational in character, and we would be blind to the teachings of experience if we should for a moment entertain the hope that the enactment of this legislation would diminish the number of private pension bills. How extensive has been the relief afforded by private pension bills is shown by the report of the minority, made by the Senator from North Dakota—and his distinguished services in this behalf leave no room to doubt either his knowledge or his zeal—which states:

We believe the two Houses of Congress have been able by private pension bills to reach every case of helplessness of war veterans throughout the entire country, and they will be able in the future, as in the past, by special legislation, to relieve every case of destitution for which our general legislation will not give the adequate relief.

So this bill is needed for the relief of no helpless war veteran.

This same argument was pressed with much earnestness in support of the act of 1907, and yet a greater number of bills for private pensions have been introduced in the past three years than ever before in the history of the country. There were enacted in the Sixtieth Congress 6,600 private pension acts; in the second session of the Sixty-first Congress, 6,063 special acts; and 20,000 bills have been introduced in the present session, removing the records of desertion, so as to make honorably discharged soldiers out of deserters, or granting new pensions or increasing pensions already granted.

It can not be doubted that the passage of this bill would infinitely stimulate the introduction of private pension acts, hasten the passage of several pending measures, and would be the immediate prelude to the enactment of the dollar-a-day pension bill carrying $108,000,000, because there is no objection applicable to any of these measures which does not apply in equal force to the legislation now proposed.

The proposed bill carries $30,000,000 the first year and about $50,000,000 the second, against $17,000,000 carried by the measure recommended by the resolution of the Grand Army of the Republic at its last encampment, according to the report of the Secretary of the Interior.

Does not the committee in so exceeding the recommendation of the Grand Army display more zeal than wisdom?

The enactment of this measure can not be extenuated by the claim that the appropriation is to be paid out of the surplus revenues of a swollen treasury. The time does not seem to be well chosen for such an assault upon the Treasury. On January 9, 1911, the Treasury Department reported a deficit for the fiscal year beginning July last of $6,500,000 and a further deficit for the Panama Canal in round numbers of $20,000,000. It is almost certain that the passage of this bill would necessitate a bond issue in order to meet the expense entailed by it. Not only is there no money in the Treasury with which to meet this expenditure, but every dollar which will be placed there will be raised by taxation. This bill appropriates millions of dollars for the benefit of pensioners, thousands and tens of thousands of whom are in no pecuniary distress, yet every dollar so appropriated is raised by taxation, and under our system of indirect taxation the bulk of these taxes at last comes not from the coffers of the wealthy, but from the toiling millions of ultimate consumers, standing more in need of aid in the rough battle of life than those for whose benefit they are taxed. This in the last analysis is what makes this measure, seemingly so generous, in fact, harsh and oppressive.

While the sacred duty imposed upon Congress to care for the helpless and the needy who preserved the Union rises above economic considerations, above the cries of those oppressed by taxation, this rule furnishes no support for this measure. At no time in the history of our people have the expenditures of the Government been greater, taxation more burdensome, the cost of living more onerous. With a full realization of this, for the first time in our history, a patriotic President, rising above the clamor of party, believing that "he serves his party most who serves his country best," is appealing in public speeches to the people of this country irrespective of party, that he may bring to bear upon this body a public sentiment which will force it to enact reciprocity legislation tending to cheapen the necessaries of life.

At the last session of this Congress $100,000 was appropriated to defray the expense of a commission to investigate and recommend some method of reducing the expenses of the Government in the administration of its various departments.

There is doubt whether an appropriation of $1,000,000 will be made to begin the fortification of a canal which will represent an investment of $400,000,000, lest the expense of such fortification may finally aggregate $12,000,000.

In every department of the Government there seems to be an effort toward economy. In every department the President is insisting upon the rigid enforcement of economy. A million is saved here or sought to be saved there, not infrequently at the expense of efficiency, in order to lessen the burden of taxation.

The engineers cut down the estimates for the last river and harbor bill some $10,000,000; three million was appropriated for the Mississippi River below Cairo instead of four, not because the money was not needed for the work, but because the administration was seeking to reduce expenses.

There is a measure now pending which seeks to reduce the deficiency in the Post Office Department by imposing a higher rate of postage upon the magazines which carry knowledge and information to millions of humble readers throughout the country, and in a bill now on the calendar of this body, from the Post Office Department, a pitiful effort at economy is made in reducing the salaries of rural mail carriers as fixed by the bill as it came from the House from $1,000 to $950, for the purpose of saving a few hundred thousand dollars at the expense of probably the most underpaid class of employees in the service of the Government.

Again, the same department, in the interest of economy, has persistently delayed the installation of rural routes approved of by the department, until to-day there are 1,045 of such routes approved of and not installed, the installation of which would cost in round numbers $1,000,000. Yet that million it is thought worth while to save at the expense of the farmers of the country.

Are all of these multiplied efforts at economy a pitiful sham? If not, they surely will be made a mock of by this legislation. If a depleted Treasury offers no argument against a $50,000,000 appropriation, what kind of an appropriation would be demanded if economy in the administration of the Government should ever provide a surplus to be legislated away?

It is said that legislation of this kind stimulates patriotism. This is not true. No thought of reward inspired the patriotism of the men who carried their country's flag to victory in 1865. The patriotism that has its root in the hope of a money reward is too near akin to mendicancy to be a nation's safeguard.

The report of the Secretary of the Interior for the fiscal year ending 1901 shows that during the seven years after the close of the Civil War ending in 1872 only about 6 per cent of the soldiers of that war had filed claims. The number of claims for pension filed by soldiers in the Spanish War from April 21, 1898, to June 30, 1901, was 45,710, about 20 per cent of the total number of men enlisted, and up to that date more than 50 per cent of one volunteer regiment had filed such claims, a number of claims being filed by soldiers who a few days prior to the applications for pensions, upon being discharged, had been carefully examined and found to be suffering from no disability whatever. We now have 27,000 Spanish War veterans on the rolls, and the Government has already paid them one-half as much as it paid all the Revolutionary soldiers, their wives, and their children. Is this the kind of patriotism that is the product of liberal pension legislation? This country will never have to hold out the prospect of looting the Treasury in order to induce its sons to rally to the defense of its flag.

It is said that the appropriation is an evidence of the love of the Nation for the beneficiaries of it. I deny that evidence is needed of the love borne by the Nation for those who fought for and saved it, and I would be slow to admit that the bestowal of money without regard to the need for it is the only or the most fitting method of attesting a people's gratitude. For no greater love ever filled the heart of a people than is cherished by the southern people for those who went down in defeat before the Army of the Federal Government, and yet in traveling over the South I have had pride in the fact that, except where war had left its mark in loss of arm or leg, there was nothing which set apart the Confederate veteran from his fellow men. Uncared for by Government, drawing no pension from those who loved him, relying upon his own manhood, he has fought the battle of life as uncomplainingly and as bravely as he ever fought the battles of his country; and while now in their old age their States are endeavoring to care for the disabled and helpless, to bring some small degree of comfort to them in their remaining days, and we bitterly regret the poverty of our resources in hampering and minimizing the care so bestowed; yet we proudly feel that however great these resources might be, not a dollar would be accepted save by those in want and helpless to earn a livelihood for themselves.

Mr. President, the pending pension bill, to be passed upon within the remaining two days of this Congress, disregards every rule of economy and every sane principle upon which the pensioning of soldiers has ever been conducted.

PENSION APPROPRIATION BILL.

Mr. McCUMBER. At the close of the argument which has just been made by the Senator from Mississippi [Mr. PERCY] I think it an appropriate time to ask consideration of the general pension appropriation bill. It will not require more than 10 minutes, I think, to pass it, and we will dispose of that matter. I therefore ask unanimous consent that the pending business be temporarily laid aside and that the Senate proceed to the consideration of the pension appropriation bill (H. R. 29157).

Mr. OVERMAN. Let the Senator from North Dakota move to take it up and we will agree to it.

Mr. McCUMBER. Then I move that the present business be temporarily laid aside and that the Senate proceed to the consideration of the pension appropriation bill.

Mr. OVERMAN. I object to that.

Mr. OWEN. Regular order!

Mr. BANKHEAD. A parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator from Alabama will state it.

Mr. BANKHEAD. I observe the language employed by the Senator from North Dakota, and I would like to have a ruling of the Chair upon the point whether if the motion of the Senator from North Dakota prevails it will displace what is now the unfinished business.

The VICE PRESIDENT. If the motion prevails precisely as it was made, it would not displace the unfinished business.

Mr. BANKHEAD. That is exactly what I thought; and I think that is the intention of the Senator from North Dakota.

Mr. OVERMAN. As a substitute for the motion made by the Senator from North Dakota, I move that we proceed to the consideration of the bill known as the pension appropriation bill.

The VICE PRESIDENT. The motion is not modifiable.

Mr. McCUMBER. I consent to it.

The VICE PRESIDENT. The Senator consents. Very good. The question is upon proceeding to the consideration of the pension appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to the consideration of the bill (H. R. 29157) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1912, and for other purposes, which had been reported from the Committee on Pensions with an amendment, to strike out lines 12 and 13, in the following words:

> For the payment of one pension agent for paying pensions, $4,000.

And insert:

> For salaries of agents for the payment of pensions, at $4,000 each, $72,000, or so much thereof as may be necessary.

The amendment was agreed to.

Mr. OWEN. I should like to ask the chairman of the Committee on Pensions what occasion there is for passing the pending bill at this time.

Mr. McCUMBER. Just the same occasion that there is for passing the other appropriation bills before Congress adjourns; that is all.

Mr. OWEN. I want to lay upon the RECORD my protest against the passage of this appropriation bill at this time by a Congress which no longer represents the will of the American people, and I shall at this time content myself with that objection.

Mr. SCOTT. I offer the following amendment to the bill.

The VICE PRESIDENT. The Senator from West Virginia offers an amendment to the bill, which will be stated.

The SECRETARY. It is proposed to add to the bill the following:

> That any person who served 90 days or more in the military or naval service of the United States during the late Civil War, or 60 days in the War with Mexico, and who has been honorably discharged therefrom, and who has reached the age of 62 years or over, shall, upon making proof of such facts according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the pension roll and be entitled to receive a pension as follows: In case such person has reached the age of 62 years, $15 per month; 65 years, $20 per month; 70 years, $25 per month; 75 years or over, $30 per month; and such pension shall commence from the date of the filing of the application in the Bureau of Pensions after the passage and approval of this act: *Provided*, That pensioners who are 62 years of age or over, and who are now receiving pensions under existing laws, or whose claims are pending in the Bureau of Pensions, may, by application to the Commissioner of Pensions, in such form as he may prescribe, receive the benefits of this act; and nothing herein contained shall prevent any pensioner or

person entitled to a pension from prosecuting his claim and receiving a pension under any other general or special act: *Provided further*, That no person shall receive a pension under any other law at the same time or for the same period that he is receiving a pension under the provisions of this act: *And provided further*, That no person who is now receiving or shall hereafter receive a greater pension under any other general or special law than he would be entitled to receive under the provisions herein shall be pensionable under this act.

SEC. —. That the benefits of this act shall include any person who served the period of time therein specified during the late Civil War or in the War with Mexico, and who is now or may hereafter become entitled to pension under the acts of June 27, 1890, February 15, 1895, and the joint resolutions of July 1, 1902, and June 28, 1906, or the acts of January 29, 1887, March 3, 1891, February 17, 1897, February 6, 1907, and March 4, 1907.

SEC. —. That rank in the service shall not be considered in applications filed hereunder.

SEC. —. That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in presenting any claim to the Bureau of Pensions or securing any pension under this act.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. LODGE. Mr. President, I make the point of order that it is general legislation.

The VICE PRESIDENT. The Senator from Massachusetts raises the point of order against the amendment that it is general legislation.

Mr. CURTIS. Mr. President, as I understand the rule, the Chair may pass upon this point of order, or he may submit it to the Senate, but I should like to make a brief statement in reference to the bill, and, following, request the Chair to submit the amendment to the Senate. There have been many different statements made regarding the amount this bill carries. This amendment increases the pensions of those who are 62 years of age from $12 to $15; of those who are 65 from $12 to $20 per month; of those who are 70 from $15 to $25 per month; and of those who are 75 years or over from $20 to $30 per month. If all entitled to increases should file applications and there should be no deaths, and if all applications could be acted upon within the year, the total necessary appropriation would be $40,000,000.

Mr. GALLINGER. Forty-five million dollars.

Mr. CURTIS. Forty million dollars.

Mr. OVERMAN. May I interrupt the Senator from Kansas?

Mr. CURTIS. I would rather make my statement without interruption.

Mr. OVERMAN. I wish merely to ask a question for information.

Mr. CURTIS. Certainly.

Mr. OVERMAN. I understand there is a bill pending here, known as the retired volunteer officers' bill, which will take about $40,000,000 more. Is it the intention to pass that bill also if this amendment passes?

Mr. CURTIS. That bill does not come from the committee of which I am a member, and I can not give the Senator the information he asks.

Mr. WARNER. If the Senator from Kansas will pardon me, I will state that the bill referred to by the Senator from North Carolina comes from the Committee on Military Affairs, and instead of carrying about $40,000,000 over and above the Sulloway bill, it carries $2,500,000.

Mr. OVERMAN. The Senator has very much amended it. I know the original bill was before us when I was on the committee, and it amounted to $30,000,000 or $40,000,000.

Mr. WARNER. Over the present pension rates.

The VICE PRESIDENT. The Senator from Kansas has the floor.

Mr. CURTIS. I prefer to go on with my statement. It will be brief.

Mr. HALE. If the Senator from Kansas can not go on and complete his statement I shall make the point of order.

Mr. CURTIS. I want to complete my statement. The Commissioner of Pensions advises Congress that it will be impossible for him to act upon all the applications in case they should be filed, and that in no case can the appropriation exceed for the next year $30,000,000. In the following year, if all the applications were acted upon and if there were no deaths, the total appropriation for the second year would be only $50,000,000. But in the meantime, according to established averages, the deaths would reduce that amount over $10,000,000. So at the outside, in the second year, the extreme appropriation would be $40,000,000.

I know there has been much said about the condition of the Treasury, and the ability of the Government to pay these pensions. So far as I am personally concerned, I do not believe that is a legitimate objection. But we can issue bonds to build the Panama Canal; we can build up a great Navy; we can maintain a standing Army; and if we can do that, I ask why can we not raise the money, if it become necessary, to pay these deserving old soldiers pensions I believe they are entitled to receive?

As I said a moment ago, I do not think this is a legitimate objection to this measure because, when the soldiers were asked to enlist, they did not stop to consider the paltry amount that was paid to them each month. They did not stop to estimate what it might cost them in years of suffering and hardship. They did not stop to consider what the cost would be to their families after they volunteered and offered their lives to save this Nation. They preserved the Union and upheld the Constitution. When they marched down Pennsylvania Avenue in May, 1865, they read the words written in cloth on the Treasury Building: "There is one debt this Government owes which it can never pay. That is the debt it owes to its soldiers and sailors." That was the sentiment of the country then, and it is the true sentiment of the country to-day.

I hold in my hand a list of 21 States, the legislatures of which have passed resolutions asking for the enactment of this legislation. They represent 53,000,000 of the 91,000,000 of our population. I ask the presiding officer of this body to submit to the Senate the proposition that we may have a direct vote as to whether or not at this time we will give to these veterans suitable recognition of their services and the Nation's gratitude. I should like to say to the Senator from Massachusetts [Mr. LODGE] that the Legislature of the State of Massachusetts unanimously adopted a resolution in favor of this measure.

I ask unanimous consent that the list may be printed in my remarks.

The VICE PRESIDENT. Without objection, that will be done.

The matter referred to is as follows:

INDORSEMENTS OF THE SULLOWAY PENSION BILL.

The so-called Sulloway pension bill has been indorsed by the Legislatures of New York, Pennsylvania, Ohio, Illinois, Indiana, Michigan, Wisconsin, Iowa, Connecticut, Maine, Colorado, Kansas, Nebraska, Washington, North Dakota, Oklahoma, Minnesota, Oregon, Massachusetts, South Dakota, Utah, and Wyoming.

These States represent a population of 53,021,049 out of a total of 91,647,197.

Mr. PERCY. Mr. President——

The VICE PRESIDENT. Does the Senator from Kansas yield to the Senator from Mississippi?

Mr. CURTIS. Certainly.

Mr. PERCY. I should like to make a correction as to the apparent discrepancy between the Senator from Kansas and myself as to the amount which would be carried by the amendment. He states from his standpoint that the amount carried is entirely immaterial, but still it may be a matter of information to the American people and possibly not be so immaterial to them.

The Senator said that the total amount carried the second year would be about $40,000,000. I stated it at $50,000,000.

Mr. CURTIS. May I interrupt the Senator from Mississippi?

The Senator undoubtedly quotes from the first figures that were sent to the Senate and the House based on the original bill. The figures I gave were based upon the amended bill as reported from the Senate committee.

Mr. PERCY. Precisely. The Senator is entirely in error as to the amended bill. The original bill as reported from the House would have carried an increase in the second year, according to the Secretary of the Interior, of $57,000,000. He states that at the end of the second year under the Sulloway bill, as reported from the House, the total pension appropriations would be $210,000,000. I will just read a paragraph. It is a matter involving some seven to ten million dollars and possibly is of enough importance to justify me in taking the time to make this correction. The Secretary of the Interior says:

It is estimated that should such a bill become a law there would be issued between the date of its enactment and June 30, 1912, some 300,000 certificates thereunder. This would cause an increase of about $30,000,000 in the disbursements for pensions for the fiscal year ending June 30, 1912, and would require an appropriation for that year of approximately $183,000,000.

The full effect of the bill, however, would not be felt until the second year after its enactment. It is believed that there would be issued thereunder during the fiscal year ending June 30, 1913, between 150,000 and 200,000 certificates, including the increase certificates which would be allowed on account of pensioners thereunder reaching the ages entitling them to the next higher rates. The average value of first payments on the certificates issued during the last two fiscal years was about $52. On account of the increased rates provided by this bill, the average first payments during the second year after its passage would be about $100. In addition to the first payments the new certificates to be issued during the fiscal year 1913 would add approximately $15,000,000 more to the disbursements for that year. The amount which would therefore be required for the payment of pensions for the fiscal year ending June 30, 1913, should this bill be enacted into law, would, according to the best information now at hand, be about $210,000,000.

The loss to the roll on account of the death of pensioners has been fully taken into consideration in reaching the above conclusions. Such loss would be, to a great extent, overcome by the increased rates to

which a large percentage of the survivors would be entitled by reason of their attaining the next higher age specified in the bill entitling them to the increased rates provided thereunder.

That is on the bill as reported from the House, and that meant an increase of $57,000,000 added to the $153,000,000 of regular pension appropriations, making $210,000,000.

But I addressed an inquiry to the Secretary of the Interior as to what would be the increase under the bill as amended by the Senate committee, being the bill which we are now considering. It is as follows:

SECRETARY OF THE INTERIOR,
Washington, February 20, 1911.

MY DEAR SIR: I have your letter of February 20, asking me what is my estimate of the total pension appropriation for 1913 under the Sulloway bill as reported by the Senate committee.

In reply, I would say that my estimate, pursuant to verbal information from the Commissioner of Pensions, is about $200,000,000.

Very truly, yours, R. A. BALLINGER, *Secretary.*

Hon. LEROY PERCY,
United States Senate.

That being an increase carried by the bill of $47,000,000, I just wished to make the correction. So that is the estimated increase, and no pension bill has ever yet failed to exceed the estimate in regard to it. It is not $40,000,000, but $47,000,000 for the second year.

Mr. HALE. What has become of the question of order?

The VICE PRESIDENT. The Chair was about to decide it.

Mr. HALE. Let us hear it.

The VICE PRESIDENT. The bill under consideration is a general appropriation bill, to which the Senator from West Virginia [Mr. SCOTT] offers an amendment that is substantially a bill which he has heretofore reported from the Committee on Pensions. The Senator from Massachusetts [Mr. LODGE] invokes in opposition to the amendment the third clause of Rule XVI, which reads:

No amendment which proposes general legislation shall be received to any general appropriation bill.

The Senator from Kansas [Mr. CURTIS] suggests that the Chair shall submit the proposition of order to the Senate under the second clause of Rule XX. The Chair assumes that that clause of Rule XX was intended to cover a case where the Chair might possibly have some doubt as to the question of order. In this instance it is so clear to the Chair that the amendment is a legislative provision that the Chair feels constrained not to comply with the request of the Senator from Kansas, but to decide the question as a matter of procedure having nothing to do with the merits, as an amendment which can not be received when the rule is invoked against it. The Chair therefore sustains the point of order.

If there be no further amendments, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

Mr. MCCUMBER. Before the bill is passed I wish to put in the RECORD the statement that the number of pensioners on the pension roll was decreased 25,000 between 1909 and 1910, and that this appropriation bill carries $8,287,000 less than was used in 1909 and $6,000,000 less than was used in 1910.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

REVISION OF LAWS—JUDICIARY TITLE.

Mr. HEYBURN submitted the following concurrent resolution (S. Con. Res. 43), which was considered by unanimous consent and agreed to:

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (S. 7031) to codify, revise, and amend the laws relating to the judiciary the enrolling clerk is directed to strike out from the bill as reported from conference that part of section 151 thereof which reads as follows: "In any proceeding under this section the court shall determine as a preliminary inquiry the question of limitation, delay, or laches; and if it shall be of opinion that the delay in presenting the claim is not excusable, and that the bar of the statute of limitation should not be removed, it shall not proceed further to find the existence of loyalty, liability, or the extent thereof, in such case, but shall report such finding in bar to the House by which the claim or matter was referred."

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HALE. I move to take up House bill 32866, the diplomatic and consular appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 32866) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1912, which had been reported from the Committee on Appropriations with amendments.

Mr. HALE. I ask unanimous consent to dispense with the formal reading of the bill and that the amendments of the committee be acted upon as they are reached in the reading.

Mr. OWEN. I object.

The VICE PRESIDENT. Objection is made. The Secretary will read the bill.

The Secretary proceeded to read the bill and read to line 3 on page 3.

Mr. HALE. I renew my request that the formal reading of the bill be dispensed with, that the bill be read for amendment, the committee amendments to be first considered.

The VICE PRESIDENT. Is there objection to the request of the Senator from Maine? The Chair hears none.

The Secretary continued the reading of the bill.

The first amendment of the Committee on Appropriations was, on page 17, after line 22, to strike out:

ARBITRATION OF OUTSTANDING PECUNIARY CLAIMS BETWEEN THE UNITED STATES AND GREAT BRITAIN.

For the expenses of the arbitration of outstanding pecuniary claims between the United States and Great Britain, including office rent in the District of Columbia and the compensation of arbitrator, umpire, agent, counsel, clerical and other assistants, to be expended under the direction of the Secretary of State, and to be immediately available and to continue available until expended, $50,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 3, to insert:

INTERNATIONAL CONGRESS ON SOCIAL INSURANCE.

The President of the United States is hereby authorized to extend to the International Congress on Social Insurance an invitation to hold its next triennial congress in the United States.

The amendment was agreed to.

The next amendment was, on page 19, after line 8, to insert:

INTERNATIONAL CONGRESS ON ALCOHOLISM AT THE HAGUE, HOLLAND.

For expenses of delegates to be designated by the President to the Thirteenth International Congress on Alcoholism at The Hague, Holland, September, 1911, $4,500, including secretarial and stenographic work and transcription of reports.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

FORTIFICATIONS APPROPRIATION BILL.

Mr. PERKINS. I move that the Senate proceed to the consideration of House bill 32865, known as the fortifications appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 32865) making appropriations for fortifications and other works of defense, for the armament therefor, for the procurement of heavy ordnance for trial and service, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. PERKINS. I ask that the formal reading of the bill be dispensed with——

Mr. OWEN. I object, Mr. President.

The VICE PRESIDENT. Objection is made, and the Secretary will read the bill.

The Secretary proceeded to read the bill.

Mr. PERKINS. Mr. President, I now renew my request that the formal reading of the bill be dispensed with; that it be read for amendment, the committee amendments to be first considered.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The first amendment of the Committee on Appropriations was, under the subhead "Under the Engineer Department," on page 1, after line 9, to insert:

For construction of gun and mortar batteries, $125,000.

The amendment was agreed to.

The next amendment was, on page 2, after line 15, to insert:

For the acquirement by the Secretary of War of the lands at Cape Henry, Va., as contemplated by the project of the War Department, as embodied in the report of the Secretary of War for the year 1906, which lands have been duly surveyed by the Government of the United States and embrace an area of 300 acres, more or less, or such portion thereof as he may deem advisable, by purchase or by condemnation proceedings, under the provisions of the act of August 18, 1890 (Supplement to the United States Revised Statutes, p. 780), either or both, $150,000, or so much thereof as may be necessary for said purpose.

The amendment was agreed to.

The next amendment was, under the subhead "Armament of fortifications," on page 4, line 11, before the word "thousand," to strike out "one hundred and fifty" and insert "five hundred," so as to make the clause read:

For the purchase, manufacture, and test of ammunition for mountain, field, and siege cannon, including the necessary experiments in connection therewith and the machinery necessary for its manufacture at the arsenals, $500,000.

The amendment was agreed to.

The next amendment was, under the head of "Fortifications in insular possessions," subhead "Engineer Department," on page 7, after line 10, to insert:

Construction of mining casemates, cable galleries, torpedo storehouses, cable tanks, and other structures necessary for the operation, preservation, and care of submarine mines and their accessories at the defenses of the Philippine Islands, $173,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28406) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1912.

The message also announced that the House had passed the following bills:

S. 6059. An act to remove cloud from the title of the southeast quarter of the northeast quarter of section 23, township 47, range 23 west of the fifth principal meridian, except 10 acres off of the north side thereof, in Pettis County, Mo., and to release the title of the United States therein to George R. Shelley, his heirs and assigns;

S. 9271. An act for the relief of William H. Walsh;

S. 10761. An act to amend section 3 of the act of Congress of May 1, 1888, and extend the provisions of section 2301 of the Revised Statutes of the United States to certain lands in the State of Montana embraced within the provisions of said act, and for other purposes;

S. 10792. An act to promote the erection of a memorial in conjunction with a Perry's victory centennial celebration on Put in Bay Island during the year 1913 in commemoration of the one hundredth anniversary of the Battle of Lake Erie and the northwestern campaign of Gen. William Henry Harrison in the War of 1812; and

S. 10822. An act to extend the time for the completion of a bridge across the Missouri River at or near Yankton, S. Dak., by the Winnipeg, Yankton & Gulf Railroad Co.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 25192. An act to amend section 11, act of May 28, 1896; and

H. R. 32251. An act authorizing the sale of allotments of Nekquel-o-kin, or Wapato John, and Wue-til-qua-soon, or Peter, Moses agreement allottees.

HOUSE BILL REFERRED.

H. R. 25192. An act to amend section 11, act of May 28, 1896, was read twice by its title and referred to the Committee on the Judiciary.

H. R. 32348. An act supplementary to and amendatory of the act entitled "An act for the division of the lands and funds of the Osage Nation of Indians in Oklahoma," approved June 28, 1906, and for other purposes, was read twice by its title and referred to the Committee on Indian Affairs.

WEYMOUTH BACK RIVER BRIDGE, MASSACHUSETTS.

The VICE PRESIDENT laid before the Senate the bill (H. R. 30273) for the relief of the city of Quincy, the towns of Weymouth and Hingham, and the Old Colony Street Railway Co., all of Massachusetts, which was read twice by its title.

Mr. LODGE. I ask that the bill may lie upon the table. I desire to make a motion in regard to it later.

The VICE PRESIDENT. The bill will lie upon the table.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. SCOTT. I move that the Senate proceed to the consideration of the bill (H. R. 32436) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1912, and for other purposes.

The motion was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. SCOTT. I ask unanimous consent that the formal reading of the bill be dispensed with and that it be read for amendments, the amendments of the committee to be first considered.

The VICE PRESIDENT. Is there objection to the request of the Senator from West Virginia?

Mr. OWEN. Mr. President, I object.

The VICE PRESIDENT. The Senator from Oklahoma objects. The Secretary will read the bill.

The Secretary proceeded to read the bill.

Mr. OWEN. Mr. President, I should like to understand this bill as it is being read. I do not wish to be unduly troublesome about it, but I should like to have it read in such a way that I could understand it as it is being read. I do not like to have the words run like wheat pouring through a funnel.

The VICE PRESIDENT. The Chair thinks the Assistant Secretary, who is reading the bill, is a fairly good reading clerk.

Mr. OWEN. One of the best in the world, Mr. President. I have never known a better.

The VICE PRESIDENT. The Assistant Secretary will continue the reading.

The reading of the bill was resumed.

Mr. STONE. Mr. President, there was so much confusion that I could not even hear the title of the bill.

The VICE PRESIDENT. The Military Academy appropriation bill is under consideration.

The Assistant Secretary resumed the reading of the bill.

Mr. STONE. Mr. President, I have just this moment been able to secure a copy of the bill. I should like to ask at what page the Secretary is reading?

The VICE PRESIDENT. At the top of page 8.

Mr. OWEN. Mr. President, I should like to know whether there is a printed report upon this bill.

The VICE PRESIDENT. The calendar will show. The Chair is not advised.

Mr. OWEN. Is there a printed Senate report on it?

Mr. HALE. Let me say to the Senator that on appropriation bills, not dealing with single subjects as other bills do where reports in detail are made, it is not, and it never has been, the practice to make reports in detail. The only report in connection with an appropriation bill that is ever made, if any—the only report that I make when I report an appropriation bill—is simply a statement of the amounts carried, because the details are so many that a report on every item is practically impossible. I think the Senator will see that. The general rule in making a report that applies to a single subject matter does not apply to an appropriation bill, and I have no doubt that is the case here in connection with this bill. If there is any report, it simply states the amount of the appropriation.

Mr. OWEN. Mr. President, that explains, of course, why I have not been able to get the report; but I must confess that, as a representative of the State of Oklahoma, I should like to know what these items mean. If I am not to have any report, and if a large number of the great appropriation bills shall be rushed through here in the last 48 hours of the session, it is obviously impossible for me to know, and why should I give my consent to the appropriation of six or eight hundred million dollars without knowing what the items mean? I do not think that is right.

Mr. HALE. The Senator has got to confront the situation.

Mr. OWEN. I am trying to confront it, Mr. President.

Mr. HALE. It is utterly impossible, under the stress of weather that we are in now, for the Committee on Appropriations to make a detailed report on every item.

Mr. GALLINGER. And it never has been done.

Mr. HALE. It has never been done and it never will be done, Mr. President, in a condition such as we are in now. The Senator is in the same situation as all the rest of us are. We are confronting Saturday noon. The great reason why we do not make reports is that every item in the bill comes up. The bill is considered item by item by the Senate. Each item explains itself; and, if necessary, the Senator in charge of the bill will state the reasons for the different items. You can not and never will have an elaborate report in detail on an appropriation bill on every item.

Mr. OWEN. I hold in my hand what purports to be a report on this bill.

Mr. HALE. I think it is so brief——

Mr. OWEN. A little memorandum. That is all the report that was presented.

Mr. HALE. That is all.

Mr. OWEN. I should like to read into the RECORD, if I may, the remarkable report upon this bill explaining to the Senate what this bill signifies.

Mr. HALE. It does not pretend to explain it.

Mr. OWEN. It does not pretend to?

Mr. HALE. I have made a hundred just such reports.

Mr. OWEN. I shall have to acquiesce in that.

Mr. SCOTT. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from West Virginia?

Mr. OWEN. Certainly.

Mr. SCOTT. I understand the Senator from Oklahoma is insisting on a full reading of the bill. I should think he would wait until the bill is read through the first time.

Mr. KEAN. That has been yielded.

Mr. SCOTT. Did the Senator yield? I am very much obliged.

Mr. OWEN. No, sir; I did not yield. I simply rose to ask for a report on this bill, and was advised by the chairman of the Appropriations Committee that there was no report on it, and that it had not been the habit of the Appropriations Committee to make any report on these appropriation bills, because the items were so numerous; and we are expected to stand here and appropriate a thousand million dollars without any report to guide us, because they are so numerous that they can not be printed.

This memorandum, which is supposed to be something of a report, I should like to read into the RECORD:

Memorandum submitted by the Superintendent of the United States Military Academy under date of February 25, 1911, with reference to vacancies at the Military Academy.

Mr. GALLINGER. There is a long report which I will send to the Senator from Oklahoma—at least a different report.

Mr. OWEN. Well, there is a report, after all.

Mr. GALLINGER. Yes.

Mr. OWEN. I will read the first one and then I will read the second.

Mr. GALLINGER. The second one is on the back of the first.

Mr. BANKHEAD. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Alabama?

Mr. OWEN. I do.

Mr. BANKHEAD. I should like to have the attention of the senior Senator from Maine for a moment. We have had quite a strenuous session to-day; we have been here almost eight hours; and I should like to ask the Senator if he does not agree with me that in the interest of economy of time and the dispatch of business we should take a recess until 8 o'clock?

Mr. HALE. That is a matter for the Senate to settle. My experience has been, as I have said before, that at a night session, taking a recess about 6 o'clock until 8 o'clock, to give Senators an opportunity to go home and get their dinners, take a little nap or whatever is requisite, the Senate can do more business by 12 o'clock, midnight, than if we undertake to go straight on. It is a burden to Senators, as the Senator from Alabama has indicated—eight or nine hours here. A little respite, I think, works for the benefit of the dispatch of business, and I should say that we will be farther along at 12 o'clock to-night if we take a recess from 6 o'clock, or from now, until 8 o'clock. But that the Senate must decide.

Mr. BANKHEAD. Mr. President——

Mr. HALE. Let us finish this bill and then take a recess.

Mr. SCOTT. For my part I hope we will finish this bill before we take a recess.

The VICE PRESIDENT. The Senator from Oklahoma still has the floor.

Mr. SCOTT. I believe I am entitled to the floor.

The VICE PRESIDENT. No; the Senator from Oklahoma has the floor.

Mr. PENROSE. Regular order!

The VICE PRESIDENT. The reading of the bill is the regular order.

Mr. KEAN. The Senator from Oklahoma desired to read the report. Let him read it.

Mr. OWEN. I have no objection to the continuation of the reading of the bill, but I desire to call attention to this report at the first convenient moment, and I desire also an explanation of the items which are in this bill. I do not think we can possibly dispose of it by 6 o'clock, because there are many things which I desire to have explained.

Mr. HALE. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Maine?

Mr. OWEN. I do.

Mr. HALE. I see what the Senator wants—not delay, but explanation. Will he not withdraw his request for the formal reading of the bill? Then we can go on and take it up item by item for explanation. That would help us so much.

Mr. OWEN. I would prefer to have the bill read, and shall insist upon the regular order—the reading of the bill.

The VICE PRESIDENT. The Senator from Oklahoma insists upon the reading of the bill.

Mr. FLINT. I hope the Senator will not insist on that. Many of us desire to leave at 6 o'clock.

The VICE PRESIDENT. The regular order is the reading of the bill.

The Secretary resumed and concluded the reading of the bill.

The VICE PRESIDENT. The Secretary will now read the bill for committee amendments, if there be no objection. The Chair hears none.

The first amendment of the Committee on Military Affairs was, under the subhead "Permanent establishment," on page 2, line 5, after the word "cadets," to strike out "three hundred thousand" and insert "three hundred and thirty thousand."

The amendment was agreed to.

The next amendment was, after the amendment just agreed to, to insert:

Provided, That whenever any cadetship at the United States Military Academy is available for the appointment of a cadet from any State at large, or from any congressional district or Territory, the President shall appoint a cadet from the United States at large to fill such cadetship unless the proper Senator, Representative, or Delegate in Congress shall nominate an eligible candidate for appointment to such cadetship within six months after having been requested by the War Department to nominate such a candidate: *Provided further*, That hereafter whenever all vacancies at the Military Academy shall not have been filled as a result of the regular annual entrance examination the superintendent shall fill not to exceed 30 of the remaining unfilled vacancies by admissions from the whole list of alternates, selected in their order of merit established at such entrance examination, preferably from the same State in which the vacancy occurs. The admissions thus made shall be credited to the United States at large and shall not interfere with or affect in any manner whatsoever any appointment authorized by existing law: *And provided further*, That whenever by the operation of this or any other law the Corps of Cadets exceeds its authorized maximum strength as now provided by law the admission of alternates as herein prescribed shall cease until such time as the Corps of Cadets may be reduced below its present authorized strength.

Mr. NELSON. I make the point of order against that amendment that it is general legislation. I make the point of order that the entire proviso is general legislation.

The VICE PRESIDENT. There is no doubt at all in the mind of the Chair about its being general legislation. The point of order is sustained.

The next amendment of the Committee on Military Affairs was, on page 3, line 20, before the word "assistant," to strike out "eight" and insert "nine;" in the same line, after the word "captains," to insert "two of whom are hereby authorized hereafter for the department of English and history and the department of ordnance and gunnery, one for each department, respectively;" and in line 25, before the word "dollars," to strike out "three thousand two hundred" and insert "three thousand six hundred," so as to make the clause read:

For pay of 9 assistant professors (captains), 2 of whom are hereby authorized hereafter for the department of English and history and the department of ordnance and gunnery, 1 for each department, respectively, in addition to pay as first lieutenants, $3,600.

The amendment was agreed to.

The next amendment was, on page 4, line 3, before the word "senior," to strike out "four" and insert "three;" in line 4, after the word "tactics," to strike out "ordnance and gunnery;" and in line 6, before the word "hundred," to strike out "six" and insert "two," so as to make the clause read:

For pay of 3 senior assistant instructors of artillery and infantry tactics and practical military engineering (captains), in addition to pay as first lieutenants, $1,200.

The amendment was agreed to.

The next amendment was, on page 4, line 9, after the word "lieutenants," to strike out "not mounted," so as to make the clause read:

For pay of 7 instructors of cavalry, artillery, and infantry tactics (captains), in addition to pay as second lieutenants, $4,900.

The amendment was agreed to.

The next amendment was, on page 5, line 5, after the word "artillery," to strike out "detachment" and insert "detachments," so as to make the clause read:

For pay of the Military Academy band, field musicians, general Army service, cavalry and artillery detachments, and enlisted men on detached service, and extra pay for enlisted men on special duty.

The amendment was agreed to.

The next amendment was, on page 5, line 8, before the word "band," to strike out "one" and insert "One," so as to make the clause read:

For pay of military band: One band sergeant and assistant leader, $900.

The amendment was agreed to.

The next amendment was, on page 8, line 16, after the word "men," to insert "employed," so as to make the clause read:

For extra pay of four enlisted men employed as printers at headquarters United States Military Academy, at 50 cents each per day, $626.

The amendment was agreed to.

The next amendment was, on page 9, line 15, after the word "soldier," to insert "employed," so as to make the clause read:

For extra pay of one ordnance soldier employed as draftsman and lithographic printer, at 50 cents per day, $156.50.

The amendment was agreed to.

The next amendment was, on page 9, line 18, after the word "soldier," to insert "employed," so as to make the clause read:

For extra pay of one ordnance soldier employed as machinist, at 50 cents per day, $156.50.

The amendment was agreed to.

The next amendment was, on page 9, line 21, after the word "soldier," to insert "employed," so as to make the clause read:

For extra pay of one ordnance soldier employed as clerk, at 50 cents per day, $156.50.

The amendment was agreed to.

The next amendment was, on page 10, line 13, after the word "men," to insert "employed," so as to make the clause read:

For extra pay of four enlisted men employed as assistants and attendants at the library, at 50 cents each per day, $684.

The amendment was agreed to.

The next amendment was, on page 10, line 16, after the word "man," to insert "employed," so as to make the clause read:

For extra pay of one enlisted man employed as clerk in the department of practical military engineering and to the officer in charge of waterworks and works of construction at the Military Academy, at 50 cents per day, $156.50.

The amendment was agreed to.

The next amendment was, on page 10, line 21, after the word "men," to insert "employed," so as to make the clause read:

For extra pay of three enlisted men employed as clerks in the office of the quartermaster, United States Military Academy, at 50 cents each per day, $521.50.

The amendment was agreed to.

The next amendment was, on page 11, line 4, after the word "men," to insert "employed," so as to make the clause read:

For extra pay of 2 enlisted men employed as messengers in the office of the adjutant, United States Military Academy, at 35 cents each per day, $219.10.

The amendment was agreed to.

The next amendment was, under the subhead "Pay of civilians," on page 12, line 25, before the word "clerk," to insert "pay of," so as to make the clause read:

For pay of clerk to the disbursing officer and quartermaster, $1,500.

The amendment was agreed to.

The next amendment was, on page 13, line 1, before the word "clerk," to insert "pay of," so as to make the clause read:

For pay of clerk to adjutant in charge of cadet records, $1,500.

The amendment was agreed to.

The next amendment was, on page 13, line 3, before the word "one," to insert "pay of," so as to make the clause read:

For pay of 1 clerk to the adjutant, $1,500.

The amendment was agreed to.

The next amendment was, on page 13, line 5, before the word "clerk," to insert "pay of," so as to make the clause read:

For pay of clerk to treasurer, $1,800.

The amendment was agreed to.

The next amendment was, on page 13, line 7, before the word "one," to insert "pay of," so as to make the clause read:

For pay of 1 clerk to the quartermaster, $1,400.

The amendment was agreed to.

The next amendment was, on page 13, line 9, before the word "two," to insert "pay of," so as to make the clause read:

For pay of 2 civilian instructors in French, to be employed under rules prescribed by the Secretary of War, $2,000 per year each, $4,000.

The amendment was agreed to.

The next amendment was, on page 13, line 12, before the word "two," to insert "pay of," so as to make the clause read:

For pay of 2 civilian instructors in Spanish, at $2,000 per year each, to be employed under rules prescribed by the Secretary of War, $4,000.

The amendment was agreed to.

The next amendment was, on page 13, line 15, before the word "two," to insert "pay of," so as to make the clause read:

For pay of 2 expert civilian instructors in fencing, broadsword exercises, and other military gymnastics as may be required to perfect this part of the training of cadets, $3,000.

The amendment was agreed to.

The next amendment was, on page 14, line 2, before the word "assistant," to strike out "librarian's," and in the same line, after the word "assistant," to insert "librarian," so as to make the clause read:

For pay of assistant librarian, $1,200.

The amendment was agreed to.

The next amendment was, on page 14, line 4, after the word "gymnasium," to insert "who shall hereafter be selected and appointed by the Superintendent of the Military Academy under Schedule A, classified positions excepted from examination under rule 2, clause 3, civil-service rules, who shall be qualified to act as trainer for the various cadet athletic teams," so as to make the clause read:

For pay of one custodian of gymnasium, who shall hereafter be selected and appointed by the Superintendent of the Military Academy under Schedule A, classified positions excepted from examination under rule 2, clause 3, civil-service rules, who shall be qualified to act as trainer of the various cadet athletic teams, $1,200.

The amendment was agreed to.

The next amendment was, on page 15, line 14, before the word "dollars," to strike out "two hundred" and insert "one thousand two hundred," so as to make the clause read:

For pay of chapel organist and choirmaster, $1,200.

The amendment was agreed to.

The next amendment was, on page 16, line 2, before the word "dollars," to strike out "one thousand one hundred" and insert "one thousand two hundred," so as to make the clause read:

For pay of attendant and skilled photographer in the department of drawing, $1,200.

The amendment was agreed to.

The next amendment was, on page 16, line 17, before the word "dollars," to strike out "seven hundred and fifty" and insert "nine hundred," so as to make the clause read:

For pay of one copyist, typewriter, and attendant in the department of modern languages, $900.

The amendment was agreed to.

Mr. OWEN. Mr. President, I desire this bill to be read, and not skipped over from point to point.

The VICE PRESIDENT. It is being read for amendments now, under the order of the Senate.

Mr. OWEN. Has the bill been read entirely through?

The VICE PRESIDENT. It has.

The next amendment was, on page 17, line 22, before the word "dollars," to strike out "seven thousand" and insert "seven thousand eight hundred," so as to make the clause read:

For pay of six clerks in the office of the adjutant, headquarters, United States Military Academy, $7,800.

Mr. OWEN. I object, and I ask an explanation of it, and until it is explained I shall not withdraw my objection.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. OWEN. I demand the yeas and nays on the amendment.

The yeas and nays were not ordered.

The next amendment was, on page 19, line 13, after the word "bands," to insert "and for contingencies not otherwise provided for," so as to make the clause read:

For stationery, namely: Blank books, paper, envelopes, quills, steel pens, rubbers, erasers, pencils, mucilage, wax, wafers, folders, fasteners, rules, files, ink, inkstands, typewriters, typewriting supplies, office furniture, penholders, tape, desk knives, blotting pads, and rubber bands, and for contingencies not otherwise provided for, $2,500.

The amendment was agreed to.

The next amendment was, on page 20, line 8, after the word "and," to strike out "guardhouse" and insert "cadet headquarters," so as to make the clause read:

For camp stools, camp and office furniture, and repairs to same; for doormats for cadet barracks, sinks, and cadet headquarters; for stationery, typewriting supplies and repairs, for use of instructor and assistant instructors of tactics; for books and maps, binding books, and mounting maps; for plumes, silk and worsted sashes for cadet officers and acting officers; for furniture, curtains, and rugs for cadet reception room, $1,445.

The amendment was agreed to.

The next amendment was, on page 20, line 25, before the word "parts," to strike out "separate" and insert "spare;" on page 21, line 1, before the word "purchase," to insert "for;" and in line 2, after the word "fire-control," to strike out "station" and insert "stations," so as to make the clause read:

For purchase of carbons, oils, cleaning materials, spare parts and repairs and maintenance of searchlight, and for purchase of rubber matting and heating apparatus for Coast Artillery fire-control stations, $500.

The amendment was agreed to.

The next amendment was, on page 23, line 9, after the word "to," to strike out "stereoptican" and insert "stereopticon," so as to make the clause read:

For department of drawing: Drawing material, instruments, and stationery for use of instructors; repairs to models and purchase of new models; desks, stretchers, drawing boards, racks, and stands; framing drawings; books and periodicals on art, architecture, topography, and technology; binding maps, books, and so forth; repairs to stereopticon and purchase of lantern slides; photographic apparatus and material; purchase of new instruments and repair of old ones, for use of cadets; and for contingent expenses, $1,530.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous items and incidental expenses," on page 27, after line 8, to insert:

For steel shelving, map drawers, gallery, and stairway, together with large tables, chairs, and other office furniture, and extra electric lighting for the new map room, to remain available until expended, $5,000.

Mr. OWEN. Mr. President, before that is submitted to the Senate I desire to have it explained by the chairman of the committee.

The VICE PRESIDENT. The question is on agreeing to the amendment.

Mr. OWEN. It is obvious that no explanation is intended to be given of any of these items——

Mr. HALE. Mr. President——

Mr. OWEN. And the purpose is simply to force this matter through without giving any explanation.

Mr. HALE. Mr. President——

Mr. OWEN. I do not think any great progress will be made——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Maine?

Mr. OWEN. I yield, with pleasure, to the Senator from Maine.

Mr. HALE. The Senator should bear in mind that every one of these amendments is insignificant and not of the least account. They deal with commas and semicolons.

Mr. OWEN. Five thousand dollars is the amount involved in this item.

Mr. SCOTT. The misspelling of words.

Mr. HALE. The misspelling of words.

Mr. OWEN. This item involves $5,000.

Mr. HALE. I was going to say that it is about the only amendment that involves any money. All the rest have been of the most trivial character and do not touch the fate of the bill in the least. This is about the only amendment, and it involves only $5,000.

Mr. OWEN. Only $5,000, yes; a very small, trivial item, not worth explaining.

Mr. HALE. It is not, compared with a battleship.

Mr. OWEN. And I do not believe in too many battleships.

Mr. HALE. I will make the point of order, if the Senator will allow me, or he can make it, and that will settle it.

Mr. OWEN. I do not wish to make any point of order upon it——

Mr. HALE. I will make the point of order.

Mr. OWEN. If there is sufficient reason for its adoption.

Mr. HALE. It has not been estimated for.

The VICE PRESIDENT. The Chair does not understand what the point of order is.

Mr. HALE. There is no estimate for it. It was put in without any estimate from the department.

The VICE PRESIDENT. If that is true, the point of order is sustained.

The next amendment was, on page 27, line 22, before the word "purchase," to strike out "for" and insert "For," so as to make the clause read:

Purchase of instruments for band and repairs to same: For purchase of reeds, pads, strings, and other materials necessary for brass, wood, wind, and string instruments; for purchase of music stands and other equipments; for purchase of music for military band and orchestra and for extra parts; and for contingent expenses not otherwise provided for; all to be purchased in open market on order of superintendent, $1,500.

The amendment was agreed to.

The next amendment was, under the subhead "Buildings and grounds," on page 31, after line 18, to strike out:

For repairs and necessary alterations and additions to the cadet hospital, as follows:

The amendment was agreed to.

The next amendment was, on page 33, after line 10, to insert:

For carrying on the development of the general plan for improvements to roads and grounds on the military reservation of West Point, designed under contract by authority of the Secretary of War, $3,000.

Mr. OWEN. I do not know whether the Senator from Maine would prefer to make a point of order against this amendment or to offer a reasonable explanation of it.

Mr. SCOTT. If the Senator will allow me, I will state that that item was estimated for at $5,000 and the committee cut it down to $3,000. The contracts have been made and the Government will be compelled to carry them out. I hope the Senator will not offer any objection to it.

Mr. OWEN. Is this the only amount appropriated for the roads or are other appropriations made for the improvement of the roads and grounds there?

Mr. SCOTT. This is the only appropriation, and we cut it down $2,000.

Mr. OWEN. I have no objection, Mr. President.

The amendment was agreed to.

The next amendment was, on page 34, after line 3, to insert:

Hereafter military attachés while serving on duty at embassies abroad shall have the rank of colonel, and while serving on duty at legations abroad shall have the rank of lieutenant colonel: *Provided*, That all officers serving as military attachés shall continue to receive the same pay and allowances which they receive under existing law, and nothing in this act shall be construed to increase such pay or allowances.

Mr. HALE. I make the point of order against the amendment.

The VICE PRESIDENT. The point of order is sustained.

The next amendment was, on page 34, after line 11, to insert:

The consent of the United States is hereby given to the city of Miles City, Mont., to locate, construct, maintain, and operate a pumping station with accessory equipment, upon the property of the United States at Fort Keogh, in the State of Montana, upon the approval of the Secretary of War as to the location of the works and the design and character of the construction, and under such terms, conditions, and regulations as may from time to time be prescribed by him regarding the use of the reservation for this purpose and the operation and maintenance of the plant.

The amendment was agreed to.

The VICE PRESIDENT. This completes the amendments of the committee.

Mr. OWEN. I supposed that a motion would be made to simply pass the bill without objection, including all the items. I do not know what the practice is with regard to this bill, whether it is to pass it item by item or to pass it in bulk. I should like to be informed by the Chair what is the practice.

The VICE PRESIDENT. If there be no further amendments, as in Committee of the Whole, the bill will be reported to the Senate, and in the Senate opportunity is again offered for amendment after amendments recommended by the Committee of the Whole have been concurred in, which is ordinarily done in bulk.

Mr. OWEN. It is after 6 o'clock. I should be very glad if the Senator from Maine would renew the genial suggestion that he made a little while ago, that we might take a recess until 8 o'clock, so that we might come back feeling in better spirits and humor after having taken that balm which promotes geniality and good-fellowship.

Mr. HALE. I should like very much, and I think the Senator would like, to have this bill out of the way. I am only waiting to finish it in order to make a motion to take a recess until 8 o'clock. I hope the Senator will let us pass the bill, as we have practically passed it now.

Mr. OWEN. We have not passed the bill yet. It was read so rapidly I did not really recognize the fact that it had been read. Our Assistant Secretary is so excellent a reader, and he read it so fast and so smoothly, and I was so kindly entertained by another gentleman while he was reading it, I did not discover it until it had been read. Therefore I have not the slightest idea what is in the bill.

Mr. HALE. The Senator at the end of a two hours' recess, when we come back here at 8 o'clock, I think——

Mr. OWEN. I might diligently engage in studying the bill during the two hours when the Senator from Maine takes dinner?

Mr. HALE. I hope the Senator could spend the time a great deal better. I trust the Senator will let the bill go through, and I will then make the motion for a recess.

The bill was reported to the Senate as amended and the amendments were concurred in.

The VICE PRESIDENT. Are there other amendments to be offered?

Mr. OWEN. I should like to know what will be the order after 8 o'clock, whether we shall take up the tariff-board bill or continue with other appropriation bills.

Mr. HALE. We will take up the Post Office appropriation bill.

Mr. PENROSE. I thought I would take a little turn at the Post Office appropriation bill to-night. I have been waiting for 10 days to call it up.

Mr. OWEN. I understood that the special order was going to be the tariff-board bill.

The VICE PRESIDENT. That bill is not now the unfinished business.

Mr. OWEN. I should like to have this bill considered item by item, because it is an important matter.

Mr. LODGE. It has been considered.

The VICE PRESIDENT. That has been done. The question is on the engrossment of the amendments and the third reading of the bill.

Mr. OWEN. It has been done in such a fashion that it has been impossible to have the attention of the Senate addressed to the items.

Mr. PENROSE. Regular order!

Mr. OWEN. I do not know what the items are, and I should like to consider them.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The VICE PRESIDENT. Shall the bill pass?

Mr. OWEN. Mr. President——

Mr. LODGE. It has gone beyond the amendment stage.

Mr. OWEN. I do not propose any amendment to the bill, but if this practice is expected to continue I shall insist upon a consideration of each and every item upon every one of these appropriation bills, and I shall expect to have an explanation of them.

Mr. HALE and Mr. PENROSE. That is right.

Mr. OWEN. I have a right to ask it, and I am not violating any parliamentary propriety in asking it. I do not know what is in this bill. I simply assume that it is all right.

Mr. HALE. Mostly commerce.

Mr. OWEN. Mostly commerce, and incidentally there is $1,800,000 appropriated.

Mr. HALE. Which is the old appropriation.

Mr. OWEN. I am willing to yield for a recess until 8 o'clock, and I am willing that this bill shall pass now, entering my protest, however, against it, because I do not think it is right for Congress to be passing these appropriation bills while the legislative representatives of the people of the United States are knocking at these doors asking the right to be heard and asking the right to pass the great bills necessary to the maintenance of the Government, and which are fixing the fiscal policy of this country for the next 18 months. On this matter I now yield with that protest.

The VICE PRESIDENT. The question is, Shall the bill pass?

The bill was passed.

CONSERVATION OF NAVIGABLE STREAMS.

The VICE PRESIDENT announced the appointment of Mr. GALLINGER and Mr. SMITH of Maryland under the provisions of section 4 of an act entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of land for the purpose of conserving the navigability of navigable rivers."

RECESS.

Mr. HALE (at 6 o'clock and 10 minutes p. m.). I move that the Senate take a recess until a quarter past 8 o'clock.

The motion was agreed to; and the Senate took a recess until 8 o'clock and 15 minutes p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock and 15 minutes p. m.

INDIAN ALLOTMENTS.

The VICE PRESIDENT. The Chair lays before the Senate a bill from the House of Representatives.

The bill (H. R. 32251) authorizing the sale of the allotments of Nek-quel-e-kin, or Wapato John, and Que-til-qua-soon, or Peter, Moses agreement allottees, was read twice by its title.

Mr. JONES. This is a House bill. A bill exactly like it has been reported to the Senate and is on the Senate Calendar. I ask that the bill be passed. It is important that it should receive consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. PENROSE. Mr. President——

The VICE PRESIDENT. It is just a short bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

On motion of Mr. JONES, the title was amended so as to read: "A bill authorizing the sale of a portion of the allotments of Nek-quel-e-kin, or Wapato John, and Que-til-qua-soon, or Peter, Moses agreement allottees."

The VICE PRESIDENT. Action upon the Senate bill 10530 of like title, upon the calendar, will be indefinitely postponed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had passed the following bills, with amendments, in which it requested the concurrence of the Senate:

S. 3501. An act providing for the taking over by the United States Government of the confederate cemetery at Springfield, Mo.;

S. 5269. An act to provide for allotments to certain members of the Hoh, Quileute, and Ozette tribes of Indians in the State of Washington;

S. 5843. An act to authorize the extension of Van Buren Street NW.;

S. 9698. An act granting permission to the city of Miles City, Mont., to operate a pumping station on the Fort Keogh Military Reservation, Mont.;

S. 10274. An act to authorize the construction of the Broadway Bridge across the Willamette River at Portland, Oreg.; and

S. 10791. An act to eliminate from forest and other reserves certain lands included therein for which the State of Idaho had, prior to the creation of said reserves, made application to the Secretary of the Interior under its grants that such lands be surveyed.

The message also announced that the House had agreed to the report of the committee on conference on the disagreeing votes of the two Houses on the amendment of the House to the bill of the Senate (S. 10177) to authorize additional aids to navigation in the Lighthouse Establishment, and for other purposes.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 11637. An act for the relief of the heirs of Marianne Sainte Ana Schrepper;

H. R. 25370. An act to waive the age limit for admission to the Pay Corps of the United States Navy for one year in the case of Paymaster's Clerk Arthur Henry Mayo;

H. R. 31728. An act to authorize the Manhattan City & Interurban Railway Co. to construct and operate an electric railway line on the Fort Riley Military Reservation, and for other purposes;

H. R. 32223. An act authorizing the Secretary of the Interior to classify and appraise unallotted Indian lands;

H. R. 32721. An act to extend the time for commencing and completing the construction of a dam authorized by the act entitled "An act permitting the building of a dam across the Mississippi River in the county of Morrison, State of Minnesota," approved June 4, 1906; and

H. R. 32883. An act to extend the time for the completion of a bridge across the Morris and Cummings Channel, at a point near Aransas Pass, Tex., by the Aransas Harbor Terminal Railway Co.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 29157) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1912, and for other purposes.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 32436) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1912, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULL of Iowa, Mr. YOUNG of Michigan, and Mr. HAY managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 32866) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1912, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FOSTER of Vermont, Mr. FASSETT, and Mr. HOWARD managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 32865) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SMITH of Iowa, Mr. GRAFF, and Mr. SHERLEY managers at the conference on the part of the House.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 17433) amending section 1709 of the Revised Statutes of the United States, and it was thereupon signed by the Vice President.

POST OFFICE APPROPRIATION BILL.

Mr. PENROSE. I move that the Senate proceed to consideration of House bill 31539, the Post Office appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 31539) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1912, and for other purposes, which had been reported from the Committee on Post Offices and Post Roads, with amendments.

Mr. PENROSE. I ask that the formal reading of the bill be dispensed with, and that the amendments of the committee be acted upon as they are reached in the reading.

The VICE PRESIDENT. The Senator from Pennsylvania asks unanimous consent that the formal reading of the bill be dispensed with, and that it be read for action on the committee amendments. Is there objection?

Mr. OWEN. I object.

The VICE PRESIDENT. Objection is made. The Secretary will proceed with the reading of the bill.

The Secretary proceeded to read the bill, and read as follows:

That the following sums be, and they are hereby, appropriated for the service of the Post Office Department, in conformity with the act of July 2, 1836, as follows:

OFFICE OF THE POSTMASTER GENERAL.

For advertising for the Post Office Department and postal service, $1,500.

Mr. OWEN. I wish to ask whether this is a final reading of that item, and if no explanation will be offered with regard to the item?

The VICE PRESIDENT. It is the formal reading of the bill.

Mr. OWEN. I should like to have that item explained.

The VICE PRESIDENT. The Secretary will continue the reading. The Chair can not compel an explanation.

Mr. BEVERIDGE. That can not be done, I will say to the Senator, under this order until the bill has been read. After the reading of the bill any item that the Senator or any other Senator desires to have explained must be explained, but under this order it can not be done.

The VICE PRESIDENT. The Secretary will continue the reading of the bill.

Mr. PENROSE. Mr. President, I would simply like to state for the information of the Senate that the Senator from Oklahoma is a member of the Senate Committee on Post Offices and Post Roads; that he has had access to the hearings in all these matters; and if he is now ignorant of the provisions of the bill it is entirely his own fault.

Mr. OWEN. Mr. President——

The VICE PRESIDENT. The Secretary will continue the reading of the bill.

Mr. OWEN. I am quite willing to accede to the impeachment that I am not as well informed with regard to the bill as I might be. I have not been able always to be present at the hearings, and the bill is a very large one.

Mr. PENROSE. Mr. President, I do not know how the Senator from Oklahoma has been putting in his time during the last three or four weeks, but here are the House hearings, which, with the most ordinary industry, would have enabled him to become entirely familiar with the matter concerning which he makes the inquiry.

The VICE PRESIDENT. The Secretary will continue the reading of the bill.

The Secretary resumed the reading of the bill.

Mr. OWEN. I should like to know just where the Secretary is reading.

The VICE PRESIDENT. At the bottom of page 20, line 20.

The Secretary resumed the reading of the bill.

Mr. STONE. Mr. President, I am trying to keep track of the reading.

Mr. BEVERIDGE. Regular order, Mr. President.

Mr. STONE. I am the regular order. I can make an inquiry of the Chair.

Mr. BEVERIDGE. The Senator is not——

Mr. STONE. I know as much about it as the Senator from Indiana, and I know I have a right to make an inquiry of the Chair.

The VICE PRESIDENT. For what purpose does the Senator rise?

Mr. STONE. I desire to know what part of the bill is now being read.

The VICE PRESIDENT. Page 31, line 3. The Secretary will continue the reading.

The Secretary resumed the reading of the bill.

Mr. STONE. Mr. President, I notice the Secretary omitted to read the proviso beginning in line 7, on page 21.

The VICE PRESIDENT. That is an amendment, which will be hereafter read. The bill is now being read in full. Later it will have to be read for the amendments.

Mr. STONE. But it is not being read in full.

The VICE PRESIDENT. The Chair does not understand the Senator.

Mr. STONE. I said I did not think the bill was being read in full.

The VICE PRESIDENT. The bill is being read in full, but not the amendments. The Secretary will continue the reading.

The Secretary resumed the reading of the bill.

Mr. STONE. Mr. President——

The VICE PRESIDENT. For what purpose does the Senator rise?

Mr. STONE. For what purpose?

The VICE PRESIDENT. Yes; for what purpose.

Mr. STONE. I will state to the Chair in due course of time.

The VICE PRESIDENT. The regular order, which has been demanded, is the reading of the bill. It can not be interrupted by debate. If the Senator from Missouri rises to a parliamentary inquiry, the Chair will be very glad to hear him.

Mr. STONE. Well, I will make a parliamentary inquiry.

The VICE PRESIDENT. The Senator will please state it.

Mr. STONE. When the bill is being read the first time, do I understand the Chair to say that it is not open to debate?

The VICE PRESIDENT. It is not open to debate during the first reading. At the conclusion of the reading it is.

Mr. STONE. Very well.

The Secretary resumed and concluded the reading of the bill.

The VICE PRESIDENT. The bill will be read for amendment. Without objection, the committee amendments will be first reported.

The first amendment of the Committee on Post Offices and Post Roads was, under the subhead "Office of the Postmaster General," on page 2, line 16, before the word "inspectors," to strike out "sixty-five" and insert "seventy-five," and in line 18, before the word "thousand," to strike out "four" and insert "nineteen," so as to make the clause read:

For salaries of post-office inspectors: For salaries of 15 inspectors in charge of divisions, at $3,000 each; 10 inspectors, at $2,400 each; 15 inspectors, at $2,250 each; 26 inspectors, at $2,100 each; 15 inspectors, at $2,000 each; 29 inspectors, at $1,900 each; 65 inspectors, at $1,800 each; 75 inspectors, at $1,700 each; 75 inspectors, at $1,600 each; and 75 inspectors, at $1,500 each; in all, $719,450.

Mr. STONE. Mr. President, I desire to make one or two observations at this point before we proceed further with the consideration of the bill.

The Senator from Oklahoma [Mr. OWEN] stated this afternoon, during the debate on the tariff-board bill, in substance, that he would oppose to the utmost of his strength the passage of any appropriation bill until the tariff-board bill had been voted upon. I do not share in that view. At the same time, without any thought or intention of attempting any delay for the mere sake of delay in the consideration of these appropriation bills, I do want to say that it seems to me the height of folly, speaking from a legislative point of view, for the Senate, in a single day or in a few hours, to rush through these great appropriation bills, without any inquiry into them, without Senators understanding the provisions of the various measures, and thus in a hasty and ill-considered way appropriating hundreds of millions of dollars.

Mr. President, it is unfortunate that we are so near the close of the session with so many of these bills still unacted upon. All will agree to that, but that is not the fault of Senators who wish to be informed with regard to the bills as we go along, and certainly not the fault of the Senators on this side of the Chamber. For a good while Democratic Senators have been insisting that these appropriation bills should be taken up and considered so that something approximating adequate time might be had for their proper consideration.

Mr. President, some of these bills have been reported and have been standing on the calendar of the Senate for quite a while. This Post Office bill is one of those. I have not looked just recently to see the day when it was reported; but I think it must have been approximately two weeks ago; maybe not quite so long.

Mr. OWEN. February 9.

Mr. STONE. I am just told it was reported February 9. That is three weeks ago. Now, Mr. President, why this bill has been kept on the calendar without the Senator from Pennsylvania, who is in charge of it, calling it up and having it considered, I do not know.

Now it is brought here within something like 35 hours of the hour of adjournment, and we are asked to put it through hurriedly.

Mr. President, this is a very important appropriation bill, aside from the very large amount of money it carries. It relates to a service of peculiar interest to all the people of the country. Many provisions somewhat novel have been introduced into this measure. I think it ought to be discussed, not extensively, not to any great length, but it ought not to be pressed through with undue haste.

Mr. President, I do not think that the failure of the passage of one or two of these bills would be a public calamity as some others seem to think it would. I have no desire that any should fail; I am willing that they should be passed; but if perchance the time is too short, if it is wholly inadequate for a proper consideration, and one or two of them should go over for consideration at the extra session, which we are told is to be called, no great harm can befall the country; no harm what-

over can befall the country. On the contrary, good to the country may be the result.

I read in the Washington Times of yesterday afternoon an article under the heading which I read:

Taft worried over running expenses—On anxious seat when supply measure is likely to be held over.

I desire to read an extract from that article:

It is not alone the fate of the Canadian reciprocity bill which is giving the President concern to-day, but he is known to be worried over the possibility of a part of the big appropriation bills being thrown over into the extra session.

If this were to take place, the President knows that a Democratic House would not take care of the administration's projects with the care exercised by the present body. In other words, the administration would be at the mercy of the Democratic majority in the House and would have to depend on that body for its sinews.

* * * * * * *

The President does not want this Congress to adjourn without passing the appropriation bills. He will be very well satisfied to leave the fate of the reciprocity program to the Democrats of the next Congress, if need be, but he will not take any pleasure in calling upon a Democratic House for the money upon which to run the administration for the next year.

* * * * * * * *

These the President is greatly concerned over, and would dislike to leave to the tender mercies of the Democrats in any event.

Mr. President, I wish I could allay these very unnecessary apprehensions of the President. His administration will not suffer at the hands of a Democratic House of Representatives. Anyhow, he will be obliged to face that situation after the adjournment of this Congress and when the next Congress assembles.

If this Post Office appropriation bill, for example, or any one of them, should perchance fail of enactment at this session and go over to the extra session which we are told will be called, I do not know that the Democratic House, following Democratic lines with reference to public expenditures—by which I mean applying a more rigid system and policy of economy in appropriations for the public service, stopping waste and extravagance, and appropriating only for such things as are necessary for the proper conduct of the Government and for its maintenance in all its functions and all its vigor—could make material reductions in any of these appropriations. If the appropriations made are what they ought to be and are necessary, they would be made again by the next House and in ample time for the use of the money appropriated before the expiration of the current fiscal year.

On the other hand, if there are items that ought not to be in the bill, or if there have been appropriations made for a particularly meritorious purpose, yet extravagantly, no harm would come, as I have said, to the Government or to any branch of the public service by having the appropriations scrutinized and, if it should be done, trimmed down.

Mr. BEVERIDGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Indiana?

Mr. STONE. I will yield.

Mr. BEVERIDGE. I thank the Senator.

In view of the Senator's last statement, I will ask him whether it is his purpose to defeat these appropriation bills? The Senator has just said that no harm can come if they go over; that if they are extravagant, the next House can revise them, and if they are not, no harm can come.

Now, at this late time, I should like to know, and the Senate has the right to know, the Senator's intention; whether or not he intends to defeat these appropriation bills.

Mr. STONE. I stated at the very beginning that I had no such intention. I shall not obstruct the progress of the consideration of these bills with any idea of defeating them. What I was saying was not what the Senator from Indiana understood me to say.

Mr. BEVERIDGE. If the Senator from Missouri will permit me further——

Mr. STONE. Let me complete what I was saying in answer to the question.

I had read an extract from a Washington newspaper purporting to give expression to the apprehensions of the President; his fear of having these appropriation bills, or any of them, go over to the Democratic House at an extra session. I was proceeding to say some things that I thought might have the effect—and hoped it would—of allaying these apprehensions and fears of the President.

I was saying that even if unfortunately it turned out that one or two of them failed of passage at this session and went over, no calamity would afflict the country on that account. I was proceeding further to say, and did say, that if they went over they would be duly inspected; that if money could be legitimately saved it would be saved; that if the appropriations made were what they ought to have been they would not be materially changed, perhaps not changed at all; and that I did not believe, on the whole, there was such a crying, pressing urgency and need for the passage of all of these bills within the next 35 or 40 hours that we should go on here appropriating hundreds of millions of dollars in these bills without a word of inquiry or discussion.

Senators have no right to complain if fair and legitimate discussion is had. Three or four of these bills passed before we adjourned for dinner. I sat here, as other Senators sat here, without saying a word. Three or four went through carrying a good many million dollars. A Senator near me says that one of them carried one hundred and forty-odd million dollars—the pension appropriation bill. Yet there was not a word said about it; no inquiry made of any of them.

I think there is no reason for complaint at the desire of any Senator to be properly heard while these bills are under consideration. During the last session, and during every session since I have been a Member of this body, when these bills come up I have seen Senators on both sides of the Chamber discuss them, discuss separate items in them, discuss the bills as a whole, for hours and hours.

The Post Office appropriation bill has frequently taken more than a day in passing through the Senate. Yet now, if it is proposed to discuss it for two or three hours altogether as we go through it, a bill that carries over $200,000,000, they say we are obstructing legislation. I shall not be intimidated myself or deterred by any suggestion of that kind. I shall exercise my right and discharge my duty, for it is a duty of every Senator here to look closely into and scrutinize these great supply bills. We are appropriating the money of the people which is collected from them through the processes of taxation, and to dish it out with a scoop shovel, with blinds over your eyes, and without asking questions, indifferent in regard to the amount or the manner of the appropriation or the purpose of the appropriation, is not, in my judgment, a proper discharge of the duty of the gentlemen who are here to represent their several constituencies.

Mr. President, I have seen proper to say this much at this time, and as we go through the bill and through the others as they come up, I may have occasion to ask some questions, and to debate some items as we go along, and whenever I think it ought to be done I shall do it without asking leave of anyone.

Mr. OWEN obtained the floor.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HALE. Mr. President——

The VICE PRESIDENT. Will the Senator from Oklahoma yield to the Senator from Maine?

Mr. OWEN. With great pleasure.

Mr. HALE. To make a report from the committee.

Mr. OWEN. I am going to make a report for the Committee on Post Offices, since that committee has failed to do so.

Mr. HALE. No; I ask the Senator to yield that I may make a report.

Mr. OWEN. I will yield with great pleasure. I thought the Senator asked me if I was going to make a report, and I advised him that I was.

Mr. HALE. From the Committee on Appropriations I report back with sundry amendments the bill (H. R. 32909) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1912, and for other purposes. The bill has to be printed. I shall probably ask the Senate to meet at 10 o'clock to-morrow morning in order to take it up. I am obliged to the Senator for yielding.

Mr. CULBERSON. May I ask the Senator from Maine if he has any expectation of calling up the sundry civil appropriation bill to-night?

Mr. HALE. No; I think I shall ask the Senate to meet at 10 o'clock to-morrow to take it up.

Mr. CULBERSON. The Senator will call it up to-morrow?

Mr. HALE. Yes.

VISITORS TO ANNAPOLIS.

The VICE PRESIDENT appointed Mr. WETMORE and Mr. THORNTON members of the Board of Visitors on the part of the Senate to attend the next annual examination of midshipmen at the Naval Academy, at Annapolis, Md., under the requirements of the act of February 14, 1879.

MILITARY ACADEMY APPROPRIATION BILL.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 32436) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1912, and for other purposes, and requesting a conference on the disagreeing votes of the two Houses thereon.

Mr. SCOTT. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. SCOTT, Mr. DIXON, and Mr. TALIAFERRO conferees on the part of the Senate.

DAUPHIN ISLAND, ALA.

The VICE PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 10638) to authorize the Secretary of War to sell certain lands owned by the United States and situated on Dauphin Island, Mobile County, Ala.

Mr. JOHNSTON. I move that the Senate nonconcur in the amendment of the House and ask for a conference on the disagreeing votes of the two Houses, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. BRIGGS, Mr. DICK, and Mr. JOHNSTON conferees on the part of the Senate.

ARMY APPROPRIATION BILL.

Mr. WARREN. I desire to call up the conference report on the bill (H. R. 31237) making appropriation for the support of the Army for the fiscal year ending June 30, 1912.

The VICE PRESIDENT. Is there objection to the consideration of the conference report? The Chair hears none.

Mr. OWEN. Has the conference report been read?

Mr. WARREN. The conference report has been read. I move that it be adopted.

The VICE PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 32866) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1912, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate insist on its amendments disagreed to by the House of Representatives, agree to the conference asked by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed; and the Vice President appointed Mr. HALE, Mr. KEAN, and Mr. FOSTER conferees on the part of the Senate.

FORTIFICATIONS APPROPRIATION BILL.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 32865) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance or trial and service, and or other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PERKINS. I move that the Senate insist on its amendments disagreed to by the House of Representatives, agree to the conference asked by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the Vice President appointed Mr. PERKINS, Mr. WARREN, and Mr. MARTIN conferees on the part of the Senate.

THE ORGANIZED MILITIA.

The VICE PRESIDENT. The Chair calls attention to the bill (H. R. 28436) to further increase the efficiency of the Organized Militia, and for other purposes, a second reading of which was objected to this morning by the Senator from Georgia [Mr. BACON]. The Senator from Georgia now withdraws his objection, and the bill will be considered, read twice, and referred to the Committee on Military Affairs.

VAN BUREN STREET NW.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 5843) to authorize the extension of Van Buren Street NW., which were, on page 1, line 5, to strike out all after the word "after" down to and including "feet," in line 9, and insert "the passage of this act;" on page 2, lines 1 and 2, to strike out "said street between the limits named" and insert "Van Buren Street NW., from Piney Branch Road to its present western terminus, east of Third Street NW., with a width of 60 feet."

Mr. GALLINGER. I move that the Senate concur in the amendments made by the House of Representatives.

The motion was agreed to.

PETITION.

Mr. CURTIS. I present a telegram transmitting resolutions adopted by the Legislature of the State of Kansas, which I ask may be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the telegram was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

STATE HOUSE, *Topeka, Kans., March 2, 1911.*

Hon. CHAS. CURTIS (Hon. J. L. BRISTOW, *Senate;* Hon. D. R. ANTHONY, Hon. CHAS. F. SCOTT, Hon. PHILIP P. CAMPBELL, Hon. J. M. MILLER, Hon. W. A. CALDERHEAD, Hon. W. A. REEDER, Hon. VICTOR MURDOCK, Hon. E. H. MADISON, *House of Representatives*), *Washington, D. C.*

DEAR SIR: I have the honor to herewith transmit to you a copy of senate concurrent resolution No. 23, which was adopted by the senate and the house of representatives of the Kansas Legislature yesterday:

Senate concurrent resolution 23.

Resolved by the Senate of the State of Kansas (the House concurring therein), That whereas the subject of subirrigation is of the most vital importance to many homesteaders now living on our arid lands; and

Whereas the freshets in the Cimarron River carry off annually in destructive floods millions of dollars' worth of precious water just at the season of the year when our crops are perishing for want of moisture; and

Whereas it is now claimed that by subirrigation with tiles its value may be multiplied from six to tenfold; and

Whereas our neighboring State of Oklahoma is likewise interested in these waters to a certain extent, and is now preparing to appropriate the entire stream without regard to the natural and equitable rights of the State of Kansas therein; and

Whereas by the present activity of the said State in surveying the ditches, attempting to appropriate the sites along the river already surveyed by the National Government, and by offering to throw open its "new college lands" to the public, and impliedly conveying in a promise of water rights to be supplied by water from the Cimarron River—an interstate stream—the interests of our community and State are imperiled and an emergency is created which, as a State, we are unable to cope with, and the only remedy promising a fair deal between the States is, as we believe, an equitable division of this property right by the National Government: Therefore be it

Resolved by the Senate of the State of Kansas (the House concurring therein), That our United States Senators are instructed and our Members of the House of Representatives requested to unite in an energetic and vigorous effort to have immediate steps taken for the construction of one or more demonstration plants on the west line of Kansas, proving the economy of this form of irrigation, and consisting of and comprehending a reservoir at the aforementioned Government reservoir site at Garrett, Okla., a ditch leading therefrom to a system of subirrigation, tile conduits leading out onto the arid lands lying on the highest general levels of Morton County, Kans.

Respectfully,

F. W. BRINKERHOFF,
Assistant Secretary of the Senate.

POST OFFICE APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 31539) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1912, and for other purposes.

Mr. OWEN. Mr. President, it is true that I have been a member of this committee, and it is true that I am justly charged with not knowing all about this bill. It is also true that the Senate has dropped into a habit, more or less, in the management of bills before the committees of having the majority members so completely in control and the minority so little consulted that the minority has drifted into a negligible quantity. I do not think it is very good practice. I think it would be better if the minority of committees should be consulted in the formation of bills.

I well recall the formation of the tariff bill, and the Senate will recall it, that the bill was drawn up, written out, completed, amendments made from time to time, without any consultation whatever with the Senate, and it was justified by those who pursued that method of government by pointing out that the bad precedent had been originally followed by the Democrats on one occasion when they wrote the Wilson bill.

I would like to say in extenuation for my imperfect command of this bill and imperfect knowledge of it that I am on nine committees. The session has been short, the duties of my office have been exacting and difficult, and now, when we come to consider this bill in the closing hours, a bill which involves the expenditure of $243,000,000, there is an obvious purpose not to explain any of the items. It is to be rushed through the Senate just as fast as a reading clerk can mention the words, whether the item be $1,500 or $7,000,000, the bill aggregating $243,000,000. It is read through inside of 25 minutes, and every Senator is supposed to understand all about it, to know whether these items are judicious or whether they are injudicious, whether they are too large or whether they are not.

There has been a large amount of work done by the committees in connection with this bill, but the Senate, when it passes upon this question as in Committee of the Whole, ought to do so intelligently. I submit as a matter of common sense that the Senate, if it is responsible for this bill, ought to be informed with regard to these items.

Ambassador Bryce, in his work called the American Commonwealth, has said of our Government that it is a government by committees. It is a government of delegated powers. A committee on committees is appointed, and that committee appoints the several committees of the Senate; it appoints the control of the committees, and then that committee exercises the power of the Senate. While the Senate assumes as in Committee of the Whole to exercise the legislative function for itself, it is obvious that it is merely a perfunctory recording of the action of the committee; and certain it is that the minority members of the committee are but a negligible quantity in the framing of these bills.

I think the Senate ought to have before it the facts with regard to this bill with some manner of explanation. The estimates covering the bill in the Book of Estimates make an aggregate of $250,733,945. The House committee recommended $253,047,868, an increase of $2,313,923. During the consideration of the bill in the House of Representatives several amendments to the bill were adopted, which decreased the amount $807,400 and increased it $4,000,000, making a net increase of $3,192,600 in the total appropriations for 1912. The appropriation for the postal service for 1911 is $243,907,020, being $12,333,448 less than for 1912. The shortages for 1911 being deducted from this amount leaves a net increase of $10,346,075 over the appropriation for 1911.

Under the general head of Postmaster General, there are various items, such as advertisement, rent of suitable buildings, gas, electric power, etc., post-office inspectors, with their salaries, per diem, clerks at headquarters, traveling expenses, livery hire, miscellaneous expenses, payment of rewards. The appropriation for advertising for 1911 was $3,000; the estimate for 1912 for advertising was $1,500. The House committee recommended for 1912 $1,500 according to the estimate, and the House appropriated for 1912 $1,500. This is reported to the Senate in this bill as the first item, not having been changed from the estimate.

Under the head of rent of suitable buildings, the appropriation for 1911 was $34,400; the estimate for 1912 was $34,400. The House committee recommended for 1912 on this item $34,400, and the House appropriated for 1912 $34,400.

In this connection the statement of Mr. Theodore Weed, the chief clerk of the department, is as follows:

The CHAIRMAN. Are you responsible for the making of contracts for buildings which are occupied by the mail-bag repair shops? Does that come under your supervision?

Mr. WEED. Yes.

The CHAIRMAN. When do those contracts expire?

Mr. WEED. Of course, most of our contracts are yearly contracts. There is one big item to which you probably refer, the rent of the mail-bag repair shop and the Division of Supplies, which buildings are commonly designated as our annex.

Mr. Weed says:

Of course most of our contracts are yearly contracts. There is one big item to which you probably refer, the rent of the mail-bag repair shop and the Division of Supplies, which buildings are commonly designated as our annex. We have a lease for them which runs under special act of Congress for 10 years from the date of its beginning.

The CHAIRMAN. You mean you have an option for 10 years?

Mr. WEED. No; I do not mean we have an option for 10 years. I mean that by special act of Congress we are obliged to occupy those buildings for 10 years.

The CHAIRMAN. When do those leases expire?

Mr. WEED. In 1918.

The CHAIRMAN. There have been no changes, of course, since you have held your present position?

Mr. WEED. No, sir.

Under the head of "Advertising and contracting," Mr. Weed, the chief clerk of the department, gives this explanation:

The CHAIRMAN. Do you have charge of the appropriations for advertising in the Post Office Department?

Mr. WEED. Yes, sir.

The CHAIRMAN. For what general purposes is that spent?

Mr. WEED. Generally speaking, for the supplies of the department.

The CHAIRMAN. How do you advertise?

Mr. WEED. I might state that our advertising is steadily dwindling. You will observe that this year we cut our appropriation from $3,000 to $1,500. There is a possibility that next year will see a further cut, because since the creation of the general supply committee, under the Secretary of the Treasury, they have taken over most of the advertising. Thus far we have only issued one advertisement, most of our business of course coming in the spring, in anticipation of contracts for the ensuing fiscal year. Generally speaking, we advertise for letter boxes, fasteners, satchels, furniture for City Delivery Service, mail pouches and sacks, facing slips, etc.

The CHAIRMAN. For those things that are used exclusively by the Post Office Department, I presume?

Mr. WEED. Not exclusively. In some instances for the postal service.

The CHAIRMAN. The postal service?

Mr. WEED. Yes; department and service.

The CHAIRMAN. You make contracts as a result of this advertising for a year, do you not?

Mr. WEED. Yes; for one year. There are a few exceptions where the contract, under special provision of Congress, is entered into for four years.

The CHAIRMAN. Having made those contracts as a result of this advertising, do you buy all the supplies of that particular kind from that contractor?

Mr. WEED. Yes, sir; except in cases of emergency.

The CHAIRMAN. There is no variation from that?

Mr. WEED. Not that I recall at the moment. Generally speaking, I should say no.

Mr. STAFFORD. Do the advertisements that are paid for from this item cover the supplies for the postal service as well as for the Postal Department?

Mr. WEED. Yes, sir.

Mr. STAFFORD. What character of articles purchased has been transferred to the Treasury Department?

Mr. WEED. Mostly articles for departmental service in Washington.

Mr. STAFFORD. Has any article, so far as the postal service is concerned, been transferred?

Mr. WEED. That is a mooted question now. I think the Department of Justice is considering the matter, at the request of the Secretary of the Treasury, as to whether all the items for the postal service should be contracted for by the supply committee.

Mr. STAFFORD. Will you specify some of the articles that have been formerly purchased by the Post Office Department which have been transferred to the supply department of the Treasury Department?

Mr. WEED. Typewriters, desks, stationery, including pens and pencils, and all kinds of office paraphernalia.

Mr. STAFFORD. As to the articles that have been transferred to the supply committee, does the committee purchase one type?

Mr. WEED. So far as possible; yes, sir.

Mr. STAFFORD. Take, for instance, desks. Do they purchase one style of desk?

Mr. WEED. Well, there are several types of desk that are standard.

Mr. STAFFORD. Are those standards of one make or different makes, or are they different styles?

Mr. WEED. The Derby Desk Co. was awarded the contract by the Treasury Department on several styles of desks, and whenever it is necessary for us to purchase that style of desk we must do so from the Derby Desk Co., except in cases of emergency, as provided by law.

Mr. STAFFORD. Is that contract to run for a longer period than a year or merely a year?

Mr. WEED. One year.

Mr. STAFFORD. What has been the policy in regard to typewriters and other mechanical devices?

Mr. WEED. Owing to the fact that there are so many different correspondence schools, each of which has its own favorite typewriter, which, of course, is reflected in the departmental service by many clerks using different makes of machines, that item is left open, so it is left to each department now to purchase any typewriter it desires.

Mr. STAFFORD. Are you acquainted with the policy inaugurated by the Navy Department several years ago by which one style of typewriter was adopted for use in that department?

Mr. WEED. I am quite familiar with it.

Mr. STAFFORD. Do you know whether the adoption of one typewriter has met with any difficulty in the administration of the Navy Department?

Mr. WEED. Of course, I am not familiar with the administration of the Navy Department, but, generally speaking, I should say no; it has not. It is a very excellent idea, and I wish it could be adopted for the entire Government service.

Mr. STAFFORD. You have had sufficient experience to enable you to testify in regard to this. Is it not a fact that stenographers can readily adjust themselves to any style of typewriter? It is merely a temporary whim of theirs which prevents them from adopting any other style of typewriter than the one they have been accustomed to?

Mr. WEED. That is all, Mr. STAFFORD. I was a typewriter myself. I might say that I have used five different makes of machines in the past, and each time I thought the particular one I was then using was the only machine in existence.

Mr. STAFFORD. So the Post Office Department has not centered upon any one style of typewriter for use whereby economy might be obtained in that respect?

Mr. WEED. We have in the postal service.

Mr. STAFFORD. By enabling you to get a lower price?

Mr. WEED. We have, in the postal service; yes, sir.

Mr. STAFFORD. How long has that been adopted?

Mr. WEED. Since July 1, 1910.

Mr. STAFFORD. What typewriter is it, and what are the terms?

Mr. WEED. The Royal typewriter, which, in quantities of 100 or more, is sold to the Government service for $50 a machine under the most favorable exchange rates we would have any right to expect.

Mr. STAFFORD. How long is that contract to last?

Mr. WEED. It is not an exclusive contract. It is an offer on their part, made to all departments, which has been accepted by the Post Office Department.

Mr. STAFFORD. Is the Royal typewriter manufactured by manufacturers who are in the Typewriter Trust, so called?

Mr. WEED. It is not.

Mr. STAFFORD. Have the postal service availed themselves of the offer of the Royal typewriter people?

Mr. WEED. Yes, sir.

Mr. STAFFORD. How many typewriters have they purchased from their offer?

Mr. WEED. Roughly speaking, I should say 270.

Now comes a suggestion of economy which could be advantageously used throughout the Government, not only in the Postal Department, but in the Navy Department, in the Army, in the Interior Department, and in all of the departments of the Government, so as to have standard machines with interchangeable materials and parts, so that there should not be a great variety and difficulty of meeting the demands in cases of any exigency in dealing with this matter. Although that is a comparatively small economy, by following out a system of that kind the most important economies could be brought about in the administration of the Government.

In looking at the testimony in these matters it will be found that there is hardly any place where the committee is not practically subject to the suggestions made by the officers of the department. The estimates are made, the officer of the department appears; he justifies the estimates, and the committee is helpless after the examination is made, and the appropriation is large.

In this appropriation bill it is represented that the postal service is annually running behind several million dollars, and that it is necessary to make up that difference by imposing a severe tax on the advertisements which are carried in the magazines of the country. Because of this alleged deficit, a deficit which I think might be easily corrected by economical administration throughout the department, the fraternal publications of the country, the publications of scientific journals, the publications of labor organizations, the publications of scientific societies, are all subjected to regulations which prevent them from carrying advertisements freely in their journals which would help to carry their expenditures, and which, moreover, would serve the most useful purpose in promoting trade and commerce in this country, as well as building up those institutions and promoting the great purposes for which they are established.

I do not think there is any greater purpose than the purpose, for example, of the great benevolent organizations of this country, such as the Woodmen of the World, the Masonic Order, the Knights of Pythias, the Odd Fellows, and all of the great organizations which teach the brotherhood of man, which teach the square deal as between man and man, which teach good fellowship, which teach the homely virtues that make life worth while in this country, and which establish a foundation for society itself, which teach morality and teach the fundamental essence of religion. I think that these journals, engaged in that service in the country, inspired by no sordid or selfish motive, ought to be given every opportunity to expand, so that they may fulfill in the highest measure the purposes for which they are organized. It was for that reason that I proposed an amendment to this bill, an amendment which in effect is the Dodds bill, and as a minority member I submitted my views with regard to that.

I will pause a moment in the discussion of these items, to which I will immediately refer. I will not lose the connection in any way, because I am going to make a logical, careful, and complete report to the Senate upon this Post Office appropriation bill, covering every item in it, and I will demonstrate that I am not as unfamiliar with the matter as I appear to have been.

Mr. President, when I came to submit my views on this proposed amendment I discovered that there was no report of the committee, and therefore my views could not attach themselves to anything in the way of a report. The amendment which I propose to offer is in substance the Dodds bill, only with some slight verbal changes, to this effect:

Provided, That from and after the passage of this act all periodical publications issued from a known place of publication at stated intervals, and as frequently as four times a year, by or under the auspices of a benevolent or fraternal society or order organized under the lodge system, and having a bona fide membership of not less than 1,000 persons, or by a regularly incorporated institution of learning, or by a regularly established State-wide institution of learning supported in whole or in part by public taxation, or by or under the auspices of a trades-union, and all publications of strictly professional, literary, historical, or scientific societies, including the bulletins issued by State boards of health, shall be admitted to the mails as second-class matter, and the postage thereon shall be the same as on other second-class matter; and all such periodical publications shall have the right to carry advertising matter, whether such matter pertains to such benevolent or fraternal societies or orders, trades-unions, strictly professional, literary, historical, or scientific societies, or to other persons, institutions, or concerns; but such periodical publications hereby permitted to carry advertising matter must not be designed or published primarily for advertising purposes, and shall be originated and published to further the objects and purposes of such organizations, respectively; and all such periodicals shall be formed of printed paper sheets, without board, cloth, leather, or other substantial binding such as distinguish printed books for preservation from periodical publications: *Provided further*, That the circulation through the mails of such periodical publications as second-class matter shall be limited to copies mailed to members, exchanges, and bona fide subscribers, together with 10 per cent of such circulation in addition as sample copies: *Provided further*, That the office of publication of any such periodical publication shall be fixed by the association or body by which it is published, or by its executive board, and such publication shall be printed at such place and entered at the nearest post office thereto.

This proposed amendment is the same as the Dodds bill, which has already been passed by the House with certain verbal changes, by omitting unimportant words, to make the meaning clearer.

The reason why this is justified is substantially as follows:

During the past year many scientific, technical, fraternal, and labor journals have been subject to much inconvenience, owing to recent rulings of the Post Office Department. These rulings practically force all scientific and technical societies and fraternal and labor organizations publishing journals either to omit all advertising from their journals or to give up the right to send their journals to members as one of the privileges of membership.

The department has so framed its rules as to impose this unjust regulation upon these journals devoted to scientific purposes, devoted to fraternal purposes, and having only a use which of itself is purely free from any commercial interest or sordid purpose.

Either of these alternatives would greatly injure these journals and would also seriously hamper these organizations and would cripple the altruistic work which they are endeavoring to do. For the relief of these and other journals similarly published by trades unions, fraternal organizations, etc., and in order to fix by statute their standing and rights, a bill (H. R. 22239) was introduced in the House of Representatives last winter by Mr. DODDS, of Michigan. After repeated and exhaustive hearings this bill was unanimously approved by the House Committee on the Post Office and Post Roads and later passed the House unanimously. (See H. Rept. No. 1437, 61st Cong., 2d sess.) It is now in the Senate, having been referred to the Senate Committee on Post Offices and Post Roads.

The amendment of February 25, 1911, proposed to be offered by me, is in substance the Dodds bill in the form of an amendment to H. R. 31539—Post Office appropriation bill.

MISSISSIPPI RIVER DAM.

Mr. NELSON. Will the Senator from Oklahoma be kind enough to yield to me for a moment?

Mr. OWEN. I yield to the Senator from Minnesota.

Mr. NELSON. From the Committee on Commerce I report back favorably the bill (H. R. 32721) to extend the time for commencing and completing the construction of a dam authorized by the act entitled "An act permitting the building of a dam across the Mississippi River in the county of Morrison, State of Minnesota," approved June 4, 1906, and ask for its present consideration.

The bill was read the first time by its title, the second time at length, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARTHUR HENRY MAYO.

Mr. GALLINGER. I ask the Senator from Oklahoma if he will kindly yield to me?

Mr. OWEN. I do.

Mr. GALLINGER. From the Committee on Naval Affairs I report favorably the bill (H. R. 25370) to waive the age limit for admission to the Pay Corps of the United States Navy for one year in the case of Pay Clerk Arthur Henry Mayo, and I call the attention of the Senator from New Jersey to it. I ask unanimous consent for its present consideration.

The bill was read.

Mr. KEAN. I join in the request for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to waive the age limit for admission to the Pay Corps of the United States Navy for one year in the case of Paymaster's Clerk Arthur Henry Mayo."

QUINCY, MASS., ETC.

Mr. GALLINGER. From the Committee on Commerce I report favorably the bill (H. R. 30273) for the relief of the city of Quincy, the towns of Weymouth and Hingham, and the Old Colony Street Railway Co., all of Massachusetts; and I direct the attention of the Senator from Massachusetts to it.

Mr. LODGE. I ask for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARANSAS HARBOR TERMINAL RAILWAY CO.

The VICE PRESIDENT laid before the Senate the bill (H. R. 32883) to extend the time for the completion of a bridge across the Morris and Cummings Channel, at a point near Aransas Pass, Tex., by the Aransas Harbor Terminal Railway Co.

Mr. BAILEY. That is merely a bill to extend the time for building a bridge, and I ask for its present consideration.

The bill was read the first time by its title, the second time at length, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MATTAWOMAN CREEK BRIDGE.

Mr. SMITH of Maryland. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Maryland?

Mr. OWEN. I yield to the Senator from Maryland.

Mr. SMITH of Maryland. I ask unanimous consent for the present consideration of the bill——

Mr. SMOOT. If we are going on to the calendar, I have no objection to the bill.

Mr. SMITH of Maryland. Let this bill go through. It is just a brief bill. I hope the Senator from Utah will not object to it.

Mr. SMOOT. I want to give notice now that I will object to any other bill being called from the calendar.

Mr. SMITH of Maryland. I ask unanimous consent for the present consideration of the bill (H. R. 31239) to authorize Park C. Abell, George B. Lloyd, and Andrew B. Sullivan, of Indianhead, Charles County, Md., to construct a bridge across the Mattawoman Creek, near the village of Indianhead, Md.

Then I shall ask for the consideration of another bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be read a third time, read the third time, and passed.

MARINE SCHOOLS.

Mr. SMITH of Maryland. I also ask for the present consideration of the bill (H. R. 24145) for the establishment of marine schools, and for other purposes.

Mr. SMOOT. I must call for the regular order. I think the Senator will have plenty of time to get his bill through.

CONFEDERATE CEMETERY AT SPRINGFIELD, MO.

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3501) providing for the taking over by the United States Government of the Confederate cemetery at Springfield, Mo., which were, on page 1, line 10, to strike out "to;" on page 1, line 12, to strike out "to;" on page 1, line 14, to strike out the comma and insert "or;" on page 1, line 14, to strike out "or civil;" and on page 2, line 19, to strike out "this bill" and insert "carrying out the provisions of this act."

Mr. WARNER. I move that the Senate concur in the House amendments.

The motion was agreed to.

POST OFFICE APPROPRIATION BILL.

The Senate as in Committee of the Whole resumed the consideration of the bill (H. R. 31539) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1912, and for other purposes.

Mr. BANKHEAD. Mr. President——

The VICE PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Alabama?

Mr. OWEN. I yield.

Mr. BANKHEAD. With the consent of the Senator from Oklahoma, I desire at this time to submit some remarks directed to several provisions of this bill. Will the Senator yield to me?

Mr. OWEN. I yield.

The VICE PRESIDENT. The Senator from Oklahoma yields to the Senator from Alabama; or does he yield the floor?

Mr. OWEN. I intended to yield to the Senator from Alabama only temporarily, but I will yield the floor.

The VICE PRESIDENT. And take the chance of getting it again?

Mr. OWEN. I think I will take no great chances.

The VICE PRESIDENT. The Senator from Oklahoma yields.

Mr. BANKHEAD. Mr. President, disclaiming any purpose or intention of delaying in the least the passage of this bill, I think perhaps this is the proper time for me to point out to the Senate some of the objectionable features in the bill. I am a member of this committee, and, as such, I attended every meeting at which the bill was considered.

To my mind this is the most important appropriation bill or supply bill that is to be considered by the Senate. This bill appropriates nearly $250,000,000, and the Post Office Department, through its operation, reaches sooner or later almost every man, woman, and child in the country.

I confess, Mr. President, that I have very little patience with the suggestion that the Post Office Department should be expected or required to pay its expenses. It is a favorite argument with some Senators, and they dwell upon it with seeming pleasure, that the Post Office Department ought to be required to pay all of its expenses from its revenues. What other department of the Government pays any of its expenses? What other department of the Government is so important to this country as the Post Office Department? More than half of the business of the country, commercial and otherwise, is conducted through this department. Therefore I contend that we should be extravagant, if necessary, or at least liberal, when we come to deal with this department of the Government.

But the purpose I have in mind is to point out to the Senate, if I can, some sections or some provisions of this bill that ought to be corrected.

I want to say to the Senate that there is a very large-sized joker in this bill, and I think I will be able to point it out. There is a weapon concealed in this bill which may be used, and the purpose of its concealment here is and was to virtually destroy one of the great branches of the Post Office Department, that being the Rural Delivery Service.

There is a provision in this bill which repeals that provision of the House bill which came over making an appropriation for the star-route service of about $7,000,000. At the same time they repealed that provision of the House bill which provided for the rural service, and attempted to consolidate the two into one item—both appropriations being included in one.

Now, why? If Senators will take the trouble to read the hearings before the House Post Office Committee they will see why. It was admitted there by the post-office official who appeared before that committee that the purpose of this legislation was to enable the Post Office Department to substitute rural free delivery for star route or star route for rural, putting the rural service under contract when they choose to do so and the star route to rural service.

Now, the effect of that amendment in this bill will be just as I have stated it if the department carries out its avowed purpose. What else? The House provided that rural carriers on standard routes or routes of 24 miles should receive $1,000 per year.

This provision is interwoven with and a part of the two which I have just referred to, one referring to the star-route service and the other to the rural service. They are combined and made one provision of the bill.

This amendment as reported by the committee to the Senate undertakes to fix the salary of these carriers, as I am about to state.

It will be observed that the provisions of the bill as passed by the House provided a salary of $1,000 on all standard routes of 24 miles, and, of course, a less amount on routes correspondingly shorter. This provides that carriers on routes emanating from a first-class office—mark you, from a first-class office—shall receive $1,000; that on routes emanating from a second-class office they shall receive $975; that on routes from third and fourth class offices they shall receive $950, and on all the other routes in proportion—that is to say, on all routes below the standard of 24 miles—they shall receive in proportion as the reduction comes from the first and second to the third and fourth classes. The effect of that amendment is that on a very large number of routes the pay will be much less than it is now. On some of them the pay is cut just about half in two. It seems to me that this is unfair, that it is unjust and unreasonable; and it seems to me that it can have no other result except to destroy, practically, the efficiency of the Rural Delivery Service.

We have provided here an appropriation of $42,000,000 for the pay of rural carriers and $7,000,000, in round numbers, for star routes, but that has all been combined in one item, and into that is put a provision for the regulation of the pay of these carriers.

I am calling the attention of the Senate to that fact now in order that they may have it before them, and that Senators may have an opportunity to think about it before we reach these provisions in the consideration of the bill, when we take it up section by section and paragraph by paragraph. When we reach these provisions of the bill, my purpose is to move to strike from the bill the amendment reported by the committee. In other words, I want to restore the provisions of the bill as passed by the House as they relate to the star-route service, the provisions of the House bill that relate to Rural Free Delivery Service, and the provisions of the House bill that relate to the pay of rural carriers.

Let these three propositions, Mr. President, stand upon their own merits. Let us deal with them singly and as they deserve to be dealt with, each upon its respective merits, if it has any merits.

I understand from the reading of the report that the present administration of the Post Office Department have made a great effort to economize, to wipe out the deficit, which last year was about $17,000,000, and they have succeeded admirably indeed. The deficit this year amounts to only about $5,000,000, as compared with $17,000,000 last year, and in addition to that more than $6,000,000 has been paid from the revenues of the department from some sources to liquidate obligations existing before the beginning of the last fiscal year. So the expenses and receipts of the Post Office Department are about equal now.

Mr. President, this economy has resulted in a serious impairment of the efficiency of the service. If I am correctly informed more than $1,000,000 of the appropriation made for the rural service last year has been turned into the Treasury; that 1,000 routes have been examined and favorably reported upon and no action has been taken upon them, and when inquiry has been made as to why this delay, the answer comes back "there are no available funds for the extension of this service."

Whatever these economies may have been, Mr. President, perhaps they are commendable in some respects, but I insist

that this great department, the most useful and the most valuable of any of the departments of the Government, should not have its efficiency impaired in any way by what I am disposed to call false economy.

When Congress makes an appropriation for the administration of the affairs of this great department, that money ought to be applied to the administration of its affairs, and if Congress fails to appropriate a sufficient sum of money to effectually and efficiently operate this service, the department ought to come in and ask for larger appropriations. I do not believe that the Congress of the United States will ever hesitate to appropriate funds sufficient to administer the affairs of this great department in the most progressive kind of a way.

I have no patience myself with the idea that the Post Office Department should pay its own expenses. What other department of the Government pays its expenses? Here is a department of the Government where we appropriate a large sum and where we get nearly the whole of it back in the way of revenue. We might, I may add here, get more revenues than we do from the amount of service we render if we received fair compensation for a great deal of the work we do.

Mr. President, this is about all I care to say about this bill. When we reach these items, as I have said, I am going to move an amendment, and I do that, of course, with some reluctance.

It has been said, Mr. President, that it is the duty of a member of a committee when a bill is being considered, reported by that committee, to give it his undivided support, and that a member of a committee can not properly make any objection to the provisions of a bill which his committee has reported. I feel, Mr. President, that I owe it to myself, and I owe it to my associates on this side of the Chamber, to point out some of the mistakes, to say the least of it, that have been made by the Senate committee amendments as they have been incorporated in the bill, and I shall ask my colleagues on this side and on the other who are interested particularly in the great Rural Delivery Service, to help me when we come to it to correct the mistakes about which I have been complaining.

The PRESIDING OFFICER (Mr. BACON in the chair). The pending amendment is on line 16, page 2. The Secretary will state the amendment.

The SECRETARY. On page 2, line 16, before the word "inspectors" strike out "sixty-five" and in lieu thereof insert "seventy-five."

The amendment was agreed to.

The next amendment was, on page 2, line 23, before the word "dollars," to strike out "three" and insert "four," and in line 24, before the word "hundred," to strike out "two hundred and eighty-seven thousand four" and insert "three hundred and sixty-three thousand six," so as to read:

For per diem allowance of inspectors in the field while actually traveling on official business away from their home, their official domicile, and their headquarters, at a rate to be fixed by the Postmaster General, not to exceed $4 per day, $363,600.

The amendment was agreed to.

The next amendment was, on page 4, line 2, before the word "thousand," to strike out "thirty-one" and insert "forty," so as to make the clause read:

For traveling expenses of inspectors without per diem allowance, inspectors in charge, and the Chief Post Office Inspector, and expenses incurred by inspectors not covered by per diem allowance, unusual and extraordinary expenses necessarily incurred for maintenance by inspectors over and above per diem allowance while traveling on official business in the District of Alaska, and for the traveling expenses of 2 clerks performing stenographic and clerical assistance to post-office inspectors in the investigation of important fraud cases, $40,400.

The amendment was agreed to.

The next amendment was, on page 4, line 6, before the word "thousand," to strike out "forty-five" and insert "fifty," so as to make the clause read:

For livery hire incurred by inspectors not covered by their per diem allowance, including livery hire in connection with the installation and inspection of rural routes, $50,000.

The amendment was agreed to.

The next amendments were, on page 4, after line 6, to insert:

For expenses incident to the investigation and testing of mechanical and labor-saving devices, under the direction of the Postmaster General, for use in the postal service, $10,000.

And on page 4, after line 10, to insert:

The Postmaster General is hereby authorized to pay, in his discretion, rewards to postal employees whose inventions are adopted for use in the postal service, making report to Congress annually of the manner of the expenditure thereof, and for that purpose the sum of $10,000 is hereby appropriated.

Mr. BRISTOW. I ask that the paragraphs contained on page 4 be passed over.

Mr. PENROSE. I should like to have that passed over.

The PRESIDING OFFICER. The amendments will be passed over for the present.

The next amendment was, under the subhead "Office of the First Assistant Postmaster General," on page 5, line 9, after the word "dollars," to insert "That hereafter the compensation paid to postmaster at St. Louis, Mo., shall be $8,000 per annum," so as to make the clause read:

For compensation to postmasters, $29,300,000. That hereafter the compensation paid to postmaster at St. Louis, Mo., shall be $8,000 per annum.

The amendment was agreed to.

Mr. CARTER. On page 5, after line 11, I move, from the committee, to insert the following paragraph:

Hereafter the Postmaster General may, in his discretion, pay out of the appropriation for compensation to postmasters additional compensation not to exceed in any instance $500 per annum to postmasters whose salaries are less than $4,000 per annum and who act as disbursing officers.

Mr. BRISTOW. I must ask that that go over.

Mr. PENROSE. All right.

The PRESIDING OFFICER. It will be passed over by request.

The next amendment of the Committee on Post Offices and Post Roads was, on page 5, line 20, before the word "at," to strike out "four hundred and fifty" and insert "five hundred;" on page 6, line 2, before the word "at," to strike out "three hundred" and insert "three hundred and seventy;" in line 4, before the word "at," to strike out "two hundred and fifty" and insert "two hundred;" in line 5, before the word "at," to strike out "two hundred and twenty-five" and insert "one hundred and eighty;" in line 7, before the word "at," to strike out "one hundred and twenty-five" and insert "one hundred;" and in line 10, before the word "thousand," to insert "and eighty," so as to make the clause read:

For compensation to assistant postmasters at first and second class post offices, 4, at not exceeding $4,000 each; 38, at not exceeding $3,000 each; 6, at not exceeding $2,500 each; 6, at not exceeding $2,000 each; 16, at not exceeding $1,900 each; 40, at not exceeding $1,800 each; 75, at not exceeding $1,700 each; 125, at not exceeding $1,600 each; 190, at not exceeding $1,500 each; 140, at not exceeding $1,400 each; 350, at not exceeding $1,300 each; 500, at not exceeding $1,200 each; 370, at not exceeding $1,100 each; 200, at not exceeding $1,000 each; 180, at not exceeding $900 each; 100, at not exceeding $800 each; and 100, at not exceeding $700 each; in all, $2,880,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 3, to insert:

That hereafter the Postmaster General may allow not exceeding 30 days' leave of absence with pay in each calendar year, under such conditions as he shall prescribe, to assistant postmasters, supervisory officers, clerks, city letter carriers, printers, mechanics, skilled laborers, watchmen, messengers, and laborers at first and second class post offices.

The amendment was agreed to.

The next amendment was, on page 13, line 12, before the word "hundred," to strike out "one" and insert "two," so as to make the clause read:

For compensation to substitutes for clerks and employees at first and second class post offices on vacation, $225,000.

The amendment was agreed to.

The next amendment was, on page 15, line 16, before the word "thousand," to strike out "three hundred and fifty" and insert "four hundred," and in the same line, after the word "dollars," to insert "of which not exceeding $50,000 shall be immediately available," so as to read:

For rent, light, and fuel for first, second, and third class post offices, $4,400,000, of which not exceeding $50,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 16, line 10, after the word "machines," to strike out "and the Postmaster General is hereby authorized to enter into contracts for the rental of canceling machines to cover a period not exceeding three years," so as to make the clause read:

For rental and purchase of canceling machines, including cost of power in rented buildings, motors, repairs to motors, and miscellaneous expenses of installation and operation, $310,000, $35,000 of which sum may be expended in the purchase of such machines: *Provided*, That the rental paid for any canceling machine shall not exceed $300 per annum, including repairs on said machines, and that all contracts entered into shall be let after having advertised for bids and shall be awarded on the basis of cheapness and efficiency.

Mr. BRISTOW. That is extending the length of contract from three to five years, the five years coming in the subsequent paragraph.

Mr. PENROSE. I understand the propostion is to make the five-year contract system uniform in the department.

The amendment was agreed to.

The next amendment was, on page 16, after line 17, to insert:

That after June 30, 1911, delivery of mail by city letter carriers shall be made only at such residences and places of business as provide at the door or entrance receptacles for its deposit.

Mr. BRISTOW. I ask that that amendment be passed over.

The PRESIDING OFFICER. It will be passed over.

Mr. STONE. I was called out of the Chamber a moment ago while the Senator from Alabama [Mr. BANKHEAD] was speaking. I should like to inquire what disposition was made of the amendment on page 2, line 16, and at lines 23 and 24.

The PRESIDING OFFICER. The amendment at line 16 was agreed to without objection.

Mr. STONE. I desire, for the time being, to object. I want to make an inquiry about it. I should like to have it passed over.

The PRESIDING OFFICER. Does the Senator desire to make that inquiry now or when the bill gets in the Senate?

Mr. STONE. It is immaterial to me.

The PRESIDING OFFICER. The Senator will have the opportunity in the Senate.

Mr. STONE. I ask the Chair if it can not be passed over at this time?

The PRESIDING OFFICER. The vote can be reconsidered if the Senator so desires, and it can be passed over.

Mr. STONE. I ask consent to have it reconsidered.

The PRESIDING OFFICER. The Senator from Missouri asks that the vote by which the amendment in line 16, on page 2, was agreed to may be reconsidered. Is there objection? Without objection, the vote by which it was agreed to is reconsidered, and the amendment is passed over for the present.

Mr. PENROSE. Mr. President, do I understand that the Senator from Missouri desires this paragraph passed over?

Mr. STONE. Informally and temporarily, as I desire to ask the Senator a question.

Mr. PENROSE. I can explain to the Senator that there is no increase in this item. It is simply a transfer of 45 inspectors from other bureaus and branches of the service to the main force of inspectors. There is no increase in their number and no increase of appropriation. At present there are 355 of this class of employees. Forty-five are added by the transfer to the inspectors' force. These special agents in the classification division——

Mr. STONE. May I interrupt the Senator to ask if he is addressing himself to the amendments between lines 16 and 24, on page 2?

Mr. PENROSE. Yes.

Mr. STONE. I observe—perhaps we can settle it here in a few moments without passing it over—that the House bill provides for 65 inspectors at $1,500, which is raised to 75 inspectors. There is an increase of 10. I should like to ask if that is not an increase? I understood the Senator to say there was actually no increase.

Mr. PENROSE. No; there is no increase. The apparent increase is due to the transfer from other branches of the service, and ordinarily would be provided for in other parts of the bill.

Mr. STONE. I notice, if the Senator please, on lines 23 and 24, an increase of a considerable sum—something like $75,000 in the appropriation. If there was no increase in the number of inspectors, why was there a considerable increase in the total of the appropriation?

Mr. PENROSE. The appropriation, Mr. President, is the same as that in the present law. It is true the other House reduced it, but the Senate put it back.

Mr. STONE. Then the increase is due to the fact that the committee of which the Senator is chairman raised the per diem allowances from $3 to $4.

Mr. PENROSE. I have here a letter from the Postmaster General on this point; it is not very long; and if the Senator would like to have it read, I will send it to the desk.

Mr. STONE. If the letter is not very long, I would be glad to have it read.

Mr. PENROSE. I will send to the desk a letter from the Postmaster General, which I ask that the Secretary read.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary proceeded to read the letter.

Mr. STONE. Mr. President, there are so many figures in the letter that it is rather confusing to one who is listening to it. I have no objection to having the entire letter inserted in the RECORD.

Mr. PENROSE. Let the letter be read and let the paragraph go over if the Senator objects to it.

Mr. STONE. I am not objecting, but I simply want to understand it.

Mr. PENROSE. It is a very simple matter.

Mr. STONE. I had desired to call the attention of my friend from Pennsylvania to one thing in the amendment in a moment. It will only take a little while to do it, and I would be governed very largely in it by what answer the Senator makes, for I have the greatest respect for the Committee on Post Offices and Post Roads. I know they know vastly more about this than I do. We will come to an understanding about it very briefly. Just pass the amendment over for the time being.

The PRESIDING OFFICER. The Secretary will finish the reading of the letter.

The Secretary resumed and concluded the reading of the letter, which is as follows:

POST OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., February 2, 1911.

Hon. BOIES PENROSE,
Chairman Committee on Post Offices and Post Roads,
United States Senate.

MY DEAR SIR: With reference to an amendment to H. R. 31539, regarding salaries of post-office inspectors, submitted with my letter of February 1, I beg to submit the following statement:

The present combined force of inspectors and traveling representatives of other bureaus of the department is 400. The appropriation bill as passed by the House of Representatives provides for a total number of 390 inspectors. It is impossible to state in which grade the reduction is made, in view of the fact that the bill provides for a general reclassification of the salary grades, with the exception of the city inspectors.

For the fiscal year 1907 Congress appropriated for 377 post-office inspectors. This number was reduced to 355 beginning July 1, 1908, or nearly 6 per cent, and under the present bill there is a proposed further reduction of 10, or 2.8 per cent.

	June 30, 1907.	June 30, 1910.	Increase.	Per cent.
Receipts of Post Office Department	[1] $183,585,005	$224,128,657	$40,543,652	22.0
Money-order offices	37,444	51,791	14,347	38.3
Railway postal clerks, post-office clerks, city and rural carriers	99,353	119,554	20,201	20.3

[1] June 30, 1906.

The fact that the increase in the postal service throws greater work upon the inspection branch is so apparent that it needs no amplification. For several years past it has been the endeavor to inspect annually all money-order offices in operation, for the purpose of improving the character of the service, correcting irregularities, detecting peculations, and promoting the efficiency of the employees. An increase of 38 per cent in the number of money-order offices, when considered in connection with the fact that the other classes of important cases demanding personal investigation by post-office inspectors have also increased, makes it apparent that, rather than a reduction in the force of inspectors, there should be an increase. The additional work of the inspectors is not restricted to the regular cases jacketed in the usual manner, but extends also to the increase in the number of employees in the postal service over whom, to a certain extent, the inspectors exercise a degree of surveillance.

I therefore recommend that provision be made for 400 inspectors.

Yours, very truly, FRANK H. HITCHCOCK,
Postmaster General.

The PRESIDING OFFICER. The Secretary will state the next amendment. Is it desired that the amendment just previously stated shall be passed over?

Mr. STONE. Let the amendment be passed over.

The PRESIDING OFFICER. That includes the amendment in lines 23 and 24, according to the request, as the Chair understands it.

Mr. STONE. Yes, sir.

The Secretary resumed the reading of the amendments of the Committee on Post Offices and Post Roads. The next amendment of the committee was, on page 17, line 2, after the word "dollars," to strike out:

Provided, That no part of this appropriation shall be used to pay letter carriers who are required or permitted to work for more than 48 hours in the six working days of a week: *Provided further*, That this limitation shall not apply to service performed during the first five and the last 15 days of the calendar year.

And insert:

Provided, That in the event of letter carriers employed in the city delivery service and clerks employed in first and second class post offices being required or permitted to work in excess of 48 hours during the six working days of a week, they shall be paid for such extra work in proportion to their salaries as fixed by law.

So as to make the clause read:

For pay of letter carriers at offices already established, including substitutes for carriers absent without pay, city delivery service $32,180,000: *Provided*, That in the event of letter carriers employed in the city delivery service and clerks employed in first and second class post offices being required or permitted to work in excess of 48 hours during the six working days of a week, they shall be paid for such extra work in proportion to their salaries as fixed by law.

Mr. BRISTOW. Mr. President, I should like to ask that that amendment be disagreed to. I believe I spoke to the chairman of the committee about it.

Mr. PENROSE. I suppose the amendment is open to a point of order.

Mr. BRISTOW. I make the point of order against the amendment that it is general legislation.

The PRESIDING OFFICER. The Senator from Kansas makes the point of order that it is general legislation.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington desire to be heard on that?

Mr. JONES. I was merely going to ask that the amendment go over.

Mr. BRISTOW. I make the point of order against the amendment, Mr. President.

The PRESIDING OFFICER. The point of order is sustained. The effect of that is to restore the House text.

The reading of the amendments was resumed. The next amendment of the Committee on Post Offices and Post Roads was, on page 17, line 16, before the word "hundred," to strike out "one" and insert "six," so as to make the clause read:

For pay of substitutes for letter carriers absent with pay, and of auxiliary and temporary letter carriers at offices where city delivery is already established, $1,600,000.

The amendment was agreed to.

The next amendment was, on page 17, line 22, after the word "dollars," to strike out "*Provided*, That the Postmaster General may, in his discretion, enter into contracts for a period of not exceeding four years for the hire of horse and wagon service, automobile vehicle service for the City Delivery Service," so as to make the clause read:

For horse-hire allowance and the rental of vehicles, $925,000.

The amendment was agreed to.

The next amendment was, on page 18, after line 7, to insert:

That hereafter the Postmaster General may, in his discretion, enter into contracts for a period of not exceeding five years for the rental of canceling machines, for the hire of the equipages for the City Delivery Service, for the collection service by means of boxes attached to street cars, and for the steamboat and other equipment necessary for the Detroit River postal service.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the Second Assistant Postmaster General," on page 21, line 7, after the word "available," to insert:

Provided, That out of the appropriation for inland mail transportation the Postmaster General is authorized hereafter to pay rental, if necessary, in Washington, D. C., and compensation to tabulators and clerks employed in connection with the weighings for assistance in completing computations, in connection with the expenses of taking the weights of mails on railroad routes, as provided by law: *And provided further*, That during the fiscal year ending June 30, 1912, the rate of postage on textual and general reading matter contained in periodical publications other than newspapers, as described in the act of Congress approved March 3, 1879, entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1880, and for other purposes," and in the publications described in an act of Congress approved July 16, 1894, entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1895," shall be 1 cent per pound, or fraction thereof; and on sheets of any publication of either of said classes containing, in whole or part, any advertisement, whether display, descriptive, or textual, 4 cents per pound or fraction thereof: *Provided*, That the increased rate shall not apply to publications mailing less than 4,000 pounds of each issue.

Mr. CUMMINS. Mr. President, I ask that that amendment be passed over until a later time.

Mr. PENROSE. The understanding is that this amendment be passed over, Mr. President.

The PRESIDING OFFICER. The amendment will be passed over.

Mr. PENROSE. I would call the attention of the Senator from Iowa to the fact that there are really two amendments on page 21. I do not understand that there is any particular objection to the amendment from line 7 to line 14.

Mr. CUMMINS. I have no objection to the proposed amendment beginning with the word "*Provided*," in line 7, down to and including the words "provided by law," in line 14.

Mr. PENROSE. Then I ask that that portion of the amendment be agreed to.

Mr. CUMMINS. My objection lies to what follows in the amendment.

Mr. PENROSE. The increased postal rates. I ask the Senate, then, to agree to the first proviso, beginning in line 7, and ask to have the remaining portion passed over.

The PRESIDING OFFICER. The amendment beginning with the word "*Provided*," in line 7, and ending with the word "law," in line 13, is adopted without objection, and the remainder of the paragraph is passed over by consent.

Mr. STONE. Mr. President, I desire to make an inquiry of the Chair. My attention was diverted for a moment. Was the request made by the Senator from Iowa to pass over the amendment on pages 21 and 22?

The PRESIDING OFFICER. The amendment beginning with the word "*Provided*," in line 7, down to and including the word "law," in line 14, was agreed to by consent. The remainder of the amendment on pages 21 and 22 was passed over by consent.

Mr. STONE. As to that I make the point of order unless it is——

Mr. PENROSE. I do not hear the Senator.

Mr. STONE. If it goes over for some reason I have no objection, but I give notice that I will make the point of order if it does not.

Mr. BEVERIDGE. It has gone over by consent.

The Secretary resumed the reading of the amendments. The next amendment of the Committee on Post Offices and Post Roads was, on page 22, line 17, before the word "dollars," to strike out "twenty-five thousand" and insert "forty-eight thousand two hundred," so as to make the clause read:

For pay of freight or expressage on postal cards, stamped envelopes, newspaper wrappers, and empty mail bags, $448,200, of which the sum of $48,200 shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 22, after line 19, to insert:

And the Postmaster General in cases of emergency, between November 15 and January 15 of any year, may hereafter return to the mails empty mail bags theretofore withdrawn therefrom as required by law, and for such times may pay for their railroad transportation out of the appropriation for inland transportation by railroad routes at not exceeding the rate per pound per mile as shown by the last adjustment for mail service on the route over which they may be carried, and pay for necessary cartage out of the appropriation for freight or expressage.

Mr. BRISTOW. Mr. President, I ask that that amendment go over, because I want to submit an amendment to it.

Mr. PENROSE. Very well, let the amendment be passed over.

The PRESIDING OFFICER. The amendment will be passed over by consent.

The reading of the amendments was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, on page 23, after line 4, to strike out:

For railway post-office car service, $5,010,000: *Provided*, That no part of this amount shall be paid for rent or use of any car which is not equipped with sanitary drinking-water containers and toilet facilities, nor unless such car is regularly cleaned and sound in material and construction: *And provided further*, That hereafter additional equipment accepted for this service shall be of steel construction, built in accordance with plans and specifications approved by the Post Office Department. This provision, however, shall not affect the acceptance of equipment now under contract for construction for this purpose, the plans and specifications for which have been approved by the Post Office Department: *Provided further*, That the Postmaster General shall not, after the 1st of July, 1916, approve or allow to be used or pay any rental for any railway post-office car not constructed of steel or other noncombustible material: *And provided further*, That hereafter no part of this appropriation shall be paid for rental of any wooden mail car placed in any train composed partly of steel cars unless such wooden mail cars are behind all such steel cars.

And to insert:

For railway post-office car service, $5,010,000: *Provided*, That no part of this amount shall be paid for the use of any car which is not sound in material and construction, and which is not equipped with sanitary drinking-water containers and toilet facilities, nor unless such car is regularly and thoroughly cleaned: *Provided further*, That after the 1st of July, 1911, no pay shall be allowed for the use of any wooden full railway post-office car unless constructed substantially in accordance with the most approved plans and specifications of the Post Office Department for such type of cars, nor for any wooden full railway post-office car run in any train between adjoining steel cars or between the engine and a steel car adjoining, and that hereafter additional cars accepted for this service shall be of steel, or with steel underframe, if used in a train in which a majority of the cars are of like construction: *Provided further*, That after the 1st of July, 1916, the Postmaster General shall not approve or allow to be used or pay for any full railway post-office car not constructed of steel or with steel underframe, if such post-office car is used in a train in which a majority of the cars are of steel or of steel underframe construction: *And provided further*, That the Postmaster General may, upon the application of any railroad company and for good cause shown, extend the time for compliance by such company with the foregoing provisions, the order for such extension of time to prescribe the period within which compliance shall be made.

Mr. BRISTOW. Mr. President, at the request of the Senator from Wisconsin [Mr. LA FOLLETTE], I ask that the amendment the Secretary has just read be passed over by consent for to-night. The Senator from Wisconsin is interested in it.

The PRESIDING OFFICER. The amendment will be passed over at the request of the Senator from Kansas.

The reading of the amendments was resumed.

The next amendment of the Committee on Post Offices and Post Roads was in the item for the maintenance of the Railway Mail Service, on page 25, line 21, before the word "hundred," to strike out "six" and insert "seven," so as to read:

Two thousand seven hundred and two clerks, class 2, at not exceeding $1,000 each.

The amendment was agreed to.

The next amendment was, on page 26, after line 2, to insert:

That hereafter in addition to the salaries by law provided the Postmaster General is hereby authorized to make travel allowances, not exceeding in the aggregate the sum annually appropriated, to railway postal clerks assigned to duty in railway post-office cars for actual expenses incurred by them while on duty, after eight hours from the time of beginning their initial run, under such regulations as he may prescribe, and in no case shall such an allowance exceed $1 per day.

The amendment was agreed to.

The next amendment was, on page 26, after line 15, to insert:

That the Postmaster General may allow railway postal clerks whose duties require them to work six days or more a week throughout the year and the employees of the mail-lock and mail-bag repair shops an annual vacation of 30 days with pay.

The amendment was agreed to.

The next amendment was, on page 26, line 22, before the word "thousand," to strike out "sixty-eight" and insert "one hundred and thirty-six," so as to make the clause read:

For substitutes for clerks on vacation, $136,000.

The amendment was agreed to.

The next amendment was, on page 27, line 22, before the word "dollars," to strike out "three" and insert "four;" in line 23, before the word "dollars," to strike out "three thousand seven hundred and thirty-five" and insert "four thousand nine hundred and eighty;" and on page 28, line 2, before the word "dollars," to strike out "four thousand three hundred and thirty-five" and insert "five thousand five hundred and eighty," so as to make the clause read:

For per diem allowance of assistant superintendents while actually traveling on official business away from their home, their official domicile, and their headquarters, at a rate to be fixed by the Postmaster General, not to exceed $4 per day, $4,980, and for their necessary official expenses not covered by their per diem allowance, not exceeding $600; in all, $5,580.

The amendment was agreed to.

The next amendment was, on page 29, line 22, before the word "hundred," to strike out "four hundred and eighty-seven thousand four" and insert "seven hundred and thirty-four thousand eight;" and in the same line after the word "dollars," to insert "of which sum not exceeding $247,400 shall be immediately available," so as to make the clause read:

For balances due foreign countries, $734,800, of which sum not exceeding $247,400 shall be immediately available.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the Third Assistant Postmaster General," on page 30, line 7, before the word "thousand," to strike out "sixteen" and insert "ninety-six," and in the same line, after the word "dollars," to insert "of which the sum of $80,000 shall be immediately available," so as to make the clause read:

For manufacture of adhesive postage stamps, special-delivery stamps, books of stamps, and for coiling of stamps, $796,000, of which the sum of $80,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 30, line 11, before the word "hundred," to strike out "five" and insert "eight," and in line 12, after the word "dollars," to insert "of which the sum of $400,000 shall be immediately available," so as to make the clause read:

For manufacture of stamped envelopes and newspaper wrappers, $1,823,000, of which the sum of $400,000 shall be immediately available.

Mr. CLAPP. I desire to have this paragraph passed over.

The VICE PRESIDENT. Without objection, the paragraph will be passed over.

The next amendment was, on page 30, line 20, before the word "hundred," to strike out "three" and insert "four," and in line 21, after the word "dollars," to insert "of which the sum of $100,000 shall be immediately available," so as to make the clause read:

For manufacture of postal cards, $451,000, of which the sum of $100,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 30, after line 22, to insert:

For pay of agent and assistants to examine and distribute postal cards, and expenses of agency, $9,000.

Mr. BRISTOW. I ask that that go over. I may not object to it, but I want to inquire into it a little.

The VICE PRESIDENT. Without objection it will be passed over.

Mr. PENROSE. I do not care whether it goes over or not, but I can explain it to the Senator from Kansas. This matter the House forgot to put in.

Mr. BRISTOW. I wondered whether it was an additional appropriation.

Mr. PENROSE. It is purely a routine matter in the present law.

Mr. BRISTOW. All right. Then I make no objection to it.

The amendment was agreed to.

The next amendment was, on page 31, after line 5, to insert:

That the Postmaster General is hereby authorized to indemnify the senders or owners of third and fourth class domestic registered matter lost in the mails, the indemnity, which shall be paid out of the postal revenues, not to exceed $25 for a single piece of registered matter or the actual value thereof if less than $25: *Provided*, That no indemnity shall be paid if the loser has been otherwise reimbursed.

Mr. BRISTOW. I should like to ask that that go over until I can confer with the chairman of the committee about it. It is really subject to a point of order, is it not?

Mr. PENROSE. I suppose it is.

Mr. BRISTOW. Yes. I will not make it now, but if the Senator will permit it to go over, I shall be obliged.

Mr. PENROSE. All right.

The VICE PRESIDENT. Without objection, it goes over.

Mr. PENROSE subsequently said: Mr. President, I forgot when I rose to answer the inquiry of the Senator from Kansas [Mr. BRISTOW] that the paragraph he asked to go over has already passed the Senate as a bill.

Mr. BRISTOW. It has?

Mr. PENROSE. I am perfectly willing to have it go over, but it has already passed the Senate, and was put in here.

Mr. BRISTOW. My judgment is it is opening up a very large field of expenditure, and I want to talk with the chairman of the committee about it.

Mr. PENROSE. All right.

The next amendment was, on page 31, line 14, before the word "indemnity," to strike out "limited," and in line 15, after the word "mails," to insert "in accordance with convention stipulations," so as to make the clause read:

For payment of indemnity for the loss of registered articles in the international mails in accordance with convention stipulations, $15,000, of which not exceeding $8,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, on page 31, after line 18, to insert:

Provided, That the appropriations for payment of limited indemnity for the loss of registered articles in the international mails for the fiscal years ending June 30, 1908, 1909, 1910, and 1911, be, and the same are hereby, made available for the payment of the amount of indemnity fixed by the Postal Union Convention concluded at Rome, Italy, May 26, 1906, effective October 1, 1907, for the loss in the international mails of any registered article regardless of its value.

And provided further, That all moneys now in the hands of officers and agents of the Post Office Department and all moneys hereafter recovered, collected, or received from any source on account of the loss of registered mail of any kind, either foreign or domestic, shall be deposited in the Treasury for the service of the Post Office Department; and an account is hereby created, to be denominated "Indemnity for lost registered mail," which shall be credited with all such deposits. All appropriations made for the payment of indemnity for the loss of registered mail, either foreign or domestic, and all moneys deposited as herein provided for, shall be available until expended, without regard to fiscal years, for the payment of indemnity for lost registered mail, either foreign or domestic, and for the reimbursement to the owners of the moneys to which they are entitled.

Mr. BRISTOW. Do I understand that from line 19 on page 31 down to and including line 26 on page 32 is all one amendment?

The VICE PRESIDENT. Down to line 18 on page 32 the Chair understands is one amendment.

Mr. BRISTOW. I think that is subject to a point of order. I ask that it go over.

Mr. PENROSE. That is simply to enable our postal department to keep faith with foreign countries under the treaty. It is purely a routine matter. I have a letter here from the Postmaster General explaining it fully. He says:

Referring to my letter of the 1st instant, relative to H. R. 31539, "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1912, and for other purposes," I feel forced to bring to your special attention the recommendation made in my annual report for the fiscal year 1910, in effect, that the United States keep faith with the other countries embraced in the Universal Postal Union in paying a fixed indemnity of 50 francs (approximately $9.65) for the loss in the international mails of any registered article, regardless of its value.

Mr. BRISTOW. Then, from line 4 down to line 18 is certainly general legislation.

Mr. PENROSE. Of course, half, if not most all, of this is.

Mr. BRISTOW. If the Senator will permit it to go over——

Mr. PENROSE. Yes.

The VICE PRESIDENT. The Senator from Kansas asks that that portion from line 4 to line 18 go over. Without objection, that will be done. Without objection, the balance is agreed to.

The next amendment was, on page 32, after line 18, to insert:

For the employment of special counsel, to be appointed by the Attorney General when requested by the Postmaster General, and at compensation to be fixed by the Attorney General, not exceeding this temporary appropriation, to prosecute and defend, on behalf of the Post Office Department, all suits now pending or which may hereafter arise affecting the second-class mailing privilege, ten thousand dollars.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the Fourth Assistant Postmaster General," on page 35, after line 3, to strike out:

For inland transportation by star routes (excepting service in Alaska), including temporary service to newly established offices, seven million one hundred and seventeen thousand dollars: *Provided*, That no part of this appropriation shall be expended for continuance of any

star-route service the patronage of which shall be served entirely by the extension of Rural Delivery Service, nor shall any of said sum be expended for the establishment of new star-route service for a patronage which is already entirely served by Rural Delivery Service.

For pay of letter carriers, substitutes for carriers on annual leave, clerks in charge of substations, and tolls and ferriage, Rural Delivery Service, $42,790,000.

And insert:

For pay of rural letter carriers, substitutes for rural letter carriers on annual leave, clerks in charge of rural stations and rural branch post offices, tolls and ferriage for rural letter carriers, and for inland transportation by star routes (excepting in Alaska), including temporary service to newly established offices, $49,907,000.

Mr. BANKHEAD. I desire to ask the chairman of the committee if he will not consent that this Senate amendment may go out of the bill and let the House provision be restored?

Mr. CURTIS. Mr. President——

The VICE PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Kansas?

Mr. PENROSE. I do.

Mr. CURTIS. I want to make a point of order against the amendment, commencing in line 18, and I understand ending in line 19, page 36. I do not understand or know what the agreement is about having these matters go over. I want to make a point of order when that item is considered.

Mr. PENROSE. Does the Senator——

The VICE PRESIDENT. The Chair would like to know what the point of order is.

Mr. CURTIS. It is general legislation, and I would like to be heard on that question for just a few moments.

The VICE PRESIDENT. The Chair is always delighted to hear the Senator from Kansas.

Mr. CURTIS. I am perfectly willing that the amendment shall go over. But I do not think it will take me over three or four minutes to present the point. It surely changes existing law, and I think I can convince the Chair of that in a very few moments.

Mr. PENROSE. I am willing to let it go over or to go on with it.

Mr. CURTIS. Just as suits the chairman of the committee.

Mr. BEVERIDGE, Mr. CUMMINS, Mr. SMOOT, and others. Let it go over.

Mr. PENROSE. Let it go over, Mr. President.

The VICE PRESIDENT. The amendment will go over.

The next amendment was, on page 36, line 2, after the word "substations," to strike out "*Provided further*, That on and after July 1, 1911, letter carriers of the Rural Delivery Service shall receive a salary not exceeding $1,000 per annum," and insert: "*And provided further*, That letter carriers of the Rural Delivery Service shall be paid on the following basis: Not exceeding $1,000 per annum on a route of not less than 24 miles in length, and a proportionate amount on a route less than 24 miles in length, emanating from a post office of the first class; not exceeding $975 per annum on a route not less than 24 miles in length, and a proportionate amount on a route less than 24 miles in length, emanating from a post office of the second class; and not exceeding $950 per annum on a route not less than 24 miles in length, and a proportionate amount on a route less than 24 miles in length, emanating from a post office of the third or fourth class."

Mr. BANKHEAD. The amendment on page 36 involves the same proposition——

Mr. CURTIS. I understand it is part of the same amendment.

Mr. BANKHEAD (continuing). As that on page 35, and ought to go over with it.

The VICE PRESIDENT. No; it is a separate amendment. It may be involved in the same general provision. The Chair does not know about that. He is not sufficiently familiar with the bill. But it certainly is a separate amendment.

Mr. CURTIS. The item on the last page says "*Provided further*." That surely connects it with the preceding section, and therefore it is all one amendment.

The VICE PRESIDENT. Oh, no; it is not all one amendment.

Mr. CURTIS. Then I make the point of order against each amendment.

The VICE PRESIDENT. The first amendment has been passed over temporarily.

Mr. CURTIS. Then I make the point of order against the second one.

Mr. PENROSE. Let it go over.

The VICE PRESIDENT. It will go over.

The next amendment was, on page 36, line 24, before the word "dollars," to strike out "nine hundred" and insert "one thousand," so as to read:

Provided further, That in the discretion of the Postmaster General the pay of the carrier on the water route on Lake Winnepesaukee who furnishes his own power boat for mail service during the summer months may be fixed at an amount not exceeding $1,000 in any one calendar year.

The amendment was agreed to.

The next amendment was, on page 37, after line 3, to insert:

The Postmaster General is hereby authorized, in cases where the mail service would be thereby improved, to extend service on a mail route under contract, at not exceeding pro rata additional pay: *Provided*, That the extensions beyond either terminus ordered during a contract term shall not, in the aggregate, exceed 25 miles.

The amendment was agreed to.

The next amendment was, on page 37, after line 9, to insert:

That for one year, beginning April 1, 1911, the Postmaster General may, under such regulations as he shall prescribe, authorize postmasters and carriers on such rural routes as he shall select, to accept for delivery by carrier on the route on which mailed, or on any other route starting at the post office, branch post office, or station which is the distributing point for that route, or for delivery through any post office, branch post office, or station on any of the said routes, at such rates of postage as he shall determine, packages not exceeding 11 pounds in weight containing no mail matter of the first class and no matter that is declared by law to be unmailable, and he shall report to Congress at its next session the results of this experiment.

Mr. BRISTOW. Mr. President——

Mr. BAILEY. I make the point of order against the amendment the Clerk has just read, that it is legislation not permissible on an appropriation bill. I have no desire to occupy the time of the Senate upon it.

The VICE PRESIDENT. In the form in which it is presented the Chair thinks the point of order is well taken. The point of order is sustained.

The next amendment was, on page 37, after line 22, to insert:

That the Postmaster General is hereby directed to ascertain by such investigation or experiment as is found necessary, and to report to Congress at its next regular session, the lowest rates of postage at which the Post Office Department can carry by mail, without loss, parcels not exceeding 11 pounds in weight; and the sum of $50,000 is hereby appropriated to cover any expenses incurred hereunder, including compensation of temporary employees.

Mr. BAILEY. I make the same point of order against that.

The VICE PRESIDENT. The Chair thinks the point of order does not hold against that provision.

Mr. BEVERIDGE. Let it go over.

Mr. BAILEY. If it would suit the convenience of the chairman, I am perfectly willing to pass that over and argue it out later.

The VICE PRESIDENT. Is there objection to passing the provision over temporarily?

Mr. PENROSE. Let it go over.

The VICE PRESIDENT. The Chair hears none, and the provision is passed over temporarily.

The next amendment was, on page 38, after line 19, to insert as a new section the following:

SEC. 4. That any post-office inspector or other representative of the Post Office Department commissioned by the Postmaster General, or any postmaster, assistant postmaster, or superintendent of a post-office division, branch office, or station, may administer oaths and take affidavits, without fee, in connection with any business relating to the postal service.

Mr. STONE. I make the point of order against the amendment that it is general legislation.

I desire while I am on the floor to make some observations respecting this system of post-office inspectors. This amendment put in here as section 4 would confer upon post-office inspectors the power of administering oaths and taking affidavits in connection with any business relating to the postal service; that is to say, if an inspector was out on official business, making an investigation, he would be authorized to take affidavits and to administer oaths to witnesses. I think that is a power which ought not to be given to post-office inspectors. They have inquisitorial powers now beyond the point they ought to be endowed with.

There is an army of these post-office inspectors—300 of them. For their services the Treasury is called upon to pay approximately half a million dollars in the way of salaries annually. These men, called politely by the official title of inspectors, in fact are detectives. I might say they are official spies.

Mr. PENROSE. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Pennsylvania?

Mr. STONE. I yield to the Senator for a moment, for a question.

Mr. PENROSE. I would simply like to state for the information of the Senator from Missouri that the inspectors he has referred to already under existing law have a right to administer oaths, and all this section does is to slightly extend the system and to restrict it absolutely to postal business. Frequently these men have to travel a long distance to a town or a place where they can find a notary. It is supposed that it will be a great saving of expense and a great convenience, and

is really a very little extension beyond what the present law is. The inspectors have the right now.

Mr. STONE. Well, if they have the right to do the thing they are authorized to do under this amendment, then there is no need for the amendment.

Out of an abundance of precaution I want to say that I am opposed to the amendment on the merits of it. These officials are no doubt necessary in the proper administration of the postal department. I can well understand that it might frequently become important for the department to send out some person to make inquiry into facts and conditions at a given post office or respecting the conduct of any particular branch of the postal service.

But, Mr. President, I feel that the time has come when instead of enlarging by express enactment or by implication the powers of these officers they ought to be curtailed and limited. I say this because of the abuses of the power practiced by many of these officials. I do not know how many inspectors would be necessary if they confined their labors to such duties as appertained exclusively to the inspection of post offices, as to the management of the post offices, and as to the general conduct of any branch of the service, but when they degenerate into bands of spies and go about clothed with a little brief authority to intimidate and threaten to coerce and practice wrong upon the citizens, as is done and as has been done, then the time has come when Congress, under whose authority they have been created, shall put a bridle with a stiff curb upon them.

Mr. President, I have been told of frequent gross abuses of the power by these officials.

There was a citizen of my State, a publisher, a Mr. Lewis, whose case became a celebrated one. For some reason the department waged war against him. He was a young man who came to St. Louis some years ago, without acquaintance or influential friends, but being a man of unusual force and energy and industry and enterprise, he succeeded in establishing himself in a way so exceptionally successful that he stands as an example to be studied by the young men of the country as to the capabilities of achievement. He became a great publisher, and he is to-day publishing several journals. He organized a company which purchased a considerable area of valuable lands adjacent to the city of St. Louis, upon which, chiefly through his enterprise, a suburb of that city has been built, which is one of the most beautiful I have ever seen adjacent to any city in the country.

Among other things that he became interested in was the establishment of a bank. The bank was established on lines somewhat different from those that are followed ordinarily by bankers. The leading bankers of St. Louis, however, who knew this gentleman well, and many of the leading citizens and many of the leading business men of St. Louis who looked into his system, indorsed it as sound. But some influence operating somewhere prevailed upon the department to declare that the bank was not a safe, creditable, or legitimate institution. A fraud order was procured against it. This order was made so stringent that not only was the bank mail, going and coming, refused access to the mail of the country, but even the private mail of Mr. Lewis, the president of the bank, was interdicted.

I wish at this point, for I have given this brief and imperfect outline of the case, that I might call attention to one instance as I might to several abuses practiced by these post-office officials of whom I am speaking. There was a banker in the State of Arkansas who was a correspondent of Mr. Lewis's bank, and he took occasion to state in a public way that he approved the Lewis bank; that he had confidence in it, and gave out a strong indorsement of it. An inspector appeared, so he stated, at his bank and warned him that it would be best for him to remain quiet and attend to his own business or else he might have a fraud order issued against him. That, I submit, was a gross abuse of authority by this officer.

Here was a banker of good repute, an esteemed citizen and business man, who commanded the respect and confidence of his community, who was threatened by a post-office inspector in a most insulting way that if he did not remain quiet and attend to his own business the mails of the country would be closed against him and his bank, as they had been against Mr. Lewis and his bank. Of course this citizen was frightened; in a way he felt helpless. Fraud orders were common at that time. To issue a fraud order against his bank would mean its destruction. It would mean that the Government of the United States denounced the bank as dishonest, as not entitled to public faith and credit. It was an invasion of the liberty and the rights of a citizen, and altogether was a most indecent performance.

I could repeat instances of this kind that have been detailed to me in a way that I am bound to give full credit to them. Many of these instances have been detailed in the way of testimony given in courts, but I shall content myself to-night with reading some matter which has come to me very recently and which bears directly upon the subject I am discussing. I am about to read from the Atlanta Journal of February 26.

What I hold in my hand is a public letter addressed by this journal to the President under the head "To the Hon. William Howard Taft, President of the United States," as follows:

MR. PRESIDENT: Unwarranted and unjustifiable abuse of power has ever been the greatest factor in disturbing the peace of nations. The assembling unto one man or a class of men greater authority than that imposed in the majority has always threatened the fundamental principles of government and menaced the enjoyment of life, liberty, and prosperity. A nation, born in iniquity and fostered in suspicion, is sooner or later destined to dissolution; an administration which lends its reign to an individual is sowing seeds which are harvested in discontent and disgrace.

It has ever been the desire of individuals to be free, whether they owe allegiance to a king or czar or a pirate chief. Liberty and its love is an innate quality shared by all men. Therefore the first inclination of those in supreme power to remove the hope of independence and manacle the acts and thoughts of the people is accepted as inimical to good government and an obstacle to human happiness.

The Journal craves indulgence, Mr. President, that it may call to your attention the existence of an evil in the national administration which is in striking contradiction to the basic principles of American independence, believing that the iniquity and monstrosity of this evil has not attracted your consideration.

At first we were inclined not to believe the reports that reached our ears; we were not disposed to accept them as truth, for they suggested Russia more than America; they refuted our idea of liberty to such an extent that we denied that conditions were possible such as were described by these first reports.

But it now appears that these first rumors of abuse in the conduct of the Post Office Department were inaccurate only in that they told but a part of the whole truth. Investigation has shown that conditions are worse than gossip first undertook to declare. It is not easy to believe that the spy system now in full flower in the Post Office Service could possibly be as pernicious as investigation has proved. Convinced that there is an abuse of power that results in the humiliation of honest men and women; that there is a system of hired spies who prowl and pry upon the character of faithful and honorable employees; that these spies retain their jobs by furnishing and, if necessary, manufacturing evidence against their victims; believing that all honorable men resent being branded and treated as criminals, the Journal has sought to ascertain just what is the conduct of affairs in the Atlanta post office.

What we have found to be true here in all likelihood prevails in other cities throughout the country.

When there were fleas in Damascus the citizens of Jerusalem usually scratched!

We assume that Atlanta has not been selected as the only post office to be ruled and dominated by Government spies, and that the policy maintained here is a part and parcel of the universal plan to browbeat and bully the postal employees throughout the country. In fact, we have definite information that a general crusade has begun and that many other cities have been or will shortly be subjected to the same odious surveillance that now controls the Atlanta office.

The spy system as practiced daily in Atlanta is one of the most astounding pieces of impudence that has marked the reign of the world's rulers since the sodden days of Nero. Why, in our penal institutions—and who has not shuddered at the crimes committed in the name of justice there!—we know there are convicts who are permitted to earn the confidence of whipping bosses and shotgun guards and are entitled to the privileges enjoyed by trusties; but in the Post Office Department, where innocent men and women toil in supposedly honorable positions of trust, under the prevailing system of Government espionage, they are scarcely accorded the consideration shown to criminals.

In the convict camp some of the criminals are shackled, but some walk free; in the post-office service all are suspected, all are watched by sleepless optics, all are condemned in advance by department spies, without trial! In the penitentiary some of the brutal and more violent are beaten and chained, but the majority go and come with almost as much liberty as the day laborer, earning their privileges and finding the reward of servitude; but in the post-office service, where thousands of the intelligent and reputable men and women of the Nation are employed, there are no exceptions made in the despicable system of espionage; there is no reward for honesty, there is no escape from the vigilance of the ory-eyed spies who peep from hidden blinds and stalk like ghosts through screened corridors day and night!

The Journal depicts this horrible situation with a sense of shame and humiliation. It gives publicity to this infernal spy system only that you, Mr. President, may have the essential facts at your command and that you may take immediate action.

The letter makes complaint as to Postmaster General Hitchcock, but whatever is being done now or has been done during his administration is but a continuation of the practices pursued before he came into that office.

Personally I know nothing that would in the least reflect upon the Postmaster General. So far as I know him, he is a very affable and agreeable gentleman, of good ability and considerable energy, sometimes at least and in election times particularly. Personally I am not indorsing what this editor says of Mr. Hitchcock, but I am referring to a system that ought to be rooted out. I omit reading the part of the letter that is a little too personal.

The spy system is not in keeping with the spirit of your administration nor the traditions of our country. When its shameless details are made public they will shock the American people. The hour of your greatest opportunity for patriotic service has come. We believe in your love of liberty and manhood and feel that we need only call your attention to this outrage against American citizenship to arouse your deepest interest.

Congress should be called together in extraordinary session for the purpose of removing this infamous espionage, which is utterly destroying the efficiency of the postal service. A new Postmaster General

should be named at once who is not only competent, but humane and just. He should, to some extent at least, exemplify that national righteousness now so conspicuous by its absence in the present administration of postal affairs.

We call upon the press throughout the country to lend its untiring assistance to the investigation and to acquaint you, Mr. President, with local conditions everywhere. The hour has come for action.

As the Chief Executive of this great Nation, standing for a clean government and a righteous administration, we urge you, Mr. President, to strike down the power of the spy system as employed in the Post Office Department and make it forever impossible for its odious reign to be established again in the country that stands out against the sky line of the world as the home of the free and the brave.

I desire to read an additional article from the same journal:

WILL THE ATLANTA POST OFFICE USE RUSSIAN KNOUT AND COSSACK WHIP OVER MEN AND WOMEN IN ITS EMPLOY?

There are only two classes of American citizens who are capable of fully understanding and appreciating the brutality of Russian barbarism, the condemned murdered during the last 24 hours of his wretched doom and—let it be whispered in shame—the honorable, intelligent, free-born men and women who are employees of the postal system.

That this is true can be established by the most casual investigation of the Peeping Tom system in vogue in the Atlanta post office, where every act, every movement, every word of every man and woman is watched by pitiless eyes of hidden spies. Behind screened promenades, sheltered by false shutters and concealed from view, paid slepths prowl day and night spying upon men of honor and integrity, questioning and suspecting, harassing and hounding, holding their jobs by the amount of "evidence" they secure.

This reputable and responsible journal states this condition as actually existing in the very city where it is published. It is a monstrous thing. Why, Mr. President, we know there often is a dishonest employee here and there over this great country out of the multitude of the people who are employed by the Government, but to have people employed as spies and hidden from view in the way detailed here, with no other apparent object or business than that of peeping through shutters so constructed that they are concealed, and watching every movement of the men and women who are engaged there in a public duty—if that is to be the rule of practice in the Post Office Department, if it is a general rule already, why then, sir, we are by that very act putting a stigma upon the people of both sexes employed to perform a useful and valuable and necessary public service.

I do not believe that the men and women who for a small stipend are laboring through weary hours in the discharge of their duties are to be under suspicion, that they need to have spies following them and watching them from day to day and month to month and year to year. It is an outrage, and the Congress of the United States ought to take some action by which it would stamp its disapproval upon such a policy; aye, more, take such action as would put a stop to it.

The barbarians were intelligent to know they inflicted the superlative torture when they placed their victims under the constant and concentrated stare of a pair of human eyes; innocent men, racked by a constant gaze and stare of their accusers, have often confessed to crimes which they did not commit in order to escape the inhuman espionage.

"I resigned my position as superintendent of mails after years of service in the department because I couldn't stand the strain," says Mr. C. A. Stokes, one of the best known men in Atlanta. "It was ruining my nerves, wrecking my health, and running me crazy to know every movement, and, it seemed, every thought, was under constant eyes."

Others, whose integrity and honor can not be questioned, men of family and affairs and sterling reputation, have fled from the torture of the "eyes," humiliated and bullyragged.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from Missouri yield to the Senator from North Carolina?

Mr. STONE. Yes.

Mr. SIMMONS. What the Senator from Missouri has brought to the attention of the Senate astonishes and shocks me—that there is an organized system of espionage in the Post Office Department; something that I had never dreamed of. I want to ask the Senator what class of post-office officials are used and employed by the Postmaster General for the purpose of carrying on this process of espionage upon the other employees of the Post Office Department?

Mr. STONE. I am informed that this work, this beautiful and highly honorable employment, is carried on——

Mr. SIMMONS. The Senator from Missouri must be speaking ironically now. He speaks of it as honorable work.

Mr. STONE. It is carried on by officials known as inspectors.

Mr. SIMMONS. Is there a provision in the bill making appropriations for post offices and post roads providing for the compensation of these inspectors, whom the Senator tells the Senate are used as spies?

Mr. STONE. Approximately $500,000 is appropriated for that.

Mr. SIMMONS. Does not the Senator from Missouri think——

Mr. STONE. If the Senator from North Carolina will pardon me, they receive salaries and a sustenance allowance of $4 a day under this bill; $3 a day as it was written into the House bill.

Mr. SIMMONS. Is it the purpose of the Senator from Missouri to move that no part of the appropriation made in this bill for the payment of inspectors shall be used for the payment of inspectors who are assigned by the Postmaster General to this office of spies?

Mr. STONE. It is my purpose to offer an amendment to the provision, I think, probably in some form that would bring about a congressional inquiry into this service, so that we may have a report upon it with a view to legislation under which, I believe, the number of these officers can be reduced, a considerable sum of money saved, and these abuses eradicated.

Mr. SIMMONS. The Senator knows perfectly well these investigations are generally strung out and do not result in bringing about any satisfactory reform. Does not the Senator think he would reach the root of the evil better by offering an amendment simply providing that the Postmaster General shall not use any part of the money appropriated for the purpose of employing and paying inspectors or persons who are to be assigned to this specific character of work?

Mr. STONE. I will be glad to consult with the Senator from North Carolina, so that we can frame an amendment upon which we can agree. The Senator from North Carolina has had quite an extended service on the Committee on Post Offices and Post Roads, and I am sure on that committee, as on all others, he has been a most diligent, capable, useful, and intelligent addition, and with his knowledge and experience I feel sure we can frame an amendment that will answer the purpose.

Mr. SIMMONS. The Senator from Missouri does not need any assistance in framing this amendment. I simply suggested to him my views of the most expeditious method of reaching this evil, and I am sure he will get up an amendment that will cover the situation.

Mr. President, I will read one additional article from this journal, and I will then probably not read any more of them now. I will not read the headlines to this article, but the body of it:

No more pictures of the secret passageway in the Atlanta post office that is used by the "inspectors" to spy upon the men while they work.

That is, no more unless Postmaster Hugh McKee gives his consent for one to be made. He was out of the city Thursday morning when a Journal reporter and The Journal staff photographer went to the post office to get a picture of the passageway, and neither the assistant postmaster, nor the custodian of the building, nor the chief of the "inspectors" was willing to take the responsibility of authorizing a picture to be made.

The Journal has a picture of the passageway taken from the big room where the mail is handled, but it was made before the new post office had been moved into. It shows a sort of inclosed gallery running around two sides of the room up next to the ceiling, and the peepholes can be seen through which the "inspectors" watch the men to catch them making mistakes. It does not show the secret doorway by which the Government's spies enter the passageway, and, of course, does not show the interior of the passageway. So far as is known, there has never been a picture made for publication of the secret doorway and the inside of the passageway.

ASSISTANT POSTMASTER.

The assistant postmaster, Mr. Cole, was the first man the Journal reporter went to Thursday morning. Mr. Cole hesitated when told what was wanted, and then said the reporter would have to wait and see the postmaster when he got back to town. "He will be back this afternoon," said Mr. Cole. "You'd better get the authority from him. I'd rather not authorize you to make a picture myself."

But to wait until Mr. McKee got back would mean the picture could not be published in Thursday's paper, insisted the reporter. Mr. Cole saw the force of that, and hesitated again. He studied hard for a minute, as if formulating what he would say. The reporter waited until it looked as if Mr. Cole was in a fair way to be embarrassed, as he was still silent; and then he suggested that maybe the custodian of the building could authorize him to make a picture.

The assistant postmaster welcomed the suggestion. "Yes, yes; see him about it," he said. "He has authority as custodian to go into any part of the building any time he sees fit, and under that rule I guess he could authorize you to make a picture. You see, this is something out of the ordinary routine, and I hardly feel like taking the responsibility for it."

CUSTODIAN JACKSON.

So the reporter and the photographer went to the custodian, Mr. Jackson, and told him what was wanted.

"You'll have to see the postmaster about that," said he promptly. "The passageway is in his department of the building and he's in authority down there."

But the postmaster was out of town, and the assistant postmaster had suggested the custodian, Mr. Jackson was told, and the reporter explained wherein the assistant postmaster had figured the custodian would have the authority to let a picture be made.

"Yes, it's true I have authority to go into any part of the building at any time, day or night," said Mr. Jackson, "but that means on business as custodian. I hardly think I have the right to go into any man's office in the building and say, 'Here, let a picture be made.' I think he'd have the right to say, 'Get out of here,' if he objected to it."

"Perhaps Mr. Sutton, chief of the 'inspectors,' could authorize a picture," suggested the reporter.

At this Mr. Jackson smiled, and the negro porter sorting letters on his desk snickered.

"If what you've been printing in the newspapers be true, he certainly would," said Mr. Jackson.

TO CHIEF "INSPECTOR."

So down the hall to Mr. Sutton's office went the reporter and the photographer. They waited a minute, and the "inspector in charge" came out and met them in the railing that's recently been erected just inside the door to that suite of offices.

"Under no circumstances would I permit a picture of that kind to be made," said Mr. Sutton, quite as promptly as Mr. Jackson had spoken, maybe a little more so.

"Have you the authority to let us make one," he was asked.

He "tumbled" instantly. "No; you'll have to see the custodian about that," he said.

But the custodian and the assistant postmaster had both already been seen, he was told, and both had suggested perhaps he could authorize the picture.

"Then I don't think you'll be able to get one," said Mr. Sutton. "I haven't the authority; but if I had, you couldn't get it under any circumstances."

What if it were put up to him by the postmaster when the latter returned?

The chief of the "inspectors" smiled, shot a quick look straight into the reporter's eyes, and said—well, he'd cross that bridge when he came to it.

As the reporter and photographer went out of the "inspector's" office they met the assistant postmaster going in. He was walking rapidly and looked up and saw them, but didn't speak.

Now, Mr. President, the Senator from Pennsylvania said that he desired to make some disposition of this bill. I do not wish to stand in the way of the appropriation bills, and if the Senator cares to take it up now or to dispose of it now, I will yield to him for that purpose.

Mr. PENROSE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Pennsylvania?

Mr. STONE. I do.

Mr. PENROSE. Does the Senator from Missouri desire this paragraph to go over?

Mr. STONE. I do.

Mr. PENROSE. That is satisfactory. There is possibly one other amendment remaining in the bill. I understand the objection which has been made applies to that amendment. It has not been read. I will ask to have the bill laid aside. It is practically completed, as far as possible, to-night.

The PRESIDING OFFICER. The Senator from Pennsylvania asks unanimous consent that the bill be laid aside. Is there objection?

Mr. CARTER. Before the bill is laid aside I desire to offer an amendment and to put in a letter from the Postmaster General explaining the amendment in full. I ask that the letter be printed in the RECORD without reading.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 19, line 19, after the word "dollars," it is proposed to insert:

A commission, to be appointed by the President of the United States, is hereby authorized to investigate and advise the Postmaster General as to the feasibility and desirability of the Government purchasing and operating the equipment for pneumatic-tube service in the cities where such service is now installed, together with the rights to operate and extend equipment in such cities and elsewhere, and to ascertain the cost of installation, maintenance, and operation and the cost at which such purchase may be made. The expenses of such inquiry shall be paid from the appropriation for service by pneumatic tubes, and the Postmaster General shall make a report with recommendations to Congress at the earliest practicable date.

Mr. CARTER. I ask that the letter of the Postmaster General in relation to the proposed amendment be read for information.

Mr. BEVERIDGE. I hope——

Mr. CARTER. It is a brief letter.

Mr. BEVERIDGE. All right.

The PRESIDING OFFICER. The Secretary will read the letter.

The Secretary read as follows:

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., February 1, 1911.

Hon. BOIES PENROSE,
Chairman Committee on Post Offices and Post Roads,
United States Senate.

MY DEAR SIR: With reference to an amendment to H. R. 31539, regarding the proposed appointment of a commission to investigate and advise the Postmaster General as to the feasibility and desirability of the Government purchasing and operating the equipment for the pneumatic-tube service, submitted with my letter of February 1, I beg to submit the following statement:

The Post Office Department has pneumatic-tube service for the transmission of first-class mails, principally, between certain points in the cities of Boston, Mass.; New York, N. Y.; Brooklyn, N. Y.; Philadelphia, Pa.; Chicago, Ill.; and St. Louis, Mo. The companies that have installed the tubes and that operate the service are under contract to perform pneumatic-tube service during a contract term expiring June 30, 1916. The operating companies are as follows:

For service in—
Boston, Boston Pneumatic Transit Co.
New York, New York Pneumatic Service Co.
Brooklyn, New York Pneumatic Service Co.
Philadelphia, Pneumatic Transit Co.
Chicago, Chicago Postal Pneumatic Tube Co.
St. Louis, St. Louis Pneumatic Tube Co.

It is understood that the companies operating service in Boston, New York, Brooklyn, Chicago, and St. Louis are all controlled by the American Pneumatic Service Co.

The American Pneumatic Service Co. has offered to sell its lines to the Government, and represents that the present conditions of construction and service are favorable to Government ownership and operation. I favor a careful inquiry into the subject and have the honor to recommend that a commission be appointed to investigate and advise the Postmaster General as to the feasibility and desirability of the Government purchasing and operating the equipment for pneumatic-tube service in the cities where such service is now installed, the cost of installation, maintenance, and operation, and the cost at which such equipment may be purchased, and that a report, with recommendations thereon, be submitted to Congress at the earliest practicable date.

Yours, very truly, FRANK H. HITCHCOCK,
Postmaster General.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana ask action upon the amendment at present?

Mr. BEVERIDGE. It can not be acted on, as the bill has gone over.

The PRESIDING OFFICER. Consent has not yet been given that the bill should go over.

Mr. CARTER. The amendment may go over. It is liable to lead to debate.

The PRESIDING OFFICER. Without objection, the amendment will go over with the bill.

Mr. PENROSE. I ask unanimous consent that the bill be laid aside.

The PRESIDING OFFICER. Is there objection to the request? The Chair hears none. The request is granted and the bill is laid aside by unanimous consent.

Mr. HALE. Now, I would be very glad in the dispatch of the public business if the Senate would take up the Naval appropriation bill. It is all ready. There are no controversies upon it. It can be passed in an hour and sent to the House, and we will be so much nearer the passage of the appropriation bills. I hope no Senator will object.

TARIFF BOARD.

Mr. BEVERIDGE. Mr. President, I move that the Senate proceed to the consideration of the bill (H. R. 32010) to create a tariff board.

The PRESIDING OFFICER. Those in favor of the motion——

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma rise to a question of order?

Mr. GORE. No, sir; I rise to move a substitute for this motion.

The PRESIDING OFFICER. The motion is not amendable.

Mr. GORE. I wish to move a substitute.

The PRESIDING OFFICER. A substitute is an amendment.

Mr. PENROSE. Question.

Mr. BEVERIDGE. Regular order.

The PRESIDING OFFICER. The Senator from Indiana moves that the Senate proceed to the consideration of the bill (H. R. 32010) to create a tariff board.

The motion was agreed to.

HOUSE BILLS REFERRED.

H. R. 11637. An act for the relief of the heirs of Marianne Ste. Ana Schrepper was read twice by its title and referred to the Committee on Public Lands.

H. R. 32223. An act authorizing the Secretary of the Interior to classify and appraise unallotted Indian lands was read twice by its title and referred to the Committee on Indian Affairs.

H. R. 31728. An act to authorize the Manhattan City & Interurban Railway Co. to construct and operate an electric railway line on the Fort Riley Military Reservation, and for other purposes, was read twice by its title and referred to the Committee on Military Affairs.

COMMITTEES OF THE SENATE.

Mr. HALE submitted the following resolution (S. Res. 381), which was considered by unanimous consent and agreed to:

Resolved, That the standing and select committees of the Senate as constituted at the end of this session be, and they are hereby, continued until the next session of Congress or until their successors are elected.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by W. J. Browning, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 18014. An act to amend section 996 of the Revised Statutes of the United States, as amended by the act of February 19, 1897; and

H. R. 32251. An act authorizing the sale of the allotments of Nek-quel-e-kin, or Wapato John, and Que-til-qua-soon, or Peter, Moses agreement allottees.

The message also announced that the House had passed the bill (S. 10559) to designate St. Andrews, Fla., as a subport of entry.

The message further announced that the House had passed a joint resolution (H. J. Res. 291) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Mr. Melchor Batista, of Cuba, in which it requests the concurrence of the Senate.

The message also announced that the House insists upon its amendment to the bill (S. 10638) to authorize the Secretary of War to sell certain lands owned by the United States and situated on Dauphin Island, in Mobile County, Ala., disagreed to by the Senate; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. ANTHONY, Mr. TILSON, and Mr. DENT managers at the conference on the part of the House.

The message further announced that the Speaker had appointed Mr. BENNET of New York and Mr. FLOOD of Virginia to take the places of Mr. FASSETT and of Mr. HOWARD as conferees on the bill (H. R. 32866) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1912.

The message also announced that the House had passed a concurrent resolution rescinding the action of the Speaker of the House and of the Vice President of the United States and President of the Senate in signing the enrolled bill (H. R. 26290) providing for the validation of certain homestead entries, and that the bill be enrolled with the first word in section 2 changed from "Than" to "That;" in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 6059. An act to remove cloud from the title of the southeast quarter of the northeast quarter of section 23, township 47, range 23 west of the fifth principal meridian, except 10 acres off of the north side thereof, in Pettis County, Mo., and to release the title of the United States therein to George R. Shelley, his heirs and assigns;

S. 9271. An act for the relief of William H. Walsh;

S. 10761. An act to amend section 3 of the act of Congress of May 1, 1888, and extend the provisions of section 2301 of the Revised Statutes of the United States to certain lands in the State of Montana embraced within the provisions of said act, and for other purposes;

S. 10792. An act to promote the erection of a memorial in conjunction with a Perry's victory centennial celebration on Put in Bay Island during the year 1913 in commemoration of the one hundredth anniversary of the Battle of Lake Erie and the northwestern campaign of Gen. William Henry Harrison in the War of 1812;

S. 10822. An act to extend the time for the completion of a bridge across the Missouri River at or near Yankton, S. Dak., by the Winnipeg, Yankton & Gulf Railroad Co.;

H. R. 28406. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1912; and

H. R. 31239. An act to authorize Park C. Abell, George B. Lloyd, and Andrew B. Sullivan, of Indianhead, Charles County, Md., to construct a bridge across the Mattawoman Creek near the village of Indianhead, Md.

VALIDATION OF HOMESTEAD ENTRIES.

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives (H. Con. Res. 64), which was read, considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That the action of the Speaker of the House of Representatives and of the Vice President of the United States and President of the Senate in signing the enrolled bill (H. R. 26290) providing for the validation of certain homestead entries be, and hereby is, rescinded, and that the bill be reenrolled with the first word in section 2 changed from "Than" to "That."

HOH, QUILEUTE, AND OZETTE INDIANS.

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair) laid before the Senate the amendments of the House of Representatives to the bill (S. 5269) to provide for allotments to certain members of the Hoh, Quileute, and Ozette Tribes of Indians in the State of Washington, which were, in line 4, to strike out "allot" and insert "make allotments;" in line 4, to strike out "Quinaiult" and insert "Quinaielt," in line 6 after "States," to insert "to;" in line 6 to strike out "and;" in line 7, after "Ozette," to insert "or other;" in line 7, after "Washington," to insert "who are affiliated with the Quinaielt and Quileute Tribes in the treaty of July 1, 1855, and January 23, 1856, and;" in line 8 to strike out "Quinaiult" and insert "Quinaielt;" and in line 11 to strike out "Quinaiult" and insert "Quinaielt."

Mr. JONES. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

MELCHOR BATISTA.

The PRESIDING OFFICER laid before the Senate the joint resolution (H. J. Res. 291) authorizing the Secretary of War to receive for instructions at the Military Academy at West Point Mr. Melchor Batista, of Cuba.

Mr. WARREN. I move that we proceed to the consideration of the resolution.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to the consideration of the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MANAGERS OF NATIONAL SOLDIERS' HOMES.

Mr. WARREN. I ask unanimous consent for the present consideration of the joint resolution (H. J. Res. 294) for the appointment of members of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It provides that Hon. Z. D. MASSEY and Capt. Lucian S. Lambert be appointed as members of the Board of Managers of the National Home for Disabled Volunteer Soldiers of the United States; Hon. Z. D. MASSEY to succeed Walter P. Brownlow, deceased, whose term of office would expire April 21, 1914, and Capt. Lucian S. Lambert to succeed Thomas J. Henderson, deceased, whose term of office would expire April 21, 1914.

Mr. BAILEY. I see that the joint resolution describes these places as offices, and if they are offices under the United States, how can Congress make these appointments?

Mr. WARREN. It is carrying out the law that is existing now as to the soldiers' homes. The managers serve without compensation.

Mr. BAILEY. Without compensation?

Mr. WARREN. Without compensation, except whatever traveling expenses they have.

Mr. BAILEY. I hardly think it is an office. The only objection I have is that the joint resolution describes it as an office, and if it is an office it is perfectly plain that Congress can not make appointments to it. I am not quite clear what the designation ought to be, but I am perfectly clear that if it is an office nobody but the President or the courts of law or the heads of departments may make an appointment.

Mr. WARREN. This is not a new feature. It is carrying out the same law that has been carried out since we established the homes.

Mr. BAILEY. Mr. President——

Mr. WARREN. I do not care to discuss it if the Senator objects to it.

Mr. BAILEY. I do not object to it. The only thing is, I believe, that when Congress comes to adopt a joint resolution or to make a law it should at least conform the nomenclature of it to the plain requirements of the Constitution. But still I have no objection. If it is an office, this is absolutely null and void.

Mr. KEAN. But they are not properly named.

Mr. WARREN. You can object to it.

Mr. BAILEY. Nobody wants to object to it. The Senator from Wyoming must want objection made.

Mr. WARREN. Not at all. We are carrying out the line according to the law that provides for these places and how to fill them.

Mr. BAILEY. I think they ought to be properly described.

Mr. WARREN. Perhaps the law is wrong. But I am not responsible for the law.

Mr. BAILEY. I would not hold the Senator from Wyoming responsible for a mistake like that. I know he would make it right if he made it at all. I have no objection except what I have stated—what is plainly the requirement. But if there is no salary to it, a mere honorary position, I think it probably does not fall within the classification of an office, and the only criticism of the law itself is that it describes it as an office,

stating that he is to succeed a man whose term of office will expire at a given time. I am perfectly willing, however——

Mr. WARREN. How would the Senator describe the term, then?

Mr. BAILEY. I am not required to describe it. I am only required to see if it is properly described in the joint resolution. If so, it is not within the power of the House and the Senate to make the appointment. I think, however, that the difficulty, or the vice, is in the description rather than in the substance, and I am going to make no objection to it.

Mr. WARREN. It is a mere matter of compensation for their traveling expenses.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. SCOTT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 32436) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1912, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 32, and 33.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, and 51, and agree to the same.

N. B. SCOTT,
JOS. M. DIXON,
JAS. P. TALIAFERRO,
Managers on the part of the Senate.

J. A. T. HULL,
H. O. YOUNG,
JAMES HAY,
Managers on the part of the House.

The report was agreed to.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 32866) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1912, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, and 3.

EUGENE HALE,
JOHN KEAN,
MURPHY J. FOSTER,
Managers on the part of the Senate.

D. J. FOSTER,
W. S. BENNET,
H. D. FLOOD,
Managers on the part of the House.

The report was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses to the amendments of the Senate to the following bills:

H. R. 32436. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1912, and for other purposes; and

H. R. 32866. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1912.

The message also announced that the House had agreed to the concurrent resolution of the Senate relative to the enrollment of the bill (S. 7031) to codify, revise, and amend the laws relating to the judiciary.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 3501. An act providing for the taking over by the United States Government of the Confederate cemetery at Springfield, Mo.;

S. 10559. An act to designate St. Andrews, Fla., as a subport of entry;

H. R. 18014. An act to amend section 996 of the Revised Statutes of the United States as amended by the act of February 19, 1897;

H. R. 25370. An act to waive the age limit for admission to the Pay Corps of the United States Army for one year in the case of Paymaster's Clerk Arthur Henry Mayo;

H. R. 29157. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1912, and for other purposes;

H. R. 30273. An act for the relief of the city of Quincy, the towns of Weymouth and Hingham, and the Old Colony Street Railway Co., all of Massachusetts;

H. R. 31237. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1912;

H. R. 32251. An act authorizing the sale of portions of the allotments of Nek-quel-e-kin, or Wapato John, and Que-til-quasoon, or Peter, Moses agreement allottees;

H. R. 32721. An act to extend the time for commencing the construction of a dam authorized by the act entitled "An act permitting the building of a dam across the Mississippi River in the county of Morrison, State of Minnesota," approved June 4, 1906; and

H. R. 32883. An act to extend the time for the completion of a bridge across the Morris and Cummings Channel at a point near Aransas Pass, Tex., by the Aransas Terminal Railway Co.

TARIFF BOARD.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 32010) to create a tariff board.

Mr. HALE. Mr. President——

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). The Senator from Indiana has the floor. Does the Senator from Indiana yield to the Senator from Maine?

Mr. BEVERIDGE. Oh, no; the bill is before the Senate. I ask for the regular order. The Senator from Maine can speak to the regular order.

The PRESIDING OFFICER. Does the Senator from Indiana decline to yield?

Mr. BEVERIDGE. I ask for a vote, unless some Senator desires to speak.

The PRESIDING OFFICER. The bill is before the Senate. The Chair recognizes the Senator from Maine.

Mr. HALE. I move that the Senate proceed to the consideration of House bill 32212, the naval appropriation bill.

Mr. BEVERIDGE. Very well.

The PRESIDING OFFICER. The Senator from Maine moves that the Senate proceed to the consideration of the naval appropriation bill.

Mr. LA FOLLETTE. Mr. President, I ask for the yeas and nays on that question.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. JOHNSTON (when his name was called). I am paired with the senior Senator from Michigan [Mr. BURROWS].

Mr. TALIAFERRO (when his name was called). I have a general pair with the senior Senator from West Virginia [Mr. SCOTT], and withhold my vote in his absence.

Mr. SMITH of Maryland (when Mr. WATSON's name was called). The junior Senator from West Virginia [Mr. WATSON] is paired with the junior Senator from Utah [Mr. SUTHERLAND].

The roll call was concluded.

Mr. OVERMAN. I was requested to announce that the senior Senator from Maryland [Mr. RAYNER] is paired with the junior Senator from Delaware [Mr. RICHARDSON].

Mr. GALLINGER. I desire to announce that my colleague [Mr. BURNHAM] is detained by illness. He stands paired with the Senator from Tennessee [Mr. FRAZIER].

Mr. FLINT. I am paired with the senior Senator from Texas [Mr. CULBERSON]. I transfer that pair to the senior Senator from New York [Mr. DEPEW], and vote "nay."

Mr. PAGE. My colleague [Mr. DILLINGHAM] is necessarily absent from the Chamber. He is paired with the Senator from South Carolina [Mr. TILLMAN].

The result was announced—yeas 26, nays 37, as follows:

YEAS—26.

Bacon	Gallinger	Paynter	Stone
Bankhead	Gore	Percy	Swanson
Bulkeley	Hale	Perkins	Taylor
Curtis	Heyburn	Root	Warren
Dick	Kean	Shively	Wetmore
Fletcher	Martin	Simmons	
Foster	Overman	Smith, Md.	

NAYS—37.

Beveridge	Chamberlain	Jones	Penrose
Borah	Clapp	La Follette	Piles
Bourne	Clark, Wyo.	Lodge	Smith, Mich.
Bradley	Crawford	Lorimer	Smoot
Brandegee	Cummins	McCumber	Stephenson
Bristow	Dixon	Newlands	Warner
Brown	du Pont	Nixon	Young
Burkett	Flint	Oliver	
Burton	Gamble	Owen	
Carter	Gronna	Page	

NOT VOTING—28.

Aldrich	Culberson	Guggenheim	Smith, S. C.
Bailey	Cullom	Johnston	Sutherland
Briggs	Davis	Money	Taliaferro
Burnham	Depew	Nelson	Terrell
Burrows	Dillingham	Rayner	Thornton
Clarke, Ark.	Frazier	Richardson	Tillman
Crane	Frye	Scott	Watson

So Mr. HALE's motion was not agreed to.

The VICE PRESIDENT. Are there further amendments to the bill as in Committee of the Whole? If not, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The VICE PRESIDENT. The bill is in the Senate, and the question is on concurring in the amendment made as in Committee of the Whole.

Mr. SIMMONS. Mr. President, for several days I have desired to get the floor for the purpose of submitting some remarks upon the reciprocal trade agreement between this country and Canada recently negotiated by Mr. Taft, but I have been unable to do so until now.

I deeply regret the necessity of having to discuss so important a question as this at 2 o'clock in the morning, when everybody is tired and sleepy, but I must do it now or not at all during this session of Congress.

I am opposed to this reciprocal compact because both in theory and practice reciprocity is not only un-Democratic, but distinctively Republican; because this particular agreement is unequal in the concessions made by the two countries, unjust in the discrimination it makes between raw materials and finished products, and especially because it is oppressive to the farmer, whose products it puts upon the free list while the things he buys for the support of his family and the operation of his farm are still highly protected.

I am opposed to it because, while pressing down the price of farm products, it will not reduce the price of the cost of living to the consumer; because its entire burdens will fall upon the farmer, the fisherman, and the lumberman, while the benefits that may accrue from it will inure to the great newspaper and periodical publishers, along with three great trusts, all of whom are now selling their products to their Canadian customers cheaper than they sell them to the American consumer.

At the risk of wearying the Senate at this late hour in the night I will now proceed, Mr. President, to give the reasons in support of these several grounds of opposition.

It is amazing to me, Mr. President, that any intelligent man should at this late day advance the contention that reciprocity is either Democratic or bears the remotest kinship to Democracy either in its inception, development, or application.

It may be that the enactment of this agreement into law will, as some Democrats believe, so disgust the farmers of the West and the fishermen and lumbermen of the East, most of whom without regard to party affiliations are aggressively opposed to it, that it will bring about a state of political demoralization which will lead to party realignments that will inure to the advantage of the Democratic Party.

However that may be, I am convinced that the political advantage so resulting, if any, will be temporary, and that we can not justify ourselves in taking a position so at variance with all Democratic precedents and theories and principles and inflict this great injustice upon millions of our fellow citizens for the purpose of gaining a party advantage.

I shall not undertake to discuss the reasons or the political wisdom of Democrats who are giving their support to the administration in seeking to put through this legislation, but I do say that the action of the Democrats in one House or both Houses of Congress does not and can not make a doctrine which from the day of its inception up to the present time has been treated by both political parties in their platforms, in their campaign handbooks, and in their discussions as a part and parcel of the protective system a Democratic doctrine.

The present treaty was negotiated by President Taft and his Secretary of State, Mr. Knox, and it is backed in Congress by Mr. PAYNE in the House and Mr. ALDRICH in the Senate as the handmaiden of the Payne-Aldrich tariff, which less than a year ago they engineered through Congress.

If any Democratic national platform has ever declared for reciprocity as a Democratic doctrine, it has escaped my attention. If any great exponent of Democracy in this country has ever espoused it as a Democratic doctrine, I have no knowledge of it.

The first great advocate of reciprocity in this country was James G. Blaine. He declared it to be the handmaiden of protection. Later Mr. McKinley became a great champion of reciprocity, and with the aid of NELSON W. ALDRICH, then as now the leader of the Republican Party in the Senate, wrote that doctrine in the McKinley tariff bill. Two years afterwards the national Democratic Party in its platform of 1892 scathingly denounced this provision of the McKinley law, and upon that platform the Democrats carried the country and elected Mr. Cleveland and a Democratic House and Senate. On the other hand, the Republican platform of that same year gave strong indorsement to reciprocity as a Republican doctrine and denounced the Democratic opposition to it in the following words:

> We point to the success of the Republican policy of reciprocity. We remind the people of the bitter opposition of the Democratic Party to this practical business measure.

These were the positions of the two great parties of that year, and upon them the Democratic party swept the country and the Republican Party met overwhelming defeat.

True to its platform promise, when the Democratic Party came into power in March, 1893, one of the first things it did was to repeal every reciprocity law placed upon the statute books by the Republicans.

Again, in 1896, in the convention which nominated Mr. McKinley, the great champion of reciprocity, for President, the Republican Party in its platform, condemning the Democrats for their action in repealing reciprocity, demanded the renewal and extension of that doctrine in the following language:

> We believe the repeal of the reciprocity arrangement negotiated by the last Republican administration was a national calamity, and we demand their renewal and extension on such terms as will equalize our trade with other countries. Protection and reciprocity are twin measures of Republican policy and go hand in hand. Democratic rule has recklessly struck down both, and both must be reestablished.

And so again, in 1900, the Republican national platform contained this expression:

> We favor the associated policies of reciprocity.

As is well known, the Republicans won the contest in that year, and at the first session of Congress after his election Mr. McKinley, with the earnest assistance of Mr. Dingley, then the Republican leader in the House, and Mr. ALDRICH, the Republican leader in the Senate, wrote and enlarged the doctrine of reciprocity in the so-called Dingley bill.

By authority of that law Mr. McKinley began to negotiate treaties for reciprocity with the various nations of the world and continued to negotiate them up to the time of his death.

It was while this agitation was going on that the Democratic national handbook, prepared in the year 1902 by a committee composed in part of Gov. Harmon, of Ohio, now a prominent Democratic candidate for the Presidency; W. W. Kitchin, now governor of North Carolina; and ex-Senator Carmack, of Tennessee, elaborately discussed the question of reciprocity in a paper which gave an accurate and illuminating definition of the Democratic Party's attitude toward that question. For the benefit of those Democrats who have been misled as to the attitude of the two parties upon this subject, I quote from that campaign handbook this utterance:

> Reciprocity looks like free trade, but tastes like protection. It is really a new sugar coating prepared by the Republican tariff doctors for many patients who are refusing to take their protection pills straight.
>
> In practice reciprocity is worse than protection.
>
> Our farmers are not sending delegates to Washington to threaten Congress if it does not pass reciprocity legislation. There is nothing in it for farmers. To them it is a sham and a fraud.
>
> Reciprocity is a device for keeping quiet certain manufacturers who are being injured as much as benefited by the present system, and who threaten to turn traitor and help tear down the tariff which still shelters the great manufacturing trusts.
>
> Reciprocity cares nothing for the consumer and hunts foreign markets with a club. Its stock in trade is high tariff, favoritism, discrimination, and retaliation. It threatens to slam our doors in the face of foreign countries which will not open their doors to our products.
>
> Reciprocity is based upon the same false theories as is protection, and, like protection, is a sham and a humbug, and to most people has been and will ever continue to be a delusion and a snare.
>
> Reciprocity can not help the farmer, but may benefit some manufacturer.
>
> Reciprocity with one country means a tariff war with other countries. It makes a few friends and many enemies.
>
> Reciprocity is put forward to save "protection" and to stave off the demand for genuine tariff revision.

It is the handmaid of protection and is inconsistent with the theories of free trade. As James G. Blaine said, "The enactment of reciprocity is the safeguard of protection."

Mr. President, the legislation and the utterances upon this subject which I have cited I think sufficiently show the attitude of the two parties toward the doctrine and practice of reciprocity—show that it has always been advocated by the Republican Party as a part of the protective system, and opposed by the Democratic Party because it was a part of that system.

A reciprocity enactment is now sent to the Senate by a Republican President, backed and supported by both Mr. PAYNE and Mr. ALDRICH, and because I will not vote with Mr. PAYNE and Mr. ALDRICH for this Republican bill, my Democracy is questioned in some quarters. From my viewpoint this is the question this situation presents: Shall I, as a Democrat, vote for this Republican measure because the newspapers, which are supposed to possess the power to kill or make alive, demand it, and because the farmers, on account of its discriminations against them, will rebel against the Republican Party and its protective policies if it is enacted.

I do not feel that I can afford to give a manifestly un-Democratic and a palpably unjust vote either to meet the wishes of the newspapers and satisfy their clamor or to achieve such a political advantage.

Mr. President, I wish now to address myself to the unjust, un-Democratic, and grossly discriminating features of this agreement. The importations into the United States from Canada, covered by this agreement, for the year 1910 amounted, in round numbers, to about $47,000,000. Forty million dollars of those importations represent the products of the farm, the soil, the forest, and of our fishermen. All, or practically all, of these $40,000,000 products would be placed by this agreement on the free list, and the resulting loss to the Treasury of the United States would be about $4,335,000 of revenue. The other seven millions of importations covered by this agreement are made up of manufactured products, largely manufactures of farm products. The duties upon these manufactured products are at present in a large measure prohibitive; and under this agreement, though slightly reduced, they would remain protective.

So that, as a result of this agreement, of the $47,000,000 of imports covered by this agreement which came into this country during the year 1910, $40,000,000 would be placed on the free list and $7,000,000 on the protective list; in other words, this agreement provides for about six-sevenths free trade and about one-seventh protection. There is practically no recognition in the agreement of a tariff-for-revenue principle. It is either free trade or it is protection.

Mr. President, I am opposed to free trade and I am opposed to protection. Both, in my judgment, are bad, and a mixture of the two is worse than either, because of its discriminating inequalities. The Democratic Party is not a free-trade party; it has never been a free-trade party; and I do not believe it will ever become a free-trade party; why, then, should Democrats be asked or expected to vote for a bill which, while chock full of free trade and protection, ignores the Democratic principle of tariff for revenue, or, if there be any recognition of that principle, only negligibly?

Mr. President, I am opposed to this agreement, not only because I regard it as un-Democratic in its essential elements, but because it is unjust and onerous in its discriminations against the farmer and affiliated interests. It absolutely places his products upon the free list, so far as Canada is concerned, and Canada is about his only competitor, while it maintains protective duties upon practically all of the manufactured products which he buys. It puts the things he makes upon the free list, but requires him to pay heavy tariff taxes upon the tools, implements, and machinery used in making them. This applies even to the articles manufactured out of his own products. It is an agreement which gives the farmer nothing, but requires him to pay the price of practically all the benefits it seeks to secure for others.

Whether it is cheaper cost of living for the consumer or cheaper print paper for the newspapers or larger markets and profits for the three or four great trusts, whose goods Canada is asked to admit at a reduced rate of duty, in each and every case if there are any benefits the farmer is not to get them, but in each and every case he is to pay the consideration exacted whether the anticipated benefits materialize or not.

Wheat, as long as it is in the hands of the farmer who grew it, as long as it is in the shape that nature and his toil left it, is free; but the minute it reaches the flour mill and is converted into flour, it becomes dutiable.

Barley in its natural state is admitted free; but the minute it reaches the brewery and by a slight process of manufacture is converted into malt for use in the making of beer, it goes upon the dutiable list.

Live stock is admitted free—hogs, cattle, and sheep—but the minute they enter the great slaughterhouses of Chicago and Kansas City and are slaughtered and converted into meat, they become dutiable.

The people do not eat wheat, they eat flour. They do not drink barley, they drink beer. They do not eat hogs and cows and sheep, they eat pork and beef and mutton.

Why, then, in the name of justice and common sense, if this agreement is really made in the interest of the consumer of these products; if the farmer is to be given equal treatment with other interests in this country; yea, if it is not the deliberate purpose to make the farmer bear the burdens and pay the cost of this agreement; if it is not intended to expose him to free trade while protecting the manufacturers; if it is not intended to make him pay the price of larger Canadian markets for the manufacturers and the trusts as I have charged, why is not flour put on the free list in this agreement as well as wheat? Why is not malt put on the free list as well as barley? Why are not the products of the great packing houses which are levying such oppressive tribute upon the stomachs of the people of this country put upon the free list as well as hogs, cattle, and sheep? Why are the brewers, the flour millers, and the meat-packing trust permitted to buy their raw products free while the people who buy and consume their products are required to pay heavy tariff taxes?

The care, the toil, and the labor in raising a hog or cow or sheep or a bushel of wheat or barley is much greater than that of converting either into its manufactured form. A steer which has required years to raise is converted into beef in a few hours. A bushel of wheat which has required months to bring it to maturity is converted into flour in a few minutes. Why should the man who converts these products be treated differently from the man who raises or grows them? Is the machinery which is used in this process of conversion so sacred that the minute it touches and changes these products they become, by some strange tariff magic, consecrated and must receive the tender solicitude of the Government? Which shall we make of most concern, the wear and tear of muscle and bone of man or the wear and tear of machinery?

Mr. President, it is said that one of the chief reasons moving the President to negotiate this agreement was to bring about a reduction in the cost of living in this country. Sir, is it not manifest if the cost of living is reduced to the consumer by this agreement, that result will have of necessity to be accomplished by pressing down the price of farm products, because there is nothing in it to reduce the price of manufactured articles, which likewise enters into the cost of living.

The market quotations of this country and Canada which were presented to the Committee on Finance in the hearings which were held show that wheat and barley and live stock are cheaper in Canada than in this country. They show that Canada is a great producer of these products. Indeed, Canada, although it has only about one-tenth the population that we have, exported nearly as much wheat last year as we did.

If our flour mills and breweries and packing houses are permitted to bring these Canadian products in free, they will get their raw materials cheaper; but as this agreement protects them and each of them against Canadian competition, and as the Payne-Aldrich bill protects them against all other foreign competition, they will be free, as the tariff-protected manufacturer is always free, to put this saving on the cost of their raw materials in their pockets or pass it on to the consumer. Which do you think these trust manufacturers will do? Do you think they will give the consumer the benefit of this saving or appropriate it to themselves in the form of increased dividends?

We have had some experience, Mr. President, in recent years in this matter of attempting to reduce the price of a manufactured article to the consumer by taking the duty off of the raw material out of which it is made. I remember perfectly well when we were revising the tariff, both in this Chamber and in the other House of Congress, there was an insistent demand in the name of the wearer of shoes that we should take the duty off of hides to give the masses cheaper shoes. I then felt and I said that if we took the duty off hides the manufacturers of shoes would appropriate every cent of profit that resulted from the reduced price of hides. But we took the duty off upon the assumption that the wearer of shoes was to get the benefit of that reduction.

What has been the result, Mr. President? It is known to every man and woman in this country who wear shoes that instead of the price of shoes going down it has gone up. Why did it go up? Simply because the shoe manufacturers appropriated the benefits of the reduction to themselves.

Have not the manufacturing trusts always done likewise when we have reduced or removed the duty from their raw materials? Is there anything in our experience in this sort of legislation that justifies us in the belief that the consumer

will get the benefit of the manufacturers' lesser cost of production? Indeed, is it not a tenet of the Democratic Party, which it has for years proclaimed from every stump, that as long as the manufacturer is protected against foreign competition the tariff and not the cost of production, either the labor or the material cost, fixes the price which is charged the consumer?

Sir, it is plain to me that while this agreement will press down the price of farm products to the level of Canadian prices, the manufacturing trusts, through whose hands they must pass before they are converted into consumable shape, and not the ultimate consumer, will get the benefit of that reduction; and every dollar of that difference in the price so taken from the farmer will go into the already swollen coffers of the trusts who manufacture these products, and not a dollar of it will be passed on to the people who eat flour and meat and who drink beer.

Mr. President, there are those who, while admitting that this agreement, if enacted into law, would be hard on the wheat and barley farmers and live-stock raisers of the Middle West, would be hard on the poultry and dairy farmers of New England—and poultry and dairy farming is about all the agriculture that is left to New England—it would not materially, if at all, affect the farmers of the South, the section of the country from which I come. Some gentlemen inside and outside of Congress who have tried to dissuade me from opposition to this legislation have advanced this argument to me.

Sir, I do not agree that you can reduce the price of these products along the Canadian border and in New England and the Middle West without affecting the price of similar products throughout the country. But, sir, if I thought that this legislation, while largely reducing the price of farm products of the West would not affect those of the South, it would not change or influence my attitude upon this question. We are here to represent the interests of every section of this great country. It is as much my duty to protect the farmers and the stock growers of New England and the Middle West and along the Canadian border against wrong, injustice, and legislative discrimination as it is those of my own State and section.

I am sure the farmers of the South are not indifferent, as their representatives in this Chamber ought not to be indifferent, to the rights and interests of the farmers of the Middle West and in far-away New England.

But, Mr. President, I do not think it is true that putting Canadian farm products upon the free list will only reduce the price of farm products in a limited area. I do not think we can reduce the price of these farm products in one section of the country without reducing them in other sections as well. I do not believe you can take 15 cents out of the price of a bushel of wheat at Chicago without taking practically the same amount out of the price of wheat in North Carolina, for instance. I do not believe we can expose the western farmers to free trade without exposing the southern farmers to free trade in the same product. I do not believe that either ought to be required to sell upon a free-trade basis and buy upon a protective basis. It is wrong, it is cruel, and I will not stand for it, though a selfish and infuriated newspaper press may hurl their anathemas at me.

But, Mr. President, if it be true that this agreement would only reduce the price of farm products along the Canadian border and in the Middle West and will not hurt the farmers of the South, then, sir, by the same token, if there are any accruing benefits to the consumer in the reduction of the cost of living, those benefits will be confined to the consumers in the territory so injuriously affected.

If this argument be sound, then while the farmers of the South will not be hurt by this reduction in the price of farm products the consumers of the South will not be benefited by the anticipated reduction in the cost of living.

But, Mr. President, neither the conclusion reached by those who make this contention nor the premises upon which it is based is sound. If, as a result of this treaty, the price of wheat, barley, and live stock of this country is reduced to the Canadian price, which is now from 10 to 15 per cent less than in this country, it will reduce to practically the same extent the price of wheat wherever grown and live stock wherever raised in this country.

The price of wheat in my own State is the Chicago price plus the freight. In a large measure the same is true of the live stock raised in that State; and if the Chicago price is reduced the North Carolina price will likewise be reduced, and the wheat farmers of the Piedmont region and the stock raisers of the mountain hillsides of my State will lose in nearly the same proportion as the farmers of the West and along the Canadian border.

We have seen, Mr. President, that if this treaty results in reducing the cost of living in this country, if it results in giving the manufacturers of this country cheaper raw material, and I think it will, the farmers, the landowners, and the fishermen of this country will have to pay that price, whatever it may be.

So that whatever benefits the American consumer may derive from this agreement, whatever benefits the great newspaper and periodical publications may derive from it, whatever benefits the American manufacturers may obtain from it in the way of free raw materials or enlarged Canadian markets, the farmers, the landowners, and the fishermen will have, in a large measure, to pay the price, without getting their part of the benefits.

Now, Mr. President, let us consider the other side of this agreement. Let us examine the concessions which Canada agrees to make to us.

I think an analysis of the concessions made by Canada to us, as in the case of concessions made by us to Canada, will show that while the farmers and the fishermen and the landowners of this country will get none of the benefits from these concessions, and that while these benefits will inure almost entirely to three or four great trusts, they will have to pay the price which Canada exacts of us for these concessions.

It is said that this agreement will open the markets of Canada to the sale of our manufactured goods. That is one, yea, the chief, consideration assigned for the concessions which we are called upon to make in favor of Canada.

Mr. President, the people have been misled as to this treaty, both as to its effect upon prices of domestic products and as to its effect in opening the Canadian market to our manufactured products. Many manufacturers have been led to believe that it will open the markets of Canada for their manufactured products, when, as a matter of fact, the reductions Canada makes upon manufactured articles, as I shall show, can not result in opening those markets to the product of but three or four great trusts.

These manufacturers have been misled, as the American people generally have been misled, in this matter by the newspapers, I regret to have to say. The great newspapers and periodical publications have not dealt fairly with the American people in this matter. In many instances the papers have misrepresented the facts, in other instances they have suppressed and perverted the facts. They have a selfish interest to subserve. They expect this agreement to save them $6,000,000 a year in the price of print paper.

Newspapers are owned and edited by men who are afflicted by the same infirmities as other men. I do not charge that they are moved altogether by selfish considerations, but they have a selfish interest in this matter, and that they have not fairly presented both sides of this controversy to the American people I think is beyond question.

I was struck with the one-sidedness of the newspapers in their treatment of this subject in the way in which they handled the facts which were brought out in the three and a half days' hearings given this agreement before the Finance Committee. There were before that committee during this time to protest against this agreement a great array of representative farmers and paper manufacturers, and so forth. We spent nearly three days in hearing arguments by these representative men—stong, virile, and sincere arguments—in protest against this treaty upon the ground of its inherent enequities, discriminations, and injustice.

The president of the National Grange and officers of the State granges of 14 different States, the president of the National Gleaners' Association, bearing a petition signed by 15,000 farmers from one State, were present at these hearings.

Although the newspapers were represented at these hearings by their reporters, they gave the most meager account of the facts, the arguments, and the reasons assigned against this treaty by the representatives of these great interests, while practically everything that was said in behalf of the newspapers' demand for cheaper print paper was telegraphed broadcast throughout the land.

I verily believe, Mr. President, that if the newspapers, upon whom the people rely largely for information in these matters, had given both sides of this controversy instead of one side of it, the opposition to this measure would be manyfold times greater to-day than it is.

I said that the manufacturers misled by these newspaper representations had been led to believe that the concessions made by Canada would open the doors of that country for their products. I have received letters from cotton-mill men of my State, who have been misled about this matter, asking me to vote for this agreement upon the ground that the cotton-mill industry was lagging because of a lack of markets, and expressing the belief that this agreement would help them to get their goods into Canada on more favorable terms; when, as a matter of fact, not a pound of cotton goods can enter

Canada under this agreement at a lesser rate than now prevails.

The only mention of cotton goods in the agreement in connection with Canadian concessions is "antiseptic surgical dressings, such as absorbent cotton and lint," and so forth.

Mr. SMITH of Michigan. That is probably to maintain the Red Cross service.

Mr. SIMMONS. Maybe so.

Mr. President, an examination of this agreement shows that Canada makes a slight reduction in the duty upon articles coming from this country, amounting on the importations of 1910, in the aggregate, to $1,025,000. A slight reduction, I say, is made in the duties upon some articles going from this country into Canada, amounting, on the basis of 1910, to $1,025,000.

But, Mr. President, nearly two-thirds of these reductions or concessions, whatever you may call them, are made in the interest of three great trusts. One is the Harvester Trust, a trust that for 25 years has ground the farmers of this country into the dust. It gets as a result of these concessions $196,000 a year upon its present exportations to that country. The Automobile Trust will save upon its present exportations to that country, upon the basis of 1910, $96,000. The Coal Trust will save upon its exportations, upon the basis of 1910, $455,000.

Mr. SMITH of Michigan. Is that coal from Canada?

Mr. SIMMONS. That is the amount of duty remitted by Canada under this agreement to these three great trusts, one of which is the Coal Trust.

It will be seen, Mr. President, from these figures that these three great trusts get about $750,000 of the $1,025,000 duties remitted by Canada under this agreement, or something near three-fourths of the whole amount. Who is to pay the price of these concessions in the interest of these great manufacturers and trusts? Sir, I answer the farmer, the lumberman, and the fisherman of this country. What right have the manufacturers of these trust products to ask these sacrifices on the part of these interests, especially the farmer? Are they not selling their products cheaper to the Canadian farmer than to the American farmer? Are they not selling their machinery cheaper to the Canadian lumberman than the American lumberman?

Again, Mr. President, I ask what right have the manufacturers of these trust products to ask these sacrifices on the part of the farmer? Certainly, sir, there is nothing in the relative profits which the farmer and the manufacturer make to justify this demand upon him. But, worse than that, Mr. President, if, as a result of the adoption of this agreement, these great trusts find a market for ten or twenty million dollars of their products in Canada as a result of it, the farmers of this country will lose the American market for probably twenty or fifty million dollars of their products. We may get a little larger market in Canada for these trust products, but we will get it by inviting and allowing the Canadian farmer to drive the products of our farmers out of our own market.

Sir, I do not join in the cry for cheaper farm products. I do not believe those products are too high. I am sure that the price of food products does not prove that the price of farm products is too high, because after the farmer's product leaves his hand before it reaches the consumer the manufacturer, the jobber, and the retail men must each have a profit, and evidence is abundant that as a rule the aggregate of these intermediate profits amounts to more than the total original price received by the farmer.

Taking year in and year out, bad crop and good crop, and there is but little profit to the wheat farmer or the cotton farmer even at present prices.

Do we want to make bread so cheap that the man who raises wheat will have little, if anything, left after he pays the expense of production to buy the comforts, to say nothing of the luxuries of life?

Do we want to make cotton clothes so cheap that the man who raises cotton can not pay the expense of its production and have enough left to educate his children and support his family in reasonable comfort? Cheap bread and cheap clothes are good things, but is it wise to confine our efforts to make them cheaper to the reduction of the products of the farmer who raises the wheat and cotton out of which these things are made? Would it not be well to give some attention to the profits of the manufacturer, the wholesaler, the jobber, and the middle man?

Already the profits of manufacturing and of commerce are so much more attractive than those of the farm that the farmer is leaving the farm for the town, and the farmer's boy and the farmer's girl are leaving the plow and the hoe to enter the factory and the store.

You may spend millions on rural free delivery, you may spend millions for building good roads, you may spend millions for establishing agricultural colleges and schools in your efforts to make farm life more attractive, but as long as the profits of the farm are small compared with those of the other gainful occupations the number of farmers in comparison with the total population will diminish, the productivity of the soil lessened, and the output of the farm curtailed. I know of no surer way in the end of increasing the cost of living to the urban consumer.

It is the enormous production of wheat and corn and cotton that has kept down the price of these staple products that has furnished our balance in world trade, and that has given us our abounding prosperity, and woe to us when we shall turn against this great industry by making farming unprofitable and farm life unattractive.

Mr. President, I am ready to vote for a reduction of the tariff. I believe it should be brought to a revenue basis as rapidly as may be without too greatly disturbing the business of the country. That is what our last Democratic national platform demanded. But I want it reduced all along the line, with justice to all and without discrimination in favor of one class against another, or against one section in favor of another.

I indict this treaty upon the ground of its discriminations, its inequities, its favoritism. I indict it as a measure in the interest not of the American consumer, but of the American trusts. I charge that its benefits will go, in the main, to a few special interests, such as the great metropolitan newspapers and periodicals, the Harvester Trust, the Automobile Trust, and the Coal Trust, and that the price will have to be paid by a class of our people whose profits in their occupation are far less than those thus legislatively subsidized.

I will not support this measure of injustice and wrong because the press of this country demands it. If it brings to the newspapers a saving of $6,000,000 per annum, as they claim, the Treasury of the United States will lose that much and somebody else will have to pay it in taxes, direct or indirect.

Sir, I am against this treaty, because it is made, in my judgment, in utter disregard of the rights of the farmers of this country. Their protests have been ignored and treated with contempt, and for one I will not stand for it.

While I do not live on a farm, practically all that I own is invested in farming. My ancestors were all farmers, my only son is a farmer, and my life has been largely among farmers; and when I vote against this treaty, if it ever comes to a vote, I shall feel that I am casting a vote in the interest of the American farmer, a vote to protect him against the manifest wrong and injustice of segregating his products from those of other industries by subjecting them to a different tariff rule from that which obtains as to other products and forcing him to sell upon a free-trade basis and buy upon a protective basis.

Mr. DU PONT. Mr. President, I call attention to the absence of a quorum.

The PRESIDING OFFICER. The Senator from Delaware raises the question of a quorum. The Secretary will call the roll.

Mr. SIMMONS. I ask the Senator to withdraw it. I will finish now in a minute.

Mr. OVERMAN. He can not withdraw it.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bankhead	Crane	Hale	Piles
Beveridge	Crawford	Heyburn	Root
Bourne	Cummins	Jones	Simmons
Briggs	Curtis	Kean	Smith, Mich.
Bristow	Dick	Lodge	Smoot
Brown	Dixon	Lorimer	Stephenson
Bulkeley	du Pont	Nixon	Swanson
Burkett	Flint	Oliver	Taylor
Burton	Foster	Owen	Warner
Carter	Gallinger	Page	Warren
Chamberlain	Gamble	Paynter	Wetmore
Clapp	Gronna	Penrose	Young
Clark, Wyo.	Guggenheim	Perkins	

The VICE PRESIDENT. Fifty-one Senators have answered to the roll call. A quorum of the Senate is present.

Mr. SIMMONS. Mr. President, I shall not continue my remarks. I was about through when the point that there was no quorum present was made, and I shall not trespass further upon the patience of the Senate.

During the delivery of Mr. SIMMONS's speech,

Mr. WARREN. Will the Senator from North Carolina yield to me to present a conference report?

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Wyoming?

Mr. SIMMONS. Certainly.

AGRICULTURAL APPROPRIATION BILL.

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 31596) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1912, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 6, 7, 14, 22, 25, 29, 31, 38, 42, 43, 44, 79, 80, 81, 94, 96.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 11, 12, 13, 15, 16, 17, 18, 24, 28, 33, 34, 35, 36, 37, 39, 40, 41, 46, 47, 48, 48½, 49, 50, 51, 52, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 83, 84, 85, 86, 87, 88, 89, 90, 92, 93, 94½, 95, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "300,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$1,262,080"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$1,600,250"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$70,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$1,441,536"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$2,061,686"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$150,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$2,714,420"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$500,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$5,533,100"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In lieu of the words "Secretary of Agriculture" insert the words "head of the department having jurisdiction over the lands"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 32½, and agree to the same with an amendment as follows: In lieu of the words inserted by said amendment, "Secretary of the Interior," insert "head of the department having jurisdiction over the lands"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$262,080"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$14,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$2,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: Strike out the words "to safety"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$115,700"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$139,700"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$1,864,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$15,808,016"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$16,900,016"; and the Senate agree to the same.

F. E. WARREN,
H. D. MONEY,
Managers on the part of the Senate.

CHAS. F. SCOTT,
WILLIAM W. COCKS,
JOHN LAMB,
Managers on the part of the House.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. BANKHEAD. I was not able to understand the reading of that report. I should like to ask the chairman of the committee what agreement was reached with reference to the amendment of the Senate appropriating $350,000 for the purpose of——

Mr. WARREN. The cotton boll weevil?

Mr. BANKHEAD. Making war on the boll weevils.

Mr. WARREN. The House receded, and you have the full amount.

Mr. BANKHEAD. I understood it to be $350,000?

Mr. WARREN. Whatever the amount is——

Mr. BANKHEAD. That is the point exactly. The amount was $350,000. I would like to have the Secretary read that again.

The VICE PRESIDENT. Does the Senator remember the number of the amendment?

Mr. BANKHEAD. I do not. The chairman perhaps does.

Mr. WARREN. It is No. 18.

Mr. HALE. What is the amount?

The SECRETARY. The House recedes from amendment No. 18.

Mr. WARREN. And that leaves $350,000, the full amount.

The VICE PRESIDENT. In another amendment the amount was fixed at $300,000, and the Chair imagines that the Senator from Alabama heard the other amendment read.

Mr. WARREN. The $300,000 applies to the Weather Bureau, and not to this. The House has receded entirely, and therefore the amendment is only reported by number.

The report was agreed to.

HOUR OF MEETING FRIDAY.

Mr. HALE. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Maine?

Mr. SIMMONS. Yes.

Mr. HALE. I move that when the Senate adjourns it be to meet at 10 o'clock to-morrow.

The motion was agreed to.

TARIFF BOARD.

The Senate resumed the consideration of the bill (H. R. 32010) to create a tariff board.

Mr. FLETCHER. Mr. President, one serious objection to this bill is that it provides for the establishment of a board to col-

lect and arrange information along the lines of the alleged "true principle" of tariff legislation, which, in my judgment, is erroneous and worthless as a principle. The difference between the cost of production abroad and in this country, with a reasonable profit to the manufacturer, as a basis for the tariff, is absolutely indefensible. Its logical result, if pursued consistently, would lead to the annihilation of all foreign trade. It proceeds upon two fallacies: First, that all domestic production is per se desirable and for the public good; second, that high wages can not obtain without the tariff and result from the tariff.

If time permitted, I think it could be demonstrated, as indeed it has been by economists heretofore, that both contentions are without merit and founded in error and fallacy. A measure intended or having the effect to perpetuate such unfounded beliefs and engraft them on the fixed policy of the country ought not to be enacted into law.

Without giving every statement full approval, but, in general, indorsing the reasoning so admirably expressed, I offer as a part of my remarks, and ask that it be printed in the RECORD, an article which apeared in the Atlantic Monthly, entitled "The tariff and the tariff commission," by Prof. F. W. Taussig, of Harvard University.

The VICE PRESIDENT. Without objection, the request will be granted.

The article referred to is as follows:

[Atlantic Monthly, December, 1910.]

THE TARIFF AND THE TARIFF COMMISSION.

(By F. W. Taussig.)

The vogue of the plan of basing the tariff on differences in costs of production is a curious phenomenon, and a significant one. Much talked of as the plan now is, it is novel. Only a faint suggestion of something of the sort appeared in the Republican platform of 1904. Not until the presidential campaign of 1908 did it receive much attention. Then, and later in the debates on the new tariff act, it came to be spoken of as the "true" principle of protection, the touchstone by which the justification of every duty was to be tested. What does it mean, and how far will it avail to "settle" the tariff question?

The doctrine has an engaging appearance of fairness. It seems to say, no favors, no undue rates. Offset the higher expenses of the American producer, put him in a position to meet the foreign competitor without being under a disadvantage, and then let the best man win. Conditions being thus equalized, the competition will become a fair one. Protected producers will get only the profit to which they are reasonably entitled, and the domestic consumers are secured against prices which are unreasonable.

In order to apply the principle the country is in train for an elaborate and expensive set of investigations. The tariff board is prepared to spend hundreds of thousands in ascertaining the cost of production at home and abroad of protected articles. The information secured is expected to be the basis of future tariff legislation. No one who stops to think will suppose that inquiries of this sort will be easy, or will lead to other than rough and approximate results. "Cost of production" is a slippery phrase. Costs differ in different establishments, and can not be figured out with accuracy in any one establishment without an elaborate system of special accounts, such as few establishments keep. None the less, approximate figures are to be had. If the principle is sound it will be of great service to have careful preparation for its application, and to reach the nearest approach to accuracy that the complexities of industry permit. To repeat our question, How far is it all worth while?

Frankly, the answer is that as a "solution" of the tariff question, this much paraded "true principle" is worthless. Applied with consistency it would lead to the complete annihilation of foreign trade. It is usually thought of as likely to result in a moderation of protection. Yet, if carried out to the full, it would lead to the utmost extreme of protection.

Consider for a moment what equalization of cost of production means. The higher the expenses of an American producer, and the greater the excess of the expenses incurred by him over those incurred by a foreign competitor, the higher the duty. Applied unflinchingly, this means that the production of any and every thing is to be encouraged—not only encouraged, but enabled to hold its own. If the difference in expenses, or cost, is great, the duty is to be high; if the difference is small, the duty is to be low. Automatically, the duty goes up in proportion as the American cost is large. If the article is tea in South Carolina, for example, ascertain how much more expensive it is to grow the trees and prepare the leaves than it is in Ceylon, and put on a duty high enough to offset. If it is hemp in Kentucky, ascertain how much more expensive it is to grow it than in Russia or in Yucatan (for the competing sisal), and equalize conditions with a high duty.

It was on this ground—though, to be sure, with gross exaggeration as to the facts—that the duties on lemons and prunes were raised in the Payne-Aldrich tariff; equalize conditions for the California lemon growers! If lemons in California, why not grapes in Maine? They can be grown, if only the duties be made high enough. Of course, the more unfavorable the conditions, the higher the duties must be. The climate of Maine is not favorable for grapes; they would have to be grown in hothouses. But make the duty high enough, handicap the foreign producer up to the point of equalization, and the grapes can be grown. So as to Kentucky hemp, or Massachusetts pig iron. Make your duty high enough—and on this principle you must make your duty high enough—and anything in the world can be produced. The obvious consequence is, however, that the more unsuited the conditions are for efficient and economical production, the greater will be your effort to bring about protection. Under this equalizing principle, the worse the natural conditions, the more extreme will be the height of protection.

No doubt the advocates of the principle will say that it is not to be pushed to such absurd consequences. But where draw the line? We have duties in our present tariff of 50 per cent, of 70, of 100 and more, all of which are defended on this ground. Senator ALDRICH remarked, in the course of the debates on the new tariff act, that he would cheerfully vote for a duty of 300 per cent if it were necessary to equalize conditions for an American producer. ("If it costs 10 cents to produce a razor in Germany and 20 cents in the United States, it will require 100 per cent duty to equalize the conditions in the two countries. * * * As far as I am concerned, I shall have no hesitancy in voting for a duty which will equalize conditions. * * * If it was necessary—to equalize the conditions and to give the American producer a fair chance for competition, other things being equal of course—I would vote for 300 per cent as cheerfully as I would for 50."—Senator ALDRICH, in the CONGRESSIONAL RECORD, May 17, 1909, p. 2182.) If for 300 per cent, why not for 500 or 1,000 per cent? Shall we say that the domestic producer whose costs are so high as to require a duty of 30 per cent is to be protected, but not he who has a disadvantage of 50 or a hundred per cent? The only consistent answer is the Aldrich one—give him all he needs for equalization. And the necessary consequence is universal and unlimited protection.

It is for this simple and obvious reason that the principle seems to me worthless for settling the tariff problem. In reality, it begs the whole question at issue. That question is, How far shall domestic producers be encouraged to enter on industries in which they are unable to meet foreign competition? The very fact of their being unable to meet it shows that for some reason or other conditions are unfavorable. Domestic costs, then, are high; domestic producers are under a disadvantage.

The free trader says that this is prima facie an indication that the industry had better not be carried on within the country at all. He says, further, that the greater the disadvantage and the higher the domestic cost the more probable that it is not now for the community's good, nor ever will be, to induce labor and capital to go into it by "equalizing" the conditions. In so reasoning, the free trader is very likely unmindful of political and social considerations, or even blind to some offsetting gains of a strictly economic kind. But his opponent, the protectionist, in setting forth the equalizing notion as the "true" principle, does not answer him. This principle assumes at the very outset that any and every sort of domestic production is advantageous, and that there is no problem as to the limits within which we should keep in bolstering up industries that can not stand without legislative aid.

Underlying the ready acceptance of this "true" principle are two widespread beliefs or prejudices, equally unfounded. One has just been alluded to—that the domestic production of an article is per se good. The other is that high wages are the result of the tariff, and can not be kept up without the tariff.

The belief that the production of a thing within the country is in itself advantageous persists with extraordinary vitality. It runs counter to the universal teaching of economists, and on any careful reflection it is obviously absurd. Yet it is maintained—though by implication rather than expressly—in most of the current talk about the effects of duties. The present tariff act, for example, raised some duties on cottons, with the object of causing the manufacture at home of fabrics previously imported. In the debates the "acquisition" of the new industry was spoken of as manifestly desirable. The mere fact of the industry's being established at home was thought a proof of gain. So, when the duty on tin plates was raised in 1890, the domestic production of the plates was adduced as conclusive proof of the wisdom of the increase. The previous importation of these things was thought of as having been a losing business; the ensuing production at home was supposed to bring so much national profit.

The real question obviously is, Which of the two ways of securing the goods is the better? To make a thing at home is not to our advantage if we make it at high cost. To import it is not a source of loss when we import the thing more cheaply than we can make it at home. These are the simplest commonplaces. Yet the "true" principle runs directly counter to them. It assumes that the Nation gains necessarily by so equalizing conditions that anything and everything shall be made at home.

On no subject is the difference between the economists and the general public, in point of view and in conclusions, more marked than on this of the nature of the gain from domestic and foreign supply. On other current topics the teachings of the economists are listened to with attention and respect. On money and banking, on taxation, on labor matters, on the regulation of railways, and other quasi monopolistic industries public opinion is not out of accord with them, and has been markedly influenced by them. But on international trade and the tariff an attitude which seems obviously absurd to the trained student is tenaciously held by an immense number of intelligent legislators and citizens. They repeat the ancient fallacies which regard imports as ominous and exports as wealth bringing.

The economists are by no means unanimous on the controversy between protection and free trade. There is hardly one among them who would not admit that there exist valid arguments for protection. But the grounds on which some economists go so far as to think the weight of argument to be in favor of protection, and others confess that there is at least something to be said for it, are very different from the grounds commonly put forward in our everyday tariff literature. This sort of disagreement is unfortunate for the economists and for the community also. The public men of the dominant party have become almost fanatically intolerant. They dismiss, as "theoretical," propositions which seem to the teachers and writers the simplest of common sense. Clear thinking and cool reasoning on all the great questions of the day are impeded by this disagreement on the very nature of international trade—on the fundamental question whether domestic production is per se good.

The same disagreement appears, though perhaps in less overt manner, as to the other belief which gives support to the equalizing principle of protection, namely, that wages in the United States are high because of the protective system, or at least can not be kept high without it. The equalizing principle, in fact, may be said to be simply a revamped form of the pauper-labor argument. The American employer, it is said, finds himself compelled to pay higher wages than the foreign employer. He is in danger of being undersold by the cheap product of pauper labor. He can not hold his own unless the foreigner is handicapped by duties. The belief that tariff duties are necessary to maintain a high level of wages is an article of faith for probably a majority of American citizens. Yet this also is opposed to the universal teaching of economists.

Consider, for a moment, the case of exported articles. They are not higher in price than similar articles in foreign countries. They must be, in the United States, somewhat lower in price—lower by the cost of transportation—or else they could not be sold abroad. Occasionally an article is "dumped"—that is, sold abroad at a less price than is got for it at home. But this is exceptional. The immense mass of things we export—raw cotton and the cheaper cotton textiles, breadstuffs, meat products, machinery, woodenware, glassware, shoes, and so on—

are cheaper, quality for quality, than similar things in foreign countries. Yet they are made with high-priced labor. How can they be sold cheap when high wages are paid to those who make them? The answer is simple enough. The labor is effective. You can pay high wages and yet sell them cheap if much is turned out by your men.

It is a familiar adage in the business world that an efficient man is cheap at high wages. Yet in its application to larger questions this adage is never thought of. In discussing the tariff and wages people assume as a matter of course that the employer who pays high wages must therefore sell his goods at a higher price. The fact is that if the labor is well fed and intelligent, and is applied under good natural conditions and with skillful leadership, the employer can turn out an abundant product (or a product of high quality), sell it cheap, and still pay his laborers well. And the real source and cause of general high wages, says the economist, is precisely in these conditions: Efficient labor, good natural resources, skillful industrial leadership. Given these, you will always have higher wages, and need not fear competition from cheap and inefficient labor.

Further, says the economist, when you try to equalize costs of production everywhere, you induce the employer to turn to industries where labor is not efficient. The very fact that costs are high indicates that there is some cause of inefficiency. You divert labor and capital from the industries that are best worth while, diminish the general product, and so diminish the source from which all the wages eventually come. The argument goes back to the position stated a moment ago: Domestic production is not good under any and all circumstances; that domestic production is good which is carried on under advantageous conditions.

I will not enter on some forms of the labor argument that are complicated and lead to more intricate problems. The great, broad facts of the case are, in the eye of the economist, plain. No respectable writer or teacher would say for a moment that high wages are due to the tariff, or that the maintenance of a high range of general wages—observe, we speak of general wages—is dependent on the tariff. The main cause of generous wages is at bottom a very simple one—generous productiveness of industry. This makes possible the combination of money wages that are higher than in other countries with money prices that are as low as in other countries, or lower. Given the all-around efficiency of industry that leads to this happy combination, and you may dismiss all fear of being undersold and ruined by the competition of pauper labor.

Here against the judgment of the well trained and thoughtful differs irreconcilably with that dominant in the Nation's councils.

From all this it might seem to follow that inquiries about relative cost of production, money rates of wages, equalization of condition, are not worth while at all. They can not touch the heart of the tariff problem; that really is whether it is desirable to try to equalize at all. And yet I believe that the proposed inquiries of the excellent tariff board selected by President Taft are well worth while. I believe they will conduce to a better understanding of the tariff situation and are likely to lead to considerable improvement in legislation. They may even pave the way to something like a settlement of the tariff question.

In two directions the investigation of relative costs of production will be of advantage—as to undue gains in monopolistic or quasi-monopolistic industries, and as to the extent to which there are vested interests which must be respected in a future settlement of the tariff.

The protectionists usually assume that domestic competition will prevent any excessive profits in the protected industries. In most cases they are probably right. In such an industry as the cotton manufacture, for example, where there is no trust, no combination, no monopoly, high duties are not per se the cause of high profits. In the debates on the Aldrich-Payne Tariff Act the insurgent Senators protested, and with reason, against some advances in the rates on cotton goods, but they took untenable ground in putting their argument on the basis of monopolies and monopoly profits. It is true that when a new duty on such an article is imposed those who first undertake the domestic manufacture may make large profits. But competition in due time sets in. If exceptional gains prove to be permanently maintained, it must be because some mills have better organization and management than others, or shrewder judgment as to the caprices of fashion. So it is in the woolen manufacture—even though here there is much more of combination than in the case of cottons—in the silk manufacture, and so on. The real question in such cases is whether it is worth while to encourage a domestic industry if costs of production are so large that duties of 60, 80, and 100 per cent are called for. Most branches of the textile industries need no duties as high as this in order to enable them to hold their own. Many of them can hold their own without any duties at all. But certain branches, especially in the finer grades, clamorously ask for extremely high rates, and then their case is suspicious not because of impending monopoly profits, but because prima facie they had better not be established at all.

All the world knows, however, that combination and monopoly, though they are not in possession of the entire field of industry, have secured control of large sections of it, no doubt tempered more or less by potential or actual competition, but still with such degree of success that more than competitive profits are secured. Where this is the case, tariff duties may bolster up the profits by shutting out at least the foreign competitors. Then the protective system really serves to rob Peter in order to enrich Paul, whereas under competitive conditions it only robs Peter in order to sustain Paul in an unsuitable industry. If the duties more than offset Paul's costs of production—assuming these costs to be, in fact, higher—they give a chance for a monopoly squeeze. Now, whether they do so inquiries on the part of a tariff board may make clear. The vogue of the "true" principle of protection is unquestionably promoted by a widespread feeling that duties are more than enough for equalization, and that they enable the trusts to secure more than reasonable profits. The suspicion is doubtless well founded in many cases, but how far so systematic inquiry alone can bring out.

Again, no rational person, even though he were the most radical free trader, would propose to abolish at one fell swoop protecting duties to which a great industrial system had accommodated itself. We may not like the result, but it is there, and not to be suddenly modified without widespread loss. Moreover, those engaged in the industries may plead with weight that they have entered on their operations with the sanction, nay, with the direct encouragement of the Government, and that the Government can not in justice leave them in the lurch. Thus our Department of Agriculture has been preaching beet sugar for the last 15 years, urging farmers and manufacturers to undertake it, supplying not only seeds and agricultural instructions, but directions as to manufacturing. In the arid and semiarid regions of such States as California, Colorado, and Utah beet growing, with sugar making, seems to have an independent basis, but in the States of the corn belt—Michigan, for example—it rests on the unstable prop of the tariff. The Michigan sugar makers, egged on as they have been by the Government, have an unanswerable claim on the ground of vested interest. We are not free to deal with the sugar duty as we were 20 years ago, nor, indeed, are we free to deal radically with any of the protective duties needed for the maintenance of established industries.

But the question always arises: How far are vested interests, in fact, involved? How high must the duties really be in order to enable the status quo to be maintained? On this topic I believe there is an enormous amount of exaggeration. Probably the greater part of our existing duties are needlessly high on the very principle of equalization. This is the case not only with the obviously nominal duties on wheat, corn, oats—articles regularly exported, and as cheap here as abroad—but with those on many manufactured articles, such as the coarse grades of cottons, most boots and shoes, furniture and wooden ware, iron in crude and manufactured form, glassware, and a host of miscellaneous manufactures.

The dependence of our manufacturing industries on tariff duties is enormously exaggerated. The constant shouting about foreign pauper labor has brought about a state of pusillanimity among the manufacturers themselves. Most of them know virtually nothing about foreign conditions. They are familiar only with their own business and with that which touches their daily routine. Foreign competition has been nonexistent for years. What its real possibilities are, they do not know. But the politicians and those few shrewder manufacturers who have cleverly formed plans for aid to special industries, have incessantly predicted wholesale ruin unless the tariff system were maintained without the change of a dot. I know of a case in which the superintendent of a textile mill, an Englishman who had experience both in his native country and here, told an inquirer that goods could be turned out by the mill quite as cheaply in the United States as in England; whereas the owner told the same inquirer on the same day that the mill would have to be shut up within 24 hours if the tariff were touched. The owner, like thousands of manufacturers, was in a state of ignorant panic about foreign competition.

A searching inquiry would show, I am convinced, that our present system of extremely high duties could be greatly pruned without any disturbance of vested interests. The direct effect of such a change would be, no doubt, more nominal than real. Except in the case of trust-controlled articles (and there are not so many of these raised in price by the tariff as the free traders commonly suppose), a reduction of duties on this basis would bring no lowering in prices and no advantage to the consumers. It would mean only the placing of a new set of figures on the statute book. But it would have some important advantages, none the less, and very likely some considerable ulterior consequences.

One great gain from such an overhauling of the tariff would be to lessen its importance in the public mind. To the economist nothing is more nauseating than the cry about prosperity and the tariff. From much of the current campaign talk, one would suppose that the country would go to certain ruin if a single duty were reduced by a fraction of a per cent. Manufacturing industries in general are in the main not dependent on protection. This country of ours is certain to be a great manufacturing one under any tariff system.

Still less is our general prosperity dependent on the tariff. Our natural resources, our vigor, industry, and intelligence, our training in school and college and shop, the enterprise and judgment of our business leaders—these are the things on which material welfare depends. Great harm has been done by the persistent stress on legislation, and especially on restrictive legislation, as the mainstay of prosperity. Our manufacturers and other producers need to learn to keep cool and to rely on their enterprise and skill.

Further, a readjustment of duties simply on the basis of equalization—that is, on the basis of conserving vested interests and maintaining industries as they are—would lead to a more critical attitude on the tariff question. It would be seen that a great range of industries could get on with duties much moderated or no duties at all. Others would be shown to need high duties in order to maintain themselves. Such differences, resting on the varying disadvantages of the several industries, might be fairly expected to raise the question—which sorts of industries are, after all, the better for the country, those whose costs are high, or those whose costs are low? If there are plenty of manufactures which can get on with low duties or none, is it worth while to start up others which need high duties? Suppose it to be admitted that we must continue to prop up for an indefinite time those which now need high rates, shall we encourage new ones which demand still higher rates in order to equalize their costs of production?

I am by no means sure that questions of this sort would be cooly asked, or would be rationally considered. The protective notions in their cruder form have a most tenacious hold, especially that notion of the inherent advantage of "acquiring" any and every industry at home. Yet a system of duties really adjusted with care and precision on the basis of cost of production might be expected to help, not only in sharper scrutiny, but in more discriminating judgment on the whole tariff problem.

What has been said in the preceding paragraphs rests on a free-trade basis; that is, it rests on the assumption that it is good for a country not to produce anything and everything at home, but to allow a process of selection or experiment in determining which among the various possible industries are the best for it.

I would not have the reader infer that I am an unqualified free trader, or that this view of the tariff problem leads immediately, or even ultimately, to complete abolition of all except revenue duties. The case in favor of free trade has indeed always seemed to me prima facie strong; and prolonged investigation and reflection have served to confirm me in this opinion. But it is only a prima facie case. There may be offsetting advantages which rebut the presumption. To enter on a consideration of these would call for a volume, and lead to some very delicate balancing of losses and gains. It would be necessary to consider the young-industries argument, which used to be the mainstay of the protectionists, and now is pooh-poohed by their opponents, but seems to me still to point to some possibilities of ultimate gain. There are, again, political and social arguments; there are arguments as to the avoidance of extremes and of undue fluctuations in industry. Few economists nowadays would say that there is one good tariff policy, and one only, applicable to all countries and all conditions.

But few economists would say a good word for such an exaggerated protectionist policy, one so intolerant of foreign competition and foreign supply, as the United States has been following in the McKinley tariff of 1890, in the Dingley tariff of 1897, and now, with but slight

change of essentials, in the Payne-Aldrich tariff of 1909. When duties of 50, 80, and 100 per cent come to be looked upon as normal protectionist rates; when ingenious devices and "jokers" are resorted to in order to bring about such high rates without its being made plain that this is the thing really aimed at and accomplished; when, by the log-rolling process, the policy comes to be applied indiscriminately to any and every article, without scrutiny of the possibility of ultimate cheapening or the promise of social or political gain—then it is time to call a halt, and to begin a process of thorough overhauling. This is the point of view not only of the teachers and trained students of economics, but, I feel sure, of the immense majority of cool-headed and sensible people in this country.

Adam Smith—an ardent, though by no means unqualified, free trader—thought in 1776 that the adoption of a free-trade policy by Great Britain was quite beyond the bounds of possibility. Had Adam Smith lived to see what changes took place in the course of the century following, he would probably have said in 1876 that free trade would never be abandoned by any country which had once adopted it. Who would venture on a prediction now? It is among the possibilities that Great Britain herself will turn again to some sort of restrictive trade policy. I would not undertake to foretell whether free trade will be abandoned in Great Britain, or protection in the United States. But the outlook is certainly for a moderation of extreme protectionist policies. The various nations which have stirred each other to measures of commercial welfare—and the United States has been most aggressively guilty in this regard—seem to be wearying of a game which each can play with effect against the other.

The indications are for some sort of compromise all around; an illogical proceeding, perhaps, but a very human one. In this moderated course of action the United States is likely to join; and all sorts of persons, whatever their opinions (or lack of opinions) as to the goal ultimately to be reached, will think and vote in favor of pruning a protectionist system which has become so rigidly and intolerantly restrictive as ours.

The VICE PRESIDENT. If there be no further amendments, the question is on ordering the amendment to be engrossed and the bill to be read a third time.

Mr. STONE. Mr. President, I desire to be heard briefly on this measure before it is finally concluded.

Mr. OVERMAN. Mr. President, I move to take up the sundry civil appropriation bill.

The VICE PRESIDENT. The Senator from North Carolina has not the floor. The Senator from Missouri has the floor.

Mr. BEVERIDGE. I object, and demand the regular order. The Senator from Missouri can not yield without the consent of the Senate.

Mr. STONE. I yield to the Senator from North Carolina to make a motion.

Mr. BEVERIDGE. The Senator can not do it without the consent of the Senate.

Mr. OVERMAN. The Senator yielded to me, and I can take the floor in my own right.

The VICE PRESIDENT. The Senator from Missouri can yield the floor.

Mr. BEVERIDGE. Yes; that is true.

Mr. OVERMAN. He has yielded the floor to me, Mr. President.

Mr. STONE. Mr. President, I will make an inquiry.

Mr. BEVERIDGE. Regular order!

The VICE PRESIDENT. Does the Senator from Missouri yield the floor?

Mr. STONE. I desire to make an inquiry of the Presiding Officer——

The VICE PRESIDENT. The Senator will state it.

Mr. STONE. For whose judgment as an officer I have a very high respect, and personally I have even more than mere respect. I want to understand what the ruling of the Chair is. Is it that a Senator on the floor can not yield to——

The VICE PRESIDENT. He can not yield the floor to another Senator in the presence of an objection. The Senator from Indiana made an objection.

Mr. STONE. I suppose, being on the floor, I can make the motion.

The VICE PRESIDENT. The Senator from Missouri can make the motion, or he can make any motion that he desires which is in order.

Mr. STONE. But the question of order I should like to have settled. Do I understand the Chair to say that a Senator on the floor can not yield to another Senator for any purpose or——

The VICE PRESIDENT. Not temporarily. He can yield the floor, of course, at any time he desires; but in the face of an objection, one Senator can not yield the floor to another Senator.

Mr. STONE. For any purpose?

The VICE PRESIDENT. No.

Mr. STONE. Not even for a question?

The VICE PRESIDENT. That was not the proposition.

Mr. STONE. That is the purpose; that is the question I asked, whether a Senator on the floor——

The VICE PRESIDENT. When that question comes up the Chair will decide it.

Mr. STONE. Well, I was not asking the Chair to decide that particularly, but it does seem to me, Mr. President, with all due respect and deference to the better opinion of the Chair, that if a Senator on the floor can yield to another Senator for a question, he might yield to him for almost any purpose without surrendering the floor. I am now on the floor, as it happens, and a Senator rises and addresses the Chair and desires to interrupt me. The Chair propounds the question—I think I have heard the Chair say, though I am not sure whether the present occupant of the chair——

The VICE PRESIDENT. Will the Senator permit the Chair?

Mr. STONE. But I have heard the Chair say that it was his duty then to ask the Senator who had the floor whether he yielded.

The VICE PRESIDENT. Most certainly. The Senator from Missouri has stated the correct situation so far.

Mr. STONE. If the Senator says "I yield," he does not therefore yield the floor, but he yields for the purpose of hearing what the Senator who desires to be heard has to say.

Mr. BEVERIDGE. Mr. President——

The VICE PRESIDENT. But the Senator can not be interrupted for any purpose except by his consent.

Mr. STONE. Agreed.

The VICE PRESIDENT. And he can not be interrupted and yield the floor to another Senator in the face of an objection of any other Member of the Senate.

Mr. STONE. I am not proposing to yield the floor.

The VICE PRESIDENT. The Senator attempted to yield to the Senator from North Carolina, and an objection was made. In the face of an objection, a Senator can not yield the floor to another Senator.

Mr. STONE. I am obtuse, no doubt——

The VICE PRESIDENT. The Chair never before heard that suggestion made.

Mr. STONE. But I can not very well distinguish between yielding to a Senator to propound a question, to result in a colloquy by the consent of both—if that is permissible, why might I not also yield to him to make a proposition to the Senate for unanimous consent?

The VICE PRESIDENT. The universal practice of the Senate is to the contrary, that a Senator can not yield to another Senator for the purpose of making a motion in the face of an objection by another Senator.

Mr. STONE. Inasmuch as the Chair has the support of the Senator from Indiana, who assures me by what he has just stated that the Chair is right, I yield the point. [Laughter.] There is no doubt that the Chair is right. I believe I will now move to take up the sundry civil appropriation bill.

The VICE PRESIDENT. The Senator from Missouri moves to proceed to the consideration of the sundry civil bill.

Mr. OVERMAN. On that I demand the yeas and nays.

The yeas and nays were not ordered.

The VICE PRESIDENT. The question is on the motion of the Senator from Missouri to proceed to the consideration of the sundry civil appropriation bill.

The motion was rejected.

Mr. OVERMAN. Evidently, Mr. President, there is no quorum present.

The VICE PRESIDENT. That might be. The Secretary will call the roll to establish the fact.

The Secretary called the roll, and the following Senators answered to their names:

Beveridge	Crane	Jones	Penrose
Borah	Crawford	Kean	Perkins
Bourne	Cummins	La Follette	Piles
Briggs	Curtis	Lodge	Root
Bristow	Dick	Lorimer	Simmons
Brown	Dixon	McCumber	Smith, Mich.
Bulkeley	du Pont	Newlands	Smoot
Burkett	Foster	Nixon	Stephenson
Burton	Gallinger	Oliver	Swanson
Carter	Gamble	Overman	Warner
Chamberlain	Gronna	Owen	Warren
Clapp	Guggenheim	Page	Wetmore
Clark, Wyo.	Heyburn	Paynter	Young

The VICE PRESIDENT. Fifty-two Senators have answered to the roll call. A quorum of the Senate is present. The question is on the engrossment of the amendment and the third reading of the bill.

Mr. STONE. Mr. President, the bill now before the Senate——

Mr. BEVERIDGE. Mr. President——

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Indiana?

Mr. BEVERIDGE. I rise to a question of order.

The VICE PRESIDENT. The Senator from Indiana rises to a question of order. He will state it.

Mr. BEVERIDGE. I call the Senator to order under Rule IX. He is now speaking on the bill before the Senate, and has already spoken twice on the same day.

Mr. STONE. I have not spoken at all upon it.

The VICE PRESIDENT. The Chair would like to ascertain the fact. Has the Senator——

Mr. BEVERIDGE. The Senator himself will tell the Chair. As the Senate knows, he spoke before the Senate when the present measure was under consideration this morning. We all bear witness that he spoke before he made his motion to proceed to the consideration of another bill. So he has spoken twice.

The VICE PRESIDENT. Will the Senator from Missouri be good enough to inform the Chair whether he spoke upon this measure this morning?

Mr. STONE. I do not recall it. [Laughter.]

Mr. BEVERIDGE. Mr. President——

The VICE PRESIDENT. If the Senator does not admit it, the Chair, of course, must have the record examined.

Mr. STONE. I do not recall having spoken upon it at any time.

The VICE PRESIDENT. The Chair will have the record examined to ascertain the fact.

Mr. STONE. I addressed the Senate two or three times this afternoon——

Mr. BEVERIDGE. Yes.

Mr. STONE. On the Post Office appropriation bill.

Mr. BEVERIDGE. No; Mr. President, the Senator from Maine [Mr. HALE] moved to make the present measure the unfinished business, and during that discussion the Senator from Missouri addressed the Senate at some length. Then it was laid aside, supplanted by a motion to proceed to the consideration of the pension appropriation bill, and the Senator spoke several times upon those measures. But he had spoken before upon this. Now he has spoken upon this again, and then made a motion; he has spoken twice, and to speak a third time is in violation of Rule IX.

The VICE PRESIDENT. The Chair is having the facts examined. The official reporters will inform the Chair unless the Senator from Missouri admits it.

Mr. STONE. I do not admit it, because I do not think I have made any speeches. I know I have made no speech upon the bill at all at any time.

The VICE PRESIDENT. The rule does not say that a Senator must make a speech. It says that no Senator shall speak more than twice upon any question upon the same day, which means he shall not speak more than twice while a subject is under consideration.

Mr. STONE. Aside from facetiousness, I should like to ask seriously if the Chair holds—and without reference to the pending matter—that if a Senator rises and in the progress of the consideration of a bill makes some observations respecting it, or, it may be, interrupts a Senator and asks some questions and makes some observations, that he is speaking upon the bill?

The VICE PRESIDENT. The Senator, until he yields the floor, has not spoken the second time, no matter how many interruptions may occur. But the Senator from Missouri has spoken once within a little time and has concluded his remarks by making a motion which had to be acted on.

Now, whether the Senator spoke at an earlier time to-day, the Chair does not know, but the Chair is having that examined as a matter of fact.

Mr. OVERMAN (to Mr. STONE). Move to strike out the enacting clause.

The VICE PRESIDENT. No; the Senator can not proceed in the face of the point of order being raised until it is ascertained what are the facts.

Mr. OVERMAN. I think the Senator from Missouri spoke some time on—if the Senator from Missouri yields to me?

The VICE PRESIDENT. It does not matter what any Senator, other than the Senator himself, thinks. If the Senator himself admits it, that is settled.

Mr. OVERMAN. I think I have a right to refresh his memory. I think I am correct about it. My recollection is that the Senator spoke on one of the appropriation bills. I do not think he spoke on this question.

The VICE PRESIDENT. The Chair is having that question examined by the Official Reporters.

Mr. STONE. I could not have made a speech on the motion to take up this bill or on any other bill. It is not debatable.

Mr. BEVERIDGE. It was on the bill itself.

Mr. STONE. As the Senator from Indiana says, when the Senator from Maine made a motion this morning to proceed to the consideration of the bill, I debated it at some length.

Mr. BEVERIDGE. I did not say that. The Senator is in error.

Mr. STONE. Substantially that, as understood.

Mr. BEVERIDGE. No; the Senator is in error. The Senator from Maine moved to proceed to the consideration of the measure now pending. That was under consideration a long time, until about 5 o'clock. During that time the Senator from Missouri spoke upon that measure. He has just now spoken upon the measure within the knowledge of the Chair. The Senator from Missouri will himself admit he addressed the Senate upon this measure after half past 3.

Mr. STONE. A moment ago I did not address myself to the bill.

The VICE PRESIDENT. Oh yes; the bill was under consideration.

Mr. STONE. The bill was under consideration?

The VICE PRESIDENT. Certainly. Then it was upon that subject that the Senator spoke under the meaning of the rule.

Mr. STONE. What speech did I make? I arose——

The VICE PRESIDENT. The Chair thinks the Senator has now got beyond the realm of a parliamentary inquiry.

Mr. STONE. I insist that all I said in substance—I do not undertake to remember the words of it—was that I desired to debate this bill. I had not proceeded more than a moment or two until the Senator from North Carolina rose, and then came the colloquy as to his right to make a motion, and I made the motion myself.

Mr. BEVERIDGE. And yielded the floor.

Mr. STONE. I suppose I yielded the floor when the question on the motion was being taken.

Mr. BEVERIDGE. I suppose that is correct.

The VICE PRESIDENT. Certainly.

Mr. OVERMAN. The Senator did not yield the floor. He made the motion himself.

Mr. BEVERIDGE. Certainly.

Mr. OVERMAN (to Mr. STONE). Move to strike out all after the enacting clause; move to strike out section 7.

Mr. STONE. We will get something to speak on. [Laughter.] If we do not, we will have a good many strange rulings. What is the Chair waiting for? I am ready to proceed, with the permission of the Chair.

The VICE PRESIDENT. The Chair is waiting for the Official Reporter to advise him whether or not the Senator at an earlier time to-day spoke upon this question.

Mr. STONE. If I take my seat during that interval I am not supposed to yield the floor.

The VICE PRESIDENT. The Senator, literally speaking, should take his seat when the question of order is raised. When that is disposed of, if it is disposed of in the Senator's favor, he immediately resumes the floor.

Mr. STONE. Following the kindly suggestion of the Chair I will resume my seat.

The VICE PRESIDENT. The official stenographer advises the Chair that the Senator from Missouri spoke upon this subject earlier in the day and was immediately followed by the Senator from Mississippi [Mr. PERCY].

Mr. STONE. I desire to have my speech read.

Mr. BEVERIDGE. Oh, no.

The VICE PRESIDENT. The Chair will not order anything of the kind. The Chair sustains the point of order.

Mr. STONE. Do I understand that the Chair——

The VICE PRESIDENT. The Chair sustains the point of order, that the Senator has already spoken twice and can not now proceed.

Mr. STONE. From that I take an appeal, and I demand to have the speech read. I want to know.

The VICE PRESIDENT. From the decision of the Chair the Senator appeals.

Mr. STONE. I rise to a question of personal privilege.

The VICE PRESIDENT. From that decision the Senator from Missouri appeals, and the question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. STONE. I rise to a question of privilege.

The VICE PRESIDENT. The Senator from Missouri can not rise to a question of privilege when there is being passed upon a question of order, which was raised by himself and appealed from the decision of the Chair—an appeal raised by the Senator himself.

Mr. STONE. I withdraw the appeal.

The VICE PRESIDENT. Very good. Then the Senator has lost the floor.

Mr. STONE. I rise to a question of privilege.

The VICE PRESIDENT. The Senator can not then proceed to debate the subject. Now the Senator rises to a question of personal privilege. He will state it.

Mr. OVERMAN. Will the Senator yield to me for a moment?

The VICE PRESIDENT. The Senator from Missouri can not do it because he has not the floor unless it be to state the question of personal privilege.

Mr. OVERMAN. Can not I rise to a parliamentary inquiry?

The VICE PRESIDENT. You can not without the permission of the Chair.

Mr. OVERMAN. Can I not rise to a question of personal privilege?

The VICE PRESIDENT. Not to take off the floor a Senator who is raising a question of personal privilege.

Mr. STONE. Can not I yield for it?

The VICE PRESIDENT. The Senator can state his question of personal privilege if he desires, or he can yield the floor if he desires.

Mr. STONE. Does the Chair hold that a Senator can not rise to a question of order?

The VICE PRESIDENT. Not to take off the floor a Senator who is stating a question of personal privilege. That is what the Chair held. But the Senator from Missouri desires to yield to the Senator from North Carolina, and unless there be objection, the Senator can yield. The Senator from Missouri yields to the Senator from North Carolina, no one objecting.

Mr. OVERMAN. Will the Chair hear me upon the question as to whether or not the Chair may be mistaken upon this question?

The VICE PRESIDENT. No. The Chair goes by the official report of the Reporters who have informed the Chair.

Mr. OVERMAN. Suppose the Senator might have spoken this morning and the bill was temporarily laid aside and some appropriation bill was taken up in the meantime and then this bill was afterwards taken up, would the Senator be in order?

Mr. BEVERIDGE. On the same day?

Mr. OVERMAN. I am asking the Chair.

The VICE PRESIDENT. If the Senator has spoken twice while this was the subject under consideration, in view of this rule being invoked, he can not speak again.

Mr. OVERMAN. If any other business——

The VICE PRESIDENT. No; that has nothing to do with it.

Mr. BEVERIDGE. Read the rule.

Mr. OVERMAN. I ask for information.

Mr. STONE. I desire to say——

The VICE PRESIDENT. The Senator rises to a question of personal privilege, and he will state it.

Mr. STONE. I desire to state it, sir. That is what I am up for. The Chair sustains the point of order made that I can not proceed to discuss this bill for the reason as stated by the Senator from Indiana that I have addressed the Chair twice during the legislative day.

The VICE PRESIDENT. Addressed the Senate.

Mr. STONE. Addressed the Senate twice during the legislative day on this bill. The Chair asked me whether that was a fact. I stated that I had no remembrance of having addressed the Senate at all on the subject.

I have not yet, and until I am advised as to what it is how can I know? And until I am advised of it I am justified in saying I deny it until the report itself is produced. I said I would appeal from the ruling of the Chair as to whether I had spoken twice on this bill. How can the Senate determine that question unless all the facts are laid before the Senate, when I spoke and exactly what was before the Senate at the time? Does the Vice President sitting there assume, without having himself examined the record, and confessedly by his own——

The VICE PRESIDENT. The Chair thinks the Senator from Missouri is not stating a question of personal privilege.

Mr. STONE. The Chair thinks I am not stating a question of personal privilege when I insist that the Chair denies me the right to have the facts, whatever they are, laid before the Senate that the Senate may judge whether I am right or not.

The VICE PRESIDENT. The Chair has laid the facts before the Senate.

Mr. STONE. Where does the Chair get the facts?

The VICE PRESIDENT. He has inquired of the official reporter of debates, who informs the Chair that the Senator at an earlier period in the day spoke to the Senate while this particular bill was pending.

Mr. STONE. Is that conclusive?

The VICE PRESIDENT. That is conclusive so far as the Chair goes.

Mr. STONE. Does that settle it? Suppose I say I did not. Now, whose word does the Chair take?

The VICE PRESIDENT. The Chair would have taken the Senator's word if he said so. He refused to make that statement when the Chair appealed to him. Then the Chair appealed to the record, and the Senator not being able to state, compelled the Chair to appeal to the record. The Chair will be bound by the record.

Mr. STONE. But I said I do not recall having spoken during the day, and I do not believe I did. Now in the face of that——

The VICE PRESIDENT. The Chair rules that the Senator has not the privilege of addressing the Senate again while this matter is pending on this legislative day.

Mr. STONE. I denounce it as an arbitrary and unjust ruling.

The VICE PRESIDENT. The Senator will please come to order.

Mr. STONE. I will be in order, but it is an unjust ruling.

The VICE PRESIDENT. The question is on the engrossment of the amendment and the third reading of the bill.

Mr. OVERMAN. Mr. President, I think, with all due respect to the Chair, he is wrong when a Senator of this body, after recalling the matter, says, "I have not spoken twice upon this subject," and the Chair has sent to the room of the stenographer and asked him what the record shows, when the Chair has not examined the record himself. There is a difference between the stenographer and a Senator, and yet the Presiding Officer of this body takes the word of the stenographer without any examination of the record. When there is an appeal to this body, let the body say whether or not he has spoken twice. I think the Chair ought to reconsider his ruling.

The VICE PRESIDENT. If the Chair is wrong, there is a method by which the Senate can determine it.

Mr. OVERMAN. I understand the Senator appeals from the decision of the Chair.

The VICE PRESIDENT. He withdrew the appeal, and considerable business, considerable discussion, has since elapsed.

Mr. OVERMAN. Then it is the ruling of the Chair that in any controversy——

The VICE PRESIDENT. The Chair has ruled.

Mr. OVERMAN. I understand, then, the rule is to be, and that is to be the precedent, that when a Senator states one thing and the stenographer states another the Chair, without examination, takes the word of the stenographer in preference to that of a Senator.

The VICE PRESIDENT. The Senator can not put words in the mouth of the Chair. The Chair has made the statement with an attempt to be clear and explicit, and that statement as it was made has been taken down by the stenographer and will stand.

Mr. OVERMAN. If the Chair will state that he examined the record himself, I have nothing more to say. I will withdraw anything I have said, if the Chair says that he examined the record and passed upon it, and decided not upon what the stenographer said, but upon what the record said.

The VICE PRESIDENT. After the Senator from Missouri had declined to give the Chair an assurance, and not before——

Mr. OVERMAN. Afterwards the Senator——

The VICE PRESIDENT. After the Senator from Missouri refused more than once to answer the Chair's inquiry, whether or not he had spoken earlier in the day, the Chair then appealed to the record.

Mr. OVERMAN. With due respect, I think the Chair is mistaken. I thought the Senator said he had no recollection of having spoken twice.

The VICE PRESIDENT. That is what the Senator said.

Mr. OVERMAN. Then, when the stenographer came in and said he had——

Mr. STONE. No; the Senator is mistaken as to that. He stated it a little too strongly. I did not say that I had no recollection, but I stated in the beginning, as I am sure the record will show, and I state now, that I had no remembrance of having spoken at all upon it. That was my first statement, and I have no remembrance of it now.

The VICE PRESIDENT. All this discussion is out of order.

Mr. STONE. When the Chair took the statement from the stenographer, I said that, having absolutely no remembrance of it, I did not believe I had addressed the Senate on the subject, and therefore I denied it and called for the proof of it.

Mr. DIXON. Mr. President, I rise to a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Montana will state his parliamentary inquiry.

Mr. DIXON. What is the order of the Senate at this time?

The VICE PRESIDENT. House bill 32010.

Mr. DIXON. I demand the regular order.

The VICE PRESIDENT. The question is on the engrossment of the amendment and the third reading of the bill.

Mr. OVERMAN. I yielded to the Senator from Missouri. If he is out of order, I still claim the floor.

The VICE PRESIDENT. The Senator from North Carolina is recognized, if he desires to discuss the bill.

Mr. OVERMAN. I should like to discuss the point of order.

The VICE PRESIDENT. That is disposed of.

Mr. OVERMAN. Suppose it has been disposed of——

The VICE PRESIDENT. It has.

Mr. OVERMAN. Is it the ruling of the Chair that I can not discuss it from another point of view?

The VICE PRESIDENT. The Senator can proceed in such manner as he chooses within the rule.

Mr. OVERMAN. Mr. President, I think probably we need more rules in this body.

The VICE PRESIDENT. The Senate has made its own rules. The Chair made no rules.

Mr. OVERMAN. I think the Senate ought to make some other rule. We ought to have a rule that the word of the stenographer must not be taken against that of a Senator when the Chair has not examined the record. However that may be, Mr. President, last night about 2 o'clock I was interrupted in the speech I was then making, and there was some parley between the Senator from Indiana [Mr. BEVERIDGE] and the Senator from Missouri [Mr. STONE] after I had yielded. The result of that parley was that there was an adjournment of the Senate on a roll call.

Now, I want the record, as far as I can understand it, to state the truth. There seems to have been some misunderstanding all around here about what occurred. There was no understanding made by anybody that any arrangement would be made to-day by which this bill would be taken up and voted on at any particular time.

Now, let us see what the record says. That is the place to go, and I propose to examine it myself.

Mr. BEVERIDGE. While the Senator has the floor, I understand the Senator to say that, in his judgment and from his knowledge of those associated with him in his views on this question, he believes that if we should not continue to-night an agreement can be reached to-morrow morning to vote on the bill. I understand perfectly the Senator does not put that in the form of a promise; it is his belief that that can be done.

Now, the Senator from Indiana [Mr. BEVERIDGE] himself says that that was not put in the form of a promise, but it is his belief that that can be done.

Mr. STONE. I believe that after conferring among ourselves and then having some conferences with Senators upon the other side an agreement can be arrived at. That is my view about it now, but——

Mr. BEVERIDGE. The Senator said in private conversation with me a moment ago—and I repeat it merely because it is substantially what the Senator is saying now, except the time—it was his confident belief that if we did not continue the consideration of this matter to-night an agreement could be reached to vote upon the measure early Thursday, or at the latest early Friday morning. If that is the Senator's understanding, I think it clears my mind.

Mr. STONE. The Senator is, of course, using his own language. What I have said I say on the floor, that I think if an opportunity is given for conferences among our friends here, this side and that, an understanding can be arrived at.

Mr. BEVERIDGE. Well, Mr. President——

Mr. STONE. Now, what I say is that I am expressing my individual views upon the proposition.

Mr. OVERMAN. I have no doubt that is the view of the few Senators on this side who are here. What others who are not here are going to say about it I do not know. Of course, the Senator from Missouri can not be bound by that.

Mr. STONE. I can not be, and I do not intend to put myself in the attitude of being bound by it.

Mr. SMOOT. The Senator from Indiana understood that.

Mr. STONE. I do not know what can be done, but I do say that there is a far better opportunity of accomplishing the end the Senator from Indiana has in view—that is, a vote on this bill on Thursday afternoon or Friday morning—by this arrangement than by the course of coercion.

Mr. BEVERIDGE. The Senator must modify that term.

Mr. STONE. If the Senator will permit me, I wish to say—and this I say with a good deal of feeling and conscience—that whatever the discomforts may be to Senators on either side, we shall debate the question—we can do it and are prepared to do it as long as we feel we desire to do it. Therefore it is better to give the opportunity for this conference in the hope and belief that an arrangement can be made.

Mr. BEVERIDGE. Mr. President, my friend's last suggestion was, I am sure he will see on reflection, unnecessary. Everybody takes it for granted that the Senator can always debate; and of course the Senator does not mean to use the word "coercion," because that is not in anybody's mind, as the Senator well knows.

The Senator has given us his views, for which I have very great respect, as he very well knows. I observed that the Senator from North Carolina spoke to him, and then wanted to take the floor himself.

Mr. OVERMAN. I wanted to have a thorough understanding. So far as I am concerned, I am willing to have an agreement in the morning. I know what the Senator says, but I do not know what somebody else may say. I do not know——

Mr. WARREN. I desire that Senators should address the Chair. We should like to hear what they say.

Mr. OVERMAN. I said I did not want to give his views or those of any other Senator on this floor. I can only say what we have said and done among ourselves. For some Senator at home and in bed asleep I can not speak. We only say what we think about it, and we give our own views in the matter.

Mr. BEVERIDGE. Does the opinion of the Senator's colleague coincide with the opinion of the Senator from Missouri?

Mr. SIMMONS. Mr. President, so far as I am personally concerned, I would have no disposition to participate in any filibustering tactics upon this measure, and I would be perfectly willing to fix a time to vote. So far as my whispered conversation with the Senator from Missouri is concerned, I will say to the Senator that my suggestion was that we would probably be able at a conference in the morning to come to some agreement about it, but that I did not think it would be wise to unqualifiedly promise or to hold out any false hopes about it until we had had an opportunity to confer.

Mr. BEVERIDGE. The Senator, then, thinks as the Senator from Missouri [Mr. STONE] and his colleague [Mr. OVERMAN] think, that it is likely——

Mr. SIMMONS. I think if we are given an opportunity to have a conference in the morning that the probabilities are that we will be able to come to a satisfactory agreement; but I do not think that we are in a position to promise absolutely that we will be able to do so.

There is no promise, no understanding in that. A warning was given to the other side that we three who were here at 2 o'clock in the morning would make no promise, and did not intend to make any promise. All we said was that it was a possibility; that in the morning we would have a conference, and that there was a possibility of agreeing.

Mr. President, we adjourned. We did have a conference and we did come back with a proposition, which, if the Senator had accepted it, I have no doubt in the morning we would have got a vote on his bill. We certainly would have had some of these appropriation bills behind us; the Post Office appropriation bill would have been behind us and perhaps the naval appropriation bill. The sundry civil appropriation has been reported to-night, I believe. We made the proposition that what we wanted was to have the appropriation bills passed; we wanted no extra session; if we could get the appropriation bills out of the way, then you could pass your tariff bill. Some of us did not think the President would call an extra session of Congress because of the reciprocity treaty alone, although he thinks he will. I am satisfied his friends in the country would advise him against it.

If the appropriation bills fail to pass here at this session, who will be responsible for the failure? We made you a direct proposition that if you would agree to take up the appropriation bills we on our part would agree to take up the tariff-board bill and let you vote on it, and would throw no obstructive tactics in the way. Now, where lies the responsibility if the appropriation bills go over?

The Senator from Oklahoma [Mr. OWEN], who did not speak for us, but who spoke for himself, some time afterwards said he intended to see to it that the appropriation bills did not pass. While there was no such understanding, and he had no conversation or conference with anybody, I believe if it were done, he would be doing a good thing for the taxpayers of this country.

Personally, I want no extra session. As I have said, if by your failure to accept the proposition that we made to you on that night, that there was a possibility of a conference, and came back and offered you a fair proposition, and yet you keep this little bill here, which proposes to tax the people of this country a million dollars—that is what it will amount to—instead of passing the great supply bills, yours will be the blame. It seems to me that if Senators on the other side want an extra session and they want the next Congress to pass these appropriation bills we can do it, and, as I have said, I think the Senator from Oklahoma would be doing his country a good service. I tell you if we do have an extra session, there will be no such amount as over $140,000,000 carried in the sundry civil bill.

If we do have an extra session and the great supply bills are given to the next House of Representatives—a Democratic House—you will find the people of this country will be saved between eight and ten million dollars. Do you want it? No. You would like to get these bills through. I know that some of you are going out, and I want you to have many of the things that are in these bills that probably you will never get. I am sorry to see you leave these seats, but you will never get many of these things. You are standing in the way here and causing us to stay here, and we are determined to let the country know that if these supply bills fail the blame will lie at your door. Do not go around saying we are the cause of this when here is a proposition made to you.

What do you want this tariff-board bill for? Your supply bills appropriate nearly a billion dollars, and you want to stop the wheels of government for a tariff commission when there is provision for $400,000 for a tariff board in the sundry civil bill that has been reported to-night. I would like for the Senator to tell me what is the difference between a tariff board and a tariff commission. Let us see if they have not power to gather all the statistics we would want for a tariff bill. If you had no tariff board, if you did not have $400,000 appropriated to pay experts to collect the statistics, there might be some excuse for this measure. Now, you want to pass this bill. We do not want it to pass. We want the appropriation bills to be passed. That is what the people are interested in. If you had taken up our proposition yesterday we would have gone on with the appropriation bills. Take up the appropriations and pass them and you can pass the tariff-board bill and there will not be any trouble about it. I make that proposition here now, and I will guarantee that every man here will stand to it.

Mr. BEVERIDGE. The Senator said the reverse this morning.

Mr. OVERMAN. I believe the Senator from Oklahoma [Mr. OWEN] would allow that to be done. I think he is going to vote with you on this question.

Mr. PAYNTER. I should like to ask the Senator from North Carolina a question. He does not pledge this side to vote for the tariff commission bill?

Mr. OVERMAN. No, sir.

Mr. PAYNTER. I thought that that inference might be drawn from the Senator's remark.

Mr. OVERMAN. The Senator certainly misunderstood me. I said I would guarantee that no Senator on this floor would throw anything in the way of the passage of the bill. That is what I intended to say.

Mr. BEVERIDGE. Concerning the Senator's proposition to agree to vote upon the pending measure after the appropriation bills have been passed, of course that has no validity unless the Senator will agree on a time when the appropriation bills shall be passed. What does the Senator say to this proposition—that he will agree that the appropriation bills shall be disposed of by 12 o'clock to-morrow night and then that this bill shall be immediately voted upon?

Mr. OVERMAN. I can not guarantee when the appropriation bills will be passed, but I say had the Senator accepted the proposition yesterday morning probably he could have gotten a vote.

Mr. BANKHEAD. Will the Senator from North Carolina allow me?

Mr. OVERMAN. I yield to the Senator from Alabama.

Mr. BANKHEAD. If I correctly understood the proposition of the Senator from North Carolina it was that if the appropriation bills were passed and out of the way then the tariff-board bill could be passed without any opposition from the Democratic side of the Chamber in the way of obstruction. Now, I understand that to mean that gentlemen on this side of the Chamber will at once permit a vote to be taken on the bill. The Senator from Indiana suggests that we guarantee when the appropriation bills shall be passed.

Mr. President, I think it is perfectly fair that the Senator from Indiana should give that guaranty. If the gentlemen on the other side of the Chamber will, in good faith, take up the appropriation bills and pass them, there will be no difficulty, I apprehend, in passing this bill afterwards. But, the Vice President will recall, that, after a considerable effort this morning we succeeded in getting the appropriation bills before the Senate. We hoped that they would be continuously considered until they were disposed of in order that this bill might be taken up, but to our surprise the chairman of the Committee on Post Offices and Post Roads himself asked to lay the Post Office appropriation bill aside; he took it out of the possession of the Senate before its completion, and when the distinguished Senator from Maine [Mr. HALE] moved to take up the naval appropriation bill he had no strong support on either side.

What I mean to say, Mr. President, is that the gentlemen on the other side are responsible if the appropriation bills are not passed, because we are ready to pass them and are interested in passing on them. If they will take them up now and go on with their work they can pass them before 12 o'clock to-morrow night.

Mr. OWEN. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Oklahoma?

Mr. OVERMAN. I do.

Mr. OWEN. What I said in regard to the appropriation bills I said on my own responsibility. I did not intend to commit any of my colleagues one way or the other. I expressed my personal opinion of what ought to be done. I do not think that this Congress ought to fix the fiscal policy of the Government for 18 months after it expires, when the American people have selected other Representatives for the purpose of exercising the legislative function of the Government.

I think that we ought to change this system. I think it is a bad method of Government. After men are no longer the chosen Representatives of their States in the highest and truest sense, I do not think they ought to be willing themselves to exercise the legislative powers after that has been ascertained. Moreover, it is within the knowledge of every man that it leads to careless and reckless legislation. It is well known that those who have been disappointed in the election are often indifferent to what the legislation may be.

The English people have set us a better example. Their representatives when chosen immediately assume the powers of government; and so it ought to be in this country. It was for the purpose of calling the attention of the Senate and of the country to the importance of that matter that I ventured to express my opinion, and for the further purpose, too, of resolutely opposing the appropriation bills. That was my purpose, and except for the strong advice of my associates, who are not willing to see me longer occupy that attitude, I should have resolutely persisted in it, and I would have stood responsible for the consequences. I think the Representatives who have been recently chosen ought to be called together in extra session charged with the duty of governing, a duty and responsibility which they themselves sought, and the people of the country put that power in their hands. They ought to discharge that responsibility, and they ought to be willing and desirous of assuming it at the first opportunity.

I say this much so as to relieve this matter, as far as I may, of the embarrassment which my declaration made. I do not want it to be understood that I made the declaration without fully meaning it, because I did mean every word of it, and I think I was right about it. I would like to see my colleagues approve my suggestion. They do not. I do not change my opinion because of that.

Mr. OVERMAN. Mr. President, I thought I understood the Senator's position. I was speaking only for myself. Of course I do not know what is in the mind of every Senator. I only give my own opinion, as I said last night that I could speak here only for myself.

Mr. BRANDEGEE. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Connecticut?

Mr. OVERMAN. I do.

Mr. BRANDEGEE. I came on the floor in the midst of the statement of the Senator from North Carolina as to what might possibly be accomplished by an agreement. I did not understand the statement, and I ask him if he will be willing now to restate his proposition.

Mr. OVERMAN. I was stating what occurred here last night. I think the distinguished Senator from Connecticut was in the chair at the time. To set myself right as to what I had stated I read from the RECORD. I only stated what I believed could be done. I do not propose to bind anybody here. I can only state what I believe can be done, and I only do that now. I am only one Senator speaking what I think are the sentiments of my brethren on this side of the Chamber.

Mr. BRANDEGEE. I just wanted to hear the Senator's proposition; that is all.

Mr. OVERMAN. What I wanted was to get the appropriation bills out of the way, and then vote upon the tariff-board bill when they are out of the way. I said I believe there is not a Senator on this side who would obstruct in any way a vote on the tariff-board bill. I am against the bill myself, and will vote against it.

Mr. CARTER. Mr. President——

The VICE PRESIDENT. Does the Senator from North Carolina yield to the Senator from Montana?

Mr. OVERMAN. I do.

Mr. CARTER. Mr. President, the suggestion of the Senator from North Carolina will, I am sure, give much encouragement to all Senators present. We are approaching the close of an arduous line of work on the various measures that have come before the Sixty-first Congress. We all fully realize our duty to the Government. I am sure there is not a Senator here who would feel content should adjournment occur on the 4th of this month with any duty undischarged which devolves upon the Senate. With that conception of the feelings of every Senator, I venture to indulge the hope and to express the belief that we can adjust the situation in a way reasonably satisfactory to all. There are certain Senators here who are strongly opposed to the pending bill to establish a tariff commission. I can readily understand how a Democrat realizes that the Democratic House, which is to assemble perchance on the call of the President and certainly on the arrival of the constitutional day, will be charged with the maintenance of the party faith, through the framing of some kind of a law as a substitute for the existing tariff law, and may desire to avoid the embarrassment that might be encountered by a demand for delay until this proposed tariff board could report.

In times gone by a tariff board has reported and Congress has acted without much reference to the report. I believe that in due course that will occur again. So the embarrassment apprehended is after all of a vague and shadowy nature.

The Senator from Oklahoma suggests that a Congress fresh from the people, giving voice to the last thought, might well be permitted to pass upon the appropriations for the maintenance of the Government for the next fiscal year. We can not indulge in speculation of that kind as a justification for ignoring our plain duty while this Congress continues. It is the duty of the present Congress to pass the appropriation bills necessary to conduct the affairs of the Government for the next fiscal year. It would be unusual and extraordinary for us to abdicate our functions and neglect our duties by negligently passing such

duties over to an incoming Congress. It is not wise that we should do so, for we have the accumulated experience of two years in the House and many more years in the Senate. So, in the ordinary course of events it can be taken for granted that we are better equipped with experience and information to deal with the necessities of the Government for the next fiscal year than a newly elected Congress would be. That Congress in its turn will project appropriations into a period of time beyond its existence, just as we are projecting appropriations now.

These duties have been performed in the ordinary way for a long period of time, and I can perceive nothing in the present situation that justifies any radical departure from the ordinary way of doing business in Congress. We are now doing precisely what was done by the Democratic Party prior to the inauguration of Mr. Harrison in 1889; we are doing precisely what was done by the Republicans preceding the inauguration of Mr. Cleveland in 1893, and, of course, as the Senator from New Hampshire [Mr. GALLINGER] suggests, precisely what the Democratic majority of the next House will do at the end of the Sixty-second Congress.

To depart from the usual is not wise, and must ordinarily be accounted for by some extraordinary conditions, and I submit that such conditions do not now obtain. We have some little disagreement here in the Chamber with reference to a pending measure concerning the tariff board, and that disagreement I think can be arranged.

I am sure there is no Senator on the other side of the Chamber, nor is there a Senator on this side of the Chamber, who wishes by any unusual parliamentary tactics to prevent the passage of the appropriation bills. At the same time Senators on both sides of the Chamber desire to consider contemporaneously with the consideration of appropriation bills this proposal to establish a tariff commission. They should have as much opportunity as the limited time at our disposal will permit. I do not feel that there should be any abridgment of debate, except such abridgment as the necessities of our situation manifestly require. In order to reach some conclusion upon the subject, agreeable to the views of all, I suggest that we attempt now, at the hour of 2 o'clock and 45 minutes in the morning, to reach some arrangement whereby these representatives of sovereign States may address themselves henceforth to the business of this session in a businesslike way. We have many appropriations to make, and, as suggested by the Senator from Oklahoma [Mr. OWEN], we have many items in appropriation bills which should be scrutinized with great care.

I sympathize with the Senator's view in that behalf. I feel that all the time at our disposal should be devoted to a careful scrutiny of the items in the appropriation bills, and, incidentally, to the consideration of this tariff-board bill, a subject of great importance, whenever time is not required for the consideration of the appropriation bills.

I believe that a vote to-morrow on the proposed tariff commission might deprive some Senator who desires to speak upon that question of the privilege of speaking, because in the intervening hours we will have conference reports, the Post Office appropriation bill still remaining to some extent undisposed of, and the sundry civil bill, vast in extent and large in amount as to the sum appropriated, must be considered. Then there is the Naval appropriation bill.

Mr. OVERMAN. And the calendar with bills on it in which each Senator is interested for his own State or his own section, which he would like to have taken up.

Mr. CARTER. I realize that, and I do sincerely hope that we will be able to give every moment of time in seriousness and earnestness to the consideration of the various appropriation bills, besides the consideration of such bills on the calendar as have passed the House and may become laws if passed by the Senate during this session. If the Senate addresses itself to this work in its accustomed vigorous manner at the close of the session, all will be well. If, however, we continue to wrangle about the disposition to be made of this bill or that bill, universal disappointment will reign throughout the Chamber, and perchance some of the supply bills will fail of passage. I am sure every Senator would deplore that result.

Now, in order that we may give the utmost limit of time for every Senator who may desire to speak, to address himself to the unfinished business, I suggest that we defer the unfinished business until a stated time on Saturday morning, leaving all of to-morrow to the consideration of this bill, when any Senator desires to speak.

Mr. President, I do not care to set the time, but I think the time should be definitely stated, and stated with reference to the adjournment in such fashion as not to necessarily or probably endanger the ultimate passage of the measure. I suggest that we fix the hour of 8 o'clock on Saturday morning for a vote on the tariff-board bill.

Mr. PAYNTER. Mr. President——

Mr. CARTER. I will not make a request at this time, but make a suggestion merely. Now, I will be glad to yield to the Senator from Kentucky.

Mr. PAYNTER. I desire to ask the Senator from Montana a question. I have not kept up entirely with this discussion. The question I desire to submit is this: Has any Senator, who may have made reference to it in this debate, declared on the floor that he was willing, in order to try to force a vote upon the bill creating a tariff commission, to defeat the appropriation bills, or any of them?

Mr. CARTER. In reply to the Senator from Kentucky, I will make this general answer. I have observed during the years I have served in Congress that in the closing days of every session interest becomes so intense and the burdens upon Senators so heavy and constant, that they are prone at times to speak in a petulant manner, in a way not expressive of their deliberate judgment or settled purpose. I do not know what Senators have said with reference to any of these measures, but I do know this, that upon mature reflection every Senator in the Chamber will agree that the duty of the hour should be met and performed, and that these appropriation bills should be passed, for the very sufficient reason that duty commands us, and no one can assign an adequate cause for disregarding the duty here presented.

Mr. PAYNTER. I want to be permitted to say that I fully agree with what the Senator from Montana has just said. I do not think that any Member of this body should employ any tactics whatever to interfere with votes upon these appropriation bills. We owe it to the country to pass these bills. But I believe they should be discussed as long as circumstances will permit. Yet I feel it our duty to vote upon these questions as soon as we can possibly do it, to avoid any danger that may prevent the passage of these bills.

Mr. CARTER. I am quite sure that the Senator from Kentucky expresses the real feelings of every Senator in the Chamber. We are in the midst of a complicated situation which requires candor and frankness to reach an adjustment. Every moment of the remaining time will be required if we address ourselves and continuously to the work. Every moment of delay will be a moment lost.

Mr. OVERMAN. I indorse everything the Senator says. In fact, I said here to-night, and I think my friend here will bear me out, substantially, what I said at 2 o'clock, and I read from a letter late last night or this morning. I read it, not for delay, but I read it so that I might be set right. I want to read the RECORD and read it again, and I have at all times been willing to vote on these appropriation bills and get them out of the way as we ought to.

I want to say to the Senator that I think every Senator on this side will accept his proposition. I do not mean to say that we will not discuss these bills. They ought to be discussed. I went into a committee meeting this evening at 8 o'clock on an appropriation bill covering $180,000,000, and which was considered in an hour. We ought not to pass them without consideration. Let them be considered. At what time Saturday did the Senator from Montana suggest?

Mr. CARTER. In order to bring the matter forward in a definite form for consideration, I ask unanimous consent of the Senate that the unfinished business, known as the tariff-board bill, be voted on without further debate at half past 8 o'clock on Saturday morning.

The VICE PRESIDENT. The Senator from Montana asks unanimous consent that a vote be taken upon Saturday morning, the calendar day of March 4, at 8.30 o'clock, upon the bill H. R. 32010, the tariff-board bill, without further debate. Is there objection?

Mr. STONE. I am not insistent about it, but I should like to inquire of the Senator from Montana if that unanimous-consent request should be agreed to, what hour would be fixed. I say I am not insistent about it, but I should like to know whether we are to go on all night or whether we are to have a little rest.

Mr. CARTER. I think all Senators present will be glad to adjourn, barring, perchance, such formal matters as might be presented in a moment or two.

Mr. WARREN. I am going to make a practical suggestion. I do not know that this is the time or place to do it. We have now probably taken two or three times as much time in discussing the point as it would have taken to have passed the naval appropriation bill. The naval appropriation bill is here, the chairman of the committee is here, and I am going to suggest that unless we arrive at some understanding and unless we

wish to take further time on it we might be doing business and getting the bill into the hands of the conferees.

I want to say, and I have had some little experience in these matters, that if you adjourn to-night and undertake to get bills through to-morrow—four great bills that have got to be gotten through—it will be impossible to get through the two Houses and into the hands of the conferees the reports and have the bills printed and signed before the time when we shall have adjourned sine die. It can not be done.

Mr. STONE. If the naval appropriation bill can be passed in half an hour, I think it can be done in half an hour to-morrow morning just as well. I am quite sure, so far as I know, that there is no person who has any disposition to discuss the naval appropriation bill, unless it should carry some item that some Senator whom I know nothing about might want to make an inquiry concerning, but I am sure it would go through very rapidly.

I understand the proposition to be that the Senate agree that on Saturday morning, the calendar day, after the reading of the Journal upon that day——

Mr. CARTER. I suggested the hour of 8.30.

The VICE PRESIDENT. Eight thirty was the request.

Mr. CARTER. In order that all Senators may be present at the time.

Mr. STONE. That at 8.30 o'clock a vote be taken upon what is known as the tariff-board bill.

Mr. CARTER. And all amendments then pending.

Mr. STONE. And all amendments.

The VICE PRESIDENT. May the Chair suggest, because it may not be in the mind of Senators, that the bill has already progressed to the stage of engrossment and third reading?

Mr. OVERMAN. How is that? I did not understand that.

The VICE PRESIDENT. The bill has already progressed to engrossment and third reading. The next question is, Shall the bill be engrossed and read the third time? That is the pending question.

Mr. STONE. I desire to say that there has been among the Senators with whom I have been cooperating no objection to a vote on this bill after the appropriation bills have been considered and passed upon, but 8.30 o'clock Saturday morning is within three hours and a half of the adjournment. That is so near to the time when the appropriation bills should have been disposed of that it seems to me like splitting hairs to contest a matter like that, and, speaking for myself and the Senator from North Carolina and others with whom I have just conferred, I see no objection to consenting to that arrangement, and although I hope very much that what has been said will be observed and faith kept, as a matter of comfort to us all we should adjourn now at a very early moment. A Senator says we should adjourn right away.

Mr. PENROSE. I wish to interrogate the Senator from Missouri.

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Pennsylvania?

Mr. STONE. Yes.

Mr. PENROSE. I recognize the fact that the Senate is pretty well tired out, and that none of us are willing to stay up very much longer. I should like to ask the Senator from Missouri whether he would have any objection, provided this unanimous-consent agreement is made, to take up the naval bill and proceed with it for a short time, and if we find it is going to lead to any prolonged debate in any part of it we can then adjourn, and in any event——

Mr. STONE. Would not the Senator from Pennsylvania be satisfied to have the bill read, and let us go home?

Mr. PENROSE. I will be entirely satisfied, so far as I am concerned, with that proposition.

The VICE PRESIDENT. Is there objection to the request of the Senator from Montana?

Mr. HEYBURN. Unless some progress is going to be made upon the appropriation bills immediately following this proposed unanimous-consent agreement, I shall object.

The VICE PRESIDENT. The suggestion has been made——

Mr. HEYBURN. If we are going to proceed with the appropriation bills to-night, I would not object.

The VICE PRESIDENT. The suggestion has been made that no objection would be made to proceeding for a while—not in any agreement, but that suggestion has been made.

Mr. HEYBURN. Every Senator here is equally responsible for the legislation of this body. There is no selected guardian to answer to the public. We are jeopardizing the interests of the Government by delaying the consideration of these appropriation bills, and I certainly shall not join in the unanimous consent unless the Senate intends to proceed orderly, without limitation, to the consideration and enactment of these necessary laws.

Mr. President, I have sat silently by while this matter has proceeded to-night and during the day. I am not willing that the RECORD shall disclose acquiescence upon my part in such a procedure. The first duty of the Senate is to enact the appropriation bills, and I shall not give unanimous consent, so far as I am concerned, until it is known that we are going to proceed seriously to the completion of these bills.

Mr. CARTER. I will say to the Senator from Idaho that my understanding is that the overwhelming desire of the Senate to proceed seriously and promptly to the consideration of the appropriation bills has led to this advanced stage of a unanimous-consent agreement. I know there are many Senators in this Chamber who are opposed to the tariff-board bill and who would like to see it fail, but they yielded with a view to accomplishing the identical purpose the Senator from Idaho has at heart.

Mr. HEYBURN. Mr. President, I did not have in mind for a moment the fate of the tariff-board bill. I had in mind only the performance of the responsible duty of Senators at this hour toward the Government they represent.

Mr. STONE. Mr. President, may I say a word? Although I am speaking twice, I will make this suggestion. I have just conferred with several Senators here who are in sympathy with the fight we have all been making against the consideration of the bill known as the tariff-board bill in advance of the appropriation bills. I have no desire to carry on this controversy when we are so near to a conclusion. I am glad to have this suggestion made. Now, let the Chair put the question of unanimous consent.

The VICE PRESIDENT. Unanimous consent is asked——

Mr. OVERMAN. I will say to the Senator from Idaho——

Mr. HEYBURN. I have objected to unanimous consent. Unless there is an agreement in regard to the appropriation bills, I will object.

The VICE PRESIDENT. The Chair understands the Senator from North Carolina desires to make a suggestion in reference to the unanimous-consent agreement—a modification, perhaps.

Mr. OVERMAN. I should like to say to the Senator from Idaho it will take some time to read the appropriation bill. We will agree that that much progress shall be made——

Mr. HEYBURN. It ought not to require the consent or the agreement of anybody to perform a duty so plain as the passage of the appropriation bills.

Mr. OVERMAN. The Senator is objecting to unanimous consent?

The VICE PRESIDENT. In the form in which the Chair stated the proposition, the Chair understands the Senator from Idaho to object.

Mr. CARTER. I ask unanimous consent that we vote on the tariff-board bill at the hour of 8.30 Saturday morning, and that immediately after the granting of this consent, if it is granted, we proceed to the consideration of the naval appropriation bill.

Mr. HEYBURN. Then I will withdraw the objection and accept that in good faith.

The VICE PRESIDENT. Is there objection to that request?

Mr. LA FOLLETTE. I ask that the request for unanimous consent for a vote be stated by the Chair.

The VICE PRESIDENT. The request is that on the calendar day of Saturday, March 4, at 8.30 a. m., without further debate, a vote be taken first upon the engrossment of the amendment and third reading and then upon the passage of House bill 32010, entitled "An act to create a tariff board," and that as soon as this agreement is reached the Senate shall proceed to the consideration of the naval appropriation bill. Is there objection? The Chair hears none, and the order is entered.

Mr. PENROSE. It is not necessary to make a motion to proceed to the consideration of the appropriation bill. It will be proceeded with now.

NAVAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 32212) making appropriations for the naval service for the fiscal year ending June 30, 1912, and for other purposes, which had been reported from the Committee on Naval Affairs with amendments.

Mr. PERKINS. I ask unanimous consent to dispense with the formal reading of the bill, and that the committee amendments be acted upon as they are reached in the reading.

The VICE PRESIDENT. Is there objection? The Chair hears none.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Naval Affairs was, under the subhead "Pay of the Navy," on page 2, line 1, after the word "paymasters," to insert "and accounting officers;"

and in line 2, after the word "storekeepers," to insert "ashore and afloat," so as to read:

Pay and allowances prescribed by law of officers on sea duty and other duty; officers on waiting orders; officers on the retired list; clerks to paymasters and accounting officers at yards and stations, general storekeepers ashore and afloat and receiving ships, and other vessels.

The amendment was agreed to.

Mr. JONES. I desire to ask a question. The formal reading of the bill was dispensed with, I understand.

The VICE PRESIDENT. It was.

Mr. JONES. Will not the bill be read at all?

The VICE PRESIDENT. It will be read for action on committee amendments now, and after that, of course, it will be open to amendment.

Mr. JONES. I understand that the Secretary is simply reading the amendments. I think the bill ought to be read once, anyway.

The VICE PRESIDENT. The Secretary will resume the reading of the bill.

The Secretary continued the reading of the bill.

The next amendment was, in the item of appropriation for the pay of the Navy, on page 3, line 6, after the word "dollars," to insert the following proviso:

Provided, That all officers of the Navy who since March 3, 1899, have been advanced or may hereafter be advanced in grade or rank by the President, in accordance with law, shall be allowed the pay and allowances of the higher grade or rank from the date they take rank as stated in their commissions.

Mr. WARREN. I make the point of order against that proviso as being legislation.

The VICE PRESIDENT. The point of order is sustained.

The next amendment was, on page 3, after line 10, to insert:

That the accounting officers of the Treasury are hereby authorized and directed to open and resettle, upon application, the accounts of volunteer officers of the Navy who served in the War with Spain, and to resettle such accounts in accordance with the decision of the Supreme Court of the United States in the case of the United States against John M. Hite, reported in Two hundred and fourth United States Reports, page 343.

The amendment was agreed to.

The next amendment was, under the subhead "Pay, miscellaneous," in the item of appropriation for contingent expenses of the Navy, on page 5, line 23, after the words "nineteen hundred and twelve," to insert:

And provided further, That all officers of the Navy serving on or after June 24, 1910, as chief of a bureau in the Navy Department, shall have, after 25 years' service, while on the active list, the highest rank, title, pay, and allowances of rear admiral, and shall be entitled to and shall receive new after 25 years' service commissions in accordance with the rank and title hereby conferred and be thereafter carried as additional numbers in that grade according to date of commission; and upon retirement shall be placed upon the retired list with the rank and title held at the time of retirement, and shall have three-quarters of the highest pay and allowances authorized by law for officers of their rank: *Provided further*, That nothing herein contained shall operate to deprive any officer of the rank, title, pay, or emoluments to which he is now or may hereafter be entitled in accordance with existing law.

Mr. LODGE. On that amendment, beginning in line 24 on page 5 and extending to line 14 on page 6, I make the point of order that it is clearly general legislation. It is not only general legislation but it increases the pay and allowances.

The VICE PRESIDENT. It is legislative. The Chair sustains the point of order.

The next amendment was to insert on page 6, beginning with line 14, the following:

And provided further, That hereafter, in fixing the cost of work under the various naval appropriations, the direct and indirect charges incident thereto shall be included in such cost: *And provided further*, That the Bureau of Supplies and Accounts shall keep the money accounts of the Naval Establishment in such manner as to show such charges and shall report the same annually for the information of Congress: *And provided further*, That the Secretary of the Navy be, and he hereby is, authorized, in his discretion, to make partial payments from time to time during the progress of the work under existing contracts and all contracts hereafter made under the Navy Department for public purposes, but not in excess of 80 per cent of the value of work already done; and the contracts hereafter made shall provide for such insurance as the Secretary of the Navy may deem sufficient, and for a lien in favor of the Government, which lien is hereby made paramount to all other liens, upon the articles or thing contracted for on account of all payments so made: *Provided*, That partial payments shall not be made under such contracts except where stipulated for, and then only in accordance with contract provisions.

Mr. GALLINGER. The word "*And*" should be left out before the words "*Provided further.*"

The VICE PRESIDENT. That will be done.

Mr. KEAN. Mr. President, if I can have the "80 per cent" changed to "90 per cent," I will not make the point of order against it.

Mr. PERKINS. The committee accepts the amendment.

Mr. KEAN. Then I move to strike out "80 per cent" and insert "90 per cent."

The VICE PRESIDENT. The amendment proposed by the Senator from New Jersey will be stated.

The SECRETARY. On page 6, line 26, before the words "per centum," it is proposed to amend the amendment by striking out "eighty" and inserting "ninety," so as to read:

And provided further, That the Secretary of the Navy be, and he hereby is, authorized, in his discretion, to make partial payments from time to time during the progress of the work under existing contracts and all contracts hereafter made under the Navy Department for public purposes, but not in excess of 90 per cent of the value of work already done.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, on page 7, after line 8, to insert:

Hereafter, if any officer of the United States Navy shall fail in his physical examination for promotion and be found incapacitated for service by reason of physical disability contracted in the line of duty, he shall be retired with the rank to which his seniority entitled him to be promoted.

Mr. CURTIS. Mr. President, I should like to ask the chairman of the committee or some member of the committee why not apply that rule to the men who have been heretofore retired? I understand that the department has taken a stand against them; and if so, why should we apply it to those hereafter to be retired?

Mr. PERKINS. I will say to the Senator from Kansas that this is the exact provision that is in the Army appropriation bill. No objection was made to it, and no other claim was presented to the committee. There is a special act pending, which passed the Senate, but it has not been placed on the appropriation bill. It would hardly be in order to do so.

Mr. McCUMBER. A bill containing exactly the same provision has passed the Senate.

Mr. PERKINS. That is true.

Mr. CURTIS. I understand the Navy Department has reported against this kind of legislation by private bill for a man who has heretofore been retired under similar circumstances. I do not know whether I am right or wrong, but that is my information.

Mr. McCUMBER. The department has reported in favor of this amendment.

Mr. CURTIS. That is the information I desire.

Mr. WARREN. Does the Senator know whether, in the case of which he speaks, the man was already at the point of being promoted? What this bill does is this——

Mr. CURTIS. I understand he was at the point of being promoted and was to have taken the examination for promotion, but because of his physical condition was prevented from doing so. The examination was continued, and at the next period he was not in a physical condition to take the examination. He was then retired.

I contend that all these officers should be treated alike. If this provision is to apply to officers who may hereafter be retired, it should apply to those who, under the same conditions, have heretofore been retired.

Mr. WARREN. Does not the Senator think it would be a better way to provide for the future, and then take up these matters at another time?

Mr. CURTIS. If I may make the suggestion, if the department, as I am advised it has done, has reported against the men who have heretofore been retired, then there should be a general provision applying to all. Believing the amendment is subject to a point of order, I make the point of order against it.

Mr. McCUMBER. Mr. President, I would ask the Senator to withhold his point of order. I did have the report of the Secretary upon this matter, but I find it is not in my desk, and I wish to get it.

Mr. WARREN. I wish to say that that is the exact law that is now in force in the Army, and, indeed, it must be just, because if a man is mentally sound and is willing to accept the responsibility of a higher office, but is found physically incapable, he ought to be retired with the rank he is entitled to.

The VICE PRESIDENT. Does the Senator raise the point of order?

Mr. CURTIS. All of them should be treated alike. I insist upon the point of order.

The VICE PRESIDENT. The point of order is sustained. The Secretary will resume the reading of the bill.

Mr. WARREN. Mr. President, I will state before the reading is resumed, so that the Chair may examine the matter, that I shall make the point of order against the clause from lines 13 to 26, on page 7, inclusive.

Mr. GALLINGER. Mr. President, perhaps the paragraph ought to be read.

The VICE PRESIDENT. Certainly; the Secretary is about to read it.

Mr. WARREN. I only mention it so that the Chair may be advised.

The reading of the bill was resumed.

The next amendment of the Committee on Naval Affairs was, on page 7, after line 12, to insert:

That all officers, including warrant officers, active or retired, who have been or may be appointed to the Navy from civil life or while serving in the Regular Army, Navy, or Marine Corps, except as midshipmen, shall, on the date of appointment, be credited, for computing their pay, with five years of service: *Provided*, That the total previous service of such officers shall have been less than five years: *And provided*, That in computing the five years' credit given by this act all previous service shall be included: *And provided*, That this act shall not operate to reduce the pay now received by any person in the Navy, nor to create any claim for back pay or accrued allowances: *And provided further*, That all acts and parts of acts inconsistent with this act be, and they are hereby, repealed.

Mr. PENROSE. I raise the point of order on the two provisos beginning in line 18, down to line 21, inclusive.

Mr. WARREN. I raise the point of order on the entire paragraph, from line 13 to line 26, on page 7.

Mr. GALLINGER. Mr. President, just a moment. I think it is fortunate that some other bills have passed, or points of order might be more numerous than they are appearing to-night. If this bill is to be treated as an outcast because it happens to contain a little legislation, I think hereafter we shall scan certain other bills with more care before we allow them to pass.

Mr WARREN. Will the Senator let me call his attention to one matter in the bill? It is proposed when a man in civil life——

Mr. PENROSE. I suggest to the Chair that the point of order has been raised, and that the Chair rule on the point of order and let us get on with the bill. The provisos are clearly open to objection.

The PRESIDING OFFICER (Mr. KEAN in the chair). The Senator from New Hampshire desires to make a statement.

Mr. PENROSE. Very well.

Mr. GALLINGER. I think I shall not make any further statement, if Senators who are not on the committee take charge of this bill without giving an opportunity for us to hear those who are on the committee. I have no objection to striking out these provisions. They are undoubtedly subject to points of order. The one that went out last is a provision that ought to have remained in the bill. It is precisely the same regulation which now obtains as to the Army, and there is no reason why it should not apply to naval officers as well. The point of order has been made against it, as I think, without due consideration; but it is out of the bill, and I have no objection to the remainder of these amendments going out in the same way.

Mr. PENROSE. I am a member of the committee, and attended all the hearings on this bill, I believe, and I am in favor of a great deal of this legislation; but I recognize the fact that it is a physical impossibility for us to consider at this late hour any of these legislative paragraphs that will lead to discussion.

Mr. WARREN. I only desire to say that it seems to me a very objectionable feature that individual citizens taken from private life are immediately credited with five years' service.

Mr. PENROSE. The provision is out of the bill.

The PRESIDING OFFICER. The point of order is sustained.

The Secretary resumed the reading of the bill.

Mr. STONE. Mr. President, I desire to ask for what purpose the bill is being read now.

The PRESIDING OFFICER. For the consideration of committee amendments. The text of the bill is also being read.

Mr. STONE. Has the first reading of the bill been dispensed with?

The PRESIDING OFFICER. The formal reading, the Chair understood, was dispensed with. The full text is being read, together with the amendments, and the committee amendments are being considered as they are reached.

Mr. JONES. Mr. President, I will say that if the chairman of the committee will allow the amendment at the bottom of page 22 and the top of page 23 to go over until to-morrow it probably will not take very much time then to dispose of it, and I will not insist upon the full reading of the bill.

Mr. WARREN. I hope the Senator is not going to object to the bill being closed to-night.

Mr. JONES. It will only take but a few moments to close it to-morrow.

Mr. WARREN. It is not a matter of that. The bill ought to go to the Printing Office and get back so that we can get it into conference.

Mr. PERKINS. I hope the Senator from Washington will not insist upon that. The committee were unanimous in regard to this amendment. If we are going to discriminate and provide in what particular place the Navy Department shall buy coal, it will certainly emasculate the whole service.

Mr. JONES. They are doing a good deal of discrimination now. I desire to say this is not discrimination against the department, and it probably would not take very much time to-morrow to dispose of the matter, and I think time would be saved by allowing it to go over. If that can be done, I am willing to waive the reading of the entire bill, although I think that the bill ought to be read. I do not think we ought to pass a bill carrying $125,000,000 without its being read in the Senate, but I am willing to waive that.

The PRESIDING OFFICER. The bill is being read.

Mr. JONES. I know that; but I am willing not to insist upon the full reading of the bill if I can have a little time to-morrow.

Mr. LODGE. Every word of the bill is being read.

Mr. JONES. I understand that, and it is being read on my insistence.

Mr. BEVERIDGE. By unanimous consent, Mr. President, it was agreed that this bill should be proceeded with to-night.

Mr. JONES. But it was not agreed that it should be completed to-night.

Mr. BEVERIDGE. No; not completed.

Mr. PENROSE. That it should be read to-night.

Mr. BEVERIDGE. That it should be proceeded with.

Mr. WARREN. The agreement was that this bill should be passed to-night.

Mr. GALLINGER. Regular order, Mr. President.

The PRESIDING OFFICER. The Secretary will continue the reading.

Mr. STONE. Mr. President, the first reading of the bill having been had, I think we ought to go home and come back at 9 o'clock, and then go on with the bill. I move that the Senate adjourn.

The PRESIDING OFFICER. The Chair does not understand that to be in accordance with the unanimous-consent agreement.

Mr. STONE. I do not understand the Chair.

The PRESIDING OFFICER. The Chair understood that the unanimous-consent agreement was that we should proceed to the consideration of the naval appropriation bill.

Mr. STONE. We have proceeded with it.

Mr. BRANDEGEE. Mr. President, I ask that the unanimous-consent agreement be read.

The PRESIDING OFFICER. The Secretary will read.

The Secretary read as follows:

It is agreed by unanimous consent that on the calendar day of Saturday, March 4, 1911, at 8.30 o'clock a. m., the Senate will, without further debate, vote upon the bill (H. R. 32010) to create a tariff board; that the vote shall first be upon the engrossing, then upon the third reading of the bill, and then upon its passage, and that immediately upon this agreement being effected the Senate will proceed to the consideration of the naval appropriation bill.

Mr. CARTER. Mr. President, the Senator from Missouri is correct in his construction that the agreement does not contemplate the conclusion of the consideration of the bill to-night; but I appeal to the Senator to permit the unobjected items of amendment to be agreed to to-night, and that the bill be left open for any amendments any Senator desires to propose to-morrow morning. I think the unobjected matters might well be disposed of to-night.

Mr. WARREN. Mr. President, I hope we may go as far as that, and I would like very much to go further. The fact is, we have agreed to meet in the morning at 10 o'clock to take up the sundry civil bill, which embraces some 300 pages, and will probably provoke some considerable discussion. To take the naval appropriation bill up in the morning would, of course, delay the sundry civil bill, and we ought to get this bill, if possible, through to-night and into the hands of the printer.

Mr. STONE. Mr. President, the Chair seemed to indicate that a motion to adjourn would not be entertained. I should like to know what the Chair's opinion as to that is.

The PRESIDING OFFICER. It was only a supposition of the Chair that we were to proceed with the naval appropriation bill. Of course, if the Senator from Missouri moves to adjourn, the Chair will be obliged to put the motion.

Mr. STONE. I will not at this moment insist upon the motion; but I desire to say, Mr. President—and very briefly, too—that it does seem to me that with a bill of this kind, carrying such a great amount of money, with only a handful of Senators here, and after all the conferences we have had to-night before the agreement was entered into, that we ought to adjourn, so that we may have to-morrow morning a sufficient number of Senators here to consider the bill.

Mr. PERKINS. Mr. President, I hope the Senator from Missouri will permit the bill to be read, and then we can let it lie over until to-morrow morning for amendment.

Mr. STONE. The bill has been read.

Mr. PERKINS. Part of it has been read, but not the whole of it.

Mr. WARREN. It is being read now for the consideration of committee amendments.

Mr. PENROSE. Mr. President, I hope the Senator from Missouri [Mr. STONE] will have some consideration for the Senator from California [Mr. PERKINS]. He is advanced in years and in feeble health, and it is an extraordinary effort that he has made to sit up until this late hour. If he is willing to go on, I think every Senator present in this Chamber ought to be willing to let him go on.

Mr. STONE. I have great respect for the Senator from California, as I have for the Senator from Pennsylvania, and I am willing to withhold the motion for awhile, so far as I am concerned, and let the bill be proceeded with for awhile longer; but not very long, for I shall make the motion again.

The PRESIDING OFFICER. Is there objection to passing over the amendment on pages 22 and 23?

Mr. PERKINS. I ask that they be passed over.

The PRESIDING OFFICER. Without objection, the amendment at the bottom of page 22 and the top of page 23 will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Naval Affairs was, under the subhead "Bureau of Ordnance," on page 19, line 2, after the word "dollars," to strike out: "*Provided*, That no part of this appropriation shall be expended in experiments unless, in the development of armor-piercing projectiles and high explosives, an attack on heavy turret armor and heavy belt armor is made by armor-piercing projectiles at not less than 15,000 yards," so as to make the clause read:

Experiments, Bureau of Ordnance: For experimental work in the development of armor-piercing and other projectiles, fuses, powders and high explosives, in connection with problems of the attack of armor with direct and inclined fire at various ranges, including the purchase or armor, powder, projectiles, and fuses for the above purposes, and of all necessary material and labor in connection therewith; and for other experimental work under the cognizance of the Bureau of Ordnance in connection with the development of ordnance material for the Navy, $100,000.

The amendment was agreed to.

Mr. CURTIS. Mr. President, I have just read the statement in reference to the amendment on page 7, lines 8 to 12, against which I made a point of order. Having read the statement, if it may be printed in the RECORD, I will withdraw my point of order.

The PRESIDING OFFICER. The question, then, is on agreeing to the amendment.

The amendment was agreed to.

Mr. McCUMBER. Right at this point I present the statement, which I send to the desk, being a portion of a letter from the Secretary of the Navy, I understand, with reference to this case. I ask that it be printed in the RECORD.

Mr. CURTIS. That is the statement to which I have referred, and I ask that it may follow my remarks.

The PRESIDING OFFICER. Without objection, permission is granted.

The statement referred to is as follows:

DECEMBER 27, 1910.

Remarks relative to Senate bill 4746 (passed Senate), now before House Naval Committee as No. 16893, for retirement with advanced rank of naval officers failing physically on examination for promotion.

This bill is a measure intended to correct and adjust a discrimination now existing against naval officers and place them on a basis of equality and justice with officers of the Army and Marine Corps. This law of retirement has long been operative in the Army and in the Marine Corps since 1892. No such law exists relative to naval officers, who are thus discriminated against and suffer injustice thereby.

A noticeable case in point is here cited: Recently a commander in the Navy was examined for promotion to the rank of captain and found "mentally, morally, and professionally qualified," but "physically disqualified," and was recommended to be reexamined physically in six months to determine the extent of his present physical incapacity. Should this officer fail physically on the reexamination that is to be held in June next, he will be retired in his present rank of commander and not of captain, for which rank he is mentally, morally, and professionally qualified.

If the law in regard to retirement, applicable alike to officers of the Army and Marine Corps, is made applicable to the Navy by the passage of Senate bill 4746 or House bill 16893 on or before the adjournment of the present Congress on March 4, 1911, this injustice to and discrimination against the naval officer, whose case is herein cited, and all other naval officers would terminate. This commander's case invites a further examination into the conditions and circumstances that now confront and surround him.

He has served with a creditable record for more than 37 years in the Navy, and has rendered services that brought forth a letter of commendation from the Secretary of the Navy for his conduct on the north Alaska exploring expedition in 1884–85. Again, in 1889 he received the commendation of the commander in chief of the Pacific Squadron for his services in saving life and property during the devastating hurricane that enveloped the Samoan Islands on March 15, 16, and 17 of that year, when two of our own ships and two of the German ships were total loses, and one ship of each nation stranded. During the War with Spain he held the rank of lieutenant and commanded an armed vessel that was actively engaged in and around Cuban waters during that war. He took part in the early stages of the blockade of Habana and was under fire of the shore batteries near that city. He convoyed and successfully landed at Port Banes, Cuba, in May, 1898, the first body of troops of any considerable number that succeeded in remaining there. The vessel under his command was one of those that convoyed and accompanied the United States Army to Daiquiri, Cuba, in June, 1898, and assisted in the landing. Following this came blockade duty in the vicinity of Cape Cruz and Manzanillo, Cuba.

He participated in the engagement before the latter place on July 1, 1898, and was commended for his conduct in battle on this occasion by the commander in chief of the North Atlantic Fleet. Afterwards came the engagements at Manzanillo, Cuba, on July 17 and August 12, and at Las Tunas, Cuba, on July 26, where he had gone with dispatches, arriving in time to participate in the attack on that place.

He served in the Philippine Islands from 1899 to 1902 and took part in suppressing the insurrection there. From 1904 to 1907 he again saw service in the Philipines, and since then he has been inspector of a lighthouse district, in comand of a vessel protecting American interests in Central America and South America, and is now commanding a ship at a navy yard.

For "eminent and conspicuous conduct in battle" during the War with Spain he was advanced in numbers as a reward of merit and recommissioned in pursuance thereof. By this advancement, however, he became on promotion to the next higher grade and thereafter an additional number in whatever grade promoted to.

This law was passed and construed to avoid delaying the promotion of those officers above whom he was placed, that all officers so advanced should thereafter be additional numbers in whatever grade to which promoted. Just here a new difficulty is encountered.

Under the Navy personnel act of 1899 officers promoted for eminent and conspicuous conduct in battle or extraordinary heroism are given additional numbers in their respective grades; and their retirement from active service, due to incapacity, even in the line of duty, does not create a vacancy, therefore they can not and do not enjoy the privileges of retiring in the next higher grade as do other officers not handicapped by such conduct as "eminent and conspicuous conduct in battle" or "extraordinary heroism in battle." Such is the case of this officer whose record has been cited. Had this officer's conduct been less "eminent and conspicuous in battle" he could have retired last June as a captain under the provisions of the Navy personnel act of 1899. He therefore has a right to regard himself as being discriminated against and unjustly treated, and this discrimination against and injustice to him is not his own fault nor the result of any misconduct on his part; but, on the contrary, is the result of circumstances and conditions of which he is not the author but the victim.

Full consideration has been given to the fact that there is now pending before the House Naval Committee a bill (H. R. 27844) to regulate and increase the efficiency of the personnel of the United States Navy and Marine Corps, in which is incorporated features intended to correct and adjust the discrimination and injustice against which complaint is made, but this bill is still under consideration by the House Naval Committee, and hearings on it are as yet incompleted.

It is complex and contains so many other provisions that it practically involves a reorganization of the naval personnel. No hearings on this bill have been held by the Senate Naval Committee, and it is not believed that sufficient time exists between now and the 4th of March, 1911, to have this bill reported by both Houses of Congress and passed. Senate bill No. 4746 has passed the Senate and is now before the House Naval Committee as No. 16893.

This bill is not complex, and involves no features other than those of justice to deserving naval officers, and it removes the discrimination against them in regard to retirement by giving them the measure of justice so long accorded officers of the Army and Marine Corps. Its passage by the House should not longer be delayed and can not be so delayed without continuing the injustice and discrimination now existing against naval officers. Some, if not all, of them deserve better treatment at the hands of their countrymen.

The honor conferred upon this officer for his conduct in war, instead of promoting his well-being and interests, has been punitive in character and effect, and the danger that it will become permanently so is imminent unless the redress requested is promptly granted.

The next amendment was, on page 23, line 16, before the word "dollars," to strike out "seventy-five thousand" and insert "one hundred and twenty-five thousand," and in the same line, after the word "dollars," to insert: "*Provided*, That $50,000, or so much thereof as may be necessary, of this appropriation may be used in the Hydrographic Office of the Navy Department at Washington, D. C., for the purchase of the necessary machinery, materials, supplies, and tools, and for the pay of the necessary additional draftsmen, photographers, lithographers, printers, negative cutters, pressmen and feeders, to enable the Hydrographic Office to produce metallic chart plates of the oceans and harbors of the world, and print charts therefrom, to replace such foreign charts as now have to be purchased abroad; and to enable the Secretary of the Navy to carry out this proviso he will detail such naval officers as may be necessary to the Hydrographic Office," so as to make the clause read:

Ocean and lake surveys: Hydrographic surveys, including the pay of the necessary hydrographic surveyors, cartographic draftsmen, and recorders, and for the purchase of nautical books, charts, and sailing directions, $125,000: *Provided*, That $50,000, or so much thereof as may be necessary, etc.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Yards and Docks," in the item of appropriation for the maintenance of yards and docks, on page 26, line 14, after the word "dollars," to insert the following proviso:

Provided further, That the Secretary of the Navy is authorized, in his discretion, to furnish hereafter, without charge, heat and light for the Young Men's Christian Association buildings in navy yards and stations.

The amendment was agreed to.

The next amendment was, under the subhead "Public works, Bureau of Yards and Docks," on page 27, line 2, after the word

"dollars," to strike out "in all, $229,000;" in line 4, before the word "continuing," to strike out "For" and insert "for;" in the same line, before the word "wall," to strike out "key" and insert "quay;" and in line 5, after the word "dollars," to insert "in all, $229,000," so as to make the clause read:

Navy yard, Portsmouth, N. H.: Combined railway and highway bridge, with approach and appurtenances (cost not to exceed $125,000), $125,000; railroad rolling stock, additional, $4,000; for continuing the extension of the quay wall, $100,000; in all, $229,000.

The amendment was agreed to.

The next amendment was, on page 27, line 8, after the word "dollars," to insert "toward 150-ton floating crane (cost not to exceed $325,000), $150,000;" in line 17, after the word "dollars," to insert "to be immediately available;" and in line 19, before the word "thousand," to strike out "one hundred and twenty-seven" and insert "two hundred and seventy-seven," so as to make the clause read:

Navy yard, Boston, Mass.: Dredging, $5,000; toward 150-ton floating crane (cost not to exceed $325,000), $150,000; improvements to water front, $50,000; improvements to yard buildings, $10,000; paving, $10,000; electrical system, extension, $5,000; one officer's quarters, $12,000; improvement of central power plant, $20,000; enlargement of Dry Dock No. 2, $15,000, to be immedately available; in all, navy yard, Boston, $277,000.

The amendment was agreed to.

The next amendment was, on page 28, after line 23, to insert:

That it shall be the duty of the Attorney General of the United States, at the request of the Secretary of the Navy, to institute, as soon as may be, a suit or suits in the supreme court of the District of Columbia against all persons and corporations, or others, who may have, or pretend to have, any right, title, claim, or interest in and to any part or parcel of the land or water in the District of Columbia within the limits of the city of Washington, or exterior to said limits, composing any part of the Anacostia River, or Eastern Branch, their shores and submerged or partly submerged lands, as well as the bed of said river or branch and the uplands adjacent thereto, including flats and marsh lands, or who may have, or pretend to have, any right, title, claim, or interest in and to any part or parcel of the land needed by the United States for the construction, maintenance, and operation of a sufficient and satisfactory track connection for a railroad to the navy yard in the city of Washington, provided for in the act of Congress approved June 24, 1910 (36 Stat. L., 378), for the purpose of establishing and making clear the right of the United States thereto.

That the suit or suits mentioned in the preceding paragraph shall be in the nature of a bill in equity, and there shall be made parties defendant thereto all persons and corporations or others known to set up or assert any claim or right to or in the land or water in the preceding paragraph mentioned, and against all other persons and corporations or others who may claim to have any such right, title, or interest. On the filing of said bill process shall issue and be served, according to the ordinary course of said court, upon all persons and corporations or others within the jurisdiction of said court; and public notice shall be given, by advertisement in two newspapers published in the city of Washington, for three weeks successively, of the pendency of said suit, and citing all persons and corporations or others interested in the subject matter of said suit or in the land or water in this act mentioned to appear, at a day named in such notice, in said court to answer the said bill and set forth and maintain any right, title, interest, or claim that any person or corporation or others may have in the premises; and the court may order such further notice as it shall think fit to any party in interest.

That the said cause shall then proceed with all practicable expedition to a final determination by said court of all rights drawn in question therein, and the said court shall have full power and jurisdiction by its decree to determine every question of right, title, interest, or claim arising in the premises, and to vacate, annul, set aside, or confirm any claim of any character arising or set forth in the premises; and its decree shall be final and conclusive upon all persons and corporations, or others, parties to the suit, or who shall fail, after public notice as hereinbefore in this act provided, to appear in said court and litigate his, her, their, or its claim, and they shall be deemed forever barred from setting up or maintaining any right, title, interest, or claim in the premises.

That from the final decree of the supreme court of the District of Columbia, and every part thereof, in the premises an appeal shall be allowed to the United States, and to any other party in the cause complaining of such decree, as in other equity cases, to the Supreme Court of the United States, which last-mentioned court shall have full power and jurisdiction to hear, try, and determine the said matter, and every part thereof, and to make final decree in the premises; and the said cause shall, on motion of the Attorney General of the United States, be advanced to the earliest practicable hearing.

The amendment was agreed to.

The next amendment was, on page 32, line 6, after the word "dollars," to insert "purchase of land and widening of channel, $80,000," and in line 13, before the word "thousand," to strike out "two hundred and fifty-two" and insert "three hundred and thirty-two," so as to make the clause read:

Navy yard, Norfolk, Va.: Railroad tracks, extensions, $5,000; electric-light plant, extensions, $25,000; repairs, buildings, St. Helena, $25,000; dredging, to continue, $20,000; compressed-air system, extensions, $5,000; improvements to water front, $100,000; paving and grading, $10,000; heating system, extension, $15,000; sewer system, extensions, $6,000; water system, extension, $5,000; garbage crematory, $10,000; fire-protection system, extensions, $5,000; renewals and additions to 120-ton floating derrick, $5,000; renewal of Richmonds Dock, $12,000; natatorium, St. Helena, $4,500; purchase of land and widening of channel, $80,000; the sum of $20,000 appropriated by the act of June 24, 1910, for crane track around Dry Dock No. 3 is hereby reappropriated and made available for renewal of locomotive crane tracks; in all, navy yard, Norfolk, Va., $332,500.

The amendment was agreed to.

The next amendment was, on page 32, line 16, after the word "dollars," to insert "toward permanently securing deep water at the entrance of the dry-dock at the navy yard, $60,000," and in line 19, before the word "thousand," to strike out "ten" and insert "seventy," so as to make the clause read:

Navy yard, Charleston, S. C.: Paving and grading, to continue, $5,000; railroad system, extensions and improvements, $5,000; toward permanently securing deep water at the entrance of the dry-dock at the navy yard, $60,000; in all, $70,000.

The amendment was agreed to.

The next amendment was, on page 32, line 25, after the word "dollars," to insert "to restore dike and fill, $9,000; quay wall extension, $50,000," and on page 33, line 3, before the word "thousand," to strike out "forty-eight" and insert "one hundred and seven," so as to make the clause read:

Naval station, Key West, Fla.: Approach to Pier B, $10,000; repairs, coal shed and coal conveyers "A," $23,000; sewers, $2,000; water system, $5,000; machinery house, marine railway, $2,000; repairs and foundations, Shed B, $6,000; to restore dike and fill, $9,000; quay wall extension, $50,000; in all, $107,000.

The amendment was agreed to.

The next amendment was, on page 33, line 8, after the word "California," to strike out "To continue improvement of channel, $100,000," and insert "Improvement of hydraulics, Mare Island straits, etc., in accordance with the report submitted in House Document No. 1103, Sixtieth Congress, second session, $300,000: *Provided*, That the Secretary of the Navy may enter into a contract or contracts for such materials and work as may be necessary to complete the project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $507,000," so as to make the clause read:

Navy yard, Mare Island, Cal.: Improvement of hydraulics, Mare Island straits, etc., in accordance with the report submitted in House Document No. 1103, Sixtieth Congress, second session, $300,000: *Provided*, That the Secretary of the Navy may enter into a contract or contracts for such materials and work as may be necessary to complete the project, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate $507,000; grading and paving, $15,000; railway system, extensions, $10,000; water system, extensions, $5,000; electric plant, extensions, $5,000; pneumatic system, extensions, $5,000; improvement of Quarters "I," $5,000; in all, $145,000.

The amendment was agreed to.

The next amendment was, on page 34, line 10, after the word "dollars," to insert "walk on Burwell Avenue, $1,000," and in line 13, before the word "thousand," to strike out "eighty-eight" and insert "eighty-nine," so as to make the clause read:

Navy yard, Puget Sound, Wash.: Dry dock, to complete, $900,000; Pier 6, renewals and improvements, $25,000; heating system, renewals and extensions, $10,000; water-closets for yard workmen, $12,000; paving and walks, to commence, $10,000; garbage incinerator, $6,000; railroad equipment and extensions, $5,000; fresh-water system, extensions, $5,000; fire-protection system, extensions, $10,000; dredging, $5,000; walk on Burwell Avenue, $1,000; in all, navy yard, Puget Sound, Wash., $989,000.

The amendment was agreed to.

The next amendment was, under the head of "Bureau of Construction and Repair," on page 47, after line 3, to insert:

Sections 1538 and 1539 of the Revised Statutes are hereby repealed.

Mr. OWEN. I should like an explanation of that item.

Mr. PERKINS. These are obsolete.

Mr. OWEN. I withdraw the objection.

The amendment was agreed to.

The next amendment was, under the subhead "Naval Academy," on page 50, line 17, before the word "one," to strike one "one clerk" and insert "two clerks;" and in line 18, before the word "clerks," to strike out "five" and insert "four," so as to read:

One swordmaster, $1,600; 1 assistant, $1,200; and 2 assistants, at $1,000 each; 2 instructors in physical training, at $1,500 each; and 1 assistant instructor in physical training, at $1,000; and 1 instructor in gymnastics, $1,200; 1 assistant librarian, $2,160; 1 cataloguer, $1,200; and 2 shelf assistants, at $900 each; 1 secretary of the Naval Academy, $2,400; 2 clerks, $1,500; 4 clerks, at $1,200 each.

The amendment was agreed to.

Mr. STONE. I move the Senate do now adjourn.

Mr. CARTER. I hope the Senator from Missouri will withhold that motion.

Mr. STONE. I move that the Senate adjourn. It is 4 o'clock, nearly, and time to go home.

Mr. PERKINS. I hope the Senator from Missouri will allow us to finish the reading of the bill. We are nearly through the bill.

Mr. STONE. If there is anyone who ought to go home and rest it is the Senator from California. I insist upon the motion.

Mr. PENROSE. Ten minutes will finish this bill, if the Senator will only have a little patience.

Mr. STONE. I insist upon my motion for adjournment.

The VICE PRESIDENT. The Senator from Missouri moves that the Senate do adjourn.

The Senate refused to adjourn.

The next amendment was, on page 51, line 5, to increase the total appropriation for the pay of professors and others at the Naval Academy from $122,576 to $122,876.

The amendment was agreed to.

The next amendment was, on page 55, after line 2, to insert:

The Secretary of the Navy shall have plans, specifications, and estimates prepared of the cost for the completion of the crypt at the United States Naval Academy, Annapolis, Md., as a permanent resting place for the body of John Paul Jones, and shall report the same to the next session of Congress.

The amendment was agreed to.

Mr. STONE. I make the point of order that we have no quorum.

The VICE PRESIDENT. The Senator from Missouri makes the point of order that there is no quorum present. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CARTER. I ask the Senator from Missouri to withdraw his motion.

Mr. GALLINGER. Let the roll call proceed. It has been demanded.

The Secretary called the roll, and the following Senators answered to their names:

Beveridge	Gallinger	Oliver	Smith, S. C.
Brandegee	Gamble	Owen	Smoot
Bulkeley	Gronna	Page	Stone
Burkett	Heyburn	Penrose	Swanson
Carter	Jones	Perkins	Warren
Clapp	Kean	Piles	Wetmore
Crane	Lodge	Root	Young
Curtis	Lorimer	Shively	
Dick	McCumber	Smith, Md.	
Flint	Martin	Smith, Mich.	

Mr. CARTER. I withdraw the motion.

Mr. BEVERIDGE. There is no quorum present.

Mr. PERKINS. There being no quorum present, I move the Senate do adjourn.

The motion was agreed to; and (at 4 o'clock a. m., Friday, Mar. 3) the Senate adjourned until Friday, March 3, 1911, at 10 a. m.

NOMINATIONS.

Executive nominations received by the Senate March 2, 1911.

UNITED STATES CIRCUIT JUDGE.

Arthur C. Denison, of Michigan, to be United States circuit judge, sixth circuit, to succeed Henry F. Severens, resigned, to take effect October 3, 1911.

UNITED STATES DISTRICT JUDGES.

Alexis C. Angell, of Michigan, to be United States district judge, eastern district of Michigan, vice Henry H. Swan, resigned, to take effect July 1, 1911.

Clarence W. Sessions, of Michigan, to be United States district judge, western district of Michigan, to succeed Arthur C. Denison upon his confirmation as circuit judge, to take effect October 3, 1911.

RECEIVER OF PUBLIC MONEYS.

Granville Gustavus Withers, of Pueblo, Colo., to be receiver of public moneys at Pueblo, vice John J. Lambert, whose term will expire March 3, 1911.

Charles T. Staley, of Garrison, N. Dak., to be receiver of public moneys at Bismarck, N. Dak., vice John Satterlund, term expired.

ASSISTANT SECRETARY OF THE TREASURY.

Robert O. Bailey, of Illinois, to be Assistant Secretary of the Treasury, in place of Charles D. Hilles, resigned.

AUDITOR.

Frank H. Davis, of Delaware, to be Auditor for the State and Other Departments, in place of Caleb R. Layton, resigned.

SURVEYORS OF CUSTOMS.

Edward G. Graves, of Massachusetts, to be surveyor of customs in the district of Boston and Charlestown, in the State of Massachusetts, in the place of Jeremiah J. McCarthy, whose term of office will expire on March 31, 1911. The appointment not to be effective earlier than June 1, 1911.

Walter A. Blackburn, of Kentucky, to be surveyor of customs for the port of Paducah, in the State of Kentucky, in place of John R. Puryear, deceased.

UNITED STATES CONSULS.

William W. Kitchen, of Mississippi, to be consul of the United States at Teneriffe, Canary Islands, vice Solomon Berliner, deceased.

Clement S. Edwards, of Minnesota, to be consul of the United States of America at Acapulco, Mexico, vice Marion Letcher, appointed consul at Chihuahua.

SECOND SECRETARIES OF EMBASSIES.

Alexander Benson, of Pennsylvania, now secretary of the legation at La Paz, to be second secretary of the embassy of the United States of America at St. Petersburg, Russia, vice John Van A. MacMurray.

M. Marshall Langhorne, of Virginia, now secretary of the legation to Paraguay and Uruguay, to be second secretary of the embassy of the United States of America at Vienna, Austria, vice Nelson O'Shaughnessy, appointed second secretary of the embassy at Mexico.

Alexander R. Magruder, of Maryland, now second secretary of the embassy at Rio de Janeiro, to be second secretary of the embassy of the United States of America at Rome, Italy, vice Charles S. Wilson, appointed secretary of the embassy at Rome.

Arthur Orr, of Illinois, to be second secretary of the embassy of the United States of America at Rio de Janeiro, Brazil, vice Alexander R. Magruder, nominated to be second secretary of the embassy at Rome.

Jordan Herbert Stabler, of Maryland, now secretary of the legation at Quito, to be second secretary of the embassy of the United States of America at Berlin, Germany, vice Joseph C. Grew, appointed secretary of the embassy at Vienna.

Sheldon Whitehouse, of New York, now secretary of the legation at Caracas, to be second secretary of the embassy of the United States of America at Paris, France, vice Gustave Scholle, nominated to be secretary of the legation at Madrid.

THIRD SECRETARIES OF EMBASSIES.

Warren D. Robbins, of Massachusetts, to be third secretary of the embassy of the United States of America at Paris, France, vice Franklin Mott Gunther, appointed secretary of the legation at Managua.

Frederick A. Sterling, of Texas, to be third secretary of the embassy of the United States of America at St. Petersburg, Russia, vice Willing Spencer.

SECRETARIES OF LEGATIONS.

William Whiting Andrews, of Ohio, to be secretary of the legation of the United States of America at Panama, Panama, vice Charles Campbell, jr., nominated to be secretary of the legation at Guatemala.

James G. Bailey, of Kentucky, lately secretary of the embassy at Mexico, to be secretary of the legation of the United States of America at Berne, Switzerland, vice Balkam Schoyer, deceased.

Edward Bell, of New York, to be secretary of the legation of the United States of America at Teheran, Persia, vice Frederic Ogden de Billier, appointed secretary of the legation to Greece and Montenegro.

Rutherfurd Bingham, of the District of Columbia, to be secretary of the legation of the United States of America at Quito, Ecuador, vice Jordan Herbert Stabler, nominated to be second secretary of the embassy at Berlin.

Jefferson Caffery, of Louisiana, to be secretary of the legation of the United States of America at Caracas, Venezuela, vice Sheldon Whitehouse, nominated to be second secretary of the embassy at Paris.

Charles Campbell, jr., of Virginia, now secretary of the legation at Panama, to be secretary of the legation of the United States of America at Guatemala, Guatemala, vice G. Andrews Moriarty, jr.

Gustave Scholle, of Minnesota, now second secretary of the embassy at Paris, to be secretary of the legation of the United States of America at Madrid, Spain, vice A. Campbell Turner, nominated to be secretary of the legation to Paraguay and Uruguay.

A. Campbell Turner, of Missouri, now secretary of the legation at Madrid, to be secretary of the legation of the United States of America to Paraguay and Uruguay, vice M. Marshall Langhorne, nominated to be second secretary of the embassy at Vienna.

REGISTER OF LAND OFFICE.

Joseph W. Hawley, of Trinidad, Colo., to be register of the land office at Pueblo, Colo., vice Samuel A. Abbey, whose term will expire March 3.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

First Lieut. Harry L. Cooper, Twenty-eighth Infantry, to be captain from February 24, 1911, vice Capt. Guy H. B. Smith, Fourth Infantry, dismissed February 23, 1911.

Second Lieut. Donald W. Strong, Seventh Infantry, to be first lieutenant from February 23, 1911, vice First Lieut. Solomon B. West, Sixteenth Infantry, who died February 22, 1911.

Second Lieut. Edgar Z. Steever, 3d, Eleventh Infantry, to be first lieutenant from February 24, 1911, vice First Lieut. Harry L. Cooper, Twenty-eighth Infantry, promoted.

MEDICAL DIRECTOR IN THE NAVY.

Medical Inspector Henry G. Beyer to be a medical director in the Navy from the 27th day of February, 1911, vice Medical Director Paul Fitzsimons, retired.

INSPECTORS OF LOCOMOTIVE BOILERS.

John F. Ensign, of Colorado, to be chief inspector of locomotive boilers, under the provisions of the act of Congress approved February 17, 1911.

Frank McManamy, of Oregon, to be assistant chief inspector of locomotive boilers, under the provisions of the act of Congress approved February 17, 1911.

G. P. Robinson, of New York, to be assistant chief inspector of locomotive boilers, under the provisions of the act of Congress approved February 17, 1911.

ASSISTANT ATTORNEY GENERAL.

William H. Lewis, of Massachusetts, to be assistant attorney general charged with the defense of Indian depredation claims, vice John G. Thompson, resigned.

PROMOTIONS IN THE NAVY.

Ensign Walter E. Reno to be a lieutenant (junior grade) in the Navy from the 31st day of January, 1910, upon the completion of three years' service as an ensign.

Lieut. (Junior Grade) Walter E. Reno to be a lieutenant in the Navy from the 28th day of October, 1910, vice Lieut. Donald B. Craig, resigned.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 13th day of February, 1911, upon the completion of three years' service as ensigns:

Eldred B. Armstrong.
John H. Towers.
Charles S. McWhorter.

Asst. Naval Constructor Clayton M. Simmers to be a naval constructor in the Navy from the 28th day of February, 1911, upon the completion of eight years' service as an assistant naval constructor.

The following-named gunners to be chief gunners in the Navy from the 4th day of February, 1911, upon the completion of six years' service as gunners:

James F. McCarthy.
Harry Adams.
John Sperle, jr.

Lieut. Col. Franklin J. Moses to be a colonel in the United States Marine Corps from the 3d day of February, 1911, vice Col. William P. Biddle, promoted.

Maj. Ben H. Fuller to be a lieutenant colonel in the United States Marine Corps from the 3d day of February, 1911, vice Lieut. Col. Franklin J. Moses, promoted.

ASSISTANT TREASURER.

William H. Gibson, of Pennsylvania, to be assistant treasurer of the United States at Philadelphia, Pa., in place of Joseph Bosler, deceased.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Henry S. Boutell, of Illinois, to be envoy extraordinary and minister plenipotentiary of the United States of America to Portugal, vice Henry T. Gage, resigned.

POSTMASTERS.

CALIFORNIA.

John R. Bowler to be postmaster at Huntington Park, Cal. Office became presidential April 1, 1910.

Lulu Mayes to be postmaster at El Monte, Cal., in place of Ada Mayes, deceased.

Allen H. Spurr to be postmaster at Lakeport, Cal., in place of Winslow L. Rideout, resigned.

Vivian Welch to be postmaster at Elk Grove, Cal. Office became presidential January 1, 1911.

COLORADO.

George Sauer to be postmaster at Hugo, Colo., in place of William J. Rothwell, removed.

George W. Shuler to be postmaster at Holyoke, Colo., in place of George W. Shuler. Incumbent's commission expired January 28, 1911.

CONNECTICUT.

Charles N. Hatch to be postmaster at Bridgewater, Conn., in place of Charles N. Hatch. Incumbent's commission expired February 28, 1911.

IOWA.

Earl M. Cass to be postmaster at Sumner, Iowa, in place of Earl M. Cass. Incumbent's commission expired February 20, 1911.

LOUISIANA.

Leo J. Roth to be postmaster at Cottonport, La. Office became presidential January 1, 1911.

MARYLAND.

David W. Hastings to be postmaster at Lutherville, Md. Office became presidential January 1, 1911.

MICHIGAN.

George W. Freese to be postmaster at Clinton, Mich., in place of George W. Freese. Incumbent's commission expired February 28, 1911.

Frank H. Whiting to be postmaster at Union City, Mich., in place of Newton E. Tower. Incumbent's commission expired February 12, 1911.

MINNESOTA.

Ole H. Grasmoen to be postmaster at Fairfax, Minn., in place of Ole H. Grasmoen. Incumbent's commission expired January 31, 1911.

Edward Hatch to be postmaster at Eveleth, Minn., in place of James C. Poole. Incumbent's commission expired February 7, 1911.

William Peterson to be postmaster at Atwater, Minn., in place of William Peterson. Incumbent's commission expired January 10, 1911.

Adolph J. Veigel to be postmaster at Mankato, Minn., in place of Adolph J. Veigel. Incumbent's commission expired February 27, 1911.

MISSISSIPPI.

Richard Mendes to be postmaster at Bay St. Louis, Miss., in place of Louis J. Piernas. Incumbent's commission expired June 1, 1910.

Charles H. Bransford to be postmaster at Ocean Springs, Miss., in place of Thomas I. Keys. Incumbent's commission expired December 19, 1909.

MISSOURI.

George Harold Bond to be postmaster at Crystal City, Mo. Office became presidential January 1, 1911.

NEBRASKA.

John F. Griffith to be postmaster at Pawnee City, Nebr., in place of John F. Griffith. Incumbent's commission expired March 1, 1911.

NEW JERSEY.

Charles C. Cowperthwait to be postmaster at Mount Holly, N. J., in place of Charles C. Cowperthwait. Incumbent's commission expires March 2, 1911.

John W. Davis to be postmaster at Burlington, N. J., in place of John W. Davis. Incumbent's commission expired December 17, 1910.

Thomas C. Elvins to be postmaster at Hammonton, N. J., in place of Thomas C. Elvins. Incumbent's commission expires March 2, 1911.

Joseph S. Swaim to be postmaster at Bordentown, N. J., in place of William H. Foley, deceased.

NEW YORK.

James O. Beach to be postmaster at Cherry Valley, N. Y., in place of Clarence M. Bates. Incumbent's commission expired January 23, 1911.

Charles L. Crane to be postmaster at Addison, N. Y., in place of Oscar B. Stratton. Incumbent's commission expired February 4, 1911.

Thomas B. Gibson to be postmaster at Walden, N. Y., in place of Thomas B. Gibson. Incumbent's commission expired February 15, 1911.

Daniel F. Strobel to be postmaster at Herkimer, N. Y., in place of Daniel F. Strobel. Incumbent's commission expired February 28, 1911.

NORTH DAKOTA.

Victor A. Corbett to be postmaster at Kenmare, N. Dak., in place of Victor A. Corbett. Incumbent's commission expired March 28, 1910.

Anna D. Murphy to be postmaster at Minot, N. Dak., in place of Arnold J. Brunner. Incumbent's commission expired March 7, 1910.

Agatha G. Patterson to be postmaster at Bismarck, N. Dak., in place of Agatha G. Patterson. Incumbent's commission expired March 1, 1911.

Louis G. Soderholm to be postmaster at Sheyenne, N. Dak., in place of Dolphy O. Ostby, resigned.

OHIO.

George Jackson to be postmaster at Doylestown, Ohio. Office became presidential October 1, 1910.

Charles T. La Cost to be postmaster at Bryan, Ohio, in place of Charles T. La Cost. Incumbent's commission expired February 12, 1911.

OKLAHOMA.

E. E. Heyle to be postmaster at Ramona, Okla., in place of John McFall, jr., removed.

Arthur B. Pemberton to be postmaster at Weleetka, Okla., in place of Winfield S. Browning. Incumbent's commission expired January 28, 1911.

PENNSYLVANIA.

Robert H. Habgood to be postmaster at Bradford, Pa., in place of Herman H. North. Incumbent's commission expired January 28, 1911.

John B. Hess to be postmaster at Dubois, Pa., in place of John B. Hess. Incumbent's commission expired February 15, 1911.

John A. Lambert to be postmaster at Somerset, Pa., in place of Freeman J. Hoffman. Incumbent's commission expired February 28, 1911.

William D. McHenry to be postmaster at Big Run, Pa., in place of William D. McHenry. Incumbent's commission expired February 28, 1911.

Harry J. Makiver to be postmaster at Media, Pa., in place of Allen C. W. Mathues. Incumbent's commission expired February 21, 1911.

J. Kelso Nichol to be postmaster at Carnegie, Pa., in place of William H. H. Lea. Incumbent's commission expired January 28, 1911.

George W. Torrence to be postmaster at Smithton, Pa., in place of George W. Torrence. Incumbent's commission expires March 2, 1911.

SOUTH DAKOTA.

Ole A. Stumley to be postmaster at Volga, S. Dak., in place of Ole A. Stumley. Incumbent's commission expired March 1, 1911.

UTAH.

Charles H. Roberts to be postmaster at Bingham Canyon, Utah, in place of Charles H. Roberts. Incumbent's commission expired February 4, 1911.

VIRGINIA.

Willard B. Alfred to be postmaster at Clarksville, Va., in place of Willard B. Alfred. Incumbent's commission expired January 22, 1911.

Robert W. Garnett to be postmaster at Farmville, Va., in place of Robert W. Garnett. Incumbent's commission expired March 2, 1911.

James M. McLaughlin to be postmaster at Lynchburg, Va., in place of James M. McLaughlin. Incumbent's commission expired June 29, 1910.

William H. Parker to be postmaster at Onancock, Va., in place of William H. Parker. Incumbent's commission expires March 2, 1911.

WEST VIRGINIA.

Smith A. Posten to be postmaster at Morgantown, W. Va., in place of Smith A. Posten. Incumbent's commission expired March 1, 1911.

WISCONSIN.

Fred M. Griswold to be postmaster at Lakemills, Wis., in place of Fred M. Griswold. Incumbent's commission expired February 4, 1911.

WYOMING.

Cameron W. Garbutt to be postmaster at Sheridan, Wyo., in place of Cameron W. Garbutt. Incumbent's commission expired February 21, 1911.

CONFIRMATIONS.

Executive nominations confirmed by the Senate March 2, 1911.

COLLECTOR OF CUSTOMS.

Henry T. Dunn, of Georgia, to be collector of customs for the district of Brunswick, in the State of Georgia. (Reappointment.)

RECEIVERS OF PUBLIC MONEYS.

Maurice M. Kaighn to be receiver of public moneys at Salt Lake City, Utah.

Granville Gustavus Withers to be receiver of public moneys at Pueblo, Colo.

REGISTERS OF THE LAND OFFICE.

Ernest D. R. Thompson to be register of the land office at Salt Lake City, Utah.

Joseph W. Hawley to be register of the land office at Pueblo, Colo.

APPOINTMENTS IN THE ARMY.

GENERAL OFFICERS.

To be major general.

Brig. Gen. Arthur Murray to be major general.

To be brigadier general.

Col. George S. Anderson to be brigadier general.

MEDICAL RESERVE CORPS.

To be first lieutenants.

George Emerson Brewer.
Eugene Wilson Caldwell.
Edward Kellogg Dunham.
Max Einhorn.
Ellsworth Eliot, jr.
Charles Albert Elsberg.
John Frederick Erdmann.
Eugene Fuller.
Arpad Geyza Charles Gerster.
Robert Hurtin Halsey.
Forbes Hawkes.
Frank Hartley.
Graeme Monroe Hammond.
Walter Belknap James.
Smith Ely Jelliffe.
Aspinwall Judd.
Frederic Kammerer.
Edward Loughborough Keyes.
Arnold Knapp.
Howard Lilienthal.
Robert Livingstone Loughran.
James Francis McKernon.
Willy Meyer.
Samuel James Meltzer.
John Joseph Moorhead.
Edward Wadsworth Peterson.
Godfrey Roger Pisek.
Eugene Hillhouse Pool.
William Mecklenburg Polk.
Sigmund Pollitzer.
John Broadfoot Rae.
Thomas Edward Satterthwaite.
Frederic Ewald Sondern.
James Percival Tuttle.
Frederick Theodore van Beuren, jr.
George Gray Ward, jr.
John Elmer Weeks.
Julius Hayden Woodward.
Charles Adams.
Frank Allport.
Walter H. Allport.
Frank Taylor Andrews.
E. Wyllys Andrews.
Lewis Wine Bremerman.
Edward Vail Lapham Brown.
James Burry.
William Joseph Butler.
Henry T. Byford.
Joseph A. Capps.
Edmund Janes Doering.
John Milton Dodson.
Emilius Clark Dudley.
Frank B. Earle.
Alexander Hugh Ferguson.
Gustav Alexander Fütterer.
Ludwig Hektoen.
Miximilian Herzog.
Julius Henry Hoelscher.
John Allan Hornsby.
Ephraim Fletcher Ingals.
Frank Seward Johnson.
Albert Belcham Keyes.
Ward J. MacNeal.
George P. Marquis.
Franklin Henry Martin.
Frederick Menge.
Joseph Leggett Miller.
Harold Nicholas Moyer.
John Stephen Nagel.

Thomas James O'Malley.
John Rawson Pennington.
Norval Harvey Pierce.
Samuel C. Plummer.
Robert Bruce Preble.
James Frederick Presnell.
Arthur Rowley Reynolds.
John Edwin Rhoades.
John Ridlon.
Charles Moore Robertson.
John Albert Robison.
Buell Sumner Rogers.
Cassius Clay Rogers.
Daniel Weston Rogers.
Edwin Warner Ryerson.
Louis Earnst Schmidt.
George Elmer Shambaugh.
Arthur Atwell Small.
Heman Spalding.
Daniel A. K. Steele.
George Francis Suker.
Thomas John Sullivan.
Homer Merrick Thomas.
Charles Bruce Walls.
Frank X. Walls.
Thomas James Watkins.
George W. Webster.
Ralph Waldo Webster.
Edward F. Wells.
Cassius D. Wescott.
Clarence Lloyd Wheaton.
William Hamlin Wilder.
Casey Albert Wood.
Thomas Adams Woodruff.
Plumer M. Woodworth.
Frederick Robert Zeit.

CHAPLAINS.

Rev. Alexander P. Landry to be chaplain.
Rev. Edward F. Brophy to be chaplain.

CAPTAIN.

For appointment in the Army of the United States, with the view of placing him on the retired list, without back, present, or future pay or allowances of any kind whatsoever, in accordance with the provisions of an act of Congress approved February 16, 1911:

Warren C. Beach to be a captain, with rank from February 21, 1911.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

Lieut. Col. Francis H. French to be colonel.
Maj. Edgar W. Howe to be lieutenant colonel.
Capt. Edmund Wittenmyer to be major.
First Lieut. Edward A. Kreger to be captain.
Second Lieut. Charles H. Rich to be first lieutenant.
Second Lieut. Paul C. Potter to be first lieutenant.
Second Lieut. Albert T. Rich to be first lieutenant.
Second Lieut. David P. Wood to be first lieutenant.

PROMOTIONS IN THE NAVY.

Frederic W. Olcott to be a passed assistant surgeon.
John M. Blankenship to be an ensign on the retired list.
Edward F. Greene to be a lieutenant.

The following-named assistant paymasters, with the rank of ensign, to be assistant paymasters, with the rank of lieutenant (junior grade):

Ellsworth H. Van Patten,
Joseph E. McDonald,
Everett G. Morsell,
Thomas P. Ballenger,
Frank T. Foxwell,
Richard H. Johnston,
William R. Van Buren,
Raymond E. Corcoran,
Elwood A. Cobey,
Spencer E. Dickinson,
Robert S. Chew, jr., and
Russell Van de W. Bleecker.

Assistant Naval Constructor John W. Woodruff to be a naval constructor.

Naval Constructor John E. Bailey, with the rank of lieutenant, to be a naval constructor, with the rank of lieutenant commander.

The following-named midshipmen to be ensigns in the Navy from the 6th day of June, 1910, to fill vacancies existing in that grade on that date:

Edmund W. Strother and
Henry E. Parsons.

Maj. Cyrus R. Radford, assistant quartermaster, United States Marine Corps, to be lieutenant colonel, assistant quartermaster, in the United States Marine Corps from the 11th day of February, 1911, vice Lieut. Col. Thomas C. Prince, assistant quartermaster, United States Marine Corps, retired.

SURVEYORS OF CUSTOMS.

Edward G. Graves to be surveyor of customs for the district of Boston and Charlestown, Mass.

Walter A. Blackburn to be surveyor of customs for the district of Paducah, Ky.

Cadet Taylor, of Nebraska, to be surveyor of customs for the port of Omaha, in the State of Nebraska, in place of Benjamin H. Barrows, deceased.

CONSULS.

Clement S. Edwards to be consul at Acapulco, Mexico.
William W. Kitchen to be consul at Teneriffe, Canary Islands.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

First Lieut. Aaron Lichtenberg Gamble to be captain.

IN THE DIPLOMATIC SERVICE.

Henry S. Boutell to be minister to Portugal.

Alexander Benson to be second secretary of the embassy at St. Petersburg, Russia.

M. Marshall Langhorne to be second secretary of the embassy at Vienna, Austria.

Alexander R. Magruder to be second secretary of the embassy at Rome, Italy.

Arthur Orr to be second secretary of the embassy at Rio de Janeiro, Brazil.

Jordan Herbert Stabler to be second secretary of the embassy at Berlin, Germany.

Sheldon Whitehouse to be second secretary of the embassy at Paris, France.

Warren D. Robbins to be third secretary of the embassy at Paris, France.

Frederick A. Sterling to be third secretary of the embassy at St. Petersburg, Russia.

William Whiting Andrews to be secretary of the legation at Panama, Panama.

James G. Bailey to be secretary of the legation at Berne, Switzerland.

Edward Bell to be secretary of the legation at Teheran, Persia.

Rutherfurd Bingham to be secretary of the legation at Quito, Ecuador.

Jefferson Caffery to be secretary of the legation at Caracas, Venezuela.

Charles Campbell, jr., to be secretary of the legation at Guatemala, Guatemala.

Gustave Scholle to be secretary of the legation at Madrid, Spain.

A. Campbell Turner to be secretary of the legation at Paraguay and Uruguay.

ASSISTANT SECRETARY OF THE TREASURY.

Robert O. Bailey to be Assistant Secretary of the Treasury.

AUDITOR OF THE TREASURY.

Frank H. Davis to be Auditor for the State and other Departments.

ASSISTANT TREASURER.

John A. Wogan to be assistant treasurer of the United States at New Orleans, La.

INSPECTORS OF LOCOMOTIVE BOILERS.

John F. Ensign to be chief inspector.
G. P. Robinson to be assistant chief inspector.

CIRCUIT JUDGE.

Arthur C. Denison to be judge of the sixth circuit.

DISTRICT JUDGES.

Alexis C. Angell to be judge, eastern district of Michigan.
Clarence W. Sessions to be judge, western district of Michigan.
Charles B. Witmer to be judge, middle district of Pennsylvania.

UNITED STATES ATTORNEY.

George Du Relle to be United States attorney, western district of Kentucky.

UNITED STATES MARSHAL.

Dewey C. Bailey to be United States marshal, district of Colorado.

POSTMASTERS.

ALASKA.

Daniel Webster, Treadwell.

ARKANSAS

M. A. Tucker, McGehee.

CALIFORNIA.

John P. Bowler, Huntington Park.
Lulu Mayes, El Monte.
Charles F. Neumann, Merced.
Allen H. Spurr, Lakeport.
Richard Stephens, Fillmore.
Vivian Welch, Elk Grove.

COLORADO.

George Sauer, Hugo.
William L. Williams, Fowler.

CONNECTICUT.

Charles N. Hatch, Bridgewater.

GEORGIA.

Alamo B. Harp, Jackson.

FLORIDA.

Millard M. Owens, Bonifay.

IDAHO.

Marcus O. Funk, Oakley.
Jake Horn, Caldwell.
Samuel Perrins, Albion.

ILLINOIS.

Walter W. Bartlett, Highwood.
William P. Dickie, Bunker Hill.

IOWA.

E. M. Cass, Sumner.
James E. Wheelock, Hartley.

KANSAS.

Albert P. Myers, Emporia.
Frank E. Shoemaker, Neodesha.
Walter L. Stocking, Goff.

KENTUCKY.

Robert W. Hunter, Providence.
Ellsworth McEuen, Calhoun.
Thomas A. Miller, Pembroke.

LOUISIANA.

James C. Brown, Jonesboro.
Leo J. Roth, Cottonport.

MAINE.

Florian S. Small, Stonington.
Seth T. Snipe, Bath.

MARYLAND.

David H. Hastings, Lutherville.

MASSACHUSETTS.

John S. Fay, Marlboro.
Frederick H. Greene, Ashburnham.
Charles L. Stevens, Clinton.
Charles J. Wood, Natick.

MICHIGAN.

James W. Bedell, Wakefield.
George W. Freese, Clinton.
William H. Goodman, Allegan.
George A. Lacure, Clio.
Frank H. Whiting, Union City.

MINNESOTA.

Edward Hatch, Eveleth.
Ole H. Grasmoen, Fairfax.
Philip Liesch, New Ulm.
Stella M. Owen, Osseo.
William Peterson, Atwater.
Adolph J. Veigel, Mankato.

MISSOURI.

T. G. Buxton, Seneca.
George Herold Bond, Crystal City.
John L. Schmitz, Chillicothe.

NEBRASKA.

John F. Griffith, Pawnee City.
Frank R. Wild, De Witt.

NEW HAMPSHIRE.

Bertha L. Martin, Goffstown.

NEW JERSEY.

Charles C. Cowperthwait, Mount Holly.
John W. Davis, Burlington.
Thomas C. Elvins, Hammonton.
Joseph S. Swain, Bordentown.

NEW YORK.

Judson Field, Canastota.
John L. Kyne, East Syracuse.
H. D. Stebbins, West Winfield.
Daniel F. Strobel, Herkimer.

NORTH CAROLINA.

Barnabas A. Baber, Shelby.
William J. Flowers, Mount Olive.
Robert D. Langdon, Benson.
Cloyd A. Potts, Davidson.

NORTH DAKOTA.

Thomas Jones, Linton.
Anna D. Murphy, Minot.
Agatha G. Patterson, Bismarck.
Louis G. Soderholm, Sheyenne.

OHIO.

Edward P. Flynn, South Charleston.
George Jackson, Doylestown.
Charles T. La Cost, Bryan.
Edmund F. Moore, Lisbon.
Akin M. Richards, Hicksville.

OREGON.

William B. Curtis, Marshfield.
Fred Davis, Madras.

OKLAHOMA.

E. E. Heyle, Ramona.
Arthur B. Pemberton, Waleetka.
Poe B. Vandament, Glencoe.

PENNSYLVANIA.

John F. Austin, Corry.
Samuel F. Booher, Kittanning.
William H. Emmert, New Oxford.
Barnett C. Fretts, Scottdale.
Robert P. Habgood, Bradford.
John B. Hess, Dubois.
John A. Lambert, Somerset.
Harry J. Makiver, Media.
William D. McHenry, Big Run.
J. Kelso Nichol, Carnegie.
Elsie Shrodes, Oakdale.
George W. Torrence, Smithton.
Adelbert E. Torrens, Conway.

SOUTH DAKOTA.

Henry Heintz, Elkton.
Adam Royhl, Arlington.
J. T. Smith, Scotland.
Ole A. Stumley, Volga.

TENNESSEE.

William D. Brooks, Mountpleasant.
James F. Collins, Spring City.

TEXAS.

George W. Burkitt, jr., Palestine.

UTAH.

Charles H. Roberts, Bingham Canyon.
Charles S. Wilkinson, Cedar City.

VERMONT.

Edward W. Bisbee, Barre.
Roscoe M. Cowles, Albany.
Fred B. Hammond, North Troy.

WISCONSIN.

Fred M. Griswold, Lakemills.
William Hausmann, West Bend.
Christ Legried, Cambridge.

WYOMING.

Cameron W. Garbutt, Sheridan.

REJECTION.

Executive nomination rejected by the Senate March 2, 1911.

Charles F. Hackett to be postmaster at Parker, S. Dak.

WITHDRAWAL.

Executive nomination withdrawn March 2, 1911.

Samuel H. Williams to be postmaster at Bellefonte, Pa.

HOUSE OF REPRESENTATIVES.

THURSDAY, *March 2, 1911.*

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

HOUSE RESOLUTION 733.

Mr. GOLDFOGLE. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. GOLDFOGLE. Mr. Speaker, by direction of the Committee on Immigration and Naturalization, I desire to submit a report (No. 2286) on House resolution 733.

The SPEAKER. Could not that go through the box?

Mr. GOLDFOGLE. No; because the resolution required a report should be made some weeks ago, but owing to the condition that made it impossible to submit a report I now ask unanimous consent that the report be made on behalf of the Committee on Immigration and Naturalization.

The SPEAKER. Without objection, the report will be made. The Clerk will report the title of the resolution.

The Clerk read as follows:

A resolution (H. Res. 733) empowering and directing the Committee on Immigration and Naturalization to investigate certain alleged conditions in naturalization proceedings, etc.

The SPEAKER. It will be referred to the House Calendar.

INFORMATION FROM THE ATTORNEY GENERAL.

Mr. PARKER. Mr. Speaker, I desire to submit a privileged report (No. 2284) and resolution from the Committee on the Judiciary, and ask its adoption.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

Report to accompany House resolution 993.

The Committee on the Judiciary, to whom was referred House resolution 993, requesting certain information from the Attorney General of the United States, having considered the same, report the said resolution favorably to the House, by substitute, as follows:

Strike out all of said resolution and substitute therefor the following:

"*Resolved*, That the Attorney General of the United States be, and he is hereby, requested, if not incompatible with the public interest, to report to the House of Representatives, for its information, what investigation, if any, has been made by him or under his direction to ascertain whether any citizens or corporations of the United States have entered into any combination, agreement, or conspiracy, in violation of the act of July 2, 1890, entitled 'An act to protect trade and commerce against unlawful restraints and monopolies,' or in violation of any other law of the United States, for the purpose of restraining trade and commerce, and for creating a monopoly in the coffee industry, and whether any citizens or corporations of the United States have entered into any agreement, combination, or conspiracy with the citizens or Governments of any foreign countries to assist in carrying out the terms of the so-called valorization of coffee, by virtue of which combination or agreement or conspiracy trade and commerce between the United States and among the several States and with foreign nations are interfered with and restrained and the trade and traffic in and price of coffee are controlled and monopolized.

"If any such investigation has been made, the Attorney General is hereby requested, if not incompatible with the public interest, to report to the House of Representatives the result of any such investigation, together with the facts which show or tend to show any such agreement, combination, or conspiracy."

Mr. PARKER. Mr. Speaker, I ask for the adoption of the substitute resolution.

The question was taken, and the substitute resolution was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 7031) to codify, revise, and amend the laws relating to the judiciary.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 31596. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1912.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28406) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1912.

The message also announced that the Senate had passed without amendment the following concurrent resolution (H. Con. Res. 63):

Resolved by the House of Representatives (the Senate concurring), That the President of the United States be, and hereby is, requested to return to the House the bill (H. R. 26290) providing for the validation of certain homestead entries.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 10456. An act to restrain the Secretary of the Treasury from receiving bonds issued to provide money for the building of the Panama Canal as security for the issue of circulating notes to national banks, and for other purposes; and

S. 10883. An act authorizing the Erie Railroad Co. to construct a canal connecting the Hackensack River and Berrys Creek, Bergen County, N. J., as an aid to navigation, and for other purposes.

OSAGE INDIANS, OKLAHOMA.

Mr. McGUIRE of Oklahoma. Mr. Speaker, answering further the inquiry of the gentleman from Illinois [Mr. MANN] with respect to the bill H. R. 32348, regarding the report of the Secretary of the Interior, I will read the Secretary's report.

Mr. CARLIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CARLIN. What is the status of the House? What is the regular order?

The SPEAKER. It stands on the motion to suspend the rules and pass the House bill of which the Clerk will read the title. It is unfinished business coming over from yesterday. The Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 32348) supplementary to and amendatory of the act entitled "An act for the division of the lands and funds of the Osage Nation of Indians in Oklahoma," approved June 28, 1906, and for other purposes.

Mr. McGUIRE of Oklahoma. Mr. Speaker, I would like to have the Clerk read the communication.

The SPEAKER. The Clerk will read the communication.

The Clerk read as follows:

Hon. CHARLES H. BURKE,
Chairman Committee on Indian Affairs,
House of Representatives.

SIR: In response to your informal request for a statement concerning legislation affecting the Osage Indians, I have to advise you that H. R. 22072 was reported on by the department under date of May 9, 1910, certain changes being suggested. Subsequently H. R. 28631 was referred here for report, which was made under date of January 28, 1911. The provisions in the latter bill were very similar to those in the former, but it was considered on the whole more satisfactory. Subsequently a delegation from the Osage Indians appeared before the department and expressed their desire for still other changes. Senate bill 10606 was afterwards submitted here, and the representatives of the Osages expressed their satisfaction therewith. Report on that bill was made by this department under date of February 4, 1911, certain minor changes being suggested. About the same time the department was informally consulted respecting H. R. 32348. Inasmuch as that bill was identical with Senate bill 10606 it was deemed unnecessary to submit it here for formal report, though you were advised informally that the department would have no objection to the enactment of this bill.

This whole matter of Osage legislation has been given considerable attention, and it is believed that the enactment of H. R. 32348 into law would prove advantageous to the Osages and to the work of this department among them. It is therefore recommended that this bill shall receive favorable consideration.

Very respectfully, R. A. BALLINGER, *Secretary.*

Mr. CLARK of Missouri. Mr. Speaker, I demand a second simply to find out what there is in this.

Mr. McGUIRE of Oklahoma. A second was ordered last night.

The SPEAKER. A second was ordered yesterday on the demand of the gentleman from Texas [Mr. STEPHENS].

Mr. BURKE of South Dakota. All time has expired. It was debated last night.

Mr. CLARK of Missouri. Then I would like to know what the bill is about.

Mr. McGUIRE of Oklahoma. I can not make any better explanation of the bill than is made in the letter of the Secretary of the Interior indorsing it. It involves two or three important propositions, the most important of which is to avoid heavy litigation that will be started immediately unless the bill passes. I have nothing else to say unless there is a question.

The SPEAKER. The question is on suspending the rules and agreeing to the amendments and passing the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill as amended was passed.

FEES OF DEPUTY UNITED STATES MARSHALS.

Mr. CARLIN. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. CARLIN. I desire to move to suspend the rules.

The SPEAKER. One moment.

Mr. CARLIN. Mr. Speaker, I raise the point of no quorum.

The SPEAKER. The Chair recognizes the gentleman from Georgia [Mr. BRANTLEY].

Mr. CARLIN. Then I will not raise the point ahead of the motion of the gentleman from Georgia.

Mr. BRANTLEY. Mr. Speaker, I move to suspend the rules and pass the bill H. R. 25192 with an amendment.

The SPEAKER. The gentleman from Georgia moves to suspend the rules and pass the following House bill with an amendment. The Clerk will report the same.

The Clerk read as follows:

A bill (H. R. 25192) to amend section 11, act of May 28, 1896.

Be it enacted, etc., That section 11 of the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, approved May 28, 1896, be, and the same is hereby, amended to read as follows:

"SEC. 11. That at any time when, in the opinion of the marshal of any district, the public interest will thereby be promoted, he may appoint one or more deputy marshals for such district, who shall be known as field deputies, and who, unless sooner removed by the district court as now provided by law, shall hold office during the pleasure of the marshal, except as hereinafter provided, and who shall each, as his compensation, receive the gross fees, including mileage, as provided by law, earned by him, not to exceed $1,500 per fiscal year, or at that rate for any part of a fiscal year; and in addition shall be allowed his actual necessary expenses, not exceeding $2 a day, while endeavoring to arrest, under process, a person charged with or convicted of crime: *Provided*, That a field deputy may elect to receive actual expenses on any trip in lieu of mileage: *Provided further*, That in special cases, where in his judgment justice requires, the Attorney General may make an additional allowance, not, however, in any case to make the aggregate annual compensation of any field deputy in excess of $2,500 nor more than the gross fees earned by such field deputy. The marshal, immediately after making any appointment or appointments under this section, shall report the same to the Attorney General, stating the facts as distinguished from conclusions constituting the reason for such appointment, and the Attorney General may at any time cancel any such appointment as the public interest may require."

This act to take effect from and after July 1, 1911.

The SPEAKER. Is a second demanded?

Mr. BENNET of New York. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from Georgia [Mr. BRANTLEY] is entitled to 20 minutes and the gentleman from New York [Mr. BENNET] to 20 minutes.

Mr. BENNET of New York. I would like to say to the gentleman from Georgia that I do not know that I am opposed to the bill, and very likely a brief explanation may cause me to withdraw even my formal opposition.

Mr. BRANTLEY. Mr. Speaker, the only change this bill makes in existing law is to strike out the words "three-fourths of," so as to allow these deputy United States marshals the full fees authorized by law. That is the only change that is made. The bill as it was originally introduced simply proposed to amend by striking out those words, but the Judiciary Committee thought it better to report the present law as it would read with these words stricken out.

The bill has the indorsement, and has had for several years, of the Department of Justice. It has the unanimous report of the Judiciary Committee. It is a just measure, and the purpose of it is simply that in certain localities the department has found it impracticable to secure efficient men when they are allowed only three-fourths of the fee fixed by law.

Mr. BENNET of New York. As I understand the gentleman from Georgia, this does not add anything to the number of deputies.

Mr. BRANTLEY. Oh, not at all.

Mr. BENNET of New York. But simply makes it easier for the department to get them.

Mr. BRANTLEY. It is recommended by the Department of Justice.

Mr. BENNET of New York. So far as I am concerned, I have no desire to use the time.

Mr. BRANTLEY. It does not change the cost at all.

The SPEAKER. The question is on agreeing to the motion.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed.

WAPATO IRRIGATION CO., CHELAN COUNTY., WASH.

Mr. HUMPHREY of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 32251) authorizing the sale of the allotments of Nek-quel-e-kin, or Wapato John, and Que-til-qua-soon, or Peter, Moses agreement allottees, as amended by the committee.

The SPEAKER. The Clerk will report the bill and amendments.

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent that the bill be read as amended.

The SPEAKER. The Clerk will report the amended bill.

The Clerk read the amended bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to sell to the Wapato Irrigation Co., on such terms and conditions as he may deem for the best interests of the allottees, so much of the lands in Chelan County, Wash., covered by trust patents issued to Nek-quel-e-kin, or Wapato John, and Que-til-qua-soon, or Peter, Moses agreement allottees Nos. 8 and 10, under the act of Congress approved March 8, 1906, as in his judgment may be required to advantageously and economically complete and operate its irrigation project now in process of construction in Chelan County, State of Washington, including such land as may be needed for roads, bridges, ditches, flumes, dams, reservoirs, docks, landing places, and other works, and shall convey the lands so sold to the said company by patent in fee. The funds derived from the sale of said lands shall be conserved for the respective allottees or invested or expended for their benefit in such manner as the Secretary of the Interior shall determine.

Mr. FOSTER of Illinois. Mr. Speaker, I demand a second.

The SPEAKER. A second is ordered under the rules. The gentleman from Washington [Mr. HUMPHREY] is entitled to 20 minutes and the gentleman from Illinois [Mr. FOSTER] is entitled to 20 minutes.

Mr. HUMPHREY of Washington. Mr. Speaker, I will say to the House, without desiring to take up much time, that this bill has been unanimously reported here and in the Senate.

The condition is this: The irrigation company named in the bill have a project under way, they have about 8 miles of their ditch constructed, and have now come to these two Indian allotments mentioned in the bill. These allotments are held by the Indians by what is termed trust patents, so the land can not be condemned under State law and the title is not in the Government, so that the company can proceed under the Government regulations for securing a right of way across the allotments. Unless the company can cross the land, the whole irrigation project will be blocked.

The irrigation project includes the rest of the Indian lands in the Wapato Reservation. The company must have a right of way across these allotments before much of the Indian lands can be irrigated.

Mr. BYRNS. What width of right of way is desired?

Mr. HUMPHREY of Washington. Only what is necessary. That is left to the discretion of the department. This bill was prepared in the Indian Commissioner's office. Mr. Valentine has approved it exactly as it now stands.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to say, with reference to this bill, that when it was considered in the Committee on Indian Affairs I was not present, and I desired to file a minority report; but I am now satisfied that the bill should pass and have filed no minority report. There seems to be quite an Indian reservation on what is known as the mesa out there, near to a range of mountains.

Mr. NORRIS. Will the gentleman yield for a question?

Mr. STEPHENS of Texas. Certainly.

Mr. NORRIS. I would like to ask the gentleman from Texas for information, whether there is any general law by which rights of way can be acquired across the Indian reservation.

Mr. STEPHENS of Texas. There is with reference to the State of Oklahoma, as I understand.

As the gentleman from Washington has stated, there is on this land a trust patent, issued to the two Indians named in this bill, and this bill applies only to the allotments of the two Indians named.

Mr. HUMPHREY of Washington. That is all.

Mr. STEPHENS of Texas. The main body of the land is away from the mountains, and it is necessary to carry the ditch over these lands. They have to condemn this land in order to get the water over the main body of the land below. It is necessary that the land be vacated so that the other Indians can be supplied with water.

Mr. BURKE of South Dakota. Mr. Speaker, if the gentleman from Texas will permit, I desire to say, for the information of the House, in answer to the question of the gentleman from Nebraska, that under existing law they could acquire the right to cross, ordinarily, by condemnation proceedings, but the law does not permit the acquiring of Indian title for a right of way across an Indian allotment for the promotion of private enterprises.

Mr. HUMPHREY of Washington. If the Indians had the absolute title, this land could be condemned under the State law of Washington.

Mr. NORRIS. This corporation which is seeking the right to go through these lands is one that is authorized under State law, and it is contemplating the operation of this ditch under State law, and under the State law, as I understand, they have a right to condemn land for rights of way.

Mr. HUMPHREY of Washington. Yes. They have already paid the other Indians $70,000 in cash, and have agreed to irrigate 80 acres of land for each of the allottees for nothing, to give them a perpetual water right; but the failure to get a right of way across these two allotments blocks the entire project.

Mr. FOSTER of Illinois. How valuable are these lands that they propose to go over?

Mr. HUMPHREY of Washington. I have reports here by five different men representing the department, who went to investigate that question, and they say that the land in its present condition is worth probably from $10 to $20 an acre, and that it will be worth from $100 to $400 an acre when it is irrigated.

Mr. FOSTER of Illinois. How wide a strip of land do they propose to take?

Mr. HUMPHREY of Washington. That is not known. The bill leaves it with the department to give them whatever they need.

Mr. FOSTER of Illinois. Is this company going to get this right of way across this land for nothing?

Mr. HUMPHREY of Washington. Oh, no; they are to pay whatever it is worth, and they are perfectly willing to do it.

Mr. STEPHENS of Texas. They are to take nothing except what is necessary for the purposes of irrigation, as I understand it.

Mr. FERRIS. Are these the homesteads of these Indian allottees, or is it surplus land that the irrigation company proposes to cross?

Mr. HUMPHREY of Washington. I believe it is surplus Indian land.

Mr. FERRIS. How much land is allotted to each one of these Indians?

Mr. HUMPHREY of Washington. One of these Indians has 509 acres and the other has 616 acres. The land is a big allotment, but not very valuable. It is not worth very much in the shape which it is in.

Mr. FERRIS. How much of the land will probably be required to accomplish what they want to do?

Mr. HUMPHREY of Washington. I am not prepared to say. They only want to run irrigation ditches across it, and what they need for other purposes, to build and operate the company, but we left the determination of the details to the department.

Mr. FERRIS. I notice your amendment does not say "right of way." It provides that they may take as much of the land as they deem necessary to carry out their irrigation scheme. I wondered if they wanted to appropriate the whole tract, or do they merely want a right of way across?

Mr. HUMPHREY of Washington. The department changed the bill and put it in this shape, so that it can be left with them, we think. I may explain to the gentleman that it is hard to tell just how much they want, because while it is a long story and I do not care to take up the time of the House, the Indian who owns this land will not permit anyone to come upon it, and so it has been impossible to make surveys.

Mr. SAUNDERS. There are two of these Indians.

Mr. FERRIS. I understand it only affects four allotments.

Mr. HUMPHREY of Washington. It only affects two. There are five reports from different agents, who all say it is to the interest of the Indians that it should be done, as well as to the interest of the whites.

Mr. COOPER of Wisconsin. This irrigation company is a private corporation, of course?

Mr. HUMPHREY of Washington. Yes.

Mr. COOPER of Wisconsin. And by this bill it is proposed that the Secretary of the Interior shall take land which is private property, sell it for such price as may please him, turn the land over in fee to this private corporation, and then dispose of the proceeds of the sale as he sees fit.

Mr. FERRIS. If I may inject one thought, my experience with the Interior Department, if the gentleman from Wisconsin will permit me, is that they generally get all that these lands are worth, when bills are drawn in this way. I am sure that will be done.

Mr. BURKE of South Dakota. In our opinion, the Indians will get a very much larger sum through the Interior Department than they would get under ordinary condemnation proceedings, when the parties who would make the appraisement would be local and naturally prejudiced against the Indians, and the Indians would get the worst of it.

Mr. COOPER of Wisconsin. The comment I desire to make is that in the Constitution of the United States, as also in each State constitution, is an inhibition against the taking of private property by condemnation for any except public purposes. But by this bill it is proposed to take private property of the Indians, not by condemnation, but simply at the discretion of the Secretary of the Interior, turn it over to a private corporation, and not to permit the Indians who own the property to have anything whatever to say as to the terms upon which their property is to be sold, nor as to what shall be done with their money after the sale. The Secretary of the Interior is to do with the money as he sees fit.

Mr. LIVINGSTON. It is stated, however, that the two Indians are willing.

Mr. FOSTER of Illinois. No; I understand that they are opposed to it.

Mr. COOPER of Wisconsin. It may be that nothing wrong will be done in this case; but I am stating the naked legal aspect of this proposition, which is nothing more or less than the taking of private property practically by force and granting it to a private corporation.

Mr. HUMPHREY of Washington. If the gentleman will permit me, I will say that it is not for a private purpose, under the laws of our State. These irrigation companies have a right to condemn for such purposes. This company has already paid $70,000 in cash to the Indians, and the department has invested it, and it has been of great benefit to the Indians.

Mr. COOPER of Wisconsin. Will the gentleman permit a suggestion right there? In condemnation proceedings, money paid into court does not belong to the court, but to the owner of the land condemned, and he usually has something to say as to what shall be done with that money.

Mr. HUMPHREY of Washington. This land is still held in trust by the Government for the Indians, or, in other words, the allottees have only a trust patent and will not have a complete title until 1916.

The SPEAKER. The question is on the motion of the gentleman from Washington.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

BRIDGE OVER WEYMOUTH BACK RIVER, HINGHAM, MASS.

Mr. WASHBURN. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 30273) for the relief of the city of Quincy, the towns of Weymouth and Hingham, and the Old Colony Street Railway Co., all of Massachusetts, with the amendment that I send to the Clerk's desk.

The Clerk read the amended bill, as follows:

Be it enacted, etc., That whenever there shall be fixed by the Legislature of the State of Massachusetts the proportion of the total expense toward the reconstruction, alteration, and repair of a bridge across the Weymouth Back River, on Lincoln Street, in the town of Hingham, in said State, made necessary because of the erection of a naval magazine and for other governmental purposes, to be paid by the Old Colony Street Railway Co., a corporation organized and existing under the laws of the State of Massachusetts, the town of Hingham, in Plymouth County, in said State, and the town of Weymouth and the city of Quincy, both in Norfolk County, in said State, there may be expended out of the sum of $50,000, which is hereby appropriated, out of any money in the Treasury not otherwise appropriated, an amount not exceeding that sum, and not, in any case, to exceed one-half of the sum necessary to reconstruct, alter, and repair said bridge, to be determined by the Chief of Engineers. Said work shall proceed under the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

The SPEAKER. Is a second demanded?

Mr. SIMS. Mr. Speaker, I demand a second.

The SPEAKER. Under the rule a second is considered as ordered.

Mr. WASHBURN. Mr. Speaker, does my friend from Tennessee desire to ask me any questions?

Mr. SIMS. I will yield to the gentleman from Georgia [Mr. BARTLETT]. I do not see the other gentlemen who rank me in the committee and do not know that they want any time.

Mr. WASHBURN. Those gentlemen are all cognizant of this report and familiar with the matter.

Mr. SIMS. I do not see them at this moment. I will ask the gentleman from Massachusetts to explain the bill.

Mr. WASHBURN. Mr. Speaker, this bill authorizes the payment by the National Government of a sum of money not to exceed $50,000, and in no event to exceed one-half of the cost of the rebuilding of a bridge between the towns of Hingham and Weymouth, in the Commonwealth of Massachusetts.

It appears that for many years—in fact, for nearly 100 years—there has been a wooden bridge across this Weymouth Back River for the accommodation of the traffic of that locality. That bridge contains a draw some 24 feet in width, which has been ample for the demands made by the river traffic. This stream is navigable only in name, and is used by a few small pleasure boats, and the existing draw is very rarely used.

The United States Government has recently bought all of the land on both sides of the river above this bridge for the purpose of erecting a magazine, which is to be moved from the city of Chelsea, and the Government use of the stream necessitates a draw 50 feet in width. These towns have been notified that the present bridge must be replaced before the 1st of June next.

Inasmuch as this stream is only navigable in name and the enlarged capacity of the draw is demanded solely for the use of the United States Government, it is thought to be only fair that the Government should participate in the cost of this bridge. I will make a more complete explanation of the matter,

Mr. Speaker, a little later, and reserve the balance of my time.

Mr. SIMS. Mr. Speaker, this is a matter for each Member of the House to judge of for himself. There is no legal liability on the part of the Government to reimburse or pay any portion of this amount, as is shown by the letter of the Chief of Engineers, on file with the hearings. But there are several gentlemen on my side that precede me in rank on the committee. So far as I am concerned I can not vote for this bill, thereby establishing the precedent of paying for bridges or any part of the cost of same when required in the interest of navigation to be removed or changed.

Mr. BARTLETT of Georgia. Mr. Speaker, the equities in this case presented by the gentleman from Massachusetts may be such as to appeal to Members to vote for the United States Government doing an unusual thing to aid these cities in Massachusetts to build this new bridge, but so far as I am concerned I was not able to bring my mind, however much disposed I felt personally to gratifying the wishes of my colleagues on the committee and the gentleman who presented the bill before the committee, to support it.

There is no minority report filed by the members of the committee, but some of us reserved the privilege to vote against the measure. I would not undertake to say what I am now going to say but for the fact that attention was called to the fact that it was not a unanimous report. I express simply my own views on the matter.

The purpose of the bill is to have the United States Government contribute $50,000, or not to exceed that sum, or one-half of the necessary amount expended, in building a new bridge between the towns of Hingham and Weymouth, in the State of Massachusetts.

There is already a bridge there, and it becomes necessary either to build a new one or to widen the draw from 25 to 50 feet in order to permit boats to carry up freight to the place now occupied by the United States Government in certain public works. It is insisted by those who favor this proposition that because the United States Government purchased certain lands and it becomes necessary to have access up this stream, passing underneath this bridge, to get to that Government property, and because the United States will be the sole beneficiary almost, so far as increasing the size of the draw is concerned, that the Government should contribute to this expense. It is true that if any other person—a private individual, not the United States—had erected large works at this locality, and for the purpose of the business of that private person or corporation to carry on its business it became necessary to use this navigable stream, it would not be just or legal to demand that the individual should pay one-half of the expense of constructing a new bridge or a new draw. I do not know that it is a fact that this locality is benefited by the erection on this property by the United States of these public works, which are necessary to carry on the business of the Government of the United States in that locality, and I apprehend the United States did not buy this property nor erect buildings nor engage in the business of the Government of that locality over the protests of the citizens of that locality; but I am not ready to accept the proposition that whenever the United States locates upon a navigable stream its public works that the public highway, which may include a bridge across that stream, must be kept up in whole or in part by the United States Government. Therefore I am not willing by my vote to accede to the proposition that the United States ought in law or in equity or in justice to the citizens of that locality expend the people's money in this way.

Mr. FOSTER of Illinois. Mr. Speaker, if the gentleman from Tennessee will yield, I would like to ask the gentleman from Georgia a question.

Mr. SIMS. I yield five minutes to the gentleman from Illinois.

Mr. FOSTER of Illinois. Mr. Speaker, I would like to ask the gentleman from Georgia if there was a bill passed which granted the right to this company to build a bridge across this stream by the United States Government.

Mr. BARTLETT of Georgia. Yes; and there is already a draw in the old bridge of 25 feet.

Mr. FOSTER of Illinois. Did it then contain the provision that the National Government reserved the right to alter, amend, or repeal that act?

Mr. WASHBURN. Oh, there has been a bridge over that stream for over 100 years.

Mr. BARTLETT of Georgia. I stated that there had been a bridge there.

Mr. HUBBARD of West Virginia. There was no act of Congress permitting the erection of it and reserving the right to alter, amend, and repeal.

Mr. FOSTER of Illinois. Then they really had no right to build this bridge across this stream, had they?

Mr. MANN. Oh, yes.

Mr. FOSTER of Illinois. How did they get it?

Mr. BARTLETT of Georgia. They had a right to put it there, but the United States Government, whenever it became necessary for navigation, had a right to have it removed.

Mr. FOSTER of Illinois. Then how, under that provision, can they expect the National Government to contribute for the altering of this bridge?

Mr. BARTLETT of Georgia. They appeal to the United States Government to do so purely as a matter of equity.

Mr. MANN. When the bridge was built it was built by the local authorities. That was before the Government had assumed exclusive jurisdiction over the river. It was built probably by the local authority, but subject to the superior right of the General Government whenever it chose to order it away as an obstruction to navigation. It has now been ordered removed as an obstruction to navigation, because it interferes with navigation to this naval magazine, and the only reason for ordering it removed is to accommodate the Government. It makes a very great and burdensome expense upon the local municipalities to do this purely to accommodate the Government, and we thought that under the circumstances it would be fair for the Government to pay half of the expense, and that the local municipalities should pay half of the expense. There is no legal obligation on the part of the Government to do anything.

Mr. FOSTER of Illinois. Does the gentleman not think that it is setting a bad precedent for the Government to commence doing that when they have reserved that right? The citizens there have had the use of that for 100 years.

Mr. MANN. I will say to the gentleman that a few years ago we provided for the Hennepin Canal, which the gentleman knows about, in our State, and that required the canalization of Rock River for a short distance near the city of Moline, Ill. That also required the destruction of a bridge which the city of Moline had constructed at its own expense, and Congress made special provision, appropriated $25,000 to rebuild that bridge, although there was no legal obligation to do that, it being across a navigable stream.

Mr. FOSTER of Illinois. Then it is a question of our moral obligation?

Mr. MANN. It is a question of our moral obligation.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

The SPEAKER. After recognizing the gentleman from Montana [Mr. PRAY] for a motion, the Chair, if agreeable to the House, when that motion is disposed of, will direct the call of the Unanimous Consent Calendar. [After a pause.] The Chair hears no objection.

LANDS AND FUNDS OF THE CROW TRIBE OF INDIANS.

Mr. PRAY. Mr. Speaker, I move to suspend the rules and pass the bill (S. 6995) with an amendment.

The SPEAKER. The gentleman from Montana moves to suspend the rules and pass the following bill, which the Clerk will report.

The Clerk read as follows:

An act (S. 6995) for the division of the lands and funds of the Crow Tribe of Indians in the State of Montana, and for other purposes.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be surveyed all the unsurveyed land embraced within the limits of the Crow Indian Reservation, in the State of Montana, and to cause an examination of the same to be made by the United States Geological Survey, and if there be found any lands bearing coal, oil, or other valuable minerals, the Secretary of the Interior is hereby directed to reserve such lands from allotment or disposition until further action by Congress: *Provided*, That the Secretary of the Interior shall reserve any lands chiefly valuable for power or reservoir sites within said reservation, subject to such disposition as Congress may direct, and the Secretary of the Interior shall report to Congress annually all power and reservoir sites set aside and reserved under the provisions of this or any other act.

SEC. 2. That so soon as all the lands embraced within the said reservation shall have been surveyed, allotments of the same shall be made under the general allotment laws to all persons having tribal rights with the said Indians who have not heretofore received allotments of land and to all deceased children, born subsequent to December 31, 1905, who were entitled to allotment, by or for whom a selection of land was made and duly recorded at the Crow Agency: *Provided*, That hereafter allotments shall be made under the provisions of this act to all children of Indians affected hereby so long as the tribe shall be possessed of any unallotted tribal or reservation lands: *Provided further*, That the Secretary of the Interior may reserve such lands as he may deem necessary for agency, school, and religious purposes, to remain reserved as long as needed and as long as agency, school, or religious institutions are maintained thereon for the benefit of said Indians: *And provided further*, That the Secretary of the Interior is hereby authorized and directed to issue a patent in fee simple to the duly authorized missionary board, or other proper au-

thority of any religious organization heretofore engaged in mission or school work on said reservation, for such lands thereon (not exceeding 162 acres to any one such organization and not included within any town site hereinafter provided for) as have been heretofore set apart to such organization for mission or school purposes: *And provided further*, That the Secretary of the Interior is hereby authorized to set apart and reserve the site known as the "Reno battlefield:" *Provided, however*, That the lands to be so set aside shall be determined by the commissioners hereinafter authorized to inspect, classify, and appraise the surplus lands, subject to the approval of the Secretary of the Interior.

SEC. 3. That upon the completion of said allotments the President shall appoint a commission consisting of three persons to inspect, classify, and appraise all of said lands that shall not have been allotted in severalty to said Indians, or granted, reserved, or otherwise disposed of by the terms of this act, said commission to be constituted as follows: One of said commissioners shall be a person holding tribal relations with said Indians, one representative of the Interior Department, and one resident citizen of the State of Montana. That said commission shall be governed by regulations prescribed by the Secretary of the Interior, and the classification and appraisement of all of said lands shall be subject to the approval of the Secretary of the Interior. That within 30 days after their appointment said commissioners shall meet at come point within the Crow Indian Reservation and organize by the election of one of their number as chairman. That said commissioners shall then proceed personally to inspect, classify, and appraise, in tracts of 160 acres each, all of the remaining lands embraced within said reservation: *Provided*, That irrigable lands shall be appraised in tracts of 40 acres each. The classification and appraisement of said lands shall be made according to the following classes: First, agricultural land; second, grazing land; third, mineral land, but the mineral land shall not be appraised; fourth, timber land which shall be classified without regard to acreage and shall not be appraised, but shall be reserved for the use of the Crow Indians, the timber thereon to be disposed of under the direction of the Secretary of the Interior. Said commissioners shall be paid a salary of not to exceed $10 per day each while actually employed in the inspection, classification, and appraisement of said lands, and necessary expenses, exclusive of subsistence, to be approved by the Secretary of the Interior, such inspection, classification, and appraisement to be completed within one year from the date of the organization of said commission.

SEC. 4. That upon the approval of the classification and appraisement of said lands by the Secretary of the Interior they shall be disposed of under the provisions of the homestead, desert-land, mineral, and town-site laws of the United States, except as hereinafter otherwise provided and excepting sections 16 and 36 of each township, or any part thereof, for which the State of Montana has not heretofore received indemnity lands under existing laws, which sections, or parts thereof, are hereby granted to the State of Montana for school purposes. And in case either of said sections, or parts thereof, is lost to the State by reason of allotment thereof to any Indian or Indians, or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized to select other unoccupied, unreserved, nonmineral, nontimbered lands within said reservation, not exceeding two sections in any one township, which selections must be made at least 60 days prior to the date fixed by the President's proclamation opening the surplus lands to settlement: *Provided*, That the United States shall pay to the said Indians in the manner provided for in section 6 of this act for the lands in said sections 16 and 36, so granted, or the lands within said reservation selected in lieu thereof, the sum of $2.50 per acre.

SEC. 5. That said lands shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the time when and the manner in which they may be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, or enter any of said lands, except as prescribed in such proclamation: *Provided*, That the rights of honorably discharged Union soldiers and sailors of the late Civil and Spanish Wars and the Philippine insurrection, as defined and prescribed in sections 2304 and 2305 of the Revised Statutes, as amended by the act of March 1, 1901, shall not be abridged: *Provided further*, That the price of said lands disposed of under the homestead laws shall be paid in accordance with rules and regulations to be prescribed by the Secretary of the Interior, upon the following terms: One-fifth of the purchase price to be paid in cash at the time of entry, and the balance in five equal annual installments, to be paid in two, three, four, five, and six years, respectively, from and after the date of entry. In case any entryman fails to make the annual payments, or any of them, when due, all rights in and to the land covered by his entry shall cease, and any payments theretofore made shall be forfeited, and the entry canceled, and the lands shall be again subject to entry under the provisions of the homestead law at the appraised price thereof: *Provided, however*, That nothing in this act shall prevent homestead settlers from commuting their entries under section 2301, Revised Statutes, by paying for the land entered the appraised price, receiving credit for payments previously made. In addition to the price to be paid for the land, the entryman shall pay the same fees and commissions at the time of commutation or final entry as now provided by law where the price of land is $1.25 per acre, and when the entryman shall have complied with all the requirements and terms of the homestead laws as to settlement and residence and shall have made all the required payments aforesaid he shall be entitled to a patent for the lands entered: *And provided further*, That all lands remaining undisposed of at the expiration of five years from the opening of said lands to entry may, in the discretion of the Secretary of the Interior, be reappraised in the manner provided for in this act, and sold to the highest bidder for cash, under such regulations as the Secretary may prescribe, in tracts not exceeding 320 acres to any one person, but no land shall be sold at less than the appraised valuation.

SEC. 6. That from the proceeds arising from the sale and disposition of the lands aforesaid, exclusive of the customary fees and commissions, there shall be deposited in the Treasury of the United States, to the credit of the Indians belonging and having tribal rights on the said reservation, the sums to which the said tribe may be entitled, which shall draw interest at 4 per cent per annum; that the moneys derived from the sale of said lands and deposited in the Treasury of the United States to the credit of the said Indians shall be at all times subject to appropriation by Congress for their education, support, and civilization: *Provided*, That the provisions of article 2 of the act approved April 27, 1904, entitled "An act to ratify and amend an agreement with the Indians of the Crow Reservation in Montana, and making appropriation to carry the same into effect," be, and the same hereby are, amended so as to repeal so much of the said act as has not been heretofore carried into effect, directing specific disposition of the proceeds of the sale of the ceded portion of the Crow Reservation, and that all the funds provided by said article not heretofore specifically disposed of, be, and the same hereby are, directed to be deposited in the Treasury of the United States to the credit of the Crow fund herein provided for.

SEC. 7. That nothing in this act contained shall in any manner bind the United States to purchase any part of the land herein described, except sections 16 and 36, or their equivalent, in each township, that may be granted to the State of Montana, the reserved tracts hereinbefore mentioned for agency and school purposes, or to dispose of lands except as provided herein, or to guarantee to find purchasers for said lands, or any part thereof, it being the intention of this act that the United States shall act as trustee for said Indians to dispose of said lands and to expend and pay over the proceeds received from the sale thereof only as received.

SEC. 8. That before any of the land is disposed of as herein provided, and before the State of Montana shall be permitted to select or locate any lands to which it may be entitled by reason of the loss of sections 16 or 36, or any portions thereof, by reason of allotments thereof to any Indian or Indians, the Secretary of the Interior is authorized to reserve from said lands such tracts for town-site purposes as in his opinion may be required for the future public interests, and he may cause same to be surveyed into lots and blocks and disposed of at public auction under such regulations as he may prescribe, in accordance with section 2381 of the Revised Statutes of the United States; and he is hereby authorized to set apart and reserve for school, park, and other public purposes not more than 10 acres in any town site, and patents shall be issued for the lands so set apart and reserved for school, park, and other public purposes to the municipality legally charged with the care and custody of lands donated for such purposes. The purchase price of all town lots sold in town sites, as hereinafter provided, shall be paid at such time and in such installments as the Secretary of the Interior may direct, and he shall cause not more than 20 per cent of the net proceeds arising from such sales to be set apart and expended under his direction in aiding the construction of schoolhouses or other public buildings or in improvements within the town sites in which such lots are located. The net proceeds derived from the sale of such lots and lands within the town sites as aforesaid, less the amount set aside to aid in the construction of schoolhouses or other public buildings or improvements, shall be credited to the Indians as herein provided.

SEC. 9. That there is hereby appropriated the sum of $400,000, or so much thereof as may be necessary, to pay for the lands granted to the State of Montana for school purposes and the Reno battlefield site at the rate of $2.50 per acre. And there is hereby appropriated the further sum of $100,000, or so much thereof as may be necessary, for the purpose of making the survey, appraisement, classification, and allotment provided for herein: *Provided*, That the latter appropriation, or any further appropriation hereafter made for the purpose of carrying out the provisions of this act, shall be reimbursed to the United States from the proceeds from the sale of the lands described herein or from any money in the Treasury belonging to said Indian tribe.

SEC. 10. That the lands allotted, those retained or reserved, and the surplus land sold, set aside for town-site purposes, granted to the State of Montana, or otherwise disposed of, shall be subject for a period of 25 years to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country.

SEC. 11. That entrymen under the desert-land law shall be required to pay one-fifth of the appraised value of the land in cash at the time of entry, and the remainder in five equal annual installments, as provided in homestead entries; but any such entryman shall be required to pay the full appraised value of the land on or before submission of final proof: *Provided*, That if any person taking any oath required by the homestead or desert-land laws or the regulations thereunder shall swear falsely in the premises, he shall be subject to all the pains and penalties of perjury and shall forfeit the money which he may have paid for said land and all right and title to the same; and if any person making desert-land entry shall fail to comply with the law and the regulations under which his entry is made, or shall fail to make final proof within the time prescribed by law, or shall fail to make all payments or any of them required herein, he shall forfeit all money which he may have paid on the land and all right and title to the same, and the entry shall be canceled.

The SPEAKER. Is a second demanded?

Mr. STEPHENS of Texas. Mr. Speaker, I demand a second.

The SPEAKER. Under the rule a second is ordered. The gentleman from Montana is entitled to 20 minutes and the gentleman from Texas to 20 minutes.

Mr. PRAY. Mr. Speaker, before making a statement on this bill, I desire to yield a half minute to the gentleman from New York [Mr. ALEXANDER].

Mr. ALEXANDER of New York. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, which shall include the address of the gentleman from Massachusetts [Mr. MCCALL] delivered last summer at Portland, Me., upon the occasion of the unveiling of the monument of the Hon. Thomas Brackett Reed, late Speaker of the House of Representatives. Mr. MCCALL'S address is characteristic of the distinguished writer. It is more than an address—it is literature. It illustrates and illuminates life in this body by presenting the career of one whose national service was wholly identified with the House of Representatives. Speaker Reed was a leader of his party here for 16 years, a longer time, I believe, than that position has ever been filled. He was not merely a great Speaker, but he was a brilliant debater and forceful leader upon the floor. Very often a man who has served with distinction in the House becomes a Member of of the Senate, but some of the very greatest statesmen in the history of the country has seen their only congressional service in the House of Representatives. Among them may be mentioned Madison, Lincoln, Garfield, McKinley, and Reed. Names like these would assure the historic standing of any assembly.

Mr. Speaker, Mr. McCALL presents the brilliant service of the last member of this remarkable quintette not only with vigor and thoroughness but with the felicity and fidelity of one who is himself fitted by a long and distinguished career to portray exalted service in this House. I am sure that every Member of Congress will be glad to possess a copy of this address, and I ask unanimous consent to extend my remarks in the RECORD so as to include it.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The address is as follows:

THOMAS BRACKETT REED.

(By Hon. SAMUEL W. McCALL.)

A statue of a human figure, which does not represent a mere abstraction but a real and once breathing man, draws much of its significance from the nature of the forces creating it and also from a fit association with the spot where it is reared. At a time when government is expected to do everything, it is becoming quite too much the fashion to build monuments by law and pay for them by money taken by taxation from the people. The tribute thus rendered involves no special sense of sacrifice on the part of any human being. It is indeed cold compared with that which is paid by voluntary gifts and comes springing from the hearts of the givers. In one of the public squares of Washington stands a figure of Lincoln. It is not striking merely as a work of art, but it acquires a beauty and a pathos from the fact that it was reared by many small gifts from men and women whom his immortal proclamation had made free. It is surely a felicity that the statue of Thomas Brackett Reed which you unveil to-day should have been raised by the free gifts of those who knew and loved him and not from a levy upon any public treasury. Nothing could be happier also than its association with the spot where it is placed. It is ideally fitting that it should stand in the streets where he once played as a boy, in the city where he was born and lived nearly his whole life through, and where he now rests from his labors. I imagine you did not have in mind at all the last sentence of that beautiful speech of his spoken here a quarter of a century ago, but how perfectly this occasion seems to respond to it:

> Whatever fame great achievements may bestow, whatever honors the world may give, it is ever the most cherished hope of every seeker after fame or fortune to be kindly remembered and lovingly honored on the spot which gave him birth.

It is no common thing for the citizens of a city like this, the commercial capital of a great State, to set up a statue in its streets, and we are now to render some answer to the question, What reason justifies this hour and what is its real meaning? The answer was simpler, although the occasion had no greater merit when you were putting up the statue of Longfellow; and it was simpler because of the difference in the nature of their work between a poet and a statesman. The statesman lives in the field of practical controversy; the poet in the realm of ideals. It is not an uncommon fate of poets to be neglected in their lifetime and to have their birthdays celebrated in after generations. But the statesman is fêted in his life and too commonly forgotten when he is dead. It is not difficult, I think, to find the reason for this difference. The poet, if he be a real one as yours was, deals not with the shifting conditions of the time, but with what Sainte-Beuve called "the eternal humanity." Time takes little from the sweetness of his songs, and ages after he is gone they go as freshly and as warmly to the hearts of men as when they first dropped from his lips.

And the genuine poet sings not merely to other ages, but to other countries than his own, and there is a simplicity and a universality to his fame. But the statesman has to do with the complex machinery of the State, never more complex than now, and however ardently he may wish to realize his ideals and fly above the clouds, he may not get too far from the earth without coming suddenly too near it with the vast interests in his keeping, in the collapse of a general ruin. He deals, too, with the shifting sands of popular opinion instead of with the "eternal humanity," and the absorbing issues of to-day are thrust aside by the aggressive issues of to-morrow and are forgotten. Much of his work is blended into the general aggregate of social achievement and does not stand visibly by itself. His fame is less universal since the barriers of patriotism often hedge it in. But yet he richly earns the gratitude of his time and of posterity, if he does his duty well, for the State is an indispensable instrument of civilization, making it possible for men to thrive, for cities to spring up, for poets to sing, and, indeed, for society to exist. And so you honor to-day one who deserved the name of statesman in the noblest meaning it can have with us, since it is men like him who keep the idea of representative government from dying out. He was not lacking in the practical touch demanded by the nature of his work, and yet practical as his work was we shall see how finely and firmly he lived up to his ideals.

In order the better to understand what manner of man he was, let us consider the character of the stock from which he sprung. For two centuries before he was born his ancestors in nearly every line dwelt along the seacoast now included in Maine. It was not one of the great settlements which George Cleve, himself an ancestor of Reed, planted on the shores of Casco Bay, but no other settlement in America can claim a more stirring and dramatic history. Cleve was as masterful a man as ever led out a colony to found a new empire. He was an independent in religion, but his little settlement was not entirely made up of those who believed in his own creed. The Royalist, free-living element among them occasionally became conspicuous and gave themselves some of the pleasures of life, although it is not easy to imagine a narrower range of gayety than that spread before them. After a little time Massachusetts asserted its title to this coast, and, with the aid of the whipping post and the ducking stool, planted a civilization here upon the most austere Puritan models. The Cleve settlement was upon a dangerous frontier, with the Indian and Frenchman to the north. More than once during its first century it was all but obliterated in Indian wars. Portland was depopulated and remained a waste place for a generation. The original settlement was almost purely of the Germanic or Anglo-Saxon stock, Puritan chiefly, though with a touch of what was called the Cavalier, and it was augmented by additions from the Massachusetts Puritan and Pilgrim, and later by an infusion of the Scotch-Irish and the Huguenot bloods.

But it remained decidedly Anglo-Saxon. Two centuries after it had been planted it is doubtful whether a population more purely of the English blood could have been found anywhere, either in the old country or in the new. It was thus of the great imperial race of the world. From one motive or another, that race has spread from its little island nest into the empty lands over all the habitable globe, carrying with it a genius for self-government and planting everywhere free commonwealths. Its instinct for government is so persistent that even when it has emptied the jails of London and sent forth penal colonies, it has after a time, like flowing water, worked itself pure and exhibited again the spirit of orderly government. Sidney Smith was not simply employing the touch of the satirist when he predicted that the time might come when some Botany Bay Tacitus would record the crimes and splendors of an emperor lineally descended from a London pickpocket.

The men who founded the State of Maine were the choicest specimens of the English race. They were willing to face the perils of the ocean, at that time terrible in reality and more terrible still to the imagination; to brave a rigorous climate; to strive to wring a living from an infertile soil and from the sea; and to wage long wars against the red man in order that they might enjoy civil and religious liberty. While the original purity of the stock has been unimpaired, the psychologists of the Nation tell us that a new race practically has been evolved from this intense struggle and this new environment, with strong new qualities grafted upon the old.

Reed's first ancestor of his name in this country apparently came to Salem, Mass., about 1630, and the son of this ancestor found his way to Maine. Reed never concerned himself much about his remote pedigree. He accepted himself as he was without a wish to invoke in his behalf the merit of ancestors, content to know the general character of his stock. He once proposed a toast to Maine, settled, as he said, "chiefly by the blood of old England, but always preferring liberty to ancestry." His ancestors, he once remarked, never held any position of great emolument, judging by his own financial condition when he arrived. There can be no doubt, however, of the excellence of the individual lines blended in him, containing as they did the George Cleve and the Massachusetts Puritan and Pilgrim strains. Some of his ancestors were captured or killed in the Indian wars, and another was with Paul Jones when he captured the *Scrapis*. His own father was a sea captain commanding sailing vessels in the coasting trade, a calling which required authority and courage.

Reed was very fortunate in his education. In his later years he declared that he had long thought it the greatest good fortune of his life that he had spent five and one-half years under Master Lyford, a famous teacher of the Portland Boys' High School. After a thorough preparation he entered Bowdoin College at the age of 16. The modern college had not then come into existence, and Bowdoin offered a course containing much Latin, Greek, and mathematics, with few or no elective studies, and gave the rigid discipline of the best American colleges at that time. It was a discipline that has bred scholars and poets and statesmen, teaching them how to think and write

and speak. At the head of the faculty was Leonard Woods, probably as cultivated and cosmopolitan a president as could be found in any college of that day. He had with him a small band of professors, nearly every one of whom was so distinguished as to be known even to this time outside the circles of his own college. After four years of study in close personal contact with such men he was graduated, almost the youngest man in a class numbering 55, of whom he was the leader in scholarship in the senior year and the fifth in average rank for the entire course. Aside from the regular work, he took the prize in writing, was an editor of the college paper, and was active in sports and in the social life of the college. We get a fascinating glimpse of him and of his care-free manner in a passage in one of his letters describing a long walk which he took upon a brilliant winter evening, when he would occasionally rest by throwing himself on his back upon high snowdrifts and gaze wonderingly upon the planet Jupiter. Enough is known of his college career to permit us to see his natural and easy growth and the spirit in which he strove to fashion himself in that bright morning time—

Ere the hot sun count
His dewy rosary on the Eglantine.

Those were four happy and fruitful years which he passed going in and out beneath the Brunswick elms, and there were few college men of that time who might not have envied him his opportunities for real culture and the manner in which he improved them. Like many another American boy, he was forced to rely somewhat upon his own efforts to meet his college expenses. There is an ideal touch in the circumstance, as if to prefigure his own career, that he was helped by another son of Bowdoin of kindred character who has won honorable place in the history of his country, William Pitt Fessenden. In the letter conveying payment of the full balance of the loan and interest young Reed gratefully wrote Fessenden:

I have seen enough of the world to know that I might live as long again without finding a man who would do such an act of kindness in so kind a manner.

In taking account of the special influences which helped to mold his mind and fit him for the work he was to do, we must not overlook his service in the Civil War and his residence in California.

He was accustomed afterwards to speak lightly of his career of something more than a year as assistant paymaster in the Navy, as indeed he was wont to speak lightly of anything that might seem to increase his own personal importance. It was one of the precepts which he used to impress with a touch of drollery that "we make more progress by owning our faults than by always dwelling on our virtues." He might well have pointed out that when the ship sinks the paymaster is as likely to go down as is the fighting sailor, but he said the Navy meant to him "not the roaring wind and the shrieking shot and shell but smooth water and the most delightful time of my life." The Mississippi River, where he saw the most of his service, was at that time a scene of unsurpassed dramatic interest, and the time spent upon it, whether in fighting or not, broadened his experience greatly, just as his residence in California in the formative days of that community widened the outlook of the future statesman.

His career at the bar was admirable in its training for the public service. It was of the sort to develop whatever talent he had for the law, a talent that was certainly great. In his first five years of practice he established himself so notably that he was made the attorney general of his State when but 30 years old, the youngest age at which that office has ever been held in Maine. He was attorney general for three years during a time when the office dealt with a great variety of litigation, some of it as important as could engage the attention of a lawyer. He filled the place with great success. Then, for four years he was counsel for the city of Portland. Thus, after a dozen busy years in which he maintained himself in the courts against lawyers of eminence, a period long enough to train him thoroughly as a lawyer and not so long as to put his faculties in perpetual slavery to that calling, and after a service in both houses of the Maine Legislature, he was elected to Congress at the age of 37.

The term of Reed's first Congress began on the day when Gen. Hayes took the oath of office as President, an event which, if it did not inaugurate a new era, emphasized with a good deal of clearness an important transition in our history. It marked the end of State governments supported by national bayonets and witnessed the restoration in form at least of civil government throughout the Union. At the first look, the 4th of March, 1877, appeared to usher in a time of political sterility succeeding an heroic age. We had witnessed so many signal events compressed within a brief period; we had fought among ourselves the greatest of wars; had freed 4,000,000 slaves, and had at once made them, so far as paper could do it, equal self-governing members of our great democracy, and the doctrine of equal rights, both civil and political, had never before in the history of the world been practically applied on so stupendous a scale.

After these achievements we had become politically blasé and the ordinary routine of prosperous government was sure to pall upon the senses. We were attuned to the spectacle of having society abstractly reconstituted every election day according to the most ideal models. The time that was coming in might seem humdrum, because it was to succeed so impatient a régime when we strove to attain in a day an ultimate perfection and to experience all the sensations that come to a nation in a very long lifetime.

But important questions were pressing themselves forward, not in a dramatic fashion, but with the quiet persistency with which natural laws compel attention, serious questions of governmental honesty, of finance, of the standard of value of our money, of taxation—all vitally involving not merely the prosperity but the honor and even the stability of the Nation. President Hayes courageously grappled with the new order. Although under the shadow of a clouded title, he won such success as to reestablish his party and, what is of far greater consequence, to deserve the gratitude of the oncoming generation.

It was at the moment of this transition that Reed first took his seat in the House as a Republican. In the general principles of his party he firmly believed. Above all else he was possessed with the passion for human rights, which was the noblest heritage of the war. All issues relating to that as well as the supremacy of the Central Government within its sphere, the war had settled large for him. The House is a forum where, as he afterwards said, "distinction won in other fields of endeavor will gain a man a hearing for the first time, but not afterwards." Although he had a brilliant career at the bar and as a member of the Maine Legislature, he had established no reputation of the sort that would precede him to Washington. He went there with the ordinary passports of the new Member, and his career was entirely before him. With his ideal equipment for the work of the House, however, it was inevitable that he should speedily establish himself.

The first real opportunity came in his appointment to the committee to investigate charges of fraud in connection with the presidential election. The manner in which he performed his part of the work attracted the attention of the country. Most of the Republican leaders were disqualified from membership by the terms of the resolution, and, although a new Member, Reed was appointed. On the other hand, his political opponents were the seasoned veterans of their party. As he said of them, "the household troops were ordered up." In a short offhand speech upon the subject of the investigation, called out by an incautious attack by a Member of the opposite party, he first gave the House a touch of his unique qualities as a debater. In that speech he displayed to such advantage his sarcastic humor, his power of repartee, and his force of argument, that he took rank at once as the most formidable debater upon his side of the House.

To trace minutely his course during his service in the House would be to write a history of all the important legislation of that period. I shall refer only to those subjects that clearly overshadowed all others in the contests of that time. We now approach a field which has not yet passed exclusively into the domain of the historian. Some of the political questions of that day are still in issue and others have been so recently removed from politics that the fires yet smolder near the surface, compelling one to walk with caution.

Upon the questions relating to the standard of our money, no clear line of division separated the parties. Members of each party were to be found upon both sides. Reed had expressed the opinion that a large majority of the American people favored inflation during the administration of President Hayes and that his courageous veto by arresting attention gave them a chance for reflection. Certainly their Representatives were ready to pass by large majorities bills for printing more greenbacks and for coining light-weight dollars. The wickedness of the "bloated bondholder" seemed for the moment to engage the attention of that class of orators never absent in a democratic government who seek to win the suffrages of the people by inflaming them with a sense of fancied wrong. Reed's course from the outset was notably consistent. He stood resolutely for the maintenance of the gold standard. From the time when he opposed the coinage bill of 1878 until the final popular decree in 1896, he was the most potent force in the House of Representatives for maintaining gold as the standard of our money. The device em-

bodied in the Sherman law, he was persuaded, was necessary to forestall the passage of a free-coinage bill, but he strongly supported President Cleveland's effort to repeal that law, and under his leadership the far greater number of his party associates in the House voted for repeal. He gave the President unflinching support throughout the whole of the splendid fight which he made for maintaining the integrity of our money.

As a constitutional result of the war, the black man was counted equally with the white in apportioning Representatives among the States, and the suppression of his vote gave to the war the practical result of greatly increasing the political power of the southern white man in the National Government. Reed stood by the position of his party in favor of an election law to enable the vote of the colored man to be safely cast and honestly counted in all national elections. The time was still hot with the passions of the war and some of its fiercest parliamentary contests were waged over this question.

The tariff struggle has been a perennial one since the adoption of the Constitution, and it was then particularly raging. Five general revisions of the tariff passed the House while Reed was a member of it—two Democratic and three Republican—although the essential difference between them justified very little of the heat displayed in the controversy. Reed believed in encouraging manufactures, although the argument that seemed most strongly to weigh with him was of a social character and was based upon our higher standard of living, which required a higher wage than in the countries with which the competition was most keen.

As a debater and parliamentary leader he must be accorded high rank. For nearly the entire period of his service the parties were so evenly balanced in the country that no party could be said to be in control of the Government. The House was usually Democratic, the Senate Republican, while the Presidency alternated between the two parties. From 1877 to 1889 all the three parts of the legislative machine were not controlled by the same party at any single time, except for a period of two years. The Democratic Party, so long victorious before the war, was again reviving; and having control of the great popular branch of the Government, the House became the theater of the struggle, and it was there that the contest was most bitterly waged for the possession of the Government. I doubt if there has been another period of equal length in our history when the House was the scene of so much desperate party warfare, so much fighting of the short-sword order, and when there was a more imperative call for the qualities that fit men for intellectual combat. The Democratic Party was represented in that body by a group of extremely able men, comprehending a wide diversity of talent. In the combination of resources which they presented it would be difficult to match them at any other time in the history of the House. It had parliamentary leaders and debaters like Carlisle, Randall, Crisp, and Turner, orators like Wilson, Cochran, and Bryan, and the list of its members possessing a really high order of talent might be much further prolonged. The necessity of the situation required the Republicans to keep their strongest man at the front. There are times when the demands of the place are less exacting and some man of fairly respectable talent may be chosen by political intrigue in preference to a stronger man and may successfully go through the forms of leadership. But in this instance the best was none too good, and it is no disparagement of the Republican membership to say that when Reed became its leader he was so preeminently the man for the place as to stand in a class by himself; and from that time until he left the House 16 years later he remained at the head of his party, the longest period that any man has been the leader of a party in either the Senate or the House. Men have been successful at the head of an opposition who have failed in attempting to lead a victorious party. Others have lacked in the fertility of resource necessary to attack who yet with a majority about them could stubbornly conduct a defensive battle. But Reed had the well-rounded qualities that made him equally successful both as minority and majority leader. He is, however, more interesting as minority leader, because in the evolution of our political institutions it became the custom to make the leader of the majority in the House the Speaker, and the limitations of that office were not so well adapted to his temperament as was the freedom of the floor. For 10 years he led the minority, sometimes with a force at his back nearly equal to that of his antagonists and sometimes with a little band behind him outnumbered 3 to 1. It is the simple truth to say that great and varied as was the array of talent against him, he never was overmatched and he never appeared to have all his reserves brought into action.

Let us take some account of his equipment. His appearance was most impressive. Giant as he was in stature, he looked every inch a leader. His very look fixed the attention of the House. He was slow and distinct in enunciation, with a powerful and strident voice capable of cutting through the confusion and penetrating to the farthest recesses of the enormous hall. He always used the lower tones of his voice, some of which were of great sweetness. He spoke without visible effort, rarely making a gesture, and a fine, strong light shone from his brilliant eyes, although in moments of great excitement they blazed with a consuming fire.

His mind was a fit companion to his body. He had a remarkable power of statement, and when he was dealing with his opponent's case, instead of stating it first and then overthrowing it, he would often demolish it in the statement itself. "What the House likes best," he once said, "is plain statement, hard hitting, and sense enough to know when one is done." He was able to seize unerringly upon the vital point in a controversy, and he would not concern himself over the little issues. He had the good taste to speak simply. He saw things clearly, could express his exact meaning in admirably chosen words, and his sentences were without a blemish from the standpoint of form. As to the commonplace shifts of the orator, the balanced periods and the worked-up passages, he never patronized them.

But his preeminent quality was his humor, a quality until recent times very little used in public speaking, judging from the examples that have come down to us. Prior to the middle of the nineteenth century oratory with us seems to have been a desperately serious calling. One would no more look for a joke in one of the approved speeches of that time than in a demonstration of Euclid. And some real humor would certainly mitigate their reading very much. Even that prince of orators, Daniel Webster, would be more widely read if he had not so sternly restrained the sense of humor which he undoubtedly possessed. Reed's humor often showed the finish and perfection of the finest wit, but there were no small barbed arrows in his quiver. It was rather, like the body of his argument, the play of heavy artillery, and it could as effectively sweep the field.

His willingness to accept battle was superb. What was said of a famous debater in the British Parliament could truthfully be said of him: "He went out in all weathers;" but the weather that delighted him most was the storm; and no weather seemed so rough as to disturb his coolness and self-control. His speeches will usually be found in the RECORD just as he delivered them. He did not emulate some of the great orators of former times, not to mention our own, and struggle with an occasion after it had passed by. He had not the habit of withholding his speeches for revision, to clothe them with a rhetoric which he would have spoken, but they were printed the next morning as they had been delivered.

He never wasted words. "Speech," he once said, "dies upon the empty air. Better a pound of fact than a shipload of language." During his service in the House it is doubtful if he made a half dozen speeches as long as a half hour, and the length of the greater number of them would not exceed five minutes. Those short speeches light up the RECORD and are models of their kind, making the situation clear and bringing the House to a sense of what it was doing. On two occasions only did his speeches approach two hours in length, one being the closing argument for his side against the Mills tariff bill and the other the closing argument against the Wilson bill. Each occasion was the culmination of a long and bitter party controversy. The Mills bill embodied the central policy upon which Cleveland's campaign for reelection in 1888 was to be waged. The tariff was much discussed in those days, and in three successive presidential elections it was the overshadowing issue. It filled the mouths of our statesmen with large figures, and their contributions to the "dismal science" were usually in keeping with its name. An ancient tariff speech, of all speeches in the world, is not apt to be the most entertaining reading, but Reed's speech on the Mills bill is worth reading even to-day. There are indeed few congressional speeches of equal length that will bear reading so well. It has none of the wooden qualities of the spoken essay, no particle of the ornate fustian which so often made the pretentious speech of the last century such a thing of terror, but it is a fighting speech, glowing from beginning to end, full of irony, argument, wit, and eloquence, and was equally effective at the moment, and when read later in the campaign it was chiefly meant to influence.

The debate upon the Wilson bill took place at the climax of the tariff agitation. It was the dramatic moment of a political battle running through all of Cleveland's contests for the Presidency.

In the first he was elected, in the next defeated, and at last again victorious, and for the first time supported by both Houses of his own political faith, he was at the head of a party re-

sponsible for the passage of a tariff bill, and one was about to be enacted which pleased nobody and which he himself refused to sign. The closing of the debate in the House presented a memorable spectacle, fitly marking the culmination of this long political struggle. The Capitol could scarcely contain the throng, and the great Chamber and its galleries were crowded to suffocation. Although the speech of Reed on that day began with the statement that "if anything seems to have been discussed until human nature can bear it no more, it is the tariff," both in its immediate effect and as it is read in the RECORD, it was worthy of a great occasion and measures up to the best standards of parliamentary eloquence.

I believe that he has not been excelled as a debater by any man ever in the House of Representatives. There have been orators who have given more attention to rhetorical finish, but no man has surpassed him in the history of the House, certainly for three-quarters of a century, in power of condensed statement, in a destructive ridicule, and in the stately and even flow of his speech, massive and strong. He appeared to the best advantage in his short speeches. That is not true of some of the other great parliamentary speakers. Take, then, either of his two longest efforts in the House, to which I have just been referring, that on the Wilson bill or that on the Mills bill. Read it by the side of any other debating speech you may select, either from the House of Commons or the House of Representatives, taking, however, a speech of the modern era, when shorthand reporting had been developed, that you may know you are reading a real speech and not an imaginary oration with the fine outbursts and beautiful periods, the careful result of afterpreparation. I believe that Reed will stand the test so far as the reading is concerned. Then if you wish to imagine the immediate effect, remember that his delivery exactly fitted what he said, and that in action he looked the 20,000-ton battleship, with all its range of armament, its great and little guns in full play, and that with his variety and force of attack he seemed at the time invincible.

Reed, as minority leader dealing with the rules, was always engaging the other side and putting its leaders to the necessity of using all their wits. No man ever had a better command of the procedure of the House. He played the parliamentary game hard, but played it according to the rules, and he never sought to embark the House upon revolution.

While as minority leader he was opposed to legislative anarchy, as leader of the majority he stood equally against legislative impotency. More conspicuously than with any other thing his name is identified with the overthrow of a system which enabled a minority, by refusing to vote, to produce a legislative paralysis and for negative purposes to control the action of the House.

Speaker for six years, under the long-established practice of the House he was therefore its leader. He stated with exactness the character of the speakership when he was first chosen. In a speech, none the less admirable because in point of brevity it was at the time probably without parallel upon a like occasion, he said that under our system as developed the duties of his office were both political and parliamentary.

So far as the duties are political, I sincerely hope that they may be performed with a proper sense of what is due to the people of this whole country. So far as they are parliamentary, I hope with equal sincerity that they may be performed with a proper sense of what is due to both sides of this Chamber.

Our speakership undeniably possesses this dual character and the question is often asked why it should have taken on the political aspect, when the speaker of the British House of Commons is in effect a judicial officer. The chief reason may be found in the difference between our parliamentary systems. In England there is an intermingling of the executive and legislative functions. All the ministers of the Crown are members of the one legislative chamber or the other. The leading minister in the House of Commons is the leader of that body. He and his colleagues in office direct its affairs and conduct the Government under their responsibility to the Commons. When they fail to command a majority they go out of office. But we have no cabinet system. We do indeed have what is called a Cabinet, but its members are purely executive subordinates of the President, a species of magnificent head clerks, and are entirely lacking in parliamentary functions. The Constitution contemplated separate departments, with Congress in a region by itself passing laws, and the President in his own secluded domain executing them, with an occasional formal message "on the state of the Union." But no great government can be effectively run with the two branches of its central political department only upon formal speaking terms, with the President sending coldly constitutional and polite notes to Congress and the latter in its own good time replying or not as it should see fit to do. To insure that harmony which is essential in the workings of all the parts of such a vast and complex governmental machine, there must be practical ways of reaching an intimate understanding. Through a process of evolution the speakership had come to be an important instrument in supplying the apparent gap left by the Constitution between the executive and legislative departments and to put them upon more workable terms. It presented the advantages of a centralized leadership representing in the first instance the popular branch of the legislature and tended to secure a measure of the unity in government secured by the cabinet system. And as a balance to the President, such a commanding figure on Capitol Hill, always responsible to the House and subject to being overruled by it, has operated as a check upon the obvious tendency to autocracy incident to the growth of the Government and the centralization of power at Washington.

The central and dramatic event in Reed's speakership was the counting of the quorum. The large number of the quorum required in the House, eightfold larger than that of the British House of Commons when the difference in the number of members is taken into account, makes it difficult for the party in control to maintain a quorum out of its own membership unless its majority is very large. It had for many years been the settled practice for the minority to attempt to defeat legislation to which they were opposed by abstaining from voting when they could not accomplish the same result by directly voting against it. Thus the majority had frequently been compelled to abandon legislation. The majority of the House might actually be present, but the method of determining its presence had been by the vote, and if a majority had not voted upon the roll call business could not proceed. In Reed's first speakership his party had a very small majority. After a roll call upon a party question when less than a quorum of Members had responded to their names, although many more were present, he directed the Clerk to note the presence of those who were present but had not voted. Thus a quorum was made up, and the vote was announced in favor of the proposition which had received a majority of those who had seen fit to vote. His reasons were simple, and they were unanswerable from the constitutional standpoint. If Members could be present and refuse to exercise their function—

the provision of the Constitution giving the House power to compel attendance of absent Members would seem to be entirely nugatory. Inasmuch as the Constitution only provided for their attendance, that attendance was enough.

This ruling was followed by a parliamentary storm unprecedented in severity in the history of the House. For many hours it was not possible to proceed with the ordinary business on account of the uproar. Members rushed down the aisles, filled the area in front of the Speaker, and denounced him with great violence of language as a tyrant and a czar. He held himself calm and unmoved amid the tumult, sustained by the consciousness that he was right, and that he was announcing a procedure which the Constitution contemplated and the growing demands of the country's business made absolutely necessary.

The Supreme Court subsequently upheld the constitutionality of Reed's ruling, but his triumph was to be even more complete. His opponents were formally to sanction it. In a later Congress, when he led the minority and the party in control had returned to the ancient practice, he attacked it with every resource known to parliamentary law and succeeded in demonstrating its unsoundness. His antagonists, although they had a large majority, were unable to furnish a quorum from their own ranks. Reed's party, under his lead, refrained from voting, and thus for weeks the transaction of business was made impossible. And the men who had vehemently denounced him were compelled at last to adopt the principle of his ruling and affirm the practice that if a quorum is actually present the House can transact business whether Members vote or not. That has ever since been the law of the House.

It required courage of the highest order to overturn the precedents of a century made by all parties, and previously assented to by himself, and to establish a principle so correct and in accordance with common sense. But he was not disturbed upon the question of consistency. His dictum upon the subject proves that.

I do not promise—

He said—

to give wisdom of adamant. I will give them honestly what my opinion is at the time; they must take the chances of its being for eternity.

It has required a man of unusual quality to direct our great popular assembly in the days since the Civil War, when the business of the Government has grown so enormously, when the pressure from private interests has vastly increased, and when partisanship has usually run so high. It is no light task to moderate that great turbulent body and to maintain orderly

procedure. As Speaker, Reed fitly embodied the dignity of the House, and it never had a presiding officer who more inflexibly and fairly administered its rules.

No greater Speaker ever presided over the House. Henry Clay, who directed not merely the affairs of the House, but to a large extent of the country during his speakership, was constantly taking the floor. He made a dozen or more speeches at a single session. I am not aware that during his whole speakership Reed took the floor either in the House or in Committee of the Whole. He held himself austerely in reserve. His rulings were models of just expression and possessed a weight and condensed power which it is difficult to match. He had the courage calmly to rise to great occasions, and with a heroism only equalled by his insight he established the greatest landmark in the parliamentary law of the House.

Just at the end of his public career, a new set of issues were coming forward. He was opposed to the annexation of the Sandwich Islands, firmly believing that it was for the interest of the Republic to remain a continental power, and that it would contribute most effectively to the cause of good government throughout the world by furnishing the example of a well-governed democratic state and by scrupulous respect for the rights of weaker peoples. He was equally opposed to the Spanish War, and used the power of his office, so far as he properly could, to prevent both the annexation and the war. That power was great, but no man knew better than he that the Speaker was far from omnipotent, that he could only lead where the House was willing to follow, and his efforts were unavailing.

The war was begun for the avowed purpose of putting an end to a condition in the Western Hemisphere, which was within our traditional sphere of action, but the important question it bequeathed to us was whether we should become an Asiatic power and take upon ourselves the government of populations almost under the Equator in the seas of the Orient.

Reed's political education, the practice of his whole life, and his view of the fundamental principle of the American commonwealth made his position upon this question inevitable. Long before the Philippines appeared upon our horizon he declared in a speech in the House "that the best government of which a people is capable is a government which they establish for themselves. With all its imperfections, with all its shortcomings, it is always better adapted to them than any other government, even though invented by wiser men." The idea that America should violate its traditional principle of self-government and enter upon the work of governing subject States, he hated with all the fierce hatred of a vanishing time. It seemed to him like abandoning the principle which made her unique among the nations. He was profoundly stirred by our taking on "the last colonial curse of Spain," but it had been done by a treaty solemnly ratified by the Senate, and he had come to the parting of the ways. His reelection to the speakership appeared certain, and that office, he once declared, had but one superior and no peer. His mind had been never so ripe. But he was heartsore at the prospect of following the new and opposite line and he determined to retire to private life. To his near friend, Asher Hinds, he said, "I have tried, perhaps not always successfully, to make the acts of my public life accord with my conscience, and I can not now do this thing."

And so he wrote his touching farewell letter to his constituents and withdrew from the public service.

One would fail to do justice to Reed if he did not speak of his brilliancy and charm in conversation. His wise, bantering, and witty talk was the life of any social group in which he happened to be placed. There was no arrogance in his manner, he never took possession of any company, as social autocrats are apt to do, but none the less he was by common consent sure to take the lead. His sententious witticisms became the talk of the town and were repeated from mouth to mouth. It is unfortunate that there was not some Boswell to take down his conversation and that so many of his brilliant sayings have perished. His wit was ingrained in the substance of his style and was shown alike in conversation and in offhand speaking. He often united with it a homely common-sense philosophy strongly resembling that of Dr. Franklin and a way of putting it that reminds one of Sidney Smith. In attempting to quote from him, it is equally difficult to know where to begin and where to stop, and after one is done he feels sure there are better specimens left. But I will venture a few short examples which may show something of the touch of his wit and philosophy.

Bantering a House of the opposite party for doing nothing but talk, he said:

> It presents the dead level of a Dutch landscape with all its windmills but without a trace of its beauty and fertility.

Of his own minority, he said:

> They behaved with gentleness and modesty, partly because they were very good men and partly because there were very few of them.

And again of a Member who was a skillful lawyer, he said:

> There is no man in five kingdoms abler to dig a pit for a witness and sweetly coax him into it.

Complimenting the honesty of an opponent to whom he was replying, he added:

> Such is the direct nature of his mind that there is no man so capable of thoroughly exposing the weakness of a bad position that he happens to occupy.

This is his homely version of "omne ignotum pro magnifico," the principle in human nature which causes the gold-brick industry to flourish in politics and elsewhere:

> Everything we do not know anything about always looks big. The human creature is imaginative. If he sees a tail disappearing over a fence, he images the whole beast and usually images the wrong beast. * * * Whenever we take a trip into the realms of fancy, we see a good many things that never were.

Speaking of a panic in Wall Street which squeezed the inflation out of values, he said:

> Water flowed down both sides of the street.

Sometimes the world moves slowly.

> It took 4,000 years of pagan and 15 centuries of Christian civilization to produce a two-pronged fork and another century to bring it into use.

> We endure filth diseases thousands of years and call them visitations from God, and when someone proposes the remedy we listen in early ages with the horror suitable to greet a man who wishes to interfere with God's methods in the universe.

> Never expect toleration from a crowd that has other views and has them vividly.

> Wrong is never so weak as in its hour of triumph.

> The alternation of good times and hard times antedates the pyramids.

> If we ever learn to treat the living with the tenderness with which we instinctively treat the dead, we shall then have a civilization well worth distributing.

> That is one of the laws of God working for his children, and, compared with one of your laws of Congress, it is as a Leviathan to a clam.

The description of the view from Cushings Island across Portland Harbor, in which he takes you from the Portland of to-day to the Portland of the time of Cleve's landing, will serve as an example of a different vein, showing his accuracy as an observer and his skill as a painter of a scene.

> The long slope of grassy verdure varied by the darker foliage of the trees spreads wide to the water's edge. Then begins the bright sparkle of the summer sea, that many-twinkling smile of ocean, that countless laughter of the waves which has lighted up the heart of man centuries since Eschylus died, and centuries before he lived. Across the sunlit waters, dotted with the white sails or seamed with the bubbling foam of the steamers' track, past the wharves, bristling with masts and noisy with commerce, the gaze falls upon the houses sloping quickly upward in the center and becoming more and more embowered in trees as they climb the hills at either end. Following the tall spires the eye loses itself in the bright blue sky beyond. * * * If you shut your eyes and let the lofty spires disappear, the happy homes glisten out of sight, and the wharves give place to a curving line of shelving, pebbly beach; if you imagine the bright water unvexed by traffic, the tall peninsula covered with forests and bushy swamps, with the same varied expanse of island and of sea, and the whole scene undisturbed by any sound save the clanging cries of innumerable birds and water fowl, you will be looking upon Machigonne as it appeared to George Cleve.

But beyond his brilliancy as a debater, his resplendent wit and his skill as a perliamentary leader, his title to remembrance rests upon his quality as a statesman. He had a great ambition, but it was not great enough to lead him to surrender any principle of government which he deemed vital. Like Webster, like Clay, and others of our most conspicuous statesmen, he was disappointed at not reaching the Presidency, but he could fitly aspire to the office, for he was of the fiber and nurture out of which great Presidents are made. He probably would not have been a continuously popular President, but our great Presidents never have been. He had that supreme quality which was seen in Washington breasting the popular anti-British feeling and asserting against France our diplomatic independence; in Lincoln bearing the burden of unsuccessful battles and holding back the sentiment for emancipation until the time was ripe for freedom; in Grant facing the popular clamor and vetoing inflation; and in Cleveland alienating his party while he persisted in as righteous and heroic a battle as was ever waged by a President.

A great nation can not make up its mind in a moment. What first appeals to its fancy is not likely to appeal to its final judgment, and the severest test of the disinterestedness of the statesman under our system is his readiness to risk unpopularity and defeat in order to protect the people from their first impulse and give them an opportunity to form a real opinion. Reed's faith was in what he called "the deliberate judgment of the people," but he declared that "the sudden and unreflecting judgment of the noisy who are first heard is quite as often a voice from the underworld." This distinction is vital, since the cause of democracy has nothing to hope from the statesman

who weakly yields to the temptation always to be popular and who panders to the noisy passions of the moment rather than consults the real interests of the people. Reed recognized no divinity in an unthinking clamor, whether raised by one man or a great mass of men. The people could no more depend on inspiration to guide them in performing their public duties than in their private affairs. In each case reflection and work were equally necessary. He showed his reverence for representative government by the calm dignity with which he bore himself during more than two decades of service. He was sometimes compelled to struggle to maintain himself, but he scorned to make the struggle upon demagogue lines, or to swerve from the straight path upon which he moved with so much majesty. He was not prigged up with the commonplace sort of greatness, with a padded and theatric make-up staged to strike the imaginations of little men or to set wagging the puffing pens of little writers. He was no self-advertiser and ran no press bureaus to trumpet his real or imaginary virtues. He sought no mere noisy and ephemeral fame, but he lived upon a plane visible at history's perspective, and he grandly wove his life into the texture of his time.

And so you rear this statue. And you do well to rear it, for, although his memory is one of the treasures of the whole country, it was you who gave him to the Nation. He was the product of the sky and soil of Maine, lightened by her sunshine and hardened by her storms. As a representative acts well or ill he reflects credit or discredit upon those who have chosen him. By this test how signally he honored you. But you equally honored yourselves when, amid all the shifting popular vagaries and the following of false gods, you permitted yourselves to be guided by the better genius of popular government and kept this heroic figure for so long a time in the service of his country. And when he returned his commission to you he could truthfully say, as he proudly said, "No sail has been trimmed for any breeze or any doubtful flag ever flown." That noble phrase gives the keynote to his character as a statesman. The only colors he was willing to fight under were those that represented his own principles. He never sailed just for the sake of sailing, but to make progress upon a straight course. He did not take his inspiration and direction from the winds, but from the stars.

LANDS AND FUNDS OF THE CROW TRIBE OF INDIANS.

Mr. PRAY. Mr. Speaker, I yield half a minute to the gentleman from Connecticut [Mr. HILL].

Mr. HILL. Mr. Speaker, I ask leave to extend my remarks of yesterday on the Panama bond bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. PRAY. Mr. Speaker, it seems to me that a brief statement of the history and nature of this legislation ought to be sufficient. The bill was before the House in the preceding session but failed to receive the two-thirds vote required under suspension to pass it at that time, and during the present session, up to this time, there has been no opportunity to consider this bill and pass it by a majority vote. It still requires a two-thirds vote to pass the bill. The main objection advanced to this legislation by our friends on the Democratic side was that there were some lands left over under the previous opening—that of 1904—which had not been disposed of. That objection, or alleged objection, at the present time is to a large extent done away with, because during the intervening months since the consideration of this bill in the previous session of Congress some 275,000 acres have been disposed of by the Interior Department, realizing about $830,000 for the Indians. Two hundred and fifty thousand acres, or thereabouts, were reserved of coal lands, leaving about 300,000 acres yet to be disposed of. Now, this bill proposes to throw open to settlement, under the homestead desert-land and town-site laws, 1,700,000 acres of the present diminished reservation, leaving about 1,000,000 acres in the hands of the Indians already allotted under the previous opening. Now, this bill, or rather the amendment to the Senate bill just read, which was adopted by the House Committee on Indian Affairs, is practically the same bill that was favorably reported by the Senate committee in the Sixtieth Congress and passed by the Senate and favorably acted upon by the House committee and placed on the House Calendar, but owing to unfavorable conditions at the time, during the short session of the Sixtieth Congress, we were unable to reach the bill for consideration before adjournment. Now, this bill, as I said before, being acted upon favorably, as it has been, after most exhaustive hearings in both the Senate and House committees, is now again before the House. I think the principal objection, and the only one in fact I can see to the measure, has been to a large extent removed since the bill was considered last session. Now, another word. The Legislature of Montana for the third time, about two weeks ago, memorialized this Congress to open up this reservation for settlement as I have described. There has been trouble over this reservation; charges and countercharges have been made that the stockmen have been monopolizing the reservation. The legislature of my State, and the members thereof, understand conditions out there and they have repeatedly asked the Congress of the United States to open up the reservation and do away with that condition of affairs.

I reserve the balance of my time, Mr. Speaker.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to state to the House that there were minority views that were filed against this bill, and I do not think it should be passed upon under suspension of the rules. In fact, I do not think the time is ripe for its passage at the present time. As a matter of fact, I have never, since I have been a Member of this House, opposed the opening of Indian reservations, because I have always believed they should be opened; but when the opening of a reservation will result against the interests of the Indians and in favor of cattlemen or any other special interest, as it would do in this case, I oppose it, and the minority has filed their objections along that line. The views of the minority are fully concurred in by the Indians themselves. Several of those Indians were here in person objecting to the bill. Many of them have unpronounceable names, and I will not try to read them—there were about 20 of them—and they have filed a very strong protest against this bill, and they set up reasons which, in my judgment, are ample and sufficient to defeat the bill. I now hold their protest in my hand. I can state the gist of their objections to the House quicker than I can read them to you.

A few years ago—on April 27, 1904—1,150,000 acres of these Indian lands were put on the market. This body of land was taken out of 3,800,000 acres in the whole reservation. These 1,150,000 acres were thrown open for sale and settlement. Only a very small portion of these lands—something like 150,000 acres—had been sold, according to the last report that I have on this subject. Before this opening of 1904 was made, and before this bill passed, these Indians were receiving quite a large sum of money from the lease of these lands, as I am informed, about $50,000 per annum, and in the six years since they were sold the total rental would have been $300,000. After the land was thrown upon the market they did not get that lease money, and something over 150,000 acres was sold, and the Indians got no rent money on the million acres unsold. The cattlemen received without pay the grass growing on and the use of 1,000,000 acres of this land by buying the 150,000 acres. That is a cattle-raising country, and there are numerous streams running through it. The purchasers of this land took the 150,000 acres which they bought out of the whole body of land put upon the market so as to cover all of the water holes and streams of water, so as to control the entire grass in that country, so that no man would buy the unwatered land back of the land bought and held by them.

Mr. SLAYDEN. They have got what we call "Texas water rights?"

Mr. STEPHENS of Texas. They have the water rights; and without them they can raise no cattle in that country, unless they control the streams and the watered land. The men who bought this 150,000 acres of land controlled the 1,500,000 acres and paid no rental on the overplus of over 1,000,000 acres of land.

These same men want the balance of this reservation, and by this bill propose to throw open another section of it, so that in the same way they could buy up the watered part and get the grass on the remainder for nothing. Why do they not wait to sell the million and a half acres already opened under the act of 1904 before they ask for the rest of the reservation to be opened under this bill? That is the point made by these Indians in their protest, and it is correct.

Mr. GOULDEN. What is the total amount involved?

Mr. STEPHENS of Texas. The total amount of the reservation is 3,800,000 acres. They have already opened a million and a half acres, and they propose to open a similar amount, I think, by this bill.

Mr. STAFFORD. Will the gentleman permit an interruption?

Mr. STEPHENS of Texas. Certainly.

Mr. STAFFORD. Has the Committee on Indian Affairs made any investigation of the conditions subsequent to the report made June 17 last?

Mr. STEPHENS of Texas. I think not.

Mr. STAFFORD. On that the gentleman from Texas [Mr. STEPHENS] and the gentleman from Nebraska [Mr. LATTA] filed minority views.

Mr. STEPHENS of Texas. That is the same bill and the same report, and stands in the same condition, as I understand

it, as when we filed our minority report in the last session of this Congress. There has possibly been some of the land sold since that time, but the fact remains that two-thirds of that land has not been sold; and why should we pass this bill, and by it open another large portion of that reservation until the land already opened has been sold? Why permit the cattlemen to go on these streams and take the water and get the rest of the country containing the grass free? As long as that land is not opened under these bills these Indians get lease money from the cattlemen for the grass growing on the land at a rental of about 5 cents per acre, I am informed, and they get quite a rental sum of money; but when the land is thrown open they no longer get any lease money. One million acres of it has been opened six years, and the Indians have been deprived of the lease money on it all this time. It is now proposed to take another slice and put it in the same condition, and it would be unjust. I hope the bill will not pass.

Mr. Speaker, the minority report and protest of the Indians are as follows:

VIEWS OF THE MINORITY.

The undersigned, a minority of the House Committee on Indian Affairs, opposes the passage of the House bill above referred to for the reason that said bill violates the rights of the Indians; that it is proposed to be passed over their protest; that the bill would deprive them of their property; that its passage at this time has been opposed by the Commissioner of Indians Affairs and the Secretary of the Interior in reports to Congress as unjust to the Indians and unnecessary at this time; that it would enable cattlemen and sheepmen who are now paying the Indians a large sum of money on leases to escape further payments, and at the same time for a trifling sum to acquire control of nearly 2,000,000 acres of the Crow Reservation by taking up claims on the water holes and water courses on the reservation and thereby control the remaining lands of the reservation without payment of lease money to the Indians, just as they are at this time in control of 1,150,000 acres ceded by the Indians to the Government of the United States in 1899, and for which, notwithstanding the Indians were promised $1,150,000, they have received less than $300,000, owing to the fact that the only lands sold under the law of Congress providing for compensation to the Indians have been 110,000 acres, as shown by a report made by the Secretary of the Interior, control of these 110,000 acres enabling the parties taking up the same to control without payment the balance of the ceded strip of 1,150,000 acres transferred by the Crow Indians to the United States in 1899 and opened to entry by the United States under the act of April 27, 1904; that its enactment would be a fraud on the Indians in favor of a few large special interests and would mark a backward step in Indian progress.

There are at this time in the State of Montana 41,000,000 acres of public lands and provision has been made for the opening of nearly 1,500,000 acres of the Flathead Indian Reservation in Montana, so that it is apparent that there is no demand for the opening of additional land in that State, except for the benefit of certain speculators who desire at a cheap price to get possession of the water courses and water holes of the reservation, and thereby be enabled to have a free range over the lands dominated and controlled by these lands containing the water rights.

That this is the obvious intent and purpose of the House bill is shown by the fact that the bill is substantially similar to the act of 1904, under which the ceded strip of 1,150,000 acres formerly held by the Crows was opened to settlement, with the result that whereas the Indians were promised therefor $1,150,000, they have received less than $300,000, of which $90,000 was for school lands paid by the United States, and have been defrauded ever since out of the use and occupation of the 1,000,000 acres in the ceded strip that have not been sold, but which, as stated, are controlled by entry of the 110,000 acres taken up by parties controlled by the interests seeking to use the 1,000,000 acres without compensation to the Indians. During the past year, for the first time in many years, a real competition was forced upon the cattle and sheep men leasing lands from the Indians on the present reservation, and as a result the present lands of the Crow Reservation not allotted to such of the Indians as have received allotments were leased for an aggregate of $165,000, or four times what had been paid the Indians theretofore. It is now proposed by the scheme of the House bill to enable these interests through dummies to take up through homestead or desert-land entries such of these lands as they choose, and at a cost of only about the present leasing value for one year of the lands, acquire sufficient lands to dominate and control without payment the entire balance of the reservation.

This matter was exposed before the Senate Committee on Indian Affairs, and as a result the Senate committee, and subsequently the Senate, rejected a bill similar to the House bill, and instead reported, and the Senate passed, a bill which is fair to the Indians, recognizes their rights in their lands granted them by treaty with the United States in 1868, and provides for the opening of the reservation to white settlement by division of all of the reservation among the Indians in individual right, with full and ample provision made whereby white settlers can obtain by purchase from the Indians, under the supervision of the Interior Department, all except the homestead reserved to the Indian, at a price to be mutually agreed upon between the purchaser and the Indian, subject to the approval of the Department of the Interior, in order to prevent imposition on the Indians.

The Crow Reservation is situated in the southeastern part of the State of Montana. It formerly comprised approximately 3,800,000 acres of land, and title was vested in the Crow Tribe of Indians by a treaty between the tribe and the United States through Gen. Sherman and other treaty commissioners, the treaty being signed May 7, 1868. By the terms of the treaty the Indians, who theretofore had certain rights in a much larger tract, ceded to the United States all their rights and title to and in lands except a certain defined area whose boundaries were carefully set forth, comprising the present reservation and the ceded strip hereinbefore referred to. By Article II of the treaty it was provided that in consideration of the cession by the Indians of all their right and title to their lands they should have their present reservation, and it was provided that the lands comprising the reservation—

"shall be, and the same is, set apart for the absolute and undisturbed use and occupation of the Indians herein named and for such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit amongst them; and the United States now solemnly agrees that no persons except those herein designated and authorized so to do and except such officers, agents, and employees of the Government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon or reside in the territory described in this treaty for the use of said Indians. (2 Kappler, 1008.)"

In Holden *v.* Joy (17 Wall., 211) and other cases, the Supreme Court of the United States has held that the effect of a treaty with the Cherokees containing similar provisions was to give the Cherokees a title in fee simple in common in the land described, but subject to the condition of a preemption right of purchase in the United States and in the case of the New York Indians *v.* The United States (170 U. S.) the Supreme Court held that the quitclaim by the Indians of all their right or claim to other lands was a good and valid consideration, thus showing the title of the Indians to their present reservation to be not merely an occupancy right, but a fee title.

On August 14, 1899, by an agreement concluded between Benjamin F. Barge, James H. McNeeley, and Charles G. Hoyt, as commissioners on behalf of the United States, and the Crow Tribe of Indians, the Crow Tribe ceded to the United States a strip of territory comprising 1,150,000 acres of land situated along the northern border of their reservation and the United States "in consideration of the lands ceded, granted, and relinquished" to it agreed to pay to the Indians $1,150,000, which sum it was provided should be expended in certain defined ways for the benefit of the Indians, including certain funds for irrigation purposes and certain other funds for cattle and horses, the Crow Reservation being especially well adapted as a grazing country and for the breeding of live stock.

This agreement was not acted upon by Congress finally until 1904, when Congress by act approved April 27, 1904, adopted the agreement, but with certain modifications. Under the provisions of this act the land was ceded to the United States and it was provided that instead of receiving $1,150,000 that the United States as trustee would sell the 1,150,000 acres ceded under the provisions of the reclamation, homestead, and mineral laws of the United States and would pay the Indians the net price received, together with $1.25 per acre for the sixteenth and thirty-sixth sections of the reservation granted to the State of Montana for school purposes.

By section 8 of this act the United States, however, renounced liability to pay the Indians $1,150,000 as agreed, but provided as follows:

"That nothing in this act contained shall in any manner bind the United States to purchase any portion of the lands herein described, except sections 16 and 36, or the equivalent in each township, or to dispose of said land except as provided herein, or to guarantee to find purchasers for said lands or any portion thereof, it being the intention of this act that the United States shall act as trustee for said Indians to dispose of said lands and to expend and pay over the proceeds received from the sale thereof only as received, as herein provided."

The Indians were promised that under the provisions of this modified act they would receive within a reasonable time a considerably larger sum than $1,150,000, and that the United States would give them the net proceeds, expenses of sale merely being deducted. It was further provided that any lands not disposed of within five years should be offered for sale by proclamation of the President and sold, this being pursuant to the policy that the United States, as trustee, should not profit from sale of its wards' lands.

No such proclamation at any time has been issued, though the five years has been up for a long time.

The present bill reported by the majority of the House committee, notwithstanding the injustice done the Indians and the patent fact that the act of 1904 operated for the benefit of a few persons only, purposes to continue as to the present diminished reservation practically the provisions of the act of 1904.

How the act of 1904 has operated is disclosed in a report made by the Secretary of the Interior to Senator NELSON, chairman of the Senate Committee on Public Lands, under date of January 21, 1910. In this letter Secretary Ballinger said:

"By the act of April 27, 1904 (33 Stats., 253–256), the Congress modified and amended this agreement (that with the Crows of Aug. 14, 1899), so as to provide for the disposal of the ceded lands under the reclamation act, and the homestead, town-site, and mineral laws of the United States, at not less than $4 per acre, $1 to be paid at the time of entry and the remainder in four equal annual installments.

"Under the provisions of the act of April 27, 1904, approximately 110,108 acres of the ceded part of the Crow Reservation have been disposed of, the proceeds derived therefrom amounting to approximately $231,057.14. There was appropriated by the act $90,000 to pay for the lands within the ceded part of the reservation granted to the State of Montana for school purposes, making a total of $321,057.14 derived from the sale of these lands, from which has been deducted $36,291.10 to reimburse the Government for the expenses incident to the survey, allotment, and disposal of the ceded tract. The net proceeds, therefore, available for the benefit of the Indians derived from the sale of the ceded tract is approximately $274,766.04.

"The chief supervisor of the Indian Bureau attended a recent council of the Crow Indians. In an informal discussion of the question of the disposal of a part of the diminished reservation entered into by the Indians during the council proceedings they were bitterly opposed to the sale and disposal of any part of their reservation. The Indians contended that their agreement of August 14, 1899, by which they were to receive $1,150,000 for the ceded tract was not lived up to by the Government; that had the money stipulated for in that agreement been expended in the purchase of sheep, stock, and cattle, as contemplated by the agreement, they would require all of the lands within the diminished reservation for grazing purposes. It is further contended by the Indians that they will require all of the diminished reservation as soon as all of the lands within the ceded portion are sold and the proceeds derived from the sale thereof expended as provided for in the agreement as amended by the act of April 27, 1904, supra. The Indians are unable to realize the necessity for the sale and disposal of the surplus lands of their diminished reservation while upward of 1,000,000 acres of the tract ceded by the treaty of August 14, 1899, remain unsold.

"It is respectfully recommended, therefore, that Senate bill 3373, Sixty-first Congress, second session (being the Dixon bill, introduced in the House by the Representative from Montana), be not enacted into law, or at least that action thereon be deferred until the provisions of the bill can be explained to the members of the tribe in open council, with a view to procuring an expression of their views in the matter."

The Secretary then, however, said to Congress that if the bill were to be reported he would recommend certain changes, of which one of the principal ones was a provision intended to protect the Crows from

spoliation of their coal lands, recent investigation by the Geological Survey having shown their lands contained valuable coal deposits. In conclusion, however, the Secretary, in order that by suggesting amendments to the bill he should not be considered as favorable thereto, ended his letter as follows:

"While it has been deemed appropriate to make suggestions at this time as to changes which should be made when the bill is considered, it is not intended thereby to intimate that this bill should receive favorable consideration now."

The Indians upon learning through the public press and otherwise that Senator DIXON had introduced his bill, substantially identical to that reported by the majority of the House committee at the instance of the Member of the House from Montana, memorialized the Secretary of the Interior for permission to send a delegation to Washington to oppose the adoption of the proposed measure. This authority was granted and a delegation appeared before the Senate Committee on Indian Affairs and full and complete hearings were had.

The result of these hearings was that the Dixon bill was abandoned and in lieu thereof the Senate committee reported a substitute bill which was passed by the Senate and which it is now proposed by the House committee to supplant with the bill reported by the majority in the interest of a few cattle and sheep men who seek to control the reservation, regardless of the rights of the Indians and the interests of the real settlers.

The developments at the Senate hearings, the minority believe, are a sufficient reason in themselves why the House should reject the bill reported from the House committee, said report being made originally in ignorance of the fact by the members of the committee of the hearings before the Senate and without later opportunity fully to consider those hearings.

At these hearings the delegation of 18 members of the Crow Tribe, three being sent from each district of the tribe, unanimously voiced a protest against the opening of the diminished reservation as proposed in the bill of the majority. The ground upon which the protest was chiefly put was that the Indians 10 years previously had ceded to the United States 1,150,000 acres, and that of that immense tract, which had been opened since 1904, only 150,000 acres had been taken, and that it was proposed, notwithstanding the Crows had 1,000,000 acres of their lands lying idle, which they could not use and from which they secured no revenue, and which were being used by cattle and sheep men to the exclusion of settlers, to open 2,000,000 acres more of their lands by the same method.

Thus, at page 29 of the Senate hearings of March 10, 1910, Frank Shively, a member of the delegation, said:

"The bill opens up practically 2,000,000 acres—accurately speaking, 1,700,000 acres—of the diminished reservation for settlement. Now, there were 1,150,000 acres opened April 27, 1904, and there were only 150,000 acres settled upon, leaving 1,000,000 acres untaken, with promises that they should be settled upon. We had been given assurance that they would be taken and that we would get our money. Now, why, if that 1,000,000 acres is lying out there idle, jump from 1,000,000 acres over to another 2,000,000 acres, make use of the other 2,000,000 acres?

"Senator STONE. How much did you say was first ceded to the Government or opened up—one million and what?

"Mr. SHIVELY. One million one hundred and fifty thousand acres.

"Senator STONE. And 150,000 of that has been disposed of?

"Mr. SHIVELY. Has been disposed of; yes, sir.

"Senator STONE. Leaving 1,000,000 still vacant?

"Mr. SHIVELY. Still vacant; yes, sir; and this new bill comes over, leaving 1,000,000 lying there idle, which we had before and for which we would receive revenue if it were not thrown open."

The reason why this 1,000,000 acres was not taken, it developed on examination of the Indians by the members of the committee, was due to the fact that the Crow Reservation is only well watered in parts, and that much of the land lay back in the hills and mountains from the streams, and that the hill land had comparatively few water holes, making control of the water a means of controlling the land. Thus, Morris Schaeffer, a Crow delegate, who, it appeared, farmed his entire 160 acres, said:

"The people are clamoring for about 2,000,000 acres more land. Why is it that they do not look upon the million acres that we ceded to them? The white settlers have already taken the land that is by the rivers and streams and wherever there are water holes, and the remainder is all hilly and rough. Therefore the settlers do not want to take those places. We have received no payment for that land for a long time. They kept promising us to make a payment for that strip. Why is it that they want to throw open the diminished reservation? Something will result with the diminished reservation if it is thrown open. The white people would settle upon it where there is water, and the rest of it would be lying idle. As it is now, we are deriving some revenue from this land."

Another Indian delegate named Davis said the cattle and sheep men controlled the water land that had been taken up.

On inquiry from the Commissioner of Indian Affairs to the Indians it was developed that at this time the lessees—cattle men and sheep men—were paying $165,000 a year for the privilege of grazing such of the reservation as was not allotted to the Indians, with the right in the Indians of grazing their own cattle and sheep as well upon the lands that were leased.

Senator DIXON himself admitted that the Indians had not been justly treated, at page 33 of the hearing, saying:

"Now, the Indians, as they see it, have undoubtedly a kick coming, because the lands laid there four years. The President to-morrow, if he should issue a proclamation to sell that land, I will pledge you my word that these Indians will get—and I am going to put it very modestly—instead of the $1,000,000 they agreed to sell for, $2,000,000, and my cold judgment is that they will get $3,000,000, and they ought to have it, because they have waited nine years for their money under their original agreement."

The mode whereby the Senator thought this amount could be received if the President would issue a proclamation was set forth by him as follows:

"Now, if that (the unsold land on the ceded strip) was thrown open to-day, the big stockmen would be most anxious to get it, and if it could be sold in 10,000-acre tracts so they could buy it and use it economically for grazing purposes, it would sell before the sun goes down at $2.50 an acre; but on this flat, unentered tract, where there is little water for domestic purposes, men can not go there and successfully farm it; there is no way to get their drinking water. That is away from the public lands. It would be dry farms, some of it, and they could live down in the valley and cultivate up there."

Senator DIXON further said that the reason why more of the land had not been taken—in addition to the fact that the settlers would not go in and take 160 or 320 acres only, except where the water courses were—was that the ceded strip under the law was opened only under the homestead, reclamation, and mineral laws, and that persons would not go in and take the land and pay the price to the Indians with the provision, likewise, that they would not get title until five years afterwards, as was required under the homestead law. Notwithstanding this statement, it is proposed by the House bill to open up the present reservation under the homestead and desert-land laws, whereby five years' residence or cultivation will be requisite before title can be obtained. This time limit is to the cattle and sheep men of no importance, for it exactly suits their purposes and fastens their control. After this five years then it is proposed to sell all that remains for such price as it will bring. The consequence, it is perfectly obvious, would be that such of the land as had water would be taken up by persons acting in behalf of the cattle or sheep interests, and thereby the balance would be dominated for a period of five years, when the whole would be thrown on the market and cattle and sheep speculators obtain the same at such prices as they chose to make.

That the Indians understood this was apparent from the hearings, because they said, in answer to questions, that they had been told this 1,000,000 acres would bring so much more money than had been agreed to be paid them, but they had never after 10 years seen the money, and before they sold any more land they wanted to see those promises kept. Apparently this was the view of certain Senators also, for at page 93 of the hearing Senator CHAMBERLAIN said:

"There is one matter that I do not understand here. It appears at this investigation that the lands which have been ceded to the Government have never been taken up—only a small section of them have been taken up—and it was represented at that time that if that land was ceded to the Government it would fill up with homesteaders. Now, if that has not been settled, why do the promoters of this bill desire to open up an additional tract on the reservation when that has not been taken?"

That a large part of the reservation will be grazing land and, furthermore, that large areas will be required for successful operation is apparent from the statement of the Indian agent that for each beef cattle grazed 20 acres of land had to be allowed by the cattle herder.

During the course of the hearings it was made evident to the Indians that the pressure was so great to break up their tribal relations and their communal or reservation holdings that they, if opposed to the scheme proposed by Senator DIXON must get together upon some other provision whereby severalty would be substituted for the tribal system. Senator DIXON voiced this sentiment at page 122 of the hearings by saying to the Indians:

"I do not think I violate any confidence in saying that that reservation is going to be opened in the next year or two. I would suggest to the Indians present that you had better get together, while you have a full authoritative delegation here, with somebody, the commissioner or somebody else, and discuss the terms."

The Commissioner of Indian Affairs, Mr. Valentine, who was present at the hearing, announced to the committee that he and his office were opposed to opening up the reservation at this time, saying at page 115:

"The department is opposing the opening of the reservation, this year at any rate; that there should be further examination, both as to the fact of the ceded strip and as to the actual conditions of the diminished reservation before we are in position to act with complete intelligence in the whole matter."

The Indians, taking heed of the statement of Senator DIXON and believing that they must act, held a number of consultations of the delegation in this city and sought legal advice. They were opposed to any action at this time, but, it being made manifest that their system of communal holdings could not endure, they reached an agreement upon a plan whereby their communal holdings would be individualized and the reservation divided in severalty among themselves as the owners of the title in the soil with full and ample provisions for a sale of their surplus holdings as rapidly as there was a market or demand for them. The Indians under the insistence of Senator DIXON who, they state, consulted likewise with the other members of the Montana delegation from time to time, with the aid of their counsel, drafted a measure along the lines of the Osage, the Kaw, and the general outlines of the legislation of Congress relating to the Five Civilized Tribes. This measure was submitted, as the hearings of the Senate show, to Senator DIXON and finally was agreed upon as a substitute measure upon which the Indians and the Senator could unite.

A conference was held and upon an agreement being reached between the Indians and Senator DIXON, the latter introduced the bill agreed upon as a substitute for his original measure. With a very few modifications, chiefly verbal, this substitute was adopted by the Senate committee and passed by the Senate. Under the circumstances for an attempt now to be made to pass a different measure through the House would be a violation of an understanding with the Indians, and certainly would not tend to create a feeling on their part that they will be justly dealt with. The report of the Senate Committee, No. 526, and the hearing of March 10, 1910, show clearly that the Senate bill was the result of an agreement between the Indians and the Montana member on the Senate Committee on Indian Affairs, because at the outset of the hearing counsel on behalf of the Indians, Senator DIXON being present, said:

"Mr. Chairman and gentlemen, at the request of the committee of three, which the Crow delegation left behind to look after all matters relating to the interests of the Crow Tribe, we have drafted a bill, which has been introduced by Senator DIXON and in which, after a thorough consultation between the members of the Crow delegation left behind and also at which the Senator from Montana was called in, we have what we believe to be a bill that is in good form and protects the interests of the Crow people. The essential feature of the bill is that it abandons tribal organization and ends the community of land holdings, vesting in the individual the entire property of the Crow Reservation, reserving, however, to the tribe any coal, oil, or gas, and also making a reservation of three mountains in order to conserve the timber and water supply.

"The Crows seven or eight years ago were ration Indians. That system was abandoned and they have progressed very far, and we believe that if this goes through and they become individualized, as it were, the result will be a very considerable advancement in civilization.

"Senator DIXON. You had suggested amendments. Just call attention to the suggested amendments."

These amendments were thereupon laid before the committee, and a comparison of the bill as introduced by Senator DIXON and as passed by the Senate shows that they are one and the same, except that the bill as finally passed was polished a little from the form in which it had been introduced, as a result of more careful attention to phraseology.

That the Senate bill, furthermore, is practically an agreement between official Government representatives and the Indians is shown by this telegram sent by Senator DIXON to the Billings Chamber of Commerce and published in the Montana press:

"The delegation of Crow Indians still remaining here has agreed to a modification of the original bill providing for the opening to settlement of the reservation, based on the following general proposition:

"Instead of allotting homesteads to the Indians and throwing open to settlement excess lands under the homestead law, the settler to pay an appraised value; that all of the lands be allotted in severalty to the Indians, and the individual Indian be permitted to sell his excess allotment under the supervision of the department to the purchaser.

"In this way the proceeds will be individualized to the separate Indians immediately instead of going into the tribal fund.

"I think the result will be that the country will be settled as quickly as under the first plan, and I have to-day introduced a bill along these lines, which I hope will receive favorable consideration at an early date."

The Senate bill, as official documents in the Department of the Interior from the United States Indian agent show, was referred back to the Crow Tribe in order that there might be no question as to ratification by the tribe of what the delegates left in Washington had done. The Indian agent, Maj. S. G. Reynolds, called a council of the tribe at the Crow Agency, with ample notice to all Indians to be present, and as a result resolutions were passed approving the bill enacted by the Senate, a few amendments only being suggested, of which the chief was that they should receive $3 per acre instead of $1.25 per acre for the lands ceded to the State of Montana for school purposes. As the State of Montana by its constitution will sell these lands for not less than $10 per acre, the Indians' claim for a larger price than $1.25 per acre would seem to be manifestly just.

In reporting upon the Crow general council just referred to, Agent Reynolds said:

"The Crows were very harmonious in their views regarding this matter at the council, and I hope now that matters are so settled that we can get them down to business, as the weather is fine and farming operations should be pushed as rapidly as possible."

With the letter the agent transmitted resolutions adopted by the council, over which James Hill presided as chairman and Jack Stewart as secretary, both members of the tribe.

In the face of this condition of affairs, it is now proposed to push through the House in the closing days of the session a bill containing all the objectionable features and practically identical with the measure bitterly opposed by the Indians, and which, as to the ceded strip of 1,500,000 acres, it has already been shown has acted disastrously to the interests of the Indians and of real bona fide settlers, since the legislation of 1904 with reference to the ceded strip 1,000,000 acres still remain untaken. The minority of the committee believe that the scheme of the House bill in its general outlines and the provisions in detail are objectionable, do not constitute a forward step in Indian affairs, and that, on the contrary, the Senate bill in its general scheme marks an advance step in Indian progress and in its provisions is a carefully worked-out transition, with due protection to the Indians from the communal to the individual estate.

Under the provisions of the House bill the Indian would receive no education whatsoever in business affairs. Under the provisions of the Senate bill he would receive a considerable measure of business experience in the handling of his surplus lands and thereby be better enabled when his homestead only is left to manage the same.

The bill reported by the majority does not give the Indian any voice in the management and control of his estate. It does not recognize the fact that he is an individual, that he has a sense of justice and right, that he has a feeling natural to any person to have some voice in the management of his affairs, and that he has a title to the lands granted to him by solemn treaty with the United States. As early as 1872 Senators Edmunds, Conkling, Morton of Indiana, Davis of Missouri, and other old-time Republican leaders said on the floor of the Senate, as the CONGRESSIONAL RECORD of those days shows, that treaties such as the Crows have gave them a right and title in fee to the lands of which they should not be deprived over their protest. It is now attempted, over objection of the Indians, to deprive them of their grazing lands in the interest of a few persons claiming to act for settlers. The minority of the committee believe that the day has come when the tribal state of the Indians must be broken up and he must become an individual member of the community, but they do not believe that this should be brought about other than by justice to the Indian, and that while the settler is to be looked after it should be consistent with a recognition of the fact that the Indian has a title under treaty agreements and a right to a voice in the mode whereby his large tribal holdings shall be disposed of and by provisions that will insure settlers and not a few special interests with railroad aid getting the lands.

Under the bill reported by the majority no price is set upon the land which the Indian shall receive. In the legislation with reference to other tribes of Indians Congress as a rule has named a minimum price which the Indian has received. Under the provisions of the bill reported by the majority the lands would be disposed of, not as Indian lands, but in effect as public lands of the United States. The lands under the provisions of the bill would be sold under the homestead or desert-land laws of the United States. The mode of disposition of public lands of the United States, it is respectfully submitted, is not a proper mode of disposition of Indian lands, as to which the United States as trustee is under an obligation, while conserving the general national policy of the Government of the United States, to see that the Indian receives a fair consideration for his land. We have shown how, under the act of 1904, it is admitted by the Senator from Montana, the full value of the land can not be had and more than a tenth of it sold when there are requirements that in order to obtain title to the land the individual must comply with the provisions of the homestead or other laws. In the present bill this restriction upon entry of the lands is aggravated because the act of 1904 contained no provision for disposition of these lands under the desert-land law, whereas the proposed bill reported by the majority of the committee names the desert-land law as one of the laws under which the Crow diminished reservation is to be disposed of.

Under the provisions of the desert-land law the chief requirement is that the party making entry shall expend in labor upon the land and its reclamation $1 per acre per year for three years, paying 25 cents per acre upon entry. The land being public land, it was the theory of the legislation that the United States would permit the settler to acquire the land and was sufficiently remunerated in the public policy of the United States which looked to the settlement of the western country if the entryman would expend $1 per acre per year for each of three years in the reclamation of the land. In what way, however, is the Indian, who is the holder of the title, to be benefited by reason of the fact that the desert-land entryman will spend in labor under the provisions of the House bill $1 per acre per year for three years? The Indian as the holder of the title has no special interest in the improvements that are put upon the land which it is proposed to take from him. It is not possible that he could receive in addition to this $3 per acre which the desert-land entryman must put upon the land a fair price from the entryman for the land. If the land is of a value when entered of only $3 per acre, the result would be that no party would take the land and pay the Indian an additional price, thus handicapping disposition of the land, so far as the Indian is concerned, by a $3 reclamation expenditure before the Indian begins to receive any revenue. It would be practical confiscation of his land.

Similarly, Senator DIXON, with reference to homesteaders, admitted that one reason why the tract could not be sold now, aside from such land as had water holes or was along the watercourses, was that parties were not willing to pay the Indian and also have to comply with the homestead requirements and live on the land, as they could not live away from where they could get drinking water. Yet the House bill proposed to require all this, and it is obvious these impossible requirements are to protect a few and enable them in acquisition of a small area to control the balance.

After the land is disposed of, furthermore, the House bill is objectionable in that it is proposed to perpetuate the communal system of Indian land and money holdings by providing that the proceeds of the sales shall be turned into the Treasury of the United States, and there constitute a tribal or communal fund to be expended hereafter in some way to be designated by Congress and controlled by the Interior Department. Therefore, what reason is there to believe but what the entire scheme contemplated is just as resulted from the actual working out of the similar act of 1904—that is, to enable a few parties who are willing to comply with the requirements to get control of the vast area of grazing lands by causing entries to be made of such of the diminished reservation as controls watercourses or water holes, and thereby dominate the entire grazing area? At present the Indians receive $165,000 from the leasing of this land. They would receive nothing for some years under the operations of the proposed bill, just as in point of fact has resulted from the act of 1904, which ceased and terminated the leases the Indians had with white men of the 1,150,000 acres comprising the ceded strip.

The minority of the committee oppose the House bill because—

(1) It would be a breach of the confidence the Indians have reposed in the United States.

(2) It would not result in the settlement of the larger part of the strip opened, but simply in a settlement of a small part of the land and the domination without further expense of the balance by large interests.

(3) It would deprive the Indians of a large revenue which they now receive.

(4) It is a retrogressive or backward step in the development of the Indians, continues as to their funds their tribal state, and does not afford them the education in business affairs that would result from individualization of their land holdings, with permission to them to dispose of the same under supervision necessary simply for their protection.

The most essential feature of the House bill is contained in section 8, and it is identical with the law of 1904.

The minority of the committee recommend to the House that in place of the bill reported by the majority of the House committee there shall be substituted the bill passed by the Senate with simply a few slight amendments, of which the chief is that the Indians shall receive $2.50 per acre instead of $1.25 per acre for such land as may be taken from them by the United States for the benefit of the school fund of the State of Montana. The Senate bill's primary and essential purpose, as shown by its text, is to transform the Crow Indians from a tribal or communal state to an individual state, with individual rights, individual aspirations, and individual possibilities. Less than 10 years ago the Crow Indian was a ration Indian; to-day the Crow annual fair is one of the striking agricultural exhibits of the Northwest. The Crow Indian to-day is self-supporting. He has a large system of irrigation ditches paid for out of his own money entirely, approximately $900,000 of moneys belonging to the Crow tribe having been expended in the construction and maintenance of a main system of irrigation with laterals. It is believed that the time has now arrived in the course of his development when, if he takes land in severalty, a larger and fuller development will come.

The Senate bill, which is favored by the minority, strikes at the very heart of the reason why the tribal Indian reaches only a certain stage of progress and then makes no further advancement. That reason is that the tribal Indian holds all his lands and funds in common, and like any other communal holding, there is not a material incentive to individual progress and effort. The most reliable and experienced observers of Indian affairs have reached the conclusion that the greatest drawback to the development of the Indian is his lack of enlightened selfishness and his belief, fostered by the communal system under which all his property has been held, that he must divide the fruits of his efforts with any and all other members of his tribe who may choose to squat down upon him for such length of time as they may choose to remain. As individualization will result in the Indian's property rights being his individually, further progress will come, aided by the enlightened selfishness that will result in individual effort increasing the material welfare of the individual. This is the keystone of the proposition involved in the Senate bill. That it will result in sales of the surplus holdings made available for sale by the Senate bill as rapidly as there is a demand from real settlers for the Indians' surplus has been demonstrated on other reservations. All that is needed upon that point is liberal administration and provision whereby the Indian, even though not fully competent, will have paid over to him by the Government a fair proportion of the sale price of his land as the money is received, to enable him to improve his homestead and other holdings, or for such other uses as he may devote the same. A similar scheme to that proposed in the Crow Senate bill is now the law, for example, upon the Osage Reservation.

The lands of that reservation did not become open to settlement and sale until last August. Already 300 certificates of competency have been issued, and the surplus holdings to a large extent of the competent Indians have been sold and the proceeds devoted to improvement of the homestead or other uses by the Indian. The Osage law has been illiberal, however, so far as concerns the sale of surplus lands not needed by Indians not deemed competent, because they have received only a small part of the proceeds and there has been, through withholding of their moneys, therefore, a lack of incentive for the noncompetent to apply for the sale of his surplus.

In the present Crow bill provision is made whereby certificates of competency may be issued to those Crow Indians whose development has reached or may hereafter reach the stage where they are believed not to need the supervision of the department. These certificates of competency undoubtedly will result in the sale of much land and the development of the country, and it is believed, as others see the results, that they themselves will desire likewise to convert any idle lands they have into money.

At the same time, the Indian who desires to go into the cattle business, for which many of them are adapted, or into horse breeding, will have lands which he can devote to that purpose in whole or in part. As to the surplus lands of noncompetents, provision is made whereby their lands may be sold at a price acceptable to them and opportunity afforded them for education in business matters by turning over to them 50 per cent of the proceeds of the sales as the money becomes available from the purchaser or settler, the balance being reserved and the interest only paid to the Indian. This provision, it is believed, will insure against want the old Indians and provide for the education of minors and young Indians. It furthermore will have a decidedly beneficial educational effect in that it will teach the Indians the value and the use of land in exactly the same mode whereby the children of any white persons acquire their knowledge.

The mineral resources of the Crow Reservation are believed to be considerable, notwithstanding no opportunity for their development has been possible heretofore. The Commissioner of Indian Affairs and the Geological Survey report that valuable coal deposits have been found and are being worked in Wyoming on land adjoining the Crow Reservation. The official reports received would indicate that some considerable part of the Crow Reservation may have coal lands of a value in excess of $100 per acre, and oil developments in Wyoming would indicate the possibility that oil may be found upon the reservation. These mineral resources of coal and oil, it is believed, should be reserved to the tribe and leases made of the same by the Secretary of the Interior for the benefit of the entire tribe, in order that the more shrewd may not take advantage of the less intelligent, and for the further reason that it is believed in this way a fuller development may be had than if the mineral rights were at this time vested in the individual Indian. This system, it has been found, has worked well upon the Osage Reservation, where at this time the tribe derives a revenue of $240,000 a year from oil and gas rights, and the oil and gas have been developed to a greater extent than otherwise would have been the case. Careful provision has been made for the protection of the owner of the surface and likewise against any manipulation of oil and gas by any one company, a limitation having been placed upon the area which any individual or corporation may lease.

This Senate bill, as heretofore stated, has the approval of the Indians and was approved and agreed to by the Senator from Montana upon the Indian Committee, and who attended the various hearings. It would aid the Indian and its passage mark a material stage in his development. It would prevent the domination of the grazing land of the Crow Reservation by a few large holders through their control of tracts specially entered. It would enable the actual settler to obtain title to lands just as rapidly as there were purchasers of the surplus holdings, which experience has demonstrated the Indian, as a rule, is very glad to dispose of if he can obtain a fair price and one in which he individually has a part in setting. Your minority denounce the House bill as one in the interest of special parties and not of either actual settlers or the Indians.

The protest of the Indians against the original Dixon bill, which is practically the same as the House bill, is annexed hereto.

JNO. H. STEPHENS.

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
Crow Agency, Mont., January 11, 1910.

The COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: We, the undersigned, delegates who were chosen at a general meeting held by the Crow Indians in each of the six farming districts of the Crow Reservation to represent them at a convention held at Crow Agency on Tuesday afternoon, January 11, 1910, to consider the matter of the Crow bill, now pending before Congress, to open up for settlement the surplus lands of the diminished reservation, and to represent them at Washington in protesting against the passage of the said bill, petition you.

At this meeting we have unanimously decided to put before you, in writing, our reasons why our lands should not be opened up for settlement at this time.

First, the 1,150,000 acres that was opened up for settlement under the act of Congress approved April 27, 1904, was taken without our consent and in direct violation of the treaty that was made with us by the commissioners that were sent here in behalf of the United States by the Secretary of the Interior under and by virtue of the act of Congress approved June 10, 1896 (29 Stat. L., 341).

These lands were opened up for settlement in 1906; and at this time, after an elapse of five years, there has not been taken of these lands for settlement to exceed 150,000 acres, leaving unsold and untaken approximately 1,000,000 acres. We believed that, from this one showing, in all fairness and justice to us as a people who are trying to farm our land and raise stock, and who are self-supporting and are not in need of any gratuitous aid from the Government, the bill should not be allowed to pass, taking more land from us and subjecting us to the hardships of losing our grazing lands, when we have already been made to suffer the loss of 1,000,000 acres of our best pasture lands, taken from under our control, and from which we to-day are not receiving one cent revenue. We believe that the injustice alone will appeal to all fair-minded people as a sufficient reason why no more of our lands should be taken away from us.

We now derive from the leasing of our grazing lands $160,000 per annum, and still maintain the right to graze our stock unmolested upon our own reservation. Not an Indian, with a possible exception of three or four, are now grazing or can graze with safety their stock on the ceded strip, where the white people now have full control. Our herds are constantly increasing, many of our Indians having as many as 250 head of cattle and several hundred head of horses each, and were the reservation to be thrown open we would entirely lose the benefit of these our grazing lands and our stock interests would be entirely destroyed. In five or six years' time the revenue derived from our grazing leases will amount to approximately as much as we would receive for the whole of the surplus lands of the diminished reservation were it opened up for settlement and sale. In two years' time these grazing lands of ours leased will yield us a revenue much larger than we have already received from the sales of lands on the ceded strip during the last five years.

We have been chosen to represent our people because of their perfect confidence in us, and because they feel that we will protect their interests to the very best of our abilities. While we have great confidence in your office and feel that you will look after our interests in this matter, still we believe that by granting authority for this delegation to come to Washington our people will be made to feel better disposed, and that all will be better satisfied. We ask to come to you as a sensible body of men, representing the whole of the Crow Tribe of Indians in what to them is a matter of the greatest importance. Our reservation we consider as one enormous business enterprise of which our people are the sole proprietors, and they feel, in a matter of so vast importance, that they should be represented in Washington by a delegation of their own members who themselves are vastly interested. We therefore humbly request you to grant us authority for the 18 delegates, together with two interpreters and the superintendent, to come to Washington at the earliest possible date, representing the Crow Tribe in matter at issue. We have also requested the superintendent to transmit this communication to you at once.

It is the wish of the Indians that the expenses of this entire delegation be paid out of any of their moneys now in your hands to their credit.

We have requested the superintendent, in order to get this authority at the earliest possible date, to wire you asking that you wire the authority for us to come.

Very respectfully,

HORACE LONG BEAR.	HOLDS THE ENEMY (his thumb mark).
T. S. SHIVELY.	SPOTTED RABBIT (his thumb mark).
FRANK SHANE.	STOPS (his thumb mark).
BLAKE WHITEBEAR.	PLAIN OWL (his thumb mark).
ALBERT ANDERSON.	ONE STAR (his thumb mark).
J. W. COOPER.	BULL ROBE (his thumb mark).
JAMES HILL.	SEES WITH HIS EARS (his thumb mark).
THOMAS MEDICINE HORSE.	PACKS THE HAT (his thumb mark).
ROSEBUD FARWELL.	
RALPH SASO.	

Approved:

PLENTY COOS, *Chief of the Crows.*

Witnesses to the above mark:

GEORGE W. HOGAN.
SAMUEL S. DAVIS.
JACKSON STEWART.

A minority of your committee desire to present this minority report in opposition and protest against the passage of the bill as reported by the majority of the committee, for the following reasons, viz:

First. That the committee did not permit a hearing by the Indians whose lands are disposed of by the bill before the bill was reported to this House, but arbitrarily reported the bill to this House without due consideration and over the protest of the Indians owning the lands.

Second. Because more than 1,000,000 acres of said Indian lands have heretofore been opened for sale, and but a small part thereof has been sold; and it seems to be idle and almost incredible that Congress should put more than another million of similar lands on the market in competition with that now for sale, thus lowering the price of the whole body of Indian lands.

We therefore protest, etc.

JOHN H. STEPHENS.
J. P. LATTA.

Mr. HAUGEN. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. BYRNS].

Mr. BYRNS. Mr. Speaker, I am opposed to this bill. I do not believe that it is proper that a bill of this nature and of as much importance as this bill is to the Crow Indians, who are vitally affected by it, should be passed under a suspension of the rules without opportunity given the House to fully and freely discuss the matters contained therein.

Mr. STEPHENS of Texas. And over their protest.

Mr. BYRNS. Yes. This bill was before the House last June, at the last session, when an effort was made to suspend the rules and pass it, and this House by a decided majority refused then to suspend the rules.

As suggested by the gentleman from Texas [Mr. STEPHENS], this bill is objected to by the Crow Indians, to whom the land belongs, and if passed by this House it will be passed over their protest.

In 1904 Congress passed an act authorizing the opening up of about 1,150,000 acres of this reservation. In 1906, I believe it was, a portion of that land was sold, amounting to 150,000 acres. There remains now about 1,000,000 acres, which has not been taken up and which has not been sold. The gentleman from Montana [Mr. PRAY] says that since the last session of Congress about 275,000 acres of this 1,000,000 acres has been disposed of. That would leave about 725,000 acres of this reservation now open for settlement under the act of 1904 and still undisposed of. It is certainly to the interests of the Indians that that land should be disposed of before Congress undertakes to pass another act opening up 2,000,000 more acres of land in the State of Montana.

There is no necessity for opening up this land, so far as the State of Montana is concerned, or so far as the citizens of that State are concerned, because I understand upon reliable information that about 31,000,000 acres of public land in Montana are now open for settlement.

The facts are that under the act of 1904 cattlemen and other men who were in a position, financially and otherwise, to take the land then opened for settlement, went in there and took 150,000 acres of the best land lying along the watersheds. They took all of the land that was fit for cultivation, leaving

this 1,000,000 acres of land which is without water. That action deprived the Indians of the grazing revenue they had enjoyed. They received about $60,000 a year from cattlemen who grazed their cattle on these lands, and since 1904 they have been cut off from that revenue. They are receiving about $160,000 annually for the rent of these 2,000,000 acres. If this is opened, you cut off from the Crow Indians this great revenue which they receive year by year, and you afford to the cattlemen and stockmen the opportunity to go in there and do with this additional number of acres just as they did with the other part of the reservation; that is to say, to take the land which is watered, to take up the land along the creeks and water holes and buy that, and to leave this great quantity of land unsettled and subject to grazing purposes by those who own the water rights without the least compensation to the Indians who own the land.

Mr. SLAYDEN. Will the gentleman permit me to ask him a question?

Mr. BYRNS. Yes.

Mr. SLAYDEN. Do I understand the gentleman to say that under this proposed law it will be possible for cattlemen to go and purchase the lands lying along the streams and thereby control the grazing lands behind them, so that practically they will, by the purchase of the water rights, be able to graze indefinitely and at insignificant cost, or free of charge, all that land that lies behind, and that it will not be marketable without the water privileges?

Mr. BYRNS. I do not think there is any question about that; and, judging the future by the past, that is exactly what will be done if this bill is passed. As the gentleman from Texas [Mr. SLAYDEN] suggests, if they secure the lands lying along the watersheds, then they will be able to have the use of all the other lands free of charge, and the Indians will be cut off from this $160,000 of annual revenue for grazing purposes. Only those who own the lands along the streams and have access to them will desire the lands undisposed of for grazing.

Now, as I said, the Crow Indians are protesting against the passage of this bill, and I hope this House will not vote to suspend the rules. [Applause.]

Mr. STEPHENS of Texas. Will the gentleman from Montana use some more of his time?

Mr. PRAY. I think the gentleman had better go ahead and use some of his time.

Mr. STEPHENS of Texas. We have used 10 minutes on this side out of the 20 minutes that we are entitled to.

Mr. PRAY. It is my intention to use all the time on this side in one concluding speech.

The SPEAKER. The gentleman from Texas has 10 minutes remaining, and the gentleman from Montana has 15 minutes remaining.

Mr. STEPHENS of Texas. I am asking the gentleman from Montana to use some of his time.

The SPEAKER. The Chair can not control that.

Mr. BURKE of South Dakota. The gentleman from Montana expects to use the remainder of his time in making one speech, and he certainly has a right to close this debate.

Mr. STEPHENS of Texas. Then I will yield to the gentleman from Wisconsin [Mr. STAFFORD] three minutes.

Mr. STAFFORD. Mr. Speaker, I recollect distinctly the debate that occurred on this measure when it was under consideration at the last session of Congress. I find that no change whatsoever has taken place since the bill was then under consideration, except perhaps that of the 1,000,000 acres then remaining unsold some 200,000 acres may have been sold during the past year.

In the report accompanying this bill, which I hold in my hand, I find nothing to show that the Department of the Interior, to whom we must look for safeguarding the interests of the Indians, in any wise favors the enactment of this bill, but instead we find the direct protest of all the Indians of this band, save perhaps four or five. It shows that these Indians can obtain more by leasing these lands under the present method than by opening to settlement and sale the additional 2,000,000 acres proposed by this bill.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. STAFFORD. I can not yield in three minutes. The gentleman can get time from the gentleman in charge of the bill. I think we are proceeding with unseemly haste in the opening of some of these Indian reservations. When the conditions are such as those presented here, it is well for us not to proceed, but to save some of this land for succeeding Congresses to open; nay, for future generations to settle; and particularly, where it is shown positively that this land will be conserved, and the interest of the Indians advanced by keeping the land under lease, as it now is. Therefore, Mr. Speaker, I hope that this bill will be defeated, and that we will not, in the absence of any demand whatsoever, proceed to open 2,000,000 acres additional, when there are awaiting settlement 750,000 acres which, after being open for more than five years, are still uncalled for.

Mr. STEPHENS of Texas. I yield two minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, somebody in Montana must be very greedy. The anxiety to obtain these Indian lands exceeds anything in my experience in this House. With 41,000,000 acres of undisposed of public lands, and with legislation already had to open 1,150,000 acres of this reservation, and the official report shows that 150,000 acres of this land have been taken up, it is proposed to open 1,500,000 additional acres. Some gentleman says that since the last session of Congress 200,000 acres additional of the original opening have been taken up. It seems to me that under this condition of affairs there can not be very much necessity for this opening or the gentleman would be here with a report of the Secretary of the Interior to that effect.

I know that before this debate is closed some gentleman on that side of the House will repeat his performance when this bill was up heretofore under a motion to suspend the rules, and will rave and tear his hair and protest that to defeat this bill is to help the cattlemen in Montana; but the truth of the matter is that this legislation is desired in order to permit someone to control the water upon this reservation, and in that way the cattlemen will have control of the entire reservation. I need not say to gentlemen who come from those sections of the country where cattle are raised that the necessity of having access to the water is imperative, and that control of the water is practically the control of unlimited territory. As far as the cattle can range from the water, so far have those who control the water practical possession of the land.

I hope this bill will be defeated again, as it was beaten on other occasions. This land should not be opened until the 1,000,000 acres of land ready for disposal under the previous act are taken up and the proceeds placed to the credit of the Indians, and proper investigation made as to the necessity for this legislation.

Mr. STEPHENS of Texas. I will again ask the gentleman from Montana to use a part of his time.

Mr. PRAY. I yield two minutes to the gentleman from South Dakota [Mr. BURKE].

Mr. BURKE of South Dakota. Mr. Speaker, I want to say in reply to the gentleman from Wisconsin that it is not the policy and, in my judgment, it is not for the best interests of the Indians to continue large reservations. There are only 1,700 of these Indians. They have allotments from 800 to 2,000 acres per family, and it is not advisable to allow them to have 2,000,000 acres of land that they have no use for simply for the purpose of giving them a rental that they can get, that can do them no good except to pauperize them. The trouble with the Indian question is that we have been giving the Indians money, annuities, clothing, food, and so forth, and if we ever expect them to amount to anything we must soon impress upon them that they must help themselves a little.

Mr. Speaker, the objections to the bill in the House come from gentlemen who are perfectly conscientious and honest in the belief that it is not for the best interests of the Indians to dispose of this reservation at present, and, in my judgment, they are wrong and have been imposed upon by the representatives of the large cattle companies. From the evidence submitted to the committee, there is no doubt whatever but that the opposition to the bill comes from the great cattle interests that occupy the reservation. I say the bill ought to pass and the land ought to be disposed of under the homestead law at the earliest possible time.

Mr. PRAY. I yield half a minute to the gentleman from Kansas [Mr. SCOTT].

AGRICULTURAL APPROPRIATION BILL.

Mr. SCOTT. Mr. Speaker, I ask unanimous consent that the agricultural appropriation bill (H. R. 31596) be taken from the Speaker's table, the Senate amendments disagreed to, and ask for a conference.

The SPEAKER. Pending the consideration of this bill the gentleman from Kansas asks unanimous consent that the House take from the Speaker's table the agricultural appropriation bill, disagree to all the Senate amendments, and ask for a conference.

Mr. MANN. Reserving the right to object, I want to say that at this stage of the session conference reports that come in

will probably have to be agreed to. The Senate has added a lot of legislative provisions to this bill and various other amendments, which possibly would be objectionable to the House, especially the legislative provision. To bring in a conference report in the closing hours of Congress with a lot of new legislation that has never been considered in the House, which time then forbids consideration of, does not seem to me to be fair. I appreciate the fact that we are not in a position even to object, and yet if it shall become the policy of the body at the other end of the Capitol to hold back appropriation bills until the very closing hours of the session in order that they may have their way on conference reports because of the fact that it will be too late to reject them, I think the House may be put in a position where it will have to take a stand against such action.

Mr. BUTLER. Let them fail.

Mr. SCOTT. I think the gentleman need not be apprehensive that important legislation will be brought in on this conference report to the House in the last days of the session by the House conferees.

Mr. MANN. I am apprehensive. I know the tendency of conferees to get together; it is their duty to get together, and it is often necessary to yield, and yet when they yield the House has no fair opportunity to express its opinion on anything that is new in such report.

Mr. SCOTT. The gentleman concedes that we must get into conference?

Mr. MANN. I appreciate all that. I am stating the fact that in these closing hours of Congress it may be necessary to waive things that otherwise we would not waive, and yet the gentleman ought to remember that the House is not willing to be entirely eradicated as a part of the legislative branch of the Government. [Applause.]

Mr. SCOTT. I am sure that the gentleman is unnecessarily apprehensive.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. SCOTT, Mr. COCKS of New York, and Mr. LAMB.

LAND AND FUNDS OF THE CROW TRIBE OF INDIANS.

Mr. PRAY. Mr. Speaker, I yield three minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, I am very well acquainted with the country in the Crow Reservation, in Montana, and quite familiar with the conditions existing there. I feel very confident from what I know of the conditions and situation that, if the membership of the House was as well acquainted as I am with the conditions there, they would all favor the passage of this bill. These Indians have an enormous reservation, a great portion of which they have no use for whatever except the leasing of the lands to the cattlemen. There is a considerable portion of this land that can be farmed. Some can be farmed without irrigation and a considerable portion can be farmed under irrigation. I do not understand what the gentleman from New York had in his mind when he said that this was an attempt to get control of the water, because the only water on the reservation is in the Little Horn River and tributaries and the lands along the Little Horn and other streams have been in allotment for many years. The land not allotted lies back from the stream. There is no land along any stream so far as I know, and I am very familiar with the country, that has not been in allotments for many years. Lying back from the streams there is considerable land which can be farmed. It is rather better than most of the land that remains in the Northwest in the Indian possession or on the public domain. The opening of these lands to settlement will aid in the development of that country very greatly. It will be in the interest of the Indians, because I do not think we ought to maintain these great reservations as pastures for large sheep and cattle grazing when they can be settled and when the lands can be farmed, when people are anxious to secure them for farming purposes.

Mr. STEPHENS of Texas. Mr. Speaker, I will yield two minutes to the gentleman from Nebraska [Mr. LATTA].

Mr. LATTA. Mr. Speaker, I am not opposed to the opening of Indian reservations for the settlement of the country, but I am opposed to having them opened up so as to give the cattle and sheep men the control of the country by making it possible for them to get control of the water. The evidence brought before the committee shows that in 1904 there were opened to settlement 1,154,000 acres of land, and it was also brought out that there were only 154,000 acres of the land sold. The cattlemen either bought or got control of all the water holes and streams, which gave them practically control of all the land that was opened to settlement, and there is, or was when the report was made to the committee, 1,000,000 acres of the land that was put on the market in 1904 still remaining unsold. The only requests to have 2,000,000 acres more of the land put on the market were from the stockmen that now live on the reservation, and it is very plain to be seen that their object is to get control of all the balance of the water on the reservation by getting more of the land opened to settlement. By controlling the water supply of the country already opened to settlement they rendered the balance of the country useless to anyone except the party controlling the water. I am very familiar with the country and know it to be rich in grasses, which makes it very desirable for stockmen, and for this reason they are very anxious to get control of the whole of the reservation. By buying or getting control of a few thousand acres they could control 2,500,000 acres of grazing land, upon which they could run their herds at a great profit without any expense. For these reasons, gentlemen, I hope the bill will not pass.

Mr. STEPHENS of Texas. I yield three minutes to the gentleman from Virginia [Mr. SAUNDERS].

Mr. SAUNDERS. Mr. Speaker, the most effective argument that can be made in connection with this matter is simply a repetition of the salient facts as they are developed by the record. I do not understand that there is any difference between this bill, and the bill of a year ago, and at that time, as I recall, the Secretary of the Interior was opposed to its passage, as stated in his letter. Certainly he was of opinion that at least action should be deferred, until certain conferences could be had with the representatives of the Indians, with a view to the adjustment of their grievances. I do not understand that anybody on this floor has undertaken to say that these conferences have been conducted, and that as a result of the same, the attitude of opposition on the part of the Indians has been changed. Another thing that appears from the record is this, that if it is true, as the gentleman from Wyoming [Mr. MONDELL] has just stated, that a considerable proportion of this land can be utilized, and sold as farming land, then why is it that 725,000 acres remain unsold? Why is it that this land has not been put upon the market for agricultural purposes? One thing further. These Indians protest that they have not received a large sum of money to which they are entitled under the original contract. With this attitude of opposition and antagonism on their part, as well as of the Interior Department, what reason is there to take the step proposed over the protests of the parties most materially concerned? Why should this House rush this bill to passage over the appeal of these defenseless people? I have no antagonism or feeling of opposition to the general policy of opening up reservations, but in this instance, my opposition is founded on the facts of this particular case.

The situation is not such as to render it proper that this reservation should be opened at this time. The lands of these Indians heretofore sold were sold in such a way that, by the acquisition of the water rights by a few grasping parties, a large portion of the balance of the 1,000,000 acres has been rendered practically valueless. Why is it that we should now put upon the market another 1,000,000 acres, in order that a repetition of that process may be made possible? What explanation has been offered on the part of the proponents of this measure, to repel the attitude of the Secretary of the Interior? What arguments have been offered on the part of the proponents of this measure to show why with 725,000 acres remaining unsold of the first 1,000,000 acres, there is any good reason for selling at this time another 1,000,000 acres, under such circumstances as will inevitably be to the prejudice of the people who are affected? They are the people who are the owners of this land, and they protested through their representatives before the Committee of this House, against the action now sought to be taken. I protest, Mr. Speaker, that with these facts, and these are the facts of record, there has been advanced no argument whatever to justify this House in taking up and passing this bill. [Applause.]

Mr. STEPHENS of Texas. Mr. Speaker, how much time have I left?

The SPEAKER. No time is left to the gentleman; it is all exhausted.

Mr. PRAY. Mr. Speaker, I do not for one moment question the good faith of gentlemen on that side of the House in opposing this bill, but I want to say to you now, at the outset of my remarks in concluding this debate, that I sincerely and honestly believe that you have been shamefully imposed upon. You say over there that the stockmen of Montana are interested in favor of this bill and are anxious to have this reservation opened, and I say to you that your action at the last session and your action at this session, if it should result in voting down this bill, and I say it to you on my oath and honor as a Representative in

this House, is just exactly what the rich stockmen of my State, who operate in that section, want you to do. [Applause.] You talk about the Crow delegates being sent down here to oppose this measure. Why, gentlemen, what do you really know about this delegation or the attorneys who were here lobbying among you in their behalf? Have you been in my State or communicated with any of our citizens since this measure was considered at the last session in an effort to ascertain what the real sentiment of the people is in regard to this proposition and in regard to your determined opposition to this bill? Evidently you have not, and you are apparently not willing to accept the assurances of the members of your party in the State Legislature of Montana, who have repeatedly advised you that it is for the best interests of all concerned that this reservation be opened and without further delay.

I have received letters and telegrams innumerable and have a basketful of correspondence over this reservation matter, and believe that I know, and that you ought to know, what should be done about it, especially so when you take into account the attitude of the department and the action of the Indian Committees of both the Senate and House, and, furthermore, the action of the Senate in passing the bill in the Sixtieth Congress and again in the Sixty-first Congress. Why, you offered no opposition to this measure when it was being considered and was afterwards favorably reported by the House committee in the Sixtieth Congress. And the same thing is true when the bill now offered as an amendment first came before the committee for consideration in this Congress. And yet on both occasions there were 800 pages of testimony before the Senate committee touching every phase of this case. Since these hearings took place you have had plenty of time to examine the testimony. You could have talked with the officials at the Interior Department, especially the Commissioner of Indian Affairs. You could have communicated with leading members of your own party in Montana and found out the real situation.

If you had done any one of these things you would have gotten a start in the right direction. And again, about that delegation, if you had gone over the testimony you would have found some information from a most reliable source which I think would have put you on inquiry, at any rate, as to whether the presence of these delegates here in Washington was not procured by the stockmen themselves. I want to say to you that I have been informed more than once that the whites were responsible for their presence here—so maneuvered as to have them here to protest——

Mr. SAUNDERS. Will the gentleman yield?

Mr. PRAY. I beg the gentleman's pardon, but I am unable to yield, as I have only a few minutes remaining and I hope the gentleman will not interrupt me. Let me tell you something about these delegates, or some of them, who they are and how they are situated, as it appears in the testimony. They control out there, per family, from 800 to 2,000 acres of land, and one of the leaders of that delegation, Joe Cooper, has under his control 2,040 acres of land and cultivates about 2 acres.

Long Bear controls about 640 acres and cultivates 40; Curly, about 640, but does not work it; White-man-runs-him and family, 1,600 acres, and cultivate a little near the river; another has 980 acres, 320 of which are irrigable; and several did not know how much land they had. As a matter of fact, their holdings are all large. The Government has spent about a million dollars in constructing irrigation projects, and 50,000 acres can be irrigated. About 100,000 acres more are capable of being irrigated.

Sixteen or seventeen of these delegates came down here and stayed three or four weeks. Who paid their expenses? They stopped at the hotels here in Washington on Pennsylvania Avenue, and they were going back and forth before the Senate committee. They were given a full hearing in both Congresses. There are 800 pages of hearings in the Sixtieth Congress and 156 pages in this Congress, and notwithstanding that the Senate committee favorably acted upon the bill and it was passed and sent over here, it went on the House Calendar. Now, something has been said about the lands remaining unsold.

I want to give you the figures about that. The Indians agreed under the first opening, or the first treaty of 1899, that they would dispose of all of this land for $1 an acre. Now, then, let me show you what has happened. Last fall 273,881 acres of land were sold, and the amount realized was $829,859,85; remaining unsold, 597,878 acres—not 700,000 acres, as some gentleman has said—and of that amount 252,654 acres have been reserved as coal lands, which will be disposed of later on. This leaves 345,000 acres that will be sold the next time these sales take place. Now, then, out of the 1,150,000 acres they have now got $1,191,253, and the balance will bring, according to the testimony, at least $1,791,793. There should also be added to those amounts $160,000 in homestead payments, which would make a total of $3,044,887—three times the amount the Indians were willing to accept for the same lands under the first agreement.

Mr. BYRNS. Will the gentleman yield?

Mr. PRAY. I decline to yield.

Mr. ANDERSON. Will the gentleman state, if the rich cattlemen do not want this bill passed and the Crow Indians do not want it passed, who does?

Mr. PRAY. The people of the State of Montana, who have had this case called to their attention time and time again during the past three years. They want this bill passed, and I am glad that the gentleman interrupted me so that I can again repeat it, and also state that the Legislature of the State of Montana, through its representatives from all sections of the State—and, by the way, the present legislature is Democratic—has again memorialized Congress to open up this reservation, because they believe it is for the best interests of all concerned. The gentleman from Texas [Mr. STEPHENS] has the memorial of the State Legislature of Montana in his pocket, and I wish he would present it and have it incorporated in the RECORD. [Applause.] He ought at least to be fair with his Democratic colleagues and be willing to tell them what their Democratic friends in Montana would like to have them do.

Now, something has been said about the enormous acreage left in Montana for others to occupy. The gentleman from New York [Mr. FITZGERALD] said there were 41,000,000 acres. There are thirty-six millions, and 19,000,000 acres of that are unsurveyed. Now, that disposes of that argument.

You have had a good deal to say about water holes and how the stockmen could monopolize them if the reservation were opened, and you are also greatly mistaken in this respect.

It is not necessary to take up any more time on that point, as the gentleman from Wyoming [Mr. MONDELL] fully covered it. He showed very clearly what a vague and indefinite sort of notion some of you gentlemen seem to have about conditions on this reservation. The loss of lease money has also been given as a reason why the bill should not pass, and I ask you gentlemen to set over against that the large amount of money that would be realized in interest at 4 per cent on the increased Crow fund. That position you will also find untenable. Over on that side you frequently deplore the existence of monopolies and monopolistic control, and yet by your action here to-day you propose to give to a few stockmen a monopoly on this great reservation, rather than open up the reservation and thereby afford the citizens of your States and of other States, who are going to Montana in great numbers, an opportunity to settle upon and graze over these 2,000,000 acres of surplus lands. The homesteaders of my State will, of course, be perfectly delighted with your attitude toward them in this case.

Thus far nothing has been said about the provisions of the measure now under consideration. The interests of the Indians are carefully guarded. It is the form of opening approved by the Interior Department time and time again. It is a conservation measure and ought to appeal to you. If any lands are found bearing coal, oil, or other valuable minerals, they are reserved from allotment or disposition until further action by Congress. Lands chiefly valuable for power or reservoir sites are made subject to such disposition as Congress may direct. Under this bill the Indians are to receive $2.50 an acre for sections 16 and 36. Heretofore, in most cases, the price has been $1.25 an acre. The proceeds arising from sale and disposition of lands under the bill must be deposited to the credit of the Indians and draw interest at the rate of 4 per cent per annum. After the lands have been classified and appraised, they are to be disposed of under the provisions of the homestead, desert-land, mineral, and town-site laws. Lands made subject to these different forms of entry are the surplus lands, such as have not been allotted to the Indians or granted, reserved, or otherwise disposed of by the terms of the bill.

But it is probably not necessary to enter upon a protracted discussion of the provisions of the pending bill. I think it is apparent to all on this side that in view of the determined opposition of Democrats it is hardly possible to secure a two-thirds vote at this time. It is the same opposition that developed during the consideration of the measure at the last session. The bill received a majority of the votes cast during its consideration in the second session of this Congress. It will undoubtedly get a majority of the votes this time, but that, of course, will not be enough to pass it under suspension of the rules. This is the only way the Crow bill could be brought before the House at this session. If this bill should fail, the responsibility will again rest upon the Democratic side, as it did last session. But I sincerely hope that it may not fail.

If this bill could have been reached last session on calendar Wednesday it would have passed the House by a good majority, but it reached the calendar too late in session to receive the benefit of that rule. If it could have been taken up under that rule this session the same result would have been attained, but the Moon bill occupied nearly all calendar Wednesdays this session. It is altogether too much of a handicap to be required to secure a two-thirds vote of the House with Democrats drawing party lines on the bill, and with a bitter fight being waged against it by such leaders as the gentlemen from New York [Mr. FITZGERALD], from Missouri [Mr. CLARK], from Virginia [Mr. SAUNDERS], from Nebraska [Mr. LATTA], from Tennessee [Mr. BYRNS], and from Texas [Mr. STEPHENS]. I want to say to you gentlemen, in conclusion, and I say it on my honor as a Representative in this House, and I believe my statements are entitled to some faith and credit, that this bill ought to pass now and become a law, and enough Democrats ought to vote for it to supply the necessary two-thirds vote. And I further believe that the legislature of my State ought to be given some consideration, and likewise the people of my State who want this reservation opened up. They do not want any more jobbery about it either or any more delegations or alleged delegations or lobbyists sent here to mislead the Members of this House and protect the stock interests on that reservation. And I sincerely hope the bill will not go over to another session of Congress, because, if it does, the citizens of my State are going to get after you again and keep on until you finally accede to their demands. [Applause.]

Senate joint memorial 1.

To the honorable Senate and House of Representatives of the United States in Congress assembled:

Whereas we believe it to be to the everlasting benefit and advantage of the State of Montana, and its people, and to the best interests of the Nation at large that the Crow Reservation should be speedily opened for settlement and all Indian rights adjusted: Now therefore be it

Resolved (the house of representatives concurring), That we, the Twelfth Legislative Assembly of the State of Montana, do hereby petition the Congress of the United States for the passage of necessary legislation to, at as early a date as practicable, open for settlement the lands embraced within the Crow Reservation situated in the southeastern portion of the State of Montana.

Resolved further, That a copy of this memorial be forwarded by the secretary of state to the honorable Secretary of the Interior and our Senators and Representatives in Congress, with the request that they use every effort within their power to bring about speedy action for the accomplishment of the ends and purposes herein indicated.

W. R. ALLEN, *President of the Senate.*
W. W. MCDOWELL, *Speaker of the House.*

Approved January 23, 1911.

EDWIN L. NORRIS, *Governor.*

Filed January 23, 1911.

A. N. YODER, *Secretary of State.*

UNITED STATES OF AMERICA,
State of Montana, ss:

I, A. N. Yoder, secretary of state of the State of Montana, do hereby certify that the above is a true and correct copy of senate joint memorial No. 1, relating to the opening of the Crow Reservation for settlement, enacted by the twelfth session of the Legislative Assembly of the State of Montana, and approved by Edwin L. Norris, governor of said State, on the 23d day of January, 1911.

In testimony whereof I have hereunto set my hand and affixed the great seal of said State.

Done at the city of Helena, the capital of said State, this the 23d day of January, A. D. 1911.

[SEAL.] A. N. YODER, *Secretary of State.*

House joint memorial 4.

The honorable Senate and House of Representatives in Congress of the United States assembled:

Whereas we believe it to be to the everlasting benefit and advantage of the State of Montana and its people, and to the best interests of the Nation at large, that the Crow Reservation should be speedily opened for settlement and all Indian rights adjusted: Now, therefore, be it

Resolved (the senate concurring), That we, the Eleventh Legislative Assembly of the State of Montana, do hereby petition the Congress of the United States for the passage of necessary legislation to at as early a date as practicable open for settlement the lands embraced within the Crow Reservation, situated in the southeastern portion of the State of Montana;

Resolved further, That a copy of this memorial be forwarded by the secretary of state to the honorable Secretary of the Interior and our Senators and Representatives in Congress, with the request that they use every effort within their power to bring about speedy action for the accomplishment of the ends and purposes herein indicated.

Approved February 17, 1909.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and the Chair announced that, in the opinion of the Chair, two-thirds had voted in favor thereof.

Mr. FITZGERALD. Division, Mr. Speaker.

The House divided; and there were—yeas 103, nays, 46.

Mr. CLARK of Missouri. I demand the yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 144, nays, 135, answered "present" 11, not voting 93, as follows:

YEAS—144.

Alexander, Mo.	Fassett	Kinkaid, Nebr.	Olcott
Alexander, N. Y.	Focht	Knowland	Olmsted
Ames	Fordney	Kopp	Page
Andrus	Foss	Kronmiller	Parsons
Anthony	Foster, Vt.	Langham	Payne
Austin	Gardner, Mass.	Law	Pearre
Barclay	Gardner, Mich.	Legare	Pickett
Bartholdt	Gardner, N. J.	Lenroot	Plumley
Bennet, N. Y.	Good	Longworth	Poindexter
Bingham	Graff	Loud	Pratt
Borland	Graham, Pa.	Loudenslager	Pray
Boutell	Greene	Lowden	Reeder
Burke, Pa.	Griest	McCreary	Roberts
Burke, S. Dak.	Guernsey	McGuire, Okla.	Rodenberg
Butler	Hamer	McKinley, Ill.	Sheffield
Calder	Hammond	McKinney	Simmons
Calderhead	Hanna	McLachlan, Cal.	Slemp
Campbell	Hawley	McLaughlin, Mich.	Smith, Iowa
Cassidy	Hayes	McMorran	Southwick
Chapman	Heald	Madison	Sperry
Cooper, Pa.	Henry, Conn.	Martin, Colo.	Steenerson
Creager	Higgins	Martin, S. Dak.	Stevens, Minn.
Currier	Hinshaw	Massey	Sturgiss
Dalzell	Hollingsworth	Miller, Kans.	Sulloway
Dawson	Howell, N. J.	Miller, Minn.	Swasey
Diekema	Howland	Mondell	Taylor, Colo.
Dodds	Hubbard, Iowa	Moore, Pa.	Thistlewood
Douglas	Hubbard, W. Va.	Morgan, Mo.	Thomas, Ohio
Draper	Hull, Iowa	Morgan, Okla.	Tilson
Durey	Humphrey, Wash.	Morrison	Townsend
Dwight	Johnson, Ohio	Morse	Volstead
Ellis	Joyce	Moxley	Vreeland
Elvins	Kelfer	Murphy	Weeks
Englebright	Kendall	Needham	Woods, Iowa
Esch	Kennedy, Iowa	Norris	Young, Mich.
Fairchild	Kennedy, Ohio	O'Connell	Young, N. Y.

NAYS—135.

Adair	Dupre	Jamieson	Richardson
Aiken	Edwards, Ga.	Johnson, Ky.	Riordan
Anderson	Ellerbe	Johnson, S. C.	Roddenbery
Ansberry	Ferris	Jones	Rucker, Colo
Barnhart	Finley	Kinkead, N. J.	Rucker, Mo.
Bartlett, Ga.	Fish	Kitchin	Sabath
Beall, Tex.	Fitzgerald	Korbly	Saunders
Bell, Ga.	Flood, Va.	Lamb	Shackleford
Booher	Floyd, Ark.	Latta	Sharp
Brantley	Fornes	Lee	Sheppard
Burgess	Foster, Ill.	Lever	Sherwood
Burleson	Gallagher	Livingston	Sims
Byrns	Garner, Tex.	Lloyd	Sisson
Candler	Garrett	McCall	Small
Cantrill	Gillett	McDermott	Smith, Tex
Carlin	Godwin	Macon	Snapp
Carter	Goldfogle	Madden	Stafford
Clark, Mo.	Graham, Ill.	Maguire, Nebr.	Stanley
Clayton	Gregg	Mann	Stephens, Tex
Cline	Hamlin	Mays	Sterling
Cocks, N. Y.	Hardwick	Mitchell	Sulzer
Collier	Hardy	Moon, Tenn.	Talbott
Conry	Harrison	Nelson	Tawney
Cooper, Wis.	Hay	Nicholls	Taylor, Ala.
Covington	Heflin	Nye	Thomas, Ky.
Cox, Ind.	Helm	Oldfield	Thomas, N. C.
Cox, Ohio	Henry, Tex.	Padgett	Tou Velle
Cullop	Hitchcock	Palmer, H. W.	Turnbull
Dent	Hobson	Peters	Underwood
Denver	Houston	Pou	Watkins
Dickinson	Howard	Pujo	Webb
Dickson, Miss.	Hughes, Ga.	Rainey	Wickliffe
Dixon, Ind.	Hull, Tenn.	Ransdell, La.	Wilson, Ill.
Driscoll, D. A.	Humphreys, Miss.	Rauch	

ANSWERED "PRESENT"—11.

Adamson	Goulden	Langley	Smith, Mich.
Driscoll, M. E.	Hill	Lindbergh	Wanger
Glass	Küstermann	Robinson	

NOT VOTING—93.

Ashbrook	Davis	James	Prince
Barchfeld	Denby	Kahn	Randell, Tex.
Barnard	Dies	Kelliher	Reid
Bartlett, Nev.	Edwards, Ky.	Knapp	Rhinock
Bates	Estopinal	Lafean	Rothermel
Bennett, Ky.	Foelker	Lawrence	Scott
Boehne	Fowler	Lindsay	Sherley
Bowers	Fuller	Lively	Slayden
Bradley	Gaines	Lundin	Smith, Cal.
Broussard	Garner, Pa.	McCredie	Sparkman
Burleigh	Gill, Md.	McHenry	Spight
Burnett	Gill, Mo.	McKinlay, Cal.	Taylor, Ohio
Byrd	Gillespie	Malby	Wallace
Capron	Goebel	Maynard	Washburn
Cary	Gordon	Millington	Weisse
Clark, Fla.	Grant	Moon, Pa.	Wheeler
Cole	Hamill	Moore, Tex.	Wiley
Coudrey	Hamilton	Morehead	Willett
Cowles	Haugen	Moss	Wilson, Pa.
Craig	Havens	Mudd	Wood, N. J.
Cravens	Howell, Utah	Murdock	Woodyard
Crow	Huff	Palmer, A. M.	
Crumpacker	Hughes, N. J.	Parker	
Davidson	Hughes, W. Va.	Patterson	

So (two-thirds not having voted in favor thereof) the motion to suspend the rules was rejected.

The Clerk announced the following additional pairs:

For this session:

Mr. HILL with Mr. GLASS.

Mr. WILEY with Mr. WALLACE.
Mr. BRADLEY with Mr. GOULDEN.
Mr. HUGHES of West Virginia with Mr. BYRD.
Mr. SMITH of California with Mr. CRAVENS.
Mr. WANGER with Mr. ADAMSON.
Mr. SMITH of Michigan with Mr. CLARK of Florida (excepting District legislation).
Mr. KÜSTERMANN with Mr. BOEHNE (commencing at noon, March 2).
Mr. LANGLEY with Mr. JAMES (commencing at 6 p. m., March 2).
Until further notice:
Mr. DAVIS with Mr. ROBINSON.
Mr. FULLER with Mr. SLAYDEN.
Mr. MUDD with Mr. WEISSE.
Mr. MURDOCK with Mr. RHINOCK.
Mr. WOOD of New Jersey with Mr. PATTERSON.
Mr. MILLINGTON with Mr. MAYNARD.
Mr. CAPRON with Mr. GILL of Missouri.
Mr. BARCHFELD with Mr. ASHBROOK.
Mr. BATES with Mr. BARTLETT of Nevada.
Mr. BURLEIGH with Mr. BOWERS.
Mr. CARY with Mr. BROUSSARD.
Mr. COLE with Mr. BURNETT.
Mr. DAVIDSON with Mr. CRAIG.
Mr. DENBY with Mr. DIES.
Mr. MICHAEL E. DRISCOLL with Mr. ESTOPINAL.
Mr. GAINES with Mr. GILL of Maryland.
Mr. GRANT with Mr. GILLESPIE.
Mr. HOWELL of Utah with Mr. GORDON.
Mr. KAHN with Mr. HAMILL.
Mr. KNAPP with Mr. HAVENS.
Mr. LAFEAN with Mr. HUGHES of New Jersey.
Mr. LAWRENCE with Mr. KELIHER.
Mr. MALBY with Mr. LINDSAY.
Mr. MOON of Pennsylvania with Mr. LIVELY.
Mr. MOREHEAD with Mr. MCHENRY.
Mr. PRINCE with Mr. MOORE of Texas.
Mr. SCOTT with Mr. MOSS.
Mr. TAYLOR of Ohio with Mr. A. MITCHELL PALMER.
Mr. WASHBURN with Mr. RANDELL of Texas.
Mr. WHEELER with Mr. REID.
Mr. WOODYARD with Mr. ROTHERMEL.
Mr. BARNARD with Mr. SHERLEY.
Mr. BENNETT of Kentucky with Mr. SPARKMAN.
Mr. COWLES with Mr. SPIGHT.
Mr. EDWARDS of Kentucky with Mr. WILLETT.
Mr. GOEBEL with Mr. WILSON of Pennsylvania.

The result of the vote was announced as above recorded.

Mr. STEPHENS of Texas. Mr. Speaker, I desire leave to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. PRAY. Mr. Speaker, I ask leave to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

TYPHOID IN THE ARMY.

Mr. FINLEY. Mr. Speaker, I desire to present, from the Committee on Printing, a report (No. 2281) on House resolution 947, which I send to the desk and ask to have read.

The Clerk read as follows:

Resolved, That there shall be printed 100,000 copies of an article by Maj. F. F. Russell, Medical Department, United States Army, entitled "The control of typhoid in the Army by vaccination," for the use of the House and to be distributed through the folding room.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

INDIAN APPROPRIATION BILL.

Mr. BURKE of South Dakota. Mr. Speaker, I desire to call up the conference report on the bill (H. R. 28406) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1912, with the accompanying statement, which I ask to have read at the desk.

The SPEAKER. The gentleman from South Dakota presents a conference report on the Indian appropriation bill. The Clerk will read.

Mr. BURKE of South Dakota. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from South Dakota asks unanimous consent that the statement accompanying the conference report be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the statement.

The Clerk read as follows:

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE.

On Senate amendment No. 48 the House has receded with a substitute, the effect of which is simply to make mandatory on the Indian Office a practice which now obtains at every agency in the country, and limits it to the State of North Dakota.

Amendment No. 76 has been materially modified by the substitute which the conferees have adopted, and in its present form is not considered objectionable.

On amendment No. 82 the Senate has receded.

CHAS. H. BURKE,
PHIL P. CAMPBELL,
JNO. H. STEPHENS,
Managers on the part of the House.

The conference report is as follows:

THIRD CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28406) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1912, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 82.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: Strike out all of the proposed amendment and insert the following:

"Any licensed trader on the Standing Rock Indian Reservation in North Dakota, who has any claim against any Indian of said reservation for goods sold to such Indian, may file an itemized statement of said claim with the Indian superintendent. Said superintendent shall forthwith notify said Indian in writing of the filing of said claim and request him to appear within a reasonable time, to be fixed in said notice, and present any objections he may have to the payment thereof, or any offset or any counterclaim thereto.

"If said Indian appears and contests said claim, or any item therein, the said superintendent shall notify the said trader and fix a time for a meeting of the parties thereto, and shall or a hearing thereof use his efforts to secure an agreement as to the amount due between the said parties. If the said Indian shall not appear within the time specified in the notice, the superintendent shall call in the said trader and carefully investigate every item of said account and ascertain the amount due thereon. Any account so ascertained by the superintendent or any account admitted by the Indian shall be and remain an account stated between the parties thereto.

"That any moneys which shall thereafter become due to said Indian, by reason of any annuity or other indebtedness from the Government of the United States, or for property sold by or on account of such Indian, and which shall be under the control of the Secretary of the Interior, or any agent or superintendent, shall be paid such Indian only at the agency headquarters. And it shall be the duty of such agent or superintendent to use his influence, advice, and good offices to the end that such Indian shall, as rapidly as his means shall permit, pay the said account stated."

And the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: Strike out all of said amendment and in lieu thereof insert the following:

"That any person who prior to March 1, 1909, made homestead entry for land in the Uintah Indian Reservation, in the State of Utah, under the act of May 27, 1902, and acts supplementary thereto, and who has not abandoned the same, may make commutation proof therefor, provided such person has fully complied with the provisions of the homestead laws as to improvements, and has maintained an actual bona fide residence upon the land for a period of not less than eight months and upon payment thereof of $1.25 per acre: *Provided further*, That nothing contained herein shall affect any valid adverse claim initiated prior to the passage of this act."

And the Senate agree to the same.

CHAS. H. BURKE,
P. P. CAMPBELL,
JNO. H. STEPHENS,
Managers on the part of the House.

MOSES E. CLAPP,
P. J. MCCUMBER,
WM. J. STONE,
Managers on the part of the Senate.

Mr. BURKE of South Dakota. Mr. Speaker, I move the adoption of the report.

The SPEAKER. The gentleman from South Dakota moves the adoption of the conference report. The question is on that motion. Is there objection?

Mr. COX of Indiana. Mr. Speaker, I reserve the right to object.

The SPEAKER. Does the gentleman from South Dakota yield?

Mr. BURKE of South Dakota. Yes.

Mr. COX of Indiana. Mr. Speaker, I would like to have some information about this report.

Mr. BURKE of South Dakota. Mr. Speaker, the first amendment, on which we have on two occasions presented a disagreement, is amendment numbered 48. That amendment is with reference to traders at the Standing Rock Reservation in North and South Dakota, and it is proposed to do exactly what the department is doing now, administratively, so far as requiring the superintendent at the agency to bring together the trader and the Indians and adjust disputed accounts between them.

Now, to that particular part of the amendment I did not have very much objection, but the last paragraph provides that from any money that the Indian may receive from any source, at least 25 per cent should be withheld and applied upon his indebtedness. It gave to the superintendent the discretion to pay more than 25 per cent, if he thought it was advisable to take that much from the Indian. I objected very strenuously to that portion of the amendment, because it would make out of the Indian agency a collection agency. The item as we have agreed upon it in conference leaves the first two paragraphs substantially as they were, with the exception that the territory is limited by striking out that portion of the Standing Rock Reservation that is in South Dakota, so that it applies only to North Dakota, and for the last paragraph, which is stricken out, there is a substitute which in effect provides that when an Indian has any money coming to him from any source it shall be paid to him at the agency, and then the superintendent shall use his influence to prevail upon the Indian to pay his honest debts.

Mr. COX of Indiana. What influence will he use?

Mr. BURKE of South Dakota. Just exactly the influence that the agents are now using, in advising the Indians to pay their just debts.

Mr. COX of Indiana. Is there anything remaining in the amendment as finally agreed to that would give to the Indian agent the power to withhold the Indian's money?

Mr. BURKE of South Dakota. Absolutely not.

Mr. COX of Indiana. That is all eliminated?

Mr. BURKE of South Dakota. That is all eliminated. I say that I do not like the proposition. It is class legislation. It is doing by law exactly what is being done now by an order of the department, a matter that ought to be entirely administrative, and if I could have had my way about it, I would have insisted upon the item going out entirely; but at this late hour in the session, and having succeeded in getting the Senate to recede unqualifiedly upon the most objectionable amendment, the House conferees accepted this substitute for that provision.

Mr. COX of Indiana. I think the gentleman has made a gallant fight to get out of it the best that he possibly can. If I understand the situation now, the attempt to make a collecting agency out of the Indian agency has been entirely eliminated.

Mr. BURKE of South Dakota. I think so; yes. It simply by law directs to be done what is now being done by an order of the department itself.

Mr. STEPHENS of Texas. Is it not a fact that the department has the right now to make the same settlements?

Mr. BURKE of South Dakota. That is what I say. They are doing this very thing now.

Mr. COX of Indiana. I should like to have a statement about the attorneys' fees.

Mr. BURKE of South Dakota. No statement is necessary, because the Senate has receded unqualifiedly.

Mr. COX of Indiana. That is all I care for.

Mr. NYE. What was the "most objectionable amendment" to which the gentleman referred a moment ago?

Mr. BURKE of South Dakota. The one upon which the Senate receded, namely, the withholding of $100,000 from the Colville Indians, for the purpose of having the money to pay some alleged claim for attorneys' fees, a claim, in my opinion and in the opinion of the House conferees, without any merit.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

On motion of Mr. BURKE of South Dakota, a motion to reconsider the last vote was laid on the table.

CONFEDERATE CEMETERY AT SPRINGFIELD, MO.

The SPEAKER. The Clerk will proceed with the call of the Unanimous Consent Calendar.

The next business on the Calendar for Unanimous Consent was the bill (S. 3501) providing for the taking over by the United States Government of the Confederate cemetery at Springfield, Mo.

The bill was read, as follows:

Be it enacted, etc., That the Confederate cemetery near Springfield, Mo., and which adjoins the national cemetery at that place, having been tendered by proper authority to the United States Government, the same is hereby accepted, under the conditions that the Government shall take care of and properly maintain and preserve the cemetery, its monument or monuments, headstones, and other marks of the graves, its walls, gates, and appurtenances; to preserve and keep a record, as far as possible, of the names of those buried therein, with such history of each as can be obtained, and to see that it is never used for any other purpose than as a cemetery for the graves of men who were in the military or naval service of the Confederate States of America: *Provided*, That organized bodies of ex-Confederates or individuals shall have free and unrestricted entry to said cemetery for the purposes of burying worthy ex-Confederates, for decorating the graves, and for all other purposes which they have heretofore enjoyed, all under proper and reasonable regulations and restrictions made by the Secretary of War.

SEC. 2. That the Secretary of War, under this act, is directed to take the necessary steps for the proper transfer of the cemetery to the Government, and when the same has been duly completed to put it in charge of the keeper of the national cemetery at Springfield, Mo., requiring him to exercise the same care in the preservation, beautifying, and caretaking generally as is done in regard to the national cemetery. Also that a suitable gate or entry way be made in the stone wall which now divides the two cemeteries, so that persons may readily pass from one to the other. Whatever additional funds may be required for the purpose of this bill shall be paid out of any fund which may be available for the maintenance of national cemeteries.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, on page 1, line 10. I move to strike out the word "to," so as to correct the grammar.

The Clerk read as follows:

Page 1, line 10, strike out the word "to," before the word "preserve."

The amendment was agreed to.

Mr. MANN. On page 2, line 1, I move to strike out the word "to."

The Clerk read as follows:

Page 2, line 1, before the word "see," strike out the word "to."

The amendment was agreed to.

Mr. MANN. Mr. Speaker, in line 22, on page 2, I move to strike out the words "this bill" and insert the words "carrying out the provisions of this act."

The Clerk read as follows:

In line 22 strike out the words "this bill" and insert "carrying out the provisions of this act."

The amendment was agreed to.

The following committee amendment was agreed to:

Page 2, line 3, strike out the words "or civil" and insert before "naval" the word "or."

The bill as amended was ordered to a third reading, and it was accordingly read the third time and passed.

LEAVE TO EXTEND REMARKS.

By unanimous consent, Mr. HAMLIN was granted leave to extend remarks in the RECORD.

ALLOTMENT OF LANDS TO INDIANS.

Mr. BURKE of South Dakota. Mr. Speaker, the next bill on the calendar (S. 4704), an act to amend an act entitled "An act to amend and further extend the benefits of the act approved February 8, 1887, entitled 'An act to provide for the allotment of lands in severalty to Indians on the various reservations and to extend the protection of the laws of the United States over the Indians, and for other purposes,'" I move be laid on the table as that has been incorporated into another law.

The motion was agreed to, and the bill was ordered to lie on the table.

ELECTRICAL RAILWAY LINE, FORT RILEY MILITARY RESERVATION.

The next business on the Unanimous Consent Calendar was the bill (H. R. 31728) to authorize the Manhattan City & Interurban Railway Co. to construct and operate an electric railway line on the Fort Riley Military Reservation, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of the United States is hereby given to the Manhattan City & Interurban Railway Co., a corporation existing under the laws of the State of Kansas, to locate, construct, maintain, and operate a line of electric railway upon the military reservation of Fort Riley, in Geary County, State of Kansas, upon

such location and under such regulations and conditions as shall be approved by the Secretary of War.

SEC. 2. That the right to alter, amend, or repeal this act is hereby specially reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

CLASSIFICATION AND APPRAISEMENT OF UNALLOTTED INDIAN LANDS.

The next bill on the Unanimous Consent Calendar was the bill (H. R. 32223) authorizing the Secretary of the Interior to classify and appraise unallotted Indian lands.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to cause to be classified and appraised, in such manner as he may deem advisable, the unallotted or otherwise unreserved lands within any Indian reservation opened to settlement and entry which were not classified and appraised in the manner provided for in the act or acts opening such reservations to settlement and entry.

The SPEAKER. Is there objection?

Mr. STAFFORD. I would like to ask the gentleman if this includes lands on reservations——

Mr. BURKE of South Dakota. Not at all; it simply makes possible to dispose of some remnants of land that can not be otherwise disposed of under existing law. No disposition was made of them, and there are a few small tracts that the department suggests should be disposed of, and this legislation is necessary.

Mr. FITZGERALD. I would like to ask the gentleman if this bill should not be amended, in line 6, page 1, by inserting, after the word "reservation," the word "heretofore?"

Mr. BURKE of South Dakota. I do not think the amendment is necessary; that was the purpose of it. I do not object, if the gentleman wants to offer an amendment.

Mr. FITZGERALD. I offer the amendment, Mr. Speaker.

The Clerk read as follows:

Line 6, page 1, after the word "reservation," insert the word "heretofore."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

ALLOTMENTS ON THE QUINAIELT INDIAN RESERVATION, WASH.

The next bill on the Unanimous Consent Calendar was the bill (S. 5269) to provide for allotments to certain members of the Hoh, Quileute, and Ozette tribes of Indians in the State of Washington.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to allot on the Quinaiult Reservation, Wash., under the provisions of the allotment laws of the United States, all members of the Hoh, Quileute, and Ozette tribes of Indians in Washington who may elect to take allotments on the Quinaiult Reservation rather than on the reservations set aside for these tribes: *Provided*, That the allotments authorized herein shall be made from the surplus lands on the Quinaiult Reservation after the allotments to the Indians thereon have been completed.

With the following amendments:

In line 6, after the word "Quileute," strike out "and," and in line 7, after the word "Ozette," insert "or other," and after the word "Washington," in said line, insert "who were affiliated with the Quinaiult and Quileute tribes in the treaty of July 1, 1855, and January 25, 1856, and," so that the bill will read as follows: "That the Secretary of the Interior be, and he is hereby, authorized and directed to allot on the Quinaiult Reservation, Wash., under the provisions of the allotment laws of the United States, all members of the Hoh, Quileute, Ozette, or other tribes of Indians in Washington who were affiliated with the Quinaiult and Quileute tribes in the treaty of July 1, 1855, and January 25, 1856, and who may elect to take allotments on the Quinaiult Reservation rather than on the reservation set aside for these tribes: *Provided*, That the allotments authorized herein shall be made from the surplus lands on the Quinaiult Reservation after the allotments to the Indians thereon have been completed."

The amendments were agreed to.

Mr. MANN. Mr. Speaker, I suggest to the gentleman that the spelling in the report and in the bill are different. Which is correct? In the bill it is spelled Q-u-i-n-a-i-u-l-t and in the report it is spelled Q-u-i-n-a-i-e-l-t.

Mr. BURKE of South Dakota. The letter "u" in the word "Quinaiult" should be changed to an "e."

The SPEAKER. The gentleman offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Change the spelling of the word "Quinaiult" to "Quinaielt."

Mr. MANN. It occurs three times in the bill. I judged that "elt" was correct. That is the way the Secretary of the Interior spelled it.

Mr. BURKE of South Dakota. I ask that that correction be made.

The amendment was agreed to.

Mr. MANN. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Strike out in line 4 the word "allot" and insert the words "make allotments," and in line 6, before the word "all," insert the word "to."

Mr. MANN. That will then provide for making allotments to members of the tribe instead of providing for allotting the members of the tribe.

Mr. BURKE of South Dakota. I will say that this bill was prepared by the Interior Department——

Mr. MANN. Well, it looks like one of the Department of Interior bills.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

EXTENSION OF VAN BUREN STREET NW.

The next business was the bill (S. 5843) to authorize the extension of Van Buren Street NW.

The Clerk read the bill, as follows:

Be it enacted, etc., That under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within six months after the dedication to the District of Columbia of not less than 80 per cent of the land necessary to open Van Buren Street from Piney Branch Road to its present western terminus east of Third Street west, with a width of 90 feet, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension of said street between the limits named according to the plans for the permanent system of highways of the District of Columbia: *Provided, however*, That the entire amount found to be due and awarded by the jury in said proceeding as damages for and in respect of the land to be condemned for said extension, plus the costs and expenses of said proceeding, shall be assessed by the jury as benefits: *And provided further*, That nothing in said subchapter 1 of chapter 15 of said code shall be construed to authorize the jury to assess less than the aggregate amount of the damages awarded for and in respect of the land to be condemned and the costs and expenses of the proceeding hereunder.

SEC. 2. That there is hereby authorized to be expended, from the revenues of the District of Columbia, an amount sufficient to pay the necessary costs and expenses of the condemnation proceedings taken pursuant hereto and for the payment of amounts awarded as damages; to be repaid to the District of Columbia from the assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia.

The SPEAKER. Is there objection?

There was no objection.

Mr. FOCHT. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Strike out after the word "after" in line 5, page 1, "the dedication to the District of Columbia of not less than 80 per cent of the land necessary to open Van Buren Street from Piney Branch Road to its present western terminus east of Third Street west, with a width of 90 feet," and insert in lieu thereof "the passage of this act."

Strike out after the word "of" in line 13, page 1, "said street between the," and in line 1, page 2, "limits named," and in lieu thereof insert "Van Buren Street NW. from Piney Branch Road to its present western terminus east of Third Street NW., with a width of 60 feet."

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

EXTENSION OF UNDERWOOD STREET NW.

The next business was the bill (S. 5844) to authorize the extension of Underwood Street NW.

The Clerk read the bill, as follows:

Be it enacted, etc., That under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within six months after the dedication to the District of Columbia of not less than 75 per cent of the land necessary to open Underwood Street from Piney Branch Road to its present western terminus east of Third Street with a width of 90 feet, the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the extension of said street between the limits named according to the plans for the permanent system of highways of the District of Columbia: *Provided, however*, That the entire amount found to be due and awarded by the jury in said proceeding as damages for and in respect of the land to be condemned for said extension, plus the costs and expenses of said proceeding, shall be assessed by the jury as benefits: *And provided further*, That nothing in said subchapter 1 of chapter 15 of said code shall be construed to authorize the jury to assess less than the aggregate amount of the damages awarded for and in respect of the land to be condemned and the costs and expenses of the proceeding hereunder.

SEC. 2. That there is hereby authorized to be expended from the revenues of the District of Columbia an amount sufficient to pay the necessary costs and expenses of the condemnation proceedings taken pursuant hereto and for the payment of amounts awarded as damages; to be repaid to the District of Columbia from the assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I will reserve the right to object.

Mr. FOCHT. Mr. Speaker, this bill is of the same character exactly as the bill we have just passed. It is recommended by the committee and is the same as the other bill.

Mr. MANN. I will withhold the objection for the present.

Mr. FOCHT. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The SPEAKER. It will be read for information.

The Clerk read as follows:

Strike out, after the word "after," in line 5, page 1, "the dedication to the District of Columbia of not less than 75 per cent of the land necessary to open Underwood Street from Piney Branch Road to its present western terminus east of Third Street, with a width of 90 feet," and insert in lieu thereof "the passage of this act."

Strike out, after the word "of," in line 1, page 2, "said street between the limits named," and in lieu thereof insert the words "Underwood Street NW. from Piney Branch Road to its present western terminus east of Third Street NW., with a width of 60 feet."

Mr. COX of Indiana. Mr. Speaker, reserving the right to object, I want an explanation of this bill.

Mr. JOHNSON of Kentucky. Mr. Speaker, I object.

The SPEAKER. The gentleman from Kentucky objects.

FISH-CULTURAL STATION IN PENNSYLVANIA.

The next business on the Calendar for Unanimous Consent was the bill H. R. 30794.

The Clerk read as follows:

Be it enacted, etc., That the sum of $50,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated for the establishment of a fish-cultural station in the State of Pennsylvania, including purchase of site, construction of buildings and ponds, and equipment, at some suitable point to be selected by the Secretary of Commerce and Labor.

The SPEAKER. Is there objection?

Mr. FOSTER of Illinois. Mr. Speaker, I object.

Mr. MANN. I hope the gentleman will withhold his objection.

The SPEAKER. The gentleman from Illinois objects.

RECEIPTS AND DISBURSEMENTS, NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

The next business on the Calendar for Unanimous Consent was House resolution 955.

The Clerk read as follows:

Resolved, That the Board of Managers for the National Home for Disabled Volunteer Soldiers be, and is hereby, directed to supply to the House of Representatives a detailed report of all receipts and disbursements or transfers in connection with what is known as the post fund since its creation, in 1886; also that a detailed statement be submitted of all moneys paid into the posthumous fund, and its disposition, by items, by the said board of managers from the date of its creation, in 1902.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, how much will this cost?

Mr. JOHNSON of Kentucky. Mr. Speaker, I rise to a privileged motion.

The SPEAKER. This is privileged.

Mr. JOHNSON of Kentucky. Then I will rise when we get through with this.

Mr. COX of Ohio. The cost of this will be nothing.

Mr. MANN. It provides for a detailed report of all receipts and disbursements of the post funds since its creation since 1886, which is a considerable period of time, and then another detailed statement of another fund since its creation in 1902, and it is plainly evident that to make a detailed statement of anything of the sort will cost considerable money. It will not do to say it will cost nothing.

Mr. COX of Ohio. I will say for the information of the gentleman that the House adopted first a resolution asking for an accounting over a period of five years. When that came in it was perfectly apparent that the accounting should go beyond that. It was comparatively a small report, contained in a small pamphlet, I should say, of 30 or 40 pages. They have a post-fund clerk at every one of the branches, and that is all he has to do.

Mr. MANN. What became of the report for the last five years?

Mr. COX of Ohio. It was filed with the Congress.

Mr. MANN. I know; but what good does it do?

Mr. COX of Ohio. It has shown the necessity of going back to the time the fund was established.

Mr. MANN. What good will it do to go back? I supposed the purpose of getting the information before was in order to have legislation, or something of that sort. Going back five years will not do any good. What good will it do to go back 25 years?

Mr. COX of Ohio. I will say to the gentleman that in the report going back five years two important things were disclosed. One was that $10,000 was taken out of the post fund for the purpose of erecting a memorial arch in honor of a deceased member of the board of managers. Another expenditure was $750 to buy an oil painting of Mr. Carnegie. We find there are a number of miscellaneous items carried, one of them, aggregating $43,000, being simply carried as "miscellany," with no further information about it. It involves millions of dollars.

Mr. MANN. This involves millions of dollars?

Mr. COX of Ohio. Yes, sir.

Mr. MANN. I should say a detailed report going back 25 years would involve considerable expense on somebody, and what good would it do?

Mr. COX of Ohio. It would simply show, perchance, the unwiseness of permitting bureaus or commissions to expend money without authority from Congress and without accounting to Congress.

Mr. MANN. It does not require anything to show that. We all know it.

Mr. GOULDEN. I would like to ask how far it is intended to go back in this report? What is the limit?

Mr. COX of Ohio. To go back to 1886.

Mr. MANN. That is as far as we can go.

Mr. COX of Ohio. The facts of the case are simply these: Congress in creating the post fund and the posthumous fund provided a sacred fund for the debt. It was intended to be used for the enjoyment and benefit of the inmates of the National Soldiers' Home. It is known now that money has been taken out of the fund and wrongly and irregularly expended. I have cited two important instances of irregularity.

Mr. MANN. Those were within the last five years. To make a charge now against somebody who was on the board 25 years ago and who has long since been dead and has no chance to reply would seem to me hardly the proper thing to do at this time.

Mr. COX of Ohio. If the gentleman from Illinois, who has been rather rigid in his insistence for information in this House, declines to open up the sources of information in this matter he has the privilege of stating his objection.

Mr. MANN. I understand that. I do not need to be informed of that fact.

Mr. GOULDEN. I would ask if the gentleman would object to an amendment going back 10 years? I think that is far enough. I have had some experience in being a member of one of the State homes.

Mr. COX of Ohio. That is an entirely different proposition. The purpose of going back to 1886 is because that covers the years when the receipts were large. The canteen was in operation until a few years ago. If we find in five years the irregularities stated, what are we apt to find in 16 years?

Mr. MANN. Well, if it is for the purpose of finding something that is crooked, I have no objection to it, but it seems to me rather a peculiar proposition.

Mr. COX of Ohio. I do not want to make the statement on the floor of this House that anybody has engaged in a crooked transaction.

Mr. MANN. I mean, to ascertain whether they have or not.

The SPEAKER. Is there objection?

There was no objection.

The question was taken, and the resolution was agreed to.

CERTAIN LANDS IN THE STATE OF MONTANA.

The next business on the Calendar for Unanimous Consent was the bill (S. 10761) to amend section 3 of the act of Congress of May 1, 1888, and extend the provisions of section 2301 of the Revised Statutes of the United States to certain lands in the State of Montana embraced within the provisions of said act, and for other purposes.

The Clerk read as follows:

Be it enacted, etc., That section 3 of the act of May 1, 1888, ratifying and confirming an agreement with the various tribes or bands of Indians residing upon the Gros Ventre, Piegan, Blood, Blackfoot, and River Crow Reservations, in Montana Territory, be, and the same is hereby, amended so as to read as follows:

"SEC. 3. That lands to which the right of the Indians is extinguished under the foregoing agreement are a part of the public domain of the United States and are open to the operation of laws regulating the entry, sale, or disposal of the same: *Provided*, That no patent shall be denied to entries heretofore made in good faith under any of the laws regulating entry, sale, or disposal of public lands, if said entries are in other respects regular and the laws relating thereto have been complied with."

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Montana [Mr. PRAY] whether the lines objected to in the Senate bill, to which the Secretary of the Interior directed attention in his letter of February 16, have been eliminated?

Mr. PRAY. Yes. I will say to the gentleman from Wisconsin that the bill has been so amended as to do away with the objection made by the Interior Department, by the addition of these words:

If said entries are in other respects regular and the laws relating thereto have been complied with.

Mr. FITZGERALD. That does not do away with the objection of the Secretary. It leaves in the proviso objected to.

Mr. PRAY. The proviso, with the addition of those words, is a qualification, I should think——

Mr. FITZGERALD. I know it is a qualification. These are Indian lands, are they not?

Mr. PRAY. No. I will say to the gentleman from New York that the Indians have nothing whatever to do with the land.

Mr. FITZGERALD. I know; but they were Indian lands heretofore?

Mr. PRAY. Yes; but in May, 1888, an act was passed confirming a treaty with the Indians, and under that treaty the lands were ceded to the United States and a cash consideration was paid to the Indians, so that they have nothing whatever to do with them now at all, and no interest in them. They took diminished reservations out there, and all these other lands went back to the public domain. I will say to the gentleman that this legislation is absolutely necessary at this time.

For 10 years the department has been allowing entries to be made and patents to be issued on soldiers' additional selections, and the settlers have taken town sites and homesteads and ranches, and only recently the department found that section 3 in the act confirming the treaty did not allow entries of this sort on these lands. The department is perfectly willing that the law be amended so that the public-land laws may be extended to this section of the country. There is no reason why they should not be. It is the same character of land that will be found elsewhere throughout the State of Montana.

Mr. FITZGERALD. Will the gentleman from Montana be good enough to tell me what this proviso means—

Provided, That no patent shall be denied to entries heretofore made in good faith under any of the laws regulating entry, sale, or disposal of public lands if said entries are in other respects regular and the laws relating thereto have been complied with.

What does that mean? If everything has been done as required by law and the entries have been made in good faith, what is the necessity for it?

Mr. PRAY. I think the words added after the word "lands," in line 5, further qualify it so as to eliminate uncertainty in respect to earnings of title, and so forth. I will say to the gentleman from New York that the bill provides that where settlers have applied soldiers' additional selections to 40 or 60 or 80 acres for a homestead or a ranch or a town site and have otherwise complied with the law with respect to their applications, which would be good elsewhere in the State of Montana, then the patent should not be denied to them.

Mr. FITZGERALD. That is provided in the original part of the bill.

Mr. PRAY. I will say to the gentleman that there are a large number of men in that section where I live whose entries have been recently suspended by a decision of the Commissioner of the General Land Office. The Interior Department has no objection to the passage of this bill.

Mr. FITZGERALD. The Secretary does object seriously to this proviso, as I understand. I will object to the bill on account of that proviso unless the gentleman is willing to take it out or explain its necessity.

Mr. PRAY. Perhaps the gentleman does not understand what I am trying to tell him about this matter?

Mr. FITZGERALD. No; I do not.

Mr. PRAY. There are three or four hundred entrymen out there who have applied soldiers' additional selections to land in this particular section of the State, and now the Commissioner of the General Land Office holds that that particular law relating to such selections is not applicable to that section of the State formerly occupied by these Indian tribes on account of section 3 of the act confirming the treaty. I do not remember the year in which the treaty was negotiated, but think it was in 1887. This is to confirm those selections and allow that form of entry, so that the settlers will not lose their lands and will receive their patents. The decision affects homes, ranches, and town sites throughout that entire region, which is about 400 miles in extent.

Mr. FITZGERALD. If this proviso were taken out, would it defeat some of the persons who applied in good faith?

Mr. PRAY. It would.

Mr. FITZGERALD. Then I will withdraw my objection.

The SPEAKER. The gentleman from New York withdraws his objection. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

LANDS IN FOREST RESERVES IN IDAHO.

The next business was the bill (S. 10791) to eliminate from forest and other reserves certain lands included therein for which the State of Idaho had, prior to the creation of said reserves, made application to the Secretary of the Interior under its grants that such lands be surveyed.

The Clerk read as follows:

Be it enacted, etc., That all or any part of the public lands of the United States within the State of Idaho granted to said State for any purpose by the act approved July 3, 1890, admitting the Territory of Idaho into the Union as a State, for which application for survey had been made by the State of Idaho in order that said State might perfect its selection and location of such lands under the provisions of said act of Congress, and the constitution of the State of Idaho, which was ratified by said act prior to such lands being embraced or included within any forest or other reserve or withdrawal created after such application for survey was made, are hereby eliminated from any and all reserves of whatsoever nature or character which have been created so as to overlap, include, or cover the said sections or parts of sections for which survey was so asked.

SEC. 2. That where the survey of such lands for which survey was requested as aforesaid has not been completed the same shall be forthwith completed and perfected so as to make the said lands for which survey was requested available to the State of Idaho and fully invest the State with the title thereto.

With the following committee amendment: Strike out all after the enacting clause and insert in lieu thereof the following:

That where any State or Territory owns lands lying within the boundaries of a national forest, or where its right of indemnity selection in respect to school sections within such boundaries has not been fully exercised, said State or Territory is hereby authorized, subject to the approval of the Secretary of Agriculture, to be given at his discretion, to exchange such lands for or make indemnity selections of other national-forest lands of like quantity and value, the same to be selected in reasonably compact bodies, which lands shall thereupon be excluded from the national forests for the benefit of said State or Territory.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, I reserve the right to object.

Mr. HAMER. Mr. Speaker, I desire to offer the following amendment, which I send to the Clerk's desk.

The SPEAKER. Does the gentleman from Idaho yield to the gentleman from Wisconsin?

Mr. HAMER. Yes.

Mr. STAFFORD. Mr. Speaker, I have just been informed by the gentleman from Illinois [Mr. MANN] that a similar bill has heretofore passed the House.

Mr. HAMER. Yes; a similar bill has recently passed the House and is now on the Senate Calendar, but it can not now be reached under the parliamentary status that exists over there, so, that when this bill came over, the Committee on Public Lands unanimously voted to amend the Senate bill so as to make it identical with the one that formerly passed the House.

Mr. STAFFORD. I went over this bill, Mr. Speaker, the other night, and I found that there were several matters that I wished to inquire about. I thought it was peculiar that the State had selected a great many more thousand acres than it was entitled to.

Mr. HAMER. No; the gentleman is mistaken in that. As a matter of fact, when Idaho was admitted into the Union the usual provision was made that sections 16 and 36 be set aside for school purposes, but in Idaho the same condition existed as in some other States, that is, sections 16 and 36 were unsurveyed land; and before official surveys could be made enabling the States to make selections, the land was included in a forest reserve, and, therefore, withdrawn from the possibility of selection. Now the bill as it passed the House has been approved by both the Secretary of Agriculture and the Secretary of the Interior.

Mr. STAFFORD. There is nothing in the report upon this bill to show that either Secretary has approved it.

Mr. MANN. That was in the House report on the other bill.

Mr. HAMER. When the bill was up for consideration in the House before, the letter from the Secretary of Agriculture approving the legislation was included in the report.

Mr. STAFFORD. As the foundation of my question as to the State having exceeded the amount selected, I find on page 2 of this report the statement that the selection of land is probably in excess by a million or more acres.

Mr. HAMER. I will attempt to explain that to the gentleman. That inclusion of that matter in the report was the result of a mistake, and a few days ago it was withdrawn at my request for the purpose of correction and reprint. There was some foreign matter included in that report through error, but which, as a matter of fact, had no business in it.

Mr. STAFFORD. It is that foreign matter that has misled me, and if that statement was a correct one I should be obliged to object; but under the circumstances I have no objection.

Mr. HAMER. I do not know how it got into the report, but it had no business there.

Mr. LENROOT. I shall feel constrained to object unless a necessary amendment can be adopted.

Mr. HAMER. As far as our committee is concerned, we will agree to the amendment.

Mr. LENROOT. Will my friend propose the amendment?

Mr. HAMER. Yes.

Mr. MANN. What is the proposed amendment?

The SPEAKER. The proposed amendment will be read for information.

The Clerk read as follows:

Page 2, line 24, after the word "land," insert the words "within such State or Territory."

Mr. MANN. That confines it to Idaho.

Mr. HAMER. It confines it to the State in which the original lands—sections 16 and 36—are located, whether that State be Idaho or another.

Mr. LENROOT. It simply confines the selection to the State or Territory in which the lands were located.

Mr. HAMER. Yes. In other words, Idaho could not select indemnity lands in Utah, or vice versa.

The amendment was agreed to.

The SPEAKER. Are there any further amendments?

Mr. HAMER. Yes; there is another amendment.

Mr. MANN. We want to know whether we object to this amendment or not before we give consent.

The SPEAKER. The amendment will be reported.

The Clerk read as follows:

Page 3, line 1, strike out the word "thereon" and insert in lieu thereof the word "thereby."

The amendment was agreed to.

The bill as amended was ordered to a third reading, and was accordingly read the third time and passed.

By unanimous consent the title was amended so as to read: "An act providing for the adjustment of the claims of the States and Territories to lands within national forests."

UNITED STATES LAND ON DAUPHIN ISLAND, ALA.

The next business on the Calendar for Unanimous Consent was the bill (S. 10638) to authorize the Secretary of War to sell certain lands owned by the United States and situated on Dauphin Island, in Mobile County, Ala.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to sell so much or such parts of that certain tract of land condemned and held by the United States, and situated on Dauphin Island, in Mobile County, Ala., being a tract of 900 acres, more or less, constituting the eastern end of said island, as may not be reasonably necessary for present or prospective military or cognate purposes, for such consideration or upon such terms as he may find reasonable, not less than the original cost, and to execute deeds therefor.

The SPEAKER. Is there objection?

Mr. MANN. I reserve the right to object. I notice that the bill refers to a tract of land of 900 acres, more or less, on Dauphin Island, belonging to the Government, and possibly that is the amount to be sold, while the statement of the War Department is that the Government owns 583 acres of land on the island, and that there might be disposed of 267 acres. If the bill is no more correct in other particulars than it is as to the amount of land stated, it would seem to be a good way off.

Mr. DENT. Mr. Speaker, I understand that is a mistake in the bill, that there are only about 583 acres of land owned by the Government; but the bill amply protects the Government in giving the Secretary of War the discretion to sell only such parts of the Government reservation as are not needed for governmental purposes.

Mr. MANN. I do not see anything in the bill about discretion.

Mr. DENT. The bill says:

Nine hundred acres, more or less, constituting the eastern end of said island, as may not be reasonably necessary for present or prospective military or cognate purposes.

Mr. MANN. That gives him the discretion to determine what is reasonably necessary "for military and cognate purposes." I suppose possibly he would not be required to sell it, but there is nothing in the bill that leaves it to his discretion as to whether he shall sell. Under the statement of the bill 900 acres might be sold.

Mr. UNDERWOOD. If my colleague will allow me, I would like to say that this is a large island, and a very small portion of it is needed for governmental purposes. There is no limitation on the sale—the Secretary of War can put any price on this which is reasonable—and for governmental purposes the bill will aid in whatever developments the Government wishes to make, because the real purpose behind the bill is to build a railroad down to that point and have a private dock station that is building by these people at their expense for ships to come in and lie behind this island.

Mr. MANN. It will take a part of the Gulf frontage.

Mr. UNDERWOOD. Oh, no; the gentleman is mistaken about that. Instead of taking the Gulf frontage which the Government wants, it takes the rear part which the Government does not want. There is no desire to get any part of this frontage that the Government wants. They want to get enough land back toward Mobile to build a dock in order to run a railroad down for supplies. There is no limitation on the price, and the Secretary of War is entitled to charge them whatever is a reasonable price for that which the Government has no use for.

Mr. MANN. We passed an act at the last session authorizing a railroad and a bridge to be built down there.

Mr. UNDERWOOD. Yes. Mobile is 18 miles from Fort Morgan. Fort Morgan is right at this island. There is no way to get down there now, except by boat. It is a long trip down through a circuitous channel. If the railroad is built down there where the ships can come in and lie there behind Dauphin Island, it is not only a good thing for commerce, but in time of war it would be a good thing for the Government to mass troops there hurriedly.

Mr. MANN. Would the gentleman accept an amendment striking out the words "nine hundred" and making it read "267 acres?"

Mr. DENT. I will. But I suggest to the gentleman from Illinois that at this late hour in the session to amend the Senate bill may cause it to fail.

Mr. MANN. I do not think there is much danger of a Senate bill failing because of a proper amendment.

Mr. DENT. I do not think there is any danger in the bill as it is when the Secretary of War says that he does not propose to sell but 267 acres.

Mr. MANN. Yes; but a pressure will be brought to bear on the Secretary of War when it becomes known that Congress has authorized him to sell a larger tract of land, notwithstanding he has reported against it.

Mr. DENT. The Secretary of War says that he intends to sell but 267 acres.

Mr. MANN. And thereupon Congress authorizes him to sell 900 acres.

Mr. DENT. Subject to his discretion, and he says that he does not propose to sell but 267 acres. I hope the gentleman will not insist on his amendment.

Mr. MANN. I shall have to insist on the amendment if the gentleman wishes to pass the bill. If the gentleman will consent to strike out the words "nine hundred" and insert "two hundred and sixty-seven," I will not object.

Mr. DENT. Mr. Speaker, I move, in line 7 of the bill, to strike out the words "nine hundred" and insert "two hundred and sixty-seven" in lieu thereof.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

In line 7 strike out "nine hundred" and insert "two hundred and sixty-seven."

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. DENT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

MEDALS TO SURVIVORS OF PORT HUDSON FORLORN-HOPE STORMING PARTY.

The next bill on the Calendar for Unanimous Consent was the bill (S. 1531) to grant medals to survivors and heirs of volunteers of the Port Hudson forlorn-hope storming party.

The Clerk read the bill.

Mr. MANN. Mr. Speaker, I shall have to object to that bill.

AUTHORIZING THE PRESIDENT TO INSTRUCT DELEGATE TO PEACE CONFERENCE.

The next business was House joint resolution 239, authorizing the President to instruct representatives of the United States to the next International Peace Conference to express the desire of the United States that nations shall not attempt to increase their territory by conquest, and to endeavor to secure a declaration to that effect from the conference.

The Clerk read the resolution, as follows:

Resolved, That the President is hereby authorized to instruct the representatives of the United States in the next International Peace Conference to express to the conference the desire of the United States that the nations represented in the conference shall not attempt to increase their territory by conquest, and to endeavor to secure a declaration to that effect from the conference.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I reserve the right to object. Does the gentleman believe that through a resolution of this House we ought to undertake to control the policies of the various nations of the world, without any chance for consideration?

Mr. BENNET of New York. Mr. Speaker, I will say to the gentleman from Illinois that of course that is not a resolution of the House. It is an expression of the Congress. It is a

joint resolution. It is not a new subject so far as American thought is concerned. Our colleague, Dr. BARTHOLDT, at the last conference put forth the same views, the American view, and the trouble with our delegates to these conferences in the past is that we have always sent them without any instructions, whereas other nations that secure results——

Mr. MANN. Who appoints these delegates?

Mr. BENNET of New York. The President.

Mr. MANN. Can he not instruct them?

Mr. BENNET of New York. There is a question as to whether he has the right without the expression of the legislature.

Mr. MANN. I should think if he could appoint delegates he could instruct them.

Mr. BARTHOLDT. Mr. Speaker, if the gentleman from New York will permit me, these delegates have always been instructed by the State Department and by the President; and, in fact, for the two Hague conferences lengthy instructions had been issued to our delegates.

Mr. MANN. I understand that. I knew that; I read the instructions.

Mr. BARTHOLDT. But I heartily approve this measure for the reason that, outside of its merits, this is the first attempt on the part of the American Congress, or the popular branch of it, to take a hand in international questions.

Mr. MANN. And that is just what I think it is not desirable to do.

Mr. BARTHOLDT. Heretofore the questions of diplomacy and of international politics have, almost without exception, been monopolized by the cabinets and the upper houses of the parliaments, the House of Lords in England and the Senate of the United States. This is the first effort in American history to allow the people's representatives to take a hand with regard to questions which are more important almost than any other, because they involve the question of war and peace, and for that reason I heartily favor the resolution.

I would like to add that a proposition had been submitted three years ago at the Berlin conference of the Interparliamentary Union by the American delegates according to which Governments were requested, in treaties which they would negotiate in the future, to recognize the territorial status quo in all countries. If we are to have more permanent peace, it is not only necessary to provide the legal machinery to settle controversies peacefully, but also to remove, if possible, all friction between the several countries. Now, there are some countries where territory is in dispute. I believe the French people to-day are not yet satisfied with the annexation by Germany of Alsace-Lorraine, and there are other countries where territorial questions are still an issue; but in our judgment we should not prevent such nations which have no territorial questions in dispute to conclude treaties recognizing the territorial status quo for all time to come, and making wars of conquest absolutely impossible. This resolution merely directs the State Department to request the President to instruct the American delegates to use their influence in that direction. I hope that the resolution will be passed.

I wish to congratulate the author of the resolution, whoever he may be, upon the good idea of its authorship. I did not know anything about it until a few minutes ago.

Mr. MICHAEL E. DRISCOLL. Mr. Speaker, I wish to reserve the right to object, and ask my colleague from New York why it was, since this resolutoin was introduced last June, it was not reported out until February 22?

Mr. BENNET of New York. On account of the pressure of business on the Committee on Foreign Affairs.

Mr. MICHAEL E. DRISCOLL. I did not know but what it was because of this fact: The gentleman will remember that he created some excitement in Downing Street and in Canada by a resolution a few days ago proposing to annex Canada through negotiations, and now he wants to assure England and Canada that this country is averse to conquest and appropriation by way of negotiation.

Mr. BENNET of New York. If my colleague will read the name of the introducer of the resolution, he will see that it is introduced by the great friend of Canadian reciprocity, the gentleman from Massachusetts [Mr. MCCALL].

Mr. MICHAEL E. DRISCOLL. I am aware of that, but I also know that the gentleman a few days ago wanted to appropriate Canada through negotiations, and now he wants to assure England and Canada and the world that he does not want to appropriate any land or contiguous territory or foreign territory by conquest.

Mr. MCCALL. If the gentleman will permit me, I did not understand the gentleman from New York [Mr. BENNET] was proposing to make the conquest of Canada.

Mr. BENNET of New York. No.

Mr. MICHAEL E. DRISCOLL. Which gentleman from New York?

Mr. MCCALL. The gentleman who now has the floor.

Mr. MICHAEL E. DRISCOLL. He proposed to get it some time ago by negotiation or by purchase or some other method aside from war. And it created so much excitement over there that I thought perhaps he reported this bill to assure Great Britain, Canada, and the world that that was not his intention.

Mr. BENNET of New York. I assure my colleague that the two matters have no connection whatever; and in the other action, I am sorry to say, I did not have the cooperation of the gentleman from Massachusetts [Mr. MCCALL].

Mr. MICHAEL E. DRISCOLL. One more suggestion. Does not my colleague from New York [Mr. BENNET] think that in this resolution, declaring the views of this Government, there is a good deal of hypocrisy involved, in view of the fact that this country has always been in the business of conquest from the very origin of the Government, and has never lost many chances of gaining territory by conquest?

Mr. BENNET of New York. I would be glad if my colleague would name a war in which this Nation ever engaged primarily for conquest.

Mr. MICHAEL E. DRISCOLL. No nation engages in war for conquest, but conquest follows after they have engaged in war. I have never known any nation to declare in advance that it was going into war for greed or for the purpose of appropriating for other purposes of robbing, but I know many nations that after getting into war did appropriate and did take other countries' territories by conquest.

Mr. BENNET of New York. If the gentleman will read the report, including the resolutions of the General Court of Massachusetts, he will find that one nation, Brazil, has put in its constitution that that nation shall in no case undertake a war of conquest, directly or indirectly, for themselves or in alliance with another nation. They have set us a good example.

Mr. MICHAEL E. DRISCOLL. We ought to put that in our Constitution.

Mr. BENNET of New York. When we had our war with Spain we had the best chance in the world to take territory without paying for it.

Mr. MICHAEL E. DRISCOLL. We did take territory, did we not?

Mr. BENNET of New York. And paid for it.

Mr. MICHAEL E. DRISCOLL. And we fixed the price. How can the other fellow negotiate the price when he is whipped? If I knock you down and take a watch worth a thousand dollars and say that I will give you a dollar for it, and if you do not take it I will pay you nothing, it would amount to the same thing.

Mr. FOSTER of Vermont. Does not the gentleman think we paid pretty well for the Philippines?

Mr. MICHAEL E. DRISCOLL. Too much. And if we had paid a hundred times more to avoid taking them, we would have been the winners.

Mr. MCCALL. Does not the gentleman think, then, that is a reason for the passage of this resolution, assuming that that was a war of conquest, and that he thinks it was a very bad conquest? Does he not think it well to take a step in the other direction?

Mr. MICHAEL E. DRISCOLL. I have always believed in a step in the other direction. I have never believed in conquest. I have never believed that we ought to have taken the Philippines. We took the Isthmian Canal territory practically by conquest. That is about what it was. And we have taken the Philippines, Guam, and Porto Rico, as the result of conquest. And I think, as I said, there is some hypocrisy in this resolution, although my friend from Missouri [Mr. BARTHOLDT] is a sincere advocate of peace, and I think sincerely does not believe in any nation becoming aggressive or taking territory by conquest. On that account I will withdraw the objection.

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The Clerk will report the next bill.

STUDY OF FISH DISEASES.

The next business on the Calendar for Unanimous Consent was the bill S. 8123, to establish a biological station for the study of fish diseases.

The Clerk read as follows:

Be it enacted, etc., That out of any moneys in the Treasury not otherwise appropriated there is hereby appropriated—

For the construction and equipment of a biological station, under the direction of the Bureau of Fisheries, for the study of fish diseases and experimental work in the interests of fish culture, at some suitable site to be selected by the Secretary of Commerce and Labor, including purchase of site and the construction of buildings and ponds, $40,000.

For all necessary expenses in connection with the special study of fish diseases, in the interests of fish culture, $10,000.

Mr. MANN. Mr. Speaker, I reserve the right to object. I would like to call attention at this particular time to the fact that this is an appropriation bill originating in that distinguished body, the Senate of the United States.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I reserved the right to object.

Mr. GREENE. This bill is one that passed the Senate at the last session of Congress. It was upon the urgent demand of the Commissioner of Fisheries and the Bureau of Fisheries, but it came in so late at the last session that there was no time to consider it before the Committee on the Merchant Marine and Fisheries, and it was not considered until this session of Congress. It came before the committee at this session and a hearing was held at which the Commissioner of Fisheries, who has charge of a station similar to this in the State of New York, appeared before the committee and gave a full explanation of his experience in the investigation into fish diseases in the State of New York and very strongly favored this bill, as did the department.

Mr. KENDALL. Will the gentleman yield?

Mr. GREENE. Certainly.

Mr. KENDALL. Will the gentleman inform the committee where the station is to be located?

Mr. GREENE. It is not yet located. It is to be located by the department in the place which they may find to be most suitable. There is to be no discrimination as to any State. It is only desired to investigate where it is most feasible to carry on the investigations and where they can find the best place to carry out the project. It is not designed to accommodate any single Member of Congress or locate the station in any particular State.

Mr. THOMAS of North Carolina. Will the gentleman permit a question?

Mr. GREENE. Yes.

Mr. THOMAS of North Carolina. Was not this bill unanimously reported by the committee?

Mr. GREENE. Yes; it was unanimously reported by the committee after a full investigation and inquiries made regarding this measure during the present session.

Mr. MANN. The gentleman says it was unanimously reported by the committee after full investigation. This matter came last to Congress in the form of a message of the President and was referred to the Committee on Interstate and Foreign Commerce, which did give some investigation to it, as it does to all matters that come before it, and the Committee on Interstate and Foreign Commerce did not report the bill back to the House. Thereupon the form of the bill was somewhat changed, the idea having been originally to study cancer as it affects human beings. The Senate now passes an appropriation bill which comes over here and is properly referred to the committee presided over by the gentleman. May I inquire how much investigation has been given, how much of hearing has been had?

Mr. GREENE. We have had but one hearing upon the bill, I may say to the gentleman from Illinois; but from that one hearing and other inquiries the committee was perfectly satisfied that the bill should pass.

Mr. HUMPHREY of Washington. Mr. Speaker, this bill comes with a unanimous report of the committee. Our Committee on the Merchant Marine and Fisheries investigated this subject quite thoroughly. It is a very meritorious bill and in my judgment ought to be passed. While it relates to the investigation of cancer in fishes, it is in relation to cancer as it affects human beings as well.

Mr. MANN. This is a proposition evidently to create another health activity of the Government. The investigation of cancer as it affects human beings comes within the jurisdiction of the Committee on Interstate and Foreign Commerce. Here is a proposition to create in a bureau of the Department of Commerce and Labor an office for the investigation of cancer. Soon there will be a health activity established in every department of the Government if bills of this character are passed.

The SPEAKER. Is there objection?

Mr. FOSTER of Illinois. Mr. Speaker, I object.

The SPEAKER. The Clerk will read the next bill.

PUMPING STATION ON FORT KEOGH MILITARY RESERVATION, MONT.

The next business was the bill (S. 9698) granting permission to the city of Miles City, Mont., to operate a pumping station upon the Fort Keogh Military Reservation, Mont.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of the United States is hereby given to the city of Miles City, Mont., to locate, construct, maintain, and operate a pumping station, with necessary equipment, upon the property of the United States at Fort Keogh, in the State of Montana, upon the approval of the Secretary of War as to the location of the works and the design and character of the construction, and under such terms, conditions, and regulations as may from time to time be prescribed by him regarding the use of the reservation for this purpose and the operation and maintenance of the plant.

Mr. HULL of Iowa. Mr. Speaker, I do not see the gentleman from Montana [Mr. PRAY] present.

The SPEAKER. Is there objection?

Mr. PRAY. Mr. Speaker, I offer the following amendment, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Montana offers the following amendment, which the Clerk will report.

The Clerk read the amendment, as follows:

On page 2, line 1, after the word "plant," strike out the balance of line 1 and all of line 2.

Mr. PRAY. Mr. Speaker, before the Clerk reads the amendment, I desire——

The SPEAKER. That is proposed to dispose of the committee amendment. It can be reached by a vote on the committee amendment now.

Mr. PRAY. Mr. Speaker, I will ask for a vote on the amendment rather than present that.

Mr. MANN. Mr. Speaker, what is the proposition?

The SPEAKER. The Clerk will report the Committee amendment.

The Clerk read as follows:

On page 2, line 1, after the word "plant" insert the words "and the discontinuance and removal thereof whenever it seems necessary."

Mr. MANN. Mr. Speaker, the committee amendment ought to be adopted. It is hardly fair to the House to ask unanimous consent for the consideration of a bill like this, and then, when the consideration is obtained, to propose to absolutely change its meaning.

Mr. FITZGERALD. This bill can not pass under those circumstances.

Mr. PRAY. Mr. Speaker, this bill is exactly like the bill recommended by the Secretary of War, and like the one that was favorably considered in the case of San Francisco, which gentlemen favored, and which was passed, and Miles City, a town of about 8,000 inhabitants, wants to dispose of some bonds, and if the tenure provided is so insecure as this amendment would make it, they would be unable to raise the necessary money.

Mr. MANN. If the gentleman will pardon me, I will say that in nearly every bill giving special privileges like this the custom is to insert a clause reserving the right to alter, amend, or repeal. Every bridge bill enacted by Congress for any bridge on any railroad in the United States for years has contained that provision. Every railroad in the land has successfully floated bond issues against bridges authorized by acts containing a clause giving Congress the right to amend, alter, or repeal. Congress can at any time dispose of those bridges as it pleases, but nevertheless the railroads can sell their bridge bonds without difficulty. Now it is proposed to turn over a portion of a military reservation and establish a pumping plant thereon, and to provide that the Government in future will have no control over it.

Circumstances might arise where the Government would want to have some changes made, and the Government ought to have that right.

Mr. PRAY. Mr. Speaker, I think if the gentleman will look through the bill again he will see that reasonable latitude is given the Secretary of War to regulate and control this pumping station and everything appurtenant to it. It provides for the taking of only a small parcel of land—about 20 acres.

Mr. MANN. That is absolutely correct, as to the way the bill was reported; but the way the gentleman wants to have it passed it is not.

Mr. PRAY. But with this language added it will be difficult to dispose of the bonds—I have spoken to the gentleman who proposed that amendment, and the chairman of the committee, and they have no objection to the amendment not appearing in the bill. This amendment was suggested after I had left the committee room, otherwise I would then have endeavored to persuade gentlemen of the committee not to adopt it.

Mr. HAY. I will say to the gentleman that I have not been spoken to in reference to the matter and have not given my consent.

Mr. PRAY. I tried to see the gentleman from Virginia.

Mr. HAY. After having considered that in the committee, and after that amendment being adopted unanimously by the committee, giving us the right to alter, amend, or repeal the bill, I do not think it is right now to strike it out, and I do not see how it hurts the gentleman's bill to leave it in it.

Mr. HULL of Iowa. I hope the House will express itself fully on this amendment, for the reason that the Senate has placed upon the Military Academy bill this identical bill without the amendment made by the Committee on Military Affairs.

I may say, further, Mr. Speaker, that I do not regard it as of very vital importance in this case, because it is a small part of the reservation next to the city. It is absolutely necessary that they have the right to put their pumping station there, or else the city will be deprived of water. Only a couple of years ago the people of Miles City tried to get us to give them a large section of this reservation, and that was refused. I understand that this part of the provision meets with the approval of the War Department, independent of the proposition that the House Committee on Military Affairs put in. I do not assume to speak for the Committee on Military Affairs as to how they regard this amendment, beyond the fact that the committee did put it in, and it stands as the action of the committee.

Mr. COOPER of Wisconsin. Mr. Speaker, I ask the attention of the House to this bill and to what is proposed to be done by striking out the amendment. Practically this would give to the city in question absolute possession of lands on a military reservation, for there would be no reservation to Congress of the right to alter, amend, or repeal the act. The gentleman from Illinois [Mr. MANN] now contends that the provision to alter, amend, or repeal ought to be retained in this bill. So do I. But the House will recall that about ten days or two weeks ago a bill came over from the Senate authorizing the Colorado Railroad Co. to build a line of railroad on the Fort Russell Military Reservation. That Senate bill contained at the end this proviso:

Provided, That it shall be in the power of the Secretary of War at any time to revoke the license granted by this act.

At that time I called attention to the fact that that proviso did not mean anything, because the bill if enacted into law would be a grant and not a license, and therefore I moved an amendment by which Congress reserved the right to alter, amend, or repeal. This amendment was adopted by the House.

But the House conferees met the Senate conferees, and on their return to the House the gentleman from Iowa [Mr. HULL] insisted on dropping that House amendment to alter, amend, or repeal. Thereupon the House dropped the amendment, and thus conveyed in fee to the Colorado Railroad Co. a right of way for a railroad on the Fort Russell Military Reservation after having accepted the amendment——

Mr. HULL of Iowa. The railroad company never accepted it.

Mr. COOPER of Wisconsin. No; but the gentleman from Iowa accepted it and the House adopted it. The statement of the gentleman is in the RECORD.

That reservation of the right to alter, amend, or repeal ought to be in every bill by which it is proposed to allow the construction of buildings, railroads, or other works upon United States military reservations. I think that the House made a mistake when it dropped its amendment to the Fort Russell bill. When the Fort Russell Reservation is abandoned it may be sold, it may be subdivided, or a part of it may be subdivided into lots; and when that time comes it will be utterly impossible to compel a relocation of any railroad tracks or station. The bill in that form ought never to have been passed.

I cite this now only to remind the House of my contention the other day as to the bill relating to the Fort Russell Military Reservation and to insist that the House ought now to insist on retaining the amendment to the pending bill.

Mr. HULL of Iowa. Mr. Speaker, the gentleman from Wisconsin, in a general line, tells the truth about the Fort Russell Reservation. But he does not state that it consisted of only one-eighth of an acre, and that the railway did not go through the reservation and the grant was made so that a cut could be made on the line of the reservation without deflecting their line of railroad.

Now, this is not a military reservation. If it had not been that the War Department established a remount station there the Government would not be using any of it. It is now used as a remount station only, which is practically civilian work. It can not possibly affect matters, so far as its use as a defensive part of the reservation is concerned. It is simply a great large tract of land that, if it had not been used as a remount station, would be sold to the people of the United States. As far as I am concerned, it is purely immaterial to me what becomes of it.

Mr. STEVENS of Minnesota. Mr. Speaker, I am in part responsible for this situation, and I wish to state to the House the matter as it came before the Committee on Military Affairs. As the chairman of the committee has stated, Fort Keogh is no longer a military reservation; it was abandoned for that purpose several years ago. At one time there was a proposition to dispose of a portion of the reservation to the State of Montana to enable the State to use the buildings for some public purpose. The Committee on Military Affairs refused to accede to that request. This proposition coming from the city of Miles City is to use 22 acres of the reservation as a site for a municipal water plant. The whole reservation consists of 59,000 acres, of which a thousand or so acres are used for a remount depot.

This site of 22 acres lies along the Yellowstone River and can never be used for military purposes, but would probably be sold in the course of time, as is provided by law in such cases. The request came first, as I remember it, with such provision that the Secretary of War might possibly not be able to compel the city to remove its pumping station whenever it might be necessary.

The city as a part of the consideration for the use of the pumping station should provide about a thousand gallons or so of water a day, as might be necessary for the use of the remounting station. At any rate, the Government receives a substantial consideration for the use of its 22 acres. So the question then came before the committee as to whether or not a military exigency might arise by which the Secretary of War should have the authority to direct the removal of these structures if such should ever be necessary for military purposes. The people of Miles City now inform us that they can not float their bonds with such a provision in this bill. It is quite a different proposition for a railroad floating its bonds with such a provision relating to the bridges than it is for a small town in Montana to float its water bonds with such a cloud over the title to its plant, and, so far as I am concerned, although I proposed the amendment, I shall not object to its being removed. I still think it is a useful protection as a general proposition to have this sort of amendment in this kind of legislation, and it should not be removed only when clearly necessary for a legitimate public use. This may be such a case, and I shall not further insist on the committee amendment.

The SPEAKER. The question is on the committee amendments.

The committee amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

BRIDGE ACROSS THE WILLAMETTE RIVER AT PORTLAND, OREG.

The next bill on the Calendar for Unanimous Consent was the bill (S. 10274) to authorize construction of the Broadway Bridge across the Willamette River at Portland, Oreg.

The Clerk read the bill, as follows:

Be it enacted, etc., That the city of Portland, in the county of Multnomah, State of Oregon, is hereby fully authorized and empowered to construct and build a bridge to be known as the Broadway Bridge, with appropriate approaches and terminals with a clearance of not less than 65 feet above high-water mark and not less than 93$\frac{11}{100}$ feet above low-water mark, city datum, across the Willamette, a navigable river, in said city, substantially as follows, to wit: From Broadway Street at or near its intersection with Larrabee Street on the east side of said river, and following the line of Broadway Street extended westerly in its present course to a point at or near its intersection with Seventh Street on the west side of said river; thence southerly and easterly to a point at or near the intersection of Sixth and Irving Streets in said city: *Provided*, That said bridge shall be constructed and maintained in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That any irregularities in the passage of the amendment to the charter of said city known as section 118½ and any errors or irregularities in the issuance of said bonds due to a lack of authority from Congress to build said bridge are hereby cured and the issue of said bonds, both before the passage of this act and afterwards, are hereby fully authorized, ratified, and confirmed so far as a lack of authority from Congress to build such bridge is concerned.

The following committee amendments were read:

Amend the bill as follows:

"On page 2, in line 12, strike out the word 'are' and insert the word 'is.'"

Amend further by adding as section 3 the following:

"SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved."

The SPEAKER. Is there objection?

There was no objection.

Mr. STEVENS of Minnesota. Mr. Speaker, in addition to the committee amendments, I desire to offer another amendment to the bill.

The Clerk read as follows:

Amend by striking out section 2 and inserting in lieu thereof the following: "For all purposes the consent of Congress granted for this act shall be held as relating back to the commencement of the first project and everything done in connection therewith."

The committee amendments were agreed to.

The amendment offered by Mr. STEVENS of Minnesota was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

BRIDGE ACROSS MISSOURI RIVER NEAR YANKTON, S. DAK.

The next business was the bill (S. 10822) to extend the time for the completion of a bridge across the Missouri River at or near Yankton, S. Dak., by the Winnipeg, Yankton & Gulf Railroad Co.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 6 of the act approved April 5, 1904, authorizing the Winnipeg, Yankton & Gulf Railroad Co. to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak., as amended by the act approved January 26, 1910, be, and the same is hereby, so amended that the time within which the said bridge is required to be commenced shall be within one year and the time within which it is required that the said bridge shall be completed shall be within three years from the date of the approval of this act.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

EXTENSION OF VAN BUREN STREET NW.

Mr. FOCHT. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. FOCHT. Mr. Speaker, I move to reconsider the vote by which the bill (S. 5843) to authorize the extension of Van Buren Street NW. was passed, and to lay that motion on the table.

The SPEAKER. The gentleman from Pennsylvania moves that the vote by which the bill to which he refers was passed be reconsidered, and moves to lay that motion on the table. Without objection it will be so ordered.

Mr. FOSS. Mr. Speaker, I object to that unless the gentleman from Kentucky, Mr. JOHNSON, is here, and he is temporarily absent.

The SPEAKER. The gentleman from Pennsylvania moves to reconsider the vote by which the bill to authorize the extension of Van Buren Street was passed. It is in order to make that motion to reconsider, and it is also in order to move to lay that motion on the table, and that is the motion which the gentleman makes. As many as favor laying the motion to reconsider on the table will say aye——

Mr. JOHNSON of Kentucky. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman makes the point of no quorum. There is evidently not a quorum here. The Doorkeeper will close the door, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll.

Mr. MANN. There will be no more Unanimous Consent Calendar, I will say.

Mr. CARLIN. Oh, wait a moment; I will ask the gentleman from Kentucky to withdraw his point of no quorum.

Mr. MANN. Oh, not at all; we can not be run over by one Member in that way.

The SPEAKER. Does the gentleman insist upon his point of no quorum?

Mr. CARLIN. I will ask the gentleman to withdraw his point of no quorum.

Mr. FOCHT. Mr. Speaker, I shall not withdraw my motion. I am here representing my constituents and I want a square deal from the gentleman, and I yield nothing until I get it.

Mr. JOHNSON of Kentucky. What is that the gentleman says? I do not care whether he does or not.

The SPEAKER. The Clerk will call the roll.

The question was taken; and there were—yeas 146, nays 123, answered "present" 4, not voting 110, as follows:

YEAS—146.

Alexander, N. Y.	Esch	Knowland	Parker
Ames	Fassett	Kopp	Parsons
Anthony	Focht	Lafean	Payne
Austin	Fordney	Langham	Pickett
Barchfeld	Foss	Lawrence	Plumley
Barclay	Foster, Vt.	Lenroot	Pratt
Bartholdt	Gaines	Lindbergh	Pray
Bingham	Gardner, Mass.	Longworth	Reeder
Boutell	Gardner, Mich.	Loudenslager	Roberts
Bradley	Gardner, N. J.	Lowden	Rodenberg
Burke, Pa.	Gillett	McCall	Sheffield
Burke, S. Dak.	Good	McCreary	Simmons
Burleigh	Goulden	McGuire, Okla.	Slemp
Butler	Graff	McKinley, Ill.	Smith, Iowa
Calder	Graham, Pa.	McKinney	Smith, Mich.
Calderhead	Grant	McLachlan, Cal.	Sperry
Campbell	Greene	McLaughlin, Mich.	Stafford
Carlin	Griest	McMorran	Steenerson
Cassidy	Hamer	Madden	Sterling
Chapman	Haugen	Malby	Stevens, Minn.
Cocks, N. Y.	Hawley	Mann	Sturgiss
Cole	Heald	Martin, S. Dak.	Sulloway
Cooper, Pa.	Henry, Conn.	Massey	Thistlewood
Cowles	Higgins	Miller, Kans.	Tilson
Creager	Hinshaw	Miller, Minn.	Townsend
Currier	Hollingsworth	Mondell	Volstead
Dalzell	Howland	Moon, Tenn.	Vreeland
Davidson	Hubbard, Iowa	Morgan, Mo.	Wanger
Dawson	Hubbard, W. Va.	Morgan, Okla.	Weeks
Diekema	Hull, Iowa	Morse	Wheeler
Dodds	Humphrey, Wash.	Moxley	Wilson, Ill.
Douglas	Joyce	Murphy	Woods, Iowa
Draper	Keifer	Norris	Woodyard
Driscoll, M. E.	Kendall	Nye	Young, Mich.
Dwight	Kennedy, Iowa	Olcott	Young, N. Y.
Ellis	Kennedy, Ohio	Padgett	
Englebright	Kinkaid, Nebr.	Palmer, H. W.	

NAYS—123.

Adair	Dickinson	Houston	Richardson
Adamson	Dickson, Miss.	Hughes, Ga.	Riordan
Aiken	Dixon, Ind.	Hughes, N. J.	Robinson
Alexander, Mo.	Driscoll, D. A.	Hull, Tenn.	Roddenbery
Anderson	Dupre	Humphreys, Miss.	Rucker, Colo.
Ansberry	Edwards, Ga.	Jamieson	Rucker, Mo.
Barnhart	Ellerbe	Johnson, Ky.	Sabath
Bartlett, Ga.	Ferris	Johnson, S. C.	Saunders
Beall, Tex.	Finley	Jones	Shackleford
Bell, Ga.	Fitzgerald	Keliher	Sharp
Booher	Flood, Va.	Kinkead, N. J.	Sheppard
Borland	Floyd, Ark.	Kitchin	Sherley
Brantley	Fornes	Lee	Sherwood
Burgess	Foster, Ill.	Lever	Sims
Burleson	Gallagher	Lively	Small
Byrns	Garner, Tex.	Lloyd	Smith, Tex.
Candler	Garrett	McDermott	Spight
Carter	Gillespie	Macon	Stanley
Cary	Godwin	Maguire, Nebr.	Stephens, Tex.
Clark, Mo.	Graham, Ill.	Martin, Colo.	Talbott
Clayton	Hamlin	Mays	Taylor, Ala.
Cline	Hammond	Mitchell	Taylor, Colo.
Collier	Hardwick	Morrison	Thomas, Ky.
Conry	Hardy	Nicholls	Thomas, N. C.
Cooper, Wis.	Harrison	Oldfield	Tou Velle
Covington	Havens	Page	Turnbull
Cox, Ind.	Hay	Peters	Underwood
Cox, Ohio	Heflin	Pujo	Watkins
Cullop	Helm	Randell, Tex.	Webb
Dent	Henry, Tex.	Ransdell, La.	Wickliffe
Denver	Hobson	Rauch	

ANSWERED "PRESENT"—4.

Davis	Fish	Hill	Knapp

NOT VOTING—110.

Andrus	Fowler	Langley	Poindexter
Ashbrook	Fuller	Latta	Pou
Barnard	Garner, Pa.	Law	Prince
Bartlett, Nev.	Gill, Md.	Legare	Rainey
Bates	Gill, Mo.	Lindsay	Reid
Bennet, N. Y.	Glass	Livingston	Rhinock
Bennett, Ky.	Goebel	Loud	Rothermel
Boehne	Goldfogle	Lundin	Scott
Bowers	Gordon	McCredie	Sisson
Broussard	Gregg	McHenry	Slayden
Burnett	Guernsey	McKinlay, Cal.	Smith, Cal.
Byrd	Hamill	Madison	Snapp
Cantrill	Hamilton	Maynard	Southwick
Capron	Hanna	Millington	Sparkman
Clark, Fla.	Hayes	Moon, Pa.	Sulzer
Coudrey	Hitchcock	Moore, Pa.	Swasey
Craig	Howard	Moore, Tex.	Tawney
Cravens	Howell, N. J.	Morehead	Taylor, Ohio
Crow	Howell, Utah	Moss	Thomas, Ohio
Crumpacker	Huff	Mudd	Wallace
Denby	Hughes, W. Va.	Murdock	Washburn
Dies	James	Needham	Weisse
Durey	Johnson, Ohio	Nelson	Wiley
Edwards, Ky.	Kahn	O'Connell	Willett
Elvins	Korbly	Olmsted	Wilson, Pa.
Estopinal	Kronmiller	Palmer, A. M.	Wood, N. J.
Fairchild	Küstermann	Patterson	
Foelker	Lamb	Pearre	

So the motion was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. ANDRUS with Mr. ASHBROOK.

Mr. BENNET of New York with Mr. BOWERS.

Mr. CRUMPACKER with Mr. CANTRILL.

Mr. DAVIS with Mr. BROUSSARD.

Mr. FAIRCHILD with Mr. BURNETT.

Mr. GUERNSEY with Mr. CRAIG.

Mr. HAMILTON with Mr. ESTOPINAL.

Mr. KNAPP with Mr. GOLDFOGLE.

Mr. HANNA with Mr. GILL of Maryland.

Mr. HAYES with Mr. GREGG.

Mr. HOWELL of New Jersey with Mr. HITCHCOCK.

Mr. JOHNSON of Ohio with Mr. HOWARD.

Mr. LAW with Mr. KORBLY.

Mr. MOON of Pennsylvania with Mr. LAMB.

Mr. LOUD with Mr. LATTA.

Mr. MOORE of Pennsylvania with Mr. LEGARE.

Mr. NEEDHAM with Mr. LIVINGSTON.

Mr. NELSON with Mr. MCHENRY.

Mr. OLMSTED with Mr. O'CONNELL.

Mr. PEARRE with Mr. RAINEY.

Mr. BARNARD with Mr. REID.

Mr. SNAPP with Mr. ROTHERMEL.

Mr. THOMAS of Ohio with Mr. SISSON.

Mr. TAWNEY with Mr. CLARK of Florida.

Mr. SOUTHWICK with Mr. SULZER.

For the session:

Mr. MOREHEAD with Mr. POU.

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present, and the Doorkeeper will open the doors.

DAM ACROSS MISSISSIPPI RIVER, COUNTY OF MORRISON, MINN.

The next business on the Calendar for Unanimous Consent was the bill H. R. 32721.

The Clerk read as follows:

A bill (H. R. 32721) to amend an act entitled "An act permitting the building of a dam across the Mississippi River in the county of Morrison, State of Minnesota," approved June 4, 1906.

Be it enacted, etc., That section 1 of an act entitled "An act permitting the building of a dam across the Mississippi River in the county of Morrison and State of Minnesota," approved June 4, 1906, as amended by an act to amend the act above set forth, which amendatory act was approved March 2, 1907, be, and the same is hereby, amended so as to read as follows:

"That the consent of Congress is hereby granted to the Pike Rapids Power Co., a Minnesota corporation, its successors or assigns, to construct and maintain across the Mississippi River a dam, canal, and works necessary incident thereto for water power and supply purposes at a point between sections 20, 29, and 32, in township 128 north, range 29 west of the fifth principal meridian, and sections 17 and 20, in township 39, range 32 west of the fourth principal meridian, in Morrison County, Minn.: *Provided*, That the plans for the construction of said dam and appurtenant works shall be submitted to and approved by the Chief of Engineers and the Secretary of War before the commencement of the construction of the same: *And provided further*, That the said the Pike Rapids Power Co., its successors or assigns, shall not deviate from such plans after such approval, either before or after the completion of said structures, unless the modifications of such plans shall have previously been submitted to and received the approval of the Chief of Engineers and the Secretary of War: *And provided further*, That there shall be placed and maintained in connection with said dam a sluiceway, so arranged as to permit logs, timber, and lumber to pass around, through, and over said dam without unreasonable delay or hindrance and without toll or charges: *And provided further*, That the dam shall be so constructed that the Government of the United States may at any time construct in connection therewith a suitable lock for navigation purposes, and may at any time, without compensation, control the said dam so far as shall be necessary for the purposes of navigation, but shall not destroy the water power developed by said dam and structures to any greater extent than may be necessary to provide proper facilities for navigation, and that the Secretary of War may at any time require and enforce, at the expense of the owners, such modifications and changes in the construction of said dam as he may deem advisable in the interests of navigation."

SEC. 2. That section 4 of said act above referred to, as amended by said amendatory act approved March 2, 1907, be, and the same hereby is, amended so as to read as follows:

"SEC. 4. That the right to amend, alter, or repeal this act is hereby expressly reserved, and the same shall become null and void unless the construction of the dam hereby authorized is commenced on or before July 1, 1912, and completed within three years thereafter, and that, except so far as may be otherwise provided in this act, the provision of the act of Congress entitled 'An act to regulate the construction of dams over navigable waters,' approved on the 21st day of June, 1906, shall be applicable to the construction of the dam provided in this act."

The committee amendment was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That the time for commencing and completing the construction of the dam, canal, and other structures authorized by the act of Congress approved June 4, 1906, and its amendatory act approved March 2, 1907, to be built across the Mississippi River, in Morrison County, Minn., is hereby extended one year and three years, respectively, from July 1, 1911: *Provided*, That, except as may be otherwise provided in the aforesaid acts, the construction, maintenance, and operation of the said structures therein authorized shall be subject to, and in accordance with, the provisions of the act approved June 23, 1910, entitled 'An act to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906.'

"SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved."

The SPEAKER. Is there objection. [After a pause.] The Chair hears none.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill to extend the time for commencing and completing the construction of a dam authorized by the act entitled 'An act permitting the building of a dam across the Mississippi River in the county of Morrison, State of Minnesota,' approved June 4, 1906."

BRIDGE ACROSS MORRIS AND CUMMINGS CHANNEL, TEX.

The next business on the Calendar for Unanimous Consent was the bill H. R. 32883.

The Clerk read as follows:

A bill (H. R. 32883) to extend the time for the completion of a bridge across the Morris and Cummings Channel, at a point near Aransas Pass, Tex., by the Aransas Harbor Terminal Railway Co.

Be it enacted, etc., That the time for completing the construction of the bridge, authority for which was given the Aransas Harbor Terminal Railway Co., a corporation organized under Texas law, to construct, maintain, and operate a railroad bridge and approaches thereto across the Morris and Cummings Channel, at a point near Aransas Pass, Tex., from the mainland to Harbod Island, authorized by an act approved May 20, 1908, is hereby extended one year from date of the passage of this act.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The committee amendment was read, as follows:

Amend the bill in line 9 by striking out the word "Harbod" and inserting in lieu thereof the word "Harbor."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. GARNER of Texas, a motion to reconsider the vote by which the bill was passed was laid on the table.

GEORGE R. SHELLEY.

The next business on the Calendar for Unanimous Consent was the bill S. 6059.

The Clerk read as follows:

An act (S. 6059) to remove cloud from the title of the southeast quarter of the northeast quarter of section 23, township 47, range 23 west, of the fifth principal meridian, except 10 acres off of the north side thereof, in Pettis County, Mo., and to release the title of the United States therein to George R. Shelley, his heirs and assigns.

Be it enacted, etc., That any title to the following-described real estate, situated in the county of Pettis, State of Missouri, to wit, the southeast quarter of the northeast quarter of section 23, in township 47, of range 23 west, of the fifth principal meridian, except 10 acres off of the north side thereof, that the United States of America may have acquired in and to said land by virtue of sale made under execution issued from the clerk's office of the circuit court of the United States for the western district of Missouri on a judgment rendered in the district court of the United States for the western district of Missouri on the 9th day of March, A. D. 1873, in favor of the United States of America and against Tyre M. Berry, William D. Berry, and Milton D. Berry, which said execution was dated the 23d day of July, A. D. 1873, the deed conveying said land to the United States of America bearing date the 1st day of September, A. D. 1873, and filed for record in the office of the recorder of deeds of Pettis County, State of Missouri, on the 22d day of September, A. D. 1873, and recorded therein in Book U, at page 25, be, and the same is hereby, released to George R. Shelley, of the county of Pettis and State of Missouri, his heirs and assigns.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, I find in reading the report no connection with the title of the land and George R. Shelley. No reference whatever is made to him, but the report shows that the title originally was in the Messrs. Berry.

Mr. HAMLIN. I will state to the gentleman that this is a Senate bill, and while I know not a great deal about it, I simply know this, that a very reputable law firm in the State of Missouri wrote me that this man Shelley has the title to this land now, such title as the Berrys formerly had. It passed down to Shelley by means of conveyance from these Berrys, and the report shows that, as a matter of fact, the Government got no title under this execution sale back in 1873. The purpose of this bill is simply to remove the cloud on the title and protect the title in Shelley. There does not seem to be anything in the report or findings of the committee to show, as a matter of fact, that the legal title is to-day in Shelley.

Mr. STAFFORD. So far as the record goes, we are voting title to a man whom we have no knowledge of having any interest in it whatsoever. In the letter of the Secretary of the Interior it states positively they have no means of information as to whether Shelley has any interest, and he suggested that it be referred to the Solicitor of the Treasury. The letter reports that he also has no information concerning any interests of this man Shelley. Now, we might just as well vote this land to some Member of the House, so far as we know that Shelley has any interest in it.

Mr. HAMLIN. I think I can satisfy the gentleman upon that proposition.

Mr. ROBERTS. Will the gentleman yield for a moment?

Mr. STAFFORD. I will yield to the gentleman from Massachusetts.

Mr. ROBERTS. There is nothing conveyed to Shelley or anybody else by this bill. It is merely a release of a claim of record of the United States Government, which is not a valid claim. There is simply a cloud on the title brought about by the levying of an execution upon homestead lands. The Government could take nothing by that sale, and the Government has no title whatever. It is merely to clear up a record title, or release whatever title it has. It conveys nothing to Shelley.

Mr. STAFFORD. I wish to differ with the gentleman that we are not conveying anything here.

Mr. ROBERTS. It is releasing; not conveying.

Mr. STAFFORD. It says:

The following-described land is hereby released to George R. Shelley.

Mr. ROBERTS. The gentleman does not claim that a release is a conveyance, does he?

Mr. STAFFORD. There is some showing made here that the Government has some title in this land.

Mr. ROBERTS. They have a shadowy title by reason of a sheriff's sale under an execution which was levied on homestead land, and which levy was illegal. You can not sell homestead land under execution, whether in favor of the Government or an individual.

Mr. STAFFORD. I would have no objection to releasing whatever title the Government has to a person who has the paper title.

Mr. ROBERTS. Mr. Shelley has the original title now from the original owner.

Mr. KEIFER. This Shelley is not the homestead man, is he?

Mr. ROBERTS. No; he purchased by mesne conveyance from the original homesteader.

Mr. KEIFER. Did the original homesteader live upon the land and perfect his title under the law?

Mr. ROBERTS. There is no question of the homesteader's title involved here at all. They had perfected their title, and then for some purpose or other the Government had brought suit against them or obtained an execution, and had levied under that execution on the homestead land.

Mr. KEIFER. If the homestead title was good to begin with, what is the trouble about his having a clear title now?

Mr. ROBERTS. Because there is a deed of this very land now in the possession of the Government which could not have been lawfully and legally made.

Mr. KEIFER. Against whom was the judgment?

Mr. ROBERTS. The execution ran against the Berrys, not against this man Shelley at all.

Mr. KEIFER. Not against the homestead man?

Mr. ROBERTS. Not against the homestead man.

Mr. STAFFORD. Can the gentleman say that the proper title is now in this man Shelley?

Mr. ROBERTS. It was so represented to the committee.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to a third reading, was read the third time, and passed.

On motion of Mr. HAMLIN, a motion to reconsider the vote by which the bill was passed was laid on the table.

Also, on motion of Mr. HAMLIN, a motion to reconsider the vote by which the bill S. 3501 was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed the following resolution (S. Con. Res. 43), in which the concurrence of the House of Representatives was requested:

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (S. 7031) to codify, revise, and amend the laws relating to the judiciary the enrolling clerk is directed to strike out from the bill as reported from conference that part of section 151 thereof which reads as follows: "In any proceeding under this section the court shall determine as a preliminary inquiry the question of limitation, delay, or laches, and if it shall be of opinion that the delay in presenting the claim is not excusable, and that the bar of the statute of limitations should not be removed, it shall not proceed further to find the existence of loyalty, liability, or the extent thereof, in such case, but shall report such finding in bar to the House by which the claim or matter was referred."

PAYMASTER'S CLERK ARTHUR HENRY MAYO.

The next business was the bill (H. R. 25370) to waive the age limit for admission to the Pay Corps of the United States Navy for one year in the case of Pay Clerk Arthur Henry Mayo.

The Clerk read as follows:

Be it enacted, etc., That the age limit for admission to the Pay Corps of the United States Navy be, and is hereby, waived for one year in the case of Arthur Henry Mayo, United States Navy.

The SPEAKER. Is there objection?

Mr. HULL of Iowa. Mr. Speaker, the establishment of an age limit is for the purpose of securing young men in the service, and I should like to ask why it is desired to waive it in this instance?

Mr. BUTLER. Mr. Speaker, this man was employed for some time as a paymaster's clerk in the Navy, and he is a very desirable employee, and this legislation is desired so that the department may have a chance to examine him for promotion. He is now a little over 26 years of age. The age limit for appointment in this service is 26 years. There will be some vacancies in a short time, and if Congress will waive the age limit the department will in all probability secure the services of a very able young man.

Mr. HULL of Iowa. Why should that not apply to all the clerks?

Mr. BUTLER. It seems unfortunate that this young man should be obliged to serve for several years as a clerk without the opportunity afforded for his promotion.

Mr. DAWSON. Does the gentleman claim that his promotion would be for the best interests of the service?

Mr. BUTLER. Yes; by reason of his experience. The department considers his services desirable.

Mr. MICHAEL E. DRISCOLL. Why can not the age limit be waived?

Mr. ROBERTS. The young man is 26 years and over now.

Mr. BUTLER. If the limitation were waived, very likely in a few days the department would examine him and appoint him to the paymaster's department if he can take the mental and physical and professional examination. He is now a paymaster's clerk.

Mr. MICHAEL E. DRISCOLL. How long has he been in the service?

Mr. KINKEAD of New Jersey. Three or four years.

Mr. BUTLER. The opportunity to examine him for advancement has not arrived until now.

Mr. MICHAEL E. DRISCOLL. I do not believe in special legislation of this kind.

Mr. BUTLER. I believe this to be a very deserving case, and the department has recommended that the young man may be given a chance.

Mr. KINKEAD of New Jersey. I will say to the gentleman from New York that this young man was stationed in the island of Samoa, and it was very difficult for him on that account to take the examination right within the term set down by the department. For that reason, in addition to the recommendation of the department that the age limit be waived, there is another important reason why this bill should pass, and that is——

Mr. MICHAEL E. DRISCOLL. When was he in Samoa?

Mr. KINKEAD of New Jersey. He was in Samoa when the last examination was had.

Mr. BUTLER. Everything seems to have gone against this young man in that regard. It was not his fault. His services have been fine. He was away from home at the time former examinations were held.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title of the bill was amended so as to read: "A bill to waive the age limit for admission to the Pay Corps of the United States Navy for one year in the case of Paymaster's Clerk Arthur Henry Mayo.

HEIRS OF MARIANNE STE. ANA SCHREPPER.

The next business was the bill (H. R. 11637) for the relief of the heirs of Marianne Ste. Ana Schrepper.

The Clerk read the bill as amended by the committee, as follows:

Be it enacted, etc., That the heirs of Marianne Ste. Ana Schrepper, owners of the undivided half of the claim of George and Pelagie Schamp in and to the Rio Hondo first-class claim No. 108, reported by the register and receiver for the southwestern land district of the State of Louisiana on November 1, 1824, be, and they are hereby, permitted to locate and receive patent to 2,880 acres of any public lands of the United States which are now subject to entry under the general provisions of the homestead laws; said lands to be as nearly as possible of the quality and nature of the public lands formerly open to entry at the value of $1.25 per acre.

The SPEAKER. Is there objection?

Mr. MANN rose.

Mr. ROBERTS. Is the gentleman opposed to the bill?

Mr. MANN. Mr. Speaker, I reserve the right to object. I notice that this proposes to give some land to the heirs of Marianne Ste. Ana Schrepper, she having been the owner of the undivided half of certain property; and the Secretary of the Interior, in reporting upon the bill, asserts that neither he nor Congress should attempt to determine who are the owners of the property without a proper investigation.

Mr. ROBERTS. If the gentleman will allow me——

Mr. MANN. Probably the gentleman's committee does not have the facilities for going into the subject or determining who are the owners of this property under a claim of 1824.

Mr. ROBERTS. If the gentleman will pardon me for a moment, I will suggest that after consultation with the gentleman from New Jersey [Mr. GARDNER], who introduced the bill, I have an amendment which, if consent is given, I will offer, striking out the words in line 1:

Heirs of Marianne Ste. Ana Schrepper.

Then it will read exactly as the department recommendation reads:

That the owners of the undivided half, etc.

Mr. MANN. Will the gentleman say what is the meaning of the words:

Said lands to be as nearly as possible of the quality and nature of the public lands formerly open to entry at the value of $1.25 per acre.

Mr. ROBERTS. The committee was advised that there are no public lands now subject to entry at $1.25 an acre, and under the terms of the bill the committee conceived that the Secretary of the Interior would be the judge of what were lands as nearly like those that are now open to entry under the homestead law.

Mr. MANN. Would the gentleman have any objection, then, to inserting in line 11, after the word "possible," the words "in the opinion of the Secretary of the Interior?"

Mr. ROBERTS. I think that would be an improvement in the language.

Mr. STAFFORD. Reserving the right to object, I should like to ask the gentleman a question. I notice that in the recommendation of the Secretary he limits the character of the land that should be exchanged to vacant, nonmineral, and nontimberland, whereas the committee places no restriction whatever on the character of the land that shall be exchanged.

Mr. ROBERTS. I will suggest to the gentleman from Wisconsin that if the gentleman from Illinois [Mr. MANN] offers his amendment, putting it wholly in the discretion of the Secretary of the Interior as to the character of the land that shall be exchanged, that point will be covered, because then it will be left in the discretion of the Secretary of the Interior, and it is not conceivable that he would allow these people, under the plea of getting lands that were formerly open to entry at $1.25 an acre, to take mineral lands which are worth much more.

Mr. STAFFORD. I do not know that that would necessarily follow. If we pass this bill, I should think the Secretary might take it as a direction by Congress.

Mr. MANN. Mineral lands never were open to entry on a basis of $1.25 an acre.

Mr. STAFFORD. I am referring to timberlands.

Mr. ROBERTS. These lands must be taken under the general provisions of the homestead laws as they now exist; and while I am not as familiar, perhaps, as is the gentleman with the provisions of the homestead laws, yet I understand it is not possible under those laws now to get mineral lands or timberlands.

Mr. STAFFORD. I do not understand the reason for the recommendation of the Secretary, unless it had some purpose, that he did not wish to grant to these persons the right to exchange the public lands in general, and therefore limited the character of the lands that might be exchanged.

Mr. ROBERTS. If the gentleman thinks it will improve the bill in the least, I have no objection to putting in a proviso that mineral and timber lands shall not be subject to exchange; but I do not think it is necessary at all.

Mr. MANN. The recommendation of the Secretary of the Interior was a little different in form. It did not provide that the lands should be as nearly as possible of the quality and nature of the public lands formerly opened to entry at the value of $1.25 per acre, but the statement was made in the report, and subsequently made to me on the floor, that under the terms of the bill as it now reads, it covers all that the Secretary recommended, and more, too.

Mr. STAFFORD. If that is the case, I have no objection to the bill.

The SPEAKER. Is there objection?

There was no objection.

Mr. ROBERTS. I offer an amendment.

The SPEAKER. The gentleman will send up his amendment.

Mr. ROBERTS. On page 2, line 1, strike out the words "heirs of Marianne Ste. Ana Schrepper."

The Clerk read as follows:

In line 1, page 2, strike out the words "the heirs of Marianne Ste. Ana Schrepper."

The amendment to the amendment was agreed to.

Mr. MANN. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 2, insert after the word "possible," in line 11, the words "in the opinion of the Secretary."

The amendment to the committee amendment was agreed to.

The committee amendment as amended was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ROBERTS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

WILLIAM PORTER WHITE.

The next bill on the Calendar for Unanimous Consent was the bill (H. R. 30969) for the relief of William Porter White.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to appoint William Porter White, captain on the retired list of the United States Navy, to the grade of captain on the active list of the United States Navy: *Provided*, That the said William Porter White shall establish to the satisfaction of the Secretary of the Navy, by examination pursuant to law, his physical, mental, moral, and professional fitness to perform the duties of that grade: *Provided further*, That the said William Porter White shall be carried as additional to the number of the grade to which he may be appointed or at any time thereafter promoted: *Provided*, That the said William Porter White shall take rank next after Capt. George Ramsay Clark, as carried on the Navy list, published January 1, 1911: *And provided further*, That the said William Porter White shall not by the passage of this act be entitled to back pay of any kind.

Mr. STAFFORD. I object.

Mr. STERLING. I wish the gentleman would reserve his objection.

Mr. STAFFORD. I will withhold the objection.

Mr. STERLING. Mr. Speaker, I want to say that I deem this a very worthy case indeed. It simply gives Capt. White an opportunity to be examined for this promotion. That is the only purpose of this bill. Capt. White feels that the report made by the examining board when he was examined before is not entirely fair or just to him, and the only thing accomplished by this bill is to give him an opportunity to be once more examined. I would like to say that the report of the examining board, I think, does not specify a single instance or a single act where the record of this officer has not been first class. He has been in the service for 30 years. He was appointed to the Naval Academy, being designated by Gen. John McNulta from my district 30 years ago, graduating at that institution, and he has been in the service ever since until last June. His record has been good everywhere, and all he asks now is an opportunity to be examined once more.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. STERLING. Certainly.

Mr. MOORE of Pennsylvania. Does this involve retirement or increase in pay?

Mr. STERLING. No; it expressly provides that it does not involve back pay, but provides that the President may appoint him captain provided he passes an examination entitling him to promotion. Under the provisions of this bill the Secretary of War shall promote him to the position of captain, from the position of commander, which he has occupied. That is the only purpose of the bill, and I trust the gentleman will withdraw his objection to the bill and allow it to pass.

Mr. GOULDEN. How many years has he had in the service?

Mr. STERLING. I think since 1880 or 1881. Let me say further that Capt. White was an orphan boy; he was in the Soldiers' Orphans' Home at Normal, Ill. He spent his years there from a very small child until he was old enough to be designated for appointment to the Naval Academy. He attended the normal school. He was a bright student. That was 35 years ago. I am sure no member of the naval committee who has reported this bill will say that there is anything in his record—and I assume that they inspected it—that there is a single thing in the record that justifies the finding of the board that he was not entitled to promotion. The examining board finds that he was qualified mentally, morally, and physically. They simply find that he is not qualified professionally. I undertake to say that the principal element in determining the question made up of the record that he has made in the service, and of whether an officer is entitled to promotion professionally is there is nothing in his record to justify the finding of the board, that he was not qualified for promotion. I appeal to the gentleman from Wisconsin as a simple matter of justice to give him an opportunity to be again examined.

Mr. HULL of Iowa. Will the gentleman yield?

Mr. STERLING. Certainly.

Mr. HULL of Iowa. Why make him an additional number; why not make him go back to the place he would have had if he had been treated fairly in the first place? In other words, why make an additional officer in that class, why put him on as an additional number?

Mr. STERLING. Mr. Speaker, I will say I did not prepare this bill and I am not very well versed in regard to the rules relating to promotion. It may be that some member of the Committee on Naval Affairs could answer that question, but as I understand it, if he passes the examination, then under the law, and by virture of the law, he must be promoted to the position of captain. Perhaps the gentleman from California can tell.

Mr. ENGLEBRIGHT. It would place him in exactly the same position he would have had had he not retired.

Mr. HULL of Iowa. It gives him an additional number.

Mr. STAFFORD. Mr. Speaker, I did not make this objection without having read the report accompanying the bill. I find the Secretary of the Navy strongly disapproves of the practice that would be recognized in this case. This gentleman failed after an examination by the regular board that is constituted for that purpose. Instead of his continuing in the service as it was his privilege in that rank, and taking another examination to show his proficiency, he voluntarily retired, and in view of the objection of the Secretary of the Navy I will object.

Mr. STERLING. I will ask the gentleman to withhold it for a moment.

Mr. DAWSON. And I will ask the gentleman to withhold it in order that I may ask the gentleman a question before we decide definitely about it.

Mr. MANN. Well, let me ask the gentleman from Iowa a question. Is it the policy of the Committee on Naval Affairs in

these cases of personal preference to overrule the opinion of the Secretary of the Navy who reports distinctly against the passage of this bill?

Mr. DAWSON. I will say to the gentleman that the Committee on Naval Affairs undertakes to exercise its own judgment. If that judgment is in conformity with the head of the executive department, well and good, but we are not guided entirely by the express wishes of the head of the department.

Mr. MANN. I wondered whether it exercised its judgment, or whether it yielded to its heart and the begging brought to bear upon it.

Mr. DAWSON. No; this is a case of judgment rather than sympathy.

Mr. MANN. It was the Committee on Naval Affairs that reported the personnel bill.

Mr. DAWSON. Yes.

Mr. MANN. Which required men to go on the retired list.

Mr. DAWSON. Yes.

Mr. MANN. And now the Committee on Naval Affairs having reported such a bill constantly brings in bills to advance men who have been forcibly retired under the provisions of the law, giving preference to men——

Mr. ROBERTS. Oh, Mr. Speaker, I want to contradict that statement. In 10 years' service on the committee there has not been a single bill reported to advance a man who had been retired by that retiring board.

Mr. MANN. The gentleman is mistaken. There are a number on the calendar now.

Mr. ROBERTS. That will come up later this session.

Mr. MANN. It has come up a number of times now.

Mr. DAWSON. Mr. Speaker, I rose for the purpose of asking the gentleman from Wisconsin [Mr. STAFFORD] whether he was quite sure Capt. White had retired voluntarily.

Mr. LOUD. It was under duress.

Mr. STAFFORD. I have only the report to guide me. I am not acquainted with Capt. White. The report states that he retired, and, as I understand the law, he could have continued.

Mr. MANN. No; he would have been retired as commander, at half pay, but he retired voluntarily on three-quarters captain's pay.

Mr. DAWSON. Does the gentleman know why?

Mr. MANN. I do; because he was not able to pass his examinations, and hence would have been compulsorily retired.

Mr. STERLING. Now, let me say to my colleague from Illinois——

Mr. MANN. Is not that true?

Mr. STERLING. The gentleman from Illinois indicated that this case might be due to some personal preference on the part of somebody connected with the Committee on Naval Affairs. The gentleman realizes that the action of the examining board, although I am not here to question their sincerity or their motives, might be due to personal preference on their part, and it might be that that was the reason Capt. White was dropped from the rolls in this way. I think that it is very proper that Congress may have the right to investigate these questions, and that committees should investigate such matters and determine whether personal preference is exercised there as well as here.

Now, the gentleman from Wisconsin said that the Secretary of the Navy recommended very emphatically against this bill. I want to read to him from a letter written by the Secretary of the Navy. After reciting the action of this board, without reciting a single instance where Capt. White failed in the performance of his duty, the Secretary of the Navy says:

> The aforegoing is not intended as an expression of the department's views concerning the correctness or incorrectness of the naval examining board's finding in your case.

This letter was addressed to Capt. White. The fact is that the Secretary of the Navy does not recommend or rather makes no recommendation against Capt. White based on his record, but simply says that in view of the foregoing facts and also in the belief that, generally, private measures for the promotion, reinstatement, or other advancement of particular officers should be avoided, it is his opinion that this bill ought not to pass. That is what he says. He does not undertake in this long letter about the record of Capt. White to recite a single instance where he was negligent or failed in the performance of his duties.

Mr. MANN. Does my colleague think that it is a favorable recommendation from a department when it recommends that a bill be not passed?

Mr. STERLING. I did not say it was a favorable recommendation; it is not a favorable recommendation.

Mr. MANN. I understood the gentleman to say it was not unfavorable.

Mr. STERLING. The Secretary of the Navy recommended that it do not pass, but his recommendation is not based on the record of Capt. White, but simply upon the fact that he thought legislation of this character for the promotion or advancement of particular officers was not a good practice, and I submit to the gentleman from Illinois if it is not for us to say whether it is a proper practice rather than the Secretary of the Navy?

Mr. MANN. I think so, too, and I do not think it is.

Mr. STAFFORD. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

WILLIAM H. WALSH.

The next business on the Calendar for Unanimous Consent was the bill H. R. 27827.

The Clerk read as follows:

> *Be it enacted, etc.*, That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, appoint William H. Walsh, midshipman, United States Navy, an ensign in the United States Navy, and place him upon the retired list as such with three-quarters pay of his grade: *Provided*, That the said William H. Walsh shall not, by the passage of this act, be entitled to back pay or allowances.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I understand that this cadet acquired the tuberculosis in the service?

Mr. BUTLER. Yes.

Mr. YOUNG of New York. That is true.

Mr. STAFFORD. And that he had no signs of tuberculosis when he entered the service?

Mr. BUTLER. The surgeons say that he had not.

Mr. HULL of Iowa. He could not have entered the service if he had had tuberculosis.

Mr. CALDER. Mr. Speaker, I ask unanimous consent to substitute in place of the House bill the bill S. 9271, on the same subject, which has been referred to the Committee on Naval Affairs. It contains the identical language, Mr. Speaker, except that it has the amendment:

> That the said William H. Walsh shall not by the passage of this act be entitled to back pay or allowances.

The SPEAKER. The gentleman from New York asks unanimous consent to discharge the Committee on Naval Affairs from the consideration of the bill S. 9271, and consider that bill in lieu of the House bill. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

> *Be it enacted, etc.*, That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, appoint William H. Walsh, midshipman, United States Navy, an ensign in the United States Navy, and place him upon the retired list as such with three-quarters pay of his grade: *Provided*, That the said William H. Walsh shall not, by the passage of this act, be entitled to back pay or allowances.

The SPEAKER. Is there objection?

There was no objection.

The bill S. 9271 was ordered to a third reading, was read a third time, and passed.

The bill H. R. 27827 was laid on the table.

JAMES HENRY PAYNE.

The next business on the Calendar for Unanimous Consent was the bill (S. 9674) for the relief of James Henry Payne.

The Clerk read as follows:

> *Be it enacted, etc.* That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to place upon the retired list of the United States Navy, with the rank of passed assistant surgeon, with three-fourths the pay of that grade, the name of James Henry Payne, late passed assistant surgeon of the United States Navy: *Provided*, That the said James Henry Payne shall not, by the passage of this act, be entitled to back pay or allowances.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I believe the report shows that this doctor is now 47 years of age. The purpose of this bill, I believe, is to place this doctor on the retired list at three-quarters pay. How long would he have to serve before he would be entitled to be retired at three-quarters pay?

Mr. ROBERTS. I think it is 16 years. He would have to serve until he reached the age of 62 years before he would be entitled to retirement in the course of events.

Mr. STAFFORD. And because of failing health he is no longer able to perform the duties of the position?

Mr. ROBERTS. Dr. Payne was a graduate of Harvard College and of the Harvard Medical School. He entered into the

practice of medicine and practiced for something like eight years.

At the outbreak of the Spanish War he was appointed a surgeon in the Navy. He served in the Navy 12 years. He entered at the age of 35 and served in the Spanish War, in the Boxer uprising, in the Philippines, and in Porto Rico. His service has been highly meritorious. He came up for examination about a year ago and failed professionally on the one subject of surgery. He was given another opportunity, and on that second examination the same surgeons presided who had examined him in surgery before. They made the examination again, and again reported against him professionally. And there being no method of retirement in the staff of the Navy under these circumstances, there was nothing to do but to drop him. Now he is a man 47 years of age, the best years of whose life have been given to the services of the Government. He has a widowed mother and two sisters dependent upon him, and he is turned out at the age of 47 years to start a medical practice whereby he may maintain them and himself.

Mr. MANN. Is that any worse than being turned out to start a legal practice?

Mr. STAFFORD. I do not know that it is any worse than being turned out of Congress. [Laughter.]

Mr. ROBERTS. I did not know the gentleman considered being in Congress a profession. Now, the point of the case is that this man enlisted in time of war. He left his practice, in which he was doing nicely. Impelled by patriotism, he gave up his profession to serve his country, and finding himself now, at the age of 47, after 12 years of honorable service——

Mr. MANN. Will the gentleman yield?

Mr. ROBERTS. I will.

Mr. MANN. The gentleman speaks of the age of 47 as though that was old. It may be to the gentleman, but not to most of us. Now, when a man goes out as a surgeon in the Navy does he acquire no standing in the community by reason of that fact?

Mr. ROBERTS. The gentleman must bear in mind that this man is going out with a cloud over his professional reputation.

Mr. MANN. Oh, that fact will not be advertised.

Mr. ROBERTS. It can not help being known. His rivals in business will see to it that this is advertised.

Mr. MANN. The gentleman knows that after a service of 12 years he should be able to take up a very profitable medical practice in a short time.

Mr. ROBERTS. I will say to the gentleman that at the age of 47, after having been out of the practice of law for 10 or 20 years, it would be difficult for the gentleman himself to go back into it and earn at first an adequate competence for himself and those dependent on him.

Mr. MANN. If the gentleman himself goes out he will not go out on half pay or three-quarters pay.

Mr. KENDALL. May I ask the gentleman when this examination was held?

Mr. ROBERTS. I have not the papers here, and I can not answer from memory as to that.

Mr. KENDALL. Had there been a previous examination?

Mr. ROBERTS. I believe so.

Mr. HULL of Iowa. The law provides for an examination once each year.

Mr. KENDALL. And this man was found incompetent upon examination?

Mr. ROBERTS. He was found incompetent in operative surgery by one doctor. Dr. Payne received a vote of thanks from citizens of Porto Rico, if I am not mistaken, for the ability with which he had instituted and maintained a hospital during an epidemic down there.

Mr. GARDNER of Massachusetts. Will the gentleman from Wisconsin allow me to make an explanation of this case?

Mr. CARLIN. I call for the regular order, Mr. Speaker.

Mr. GARDNER of Massachusetts. Will the gentleman who made the call for the regular order withdraw that?

Mr. CARLIN. Yes; I will withdraw it. Mr. Speaker, I withdraw the demand for the regular order.

Mr. HINSHAW. Can the gentleman say what three-quarters pay would amount to?

[Mr. GARDNER of Massachusetts addressed the House. See Appendix.]

Mr. HINSHAW. I am informed by the gentleman from Iowa [Mr. DAWSON] that the three-fourths pay would be $1,500.

Mr. HULL of Iowa. It would be over $2,100.

Mr. HINSHAW. I got that statement from the gentleman from Iowa [Mr. DAWSON].

Mr. HULL of Iowa. That is a mistake. His active pay after 10 years' service would be $2,800.

Mr. HINSHAW. And three-fourths would be $2,100.

Mr. HULL of Iowa. It would be twenty-one hundred and some dollars.

Mr. STAFFORD. Where a man fails upon a second examination he is compulsorily retired, with no retirement pay. I have no sympathy with the proposition that a man, after serving 12 years as a surgeon in the Navy, can not go out into private life and earn his own livelihood, especially if he is a Harvard graduate. I think that that service should add to his distinction, except perhaps in the city of Boston and its environs. Now, here is a man young in years at 47, whom we are called upon to pay an annual salary of $1,500——

Mr. BUTLER. Twenty-one hundred dollars.

Mr. STAFFORD. Because he happened to serve 12 years as a surgeon in the Navy. I object.

The SPEAKER. Objection is heard.

PHILIPPINE INDEPENDENCE.

Mr. QUEZON. Mr. Speaker, the gentleman from the Philippines [Mr. LEGARDA] joins me in requesting the House to give proper consideration to the following cablegram from the secretary of the Philippine Assembly:

Assembly adopted February 3, 1911, the following resolution:

"*Resolved*, That the assembly do, and hereby does, petition the Congress of the United States for the immediate recognition of the independence of the Philippine Islands in the manner set forth in the memorial of the Nacionalista Party dated September 1, 1910; and

"*Resolved further*, That the assembly adopts each and all of the conclusions and propositions contained in said memorial; and

"*Resolved finally*, That this resolution be cabled to the Congress of the United States and to the Resident Commissioners for the Philippine Islands, suggesting that they present and support the same in Congress before the adjournment of the present session thereof."

DIOKNO,
Secretary Philippine Assembly.

The memorial referred to in this cablegram is one addressed and delivered to the Secretary of War on his visit to the Philippines last year, which reads as follows:

LETTER OF THE NACIONALISTA PARTY (AS TRANSLATED AND PRINTED BY THE WAR DEPARTMENT).

MANILA, *September 1, 1910.*

Mr. SECRETARY: The Nacionalista Party believing that it interprets the feelings of all its members honors itself in directing to you this statement of facts to call your attention to the true general aspiration of the people of these islands, whose interests, well-being, and happiness the United States has assumed control of in establishing its sovereignty over the Philippine Archipelago.

The Nacionalista Party was organized in the year 1906, and promptly obtained popular favor. It has committees established in almost all the towns of the archipelago, and represents approximately 81 per cent of the popular suffrage. At present of 81 members of the Philippine Assembly, it has 66, and of 31 provincial governors, it has 23.

This party aspires to the immediate independence of the country, because it believes the Filipino people endowed with those conditions necessary to establish and maintain a stable government of law and order, as has been proven by the existence of what was the government of the Filipino republic in the years 1898 and 1899. The period of experiment which has passed during the American sovereignty is ample to demonstrate that the Filipinos know how to make use of civil and political liberty, and to comply with and to force compliance with the laws, to avoid disorders, prevent abuses, and live in accordance with the practices of civilized communities. It is for this reason that we believe that the transfer of political control to the Filipinos can not signify any sort of disturbance within the country, or danger to the life, property, or liberty of residents therein, but on the contrary the maintenance and preservation of the essential principles for which are established governments, law and order, and guaranties of liberty and justice for everybody.

The independence of the Philippine people will be a due satisfaction for the efforts and sacrifices made by Filipinos in acquiring cultivation and western civilization, and a compliance with the sacred principles of equality and liberty of the people consecrated in the Declaration of Independence of the United States of North America.

The indefinite retention of the Philippine Islands tends to produce racial antagonism, misunderstanding, and reciprocal jealousy among a people whose interests in the extreme Orient should be allied, makes difficult the rapid development of the national aptitude of the Filipinos in the management and defense of their own interests, and sacrifices the future of a young people desirous of following the examples of the oldest in their fruitful work for the good of progress and of the life of humanity.

In this brief exposition in which we will review the accomplishments and facts which have revealed the aptitude of Filipinos for independent self-government, and will consider some questions which affect the problem of the relations between America and the Philippine Islands, it will be necessary to separate all the matters into various chapters with the following headings:

I. Capacity demonstrated by the Filipinos in the organization of a popular self-government.

II. The capacity of the Filipinos demonstrated during American control.

III. Alleged obstacles to independence; their consideration.

IV. Obstacles to the indefinite retention of the Philippine Islands preparatory to their independence.

I. CAPACITY DEMONSTRATED BY THE FILIPINOS IN THE ORGANIZATION OF A POPULAR SELF-GOVERNMENT.

It is important to set forth some historic facts which bear on the aspiration of the Filipinos for independence, and makes patent the aptitudes of the people in sustaining a popular independent government.

The Philippine Islands were under the domination of Spain from the 19th of May, 1571, when Legaspi took possession of them in the name of Philip II. The laws approved in the beginning for the administration of insular affairs were beneficent and protective in an extreme degree for the natives of the colonies. The Spanish people in the greatness of its then power felt itself impelled to carry the light of Christianity and of civilization to the inhabitants of the darkest places of the earth. It believed, honestly, that it was called by Providence to govern foreign people, even by means of violence, with the object of making them happy, bringing to them knowledge of the true God and to administer their interests paternally. The Philippine Islands were governed in accordance with this altruistic sentiment, and the Filipinos were effectively converted to Christianity and educated in what progress and European civilization means.

The Filipinos at the end of 300 years constituted a homogeneous people, with national aspirations, political ideals, and love of progress and liberty. Nevertheless, the paternal régime continued as at the beginning, based on the false idea that the people was a child whose will and opinion should not be taken into account to determine matters bearing on its own interest. The people understood on the other side that the colonial régime in force did not favor its rapid progress to place it at the height of the civilized people of the earth. The doctrines relating to the right of man and citizenship had advanced in the conscience of the Filipinos, and as such rights were not recognized under the colonial régime, they were consequently demanded. The people by public subscription and in other ways paid for the sending of various Filipinos to Madrid to beg necessary reforms in the insular administration. The idea that the Filipino people should have the same political and civil rights as the Spanish people and some voice in the administration of its own affairs was the limit of the campaign intrusted to the Filipinos sent to Spain.

The denial by the Spanish authorities of the petitions of the people began to produce discontent among the Filipinos, and the idea that they were an object of political abuse was readily accepted. The distance from the place where this colony was governed, the intrigues of the insular officials to create the belief in the governing authority of the metropolis of the inadvisability of reforming the policy and insular administration, and the suspicions of which those Filipinos who begged reforms were the object were so many causes to prevent an appreciation of the justice of the popular demands and contributed to maintain and increase the general discontent and provoked hatred toward that régime.

The hatred of what was considered political tyranny culminated in 1896, when Andrés Bonifacio, a man coming from the working mass, started an insurrectional movement against Spain which acquired great proportion, and ended in the so-called treaty of "Biak-na-bato." In virtue of this treaty the leaders of the insurrection promised to accept the program of reforms which, as they were made to understand, would be brought about if they laid down their arms, but as nothing was subsequently done, the insurrection continued, and on the opening of the Spanish-American War in April, 1898, the Filipinos believed there had arrived an opportunity of fighting determinedly for independence, expecting to count for this purpose on American aid. The American naval forces destroyed the Spanish fleet, occupied the Bay of Manila and the port of Cavite, while the Filipinos under the orders of Aguinaldo organized an army and took all the provinces of the archipelago from the power of the Spanish. This ended practically the Spanish sovereignty in the islands.

TYPE OF POPULAR GOVERNMENT.

There was immediately organized a Philippine government in all the occupied places. The government was dictatorial at the beginning, but this condition only lasted a month, or that is the absolutely necessary time that Aguinaldo employed in exciting the spirits of his compatriots in favor of Philippine independence. During this time Aguinaldo, "understanding that the first duty of all government is to interpret faithfully the popular aspirations," and understanding further "the present necessity of establishing in each town a solid and robust organization, the firmest bulwark of public security and only measure of assuring union and discipline indispensable for the implantation of the republic, or, that is, the government of the people for the people," published a decree giving instructions to the people that were liberated from the Spanish control to change the form of government in their respective localities. The before-mentioned instructions outlined a type of popular government simple and suitable to those moments of transition. It was provided that "so soon as the town is free from the Spanish domination those residents most distinguished by their learning, social position, and honorable conduct, as well in the center of the towns as in the barrios, should unite in a general meeting and elect by majority votes a chief of the municipality and three delegates, one of police and interior order, another of justice and civil register, and another of taxes and property, and a chief or head of each barrio," all of whom will form the popular junta. "The chiefs of the municipalities after having obtained the views of their respective juntas will unite and will elect by majority votes a chief of the province and three councilors for the three departments above named." These officials with the chief of the provincial capital will form the provincial council.

There was no difficulty in the application of these instructions, and the towns and provinces which were under the jurisdiction of the dictatorial government worked in conformity therewith. On June 23, 1898, Aguinaldo resigned his dictatorial powers in the revolutionary government, "whose object is to struggle for the independence of the Philippine Islands until the free nations, including Spain, recognized it expressly, and to prepare the country for the implantation of a true republic." The evident object of Aguinaldo in resigning his dictatorship was to give promptly to the people guaranties of a civil government as most conformable to the character of the new institutions implanted. The revolutionary government preserved the popular form of provincial and municipal governments under conditions heretofore stated. The central government was organized with the president as chief of the government and executive power, assisted by four department secretaries, namely, foreign relations, marine and commerce; war and public works; police and interior order; treasury, agriculture, and industry, with a revolutionary congress as the legislative power, whose members were to be elected in the same manner prescribed for the election of the provincial officials. To this revolutionary congress was given true independence, since "the president of the government may not prevent in any way whatever a reunion of congress, nor interfere with sessions thereof," and with a commission of the congress presided over by the vice president, and assisted by one of the secretaries of the same, as supreme court to take cognizance on appeal of criminal matters passed on by the provincial councils. The popular juntas and provincial councils were at the same time competent tribunals to take cognizance of civil and criminal matters, with their respective jurisdictions well defined.

It is important to take note of these details to understand properly what was the object of the government that the Filipinos by themselves, without aid or council of anyone, proposed to adopt, having in mind their conditions and political views. The fact that the Filipinos had refused to reestablish the old institutions, and that they had created others—new ones—made it clear that the Filipinos not only had their own political ideas, but likewise that their ideals are the most advanced that the progress of time has shown. The revolutionary government was, as has been seen, in its essence popular. In all the governmental divisions the people were represented by officials elected by them. This is especially shown if we refer to the organization of the judicial power which was from top to bottom officered by elected officials.

THE CONSENT OF THE GOVERNED.

The authority of the revolutionary government was extended in a few months to all the islands composing the archipelago by express recognition of their inhabitants. It was questioned in no part of Luzon, of the Visayas, or of Mindanao after the people were delivered from the Spaniards. The chiefs of the various non-Christian tribes of the north of Luzon who never submitted to Spanish domination sent messages acknowledging the government then established. Prominent Mohammedan chiefs of the island of Mindanao gave their spontaneous and sincere adhesion. The different grades of civilization, the accidental differences of religion, habits, and dialects, which are always exaggerated by those who are interested in presenting the Filipinos as incapable of instituting an independent self-government, were no obstacle to make difficult in any way the establishment of said Philippine government or the normal exercise of its authority over all the islands. The Filipinos on displaying their national unity under that government consecrated likewise its legitimacy under the principle that the power of the government comes from the consent of the governed.

THE PHILIPPINE CONSTITUTION.

In September, 1898, the revolutionary congress opened its sessions. All the provinces of the archipelago were represented therein. After the work of organization, congress devoted all its time to drawing up a constitution. On the 20th of January, 1899, the Filipino constitution was approved and placed in force immediately thereafter.

If the spirit and letter of this constitution be considered, it will be seen that its provisions contain all the principles of law, order, and liberty contained in the modern constitutions of the world.

Title I defines the Philippine republic, and declares that the sovereignty resides exclusively in the people. Title II establishes the form of popular representative government, alternative and responsible, with three distinct and independent powers.

Title III recognizes the separation of the church and state and the liberty and equality of all religions. Title IV contains the declaration of individual rights to life, property, freedom of thought, reunion and association, foundation of schools, and petition to authorities, the exercise of profession or industry, and prescribes the guaranties of these rights. Authorizes the same rights and guaranties to foreigners and permits the latter to acquire Philippine citizenship by naturalization papers and residence during two years in any territory of the republic. Establishes obligatory military service, popular gratuitous and obligatory instruction, civil trial for all crimes, prohibits institution of primogeniture and the entailing of property, the accepting and authorizing decorations and titles of nobility. Title V establishes a representative assembly in which resides the legislative power. Representatives will be such of the nation, and may not receive any imperative mandate from their electors. They may not be molested for their opinions or votes nor imprisoned without authority of the assembly. The assembly may try the highest officials of the government for crimes against the state. Title VI constitutes a permanent commission of the assembly during the closing of the sessions to decide on certain specific matters. Title VII declares the president of the republic chief of the executive power which he exercises through his secretaries. Questions relating to private interests of the municipalities correspond to the provincial and popular assemblies and to the central administration on the base of the amplest decentralization and economy. Title VIII provides the election of the president of the republic by means of a constituent assembly by absolute majority of votes. The term is for four years with reelection. The president may initiate laws and is obliged to promulgate those which have been approved. Title IX provides for a council of government composed of a president and seven secretaries, who are collectively responsible before the assembly for the general policy of the nation, and individually for their personal acts. Title X declares that the judicial power rests in the supreme court and other tribunals provided by law, empowering any citizen to bring action against the individuals of the judicial power for crimes committed in the exercise of their offices. Title XI provides that the organization and powers of the provincial and popular assemblies will be fixed by law under certain conditions. Title XII regulates the administration of state. Title XIII provides methods and form of amending the constitution. Title XIV provides that all officials must swear to support the constitution. Adopts as official language the Spanish. Temporarily places in force the Spanish laws and regulations as to the exercise of civil rights of citizens.

There can be no doubt that this constitution not only represents the grade of cultivation of men that drew it up, but that it shows likewise that the Filipinos considered a system of popular government as that most suited to their conditions and the experiences of the country. They did not think of copying and imitating the institutions with which they were most familiar. On the contrary, they constructed a system radically contrary to that which had been in force here for several centuries. In some of the lines of this constitution is observed a tendency to maintain any sort of oligarchy, but in all of them are imprinted democratic principles more accentuated, perhaps, than in many of the republican constitutions of the day. The Philippine constitution, as it was drawn up by representatives of the revolutionary congress, portrays with fidelity more than any other act of the Filipinos of that time the aspirations and political ideals of the people of the islands.

CONDITIONS WHICH PREVAILED UNDER THAT GOVERNMENT.

In the conditions of order, tranquillity, and progress which prevailed under the authority of the revolutionary government there was clearly displayed the good dispositions of these people for the direction of their own affairs. A decree of Aguinaldo abolishing all gambling privileges and cockfighting taxes, "because they tend only to ruin the people, with slight advantage to the public treasury," was sufficient that the

people should give up completely their ancient favorite practices. Crimes and ordinary misdemeanors diminished notably in number. There were enjoyed as in no time entire security, well-being, and content. The parties of bandits which from the most remote periods were accustomed to disturb the order voluntarily disappeared. The spirit of cooperation of the people in the measures of the government for good order and progress was evidenced by the liberal treatment of the Spanish prisoners, the respect to foreigners, the attendance at school, and the return to customary field work in those places in which the revolutionary condition had ceased.

The government on its part, without neglecting provisions for war, consecrated itself to organize the most important and urgent public services. The corps of civil physicians to watch over sanitary conditions, hygiene, and urbanization of the provinces was established. There was created a civil register in all the municipalities. The chiefs of the municipalities were authorized to act provisionally as notaries in the authentication of documents and extrajudicial acts. There was founded a university to teach law, medicine, pharmacy, and notaryship, and the institution "Burgos" for studies of the general high-school class, and there was ordered the reopening of all the municipal primary schools. All the provincial councils and popular juntas were ordered to proceed to the repair and preservation of roads, bridges, and public buildings, because "the ways of communication were one of the causes which contribute to material and moral progress of every country." There was created an institute for vaccination to prepare to distribute vaccine to all the provinces. There was established a bureau of census and statistics. There was organized a corps of communications to regulate the sending of correspondence and telegraphic dispatches between the towns and provinces.

The government not only organized practically all the public services which existed under the Spanish Government, but likewise adopted various provisions which showed its good desire to watch over the general interest, prohibiting the sale of copra which is not thoroughly dry "as prejudicial to the credit of commercial articles," and the slaughtering of carabao useful for agricultural purposes "because they might be better used in the fields."

THE OPENING OF HOSTILITIES.

On the 23d of January, 1899, in accordance with the constitution, proclamation of the Philippine republic was made in the town of Malolos; Aguinaldo was proclaimed chief of said republic. But shortly thereafter—that is, on the 4th of February—occurred the opening of hostilities between Americans and Filipinos. This outbreak was a surprise for the Filipinos. But the moral union of the people and Philippine Government was displayed during the new condition of war. Aguinaldo published a proclamation ordering the war, and his order was obeyed in all sections. The American forces encountered open resistance wherever they were, and had to forcibly capture or force the Philippine forces to surrender by superiority of resources. The spirit of resistance terminated toward the end of 1901, and the Filipinos, through the efforts made by some of their compatriots, agreed to recognize American domination.

II. THE CAPACITY OF THE FILIPINOS DEMONSTRATED DURING AMERICAN CONTROL.

Nothing can indicate better the capacity of the people for independent government than the spontaneous adhesion that the same people is giving to the essential democratic principles which inspire the present government and its cooperation in the many steps that have been taken for the betterment of the intellectual, moral, social, and material conditions of the people.

If this people should be lacking in those conditions necessary for progress, doubtless any effort in that direction undertaken by the American Government would have been fruitless. It would not be true to affirm that all the progress realized in the Philippine Islands has been due to the energy and talent of the Government, since without the cooperation of the people, without the practical sense indispensable to appreciate good, no beneficent work would have been carried successfully to a termination.

A résumé setting forth the manner in which the Filipinos have conducted themselves in the exercise of the powers conferred on them under the present government will show us that the conception and application by the Filipinos of a popular government are entirely satisfactory.

PUBLIC ORDER.

The satisfactory state of public order in the islands has been brought about with the aid and efforts of the Philippine people. The work of the American Army doubtless has been a factor in finishing the war and establishing peace, but the maintenance of order and tranquillity after the period of the war is due to the determined attitude and to the decided interest of the people to pursue in peace the struggle for their political ideals and to consecrate themselves to the cause of progress and prosperity destroyed by six years of disturbance. This attitude reveals nothing but good, practical sense—the good disposition which this people has of considering existing conditions in the determination of its national convenience.

Public order is maintained in the municipalities and provinces by Filipino officials and agents with the exception of some chiefs and officers of the constabulary. The agricultural work and the operations of commerce are effected with the greatest tranquillity and security for all. The violations of order and the local disturbances occasioned by misdemeanors are not numerous, so that the Philippine people may sustain in this matter a favorable comparison with any of the most civilized countries of the world. The good disposition of the people toward the maintenance of order and the discipline of the law is evidenced most pathetically, taking into consideration that there has passed but a short time since the period of war with the subsequent disturbance and that there has not disappeared from the mind of the people many of the motives and prejudices which originated in the war and provoked from time to time discontent with the present situation.

There is no little argument in favor of the orderly and disciplined spirit of the people in the fact that the exercise and practice of civil and political rights completely new to the inhabitants of these islands, such as liberty of religion and direct suffrage, have not occasioned long and bloody struggles which they have produced in nations of longer history than ours.

THE LOVE FOR AND PROGRESS IN PUBLIC INSTRUCTION.

The great interest which the Filipino people has shown for education is quite evident. One of the causes frequently cited and which contributed to the discontent of the Filipinos with the Spanish régime was the monopoly exercised in instruction by the religious corporations, which showed no great desire for the instruction of the masses of the country. In reality, during that régime primary or elemental instruction received little attention. The instruction in the secondary grade and in superior and university grades was deficient and sectarian. But in the midst of such a vicious system the zeal for study and the interest of families in sending their children to the schools and colleges established in the Philippines or to Europe to acquire a more extended education were very marked. Poor families imposed on themselves all classes of sacrifices that their children might study. In many cases they begged of the rich families or their friends that they should accept their children in domestic service so as to permit them some free hours to dedicate themselves to study.

The general movement noted under American control in favor of education is not, therefore, new in the history of this country. The Filipino people appreciates the advantages given by education and information of life. It recognizes its necessity and has a sympathy and aptitude for all sorts of education. This explains the fact that the number of children attending the schools has crowded in many cases the capacity of said schools and that at times there was necessity of denying admission to pupils. This explains likewise the fact that there has not been lacking pupils in the industrial schools or others of special branches of education little or not at all known in past periods. It is a source of congratulation to be able to say that in all experiments which have taken place to prove the love of instruction or the measure of the intellectual capacity of the people the proof in our favor has been decisive.

Two years ago effort was made to open courses for nurses. This was an instruction completely unknown in the country. The education given to woman in former times—not to be for a long time absent from home, not to know or to comply with other obligations than those purely domestic, not to require of her severe and difficult labor which was considered proper only for men—appeared to give little hope for a successful outcome of the new experiment, but, in view of the results obtained, there can be no doubt that the effort has been a complete success, which speaks in favor of the aptitude of the Filipino woman for the evolution of modern civilized life. The constant increase of schools and of the attendance of children of the school age since American occupation are phenomena generally observed in all the provinces. The following statement of attendance taken from the last report of the secretary of public instruction proves this assertion:

Years.	Public schools.	Monthly attendance.
1903	2,000	150,000
1904	2,233	227,609
1905	2,727	311,843
1906	3,166	375,534
1907	3,436	335,106
1908	3,701	359,738
1909	4,194	437,735

There has been observed on many occasions a tendency to suppress or postpone the payment of land tax by the municipal or provincial governments, while at the same time they have tried to continue in force that part of said tax destined to the schools, and when this has not been successful the consideration of closing the schools in case of failure to pay said tax has exercised such influence in the provincial and municipal governments that there have continued in full effect the provisions of the law.

In view of the foregoing demonstration, there can be no fear that the Filipino people will maintain itself in ignorance. A people that shows the live interest in being instructed, such as the Filipino has shown before and now, can not constitute a danger for a regular and orderly maintenance of a popular government.

THE EXERCISE OF SUFFRAGE.

One of the fears of those who considered the Filipinos incapable of popular self-government is that they would not have sufficient discretion to elect to those offices which must be filled by election the best people in the community. The exercise of suffrage by the Filipinos has shown, nevertheless, that they know how to make good use of this privilege. Up to the present the electors have been able to confide public offices to persons who could duly perform their duties as officials. In the majority of cases they are persons of intelligence and responsibility who have known how to justify their election and bring about during their official terms the betterment of their respective towns. An excellent proof of this fact is that with rare exceptions there has not been suspended or deprived of his office any provincial elective Filipino official since American domination. Nor is the percentage of municipal officials suspended or deprived of office greater than that in independent nations, especially if it is considered that not all the suspensions or deprivations of office are the result of grave faults which affect the morality and capacity of certain officials.

The good judgment and discretion of the electoral body are so manifest that the results of an election have given origin to few well-founded protests. The logical and immediate inference that we may draw from this is that there exists within the electoral body an intelligent public opinion which influences and decides emphatically the results of the elections.

An indication likewise highly favorable to the Filipino people in relation to the exercise of the suffrage is that all the elections have taken place with the greatest order in spite, many times, of the intensity of the struggle between candidates of different parties prior to the election. It is not less patent and indicative of fine discretion in the people the fact that after the elections, or after a protested election has been decided, the defeated minority shows itself definitely resigned and makes no effort to injure or obstruct the administration of the official elected, as happens in other countries that are more accustomed to the use of the suffrage. We do not wish absolutely to affirm that there are no exceptions to this rule, but that this is the rule confirms our statement that the Filipino people are capable of managing a popular government supported by the influence of a sane and intelligent public opinion. This influence shows itself likewise in the cases of those officials who in power have not complied with their promises and duties and who later, on working for their reelection, fail in their object, even though men of education, money, or influence.

ORGANIZATION OF POLITICAL PARTIES AND THEIR RELATIONS.

The organization of political parties under democratic régime is absolutely necessary. Political parties are organized in the Philippines, and from the beginning there was markedly displayed the two tendencies which existed in all countries in which prevailed individual liberty, namely, the conservative and the radical. Before the proclamation of the so-called organic law of July 1, 1902, there was organized the so-called Federal Party which formulated the principle of final annexation of the Islands to the United States. Without affirming or discussing whether its directors and founders sincerely sustained this principle or not and whether it was changed later, the fact is they found in this formula, or rather with that of peace, a means of weakening the revolution. Forced thereto by circumstances, the people accepted peace under the American sovereignty. The Federal Party was the only party during that time, since the partisans of immediate independence of the country, in spite of having attempted to organize a party, did not obtain the consent of the American Government which qualified them as upholders and sympathizers of the revolution in arms. Later, when the organic law was promulgated, different parties arose, all of which aspired to final independence for the country. The Federal Party in 1904, on seeing that the idea of annexation found no popular support, changed its original program and set forth in its place the obtaining of independence by gradual steps and successive increase of Filipino control in the administration of the government. Without weakening their views, strong in their former desires, the partisans of immediate independence formed at the end of the year 1906 a great organization entitled "Partido Nacionalista," which has extended rapidly throughout the country, because it responded better to its political aspirations. The principal program of this party is, as has been said, the immediate independence of the country.

In this manner were properly defined the two tendencies of Filipino opinion. The principals of the Federal Party, now called "Partido Progresista," represent the conservative tendency of man, and the "Partido Nacionalista" the radical tendency.

But even the conservative tendency can not now support in any manner the permanent maintenance of the present relations with North America, nor the radical tendency conceive of the employment of violent measures to bring about the change of sovereignty. One, as well as the other, believes that independence must be given to the people of the islands, and differ only in the idea as to how and when independence must be obtained.

In the relations between the men of both parties there is noted nearly always a close alliance and unity of opinion in considering matters relating to the best manner of administering local affairs under this provisional government, and although, as is natural in time of elections, there are uttered bitter censures and recriminations, the harmony which is maintained and the courtesy with which they treat each other in the course of their relations are an indication that they consider the public interest completely separate from the selfishness of faction or of party. Crises have occurred in the relations of both parties within the assembly and out of it, and likewise in the relations between the prominent men in the same party, but such crises not having been frequent were altogether passing, ending in the greatest cordiality and respect. It is certainly flattering to the pride of the Filipinos to cite that fact, which shows better than any other the practice of tolerance and of mutual consideration between both parties which occurred in the assembly during the discussion of the Payne bill. The Progresista minority unanimously declined to assist at the sessions of the assembly, believing itself offended at the treatment given it by the majority, but at the end of a week, through mutual explanations, the affair remained satisfactorily adjusted to both sides.

PROVINCES AND MUNICIPALITIES.

The administration of the provinces and municipalities can not but merit a favorable opinion regarding the aptitude of the Filipinos for the exercise of the powers intrusted to them. In reality, considering the provincial administration, the functions authorized to Filipinos suffer such limitations that it is frequently found that the local initiatives are crippled by the delays of a centralized régime. But in spite of this, to the energy, skill, and patriotism of the provincial governments are due the preservation of order, the progress of public instruction, the betterment of the highways, bridges, and public buildings, the introduction of sanitary and hygienic measures, and the assurance of improvements of all sorts for the well-being of the community in their respective provinces.

The municipal officials, on their part overcoming many difficulties, of which the greatest is the lack of funds, show each day a noble emulation in bettering the public service in their respective localities. If the interest displayed by the municipal officials in the construction of public edifices, particularly schools and markets, in the boring of artesian wells for public sanitation, and the improvement of neighborhood roads, in the prosecution and punishment of evildoers, and in the ornamentation and sanitation of public places, be considered, there is reason for saying that everywhere they understand the true public interest, and the officials understand at the same time that they are servants of the public well-being. The municipalities which can count on sufficient funds have realized all classes of public works that are monuments of progress and of efficiency in the public service. The majority of the municipalities naturally can not display such monuments, because of lack of resources, but all can show that they have done something for the towns and for the people, who see with deep feeling the excellent use they are making of the money provided by the payment of their taxes.

The interest with which in some places are attended the popular conferences in which instruction is given to the people of its rights and civic duties is an argument against what is affirmed by some writers of "Caciquismo" of the local officials, which they supposed very general in the towns of the Philippine Islands. In these conferences the first who take part are the very local functionaries and young people of the schools. The Philippine Assembly initiated a law for this purpose, which is producing excellent results.

PHILIPPINE MAGISTRATES AND JUDGES.

There is a very general belief against the methods of administration of justice by oriental people, especially when the parties in litigation are not natives, but of other races. The organization of tribunals of justice in the Philippine Islands, and the participation which has been given to the Filipinos in it, have shown the inconsistency of such belief. The Filipino magistrates and judges, whether they have sat together with Americans or alone, can not be accused of partiality or bad faith. Some decisions of Filipino judges have given origin to suspicions among the Filipinos themselves that they have been dictated to under executive influence; it has not been possible to confirm these suspicions and they only have their foundation in what is generally considered a defect in the present system, which confers on the executive the power to name and remove said judges. No American or foreigner has been able to formulate a just accusation against any Filipino judge for lack of competence or integrity in his decisions and methods, and this proves that the law in Filipino hands offers equal protection to everyone, native or foreigner, poor or rich. The reputation of the Filipino judge has always been very high, and this has been noted by some Americans who have familiarized themselves with the affairs of the Philippine judiciary. There is not seen, then, any reason to believe that if the government were Filipino the native judges would not conduct themselves in the manner in which they now perform their duties in hearing and deciding the questions which are presented before the judges without fear or favor.

FILIPINO EMPLOYEES SUBJECT TO THE CIVIL SERVICE.

The efficiency shown by Filipinos subject to civil service in public office which they occupy justifies the belief, heretofore expressed publicly before a body of the Representatives of Congress in 1905, that there were sufficient persons in the country to serve the public interests in the different branches of administration. This statement was understood apparently erroneously as an enunciation of the incorrect idea that the Filipino had of popular government, believing that there was necessary a governing class and another class obedient and submissive. But the idea which it was intended properly to express was that the administration of the public interests might be well served by a sufficient number of persons who possess the necessary intelligence and zeal for the fulfilling of their public duties. The belief has been completely demonstrated by facts.

Speaking of Filipino employees, the executive secretary, in his annual report for 1905, made the following statement: "The Filipinos have demonstrated marked capacity in many respects, and a devotion to duty and a desire to increase their knowledge, and have demonstrated that under good auspices they may execute original work of highly creditable character, which merits more praise than is generally conceded to them." All the Philippine governors general during the American administration have agreed on this point, and Gov. Gen. Forbes, in his inaugural discourse, said: "I would not desire better men than the present officials and employees of the government, Americans as well as Filipinos. They may be favorably compared with any men that I have seen in my life in respect to aptitude and fidelity in compliance with duty."

PHILIPPINE ASSEMBLY.

We reach the climax of this probational process. If the plain demonstrations of capacity given by the country in the other orders of public activity heretofore mentioned were not sufficient, the establishment of the Philippine Assembly, and its recognized success, give one of those incontrovertible arguments which in other affairs would bring about a decisive and final state. Summarizing in the work of reestablishing public order, there was nothing new, the Filipino people having been accustomed for many years to comply with the law and to maintain its rule almost by itself. The Filipino people is old in the practices of a life of progress and order. Thus it may be understood how the exercise of the liberty of the press, the liberty of association and assembly, the liberty of petition have not produced disturbances of any class, nor have grave disturbances been caused by the freedom of religion in a people accustomed to profess the religion of the state, and with a great majority belonging to a single religion. Guided by its profound good sense and the experience of freer people, there was settled in the courts, and not outside of them, those contentions as to ecclesiastical property, the defense of whose possession and control would have shaken in other places, we are certain, the foundations of society. In the midst of the revolution the people knew by itself how to maintain order and respect property in those towns where there was lacking a local government, due to the capture thereof by American troops and the abandonment thereof a little later by them, and consequently lacking the safeguards either of a Philippine government or of an American government. The fact that a great deal of the merit of completely reestablishing public order in the Philippines may justly be attributed to the local authority, to the people itself, should carry great weight with those who honestly, but with little knowledge of conditions, constantly speak of the ignorance of the Philippine people and of their lack of qualifications to maintain a government of law and order, but produces no great effect with those who are more familiar with our conditions and know perfectly that nothing of this is new among us.

A stronger argument is supplied by the appropriate use of the suffrage, efficiency of Philippine officials, elective as well as appointive, and the success of local governments. We doubt if there are people who exercise the suffrage with the same purity and order as the Filipino people. We are sure that the efficiency of our public officials passes the most rigorous test. It is not ours, but American and foreign opinion which places our tribunals of justice at the highest level. And just as in the exercise of the suffrage, however great were the limitations under the past domination placed on our initiatives and the free manifestation of civic virtues, in the local governments of modern type implanted in the Philippines during this régime, there have been given those clear demonstrations of political experience that prove that the progress and the condition of instruction of the people can not be judged solely by the data that the census may give with reference to literacy, and that true political experience depends as much on the opportunities given to the people as those high virtues, valor, energy, discretion, and patriotism, which are the fruit of civilization, and are not the exclusive patrimony of any race.

Where fear would appear better founded is in the establishment of a popular assembly. The Filipinos, it was said, have not had any parliamentary experience. There were not lacking persons who, having superficially studied history and finding that the life of some parliaments had been worked out through centuries, exacted as an essential condition for the success of parliamentary liberty centuries of experience. On the other hand, elections for delegates to the assembly had been very bitter and the triumphant party with an immense majority was the radical party, the defender of immediate independence, which had had little contact with the present régime, and which had not intervened, except when the people was called to deposit its votes.

Contrary to all the fears, contrary to all prejudice and suspicion, the Philippine Assembly was inaugurated on the 16th of October, 1907, and its organization was immediately made effective. The organization was completed in 40 minutes. When there is considered the inherent difficulties in the organization of an assembly, when it is taken into

account the difficult experience of the older parliaments, when the recent experience of Cuba is brought to mind, calm and reflection permit us to appreciate all the success of this decisive step taken by the Filipino people.

The practical sense of the assembly is singularly revealed in the type of organization adopted. It is easy to understand that the representatives of the people having united for the first time, many of them coming from the provinces most remote from the capital, and the country being without fixed precedents, each one would bring a private opinion as to organization. Finally, there was adopted the type of organization of the Congress of the United States, which, as was seen later, was most adapted to our interests. Probably there was considered in this selection the idea that in this manner, selecting a type that was familiar to Congress, the latter might judge of the labor of the assembly with greater facility and accuracy. It was not the most appropriate to deliver long and sterile orations and provoke in the assembly those debates that are so frequent in other countries, and which, though they result in a very interesting spectacle for those that have no interest in the success of the organization, injure on the other hand the seriousness of an assembly and necessarily delay the prompt and proper dispatch of business. The lines of discretion and seriousness that the delegates adopted then in their deliberations and debates show that their intention on adopting the American rule was that of abolishing all unnecessary difficulty and to proceed with resolution and expedition in the transaction of the important business in its charge. The Filipino delegates were not ignorant of the defects which, among the advantages of regulations formed through partiotism, wisdom, and experience, appear, as in all human work, in the organization of the Congress of the United States, but placed the application of the rules in the hands of persons who knew how to interpret at the same time the true needs of the assembly and its sentiments. There was named as president of the committee on rules a member of the assembly, and not the speaker, and the theory of good democracy applied to the dispatch of the business of the assembly gave as a result that initiative which received a stimulus, and all the legislative business was regularly and promptly dispatched. The fact that the majority of the assembly composed more than four-fifths of the membership served to show the liberality and patriotism of its members, and there was conceded to the minority in spite of this not only representation in all of the committees, but the chairmanship of several of them. There were associated all and were excluded none from the labor of the assembly; thus there was recognized and protected the minority and there were likewise fixed the foundations of an organization the results of which we are now going to see.

The assembly entered boldly on its duties. Without passion and without hatred, forgetting that its members belonged to different political parties, that there had been a fierce struggle in the elections, there was remembered only that they belonged to a common country and the public welfare was a sacred charge placed in its hands. The highest feeling of responsibility, that responsibility of which the Filipino people had given so many and such great proofs in other moments of its history, accompanied the assembly in its tasks. Its legislative work has been fruitful and the scalpel of study and criticism penetrated from the little local details to the organization of the central government. The task of fixing the budget was approached vigorously and there were presented proposals to simplify the present organization of the central government. Without systematic opposition, projects were defeated considered prejudicial to the people or that infringed its rights. Nothing indicates better the character of the first assembly than the constructive tendency of its laws, and this merit, singular in a new legislative body, would merit without doubt the close considerations and lengthy study of those who may or must judge of the capacity of the Filipinos for the management of their own affairs.

Nothing was forgotten, and the resolutions of the assembly making a public declaration of the sentiments of the people to live a free and independent life are a monument to its loyalty and its civicism. It is not true that some of the political parties represented in the assembly have made concrete promises of immediate independence if its members reached the assembly, and the only thing which sustained it and which now sustains it is that the Filipino people desire it. The policy of the assembly was conducted within the amplest tolerance and the best feeling of intelligence and cooperation, and this was done not because within or without the assembly the Filipino people had renounced its ideals, but because it was believed that such policy would be, among other measures, a proper argument to show the justice of such ideals. In this manner when the party that obtained the majority in the first elections again presented itself to the people in the electoral campaign which preceded the second assembly, it received the most sincere and complete approval of the people, which elected a more considerable majority in its favor than in the past.

Education, material improvements, agriculture, industry and commerce, public health, local governments, labor—everything which has been under the consideration of the assembly—received immediate and efficient attention. Two very notable tendencies of the legislation passed are, first, the profoundly democratic sense which was shown from the first instance in the law appropriating a million pesos for the schools, and in the law governing labor accidents; and, second, the character of stability brought to the legislative sphere and appropriately shown in the law which provided for the revision of all the codes and the compilation of the infinite number of administrative laws now in force. When there is seen and judged with eyes free from all prejudice the result of the Philippine Assembly, which has fully justified the hopes of those that vouched for it and were responsible to Congress for its establishment, and when are considered the tremendous difficulties that in the advance of the liberty of all countries accompany the organization and operation of popular assemblies, in the serene judgment of all impartial and just men there must necessarily be admitted the basis on which the Filipino people rests in insisting on their demands which adversity and mishaps fortify and solidify, to possess the high attributes and assume the grave responsibilities of a sovereign free and independent government.

III. Alleged Obstacles to Independence: Their Consideration.

There are some objections that the statesmen responsible for the present policy of the United States in the Philippines have presented to the natural ambition of Filipinos possessing an independent self-government. These objections are summarized briefly in the lack of preparation of the Filipinos for the exercise of the responsibilities and powers inherent in such governments on account of defective conditions, some inherent and others transitory, presented by the present state of Philippine civilization, or the nature of the Filipinos. Whether these objections have or not a solid foundation to deny or defer the transfer to the Filipinos of political control of their own affairs is what we will consider in this chapter.

It is to be lamented, nevertheless, that the progress of political science has not established definitely the conditions of preparation which people require to be able to govern themselves, since the lack of common rule makes it little less than impossible to know if a given people has or not the necessary conditions to maintain an independent government. Independent nations present such different conditions, such contradictory systems of government, vices and virtues so different, languages, customs, and usages so varied, that truly we can not know to a certainty what are the conditions which exist in independent nations and which are lacking in the Filipino people. This will necessarily limit our study solely to those conditions or defects of our people, or of our civilization, that are mentioned by those who are interested in not conceding independence to the Filipinos.

In the declarations made authoritatively of the American policy in the Philippine Islands there has been frequently stated the belief that the islands would be delivered to a bloody and horrible chaos if they should be left to their fate; that the United States has the duty of educating the ignorant masses of the people until they can know their civil rights and sustain them against the abuses of the superior classes and exercise with certainty their political rights; that if the islands should now be left to the Filipinos the probable result would be the organization of an oppressive and cacique oligarchy, which would exploit the inferior masses; and that the educated as well as the ignorant masses of the Filipino people must be educated in the practice of political power, of which they have not had experience, until the Filipino people shows itself reasonably fit to control a popular government, maintaining law and preserving order and offering to the rich and poor the same protection of the laws and of civil rights.

DISORDER AND CHAOS.

The first point we must study, because it is the most important condition in the life of an independent government, is the question of order and the method of preserving it. The causes which are indicated as likely to generate a condition of anarchy, the government being in the hands of the Filipinos, are: (*a*) That in all periods, and from the earliest days of Philippine civilization, there have existed in the islands bands of ladrones, who infest the Provinces and control pacific residents and the forces of the Government; (*b*) that the profound ignorance of the masses constitutes a constant danger to public tranquillity; (*c*) that the irresponsible power of the caciques over their ignorant fellow citizens would always be used in cases of discontent for purposes of vengeance and to destroy the peace. Before beginning to consider these characteristics, which are believed peculiar to the present state of the country, we take note of what many impartial observers have written concerning the character of the Filipino people. The Filipino people, according to these observers, who have associated familiarly with them, are pacific by temperament, are inclined to peace, are patient, and at times even indolent in seeking reparation for offenses committed against them when they may be borne. This opinion is proven by history. In the long period of Spanish domination history scarcely records a few local disturbances; not one had a general character, except the revolution of 1896, which reappeared in 1898 and which, as known, was based on political motives.

During the period of the revolutionary government no grave disturbances occurred affecting the interior order of the Provinces comprehended within the jurisdiction of Aguinaldo's government. Nothing, then, may be feared with respect to the public order and public tranquillity which may come from a natural propensity in the inhabitants of the islands for disorder and revolution, as occurs in many countries of Latin origin.

The existence of certain bands of robbers, few in number, and disturbing few Provinces during the Spanish government, were the consequences of temporary causes arising from the deficiencies of the political system in force in the islands and from the condition of poverty which prevailed among the common mass of the people. The rural inhabitants of the Philippine Islands were unarmed against the violators of order, and the guardia civil which was spread throughout the Provinces was insufficient to protect the inhabitants of the remote barrios. The terror of the guardia civil and the crimes it committed against defenseless residents tended rather to augment the number of robbers than to suppress them. The lack of means of defense and protection must always constitute a cause of public insecurity, because it is not practicable to require the residents of a neighborhood to defend themselves against the wicked members of the community who have arms and resources dangerous to their lives and properties. The condition of order during the present sovereignty improved only when the constabulary could be concentrated in a sufficient number in one or a few Provinces to encourage the people to pursue robbers and to terrorize and scatter the latter by their presence. The only measure consequently to remedy such unfortunate condition is to distribute among the people sufficient arms to resist and destroy individuals who are members of such bands. Failing in this, the same state of things which formerly existed will still exist in those neighborhoods in which the police force is not sufficiently efficient by number or by arms to prevent the temporary formation of bands of three or more persons devoted to robbery and violence, especially in the years of bad rice crops, because then hunger reduces to a truly miserable condition numbers of the residents of the mountains without other resources.

It is not to be assumed, however, that the same causes which brought about the forming of bands of robbers in former times would be revived under the government of the Filipinos. As a fact, such bands were dissipated during the government of Aguinaldo. The right to bear arms would doubtless be one of the rights which would be recognized under an independent government, and this would give to each community practical means of protecting its lives and interests against those persons prejudicial to the same. These would tend to cease their evil habits or would be exterminated in one manner or another, since there would be no other alternative. The misery of the common mass which contributed and contributes now to the formation of such bands would have to be effectively improved through suitable legislation which would give to the poor facility to acquire their lands and cultivate them.

An eloquent proof of the good disposition of the people toward preservation of order under normal circumstances was the organization of the bands which operated during the Spanish sovereignty. These were selected from the common people of the municipalities. They performed service by day in the municipality and watched by night at points outlying the resident section for the public security. They received no salary except equipment and clothing. Their duties were, when occasion necessitated, though badly armed, to seek and pursue

evildoers, fight these, and arrest them. They successfully performed these duties. The men of the towns accompanied on many occasions these bands for such purposes. It is not less indicative of the spirit of order and discipline of the people that there are communities which have barely two or three policemen to guard the jail and maintain order. The lack of these is not felt on days of great feasts and crowds. The danger of disorder feared is as small as remote.

IGNORANCE AS A MENACE TO ORDER.

There is pointed out as another of the grave menaces which might constitute a constant danger to order the ignorance of the Philippine masses who speak only one of the 15 or 16 Malay dialects, each one of which contains a very limited vocabulary, which offers no means of communication with modern thought and civilization.

We do not desire in any way to deny that there really exists among the Filipino people persons not educated in schools. No one laments this situation like the Filipinos themselves—a situation due to causes altogether foreign to their will. Nevertheless, while it may be said that there are some illiterate people not prepared in the schools, it can not be said that the people are profoundly ignorant. From the fact that there are people who do not know how to read and write does not necessarily indicate that the community in which they live does not know the rights and duties appropriate to a civilized community.

Let us take as an example one of those rural communities of the Islands far distant from centers of commerce and education. It is a community that lives pacifically, has a religion—the Christian—and practices its creed. Each individual constructs his home and works a piece of ground and sows what is necessary for his living. His house is small, but he keeps it clean, as well as its surrounding lot. He lives from fishing or agriculture. He does not rob or steal or kill or molest any of his neighbors. He receives the stranger cordially and shares with him all the resources that his natural hospitality permits. He pays a teacher for his children or sends them to the public school of the town. He recognizes his public authorities, to whom he appeals on all occasions when he receives some injury or other, pays his tax religiously when required to do so by the agent of the municipal authority. The community scarcely requires police because order is very rarely disturbed. All live in the greatest satisfaction, without passions, without struggle, in the midst of an enviable harmony.

We can not say that a community that lives thus is profoundly ignorant and might place in danger the security and order of the state on account of its ignorance. If we compare this community with other Filipino communities which form the municipalities and the Provinces of the archipelago and present the same sketch and characters, with the only difference that there are in these a greater proportion of instructed persons, we can not see any danger to order in confiding to such communities the government of their own interests. It is flattering to be able to say that the truth is that the so-called ignorant mass of our people so unjustly treated by our critics is sufficiently instructed in its duties of man and of citizen, and we are certain from what occurred during the revolutionary period that with the independence of the country there would be again awakened in it that stimulus to greater progress, well-being, and liberty that collective conscience and that spirit of responsibility of which it has given so many and such eloquent proofs.

Furthermore, the causes which under the past sovereignty produced the present condition of education in the people are sufficiently known, and likewise well known are the methods which should be employed to more generally spread instruction among the masses most needing it. It is reasonable to suppose that whatever government the Filipinos may have will give all possible opportunities to all the classes of the people to educate themselves in the schools. The Filipino people, as has been said in another place, is glad to instruct itself in all branches of human knowledge. It is not necessary that it be compelled to this. In the official reports there is noted with true satisfaction the natural inclination displayed by the Filipinos for education, the poorest families sending their children to school. There has been a constant increase in the number of children attending the public and private schools, so that in this year it may be reckoned that nearly 700,000 children and youths are receiving an education in the different public and private schools established throughout the archipelago.

The Philippine Assembly has always been ready to make large appropriations for the bureau of education, and this certainly indicates that if the country were independent the Philippine government would place all its interest in increasing and spreading instruction among the masses, not only because it would understand that this was its responsibility, but likewise because it would recognize the advisability of having the people instructed in order that the nation might be solid and strong. The Philippine government would be in possession of power to save a great part of the present budget destined to salaries and expend such savings in paying school-teachers and constructing school buildings in order that the progress of education might be more rapid daily in the Islands.

There exists, then, in our opinion, no reason whatever to fear the imagined dangers that the present state of education of the people might offer to the permanent establishment of public order under an independent government. Above the subtle conventionalisms of nations which, in spite of all, have never been able to fix with precision and uniform judgment when a people is sufficiently educated to be independent or when not, it is certain that there exists here a people old in the practices of civilized life, lovers of home and property and enthusiastic for education and progress, obeyers of the law, all of which, far from being a danger to order, is its firmest and most secure foundation.

"CACIQUISM" AND OLIGARCHY.

There is likewise pointed out as another obstacle to good order and the establishment of democratic institutions and principles the so-called "caciquism" dominant in the country. There is mentioned the fact that in the rural municipalities of the Philippines the whole people is completely subject to the will of some educated person of alert intelligence living in the community, who knows the local dialect and who desires or knows how to excite the fears or the cupidity of his neighbors to organize a party to resist imaginary wrongs or oppression, in order to satisfy vengeance or to obtain a livelihood without labor. There is said in proof of this that the history of the revolution and of the state of disorder which followed it is full of examples in which the simple country people, incited by the local caciques, have committed the most horrible crimes of torture and assassination, and when the authors have been arrested and prosecuted, they have simply replied that the caciques of the locality had ordered them to commit the crime. There is mentioned likewise that with great frequency the presidente and other officials of the town make use of their offices to subject the ignorant residents of their respective towns to their control in the sale of agricultural products. The official acts as an intermediary in the sale and takes the greater part of the products of the person he represents. It is likewise alleged that caciquism is revealed in the most flagrant form when the Philippine municipal officials, and even provincial officials, are invested with governmental power over non-Christian tribes or over others that are not of their own race distributed through the Christian Philippine Provinces. It is said that the people of these tribes are victims of abuse and oppression on the part of such Philippine officials.

The series of acts mentioned which show the existence of the so-called "caciquism" in the Philippine Islands is not truly the result solely of the state of education of the masses, but a natural product of the perversity of man of whatever time and whatever race. The instinct of profiting at the expense of one's neighbor or of satisfying certain passions and taking advantages of other men who may be convinced or seduced is not only a quality peculiar to Filipinos, but a universal human sentiment. This instinct naturally reveals itself in different forms, according to the condition of the various societies, but in one form or another it exists among all people, whether they are civilized or not. He who considers himself stronger will always try to obtain some profit if he can from the weaker, whether this one be ignorant or not.

The facts mentioned are not, however, very general nor are they of such gravity as those that occur in more civilized countries. The examples of caciques who have ordered the assassination or the torture of hostile persons are exceptionally rare, or so little known that there has not reached our knowledge specific cases registered in the tribunals of justice. The abuses by officials who take advantage of their official influence to serve as middlemen for some ignorant persons in the sale of their products, aside from being few, are assuredly less scandalous than those which are told of officials of independent countries who enter into illicit combinations to permit gambling houses or houses of prostitution, in the profits of which they participate.

We are not trying by this statement to apologize for these abusive acts, but the fact that they are committed, not only in this country but in all countries, although they wear different forms or aspects in each one of them, brings us to a conclusion, and it is this: That because this evil exists in the Philippine Islands is not a reason for failing to concede independence to the Filipinos. The belief that caciquism in the islands may constitute a grave danger to order is not sustained by the facts. There is nothing in the facts before mentioned and in those which the action of the caciques show which can not be corrected by the action of the courts or of the executive. It would be therefore extravagant to believe that the Filipino government would lack means or sufficient resources to punish the abuses or the disturbances which local caciquism may occasion. It would not be an error to suppose that the government being in the hands of the Filipinos and there being established naturally greater confidence between the people and the government that any act of caciquism would be more promptly denounced and consequently punished.

In relation to the existence of caciquism, which thrives, as is believed, because the mass of the people is profoundly ignorant, there is likewise expressed the idea that in case of constituting an independent government the educated mass which would form the government would make of this an oligarchy which would tend to oppress and exploit the ignorant mass. In other words, it would be a government of caciquism. It would not be possible to ignore this fact, that by the force of circumstances and in virtue of our sociological conditions, the government must be in a certain manner in the hands of the most capable and intelligent group having knowledge of the science of government and of society. But far from this being an evil, if this group is to be the element favoring modern ideas always inspired in good and in the interest of the community, if it is to guide the others to conduct them to the object of their aspirations for progress and well-being through the means most appropriate and suitable to it and in the final analysis, it will be but the most faithful and suitable instrument of the will of the majority; there would be no mistake in placing on its shoulders the responsibility of a sovereign people.

There is likewise sufficient evidence showing that the people are educated in the practices of equality and democracy; that there will be no danger whatever of the interested and wicked preponderance of a determined group called caciquism or directing. There exists the positive and certain fact that exactly the so-called caciquism group, responding to the desires of the entire body, has realized and is realizing the work of lifting up the spirit of the most humble masses, of aiding them to proceed in the road of progress and prosperity, of increasing the love of country and liberty. From this one might infer that on establishing the Philippine government the directive group would feel certainly the pressure of the advantage of educating all the masses, because the first work of the government would be to strengthen the nation in the interior and exterior, and there would be recognized that public instruction is the most solid basis of a nation's strength.

RELATIONS BETWEEN CHRISTIANS AND NONCHRISTIANS.

The fact that there have occurred examples of abuse and oppression by Filipinos in office of persons belonging to the non-Christian tribes does not indicate a general policy, nor is it the general treatment extended by Christian people to the non-Christian tribes. The reference to these abuses seems to indicate the belief that the Christian people in their relation with the non-Christian people would not be disposed to give to the latter a just and liberal treatment, which would tend to lift them to the grade of civilization acquired by the Christian people. Nothing, however, can present with less accuracy the point of view and the intention which animates the Christian people with respect to those who are not so. The inhabitants of the Christian Provinces, as we have stated elsewhere, understand that the non-Christian tribes are a very important and valuable factor, not only for the population, but likewise for the defense of the common country. The variety of people which inhabits the islands and speak different dialects, with distinct religious creeds and customs, are susceptible of forming a true homogeneous unit, which they now have, through ethical reasons, assisted by the chains of common interests and ideals for the objects of progress and civilization. The belief that there is a true rivalry and hatred between the Christian and non-Christian people has been almost always exaggerated; nothing, however, is falser than this opinion. The simple knowledge of the non-Christian tribes of the establishment of the Filipino government in Malolos produced a distinct approximation in the ideas and relations of the Christian and non-Christian people, the latter having presented themselves spontaneously to the authorities of said govern-

ment, giving it loyal support and recognition. There is, too, the fact that some Christians of Luzon and Visayas have established themselves in Moro territory or in various "rancherias" that live in the mountains from which the most skillful have succeeded in acquiring greater or less fortune.

The true reason for the dissatisfaction and differences existing between the non-Christian people and the Christian people is based rather on the fact that the non-Christian people believe the Christians allied with the foreign government, anxious to pervert them with a change of their religious beliefs. But religious intolerance having disappeared, the principal factor which caused the existing differences between the two, it will not be difficult to convince the non-Christian people of the islands of the benefits of living under a common régime with the inhabitants of the Christian provinces. We are convinced that a Filipino government is the only one that could reach in a permanent manner and without violence a definite understanding with the non-Christian communities of the islands, because the latter in spite of the differences of religion and customs, would not oppose, nor could they oppose, the influence of the ethnical unity and relationship. This circumstance gives to the Christian Filipinos the advantage of a better knowledge of the psychology of their non-Christian compatriots and teaches them the road most appropriate and the measures most suitable to reach the intelligence and hearts of the said compatriots and to establish with them the relationship which tends to consolidate national unity.

LITTLE POLITICAL EXPERIENCE.

The little political experience of the Filipinos, acquired under the Spanish Government, has constantly been a theme touched upon to refuse the national aspirations of the Filipinos. But if it be considered that the nations, whatever be their race or creed of humanity, have only gained complete experience through direct and absolute control in the management and government of their interests, such argument loses a great part of its force and strength. Experience in life and in business certainly comes in no other manner but in daily contact with the men or with the interests which are managed. The United States has not gained experience to manage the affairs of a federation, except since the old Britannic colonies declared themselves independent and constituted such form of government. We are convinced that the Filipinos must likewise expect more complete experience to direct and administer their national affairs after they are independent. The Filipinos have gained, doubtless, greater experience than they had in the past domination in municipal and provincial affairs, because they have been placed face to face with the responsibilities and difficulties of practice in such affairs. Experience in the control of affairs which we would call national it may be said they have not had during the present régime, or if they have had, it is as an experience purely theoretical. So that if the laws which govern the present system are to continue permanently, the Filipinos would experience the same results which they had with the Spanish Government as to practical political education.

The Filipinos acquired much more experience and education during the epoch of the so-called government of the Filipino republic than in any time before or since the American occupation. The succinct relation that we made in the first chapter of the provisions and regulations adopted by that government shows that the governmental practice of the Filipinos does not differ much from the experience of the old nations. This historic fact serves to demonstrate that political experience may be gained either by independent effort or by the experience of others.

The colonial experience of the United States has occurred only since the war with Spain. The political experience of American statesmen has been limited before this time to domestic affairs. When the American Nation, through the declaration of their prominent men, and in other ways, congratulates itself in saying that its colonial administration of the new people, subject to its domination, has been carried on with success, we can not do less than infer from this the truth from our point of view that a previous practical experience is not necessary to a country when it shows good judgment and disposition in other affairs to obtain the success of an undertaking.

We are glad to be able to say that the good sense and the good disposition shown by the Filipino people in adapting its life and customs to the practice of the civilized nations of Europe and America permit the well-founded hope that with this actual practical experience it will have success in its work in the experiment of an independent government.

A COMMON LANGUAGE.

The lack of a common language spoken and written in the relations of the Filipinos among themselves has been likewise mentioned a number of times in discussing the problem of our independence. It has caused the teaching of English in the schools and its diffusion by all possible means among different people of the country, with the object that the Filipino people may acquire not only a common medium of communication but likewise the advantages that the possession of the English language would give for commerce and the study of free institutions.

The existence of various dialects within a single country is certainly an impediment to easy communications, and to the communication of thought and word between men of the same country, but the fact that there exists a like condition in many independent nations of old Europe makes us believe that it is not an indispensable condition to the independence of nations.

The number of dialects of the country, and the importance of the difficulties which this variety of dialects creates has been much exaggerated. But to be accurate, we must say that properly there are three dialects—one which dominates in the north, that is the Ilocano; another that dominates in the center, that is the Tagalog; and another that dominates in the south, that is the Visayan. The other dialects are varieties of one of these three principal ones, so that after a period of a few weeks in a place the Filipinos may speak and understand the dialect of the locality.

IV. OBSTACLES TO THE INDEFINITE RETENTION OF THE ISLANDS PREPARATORY TO THEIR INDEPENDENCE.

The present policy was explained by President Taft in his special report as Secretary of War to the President relating to the Philippine Islands, dated the 23d of January, 1908, as follows:

"I do not see how any more definite policy can be declared than was declared by President McKinley in his instructions to Secretary Root for the guidance of the Philippine Commission, which was incorporated into law by the organic act of the Philippine Government, adopted July 1, 1902. That policy is declared to be the extension of self-government to the Philippine Islands by gradual steps from time to time as the people of the islands shall show themselves fit to receive the additional responsibility, and that policy has been consistently adhered to in the last seven years now succeeding the establishment of civil government.

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"It necessarily involves in its ultimate conclusion as the steps toward self-government become greater and greater the ultimate independence of the islands, although, of course, if both the United States and the islands were to conclude after complete self-government were possible that it would be mutually beneficial to continue a governmental relation between them like that between England and Australia there would be nothing inconsistent with the present policy in such a result.

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"Any attempt to fix the time in which complete self-government may be conferred upon the Filipinos, in their own interest, is, I think, most unwise. The key of the whole policy outlined by President McKinley and adopted by Congress was that of the education of the masses of the people and the leading them out of the dense ignorance in which they are now, with a view to enabling them intelligently to exercise the force of public opinion without which a popular self-government is impossible."

This policy nevertheless has not yet been sanctioned by Congress in all its parts. Congress, which is the power in which resides the regulation of affairs referring to the Philippine Islands, has until the present refused to express its opinion with reference to the future political status of the islands.

CONTRARY OPINIONS AND POSITIONS.

This indefiniteness as to the political future of the country results in two contrary movements of opinion as well among Americans as among Filipinos—some who believe that independence must be conceded after some years, and others who believe that it is never to be conceded. The doubts which arise from this state of indefiniteness result in all and each one working without a fixed direction, producing a lack of general agreement which is far from favoring the progress and well-being of all the residents of the islands. In the attitude, idea, and actions of many Americans in the islands appears to be indicated the conviction held by them that the Filipinos are not to be, nor will ever be, independent; that the American flag will never be lowered there, where it has once waved. So that, notwithstanding the repeated declarations made by high authorities in the United States that the government implanted in the islands is for the interest and benefit of the Filipinos, there are many American residents of the islands who conduct themselves in the contrary sense, animated apparently with the idea that the government has been established here exclusively for their interest and benefit.

It is observed, for example, that there are few Americans of those who come to the islands who have endeavored to intimately know the Filipinos or to gain the friendship of the latter, by socially and personally uniting with them, but many of them have displayed egotistic and personal motives; sometimes publicly indicating that the Americans have come to the islands to better their purses and interests, and at other times depreciating the association of the Filipinos, or in a thousand ways treating them depreciatingly. Few of the Americans who deal with the Filipinos can hear with calmness the demands of the Filipinos for their independence, but many of them laugh jokingly at it as at a thing impossible. On the other hand, the Filipinos who accept in good faith and sincerity the carrying out of this policy, in view of those examples given by the Americans, can with difficulty induce a ray of hope into the minds of their compatriots, and not a few come to establish in their minds the belief that the American Government is not disposed to specify to-day or at any time the political aspirations of the Filipinos.

HARMONY AND GOOD UNDERSTANDING MADE DIFFICULT.

From this naturally come many difficulties which do not contribute to create that healthful harmony, that close relation, between Americans and Filipinos which is necessary for the fulfilling of the mission which the American people desires to fill with respect to the natives of the islands. The American Government needs the cooperation of the people, needs the support of the Filipinos to convince the country as to the generous and altruistic designs which have moved it to remain in the islands, but every day the Filipino politicians are denounced to the government as propagators of evil doctrines; as obstacles to the execution of the plans of the government; as hostile to the sovereignty and mission of North America in the islands; in general, as the most dangerous enemies of its own people. It would even seem that there is an effort to make the government believe that it should suspect all Filipino politicians; that ear should not be given to their proposals and complaints; that it should entirely ignore them or do the contrary of what they ask or propose, because in this manner they might administer more justly and efficaciously the interests of the people in these islands. In this manner the labor of the government for a closer union with the people is strongly embarrassed on the one side by the voice of a portion of the American press, which clamors constantly against the policy and the Philippine politicians, and on the other side by the voice of a portion of the Filipino press which, rendered hostile by that, considers it necessary to take the defense of the Filipinos, censuring the Americans and making them responsible for the violations of its own principles and policy in the islands.

There is observed on this account frequently a low struggle of individuals whose judgments are engaged in presenting an antagonism of interest between American and Filipino people, relaxing the bonds of cordial and mutual intelligence which the government extremely desires to see established. The efforts of men of good faith of both peoples are always directed in avoiding the breaking out of this struggle, of the reestablishing in a short time courtesy and mutual consideration. The frequent injury that this occasions in the cordiality of the relations of the Filipino people and government is great. Meantime, the government can not remain aloof from this struggle, and as it is composed in its majority of Americans it is obliged to act in accord with the dominating spirit in the American community. From which, in their turn, the Filipinos complain and form among themselves the opinion that the government does not listen to the voice of the Filipinos, but gives consideration only to the interests and satisfaction of the Americans.

DIFFICULTIES IN ADMINISTRATION.

The difficulties of administering the interests of a completely different race are revealed by the fact that the government judges many times very erroneously the attitude of the people and its representatives, and in its turn the people misunderstand the intentions and dispositions of the government. In 1902 there appeared for the first time since the American occupation cholera in Manila and the surrounding provinces. The government was obliged to adopt precautions and measures to protect the health of the inhabitants. There was put in force various regulations drawn up to avoid the propagation of the evil, and there was increased the number of the sanitary corps who had to carry into effect said regulations. The people were not accustomed to the methods adopted and believed themselves persecuted by the representatives of the government and refused, in many cases, to submit to the methods prescribed by the official science. The violence in the execution and enforcement of such methods resulted in the hiding of cases and to secret burial of corpses in such cases. The native press criticized some of the regulations emanating from the government and the manner of putting them into execution. The government understood then that the representatives of the press were impeding the measures for the repression of the evil until the knowledge of some facts made the government understand the necessity of reforming the processes, and it then took advantage of the cooperation of the Filipinos themselves in the sanitary measures adopted, from which were obtained better results. In 1904 the constabulary was the object of severe criticism on the part of the native press for the commission of abuses and other excesses in the performance of its duties. The government saw in such criticisms, as always, a spirit of party and hatred on the part of those who criticized the government and its institution. It believed that these sympathized with and aided the ladrones who disturbed peace and order. The publication of certain facts in El Renacimiento gave rise to a prosecution of this newspaper. The evidence in the case proved the commission of acts of violence and torture by officials of the constabulary. The court acquitted the editors of El Renacimiento, and since then the appointment of the chiefs and officers of said corps are made with greater care and there has been observed a higher standard of efficiency in the service of the corps and better cooperation of the people with its officers and men.

These facts serve to illustrate the difference of judgment which always appears when a people has not a government composed of men of its own race that can understand clearly its method of life and peculiar habits. This lack of comprehension by a foreign government, aggravated by the difference of language, contributes not a little to the fact that the people view with doubt or lack of confidence the acts of said government. This government needs the faith and the complete confidence of the people in order that every one of its acts should be accepted by the people with the satisfaction and certainty that it is to better their interests and make them happy and prosperous.

Great principles or great men are not so necessary in order that the administration of the interests of a people attain the advancement or well-being of the people, but it is absolutely necessary that the people have entire faith in those to whom are confided its interests, because without that faith every effort of intention or of act that those who govern take will encounter passiveness and indifference on the part of the people. In consequence of this our government attributes at times to ignorance or lack of understanding of its own interest the indifference which the people display toward many good acts or laws made in their favor—as, for example, the homestead law.

POLITICAL ECONOMY.

These symptoms of doubt manifest themselves markedly in the consideration of economic subjects. All Filipinos believe necessary the development of the natural resources of its to-day unproductive soil. They understand the necessity of the assistance of foreign capital, but they complain at the same time against the policy of selling great tracts of land to corporations, against perpetual franchises for railroad companies, and against the predominance of corporations and commercial interests; and this, which appears a very grave confusion of ideas, has its origin in the rooted belief that the future of the people is threatened by the invasion of that capital which, once rooted here, will be opposed, when the moment arrives, to all change of sovereignty, because it would not believe itself sufficiently secure and protected except under its own sovereignty. If this government were the image and work of the people, these fears would not be felt and the cries of protest of the present would be converted into cries of praise and blessing, because the people would have entire faith and complete security that their interests and their future in the hands of such government would be under the protection of guaranties such as would permit the development of native capital on equal terms with that from abroad.

It is believed generally among the Filipinos that this government has given no attention to favoring with some stimulus the development of Filipino capital, and has used all its efforts in bringing capital from without for the exploiting of the material riches of the country. They feel that this government, which has been established for the happiness, peace, and prosperity of the inhabitants of the island, according to the text of the instructions of McKinley to Secretary of War Root, leaves the Filipinos abandoned to their fate in the development of their economic interests; does not extend its protection to native capital, whether interesting said capital in the formation of new industries for which the soil offers rich material, there being given some privileges by law, or authorizing facility to Philippine producers and merchants in the prosecution of their enterprises, or inducing the companies that are formed to admit Philippine capital for the agricultural and mining exploitations.

The people observe that all the preferences and stimulus of the government is kept for foreign capital and that the government leaves it unprotected, and it is not to be wondered at that the people feel a profound neglect and that they see themselves in advance beaten in an unequal economic competition and lose faith in the benevolence of the intentions of the government. In the practice of the professions it observes likewise that natives of the country are being relegated to the background and that the business is controlled by Americans, and that, as in the case of the surveyors, there have been efforts to deny to the latter the practice of the profession in what relates to an office of the government, and in its profound logic the people have reason to believe that the government, far from favoring their economic condition, restrains them without, perhaps, wishing to do so.

The people are convinced that they comply with all their obligations to the government; that in spite of their poverty they pay annually in taxes ₱30,000,000, with the object that the government may provide all measures and resources to improve the economic conditions of the country. The Philippine people nevertheless find themselves in the same condition of economic crisis that prevailed under the past domination. Failures to pay and requests for deferment of payment of taxes and the sale of property for insolvency evidence the deplorable state of the economic interests of the Filipinos. The existence and increase of the same pernicious amusements that created such poverty during the Spanish government and which were abolished during the short period of the revolutionary government necessarily accompany such a condition. The increase of houses of usury and loan tend to aggravate the situation. This, which is so evident to the people, is nevertheless not so to the government.

The government believes that the people complain as a matter of routine or through ignorance of what must be paid for the necessary public services. The government shows that the commerce of importation and exportation, which measures the riches of a country, is increasing yearly and shows likewise that the rate of contribution per capita is considerably lower than in any civilized country. From this it results that the people do not understand the government nor the government the people, and the two doubt and mistrust each other.

In such a state of relations, that are the natural consequence of the present régime, the faith which has placed America in the administration of the affairs of the Filipinos for the happiness, peace, and prosperity of the latter will never see itself realized. If there is taken into account, in addition, other organic defects in the present régime which prevent the development of the individual and national aptitudes of the people of the islands in a state which is supposed to be one of preparation, the claims of the Filipinos for the enjoyment of an independent government with the object of assuring its own progress and its final well-being would be far more justified.

UNSUITABLE LEGISLATION.

The gravest defect of the present system is founded entirely in the lack of confidence in the capacity of the natives, who are prevented from developing themselves by their own methods and are forcibly subject to an exclusively American type. Little effort has been placed so that the Filipinos by themselves might form the legislation with reference to the conditions and customs of the people. The legislation now in force has been constructed on purely American lines without exact knowledge of the character and peculiarities of the inhabitants of the country. Such legislation is not the work and product of circumstances and convenience of this people, but a copy and imitation of laws taken from a people with different characteristics and a distinct type of civilization. The Philippine Assembly was created after the construction of this legislation, and whatever effort to reform it in its foundation is absolutely nonrealizable through the opposition, at times blind, of the other branch of the legislature. It thus happens that some laws are of difficult application to the people of these islands.

LITTLE PRACTICAL EDUCATION.

In the executive branch is yet more notorious the lack of confidence which is the base of the system. The central axle of the administrative organism revolves in such a way that it leaves to the Filipinos no opportunity for practice in the conduct of public affairs through means of direct contact with the methods of action and their difficulties. If it be considered that the basis of the policy followed in the Philippine Islands is the preparation of the Filipinos for the exercise of the powers of an independent government, it is not seen how under the present system such a result may be obtained. For example, nearly all the chiefs of bureaus are Americans, as are their principal assistants and local agents; that is, all those who go to form and direct the plans for the execution of the laws. Few Filipinos, if there are any, can by virtue of their offices take part in the determination and regulation of these plans. The best education would be that which places the Filipinos on the ground of reality and places them in contact, by virtue of the duties of their offices, with a knowledge of the methods and practical difficulties of the public service.

INEQUALITY IN THE CIVIL SERVICE.

From this comes the constant demand of the natives for the Filipinization of the public service, but the bureaucratic spirit which is developed necessarily among the colonizers in a colony tends to neutralize the results of this demand. The slow course that the insular government is adopting to place Filipinos in the offices of high salary and responsibility, notwithstanding the merit and the efficiency demonstrated in several years of service, is the result of constant employment of Americans who in a large number are always awaiting every occasion to occupy the vacancy or promotion of other Americans. The Filipinos are placed necessarily in their subordinate and assisting posts, and even when many of them are really prepared by experience gained through long service in the office and perform the duties performed by the Americans, only rarely and by accident are they promoted to the places of the latter.

The same treatment is not accorded to Americans and Filipinos in the civil service. In practice there appear to govern certain rules for Americans, and others for Filipinos. The salaries are not the same for one as for the other. The Americans are promoted more rapidly than the Filipinos in the same office, and the cases of demotion of the Filipinos are frequent. The merit and efficiency of the Filipinos are rated with greater rigor than those of the Americans, as well as likewise their failings in the service. All this is evidenced manifestly in the material fact that nearly all the posts occupied by Americans since the establishment of the civil government continue in possession of the Americans.

The increase of Filipino employees each year is only apparent. There is not a chief of office who does not place annually in his estimate for expenses a greater sum than in the preceding year, and with this augment are created some inferior posts that are filled by Filipinos. The number which is set forth in the reports of the civil service is the total, and it shows an increase in the number of Filipino employees but not a diminution in the number of Americans. If the American policy in this matter in establishing the civil service is to educate the Filipino in the sense of responsibility in the government, the practice followed, instead of favoring this policy, paralyzes it in its educative effects and as a result tends to form a sort of privileged class composed solely of Americans.

GOVERNMENT OF THE NONCHRISTIAN PEOPLE.

Another grave fault of the present system is having followed the policy of maintaining a complete separation between the Christian and non-Christian people. The different tribes which inhabit the mountains

of the north of Luzon and the Mohammedans of Mindanao must form part of the Filipino nation as belonging to the same territory and originating from a single ethnical trunk. The separation between these only tends to foment a lack of common interest, which creates in its practical results unfounded misunderstandings between them. There should be inculcated in the people of said tribes the idea that this is a Filipino government, and on that account they should become accustomed to see Filipinos at the head of the governments instituted among themselves. The concept which actually is imbued in them is that they must be protected against the alleged abuses of their own brothers—the Filipinos. If the Filipino nation is to govern alone in the future and those who constitute such tribes have to form part of said nation, it is necessary to have them look on the Christians as brothers, as fellow-citizens with whom they are to live and are to be united in a community of culture and aspiration. The Christians, as we said elsewhere, can not be assumed to be without all practical sense; that does not appreciate their interest in civilizing those non-Christian tribes that are an important factor as well for the population as for the defense of the common country. There would certainly not be lacking Christian Filipinos of demonstrated executive skill who might govern said tribes in accordance with their interest and well-being. The present political and administrative organization which separates the Christians from those that are not does not tend to the preparation for an independent Philippine government, but to prepare for the latter in its day difficulties in its relations with the inhabitants of said localities. If the Philippine Assembly could have jurisdiction over the territory occupied by the non-Christian tribes and the Moro Province there would be made evident the reasonable interest that the Christian people feel for the progress and well-being of the non-Christian people.

CONCLUSION.

The Philippine Islands were acquired by the United States by virtue of the cession made by Spain through an indemnification of $20,000,000 in accordance with the treaty of Paris. On the date that this treaty was signed a great part of the Philippine territory was in power of a government organized by the Filipinos. The organization of this government was made with the knowledge, consent, and moral support of the Americans. On the opening of the Spanish-American War, Aguinaldo, who was considered the leader of the insurrection against Spain in 1896, came from Hongkong in an American transport of war, with the object of reopening the revolution against Spain, having been induced to believe that he might reckon on the aid of the American forces.

Although he made no use of the offers that were made to him, practically the attitude of the Americans and the relations that Aguinaldo maintained with them created the impression that he might consider them as allies. For some time the launches and steamers that were at the service of Aguinaldo displayed the Filipino flag and were not prevented from circulating in the Bay of Manila and some provinces to carry forces and orders to Aguinaldo.

The 13th day of August, 1898, the city of Manila surrendered, and Gen. Merritt, as commander of the American forces of occupation, published a proclamation, in one of whose paragraphs he said that he had not come to the islands to take a piece of territory. From the date mentioned before and until the 4th of February, 1899, the Filipino government maintained cordial relations with the military troops of North America, and all of the differences were regulated through official communications of the representatives of the two governments.

These facts are mentioned with the object of showing that the persistency of the Filipinos in being independent is bound up in the recollections of that short period of their past in which, associated with the Americans, they threw down the secular power of a sovereignty and experienced the satisfaction and happiness of governing by themselves their interests and their future. Then they understood how satisfactory and sweet to the citizens is the yoke imposed by the power of its own laws and the government by men of its own race, and how close and loyal is the cooperation which exists between people and government to better the interests of the country and to enter resolutely and without embarrassment into the wide ways of human progress. Then the Filipinos abandoned all the vicious practices which the former sovereignty had extended over all the masses and recovered the good qualities which people free from all yoke possessed. This moved the Filipinos to resist with all their force the new American domination and to submit to it only when they fully understood that they might be independent in a more or less short period. The efforts of the Filipinos in defense of that government, the blood which its soldiers shed, and the money which was employed in the service of the Filipino flag, recalls to them constantly that short period of its happiness and makes them consider the present as a temporary situation which they desire to abbreviate as much as possible in order to acquire the satisfaction of their national ambitions and their intentions of elevation and enrichment of the country. They wish to consider that the American people have been guided providentially to these islands to save the people from oppression; they recognize that the American people have borne themselves with liberality toward the Filipinos after the latter had been conquered; but they believe at the same time that if there existed the providential designs these have been completely realized; that after 12 years that North America has governed these islands under its flag and has made clear to its inhabitants those theories and practices of a free people, the Government has terminated its mission with honor and glory for itself in these islands and may confide the government to the Filipinos with complete security for the interests of the latter and to all those that live in the country. The Filipinos at all times have shown a broad spirit of progress, a high interest in assimilating all ideas and practices of civilized people, and are not doubtful that they will operate in accordance with those ideas and practices on occupying their position among the nations of the earth.

For all these reasons, Mr. Secretary, we respectfully charge you to be the interpreter of the feelings of the Filipinos to President Taft, to whom we desire to transmit a copy of this document, and to the American Congress, to each one of whose Members we likewise desire to transmit copies of the same.

Respectfully,

THE EXECUTIVE CENTER OF THE NACIONALISTA PARTY,
By SERGIO OSMEÑA, *President*.

Certified:

MAXIMINO MINA, *Secretary*.

This is not the first time, Mr. Speaker, that the Filipino people, by means of memorials, petitions, and resolutions, have addressed the Government of the United States for the purpose of securing their political freedom. When President Taft, as Secretary of War, visited the Philippines in 1904 with a party of Senators and Representatives, another memorial was then sent, through him, to Congress, wherein this legislative body was urged to declare that it was the purpose and intent of this Government to grant the Philippines independence.

The first Philippine Assembly, in its first regular session in 1907, adopted a resolution requesting Congress to terminate the present colonial relationship between this country and the Philippines, and when, in March, 1910, a petition signed by a large number of prominent American citizens favoring Philippine independence was presented in the Senate by Senator WINTHROP MURRAY CRANE, of Massachusetts, that petition was enthusiastically indorsed by every Province in the islands and by almost every town.

Again, when I had the honor of presenting and supporting before this House on May 14, 1910, the resolution of the first Philippine Assembly heretofore mentioned, my action was indorsed by my countrymen, and demonstrations of their deep appreciation of my efforts to bring about the realization of their most cherished ideal were made in every place which I visited during my recent stay in the islands.

All these facts show in the most striking manner that the day has now arrived when it is absolutely essential to the happiness, welfare, and tranquillity of the Filipino people that a declaration regarding their independence be at once made by Congress. There was a time some years ago when it was said with some show of justification that the demand for immediate independence was only the rallying cry of a few ambitious and misguided politicians, and not the true and real expression of the heartfelt aspiration of the people of all classes. To-day no one who is in any way familiar with the events in the islands could fail to realize that the independence of their country is the most fervent and sacred desire of the whole Filipino people.

I am betraying no secret when I assert here that the unanimous opposition of the Filipino people to the sale of their public or of the so-called friar lands to American capitalists is mainly the result of their fear that said course will in the end defeat their cherished national ambition. We know and feel that as soon as there is invested in our public lands a large amount of American capital we must give up forever the hope of ever being freed from the control of the United States. By this I mean no disrespect to the sincerity of the American people or of those charged at present with the administration of this Government, but facts are facts, and history has conclusively demonstrated that large financial interests invested in a smaller and weaker country can compel the nation whose money has gone there to exercise an influence and to adopt a policy toward that weaker country which, in the absence of those large investors, would have given way to a more generous and enlightened course. American capitalists having large amounts of money invested in various enterprises, agricultural and otherwise, in the Philippines would naturally be the strongest opponents to the granting of independence to the Filipino people, and would naturally prefer the constant and continuing control and protection of their own Government to the control and policies of any alien Government, however kindly disposed or generously inclined toward such capital that alien Government might show itself to be. The voice and influence of such American investors in the Philippines would, as all know, be forcibly manifested in Congress, and against it the Filipino people would be helpless except to appeal to what would be facetiously termed a sentimental pledge to grant them future nationality.

Some people may say, perhaps, that the great majority of the American people will never be interested financially in the Philippine Islands, and that as they are the ones who will ultimately decide what should be done with the islands the voice of those Americans who for selfish reasons would be disposed to oppose the granting of independence would be powerless to obstruct the carrying out of the pledges of this great Nation. Theorectically that is true, but in practice the unfortunate fact remains that the great majority of the American people are either ignorant of or indifferent to the real trend of events and affairs in the Philippines. There are to-day so many great and vital problems demanding the attention of the greatest minds in this country that it is too much to expect the Philippine question to receive anything more than sporadic and passing attention. The only ones who will be actively interested in shaping the policies of this Government toward the Filipino people in future will be those who for peculiar reasons are deeply and personally interested in so doing.

This, then, is why the Filipino people are openly opposed to the policy recently inaugurated by the Philippine Government of encouraging the rapid exploitation of the resources of the islands by inducing large amounts of American capital to come in to be employed in the acquisition of large tracts of public and other Government lands.

There are also some economical and social questions involved in this new policy, and I contend that no real industrial and agricultural prosperity can be brought about in the Philippine Islands through the alien ownership of large tracts of the public domain, but that, even at the cost of speed, the agricultural development of the islands must be accomplished through encouraging the people to acquire their own small farms and business undertakings and to be independent of corporate landlordism and peonage however carefully veiled.

It is vitally essential to the future welfare of the Filipino people that the natural wealth of their country be properly conserved, and no desire to produce in a day a false and fictitious prosperity should be allowed to divert this Government from its only just and honorable course. The Filipinos are not a race at a standstill, but, on the contrary, are a rapidly increasing people. Numbering only 1,500,000 at the beginning of the last century, they are now nearly 8,000,000, and at the present rate of increase we shall be 30,000,000 of people within 100 years from now.

I shall not on this occasion take the time of the House to demonstrate that we have a right to be independent and free. This is a self-evident proposition to every gentleman on this floor. You can not deny it without also denying the very principle which gave life and support to your governmental institutions. Neither shall I endeavor to show that the Filipino people are now, and for some time have been, fully prepared and equipped to assume and exercise the power and responsibilities of national sovereignty. The memorial of the Nacionalista Party, heretofore mentioned, deals with this question at length and is a substantial exposition of the accomplishments of the Filipinos in public affairs. I shall simply confine myself to asking Congress to act, without further delay, upon the petition of the Philippine Assembly which I have just had the honor to present.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On February 28, 1911:

H. R. 19756. An act for the relief of Michael B. Ryan, son and administrator de bonis non of John S. Ryan, deceased.

On March 1, 1911:

H. R. 11798. An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers;

H. R. 23015. An act to protect the dignity and uniform of the United States;

H. R. 32440. An act authorizing the Moline, East Moline & Watertown Railway Co. to construct, maintain, and operate a bridge, and approaches thereto, across the south branch of the Mississippi River from a point in the village of Watertown, Rock Island County, Ill., to the island known as Campbells Island; and

H. R. 10430. An act to authorize the establishment of a marine biological station on the Gulf coast of the State of Florida.

On March 2, 1911:

H. R. 5453. An act for the relief of the legal representatives of M. N. Swofford, deceased;

H. R. 24153. An act for the relief of John Marshall;

H. R. 26606. An act for the relief of Charles A. Caswell;

H. R. 30570. An act to authorize the receipt of certified checks drawn on national and State banks for duties on imports and internal taxes, and for other purposes;

H. R. 32082. An act limiting the privileges of the Government free bathhouse on the public reservation at Hot Springs, Ark., to persons who are without and unable to obtain the means to pay for baths; and

H. R. 32344. An act to protect the locators in good faith of oil and gas lands who shall have effected an actual discovery of oil or gas on the public lands of the United States, or their successors in interest.

ENROLLED BILL SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 17433. An act amending section 1709 of the Revised Statutes of the United States.

PERRY'S VICTORY.

Mr. KEIFER. Mr. Speaker, I move to suspend the rules and take from the Speaker's table the bill S. 10792 and pass the same.

The SPEAKER. The gentleman from Ohio moves to suspend the rules, take from the Speaker's table Senate bill 10792, and pass the same. The Clerk will report the bill.

The bill (S. 10792) to promote the erection of a memorial in conjunction with a Perry's victory centennial celebration on Put in Bay Island during the year 1913 in commemoration of the one hundredth anniversary of the Battle of Lake Erie and the northwestern campaign of Gen. William Henry Harrison in the War of 1812 was read, as follows:

Whereas the State of Ohio, by joint resolution of its general assembly, passed February 28, 1908, authorized its governor to appoint, and in pursuance thereof he did appoint, commissioners to prepare and carry out plans for a Perry's victory centennial celebration to be held during the year 1913 on Put in Bay Island, Lake Erie, State of Ohio, in commemoration of the one hundredth anniversary of the Battle of Lake Erie, fought and won off that island in Lake Erie September 10, 1813, the primary objects of the celebration to be the erection of a permanent memorial to Commodore Oliver Hazard Perry and the observance of the centenary of his naval victory and of the military campaigns of Gen. William Henry Harrison the same year, and of the peace of 1814; also to take the form of an educational, military, naval, and historical celebration; and

Whereas the governors of the States of Pennsylvania, Illinois, Michigan, Wisconsin, New York, Rhode Island, and Kentucky, by the unanimous authority of their respective legislatures, have each since appointed five commissioners to likewise cooperate to the same ends and with said Ohio commissioners in such "Perry victory centennial" so to be held; and

Whereas the States of Indiana and Minnesota have been invited by the other participating States to join them in the said celebration, and the State of Ohio has appropriated the sum of $80,000 for the objects in view and other appropriations are pending in the other States interested; and

Whereas said commissioners have organized with the name "Perry's Victory Centennial Commission," President William H. Taft and Gov. Judson Harmon, of Ohio, being honorary vice presidents thereof; and said commission has made, and it is proceeding to make, plans and suitable arrangements to hold said centennial celebration during the year 1913: Therefore

Be it enacted, etc., That there is hereby appropriated, out of any money in the Treasury of th Uenited States not otherwise appropriated, the sum of $250,000 toward the erection of a memorial in commemoration of the victory of Commodore Oliver Hazard Perry on Lake Erie, and in aid of the Perry victory centennial celebration, to be held during the year 1913, on Put in Bay Island, Lake Erie, Ohio, the same to be disbursed by the Perry's Victory Centennial Commission.

SEC. 2. That the President is hereby authorized to appoint three citizens of the United States as commissioners of the said Perry's victory centennial, who shall serve without pay, but who shall be reimbursed and paid out of the money herein appropriated for their actual and necessary expenses in attending their official duties, of whom one shall be chosen from the Army and one from the Navy, to represent the National Government in the proposed celebration and in the erection of the proposed Perry memorial, in conjunction with the commissioners representing the several participating States.

SEC. 3. That the making of the appropriation provided for in section 1 of this act shall in no way operate, by implication or otherwise, to require the United States to incur any further debt or obligation in connection with the erection of such memorial or in connection with said centennial celebration.

SEC. 4. That the money appropriated by this act shall be paid out on the order of the Secretary of the Treasury of the United States from time to time and to the treasurer of the organization engaged in the erection of such monument and in promoting and in holding the said centennial celebration, and on said Secretary being satisfied the money appropriated will be disbursed for the objects, uses, and purposes expressed in section 1 of this act: *Provided*, That no part of the sum hereby appropriated shall be available for the said Perry's victory centennial celebration until the said United States commissioners are satisfied that a sufficient sum has been appropriated by the States participating therein, including the amount hereby appropriated, for the completion of said memorial.

The SPEAKER. Is a second demanded?

Mr. STAFFORD. I demand a second, Mr. Speaker.

Mr. CARLIN. Is the gentleman from Wisconsin opposed to the bill?

Mr. STAFFORD. I wish to obtain an explanation, so as to determine whether I am or not.

Mr. CARLIN. The gentleman has no right to control the time unless he is opposed to the bill.

Mr. STAFFORD. If the gentleman is opposed to it, I will gladly yield to him.

Mr. CARLIN. No; I am not.

Mr. STAFFORD. If anyone else claims recognition, I shall be glad to yield.

The SPEAKER. The gentleman from Ohio [Mr. KEIFER] is entitled to 20 minutes, and the gentleman from Wisconsin is entitled to 20 minutes.

Mr. KEIFER. Mr. Speaker, I do not wish to take up much time, but will yield to some other gentleman.

Mr. MANN. This has been so well greased that it will go through without talk, I think.

Mr. KEIFER. I think that is true. [Cries of "Vote!" "Vote!"]

Mr. STAFFORD. The explanation of the gentleman is adequate, Mr. Speaker. [Laughter.]

Mr. KEIFER. I am ready for a vote.

Mr. MACON. Will the gentleman explain the bill?

Mr. KEIFER. The bill has been read.

Mr. MACON. I should like to have the gentleman explain the purposes of it.

Mr. KEIFER. Certainly. I was only giving way to the general demand around me for a vote.

Mr. MACON. I think when it comes to appropriating $250,000, the House ought to have some reason given for it.

Mr. KEIFER. This is to be an appropriation for a monument, not for an exposition. It is to be in connection with the centennial of Perry's victory in 1813 on Lake Erie.

Mr. MANN. Perhaps the gentleman from Arkansas confuses the name with that of Peary.

Mr. STAFFORD. I should like to inquire if this has any relation to the discovery of the North Pole by Commander Robert E. Peary?

Mr. MACON. I want to say in response to what the gentleman from Wisconsin says——

Mr. STAFFORD. I yield five minutes to the gentleman.

Mr. MACON (continuing). That I do not consider this bill on the same plane as the one that his inquiry intimates. This is P-e-r-r-y. This man was not ashamed of his father's name and never turned his back upon it. I am advised that the other man has changed his name from P-e-r-r-y, that his father bore in an honorable way, to P-e-a-r-y. [Laughter.]

The SPEAKER. The question is on the motion of the gentleman from Ohio.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

Mr. KEIFER. Mr. Speaker, I would like to put in the RECORD a statement as to what will constitute this commission.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. KEIFER. Mr. Speaker, the reading of the bill will make clear to Members the character of the centennial celebration which is to be held during the year 1913 on Put in Bay Island, in Lake Erie, and the purpose of holding it.

The appropriation carried in the bill is to promote such centennial, but mainly, if not exclusively, to be used toward erecting a suitable memorial monument in commemoration of Commodore Oliver Hazard Perry's naval victory off Put in Bay Island, September 10, 1813, by which the greath northern lakes, in principal part, passed, in the War of 1812 with Great Britain, under American control, never again to be given up.

The celebration is to be held and the memorial erected by the Perry's Victory Centennial Commission, created by a joint resolution of the State of Ohio, composed, however, of eight commissioners appointed by the governor of Ohio, President Taft and Gov. Judson Harmon, of Ohio, being each honorary members and vice presidents thereof, and five commissioners appointed by governors of States, as authorized by the unanimous action of each of the States of Pennsylvania, Michigan, Illinois, Wisconsin, Kentucky, New York, and of Rhode Island, of whose State the great victor was a son.

The States of Indiana and Minnesota are about to in like manner authorize the same number of commissioners, to be appointed by their respective governors, to participate in the centennial. The State of Louisiana and other States, it is understood, will yet agree to participate.

The President of the United States will be, if this bill becomes a law, authorized to appoint three citizens of the United States as additional commissioners to represent the National Government in conjunction with those of the several participating States in the erection of the memorial, one of whom is to be appointed from the Army and one from the Navy, each of the three commissioners to serve without pay, but their actual and necessary expenses are to be reimbursed to them from the money appropriated by this bill if it is enacted into law.

Ohio has already appropriated $80,000 toward the centennial, and each of the other participating States either have made or will make a suitable appropriation for the same purpose.

The centennial is to take the form of an educational, military, naval, and historical celebration; it is not to be an exposition as commonly understood. There may be educational, military and naval, fish, and other exhibits provided by the commission and by some or all the participating States.

The bill provides—section 3—that the appropriation authorized shall not operate to require the United States to incur any further debt for the erection of the memorial or for the centennial.

The money appropriated is to be disbursed by the commission, but no part of it can be drawn or become available until the United States commissioners are satisfied a sufficient sum has been appropriated by the participating States, including that appropriated by the United States, to complete the memorial.

I wish I could read the names of the commissioners so far appointed. They are of the most distinguished and patriotic of their respective States.

The Committee on Industrial Arts and Expositions after amending the bill in certain particulars, through its distinguished chairman, Mr. RODENBERG, unanimously recommended its passage, closing its report with these words:

> In view of the far-reaching importance to the American Republic of Perry's brilliant naval victory, and as a tribute to the memory of one of our greatest naval officers, your committee is unanimously of the opinion that the Federal Government should cooperate with the States in the erection of this memorial and celebration, and we believe that the Congress should appropriate the sum of $250,000 for such purposes.

Two somewhat memorable hearings were held by the committee on the bill—February 18 and December 10, 1910—at which some of the commissioners, and others, appealingly urged the appropriation for the purposes stated. The later meeting of the committee was eloquently addressed in advocacy of the bill by Mr. George H. Worthington, president, and by Mr. Webster P. Huntington, secretary of the commission; also at some length, by Hon. Henry Watterson, of Kentucky, one of its vice presidents; by Gen. Philip C. Hayes, of Illinois; Gov. Judson Harmon, of Ohio; and Hon. (Senator) John P. Sanborn, of Rhode Island, each of whom are members of the Perry's Victory Centennial Commission.

There is no time now for me to pronounce a panegyric on that gallant young naval officer, Oliver Hazard Perry, who, at the close of the battle, dispatched Gen. William Henry Harrison:

> We have met the enemy and they our ours.

The resultant consequence of the victory can not yet be fully estimated. The British navy was not only destroyed, but Gen. Proctor's English army was forced to retire to Malden, Canada, thence, a little later, to further retreat, with his Shawnee, Sac and Fox, and other Indian allies under Tecumseh, the greatest of Indian chiefs, and Black Hawk, later the great Sac and Fox chief, upon the Thames, where October 5, 1813, Gen. Harrison, with his irregular forces, mainly pioneer volunteers, including Kentucky riflemen, with whom was Richard Johnson, later Vice President of the United States, overtook, fell upon, and defeated them disastrously, killing Tecumseh and totally putting an end to the war on our northwest frontier, and hastened its successful issue. The Indians were thereby divorced from all English allegiance, and Tecumseh's long-cherished Indian confederacy was broken up forever. The treaty of Ghent—December 24, 1814—followed as a consequence, and all the territory over which our flag flew at its date was confirmed to the United States. Who knows but what, with a different result in this naval battle, the southern boundary line of Canada might now be on or near the Ohio River, and the upper Mississippi country and the great Northwest might now be in the British possessions.

Jackson's victory—January 8, 1815—had its good confirmatory results, but it postdated the treaty of Ghent.

The original plan of the commission was to combine with the memorial and as a part of the monument to be erected a lighthouse, a wireless telegraph, meteorological, and life-saving stations, also an aquarium and a military museum, but the committee did not fully and heartily approve of this plan, for various reasons, and hence the bill has by it been amended, but no change was made as to the amount to be appropriated. The money sought to be here appropriated is not in aid of an exposition, but by a suitable and permanent structure to commemorate permanently a great controlling event in the early history of our Republic.

It is the hope, wish, and prayer of the Perry's Victory Centennial Commission that all the Members of this Congress shall live to be present at this—1913—centennial, on the vine-clad island of Put in Bay, where the healthful breezes of Lake Erie will strengthen them, and where the patriotic sons and daughters of the participating States will hospitably meet and welcome them, each and all, with out spread arms and in joyous acclaim.

The Stars and Stripes, representing 48 States, will there be unfurled, and patriotism will be abroad in the air, and love of country will there be loudly proclaimed.

THE INTERSTATE BOARD OF THE PERRY'S VICTORY CENTENNIAL COMMISSIONERS.

President general, George H. Worthington, Cleveland, Ohio.
First vice president general, Col. Henry Watterson, Louisville, Ky.
Secretary general, Webster P. Huntington, Columbus, Ohio.
Treasurer general, A. E. Sisson, Erie, Pa.
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Executive committee: Col. Webb C. Hayes, Fremont, Ohio; Milton W. Shreve, Erie, Pa.; George W. Parker, Detroit, Mich.; William Porter Adams, Chicago, Ill.; A. W. Sanborn, Ashland, Wis.; Clinton Bradford Herrick, M. D., Troy, N. Y.; John P. Sanborn, Newport, R. I.; McKenzie R. Todd, Frankfort, Ky.

COMMISSIONERS OF THE PERRY'S VICTORY CENTENNIAL, SEPTEMBER 10, 1910.

Ohio: George H. Worthington, Cleveland; S. M. Johannsen, Put in Bay; John J. Manning, Toledo; Eli Winkler, Cincinnati; Col. Webb C. Hayes, Fremont; Horace Holbrook, Warren; William C. Mooney, Woodsfield; Horace L. Chapman, Columbus; Webster P. Huntington, secretary, Columbus.
Pennsylvania: A. E. Sisson, Erie; Edwin H. Vare, Philadelphia; M. W. Shreve, Erie; T. C. Jones, McKeesport; George W. Neff, M. D., Masontown.
Michigan: Arthur P. Loomis, Lansing; George W. Parker, Detroit; Roy S. Barnhart, Grand Rapids; Albert L. Stephens, Detroit; E. K. Warren, Three Oaks.
Illinois: Gen. P. C. Hayes, Joliet; Capt. William Porter Adams, 726 Washington Boulevard, Chicago; Capt. Willis J. Wells, 309 Michigan Boulevard, Chicago; Capt. Chesley R. Perry, 189 LaSalle Street, Chicago; Capt. W. H. McIntosh, Rockford.
Wisconsin: Gen. Arthur McArthur, Milwaukee; John M. Whitehead, Janesville; George E. Scott, Prairie Farm; Ole A. Buslett, Northland; A. W. Sanborn, Ashland.
Kentucky: Col. Henry Watterson, Louisville; Col. Andrew Cowan, Louisville; Samuel M. Wilson, Lexington; Col. R. W. Nelson, Newport; McKenzie R. Todd, Frankfort.
Rhode Island: John P. Sanborn, Newport; Louis N. Arnold, Westerly; Sumner Mowry, Peacedale; William C. Bliss, East Providence; Harry Cutler, Providence.
New York: Ogden P. Letchworth, Buffalo; George D. Emerson, Buffalo; John T. Mott, Oswego; Clinton Bradford Herrick, M. D., Troy; Henry Harmon Noble, Essex.
Indiana and Minnesota commissions not yet appointed.

Mr. SHERWOOD. Mr. Speaker, I am for this bill because it is a patriotic measure to promote the general welfare. No event in the heroics of our history is more worthy of continental commemoration than Commodore Perry's marvelous victory at Put in Bay.

The victory of September 10, 1813, measuring the unequal contest and its value to the country, is the most signal victory ever fought on fresh water. This battle settled the supremacy of the United States on all the Great Lakes. It was the most potent factor in fixing the boundary line between the United States and Canada for over 2,500 miles from east of Lake Ontario to the Pacific Ocean. Had Commodore Perry lost the battle the great States of Michigan, Minnesota, North Dakota, Montana, and Washington would probably have become provinces of Great Britain.

Not only was this victory the most remarkable in heroic achievement, but the most far-reaching in results. It was a battle of volunteers, or pick-ups, against the trained and seasoned regulars of the British Navy. The three brigs, five schooners, and a sloop, all there was of Commodore Perry's fleet, were built of green timber, at Presque Isle, now the harbor of Erie, out of the green forest trees of Pennsylvania, under the direction and supervision of Commodore Perry. The British fleet consisted of two big warships, two brigs, a schooner, and a sloop. Perry's fleet carried 54 guns, while the British fleet was equipped with 63 guns, and the guns of the warships were all of longer range than any of the American fleet. Our volunteers and pick-ups were commanded by a young man, only 28 years old, while the British fleet, manned by regulars, was commanded by Capt. Barclay, a distinguished and experienced officer who had commanded a warship eight years before in the signal victory of Lord Nelson at Trafalgar. The battle lasted 3 hours and 15 minutes and resulted in the complete destruction or capture of the entire British fleet. That it was a desperate contest is evidenced by the fatalities in both fleets. Our loss was over 25 per cent in killed and wounded, while the British loss was 30 per cent in killed and wounded and 100 per cent in killed, wounded, and captured.

Not only was this victory the most signal ever fought on fresh water, but its far-reaching results were of inestimable value to the United States. It resulted in that great peace pact between this country and Great Britain by which our whole border line, including all the Great Lakes and the St. Lawrence River, were made free from forts or hostile cannon on either shore. It was stipulated that the entire naval force should be limited to 6 vessels, not one to be over 100 tons burden. By this humane and Christian compact millions of money that otherwise might have been wasted on fortifications, and cannons, and battleships, and soldiers was used to promote the more benign pursuits of peace and a great and ever-growing commerce.

Ohio has already appropriated $80,000 to promote this centennial celebration. Eight States have so far joined in the movement. We only ask the General Government to become our patriotic partner to the extent of $250,000. Next to the centennial at Philadelphia in 1876, this proposed celebration of Perry's victory is the most vital and important of all the 34 celebrations and expositions we have commemorated since 1876.

The centennial of Perry's victory will mark the culmination of a chain of historic events that opened the great Northwest to the ever-expanding continent. These clustering islands of Lake Erie, of which Put in Bay is the center, are the jeweled cord of peace and progress of which the entire country is a part. This mid-lake island group is reached by five daily steamboat lines—Cleveland and Buffalo on the east, Sandusky and Port Clinton on the south, and Toledo and Detroit on the west and north, besides a tri-weekly Canadian line—giving easy and delightful access to a celebration of the highest educational and historic interest.

The city of Toledo, on the west shore of Lake Erie, will share liberally in the centennial and contribute largely to its glory. Approached by land and water, 20 lines of railroads from the States carved from the great Northwest Territory will pour in tens of thousands of celebrants to the centennial.

Toledo is environed by scenes of patriotic and thrilling interest. It is rich in historic memories. At the Battle of Fallen Timbers Mad Anthony Wayne made havoc with the hostile Indian hordes. Where now stands great commercial citadels—on the site of old Fort Industry—American pioneers, taken by the British and their Indian allies, ran the gantlet naked between bristling lines of tomahawks wielded by deadly foes. Ten miles above the city, on the historic Maumee, are the frowning heights of the British earthworks at Fort Miami, and opposite, across the river, is Fort Meigs, where Gen. Harrison won his memorable victory. Old Fort Meigs is still intact after the winds and storms of a century, and here Ohio has marked the spot with an appropriate monument.

A visit to these teeming and historic islands will give to every visitor a new emphasis of the variety and vastness of the physical resources of our country and awaken a wholesome interest in the historic achievements of the stalwart men and gallant soldiers who a century ago pushed the lines of empire into a vast unbroken wilderness.

These islands have a peculiar charm and attractiveness, especially in the early autumn, when the fields, which are all gardens, are in the brilliant glow of vineyard and vintage. Here are ripening the finest peaches on the continent and the rarest of grapes of every variety and of the most luscious flavor, free to all.

Bathed in the infinite glory of the September sun, Put in Bay invites you to come across her shining waters, to enjoy her generous hospitality, breathe her wholesome air, and take a broader and grander sweep of the horizon of heroic memory.

Come to Put in Bay in the mild and glowing September, and amid these emerald island gems, that rise above the sparkling waters, fairer than the fabled Ionian Isles, gather new hope and faith in our country's future and higher ideals of a greater Republic yet to come.

For nearly a hundred years the mortal remains of American heroes who sacrificed their lives for posterity and the preservation of the American Union in the Battle of Lake Erie have reposed, without recognition or a memorial denoting the gratitude of their countrymen, beside the very waters they immortalized in history.

A hundred summer suns have tinged this great lake with opal and sapphire hues; a hundred winters have locked the coast in the embrace of ice and snow; and yet the dead who here

died for us sleep on in unmarked graves. The Nation and the Commonwealths that compose it have built thousands of testimonials in stone and bronze to the gratitude of our people for the heroic sacrifices of their soldiers. From Bunker Hill to Appomattox we have been prodigal in memorials in marble, and no American begrudges this generosity.

But for some reason that can not be imagined without humiliation, the testimony of perpetual remembrance of our honored dead has been withheld from the men who fought with Commodore Oliver Hazard Perry in the Battle of Lake Erie and who perished when he triumphed.

And yet these soldiers redeemed to the Republic a vast empire. These inland seas are dotted with the commerce which they saved to the American people. The whole lake region and the great Northwest owe their American integrity, their unprecedented development, to the Battle of Lake Erie. Yet for a hundred years the graves of the martyrs who gave their lives for the national welfare in that memorable contest have witnessed no formal honor from their countrymen.

OHIO'S INITIATIVE.

Conscious of her responsibility, the State of Ohio two years ago undertook the initiative in making this acknowledgment in a manner and at a time most appropriate, and invited therein the generous cooperation of her sister States who have shared with her for a hundred years the abundant fruits of Perry's victory.

After the division of the northwestern territory, Gen. William Henry Harrison had been appointed governor of the new territory of Indiana, including the present States of Indiana, Illinois, Michigan, and Wisconsin. These States, joined with Ohio, New York, Pennsylvania, Minnesota, Rhode Island, and Kentucky, are now, after the lapse of 100 years, the Commonwealths most concerned in the history of that period and at present united in the movement to adequately observe its centenary.

Gen. Harrison's commission as major general following his earlier participation in the hostilities against the British and Indians enabled him to push active operations in what was then known as the Sandusky country. At Seneca Town, near lower Sandusky Town, now the city of Fremont, Ohio, he received Commodore Perry's laconic note, penned aboard the United States brig *Niagara*, off West Sister Island:

DEAR GENERAL: We have met the enemy and they are ours—two ships, two brigs, one schooner, and a sloop.

The victory was complete; but not one man on either side could have foreseen the vast consequences of that day's work. The immediate result was the expedition which redeemed Michigan from British rule. Had Perry been defeated, Gen. Harrison's army would have been isolated in the Sandusky country of Ohio, impotent to strike a blow toward the north.

SUPREME CONSEQUENCES.

Perry's victory enabled Gen. Harrison to embark his troops aboard the war-scarred American fleet, which had been launched at Erie Harbor only a month before, but made enduring history in this incredibly brief period. Sparing time, merely two days, to assemble the military forces on Put in Bay Island, the American Army set sail for Michigan. The city of Detroit was evacuated by the British, who were pursued into Canada and utterly routed at the battle of the Thames, October 5, when the Kentucky troops particularly distinguished themselves under the command of that eminent soldier and statesman, Gov. Shelby, of Kentucky. From that supreme hour of battle beyond Put in Bay Harbor, September 10, 1813, the destinies of the vast domain, now comprising the western section of New York and the greater part of what is known as the Middle West and Northwest, were fixed forever within the boundaries of the American Union.

From an international standpoint Perry's victory won the respect of the whole world for American arms. It was a notice to Europe, and one never since unheeded, that the Nation which was baptized in blood at Lexington was amply able, as an infant Republic, to care for herself on land and sea.

The treaty of Ghent, signed in 1814 on the part of the United States by those distinguished American statesmen, John Quincy Adams, Henry Clay, and Albert Gallatin, put an end to the war before the tidings could reach Gen. Jackson at New Orleans in time to prevent the achievement of an American military victory quite as decisive as Perry's naval success in the battle of Lake Erie. It was inevitable that the American commissioners should claim, and the British concede, the supremacy of the Great Lakes, which Perry had placed beyond question. Rhode Island and Kentucky are now joined in the movement in behalf of the Perry's victory centennial celebration during the summer of 1913 at Put in Bay Island and the dedication at that time of a permanent memorial to Commodore Perry and his men.

The debt which our Lake States owe to Perry's victory by reason of the establishment of their present boundaries is emphasized by the fact that the treaty of Ghent wholly ignored any attempt to settle the real cause of the war—the impressment of American seamen. It is evident that the American commissioners regarded the boundary question as more important than the impressment question, notwithstanding the latter had been the technical casus belli; and it is equally evident that the British commissioners, with Perry's victory in mind, were willing to waive boundary questions that would have been insisted upon if fate had crowned Capt. Barclay instead of Commodore Perry as the hero of the Battle of Lake Erie.

In framing the treaty Great Britain solaced her honor by conceding no principle laid down by the United States in respect to the justice of the war from the American standpoint, but accepted the inevitable with reference to the boundary question.

And so Perry's victory wrote the name of the United States of America high on the map of the Western Hemisphere. Thus it insured the unprecedented growth of our Great Lake ports, with their vast commercial and industrial relations, under the American flag. Thus it gave to the sisterhood of States the agricultural and mineral riches of a territory second to none in the world. Thus it bound to the destiny of the Republic each noble Commonwealth whose slightest border is laved by the Lakes, welding the strongest links in the chain of our national progress and providing foothold and freedom for the development of the ever-expanding continent.

THE CENTENNIAL COMMISSIONERS.

It is in grateful acknowledgment to Providence for its favors thus bestowed that it is now proposed to commemorate the one hundredth anniversary of the Battle of Lake Erie and of Gen. Harrison's northwestern campaigns by means of a historical, educational, patriotic, military, and naval celebration, and the dedication of a suitable permanent memorial at Put in Bay Island during the summer of 1913. The States participating in the movement, named in the order in which they entered it by necessary legislation, are Ohio, Pennsylvania, Michigan, Illinois, Wisconsin, New York, Rhode Island, and Kentucky—Rhode Island participating as the birthplace of Commodore Perry and Kentucky in view of the unequal sacrifices of her brave soldiers in the military operations under Gen. Harrison.

The States of Indiana and Minnesota will also join in the enterprise during the sessions of their respective legislatures this year. The commissioners already appointed by the governors of the several States now participating are as follows:

Ohio.—George H. Worthington, Cleveland; S. M. Johannsen, Put in Bay; John J. Manning, Toledo; Eli Winkler, Cincinnati; Col. Webb C. Hayes, Fremont; Horace Holbrook, Warren; William C. Mooney, Woodsfield; Horace L. Chapman, Columbus.

Pennsylvania.—A. E. Sisson, Erie; Edwin H. Vare, Philadelphia; M. W. Shreve, Erie; T. C. Jones, McKeesport; Dr. George W. Neff, Masontown.

Michigan.—Roy S. Barnhart, Grand Rapids; E. K. Warren, Three Oaks; George W. Parker, Detroit; Seward L. Merriam, Detroit; Arthur P. Loomis, Lansing.

Illinois.—Gen. Philip C. Hayes, Joliet; William Porter Adams, Chicago; Willis J. Wells, Chicago; Chesley R. Perry, Chicago; W. H. McIntosh, Rockford.

Wisconsin.—Gen. Arthur MacArthur, Milwaukee; John M. Whitehead, Janesville; George E. Scott, Prairie Farm; Ola E. Buzlett, Northland; A. W. Sanborn, Ashland.

Kentucky.—Col. Henry Watterson, Louisville; Col. Andrew Cowan, Louisville; Samuel M. Wilson, Lexington; Col. R. W. Nelson, Newport; McKenzie R. Todd, Frankfort.

Rhode Island.—John P. Sanborn, Newport; Louis N. Arnold, Westerley; Sumner Mowry, Peacedale; William C. Bliss, East Providence; Harry Cutler, Providence.

New York.—Ogden P. Letchworth, Buffalo; George D. Emerson, Buffalo; John T. Mott, Oswego; Dr. Clinton B. Herrick, Troy; Henry Harmon Noble, Essex.

President William H. Taft and Gov. Judson Harmon are honorary members of the Ohio commission.

The foregoing commissioners met at Put in Bay Island September 10, 1910, and organized the Interstate Board of the Perry's Victory Centennial Commission, electing an executive committee, composed of one commissioner from each State, and the following general officers: President general, George H. Worthington, Cleveland; first vice president general, Col. Henry

Watterson, Louisville, Ky.; secretary general, Webster P. Huntington, Columbus, Ohio; treasurer general, A. E. Sisson, Erie, Pa.; auditor general, Harry Cutler, Providence, R. I.

The development of the shipping interests of these inland waters in recent years is the commercial marvel of the world. Its tonnage is greater than that which floats upon the bosom of New York Harbor or traverses the Suez Canal. In this connection a notable incident of the proposed celebration will be the assemblage, in the vicinity of Put in Bay, of the greatest commercial fleet in the world, passing in review before the President of the United States and the official representatives of the States participating in the centennial project.

Commodore Perry's flagship has lain for a hundred years at the bottom of Erie Harbor, where it was sunk after the battle of Lake Erie. It is proposed to raise and restore the vessel and convey her under escort of United States naval vessels to the various ports on the Great Lakes, thus extending the patriotic dramatic interest of the celebration to hundreds of thousands of people who could not otherwise come directly under its influence.

During the summer of 1913, the centennial commissioners are assured, warships of the American Navy will appear for the first time on the Great Lakes and for a period of some days may maneuver in Toledo Harbor as the center of a patriotic demonstration attracting hither vast concourses of people. It is anticipated that the larger fighting ships able to pass through the Welland Canal will be supplemented by a flotilla of torpedo boats, a flotilla of torpedo-boat destroyers, and a squadron of submarines—the first fleets of the kind ever floating upon fresh waters. It is not difficult to conjecture how plans might be set on foot in this city to make Toledo a central point of the celebration during the whole summer of 1913.

This appropriation of $250,000, with our other resources now available, is sufficient to warrant the prediction that the centennial will be an unqualified success, worthy of the patriotic spirit, the moral sense, and the educational and political institutions of our country.

I submit a carefully prepared list, with dates and amounts appropriated for the 34 centennial events and expositions that have drawn support from the United States Congress:

Statement of expenditures for expositions, fiscal years 1875 to 1910, inclusive.

Vienna, in 1875	$163,842.61
Philadelphia, in 1876	2,294,219.65
Paris, in 1878	187,460.67
Sydney, in 1879	28,000.00
Berlin, in 1880	19,904.05
London, in 1883	69,994.31
Cincinnati, in 1884	10,000.00
New Orleans, in 1884	1,649,755.35
Louisville, in 1884	9,704.44
Brussels, in 1888	17,113.30
Melbourne, in 1888	40,581.14
Barcelona, in 1888	27,098.91
Cincinnati, in 1888	147,750.00
Paris, in 1889	250,004.66
Madrid, in 1892	24,243.97
Chicago, in 1893	4,793,870.33
Atlanta, in 1895	200,000.00
Brussels, in 1897	$5,000.00
Nashville, in 1897	129,947.42
Bergen, in 1898	20,000.00
Omaha, in 1898	235,037.87
Philadelphia, in 1899	350,000.00
Paris, in 1900	1,455,436.90
Buffalo, in 1901	1,014,053.13
Charleston, in 1902	249,948.63
Portland, in 1904	438,360.38
Liege, in 1904	5,000.00
St. Louis, in 1904	11,134,048.27
Jamestown, in 1907	2,529,193.07
Bordeaux, in 1907	15,000.00
Seattle, in 1909	600,961.53
Quito, in 1909	43,579.64
Buenos Aires, Argentina, and Santiago, Chile, in 1910	27,791.17
Rome and Turin, Italy, in 1911	25,000.00
Tokyo, in 1912	19,878.46
Total	28,231,879.86

Mr. GUERNSEY. Mr. Speaker, in speaking against the Canadian trade or reciprocity agreement now pending before Congress, in my remarks on the subject in the House on the 14th of February last, I submitted a statement of farm wages which had been prepared by the Department of Commerce and Labor at my request as to farm wages on both sides of the international boundary from the Atlantic up to and including the western boundary of the State of New York.

I have now received from the Department of Commerce and Labor additional reports on farm wages from the point where the previous report left off westward to the Pacific Ocean, and I wish to submit these reports for the information of the House, and will present anew the previous report in connection with the additional report in order to show the farm wage scale prevailing in Canada and the United States along the international boundary from the Atlantic to the Pacific coast.

An examination of these reports will show that the Canadian farmer obtains his farm labor at very much less cost than the American farmer pays in the operation of his farm. This is strikingly true in the eastern sections of the country, but less pronounced in the extreme West, due undoubtedly to the demand for labor growing out of the aggressive activities that are being put forward by the Canadian Government and Canadian railroads to develop the fertile lands of the Canadian Northwest.

However, only in the most westerly point of British Columbia do we find farm labor paid more than in the United States. Practically everywhere else Canadian farm labor is much cheaper than in the United States and accustomed to a lower standard of living. This is particularly true of the French-Canadian in eastern Canada, where the lowest farm wages prevail.

It is this low-priced labor that our American farmer would have to compete with if the trade agreement is entered into. For a long time the American farmers of the East struggled along in competition with the cheap and fertile lands of the Western States, which competition has become less serious as the West has become more thickly settled.

The adoption of this agreement will renew the struggle of the eastern farmer by placing him in competition with the cheap labor and the cheap and fertile lands of western Canada, which are brought within easy reach of our American markets by the great transportation lines subsidized by the Canadian Government.

Farm wages prevailing along the Canadian border on both sides of the international border from the Atlantic to the Pacific coast.

[Compiled in February, 1911.]

United States side.		Canadian side.	
In the vicinity of—	Average monthly wages, including board.	Canadian locality corresponding to that shown in the United States.	Average monthly wages, including board.
Eastport, Me.	$25 to $30	Halifax, Nova Scotia.	$15 to $25
Calais, Me.	26 to 30	Yarmouth, Nova Scotia.	15 to 30
Vanceboro, Me.	20 to 25	St. John (N. B.) district.	15 to 20
Houlton, Me.	30	do.	15 to 20
Fort Fairfield, Me.	30	do.	20 to 25
Van Buren, Me.	27 to 40	do.	24
Fort Kent, Me.	25 to 30	do.	22
		do.	18 to 26
		do.	20 to 25
Average eastern Maine.	25 to 31	Average Nova Scotia and New Brunswick.	17 to 24
Lowelltown, Me.	32	Province of Quebec.	31
Beechers Falls, N. H.	20	do.	15
Newport, Vt.	25 to 26	do.	18 to 22
Island Pond, Vt.	25	do.	18 to 20
St. Albans, Vt.	20 to 30	do.	8 to 20
Alburg, Vt.	25 to 30	do.	15 to 25
Rouses Point, N. Y.	22 to 25	do.	18 to 20
Malone, N. Y.	25	do.	25
Fort Covington, N. Y.	25	do.	20 to 25
Average eastern New York.	23 to 27	Average Province of Quebec.	16 to 22
Nyando, N. Y.	18 to 25	Province of Ontario.	16 to 22
Ogdensburg, N. Y.	25 to 30	do.	20 to 25
Morristown, N. Y.	20 to 25	do.	15 to 20
Clayton, N. Y.	26 to 28	do.	24 to 26
Cape Vincent, N. Y.	25 to 30	do.	20 to 30
Charlotte, N. Y.	25	do.	16 to 25
Niagara Falls, N. Y.	20 to 30		
Average western New York.	22 to 27	Average Province of Ontario bordering New York.	19 to 25
Detroit, Mich.	27 to 35	Province of Ontario.	20 to 28
Port Huron, Mich.	20 to 25	do.	17 to 22
Sault Ste. Marie, Mich.	26 to 35	do.	25 to 30
Average Michigan.	24 to 32	Average central Ontario.	21 to 26
Duluth, Minn.	26 to 30	Province of Ontario.	26 to 30
Beaudette, Minn.	30 to 35	do.	30 to 35
Warroad, Minn.	25 to 35	do.	25 to 35
Average Minnesota.	27 to 33	Average western Ontario.	27 to 33
Pembina, N. Dak.	33	Province of Manitoba.	27
Neche, N. Dak.	32	do.	27

Farm wages prevailing along the Canadian border on both sides of the international border from the Atlantic to the Pacific coast—Continued.

United States side.		Canadian side.	
In the vicinity of—	Average monthly wages, including board.	Canadian locality corresponding to that shown in the United States.	Average monthly wages, including board.
Walhalla, N. Dak	$30 to $35	Province of Manitoba	$20 to $30
St. John, N. Dak	20 to 40	do	15 to 35
Hannah, N. Dak	40	do	35 to 40
Antler, N. Dak	30 to 35	do	25 to 30
Average eastern North Dakota.	27 to 36	Average Province of Manitoba.	24 to 31
Portal, N. Dak	30 to 35	Province of Saskatchewan	30 to 35
Average western North Dakota.	30 to 35	Average Province of Saskatchewan.	30 to 35
Sweet Grass, Mont	40 to 50	Province of Alberta	35 to 40
Gateway, Mont	35	do	35
Eastport, Idaho	35 to 40	Province of British Columbia.	35
Porthill, Idaho	35 to 40	do	35
Average Montana and Idaho.	37 to 41	Average Alberta and eastern British Columbia.	35 to 36
Oroville, Wash	30 to 40	Province of British Columbia.	40 to 60
Blaine, Wash	30 to 35	do	30
Average Washington	30 to 38	Average British Columbia (western).	40 to 45

M. H. PLUNKETT.

The next bill on the Calendar for Unanimous Consent was the bill (H. R. 13384) placing H. M. Plunkett, assistant engineer, United States Navy, on the retired list with an advanced rank.

The Clerk read the bill.

The SPEAKER. Is there objection?

Mr. MICHAEL E. DRISCOLL. Mr. Speaker, I object.

JOHN W. SAVILLE.

The next bill on the Calendar for Unanimous Consent was the bill (H. R. 16827) placing John W. Saville, passed assistant engineer, United States Navy, on the retired list with an advanced rank.

The Clerk read the bill.

The SPEAKER. Is there objection?

Mr. MICHAEL E. DRISCOLL. I object.

GEORGE T. LARKIN.

The next bill on the Calendar for Unanimous Consent was the bill (H. R. 8535) for the relief of George T. Larkin.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $706.10 to George T. Larkin, late deputy United States marshal for the eastern district of Tennessee, for expenses incurred and paid by him, by direction of the United States marshal and district attorney, for the care and support of one Joseph Vandergriff, a United States prisoner, during the months of July, August, September, October, and November, 1878, who was seriously injured in a railroad wreck while in the custody of said deputy marshal through no fault or negligence of said deputy.

The SPEAKER. Is there objection?

Mr. STAFFORD. Reserving the right to object, I would like to ask why the Government should be called upon to pay the expenses of an injured prisoner while he was at home being cared for by his own family?

Mr. MASSEY. Mr. Speaker, I am somewhat familiar with the record in this case. I think the gentleman is very much mistaken about the man being at home with his own family.

Mr. STAFFORD. The report, on page 2, states:

Vandegriff remained at his home some three or four months, being during that time attended by Dr. William Rogers, who was employed and paid by me.

Mr. MANN. If the gentleman from Wisconsin will yield; while that is undoubtedly true, it also seems to be true that the deputy marshal paid these expenses. The gentleman will notice in the account in which his claim is allowed that it is not a very excessive amount for that. It appears that, although it was for nursing and board, the deputy marshal paid it, and that he felt obligated to pay it, although the man was at home. As an original proposition, probably the Government would not pay it; but undoubtedly the deputy marshal did not pay it unless he felt that it was necessary to pay it in order to get the man taken care of.

Mr. KENDALL. A case of mistaken judgment on his part.

Mr. MANN. Here was a man injured, and while the bill says it was without any negligence on the part of the deputy marshal, that was not the case. And yet he exercised a judgment that anybody might have exercised.

Mr. STAFFORD. Will the gentleman from Illinois, who seems to be better acquainted with this case than anybody else——

Mr. MANN. Not any better than with other cases on the calendar.

Mr. STAFFORD. I did not mean to emphasize "this case," but I would like to inquire why the Attorney General, when he approved this claim for $374 which has been paid to this claimant, declined to pay the balance which this bill seeks to reimburse the deputy marshal for?

Mr. MANN. I would say, after an examination of the records in this case, that the Attorney General could not give any reason for allowing a part of the claim and not allowing the balance of it. There is no reason about it at all.

Mr. STAFFORD. Unless the Attorney General believed that the claim as presented against the Government was more than a reasonable charge.

Mr. MANN. If there was any reason for paying the medical expenses at all there, then there should have been reasonable expenses paid.

Mr. STAFFORD. Oh, but there may be reasonable medical charges and exorbitant charges.

Mr. MANN. If a man has his leg cut off and is laid up for six months, to talk about $100 being the ordinary medical expenses is ridiculous.

Mr. STAFFORD. There are other doctor's charges. The letter of the then Attorney General, Miller, says the account was properly approved and forwarded to the accounting officers in 1884 and 1885.

Mr. SLEMP. That was in 1881.

Mr. STAFFORD. Three hundred and forty-seven dollars was then paid to him.

Mr. SLEMP. That was in 1881. The claimant seemed to have got dissatisfied with that settlement and took it up later, and he gets this report from the Attorney General four years later.

Mr. MASSEY. I will say, further, for the information of the gentleman, that the Government has a rule that they pay $1 a day for medical attendance for prisoners, and I think that is where the Attorney General gets the idea of cutting these fees in two. This gentleman was not in near proximity to a doctor, but the doctor probably had to go several miles to see him, and I think this is a very reasonable charge.

Mr. COWLES. Will the gentleman permit an interruption? I know that the gentleman from Wisconsin would not want to do this man an injustice. He is an extremely poor man, and when this money was paid out by him he was a deputy marshal. The man was injured, as the report states, and he, under the direction of the court, took charge of the prisoner and this money was taken out of his salary. He has paid it, every dollar, and has filed sworn vouchers accounting for every penny of it. The Department of Justice looked over the account and scaled it just as the gentleman from Illinois has said without, perhaps, any reason for it further than that they arbitrarily reduced the amount.

Mr. STAFFORD. Mr. Speaker, I believe that when a person makes a receipt for an account, he should be bound by it. The record here shows that this man received $347 under Government draft and accepted that for his claim.

Mr. COWLES. But not in full.

Mr. STAFFORD. Here is an old stale claim, 30 years old, and 30 years after receiving payment he comes and tries to recover the balance which he waived at that time. Therefore I object.

Mr. AUSTIN. Mr. Speaker, will the gentleman withhold his objection?

Mr. STAFFORD. I withhold the objection for a moment.

Mr. AUSTIN. I know Mr. Larkin personally. He has been visiting Washington City for 30 years attempting to have this honest, just claim paid. He has secured favorable reports in the Senate and in the House. He has done everything that an honest man could to secure the payment of a just claim from a great government. I know every man who is mentioned as a physician in this case, and I know that this service was honestly rendered, and I would rather steal than to stand here without rhyme or reason and defeat with a single objection the payment of this just claim that this old man has begged and appealed for from every Attorney General and every Congress

for 30 years; and now that the last chance to have it paid has come a single objection in this House prevents the majority from giving him his just dues. If you [Mr. STAFFORD] can carry that home on your conscience, well and good. [Applause.]

Mr. STAFFORD. Mr. Speaker, I gladly withheld the objection, but I did not think that I would have the pleasure of hearing a lot of vitrol poured out in the closing days of the session. The gentleman has not advanced anything to change the evidence in the case, and I therefore object.

Mr. AUSTIN. No; nobody could change you. Your heart is made of stone.

Mr. MANN. I suggest to the gentleman from Tennessee that he will not help his case any by such unparliamentary language as that.

Mr. AUSTIN. I was just giving expression to my honest convictions.

Mr. MANN. The gentleman will not help himself doing that, and if he does not desist I will have him called to order.

Mr. AUSTIN. As long as I am a Member of this House I will give expression to my free and honest opinion, especially when the rights of my constituents are involved.

INSPECTION OF FOREIGN NURSERY STOCK.

Mr. McLAUGHLIN of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 26897) to provide for the introduction of foreign nursery stock by permit only, and to authorize the Secretary of Agriculture to establish a quarantine against the importation and against the transportation in interstate commerce of diseased nursery stock or nursery stock infested with injurious insects, and making an appropriation to carry the same into effect, as amended, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That whenever in this bill the term "nursery stock" is used it shall be construed as including field-grown florists' stock, trees, shrubs, plants, vines, cuttings, grafts, scions, buds, fruit pits or seeds of fruit, and ornamental trees or shrubs.

SEC. 2. That it shall be unlawful for any person or persons to import into the United States any nursery stock except under special permit from the United States Department of Agriculture. If importation of such stock is not forbidden by the Secretary of Agriculture by virtue of the authority conferred upon him by this act, such permit shall be issued by him to the importer on the receipt of an application stating the number and kind of nursery stock to be imported, the country and district where grown, name and address of the shipper, the port of entry, approximate date of the arrival of such nursery stock, and the name of importer or consignee, and destination; that all such nursery stock shall be subject to inspection by official experts of the Department of Agriculture at final destination on the premises of the owner or consignee.

SEC. 3. That the Secretary of Agriculture may at any time extend the provisions of this act to fruits and vegetables or bulbs, or to other plants or seeds not specified in this act and imported from foreign countries, whenever he shall deem such action necessary to prevent the entry with such products or stock of dangerous insects or plant diseases.

SEC. 4. That it shall be unlawful for any transportation company, person, or persons, except as hereinafter provided, after this act takes effect, to offer for entry at any port in the United States any nursery stock unless accompanied by a certificate of inspection by an official expert of the country from which the importation is made, which certificate shall be made in the manner and form prescribed by the Secretary of Agriculture, certifying that the contents have been examined and found to be apparently free from all dangerously injurious insect pests or plant diseases: *Provided*, That any nursery stock or other described articles offered for entry without such certificate shall be held in quarantine, either at final destination on the premises of the owner or consignee, or at port of entry or other designated place, at the option of the Secretary of Agriculture, and shall not be released by the official expert until its or their freedom from dangerous insect pests or plant diseases shall have been fully established by inspection or treatment.

SEC. 5. That any transportation company, person, or persons who shall receive, bring, or cause to be brought into the United States any nursery stock shall, within 24 hours after arrival thereof, notify the official expert of their arrival and delivery to the consignee. The latter shall hold the same, without unnecessarily moving or placing such articles where they may be harmful, for the immediate inspection of such official expert. The official expert or his representative is hereby authorized and empowered to enter into any warehouse or premises of consignee or owner, or any other place where such nursery stock or other described articles are received, for the purpose of making the inspection or examination herein provided for, and such examination shall be begun, and, if possible, completed within 10 days of such arrival thereof.

SEC. 6. That each case, box, package, crate, bale, or bundle of nursery stock imported or brought into the United States shall have plainly and legibly marked thereon the name and address of the shipper, owner, or person forwarding or shipping the same, and also the name of the person, firm, or corporation to whom the same is forwarded or shipped, or his or its responsible agent; also the name of the country and district where the contents were grown.

SEC. 7. That when any shipment of nursery stock imported or brought into the United States is found to be infested with injurious insects or their eggs, larvæ, or pupæ, or there is reason to believe that it is infested with tree, plant, or fruit disease or diseases, the entire shipment, or so much thereof as the official expert shall deem necessary, shall be disinfected at the expense of the owner, owners, or agent. After such disinfection it shall be detained in quarantine a necessary time to determine the result of such disinfection. If the disinfection has been so performed as to destroy all insects or their eggs, larvæ, or pupæ, and so as to eradicate all disease and prevent contagion, and in a manner satisfactory to the official expert, the trees, vines, or other articles shall then be released. If it be not practicable to fully disinfect such stock, it or such portion of it as shall remain infested shall be destroyed.

SEC. 8. That whenever it shall appear to the Secretary of Agriculture that any nursery stock or other article described in section 3 of this act, grown in an infested country, district, department, or locality outside of the United States, are being or are about to be imported into the United States, or the District of Columbia, and such nursery stock or other article is infested by any seriously injurious insect or disease which is liable to become established in the United States, he shall have authority to quarantine against such importations from said country, district, department, or locality, and prevent the same until such time as it may appear to him that any such insect or disease has been exterminated or is under adequate control when he may withdraw the quarantine.

SEC. 9. That upon complaint or reasonable ground on the part of the Secretary of Agriculture to believe that any nursery stock or other article mentioned in this act grown within the United States and likely to become subject of interstate commerce is infested with injurious insects or diseases new to the United States, the Secretary of Agriculture shall cause the same to be inspected by a qualified expert, and if need be placed under quarantine until such infestation is removed or is under adequate control.

SEC. 10. That it shall be unlawful for any person, persons, or corporation to deliver to any other person, persons, or corporation, or to the postal service of the United States (except for scientific purposes, and by permission of the Secretary of Agriculture), for transportation from one State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or for exportation to any foreign country, any trees, plants, shrubs, vines, or other nursery stock or other article to which this act may be extended, which are under quarantine in accordance with the provisions of section 7 of this act, or which, on said examination, have been declared by the inspector to be infested with dangerously injurious insects or diseases.

SEC. 11. That any person, persons, firm, or corporation who shall forge, counterfeit, or knowingly alter, deface, or destroy any certificate or copy thereof as provided for in this act, and in the regulations of the Secretary of Agriculture, or shall in any way violate the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not to exceed $500 nor less than $200 or by imprisonment not to exceed one year, or both, at the discretion of the court.

SEC. 12. That the rules and regulations herein provided for shall be promulgated on or before the 1st day of June of each year.

SEC. 13. That the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, to carry into effect the provisions of this act.

SEC. 14. That the provisions of this act shall not prevent the inspection of any nursery stock or other described articles by the authorized inspector of any State or Territory at the final point of destination in accordance with the laws of such State or Territory.

Mr. RUCKER of Missouri. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from Missouri [Mr. RUCKER] demands a second. Under the rules a second is ordered. The gentleman from Michigan [Mr. McLAUGHLIN] is entitled to 20 minutes and the gentleman from Missouri to 20 minutes.

Mr. McLAUGHLIN of Michigan. Mr. Speaker, this bill provides for Federal inspection of nursery stock imported into this country. There is now no Federal law providing for such inspection, and the result is, and has been, that dangerous insect pests and diseases have been brought into this country, and Congress is appropriating year by year hundreds of thousands of dollars, aggregating to millions of dollars, for the purpose of meeting and combating these pests with a view to their eradication.

There is a plan now followed by the Department of Agriculture, which has been found ineffective, of requesting transportation companies to give notice of the receipt of nursery stock from foreign countries, and the officials of the department then endeavor to take notice of the arrival of the stock and to inspect it at the point of arrival, or to follow it, if they are able to do so, to its destination. But, as I say, that plan has been defective. It has not been found effective, and the result has been the introduction into this country of pests and diseases that have cost this Government millions and millions of money.

Some of the States where these pests have been introduced have found it necessary to supplement appropriations by the Government with immense appropriations in their own behalf, notably the State of Massachusetts, where they have been troubled with the brown-tailed moth and the gypsy moth. The appropriations expended there aggregate millions of dollars.

This bill was introduced by the gentleman from New York [Mr. SIMMONS] after many conferences between officials from the Department of Agriculture and gentlemen representing organizations throughout the country more directly interested in the enactment of legislation of this kind. It was thought at one time that the bill and its provisions had been practically agreed upon.

And I may say now that we hear of no serious opposition, no serious criticism of the bill, except at section 8, which would authorize the Secretary of Agriculture to establish and maintain a quarantine against certain countries from which we have received nursery stock infested with plant and insect disease almost impossible to be dealt with.

Mr. KENNEDY of Iowa. Did you have hearings on this bill?

Mr. McLAUGHLIN of Michigan. We had hearings on the bill; yes, sir.

Mr. KENNEDY of Iowa. Did the legislative committee of the National Association of Nurserymen appear before you?

Mr. McLAUGHLIN of Michigan. There were representatives of nursery associations before our committee; several of them.

Mr. KENNEDY of Iowa. Did it meet with their approval?

Mr. McLAUGHLIN of Michigan. There were some who approved it and some who were opposed to it.

Mr. KENNEDY of Iowa. What was the ground of opposition?

Mr. McLAUGHLIN of Michigan. The ground of opposition, as far as expressed, was that section 8 would invest the Secretary of Agriculture with too much authority. There are certain of the plants, certain of the fruit trees and nursery stock now received from foreign countries, and the nurserymen said they were obtainable in no other place, and in those places there are plant diseases and pests that have been found very troublesome, and the Secretary of Agriculture thought that he ought to have the right to quarantine against them. These associations thought it would give the Secretary too much authority.

Mr. MONDELL. Will the gentleman yield to me for a question?

Mr. McLAUGHLIN of Michigan. I yield to the gentleman.

Mr. MONDELL. I do not understand why section 8 is necessary in view of the provision that section 2 provides that it shall be unlawful for any person or persons to import into the United States any nursery stock, except under a special permit, and so forth. That gives the Secretary all the authority that section 8 does, without giving authority which might be questionable, to publicly declare a quarantine against a foreign country. Inasmuch as it is necessary that there shall be a permit and that the nursery stock can not come in except with a permit, it does not seem to me necessary to go to the expense that you do in section 8 to accomplish in another way what is accomplished by the general provisions of the bill, and which might lead us into international complications.

Mr. McCALL. Mr. Speaker——

The SPEAKER pro tempore (Mr. FOSTER of Vermont). Does the gentleman from Michigan yield to the gentleman from Massachusetts [Mr. McCALL]?

Mr. McLAUGHLIN of Michigan. I yield to the gentleman from Massachusetts.

Mr. McCALL. If I may be permitted just for a moment, I will say that I do not think section 8 goes too far. I think that any quarantine, in order to be effective, should give ample power to the officers of the Government.

Now, the people of Massachusetts have suffered a great deal by our not having any law of this kind. At my own little place I have some 25 acres of trees, and the brown-tail moth, which was brought over on something imported from Holland, roses, I think, has caused a loss running into several thousands of dollars.

Now, as to the gypsy moth, I do not think that was brought in upon any plant, but still it was brought into the country in some way, and it has caused a loss of many millions of dollars in New England. Then we have the Japanese scale, which is destroying our trees. Something has come into the country—whether it originated from the inside or came from the outside of the country I do not know—but something has come that has injured the chestnut trees, and there are tens of thousands of dead chestnut trees in the vicinity of New York City.

The men who have studied these things say that they were admitted from the outside through insufficient care taken at the customhouses—moths and plant diseases and things of that sort, which have put us to great expense heretofore, and which are likely to put us to great expense in the future; and as a conservation measure we ought to exercise greater care in the customhouses and not permit nurserymen to make a little extra profit in the first instance by bringing in plants without inspection, and not permit them to bring anything into the country unless it is first thoroughly inspected.

Mr. MONDELL. Does not the gentleman think that section 1 is sufficiently strong? It places it in the hands of the Secretary to prohibit the importation. The importation can only be done upon the permit. If in addition to that you give to him the general authority to impose a quarantine, as is provided in section 8, it is possible that the quarantine might be publicly declared in a way more or less offensive, and if you can accomplish the purpose in another way it would be better not to adopt that.

Mr. McCALL. Of course the declaration of a quarantine will be made by a Cabinet officer of the Government, and I do not think we are going to have a cause of war provoked by any instance of the exercise of extreme action. I would prefer, in this matter, to follow the committee which has considered the subject, and I should think that section 8 would be necessary in addition to section 1.

Mr. McLAUGHLIN of Michigan. Mr. Speaker, I think I can give the reason urged by the Secretary of Agriculture and his subordinate officials for section 8 and show the great need of it. It is true that another portion of the bill provides that permits shall be asked for and given. Section 1 provides that a permit shall be granted. The Secretary of Agriculture has no discretion; he must issue the permit unless he is forbidden to do so by section 8. If that goes out, he would be required absolutely and in every instance to grant the demand for a permit. Now, there are cases, very serious cases, where the inspections upon arrival do not yield proper results. There are diseases that are not perceptible upon casual inspection or upon any inspection that an expert can make. They develop as time goes on. Nursery stock brought from certain sections of the world contain diseases that do not develop until some considerable time after the stock is received, planted, and started on its growth. But the officials of the department and those who have had experience with stock coming from those sections of Europe know that that stock is so diseased and that it may be necessary to quarantine altogether against its coming.

There are diseases affecting trees that can only be discovered by cutting the tree to pieces. There is a disease of the potato that has shown itself in Newfoundland, in England, and in some countries on the Continent of Europe, which disease is very difficult to discover. When the potato is planted it shows itself in the following crop; but experience has shown that the disease is there, and it is necessary under present conditions to quarantine altogether against the importation of potatoes from certain sections. This potato disease in particular is threatening. In countries where it has made its appearance it has wrought havoc in the industry of potato raising, and our attention was particularly called to the great danger threatening this country unless a law of this kind is passed.

Mr. CLARK of Missouri. I should like to ask the gentleman a question.

Mr. McLAUGHLIN of Michigan. In a moment. This is similar in all respects to the provision which authorizes the Secretary of Agriculture to establish and maintain a quarantine against the introduction of diseased live stock. That provision has worked all right. There have been no complications. No war has resulted and none is threatened as the result of the enforcement of that provision. Now I am glad to yield to the gentleman from Missouri.

Mr. CLARK of Missouri. I should like to ask the gentleman if he knows anything about how nurserymen's stock is put up?

Mr. McLAUGHLIN of Michigan. I know something about it.

Mr. CLARK of Missouri. How could the inspectors inspect the stock without subjecting it to being killed by exposure to the air, drying out, and so on?

Mr. McLAUGHLIN of Michigan. The law provides that the inspection in most cases shall be made at the point of ultimate destination. The officers of the department will be notified upon the arrival of the stock, and it will be followed to its destination and there inspected, under such circumstances and conditions as will obviate the difficulty the gentleman from Missouri suggests.

Mr. CLARK of Missouri. I understood the gentleman to say that you could not find out whether the tree was afflicted with some of these diseases or not until you had chopped the tree all to pieces. I should like to know what good it would do that tree, after you had chopped it to pieces, to find out that it did not have the disease? It would be as dead as it could be, anyhow.

Mr. McLAUGHLIN of Michigan. It is only seedlings that come in—small trees—and where the condition exists which is suggested by the gentleman from Missouri, it may be necessary to exercise the authority under section 8, and forbid their entrance altogether into this country.

Mr. CLARK of Missouri. What does the gentleman mean by seedlings?

Mr. KENNEDY of Iowa. Seedlings are——

Mr. CLARK of Missouri. Wait a minute. I want the gentleman from Michigan to tell what a seedling is.

Mr. McLAUGHLIN of Michigan. Seedlings are nursery stock grown from seeds.

Mr. CLARK of Missouri. What difference is there in the disease of a tree that is a seedling or one that is grafted or one that is budded?

Mr. McLAUGHLIN of Michigan. If either one is grown or produced in a country where this disease prevails, either one is likely to be affected.

Mr. CLARK of Missouri. I know, but you used the word "seedlings" a moment ago. You seemed to confine it to seedlings.

Mr. MANN. Most of the imported nursery stock is seedlings.

Mr. KENNEDY of Iowa. I can answer the question of the gentleman from Missouri.

Mr. CLARK of Missouri. I know what a seedling is. A seedling is a young tree grown from a seed; but a large part of the nurserymen's stock imported into the United States is not seedlings at all. They are grafts, or they are budded.

Mr. KENNEDY of Iowa. The gentleman from Missouri is mistaken about that. There is practically no budded or grafted stock at all entering this country. Practically all the seedling stock that is budded and grafted in this country comes from plants. Practically all the pear stalks come from France. Practically all the Mahaleb cherry stalks come from France; and they are the cherry stalks that are used by nurserymen. The same thing obtains with plum stock coming from France.

A MEMBER. And apple seedlings?

Mr. KENNEDY of Iowa. Not a great many apple seedlings come over from France. These are boxed up in twelve or fifteen or twenty thousand in a box. Unless some provision is made for inspection at the destination it would be a hard thing to inspect them and get them back into the box.

Mr. RUCKER of Missouri. Mr. Speaker, will the gentleman yield?

Mr. KENNEDY of Iowa. I will.

Mr. RUCKER of Missouri. The gentleman knows that we have inspection laws in force in the various States.

Mr. KENNEDY of Iowa. Yes; and in the United States. The United States is cooperating with the States.

Mr. KENNEDY of Iowa. The only effective way would be to have it done at the point of destination, because if you undertook to inspect them at the customhouse you could not get them back into the boxes again.

Mr. RUCKER of Missouri. Does not the gentleman know that the Agricultural Department is conducting inspection at points of destination every day?

Mr. KENNEDY of Iowa. I understand they have the authority to do it.

Mr. RUCKER of Missouri. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, the gentleman from New York [Mr. SIMMONS] introduced this bill, but I know him well enough to know that he did not draw it. I call attention to a few of the curious things in the bill, and possibly illustrative of a lack of sufficient care in the preparation of the bill covering a subject like this.

I notice on page 5 that the District of Columbia is not in the United States. [Laughter.] I had always assumed that the District was in the United States, or that in order to get nursery stock from abroad into the District of Columbia it would be necessary to first bring it into the United States.

Section 8 provides that whenever it shall appear to the Secretary that any nursery stock grown in an infected country "are being"—not very good grammar—about to be brought into the United States or the District of Columbia, it shall be subject to certain regulations.

Then I call attention to another proposition in the bill, where it is provided, as suggested by the gentleman from Iowa, that the nursery stock shall be inspected at the final destination, and in two or three other places that it shall be inspected before it reaches the final destination.

Mr. KENNEDY of Iowa. That would be impossible.

Mr. MANN. Of course it would be impossible, but it provides that it shall be inspected only at the final destination and then somewhere else. It first provides that it shall be inspected at the final destination, and then it provides that no stock shall be imported by anybody that is not accompanied by a certificate of inspection by an official expert in the country from which it comes, although there may be no official expert in that country that can give a certificate.

Having provided under penalty that no stock can be introduced without an official inspection, then it goes on to provide what shall be done with the stock that is imported without a certificate of inspection. It first provides a penalty for importing stock without a certificate, although it may be impossible to obtain a certificate, and then having provided that it shall be inspected at the final destination, says that it shall be held in quarantine until inspected. Then it provides that any transportation company that brings in stock shall immediately on arrival in the United States and within 24 hours serve notice of the arrival, and the stock shall not be removed until it has been inspected.

Mr. KENNEDY of Iowa. That would be impossible.

Mr. MANN. Of course it is impossible, absolutely impossible to carry out the provisions of the act. Under this act as soon as the stock reached New York the person bringing in the stock, the transportation company, must serve notice on the United States within 24 hours, and the stock shall be held or removed to a place for immediate inspection. They may be 2,000 miles away from the place of final destination. Then, after doing this, it undertakes to provide that nursery stock which is liable to become a subject of interstate commerce shall be subject to the quarantine regulations and control of the Secretary of Agriculture. Who knows what stock is liable to become a subject of interstate commerce? Everything in the country is liable to become the subject of interstate commerce, but the National Government has no control over goods which are not the subject of interstate commerce.

The mere liability to become the subject of interstate commerce does not give the General Government power over it. If the imported stock, as suggested to me by the gentleman from Pennsylvania [Mr. BURKE], ever is infested with as many diseases as this bill is, it ought to be quarantined.

Mr. RUCKER of Missouri. Mr. Speaker, in my opinion, this bill ought not to pass. Gentlemen who have thus far addressed the House, at least some of the gentlemen, do not seem to understand the fact that we have inspection laws in full force and operation in the United States to-day. Not only is this true, but gentlemen also seem to overlook the fact that nearly every State in the Union has its own laws requiring inspection of nursery stock. The experts of the Agricultural Department here in Washington swore at the hearings before the committee that in most of the States, or at least in many of the States, inspection under State authority is full, complete, and adequate.

I call attention also to the fact that under national law the Secretary of Agriculture, in cooperation with the State authorities, does inspect every shipment of fruit trees or nursery stock imported into the United States, or may do so.

Mr. KENNEDY of Iowa. Will the gentleman yield?

Mr. RUCKER of Missouri. Yes.

Mr. KENNEDY of Iowa. Where is that inspection made? The gentleman says every shipment is inspected now.

Mr. RUCKER of Missouri. Inspection may be at the port of entry or it may be at the place of destination.

Mr. KENNEDY of Iowa. As a matter of fact, the inspection is not made.

Mr. RUCKER of Missouri. As a matter of fact, the inspection is made.

Mr. KENNEDY of Iowa. I happen to be an importer of that very same class of goods.

Mr. RUCKER of Missouri. Oh, well, the gentleman may have escaped. I desire to say that perhaps every shipment is not inspected at the port of entry because, obviously, it would be very inconvenient to do it. Much of this stock is shipped into this country in large boxes containing ten or twelve or fifteen thousand seedlings, and I understand that they are put up in packages by some sort of power used in foreign countries that we have no knowledge of, and that it would be impossible for us to pack them in the same boxes again. Therefore it may be impossible to inspect all shipments at the place of entry.

Mr. KENNEDY of Iowa. I want the gentleman to understand that I am opposed to this bill.

Mr. RUCKER of Missouri. I am very glad to hear it.

Mr. KENNEDY of Iowa. Simply for the reason that the plan proposed for inspection could not be enforced.

Mr. MCLAUGHLIN of Michigan. The gentleman says the hearings disclose the fact that there are effective inspection laws in every State in the Union.

Mr. RUCKER of Missouri. Oh, no.

Mr. MCLAUGHLIN of Michigan. Is it not a fact that the experts and others testified that practically in only one State in the Union was there an inspection law effectively enforced?

Mr. RUCKER of Missouri. The gentleman puts into my mouth language I did not use. I did not say in every State in the Union. I said in many States of the Union, and I say further that the record does not show that representatives of the Department of Agriculture testified that only one State in the Union has an efficient and adequate inspection law. The complaint is not that the States have failed to enact efficient and adequate laws, but the chief complaint made before the Committee on Agriculture was that State laws are not always efficiently executed. It might fairly be deduced from the hearings that, in the opinion of certain gentlemen possessed of expert knowledge, no State statute can be efficiently executed unless we get somebody from some department of the Federal Government to execute it. That seems to be the trouble. We have laws in many of the States requiring rigid inspection of nursery stock, and we have men charged with the duty of en-

forcing that law, but gentlemen say that because occasionally some insect escapes discovery that, therefore, there is inefficient State inspection. The record shows that even where inspection has been made by our highly cultivated experts of the Agricultural Department insects have occasionally been found that escaped detection.

Mr. McLAUGHLIN of Michigan. Is it not a fact that entomologists and State officials from many of the States appeared before the committee and testified that, notwithstanding the laws, they have found it impossible to make proper inspection and called upon the department, and said that this law was necessary for their protection?

Mr. RUCKER of Missouri. If you are trying to filibuster against the passage of this bill, I will yield to you longer.

Mr. McLAUGLHIN of Michigan. I have asked the gentleman from Missouri if it is not a fact that the entomologists in several of the States appeared and said their laws were ineffective and that they doubted the effectiveness of any of the State laws, and that they needed Federal assistance. Is not that true?

Mr. RUCKER of Missouri. Mr. Speaker, I concede there is some testimony like that in the record, but I want to say further, without reflecting upon anybody, that it is a significant fact that experts from the States who have been in close touch with certain experts in Washington seem to be anxious for the expansion of national authority to such an extent as to absorb all State authority. Why, I do not know. But I repeat that the gentlemen from the Agricultural Department swore distinctly that under existing laws in the States sufficient and adequate protection would be given if the laws were executed and enforced. It is a reflection upon the States and upon the officers of States to assume they will not discharge these duties.

The section of this bill that is especially objectionable and which is opposed by nurserymen all over the country is section 8. This section clothes the Agricultural Department, or one man in it, one chief of a bureau in it, with power so vast, so great, so far-reaching, that he might in one hour's time ruin industries employing millions of dollars of capital in this country.

Mr. Speaker, the purpose is to allow some expert to say that nursery stock shall not come from a given country. Let me call attention to the fact that the testimony shows that these large nurseries, concerns which buy hundreds of thousands and millions of plants, must necessarily make their contracts 18 months or two years before the date of delivery. Nursery plants being imported into the United States at this time, and which were imported last month, were contracted for in foreign countries 18 months or two years ago. Now, if day before yesterday or last month some expert had conceived the idea that it was wise from a departmental standpoint to levy quarantine against importations from that country, what would become of the contracts made by American citizens months or years ago? I say it is placing too much power in the hands of one man, and especially so when the gentlemen who are here clamoring for this law concede that the States of this Union have undertaken, and in course of time will give, every protection needed or that can be afforded. Under existing arrangements every importation of nursery stock is communicated to the Department of Agriculture, giving the destination, and when that stock reaches its destination an expert from the Department of Agriculture meets it. It is unpacked, and every part of it is examined. If it is found so infected or diseased that it can not be purged by fumigation or other proper treatment, it is destroyed in whole or in part, as may be deemed necessary, to prevent the spread of disease or insects. Where insects or diseases are found, the boxes, wrappings, and the whole thing are destroyed. Will gentlemen seriously contend that men who for generations have worked in the nursery business and built up enterprises involving a capital of millions of dollars will recklessly import into their nursery yards dangerously diseased plants from abroad? Who would be the first and greatest sufferers?

If one of the great nurseries imports diseased stock and gets it into the nursery, the Secretary of Agriculture has the power, and the inspector under State law has the power, to go there and cause every vestige of that nursery to be destroyed. The nurseryman himself in order to protect his property would destroy it. I insist that self-interest, the desire for gain, the desire to carry on this great business that has grown to such large proportions in this country is a safeguard which gives protection, adequate and full, to every interest in the country.

Mr. Speaker, I sincerely hope that this bill will be overwhelmingly voted down, and by a vote so decisive that gentlemen back of it will not again come to Congress seeking to invade the rights of States and the confiscation of the property of citizens by trying to clothe any one expert, or all experts, with such vast power as this bill contemplates.

I yield, Mr. Speaker, to the gentleman from South Carolina [Mr. LEVER].

The SPEAKER pro tempore. The gentleman from Missouri [Mr. RUCKER] yields the balance of his time, four minutes, to the gentleman from South Carolina [Mr. LEVER].

Mr. LEVER. Mr. Speaker, I desire to call the attention of the committee to the broadness of the language used in this bill.

In the first place, in section 1 it provides that it shall be unlawful for any person or persons to import into the United States any nursery stock except under special permit from the United States Department of Agriculture. That is followed by a provision in section 3 that all such nursery stock shall be subject to inspection by official experts of the Department of Agriculture at final destination, on the premises of the owner or consignee.

I take the position, Mr. Speaker, that is taken by my friend from Iowa—that the enforcement of the provisions of this bill is not only impracticable, but absolutely impossible unless the Federal Government is to employ a standing army of men to be present [applause] on the premises of importing nurserymen to inspect their importations from foreign countries.

It must not be misunderstood, and the fact must not be overlooked, that nurserymen get their importations of nursery stock each year practically upon the same date. I understand it is about the 10th of April. That means that it will be necessary for us, in order to enforce this law, to provide a little standing army, spread all over this country, drawing Government pay, standing on the premises of these importing nurserymen in order to carry this law into full execution. I ask whether there is anyone here who is willing to go into that business.

Then, there is another thing. The provisions of this bill are not confined to the inspection of nursery stock. The bill goes further and provides that the Secretary of Agriculture may at any time extend the provisions of this act to fruit and vegetables and bulbs and other plants or seeds not specified in this act, imported from a foreign country. That means that instead of having a standing army of 6,000 or 8,000 men to inspect nursery importations, this act will give to the Secretary of Agriculture the authority and power to extend the provisions of the law to the importation of bulbs and seeds and fruits, and to employ another standing army to inspect every package of seeds imported into this country at the place of its destination.

The bill is ridiculous. It is absolutely absurd. I do not believe that this House will stand for it for one moment. Instead of involving an appropriation of $25,000, as is stated in the testimony of the Chief of the Bureau of Entomology, I stand here to predict that if we enact this bill into law the next 10 years will see this appropriation mount up into millions of dollars if the law is properly and fully executed. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. McLAUGHLIN of Michigan. Mr. Speaker, I yield the balance of my time to the gentleman from New York [Mr. SIMMONS], the author of this bill.

Mr. SIMMONS. Mr. Speaker, the great orchard industry of this Nation, the forestry industry of this Nation, and the potato industry of this Nation certainly deserve adequate protection at the hands of Congress. This is no new matter. Legislation along these lines has been sought for a number of years, because the Agricultural Department, which has to do with these matters, has felt the necessity of securing legislation that will enable it to protect the great resources of this country that I have named.

It is true we have had inspection laws in some of the States of this Nation, but in other States we have no inspection laws, and as these pests are no respecters of State boundaries, they have come into the States where we have not had rigid laws and they have spread from there to other sections of the country.

Now, my friend from Illinois [Mr. MANN] has said that this bill has not been properly drawn. This bill has been drawn under the supervision of the department that will administer it. They have been confronted with these conditions for many years. They knew what kind of legislation was necessary, and they have supervised the drawing of this bill, and I am sure that it contains the conditions which they find in a practical way are necessary for them to carry out. I want to send to

the Clerk's desk and have read a letter from the Secretary of Agriculture, in which he strongly requests the passage of this legislation.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. McLAUGHLIN of Michigan. I ask unanimous consent for an extension of the gentleman's time, long enough to enable the Clerk to read the letter from the Secretary of Agriculture.

Mr. SIMMONS. I think that should be done, because the Secretary of Agriculture understands this better than anybody else.

The SPEAKER pro tempore. The gentleman from Michigan asks unanimous consent that the time be extended for the purpose indicated. Is there objection?

There was no objection.

The Clerk read as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, February 24, 1911.

Hon. JAMES S. SIMMONS, M. C.,
House of Representatives, Washington, D. C.

SIR: The plant-quarantine bill (H. R. 26897) to exclude insect-infested and diseased plants coming from foreign countries is legislation which is most urgently needed just at this time to prevent the establishment in this country of certain insect pests and diseases which are now being imported. An immediate danger is the likelihood of the establishment throughout the United States of the gipsy and brown-tail moths. Imported nursery stock so infested has been carried to 22 States during the last two years. Other grave dangers are the likelihood of the establishment in this country of two European plant diseases now being imported, one jeopardizing our entire potato production and the other our pine forests.

Diseased live stock are excluded by law, but diseased or insect-infested plants have no bar against their introduction. More than half of the injurious insects of this country are of foreign origin, and these are now levying an enormous annual tax on our farm products. There are many others, however, which can still be excluded.

The United States is the only great power without protection from the importation of insect-infested and diseased plant stock, and for this reason much inferior and diseased stock, which can find no market in Europe, comes to us.

This protective legislation is earnestly desired by the agricultural, horticultural, and forestry interests of this country. The only opposition to it comes from a small body of importing nurserymen. The value of the imported stock is scarcely more than Congress is now appropriating annually to aid in the control of the gipsy moth in a limited district in New England and about one-third of what the New England States are themselves expending. Many of the great producing nursery companies of this country have expressed their hearty support of the measure. As the bill is now worded it will do no harm even to these importing nursery interests and will be a distinct protective advantage to them.

The expense will be very small in comparison with the protection gained.

Respectfully, JAMES WILSON, *Secretary.*

I offer the following exhibits, and ask that they be read as a part of my remarks:

EXHIBIT 1.

RESOLUTIONS PASSED BY ASSOCIATIONS OF FRUIT GROWERS AND OTHERS INDORSING THE PROPOSED QUARANTINE BILL.

1. The Eastern Fruit Growers' Association.
This is a fruit growers' association which covers the whole Appalachian region from Maine to the Carolinas and westward to Ohio.
2. The New York State Fruit Growers' Association.
3. The Maryland State Horticultural Society.
4. The New Jersey State Board of Agriculture.
5. The Peninsular Horticultural Society, of Delaware.
This society represents Delaware and portions of Maryland and Virginia.
6. The American Association of Economic Entomologists.
Representing the official State entomologists of all the States.
7. The American Association of Official Horticultural Inspectors.
A body charged with the official State inspection of nursery stock and orchards of the different States.
8. The American Phytopathological Society.
The official plant pathologists of the different States and Department of Agriculture and other plant pathologists of America.

EXHIBIT 2.

ATTITUDE OF LARGE PRODUCING AND OTHER NURSERYMEN TOWARD THE PROPOSED PLANT-INSPECTION LAW.

Letters indorsing the proposed law have been received by the Department of Agriculture from a number of large growers of nursery stock in this country.

The seedling-apple business is largely centered in the neighborhood of Topeka, Kans., in the Kaw River Valley. According to official reports 70,000,000 fruit seedlings are shipped from this section yearly. This is the same kind of seedling that is imported from France, but vastly exceeds the latter in amount. Seedling stock is grown in many other nurseries throughout the United States, but not on so large a scale as in Kansas. These large producing nurserymen write as follows relative to the bill:

Messrs. L. R. Taylor & Sons, proprietors of the Topeka Nurseries, write:

"From a hasty glance over the bill we are in favor of it. * * * Inspection in all and every case should be at destination. * * * (This is provided for in the bill.) * * *

"We can not agree with the statement of importers that foreign-grown seedlings, especially apples, are much better than the home-grown. * * * We have grafted and grown side by side imported and home-grown seedlings. * * *

"We believe the proposed law has the right and proper aim in view."

Messrs. J. H. Skinner & Co., Capital Nurseries, Topeka, Kans.:

"We are very much in favor of careful inspection of imported nursery stock. * * * We think stock should be inspected after reaching destination, or should be shipped to some point in the State which is at the final destination of the shipment. * * *

"As to apple seedlings, we are inclined to think that imported seedlings are no better than home-grown stock. The only advantage we can see in imported seedlings is that they are dug later than we dig ours, and consequently are better ripened." * * *

Messrs. F. N. Watson & Co., Topeka, Kans.:

"We certainly believe the bill to quarantine against diseased nursery stock should be passed. We import nursery stock from France, and can not see how any harm can come from such a bill if importations are clean, and if they are not something certainly should be done. We are heartily in favor of the bill.

"We have sold this winter over 17,000,000 apple seedlings."

Mr. C. L. Watrus, owner of the Watrus Nurseries, of Des Moines, Iowa, one of the oldest and most reliable nurseries in the West, in a long letter, concludes as follows:

"I am informed on the best authority that the same men who have hitherto beaten our former bills have returned from Washington and have beaten the bill to prevent the importation of new noxious insects. It seems to me that these men are the most blindly foolish of any that I know. They have laws which they think will protect themselves. They are afraid of national inspection themselves, and are willing that the rest of the Nation should go to the devil if they could make a few more dollars."

Mr. Orlando Harrison, a prominent Maryland nurseryman, as chairman of committee on national inspection law, sent out, in 1908, letters to nurserymen throughout the country, inquiring their wishes as to the enactment of a national law. Two hundred and twenty-five replies were received, of which from nurserymen 170 were in favor of a national uniform law, 12 against, and 5 neutral. Of the entomologists and inspectors of different States, out of 33 replies only 2 were opposed. This shows the general attitude of the nurserymen of this country toward such legislation.

The SPEAKER pro tempore. The question is on suspending the rules and passing the bill.

The question was taken; and two-thirds not voting therefor, the motion was lost.

MELCHOR BATISTA.

The next bill on the Calendar for Unanimous Consent was House joint resolution 291, authorizing the Secretary of War to receive for instruction at the Military Academy, at West Point, Mr. Melchor Batista, of Cuba.

The Clerk read the bill.

Mr. MICHAEL E. DRISCOLL. Mr. Speaker, reserving the right to object, I want to ask the gentleman from Iowa if there is any general law in pursuance of which young men from foreign countries are allowed to enter the Military Academy.

Mr. HULL of Iowa. There is not; it has always been by act of Congress.

Mr. MICHAEL E. DRISCOLL. In every instance?

Mr. HULL of Iowa. In every instance.

Mr. MICHAEL E. DRISCOLL. How many are in the academy now from Cuba?

Mr. HULL of Iowa. I do not know that there is any, but if there is one he is about ready to graduate. This comes as a request from the Republic of Cuba, transmitted through the State Department. It does not cost the Government anything. We make no allowances to him for anything he uses. We do give him instruction, but the instructors are there and would be paid the same sum if this student was not admitted.

Mr. MICHAEL E. DRISCOLL. Has the gentleman any idea how much it costs us to educate a student at the Military Academy?

Mr. HULL of Iowa. The bill provides that they must pay all the expenses.

Mr. MICHAEL E. DRISCOLL. How much does it cost the Government for every young man graduated at West Point?

Mr. HULL of Iowa. Well, I do not know; we pay them $609 a year, and from this the cadets pay for all their expenses except lodging and instruction.

Mr. MICHAEL E. DRISCOLL. It probably costs $30,000 or $40,000 apiece.

Mr. HULL of Iowa. Oh, no. There are allowances that do not include the pay of professors, but they are paid by cadets out of their allowances. The allowances include clothing, food, heat and light, and so forth. It is an act of courtesy that we have extended to republics when they have asked for it. This comes with the indorsement of the Secretary of State, and to refuse it to Cuba now would be to say that we will not treat Cuba as well as we have other countries.

Mr. MICHAEL E. DRISCOLL. I object.

I. W. KITE.

The next bill on the Calendar for Unanimous Consent was the bill (S. 8608) to authorize the President of the United States to place upon the retired list of the United States Navy Surg. I. W. Kite, with the rank of medical inspector.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to place upon the retired list of the United States Navy, with the rank of medical inspector, the name of Surg. I. W. Kite: *Provided*, That the said I. W. Kite shall not, by the passage of this act, be entitled to any back pay or allowances.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I reserve the right to object.

Mr. ROBERTS. Mr. Speaker, does the gentleman from Illinois desire a statement of the case?

Mr. MANN. I know something about the case.

Mr. ROBERTS. It is a case of a surgeon in the Navy who, after 24 years of service, comes up for examination for promotion and is found to be mentally, morally, and professionally competent for promotion, but he is found physically disqualified. The physical disqualifications are incident to his service as a surgeon. There is no provision of law whatever to retire or pension an officer of the staff in the Navy who is forced to retire under these conditions.

Mr. MANN. Is not this man on the retired list now?

Mr. ROBERTS. No; he simply has to resign.

Mr. MANN. I think the gentleman is mistaken. The Secretary of the Navy and the report say that he is retired as a surgeon. The gentleman from Massachusetts is not only incorrect as to the law but as to the facts.

Mr. ROBERTS. I will say that I had not read the report and had another case in mind.

Mr. MANN. The gentleman prepared the report, but has not read it. [Laughter.]

Mr. ROBERTS. The report was prepared by another person and given to me.

Mr. MANN. I can give the gentleman some information as to the law and the facts.

Mr. ROBERTS. It is a fact—he was retired with the rank of surgeon.

Mr. MANN. The officer was examined and passed his examination in every respect except the physical examination, and for disabilities incurred in the service was unable to pass the physical examination, and thereupon, in accordance with the law, was retired as a surgeon. He now wishes to be retired to a higher grade. But upon what basis do we propose to retire him to a higher grade except that if he had been in the Army he would have got a higher grade; and the Navy thinks they ought to be used as well as the Army.

Mr. ROBERTS. Line officers in the Navy are retired with the rank to which they would have been promoted.

Mr. MANN. In the Army?

Mr. ROBERTS. No; line officers of the Navy. The staff officers are discriminated against.

Mr. MANN. But this man took his chances when he went into the service. If he becomes physically incapacitated, the Government proposes to take care of him for the balance of his life, but they have got so in the Army and the Navy that they are not satisfied when we give them something, but they think it is so easy they must have something more, like the three cases we had up this afternoon; each one of them had already received one special bill in his behalf and found it so easy that he wants another special act.

Mr. ROBERTS. I will say to the gentleman that Surg. Kite informed me he had passed the physical test—that is, the walking test required of all officers of the Navy—walked his 50 miles, or whatever limit it is, immediately prior to his coming up for examination. The examination disclosed that he had some heart trouble and that he had a hernia. That having appeared as the result of the physical examination, they would not certify him for promotion, and yet the man, physically, notwithstanding these disabilities, had been discharging his duties up to that time and had passed the physical test required.

The SPEAKER. Is there objection?

Mr. MANN. I object.

Mr. CARLIN. Mr. Speaker, I will ask the gentleman to withhold his objection for a moment.

Mr. MANN. I will withhold my objection.

Mr. CARLIN. Mr. Speaker, I wanted to state to the gentleman, because everybody else seems satisfied, that this officer had served 24 years in the service and that the time had come for his promotion. He had earned it, and the time had arrived. It was only withheld from him because he had incurred disabilities physically which would not permit his promotion to that grade to which he was entitled. Those physical disabilities were incurred in the service, and there is no reason in the world why this man should not have the rights to which he is entitled. If we are to extend the rule of humanity at all he is entitled to this retirement at the increased rank because he had reached the time—he had performed the service and he had done everything that had been required of him. He was mentally and morally and professionally equipped, and but for a physical disability which he had incurred in serving his country he would have been promoted.

Mr. MANN. He was not able to perform the service, and therefore the Government retired him.

Mr. CARLIN. But he was disabled because of injuries received in the service.

Mr. MANN. Oh, that is very true. That is the case with many of them. That is a part of the chances they take.

Mr. CARLIN. A few moments ago the gentleman said that he did not want to retire anybody that the department did not wish retired, and here is an instance where he objects to retirement when it is recommended.

Mr. MANN. Oh, I beg the gentleman's pardon; I did not say that.

Mr. CARLIN. Well, the gentleman asked that question of the gentleman from Iowa.

Mr. MANN. I asked the gentleman from Iowa whether he wanted to have people retired——

Mr. CARLIN. Let me call attention to what the bureau says about this officer:

In the opinion of this bureau the object of this bill is a worthy one, the status of the officer concerned being peculiarly deserving of relief. After 24 years of creditable service in the Medical Corps he was found mentally, morally, and professionally qualified for promotion to the grade of medical inspector, but failed physically owing to disabilities contracted in line of duty, and he was accordingly retired with the rank of surgeon.

Mr. MANN. Will the gentleman allow me to read the part that follows?

Mr. CARLIN. Yes.

Mr. MANN. It is as follows:

This affords a striking illustration of the disadvantage suffered by the Navy in comparison with sister services, and legislation affording general relief has recently passed the Senate (S. 4746), but if enacted into law the benefits thereof would not affect Surg. Kite.

The truth is, the Navy thinks the Army has put one over on them, and thereupon it thinks that this case is meritorious, and that is the reason for the report in favor of the bill.

Mr. CARLIN. This is a case where the bureau and the Surgeon General found an efficient officer, a thoroughly capable officer, a conscientious one, disabled because of disabilities incurred in the service of his country, and they are unable to retire him at the rank which he has earned by length of service and therefore his only remedy is through a bill of this kind.

Mr. MANN. If it was the gentleman from Virginia, I have sufficient affection for him to put him on any kind of a retired list after he can not keep on the active list, but I can not do it for his friends. And therefore I object.

The SPEAKER. Objection is heard.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Curtis, one of its clerks, announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 29157. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1912, and for other purposes;

H. R. 32865. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes;

H. R. 32866. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1912; and

H. R. 32436. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1912, and for other purposes.

ADDITIONAL AIDS TO NAVIGATION.

Mr. MANN. Mr. Speaker, I call up a conference report on the bill S. 10177 to authorize additional aids to navigation in the Lighthouse Establishment, and for other purposes, and I ask unanimous consent that the statement may be read in lieu of the report.

Mr. CARLIN. I object. I think the whole statement ought to be read.

The Clerk read the conference report and statement, as follows:

CONFERENCE REPORT.

The committee on conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 10177) to authorize additional aids to navigation in the Lighthouse Establishment, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "To establish a lighthouse depot on the site formerly occupied by the Marine-Hospital Service, Treasury Department, on Chelsea Creek, Boston Harbor, Mass.: *Provided*, That such site shall be deemed advisable by the Secretary of Commerce and Labor. And in such event authority is hereby granted for the transfer of such site from the Treasury Department to the Department of Commerce and Labor."

JAMES R. MANN,
F. C. STEVENS,
W. C. ADAMSON,
Managers on the part of the House.

J. H. GALLINGER,
CHAUNCEY M. DEPEW,
F. M. SIMMONS,
Managers on the part of the Senate.

STATEMENT.

The amendment of the House struck out, on page 2, line 11, down to and including line 17, as it passed the Senate, and inserted a substitute amendment. As agreed to in conference, the following provision in the House amendment is stricken out, to wit:

"To establish a lighthouse depot on the site belonging to the War Department on Castle Island, Boston Harbor, Mass., or on the site belonging to the Marine Hospital Service, Treasury Department, on Chelsea Creek, Boston Harbor, Mass., and authority is hereby granted for the transfer of the site authorized from the Treasury Department to the Department of Commerce and Labor; and when the Department of Commerce and Labor shall have acquired such site as herein authorized, the lighthouse depot now located on Lovells Island shall be moved to the site thus acquired."

And in lieu thereof there is inserted the following provision:

"To establish a lighthouse depot on the site formerly occupied by the Marine-Hospital Service, Treasury Department, on Chelsea Creek, Boston Harbor, Mass.: *Provided*, That such site shall be deemed advisable by the Secretary of Commerce and Labor. And in such event authority is hereby granted for the transfer of such site from the Treasury Department to the Department of Commerce and Labor."

JAMES R. MANN,
F. C. STEVENS,
W. C. ADAMSON,
Managers on the part of the House.

Mr. MANN. Mr. Speaker, I move that we agree to the conference report.

The conference report was agreed to.

POLICE AND FIREMEN'S RELIEF FUND.

Mr. OLCOTT. Mr. Speaker, I move to suspend the rules, take from the Speaker's table the bill (S. 288) for the creation of the police and fireman's relief fund, to provide for the retirement of members of the police and fire departments, to establish a method of procedure for such retirement, and for other purposes, a similar House bill (H. R. 22322) being on the calendar, and pass the bill as amended.

The SPEAKER. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That from and after the passage of this act the funds designated by law as the "policemen's fund," the "police fund," and the "firemen's relief fund" shall be designated as the "police and firemen's relief fund, District of Columbia," and the said fund shall consist of all fines imposed by the Commissioners of the District of Columbia upon members of the police and fire departments by way of discipline; all rewards, proceeds of gifts, and emoluments that may be received by any member of said departments for extraordinary services, except such as may be allowed to be retained by such member or members on the approval of the said commissioners; all net receipts and moneys arising from the sale of unclaimed property in the custody of the property clerk of the police department; a deduction of 1½ per cent of the monthly salary of each member of the police and fire departments; and all fines and forfeitures paid into the police court of the District of Columbia, all of which shall be collected by the collector of taxes of the District of Columbia and be by him deposited in the Treasury of the United States, in the manner provided by law, to the credit of the trust fund denominated "police and firemen's relief fund, District of Columbia," and be held subject to the drafts of the Commissioners of the District of Columbia for the purposes hereinafter set forth; all expenditures to be made according to law and to be accounted for in the manner provided by law: *Provided*, That should the police and firemen's relief fund at any time be insufficient to defray the expenditures hereinafter mentioned, then and in that event the Commissioners of the District of Columbia are authorized, and they shall direct, the collector of taxes of said District to deposit, and said collector shall thereupon deposit, in the Treasury of the United States, to the credit of said fund, out of receipts from all licenses other than liquor licenses, a sufficient amount to meet any deficiency in said fund.

SEC. 2. That whenever any officer or member of the police or fire department of the District of Columbia shall become disabled by injury received or disease contracted in the line of duty he shall, in addition to his regular salary, receive his necessary expenses during the time of such disability, to be ascertained and certified by the retiring board hereinafter provided for, whose certificate shall state an account of said expenses and the manner, cause, and condition of the injury or disease, and such necessary expenses shall, when approved by the said commissioners, be paid out of the said police and firemen's relief fund, District of Columbia.

SEC. 3. That should any officer or member of the police or fire department become so permanently disabled through injury or disease contracted in the line of duty, or, having served not less than 15 years, shall, for any cause, become so permanently disabled as to be discharged from the service therefor, he shall be entitled to relief from the said fund in an amount, in the case of an officer or member of the fire department, as follows: Chief engineer, a sum not to exceed $150 per month; deputy chief engineer, a sum not to exceed $125 per month; battalion chief, fire marshal, and superintendent of machinery, a sum not to exceed $100 per month; deputy fire marshals and captains, a sum not to exceed $90 per month; lieutenants, a sum not to exceed $75 per month; assistant superintendent of machinery, a sum not to exceed $60 per month; engineers and drivers, a sum not to exceed $55 per month; assistant engineers and assistant drivers, a sum not to exceed $52.50 per month; inspectors and privates, a sum not to exceed $50 per month; and in the case of an officer or member of the police department as follows: Major and superintendent, a sum not to exceed $150 per month; inspector and assistant superintendent, a sum not to exceed $125 per month; inspector, a sum not to exceed $100 per month; captain, a sum not to exceed $90 per month; lieutenant, a sum not to exceed $75 per month; sergeant, a sum not to exceed $60 per month; private, a sum not to exceed $50 per month, as may be justified, in any case of the police and fire departments, by the length of service and the nature of the injury or disease, as such disability may be determined by the retiring board hereinafter provided for; that in case of the death of any officer or member of the police or fire department before or after retirement from injury or disease contracted in the line of duty, leaving a widow, or children under 16 years of age, or a dependent father or mother, or both, such widow or such relative shall be entitled to a pension to be paid from the said relief fund, the amount thereof to be determined by the retiring board hereinafter provided for: *Provided*, That in no case shall the amount paid to any one family exceed the sum of $50 per month, and that upon the remarriage of any widow her pension under this act shall immediately cease, and that any pension to or for her children under 16 years of age shall cease upon their attaining such age.

SEC. 4. That any officer or member of the police or fire department of the District of Columbia who may have performed police or fire service therein for a period of 25 years shall be entitled to retirement from such department and to a pension to be paid from the said police and firemen's relief fund in an amount not to exceed that provided by section 3 of this act, as may be determined by the retiring board.

SEC. 5. That a sum not to exceed $75 may be allowed by the Commissioners of the District of Columbia, to be paid from the said police and firemen's relief fund, to defray the funeral expenses of any member of the police or fire department who may die while in the service of such department.

SEC. 6. That a retiring board, to be composed of the surgeons of the police and fire departments and two officers of the police department and two officers of the fire department, not surgeons, such officers to be appointed by and to serve during the pleasure of the commissioners of said District, shall be appointed to consider all cases for relief or for retirement or for pensions of officers and members of the police and fire departments, and all applications for pensions for widows, children, and dependent fathers or mothers; and the police and fire surgeons shall certify in writing to the said retiring board the physical condition of the officers or members of the force, if living, for whom a pension is sought for any reason provided for in this act, and whether or not said condition, or death, is due to injury or disease contracted in the line of duty, or that said officer or member has become so permanently disabled as to entitle him to discharge from the service therefor. The said retiring board shall give notice to any applicant for relief or pension to be present before it and give any evidence that he may desire, and the proceedings of the said board shall be reduced to writing and shall show the date of appointment of the officer or member under inquiry, his age, his record in the service, and any other information that may be pertinent to the matter of pension or allowance, and shall show what amount, if any, is awarded the applicant by way of relief or pension. The said board shall make a report of its finding to the commissioners, who shall have the power to take further testimony, if they so desire, and may approve, disapprove, or modify the findings of the said board, or remand any case for such further proceedings as may be necessary, and the decision of the said commissioners shall be final. The said commissioners are also hereby authorized and empowered to make, modify, and amend from time to time rules of procedure for the conduct of such board.

SEC. 7. That within 60 days following the first day of July, 1911, and every two years thereafter, the commissioners shall cause any person or persons receiving an allowance from the police and firemen's relief fund to undergo such medical or other examination as in the judgment of the commissioners may be necessary to enable them to determine whether the pension in such case or cases shall be increased or reduced; and the commissioners are hereby authorized to increase or reduce the allowance of pensioners as the result of such examination: *Provided, however*, That should a pensioner fail or refuse to undergo

the examination prescribed by the commissioners, the allowance of such pensioner may be reduced or entirely discontinued by the commissioners: *Provided, however,* That the commissioners may discontinue any relief or pension upon duly certified information from a court of record that any person so pensioned or retired has been guilty of any crime involving moral turpitude or where any such person is found by the retiring board, after notice and trial, to be an habitual drunkard or guilty of lewd or lascivious conduct: *Provided further,* That nothing in this section shall be construed to give the widow of any officer or member of the police or fire department any right to a pension upon her remarriage, or to give any child or children of any officer or member of said police or fire department a right to a pension after becoming 16 years of age.

SEC. 8. That any such retired officer or member of the police or fire department in time of flood, riot, great fires, during extraordinary assemblages or unusual emergencies, may be called by the head of the respective department into the service of the District police or fire force for such duty as his disabilities will permit of his performing, as ascertained and certified by the retiring board, without compensation therefor.

SEC. 9. That all acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

Mr. JOHNSON of Kentucky. Mr. Speaker, I demand a second.

Mr. BORLAND. I demand a second, Mr. Speaker.

The SPEAKER. The gentleman from Kentucky [Mr. JOHNSON] demands a second. Under the rules a second may be considered as ordered. The gentleman from New York [Mr. OLCOTT] is entitled to 20 minutes and the gentleman from Kentucky [Mr. JOHNSON] to 20 minutes.

Mr. OLCOTT. Mr. Speaker, I will say in regard to this bill that it is merely a modification of the present pension bill that exists, and it is a provision that will result in equalizing the pensions given to the firemen and policemen of the city. There is no money to come out of the Treasury except in so far as the fines that are paid in the District of Columbia for penalties may possibly be Treasury money. The funds are obtained and taken from the salaries of the policemen and firemen. Instead of being $1 a month, as it is at present, it is 1½ per cent of the salaries of the several firemen and the policemen.

The pensions that are to be given for disability or for retirement are certainly not greater than in any other municipality of this size. It is a bill that is strongly recommended by the commissioners, and I hope that it will pass.

Mr. SHERLEY. Will the gentleman tell us what change is made in this bill over the present law in regard to pensions?

Mr. OLCOTT. There is no change whatever made except that we get 1½ per cent from the policemen's and the firemen's salaries instead of $1 a month, and in case the fines received from the police court are not sufficient, the fees for other licenses than the excise licenses can be used to supplement this fund, except that the fines collected by the action of the Humane Society are still kept intact and are given to them. That is the amendment in the Senate bill.

Mr. SHERLEY. Is there any change made in the age for retirement or length of service?

Mr. OLCOTT. None whatever.

Mr. SHERLEY. Or the amount of pension?

Mr. OLCOTT. No change whatever.

Mr. BORLAND. Mr. Speaker, I would like to have the gentleman explain in regard to the fines that have heretofore gone to the Humane Society. Before I ask that question, however, I want to call attention to lines 5 and 6, on page 2, in which it says:

This fund shall comprise all fines and forfeitures paid into the police court of the District of Columbia.

That is comprehensive enough to include the fines for cruelty to animals.

Mr. OLCOTT. I would say to the gentleman from Missouri in answer to that, that when this bill first came over from the Senate it was as the print which he has in his hand. Thereafter the Senate recalled the bill from the House and put the exception affecting the Humane Society in the bill as it has been read, and which I particularly specified when I first made my motion to suspend the rules and pass the bill, and which excepts the fines that are recovered by the Humane Society and keeps them intact for that society.

Mr. BORLAND. The bill as read is different——

Mr. OLCOTT. No; the bill as read has an exception to provide for the point the gentleman particularly makes.

Mr. BORLAND. The bill as read is the bill as passed by the Senate?

Mr. OLCOTT. The bill as read is the bill as passed by the Senate a second time. The Senate passed the bill and then recalled it from the House and repassed it with the provision inserted to protect the Humane Society, and then they sent it over to the House. It has been on the Speaker's table, and consequently no print of the bill as last passed has been made.

Mr. BORLAND. Has the gentleman there the language of the change?

Mr. OLCOTT. I can not give the identical language, but I will be very glad to have the Clerk read it again.

Mr. BORLAND. If the gentleman has no objection, we will have the Clerk read it.

The SPEAKER. The Clerk will report the part referred to.

The Clerk read as follows:

All fines and forfeitures paid into the police court of the District of Columbia, except such fines and forfeitures as are authorized by law to be paid to the Washington Humane Society, all of which shall be collected.

Mr. BORLAND. If that bill as read is the bill that has passed the Senate, then the question is disposed of. The Humane Society, as I understand, is satisfied with the present bill.

Mr. OLCOTT. Yes; I understand so.

Mr. BORLAND. Now, the question has been raised here by some Members that those words "fines and forfeitures paid into the police court," will have the effect of inducing the police to bring about fines and forfeitures rather than jail sentences, for the purpose of increasing this fund; and especially would that be true in regard to forfeitures in small amounts that are collected for minor offenses, where, instead of going ahead and prosecuting the offenders, they encourage the forfeiture in order to help out this fund.

Mr. OLCOTT. The only answer I can make to that is that the policemen, as is the case now, must have authority from the courts in order to do that.

Mr. BORLAND. Is not the policeman the prosecuting witness in most cases?

Mr. ROBERTS. And the prosecuting attorney, practically.

Mr. OLCOTT. I will say to the gentleman that this is the usual custom of most cities. I do not know exactly how that can be avoided. This does not change the existing law in any way as to the imposition and collection of fines. There is no change whatever in existing law under that provision so far as fines and forfeitures are concerned. I will say to the gentleman from Missouri [Mr. BORLAND], that there is no change whatever. This increases the fund and fixes the contribution of all the officials of the police department at 1½ per cent of their salaries, instead of $1 a month. There is no change in the method of collecting the fines and forfeitures.

Mr. BENNET of New York. Do the fines and forfeitures now go into the pension fund?

Mr. OLCOTT. They do. I ask for a vote, Mr. Speaker.

Mr. JOHNSON of Kentucky. Mr. Speaker, I desire to say to the House that under existing law——

Mr. OLCOTT. Mr. Speaker, I reserve the balance of my time if the gentleman from Kentucky is going to speak.

Mr. JOHNSON of Kentucky. Under existing law the police force of the city of Washington now gets all the fines which come to the police court as a pension fund. That amounts to nearly $150,000 a year.

Now, this bill proposes to give them, as an additional pension, every license collected in the District of Columbia, save that which is collected for cruelty to animals. That amounts to about $15,000 a year, and is turned over to the Humane Society. When this bill has been passed every fine levied in the District of Columbia, and every license fee collected in the District of Columbia, except for the sale of liquor, goes toward giving the police force a pension, and that pension goes up as high as $150 a month.

Mr. OLCOTT. All of this, with the exception of the fines, comes practically from the policemen themselves, from their salaries.

Mr. JOHNSON of Kentucky. They are getting now nearly $150,000 which does not come from the policemen's salaries.

Mr. OLCOTT. The gentleman appreciates the fact that a large number of bequests have been given to the pension fund of the police, and this does not change present law.

Mr. JOHNSON of Kentucky. This bill changes the law in this respect, that the license fees collected in the District of Columbia from theaters, from circuses, and from every other body or thing in the District that has to be licensed, go into this fund, to pension these policemen when they are already paid liberal salaries for performing their duties.

Now you propose, under this act, to give the policemen a pension of $150 a month, when on the other side of the House gentlemen who are making a study of pensions, gentlemen who are in a foot race with each other to give to the old soldiers

as much money as they possibly can, begrudgingly give $12 and $15 a month to them, and yet——

Mr. OLCOTT. But, Mr. Speaker——

Mr. JOHNSON of Kentucky. Yet here you are trying to give to these policemen $150 a month pension, when it takes from the court and from the people who pay licenses every cent collected to do it. Your police court is an absolute expense to the city government for the simple reason that every fine collected goes to that pension fund, and now you propose to add more to it by adding all license fees to that fund, except licenses for selling liquors.

Mr. OLCOTT. Will the gentleman yield to me for a moment? Does not the gentleman know that this bill does not increase any pension? It only increases the fund which the recipients of the pensions receive them from, and most of that fund comes from them.

Mr. JOHNSON of Kentucky. The thing I am objecting to is that you propose to give to them every license fee collected in the District of Columbia except the whisky licenses.

Mr. OLCOTT. But the policemen and firemen, in order to increase these funds, have got to give more money from their salaries, and they do not get any larger pensions, nor is the Treasury of the United States mulcted in one single dollar for this matter.

Mr. JOHNSON of Kentucky. The Treasury is mulcted in this way: Heretofore you have given them the fines which are levied in the police court. Now, by this bill you propose to give them every license fee and fine collected in the District of Columbia, except those imposed for cruelty to animals, and these go to the Humane Society, and amount to $15,000 a year. When this bill is passed, then not another license fee, except liquor licenses, and not another fine in the police court goes toward the maintenance of those courts or toward defraying the expenses of this city.

Mr. OLCOTT. Will the gentleman allow me to interrupt him one moment? The Humane Society is absolutely satisfied with this. It is all that they have asked for. The bill was recalled from the Senate for the purpose of doing exactly what the Humane Society wanted.

Mr. JOHNSON of Kentucky. I am admitting that the Humane Society gets this $15,000, but I am telling you and this House that when this bill has been passed, every license fee, except liquor licenses, and every police-court fine in the District of Columbia will be diverted to this pension fund, and will not go toward defraying the expenses of this Government. Consequently the United States Government must go into its own pocket to make good that which you are now attempting to take out of it.

Mr. HAY. Is that the law now?

Mr. JOHNSON of Kentucky. No; the law now is that they get all the fines from the police court, amounting to nearly $150,000 a year; but this undertakes to amend the law so that they get, in addition, all of the license fees in the District of Columbia, from whatever source they come, except liquor licenses and except $15,000, which goes to the Humane Society.

Mr. CARLIN. Is not my friend mistaken? This bill does not provide for any increased rate of pension. It simply provides——

Mr. JOHNSON of Kentucky. No matter whether it does or not, it leaves a pension standing for some policemen at the rate of $150 a month.

Mr. CARLIN. Let me finish my statement. This rather provides that when the fines from the police court are not sufficient to pay the pensions already fixed by law, then and only then can a portion of these licenses be used to make up that deficiency.

Mr. JOHNSON of Kentucky. Yes; and right there they have fixed the retirement-pension fund so high that what they pay into it themselves and this $150,000 taken away from the police court is not sufficient to pay the pensions; and, because they are not able to pay them, here is this bill to take every license fee in the District of Columbia, except the whisky licenses, in order that they may be paid these exorbitant pensions, notwithstanding they are already paid liberal salaries.

Mr. KITCHIN. Into what fund have these fees for licenses been paid heretofore, or are they now being paid?

Mr. JOHNSON of Kentucky. Into the general expense fund of the District of Columbia.

Mr. KITCHIN. They do not go into the special fund to help defray the expenses of the court?

Mr. JOHNSON of Kentucky. No; they do not.

Mr. KITCHIN. They go into the general fund.

Mr. JOHNSON of Kentucky. The Government now pays the expenses of the courts, pays the salaries of the judges; and, when these fines have been assessed and collected, they do not go toward paying the salaries of those judges, but they go into this pension fund. Now you propose to add to that sum every other cent collected in the District of Columbia in the way of license taxes, except liquor licenses.

Mr. MANN. Will the gentleman yield some time to me?

Mr. JOHNSON of Kentucky. I will yield to the gentleman from Illinois five minutes.

Mr. MANN. Mr. Speaker, this bill is a good illustration of a retirement bill. The proposition comes, first, for taking a small percentage from the pay which will provide a retirement fund, like the proposition for the teachers. I stated to the House the other day that when we promise to pay a pension or retirement out of a certain amount to be contributed by officials themselves, the amount will not be sufficient, as it never is in the bills provided; then they come in and say we have agreed to pay the retirement and we must make up the money in some way.

This bill provides for 1½ per cent to be deducted from the pay, but they know it will not be sufficient, because they have tried it. In the case of the teachers, they do not know, because they have not tried it. It is proposed to make up the deficiency by taking the money from some other source.

Mr. HULL of Iowa. Will the gentleman yield?

Mr. MANN. Yes.

Mr. HULL of Iowa. Does not the gentleman put the retirement fund of the police and fire department on a different basis than he does the teachers and other civilians?

Mr. MANN. As to whether they ought to be retired, that is another proposition. The gentleman from New York advocating the bill said that the teachers stood on the same basis. The fact is that in none of these cases will they get money enough on the original bill to pay the retirement provided for. They knew when the original bill was fixed what was authorized, and following that they scaled the amount down, and as soon as they scaled the amount down then they come up and want another fund out of which to take the money.

Mr. KENDALL. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. KENDALL. Does the gentleman from Illinois say that if the revenues from these funds are insufficient there is any obligation on the part of the Government to make up the deficiency?

Mr. MANN. I insist that we ought not to make it up.

Mr. KENDALL. But the gentleman's contention is that they will come and ask us to do it.

Mr. MANN. Yes; as they are now coming and asking it to be done in this case. But when the original proposition was before Congress they were told that the amount provided for in the bill would not be sufficient to pay the sums which they proposed to pay. They said they would take their chances and that they would scale the amount to be paid, but as soon as it is scaled they come and want us to provide another fund from which the amount can be paid in full. They want an inexhaustible fund out of which they may pay the full amount which they originally got. When that amount was fixed it was the distinct understanding that it should only be paid to them in case the fund that was provided for by law would be sufficient to pay these retirements, and when it was not sufficient then they come and say you promised to pay us so much money, $150 a month in some cases and $50 in others, and having promised us that, you must make it up to us in some other way. There is absolutely no justice in that kind of a claim.

Mr. CARLIN. There is no man under this bill who receives as much as $150 a month.

Mr. MANN. The gentleman has not read the bill. The chief engineer is to get $150 a month, and the major and superintendent is to get $150 a month.

Mr. CARLIN. But we have not any major. Nobody is pensioned at that sum.

Mr. MANN. There is nobody on the pension roll drawing any such sum of money now, because they are all scaled down, because the fund which they propose to contribute is not sufficient to pay the large retirements which they provided for. They ought to be willing to stand by the law which was passed at their request, and not insist that Congress shall provide another fund out of which it may be paid.

Mr. OLCOTT. Mr. Speaker, I yield two minutes to the gentleman from Virginia [Mr. HAY].

Mr. HAY. Mr. Speaker, I want to ask the gentleman from New York whether or not it is costing the United States

Government anything for this; whether any appropriation is made.

Mr. OLCOTT. No; it does not cost the United States Government anything. All the money that comes from fines goes into the District treasury and not into the Federal Treasury.

Mr. HAY. Where have these fines that are provided for in this bill been going heretofore?

Mr. THOMAS of Ohio. Into the National Treasury, to the credit of the District fund.

Mr. OLCOTT. Going to the District of Columbia.

Mr. MANN. We make the appropriations for the District, and the gentleman attempts to make a differentiation; but we are just as much the trustee for one fund as we are for the other.

Mr. OLCOTT. These are funds that are paid into the United States Treasury for the District of Columbia. It is one of the cases where there is not a partnership.

Mr. CLARK of Missouri. I would like to ask the gentleman a question. These license fees heretofore went into the fund of the District of Columbia.

Mr. OLCOTT. The police court fines and the dog licenses have always been part of this pension fund, and the Humane Society funds were paid to the Humane Society. That has been provided for in the bill that is now under consideration.

Mr. CLARK of Missouri. These other fees went into the general fund of the District of Columbia heretofore.

Mr. OLCOTT. That is quite true.

Mr. CLARK of Missouri. Now, then, if you subtract them from the District of Columbia funds, are you not mulcting the United States Government for just one-half that you subtract?

Mr. OLCOTT. No; you are not, because they went into the Treasury to the credit of the District of Columbia for the purpose of paying the police and fire pensions.

Mr. KITCHIN. Would not the taxpayers of the District of Columbia have to be mulcted with more? It would fall upon the taxpayers of the District.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and on a division (demanded by Mr. OLCOTT) there were—ayes 55, noes 77.

So (two-thirds not having voted in favor thereof) the motion was rejected.

RECESS.

Mr. PAYNE. Mr. Speaker, I move that the House do now take a recess until 8.30 o'clock to-night.

The motion was agreed to; accordingly (at 5 o'clock and 54 minutes p. m.) the House took a recess until 8.30 o'clock p. m.

EVENING SESSION.

At 8.30 o'clock p. m., the recess having expired, the Speaker called the House to order.

PENSION APPROPRIATION BILL.

Mr. KEIFER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 29157) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1912, and for other purposes, and agree to the Senate amendment.

The SPEAKER. Is there objection?

Mr. MACON. Mr. Speaker, I reserve the right to object.

The SPEAKER. The Clerk will report the Senate amendment.

The Clerk read as follows:

Page 2, strike out lines 11 and 12 and insert:
"For salaries of agents for the payment of pensions at $4,000 each, $72,000, or so much thereof as may be necessary."

The SPEAKER. Does the gentleman from Ohio yield to the gentleman from Arkansas?

Mr. KEIFER. For a question.

Mr. MACON. Mr. Speaker, I reserve the right to object.

Mr. KEIFER. Mr. Speaker, if the gentleman will permit me, I will state that there is but one amendment to this general pension appropriation, and that relates to the pension agencies. When the bill was brought in by me from the Committee on Appropriations to this House, it was brought in exactly as the bill is now amended so far as the appropriation for pension agencies is concerned. The bill as reported from the Committee on Appropriations provided for the salaries of 18 agents. The House amended that clause in the bill so as to appropriate for but one agency. Members of this House are familiar with the contest that has gone on through the last two or three Congresses over this very question. As far as I am concerned, I have not changed my mind. I think the pension agencies should be reduced largely if not to one, but some of us have been in conference with conferees of the Senate over this question as much as three months at a time in this and past Congresses. My colleagues, the gentleman from Michigan [Mr. GARDNER], and the gentleman from Mississippi [Mr. BOWERS], and others have been on that committee of conference, and we have been in conferences frequently day and night. We have brought the question up to the last hour of the session—in the Fifty-ninth Congress, in its last session, in both sessions of the Sixtieth Congress, and in the second session of this Congress—up to the very last day and the last hour thereof, and the House has always had to yield upon the subject or the pension appropriation bill would fail. Now, I think that at this late period in the last session of this Congress and in the last hours thereof it is useless to send it to conference again. The agencies are just as they have been for a great many years. If the bill passes they will be continued, unless the President exercises the power he possesses in reference to discontinuing or consolidating some of these agencies. That he may do. I think there is no doubt about the legal power of the President to consolidate agencies or discontinue them, unless it be as to three or four that were originally directly created by law, which law fixed the place where the agency was to be located.

But most of these agencies have been created by executive order under a general law, and my understanding is, and I think it is the understanding of those who have looked into the question, that the President, having created most of these agencies, could discontinue them if he chose to do so. And I think now, under all the circumstances, the wise thing is to pass this bill. It appropriates for the payment of pensions alone $153,000,000. Other appropriations in the bill are for the administration of the Pension Bureau and the agencies, and there is nothing unusual in the amount. The Senate neither increased nor decreased any money appropriation in the bill, except that the Senate amendment appropriates $72,000, and the bill as it passed the House and as it went to the Senate appropriated but $4,000. The salary of each pension agent is $4,000, and if only that sum were appropriated, only one agent could be paid, and the agencies would therefore have to be consolidated into one agency.

Mr. MACON. Mr. Speaker——

Mr. KEIFER. I yield to the gentleman from Arkansas for a question.

Mr. MACON. Mr. Speaker, I do not care to ask any questions. I reserved the right to object to unanimous consent for another purpose, and I will be frank enough to give my reasons for it. I have been threatened by the passage of a bill to promote one Robert E. Peary until I have gotten to a point where I have concluded if this House has 40 or 60 minutes to give up to that gentleman in its closing hours that it ought to have time to consider everything else that is to be considered by it in the regular way under the rules. And it is my purpose to insist that, if we have time to spare to individuals such as I have mentioned, we must pursue the regular course in all matters coming before the House from now until the gavel falls and the Speaker announces the final adjournment of the Sixty-first Congress.

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. KEIFER]?

Mr. CAMPBELL. Of course I refer to the agency at Des Moines, Iowa. I wanted to abolish all of them but one.

Mr. KEIFER. He probably can not do that.

Mr. SULZER. I want to ask the gentleman from Ohio [Mr. KEIFER] a question.

Mr. KEIFER. I yield.

Mr. MANN. I was going to suggest, Mr. Speaker, that this is not a matter requiring unanimous consent.

The SPEAKER. Well, the gentleman asked unanimous consent to take the bill from the Speaker's table and concur in the Senate amendments.

Mr. SULZER. Has any change been made in the pension agency in New York?

Mr. KEIFER. Not a thing. Nothing has been done.

Mr. SULZER. That is all; I wanted to know about New York.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none——

Mr. GARRETT. Mr. Speaker——

SEVERAL MEMBERS. Regular order, Mr. Speaker.

The SPEAKER. And the amendments are agreed to.

Mr. GARRETT. I object, Mr. Speaker.

The SPEAKER. For what purpose does the gentleman rise? Has the gentleman just come in?

Mr. GARRETT. No, sir.

The SPEAKER. After all, the vote was given before the gentleman objected, and the amendments are concurred in.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. FOSTER of Vermont. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 32866) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1912, to disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Vermont [Mr. FOSTER] asks unanimous consent to take from the Speaker's table the diplomatic and consular appropriation bill, to disagree to the Senate amendments, and ask for a conference.

Mr. UNDERWOOD. Mr. Speaker, I ask that the amendments be read.

The Senate amendments were read.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Vermont [Mr. FOSTER].

The motion was agreed to; and the Speaker announced as conferees on the part of the House Mr. FOSTER of Vermont, Mr. FASSETT, and Mr. HOWARD.

PRESIDENT'S MESSAGE.

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

In compliance with the resolution of the House of Representatives (the Senate concurring) of March 2, 1911, I return herewith House bill No. 26290, entitled "An act providing for the validation of certain homestead entries."

WM. H. TAFT.

THE WHITE HOUSE, *March 2, 1911.*

Mr. MONDELL. Mr. Speaker, I offer the following formal resolution (H. Con. Res. 64), which I send to the Clerk's desk and ask to have read:

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the action of the Speaker of the House and of the Vice President of the United States and President of the Senate in signing the enrolled bill (H. R. 26290) providing for the validation of certain homestead entries be, and the same is hereby, rescinded, and that the bill be reenrolled with the first word in section 2 changed from "Than" to "That."

The SPEAKER. Is there objection? There was no objection.

The resolution was agreed to.

FORTIFICATIONS APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 32865) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordinance for trial and service, and for other purposes, with Senate amendments, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The Clerk will report the amendments.

The Senate amendments were read.

Mr. MACON. Mr. Speaker, I reserve points of order on the bill.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to take from the Speaker's table the fortification bill, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. MACON. I object, Mr. Speaker.

The SPEAKER. The gentleman from Minnesota is recognized.

Mr. TAWNEY. Mr. Speaker, I move to suspend the rules, disagree to the Senate amendments to the fortification bill, and ask for a conference.

The SPEAKER. The gentleman from Minnesota moves to suspend the rules, disagree to the Senate amendments, and ask for a conference on the fortification bill.

Mr. SHERLEY. I demand a second.

The SPEAKER. The gentleman from Kentucky demands a second. The gentleman from Minnesota [Mr. TAWNEY] is entitled to 20 minutes, and the gentleman from Kentucky [Mr. SHERLEY] is entitled to 20 minutes.

SEVERAL MEMBERS. Vote! Vote!

Mr. TAWNEY. Mr. Speaker, I have no desire to occupy any part of the time. There are only two amendments to this bill, and I am confident that if the House will adopt the motion which I have made, there will be no difficulty about a final agreement in conference.

Mr. SULZER. Will the gentleman state briefly what increases have been made in the Senate?

Mr. TAWNEY. There are no increases except one in regard to the Cape Henry project, and then there is one out in California. They have been on this bill many times before.

Mr. MILLER of Kansas. And they have always gone out.

The SPEAKER. Does the gentleman from Kentucky desire time?

Mr. SHERLEY. I do not.

The question was taken, and (two-thirds voting therefor) the motion was agreed to; and the Speaker announced as conferees on the part of the House Mr. SMITH of Iowa, Mr. GRAFF, and Mr. SHERLEY.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. HULL of Iowa. I call up the Military Academy bill (H. R. 32436) and ask unanimous consent to disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Iowa asks unanimous consent to take from the Speaker's table the Military Academy appropriation bill, disagree to the Senate amendments, and ask for a conference. The Clerk will report the Senate amendments.

The Senate amendments were read.

The SPEAKER. Is there objection?

There was no objection; and the Speaker appointed as conferees on the part of the House Mr. HULL of Iowa, Mr. YOUNG of Michigan, and Mr. HAY.

FRANCHISES IN PORTO RICO.

The SPEAKER laid before the House the following message from the President (S. Doc. No. 855), which was read, and, with the accompanying documents, referred to the Committee on Insular Affairs and ordered to be printed:

To the Senate and House of Representatives:

As required by section 32 of the act of Congress approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith certified copies of franchises granted by the executive council of Porto Rico, which are described in the accompanying letter from the Secretary of War transmitting them to me. Such of these as relate to railroad, street railway, telegraph, and telephone franchises, privileges, or concessions have been approved by me, as required by the joint resolution of May 1, 1900.

WILLIAM H. TAFT.

THE WHITE HOUSE *March 2, 1911.*

TEMPORARY COMMITTEE ON ACCOUNTS.

The Speaker announced the appointment of Mr. HUGHES of West Virginia, Mr. CURRIER, and Mr. BARTLETT of Georgia as the temporary Committee on Accounts in pursuance of the statute.

VISITORS TO THE NAVAL ACADEMY.

The Speaker announced as visitors to the Naval Academy, Mr. ROBERTS, Mr. SLEMP, and Mr. PADGETT.

LEAVE TO WITHDRAW PAPERS.

By unanimous consent, at the request of Mr. WEEKS, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Barton E. Gardner, Sixty-first Congress, no adverse report having been made thereon.

By unanimous consent, at the request of Mr. GRAHAM of Pennsylvania, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of William H. H. Bennett, Sixty-first Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. ASHBROOK, for the remander of this session, on account of sickness.

LIGHTING CARS BY ELECTRICITY—CHANGE OF REFERENCE.

By unanimous consent, the Committee on the Post Office and Post Roads was discharged from the further consideration of the bill (H. R. 32617) to promote the safety of employees and travelers upon railroads by compelling common carriers in the Territories and the District of Columbia and those engaged in interstate commerce to equip certain of their cars with the means of lighting the same by electricity, and to so light them; and the same was referred to the Committee on Interstate and Foreign Commerce.

AMENDING SECTION 996, REVISED STATUTES.

Mr. PARKER. Mr. Speaer, I move to take from the Speaker's table House bill 18014 and agree to the Senate amendments.

The SPEAKER laid before the House the bill H. R. 18014, an act to amend section 996 of the Revised Statutes of the United States as amended by the act of February 19, 1897, with Senate amendments.

The Senate amendments were read.

Mr. PARKER. Mr. Speaker, these amendments are substantially the same as the bill we had in the House. The only difference is that they make it clear that the application is to be made to the court that orders the money deposited, and they add a proviso by which the court shall make a like order as to the money deposited before the passage of this bill.

The SPEAKER. What is the gentleman's motion?

Mr. PARKER. I move that the House agree to the Senate amendments.

The motion was agreed to.

PROHIBITION OF SALE OF INTOXICATING LIQUORS TO INDIANS.

Mr. CAMPBELL. Mr. Speaker, I move to suspend the rules and pass the following Senate bills with House amendments. The amendments are in the nature of a substitute, and I ask that the substitute be read.

The Clerk read as follows:

An act (S. 1981) to amend section 1 of an act approved January 30, 1897, entitled "An act to prohibit the sale of intoxicating drinks to Indians, providing penalties therefor, and for other purposes."

Be it enacted, etc., That the act approved January 30, 1897, entitled "An act to prohibit the sale of intoxicating drinks to Indians, providing penalties therefor, and for other purposes," be amended to read as follows:

"SECTION 1. That any person who shall sell, give away, dispose of, exchange, or barter any malt, fermented, spirituous, or vinous liquor, including beer, ale, and wine, or any ardent or other intoxicating liquor of any kind whatsoever, or any essence, extract, bitters, preparation, compound, composition, or any article whatsoever, under whatever name, label, or brand, which produces intoxication, to any Indian a ward of the Government, under charge of any Indian superintendent or agent, or any Indian, including Pueblos and mixed bloods, over whom the Government, through its departments, exercises guardianship or jurisdiction, and any person who shall introduce or attempt to introduce into the Indian country or within an Indian reservation, or shall have in his possession, sell, give away, dispose of, exchange, or barter any malt, fermented, spirituous, or vinous liquor, including beer, ale, and wine, or any ardent or intoxicating liquor of any kind whatsoever, or any essence, extract, bitters, preparation, compound, composition, or any article whatsoever, under whatever name, label, or brand, which produces intoxication, within the Indian country or within an Indian reservation, including Indian pueblos, which term shall include any Indian allotment while the title to the same shall be held in trust by the Government, or while the same shall remain inalienable by the allottee, without the consent of the United States, or who shall introduce or attempt to introduce or have in his possession, sell, give away, dispose of, exchange, or barter any malt, fermented, spirituous, or vinous liquor, including beer, ale, and wine, or any ardent or intoxicating liquor of any kind whatsoever, or any essence, extract, bitters, preparation, compound, composition, or any article whatsoever, under whatever name, label, or brand, which produces intoxication, in or upon an Indian reservation, Indian settlement, or Indian school within the United States, shall be punished by imprisonment for not less than 60 days and by a fine of not less than $100 for the first offense and not less than $200 for each offense thereafter: *Provided, however*, That the person convicted shall be committed until fine and costs are paid. But it shall be a sufficient defense to any charge of violation of the provisions of this law that the acts charged were done by order of or under authority from the Interior Department or any officer duly authorized thereunto by the Interior Department.

"SEC. 2. That so much of the act of the 23d day of July, 1892, as is inconsistent with the provisions of this act is hereby repealed.

"SEC. 3. That when the surplus lands of any Indian reservation are opened to settlement hereafter, the lands allotted, those retained or reserved, and the surplus land sold, set aside for town-site purposes, granted to the State, or otherwise disposed of, shall be subject for a period of 25 years to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country."

The SPEAKER. Is a second demanded?

Mr. SHERLEY. Mr. Speaker, I demand a second.

The SPEAKER. Under the rule a second is ordered, and the gentleman from Kansas is entitled to 20 minutes and the gentleman from Kentucky to 20 minutes.

Mr. CAMPBELL. Mr. Speaker, the purpose of this legislation is to amend the act of June 30, 1897. In section 1 of that act we strike out the word "any" and insert "whatever." We strike out "to whom allotment of land has been made while the title to the same shall be held in trust by the Government or to any Indian." And we insert the words "Pueblos and."

We also insert for jurisdiction "into the Indian country," and "or any essence, extract, bitters, preparation, compound, composition, or any article whatsover and of whatever name, label, or brand which produces intoxication in the Indian country or within an Indian reservation, including Indian pueblos."

We also add "or who shall introduce or attempt to introduce or have in his possession, sell, give away, dispose of, exchange, or barter any malt, fermented, spiritous, or vinous liquor, including beer, ale, and wine, or any ardent intoxicating liquor of any kind whatsoever, or any essence, extract, bitters, preparation, compound, composition, or any article whatsoever, under whatever name, label, or brand, which produces intoxication in or upon an Indian reservation, Indian settlement, or Indian school within the United States."

We strike out "introducing or attempting to introduce ardent spirits, ale, beer, wine, or intoxicating liquors into the Indian country" and insert "violation of the provisions of this law."

We insert "by order of" and strike out "in writing." Strike out "War" and insert "Interior." We do that in two instances in that section.

Mr. MANN. Will the gentleman yield for a question?

Mr. CAMPBELL. Yes.

Mr. MANN. I notice that the committee amendment makes a differentiation between an Indian reservation and the Indian country. I had always supposed that the "Indian country" included the "Indian reservation." Now, just what does the Indian country include if it does not include the Indian reservation?

Mr. TAWNEY. It includes the entire cession. The whole State of Minnesota would be an Indian country.

Mr. BURKE of South Dakota. I will state that under the recent laws that have been passed for the disposition of Indian reservations there has been a provision in the law the same as section 3 in this bill, providing that liquor shall not be introduced into that country for 25 years, and extending to that country the laws relating to the sale of intoxicating liquor to Indians, and the term "Indian country" would be such country notwithstanding there is no reservation. That is, it is not a reservation any longer after it is broken up.

Mr. MANN. Very well; but is not the Indian reservation included in the Indian country?

Mr. BURKE of South Dakota. It may be.

Mr. MANN. Is not it always?

Mr. BURKE of South Dakota. It is an Indian reservation yet.

Mr. MANN. Then, the moment you in law make a differentiation between the Indian country and the Indian reservation, what then is included in the Indian country? It can not be presumed by a court——

Mr. BURKE of South Dakota. It may be an Indian country and not an Indian reservation.

Mr. MANN. That may be true, but it can not be an Indian reservation and not be Indian country.

Mr. TAWNEY. Yes, it can, under the decision of the Supreme Court of the United States.

Mr. MANN. The term "Indian country" includes "Indian reservations."

Mr. TAWNEY. It includes it.

Mr. MANN. That weakens the law.

Mr. SHERLEY. How do we get jurisdiction in the matter?

Mr. CAMPBELL. By reserving it in the titles of the land. It has been the practice for many years to stipulate in the deed to lands in Indian reservations that intoxicating liquors may not be sold upon these lands for a long period, say 25 years.

Mr. SHERLEY. I understand that, but there is nothing here to show that the Indian country is such country where such restriction has been reserved or where the Federal Government has any control or jurisdiction.

Mr. CAMPBELL. Wel, of course, it is confined to any country where the Federal Government has legislative jurisdiction.

Mr. SHERLEY. It may or may not be. If you pass a law that is wider than the power of the Government, you can not by judicial construction narrow it so as to make it legal. Your whole law fails.

Mr. CAMPBELL. We could not pass a law here that would apply to any territory or country within the sole jurisdiction of a State in matters which are subjects for legislation by the States and not within the legislative jurisdiction of the Congress of the United States.

Mr. SHERLEY. I understand, but if you attempt to do it you may make your law invalid, even as to that territory that is subject to your jurisdiction.

Mr. CAMPBELL. The intention of section 3 is that it shall prohibit the sale of liquor upon any Indian lands deeded by the United States for a period of 25 years.

Mr. TAWNEY. Mr. Speaker, I desire to ask the gentleman from Kansas a question.

Mr. CAMPBELL. Yes.

Mr. TAWNEY. Under this provision, land that may have been ceded by the Indians to the General Government 50 years ago, the title to which has since passed into private ownership, is yet known in law as Indian country; and it is under exactly such provisions as this that only a few months ago the Indian Bureau attempted to control the exercise of the police powers of the State of Minnesota and nullify the revenue laws of that State as applied to all or seven-eighths of the State of Minnesota, because the land had been ceded by the Indians to the General Government and then transferred to the State, and the title has since passed to individuals. But, notwithstanding that fact, in contemplation of law it remains Indian country.

Mr. BUTLER. Indian country? Are there any Indians there?

Mr. TAWNEY. Under the treaty of 1851, whereby almost one-half of the State of Minnesota was ceded to the General Government, there was a provision against the introduction of any intoxicating liquors of any kind in the Indian country. And if it had not been for the fact that there was a provision in the act of 1863 which repealed all obligations assumed by the Government to the Sioux Indians in consequence of the outbreak of 1862, the Indian Bureau, although there is not an Indian in that part of the State, or has not been for more than a quarter of a century, over which the Government has jurisdiction, would have enforced that provision.

ALLOTMENTS OF NEK-QUEL-E-KIN AND OTHERS.

The SPEAKER laid before the House the bill (H. R. 32251) authorizing the sale of the allotments of Nek-quel-e-kin, or Wapato John, and Que-til-qua-soon, or Peter, Moses agreement allottees, with the title amended.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend the title so as to read:
"An act authorizing the sale of portions of the allotments of Nek-quel-e-kin, or Wapato John, and Que-til-qua-soon, or Peter, Moses agreement allottees."

The Senate amendment was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Curtis, one of its clerks, announced that the Senate had passed the following resolution:

Resolved, That the bill from the House of Representatives (H. R. 32251) entitled "An act authorizing the sale of the allotments of Nek-quel-e-kin, or Wapato John, and Que-til-qua-soon, or Peter, Moses agreement allottees, do pass with the following amendment to the title:

Amend the title so as to read: "An act authorizing the sale of portions of the allotments of Nek-quel-e-kin, or Wapato John, and Que-til-qua-soon, or Peter, Moses agreement allottees."

PROHIBITING SALE OF INTOXICATING DRINKS TO INDIANS.

The House resumed consideration of the bill S. 1981, as follows:

Mr. TAWNEY. Mr. Speaker, I want to say just one word more. Recently the President of the United States advocated that provision in all the treaties that he was authorized to act upon. There still remain two treaties, the treaty of 1855 and the treaty of 1863, ceding a large tract of land to the Government which has passed into private ownership, where there are no Indians and where the country is settled up, and where there are many prosperous cities and towns in the Territories, and this provision would again declare the country to be Indian country and make more stringent than the law is to-day the matter of transportation of beer or intoxicating liquors of any kind into that country for the use of anybody. It was only a short time ago, under a similar provision of this kind, where the railroad and express companies refused to take alcohol to the northern part of the State in order to supply hospitals, because they were informed if they did so they would be violating this general provision of law.

Mr. CAMPBELL. Mr. Speaker, the purpose is to make this law applicable only to Indian country inhabited by Indians and such country as was not included within the treaties abrogated by the President of the United States. It applies only to lands under the control of the Congress of the United States, because they are Indian lands, inhabited by Indians.

Mr. TAWNEY. The term "Indian country" ought to be defined in any law, because under the construction to-day anything that has been ceded to the Government of the United States by the Indians, no matter where it is situated, if it was half a century ago, is still held by the courts to be "Indian country."

Mr. STEPHENS of Texas. Might it not be well to add an amendment here, striking out the words "Indian country" and let this apply to Indian reservations alone?

Mr. CAMPBELL. Mr. Speaker, I had not supposed that anyone would raise the question that this would apply only to lands peculiarly under the control and legislative jurisdiction of the United States because it was Indian country. I do not object to the proposition that it shall apply to Indian reservations.

Mr. MANN. Is there any land of that sort that is not included in an Indian reservation?

Mr. CAMPBELL. None whatever.

Mr. MANN. Then it could be assumed, when the gentleman says "Indian country" that he means something outside, which nobody yet has ever defined, I think.

Mr. CAMPBELL. The intent of section 1 of this bill is to have this legislation apply only to the country within an Indian reservation.

Mr. STEPHENS of Texas. Then I suggest to the gentleman that he move to strike out that objectionable language.

Mr. CAMPBELL. Mr. Speaker, I ask unanimous consent that the words "Indian reservation" be substituted for the words "Indian country."

Mr. STAFFORD. Just strike out the words "Indian country." That would be sufficient.

Mr. CAMPBELL. Yes; I suggest to strike out the words "Indian country."

The SPEAKER. The gentleman from Kansas [Mr. CAMPBELL] asks unanimous consent to modify the amendment. The Clerk will read the modified amendment:

The Clerk read as follows:

On page 5, line 8, and on page 6, line 16——

Mr. MANN. And on page 5, line 1——

The Clerk resumed the reading, as follows:

And on page 5, line 1, strike out the words "Indian country" and insert the words "Indian reservation."

Mr. MANN. Strike out "Indian country or within."

Mr. BURKE of South Dakota. Just a moment. Mr. Speaker, if the gentleman from Wisconsin is going to use any time we can perfect this language in the meanwhile.

Mr. STAFFORD. Will the gentleman from Kentucky [Mr. SHERLEY] use some time?

Mr. CAMPBELL. Mr. Speaker, I reserve the balance of my time.

The SPEAKER. Will the gentleman from Kansas [Mr. CAMPBELL] or the gentleman from Minnesota [Mr. TAWNEY] or the gentleman from Illinois [Mr. MANN], one or all, please specify what the amendments are to be?

Mr. MANN. The first amendment is on the bottom of page 4 and on page 5, to strike out the words "Indian country or within," so that it would read "within an Indian reservation"; and on line 8 strike out the words "Indian country or," so that it would read "within an Indian reservation."

Mr. BURKE of South Dakota. I will ask the gentleman from Illinois what about the lands where the laws governing the sale of liquor have been extended and yet the lands are not within an Indian reservation?

Mr. MANN. This would not affect the laws already in existence on the subject.

Mr. TAWNEY. All lands included in States not included in Indian reservations are under the control of the States, and the State laws relating to the sale and introduction of intoxicating liquors apply to what is termed "the Indian country."

Mr. CAMPBELL. Now, Mr. Speaker——

The SPEAKER. The Clerk will report the proposed modification.

The Clerk read as follows:

Beginning with the last word on page 4 strike out the words "the Indian country or within," so that it will read "introduced into an Indian reservation," etc.

And on page 5, line 8, strike out the words "within the Indian country or," so that it will read "within an Indian reservation," etc.

The SPEAKER. Does the gentleman from Kansas reserve the remainder of his time?

Mr. CAMPBELL. I reserve the remainder of my time, Mr. Speaker.

The SPEAKER. Without objection the modification will be agreed to. The gentleman from Kentucky is recognized.

Mr. SHERLEY. Mr. Speaker, I yield 15 minutes to the gentleman from Wisconsin [Mr. STAFFORD].

Mr. STAFFORD. Mr. Speaker, the main objection to this bill has been pointed out by the gentleman from Minnesota and has been remedied by the proposed amendment, consented to by the gentleman from Kansas [Mr. CAMPBELL].

I sympathize with the purpose of the bill so far as it extends the law that has heretofore existed on the statute books, for-

bidding the sale of alcoholic and fermented liquors to Indians, so as to include those other alcoholic and intoxicating drinks that have been sold under the disguise of patent medicines. I think the House should have its attention called to the fact that this bill will stop a very bad practice that has been indulged in in times gone by, in having Peruna and other alcoholic beverages under the guise of patent medicines sold by bootleggers to the Indians.

Mr. BURKE of South Dakota. I should like to know from the gentleman if, in his opinion, we could stop the sale of Peruna, would it increase the demand for beer? [Laughter.]

Mr. STAFFORD. Mr. Speaker, I think it would be much better to increase the demand for beer in place of Peruna, because all enlightened people recognize the fact that beer is much more a temperance beverage than such concoctions as Hostetter's Bitters, Peruna, and the like, which some people advocate as temperance beverages. [Laughter.]

There is another section of the bill which should meet with opposition, and that is section 3, which seeks to put into the substantive law a restraint that on all Indian reservations open to settlement in the future no intoxicating liquors of any kind shall be sold for 25 years. The attention of the House has been directed heretofore to the fact that such an amendment would work hardship as against the internal policy of the local community, where the sentiment might be overwhelmingly in favor of license or other forms of regulation of the liquor traffic. Instances were cited in South Dakota where, when that State was under a prohibitory law under the constitution, such a provision was enacted, and when the State repealed the prohibitory law it found itself unable in these constituencies to have their will enacted into law so as to have a defferent regulation for the liquor traffic which would be more satisfactory to the people of those communities.

We all agree that the Indians should not be supplied with liquor. We do not wish them to be tempted with liquor in any way, because we know that when an Indian has liquor in him, he is one of the worst enemies of civilization; but here we are trying to dictate and determine the internal policy of those localities that may be established when the Indian reservations are open to settlement. This innocent-looking measure that was introduced here would have circumvented the purpose of the President in extending the liquor laws to that Indian territory in Minnesota which has been open to settlement for many years, and where liquor has been sold for a long time.

So I wish to say that the measure, while not as objectionable as it was, since the words "Indian country" have been stricken out, is still objectionable in trying to fasten upon local communities an internal policy for 25 years, regardless of whether there are any Indians living there or not.

Mr. SHERLEY. Mr. Speaker, this bill is a very good illustration of the danger of legislating under suspension of the rules. As originally presented to the House it had in it a term that no Member of this House is able to define with legal accuracy or even with practical accuracy. The gentleman from Kansas [Mr. CAMPBELL], when asked what was meant by the phrase "Indian country," was evidently embarrassed, and gave an answer that may have been satisfactory to him, but which I am sure was not enlightening to any of the rest of us, and I say that with all deference to the gentleman's ability. But there was the use of a phrase that might have in it, as pointed out by the gentleman from Minnesota, very great evils. Now that has been corrected by the suggested amendment. But I call attention to section 2, which undertakes to repeal a specific law supposed to be in conflict with this law. Yet, since that law was enacted we have codified all the penal laws of the United States into a code. I am not prepared to say from memory, and I doubt if the gentleman from Kansas is prepared to say from memory, whether or not we did not repeal this law at the time we adopted the penal code, and whether there may not be now in that code a law in conflict or hostile to the one we are asked to enact to-night. In other words, it is impossible in these closing days, with 20 minutes' debate on a side with the bill not open to amendment, except by unanimous consent, to properly consider legislation of any intricacy.

The third section, as stated by the gentleman from Wisconsin, is, to my mind, exceedingly wrong in principle. I do not suppose there is a man in the House who is not desirous of doing whatever may be necessary to protect the Indians against the sale and use of intoxicating liquors. We need not have any fear but what Congress will always be ready, willing, and anxious to legislate for that purpose. Here is an attempt not only to do that but to carry into the State for a period of 25 years prohibition laws that may apply to others than the Indians—in point of fact may apply over a territory where there are no Indians.

Mr. BURKE of South Dakota. Will the gentleman yield for a suggestion?

Mr. SHERLEY. Yes.

Mr. BURKE of South Dakota. Is the gentleman aware of the fact that this act applies to a country that is now only settled by Indians, and that the settlers who go in, go in with full knowledge of these conditions? I want to call the gentleman's attention to one suggestion, that before the surplus lands are disposed of the Indians are allotted, the title is held by the Government in trust for 25 years. Consequently, throughout that country there will be Indians residing for the next 25 years. The purpose of this legislation is to extend the laws that now apply to the Indian country to these lands to protect the Indians who will be residents there for 25 years.

Mr. SHERLEY. If the gentleman's statement of fact in the next 25 years is correct, and I have no doubt it is as accurate as any man's prophesy as to 25 years, there might be some justification to enact the law as it reads and permits the fastening on the community of certain laws relative to the sale of intoxicating liquors. They may or may not be in harmony with the laws of that part of the State or the State at large.

Mr. BURKE of South Dakota. There is no community except the Indians there at this time.

Mr. SHERLEY. I understand, but it does not follow that when the Indian lands are sold that there will necessarily be Indian residents intermingled.

Mr. BURKE of South Dakota. Oh, yes.

Mr. SHERLEY. The gentleman thinks so, but I do not.

Mr. BURKE of South Dakota. Every bill that we have passed within the last few years relating to surplus land in Indian reservations has contained this provision.

Mr. SHERLEY. Well, I would not say the fact that we have done anything in the past was necessarily evidence of its wisdom. It may or may not be, but I call attention to these questions, questions that I can only touch upon, and I ask this House whether it feels warranted in this way to legislate on a subject as important as this.

Mr. MANN. Will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. MANN. This is a Senate bill, and House amendments propose to strike out all after the enacting clause. The House amendment is very different from the original Senate bill. If we vote for the House amendment on the gentleman's motion, can he be assured that it goes that way or not at all at this late time in the session?

Mr. CAMPBELL. I think I violate no confidence when I say that if this bill passes the House that the Senate will agree to the bill as it passes the House. And if they do not, we shall not consent to a conference.

Mr. MANN. If the Senate amends it and it comes back here, will the gentleman attempt to concur in the Senate amendment?

Mr. CAMPBELL. No.

Mr. MANN. Or ask for a conference?

Mr. CAMPBELL. No; I shall not, and I am sure my colleagues will not attempt to legislate in conference on this subject.

Mr. SHERLEY. Mr. Speaker, that is just another illustration, to my mind, why we should not pass this bill. The Senate in these closing hours can not possibly consider with any deliberation the House amendment, which is practically fundamental, and it is asking a good deal of Congress to take up this matter in this way and pass upon it. I have called attention to this, not that I have any particular interest in this legislation, for I am not familiar with much of the law pertaining to Indians in Indian reservations, but the reading of the bill demonstrated its far-reaching effects; and it seemed to me, in the absence of anyone on this side of the House explaining the matter, it was of sufficient importance to ask the House to pause for a moment before passing it. Having now performed what I feel to be my duty, I am willing to leave it to the judgment of the House.

Mr. CAMPBELL. Mr. Speaker, just a word. So far as section 3 is concerned, we are simply providing in a general law what we have been providing in special laws in the opening of every Indian reservation for the sale of Indian lands. We have provided that the deeds should contain a provision that intoxicating liquors should not be sold on these lands for a period of 25 years. Now, so far as the intention of this law is concerned,

the gentleman from Wisconsin has well stated it, and the Secretary of the Interior, in his letter, says this:

If the bill is amended as suggested—

And that is the amendment that the House has made—

and enacted into law, it will materially aid this department in suppressing the liquor traffic among the Indians. I therefore respectfully request that this legislation receive the early and favorable consideration of the Congress.

This was dated January 24, 1911.

Mr. STEPHENS of Texas. Is it not a fact that one of the main reasons why this bill should pass is on account of the bitters, such as Peruna and various other articles, that are used as intoxicants by the Indians?

Mr. CAMPBELL. That is one of the purposes of this bill.

Mr. STEPHENS of Texas. And it is desirable to prevent that; and another thing is that the Pueblo Indians in New Mexico and Arizona have never been protected heretofore and have not come under the laws regulating the sale of intoxicating liquors to Indians.

Mr. CAMPBELL. That is true.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended and the bill was passed.

MAKING ST. ANDREWS, FLA., A SUBPORT OF ENTRY.

Mr. MAYS. Mr. Speaker, I move to suspend the rules, discharge the Committee of the Whole House on the state of the Union from further consideration of the bill (S. 10559) to designate St. Andrews, Fla., as a subport of entry, consider the same in the House as in Committee of the Whole, and pass the same.

The Clerk read the bill, as follows:

Be it enacted, etc., That St. Andrews, in the State of Florida, is hereby made a subport of entry in the district of Pensacola, and the necessary customs officers may, in the discretion of the Secretary of the Treasury, be stationed at said subport with authority to enter and clear vessels, receive duties, fees, and other moneys, and perform such other services as in his judgment the interests of commerce may require, and said officers shall receive such compensation as he may allow.

The SPEAKER. Is a second demanded?

Mr. CLAYTON. I demand a second.

The SPEAKER. Under the rule, a second is considered as ordered. The gentleman from Florida is entitled to 20 minutes, and the gentleman from Alabama to 20 minutes.

Mr. CLAYTON. Mr. Speaker, I desire to offer the following amendment.

The SPEAKER. The rules have not yet been suspended, and the bill is not up for consideration. The question is on suspending the rules.

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended.

The SPEAKER. The bill is now before the House for consideration as in Committee of the Whole. Without objection the further reading of the bill will be dispensed with.

There was no objection.

Mr. CLAYTON. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

In line 3, page 1, strike out the words "St. Andrews" and insert in lieu thereof "the port of St. Andrews Bay."

Mr. CLAYTON. Mr. Speaker, I hope the gentleman from Florida [Mr. MAYS], who has made this motion, will agree to this amendment. I recognize the fact, Mr. Speaker, that the two Senators from Florida are in favor of this bill in its present form. But, Mr. Speaker, I must say that the amendment seeks to meet a peculiar situation there at St. Andrews Bay, and, in my judgment, would be fair to all the parties now engaged in a controversy over this particular wording of this particular bill. The controversy arises because of the fact that there are located on St. Andrews Bay, in the State of Florida, several towns. Among these towns are Panama City, St. Andrews, and Millville. This bill is so worded as to make a subport at the town of St. Andrews. The matter of sending officers there to meet the requirements in the case of a subport of entry is left in the discretion of the Secretary of the Treasury. The amendment which I have offered, instead of making the town of St. Andrews the port of entry, makes the port of St. Andrews Bay the port of entry. The nearest port of entry to that part of Florida at the present time is Apalachicola.

Now, the proposition that I offer in no wise militates against the bill, in no wise against the establishment of a port of entry there, but simply enlarges the port of entry by striking out the words "St. Andrews," which is the town of St. Andrews, and substitutes therefor "the port of St. Andrews Bay."

Mr. Speaker, we have cases analagous to this. We have one directly in point, and that is the Port Tampa port of entry, Florida. There were rival towns there and each one seeking to have the port of entry at the particular town, so that Congress wisely settled that matter satisfactorily to the Treasury Department, satisfactorily to the public business, and satisfactorily to the citizens there, and satisfactorily to the diverse interests in the matter of location. I call attention to the act of February 28, 1887. There, as I understand, Tampa and one or more other towns sought to have a bill passed which was framed exactly as this bill is, in the interests of a certain town, as this bill is framed in the interests of the town of St. Andrews. It was finally, I believe, upon the suggestion of either a Representative or a Senator from Florida, passed in this form:

Be it enacted, etc., That the port of Tampa, Hillsboro County, Fla., be, and the same is hereby, made a port of entry.

So that, instead of locating the port of entry at the city of Tampa, or some other town on Tampa Bay, Congress wisely and justly to all those locally concerned, made the whole bay there a port of entry.

Now, that is all that the amendment that I have offered seeks to do. I do not seek to defeat the passage of the bill making a port of entry there, for, except the gentleman from Florida, no man in this House has a constituency so vitally interested in the establishment of a port of entry down on St. Andrews Bay as mine. Under an appropriation made more than a year ago, and with which I had a good deal to do, a canal 5 miles long, opening the Apalachicola-Chattahoochee system of rivers into St. Andrews Bay was provided for, and this present Congress has appropriated another $150,000 for that canal work. So when this canal is completed, the commerce of the district that I have the honor to represent, as well as a large part of the commerce of the entire valley in this system of rivers that I have named, will be greatly facilitated and benefited.

The SPEAKER. The time of the gentleman has expired.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent for two minutes more.

The SPEAKER. Is there objection? [After a pause.] There is no objection.

Mr. CLAYTON. Mr. Speaker, the bill as I propose to amend it, will follow the case of Port Tampa, and instead of reading as it does, namely, "St. Andrews, in the State of Florida, is hereby made a port of entry," it will read: "That the port of St. Andrews Bay, in the State of Florida." So that vessels may clear anywhere on the bay, and so that no town on that bay will have the advantage, the one over the other, and so that vessels may be cleared at the terminus of the railroad, which is at Panama City.

There is no railroad at St. Andrews Bay at this time. But, Mr. Speaker, I have no desire to defeat the making of a port of entry on St. Andrews Bay, and I ask the gentleman again to accept this amendment, and that this House, at the request of a number of people interested in it there, and in the interest of commerce, and in all fairness and justice will vote to make the whole of St. Andrews Bay a port of entry instead of singling out one of the towns.

I have here a number of letters and telegrams which I have received on the subject that I shall ask leave to read.

Mr. MAYS. Mr. Speaker, I sincerely hope that the amendment offered by the gentleman from Alabama [Mr. CLAYTON] will not prevail. If it does, it means, sir, the killing of the bill at once. This is merely a local matter, concurred in by the Florida Senators and the Members from that State, for the convenience of the shipping public at St. Andrews Bay, where, through the generosity of this House, a magnificent port is being established. I do hope, sir, that the request of these people from the town that is right at the pass on St. Andrews Bay will be granted and that this bill will be passed as it has been passed by the Senate.

I need not tell you, sir, that nine-tenths of the people in that section are in favor of this bill as it is. I need not tell you, Mr. Speaker, that St. Andrews will be one of the best harbors in the South when the pass is dug out and dredged out and the work completed, for which the money is already appropriated, to a depth of 22 feet inside of the harbor, where, sir, there will be room and depth for the navies of the world. And I ask the Members of this House, in fairness to the delegation from Florida, that they vote down this amendment and pass this bill as it is.

Mr. FORDNEY. Will the gentleman yield?

Mr. MAYS. Yes; I yield to the gentleman from Michigan.

Mr. FORDNEY. Mr. Speaker, this bill is a Senate bill, and the report accompanying it contains a report from the Secretary of the Treasury stating that he has no objection to the establishment of this subport of entry.

There are 16 towns or villages and post offices on St. Andrews Bay. There is a railroad within three-eighths of a mile of St. Andrews Bay, but the terminus of the road is at Panama. At Panama it is necessary to go out into the bay 1,300 feet in order to get 8 feet of water, while at St. Andrews Bay 30 feet of water can be obtained at a distance of 300 feet from the shore.

I have telegrams here from people living at St. Andrews Bay, Millville, Southport, Parker, and Wetappo. The 16 towns on the bay are all in favor of this location on St. Andrews Bay, with the exception of the people of Panama. There are 675 people at St. Andrews Bay; there are 422 people at Panama. The heft of the lumber manufactured on St. Andrews Bay is west and north of St. Andrews. The Government is expending at the present time $203,560 in dredging the deep-water channel in St. Andrews Bay, but there is deep water down the bay below St. Andrews and below Panama for a distance of two miles and a half, where the Government work will cease. The only parties objecting to the establishment of this port of entry at St. Andrews Bay are people who have some interest in a real-estate scheme at Panama. That is all there is about it, Mr. Speaker. [Applause.]

Mr. CLAYTON rose.

The SPEAKER. The gentleman from Alabama is recognized.

Mr. CLAYTON. I want to say, Mr. Speaker, that according to the telegrams and letters that I have received, the only people who have been interested in getting this bill through the Senate, and without letting it be known at home that the bill was introduced, are a lot of people interested in booming real estate at St. Andrews. [Laughter and applause.]

Let us adopt this simple and just amendment, and the Senate can to-night or to-morrow or Saturday concur in the amendment, and the bill making the port of St. Andrews Bay a port of entry will be a law.

It is for the purpose of letting the people of St. Andrews and the people of Panama fight out their own real estate situation that I ask this House to put them upon an equality.

Mr. FORDNEY. I had no intention whatever of referring to the gentleman from Alabama when I spoke of real estate speculators.

Mr. CLAYTON. Certainly not. I am sure that the gentleman, like myself, owns no real estate in Florida.

Mr. FORDNEY. Oh, no.

Mr. CLAYTON. Neither one of us owns any real estate in Florida. At least I do not, and I have not had money enough since I have been in Congress to buy any real estate there. Mr. Speaker, I ask to read certain telegrams relating to this subject.

The SPEAKER. Is there objection?

There was no objection.

Mr. CLAYTON. Some of the telegrams are as follows:

PANAMA CITY, FLA., *February 23.*

Hon. H. D. CLAYTON,
Washington, D. C.:

Panama City citizens and many others wired a formal protest to MAYS to-day to be presented to House. Please see that. St. Andrews is not a logical point. For the customs office or officers to transact the business of this bay at that point would require from 11 to 15 miles travel over and above what would be required if the office was at the terminus of the railway where all commerce is now handled. It is a special-interest proposition solely. Ninety-nine one-hundredths of the population of St. Andrews country, as well as railway point affected, are opposed to such personal legislation; this includes such large shipping points as Millville, Panama City, Southport, Eastbay, canal points. All commerce passing through that canal, which includes that of southeast Alabama and southwest Georgia, Columbus, Albany, Eufaula, and others, would be disastrously affected by the delay incident to having to enter and clear at St. Andrews, a point entirely out of the way of such commerce. The bill is a most preposterous one, and the attempt to smuggle it through Congress without investigation or a hearing of those concerned is an outrage.

ALTO WILLIAMS,
G. M. WEST,
A. J. GAY,
G. H. MCKENZIE,
W. F. LOOK,
(And 80 others).

PANAMA CITY, FLA., *February 23.*

Hon. H. D. CLAYTON,
House of Representatives, Washington, D. C.:

Please aid in defeating the bill now in the House making St. Andrews the subport of entry for St. Andrews Bay. This bill is solely in the interest of private parties and is highly damaging to marine and commercial interests. Custom office should be always at terminal.

MARVIN ADAMS.

PANAMA CITY, FLA., *February 24, 1911.*

Hon. H. D. CLAYTON,
Washington, D. C.:

Strong request sent MAYS to-night to recommit and give towns on St. Andrews Bay a hearing. River towns greatly interested. When canal is opened they should also be here. Marine interests demand that railroad terminus here be made the location of custom officer. Please keep us advised.

A. L. WILLIAMS.
R. L. MCKENZIE.
G. M. WEST.
A. J. GAY.
W. F. LOOK.

PANAMA CITY, FLA., *February 23, 1911.*

Hon. H. D. CLAYTON,
Washington, D. C.:

All traffic moving from this day has and will continue to pass through Panama City. No just reason to locate customs house at St. Andrews. No industries on transportation lines at St. Andrews. This is and will be the business center of this section.

R. R. POWERS.

PANAMA CITY, FLA., *February 23, 1911.*

H. D. CLAYTON,
House of Representatives, Washington, D. C:

Please aid MAYS in defeating the bill making St. Andrews a subport of entry for the commerce of St. Andrews Bay and other interested points. Marine interest as well as mercantile interest demands that the customs officer be located at the terminus of the railway, which is the most proper place for such an official.

R. L. MCKENZIE.
Representing Washington County.

PANAMA CITY, FLA., *February 23, 1911.*

Hon. H. D. CLAYTON,
House of Representatives, Washington, D. C.:

Please enter protest of town of Panama City against the bill making St. Andrews the subport of entry for St. Andrews Bay points regardless of the wishes of this city. The location cited in the bill is an improper one in all ways; it in no way meets the requirements of the present or future commerce of this bay.

PANAMA CITY COUNCIL,
By G. J. MCKENZIE, *President.*
J. J. WARD, *Clerk.*

PANAMA CITY, FLA., *February 23, 1911.*

Hon. H. D. CLAYTON,
Washington, D. C.:

Please use your best efforts in opposition to the bill making St. Andrews a subport of entry for St. Andrews Bay points and those on the rivers reached by the canal. St. Andrews is miles away from where the commerce is or will be carried on, and in no way a proper location for the customs officer. See petition wired you by citizens.

A. L. WILLIAMS.

PANAMA CITY, FLA., *February 23, 1911.*

Hon. H. D. CLAYTON,
Washington, D. C.:

Please enter protest against bill making St. Andrews the subport of entry for St. Andrews Bay and other commerce. The location of St. Andrews precludes it being made such a port. The bill is solely in the interest of private parties, and has no connection with the interest of the public.

E. W. PICKENS.

PANAMA CITY, FLA., *February 23.*

H. D. CLAYTON,
House of Representatives, Washington, D. C.:

In behalf of the people of St. Andrews Bay and those working to secure cheaper and more efficient transportation for the river cities of Alabama and Georgia, I would most respectfully request that you do all in your power to prevent the passage of the bill making St. Andrews a subport of entry. For St. Andrews Bay and other interested points it is a most damaging proposition to marine and commercial interests.

PANAMA CITY PILOT.

PANAMA CITY, FLA., *February 23.*

Hon. H. D. CLAYTON,
Washington, D. C.:

As the representative of the mercantile interest of Panama City and other bay points, I would request that you protest vigorously against the passage of the bill making St. Andrews a subport of entry. It in no way furnishes the requirements for the location of a custom officer.

GEO. F. HARTSFIELD.

The SPEAKER. The question is on the amendment.

The amendment was rejected.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

INTERNATIONAL GOOD ROADS CONGRESS.

Mr. SULZER. Mr. Speaker, one of the most important conventions ever held in this country will be the International Good Roads Congress, which has been called by the National Good Roads Association, which will be held in Chicago, Ill., September 18, 19, 20, 21, 22, and 23, 1911. The appointment of delegates is invited by the officials of every State, county, and city

of the United States, and by every agricultural, automobile, commercial, educational, good roads, industrial, labor, transportation, and woman's organization in such number as each may determine.

For years, Mr. Speaker, I have been an earnest advocate of good-road building. It is sure to come, and I shall briefly discuss some of its advantages. Good roads mean progress and prosperity, a benefit to the people who live in the cities, an advantage to the people who live in the country, and it will help every section of our vast domain.

Good roads, like good streets, make habitation along them most desirable; they enhance the value of farm lands, facilitate transportation, and add untold wealth to the producers and consumers of the country; they are the milestones marking the advance of civilization; they economize time, give labor a lift, and make millions in money; they save wear and tear and worry and waste; they beautify the country—bring it in touch with the city; they aid the social and the religious and the educational and the industrial progress of the people; they make better homes and happier hearthsides; they are the avenues of trade, the highways of commerce, the mail routes of information, and the agencies of speedy communication; they mean the economical transportation of marketable products—the maximum burden at the minimum cost; they are the ligaments that bind the country together in thrift and industry and intelligence and patriotism; they promote social intercourse, prevent intellectual stagnation, and increase the happiness and the prosperity of our producing masses; they contribute to the glory of the country give employment to our idle workmen, distribute the necessaries of life—the products of the fields and the forests and the factories—encourage energy and husbandry, inculcate love for our scenic wonders, and make mankind better and broader and greater and grander.

The plain people of the land are familiar with the truths of history. They know the past. They realize that often the difference between good roads and bad roads is the difference between profit and loss. Good roads have a money value far beyond our ordinary conception. Bad roads constitute our greatest drawback to internal development and material progress. Good roads mean prosperous farmers; bad roads mean abandoned farms, sparsely settled country districts, and congested populated cities, where the poor are destined to become poorer. Good roads mean more cultivated farms and cheaper food products for the toilers in the towns; bad roads mean poor transportation, lack of communication, high prices for the necessaries of life, the loss of untold millions of wealth, and idle workmen seeking employment. Good roads will help those who cultivate the soil and feed the multitude, and whatever aids the producers and the farmers of our country will increase our wealth and our greatness and benefit all the people. We can not destroy our farms without final decay. They are to-day the heart of our national life and the chief source of our material greatness. Tear down every edifice in our cities and labor will rebuild them, but abandon the farms and our cities will disappear forever.

One of the crying needs in this country, especially in the South and West, is good roads. The establishment of good roads would in a great measure solve the question of the high price of food and the increasing cost of living. By reducing the cost of transportation it would enable the farmer to market his produce at a lower price and at a larger profit at the same time. It would bring communities closer together and in touch with the centers of population, thereby facilitating the commerce of ideas as well as of material products.

When the agricultural production alone of the United States for the past 11 years totals $70,000,000,000, a sum that staggers the imagination, and it cost more to take this product from the farm to the railway station than from such station to the American and European markets, and when the saving in cost of moving this product of agriculture over good highways instead of bad would have built a million miles of good roads, the incalculable waste of bad roads in this country is shown to be of such enormous proportions as to demand immediate reformation and the wisest and best statesmanship; but great as is the loss to transportation, mercantile, industrial, and farming interests, incomparably greater is the material loss to the women and children and the social life, a matter as important as civilization itself.

The truth of the declaration of Charles Sumner 50 years ago, that "the two greatest forces for the advancement of civilization are the schoolmaster and good roads," is emphasized by the experience of the intervening years, and points to the wisdom of a union of the educational, commercial, transportation, and industrial interests of our country in aggressive action for permanent good roads.

Mr. Speaker, in connection with my remarks I ask unanimous consent to print in the RECORD data relating to the subject matter.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The matter follows:

"There are questions sometimes arising which range above all party, and all the considerations and interests of party."—Daniel Webster.

"The two great forces for the advancement of civilization are the schoolmaster and good roads."—Charles Sumner.

It is a matter of tremendous import that in the United States bad roads are directly responsible for the loss of over $1,000,000,000 a year. The saving of this stupendous sum constitutes an economic question of vast importance.

THE ILLINOIS STATE GOOD ROADS ASSOCIATION STATE HEADQUARTERS, CHICAGO OPERA HOUSE BUILDING, CHICAGO.

Chartered under the laws of the State of Illinois to secure good roads and streets in Illinois and cooperate with the National Good Roads Association and the National Good Roads Congress in the promotion of the objects of those organizations—"The noblest motive is the public good."

Arthur C. Jackson, president, president National Good Roads Association and the National Good Roads Congress; Anna M. Grady, secretary and treasurer.

Chicago members: George E. Adams, American Radiator Co., Armour & Co., Bion J. Arnold, E. R. Bacon, Alfred L. Baker, A. C. Bartlett, Enos M. Barton, J. S. Benedict, W. B. Biddle, H. A. Blair, Frederick Bode, G. J. Boehland, W. L. Brown, Chas. C. Bryes, John E. Burns, Louis E. Burr, E. B. Butler, Chicago Automobile Trade Association, J. C. Clair, H. B. Clow, F. E. Compton, Charles H. Conover, A. G. Cox, The Crane Co., George H. Crosby, Chapin A. Day, G. H. Deeves, F. A. Delano, Charles Dennehy, John T. Dickason, F. C. Donald, R. M. Eastman, E. E. Emmerich, C. R. Erwin, John M. Ewen, Marvin A. Farr, John V. Farwell Co., L. G. Fisher, D. G. French, John A. Gauger, J. J. Giessner, J. E. Gorman, Anna M. Grady, W. J. Hartman, J. O. Heyworth, Edward Hines, Joseph Hock, Illinois Steel Co., Samuel Insull, International Harvester Co., William H. Ives, Arthur C. Jackson, George W. Jackson, R. A. Jackson, Jens Jensen, A. Karpin, T. F. Keeley, Chauncey Keep, L. J. Lamson, A. Languist, Bryan Lathrop, Victor F. Lawson, E. J. Lehman, E. B. Leigh, Joseph Leiter, E. G. Leszynsky, C. W. Litsey, G. E. Marcy, The Marsh & Bingham Co., Harold F. McCormick, F. O. Melcher, A. Meyer, L. Mohr, J. Moos, Montgomery Ward & Co., Morris & Co., R. H. Morse, Joy Morton, H. U. Mudge, National Casket Co., George T. Nicholson, James A. Patten, W. G. Pearce, W. W. Rathborne, W. H. Reddington, George M. Reynolds, George E. Roberts, L. C. Rogers, W. L. Ross, Joseph T. Ryerson & Son, Martin A. Ryerson, George J. Sayer, John Sebastian, Schwarzchild & Sulzerger, Richard W. Sears, Sears, Roebuck & Co., Swift & Co., E. Schultz, Seng Co., L. G. Smith, A. A. Sprague, Homer A. Stillwell, Charles H. Thorne, M. H. Tichnor, E. J. Uihlein, Mrs. Royal C. Vilas, C. J. Vopicka, Charles H. Wacker, C. F. Weatherly, Frank C. Weber, F. J. Weller, E. Harvey Wilce, Walter W. Wilcox, T. E. Wilder, B. L. Winchell, Louis Wittbold, Louis Wolff, John H. Wrenn, William Wrigley, jr., Allen B. Wrisley, Arthur Young, R. Zint.

CALL FOR AN INTERNATIONAL GOOD ROADS CONGRESS AT CHICAGO SEPTEMBER 18 TO 23, 1911.

From September 16 to 21, 1901, there was held in the city of Buffalo an international good roads congress, the call for which was issued from the headquarters of the National Good Roads Association at Chicago. Participation by delegates from foreign countries was invited, and such invitation was transmitted by the Department of State to the diplomatic officers of the United States throughout the world, and through them communicated to the ministers of foreign affairs with the request that it be given publicity for the information of organizations and individuals who might be interested.

On the tenth anniversary of this milestone in the good roads movement there will be held in the city of Chicago on September 18, 19, 20, 21, 22, and 23, 1911, during the first week of the international municipal congress and exposition, an international good roads congress to which are invited delegates from every city, State, and nation.

The production of permanent public streets and roads is one of the most important problems of the century, affecting the material and social well-being of all classes and conditions of people.

The marvelous development of the motor vehicle has brought about such changed conditions as to demand the best thought and experience of road experts.

When the agricultural production alone of the United States for the past 11 years totals $70,000,000,000, a sum to stagger the imagination, and it cost more to take this product from the farm to the railway station than from such station to the American and European markets, and when the saving in cost of moving this product of agriculture over good highways instead of bad, would have built a million miles of good roads, the incalculable waste of bad roads in this country is shown to be of such enormous proportions as to demand immediate reformation and the wisest and best statesmanship.

Great as is the loss to transportation, mercantile, industrial, and farming interests, incomparably greater is the loss to women and children and social life, a matter as important as civilization itself. The truth of the declaration of Charles Sumner, 50 years ago, that "the two greatest forces for the advancement of civilization are the schoolmaster and good roads" is emphasized by the experience of the intervening years, and points to the wisdom of a union of the educational, commercial, transportation, and industrial interests of all nations in aggressive action for permanent roads and streets.

THE NATIONAL GOOD ROADS ASSOCIATION,
ARTHUR C. JACKSON, *President.*
ANNA M. GRADY, *Secretary and Treasurer.*

In the confident belief that a general discussion of the road and street problem from every point of view by delegates from our own and foreign countries will prove in the highest degree helpful, we, the undersigned, join in this call for an international good roads congress at Chicago, September 18 to 23, 1911.

THE NATIONAL GOOD ROADS CONGRESS.
THE ILLINOIS STATE GOOD ROADS ASSOCIATION.
THE CHICAGO GOOD ROADS ASSOCIATION.
THE CHICAGO ASSOCIATION OF COMMERCE.

ADDRESS OF JOHN CRAFT, PRESIDENT ALABAMA GOOD ROADS ASSOCIATION.

Mr. Craft said, in part, at the National Good Roads Congress, held at Niagara Falls, July 28, 29, and 30, 1910:

MR. PRESIDENT AND MY FELLOW COUNTRYMEN: It affords me great pleasure, and I deem it a great honor to be accorded the privilege of conveying to you friendly greetings from the great city which delegates to me the pleasant duty of assuring you that it is much interested in the absorbing question of good roads.

I am in attendance at this convention in a threefold capacity; as a delegate from the State of Alabama, as president of the Alabama Good Roads Association, and as a member of the National Good Roads Association.

To visit in this beautiful city, whose record is so replete with historical events, and whose fair women and gallant men come down through the ages of tradition to the present time, is indeed a delight. To be the medium through which thousands of my fellow citizens in the State of my nativity tender to you of this congress their congratulations for the interest and progressive spirit you show strongly manifests in this greatest of all questions of political economy which has ever confronted the Nation is a dream but seldom realized.

We are seeking to build a system of highways from Canada to the Gulf, which will relieve the people of burdensome taxation, and will at once remove a cost which is directly responsible for the loss of millions of dollars.

The people of what I may with pardonable pride refer to as my glorious State have at last been awakened by the constant agitation of a few public-spirited men who have striven and struggled in the cause of road improvement, thus building up the country's school system which contributed to the social and financial prosperity of men and women alike. It is our bounden duty to agitate this question of national assistance in the betterment of our road systems until the Congress of the United States shall have contributed its support in the construction of a system of highways which shall extend into and throughout the various States of the Union.

This great question of national support in which the whole country is so vitally interested should be of a nonpartisan nature. It should be entirely devoid of any semblance of political coloring. The subject of national good roads is one which overshadows the tariff, the question of building a greater Navy, or the advisability of making greater expenditures for increasing the standing Army.

Congress has contributed to the construction of roads in Cuba, Porto Rico, and the Philippines, but has been remiss in its duty to the people of our own country in this respect. I certainly consider it the duty of the President of the United States to assist in the upbuilding of the miserably neglected public roads of our country, over which the mails are still transported by primitive means, horses and mules being not infrequently used. These antiquated methods are very expensive in many respects, not the least of which is the waste of vast sums of money spent for quick delivery. If the roads were built along permanent lines, the cost of transporting the mails through the rural districts of the United States would be reduced to a minimum. Distance would be economized by the use of the up-to-date automobile, which would be made available for this purpose, if the roads were properly constructed. With these improvements more than the entire appropriation sought by the National Good Roads Association from the Government with which to aid this march of progress in the several States could be saved.

In addition to this retrenchment, which would come to the Post Office Department, the prosperity and happiness it would bring to the homes and firesides of the American people would be greatly enjoyed; and if this latter feature alone were the only end attained the means would be justified. Primarily the educational advantages possessed, of both social and religious features, which would inure would warrant the building of good roads. It would encourage the rural population to remain upon the farms, where the solid comforts of life are best and more easily obtained, and would discourage it from wandering to the cities, there to struggle for a mere existence and ultimately add its quota to the pauper element of the country. These conditions would be entirely changed. Then the wonderful productive properties of our fertile soil and great diversity of climatic advantages susceptible of growing crops in endless variety would be evidenced on every hand by progress and the most modern farms to be seen anywhere in the world.

It is said that the Chinese, one of the oldest civilized nations of the world, considered the man who farms as ranking among the privileged class. When the emoluments which will surely come to the adoption of these methods for creating an interest in farming life shall have become realized and are no longer dreamed of, the American farmer, not unlike his Chinese brother, will outrank the mercantile and banking fraternity.

It is estimated that the loss incurred by the farming and business interests of the country which are directly attributable to bad roads, and which could be remedied if intelligent methods were adopted, represents a loss of over $1,000,000,000 a year. This is a stupendous sum of money.

The American people in demanding of the Senate and House that national aid from the Government of $25,000,000 a year for at least 15 years be made in the interest of good road construction are not unreasonable in their demands. Statistics show what it cost to move the wheat crop of the United States for three years and what the loss was on the 12,100,000 tons which represents the volume of the crop, as between good roads and bad roads, and which figures out $10,020,000. The corn crop of the same time, which totals 19,083,000 tons, sustained a net loss of $12,903,000, according to statistics. They further show that the cotton crop of the same time, with a total tonnage of 2,500,000, showed a loss arising from bad roads amounting to $5,750,000. It is also stated that the total tonnage of the cotton seed for this time was 1,750,000 tons, which met with a loss of $4,830,000 because of bad roads.

I refer to these three staple crops, coming as they do from the great farming centers of the country, to illustrate what an enormous loss is sustained because of the almost entire absence and means and methods with which to avoid it.

The great Napoleon, who after conquering empires sighed because there were not more to conquer, said of France and the small area of her domain, which is one of the most prosperous in the world, "the French Government has spent over $6,000,000 in the improvement of her roads, and it has been the best investment of any public money ever expended. It returned the people a larger amount than the money spent for the army or navy, or for any other purpose."

It makes me proud to note that many Senators and Members of the House are awakening to the keen realization of this great economic question, which affects the welfare and happiness of the people in every village and hamlet throughout this country. Surely some results will come from this great work which we are engaged in, and the least will not be the expeditious delivery of the rural mail matter.

I think Louisana should be congratulated upon the selection of ex-Gov. Sanders, who is one of strongest advocates of good roads in this country, to represent them in the United States Senate. The Governor will aid other Senators, among whom are not inconspicuous Hon. J. H. BANKHEAD, one of the foremost good-roads advocates in the United States; Hon. JOSEPH JOHNSTON, who, with his colleague, Senator BANKHEAD, strongly favors the construction of good roads, realizing the great blessings which will be showered upon the country when this great proposition shall have been brought to a successful issue. The Senator has frequently expressed himself concerning the nonpartisan nature of this great movement, which is national in its scope and by which the entire citizenship of the nation will be benefited.

Throughout the State of Alabama there is an awakening to the realization that the constant agitation of the people all over the State is imperatively necessary in order to create enthusiasm which will yield success. In this State they are building and constructing a better class of bridges and roads, thereby showing by their efforts that they expect to help themselves. These efforts are forthcoming not without considerable sacrifice, and when this sacrifice occurs they undoubtedly merit recognition and the helping hand of the National Congress.

There is a popular saying which runs thus: "I care not who makes the laws of the country; let me make its roads and I will make them great." Generations are born, live their brief span of existence, build their monuments, doomed to decay, and pass out to make way for others. Good roads are deeds that live after them, and a new motto should be: "By their deeds ye shall know them."

I know there is much to be attended to in the matter of giving publicity to this meeting. This gathering is well enough in its way, and gives evidence of the interest which is implanted in every man's bosom. Every man who attends this congress must necessarily gain a broader and more comprehensive view of the subject. He must be infused with greater enthusiasm for this great work.

I recognize that the newspapers of the Nation are the greatest factors in molding public opinion, and I also recognize that the best road makers in the world are the newspapers. Printer's ink and white paper properly combined will build more roads than all the machinery that ever lay idle in a warehouse. This same machinery is, indeed, powerless until combined with a paper which has men of brains back of the combination who do their work to mold public opinion as to their proper use on the highways.

In conclusion, I desire to thank this congress, and wish to call your attention to the great resources and matchless climatic advantages enjoyed in the great State of Alabama. In size, she is an empire in herself, with more than 55,000 square miles, much of which is superb virgin soil. When intelligent labor is applied to this, greater returns can be had than most anywhere else in the world. Here greater deposits of minerals lie closer to the tide water and to the sea than in any other State in the South. She is possessed of 1,500 miles of river systems, which is the greatest on this continent, save one, and which penetrates a section containing billions of tons of coal, iron, granite, and the finest marble. Here lies one of the great cotton areas in the South.

At my home in the city and county of Mobile, where the climatic conditions are subtropical, where 10 months of growing season is possible, with a rainfall of 65 to 70 inches distributed throughout this growing season, where five staple crops can be raised in one year, where the citizenship is of the finest type to be found anywhere, where there is a fine school system, and where the purest drinking water may be obtained, we have in these conditions that which constitutes a great section.

In addition to the agricultural, horticultural, and stock-raising resources of Alabama there exists one other than which none in our country is greater in importance and more prolific in yield and wealth. The Alabama oyster, large in size and superior in flavor, excels also in the possibilities of its production.

Climatic and other favorable physical conditions such as do not characterize the oyster situation in other seaport cities here appeals for development. Not unlike the cut-over pine lands which were once condemned for unfitness in agriculture, but which, under the direction of master minds, have been made to yield wealth and at the same time bloom like a fairy-garden picture in fiction.

The oyster reefs and bottoms adapted to the culture of the bivalve are attracting attention, and the industry is fast shaking off the shackles of primitiveness, under the weight of which it has struggled since the dawn of creation. With the abundant natural production and conditions for improving the quality, as well as being accessible to the homes of 40,000,000 of people who crave and consume large quantities of sea food, the oyster situation of my city resolves itself into one of intense interest.

Summing up the whole situation, though it may not be good taste to so declare, there is no State in this great Union of ours which can parallel the State of Alabama in the character and plentitude of its resources and in the marvelous conditions which are peculiar to that great State only.

I say to you gentlemen, not in the language of Horace Greeley nor of James Hill, "Go not to the West, nor to Canada, but come to the South and cast your lot with us, especially with us in Mobile, in the great State of Alabama."

AN ADDRESS DELIVERED BY B. F. YOAKUM, CHAIRMAN OF THE ST. LOUIS & SAN FRANCISCO RAILROAD CO., BEFORE THE NATIONAL GOOD ROADS ASSOCIATION, AT NIAGARA FALLS, JULY 28, 1910.

Mr. PRESIDENT: Your organization stands for a duty sadly neglected by the Government. Good roads mean more for the people at large than any other public work, and add more to the comfort and upbuilding of the country. They are of national importance.

Government statistics tell us that it costs our farmers 15 cents more to haul one ton one mile in this country than it costs in European countries. The products of the farms of the United States last year amounted to approximately 250,000,000 tons. The Government shows the average haul of a ton was 9 miles. This difference of 15 cents a ton per mile represents an additional cost of $1.35 a ton for an average haul of 9 miles. Estimating that two-thirds of the agricul-

tural products of last year were hauled away from the farms, there would have been a saving to the American farmers of $225,000,000 if our roads had been up to the standard of European roads, not including their back haul of supplies from the stations to the farms. They would also have saved large sums in the cost of replacing and repairing harness, wagons, etc., and in the investment and care of extra draft stock.

The only way to get good roads is to fight for them. Your organization can do its work most effectively by keeping before the people in as many ways as possible the importance of making money by making better roads. It is not a sentimental proposition, but purely a business one.

There has been expended upon the Mississippi River, including surveys, within the last 100 years $225,000,000 to put that public water highway in condition for handling products of the farm and commerce tributary to it. The last statistics available show that in 1906 there were 1,545,000 tons less transported on this river than in 1889. This $225,000,000 was expended between St. Louis and New Orleans, with the States of Missouri, Arkansas, and Louisiana, on the western boundary, and the States of Illinois, Tennessee, and Mississippi on the eastern. The farmers of these States which border directly upon the Mississippi River, to say nothing of those of the remaining 40 States, have received no benefit from this vast sum wastefully expended by the Government. On the contrary, the farmers are paying as much for broken harness, broken wagons, with as much lost time, hauling one-half a load to a team, as they were before this $225,000,000 was expended. There has been no systematic plan for the improvement of the Mississippi River. Therefore this great waste of money has been of no benefit to the transportation of commerce or the development of agriculture. The same amount of money expended in good-road making would have yielded tremendous returns to the people. It is the duty of every citizen of the United States to aid the farmer in every way consistent with business principles to market his products to best advantage, and in this connection no one factor is of more economic importance than the reduction of the cost of transportation between the farm and the railroad station.

It took three-quarters of a century to build up the American railroads. During the same time little attention has been given to the building up of American country roads. Yet the value of the two to the public goes hand in hand. Food and clothing must be handled between the producers and the consumers over both the country road and the railroad. It is important that the country roads approach the high standard of the railroads.

If a railroad encounters a high grade over a hill, which means excessive use of coal, slow trains and light loads, the railroad cuts down the heavy grades to save coal bills, to move freight faster, to carry bigger train loads. It borrows millions to do the grade cutting, pays the interest on this money, and through this economy is enabled to increase its surplus. The railroads borrow money to make stronger culverts and bridges to bear heavier engines and steel cars. Then they must borrow more to buy the large locomotives and big cars, all of which add to the efficiency of these steel highways.

The country-road makers have not kept up with the railroad makers; if they had it would not cost the farmers to haul a ton of grain 1 mile as much as it costs them to send it by railroad 50 miles. They, too, must get money to cut down grades, to get smooth, hard surfaces, to provide good drainage and to reduce the cost of maintenance. When this is done the farmer can go from his farm to his market or shipping station quicker and carry a bigger load. The firm roadbed and smooth, heavy steel make the railroad's cars and engines last longer, and the substantial, well-made country road makes the farmer's horses, wagons, and harness last longer. The saving to the railroad is only a small fraction of a cent on each ton hauled one mile, while the saving to the farmer is 15 cents a ton a mile. This difference in cost of hauling will often turn a losing farm into a paying one.

The greatest value of good roads will be to the farmers who have not as yet become interested. You have not yet found a way to reach them to properly place your arguments and statistics before them. They need to be shown that the poorest roads are the most expensive roads. They have not been shown that their broken wagons, broken harness, and blacksmith bills cost them more than the cost of having good roads. They have not been shown that a $4 a day team can do twice the work over good roads, which makes that team worth to them $8 a day.

The members of your association know these plain and simple things I have stated. But the way to get good roads is to make all the people know them and keep them constantly in mind. The transportation system which carries our food and clothing from maker to user is part railroad and part country road. One part is as necessary as the other. Your organization in its support of the betterment of our public highways should talk in millions instead of thousands. The advocates of better roads are behind the times and will have to spend money by the millions to catch up, and the people who are to enjoy and benefit by these improvements should be educated to understand what good roads mean to them and what they will cost.

The agricultural people of the country are beginning to realize their own situation. They are commencing seriously to study economic questions. They are beginning to figure their time as worth money. When your association places the facts before the owners of the 6,000,000 farms, who represent, according to Government estimates, including their families, nearly one-third of our population, and gets them to realize what good roads mean to them, we will then have good roads. They will vote for men as public servants who will encourage and vote to help along the work of getting good roads. The duty of the National Good Roads Association is of greater importance to-day to the future growth of the country than it has ever been before.

It is to good roads that this country must look largely for its future growth and development.

The railroad business of the country has been attacked from so many different standpoints that we are not going to have for many years such an era of railroad construction as we have enjoyed heretofore. The improvement which can come nearest taking the place of railroads in the development of the country lying back from existing railroads is good public highways. Illustrations of this you can now see in many sections of the country and will see many more evidences of it as different communities begin to realize how hard it is for railroad builders to find new money to build new railroads into new countries.

One instance I have in mind which illustrates the situation: In the county in which San Antonio, Tex., is located, there have not been any new railroads constructed for several years. The splendid old German town of Fredericksburg, has had a purse of $100,000 hung up for a long time to give to the first railroad that would build into its thriving and rich country, but no takers, although several have tried it and found it impossible to finance even a short road between San Antonio and Fredericksburg. The people of that town are now turning their attention to the next best thing, which is to build a highway over which their products and their commerce can be handled most economically and their automobiles convey passengers more promptly. This is only one of the many instances throughout the country, as we still have many towns more than 50 miles from a railroad.

With a good road a farmer who lives 15 miles from a shipping station is better off than one who lives 5 miles with a poor road. The man with a good road, with the distance against him, can make his trips quicker and can carry from two to three times as much on his wagon, and, more important, he can depend upon his road and bridges every day in the year, while the man who encounters swollen streams and impassable roads often loses his best market and his vegetables decay upon his hands.

We have 2,100,000 miles of public roads. From the best information obtainable there are about 44,000 miles, or 2 miles out of each 100, under a high standard of improvement. There are not more than 175,000 miles, or 8 miles out of each 100, under any kind of improvement. In other words, we have 1,925,000 miles of public roads which are in as poor condition now as they were when they were laid out by our early settlers and pioneers.

The last Congress appropriated $52,000,000 for river and harbor improvements. I am not against river and harbor improvements. I am only against the waste that the people of this country pay for through the expenditure of such appropriations. This $52,000,000 was largely political distribution, opposed by President Taft, who gave notice that he would not again approve such haphazard expenditures. If our Congressmen and other public paid officials could lay aside political questions which are of no benefit to the country and give their attention to economic questions that build up, rather than political agitation and threats of what they propose to do to the institutions of our country, there would be a vast difference in our future growth and prosperity. It is not the legislation which is enacted that does the greatest harm. Political campaign speeches which create prejudice and doubt in our institutions do the most damage. These will not be stopped until the farmers elect men to office, both National and State, who will give attention to working out economic questions that benefit them. One of these problems is to give to the farmers roads from their farms to the railroad stations in keeping with the railroads from the railroad stations to markets.

Good roads would add so greatly to the comfort, health, and happiness of their users that every possible agency should be employed in making better roads. Unfortunately, this is not the way it is working out. The only proof necessary is that 5,600 times as much money is appropriated by Congress for military expenses as for good roads. If it could be shown to our national lawmakers that military roads are needed for armies and military convenience, appropriations for millions would be had without delay. Gen. Goethals, at the head of Panama Canal construction, says that this vast enterprise is of first importance as a military expedience. To make this naval highway in a foreign country for fighting vessels our Government is spending more money than has ever been expended for any one similar project in the history of the world. The value of good roads has not been driven home, because Federal and State Legislatures feel that they can, without being criticized at home, do little for country roads, and the people accept such short-sighted policies without protest.

If we build 100,000 miles of public highways annually for ten years and give to this country 1,000,000 miles of good public roads, at an average cost of $3,000 per mile, or $300,000,000 annually, we will be engaging in a national development the advantages of which in economies, commerce, comfort, and enhanced land values none can foretell. We will be accomplishing something worth while. This work, if carried on by counties and townships, as at present, will be very slow. It should be encouraged under a broad, comprehensive plan outlined by the Federal Government, cooperating with the States. The Agricultural Department of the Government is in sympathy with all things that tend to improve our public-road system.

A law authorizing the Federal Government to extend its credit to each State in an amount equal to that expended by such State under a joint commission of Federal and State authorities would enable the different States to take advantage, in this work of upbuilding, of a low rate of interest that would greatly reduce the interest charge for the improvement of the public highways. This would not be so radical a departure from present practices as might first appear. The Government has advanced or agreed to advance $115,000,000 to reclaim waste lands in various places in the West, which money is to be paid back to the Government. It is just as sound a public policy to loan one-half of the money to States which furnish the other half for the reclamation of farms and idle lands that can not now be reached on account of existing road conditions between them and railroad stations.

Those who seek precedent for Federal aid in providing better country roads will find it in the support which the Government gave the old National Pike. Under various names this great interstate highway ran from Washington to the Mississippi River. It was begun by the Federal Government. Many appropriations were made by Congress to pay for construction, and it was built under the direction of War Department engineers. The last appropriation was for $150,000, in 1838. The Government at Washington took an active part in seeing that the various States provided their share of the money and work toward the construction of this great road, which greatly aided in the settlement of the West. If the Government takes an interest in aiding the States to finance their public-highway improvements, the most careful consideration should be given to the development of a plan. While comprehensive, it should be one that will safeguard the money expended. Extravagance and wastefulness in the administration of our Government and the loose methods of the expenditure of money appropriated for public works should warn us against a repetition in the construction of our public highways.

Your association should have aggressive organizations in every State and have working relations with all commercial, manufacturing, and agricultural institutions. While I can speak but for one system of railroads, I feel confident that every railroad of the country will be in sympathy and work in harmony to aid in the development of the country's public highways with a view of upbuilding and increasing the production of existing cultivated fields and adding new acres that are now laying idle for lack of rail transportation or good public roads

to encourage their cultivation. If your work is pushed properly and enthusiastically, within a few years statistics will show that the population of the rural districts is increasing instead of, as now, showing an increase in city population and a decrease in rural population. The tide of young humanity will then flow to the country and away from the towns. Country localities with good roads go forward; country localities with bad roads go backward. The welfare of the Nation demands that the comforts of country life should keep pace with the comforts of city life.

Railroads are now spending hundreds of millions of dollars on terminals in various cities of the country. These millions of dollars do not add greatly to the income of railroads, as they do not create new business, but they do add to the comfort of travelers and decrease the cost to their patrons of the delivery of freight. The railroads are just as much interested in good roads for gathering freight as in expensive terminals to distribute the same at its destination. In different ways the two means of transportation work for the same purpose. Our interest is a business one and our support should be the same as in any other enterprise in the success of which we are concerned.

If you will strengthen your association through a strong concrete organization of working forces in each State and will interest the Congressmen and State authorities by getting them to realise that one of the most effective ways to promote the growth of the country and expand its agricultural development is through the encouragement of better roads, in the course of a few years we will have a system of public highways second to none in the world. Every dollar saved through this economy goes directly to the pockets of the producers. On the basis of the Government's estimate of the present excess cost of 15 cents a ton for hauling in this country as compared with European countries, improved roads would have meant to the farmers on last year's crop an additional $225,000,000, which would have increased their $8,750,000,000 crop to $10,000,000,000. When we take into consideration that this additional saving would have gone to the agricultural people, who are both the greatest producers of wealth and the greatest purchasing power of this Nation, it means more than the public men of this country who are studying economic questions have considered. What your association should work for is better roads, and finding ways and means of getting them.

Every detailed analysis of the Government's business methods proves them to be wasteful. One of the ablest United States Senators recently announced that the Government could be run for $300,000,000 annually less than it is now costing. I can say as emphatically that $300,000,000 annually will give to this country 100,000 miles of improved public highways a year. If you take up your work of better roads, to be paid for through a reduction of Government waste, your work will be effective and for the general good of all.

It is a matter of tremendous import that in the United States bad roads are directly responsible for the loss of over a billion dollars a year. The saving of this stupendous sum constitutes an economic question of vast importance.

THE NATIONAL GOOD ROADS ASSOCIATION,
NATIONAL HEADQUARTERS, CHICAGO OPERA HOUSE BUILDING,
Chicago, February 23, 1911.

Hon. WILLIAM SULZER, M. C.,
House of Representatives, Washington, D. C.

DEAR MR. SULZER: As I stated in my letter of yesterday, I am sending you some very valuable newspaper notices of our Niagara Falls convention, which show the prominent part taken by yourself and Mr. Yoakum, which, together with the splendid editorial notices, form an important contribution to the good-roads movement in this country. Please put them all into the RECORD in connection with the call for the international congress in this city. The newspaper notices are the only copies we have, so please don't lose them before they get into the RECORD.

With best wishes, sincerely, yours,
ARTHUR C. JACKSON, *President.*

[Niagara Falls Gazette.]

THE EFFECT OF THE CONGRESS.

While nothing tangible may immediately result in consequence of the session of the National Good Roads Congress which has been in progress in this city for the last three days, the general effect will be good and far-reaching. Rome was not built in a day; neither can a project of such magnitude as a general system of good roads be launched and completed in a short time. Such projects naturally move slowly. They must be agitated persistently and consistently; the people must be educated to an understanding of the great economical value involved; sentiment must be worked up in the Nation, and the respective States must be made to see their responsibilities and duties in this respect. It takes time. The agitation for good roads has been going on for years, and it has not been fruitless. Millions of dollars are being expended yearly by the several States in the building and maintenance of good roads. The farmers have benefited; the city dweller has benefited; all classes of society and all lines of industrial endeavor have benefited, yet the movement may be said to be in its infancy. Another decade will see vast progress in good-road building. As the benefits accrue and are realized the movement will become generally popular, and in time all sections making any pretension to civic pride and progress will have their good roads.

So much for the general effect of this gathering of nation-wide importance that will be brought to a close to-day. In its local significance the congress will be more immediately effective. It is bound to have a healthful and stimulating influence on the good-roads movement in Niagara County. It will give impetus to the Niagara Falls-Buffalo Boulevard movement, and it will doubtless result in the organization of an active county association which will further the movement hereabouts. With the aid of the State department several good roads have already been constructed in Niagara County and in other western New York sections, and the immense benefit they have proved to the farmer and to all persons having occasion to make use of the public highways has brought the movement in popular favor. The Niagara Falls-Buffalo Boulevard project has long been in the air. Only recently has serious attention been given to the matter, and it was only a week or two since that actual work was begun. This boulevard will be in the nature of a trunk line between the two large cities in this section, and when it is completed it is reasonable to suppose that a number of radial roads will connect with it from all parts of the intervening territory. The boulevard will be the trunk line of communication, and it will make any portion of the county easy of access. It will be of general benefit.

[Niagara Falls (Ontario) Record, July 15, 1910.]

THE GOOD ROADS CONGRESS.

In the history of the rise and fall of nations we read that in the days of prosperity, peace, and plenty the people enjoyed the advantages of good and well-kept highways, enabling the inhabitants to pass from place to place in comfort and with speed, while in the days when disaster swept over the land the roads were allowed to fall into neglect and become part of the general picture of ruin and decay. Such is the natural result of the two conditions outlined—good and well-cared for roadways denote the general prosperity and progressive spirit of a community of comfort-loving human beings, while the rude, ill-kept, and dangerous highways, relics of a barbarous age, belong rather to the tastes and desires of a community whose natural instinct is to wallow through life anyhow.

There is in the movement toward a betterment of the highways of the country, both in the United States and Canada, that is just now being made by the National Good Roads Congress, an awakening to the necessity of a long-needed change for the public good that is praiseworthy in the highest sense. "The greatest good to the greatest number" is a timely maxim, and the National Good Roads Congress is doing that which will certainly benefit everybody.

New York State alone has made an appropriation of $50,000,000 for the construction of good roads, and the third meeting of the national congress will be held at Niagara Falls, in that State, as a mark of approval, and it is a pleasure to note that there is likely to be a ready response to the invitations to be present that have been sent to President Taft and the high officials of the Dominion and Provincial Governments.

Canada may be depended upon to bear its share of the good work, and its grand results upon the welfare of the country will be ample recompense for the time, money, and energy devoted to the nation-building project.

Good roads mean progress and prosperity, a benefit to the people who live in the country, and it will help every section. Good roads, like good streets, make habitation along them most desirable; they enhance the value of farm lands, facilitate transportation, and add untold wealth to the producers and consumers of the country; they are the milestones marking the advance of civilization; they economize time, give labor a lift, and make millions in money; they save wear and tear and worry and waste; they beautify the country—bring it in touch with the city; they aid the social and the religious and the educational and the industrial progress of the people; they make better homes and happier hearth sides; they are the avenues of trade, the highways of commerce, the mail routes of information, and the agencies of speedy communication; they mean the economical transportation of marketable products—the maximum burden at the minimum cost; they promote social intercourse, prevent intellectual stagnation, and increase the happiness and the prosperity of our producing masses; they contribute to the glory of the country, give employment to our idle workmen, distribute the necessaries of life—the products of the fields and the forests and the factories—encourage energy and husbandry, inculcate love for our scenic wonders, and make mankind better and broader and greater and grander.

[Boston Herald-Post, July 31, 1910.]

THE BLESSING OF GOOD ROADS.

It is only within recent years that we of the United States have begun to concern ourselves very much about good roads. When Charles Dickens made his first tour of this country he had some caustic things to say about the horrible highways he encountered—and he had good reason. It takes a long time for a new land to realize what a maker of wealth are well-made roads, passable in all kinds of weather, and how bad ones hamper even the pursuit of happiness, as well as the increase of resources.

Curiously enough, it is in the regions where good roads would be the most useful and economical that they have been least regarded. By all odds the farmer is the man who is going to gain most from highways that make it easy for him to travel and to transport his goods to his market. The difference between poor and fine roads can be reckoned in absolute dollars and cents.

In this connection Mr. B. F. Yoakum, the great railroad builder, who is also an ardent advocate of good roads, said to the National Good Roads Association the other day: "It costs our farmers 15 cents more to haul 1 ton 1 mile than it costs in Europe. The products of the farms of the United States last year amounted to 250,000,000 tons, and the average haul of a ton was 9 miles. This difference of 15 cents represents an additional cost of $1.35 a ton for 9 miles. Estimating that two-thirds of agricultural products were hauled away from the farms, there would have been a saving to American farmers of $225,000,000 if our roads had been up to the standard of European roads, not including back haul of supplies. They would also have saved large sums in cost of replacing and repairing harness, wagons, etc., and in investment and care of extra draft stock. * * * The greatest value of good roads will be to the farmers who have not yet become interested. They need to be shown that the poorest roads are the most expensive roads."

But there are evidences of a new era of ideas in the rural towns. The pushing of State roads through the country has been a wonderful object lesson to the agriculturists who have used them, when near by, with exceeding great joy. The increasing ownership of automobiles by farmers has also put a personal element into the question of improved highways. What was good enough for old Dobbin is not satisfactory for the new runabout. Thus the leaven is working in town meeting and in the grange. Its evidences are beginning to be seen by travelers everywhere.

To be sure it is not easy for the average country town to build roads bearing any comparison to those laid down by the State. While they may be admitted as profitable in the end, it is often impossible to raise the money for their initial cost. But such roads as the rural districts have may be and are now being greatly bettered. The awakening has come, and its results are bound to be of splendid value to the farmer and to us all.

[The Buffalo Evening Times, Thursday July 28, 1910.]

THE NATIONAL GOOD ROADS CONGRESS.

The National Good Roads Congress, which opens in Niagara Falls to-day, is engaged in a work of the utmost importance to the country.

Just so sure as civilization has its way in America, the good-roads cause will prevail. One is inseparable from the other.

Whether Buffalo, Niagara Falls, and the adjacent towns and cities share in the benefits which the United States will reap from the labors of the friends of good roads, depends upon the communities themselves.

The Good Roads Congress, assembled right at our doors, is a living, authoritative monition that we must hasten to the utmost degree consistent with sound workmanship the building of that much-talked-of and long-delayed boulevard between Buffalo and Niagara Falls.

The Good Roads Congress is a tangible, great, and active reminder that Buffalo, Niagara Falls, and the intervening communities are losing large sums annually because the miserable condition of more than half the highway of Buffalo to the Falls prevents thousands of visiting tourists to either place from driving their automobiles between the two cities, the hotel and commercial interests of the respective cities thus failing to receive the profits which would come from the free communication that would infallibly be caused by broad, firm, attractive roads traversable by every kind of vehicle.

The Good Roads Congress is a deserved rebuke to the sluggishness which has prevented Erie County and western New York from having universally good roads. This magnificent central section of population, railroads, manufactures, lake traffic, electric power, and agriculture presents a combination of advantages which is not equaled within the same number of square miles in any part of the United States.

There is no excuse for a bad road in any district of western New York.

A country which, without good roads, lays claim to progressiveness is like the play of Hamlet with Hamlet left out.

The bad road is a relic of savagery—a reversion to atavism.

The Indian, who was the first inhabitant of Erie and Niagara Counties, was satisfied with a trail through the woods. He was a barbarian and was true to his character.

Let us be true to our character as civilized men.

Let us have the best roads that money can buy and skill can furnish.

Every narrow, boggy, muddy, rutty road that we permit ourselves to tolerate is a survival of barbarism—a flouting in the face of our claims to march with the van of civilization.

We look for a tremendous impetus to be given by the Good Roads Congress not only to the cause of good roads in its national bearings but to the same cause in its relation to local conditions.

[From Philadelphia Inquirer-Press, July 30, 1910.]

THE GOOD ROADS ANNUAL.

The National Goods Roads Congress is now holding its third annual session at Niagara Falls. Its first session was held in Chicago, and one of its results is the incorporation of good-roads planks in the national political platforms of 1908. These meetings have value in bringing together and giving expression to the latest and best ideas on road improvement and in building up and strengthening a public opinion which in a few years will not be willing to tolerate bad roads anywhere.

It is easy to find many arguments for good roads, but for bad roads there is only one merit claimed, and this is that they are cheap. But are they "cheap?" The Federal Bureau of Public Roads says no, and shows by elaborate computations the very heavy expense that bad roads impose upon those who must use them, especially upon the farming class, whose time is wasted, and wagons and horses are deprived of much the larger share of their capacity for service by the heavy friction that has to be overcome on bad roads. Mr. B. F. Yoakum, of the executive committee of the St. Louis & San Francisco Railroad, addressed the Good Roads Convention on this subject on Thursday, and he estimates that the farmers of the country would have saved $225,000,000 last year if the roads over which they hauled their products had been good roads instead of poor ones.

This is not a blind guess. The Government shows that the average haul to get farm products to market or railroad shipping point is 9 miles, and the difference in cost of hauling products over bad roads as compared with good is over 15 cents a ton a mile. This does not include the back haul of supplies over the same soft roads. The farmer needs smooth, hard roads of easy grade. Such roads would bring him rich return in the saving of time and of much of his money, now expended in repairs to harness and wagon and in the purchase and maintenance of more draft stock and equipment than would be necessary if good roads surrounded him.

The interest which many railroad companies take in good roads is a very helpful factor in the good-roads movement. A good highway is a feeder of the nearest railroad. It makes it possible for freight to be taken to and from the stations cheaply, quickly, and easily at all seasons, which fact naturally increases business. Good roads reaching the railroad from all points would make the construction of short spurs or lateral railroads less necessary. Good roads develop the country, promote traffic, and create business. They are most valuable allies of the railroad and deserve all the countenance and assistance which the railroad companies can give them.

The Republican national platform of 1908 declared that the Republican Party "recognizes the social and economical advantages of good country roads maintained more and more largely at public expense and less and less at the expense of the abutting owners. In this work we commend the growing practice of State aid." There is no suggestion here of national road building. Those who hug the delusion that Uncle Sam may be induced to go into the business of building highways in the States at the expense, in whole or in part, of the National Treasury are really obstructing the movement by expending their energies in the wrong direction. Road improvement is progressing only in those States where the State government takes hold of it vigorously and adopts road improvement by States and as a permanent State policy.

If the National Good Roads Congress will give currency and its authority to the idea that bad roads are an extravagance and waste, that the farmers are the ones chiefly penalized and handicapped by such roads, and that the State is the proper authority to appeal to for a reconstruction of highways or improved roads, it will promote the good-roads movement in a practical way. That movement is as wide as the Nation, and growing all the time, but it needs the direction of expert advice and the stimulus and enthusiasm which intelligent leadership alone can give it.

[Philadelphia Item, July 26, 1910.]

GOOD ROADS.

Preparations for the third annual convention of the National Good Roads Congress, which is to be held in Niagara Falls, N. Y., July 28, 29, and 30, are taking on an international aspect, and indications are that the Dominion of Canada will take equal part in the deliberations and discussions through the many celebrities that will attend from that country.

The international character of this great gathering is given increased prominence because of the fact that the congress is to be held on the Canadian border, and, for the further reason, that Canadians are now manifesting an unusual interest in the good-roads movement, and have accepted with significant enthusiasm the invitation to be present at this session.

The general subject of good roads is now engaging the attention of Canadian legislators in a degree almost equal to the place it is claiming in the public eye in the United States, and it is expected that at least a third of the principal speakers who will address the congress will be Canadians, who are thoroughly posted upon the subject and who will have valuable suggestions to offer.

Every effort is being put forth to secure the presence of Sir James Whitney, the Premier of Canada, and the committee is confident that he will be there to fraternize with President Taft; Gov. Charles E. Hughes, of New York State; Col. Roosevelt; Mayor Gaynor, of New York City; and others who are expected to attend the congress and address the gathering.

Committees of citizens of Niagara Falls, N. Y., and Niagara Falls, Ontario, are cooperating in the arrangement of plans for the reception and entertainment of the delegates to the congress, and there will be plenty of interesting features in connection with the meeting on both sides of the border. Not a thing is being done on one side of the line that is not being duplicated on the other.

Mayors of Canadian cities, as well as commercial organizations and granges of the Dominion, boards of trade, chambers of commerce, etc., are displaying an interest in the coming convention and many of them will send delegates.

More than 200,000 invitations have been sent out, at least half of them being addressed to the owners of automobiles in Canada and the United States, special attention having been paid in the distribution of these to the automobile organizations in New Jersey, New York, Pennsylvania, Ohio, and the Provinces of Ontario and Quebec in Canada.

One of the features of the Congress is to be a monster automobile parade on the second day of the gathering. There at least 250,000 automobile owners within easy ride of the city where the convention is to be held, and it is expected the representation of this class of good roads advocates will be large indeed.

It may not be generally known that more than half the States in the Union have adopted the principle of State aid and supervision over all or parts of the roads, while the remaining States are seriously considering sweeping reforms in their road laws.

In Canada the same interest is being displayed, and this is bringing about a steady progress in road building which is now recognized as one of the foremost economic movements of the day.

In the States the expenditure for this work has reached a total of nearly $60,000,000 annually, and many counties have issued bonds in large amount to further the work.

Interesting discussions on the experience of this country and Canada will enliven the congress, and the profit to those attending and represented will be great.

[Youngstown (Ohio) Telegram-Vindicator, July 28, 1910.]

GOOD ROADS CONVENTION.

NIAGARA FALLS, N. Y., *July 28.*

The Third Annual Convention of the National Good Roads Congress was opened here to-day, to continue through Saturday. Less than 100 delegates had registered when Mayor A. C. Douglass, of this city, delivered the address of welcome, but a material increase in attendance was expected.

Congressman WILLIAM SULZER became presiding officer and spoke on various aspects of good roads as vitally affecting national prosperity.

[Brooklyn Standard-Union, July 28, 1910.]

NATIONAL GOOD ROADS CONGRESS AT THE FALLS.

NIAGARA FALLS, *July 28.*

A record-breaking attendance marked the opening here to-day of the Third Annual Congress of the National Good Roads Association. The gathering will continue in session three days and will be addressed by many men who have been foremost in the movement to promote good roads throughout the country.

[Niagara Falls Gazette, July 28.]

GOOD ROADS CONGRESS OPENS THREE-DAY SESSION—MOVEMENT NATION WIDE—REPRESENTATIVE SULZER, CHAIRMAN—REPRESENTATIVE SIMMONS WOULD DIVERT APPROPRIATIONS FROM WATERWAYS DEVELOPMENT TO DEVELOPMENT OF GOOD ROADS—GREAT NEED OF IMPROVED HIGHWAYS FOR FARMERS POINTED OUT BY SPEAKERS.

The third annual convention of the National Good Roads Congress opened at the auditorium of the Home of Shredded Wheat this morning. The atendance was somewhat smaller than was at first expected. What was lacking in attendance was made up in enthusiasm, and several good addresses were delivered.

The Rev. Albert S. Bacon, pastor of the First Presbyterian Church, delivered the invocation. President Albert C. Jackson opened the convention and the address of welcome was delivered by Mayor Anthony C. Douglass. It was exceedingly brief, the mayor simply bidding the delegates to the convention to the city, and stating that it afforded him the greatest pleasure imaginable to extend to them the freedom of the city.

President Jackson responded. He called attention to the natural advantages of the city and declared that the people of Niagara had a reputation for hospitality that is envied by other cities; but that he

noticed that there was one essential to unadulterated pleasure lacking, and that was good roads. "There is nothing that you can do here in Niagara," said President Jackson, "that will make the stay of the stranger in your gates more pleasant than to provide him with good roads. There is no reason why Niagara Falls should not become as great a center in this country as Paris is in France, if you have the kind of boulevards that radiate out around it as they do from that great city."

REPRESENTATIVE SULZER'S SPEECH.

Mr. Jackson then introduced Representative WILLIAM SULZER as the presiding officer of this session of the convention. Mr. SULZER began his address by saying that he felt that the holding of the convention in Niagara Falls was but a fitting manifestation of appreciation of what this State has done for the cause. "I regret that we haven't the numbers, but this may be due to the bad roads." Continuing, he said:

"For years I have been an earnest advocate of good-road building. Good roads mean progress and prosperity, a benefit to the people who live in the cities, an advantage to the people who live in the country, and they will help every section of our vast domain. Good roads, like good streets, make every habitation along them more desirable; they enhance the value of farm lands, facilitate transportation, and add untold wealth to the producers and consumers of the country; they are the milestones marking the advance of civilization; they economize time, give labor a life, and make millions in money; they save wear and tear and worry and waste; they beautify the country—bring it in touch with the city; they aid the social and the religious and the educational and the industrial progress of the people; they make better homes and happier hearthsides; they are the avenues of trade, the highways of commerce, the mail routes of information, and the agencies of speedy communication; they mean the economical transportation of marketable products—the maximum burden at the minimum cost; they are the ligaments that bind the country together in thrift and industry and intelligence and patriotism; they promote social intercourse, prevent intellectual stagnation, and increase the happiness and the prosperity of our producing masses; they contribute to the glory of the country, give employment to our idle workmen, distribute the necessaries of life—the products of the field and the forests and the factories—encourage energy and husbandry, inculcate love for our scenic wonders, and make mankind better and greater and grander.

"One of the crying needs in this country, especially in the South and the West, is better roads. The establishment of good roads would, in a great measure, solve the question of the high price of the necessaries of life and the increasing cost of living—which is beginning to make life a struggle for existence. By reducing the cost of transportation it would enable the farmer to market his produce at a lower price and at a larger profit at the same time. It would bring communities closer and in touch with the centers of population, thereby facilitating the commerce of ideas as well as of material products.

When we consider that the agricultural production alone of the United States for the past 11 years totals $70,000,000,000, a sum that staggers the imagination, and that it cost more to take this product from the farms to the railway station than from such station to the American and European markets, and when the saving in cost of moving this product of agriculture over good highways instead of bad would have built a million miles of good roads, the incalculable waste of bad roads in this country is shown to be of such enormous proportions as to demand immediate reformation and the exercise of the wisest statesmanship.

Good roads mean more cultivated farms and cheaper food products for the toilers in the towns; bad roads mean poor transportation, lack of communication, high prices for the necessaries of life, the loss of untold millions of wealth, and idle workmen seeking employment. Good roads will help those who cultivate the soil and feed the multitude, and whatever aids the farmers of our country will increase our wealth and benefit all the people. We can not destroy our farms without final decay. They are to-day the heart of our national life and the chief source of our material greatness. Tear down every edifice in our cities and labor will rebuild them, but abandon the farms and our cities will disappear forever and pestilence will decimate the land.

The far-sighted wisdom of Julius Cæsar built from the imperial exchequer the magnificent roads that led in all directions to eternal Rome. The great Napoleon, Cæsar-like, built the roads of France that center in Paris from the general funds of the Government, and these French roads have done more than any other single agency to encourage the thrift and increase the industry and insure the contentment of the people of France. Cæsar and Napoleon were the great road builders of ancient and modern times, and their foresight and their judgment demonstrated the beneficent results that follow as the night the day—the construction of good governmental highways.

REPRESENTATIVE SIMMONS'S SPEECH.

Representative JAMES S. SIMMONS, of this district, was the next speaker. He called attention to the vast appropriations Congress has been making in past years for waterways, irrigation, and other improvements, while nothing has been done for good roads.

Mr. SIMMONS said in part:

"It is indeed a great pleasure to be here this morning to attend the opening of the Good Roads Congress.

"I bring you the greetings of every resident of this city, all of whom wish you godspeed in furthering the commendable work that is before you.

"Niagara Falls has in the past been selected as the place in which a great number of conventions have been held, many of which have been of national importance; but I feel safe in saying that there has been no gathering here for the consideration of any problem which was of greater importance to the 90,000,000 people of this great Nation than that which you gentlemen are assembled here to consider.

"It is fitting, indeed, that you should have come to the Empire State with your convention, for it is in this State you will find the most liberal and commendable spirit for the furtherance of good-road improvements.

"I most sincerely trust that during the deliberations of this convention you may be able to evolve a plan of operations which will ultimately result in securing both national and State aid in the furtherance of good-road improvements.

"In my judgment there is no line of development which would be so universally beneficial to our people as the improvement of our public highways.

"In reviewing the history of this Nation for the past 50 years we are deeply impressed with the marvelous progress we have made along every line of human endeavor.

"We find our Federal Government has, with a lavish hand, aided nearly every improvement for the benefit of our people, which has played no inconsiderable part in producing the splended results we have achieved in the past half century.

"Our Government has spent millions upon millions of money in constructing an irrigation system, and during the last Congress we provided $20,000,000 additional money to carry on this one enterprise in this Nation.

"We have given governmental aid of more than $500,000,000 for the improvement of our rivers and harbors, and we are annually appropriating about $50,000,000 for that purpose.

"We have aided the construction of our railroads by money and land grants of more than 200,000,000 acres, the value of which is simply beyond calculation.

"We have aided every industry in our country by means of tariff protection; in fact, we have given governmental aid to nearly every enterprise in America, and in every instance I believe the results that have followed have fully demonstrated the wisdom of the policy; but as beneficial as Government aid has proven to have been to our irrigation system, to our rivers and harbors system, to our railroad systems, and to our great industrial and commercial development, I nevertheless firmly believe that Government aid to the improvement of the roads of this country would be as great a benefit and as high a blessing to the 90,000,000 people of this Nation as has been the benefit derived from any of the other objects of support which I have mentioned.

"In December last I had the pleasure of attending the National Inland Waterways Congress which was held in Washington. I was indeed surprised to find what a widespread interest throughout this country had been worked up in behalf of the further improvement of some of our waterways.

"While it has been my good fortune to attend many conventions of this character, I can certainly say that I never attended a convention before in which there was such a large delegation and such intense enthusiasm in their subject as was shown at this gathering.

"The object of the Inland Waterways Convention was to work up an interest which would influence Congress to appropriate $500,000,000 for the improvement of four different waterways propositions, one being an inland canal along the Atlantic coast from Marthas Vineyard to Jacksonville; another the improvement of the Ohio River; another a waterway connection with the Lakes to the Gulf, and the improvement of the Columbia River.

"Now remember, that after this Government having already expended over $500,000,000 dollars for our waterways improvement, we are going to be asked to appropriate five hundred million more for the same purpose.

"I am not here to speak in opposition to improvements. I only refer to this to call your attention to the liberality the Government has shown to our waterways improvements in the past, and then to contrast as to which would be the greater benefit to the greater number of our people—to spend $500,000,000 additional for the carrying out of the four waterways projects that I have mentioned or to use this five hundred million as Government aid in the improvement of the thoroughfares of this country.

"In expressing my views I say unhesitatingly that if the Government is going to spend $500,000,000 for the improvement of the four waterways mentioned or for the good roads improvement, I stand unalterably in favor of the good roads improvement.

"We also, at the last session of Congress, passed in the House what is known as the Appalachian Reservation bill, providing for the expenditure of $11,000,000 to buy waste mountain land with the hope that it would protect the watersheds and increase the flow of water of navigable rivers near the Appalachian Range. I do not hesitate to say that I was opposed to that proposition, for the reason that I believe when we commence to buy mountain land that the matter will be carried to where it will be a great abuse of the use of Federal money.

"I think the time is most propitious for carrying on the work of good-roads improvements, and I also think the time is most propitious for securing Government aid in this great project. I want to see this proposition get ahead of all other propositions for securing Government aid, such as I have just spoken of. I want to see the Government manifest its interest in the improvement of our roads before we become committed to expending $500,000,000 in the projects that are being pressed upon us by the Deep Waterways Association; and I want to see the Government give its helping hand to this commendable enterprise before it becomes committed to purchase of abandoned mountain lands. This is the most meritorious of all things that is knocking at the door of Uncle Sam and asking his powerful financial support.

"I will not attempt to go into the subject of telling you the great benefit that good roads would be to everyone, for you have here to-day the best experts on good roads there is in this whole country, and the advantages to accrue both to the interurban and urban population will be made perfectly plain to everyone who is here assembled."

Chairman SULZER read a number of letters received from governors of other States, including one from Gov. Gillet, of California, in which it was stated that the legislature of the State had just appropriated $18,000,000 for good roads, and that within a very brief period of time the States of the West will excel those in the East in the matter of road improvement.

Letters were also read from Gov. Hughes, of this State; Gov. Franklin J. Fort, of New Jersey, in which that executive took great pride in the fact that New Jersey was the pioneer State in the improvement of highways by State aid; Gov. Judson Harmon, of Ohio; Gov. Thomas R. Marshall, of Indiana; and Gov. Shaw, of Arizona.

A letter was also read from Norman E. Mack, of Buffalo, in which he stated that he hoped to be with the convention this afternoon, but wished to call attention to the fact that the road between this city and Buffalo is in wretched condition, and hoped the convention would put an impetus in the movement. This condition, he said, is simply illustrative of that which prevails throughout the country.

On motion of Mr. Crafts, of Alabama, seconded by Senator Martin Dodge, of Washington, D. C., a committee on credentials was appointed, as follows: A. C. Jackson (chairman), A. G. Porter, and J. L. Cowles.

A committee on resolutions, consisting of one representative from every State represented, was also named.

The first speech of the afternoon session of the congress, which was held at the International Hotel, was delivered by Chester C. Platt, editor.

[Cataract Journal, July 28.]

EMINENT SPEAKERS ADDRESS THE GOOD ROADS CONGRESS—B. F. YOAKUM, CONGRESSMEN SULZER AND SIMMONS, CHESTER C. PLATT, AND OTHERS SPEAK AT CONVENTION ASSEMBLED HERE—MR. SIMMONS PLEDGES VOTE FOR CONGRESS APPROPRIATION.

Welcomed to the city by Mayor Douglass, representatives of millions of persons throughout the United States to-day opened the third annual Good Roads Congress in the auditorium of the Shredded Wheat Co., which has as its object the establishment of a national system of improved highways. The congress will last for three days, during which time men prominent in national affairs will deliver addresses and outline a plan whereby it is hoped to urge Congress to take up the good-roads movement and make appropriations for improved highways.

The first meeting of the congress was called to order by President A. C. Jackson, of the National Good Roads Association, followed by prayer by the Rev. A. S. Bacon, of the First Presbyterian Church. Mayor Douglass was introduced and extended, in a few well-chosen words, the keys of the city, assuring all of the delegates that they would be made welcome.

President Jackson replied to Mayor Douglass, and on behalf of the congress thanked the city of Niagara Falls for the great interest it has taken in the good-roads movement and for the work it has done toward making the congress a success.

"Niagara Falls," said Mr. Jackson, "is ideally situated and has been given by nature one of the greatest attractions in the world. Tens of thousands of persons annually visit your beautiful city, attracted by the scenic beauties and by your unsurpassed hospitality. But there is one thing you lack—good roads. And I fully believe that if Niagara Falls had a system of boulevards radiating from it tens of thousands more would visit the city every year. This radial system should not be confined to this side of the boundary line, but should extend far into the heart of our neighboring Dominion. There is no reason why Niagara should not be the heart of such a system, and I hope that the work this congress will do will bear fruit in the establishment of a system such as I have referred to."

In introducing Congressman WILLIAM SULZER, of New York, President Jackson said:

"It is precedent that a man well known in the State in which the convention is held act as president. Congressman SULZER has for years been an advocate of good roads, and I believe that no man in or out of Congress has taken such a deep interest in the National Good Roads Congress as has Mr. SULZER, whom I take pleasure in introducing to this assemblage."

Mr. SULZER expressed his pleasure at the honor bestowed upon him, referred to the beauties of the city and the hospitality of the people of Niagara Falls, and then in a speech, frequently punctuated with applause, spoke of the objects and aims of the congress. Mr. SULZER said in part:

"For years I have been an earnest advocate of good-roads building. Good roads mean progress and prosperity, a benefit to the people who live in the cities, an advantage to the people who live in the country, and it will help every section of our vast domain. Good roads, like good streets, make every habitation along them most desirable; they enhance the value of farm lands, facilitate transportation, and add untold wealth to the producers and consumers of the country; they are the milestones marking the advance of civilization.

"One of the crying needs in this country, especially in the South and the West, is better roads. The establishment of good roads would in a great measure solve the question of the high price of the necessaries of life and the increasing cost of living, which is beginning to make life a struggle for existence. By reducing the cost of transportation it will enable the farmer to market his produce at a lower price and at a larger profit at the same time. It would bring communities closer and in touch with the centers of population, thereby facilitating the commerce of ideas as well as of material products.

"When we consider that the agricultural production alone of the United States for the past 11 years totals $70,000,000,000, a sum that staggers the imagination, and that it costs more to take this product from the farm to the railway station than from such station to the American and European markets, and when the saving in cost of moving this product of agriculture over good highways instead of bad would have built a million miles of good roads, the incalculable waste of bad roads in this country is shown to be of such enormous proportions as to demand immediate reformation and the exercise of the wisest statesmanship. But great as is the loss to transportation, mercantile, industrial, and farming interests, incomparably greater is the material loss to the women and children and the social life, a matter as important as civilization itself. The truth of the declaration of Charles Sumner 50 years ago, that 'the two greatest forces for the advancement of civilization are the schoolmaster and good roads,' is true.

"The plain people of the land are familiar with the truths of history. They know the past. They realize that often the difference between good roads and bad roads is the difference between profit and loss. Good roads have a money value far beyond our ordinary conception. Bad roads constitute our greatest drawbacks to internal development and material progress. Good roads mean prosperous farmers; bad roads mean abandoned farms, sparsely settled country districts, and congested populated cities, where the poor are destined to become poorer. Good roads mean more cultivated farms and cheaper food products for the toilers in the towns; bad roads mean poor transportation, lack of communication, high prices for the necessities of life, the waste of untold millions of wealth and idle workmen seeking employment. Good roads will help those who cultivate the soil and feed the multitude, and whatever aids the producers and the farmers of our country will increase the wealth and benefit all the people. We can not destroy our farms without land decay. They are to-day the heart of our national life and the chief source of our material greatness. Tear down every edifice in our cities and labor would rebuild them, but abandon the farms and our cities will disappear forever and pestilence will decimate the land.

"If you say good roads will only help the farmers, I deny it. The farmers, who produce the necessaries of life, are less dependent than the millions and millions of people who live in our cities. The most superficial investigation of this subject will clearly prove that good roads are just as important to the consumers, if not more so, than they are to the producers of the country.

"The burdens of life fall hardest on the farmer. The least the Government can do for him is to help him get decent highways. I am with the farmer in this fight for good roads. I am with the rural districts of our land in their struggle for better transportation facilities, and in Congress or out of Congress I shall do all in my power to hasten the consummation they desire—the ability to go and come along decent roads without exhausting the time and effort and the utility of man and beast. I know the farmer's joys and sorrows, his trials and his troubles, and I know how much we owe to the farmers of our country. A debt we can never repay."

Mr. SULZER was followed by Congressman JAMES S. SIMMONS, introduced by Mr. Jackson as "the good-roads representative in Congress of the old Niagara district."

Mr. Simmons was applauded several times, especially when he pledged himself to support with his vote in Congress the good-roads movement and to stand in favor of an appropriation for the betterment of the Nation's highways. Congressman SIMMONS, after welcoming the delegates, said in part:

"I most sincerely trust that during the deliberations of this convention you may be able to evolve a plan of operation which will ultimately result in securing both national and State aid in the furtherance of good-road improvements.

"In December last I had the pleasure of attending the National Inland Waterways Congress, which was held in Washington. I was indeed surprised to find that a widespread interest throughout this country had been worked up in behalf of the further improvement of some of our waterways.

"The object of the inland waterways convention was to work up an interest which would influence Congress to appropriate $500,000,000 for the improvement of four different waterways propositions, one being an inland canal along the Atlantic coast from Marthas Vineyard to Jacksonville, the other the improvement of the Ohio River and a waterway connection from the Lakes to the Gulf, and the improvement of the Columbia River.

"Now, remember that after this Government, having already expended over $500,000,000 for our waterways improvement, we are going to be asked to appropriate five hundred millions more for the same purpose.

"I am not here to speak in opposition to improvements. I only refer to this to call your attention to the liberality the Government has shown to our waterways improvements in the past and then to contrast as to which would be the greater benefit to the greater number of our people—to spend $500,000,000 additional for the carrying out of the four waterways projects that I have mentioned or to use this five hundred million as Government aid in the improvement of the thoroughfares of this country.

"In expressing my views I say unhesitatingly that if the Government is going to spend $500,000,000 for the improvement of the four waterways mentioned, or for the good-roads improvement, I stand unalterably in favor of the good-roads improvement.

"We also, at the last session of Congress, passed in the House what is known as the Appalachian Reservation bill, providing for the expenditure of $11,000,000 to buy waste mountain land with the hope that it would protect the watersheds and increase the flow of water of navigable rivers near the Appalachian Range. I do not hestitate to say that I was opposed to that proposition for the reason that I believe when we commence to buy mountain land that the matter will be carried to where it will be a great abuse of the use of Federal money.

"I think the time is most propitious for carrying on the work of good-road improvements, and I also think the time is most propitious for securing Government aid in this great project. I want to see this proposition get ahead of all other propositions for securing Government aid, such as I have just spoken of. I want to see the Government manifest its interest in the improvement of our roads before we become committed to expending any $500,000,000 in the projects that are being pressed upon us by the Deep Waterways Association, and I want to see the Government give its helping hand to this commendable enterprise before it becomes committed to the purchase of abandoned mountain lands.

"This is the most meritorious of all things that is knocking at the door of Uncle Sam and asking his powerful financial support."

Congressman SIMMONS was the last speaker at the morning session, and following his address a committee on credentials, composed of President A. C. Jackson, A. G. Porter, and James L. Cowles, was appointed by the chair.

A committee on resolutions, composed of one member from every State represented at the congress, will be named by the chair and will make its report at the session Saturday.

Norman E. Mack, of Buffalo, chairman of the national Democratic committee, was present at the session of the congress this afternoon in the International Hotel.

At the session this morning President Jackson read a letter from Mr. Mack, in which he regretted that his time would be limited in this city to such an extent that he would be unable to make an address. The letter, however, assured the congress that he is in hearty sympathy with the objects of the congress and that the movement would receive whatever support he could give. The session this afternoon was addressed by B. F. Yoakum, of the Frisco lines, James L. Cowles, of the postal road league of New York, and several other prominent men interested in the good-roads movement.

At the afternoon session Chester C. Platt, editor of the Batavia Times, spoke in part as follows:

"Andrew D. White, before he became one of the founders of Cornell University and its first president, was a member of the New York State Legislature. Being deeply interested at that time, as he has been ever since, in the cause of popular education, he was also interested in good roads. Those were the days when the average farmer believed that what was good enough for his father was good enough for him, when road taxes were a joke, and working them out was a form of amusement in which there was always more shirking than working. Mr. White was interested in a bill calculated to improve the highways of the State. Farmers were opposed to the measure, and they wrote him to that effect. They asked for a hearing upon the bill, and it was granted. It was in the month of March. When the day for the hearing arrived, Mr. White received a telegram. It read as follows:

"'Postpone hearing on highway bill. Can not reach depots. Roads impassable.'

"Good highways are needed not only as feeders to the railroads in times of war, but to enable us in times of peace, without direct primaries, the initiative, the referendum, and the recall, to get at our representatives in the legislature and the Congress when they threaten to enact laws which we do not want or refuse to pass laws which we demand.

"The Federal Government should be interested in good roads, not only because of the military advantage of being able to quickly reach

railroad centers, but because of the economic desirability of being able easily and speedily to reach the railroads with both freight and passengers. The prosperity of our railroads, which must inevitably soon pass under Government ownership, as they are now passing under Government control, depends in a great measure upon the character of the highways in the country traversed by the railroads. In proportion as roads are good and other facilities for transportation perfect, trade and commerce will increase. Farmers will raise the produce for which their farms are best adapted, sell the products of their farms, and purchase the things they need to consume, whereas where transportation facilities are bad and costly the farmer must raise on his own farm and produce by his own labor almost everything he needs.

"The Federal Government should be interested in good roads, because they tend to promote popular education. Poor roads and illiteracy go hand in hand. Statistics show that those States which have the largest number of miles of improved highways have the smallest number of persons who can not read and write.

"We want the Federal Government to begin the construction of national highways. Until such a time as the railroads become nationally owned we can find much relief from the evils of railroad monopoly if we have a system of national roads as well as many systems of State roads and county roads.

"Thoughtful men are more and more appreciating the gravity of the railroad problem. Our railroads, like those of European countries, should have been built and owned by the Government. That they were not, has made us much trouble, and promises to make us much more.

"Can our railroads permanently endure and prosper half under the control of their owners and half under the control of Government officials? I do not believe they can. No automobile manufacturing business could long endure, prosperous as that business now is, if a Government commission representing primarily the patrons of the automobile manufacturer were allowed to regulate all conditions of employment in the factory and even to fix the price at which the automobiles should be sold. Easy as it is now to obtain capital for automobile enterprises, if the industry were placed under the control and regulation of a Government commission it would be as difficult to obtain new capital as it is now to obtain new capital to properly develop, enlarge, and improve the railroad facilities of New York State. No new railroads have been built in our State since the public-service commissions were appointed. Capitalists will not invest their money in enterprises to be controlled by those who have no financial interest at stake. Our railroads must ultimately be owned by the Government. Until they are, Government control and regulation are necessary, and until we acquire the ownership of our railroad highways it is highly desirable that the Federal Government shall develop a system of good roads.

"A system of Federal road building will begin when public sentiment demands it. This congress, as I understand it, is one of the instrumentalities for making manifest to Congress the demand that does exist for Federal roads. Two of the most important factors in connection with the good-roads problem are the farmer and the automobile. When the farmers and the automobile owners unitedly and enthusiastically work together for Federal roads we will obtain them. It is useless to deny that the average farmer has not been in favor of good roads. It is also useless to deny that there has been some just cause for a lack of good feeling between automobile owners and the farmers. About the time that wide-tire regulations began to go into effect in this State and the farmers' wagons began to improve macadam roads by acting at once as a rock-dust maker and a miniature road roller, automobilists began extensive use of the highways, and with their nonskid tires and their chain attachments began to inflict the most serious damage upon the macadam roads. The swiftly moving automobile throws the rock dust into the air, and it is swirled to the sides of the road by the air currents passing under the low-hung body of the car. The dust nuisance led to serious depreciation in the value of real estate which had been greatly enhanced in value by the construction of the macadam road. Dust in the fields damaged crops. Can we blame the farmer that he has insisted that his own interest and that of automobilists in good roads are by all means identical?

"But a change is coming. We are learning to make our macadam road nearly dustless, and agricultural conditions are improving so rapidly that the farmers are becoming automobile owners. A new agricultural era is dawning, and farming is destined to become the most attractive and remunerative business in the country. I have recently been advocating in my own town that an effort shall be made to bring the farmers of the township into closer relationship with the merchants and manufacturers through membership in our board of trade. Batavia has recently awakened to the fact that any town makes a mistake if it assumes that membership in its board of trade or Business Men's Association should be limited to merchants and manufacturers. It saw that the professional men, the doctors, the lawyers, and the ministers are as much interested in the progress of the town and things pertaining to its welfare as are the merchants and manufacturers and that the membership roll of the organization should include the names of as many professional men as possible, and this added to the importance, the prestige, and usefulness of the organization.

"It took the position that there was another very important class of citizens who ought to be embraced within the membership of the organization, namely, the farmers.

"Farm lands are advancing in value, farming is becoming more profitable. This, in a large measure, is due to the fact that new methods are being adopted, farmers are becoming a better educated class. These results are due, in a measure, to the increased interest which the State has shown in agricultural pursuits, and the liberal policy it has pursued in fostering agricultural education by large appropriations for agricultural schools, for the Geneva Experiment Station, and particularly for the enlargement and improvement of the State Agricultural College at Cornell University."

A delegation, consisting of O. W. Cutler, John F. McDonald, Arthur C. Jackson, and Congressman F. SULZER, called on Mayor Fuhrmann, of Buffalo, yesterday and invited him to attend the congress. Mayor Fuhrmann accepted the invitation, and also promised the delegation that he would do all in his power to secure a large attendance of automobile owners of Buffalo. Mayor Fuhrmann is a warm good-roads enthusiast, and while in conference with the Good Roads Congress delegation discussed the advantages that will accrue to both Niagara Falls and Buffalo when the boulevard now in course of construction is completed. Mr. SULZER was very much impressed with the personality of Mayor Fuhrmann, and said that in Buffalo's chief executive the Good Roads Congress and the movement in general has a fine "booster."

Like Charles Sumner, Mr. SULZER, who is proud to be called the modern Henry Clay, believes that the "two greatest forces for the advancement of civilization are the schoolmaster and good roads."

Discussing the goods-roads movement in a general way this morning, Congressman SULZER said:

"The plain people of the land," he said, "know that often the difference between good roads and bad roads is the difference between profit and loss. Good roads have a money value far beyond our ordinary conception. Bad roads constitute our greatest drawback as a country to international development and material progress. Good roads mean prosperous farmers; bad ones mean abandoned farms, sparsely settled country districts, and congested cities. They also mean more cultivated lands and cheaper food products for the toilers in the towns.

"Bad roads," he said, "mean poor transportation, lack of communication, high prices for the necessities of life, the loss of millions of wealth, and idle workmen seeking employment. Good roads will help those who cultivate the soil and feed the multitude, and whatever aids the producers and the farmers of our country will increase our wealth and benefit all the people.

"One of the crying needs in this country, especially in the South and West, is good roads. The establishment of goods roads would, in a great measure, solve the question of high prices of food and the increasing cost of living."

[Niagara Falls Gazette, July 29.]

WOULD HAVE GOVERNMENT LEND A HAND—SPEAKERS AT NATIONAL GOOD-ROADS CONGRESS SUGGEST MEANS FOR FEDERAL GOVERNMENT TAKING ACTIVE PART IN GOOD-ROADS WORK—ONE PLAN TO LOAN MONEY TO STATES, ANOTHER TO DIVIDE COST WITH STATE.

The second day of the National Good Roads Congress opened this morning under much more auspicious circumstances than the session yesterday. The attendance was considerably larger than that of either of the sessions yesterday, and, if possible, the enthusiasm was even more marked. Representative WILLIAM SULZER, presided; James L. Cowles acted as secretary.

There were nine States represented among the delegates at the convention this morning and more are expected this afternoon.

The illustrated lecture to-night will be delivered by J. E. Pennypacker, of the Department of Roads, Washington, D. C. George E. Cooley, State highway engineer of Minnesota, will also deliver an address at the evening session.

The speeches this afternoon will include J. Munro Greir, of Niagara Falls, Ontario, the mayor of St. Catherines, and the mayor of Guelph, Ontario.

ADDRESS OF J. HAMPTON RICH.

J. Hampton Rich, delegate to the convention, representing by special commission the State of North Carolina, was the first speaker to-day. He is also delegate to the International Good Roads Congress at Brussels, Belgium.

As editor of the Carriers' Messenger, the organ of the rural letter carriers of the South, Mr. Rich took for his subject the "Rural Letter Carrier and Good Roads." He said: "There are many sides to the good-roads question. Why, down in my State there was held recently a big hotel men's association, and one of the leading speakers was a good-roads man, and took for his theme, 'The Hotel Man and Good Roads.' We have often heard of good roads and the merchant, and sometimes a speech is made on good roads and the traveling man. The good-roads question and the railroad and steamship companies is a very pertinent question, and all through this convention the farmer and good roads has figured extensively, but possibly the man who is more nearly concerned with improvements of roads than any other is the rural letter carrier. Next to the question of his salary this is uppermost."

OTHER SPEAKERS OF THE MORNING.

The second speaker was Charles B. Mathews, of Buffalo. Mr. Mathews was introduced as "an old pioneer, whose name is known in every household in this State."

John Croft, of Mobile, Ala., the next speaker, is president of the Good Roads Association of the State in which he lives. He began by alluding to the immense tourist trade of this section, and declared that the American tourists who go to Europe every year spend between thirty and forty million dollars just to see the good roads.

He said that while the South is slow in the construction of roads, they have about perfected the dirt road, and their principal problem is "How to get their crops to the markets."

"The people of Alabama," he said, "believe that the National Government should do its part in the improvement of the highways," and declared that the two United States Senators and nine Congressmen from his State were of the same opinion and, he believed, ready and willing to do what they can to push the matter at the coming sessions.

"The rural carriers of the United States now number 41,007. It is estimated by recent figures just gathered from the statistics in the Congressional Library that these carriers travel 304,000,000 miles a year, which seems incomprehensible.

"In my State, North Carolina, there are 1,278 rural carriers who travel on an average of 23.44 miles per day, or a total during the year of 28,176. In Georgia the number of carriers is 1,615 and they travel 38,420 miles. So these men who bear the messages of joy and sorrow, birth and death to our rural population in summer's heat and winter's cold stand very close to the heart of the farmer, who composes, according to the statement of our friend from the far West, Mr. Yoakum, one-third of the population of our country.

"Well this man who is a Government servant deserves to be treated well by our Government. His horse hire is heavy if he does not own his own horse and if he owns his own outfit the life of a horse on the average country route is not over three years; two horses must be kept all the time. The average net earnings of these men amounts to the magnificent sum of $31.50 per month. In New York State the average net earnings per month is $33.95. In North Carolina it is $28. With this bountiful sum the rural carrier must feed and clothe his family and maintain his home and send his children to school; he must lay aside enough of this to buy a horse when the old one gives out. Now, has he not a strong argument for good roads?

"Where good roads exist the rural letter carrier finds new methods of serving his patrons. Recently, while on a trip through south Georgia,

I found four rural carriers at Dawson, Ga., who drove automobiles, served all their patrons, and got back to warm dinners. This is due to the magnificent sand-clay roads which they are building in that part of the country. The King road drag has also been of great aid in maintaining the road.

"There is another great help to the roads in the rural districts, yet the farmers along the country roads use the King drag after every rain. This is a method which is indorsed by the Office of Public Roads, at Washington, and urged by every rural carrier who knows anything about the value of the King drag.

"Recently I took a trip in an automobile over the fine country road of Wake County, North Carolina. We passed many farms whose owners had gone to work since good roads have come, painted their homes and outbuildings, improved their land by better methods of agriculture until one hardly knew the section to be the same of a few years ago, so marked was the change. But we were prepared for still a more wonderful sight when 11 miles out from town in the same county we came to the farm of Mr. J. F. Butts, who has 41 acres in corn cultivation that will, from every indication, make 125 bushels of shelled corn to the acre. I counted 13 well-developed shoots of young ears on 1 stalk. I have a photo of this field of corn in my room at the Cataract Hotel. Mr. Butts last year cultivated a prize acre of corn from which he gathered 226½ bushels of shelled corn, measured by Commissioner W. A. Graham, commissioner of agriculture of North Carolina.

"This and many more marvelous developments are taking place in agriculture since the agitation for good roads began in North Carolina."

Mr. Croft diverted from the subject of goods roads at the conclusion and asked that the convention go on record as favoring the holding of the Panama Canal Exposition at New Orleans. He said that he felt that it was but a fitting recognition of the work of Senator Morgan, of Alabama, who he styled as the father of the Panama Canal, and he is a delegate to the convention, duly appointed by the mayor of New Orleans.

Martin Dodge, of Washington, seconded the resolution, and started the liveliest discussion that has occurred on the floor of the convention.

W. M. Bryant, of Kalamazoo, Mich., declared that the convention was diverting from the subject matter of the convention, and also said that if the convention indorsed the southern city it would antagonize the far West and other cities.

"We are drifting from the subject matter, and I want to go home with something on good roads," said Mr. Bryant. There was a further discussion, and Albert F. Keeney, president of the board of local improvement, declared that the convention might as well indorse some man for State senator or United States Senator from the State of Ohio or Illinois.

Durand Churchill, of Point Loma, Cal., introduced by Mr. Keeney, of Chicago, gave the delegates some idea of what California, and especially San Diego County, was doing in the way of good roads.

This State is making a bid for the celebration and is in the field, although Mr. Churchill did not mention this fact.

Dr. E. C. Kenney, V. S., of New Orleans, replied. He said that New Orleans is doing much in the cause, and advocated a national highway running across the States from the Atlantic to the Pacific and from the Great Lakes to the Gulf, and that the States and counties build their highways so that they will connect with these roads. According to his idea these government highways could be maintained by a tax levied on the tonnage carried by the improved waterways, and in the West, where there are no waterways, by a low tonnage tax on the railroads.

Following this address the resolutions, by almost unanimous vote, were referred to the committee on resolutions.

Announcement of the program of speakers for this afternoon was made before the noon adjournment as follows: Martin Dodge, S. G. Forster, chief road engineer of Pennsylvania; C. E. Shafer, of Monroe County, N. Y.; and C. W. Kelly, of New Haven.

[Cataract Journal, July 29.]

$300,000,000 FOR GOOD ROADS EVERY YEAR—GOVERNMENT WASTE WOULD CONSTRUCT 100,000 MILES—MR. YOAKUM'S SPEECH TO ROADS CONGRESS—WHAT NATION THROWS AWAY WOULD GIVE IMPROVED HIGHWAYS—HOW FARMERS WOULD BE SAVED MILLIONS—RAILROAD BUILDING HAS BEEN PRACTICALLY STOPPED BECAUSE OF ATTACKS, SPEAKER SAYS.

"One of our distinguished members of the Senate has declared on the floor that $300,000,000 is wasted annually by the Federal Government. If this sum could be conserved and applied to the construction of improved highways, we could have 100,000 miles of roads built every year."

This statement by B. F. Yoakum, chairman of the executive committee of the Frisco Lines, made during the course of his address before the National Good Roads Congress yesterday, brought forth applause, and his suggestion that the Congress take some action toward securing a fund to be used for educational purposes resulted in the adoption of a resolution offered by W. J. Sandbury, of the Chautauqua County Grange, authorizing President A. C. Jackson to appoint a committee to formulate a plan whereby funds for a campaign such as suggested by Mr. Yoakum could be secured.

Mr. Yoakum was the principal speaker at the session held at the International Hotel yesterday afternoon. At the conclusion of his address, Mayor McGuire, of Syracuse, offered a vote of thanks, which was unanimously indorsed. Mr. Yoakum spoke as follows:

"Your organization stands for a duty sadly neglected by the Government. Good roads mean more for the people at large than any other public work, and add more to the comfort and upbuilding of the country. They are of national importance.

"Government statistics tell us that it costs our farmers 15 cents more to haul 1 ton 1 mile in this country than it costs in European countries. The products of the farms of the United States last year amounted to approximately 250,000,000 tons. The Government shows the average haul of a ton was 9 miles. This difference of 15 cents a ton per mile represents an additional cost of $1.35 a ton for an average haul of 9 miles. Estimating that two-thirds of the agricultural products of last year were hauled away from the farms, there would have been a saving to the American farmers of $225,000,000 if our roads had been up to the standard of European roads, not including their back haul of supplies from the stations to the farms. They would also have saved large sums in the cost of replacing and repairing harness, wagons, etc., and in the investment and care of extra draft stock.

MUST FIGHT FOR THEM.

"The only way to get good roads is to fight for them. Your organization can do its work most effectively by keeping before the people in as many ways as possible the importance of making money by making better roads. It is not a sentimental proposition, but purely a business one.

"There has been expended upon the Mississippi River, including surveys, within the last 100 years, $225,000,000 to put that public water highway in condition for handling products of the farm and commerce tributary to it. The last statistics available show that in 1906 there were 1,545,000 tons less transported on this river than in 1889. This $225,000,000 was expended between St. Louis and New Orleans, with the States of Missouri, Arkansas, and Louisiana on the western boundary and the States of Illinois, Tennessee, and Mississippi on the eastern. The farmers of these States which border directly upon the Mississippi River, to say nothing of those of the remaining 40 States, have received no benefit from this vast sum wastefully expended by the Government. On the contrary, the farmers are paying as much for broken harness, broken wagons, with as much lost time, hauling one-half a load to a team, as they were before this $225,000,000 was expended. There has been no systematic plan for the improvement of the Mississippi River. Therefore this great waste of money has been of no benefit to the transportation of commerce or the development of agriculture. This same amount of money expended in good road making would have yielded tremendous returns to the people. It is the duty of every citizen of the United States to aid the farmer in every way consistent with business principles to market his products to best advantage, and in this connection no one factor is of more economic importance than the reduction of the cost of transportation between the farm and the railroad station.

ROADS AND RAILROADS.

"It took three-quarters of a century to build up the American railroads. During the same time little attention has been given to the building of American country roads. Yet the value of the two to the public goes hand in hand. Food and clothing must be handled between the producers and the consumers over both the country road and the railroad. It is important that the country roads approach the high standard of the railroads.

"If a railroad encounters a high grade over a hill, which means excessive use of coal, slow trains, and light loads, the railroad cuts down the heavy grades to save coal bills, to move freight faster, to carry bigger trainloads. It borrows millions to do the grade cutting, pays the interest on this money, and through this economy is enabled to increase its surplus. The railroads borrow money to make stronger culverts and bridges to bear heavier engines and steel cars. Then they must borrow more to buy the large locomotives and big cars, all of which add to the efficiency of those steel highways.

FARMERS WILL BENEFIT.

"The country road makers have not kept up with the railroad makers. They, too, must get money to cut down grades, to get smooth, hard surfaces, to provide good drainage, and to reduce the cost of maintenance. When this is done, the farmer can go from his farm to his market or shipping station quicker and carry a bigger load. The firm roadbed and smooth, heavy steel make the railroad's cars and engines last longer, and the substantial, well-made country roads make the farmer's horses, wagons, and harness last longer. The saving to the railroad is only a small fraction of a cent on each ton hauled 1 mile, while the saving to the farmer is 15 cents a ton a mile. This difference in cost of hauling will often turn a losing farm into a paying one.

"The greatest value of good roads will be to the farmers who have not yet become interested. You have not yet found a way to reach them to properly place your arguments and statistics before them. They need to be shown that the poorest roads are the most expensive roads. They have not been shown that their broken wagons, broken harness, and blacksmith bills cost them more than the cost of having good roads. They have not been shown that a $4-a-day team can do twice the work over good roads, which makes that team worth to them $8 a day.

SHOULD TALK TO MILLIONS.

"The members of your association know these plain and simple things I have stated. But the way to get good roads is to make all the people know them and keep them constantly in mind. The transportation system which carries our food and clothing from maker to user is part railroad and part country road. One part is as necessary as the other. Your organization in its support of the betterment of our public highways should talk in millions instead of thousands. The advocates of better roads are behind the times and will have to spend money by the millions to catch up, and the people who are to enjoy and benefit by these improvements should be educated to understand what good roads mean to them and what they will cost.

PRECEDENT FOR FEDERAL AID.

"Those who seek precedent for Federal aid in providing better country roads will find it in the support which the Government gave the old National Pike. Under various names this great interstate highway ran from Washington to the Mississippi River. It was begun by the Federal Government. Many appropriations were made by Congress to pay for construction, and it was built under the direction of War Department engineers. The last appropriation was for $150,000 in 1838. The Government at Washington took an active part in seeing that the various States provided their share of the money and work toward the construction of this great road, which greatly aided in the settlement of the West. If the Government takes an interest in aiding the States to finance their public-highway improvements, the most careful consideration should be given to the development of a plan. While comprehensive, it should be one that will safeguard the money expended. Extravagance and wastefulness in the administration of our Government and the loose methods of the expenditure of money appropriated for public works should warn us against a repetition in the construction of our public highways.

"Your association should have aggressive organizations in every State and have working relations with all commercial, manufacturing, and agricultural institutions. While I can speak but for one system of railroads, I feel confident that every railroad of the country will be in sympathy and work in harmony to aid in the development of the coun-

try's public highways, with a view of upbuilding and increasing the production of existing cultivated fields and adding new acres that are now lying idle for lack of rail transportation or good public roads to encourage their cultivation. If your work is pushed properly and enthusiastically, within a few years statistics will show that the population of the rural districts is increasing instead of as now showing an increase in city population and a decrease in rural population. The tide of young humanity will then flow to the country and away from the towns. Country localities with good roads go forward; country localities with bad roads go backward. The welfare of the Nation demands that the comforts of country life should keep pace with the comforts of city life.

RAILROAD TERMINALS.

"Railroads are now spending hundreds of millions of dollars on terminals in various cities of the country. These millions of dollars do not add greatly to the income of railroads, as they do not create new business; but they do add to the comfort of travelers and decrease the cost to their patrons of the delivery of freight. The railroads are just as much interested in good roads for gathering freight as in expensive terminals to distribute the same at its destination. In different ways the two means of transportation work for the same purpose. Our interest is a business one and our support should be the same as in any other enterprise in the success of which we are concerned.

"The agricultural people of the country are beginning to realize their own situation. They are commencing seriously to study economic questions. They are beginning to figure their time as worth money. When your association places the facts before the owners of the 6,000,000 farms, who represent, according to the Government estimates, including their families, nearly one-third of our population, and gets them to realize what good roads mean to them, we will then have good roads. They will vote for men as public servants who will encourage and vote to help along the work of getting good roads. The duty of the National Good Roads Association is of greater importance to-day to the future growth of the country than it has ever been before.

"It is to good roads that this country must look largely for its future growth and development.

ATTACKS ON RAILROADS.

"The railroad business of the country has been attacked from so many different standpoints that we are not going to have for many years such an era of railroad construction as we have enjoyed heretofore. The improvement which can come nearest taking the place of railroads in the development of the country lying back from existing railroads is good public highways. Illustrations of this you can now see in many sections of the country, and will see many more evidences of it as different communities begin to realize how hard it is for railroad builders to find new money to build new railroads into new countries.

"One instance I have in mind which illustrates the situation: In the county in which San Antonio, Tex., is located there have not been any new railroads constructed for several years. The splendid old German town of Fredericksburg has had a purse of $100,000 hung up for a long time to give to the first railroad that would build into its thriving and rich country, but no takers, although several have tried it and found it impossible to finance even a short road between San Antonio and Fredericksburg. The people of that town are now turning their attention to the next best thing, which is to build a highway over which their products and their commerce can be handled most economically and their automobiles convey passengers more promptly. This is only one of the many instances throughout the country, as we still have many towns more than 50 miles from a railroad.

GOOD ROADS AND MARKETS.

"With a good road a farmer who lives 15 miles from a shipping station is better off than one who lives 5 miles with a poor road. The man with a good road, with the distance against him, can make his trips quicker and can carry from two to three times as much on his wagon; and more important, he can depend upon his road and bridges every day in the year, while the man who encounters swollen streams and impassable roads often loses his best market and his vegetables decay upon his hands.

"We have 2,100,000 miles of public roads. From the best information obtainable there are about 44,000 miles, or 2 miles out of each 100, under a high standard of improvement. There are not more than 175,000 miles, or 8 miles out of each 100, under any kind of improvement. In other words, we have 1,925,000 miles of public roads which are in as poor condition now as they were when they were laid out by our early settlers and pioneers.

"The last Congress appropriated $52,000,000 for river and harbor improvements. I am not against river and harbor improvements. I am only against the waste that the people of this country pay for through the expenditure of such appropriations. This $52,000,000 was largely political distribution, opposed by President Taft, who gave notice that he would not again approve of such haphazard expenditures. If our Congressmen and other public paid officials could lay aside political questions which are of no benefit to the country and give their attention to economic questions that build up rather than political agitations and threats of what they propose to do to the institutions of our country, there would be a vast difference in our future growth and prosperity. It is not the legislation which is enacted that does the greatest harm. Political campaign speeches which create prejudice and doubt in our institution do the most damage. These will not be stopped until the farmers elect new men to office, both National and State, who will give attention to working out economic questions that benefit them. One of these problems is to give to the farmers roads from their farms to the railroad stations in keeping with the railroads from the railroad stations to markets.

"Good roads would add so greatly to the comfort, health, and happiness of their users that every possible agency should be employed in making better roads. Unfortunately this is not the way it is working out. The only proof necessary is that fifty-six hundred times as much money is appropriated by Congress for military expenses as for good roads. If it could be shown to our national lawmakers that military roads are needed for armies and military convenience, appropriations for millions would be had without delay. Gen. Goethals, at the head of the Panama Canal construction, says that this vast enterprise is of first importance as a military expedient. To make this naval highway in a foreign country for fighting vessels our Government is spending more money than has ever been expended for any one similar project in the history of the world. The value of good roads has not been driven home because Federal and State legislatures feel that they can, without being criticized at home, do little for country roads, and the people accept such shortsighted policies without protest.

REAL ACCOMPLISHMENTS.

"If we build 100,000 miles of public highways annualy for 10 years, and give to this country 1,000,000 miles of good public roads, at an average cost of $3,000 per mile, or $300,000,000 annually, we will be engaging in a national development the advantages of which in economics, commerce, comforts, and enhanced land values none can foretell. We will be accomplishing something worth while. This work if carried on by counties and townships, as at present, will be very slow. It should be encouraged under a broad comprehensive plan outlined by the Federal Government cooperating with the States. The Agricultural Department of the Government is in sympathy with all things that tend to improve our public-road system.

"A law authorizing the Federal Government to extend its credit to each State in an amount equal to that expended by such State, under a joint commission of Federal and State authorities, would enable the different States to take advantage in this work of upbuilding of a low rate of interest that would greatly reduce the interest charge for the improvement of the public highways. This would not be so radical a departure from present practices as might at first appear. The Government has advanced, or agreed to advance, $115,000,000 to reclaim waste lands in various places in the West, which money is to be paid back to the Government. It is just as sound a public policy to loan one-half of the money to States which furnish the other half for the reclamation of farms and idle lands that can not now be reached on account of existing road conditions between them and railroad stations.

"If you will strengthen your association through a strong concrete organization of working forces in each State, and will interest the Congressmen and State authorities by getting them to realize that one of the most effective ways to promote the growth of the country and expand its agricultural development is through the encouragement of better roads, in the course of a few years we will have a system of public highways second to none in the world. Every dollar saved through this economy goes directly to the pockets of the producers. On the basis of the Government's estimate of the present excess cost of 15 cents a ton for hauling in this country, as compared with European countries, improved roads would have meant to the farmers on last year's crop an additional $225,000,000, which would have increased their $8,750,000,000 crop to $10,000,000,000. When we take into consideration that this additional saving would have gone to the agricultural people, who are both the greatest producers of wealth and the greatest purchasing power of this Nation, it means more than the public men of this country who are studying economic questions have considered. What your association should work for is getting better roads and finding ways and means of getting them.

"Every detailed analysis of the Government's business methods proves them to be wasteful. One of the ablest United States Senators recently announced that the Government could be run for $300,000,000 annually less than it is now costing. I can say as emphatically that $300,000,000 annually would give to this country 100,000 miles of improved public highways a year. If you take up your work of better roads, to be paid through a reduction of governmental waste, your work will be effective and for the general good of all."

[Niagara Falls Gazette, July 30.]

GOOD ROADS CONGRESS IS CLOSED—IDEA OF A BOULEVARD FROM NEW YORK TO NIAGARA APPROVED AND MATTER WILL BE LAID BEFORE GOVERNOR FOR HIS APPROVAL—WOULD FOLLOW HUDSON AND MOHAWK RIVERS—A. MUNRO GRIER MADE HAPPY ADDRESS FOR CANADIANS.

A State boulevard, to be known as the "Great Niagara Way," extending from New York City along the Hudson River Valley to Albany, then along the Mohawk Valley to Buffalo, where it will join the Niagara Falls-Buffalo Boulevard, was suggested by the National Good Roads Congress this morning.

The suggestion was made by Congressman WILLIAM SULZER, of New York, who acted as chairman of the meeting. It was enthusiastically received, and resulted in the adoption of the following resolution:

"That this congress favor a great boulevard that shall connect the great metropolis of New York with Niagara Falls, to be known as the 'Great Niagara Way,' or by any other name. And be it further

"*Resolved*, That a copy of this resolution be sent to the governor, the senate, members of assembly, highway superintendents, the mayors of cities, and members of the common councils."

This resolution was seconded by Dr. E. C. Kenny, of New Orleans, La. Martin Dodge spoke of the possibility of the project and declared that he believed that with the proper effort such a project could be realized.

In calling the meeting to order this morning Representative SULZER said:

"The matter of much significance that we should take note of is that although this convention has not been as well attended as we had hoped, it is very gratifying that its proceedings have been given very wide publicity, and on behalf of the convention we extend our hearty thanks and appreciation to the press for the success of this congress.

"This is not my first visit to Niagara Falls and there is no place that appeals to me more. It is the place of the one wonder of the world, and here come every year people from all parts of the earth to witness this wonderful exhibition of nature and enjoy the hospitality of the kindest-hearted people in the land and to get the benefit of the good air and the good hotels.

"There is no place in the United States that affords so many advantages to the tourist, the traveler, and those looking for rest.

"There is no place in my State and, I might say, my country that I enjoy visiting so much as Niagara Falls, and I see no reason why it should not be made the greatest resort in the Western Hemisphere, and it should be the most accessible. It has occurred to me that something ought to be done to bring the Falls closer to the people, closer to the wayfarer, and I have thought, since this congress opened, that the State should do something to bring this wonder in easy touch with the people. I spoke indirectly of the wonderful road building of Europe, and I believe that there should be a road from the seaboard in New York to the brink of Niagara, and it should be more endurable than the Appian Way or the Champs Elysees. It would be more great and more lasting and of a lasting benefit to the country and the world, not only from a point of patriotism, but from a business standpoint. And I know of no better lesson for the State to teach than to do this great work.

"The boulevard now being constructed from New York up the Hudson to the capital of the State could be continued along the Mohawk Valley to Buffalo and on to Niagara Falls. It would be just as beautiful as any road that has ever been built and just as endurable as the free Republic."

This was followed by the offering of the resolution by President Jackson. After it was unanimously adopted Congressman SULZER declared that from now on, in season and out, he would work for the realization of the improvement suggested in the resolution.

John Crafts declared that such a work would place this State far ahead of the others, although it already leads, in the construction of good roads, and there could be no better return, not only in dollars and cents, but in the happiness and pleasure and education such a highway would afford for the people of the Nation. The realization of the work, too, he said, would give a great impetus to what this congress has been battling for—good highways—and will do much to advance its interests all over the country.

In introducing A. Munro Grier, vice president of the Ontario Power Co., Representative SULZER said that Canada and this country are becoming closer and closer allied, and that there is one thing about Canadian roads, and that is that the builders understand how to build them.

Mr. Grier was in his usual happy mood, and his address, extemporaneous though it was, could not have been more flowery. He said that he was immensely interested in good roads, and regretted that the argument was so palpably the one way that it was impossible to say anything against the movement. "Good roads," he said, "are about the very best thing we can have."

The first speaker yesterday afternoon was W. M. Bryant, commissioner of roads of Kalamazoo, Mich., and he gave a pretty general idea of how roads have been improved in the peninsular State with the help of convict labor. The address was an exhaustive treatise on the subject. Mr. Bryant was a pioneer in this movement in his county and had, as he expressed it, a lonesome fight for a time, but now the wisdom of his plans has brought others to his way of thinking. He said, in part:

"After a two-year struggle Kalamazoo County adopted what is known in Michigan as the county road system. The farmers of our county, as elsewhere, were blind to their own interests and declared that it was only a move in the interest of automobiles; that it would greatly increase the taxes, and several other reasons. Farmer Green, after I had convinced him that the road tax would be very light, did not wish to give up the argument without one more objection, scratched his head and finally 'allowed that good roads would be damned hard on his horses' feet.'

"At the October session, 1909, of the board of supervisors, I requested an opportunity to present my plan, which was granted, and this has now become known as 'the Kalamazoo idea.'

"I asked for the privilege of working every sentenced man in the county jail who was physically able on the county roads. I pointed out to them the great increase in prisoners as shown by the sheriff's report, and made the statement that of the 3,546 tramps housed the previous year the first two figures would be eliminated the succeeding year if this report was adopted; also that petty crime would materially decease. After some discussion my plan was unanimously adopted. And, within a few days, parties of prisoners were sent out on the roads cutting the brush, removing stumps, trees, and other obstructions, and considerable ditching was done. The first week we had more prisoners than we could possibly use; the second week a less number; and within seven weeks the number had become so small that it did not pay to have two deputy sheriffs (a day and a night man) to guard them.

"If the 'Kalamazoo idea' should be adopted by every county in this country hundreds of miles of road would be built by what is now waste material. The community would be the gainer, while the results in the men would be incalculable. Living out of doors in God's fresh air and sunshine takes away the opportunity for morbid thought; they come out with hardened muscles, bright eyed, and healthy. We find that with a day's work in the air, after supper they will sit around for an hour or two and smoke, talk, or read, and retire early. Five o'clock sees the whole camp up, with breakfast at 6. They take considerable pride in their work, and a shirker does not shirk long. The gang looks after that; he is quickly informed that the rest of them will not do his share of the work."

This was followed by a discussion of the question of convict labor in the construction and improvement of highways, and President Arthur C. Jackson, of the congress, said that he had seen convicts at work outside the prisons, and that in his opinion when thus employed they became better men and more useful citizens, instead of the derelicts of society which they are sure to be under the other environs.

Durand Churchill declared at this time that he believed that the prisons of the country should have a course of study in road building for the convicts, so that when the men are released they will be able to take up a trade which is now in its infancy.

Mr. Churchill said that he believed that the Federal Government should take the initiative and set a pace for the States to follow in the construction of highways, just as it had done in the matter of waterways improvements. It should build the very best roads possible. "As a healthy body must have good veins, so a healthy State must have good roads," he said. "They are the whole life of the being, and permit of social intercourse, which is prevented by bad roads."

Provincial Commissioner of Highways W. A. McLean, of Toronto, who followed, said that, in his opinion, the Dominion of Canada would, within the next few years, have the best highways in America. He pointed to the boulevard which is now being constructed from Niagara Falls to Fort Erie, at an outlay of over $300,000, as one of the first steps in this direction. He came at the personal request of the minister of the Province, who, he said, felt a personal regret because of his inability to be present.

"There is one thing which I can not understand," said Commissioner McLean, "in the matter of the improvement of highways, and that is why it is necessary to educate the people and show them the necessity of road improvement. Good roads are the most important public undertaking of to-day. Great sums are spent in the construction and improvement of canals and steel construction, but they do nothing with the highways of the country which lead right up to the homes of the people on which we in the larger cities are so dependent, and I can not see why it is that it is necessary to urge upon them the importance of improving the highways. In Canada this has always been a sore spot, but I do not think it needs the gift of a prophet to say that very shortly the conditions will be different and within a short time Canada will have the best roads in America.

"Another matter which has come to my notice is that the common macadam pavement, which has become so universally used in various countries, is insufficient to accommodate the automobile. This condition has become acute in France and some parts of the United States. Engineers have endeavored to solve this problem, but so far have not succeeded, but it is a task which must be solved, and the engineers are now endeavoring to produce a road surface which will stand the wear and tear of the automobile and at the same time be cheap enough to be universally used.

"The highways of the world are no longer the instruments of destruction they were during the time of Cæsar and Napoleon, but are indicative of the great countries of the world. They promote social intercourse, and I venture to say that the vast amount of road improvement leading to the borders of these great countries will promote a social intercourse that will strengthen the friendly ties that now bind these two great nations together."

J. F. Beam, of Welland, declared that New York State has the ideal road law, and that Ontario would do well to copy and adopt a law the provisions of which were identical with that of the Empire State. Under the present law, he said, the Providence aids in the construction of highways to the extent of bearing one-third of the cost, while New York State pays one-half. He said that Welland County had rejected the assistance under this law, claiming that it is sufficient. The farmer hasn't enough money to spend in highways. What he wished to know was how it is possible to bring sufficient pressure to bear upon the legislators to compel them to pass an adequate road law. Under the present measures, he said, Toronto will derive more benefit than all of York County can possibly ever hope to enjoy.

W. G. Tretheway, representing the Board of Trade of Toronto, declared that the gas engine and the pneumatic tire have come to stay, and that he believed that within a short time the farmer would be bringing his produce to market in a vehicle propelled by a gas engine. The merchants of Toronto are now delivering their goods a distance of several miles from their stores, and he believed that as soon as roads are so improved that they can go any distance in the country, they will be going 8 or 10 miles beyond the city limits and even farther if necessary.

THE SESSION.

Last evening J. E. Pennybacker, chief of road management of the United States Office of Public Roads, gave an illustrated lecture. "No great nation in the world that has left its imprint upon the destiny of people has failed to achieve distinction in road building," he declared. The speaker cited three great figures in history, Julius Cæsar, Napoleon, and Oliver Cromwell, all of whom are famous for what they did for good roads, in which movement they were the true pioneers.

Mr. Pennybacker compared the systems of administration in Europe and showed how, under the policy prevailing until recent years, of extreme localization in control and unskillful supervisions, the country's roads had become in a deplorable condition. Then millions were being spent and wasted annually. He showed the economic value of good roads and how it meant the saving of millions in the cost of hauling and a great increase in land values. He declared that by actual figures good roads gave a marked increase in the attendance at country schools. He explained the modern problems that confront the road builder, and how the automobile damaged the roads, and what remedies were being sought to meet this damage.

[Cataract Journal, July 30.]

PLAN NIAGARA FALLS TO NEW YORK BOULEVARD—GOOD ROADS CONGRESS ADOPTS RESOLUTION FOR AUTOMOBILE HIGHWAY UP HUDSON VALLEY AND ACROSS STATE—GOVERNOR, LEGISLATURE, AND MAYORS ASKED TO AID SCHEME—CONGRESSMAN SULZER IN ADDRESS ADVOCATES BOULEVARD TO ATTRACT THOUSANDS WHO NOW GO ABROAD YEARLY TO ENJOY OLD WORLD HIGHWAYS AND MAKE OF THEM "PATRIOTS INSTEAD OF EX-PATRIOTS"—SARATOGA AND TORONTO BID FOR NEXT CONVENTION.

The building of a State highway—a Niagara Way that shall outrival the ancient Appian Way—extending from the seaboard at New York to the Falls of Niagara, was advocated this morning at the Good Roads Congress. A resolution calling upon the governor of the State, the Legislature, the mayors of cities in the Hudson and Mohawk Valleys, and all along the route to Niagara Falls to work for the construction of such a highway was unanimously adopted by the delegates to the congress in session at the International Hotel.

This afternoon a resolution introduced by former United States Senator Dodge, of Ohio, now of Washington, D. C., calling upon the Federal Government and the Members of the House of Representatives and the Senate to urge an appropriation for the building of good roads was adopted unanimously. The plan of the congress is to obtain an appropriation, have a commission appointed, and treat the good-roads movement in the same way as the Government is now aiding the waterways.

The resolution for a Niagara Falls-New York Boulevard was introduced by President Arthur C. Jackson following the address of Congressman SULZER, in which address such a road was advocated. The resolution was seconded by Dr. E. C. Kenney, of New Orleans, and, with amendments, was submitted by Delegates Craft, of Alabama, and Dodge, of Washington, D. C.

Invitations to hold the fourth annual convention were received from the Business Men's Association of Saratoga Springs and from the city of Toronto. Saratoga Springs had a personal representative at the session this morning and Toronto extended its invitation through a telegram from Mayor Geary.

The convention came to a close this afternoon, after extending a vote of thanks to the press, the local committee, and others who have aided in making it a success.

In advocating the new Niagara Way in the first address of the morning, Mr. SULZER said:

"This is not my first visit to Niagara Falls, and I may say that no place appeals to me as strongly as does this historic spot that has within its confines the first natural wonder of the world. Niagara Falls is the mecca for lovers of scenic beauty and is visited yearly by tens of thousands of people, attracted to this spot by the most marvelous attraction of nature and by the hospitality of the people of Niagara Falls. There is no place in America to-day that affords so many tourists the rest, recreation, and pleasure as can be found at Niagara.

"I have enjoyed my visit to Niagara, and there is no place in my State or my country that I appreciate and glory in more than I do in Niagara Falls.

"In my opinion there is no place in the Western Hemisphere that has the same opportunity to become the greatest resort of the New World as has your city, Niagara Falls. It should be the most accessible to the tourist, the traveler, and the wayfarer. Niagara needs no advertising, because there is not a child in America who from its earliest school days, when he first sees the picture of the mighty cataract in the geography, does not look forward to the day when he shall be able to travel and view for himself the most marvelous scenic attraction in the world. This was my feeling, and well do I remember how, on my first view of the Falls of Niagara, I stood amazed, overcome by the marvelous beauty of the panorama stretched before me. My most idealistic dream had been fulfilled, and words could not be commanded to express my feelings. There before me was stretched the mighty Niagara, the Niagara that had thundered its message through the ages and will continue to echo and reecho through the countless ages yet to come. Never could writer of most gifted pen picture the beauties of Niagara; never could painter with inspired brush convey the splendors of the cataract through his canvas; never can the brush or pen convey the rapturous beauty of Niagara to those who have not seen it in all its wild and impressive glory.

"This is what you have at Niagara, this is Niagara, the Niagara of world-wide fame, the Niagara that draws like a magnet from every quarter of the world.

"But your Niagara of to-day could be made a greater Niagara of to-morrow. Yesterday I referred to the Indian Way, to-day I am going to talk of what some day we may all refer to as the Niagara Way.

"What more could we ask than a great highway, perfect as was the Appian Way of its day and as glorious as the Champs Elysees, stretching from New York, the metropolis of the American Continent, to Niagara Falls, the wonder of the Western Hemisphere. If only we could have such a highway, a Niagara Way, great in its scenic glory, leading to a great natural place of education, we would have the famous roads of the Old World, now attracting thousands of American tourists annually, shorn of their attractiveness.

"Not only would this road be a most wonderful advantage to Niagara Falls and the country through which it passes, but it would be of lasting benefit to the Nation. It would patriate those who now become expatriated.

"What better thing could this great Empire State do than extend the boulevard now being built through the beautiful Hudson Valley to Albany, through the Mohawk Valley to Buffalo, and thence to Niagara Falls? Such a highway would be enduring to our ancestors, as we hope the free institutions of the Republic will endure.

"As long as I have voice or strength I will advocate good roads, and nothing that I can do will be left undone to give to the United States a system of highways that will draw from the Old World as the highways of Europe now draw from this country."

One of the best addresses of the convention was that of A. Munro Greer, vice president of the Ontario Power Co., Niagara Falls, Ontario, who represented Mayor O. E. Dores, who was unable to attend this morning's session. Mr. Greer followed Congressman SULZER, and in a brief but pointed address told of the great advantage good roads are to any country.

"We must have good roads," said Mr. Greer, "if we have to secure them by working up a sentiment against our everlasting cry for road improvements. Our enemies we can easily bowl over, and it will not be such a long time until every good roads 'knocker' is knocked down with his own arguments. If I were asked 'What do you think of a State, a Province, or a country?' I would say, 'Show me your roads.'

"On the conditions of the highways depend the condition of the country.

"The roadways of a nation may well be compared to the veins and arteries of the human body. If a man's blood-carrying canals are in good condition, we may reasonably expect to find a healthy man. If they are not in good condition the man can not be healthy. So, if a country has poor highways, it can no more attain to the height of national perfection than can physical perfection be found in the man whose arteries and veins are not perfect."

A. G. Spaulding, San Diego, Cal., son of Senator Spaulding, a pioneer good-roads man of the Golden State, explained in the systems in use in California for maintaining good roads.

This afternoon one of the most important addresses before the congress was that of James L. Cowles, of New York, secretary of the Postal Progress League. Mr. Cowles spoke, in part, as follows:

"Since mankind were first welded into nations the highway has always been the symbol of government and the owner of the highways has been the government. This was true of the ancient oriental empires. It was preeminently true of Rome. 'To the oriental mind,' says the historian Trumbull, 'a road, the King's Highway, included the idea of a kingdom planned and a kingdom controlled. Again, it included the idea of a personal sovereign, of a sovereign whose plan is back of the highway and whose purpose is before it.' In the earliest empire in history the symbol of royal greatness was royal road building. The ancient oriental idea of a road, an idea which still has large prominence in the East and elsewhere, is of the highway of the king. Roads were originally built by the king for the king, and they were kept in repair or put in repair as the king had need of them. Roads had their incidental advantages for the king's subjects, but only by the king's grace."

[Niagara Falls Gazette, July 29, 1910.]

$20,000 FOR GOOD-ROADS WORK AT FORT NIAGARA ALLOWED, AND LIEUT. WAGNER, GOVERNMENT ENGINEER, IS ATTENDING SESSION OF GOOD ROADS CONGRESS TO GET PRACTICAL IDEAS.

The roads in the Government reserve at Fort Niagara are about to be improved. An appropriation of $20,000, made by the last Congress, has just become available, and First Lieut. E. H. Wagner, Twenty-ninth Regiment United States Infantry, is in the city to-day attending the Good Roads Convention and investigating local conditions in the search of good material with which to build good roads.

Lieut. Wagner is now construction quartermaster and has charge of all the construction at the post.

In an interview with a Gazette reporter this morning Lieut. Wagner said that he will shortly solicit proposals for the materials and the work. He is an experienced road builder and is opposed to the use of sand or lime stone in road work because it will not stand the wear and tear under which trap rock or granite will bear up.

[Niagara Falls Gazette, Aug. 1.]

IMPORTANT RESOLUTIONS BY GOODS ROADS CONGRESS—DELEGATES ON RECORD AS FAVORING GREAT HIGHWAY FROM THE ATLANTIC SEABOARD TO NIAGARA FRONTIER—FEDERAL AND STATE AID ADVOCATED.

The third annual convention of the National Good Roads Congress came to a close Saturday afternoon, when resolutions were reported out of committee and adopted. The convention went on record as favoring candidates for legislative offices who are pledged to the cause of good roads and improved postal highways. The resolutions were introduced by Martin Dodge, chairman of the resolutions committee, and follows:

"The delegates to the National Good Roads Congress, consisting of representatives of nearly every State in the Union and from Canada, in convention assembled at Niagara Falls, N. Y., the 28th, 29th, and 30th of July, 1910, hereby declare as follows:

"First. We favor the active cooperation of county, State, and Nation in the construction and maintenance of permanent good roads in the interest of all the people. Good roads mean progress and prosperity, a benefit to the people who live in the cities, an advantage to the people who live in the country, and it will help every section of our vast domain. Good roads, like good streets, make habitation along them more desirable; they enhance the value of farm lands, facilitate transportation, and add untold wealth to the producers and consumers of the country; they are the milestones marking the advance of civilization; they economize time, give labor a lift, and make millions in money; they save wear and tear and worry and waste; beautify the country, bring it in touch with the city, and aid the social, the religious, the educational, and the industrial progress of the people.

"Second. We declare that no greater or more valuable object lesson can be undertaken by the General Government in cooperation with the States than the construction and maintenance of permanent highways connecting Washington with the capital of every State and Territory, and to this end we favor the loaning of money by the National Government to the States with interest, and properly safeguarded, as provided for in the Sulzer bill now pending in Congress and in accordance with the Sulzer amendment to the postal savings bank, which we regret was not adopted, so that part of the postal savings may be loaned to the States at a reasonable rate of interest and to be repaid in annual installments and utilized for the benefit of the people in the construction of permanent highways and postal roads throughout the length and breadth of the land.

"Third. We suggest to the electors of the county that they instruct all candidates for legislative office to favor measures in the interest of good roads and postal highways, and in so far as possible secure from candidates pledges in favor of the good roads movement and support the candidates who favor the cause of permanent road building.

"Fourth. We urge all producers, all consumers, all transportation organizations, and labor unions to cooperate to bring about the consummation of good road building in every county and every State in the Union, with or without national aid, and we especially urge the rural letter carriers of the United States to study the subject matter and become advance agents of good road building.

"Fifth. We express our appreciation of the hospitality of the people and officials of Niagara Falls in their cooperation in making the Good Roads Congress a success, and we especially desire to thank the representatives of the press for all they have done in giving publicity to the very important matter discussed."

ROADS DELEGATES ARE INVITED TO INSPECT PAVEMENT.

An experimental strip of road has been laid in the State reservation by the Texas Co., represented by M. A. Terry, with J. J. Gillober as engineer. Mr. Terry appeared before the Good Roads Congress this morning and invited the delegates to witness the work in progress at the conclusion of the afternoon session.

The road which is being improved is located in Prospect Park and parallels the river from the Goat Island Bridge to Prospect Point. The road is being treated with a coat of hot asphalt mixed with other materials, and a top dressing of stone is spread over the heated liquid.

[Buffalo Courier, July 30, 1910.]

ELOQUENT SPEAKERS DISCUSS GOOD ROADS—EDITOR RICH, MR. RICHARDS, AND C. B. MATTHEWS GIVE THEIR VIEWS—VOICES FROM THE SOUTH ADVOCATE GOVERNMENT AID.

NIAGARA FALLS, *July 29, 1910.*

A delegation from the Niagara County Board of Supervisors, composed of Supervisor William L. Atwater, of Somerset; Supervisor John C. Taylor, of Hartland; Supervisor Benjamin F. Gould, of Cambria; and Supervisor James L. Kelly, of Newfane, together with County Superintendent of Highways Thomas M. Brennan, came here to-day to attend the National Good Roads Congress and to meet Chairman S. Percy Hooker, of the State highway commission, but Mr. Hooker did not arrive this morning. These officials are interested in the location of the State boulevard through this county, which is provided for by the highway law. The boulevard has been surveyed to Rochester and must touch Spencerport, but west of there the exact route has not been determined.

EDITOR RICH'S SPEECH.

As the first speaker at the congress this morning Congressman SULZER introduced J. Hampton Rich, of Winston Salem, N. C., editor of Our Rural Home and Carriers' Messenger, who represents the States of North and South Carolina in the congress; and who left here to-night for New York, from whence he sails to-morrow for Brussels, Belgium, as a delegate to the International Good Roads Congress, soon to meet there. Mr. Rich pointed out that the mail carriers are as much interested in the road question as any class, and added:

"There are now in operation throughout the United States 41,089 rural routes, served by 41,007 rural carriers. The appropriation for the establishment and maintenance of rural delivery for the fiscal year ended June 30, 1910, was $37,260,000 and the appropriation for the fiscal year which commenced July 1, 1910, is $38,860,000. Since rural delivery was first established the approximate sum of $206,430,800 has been spent in extending and maintaining the service.

"Up to June 1, 1910, there had been established in the State of Georgia 1,615 rural routes, of an average length of 8.79 miles and a total mileage of 38,120.85 miles. The present annual rate of cost of rural delivery in Georgia is $1,148,194. North Carolina now has in operation 1,278 rural routes, of an average length of 22.83, and a total mileage of 28,176.74. The present annual rate of cost of rural delivery in the State is $1,118,226. South Carolina now has in operation 758 rural routes, of an average length of 23.44 miles and a total mileage of 17,767.52. The present annual rate of cost is $677,775. In Georgia about 700,000 people are served by rural delivery; in North Carolina, about 517,000; in South Carolina, about 317,000.

"When it is stated that rural carriers throughout the United States travel 304,000,000 miles a year it seems incomprehensible and beyond belief.

"It is estimated that during the fiscal year 1909 rural carriers in Georgia handled approximately 72,200,000 pieces of mail of all classes, an increase over 1905 of 151 per cent. The number of applications for money orders received through rural carriers in that State has increased in 1909, over 1905, 220 per cent.

"Rural carriers in North Carolina handled during the fiscal year 1909 approximately 60,797,516 pieces of mail of all classes, an increase an increase over 1905 of 151 per cent. The number of applications for money orders received through rural carriers was 242 per cent.

"Rural carriers in South Carolina handled during the fiscal year 1909, 35,167,876 pieces of mail of all classes, an increase over 1905 of 155 per cent, and the increase in the number of applications for money orders received through rural carriers was 242 per cent."

A BUFFALO PIONEER.

As the second speaker of the morning session Charles B. Mathews, of Buffalo, was introduced, referred to by Congressman SULZER as a pioneer in the movement. Mr. Mathews made an exhaustive address and devoted much attention to the trusts and monopolies like the Stand-Oil Co. and the Sugar Trust, who, he said, had their defenders all the way from Chancellor Day to Elbert Hubbard. He also referred to the rich railroad land grants and said that it is time that the Government made appropriations for the benefit of the people like good roads. Mr. Mathews also took a fall out of the Niagara Falls Power Co. and the difference in the price of electrical power between Buffalo and Canada.

A VOICE FROM ALABAMA.

The third speaker this morning was Hon. John Kraft, president of the Good Roads Association of the State of Alabama, and in introducing him Mr. SULZER said that 40 per cent of the agricultural products of the South are lost on account of bad roads. Mr. Kraft said that American tourists spend $40,000,000 or $50,000,000 annually in Europe, and one of the principal attractions there is good roads.

George W. Cooley, State highway engineer of the State of Minnesota, appointed by the governor, arrived to-day and will speak later.

The speakers this afternoon were Hon. Martin Dodge, of Washington; S. S. Foster, highway engineer of Pennsylvania; and C. W. Kelly, of New Haven. Congressman SULZER went to Lockport this afternoon with John F. McDonald in his touring car to attend the old home week celebration.

[Buffalo News, July 30, 1910.]

HIGHWAY CONGRESS ENDS WITH TO-DAY—MANY INTERESTING ADDRESSES SCHEDULED FOR ITS CLOSING HOURS.

NIAGARA FALLS, *July 30.*

The third annual convention of the National Good Roads Congress will be brought to a close this afternoon, but before the delegates adjourn sine die it is expected that they will go on record on a number of important issues respecting the building and maintenance of good roads through State and Federal aid by the adoption of vigorous resolutions embodying their ideas and principles upon the subject.

There are several addresses yet to be made, and the report of the committee on resolutions, which was formulated at a meeting held last night, will be presented for the consideration of the convention this afternoon.

Among those scheduled to address the convention to-day are S. G. Forester, chief road engineer of the State of Pennsylvania; C. E. Shafer, of Monroe County, N. Y., and C. W. Kelly of New Haven. It is also expected that several prominent Canadians will appear before the convention before its adjournment.

Congressman WILLIAM SULZER presided at the opening session yesterday, but in the afternoon he attended the Old Home celebration at Lockport and turned the direction of the convention over to John Craft, of Mobile, Ala. James L. Cowles, of New York, secretary of the Postal Progress League, acted as secretary.

The attendance was much larger than on the opening day of the congress, nine new States of the Union being represented among the new arrivals, and also the Dominion of Canada, Mayor McBride, of St. Catharines; Mayor Rudd, of Guelph; and W. A. McLean, of Toronto, provisional commissioner of highways for Ontario; J. F. Beam, of Welland, and other prominent men from the Dominion being present.

J. Hampton Rich, representing by special commission the State of North Carolina at the convention and who is also a delegate to the International Good Roads Congress to be held at Brussels, Belgium, was the first speaker yesterday. He is the editor of the Carriers' Messenger, the organ of the rural letter carriers of the South, and his subject was the "Rural Letter Carrier and Good Roads." Mr. Rich spoke in part as follows:

"The good roads question is very pertinent. All through this convention the farmer and good roads has figured extensively, but possibly the man more nearly concerned with the improvement of the roads than any other is the rural letter carrier. Next to the question of his salary, this is uppermost.

"They travel 38,420 miles, these letter carriers. So these men who bear the messages of joy and sorrow, birth and death, to our rural population, in summer heat and winter cold, stand very close to the heart of the farmer, who composes, according to the statement of our friend from the West, Mr. Yoakum, one-third of the population of our country.

"Well, this man, who is a Government servant, deserves to be treated well by the Government. His horse hire is heavy if he does not own his horse; and if he owns his outfit, the life of a horse on the ordinary country route is not over three years. The average net earnings of these men amounts to the magnificent sum of $31.50 per month. In New York State the average net earnings per month is $33.95. In North Carolina it is $28. With this bountiful sum the rural carrier must feed and clothe his family and maintain his home and send his children to school, and, in addition, must lay aside enough to buy a horse when the old one gives out. Now, has he not a strong argument for good roads?

"Where good roads exist the rural carrier finds new methods of serving his patrons. Recently, while on a trip through South Carolina, I found four rural carriers who drove automobiles, served all their patrons, and got back to warm dinners. This is due to the magnificent sand-clay roads which they are building there."

ADDRESS BY C. B. MATHEWS, BUFFALO.

The second address of the day was made by Mr. Charles B. Mathews, of Buffalo, who was introduced by Chairman SULZER as "a pioneer good-roads man." Mr. Mathews created somewhat of a sensation before the convention when he deprecated the action of the Federal Government in giving away its Niagara rights, and also by his strong plea in favor of Government ownership of the railroads. He said: "While we in New York were carrying on in local elections a sham battle on the tariff, Morgan, Rockefeller, Astor, Seligman, Mills, Flower, Sage, and a few others, controlling half the wealth of the United States and a good part of England, obtained for their benefit, their heirs and assigns, the use of the matchless water power of Niagara Falls for a thousand years."

The point made by Mr. Mathews was that if the proper price had been exacted for Niagara rights, or if the Government had retained to itself the great cataract of Niagara, it would have had a big source of revenue, as the Canadian Government has, and there might be money enough to build good roads the country over.

AFTER THE PANAMA EXPOSITION.

John Craft, of Mobile, Ala., who presided in the afternoon, was the third speaker on the program. He is the president of the Good Roads Association of the State from which he hails, and he is an enthusiastic advocate of the idea of Federal assistance in the building and maintenance of good roads. The two Senators and nine Representatives of the State of Alabama, he said, are committed to the policy of having the Government make appropriations for road building. Mr. Craft, leaving his subject for the nonce, created somewhat of a furore among the delegates by offering a resolution to put the congress on record as favoring the holding of the proposed exposition to mark the completion of the Panama Canal in the city of New Orleans. Senator Martin Dodge, of Washington, seconded the motion to adopt the resolution, and then followed one of the liveliest discussions of the congress. W. M. Bryant, a delegate from Kalmazoo, Mich., objected to the adoption of such a resolution. He said that the subject has no place in the deliberations of the congress, and was of the opinion that the adoption of such a resolution would tend to displease the Western States and result in the disruption of the organization. The majority of the delegates held with Mr. Bryant that such an act would antagonize too many interests whose support in the good-roads movement was desired, and on motion the resolution was sent to the committee on resolutions, where it will probably die.

SENATOR DODGE'S SPEECH.

Senator Martin Dodge, whose interesting address was referred to in these columns yesterday, was the next speaker.

Durand Churchill, of Point Loma, Cal., who was not a delegate to the Congress, but who was granted the privilege of the floor at the request of Delegate Keeney, of Chicago, gave some idea of what California, and especially San Diego County, is doing in the way of good road building. Mr. Churchill also alluded to the fact that California is bidding for the Panama Exposition, and he thought the convention would make a mistake by committing itself on this proposition.

Dr. E. C. Kinney, veterinary surgeon, of New Orleans, said that the city of New Orleans was advocating a national highway running across the continent from north and south, and another from east to west. He was of the opinion that the commerce of the railroads and of the inland waterways should be made to contribute to the building and maintenance of such a system, the revenue to be derived from a tonnage tax levied against these systems.

CANADIAN COMMISSIONER SPEAKS.

W. A. McLean, provincial commissioner of highways for Ontario, said that he was in attendance upon the congress at the personal request of the minister of the Ontario Province. He was amazed that a campaign of education should be necessary to impress the people with the benefits of good roads, the great economical value of such institutions being so plainly obvious. He said that while the Province of Ontario had not gone so far in the matter of aiding road building as some of the States in the Union, it was already aiding the project to the extent of bearing a third of the cost, and in time he believed that the Government would stand a half of the expense just as New York State is now doing.

J. F. Beam, of Welland, Ontario, said that Welland County had refused to enter into an arrangement with the Government on the one-third basis; but that it would be ready to do its part in the work when the Government saw its way clear to stand a half of the expense.

Hon. James L. Cowles, secretary of the Postal Progress League, was the next speaker. He spoke in part as follows:

"Since mankind were first welded into nations, the highway has always been the symbol of government and the owner of the highway has been the government.

"The long-continued efforts of our 500 employees at Washington (United States Senators and Congressmen receiving salaries of $7,500 a year) to control our State-made railway kings by tolls levied on interstate commerce, and leaving them absolute masters of interstate commerce, have proved a complete failure. The recent railway legislation of Congress leaves our whole American world in chaos.

"The common welfare demands that, acting under the post-roads clause of the Constitution, our National Government shall take possession of the entire machinery of public transportation and transmission, guaranteeing at once to those who have built this machinery a fair return for their public services, a return, say, equal to their average dividends of the last 10 years; to the public a low uniform toll;

tolls steadily diminishing with the use of the machinery and its development of our postal service, the highest possible wages for the shortest hours of labor consistent with the common interest."

ROAD MAKING IN ONTARIO.

W. G. Tretheway, of the Toronto Board of Trade, who introduced himself as "a farmer and the owner of two automobile trucks," told of the growth of the good-roads movement in Toronto and vicinity and gave it as his firm belief that in a few years the farmer would be carrying all his produce to market by the use of the gasoline engine and tilling his soil by the aid of the same agency.

An interesting session of the congress was held at the International Hotel last evening, when J. E. Pennypacker, jr., of the Department of Good Roads, Washington, gave an illustrated lecture on the subject of practical good-roads building. His illustrations were interesting and instructive, showing all the different methods in vogue and affording significant comparisons of improved and unimproved highways.

George E. Cooley, State highway engineer of Minnesota, also delivered an address at the evening session, which was greatly enjoyed by the delegates.

[Lockport (N. Y.) Union Sun, July 3, 1910.]

CONGRESSMAN SULZER ON GOOD ROADS—REMARKS OF A LOCKPORT GUEST ON IMPORTANT TOPIC.

One of Lockport's distinguished guests yesterday was Hon. WILLIAM SULZER of New York. He was here on his way home from Niagara Falls. In a good roads speech in the House on June 9, he said:

"Mr. SPEAKER: One of the greatest and most important conventions ever held in this country will be the Third National Good Roads Congress, which has been called by the National Good Roads Association to meet at Niagara Falls, N. Y., July 28, 29, and 30, 1910. The appointment of delegates is invited by the officials of every State, county, and city of the United States, and by every agricultural, automobile, commercial, educational, good roads, industrial, labor, transportation, and woman's organizations in such number as each may determine.

"For years, Mr. Speaker, I have been an earnest advocate of postal savings, parcels posts, and good road building. They are sure to come, and I shall briefly discuss some of their advantages. Good roads mean progress and prosperity, a benefit to the people who live in the cities, an advantage to the people who live in the country, and it will help every section of our vast domain. Good roads, like good streets, make habitation along them most desirable; they enhance the value of farm lands, facilitate transportation and add untold wealth to the producers and consumers of the country; they are the milestones marking the advance of civilization; they economize time, give labor a lift, and make millions in money; they save wear and tear and worry and waste; they beautify the country—bring it in touch with the city; they aid the social and the religious and the educational and the industrial progress of the people; they make better homes and happier hearthsides; they are the avenues of trade, the highways of commerce, the mail routes of information, and the agencies of speedy communication; they mean the economical transportation of marketable products—the maximum burden at the minimum cost; they are the ligaments that bind the country together in thrift and industry and in allegiance and patriotism; they promote social intercourse, prevent intellectual stagnation, and increase the happiness and the prosperity of our producing masses; they contribute to the glory of the country, give employment to our idle workmen, distribute the necessaries of life—the products of the fields and the forests and the factories—encourage energy and husbandry, inculcate love for our scenic wonders, and make mankind better and broader and greater and grander.

"The plain people of the land are familiar with the truths of history. They know the past. They realize that often the difference between good roads and bad roads is the difference between profit and loss. Good roads have a money value far beyond our ordinary conception. Bad roads constitute our greatest drawback to internal development and material progress. Good roads mean prosperous farmers; bad roads mean abandoned farms, sparsely settled country districts, and congested populated cities, where the poor are destined to become poorer. Good roads mean more cultivated farms and cheaper food products for the toilers in the towns; bad roads mean poor transportation, lack of communication, high prices for the necessaries of life, the loss of untold millions of wealth, and idle workmen seeking employment. Good roads will help those who cultivate the soil and feed the multitude, and whatever aids the producers and the farmers of our country will increase our wealth and our greatness and benefit all the people. We can not destroy our farms without final decay. They are to-day the heart of our national life and the chief source of our material greatness. Tear down every edifice in our cities and labor will rebuild them, but abandon the farms and our cities will disappear forever."

[New York City Journal of Commerce, July 30, 1910.]

WHO SHOULD PAY FOR GOOD ROADS?

Much that has been said at the Good Roads Convention at Niagara Falls about the economy and value of good country roads is perfectly sound, but there is the inevitable suggestion that the National Government should aid in making them. That they would be of value to the railroads as well as to the farmers is quite obvious, and a prominent railroad man, B. F. Yoakum, of the St. Louis & San Francisco Co., suggested that if the $300,000,000 a year, said to be wasted in the administration of the Government, should be devoted to the improvement of roads it would be of great benefit to the country. There is no doubt about that, but it is pretty certain that it is not going to be saved for that purpose. Mr. Yoakum also referred to what has been spent upon the Mississippi River to no practical purpose so far as commerce is concerned, as something that would have done a great deal of good if bestowed upon road improvement; but that will not prevent a continued pressure for the use of Government money and credit on waterways. The same railroad man urged the fact that the Government has advanced $115,000,000 for the reclamation of waste lands in the West as a reason why it should be called upon to help the cause of good roads.

All that Mr. Yoakum and other speakers said about the need of improving country roads and the economic benefit to be derived from it may be quite true, but the argument applies with much more force to the policy of having the work done at the expense of those to be directly benefited than to the wisdom of having the National Government take a hand in it. Mr. Yoakum spoke especially of the saving it would be to the farmers in getting their produce to the local markets and to the railroad stations. He said that "broken wagons, broken harness, and blacksmith bills cost them more than the cost of good roads," which, on account of the larger loads, greater speed, and other saving, would enable a $4-a-day team to do twice as much and make it "worth to them $8 a day." That may not be a reason for putting all the expense upon the farmers, but it is a reason why it should be borne by the communities in which they live with the help of the States in which they pay their taxes.

In this State a liberal policy of State aid has been adopted and a heavy debt is being incurred to carry it out. The concrete proposition at the Niagara Falls convention is that the Federal Government cooperate with the States by extending its credit to an amount equal to what they expend "under a joint commission of Federal and State authorities." There is no need of this; at least, there ought to be no need of it; and it is a pernicious policy, so much advocated nowadays, that the Federal Government lend its money and its credit to promote improvements that are local in their direct benefit on the ground that they contribute to the general welfare of the people. It is this policy that tends so much to magnify the power and increase the functions of the central Government and to dwarf those of the States and stifle the sense of responsibility in State and local government. All citizens of the United States are citizens of the States, and the same people bear the burden and expense of both. Why should that which rightly belongs to the States and is primarily their own affair be diffused over the Union regardless of the principles of equity?

[Troy (N. Y.) Times-Standard, July 30, 1910.]

ECONOMIC VALUE OF GOOD ROADS.

The National Good Roads Convention at Niagara Falls this week brought together a number of men earnestly interested in the subject under discussion and well qualified to contribute valuable information and practical advice. Some of the addresses were notable in this respect, and among them perhaps none was more significant than that of Benjamin F. Yoakum, chairman of the executive committee of the St. Louis & San Francisco Railroad Co., and one of the foremost railroad men in the United States. Mr. Yoakum has especial familiarity with the West and evidently believes that the improvement of highways in that section of the country is of the highest material importance.

Mr. Yoakum made an address of considerable length, but it was packed with facts presented in a manner which made the argument very emphatic. For instance, he quoted official statistics which show that it costs the American farmer 15 cents per mile more to haul 1 ton of produce than it does the farmer in European countries, where they have good roads. The average haul in the United States is 9 miles. In many cases of course it is much more. The difference in cost of hauling produce represents $1.35 per ton to the average farmer on an average haul. It is easy for everyone concerned to figure out exactly what is his share of the additional burden due to lack of good roads. These statistics were taken as a text by Mr. Yoakum and he made a vigorous appeal to his hearers to fight for good roads as one of the most essential factors in reducing cost of farming, and a very potent agency in lessening expenses and increasing profits.

Mr. Yoakum said it took three quarters of a century to build up American railroads, while during that time little attention was given to building up country roads. Meanwhile the railroads have been learning how to effect economies. Mr. Yoakum said: "If a railroad encounters a high grade over a hill, which means excessive use of coal, slow trains, and light loads, the railroad cuts down the heavy grades to save coal bills, to move freight faster, to carry bigger trainloads. It borrows millions to do the grade cutting, pays the interest on this money, and through this economy is enabled to increase its surplus. The railroads borrow money to make stronger culverts and bridges to bear heavier engines and steel cars. Then they must borrow more to buy the large locomotives and big cars, all of which add to the efficiency of these steel highways." But the owners of the common roads, who are the people, and the State and National Governments, which represent the people, have until recently done relatively little in the correspondingly important work of lessening cost of transportation by improving the roads.

This is a very significant side of the case, and it is encouraging that so much attention is given to the matter. Another speaker at the convention was Martin Dodge, one of the fathers of the good-roads movement and formerly connected with the Department of Agriculture at Washington, where he did much to further the plans for highway improvement. Mr. Dodge declared that good roads throughout the United States would save the people annually $100,000,000 in the cost of short hauls. These are pertinent points. They touch the "pocket nerve" and must in the end have a powerful effect in arousing the people to the economic worth of roads that will reduce friction to a minimum and save the wear and tear on teams, vehicles, and temper that now make up a large item in the annual budget of expense. And all may be classed among those things that can be avoided to the advantage of everyone concerned.

[Montreal Star-Gazette, Aug. 1, 1910.]

GOOD HIGHWAYS MEAN MILLIONS TO THE FARMER—AMERICAN RAILROAD PRESIDENT DEPLORES CONDITION OF ROADS—FAVORS FEDERAL SUPERVISION.

NIAGARA FALLS, N. Y., *August 1.*

The third annual convention of the National Good Roads Congress has concluded. About 100 delegates registered. Mayor A. C. Douglas, of this city, delivered an address of welcome Saturday and Congressman WILLIAM SULZER, presiding officer, replied, and spoke on various aspects of good roads as vitally affecting the national prosperity.

Mr. B. F. Yoakum, chairman of the St. Louis & San Francisco Railroad Co., pointed out the vital connection between the railroads and good public highways for the conveyance of agricultural produce. He said in part:

"The only way to get good roads is to fight for them. Your organization can do its work most effectively by keeping before the people in as many ways as possible the importance of making money by making

better roads.' It is not a sentimental proposition, but purely a business one.

"It took three-quarters of a century," he said, "to build up the American railroads. During the same time little attention has been given to the building up of American country roads. Yet the value of the two to the public goes hand in hand. Food and clothing must be handled between the producers and the consumers over both the country road and the railroad. It is important that the country roads approach the high standard of the railroads.

"The country-road makers have not kept up with the railroad makers. They, too, must get money to cut down grades, to get smooth, hard surfaces, to provide good drainage, and to reduce the cost of maintenance. When this is done the farmer can go from his farm to his market or shipping station quicker and carry a bigger load. The firm roadbed and smooth, heavy steel make the railroad's cars and engines last longer, and the substantial, well-made country road makes the farmer's horses, wagons, and harness last longer. The saving to the railroad is only a small fraction of a cent on each ton hauled one mile, while the saving to the farmer is 15 cents a ton a mile. This difference in cost of hauling will often turn a losing farm into a paying one.

"It is to good roads that this country must look largely for its future growth and development.

"We still have many towns more than 50 miles from a railroad. With a good road, a farmer who lives 15 miles from a shipping station is better off than one who lives 5 miles with a poor road. The man with a good road, with the distance against him, can make his trips quicker and can carry from two to three times as much on his wagon, and, more important, he can depend upon his road and bridges every day in the year, while the man who encounters swollen streams and impassable roads often loses his best market and his vegetables decay upon his hands.

"We have 2,100,000 miles of public roads. From the best information obtainable there are about 44,000 miles, or 2 miles out of each 100, under a high standard of improvement. There are not more than 175,000 miles, or 8 miles out of each 100, under any kind of improvement. In other words, we have 1,925,000 miles of public roads which are in as poor condition now as they were when they were laid out by our early settlers and pioneers.

"If we build 100,000 miles of public highways annually for 10 years, and give to this country 1,000,000 miles of good public roads at an average cost of $3,000 per mile, or $300,000,000 annually, we will be engaging in a national development the advantages of which in economies, commerce, comforts, and enhanced land values none can foretell. This work should be encouraged under a broad comprehensive plan outlined by the Federal Government, cooperating with the States. A law authorizing the Federal Government to extend its credit to each State in an amount equal to that expended by such State under a joint commission of Federal and State authorities would enable the different States to take advantage in this work of upbuilding of a low rate of interest that would greatly reduce the interest charge for the improvement of the public highways."

[Pittsburg (Pa.) Times-Press, Aug. 3, 1910.]

GOOD ROADS CONGRESS.

The National Good Roads Congress, which has just been held in Niagara Falls, is an annual event of some consequence. The value of good roads is just beginning to dawn on people of all classes. Primarily they benefit the farmer most directly, but the consuming populations of the great cities—dependent on the facilities for transporting farm produce to the city markets—in the end benefit as much as the farmers.

The Federal Bureau of Good Roads is doing good work in creating public sentiment in favor of liberal good roads appropriations in all the States. The bureau shows statistically the very heavy expense that bad roads impose upon those who must use them, especially upon the farming class, whose time is wasted and wagons and horses are deprived of much the larger share of their capacity for service by the heavy friction that has to be overcome on bad roads. Mr. B. F. Yoakum, of the executive committee of the St. Louis & San Francisco Railroad, addressed the Good Roads Convention on this subject last Thursday, and he estimates that the farmers of the country would have saved $225,000,000 last year if the roads over which they hauled their products had been good instead of bad ones.

In the last 10 years the various good roads organizations of the country have done splendid service, but much yet remains to be done. In Pennsylvania it is to be hoped the next legislature will authorize a start of work on the proposed highway across the State from Pittsburg to Philadelphia. This highway would be the beginning of a good roads program that eventually would cover the whole Commonwealth.

[From Williamsport (Pa.) News-Sun-Grit, July 30, 1910.]

APPRECIATION OF GOOD ROADS.

The importance of making and saving money by making good roads is the thought of the Good Roads Congress, which was in session at Niagara Falls during the past week. This blend of sentiment is one that is coming to be more and more approved by the good-roads advantages are presented. Good roads are not to be measured or appreciated from the viewpoint of pleasure, but from the fact that in them lies the secret of community development and community wealth. And that the agricultural districts are coming into a keener appreciation of this fact and are seriously studying the economic side of the good-roads question assures a growing activity in the direction of better public roads. Intelligent and effective construction of roads does not necessarily mean the highest cost in road building, for in the making of roads the rule of the best being the cheapest applies with force.

[Rochester (N. Y.) Herald-Times, July 29, 1910.]

GOOD ROADS CONGRESS—S. PERCY HOOKER ADDRESSES NATIONAL BODY AT NIAGARA FALLS.

NIAGARA FALLS, *July 28.*

The third annual convention of the National Good Roads Congress opened in this city to-day. The early arrivals reached here yesterday. The convention opened at 10 o'clock with addresses by the mayors of this city and Niagara, Ontario. S. Percy Hooker, chairman of the State highway commission, Representative SULZER, and others made addresses.

The mayor has appointed 100 delegates from this city.

The convention will be in session until Saturday. Less than 100 delegates had registered when Mayor A. C. Douglass, of this city, delivered the address of welcome, but a material increase in attendance was expected. Congressman WILLIAM SULZER became presiding officer, and spoke on various aspects of good roads as vitally affecting the national prosperity.

[Buffalo (N. Y.) Times, July 29, 1910.]

POWERFUL ADVOCACY FOR GOOD ROADS.

Everyone who needs information on the subject of good roads, and everyone who is familiar with the question but would like to possess in concise form the many phases of treatment of which this great topic admits, owes a debt of gratitude to Hon. WILLIAM SULZER and Chairman B. F. Yoakum, of the St. Louis & San Francisco Railroad Co., for their addresses yesterday before the Good Roads Congress.

These speeches were comprehensive, dealing with the subject in many aspects, but it is a highly significant fact that the keynote of both of them was the immense saving of money to the country which would be brought about by a solution of the good-roads problem. By reducing the cost of transportation good roads would enable the farmer to market his produce at a lower price, and the saving that would be effected is indicated by the fact that it costs the American farmer 15 cents more to haul a ton of produce a mile than it does the European farmer. A million miles of good public roads would mean a saving which would be counted by tens of millions of dollars in a single year, and the aggregate of saving would be past calculation, for it would be a perpetuation of economy so long as this Nation shall endure.

[Elmira (N. Y.) Advertiser-Gazette, July 30, 1910.]

GOOD ROADS MEN DISCUSS PANAMA CANAL EXPOSITION.

NIAGARA FALLS, N. Y., *July 29.*

A resolution introduced by John Craft, president of the Good Roads Congress of Alabama, indorsing the holding of the Panama Canal Exposition at New Orleans, met with opposition at to-day's session of the National Good Roads Congress. After a sharp colloquy it was buried in committee.

Instructions in prisons on good road building was advocated by Durant Churchill, of San Diego, Cal., and supported by William Bryant, of Kalamazoo, and Arthur C. Jackson, president of the congress. Other speakers were James T. Cowles, of New York, and J. E. Cooley, State highway engineer of Minnesota.

Mr. Cowles gave to the Congress a letter written by Postmaster General Hitchcock to Senator ELIHU ROOT in regard to three bills drafted by the Postal Progress League. One of these bills, providing for the consolidation of third and fourth class mail at the rate of 8 cents a pound, was disapproved by the Attorney General, who said that third-class matter is now carried at a loss by the Government. Another of the bills, providing for an auto post rural line, on which shall be transported both passengers and freight, was characterized by the Attorney General as "an extraordinary innovation, and one which I do not believe should be introduced."

[Brooklyn (N. Y.) Eagle-Times, July 29, 1910.]

Congressman SULZER, most versatile and indefatigable of candidates for the Democratic nomination for governor, was one of the speakers at the good roads convention at Niagara Falls yesterday, and delivered a rattling good speech, which probably convinced his hearers that his life had been devoted to the study of the good-roads problem. If they only saw the assorted speeches on every subject under the sun which have recently been issued from Washington under the Congressman's frank, they would understand that good roads is only one of his recreations, which he ponders when there is nothing of national or international importance to occupy his mind.

[Hamilton (Ontario) Herald-Times, July 29, 1910.]

GOOD ROADS—FIRST SESSION OF THE CONGRESS HELD AT NIAGARA FALLS, N. Y.

NIAGARA FALLS, N. Y., *July 28.*

There were very few Canadians present at the opening of the day's session of the Good Roads Congress here to-day. Mayor Geary, of Toronto, and several other prominent Canadians are expected to deliver addresses to-morrow.

The great need of the improvement of the highways was pointed out by speakers. Those who spoke to-day were Congressman SIMMONS, Niagara Falls; Congressman SULZER, New York; and B. F. Yoakum, the California railroad magnate. An international system of good roads all along the border was suggested. Action on this matter will probably be taken to-morrow.

[Erie (Pa.) Herald Dispatch, July 29, 1910.]

RURAL DELIVERY AND GOOD ROADS.

NIAGARA FALLS, N. Y., *July 29.*

The National Good Roads Congress this morning listened to a speech from J. Hampton Rich, representing by special commission the State of North Carolina, who approached the subject from the standpoint of the development of rural free delivery. He argued that because of the rural delivery the Government should be vitally interested in the subject.

Another speaker was John Craft, of Mobile, Ala., president of the Good Roads Association there. He dwelt on the efforts that they are making in the South for the development of good roads.

The principal speaker of this afternoon was Martin Dodge, of Washington, D. C.

[Reading (Pa.) Telegram-Times, July 28, 1910.]

GOOD ROADS CONGRESS.

NIAGARA FALLS, N. Y., *July 28.*

The third annual convention of the National Good Roads Congress was opened here to-day, to continue through Saturday. Less than 100 delegates had registered when Mayor A. C. Douglass, of this city, delivered the address of welcome, but a material increase in attendance was expected. Congressman WILLIAM SULZER became presiding officer and spoke on various aspects of good roads as vitally affecting national prosperity.

[Dunkirk (N. Y.) Herald-Observer, July 27, 1910.]

GOOD ROADS CONGRESS.

NIAGARA FALLS, N. Y., *July 27.*

The National Good Roads Congress will open its sessions in this city to-morrow, and will remain in convention for the remainder of the week. Arthur C. Jackson, president of the congress, expects about 1,000 delegates from all sections of the country.

[Elmira (N. Y.) Advertiser-Gazette, Aug. 1, 1910.]

GOOD ROADS CONVENTION CLOSES.

NIAGARA FALLS, N. Y., *July 31.*

At the closing session of the National Good Roads Congress here Saturday afternoon Representative SULZER's suggestion for the construction by the State and the separate counties of the State of a highway connecting Buffalo, Niagara Falls, and New York City was enthusiastically adopted.

The resolutions adopted called for the construction of permanent highways from the National Capital to each State capital, the expense to be borne by money loaned to the States, as set forth in the Sulzer bill, which will be reintroduced in Congress at the next session.

Another resolution adopted called on all organizations, trade, educational, industrial, farmers, producers, and consumers, to instruct their legislators to introduce bills for and to fight for better roads throughout the country.

UNITED STATES LANDS ON DAUPHIN ISLAND, ALA.

The SPEAKER laid before the House the bill (S. 10638) to authorize the Secretary of War to sell certain lands owned by the United States, situated on Dauphin Island, in Mobile County, Ala., with House amendments thereto, disagreed to by the Senate.

Mr. ANTHONY. I move that the House insist on its amendments and agree to the conference asked by the Senate.

Mr. MANN. Why should we have a conference on that? The House agreed to an amendment this afternoon. Let the Senate agree to it.

The SPEAKER. The question is on the motion of the gentleman from Kansas.

The motion was agreed to; and the Speaker appointed as conferees on the part of the House Mr. ANTHONY, Mr. TILSON, and Mr. DENT.

BARRY PLACE NW.

Mr. COX of Ohio. Mr. Speaker, I move to suspend the rules and pass the bill (S. 6055) authorizing the extension of Barry Place NW., and for other purposes.

The bill was read as follows:

Be it enacted, etc., That under and in accordance with the provisions of subchapter 1 of chapter 15 of the Code of Law for the District of Columbia, within six months after the passage of this act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia a proceeding in rem to condemn the land that may be necessary for the opening of a street through square No. 3064, from Georgia Avenue to Sixth Street NW., with a width of 75 feet: *Provided, however,* That the entire amount found to be due and awarded by the jury in said proceeding as damages for and in respect of the land to be condemned for said opening, plus the costs and expenses of the proceeding, shall be assessed by the jury as benefits.

SEC. 2. That upon the dedication to the District of Columbia of a strip of land 75 feet in width through the grounds of the Howard University, in continuation of the center line of the street before mentioned, from Sixth Street to Fourth Street, and a strip of land 40 feet in width, from Fourth Street through the grounds of Howard University to McMillan Park, upon such lines as the Commissioners of the District of Columbia may deem best for the public interests, the said commissioners are hereby authorized and directed to close College Street, 50 feet in width, between Fourth and Sixth Streets NW., the area of said street to revert to the trustees of Howard University: *Provided,* That the Freedmen's Hospital shall have the use and enjoyment of 10 feet in width of such area of land abutting the premises now occupied by the hospital during the same term and under the same conditions named and contained in the contract entered into on June 7, 1904, between the Howard University and the Secretary of the Interior providing for leasing the adjoining premises for the use of the Freedmen's Hospital.

SEC. 3. That there is hereby appropriated, out of the revenues of the District of Columbia, an amount sufficient to pay the necessary costs and expenses of the said condemnation proceedings taken pursuant hereto, and for the payment of the amounts awarded as damages, to be repaid to the District of Columbia from the assessments for benefits and covered into the Treasury to the credit of the revenues of the District of Columbia.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I demand a second.

The SPEAKER. Under the rule a second is ordered, and the gentleman from Ohio is entitled to 20 minutes and the gentleman from Mississippi to 20 minutes.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Curtis, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 32436) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1912, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SCOTT, Mr. DIXON, and Mr. TALIAFERRO as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 10638) to authorize the Secretary of War to sell certain lands owned by the United States and situated on Dauphin Island, in Mobile County, Ala., and asked a conference with the House on the bill and amendments.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21237) making appropriations for the support of the Army for the fiscal year ending June 30, 1912.

The message from the Senate also announced that the Senate had insisted upon its amendments to the bill (H. R. 32866) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1912, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. KEAN, and Mr. FOSTER as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 32865) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PERKINS, Mr. WARNER, and Mr. MARTIN as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bill of the following title:

An act (H. R. 31239) to authorize Park C. Abell, George B. Lloyd, and Andrew B. Sullivan, of Indianhead, Charles County, Md., to construct a bridge across the Mattawoman Creek near the village of Indianhead, Md.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 3501) providing for the taking over by the United States Government of the Confederate cemetery at Springfield, Mo.

BARRY PLACE NW.

Mr. COX of Ohio. Mr. Speaker, this bill was fully considered by the District Committee. It has the unanimous recommendation of the Commissioners of the District, and it was reported upon favorably by the District Committee without an adverse voice. Its purpose is to open up Vermont Avenue and make a continuous thoroughfare from Lafayette Square through to Howard University, the Freedmen's Hospital, the Catholic University, the Soldiers' Home, and the reservoir and pumping station. The land to be condemned lies between Sixth Street and Georgia Avenue. In the letter from the commissioners they say that the opening of the street as proposed will give an entrance to McMillan Park, which is very much needed, and afford a more direct line of travel from the northern part of the city to the Soldiers' Home and the Catholic University and the other large educational institutions in the northeastern section of the District.

Aside from its utilitarian purpose, it will afford a pleasant drive from McMillan Park to other places stated.

I do not want to test the patience of the House by reading other parts of the report of the committee or the statement of the Catholic University, which goes thoroughly into the situation.

There was some opposition brought about by two colored families whose land would be condemned. The board of directors of the Catholic University met this situation by passing a resolution pledging themselves to purchase land of any property owner which in the judgment of the proprietor was excessively taxed. There seems to be no question about the absolute merit of this bill, and I hope it will pass. Mr. Speaker, I reserve the balance of my time.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, as I understand the provisions of this bill, I am opposed to it. It is true that there are very few residents in this particular neighborhood who are objecting to it, and it is also true that those who do object to it are not men of very great wealth or influence. But it is also true that this bill proposes to take from them their homes and, so far as I can understand its provisions, pay them not one cent for them. Now, I will ask the attention of the committee, or of the House, to the provisions in this bill. After reciting and providing that the property shall be taken for a street, there is this proviso:

Provided, however, That the entire amount found to be due and awarded by the jury in said proceeding as damages for and in respect of the land to be condemned, plus the cost and expenses of the proceeding, shall be assessed by the jury as benefits.

Mr. COX of Ohio. Will the gentleman yield for a question?

Mr. HUMPHREYS of Mississippi. Certainly.

Mr. COX of Ohio. Is it not true that the route proposed by the District Commissioners and Howard University and the District Committee will cost $15,000 and the route as proposed by the two dissenting property holders will cost $200,000?

Mr. HUMPHREYS of Mississippi. I am not able to answer that question; but it will cost the two property owners, according to the provisions of this bill, whatever they have. It is insisted that the commissioners should not proceed to condemn the property of their rich neighbors, of this institution, which has a house worth $200,000, but that they should condemn the homes of these people, who have very little invested, it is true, in money value, but, notwithstanding, their homes, and pay them nothing, and at the same time give a side entrance for this bakery, which it does not now have.

The proposition is to extend the street across a block in order to make the connection with the street on the other side of the block.

Instead of extending the street in a straight line so as to connect with the street on the opposite side, they move up 75 feet in order to avoid Corby's bakery, which is right in the center of the street as it would be laid out, and take the property of these people who are objecting. And then the bill has the marvelous provision that when the jury comes to assess the damages it shall assess the benefits to be exactly what the damages are ascertained to be.

Now, under the law everywhere else on the face of the earth, when the jury in condemnation proceedings goes on the land in the exercise of the power of eminent domain and take the property of any citizen for public use they ascertain what damage has been done and then the same jury ascertain what the benefits are and offset the one against the other. But this bill provides that whatever they may ascertain to have been the damages—

the entire amount found to be due and awarded by the jury in such proceeding as damages for and in respect of the land to be condemned for said opening, plus the cost and expenses of the proceeding, shall be assessed by the jury as benefits.

Mr. SHERLEY. Will the gentleman yield for a question?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. SHERLEY. Is that provision in regard to assessing benefits against the property any different from the usual procedure for the condemnation of land within the District?

Mr. HUMPHREYS of Mississippi. I do not know whether it is or not.

Mr. TAYLOR of Ohio. It is not.

Mr. HUMPHREYS of Mississippi. It is such a provision in my opinion that no court will ever enforce.

Mr. SHERLEY. I agree with the gentleman that the District rule is very unfair, but if this rule is no different from the usual rule in the District the gentleman's case is no worse than that of the ordinary district residents.

Mr. HUMPHREYS of Mississippi. Then I have great sympathy for the rest of the District residents, whose property is to be taken and they are to be paid nothing for it.

Mr. FOSTER of Illinois. We pass bills here assessing the benefits, whatever they are, to the property and not the whole total cost, as it applies in this case.

Mr. COX of Ohio. Does the gentleman mean to say that the parties owning this property to be condemned will not be compensated in any way whatever for the property which they give up?

Mr. HUMPHREYS of Mississippi. Absolutely not a cent.

The entire amount found to be due and awarded in said proceedings as damages for and in respect to the land to be condemned for said opening, plus the cost and expenses of the proceeding, shall be assessed by the jury as benefits.

Mr. COX of Ohio. Part of the cost of the proceeding is the cost of this land, and in addition to that the board of trustees of Howard University have agreed to take the property off their hands if they are not entirely agreeable to the transaction.

Mr. HUMPHREYS of Mississippi. The board of trustees of Howard University have prepared a resolution, which they have spread on their minutes, that they will pay these people if their assessments are too great; but how can these people force the Howard University to make good this promise? Why not let the jury that goes there and condemns the property also determine and assess the benefits?

Mr. TAYLOR of Ohio. The Howard University is a Government institution, and they can not force them to do anything.

Mr. HUMPHREYS of Mississippi. The gentleman from Ohio says that there is no way of compelling the Howard University to do anything; that if they reimburse these people they will do it as a matter of charity and can not be forced to do it under the rules of law.

The Howard University wants this street in order a make a better driveway. That is all—in order that they may have a nearer route to this park—and the residents object to it because it takes their homes from them, and in their opinion and my opinion under the law takes their homes away from them without any compensation. The fact that it is the usual course in the District is no reason whatever why this House should permit it to be done in this instance. Now, one gentleman suggests to me that the courts of the District have held that this provision is a void provision. Then, why put it in? There are two reasons that have been suggested here why it is put in. First, in order to get votes here, by making Congress believe that there is no money to be appropriated out of the Treasury to pay damages that may be assessed, and another reason assigned is that when these people come to compromise, if they are to compromise with the Howard University, they will have this provision in there as a big club to force them to take less than the property is worth.

How much time have I left, Mr. Speaker?

The SPEAKER pro tempore (Mr. COLE). The gentleman from Mississippi has 10 minutes remaining.

Mr. HUMPHREYS of Mississippi. I will yield five minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Speaker, I want to refer to a matter not connected with this particular bill.

In the Evening Star of this date appears the following headlines in part, and the following statement:

LOBBYIST IS BLAMED—MAJ. JUDSON DISCUSSED DEFEAT OF DISTRICT FUNDING BILL.

I am told that in part the responsibility for the defeat of the debt-funding bill lies with the efforts of a certain notorious lobbyist who has failed to get certain favors from the commissioners and who has found it necessary to uphold his reputation by drumming into the ears of Congressmen that this bill was designed for certain interests. Most of the Members knew little about the provisions of the bill, even after the short debate.

This was part of a statement by Commissioner Judson to a Star reporter to-day.

Now, Mr. Speaker, as an officer of the Government, as a Commissioner of the District of Columbia, this distinguished gentleman should not give out such statements as this, that reflect, at least, on a large number of the Members of this House, without giving at least the name of this notorious lobbyist. As far as I am concerned, but one man living said one word to me about this bill, except Members of the House and Maj. Judson himself. The only man that ever said a word about it was a gentleman by the name of Randall, who invited me not long since to take dinner with Maj. Judson and himself, so that Maj. Judson could explain his plan. At that time I had not read the bill. I said that I would be glad, of course, to have it explained. But the dinner never took place.

Mr. MOORE of Pennsylvania rose.

The SPEAKER pro tempore. Does the gentleman from Tennessee yield to the gentleman from Pennsylvania?

Mr. SIMS. The dinner never was given, and, therefore, I did not get the Major's suggestions until after the bill was brought before this House.

Mr. TAYLOR of Ohio. Will the gentleman yield?

Mr. SIMS. After I finish my statement.

Mr. TAYLOR of Ohio. You could have called the Major up, could you not, by telephone?

Mr. SIMS. This paper was handed to me only about two minutes ago by the gentleman from New York [Mr. BENNET], therefore I have had no time to call the Major.

Mr. MANN. He is a friend of the commissioners.

Mr. SIMS. I am not like him. I am not talking about "certain men." I call names, because I am not ashamed of the names I am giving.

Now, it is the duty of this commissioner to give the name of this notorious lobbyist, so that Members of the House may know who he is, and how to avoid him.

Mr. MOORE of Pennsylvania. Are there quotation marks in the statement just read?

Mr. SIMS. Yes, sir; there are quotation marks.

Mr. MOORE of Pennsylvania. The Major is not here, and can not answer for himself, and I wonder if it is a literal quotation.

Mr. SIMS. It is a quotation, or so appears, and I want it to go into the RECORD that way.

Mr. MOORE of Pennsylvania. The gentleman makes the statement, but the Major can not reply.

Mr. SIMS. This appears as a part of the statement of Commissioner Judson to a Star reporter to-day, and it is put in quotations. It conveys the idea that Members of this House have been influenced by the efforts of a notorious lobbyist. The gentleman from New York [Mr. FISH] and his colleague [Mr. ANDRUS] and the other gentlemen in this House, who opposed that bill, can say whether or not a lobbyist said anything to them.

Mr. MOORE of Pennsylvania. What is the lobbyist's name?

Mr. SIMS. That is what I want to know. Before Maj. Judson talks about this House being influenced by a lobbyist, let him give the name of the man. He must know him, because he says he was refused certain favors by the commissioners.

Mr. MOORE of Pennsylvania. I was wondering if the gentleman was not taking too seriously a statement attributed to Maj. Judson.

Mr. SIMS. Look at the headline. The lobbyist is blamed.

Mr. MOORE of Pennsylvania. But the gentleman would not say that the Major wrote those headlines.

Mr. SIMS. No; he did not.

Mr. MOORE of Pennsylvania. Those may have been written by the blue-pencil man.

Mr. SIMS. I have been reading what the Major said.

All that I am asking is that the Major give us the name of this notorious lobbyist so that we may be protected from him hereafter.

Mr. TAYLOR of Ohio. I would suggest that if the gentleman will call up Maj. Judson he will give the name of the lobbyist.

Mr. SIMS. I do not know whether the Major said what is attributed to him or not, and if he did not and will say so by letter or otherwise, I will be glad to set him right by placing his letter in the RECORD, or his statement. The Star is a very reputable newspaper, and not given to fake interviews. I therefore feel that its statement of what Maj. Judson said, especially as it appears in quotations, is to be treated as correct in the absence of a denial by the Major; but if he denies it I shall be glad to give him the benefit of it.

The SPEAKER pro tempore. The time of the gentleman from Tennessee [Mr. SIMS] has expired.

Mr. MOORE of Pennsylvania. The gentleman ought to be fair and give him a chance to answer.

The SPEAKER pro tempore. The gentleman from Ohio is recognized.

Mr. COX of Ohio. Mr. Speaker, it occurs to me that there is absolutely no necessity of my making a statement to my colleagues on this subject, except to show the apparent absurdity of the contention of the gentleman from Mississippi [Mr. HUMPHREYS] to the effect that the owners of these lots will derive no compensation. The jury will meet and ascertain the amount of the damages, and the amount of the damages will be paid to the property holders, and it will be assessed then as a benefit against the adjacent property owners.

There is nothing unfair nor unusual about that procedure, and I can not understand by what process of reasoning or deduction the gentleman from Mississippi has figured out that the great resourceful United States Government is proposing to go out and take away the lots of two colored families.

Mr. HUMPHREYS of Mississippi. Will the gentleman yield?

Mr. COX of Ohio. Yes; in a moment.

Mr. HUMPHREYS of Mississippi. These two colored families own the adjacent property. You are going to open a street for the benefit of Howard University, and on the one side of it is the Corby Bakery Co. and on the other side will be these two humble citizens. The benefits will be assessed against their property, and under this law the benefits will be whatever the assessed damages will be. In other words, they will have to pay for the street.

Mr. COX of Ohio. Let me say to the gentleman from Mississippi that when Vermont Avenue is extended into that beautiful part of the city the lands adjacent to the property condemned will be very valuable, and no one knows that fact better than the gentleman himself.

Now, he speaks of the bakery. It is the wish of the two property holders about whom he is so solicitous to run through the bakery building. The cost of that route will be from $200,000 to $250,000. The cost of the route proposed by the commissioners and indorsed by citizens will be only $15,000.

Now, I want to say, for the information of the House, that it is not fair to assume that the trustees of Howard University are going to defraud their fellow colored men. There are seven representative colored trustees on this board. They have passed a resolution in good faith, stating that they will take this property off the hands of these two colored owners if they are not satisfied with the assessment of costs.

Mr. HUMPHREYS of Mississippi. I have only five minutes of my time remaining. Does the gentleman intend to occupy any more of his time?

Mr. COX of Ohio. No.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I am here in this instance, just as the white people of Mississippi always are, trying to defend a Negro in his property rights. [Applause.] I commend to some of the gentlemen here whose activities in behalf of the Negro are directed along other lines, this suggestion, that if they will join with me in opposing this bill they will render a much more substantial service to the colored man than by indulging in platitudes about his inalienable rights. These Negroes have bought their homes out there, and they are entitled to them. The Howard University wants to open up a street there in order to have a driveway that will connect them more directly with the park, and the Howard University ought to be willing to pay for the property that they will take in order to make the street. [Applause.]

Mr. COX of Ohio. Will the gentleman yield?

Mr. HUMPHREYS of Mississippi. In just a moment. If they wanted to do that, they could go there and purchase those two narrow lots and dedicate them as a street, and then there would be no benefits to be assessed against the adjacent property. Instead of that they pass a resolution, which is not binding on account of the statute of frauds, to give these people compensation for their land that is to be taken. There is no written instrument by which they undertake to do that. It is just simply a resolution on their minutes that if the assessment is too great against these people they will make it good.

Mr. KENDALL. Will the gentleman yield for a question?

Mr. HUMPHREYS of Mississippi. With pleasure.

Mr. KENDALL. I want to inquire of the gentleman from Mississippi if this bill has the favorable report of the Committee on the District of Columbia.

Mr. HUMPHREYS of Mississippi. I understand that it has.

Mr. KENDALL. I want further to inquire if the gentleman is not exhausting his energies in opposing it? Does the gentleman think any measure embarrassed in that way can receive the support of the House? [Laughter.]

Mr. HUMPHREYS of Mississippi. I may be exhausting the energies of the House, perhaps, but not my own.

Mr. Speaker, if this Howard University, being a colored school, wants to teach a good lesson to the colored people in that neighborhood and in this country, instead of instructing them in the mysteries of the isosceles triangle let it teach them to be home builders, and that when they build their homes, humble as they may be, in the neighborhood of that university, their rights will be protected, and they will not be despoiled of their property under the forms of law simply to please the fancy of the trustees of that institution, and, although the gentleman from Mississippi is a Democrat from the far South, he has the real interests of the Negro at heart, and will stand here and plead for them. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Mississippi has expired.

Mr. COX of Ohio. I ask for a vote.

The question was taken; and the Speaker pro tempore announced that, in the opinion of the Chair, two-thirds had not voted in the affirmative.

Mr. COX of Ohio. Division, Mr. Speaker.

The House divided; and there were—ayes 25, noes 50.

Accordingly (two-thirds not voting in the affirmative) the motion was rejected.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

The SPEAKER. The gentleman from Vermont notifies the Chair that the conferees on the diplomatic and consular appropriation bill designated by the Chair, except the gentleman from Vermont himself, are absent, and desires unanimous consent that in lieu of those heretofore announced the gentleman from New York [Mr. BENNET] and the gentleman from Virginia [Mr. HAY] be substituted, and the Chair so announces.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Curtis, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 32436) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1912, and for other purposes.

The message also announced that the Vice President had appointed Mr. GALLINGER and Mr. SMITH of Maryland members of the National Forest Reservation Commission, as provided for in section 4 of the act of March 1, 1911, entitled "An act to enable any State to cooperate with any other State or States, or with the United States, for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers."

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 5843) to authorize the extension of Van Buren Street NW.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 30273. An act for the relief of the city of Quincy, the towns of Weymouth and Hingham, and the Old Colony Street Railway Co., all of Massachusetts;

H. R. 25370. An act to waive the age limit for admission to the Pay Corps of the United States Navy for one year in the case of Paymasters' Clerk Arthur Henry Mayo;

H. R. 32721. An act to extend the time for commencing and completing the construction of a dam authorized by the act entitled "An act permitting the building of a dam across the Mississippi River in the county of Morrison, State of Minnesota," approved June 4, 1906; and

H. R. 32883. An act to extend the time for the completion of a bridge across the Morris and Cummings Channel at a point near Aransas Pass, Tex., by the Aransas Harbor Terminal Railway Co.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 32866) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1912.

CODIFICATION OF THE LAWS RELATING TO THE JUDICIARY.

Mr. MOON of Pennsylvania. Mr. Speaker, I submit a conference report on the bill (S. 7031) to codify, revise, and amend the laws relating to the judiciary, and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection?

There was no objection.

Mr. PARKER. I reserve points of order on the report.

The SPEAKER. The Clerk will read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 7031, being a bill to codify, revise, and amend the laws relating to the judiciary, having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate agree to the House amendment, with amendments to sections 2, 13, 14, 21, 24, 28, 29, 30, 40, 56, 70, 76, 78, 88, 91, 92, 99, 103, 106, 112, 118, 126, 128, 140, 151, 152, 178, 182, 186, 201, 207, 226, 227, 228, 229, 240, 250, 251, 259, 284, 289, 298, 301.

That the House agree to the amendments proposed by the Senate conferees, as follows:

(The references to section numbers and pages are to the bill as reported by the conferees and not to the bill as it passed the House or Senate.)

Section 2. On page 3, in line 16, begining after the word "installments," strike out the remainder of the section.

Section 13. On page 7, in line 2, after the word "absence," insert the words "of all the circuit judges."

Section 14. Page 8, in line 1, strike out the word "their" and insert in lieu thereof the word "the"; and after the word "absence" insert the words "of all the circuit judges."

Section 21. On page 10, in line 13, strike out the words "or his counsel." In line 22, before the word "reason," insert the words "facts and the." In line 22, after the word "cause," insert the word "shall." On page 11, line 2, after the word "affidavit," insert the words "and no such affidavit shall be filed unless accompanied by a certificate of counsel of record that such affidavit and application are made in good faith."

Section 24. On page 12, in line 10, strike out the word "five" and insert "three." On page 15, in line 1, after the word "authority," strike out the following: "except in suits to suspend, enjoin, or restrain the action of any officer of a State in the enforcement, operation, or execution of a statute of such State, upon the ground of the unconstitutionality of such statute," and insert in lieu thereof the following, which will be section 266:

"No interlocutory injunction suspending or restraining the enforcement, operation, or execution of any statute of a State by restraining the action of any officer of such State in the enforcement or execution of such statute, shall be issued or granted by any Justice of the Supreme Court, or by any district court of the United States, or by any judge thereof, or by any circuit judge acting as district judge, upon the ground of the unconstitutionality of such statute, unless the application for the same shall be presented to a Justice of the Supreme Court of the United States, or to a circuit or district judge, and shall be heard and determined by three judges, of whom at least one shall be a Justice of the Supreme Court, or a circuit judge, and the other two may be either circuit or district judges, and unless a majority of said three judges shall concur in granting such application. Whenever such application as aforesaid is presented to a Justice of the Supreme Court, or to a judge, he shall immediately call to his assistance to hear and determine the application two other judges: *Provided, however*, That one of such three judges shall be a Justice of the Supreme Court, or a circuit judge. Said application shall not be heard or determined before at least five days' notice of the hearing has been given to the governor and to the attorney general of the State, and to such other persons as may be defendants in the suit: *Provided*, That if of opinion that irreparable loss or damage would result to the complainant unless a temporary restraining order is granted, any Justice of the Supreme Court, or any circuit or district judge, may grant such temporary restraining order at any time before such hearing and determination of the application for an interlocutory injunction, but such temporary restraining order shall remain in force only until the hearing and determination of the application for an interlocutory injunction upon notice as aforesaid. The hearing upon such application for an interlocutory injunction shall be given precedence and shall be in every way expedited and be assigned for a hearing at the earliest practicable day after the expiration of the notice hereinbefore provided for. An appeal may be taken direct to the Supreme Court of the United States from the order granting or denying, after notice and hearing, an interlocutory injunction in such case."

Section 28. On page 23, in line 22, after the words "United States," strike out the remainder of the section, reading: "*Provided further*, That no suit against a corporation or joint-stock company, brought in a State court of the State in which the plaintiff resides, or in which the cause of action arose, or within which the defendant has its place of business, or carries on its business, shall be removed to any court of the United States on the ground of diverse citizenship."

Section 29. On page 24, in line 17, strike out the word "twenty" and insert the word "thirty." On page 24, in line 25, strike out the word "due" and insert the word "written." In line 3, on page 25, strike out the word "twenty" and insert the word "thirty"; in line 5 strike out the word "twenty" and insert the word "thirty."

Section 30. On page 25, in line 13, strike out the word "five" and insert the word "three."

Section 40. On page 35 restore section 40, reading: "The trial of offenses punishable with death shall be had in the county where the offense was committed where that can be done without great inconvenience."

Section 56. On page 41, in line 15, substitute a period for the semicolon, and strike out the words "provided that." On page 41, in line 21, strike out the word "approval" and substitute the word "disapproval"; in line 1, on page 42, strike out the word "approval" and substitute the word "disapproval." In line 5 strike out the words "The failure to secure"; also the word "approval," and substitute the word "disapproval." Beginning after the word "brought," in line 10, strike out the words, "The circuit court of appeals, or the judge thereof approving such order or appointment, may, at any time, for good cause shown, revoke such approval; and thereafter, unless the circuit court of appeals shall renew such order, the receiver shall thereby be divested of jurisdiction over all such property lying or being without the State in which the suit has been brought." In line 17 strike out the words "proviso to" and insert the words "provisions of"; and in line 4 strike out the words "and his appointment so approved."

Section 70. On page 51, in line 9, after the word "district," insert the words "also the territory embraced on the date last mentioned in the counties of Walker, Winston, Marion, Fayette and Lamar, which shall constitute the Jasper division of said district." On page 52, in line 4, after the word "year," insert the words "for the Jasper division, at Jasper, on the second Tuesdays in January and June: *Provided*, That suitable rooms and accommodations for holding court at Jasper shall be furnished free of expense to the Government."

Section 76. On page 58 strike out all of lines 16, 17, and 18, after the word "Tallahassee," and insert in lieu thereof the following: "on the second Monday in January; at Pensacola on the first Mondays in May and November; at Marianna on the first Monday in April; and at Gainesville on the second Mondays in June and December.

Section 78. Strike out the section and insert in lieu thereof the following:

"The State of Idaho shall constitute one judicial district, to be known as the district of Idaho. It is divided into four divisions, to be known as the northern, central, southern, and eastern divisions.

"The territory embraced on the 1st day of July, 1910, in the counties of Bonner, Kootenai, and Shoshone, shall constitute the northern division of said district; and the territory embraced on the date last mentioned in the counties of Idaho, Latah, and Nez Perce, shall constitute the central division of said district; and the territory embraced on the date last mentioned in the counties of Ada, Boise, Blaine, Cassia, Twin Falls, Canyon, Elmore, Lincoln, Owyhee, and Washington, shall constitute the southern division of said district; and the territory embraced on the date last mentioned in the counties of Bannock, Bear, Lake, Bingham, Custer, Fremont, Lemhi, and Oneida, shall constitute the eastern division of the said district. Terms of the district court for the northern division of the said district shall be held at Coeur d'Alene City on the fourth Monday in May and the third Monday in November; for the central division, at Moscow on the second Monday in May and the first Monday in November; for the southern division, at Boise City on the second Mondays of February and September; and for the eastern division of Pocatello on the second Mondays of March and October. The clerk of the court shall maintain an office in charge of himself or a deputy at Coeur d'Alene City, at Moscow, at Boise City, and at Pocatello, which shall be open at all times for the transaction of the business of the court."

Section 81. On page 32, in line 13, after the word "December" insert "and at Waterloo on the second Tuesdays in May and September."

Section 88. On page 76, in line 6, after the word "Crawford," insert the word "Genesee"; in line 8, after the word "Saginaw," insert the word "Shiawassee"; in line 11 strike out the word "Genesee"; and in line 13 strike out the word "Shiawassee."

Section 91. On page 82, in line 3, after the word "Lincoln" insert the word "Maries"; in line 14, on page 83, strike out the word "Maries." On page 84, in line 10, after the words "St. Joseph" insert the words "at Joplin"; in line 14 strike out the words "of holding court" and insert in lieu thereof the words "at which court is now held."

Section 92. On page 84, in line 20, after the word "October" insert the following: "at Missoula on the first Mondays in January and June; and at Billings on the first Mondays in March and August."

Section 99. On page 94, in line 9, strike out the words "of holding court" and insert in lieu thereof the following: "at which court is now held."

Section 103. On page 99, at the end of line 4, add the following: "The clerk of the court for the middle district shall maintain an office in charge of himself or a deputy at Harrisburg; and civil suits instituted at that place shall be tried there if either party resides nearest that place of holding court, unless by consent of parties they are removed to another place for trial."

Section 106. On page 101, line 2, strike out the word "Lyman"; in line 3 strike out "Crow Creek"; in line 4 strike out "Lower Brule and"; in line 7 strike out "Armstrong"; in line 8 strike out "Dewey"; and strike out all from the word "Reservation," in line 10, and substitute the following: "and in that portion of the Standing Rock Indian Reservation lying in South Dakota shall constitute the northern division; the territory embraced on the date last mentioned in the counties of Armstrong, Buffalo, Dewey, Faulk, Hand, Hughes, Hyde, Jerauld, Lyman, Potter, Stanley, and Sully, and in Cheyenne River, Lower Brule, and Crow Creek Indian Reservations, shall constitute the central division; and the territory embraced on the date last mentioned in the counties of Bennett, Butte, Custer, Fall River, Harding, Lawrence, Meade, Mellette, Pennington, Perkins, Shannon, Todd, Tripp, Washabaugh, and Washington and in the Rosebud and Pine Ridge Indian Reservations shall constitute the western divison. Terms of the district court for the southern division shall be held at Sioux Falls on the first Tuesday in April and the third Tuesday in October; for the northern division at Aberdeen on the first Tuesday in May and the second Tuesday in November; for the central division at Pierre on the second Tuesday in June and the first Tuesday in October; and for the western division at Deadwood on the third Tuesday in May and the first Tuesday in September. The clerk of the district court shall maintain an office in charge of himself or a deputy at Sioux Falls, at Pierre, at Aberdeen, and at Deadwood, which shall be kept open for the transaction of the business of the court."

Section 112. On page 113, line 23, strike out the word "Kittitas" and insert it in line 4, on page 114, after the word "Klickitat"; in lines 1 and 7 on page 114, strike out the word "eastern" and insert in lieu thereof the word "Northern"; in lines 21 and 25 strike out the word "western" and insert in lieu thereof the word "southern."

Section 118. On page 121, in line 22, beginning after the word "circuit" strike out the remainder of the section.

Section 126. Strike out the section. The provisions of this section are embraced in section 259.

Section 128. On page 128, in line 5, after the word "laws" insert the words "under the copyright laws."

Section 140. On page 134, in line 5, strike out the word "quarterly" and insert in lieu thereof the word "monthly."

Section 151. On page 139, in line 18, after the word "may" strike out the words "or the committee thereof to which it shall have been referred, also may.". On page 140, in line 18, after the word "House" strike out the words "or such committee." At the end of the section add the following: "In any proceeding under this section, the court shall determine as a preliminary inquiry the question of limitation, delay, or laches; and if it shall be of opinion that the delay in presenting the claim is not excusable, and that the bar of the statute of limitation should not be removed, it shall not proceed further to find the existence of loyalty, liability, or the extent thereof, in such case, but shall report such finding in bar to the House by which the claim or matter was referred."

Section 152. Strike out the section.

Section 178. On page 140, in line 16, strike out the word "hereinbefore" and add, after the word "provided," the words "by law."

Section 182. Insert a new section numbered 182, as follows:

"SEC. 182. In any case brought in the Court of Claims under any act of Congress by which that court is authorized to render a judgment or decree against the United States, or against any Indian tribe or any Indians, or against any fund held in trust by the United States for any Indian tribe or for any Indians, the claimant, or the United States, or the tribe of Indians, or other party in interest shall have the same right of appeal as is conferred under sections 229 and 230; and such right shall be exercised only within the time and in the manner therein prescribed."

Section 186. On page 152, in line 23, after the word "claims," add the words "on account of color."

Section 201. Strike out this section, the provisions of this section being embraced in section 259.

Section 207. On page 169, in line 15, strike out the word "now"; in line 16, after the word "thereof" add the following: "immediately prior to June 18, 1910."

Section 226. On page 182, in line 7, after the word "court," insert the words "heretofore published"; in line 8, strike out the words "after the 5th of August, 1882"; in line 10, strike out the word "one" and insert the word "two," and strike out "and 50 cents." After the word "volume" add the following: "and those hereafter published at a sum not to exceed $1.75 per volume." In line 18 strike out "fifty" and insert "seventy-five."

Section 227. On page 183, in line 7, after the words "Attorney General" insert the words "each United States district attorney." On page 184, in line 14, after the word "twenty" add the word "five." On page 185, in line 3, after the word "them," insert the words "to each United States judge and to each United States district attorney who has not received a set." On page 185, in line 17, after the word "office" strike out the remainder of the section.

Section 228. On page 186, in line 7, strike out the words "or hereafter." In line 9, after the word "than" strike out "one" and insert "two"; and after the word "dollar" strike out

"and 50 cents," and at the end of the line add: "and such number of copies of each report hereafter published as he may require, for which he shall pay not more than $1.75 per volume."

Section 229. On page 187. Strike out the section and insert in lieu thereof the following:

"SEC. 229. The Attorney General is authorized to procure complete sets of the Federal Reporter or, in his discretion, other publication containing the decisions of the circuit courts of appeals, circuit courts, and district courts, and digests thereof, and also future volumes of the same as issued, and distribute a copy of each such reports and digests to each place where a circuit court of appeals or a district court is now or may hereafter regularly be held, and to the Supreme Court of the United States, the Court of Claims, the Court of Customs Appeals, the Commerce Court, the court of appeals and the supreme court of the District of Columbia, the Attorney General, the Solicitor General, the Solicitor of the Treasury, the Assistant Attorney General for the Department of the Interior, the Commissioner of Patents, and the Interstate Commerce Commission; and to the Secretary of the Senate, for the use of the Senate, and to the Clerk of the House of Representatives, not more than three sets each. Whenever any such courtroom, office, or officer shall have a partial or complete set of any such reports or digest already purchased or owned by the United States, the Attorney General shall distribute to such courtroom, office, or officer only sufficient volumes to make a complete set thereof. No distribution of reports or digests under this section shall be made to any place where the court is held in a building not owned by the United States, unless there be at such place a United States officer to whose responsible custody they can be committed. The clerks of the courts (except the Supreme Court) to which the reports and digests are distributed under this section shall keep such reports and digests for the use of the courts and the officers thereof. All reports and digests distributed under the provisions of this section shall be and remain the property of the United States, and, before distribution shall be plainly marked on their covers with the words 'The property of the United States,' and shall be transmitted by the officers receiving them to their successors in office. Not to exceed $2 per volume shall be paid for the back and current volumes of the Federal Reporter or other publication purchased under the provisions of this section, and not to exceed $5 per volume for the digest, the said money to be disbursed under the direction of the Attorney General; and the Attorney General shall include in his annual estimates submitted to Congress an estimate for the back and current volumes of such reports and digests, the distribution of which is provided for in this section."

Section 240. On page 192, in line 19, after the word "case" insert "civil or criminal"; in line 22, after the word "otherwise," insert "upon the petition of any party thereto."

Section 250. This section is intended to take the place of section 237 of the House amendment.

Section 250. Any final judgment or decree of the court of appeals of the District of Columbia may be reexamined and affirmed, reversed, or modified by the Supreme Court of the United States, upon writ of error or appeal in the following cases:

First. In cases in which the jurisdiction of the trial court is in issue; but when any such case is not otherwise reviewable in said Supreme Court, then the question of jurisdiction alone shall be certified to said Supreme Court for decision.

Second. In prize cases.

Third. In cases involving the construction or application of the Constitution of the United States, or the constitutionality of any law of the United States, or the validity or construction of any treaty made under its authority.

Fourth. In cases in which the constitution or any law of a State is claimed to be in contravention of the Constitution of the United States.

Fifth. In cases in which the validity of any authority exercised under the United States or the existence or scope of any power or duty of an officer of the United States is drawn in question.

Sixth. In cases in which the construction of any law of the United States is drawn in question by the defendant.

Except as provided in the next succeeding section, the judgments and decrees of the said court of appeals shall be final in all cases arising under the patent laws, the copyright laws, the revenue laws, the criminal laws, and in admiralty cases. Except as provided in the next succeeding section, the judgments and decrees of the said court of appeals shall be final in all cases not reviewable as hereinbefore provided.

Writs of error and appeals shall be taken with the same time, in the same manner, and under the same regulations as writs of error and appeals are taken from the circuit courts of appeals to the Supreme Court of the United States.

Section 251. This section is intended to take the place of section 238 of the House amendment.

Section 251. Strike out the section and substitute the following: "In any case in which the judgment or decree of said court of appeals is made final by the section last preceding, it shall be competent for the Supreme Court of the United States to require, by certiorari, or otherwise, any such cause to be certified to it for its review and determination, with the same power and authority in the case as if it had been carried by writ of error or appeal to said Supreme Court. It shall also be competent for said court of appeals, in any case in which its judgment or decree is made final under the section last preceding, at any time to certify to the Supreme Court of the United States any questions or propositions of law concerning which it desires the instruction of that court for their proper decision; and thereupon the Supreme Court may either give its instructions on the questions and propositions certified to it, which shall be binding upon said court of appeals in such case, or it may require that the whole record and cause be sent up to it for its consideration, and thereupon shall decide the whole matter in controversy in the same manner as if it had been brought there for review by writ of error or appeal."

Section 259. This section is intended to take the place of a part of section 2, all of section 126, and 202*bb*, in the bill as it passed the House.

"SEC. 259. The circuit justices, the circuit and district judges of the United States, and the judges of the district courts of the United States in Alaska, Hawaii, and Porto Rico, shall each be allowed and paid his necessary expenses of travel, and his reasonable expenses (not to exceed $10 per day) actually incurred for maintenance, consequent upon his attending court or transacting other official business in pursuance of law at any place other than his official place of residence, said expenses to be paid by the marshal of the district in which such court is held or official business transacted, upon the written certificate of the justice or judge. The official place of residence of each justice and of each circuit judge while assigned to the Commerce Court, shall be at Washington; and the official place of residence of each circuit and district judge, and of each judge of the district courts of the United States in Alaska, Hawaii, and Porto Rico, shall be at that place nearest his actual residence at which either a circuit court of appeals or a district court is regularly held. Every such judge shall, upon his appointment, and from time to time thereafter whenever he may change his official residence, in writing notify the Department of Justice of his official place of residence."

Section 260. On page 202, in line 10, strike out the words "a time 10 years before" and insert "at the time of."

Section 284. On page 211, in line 20, after the word "therefor," insert the following:

"If the United States attorney for any district which has a city or borough containing at least 300,000 inhabitants, shall certify in writing to the district judge, or the senior district judge of the district, that the exigencies of the public service require it, the judge may, in his discretion, also order a venire to issue for a second grand jury."

Section 289. On page 216, in line 3, before the word "authority," insert the word "same."

Section 297. On page 218, in line 13, strike out "twenty" and insert "fourteen"; in line 14, after the word "inclusive" insert the following: "sections 716 to 720, both inclusive." On page 220, in line 3, after the word "eighty-seven," insert "except sections 4, 5, 6, 7, and 10 thereof." Beginning in line 13 strike out the following: "An act to establish circuit court of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes, approved March 3, 1891." On page 221, in line 13, after the word "eleven," insert the following: "Sections 1, 2, 3, 4, 5, the first paragraph of section 6, and section 17 of an act entitled 'An act to create a Commerce Court, and to amend an act entitled "An act to regulate commerce, approved February 4, 1887, as heretofore amended, and for other purposes," approved June 18, 1910.'"

Section 298. On page 221, in line 21, after the word "Act," insert the words "or affecting the organization of the courts."

Section 299. On page 222, in line 6, after the word "proceeding," insert the following: "including those pending on writ of error, appeal, certificate, or writ of certiorari, in any appellate court referred to or included within the provisions of this act."

Section 301. On page 222, in line 19, strike out the word "July" and insert "January"; and strike out the word "eleven" and insert the word "twelve."

R. O. MOON,
HERBERT PARSONS,
SWAGAR SHERLEY,
Managers on the part of the House.

W. B. HEYBURN,
GEO. SUTHERLAND,
JAMES P. CLARKE,
Managers on the part of the Senate.

STATEMENT.

An exactly similar bill was introduced both in the Senate and House, the Senate bill being S. 7031 and the House bill H. R. 23377. After the House had considered the bill for a number of days the Senate bill was passed and was sent to the House; whereupon the House took up the Senate bill, struck out all after the enacting clause, and substituted therefor the House bill.

In this statement the sections are the sections of the bill as reported by the conferees. The figures in brackets refer to the sections of the bill as it passed the House.

The Senate, in its consideration of the bill, adopted a number of amendments. Many of these amendments were of a mere formal character, to wit:

Sections 13 and 14. The insertion of the words "of all the circuit judges" being intended to make the meaning of the sections more clear without in any sense changing the character of the sections.

Amendments to chapter 5, which relate wholly to the geographical division of the various States into judicial districts and divisions and the time of holding court therein and to the location of deputy clerks for the transaction of the business of the courts.

Numerous changes were made in both the Senate and House in the particulars enumerated, all of which are specifically set forth in the accompanying report and are not in this statement more particularly referred to. The attitude of both the House and Senate was that such change should be made by the conferees as would bring the law into exact accordance with changes that had been made by the statutes since the bill was reported. No change made in this chapter imposes any expense upon the Government or in any way alters the power of the judges, but is made upon the recommendation of Members and Senators simply for the purpose of better expediting the business of the courts in the various districts and divisions of the country.

Section 284 [269]. The Senate amendment to this section provides for a power on the part of a senior district judge of the district containing at least 300,000 inhabitants, when the exigencies of the public service require it, to order a venire to issue for a second grand jury. This carries into the section the amendment made by the act of March 28, 1910.

Section 289 [274]. The insertion of the word "same" before the word "authority" in line 14, referring to the transfer of authority from the circuit court clerks to district clerks, was made to make the meaning more clear.

Section 298 [283]. The insertion of the words "or affecting the organization of the courts" was intended simply to make it more clear that the abolition of the original jurisdiction of the circuit courts should not affect in any way the office of circuit judge.

Section 301 [286]. This amendment fixes the time when this section goes into effect.

To all of these formal amendments the conferees on the part of the House assented.

The other amendments made by the Senate embracing substantive changes were as follows:

Section 128 [127]. The insertion of the words "under the copyright laws," thereby making the appellate jurisdiction of the circuit courts of appeals final in copyright cases as it previously was in patent cases.

Section 240 [227]. The insertion of the words "civil or criminal" and the words "upon the petition of any party thereto." The effect of this amendment is to make more clear the right of the Supreme Court of the United States by writ of certiorari to bring before it for review any case in which the judgment or decree of the circuit court of appeals is made final by the provisions of the act, and to define more accurately the method by which such writ might be obtained.

Sections 250 and 251 [237 and 238]. These sections were stricken out by the Senate and two new sections substituted therefor. These sections refer to appeals from the court of appeals of the District of Columbia to the Supreme Court of the United States and are intended to place this court upon substantially the same basis respecting appeals as are the courts of appeals in the nine judicial circuits of the United States, a special exception being made, however, respecting cases in which the validity of any authority exercised under the United States or the existence or scope of any power or duty of an officer of the United States is drawn in question; this exception being made by the fact that the seat of government is located in the District of Columbia and questions affecting the scope and power of officers of the United States are special features of the jurisdiction of the courts of the District of Columbia.

In all of these amendments the conferees upon the part of the House concurred.

The amendments made by the House to the bill were numerous, in a large number of which the Senate conferees acquiesced without amendment. In four cases in which amendments were made by the House the Senate refused to concur and the conferees upon the part of the House acquiesced therein, to wit:

Section 28. The elimination of this House amendment leaves the removal of suits from a State court to a Federal court by corporations upon the ground of diverse citizenship to remain under existing law.

While the conferees on the part of the House strongly insisted upon the amendment, the conferees of the Senate insisted that an important change of this kind should be a subject of distinct legislation and should not be attempted in a bill providing for the codification of the laws.

Section 40. The House struck out the whole section, which was as follows:

"SEC. 40. The trial of offenses punishable with death shall be had in the county where the offense was committed where that can be done without great inconvenience."

The House conferees acquiesced in this action because this provision was existing law and had been in operation since 1789. It has been thoroughly adjudicated by the courts, was carried in by the revisers in 1873, and has created no confusion by reason of its existence as part of our judicial system.

Section 118 [116]. An amendment was made by the House as follows:

"and, as well as the circuit justices, shall have throughout his circuit the powers and jurisdiction of a district judge."

The House conferees agreed to this being stricken out in view of the fact that provision for the assignment of circuit judges to sit in the district court when the exigencies of business require it was provided for by section 18 of the act.

Section 186 [189]. The House struck out the words "on account of color." The section provides that—

"No person shall be excluded as a witness in the Court of Claims on account of color or because he or she is a party to or interested in the cause or proceeding; and any plaintiff or party in interest may be examined as a witness upon the part of the Government."

This was stricken out by the House on the theory that it was a constitutional provision. The contention of the Senate conferees was that it requires affirmative law to give effect to a constitutional provision, and that the omission of these words from the revision might work an injury to the parties intended to be benefited by the constitutional provision.

In all of the other amendments made by the House the Senate concurred, with amendments as follows:

Section 21 [20A]. The challenging of a judge on account of personal bias or prejudice. An amendment was made which required the counsel of record to certify that in his judgment the affidavit so filed was made in good faith.

Section 24. Concerns the jurisdiction of the district courts. The House adopted the following amendment:

"Except in suits to suspend, enjoin, or restrain the action of any officer of a State in the enforcement, operation, or execution of a statute of such State, upon the ground of the unconstitutionality of such statute."

This was amended by striking out the provision above recited and substituting therefor as section 266 the provisions of section 17 of the act of June 18, 1910, entitled "An act to create a Commerce Court, etc.," as follows:

"SEC. 266. No interlocutory injunction suspending or restraining the enforcement, operation, or execution of any statute of a State by restraining the action of any officer of such State in the enforcement or execution of such statute shall be issued or granted by any justice of the Supreme Court, or by any district court of the United States, or by any judge thereof, or by any circuit judge acting as district judge, upon the ground of the unconstitutionality of such statute, unless the application for the same shall be presented to a justice of the Supreme Court of

the United States, or to a circuit or district judge, and shall be heard and determined by three judges, of whom at least one shall be a justice of the Supreme Court or a circuit judge, and the other two may be either circuit or district judges, and unless a majority of said three judges shall concur in granting such application. Whenever such application as aforesaid is presented to a justice of the Supreme Court, or to a judge, he shall immediately call to his assistance to hear and determine the application two other judges: *Provided, however*, That one of such three judges shall be a justice of the Supreme Court or a circuit judge. Said application shall not be heard or determined before at least five days' notice of the hearing has been given to the governor and to the attorney general of the State, and to such other persons as may be defendants in the suit: *Provided*, That if of opinion that irreparable loss or damage would result to the complainant unless a temporary restraining order is granted, any justice of the Supreme Court, or any circuit or district judge, may grant such temporary restraining order at any time before such hearing and determination of the application for an interlocutory injunction, but such temporary restraining order shall remain in force only until the hearing and determination of the application for an interlocutory injunction upon notice as aforesaid. The hearing upon such application for an interlocutory injunction shall be given precedence and shall be in every way expedited and be assigned for a hearing at the earliest practicable day after the expiration of the notice hereinbefore provided for. An appeal may be taken direct to the Supreme Court of the United States from the order granting or denying, after notice and hearing, an interlocutory injunction in such case."

Section 24 was further amended by the House so as to increase from $2,000 to $5,000 the amount necessary to give the Federal courts jurisdiction of the classes of cases included therein.

Section 30. Regulating the removal of cases to the Federal courts in which title to land is claimed under grants from different States, was also amended by increasing the jurisdictional amount from $2,000 to $5,000.

The Senate concurred in each of these amendments, with an amendment reducing in each case this amount to $3,000, in which the House conferees concurred.

Section 29. The House amended this section, which provides for the removal of cases, by requiring the party removing the case to file in the Federal court, within 20 days from the date of filing the petition and bond, a certified copy of the record of the case in the State court, and of pleading within 20 days thereafter, instead of on or before the first day of the next term of the court; and by requiring notice to be given the adverse party of the filing of the petition and bond for removal.

The amendment made thereto at the instance of the Senate conferees was to fix the time at 30 instead of 20 days, and to substitute for the words "due notice" the words "written notice," in which the House conferees concurred.

Sections 55 and 56 [54A]. The Senate agreed to this amendment, with an amendment making the proviso of the section a separate section, and by amending the proviso so that the order of the district court should continue unless disapproved within 30 days by the circuit court of appeals or by a circuit judge, and by eliminating matter rendered unnecessary by reason of this change.

The House conferees concurred in this amendment for the reason that in their judgment the change thus effected would continue the supervision of the circuit judges over such appointment as fully as provided in the amendment adopted by the House, and would at the same time avoid legal complications that might ensue if the appointment during the interval before approval might be construed to be of a tentative character only.

Section 140 [139]. The payment of salaries is made monthly instead of quarterly, in order to conform to existing law, a general provision of law having modified the previous special provision in the Revised Statutes in regard to the Court of Claims which had been incorporated in the bill.

Section 151 [155]. This section is one in which the House rearranged and combined certain provisions of the Bowman and Tucker Acts. The Senate assented thereto with two amendments. First, by striking out the words "or the committee thereof to which it shall have been referred, also may." Under the Bowman Act a committee of either House of Congress could refer claims to the Court of Claims without any act upon the part of Congress. This practice has not been followed in recent years by the Senate Committee on Claims, nor is it possible under the Tucker Act, which was of later date. This amendment prevents such manner of reference in the future. All such claims can still be referred by a resolution of either House instead of merely a resolution of the committees thereof. The second amendment is intended to relieve the court of the duty of finding all the facts of a case submitted to it when its preliminary inquiry shows that laches have been such that the claim ought not to be paid. This provision will relieve the Congress of having to consider the facts in regard to claims as to which the court has found inexcusable laches.

Section 157. This section was stricken out because it was taken from the Bowman Act and was a qualification of that act. If left in the bill, it would qualify the Tucker Act and so change existing law, and would remove from the Court of Claims jurisdiction of a large number of cases of which it was given jurisdiction by the Tucker Act.

Section 182. Is intended to give to the United States as trustee for Indian tribes the right of appeal from the Court of Claims in certain cases.

Section 216a [229]. This section was rewritten to make the meaning more clear; and in line 13, page 200, the word "directed" was stricken out; and after the word "thereof," in line 11, page 201, the following words were added: "No distribution of reports or digests under this section shall be made to any place where the court is held in a building not owned by the United States, unless there be at such place a United States officer to whose responsible custody they can be committed." These words make the section conform in this respect to the section relating to the distribution of the Supreme Court reports.

Section 226 [214]. The House adopted an amendment providing that the volumes of the decisions of the Supreme Court after August 5, 1882, should be furnished to the public at a sum not to exceed $1.50 per volume in lieu of the price of $2, as provided by existing law. The Senate accepted this amendment with an amendment fixing the price at $1.75 per volume, respecting current and future volumes; but amended it so as to provide that the volumes previously published shall be furnished at the rate of $2 per volume. This was considered necessary because of the fact that the back volumes had all been published under an existing contract permitting the reporter to charge $2 per volume for the same, and the present reporter has no control over the price of these volumes.

Section 227 [215]. The Senate added as an amendment thereto the requirement that there should be furnished to the Secretary of the Senate for the use of its committees 25 copies instead of 20, as provided by the House.

Section 259. The House adopted an amendment which appears in the bill as section 202bb, providing as follows:

"SEC. 202bb. The circuit and district judges of the United States and the judges of the district courts of the United States in Alaska, Hawaii, and Porto Rico shall be allowed and paid their actual and necessary expenses of travel and maintenance consequent upon their attending court in pursuance of law at any place other than their official place of residence, said expenses to be paid by the marshal of the district in which such court is held, upon the judge's written certificate: *Provided*, That for the purposes of this act each judge shall be deemed to have his official residence at the regular place appointed by law for holding the court of which he is commissioned a judge at or nearest to his place of actual residence. Every such judge shall, upon his appointment, and from time to time thereafter, whenever he may change such official residence, in writing, notify the Department of Justice of the place of his official residence for the purposes of this act."

It was recognized at the time of its adoption that this amendment did not properly belong in the place at which it was offered, and the suggestion was made in the House that it should be put in its proper place in the bill by the conferees. The Senate concurred in this amendment, with an amendment limiting the expense for maintenance not to exceed $10 per day and making more definite provisions respecting the official residence of the circuit and district judges. This amendment was placed by the committee as section 259, under the title of "Provisions common to more than one court," and its adoption made necessary the striking out of the portion of section 2 of the bill which contained existing law respecting the payment of the expenses of the district judges and also section 126 of the bill which contained existing law respecting the payment of the expenses of the justices and the circuit and district judges when sitting in the circuit courts of appeals. Section 2 was therefore amended by striking out everything that related to the expense of the district judges when sitting outside of their districts, and section 126 was stricken out altogether.

R. O. MOON,
HERBERT PARSONS,
SWAGAR SHERLEY,
Managers on the part of the House.

The SPEAKER. The gentleman from New Jersey reserves points of order on the report.

Mr. PARKER. Mr. Speaker, I make the point of order. I can not find any copies of the bill as it passed the Senate, and I therefore have to speak with a little more doubt than I would otherwise. It seems to me from the copies I have had as well as by the reports of the committee that the conferees have made numerous changes in the districts that were submitted by the bill. The gentleman from the committee can answer whether I am right. I find, for instance, in the Senate bill, as I have it, exactly the same words as in the House bill as it was passed, in section 70, originally section 68, whereas in the report they report the formation of a division in Alabama.

The SPEAKER. May the Chair call the attention of the gentleman from New Jersey to a suggestion as to the point of order?

Mr. PARKER. Yes, sir.

The SPEAKER. The Senate passes a bill, the House amends that bill by striking out all after the enacting clause.

Mr. PARKER. I understand the rule.

The SPEAKER. The Senate disagrees to the House amendment and they go to conference.

Mr. PARKER. I understand the rule, Mr. Speaker, that under those circumstances very great liberty is allowed in the arrangement of details in such a bill. But I do not understand where the topics are so entirely separated in the bill as the arrangement of divisions of districts of the States——

Mr. MOON of Pennsylvania. May I interrupt the gentleman? I want to state that the gentleman is wrong. That was put on by the Senate.

Mr. PARKER. As I said, it is impossible to get any copy of the Senate bill as it passed the Senate. I do not know that it was ever printed. I, therefore, not being able to get a copy of the bill, and none having been printed as it came from the Senate, so far as I can ascertain, I must ask the gentleman whether when the report says the House conferees agreed to the amendments "proposed by the Senate conferees" it was to the Senate amendments or the amendments proposed by the conferees.

Mr. MOON of Pennsylvania. We mean that when the Senate put on an amendment the House concurred in the Senate amendment with an amendment.

Mr. MANN. The gentleman from New Jersey is talking about the district proposition.

Mr. MOON of Pennsylvania. The district proposition referred to by the gentleman was an amendment made in the Senate and was concurred in by the House conferees.

Mr. PARKER. Then with reference to sections 250 and 251——

Mr. MOON of Pennsylvania. That was likewise amended by the Senate.

Mr. PARKER. Then I withdraw the point of order. But, Mr. Speaker, I desire to speak later upon the bill itself. I want, before I get through, to say that my only object in raising the point of order was to bring up one topic and one section only. This House, by a decisive vote, after careful argument, determined that the old rule should stand, that the judges of the United States higher courts, of the Supreme Court, and of the circuit court judges should be able to sit in the original trial of cases.

We put in an amendment to section 116, that the circuit judge should reside in his circuit—

He shall reside in his circuit, and, as well as the circuit justice, shall have throughout his circuit the powers and jurisdiction of a district judge.

That is the law now. It has been so from the beginning. I insist that this bill ought to go back to conference with a resolution that in the opinion of the House the conferees should stand by that as existing law, and I want time on the motion of the gentleman from Pennsylvania that the House concur in the conference report, to bring this matter before the House as a really important matter.

The SPEAKER. The Chair is prepared to rule.

Mr. PARKER. I have withdrawn the point of order, Mr. Speaker.

Mr. MOON of Pennsylvania. Mr. Speaker, the gentleman's breaking in on the explanation I was making makes it necessary for me to explain what he has now called the attention of the House to. That amendment was adopted by the House, and my recollection is by a very small majority, and it was the opinion of the conferees that it was futile to attempt to put a Supreme Court justice as a judge in the district court. Never in the history of this country was he a judge of the district court; every lawyer in this country knows that the Supreme Court of the United States is to-day two years behind in its business, the thought was regarded absolutely futile that an amendment should stand that would make a Supreme Court justice a member of the district court; and in view of the fact that ample provision already existed in the bill for a circuit judge to sit as a district judge, that provision was found entirely unnecessary.

Mr. KEIFER. Is the bill so drawn now that a Supreme Court Justice holds no court except in the Supreme Court?

Mr. MOON of Pennsylvania. Oh, no; he is still a member of the circuit court, just as he always was.

Mr. KEIFER. Just as before.

Mr. MOON of Pennsylvania. Absolutely. Now, Mr. Speaker, as has been stated in this statement—and I propose to review it now very briefly—I call the attention of the House to the parliamentary situation, and that is this: The House took from the Speaker's table the Senate bill, struck out everything excepting the enacting clause, and carried in the House bill with amendments. Therefore, all that the Senate could do was to disagree to or concur in the House amendments, because the whole bill was an amendment; but the conferees on the part of the Senate of course were controlled by what the Senate had done. The Senate in the passage of this bill made comparatively few amendments, except such amendments as related to the territorial jurisdiction of the courts, their geographical jurisdiction. Outside of chapter 5—and I may say chapter 5 is that embracing the geographical division of the country into districts—they made but one substantive amendment.

There were five or six amendments made to make the sense more clear, but only one substantive amendment was made by them, and that was regulating the appellate jurisdiction of the court of appeals of the District of Columbia. They placed that on the same basis respecting appeals as of the circuit courts of appeals in the nine judicial circuits, with one exception, that respecting the scope of the duties of the officers of the Government. This being the seat of government, these courts have cases of that kind, and wherever those questions arise there is a provision that an appeal would lie to the Supreme Court of the United States. In that amendment the House conferees concurred.

Respecting all the other amendments made by the House, the Senate concurred in a great majority of them without any amendment. They concurred in four or five or six with amendments. To give you an illustration, this House raised the jurisdictional amount of removal from a State to the circuit courts of the United States from $2,000 to $5,000. The Senate agreed to that with an amendment reducing it to $3,000. This House placed upon it an amendment absolutely prohibiting the issuance of a writ of injunction to an officer of a State to restrain the operation of the State law. The Senate acceded to that with an amendment, in which the House agreed, substituting for that the Overman amendment requiring that in all injunctions of that kind three judges should sit, one of whom must be the circuit judge, or a circuit justice. That was the Overman amendment, so called, that we placed upon the Commerce Court as section 17.

That provision was substituted in place of the Madison amendment. In one other amendment, that which was known as the Garrett amendment, we adopted a provision as an amendment upon this bill, thereby altering existing law, that no removal should be had from a State to a Federal court by a corporation upon the ground of diverse citizenship. Respecting that amendment, I want to say, in a modified form, the House conferees absolutely insisted upon it. I want to say to this House that we signed up a conference report containing that amendment, and that conference report went to the Senate, when we were absolutely convinced of the fact that the existence of the amendment upon the bill meant the complete death of the bill. Now, everybody here knows that at the other end of the Capitol they have a very effective method of killing bills without voting upon them, and I state as an absolute fact that we were confronted with a situation that this bill would be absolutely dead unless that amendment was taken from it.

Therefore the conferees reassembled and by united action, in view of that fact, took out that amendment, leaving the existing law as it has been for over a hundred years in this respect. That is, in other words, we yielded to the argument that that being a change of existing law, it ought to be the subject of substantive and distinctive legislation, and had no place upon a bill for codification and revision.

Now, that is the character of the work of the conferees. In every case the Senate concurred in the House amendments, either with amendment or without amendment, except in four cases. That is one of them.

Mr. KEIFER. I understood you to say that the conference report as now submitted fixes the measure of jurisdiction at $3,000.

Mr. MOON of Pennsylvania. Yes; it was $2,000 and the House made it $5,000.

Mr. KEIFER. It was $2,000 and the House made it $5,000, but if this conference report is agreed to it will be $3,000?

Mr. MOON of Pennsylvania. Yes.

Mr. KEIFER. I think that is more satisfactory than $5,000.

Mr. AUSTIN. May I ask the gentleman what you did with the section which relates to the Tucker Act?

Mr. MOON of Pennsylvania. I will come to that presently.

Without further speaking, and without going into further detail, unless some one in the House desires particular information in regard to a particular section, that was the method in which this report was made up. I repeat, that in every instance except four the Senate concurred in the House amendments, either with amendments or without amendments. In the great majority of cases without amendment; with amendments in the particular cases to which I have already referred.

Now, the gentleman from Tennessee [Mr. AUSTIN] has asked me with regard to the Tucker and Bowman Acts. It is within the recollection of Members that when we were upon the floor with the bill it was believed, after consideration, that several sections of the act relating to the jurisdiction of the Court of Claims could be very materially shortened and made much clearer to the court and to the profession and to Congress if they were consolidated. Several sections therefore were consolidated, and this House passed upon them and adopted that consolidation.

One thing occurred in conference that needed to be remedied, and I will explain to the House what occurred and what methods have been taken to bring about the remedy. That section being an amendment it was open to amendment, and there was a proposition made by the conferees of the Senate to this effect: They called the attention of the conference to the fact that in a great number of cases the Court of Claims, after investigating a claim, reported as follows:

> That evidence was submitted showing the loyalty of the claimant; that evidence was submitted showing the amount of property that was destroyed; further evidence was submitted showing the value of the property destroyed—

and up to that point deciding in favor of the claimant; and then, in conclusion, saying—

> that notwithstanding all these facts we find the claimant has been guilty of inexcusable laches and, therefore, no judgment can be rendered.

Now, it was stated that a great many Members of Congress were harassed by that position. Their people at home did not understand how, after their claim had been proven, their loyalty had been established and their loss had been judicially determined, why it was they could not get their money.

Therefore it was proposed and accepted by the House conferees that in a presentation of cases of that kind before the Court of Claims the court should first inquire as to laches, and if they found that the claimant had been guilty of unexplainable laches the court should go no further with the claim.

Mr. KEIFER. Mr. Speaker, I understand the court is given discretion, without any statute of limitation, to determine that a claim is stale and that the party has been guilty of laches.

Mr. MOON of Pennsylvania. That is under the Tucker Act, and the court can so find.

Now, it has been discovered, and I think to the satisfaction of the conferees, that an error was made in that respect; that the claims referred under the Tucker Act were that kind of claims. Congress frequently appropriates for claims of that kind where the facts were found, although the court has found that there has been inexcusable laches.

Mr. KEIFER. Is there any rule for determining laches where the party has been seeking a remedy for a long time? For instance, in some cases parties have been here pressing claims for 100 years. Some of these cases are 100 years old. Ordinarily, under the rules applying in courts of equity, where they determine that parties have slept on their rights, the lapse of 100 years would be sufficient to indicate that the parties were guilty of laches.

Mr. MOON of Pennsylvania. We did not attempt to touch or alter the statute of limitations. But I want to say to the gentleman that it is true in many cases, and my attention was called to a particular case in the present bill, passed upon by the Claims Committee, where the court had stated that the party was guilty of inexcusable laches, and yet that claim was carried in the claims bill.

Now, therefore, I want to say that, recognizing that a mistake has been made, and in the effort to relieve Members of Congress from embarrassment, we had practically nullified a material provision of the Tucker Act. We remedied the error in this way: A concurrent resolution was introduced and adopted by the Senate. I hold it here, and after the adoption of this conference report I shall immediately ask that it be passed under suspension of the rules, authorizing the Clerk to correct the mistake by striking out the words inserted in conference; in other words, putting the law back just as it is to-day.

Now, unless some one wants to ask me some questions about this, I will yield to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Speaker, I will ask that the gentleman yield me 15 minutes.

The SPEAKER. Without objection, the gentleman from Kentucky will be recognized for 15 minutes.

Mr. SHERLEY. Mr. Speaker, I think it is unnecessary to undertake to make any elaborate statement respecting every change in this bill, because some of the changes were merely minor changes in form and not matters of any material moment. But there were certain amendments put on the bill reported by the committee to this House that are of extreme importance, and I am sure this House wants to know what has happened to those amendments. And in order that they may be more easily identified, I shall not only state what they are, but I shall identify them by the names of the proposers.

For instance, there is what is known as the Garrett amendment, which undertook to prevent the removal of causes from a State court to a Federal court where the defendant was a nonresident corporation on the ground of such nonresidence. As to that amendment the House has receded, and the bill as now presented by the conference report restores existing law.

There was also an amendment known as the Thomas amendment, raising the jurisdictional sum from $2,000 to $5,000 as the sum necessary to warrant jurisdiction in a Federal court. That was concurred in by the Senate with an amendment reducing the amount from $5,000 to $3,000.

There was then the Madison amendment, which undertook to restrict the rights of inferior Federal courts to issue injunctions restraining State officers in the enforcement of a State law. That amendment was concurred in with an amendment, or rather a substitute was proposed for it.

That substitute is what is known as the Overman law, which was put into the commerce act recently passed by Congress, and which provides that no interlocutory order shall be issued except by the concurrence of two out of three judges, of whom one must be a circuit judge or a justice of the Supreme Court. There was also an amendment known as the Cullop amendment, which undertook to authorize the swearing off of a judge by a litigant for cause. That was concurred in by the Senate, with a slight modification requiring the certification by counsel to the bona fides of the affidavit made by the litigant. These were the chief amendments put on the bill in the House.

Mr. PARKER. Also the Parsons amendment.

Mr. SHERLEY. There was also an amendment undertaking to give to the circuit judges and justices of the Supreme Court the right to sit in districts courts. As to the circuit judges, I think that right is retained in the bill, although the Parsons amendment is not retained in it.

Mr. PARKER. How is it retained as to circuit judges?

Mr. SHERLEY. Because at the time the amendment of the gentleman from New York [Mr. PARSONS] was put on the bill, as was stated then, it was unnecessary, and simply repeating another provision in the law. The gentleman from New Jersey shakes his head, but that is not only my opinion, but that of all of the conferees. As to the justices of the Supreme Court, we did not believe there was any actual need of their going into a district court, nor any possibility, considering the business of that court, of their going into a district court, and it was accordingly stricken out.

Now, I desire to note somewhat more fully these various changes, and to state my own feeling touching this bill. It is to me a matter of sincere regret that the House conferees have not been able to report back to this body a bill more nearly identical with the one passed by this House, but it must be borne in mind that the proposition here submitted is not like that embodied in new legislation, but it is a codification where, if the bill fails, you have existing law. Now, we believe that the bill reported back as a result of the conference makes substantial progress. It does not make the progress that I think it ought to have made, but if it is defeated we simply deprive ourselves of such progress as is made by it, without any resultant advantage.

It is unfortunately true that the rules that control one of the legislative bodies are such that at this time of the year, during a short session, it is within the power of any Member of such body practically to prevent legislation, and you are now having legislation by unanimous consent so far as one body is concerned. If it be true, as has been frequently charged, that the individual in this House is without sufficient power, it is equally true that in another body the individual is possessed of a great deal too much power, and as a result of this extreme power and the rank abuse of it, we are frequently forced to accept their terms, or get nothing in the closing hours of a Congress. I hope that the next great reform that sweeps over this country will have for its object the reformation of some rules other than the rules of the House of Representatives. [Applause.] When that happens you will have better legislation, and you will have millions saved to the American people. I say this in justification of the House conferees, who fought day after day for the position of the House, and were forced to yield, because not to yield meant the absolute failure of the entire bill; not because the other body would not have agreed to our position if the matter came to a vote, but because of the procedure there it was possible for any one Member objecting to prevent it ever coming to a vote, and so we have been held up and forced to agree to the terms that were made to us.

In my judgment the Garrett amendment was an important amendment, an amendment the principle of which has already been concurred in by Congress. It was an amendment seeking to prevent a nonresident corporation—which is a nonresident only by the fiction of the law, which comes into the State claiming the protection of the State and doing business there, with all the circumstances surrounding it that surround a citizen of a State—from taking a litigant out of a State court and forcing him into the Federal court. In my judgment, if we are to preserve the Federal judiciary and the Federal law in its most important aspects, it must be by relieving it of these cases that have bred objections to it in the past. Unless we free the Federal courts of the just criticism that arises by virtue of such laws the time will come when the people in their indignation will not only sweep away the bad but the good in the Federal system. But we were forced, as I say, to give up the Garrett amendment.

In regard to the Madison amendment, I want to call attention to the fact that, in my judgment, what is known as the Overman law is not a step forward but really a step backward, and I believe if ever the American people were given a misconception of the operation of any law ever passed it was in the case of the Overman law. Its purpose, on its face, is to make necessary the concurrence of two out of three judges in order to issue an interlocutory order or injunction.

That is very pretty in theory, but when you read the law with care you find that while no interlocutory injunction shall be issued without the concurrence of two out of three judges, one of whom must be a circuit court judge or a Justice of the Supreme Court, where the allegation is made of irreparable injury, it is within the power of one district judge to issue a restraining order, and that restraining order shall remain in effect until an interlocutory order is either granted or refused.

Now, this is what it means, that whereas under the old law you could, through one judge, get a temporary restraining order and then have it set aside by one judge, you can now get a temporary restraining order by one judge, but you can not get it set aside until you get three judges together to pass on the motion for an interlocutory injunction; and this has been passed in the name of reform. If it is reform, in my judgment it is a reform backward. But in the judgment of the conferees that was suggested in place of the Madison amendment.

I am free to confess that when the Madison amendment was adopted I had great doubt as to its constitutionality. It raises a question of extreme importance and of extreme intricacy. That question is not whether we can define the jurisdiction of the inferior Federal courts, which clearly we can, but whether having given to an inferior Federal court jurisdiction over a given subject matter we can then limit its power by refusing it the right to issue injunctions.

That latter question is a question of exceeding difficulty about which I am in grave doubt, but inasmuch as the Madison amendment has been omitted and the Overman provision of law substituted it does not become a material question at this time.

Now, something has been said on the floor and much has been said in private conversation touching the effect of the amendment adopted by the conferees as to claims sent to the Court of Claims. There was an amendment offered by the Senate conferees, and agreed to, which undertook to require the Court of Claims, whenever it found laches in the case presented there for adjudication, to simply find such laches or that the bar of limitation applied and then stop there, the object being to relieve Congress of the consideration of cases that were barred by the statute or by laches.

But upon examination it was discovered that the effect of such amendments would be practically to repeal the Tucker Act, in that it would do away with the removal of laches and all the limitations that had been made possible by the Tucker Act. As it was not desired by either the House or Senate conferees to bring that about, and as the conference report had already been accepted by the Senate, the following expedient was arrived at to remedy the evil. There has been put through the Senate a concurrent resolution providing that the bill as agreed upon in conference should be amended by striking out this amendment that undertook to require the court to only find the question of laches or a limitation bar when such existed.

And it is the purpose of the gentleman from Pennsylvania [Mr. MOON], if this report be adopted, to immediately move the adoption of the concurrent resolution, the effect of which will be to put the law exactly where it now is in regard to matters referred to the Court of Claims.

Mr. CARLIN. What guarantee have we that that resolution will pass?

Mr. SHERLEY. I can only answer the gentleman that, so far as I know, there is no one in this House in opposition to it—I have heard of none—and the Senate has already passed it.

Mr. CARLIN. I understand, but that is no guarantee that it will pass.

Mr. SHERLEY. The gentleman may not think it one. I myself believe that it is plainly apparent. Anybody who will take the trouble to inquire among the various Members will conclude that this concurrent resolution will be concurred in when it is proposed by the gentleman from Pennsylvania.

Now, I have undertaken hurriedly and briefly to refer to the chief amendments that were put upon the bill by this House and their fate in conference. If there is any particular question touching any of them I should be glad to answer it if I can.

Mr. CULLOP. Referring to the Overman Act, I understand from the gentleman's explanation that a district judge can issue an injunction if it is charged in the petition that irreparable injury will occur.

Mr. SHERLEY. In substance, that is true, though it is not called an injunction. It is called a temporary restraining order.

Mr. CULLOP. Yes. Now, that leaves the matter standing just where it was before anything was done, practically, does it not?

Mr. SHERLEY. Well, I do not think it leaves it quite as good, if the gentleman wants my opinion.

Mr. CULLOP. You could not obtain an injunction in any court—it being an extraordinary remedy—unless you did allege an irreparable injury.

Mr. SHERLEY. I understand that, but here is the difference between the law prior to the Overman Act and the law as it is provided in that act. Formerly a district judge could both issue a temporary restraining order and could set it aside.

The Overman Act provides that an interlocutory injunction shall not be issued except as the result of a decision of two out of three judges, sitting en banc, one of which three judges must be either a circuit judge or a justice of the Supreme Court, but that prior to the application for an interlocutory injunction, upon an allegation of irreparable damage resulting from the absence of a restraining order, the district judge may issue a temporary restraining order, which shall remain in force until the hearing and determination of the question of an interlocutory injunction, the result being that now while one judge can issue what is practically an injunction, it takes two out of three judges, sitting en banc, to get rid of that order.

Mr. CULLOP. Then it just furnishes an instrument to defer the issuance of an injunction.

Mr. SHERLEY. It does in those cases where a temporary restraining order is issued. Of course the purpose of the author of the act, I have no doubt, was to require the judgment of two of the three judges sitting en banc before issuing an interlocutory order, and that has actually occurred in some instances, but by the letter of the law the condition that I present is, in my judgment, possible.

Mr. CULLOP. So that now an unconscionable litigant can go into court and swear irreparable injury will occur and hang up a matter, suspend it for an indefinite time, until they can get three judges together.

Mr. SHERLEY. Well, I have stated my opinion. It is necessary that the three shall sit together, and one of them shall be a circuit judge or a Justice of the Supreme Court.

Mr. CULLOP. But you must assemble the three before any action can be taken.

Mr. SHERLEY. As to an interlocutory injunction; but a restraining order can, in the meanwhile, upon certain allegations, be issued by one judge.

Mr. Speaker, unless there are other questions, I do not desire to further detain the House.

Mr. MOON of Pennsylvania. Mr. Speaker, I want to say that I absolutely disagree with what the gentleman from Kentucky [Mr. SHERLEY] has said respecting the operation of the Overman Act. It has been in operation for over a year, and such a thing has never occurred, and no injunction has been issued, except where three judges have sat for that purpose.

Mr. SHERLEY. I think that it would be only fair that I be permitted to——

Mr. MOON of Pennsylvania. The gentleman is right when he says that one judge can grant an interlocutory order under certain conditions, but those conditions can rarely ever arise in which irreparable injury could occur in three or four days because of the failure to restrain the operation of a State law. It has never occurred and, in my judgment, it never will.

Mr. MANN. Will the gentleman yield for a question?

Mr. MOON of Pennsylvania. Yes.

Mr. MANN. Does anybody now question the wisdom and the astuteness of the Overman amendment? I am surprised.

Mr. MOON of Pennsylvania. The gentleman from Kentucky [Mr. SHERLEY] thinks it is a step backward.

Mr. SHERLEY. I think so; and I think it was adopted because some very shrewd lawyers knew it was a step backward.

Mr. MANN. It was hailed at this end of the Capitol, and at the other end, as the height of wisdom.

Mr. SHERLEY. Usually those things that are the height of wisdom are the heights of folly, and this is one of them.

Mr. MANN. I am not expressing an opinion in regard to that.

Mr. CULLOP. I desire to ask the gentleman from Pennsylvania——

Mr. MANN. It was used to catch votes, and it did it.

Mr. CULLOP. You speak of a temporary injunction being in force three days. Is there anything in the act concerning that?

Mr. MOON of Pennsylvania. I do not think that I said three days. If I did, I did not speak from the act at all. I wanted to illustrate the fact that a court of equity always has, and must have, the power of arresting the hand that would work irreparable injury, but that in the operation of restraining State officers from the execution of a State law it is inconceivable that a condition of that kind ever could occur, and in the operation of this law for more than a year it never has occurred.

Mr. CULLOP. The object I had in mind was this: Under the Overman Act, as I understood the gentleman from Kentucky [Mr. SHERLEY], all three of the judges on the dissolution of the injunction or the issuing of the interlocutory orders, had to be assembled, and I want to know if there was a provision there that they should be assembled within a given time and issue the permanent injunction or dissolve it.

Mr. MOON of Pennsylvania. The provision is that an interlocutory order granting an injunction shall not issue until it has been heard by three judges, one of whom shall be a circuit judge or a Supreme Court Justice.

Mr. CARLIN. Will the gentleman permit a question?

Mr. MOON of Pennsylvania. Yes.

Mr. CARLIN. Is not this a fact, that one judge may now grant this interlocutory order, and that it takes three judges to set it aside?

Mr. MOON of Pennsylvania. The gentleman, by an ingenious torture of the possible condition, might say that. It never has occurred, and never will occur.

Mr. CARLIN. That is a fact under this law as it is now.

Mr. GARRETT. I would like to ask the gentleman a question.

Mr. MOON of Pennsylvania. I yield to the gentleman from Tennessee.

Mr. GARRETT. Is it the purpose of the gentleman to move the previous question?

Mr. MOON of Pennsylvania. I shall do so a little later on; yes. If the gentleman wants time, I shall be willing to give it to him.

Mr. CARLIN and Mr. PARKER rose.

The SPEAKER. To whom does the gentleman from Pennsylvania yield?

Mr. MOON of Pennsylvania. I yield to the gentleman from New Jersey [Mr. PARKER] 10 minutes.

Mr. PARKER. Mr. Speaker, it is my intention to occupy a few minutes of my time in congratulations to the gentleman from Pennsylvania on the success that he has achieved in almost all of this bill by his unfailing tact, his unfailing good temper, his knowledge of this House, and his ability to introduce good measures into this bill. And I wish the gentleman from Pennsylvania to recognize that I see what he has done, that I see how he has been able to raise the salaries of the Supreme Court Judges, and to provide for difficulties which occur in our judicial system.

And, knowing the fear that I had when this bill came in, that it would be made the vehicle for all sorts of dangerous changes, I have to congratulate the gentleman that he has avoided these in almost all cases. It is fair that I should say that. It is fair also that he should recognize that at the very beginning of this bill the very men who were glad to see these extra clerks cut off, the expenses of the courts cut down, and were glad to see that the circuit court and the district court of each district made one were at the same time worried over what I worried over, namely, the fact that the power of the judges of the circuit court, as well as the Supreme Court, had been taken away. Up to this time the judges of the circuit court consisted of the circuit judges and the Supreme Court Justice, and might at any time sit for the trial of a case. Does the gentleman remember that in the year 1854 or thereabouts there were filibustering cases that came up in the State of Louisiana, in New Orleans, and that the state of public feeling was so great that Judge Campbell, of the Supreme Court, went down to New Orleans to try those cases, because courts or juries of the locality could not stand up against the feeling in favor of those filibusterers? Does he forget that we have had to pass a law to provide that injunction cases affecting interstate commerce under the rate act should be tried by several judges, including a circuit judge, for fear of dangerous injunctions? Does he forget that in all the hundred districts of this land there are a hundred different judges, some of them weak and some of them strong, and that under the present law in great cases involving great issues, whether of trust matters or railroad matters, the circuit court may be presided over by circuit judges, who can go to those cases and can hear those cases, whereas it is now provided that no one, except in case of the disability of the district judge, can go into that district?

Mr. MOON of Pennsylvania. Oh, no.

Mr. PARKER. Show me that section.

Mr. MOON of Pennsylvania. It provides for that when the public interests require.

Mr. PARKER. Then, it can not be done as a matter of course. It was with that view that the Member from New York [Mr. PARSONS] on the Committee on the Revision of the Laws and a member of this conference introduced the provision that the circuit justice should have within his circuit the power and jurisdiction of a district judge. He has that power and jurisdiction now, and it ought to be continued.

I want to say that Justices of the Supreme Court have told me that they prize their opportunity to go to the circuit courts from time to time and exercise that jurisdiction. Of course they can not go, as required by the statute, to every district within their circuit, once in every two years. It is impossible. But I know that it has been the custom of the circuit justice of a circuit to exercise supervision over his circuit in a quiet way, so that he knew what judges were assigned in case of the sickness of any other judges, so that he kept tab, as you might say, upon the district, and so that he sometimes suggested that he would go down to that district and hear a case, with the idea of getting that case certified to the circuit court in order that it might go before the circuit judges.

I believe in this amendment because it makes the law better even than it is now. The district court was originally a court which had no jurisdiction over sums of money beyond $100, or over criminal proceedings that inflicted more than 13 lashes and $50 fines. Now it has grown into the great criminal court of the land, and we have had cases heard before that district court in which a district judge has imposed fines of tens of millions of dollars.

I ask whether it would not have been for the public advantage that the circuit judges should have had the power and the duty in a great case of attending at such a trial as that, and seeing to it that a decision was arrived at in the beginning which

would have been right, and which would therefore have been enforced?

I urge upon this House this consideration, that while we have been giving better salaries and better travel pay to judges, and have been saving in the money to be paid clerks, after all those things are but a mess of pottage compared with the birthright which comes from our English ancestors—the judicial power whereby the judges of our highest courts were able to follow out their duty so as in proper cases to attend to the original trial and bring justice home to the people.

Now, I believe in this bill. I want this report disagreed to, in order that only one thing shall be done; that there shall be instructions given to the conferees to preserve the Parsons amendment. I do not care so much about my own amendment. It ought to be both the circuit judges and the Supreme Court Justices; but the circuit judges certainly ought to sit in the original trial in the circuit court which is now to be called the district court.

Mr. GARRETT. Mr. Speaker, I think perhaps it would be well if a codification bill could be considered under a rule that would prevent amendments, but this bill was not so considered. It was brought before the House, and in the regular and orderly way amendments were offered and adopted or rejected, as the will of the House might determine.

In the course of procedure an amendment was adopted which was designed to prevent the removal of causes from the State courts to the Federal courts upon the ground of diversity of citizenship of a corporation. That amendment was included in the bill that passed under suspension of the rules. That amendment has not been rejected by the other legislative body. Out of conference there came a report which included that amendment, somewhat modified, indeed, but still retaining the principle that was involved therein; but the other body has not passed upon that amendment, and if this House yields, it does not yield to the judgment of the other body. It does not yield even after the judgment of the other body has been tested, but it yields to a suggestion coming from somewhere, I know not where. I suppose, of course, the body will yield——

Mr. PARSONS. The fact was, it was not, that the conference report was first agreed to and was submitted to the other body, but objection was made to its consideration, and the situation there was such, as is known to all of us, that the conference report could not have been considered unless the conferees had agreed to leave out the Garrett amendment?

Mr. CARLIN. They had a one-man filibuster, that was all.

Mr. GARRETT. Shall the House yield to one man?

Mr. PARSONS. It is the opinion of the conferees, or at least it is my opinion, that the objections over there were from more than one man.

Mr. CARLIN. Only one man made any objection.

Mr. GARRETT. Mr. Speaker, I realize very well the parliamentary situation here, but I do not feel that this body should be called upon to yield, at least until after the sense of the other body has been taken upon a proposition. I suppose, of course, that the motion of the gentleman from Pennsylvania [Mr. MOON] will carry. A few days ago, when it was desired to send this matter to conference, and when the motion was made to suspend the rules and pass the bill, I agreed to that proposition, and I recited then a number of amendments that in my judgment, as I stated, justified sending the bill to conference and justified its final passage. The gentleman who had proposed those amendments agreed with me then. The amendments that they proposed are in the bill, with one exception. I said then that unless those amendments were included, in my judgment, the pressing necessity for the passage of this bill would be gone, and they agreed with me on that. Their amendments are in the bill now. Another amendment is gone. They do not agree with me now, and so—

I feel like one who treads alone
Some banquet hall deserted.

[Applause and laughter.]

Mr. MOON of Pennsylvania. I yield two minutes to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Without detaining the House very long I want to call the attention of the House again to the fact that the failure of this report does not help the position of the gentleman from Tennessee [Mr. GARRETT] one iota. This statement is made proper, perhaps, by his speech. If this report is defeated, the law, so far as his amendment related to it, remains just the same as if this report was adopted. Now, in my remarks I took occasion to express my judgment about the Overman amendment. It is still my judgment, but it is not the judgment of the gentleman from Pennsylvania [Mr. MOON], and whether I be right or he be right is simply one incident to a bill dealing with many matters of much importance, and which represents the labor of weeks. I believe it would be a positive calamity and a hindrance in the future to really industrious work in the codification of the law if this bill should fail. Believing that, I signed the conference report, as every man signs such a report, if he has any independence of thought, not liking all of it, but believing that the bill which it sanctions is a step forward and better than the law as it would be without its passage. In that belief I ask the support of the Members of this House in favor of that conference report. [Applause.]

Mr. MOON of Pennsylvania. Mr. Speaker, I yield two minutes to the gentleman from Illinois.

Mr. MANN. Mr. Speaker, I want to take this occasion to compliment and congratulate the gentlemen who have had charge of this measure on the floor of the House, the gentleman from Pennsylvania [Mr. MOON], the gentleman from New York [Mr. PARSONS], and the gentleman from Kentucky [Mr. SHERLEY], who have been the conferees, and other gentlemen who were on the committee that had charge of the bill. This bill has occupied during this sesssion of Congress, I believe, the entire time set apart for calendar Wednesday. It is a long bill. There have been some very important changes in the law made by the House as it now stands and, in my judgment, very beneficial changes. These gentlemen have performed their work, the House and the Senate have performed their work, and I think these gentlemen are entitled to the thanks of the House not only for their work but for their constant courtesy and good nature in the conduct of the legislation. [Applause.]

Mr. MOON of Pennsylvania. Mr. Speaker, I would, if I had time, reply to the compliments just voiced by the gentleman from Illinois, but I can only say, speaking for myself, that the thanks and the applause of this great House of Representatives is compensation to any man for any services that he may render. No higher tribute was ever paid to any man, and I appreciate it. [Applause.] Mr. Speaker, I now demand the previous question.

Mr. CARLIN. Mr. Speaker, on the previous question I demand the yeas and nays.

The SPEAKER. The gentleman from Virginia demands the yeas and nays. All those in favor of taking the question by yeas and nays will rise. [After counting.] Six gentlemen have risen.

Mr. CARLIN. The other side.

The other side was taken.

The SPEAKER. One hundred and twenty-six Members have risen—not a sufficient number—and the yeas and nays are refused.

Mr. CARLIN. Mr. Speaker, I make the point of no quorum.

The SPEAKER (after counting). One hundred and fifty-five Members present—not a quorum. The Doorkeeper will close the doors; the Sergeant at Arms will notify absent Members. All those in favor of ordering the previous question will, as their names are called, answer "aye;" those opposed will answer "no," and the Clerk will call the roll.

The question was taken; and there were—yeas 155, nays 37, answered "present" 7, not voting 185, as follows:

YEAS—155.

Alexander, Mo.	Driscoll, M. E.	Jones	Mondell
Ames	Dwight	Keifer	Moon, Pa.
Austin	Elvins	Kelliher	Moore, Pa.
Bartholdt	Englebright	Kendall	Morehead
Bartlett, Ga.	Esch	Kennedy, Iowa	Morgan, Mo.
Bartlett, Nev.	Estopinal	Kinkaid, Nebr.	Morgan, Okla.
Bell, Ga.	Ferris	Kitchin	Morrison
Bennet, N. Y.	Fitzgerald	Knowland	Moxley
Bingham	Flood, Va.	Kopp	Nelson
Booher	Floyd, Ark.	Korbly	Nye
Borland	Focht	Lafean	Olcott
Burke, Pa.	Foster, Ill.	Lamb	Oldfield
Burleigh	Foster, Vt.	Langham	Olmsted
Butler	Gardner, Mass.	Law	Parsons
Byrns	Gardner, N. J.	Lawrence	Payne
Calder	Good	Lee	Peters
Campbell	Graham, Ill.	Lenroot	Pickett
Candler	Graham, Pa.	Lively	Plumley
Cantrill	Grant	Lloyd	Poindexter
Carter	Hamer	Longworth	Pratt
Cassidy	Hammond	McCreary	Pray
Chapman	Haugen	McKinlay, Cal.	Ransdell, La.
Cline	Hawley	McKinley, Ill.	Roberts
Cocks, N. Y.	Hay	McKinney	Robinson
Cole	Heald	McLachlan, Cal.	Roddenbery
Collier	Higgins	McLaughlin, Mich.	Rucker, Colo.
Cooper, Wis.	Hollingsworth	McMorran	Rucker, Mo.
Cowles	Houston	Macon	Saunders
Cox, Ind.	Howland	Madison	Scott
Cullop	Hubbard, Iowa	Maguire, Nebr.	Sharp
Currier	Hull, Iowa	Mann	Sherley
Davidson	Humphreys, Miss.	Martin, S. Dak.	Sherwood
Davis	Johnson, Ky.	Mays	Sims
Driscoll, D. A.	Johnson, Ohio	Miller, Kans.	Sisson

Stafford	Tawney	Tou Velle	Wilson, Ill.
Stephens, Tex.	Taylor, Colo.	Turnbull	Woodyard
Sterling	Thomas, Ky.	Washburn	Young, Mich.
Stevens, Minn.	Thomas, N. C.	Watkins	The Speaker
Sulloway	Thomas, Ohio	Weeks	

NAYS—37.

Aiken	Gallagher	Johnson, S. C.	Randell, Tex.
Brantley	Garner, Tex.	Kinkead, N. J.	Rauch
Burnett	Garrett	Lever	Sabath
Carlin	Gordon	Lindbergh	Shackleford
Cary	Hamlin	McDermott	Sheppard
Clark, Mo.	Hardwick	Martin, Colo.	Stanley
Conry	Helm	Mitchell	Sulzer
Denver	Henry, Tex.	Moon, Tenn.	
Dickinson	Hughes, N. J.	Nicholls	
Finley	Jamieson	Rainey	

"PRESENT"—7.

Adamson	Padgett	Riordan	Tilson
Greene	Parker	Smith, Mich.	

NOT VOTING—185.

Adair	Dupre	Hubbard, W. Va.	Prince
Alexander, N. Y.	Durey	Huff	Pujo
Anderson	Edwards, Ga.	Hughes, Ga.	Reeder
Andrus	Edwards, Ky.	Hughes, W. Va.	Reid
Ansberry	Ellerbe	Hull, Tenn.	Rhinock
Anthony	Ellis	Humphrey, Wash.	Richardson
Ashbrook	Fairchild	James	Rodenberg
Barchfeld	Fassett	Joyce	Rothermel
Barclay	Fish	Kahn	Sheffield
Barnard	Foelker	Kennedy, Ohio	Simmons
Barnhart	Fordney	Knapp	Slayden
Bates	Fornes	Kronmiller	Slemp
Beall, Tex.	Foss	Küstermann	Small
Bennett, Ky.	Fowler	Langley	Smith, Cal.
Boehne	Fuller	Latta	Smith, Iowa
Boutell	Gaines	Legare	Smith, Tex.
Bowers	Gardner, Mich.	Lindsay	Snapp
Bradley	Garner, Pa.	Livingston	Southwick
Broussard	Gill, Md.	Loud	Sparkman
Burgess	Gill, Mo.	Loudenslager	Sperry
Burke, S. Dak.	Gillespie	Lowden	Spight
Burleson	Gillett	Lundin	Steenerson
Byrd	Glass	McCall	Sturgiss
Calderhead	Godwin	McCredie	Swasey
Capron	Goebel	McGuire, Okla.	Talbott
Clark, Fla.	Goldfogle	McHenry	Taylor, Ala.
Clayton	Goulden	Madden	Taylor, Ohio
Cooper, Pa.	Graff	Malby	Thistlewood
Coudrey	Gregg	Massey	Townsend
Covington	Griest	Maynard	Underwood
Cox, Ohio	Guernsey	Miller, Minn.	Volstead
Craig	Hamill	Millington	Vreeland
Cravens	Hamilton	Moore, Tex.	Wallace
Creager	Hanna	Morse	Wanger
Crow	Hardy	Moss	Webb
Crumpacker	Harrison	Mudd	Weisse
Dalzell	Havens	Murdock	Wheeler
Dawson	Hayes	Murphy	Wickliffe
Denby	Heflin	Needham	Wiley
Dent	Henry, Conn.	Norris	Willett
Dickson, Miss.	Hill	O'Connell	Wilson, Pa.
Diekema	Hinshaw	Page	Wood, N. J.
Dies	Hitchcock	Palmer, A. M.	Woods, Iowa
Dixon, Ind.	Hobson	Palmer, H. W.	Young, N. Y.
Dodds	Howard	Patterson	
Douglas	Howell, N. J.	Pearre	
Draper	Howell, Utah	Pou	

So the previous question was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. DRAPER with Mr. ELLERBE.

Mr. MURPHY with Mr. HARRISON.

Mr. WOODS of Iowa with Mr. DENT.

Mr. LOUD with Mr. GODWIN.

For the balance of this day:

Mr. GREENE with Mr. RICHARDSON.

Mr. LOWDEN with Mr. SMALL.

For the session:

Mr. SMITH of Michigan with Mr. CLARK of Florida.

Mr. YOUNG of New York with Mr. FORNES.

Mr. WANGER with Mr. ADAMSON.

Until further notice:

Mr. TILSON with Mr. EDWARDS of Georgia.

Mr. CALDERHEAD with Mr. WICKLIFFE.

Mr. STEENERSON with Mr. LATTA.

Mr. ELLIS with Mr. PADGETT.

Mr. FAIRCHILD with Mr. PUJO.

Mr. HENRY W. PALMER with Mr. CLAYTON.

Mr. DOUGLAS with Mr. BURGESS.

Mr. GAINES with Mr. DIXON of Indiana.

Mr. NEEDHAM with Mr. PAGE.

Mr. TAYLOR of Ohio with Mr. BURLESON.

Mr. ALEXANDER of New York with Mr. ADAIR.

Mr. ANTHONY with Mr. ANDERSON.

Mr. ANDRUS with Mr. RIORDAN.

Mr. BARCLAY with Mr. ANSBERRY.

Mr. BOUTELL with Mr. BARNHART.

Mr. BURKE of South Dakota with Mr. BEALL of Texas.

Mr. LOUDENSLAGER with Mr. BOWERS.

Mr. CRUMPACKER with Mr. BROUSSARD.

Mr. COOPER of Pennsylvania with Mr. COVINGTON.

Mr. CREAGER with Mr. COX of Ohio.

Mr. DALZELL with Mr. DICKSON of Mississippi.

Mr. DAWSON with Mr. DUPRE.

Mr. FORDNEY with Mr. GILLESPIE.

Mr. FOSS with Mr. HAMILL.

Mr. GILLETT with Mr. HARDY.

Mr. HOWELL of Utah with Mr. HAVENS.

Mr. GRIEST with Mr. HEFLIN.

Mr. HAMILTON with Mr. HOBSON.

Mr. HENRY of Connecticut with Mr. HOWARD.

Mr. HUMPHREY of Washington with Mr. HULL of Tennessee.

Mr. SMITH of Iowa with Mr. KELIHER.

Mr. MCCALL with Mr. LEGARE.

Mr. MADDEN with Mr. MCHENRY.

Mr. MILLER of Minnesota with Mr. O'CONNELL.

Mr. PEARRE with Mr. SMITH of Texas.

Mr. RODENBERG with Mr. SPIGHT.

Mr. SIMMONS with Mr. TAYLOR of Alabama.

Mr. SOUTHWICK with Mr. UNDERWOOD.

Mr. VREELAND with Mr. ROTHERMEL.

During the time the roll was being called, awaiting a quorum, the following occurred:

Mr. SCOTT. Mr. Speaker, while the House is waiting for a quorum I would like to have unanimous consent of Members present to address the House for a few minutes.

Mr. MANN. We will give it to the gentleman; the Speaker can not.

The SPEAKER. The gentleman from Kansas, without objection, desires to address the House.

Mr. SULZER. For how long?

The SPEAKER. I suppose until we get a quorum.

Mr. SCOTT. Mr. Speaker, in the 10 years of my membership in this House I have seldom taken advantage of the latitude afforded by general debate to discuss any question not immediately before the House. But there is a question now before the country, particularly before the people of the State I have the honor to represent in part upon this floor, upon which I entertain very positive convictions, and which, I believe, is a proper subject for discussion at this time and in this place. That question, bluntly stated, is this: Is representative government a failure? We are being asked now to answer that question in the affirmative. A new school of statesmen has arisen, wiser than Washington and Hamilton and Franklin and Madison, wiser than Webster and Clay and Calhoun and Benton, wiser than Lincoln and Sumner and Stevens and Chase, wiser than Garfield and Blaine and McKinley and Taft, knowing more in their day than all the people have learned in all the days of the years since the Republic was founded.

And they tell us that representative government is a failure. They do not put this declaration into so many words—part of them because they do not know enough about the science of government to understand that the doctrines they advocate are revolutionary, and the rest of them because they lack the courage to openly declare that it is their intention to change our form of government, to subvert the system upon which our institutions are founded. But that is in effect what they propose to do.

They graciously consent that the people shall continue to elect representatives to a legislative assembly, but they proceed at once to discredit those representatives—and incidentally to impeach the judgment or the honesty of the people who elected them—by proposing a fantastic scheme whereby legislation may be enacted entirely independently of them.

They will still permit judges to be chosen, but they propose a plan whereby the wisdom and justice of their decisions shall be passed upon at a popular election, thus preparing the way for a campaign in which we shall witness the edifying spectacle of a candidate for judicial position enthusiastically declaring from the stump that if elected he will render such and such a judgment. They will continue to elect administrative and executive officers, but if one of them is charged with failure to do his duty or with malfeasance in office, he shall be tried, not by a judge and jury and upon the evidence of witnesses sworn to tell the truth, but in the newspapers and on the stump and by whatever testimony partisan rancor or personal malice may see fit to present.

Such, in brief, is the plan of redemption offered to us by the prophets of the new dispensation. Such is the scheme which they propose as a substitute for the system of government which was devised by the founders of the Republic and which has been reaffirmed in every State constitution that has been drawn from that day to this.

I said that it is revolutionary and subversive of our present system of government, a declaration in effect that representative government is a failure. Let us see.

The Constitution of the United States, section 4, Article IV, provides that "the United States shall guarantee to every State in this Union a republican form of government." By the very terms of our original charter, therefore, the form of government under which we live is that of a republic and not that of a democracy.

That is an elementary proposition with which every schoolboy is familiar but which seems to have escaped the attention of a good many of our latter-day statesmen. And the difference between a republic and a democracy seems also to have escaped the attention of a good many who now exalt themselves as leaders. Every school boy knows that in a pure democracy the people themselves perform directly all the functions of government, enacting laws without the intervention of a legislature, and trying causes that arise under those laws without the intervention of judge or jury; while in a republic, on the other hand, the people govern themselves, not by each citizen exercising directly all the functions of government, but by delegating that power to certain ones among them whom they choose to represent them in the legislatures, in the courts of justice, and in the various executive offices. When the Constitution of the United States, therefore, guaranteed to every State in the Union a republican form of government, it guaranteed to them representative government, that form of government under which the laws should be enacted, interpreted, and executed not directly by the people themselves but by the duly chosen representatives of the people.

It follows, therefore, that to substitute the methods of a democracy for the methods of a republic touching any one of the three branches of government is to that extent to declare that representative government is a failure, is to that extent subversive and revolutionary.

Now, it does not follow by any means that because a proposed change is revolutionary it is therefore unwise. Taking it by and large, wherever the word "revolution" has come into human history it has been only another word for progress. Because a nation has pursued certain methods for a long time it does not at all follow that those methods are the best, although when a nation like the United States, so bold and alert, so little hampered by tradition, so ready to try experiments, has clung to the same methods of government for 130 years, a strong presumption has certainly been established that these methods are the best, at least for that particular nation.

But a presumption, however strong, must give way before a demonstration, and if it can be demonstrated, either by reason or experiment, that the system of government proposed by our latter-day leaders is wiser than that which has thus far prevailed, not only in our own country but in every other important nation in the whole world, then we would be most foolish to refuse to adopt it.

But is the new system wiser than the old—in the matter of making laws, for example? The old system vests the lawmaking power in a legislative body composed of men elected by the people and supposed to be peculiarly fitted by reason of character, education, and training for the performance of that duty. These men come together and give their entire time through a period of some weeks or months to the consideration of proposed legislation, and the laws they enact go into immediate effect, and remain in force until set aside by the courts as unconstitutional or until repealed by the same authority that enacted them. Under this plan no law of general application is likely to be brought forward unless there is a widespread demand for it, no measure of importance can be passed without critical examination and discussion, and when passed it presumably represents the judgment of a majority of the people.

The new system—taking the Oregon law, for example, and it is commonly cited as a model—provides that 8 per cent of the voters of a State may submit a measure directly to the people, and if a majority of those voting upon it give it their support it shall become a law without reference to the legislature or to the governor. That is the initiative. And it provides that if 5 per cent of the voters are opposed to a law which the legislature has passed, upon signing the proper petition the law shall be suspended until the next general election, when the people shall be given an opportunity to pass upon it. That is the referendum.

Now, there are several things about this plan which I believe the people of this country, when they come really to consider it, will scrutinize with a good deal of care and possibly with some suspicion.

It is to be noted, in the first place, that a very few of the people can put all the people to the trouble and expense of a vote upon any measure, and the inquiry may well arise whether the cause of settled and orderly government will be promoted by vesting power in the minority thus to harass and annoy the majority. In my own State, for example, who can doubt that the prohibitory amendment, or some one of the statutes enacted for its enforcement, would have been resubmitted again and again if the initiative had been in force there these past 25 years.

Again, it will be observed that still fewer of the people have it in their power to suspend a law which a legislature may have passed in plain obedience to the mandate of a majority of the people, or which may be essential to the prompt and orderly conduct of public affairs, and when they come to think about it the people may wonder if the referendum might not make it possible for a small, malevolent, and mischievous minority to obstruct the machinery of government and for a time at least to nullify the will of the majority.

In the third place, it is to be remarked that a measure submitted either by the initiative or the referendum can not be amended, but must be accepted or rejected as a whole, and we may well inquire whether this might not afford "the interests" quite as good an opportunity as they would have in a legislature to "initiate" some measure which on its face was wholesome and beneficent but within which was concealed some little "joker" that would either nullify the good features of the law or make it actively vicious, and which, through lack of discussion, would not be discovered. How often have we here in this House seen some measure which represented the most careful and painstaking effort of a skilled and experienced legislator metamorphosed in committee until its own author would hardly recognize it, and then when it was brought into this Chamber as the fruit of the very best judgment of 18 able and honest men how often have we seen it modified in its most essential features as the result of the refining fire of debate upon this floor? Every day we have new and incontestable proof that "in the multitude of counselors there is wisdom." But that wisdom can never be had under a system of legislation which lays before the people the work of one man's mind to be accepted in whole or rejected altogether.

Once more let us observe that under this system, no matter how few votes are cast upon a given measure, if there are more for it than against it, it becomes a law, so that the possibility is always present that laws may be enacted which represent the judgment or the interest of the minority rather than the majority of the people. Indeed, experience would seem to show that this is a probability rather than a possibility, for in the last Oregon election not one of the nine propositions enacted into law received as much as 50 per cent of the total vote cast, while some of them received but little more than 30 per cent of the total vote.

And finally and chiefly, without in the least impeaching the intelligence of the people, remembering the slight and casual attention the average citizen gives to the details of public questions, we may well inquire whether the average vote cast upon these proposed measures of legislation will really represent an informed and well-considered judgment. In his thoughtful work on democracy, discussing this very question, Dr. Hyslop, of Columbia University, says:

> People occupied with their private affairs, domestic and social, demanding all their resources and attention, as a rule have little time to solve the complex problems of national life. The referendum is a call to perform all the duties of the profoundest statesmanship, in addition to private obligations, which are even much more than the average man can fulfill with any success or intelligence at all, and hence it can hardly produce anything better than the Athenian assembly, which terminated in anarchy. It will not secure dispatch except at the expense of civilization, nor deliberation except at the expense of intelligence. Very few questions can be safely left to its councils, and these only of the most general kind. A tribunal that can be so easily deceived as the electorate can be in common elections can not be trusted to decide intelligently the graver and more complicated questions of public finance or private property, of administration, and of justice. It may be honest and mean well, as I believe it would be; but such an institution can not govern.

That is the conclusion reached a priori by a profound student of men and of institutions; and there is not a man who hears me or who may read what I am now saying but knows the conclusion is sound.

But, fortunately for the States which have not yet adopted the innovation, we are not obliged to rely upon academic a priori reasoning, in order to reach a conclusion as to the wisdom of the initiative and referendum, for the step has already been taken in other States and we have their experience to guide us.

There is South Dakota, for example, where under the initiative the ballot which I hold in my hand was submitted to the people at the recent election. This ballot is 7 feet long and 14 inches wide, and it is crowded with reading matter set in non-

pareil type. Upon this ballot there are submitted for the consideration of the people six legislative propositions. Four of them are short and comparatively simple. But here is one referring to the people a law which has been passed at the preceding session of the legislature dividing the State into congressional districts. How many of the voters of South Dakota do you suppose got down their maps and their census reports and carefully worked out the details of that law to satisfy themselves whether or not it provided for a fair and honest districting of the State? They could not amend it, remember, they had to take it as it was or vote it down. In point of fact, they voted it down; but who will say that in doing this they expressed an enlightened judgment or merely followed the natural conservative instinct to vote "no" on a proposition they did not understand? And here is a law to provide for the organization, maintenance, equipment, and regulation of the National Guard of the State. This bill contains 76 sections. It occupies 4 feet 4 inches of this 7-foot ballot. It would fill two pages of an ordinary newspaper.

How many of the voters of South Dakota do you suppose so much as read the law through before they reached the polls, and how many of them do you suppose would have been able to cast their ballots if they had demanded the right to read it after they went into the booth? Here is a law which is intended to provide for the public defense, and which, therefore, touches most vitally every interest of the people. Surely it ought not to be enacted, or, having been enacted, ought not to be repealed except after diligent and thoughtful study of every one of its 76 sections; nay, of every sentence and every word. How many of the voters of South Dakota, with all possible respect to them, do you suppose gave it that sort of study, or any sort of study? Incidentally I may remark that the law of South Dakota requires all measures submitted under the initiative and referendum to be printed in full in three papers in each county in the State, and I have been told by a South Dakota friend that the money expended for this purpose at the late election would have been sufficient to buy a large proportion of the papers in the State. Certain it is that if the newspaper fraternity of that Commonwealth are as enterprising as their fellow craftsmen are generally, the people will never lack for legislative measures upon which to exercise their prerogative.

And here is a copy of the Oregon ballot, from which it appears that the stricken people of that Commonwealth were called upon at the late election to consider 32 legislative propositions. Small wonder that it was well onto a month after election before the returns were all in. You will observe that on this Oregon ballot the measures were not set out in full, as they are on the South Dakota ballot, but are designated only by title.

The reason is apparent when we discover that to print the measures in full requires 110 pages of the book I hold in my hand. The finest forests in the world grow in Oregon and lumber is cheap, but the conservation policy has taken deep root there and the people would not stand for the extravagant use of wood pulp that would have been required to print ballots large enough to set out these measures in full, or the timber it would have taken to construct ballot boxes sufficiently huge to hold them. A great many of these measures seem to an outsider to be inconsequential local bills, such as should be disposed of by a town council or a board of county commissioners rather than by the electorate of a whole State. But, on the other hand, there are some measures here so technical and involved and intricate that the idea of submitting them to any body of men except one which makes a business of framing and considering legislation seems utterly preposterous. Here, for example, is a proposition that is designated as the "proportional-representation amendment." It contains 36 sections, and in addition to proportional representation, whatever that may mean, it provides for annual sessions of the legislature, increases the pay of legislators, enlarges the initiative and referendum and recall, prohibits the legislature from granting the right of eminent domain to corporations, limits corporate franchises to 20 years, and requires legislators to subscribe to an oath, pledging themselves against so-called legislative logrolling. A careful reading would doubtless disclose other provisions, but I note only those which catch my eye as I turn the pages upon which it is printed.

And here is another constitutional amendment in which the people are asked to pass judgment on such simple propositions as providing for verdict by three-fourths of jury in civil cases, authorizing grand juries to be summoned separately from the trial jury, permitting change of judicial system by statute prohibiting retrial where there is any evidence to support the verdict, providing for affirmance of judgment on appeal notwithstanding error committed in lower court and directing the Supreme Court to enter such judgment as should have been entered in the lower court, fixing terms of Supreme Court, providing that judges of all courts be elected for six years, subject to recall, and increasing the jurisdiction of the Supreme Court. Is it any wonder that with questions such as those thrust at them so large a percentage of the voters took to the "continuous woods where rolls the Oregon" and refused to express a judgment one way or the other? But these are only two of the propositions that confronted them. All told, there were 32, and they fill 110 pages, as I have already said, of this official pamphlet, the remainder of the 208 pages being taken up with arguments for and against the various measures. Now, with all possible deference to the intelligence and the diligence of the good people of Oregon, is it conceivable that any considerable proportion of the voters of that Commonwealth went to the polls with even a cursory knowledge of all the measures submitted for their determination?

As to the practical working of the referendum, I have seen it stated in the public prints that four years ago nearly every appropriation bill passed by the Oregon Legislature was referred to the people for their approval or rejection before it could go into effect. As a result, the appropriations being unavailable until the election could be held, the State was compelled to stamp its warrants "not paid for want of funds," and to pay interest thereon, although the money was in the treasury. The university and other State institutions were hampered and embarrassed, and the whole machinery of government was in large measure paralyzed. In other words, under the Oregon law a pitiful minority of the people was able to obstruct and embarrass the usual and orderly processes of government, and for a time at least to absolutely thwart the will of an overwhelming majority of the people.

A system of government under which such a thing as that is not only possible, but has actually occurred, may be "the best system ever devised by the wit of man," as we have been vociferously assured, but some of us may take the liberty of doubting it. And as evidence that the sentiment in regard to the system is not all one way even in the State which has adopted it, I wish to quote part of an editorial which recently appeared in the Portland (Oreg.) Oregonian. The editorial was in the nature of comment upon an address recently made by Senator OWEN, of Oklahoma, and is in part as follows:

> The Owen family is obviously in need of light. Senator ROBERT E. OWEN should come to headquarters, and not to the Bourne press bureau, for information about the initiative in Oregon. The statement that no proposal here has ever assailed private or corporate property is absurd and untrue. Many measures have had no other motive or purpose. What is the single tax but an attack on private property? What of the confused and conflicting fish bills passed in 1908? What of the Rogue River initiative act, wiping out a great industry all along the lower river? What of the gross earnings tax, enacted in 1906, and now in the United States Supreme Court? What of prohibition? What about the proposal for the State to get into the railroad business? And others that might be mentioned.
>
> We shall get this initiative and referendum matter in Oregon around to a rational basis some day, no doubt; but meanwhile let us have no delusions or illusions about it.

The theory of the proponents of direct legislation seems to be that only good laws will be initiated and only bad laws will be referred; that the initiative will be used only when a recalcitrant legislature has refused to respond to the demand of the people, and the referendum will be invoked only when a stupid or corrupt legislature has enacted a law which violates the rights or jeopardizes the interests of the people. But is not that theory pretty severely jolted by the facts? Since this system was adopted in Oregon—to return once more to our model Commonwealth—the people have rejected nearly one-half of the measures submitted under the initiative, and they have approved exactly one-half of the laws submitted under the referendum. Now, these facts can be interpreted in only two ways: Either bad laws were submitted by initiative and good laws by the referendum, or the people deliberately voted against good laws and voted for bad laws. But to accept either of these alternatives brings us in square antagonism to another theory which is fundamental in the doctrine of direct legislation, and that is that the people can do no wrong. The very foundation, the sole raison d'être, of the initiative and referendum is the dogma that the people can be trusted, but the representatives of the people can not be trusted; that the people are not only more honest than their representatives, but that they are guided in their judgment upon public measures by a degree of intelligence or by some divine instinct which is denied to their representatives. But what becomes of that dogma when we are forced to admit that the people voted down some law that they ought to have supported and passed some law that they ought to have voted down?

The people of Oregon are doubtless as honest and intelligent as those of any other State, and yet the returns from their elections compel the conclusion that bad laws were submitted to them and good laws were referred to them, or that they registered a wrong verdict. One of those alternatives is inevitable, but either of them is absolutely fatal to the very foundation upon which the whole structure of direct legislation rests.

The truth is, of course, that it is perfectly easy for a bad law to be initiated, and if it is skillfully drawn so that its iniquity is not branded upon its very face, it is perfectly easy for the most honest people in the world to be deceived into voting for it. And it is perfectly easy for a good law to be referred and its operation thus suspended for two years with a large chance that with the right kind of a campaign it could be repealed altogether. A distinguished citizen of one of the States in which this system prevails has told me that if he needed a vicious law in his business he would rather submit it by the initiative than to try to put it through a legislature. And he added that if he were a "special interest" against which a legislature had passed some righteous measure he would rejoice in a system by which at least he could be relieved of its operation for two years, with a big chance that at the end of that time he could defeat it entirely.

This sentiment is not an impeachment of the honesty, the intelligence, or the patriotism of the people. But it is an impeachment of a system of government under which laws are made by votes which from the very nature of the case are cast without information and without opportunity for that consideration which can only come from face to face discussion.

But the initiative and referendum, subversive as they are of the representative principle, do not compare in importance or in possible power for evil with the recall. The statutes of every State in this Union provide a way by which a recreant official may be ousted from his office or otherwise punished. That way is by process of law, where charges must be specific, the testimony clear, and the judgment impartial. But what are we to think of a procedure under which an official is to be tried, not in a court by a jury of his peers and upon the testimony of witnesses sworn to tell the truth, but in the newspapers, on the street corners, and at political meetings? Can you conceive of a wider departure from the fundamental principles of justice that are written not only into the constitution of every civilized nation on the face of the earth, but upon the heart of every normal human being, the principle that every man accused of a crime has a right to confront his accusers, to examine them under oath, to rebut their evidence, and to have the judgment finally of men sworn to render a just and lawful verdict.

Small wonder that the argument oftenest heard in support of a proposition so abhorrent to the most primitive instincts of justice is that it will be seldom invoked and therefore can not do very much harm. I leave you to characterize as it deserves a law whose chief merit must lie in the rarity of its enforcement.

But will it do no harm, even if seldom enforced? It is urged that its presence on the statute books and the knowledge that it can be invoked will frighten public officials into good behavior. Passing by the very obvious suggestion that an official who needs to be scared into proper conduct ought never to have been elected in the first place, we may well inquire whether the real effect would not be to frighten men into demagogy—and thus to work immeasurably greater harm to the common weal than would ever be inflicted through the transgressions of deliberately bad men.

We have demagogues enough now, heaven knows, when election to an office assures the tenure of it for two or four or six years. But if that tenure were only from hour to hour, if it were held at the whim of a powerful and unscrupulous newspaper, for example, or if it could be put in jeopardy by an affront which in the line of duty ought, we will say, to be given to some organization or faction or cabal, what could we expect? Is it not inevitable that such a system would drive out of our public life the men of real character and courage and leave us only cowards and trimmers and time servers? May we not well hesitate to introduce into our political system a device which, had it been in vogue in the past, would have made it possible for the Tories to have recalled Washington, the copperheads to have recalled Lincoln, and the jingoes to have recalled McKinley? Above all may we not well hesitate to introduce into our political system a device which would subject to recall a judge whose decision happened not to accord with the passion or the prejudice of the hour? Is it conceivable that any jurist of integrity and self-respect could be found who would accept a seat on the bench knowing that his tenure of office might be challenged at any hour, that his judgments were to be reviewed, not by a superior court but by the newspapers and upon the political platform? I remember an occasion many years ago when a citizen of one of the country townships in my home county was brought before the local justice of the peace, charged with some petty offense, and at the conclusion of the trial the learned justice delivered the following opinion:

> According to the law and the evidence this defendant is guilty. But according to the public sentiment of this community he ought not to be punished, and I therefore dismiss the case.

We smile at a story like that when the judge on the bench is a country justice and the offense alleged is a trivial misdemeanor. But would it be a laughing matter if a State judge or perhaps even a United States judge, confronted by a case involving momentous issues, should be guided in his decision not by the law and the evidence, but by the sentiment of the community? In all the literature of the age-long struggle for freedom and justice there is no phrase that occurs oftener than "the independence of the judiciary." The great fact which this phrase expresses is the foundation upon which rests the citadel of individual rights and of national liberty. In every battle that has ever been waged by the people against oppression and tyranny the one achievement which attested the final triumph was the establishment of a court that no despot could reach or control. The founders of the Republic realized more keenly than we do—for to them the tyranny of king-controlled courts was modern and not ancient history as it is to us—the absolutely vital importance of the separation of king and courts, and so they safeguarded it, as they thought for all time, by declaring in the organic law of the land that the judiciary should be forever independent of the legislative and the executive. And all the world said that is well. Not one man could be found now among all our ninety millions to declare that our Constitution should be changed so as to permit the President in the White House or the Congress in the Capitol to dictate to our judges what their decisions should be. And yet it is seriously proposed that this power of dictation shall be given to the crowd on the street. That is what the recall means if applied to the judiciary; and it means the destruction of its independence as completely as if in set terms it were made subject to the President or the Congress.

Do you answer, "Oh, the recall will never be invoked except in an extreme case of obvious and flagrant injustice?" I reply, How do you know? It is the theory of the initiative that it will never be invoked except to pass a good law, and of the referendum that it will never be resorted to except to defeat a bad law; but we have already seen how easily a bad law might be initiated and a good law referred. And so it is the theory that the recall will be invoked only for the protection of the people from a bad judge. What guaranty can you give that it will not be called into being to harass and intimidate a good judge? There never yet was a two-edged sword that would not cut both ways.

Mr. Speaker, I should be the last to assert that our present system of government has always brought ideally perfect results. Now and then the people have made mistakes in the selection of their representatives. Corrupt men have been put into places of trust, small men have been sent where large men were needed, ignorant men have been charged with duties which only men of learning could fitly perform. But does it follow that because the people make mistakes in so simple a matter as the selection of their agents, they would be infallible in the incomparably more complex and difficult task of the enactment and interpretation of laws? There was never a more glaring non sequitur, and yet it is the very corner stone upon which rests the whole structure of the new philosophy. "The people can not be trusted with few things," runs this singular logic, "therefore let us put all things into their hands."

With one breath we are asked to renounce the old system because the people make mistakes, and with the next breath we are solemnly assured that if we adopt the new system the people will not make mistakes. I confess I am not mentally alert enough to follow that sort of logic. It is too much like the road which was so crooked that the traveler who entered upon it had only proceeded a few steps when he met himself coming back. You can not change the nature of men, Mr. Speaker, by changing their system of government. The limitations of human judgment and knowledge and conscience which render perfection in representative government

unattainable will still abide even after that form of government is swept away, and the ideal will still be far distant.

Let it not be said or imagined, Mr. Speaker, that because I protest against converting this Republic into a democracy, therefore I lack confidence in the people. No man has greater faith, sir, than I have in the intelligence, the integrity, the patriotism, and the fundamental common sense of the average American citizen. But I am for representative rather than for direct government, because I have greater confidence in the second thought of the people than I have in their first thought. And that, in the last analysis, is the difference, and the only difference, so far as results are concerned between the new system and that which it seeks to supplant; it is the fundamental difference between a democracy and a republic. In either form of government the people have their way. The difference is that in a democracy the people have their way in the beginning, whereas in a republic the people have their way in the end—and the end is usually enough wiser than the beginning to be worth waiting for.

We count ourselves the fittest people in the world for self-government, and we probably are. But fit as we are we sometimes make mistakes. We sometimes form the most violent and erroneous opinions upon impulse, without full information or thoughtful consideration. With complete information and longer study, we swing around to the right side, but it is our second thought and not our first that brings us there. Our intentions are always right, and we usually get right in the end; but it often happens that we are not right in the beginning. It often happens that if we could have had our way yesterday we would have suffered grievously to-day. If we could have had our way in the seventies there would have been an unlimited issue of irredeemable greenbacks, though not one of us would vote for such an issue to-day. If we could have had our way in the nineties, our country would have gone to incalculable disaster by way of the free and unlimited coinage of silver at the ratio of 16 to 1. The reason we did not have our way then, and at many other times when the result would have been little less disastrous, was that certain strong and honest men, wiser than we who chose them, with courage enough to take their political lives in their hands, stood in our way. And they were able to stand in our way because the founders of the Nation, knowing well the danger in a republic of hasty and ill-considered action, introduced into our governmental machinery certain checks and brakes and balance wheels in order that we might take time to think. It behooves us to consider long and well before we pluck out of the delicately adjusted mechanism by which we govern ourselves the checks and brakes and balance wheels which our forefathers placed there, and the wisdom of which our history attests innumerable times.

But while I believe, Mr. Speaker, that as a purely academic question the argument is overwhelmingly against the revolutionary changes in our system of government which we are asked to make, there is another answer more convincing still, and that answer is—the United States of America. Here it stands, a mighty Nation, wherein each man is secure in life and property and opportunity, wherein there is no caste or class or special privilege—a mighty Nation of free and happy and prodigiously prosperous people—and it was builded upon the rock laid by the fathers when they embedded in the Constitution the solemn pledge to every State of the Union that it should have a government "republican in form."

It has not been without its periods of stress and danger, the great structure which, through the instrumentality of representative government, we have builded here. Bitter storms have beaten against it; four times it has met the shock of foreign wars, and once it was all but rent asunder by civil strife; questions of governmental policy have arisen innumerable times upon which there has been acrid and angry debate among the people. But through it all the Nation has marched straight on. Weakness has become strength. Thirteen States have become 48. Three millions of people have become 90,000,000. Less than one billion of wealth has become one hundred and thirty billions.

The simple and primitive life of civilization's frontier has given way to the most stupendous and complex industrial and commercial structure the world has ever known. Incredible expansion, social, political, industrial, commercial—but representative government all the way. At not one step in the long and shining pathway of the Nation's progress has representative government failed to respond to the Nation's need. Every emergency that 130 years of momentous history has developed—the terrible strain of war, the harassing problems of peace—representative government has been equal to them all. Not once has it broken down. Not one issue has it failed to solve. And long after the shallow substitutes that are now proposed for it shall have been forgotten, representative government "will be doing business at the old stand," will be solving the problems of the future as it met the issues of the past, with courage and wisdom and justice, giving to the great Republic that government "of the people, for the people, and by the people" which is the assurance that it "shall not perish from the earth." [Prolonged applause.]

The SPEAKER. The yeas are 155, the nays are 37, present 7—a quorum. The Doorkeeper will open the doors. The ayes have it, and the previous question is ordered.

The question is on agreeing to the conference report.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. BORLAND. Division, Mr. Speaker.

The House divided; and there were—ayes 161, noes 36.

So the conference report was agreed to.

On motion of Mr. MOON of Pennsylvania, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 31596) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1912.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. FOSTER of Vermont submitted the conference report and statement on the bill (H. R. 32866) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1912.

Mr. FOSTER of Vermont. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection?

There was no objection.

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 32866) making appropriations for the Consular Service for the fiscal year ending June 30, 1912, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, and 3.

D. J. FOSTER,
WILLIAM S. BENNET,
H. D. FLOOD,
Managers on the part of the House.

EUGENE HALE,
JOHN KEAN,
MURPHY J. FOSTER,
Managers on the part of the Senate.

STATEMENT.

In explanation of the Senate amendments agreed to in conference the conferees on the part of the House submit the following statement:

Amendment No. 1: Strikes from the bill the appropriation of $50,000 for the arbitration of outstanding pecuniary claims between the United States and Great Britain.

Amendment No. 2: Authorizes the President to extend to the International Congress on Social Insurance an invitation to hold its next triennial congress in the United States.

Amendment No. 3: Appropriates $4,500 for delegates to the thirteenth International Congress on Alcoholism at The Hague, September, 1911.

D. J. FOSTER,
W. S. BENNET,
H. D. FLOOD,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. HULL of Iowa called up the conference report on the bill (H. R. 32436) making appropriations for the Military Academy for the fiscal year 1912.

Mr. HULL of Iowa. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection?
There was no objection.

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 32436) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1912, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 32, and 33.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, and 51; and agree to the same.

J. A. T. HULL,
H. O. YOUNG,
JAMES HAY,
Managers on the part of the House.

N. B. SCOTT,
JOS. M. DIXON,
JAS. P. TALIAFERRO,
Managers on the part of the Senate.

STATEMENT.

Amendment No. 1 is increase pay for cadets $30,000, and the Senate recedes.

Amendment No. 2 is punctuation, and the House recedes.

Amendments Nos. 3, 4, and 5 relate to assistant professors, and amendments Nos. 6, 7, and 8 relate to assistant instructors. The result of the amendments under these two paragraphs is to make 8 assistant professors and 3 senior assistant instructors, transferring 1 assistant instructor to the list of assistant professors, leaving the net amount appropriated exactly the same as passed by the House, and the House recedes.

Amendment No. 9 strikes out the words "not mounted," and the House recedes.

Amendments Nos. 10 to 27, inclusive, are simply verbal, and the House recedes.

Amendment No. 28 changes the phrase "librarian's assistant" to "assistant librarian," and the House recedes.

Amendment No. 29 gives the Superintendent of the Military Academy the right to select the custodian of the gymnasium as provided in the last appropriation bill for the Military Academy, and the House recedes.

Amendment No. 30 makes the pay for a chapel organist and choir master $1,200 in place of $200, and the House recedes.

Amendment No. 31 increases the pay of the skilled photographer in the department of drawing $100, and the House recedes.

Amendment No. 32 increases the pay of a copyist $150, and the Senate recedes.

Amendment No. 33 increases the pay of clerks in the office of the adjutant, headquarters, Military Academy, $800, and the Senate recedes.

Amendment No. 34 is punctuation, and the House recedes.

Amendment No. 35, under the appropriation for stationery, blank books, etc., inserts the words "for contingencies not otherwise provided for," and the House recedes.

Amendment No. 36 changes the word "guardhouse" to "cadet headquarters," and the House recedes.

Amendments Nos. 37 to 49, inclusive, are simply verbal and punctuation, and the House recedes.

Amendment No. 50 provides for carrying on the development and improvement of the roads and grounds, and the House recedes.

Amendment No. 51 relates to granting Miles City, Mont., the right to maintain and operate a pumping station, etc., on the military reservation at Fort Keogh, and the House recedes.

J. A. T. HULL,
H. O. YOUNG,
JAMES HAY,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

On motion of Mr. HULL of Iowa, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment the following resolution (H. Con Res. 64):

Resolved by the House of Representatives (the Senate concurring), That the action of the Speaker of the House of Representatives and of the Vice President of the United States and President of the Senate in signing the enrolled bill (H. R. 26290) providing for the validation of certain homestead entries be, and hereby is, rescinded, and that the bill be reenrolled with the first word in section 2 changed from "Thau" to "That."

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 5269) to provide for allotments to certain members of the Hoh, Quileute, and Ozette Tribes of Indians in the State of Washington.

The message also announced that the Senate had passed without amendment joint resolutions of the following titles:

H. J. Res. 294. Joint resolution for the appointment of members of the Board of Managers of the National Home for Disabled Volunteer Soldiers; and

H. J. Res. 291. Joint resolution authorizing the Secretary of War to receive for instruction at the Military Academy, at West Point, Mr. Melchor Batista, of Cuba.

CODIFICATION OF LAWS RELATING TO THE JUDICIARY.

Mr. MOON of Pennsylvania. Mr. Speaker, I move to suspend the rules and adopt Senate concurrent resolution 43.

The SPEAKER. The gentleman from Pennsylvania moves to suspend the rules and adopt a Senate concurrent resolution, which the Clerk will report.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (S. 7031) to codify, revise, and amend the laws relating to the judiciary, the enrolling clerk is directed to strike out from the bill as reported from the conference that part of section 151 thereof which reads as follows: "In any proceeding under this section, the court shall determine as a preliminary inquiry the question of limitation, delay, or laches; and if it shall be of opinion that the delay in presenting the claim is not excusable, and that the bar of the statute of limitations should not be removed, it shall not proceed further to find the existence of loyalty, liability, or the extent thereof, in such case, but shall report such finding in bar to the House by which the claim or matter was referred."

Mr. MOON of Pennsylvania. Mr. Speaker, that has already been explained.

The SPEAKER. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

On motion of Mr. MOON of Pennsylvania, a motion to reconsider the vote whereby the concurrent resolution was agreed to was laid on the table.

Mr. BENNET of New York. Mr. Speaker, I ask unanimous consent that the bill H. R. 19284 lie on the table, the substance of the bill being embraced in the codification bill, the conference report of which has just been adopted.

AGRICULTURAL APPROPRIATION BILL.

Mr. SCOTT. Mr. Speaker, I ask unanimous consent to call up the conference report on the bill (H. R. 31596) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1912, and I also ask unanimous consent to present an oral statement, instead of a written one, and of having the conference report read.

The SPEAKER. The gentleman from Kansas [Mr. SCOTT] asks unanimous consent to call up the conference report on the agricultural appropriation bill and to present an oral statement in lieu of a written statement.

Mr. CARY. Reserving the right to object, Mr. Speaker, I want to ask a question.

The SPEAKER. Is there objection?

Mr. CARY. Reserving the right to object, I wish to ask a question.

Mr. FITZGERALD. Let the gentleman ask it out loud. We all want to hear.

Mr. SCOTT. If the gentleman from Wisconsin will withhold his question until I have made my statement it will probably not be necessary for him to ask it.

Mr. Speaker, the Senate made amendments to the bill to the number of about 97. Most of them were of an immaterial character, and unless questions are asked I shall confine my statement to a reference to the new legislation that was proposed upon the bill.

The SPEAKER. The Chair desires to ask the gentleman if the conference report is complete.

Mr. SCOTT. It is complete.

The SPEAKER. And signed by the conferees?

Mr. SCOTT. Yes; and signed by the conferees. I will send the report to the Clerk's desk.

Following is the conference report referred to:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 31596 having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 6, 7, 14, 22, 25, 29, 31, 38, 42, 43, 44, 79, 80, 81, 94, and 96.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 11, 12, 13, 15, 16, 17, 18, 24, 28, 33, 34, 35, 36, 37, 39, 40, 41, 46, 47, 48, 48½, 49, 50, 51, 52, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 83, 84, 85, 86, 87, 88, 89, 90, 92, 93, 94½, and 95, and agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$300,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$1,262,080"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$1,600,250"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$70,000"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$1,441,536"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$2,061,686"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$150,000"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$2,714,420"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$500,000"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows: In lieu of the sum inserted by said amendment insert "$5,533,100"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows: In lieu of the words "Secretary of Agriculture" insert the words "head of the department having jurisdiction over the lands"; and the Senate agree to the same.

Amendment numbered 32½: That the House recede from its disagreement to the amendment of the Senate numbered 32½, and agree to the same with an amendment, as follows: In lieu of the words inserted by said amendment, "Secretary of the Interior," insert "head of the department having jurisdiction over the lands"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$262,060"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$14,500"; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$2,500"; and the Senate agree to the same.

Amendment numbered 55: That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: Strike out the words "to safety"; and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$115,700"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$139,700"; and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$1,864,000"; and the Senate agree to the same.

Amendment numbered 91: That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$15,808,016"; and the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "$16,900,016"; and the Senate agree to the same.

CHAS. F. SCOTT,
WILLIAM W. COCKS,
JOHN LAMB,
Managers on the part of the House.

F. E. WARREN,
H. D. MONEY,
Managers on the part of the Senate.

Mr. SCOTT. Mr. Speaker, the first amendment of importance is in connection with the paragraph providing for the application of 15 per cent of the total of all sums appropriated under general expenses to be used in the discretion of the Secretary, as provided under the general expenses of the Forest Service, and reads as follows:

(29): *Provided*, That all land upon which there is growing less than 4,000 feet of merchantable timber, board measure, per acre, in contiguous areas of 160 acres, shall be excluded from all forest reserves and no part of any appropriation herein made shall be expended upon any area thus excluded.

As to that amendment the Senate receded.

The second amendment to which I call attention follows the paragraph reciting the total appropriation for the Forest Service, and is as follows:

(31): *Provided*, That no part of this sum shall be expended to pay salary or expenses to any person for the examination, protest, or contest of any mining claim upon which there is not a growth of timber of commercial value.

As to that amendment also the Senate receded.

Amendment No. 32 immediately succeeds that which I have just read, and provides:

(32) That the Secretary of Agriculture be, and he hereby is, authorized and empowered, under general regulations to be fixed by him, to grant an easement for rights of way, for a period not exceeding 50 years from the date of the issuance of such grant, over, across, and upon the public lands, national forests, and reservations of the United States for electrical poles and lines for the transmission and distribution of electrical power, and for poles and lines for telephone and telegraph purposes, to the extent of 20 feet on each side of the center line of such electrical, telephone and telegraph lines and poles, to any citizen, association, or corporation of the United States, where it is intended by such to exercise the right of way herein granted for any one or more of the purposes herein named: *Provided*, That such right of way shall be allowed within or through any national park, national forest, military, Indian, or any other reservation only upon the approval of the chief officer of the department under whose supervision or control such reservation falls, and upon a finding by him that the same is not incompatible with the public interest: *Provided*, That all or any part of such right of way may be forfeited and annulled by declaration of the Secretary of the Interior for nonuse for a period of two years or for abandonment.

That any citizen, association, or corporation of the United States to whom there has heretofore been issued a permit for any of the purposes specified herein under any existing law, may obtain the benefit of this act upon the same terms and conditions as shall be required of citizens, associations, or corporations hereafter making application under the provisions of this statute.

That amendment was agreed to by the House conferees with an amendment striking out the term "the Secretary of Agriculture" and inserting the words "the head of the department having jurisdiction over said lands" wherever that term may appear.

I may say in reference to this amendment that it is identical in its terms, with the exception of the amendment which I have just stated, with a bill which has already passed the Senate and which is upon the calendar of the House with a favorable report from the Committee on the Public Lands. It is practically identical with a provision which was reported in this bill a year or two ago from the Committee on Agriculture, but which went out on a point of order. It has the approval of the Secretary of the Interior and the Secretary of Agriculture, and I may say that it changes existing law only to this extent, that it provides that a permit may be issued for rights of way for the purposes specified for a fixed term of 50 years, whereas the present law requires all such permits to be revocable at the will of the authority granting them.

Mr. PARSONS. Is any charge made for the present revocable permit?

Mr. SCOTT. There is no charge, as I remember it now, for the present revocable permit for the right of way. A charge is made for the use of land which may be required to construct buildings or other works necessary to develop water powers, but I think it is not the practice now to make a charge for a simple right of way.

Mr. LENROOT. Is it not true that on forest reserves a charge of $5 per mile per year is exacted by the Secretary of Agriculture?

Mr. SCOTT. My impression was that it was not; but if the gentleman speaks from information, I will not question it. I only wish to say that this provision as it now appears has the approval of the Chief of the Bureau of Forestry, who spoke to me about it this morning and said he regarded it as entirely satisfactory.

Mr. RUCKER of Colorado. I understand the gentleman in charge of the bill says it is not now the law, and that the right to run a wire from a water power for electrical purposes is not charged for by the General Government over forest reserves.

Mr. SCOTT. I said that it was my understanding that it was not the law. I may be mistaken.

Mr. RUCKER of Colorado. Now, is it not also true that there is no charge for the running of ditches over Government reservations? Why should there be an exception made in behalf of an electric power company for the transmission of power over a reservation when we are allowed on the public domain, without any cost, to run our ditches over it?

Mr. SCOTT. This provision does not insert any requirement for a charge; it does not make any provision for any charge.

Mr. RUCKER of Colorado. It is for a rental.

Mr. SCOTT. No; it is merely a free permit.

Mr. RUCKER of Colorado. For running wires?

Mr. SCOTT. Yes.

Mr. LENROOT. Is it not the gentleman's idea that if the forest reserves are entitled to make a charge for the permit, they would not be permitted under the provisions of this bill to make such a charge?

Mr. SCOTT. I do not think it changes existing law, but the gentleman's opinion is worth more than mine.

Mr. LENROOT. The gentleman stated that it was a free permit, and I did not want it to stand that way.

Mr. LEVER. I would like to ask the gentleman a question. I understand the proposition is to give a right of way to electrical companies, involving 20 feet on either side, free of charge and for 50 years. I would like to ask the chairman of the committee if that is not giving a good deal away? Why should not these people pay a charge for this right of way?

Mr. MONDELL. Let me suggest that under the present law they have a right of way of 50 feet each side.

Mr. LEVER. It does not make any difference about the present law. The question is whether it is right or not.

Mr. SCOTT. I think I can make no better answer than that this provision has the entire approval of the Secretary of Agriculture and the Chief of the Forest Service, and I am quite sure neither would consent to an arrangement that was detrimental to the Government.

Mr. PARSONS. Is it the understanding that it does not take away from them the authority to make the charge?

Mr. SCOTT. I think that is a fair construction.

Mr. OLCOTT. Is not it true that this would admit of the running of trolley-car lines through the reservation? It is for electrical power, and that is pretty broad.

Mr. SCOTT. I think it relates only to the transmission of electric power. It says electric poles and lines for the transmission of electrical power. I do not believe it would cover trolley lines.

Mr. POINDEXTER. Is it not true that under existing law electrical power lines pay an annual rental of $5 a mile for the right of way?

Mr. SCOTT. That statement has been made by the gentleman from Wisconsin. I am not able to say whether it is true or not.

Mr. LENROOT. My understanding is that for all pole lines on the forest reservation an annual charge of $5 a mile is made.

Mr. SCOTT. I do not think it is abolished. Nothing is said about it and no prohibition is put in the bill.

Mr. POINDEXTER. There is no requirement that such a charge shall be made.

Mr. MARTIN of South Dakota. This would absolutely make no change in the law on that subject. The only change of any importance from the present law is that the permit is now made from year to year, and under this a right of way may be granted for a period of 50 years, under such regulations as the head of the department may make.

Mr. MILLER of Colorado. There is no law for anything of that kind now. That is an arbitrary regulation of the department, and they are not prevented from continuing to make a charge in disregard of law under this bill.

Mr. SCOTT. Whatever law there is is not changed by this enactment.

Mr. PARSONS. As I understand the conferees agreed to it, believing they did not change the law.

Mr. SCOTT. Precisely. Now, the next amendment is No. 38.

That the act of June 30, 1906, entitled "An act for preventing the manufacture, sale, or transportation of adulterated, or misbranded, or poisonous, or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," be amended so as to provide that whenever any preparation, such as tincture made from a fresh plant or from any part thereof, or a dilution of either a fresh or dried plant tincture or other drug substance which may be made upon the scale of one part of the tincture or solution and nine parts of menstruum and which process may be successively repeated by using one part of each succeeding dilution and nine parts of menstruum or a trituration made upon the scale or proportion of one part of the substance and nine parts of milk sugar and which process may be successively repeated by using one part of each succeeding trituration and nine parts of milk sugar, is not mentioned in the United States Pharmacopœia or the National Formulary and is mentioned in the Homœopathic Pharmacopœia of the United States, it shall be judged by the standard contained in the Homœopathic Pharmacopœia of the United States.

Gentlemen will remember that that is the identical provision that was contained in the House bill as reported from the committee. It was stricken out on the floor of the House under a point of order, but the Senate receded, so that it does not appear in the law.

The next legislative amendment is No. 42:

For the investigation of the relation of soil drainage and seepage waters to the maintenance and development of underground water supplies and the storage of waters in the ground and in underground reservoirs and the enlargement of the areas and raising of the levels of the ground waters, $5,000.

The Senate receded as to that.

The next amendment of importance was No. 79:

To enable the Secretary of Agriculture, in cooperation with the Association of American Agricultural Colleges and Experiment Stations, to prepare, publish, and distribute original technical reports of the scientific investigations made by the agricultural experiment stations established in accordance with the aforementioned act approved March 2, 1887, and the acts supplementary thereto, including rent and the employments of clerks, assistants, and other employees in the city of Washington and elsewhere, printing, illustrations, and all necessary expenses, $20,000: *Provided*, That said reports may be issued in editions not exceeding 2,500 copies and distributed without charge to libraries, colleges, scientific institutions, and persons actually engaged in teaching or in scientific investigations relating to agriculture.

This provision also appeared in the House bill as reported from the House committee and was stricken out on the floor under a point of order. The Senate recede.

The next amendment struck out that part of the House bill which was intended to repeal the law providing for the publication of certain reports hitherto required to be made by the Department of Agriculture, and in place thereof substituted the following:

That the Secretary of Agriculture shall prepare or cause to be prepared a statement showing all expenditures made each fiscal year by, through, or on account of the Forest Service from the year 1900 to the year 1910, both inclusive, stated as follows:

For permanent forest improvements in each State and Territory; for salaries and other compensation of inspectors, forest supervisors, forest rangers, deputy forest rangers, assistant forest rangers, stating the number of each class; for part time force to meet emergencies in extinguishing forest fires; for railroad fares, automobile hire, carriage and horse hire; for hotel bills; for freight and express; for telephone and telegraph; for statutory and lump-fund salaries of officers and clerks and the number thereof in the city of Washington, and all other expenditures made for the conduct of the bureau in the city of Washington, including rent, fuel, stationery, furniture, furnishings, typewriters, giving number purchased, miscellaneous supplies, giving classifica-

tion of same; for salaries, clerk hire, hotel bills, automobile, carriage and horse hire, miscellaneous supplies, giving classification thereof, office supplies, and all other expenditures made in connection with the conduct of the Forest Service outside of the city of Washington; for compensation of persons engaged in writing descriptive or other matter for publication, giving names of persons so employed and amount paid to each therefor, and names of publications accepting such matter for publication and amount paid to each therefor; for photographs, lantern slides, lecture equipment, and lectures; for printing and binding; said statement to show also for the same period of time the amounts collected by the Forest Service for timber and the use of the forests.

The provision in the House bill providing for the discontinuance of reports heretofore printed was stricken out, after the adoption of the paragraph I have just read, through a misunderstanding on the part of the Senate chairman who, in the confusion and haste of the hour, was of the opinion that the two provisions were conflicting, that they call for duplication of work. Upon consideration it appeared, of course, that there was no conflict between the two provisions, and the conferees therefore recommend that both provisions remain in the bill.

Amendment 95 reads as follows:

(95) That hereafter officers and employees of the Department of Agriculture transferred from one official station to another for permanent duty, when authorized by the Secretary of Agriculture, may be allowed actual traveling expenses, including charges for the transfer of their effects and personal property used in official work, under such rules and regulations as may be prescribed by the Secretary of Agriculture.

This is in substance a provision which appeared in the House bill as reported from the committee, but was stricken out on a point of order. It has been modified by limiting the effects to be transported to those to be used in official work, and with this limitation the House conferees concurred in the amendment.

The last important amendment is as follows:

(96) That the Secretary of Agriculture be, and he is hereby, authorized and directed to extend to plants engaged in drying and freezing eggs for interstate commerce the inspection provided for in the act approved June 30, 1906.

As to that the Senate receded.

Mr. Speaker, I have called attention to all of the amendments of the Senate of a legislative character, and unless there are some questions asked I have nothing further to say.

Mr. COOPER of Wisconsin. The Evening Star newspaper to-night speaks of a Carter amendment to exclude the Forest Service from the supervision of mining sites, and Mr. Pinchot says in the paper that that would lead to fake mining deals. What did the House conferees do?

Mr. SCOTT. That was one of the first amendments I read. The Senate receded, so that the provision does not remain in the bill.

Mr. TAYLOR of Colorado. Mr. Speaker, I have repeatedly said I was not opposed to forest reserves so far as they contain any forest or any lands that are necessary for the proper preservation of the forests; and I am just in receipt of a telegram from the Colorado Live Stock Association, urging me to oppose the Heyburn amendment to this bill, which provides for excluding from all national forests all lands not bearing 4,000 feet of commercial timber per acre. I feel that that amendment, especially in that form, would be impracticable, and as the chairman of the committee [Mr. SCOTT] has just stated, that that amendment has been stricken out in conference, there is no use now of discussing the question of any reduction at this time of any of the forest reserves. I certainly have no desire of inflicting any hardship upon the stockmen or ranchmen who use the forest reserves for their stock. But I can not resist the feeling that some of these days the American people are going to wake up to the fact that these forest reserves are a pretty expensive luxury, the way they are being administered.

When this forest-reserve policy was first started, the country was assured that after four or five years the Forest Service would not only be self-supporting, but would make large contributions to the Treasury of the United States. In 1900 Congress appropriated $48,520; in 1901 the appropriation was doubled; in 1902 that appropriation was again doubled, and since that year the appropriations have been as follows:

1903	$291,860
1904	366,864
1905	545,282
1906	1,642,000
1907	2,757,000
1908	2,304,000
1909	3,989,000
1910	4,682,000
1911	5,051,000

And we are now in this and other bills appropriating over $7,000,000 for the Forest Service for 1912, $900,000 of which is for the deficiency, which the service expended last year over and above the appropriations allowed them by law. I realize that that excess expenditure was, in view of the forest fires, humane, and so far as I know, necessary; and I have not opposed it. But in view of the former representations that this service was to be self-supporting and produce a revenue to the Government, it does seem to me that it is our duty to call the situation to the attention of the public and inquire when this doubling-up process is going to stop. Personally, I do not see any indications of any cessation in this constant increase.

I do not know how many employees there are in that service, and I doubt if anyone else knows; but it has been estimated at all the way from four to twelve thousand. It was stated in the Senate yesterday by the senior Senator from Wyoming in the debate on this bill that the former head of the Forest Service in an address before the Geographic Society stated that it would require the employment of about 118,000 to 120,000 men to properly conserve the forests in this country when this forest system reaches its real development. So that, if the present number of men employed—whatever it is—costs this Government $7,000,000 a year, we can roughly approximate what 120,000 men would cost.

But, Mr. Speaker, I would not at this late hour refer even thus briefly to this Forest Service question were it not for the gigantic and astounding forest-service policy that this country is now entering upon. I refer to the passage of the WEEKS Appalachian bill, which was signed by the President to-day. I opposed and voted against that measure when it passed this House. Now that it is a law, there is probably no use of discussing it. But to me that bill is one of the most amazing outrages that has ever been perpetrated upon the American people. In the first place, I do not believe that this Government has any constitutional right to tax the people of this whole country for the purpose of buying possibly upward of 75,000,000 acres of land, which I think is conceded to be utterly worthless for any practical purpose, and paying a high price for it for the mere purpose of putting it into a forest reserve. It is stated that that bill only authorizes an immediate expenditure of something like $11,000,000. As a matter of fact, under its provisions, if they are carried out as its supporters undoubtedly hope and intend, it will, or may, cost this Government $300,000,000; and if this Appalachian and White Mountain forest reserve is going to be administered over, after its purchase, in the manner in which the present forest reserves are, that one measure will cost this Government more money than the Panama Canal; and I can not see where anybody is going to be benefited, excepting the real-estate agents and the men who are going to sell these waste lands to Uncle Sam and the people who are going to get the jobs.

But, aside from this enormous and unjust waste of the public money, the most dangerous feature of the bill is the insidious manner in which these conservation enthusiasts are trying to secure Federal control over the waters of all the streams of this country. Under the guise of protecting the navigability of the streams, they are proposing to exercise Federal control over all the nonnavigable streams clear to their sources. In the West we have no navigable streams, and the waters belong to the people of the States in which they are situated. Our waters are subject to State control, and every loyal westerner does, or should, resent this Federal encroachment upon our property rights. The waters of my State will some day be one of her greatest sources of wealth, and the proceeds of that wealth should go into the treasury of the State and into the pockets of our inhabitants rather than in the Federal Treasury.

RIGHTS OF WAY FOR POWER LINES.

That brings me to the consideration of another feature of this bill. I have reference to the Senate amendment granting rights of way across the public domain for electric and power transmission lines. I do not very much like the amendment in its present form. I think it is more restrictive, or, at least, subject to more bureaucracy and petty Federal regulations, than it ought to be. But it is nothing like as outrageous upon the rights of the West as many of the bills now pending before Congress and which are being vigorously pushed. In fact, my friend from New York [Mr. PARSONS] and others have been insisting upon modifying this amendment and making it a purely leasing proposition, with an annual rental, for the use of running an electric light or telephone wire across any of the public domain. The effort is being made here to put a Federal charge upon every power plant in the West, to make it pay into the Federal Treasury a royalty upon its income, no matter whether it crosses the public domain for a quarter of a mile or a hundred miles. They want to make a Federal charge for the use of our water. It is that unjust tax upon our development and upon our property that we bitterly resent. A year ago, in a speech which I delivered on

this floor, I called the attention of the country to the fact that the East is not paying any royalty for the use of its water, and I ask why the falls of the Potomac River, within sight of this Capitol, which contains power enough to light the entire city of Washington, was not harnessed.

I have always been much milder in my comments upon the outrageous interference with the rights of the people of the West than have been some of the distinguished men at the other end of this Capitol. I would like to go into these matters more in detail, but I will not at this time. I earnestly hope that the next Congress will be more liberal toward the West and will be less disposed to put impediments in the way of our development than this one has been. I am not attacking forest reserves nor attacking anybody's character; I am objecting to the bureaucratic and increasingly expensive and imperialistic policy that is being fostered in respect to the treatment of the West. We do not like to have our resources held as "crown lands." I make these brief remarks as a protest to this tendency. I deny and resent with all the power I have the claim that the lands and resources of the West are the common property of the people of this country. Those resources are the property of the people who go there and develop them. If you want a share of them, come out to our country and help us reclaim the forest and the desert land and develop the water power. We will extend to you a hearty greeting, and you are welcome to your share of it. But you have no right to remain cosily in the East and put a tax upon our industry in trying to build up those great western States.

As I have said before, this Government is not a money-making proposition. The true function of this Government is to govern the people in such manner as will best promote their happiness and welfare, and not unjustly tax the energy of one portion of the country for the benefit of all the rest. I am not in favor of repealing the Colorado constitution and reverting to the condition of a Federal province.

But I will not extend my remarks further because my position is well known. But to show that I am not at all alone in my views, as well as to also convey to Congress and to the public the sentiment of the West upon this subject, I ask leave to extend my remarks in the RECORD by incorporating three articles appearing on the editorial page of last Sunday's Rocky Mountain News, of Denver, which I have just received.

The first one is by Hon. Edward Keating, who for many years was managing editor of the paper, and who has recently been appointed by the governor as president of the State land board.

The second one is by Hon. J. Arthur Eddy, president of the National Public Domain League.

The third one is by ex-State Senator Elias M. Ammons.

I also desire to insert an article by Hon. J. R. McKee, which was published in the October number of the North American Review, and which sets forth the water-power question as it exists in the West. I do not say that I personally indorse and approve each and every statement in all of these articles. But in the main, and in substance, they meet with my hearty approval, and I think they reflect the sentiment and rights of the West.

STATEMENT BY HON. EDWARD KEATING.

Uncle Sam has been in the land business for more than a century, and the only point on which the advocates of national control of our natural resources seem to be able to agree is that up to the year 1911 he has made a flat failure of the undertaking.

Mr. Pinchot's entire program is predicated on the proposition that successive Secretaries of the Interior and Commissioners of the General Land Office have permitted "the interests" to make ducks and drakes of the public domain; and Mr. Ballinger, smarting under Mr. Pinchot's castigations, admits that his predecessors have been culpable or careless, or both, and as proof of his own good intentions comes forward with a set of rules and regulations to govern the disposition of the Nation's lands which are so long and so complicated that a Philadelphia lawyer would have brain fag before he comprehended their meaning.

But however vigilant Mr. Pinchot may be and however long and wise Mr. Ballinger's regulations may be, the system the gentlemen advocate will always retain a fatal defect. It must in the very nature of things be a bureaucracy, clothed with powers which are repugnant to all our theories of republican government.

This bureaucracy—responsible to no one except the appointing power and protected against that by the machinery of civil service—will cling tenaciously to the power it has and constantly reach out for more.

For that is the nature of bureaucracies, whether their headquarters are in St. Petersburg or in Washington.

This particular bureaucracy which the advocates of national control of our natural resources are endeavoring to strengthen and perpetuate would hold the public domain as a vast estate, occupied by such tenants as would conform to the rules and regulations and administered by an army of bureaucrats of high and low degree. They would transform Uncle Sam into a sort of glorified landlord and our public domain into "crown lands." At its best this system would produce a beneficent despotism, and at its worst it would make Ireland's most appalling examples of absentee landlordism seem commonplace.

Those of us who are opposed to this bureaucratic administration of the public domain hold that Uncle Sam should go out of the land business and that the public domain should be turned over to the various States in which it is located, under such regulations as may be agreed upon by the National and State Governments.

We contend that the highest use to which the public domain may be put is to provide homes for American citizens.

We want to encourage the man who is seeking title to "a piece of land" in order that he may erect a "shack" and provide a place for the wife and the little ones. We would rather have one such man within the borders of our State than a dozen "tenant farmers."

We are opposed to the grant or sale of large tracts of public lands to any individual or corporation. Only actual settlers should be permitted to acquire title to agricultural or grazing lands.

In a word, we want to draw to the West the sturdy home builders, who spring from the same stock as the men of other generations who forced the frontier back from the Alleghanies to the Missouri and from the Missouri to the Rockies, and who, with the aid of the Argonauts of the Pacific, obliterated the last vestiges of it in the sands of Nevada.

And when these men come to us we want to be in a position to assure them that they may set about the work of making their homes without any fear that they will be enmeshed in departmental red tape or will be annoyed by the rangers of bureaucracy.

In order to provide places for these newcomers, we would eliminate from the forest reserves every acre of agricultural and grazing land which is not needed to preserve the forests. We do not believe there is any real conflict between the rights of men and the rights of trees, but should such a conflict arise we would resolve it in favor of the conservation of men rather than the conservation trees.

After disposing of the agricultural and grazing lands, the problem of what to do with our forests, our coal and oil lands, our stone and mineral deposits, and our water power remains. Here is where the genuine conservationist may find an ample field for his patriotic activities. Here we must deal with corporations seeking special privileges and not with men seeking homes, and we must provide an entirely new set of regulations for the administration of this important part of the public domain.

Our coal and oil resources should be conserved but not locked up. Let us preserve them, in so far as we may, for future generations, but let us at the same time keep in mind the interests of the present generation. If the coal and oil lands owned by the State and National Governments were withdrawn from entry or lease for 50 years, the value of the coal and oil holdings of existing monopolies would more than double in value in a single day. It can readily be seen that in this instance conservation misdirected may become monopoly's most powerful supporter. These lands should be turned over to the States under an agreement which would safeguard them against monopolistic control and at the same time permit of their development along lines which would insure healthful competition.

I believe every reasonable encouragement should be extended to the prospectors for mineral wealth. A dozen Cripple Creeks, in all human probability, are concealed in the mountains of Colorado alone. They will never be uncovered unless the work is done by the prospectors. Why not encourage them to perform the labor which means so much to humanity? They have been driven from our mountains by regulations drafted in Washington by men unfamiliar with western conditions. Let's lure them back if we can.

We all want to preserve our forests. Of course the first logical step in that direction would be the repeal of the tariff which places a premium on the destruction of our forests. I trust the next Congress may be induced to take that step, and I know that the genuine conservationists of the West will do all in their power to help along the good work. Will our friends Pinchot and Ballinger and other advocates of Federal control lend their aid? I fear not. In so far as the actual work of planting trees and patrolling and safeguarding the forests is concerned, the States are in a much better position to perform it than in the National Government. Under State control there would be less friction between the rangers and the settlers, but in case of conflict either side could secure speedy justice at the State capitol.

While the water-power trust, of which we heard so much a year or two ago, seems to have been consigned to the limbo of things imagined but never realized, the problem of what to do with our water power remains. I believe the solution lies not in the National Government's attempt to collect rentals from some of the plants, but in the State's power to tax and regulate all the plants. These regulations would, of course, include the fixing of rates. With such power exercised by the State, I do not think we would have any occasion to worry about water-power trusts.

In asking the question, "What shall we do with the public domain?" I believe the News has stated the most important issue now before the people of the West, and one which will hold the attention of the Nation in the next presidential campaign.

We should meet it squarely. The public mind has been prepared for a frank discussion of the problem. The people of the West should agree upon a program, and that program should be pressed on the attention of our friends of the East and South with all the vigor which the West has displayed in other crises in its history.

STATEMENT BY HON. J. ARTHUR EDDY.

Every heart that beats true, in gratitude and reverence to those forefathers of our soil, who wrung and wrought for us the heritage of liberty, will respond to that question through the spontaneous expression of an inherited sentiment like that voiced by the Rev. John Higginson, of Salem, away back in 1688, when the colonists were resisting the Stuart king's insistence that the soil of America could only be held in leasehold from the Crown of England. Before the King's representatives he then proclaimed:

"So far as I understand, we received only the right and power of government from the King's charter, * * * but the right to the land and soil we had received from God, according to His grand charter to the sons of Adam and Noah, and with the consent of the native inhabitants."

Those words were emphasized by the rebellion which followed, the shipping of Gov. Andros and his "Use Book" back to England, and the holding of lands in fee simple by the colonists thereafter.

The keystone of the arch of liberty is the embodiment of the principle that "The ownership of the soil belongs to the people of the soil." This was no more a cardinal principle at the time of John Higginson than it is to-day.

This principle permits no distinction between a landlordship by the Crown of England or a bureau at Washington. The curse of landlord-

ism is its lowering of the standard of citizenship—the substitution of paternalism for individualism—vitalized by "initiative" and "opportunity."

At the inception of our Government there were two methods from which to choose, whereby the riches of our natural resources would inure to the benefit of the people as a whole. One was a royalty or tax upon the output of the agricultural lands, the mines, the water powers, etc., for distribution through the National Treasury; and the other was from the benefit of cheap products to the consumer, upon the principle of free corn for the raising, free coal for the digging, and free power to those who would harness the waterfalls.

The attendant results are that we are the greatest agricultural people on the globe; we produce nearly one-half of all the coal mined on this earth, and at by far the lowest price to consumers, and we are the greatest manufacturers in the world.

Under the plea of impending famines of timber, coal, iron ores, etc., and of impoverishing soil—representations deserving of but one designation, viz, lies, and I use the word advisedly—our people have been tweedled into considering a reversal of principle and the taking up of that rejected plan of landlordism and royalties, i. e., to tax the consumers for the benefit of the National Treasury. Unfortunately, those of the public-land States are the only consumers booked for this tax.

Had the public lands of Colorado from the first been subject to this plan our people would the past year have paid on the one item alone, viz, for the privilege of digging their own coal, $600,000, based on the 5 cents per ton royalty proposed for Alaska, and they would eventually pay upon the 371,000,000,000 tons remaining, according to the Government estimates, $18,550,000,000.

As respects Colorado's water powers, the Government has just promulgated its "bureau laws" to charge $1 per horsepower per year. Inasmuch as the Government estimates our ultimate development possibilities at 1,000,000 to 2,117,000 horsepower, that prospective tax can be readily computed.

These afford suggestions for reflection upon what the consumers of the public-land States would be contributing to the Federal Treasury in the years to come. For further reflection, we again quote from the history of the Rev. John Higginson episode, viz:

"As yet, it was not judicious to demand high rents. The first object was to familiarize the people with the idea that the king was sole proprietor and landlord."

As the patriots of New England killed that "idea" in 1688, so should we at this time kill that principle.

Every true and loyal man should study upon ways and plans for getting rid of the public domain by getting the lands and the natural resources equitably and safely into the ownership of the individual, instead of scheming and devising ways for increasing the army of Government subagents and hirelings to rule and harass the people and whose number will yet be vastly increased under the proposed new order of things.

As the Government has already relegated the control of the water-power trusts to the States, so it should, and doubtless will, the other trusts. There are hundreds of others than public-land States' trusts to be regulated, and they can as well be handled under the general scheme for regulating trusts, which the people are bound to inaugurate and which will not serve as an excuse for taxing the people.

STATEMENT BY HON. E. M. AMMONS.

The public lands should be turned over to the States wherein they lie under terms just and equitable to both State and Nation, with restrictions to effectively prevent monopoly and at the same time secure the greatest possible settlement and development. The establishment of our present land board provides the agency for handling our lands and resources. All agricultural and grazing lands should be freely opened to entry under the limit of a homestead capacity. Under State control prospecting would be encouraged and mining stimulated in sharp contrast to the present discouraging conditions. Water for power purposes would be made available that the people might have cheaper light in their homes, cheaper power to operate the mines and mills and factories, and thus we would stimulate the manufacturing of our products at home. Under State control land suitable for summer homes could be opened to preemption to citizens of the United States, whether residents of the State or not, with proper restrictions as to residence upon the land and improvements. The coal, oil, stone, and clay lands could be sold and developed and our forest lands handled in harmony with our other resources and under laws suitable to our local conditions. Pending settlement and sale, the unoccupied lands could be rented and the receipts from this source, which would be large, could be applied to the building of good roads, which would help to make these same lands accessible, and consequently more valuable.

Inasmuch as the Federal Government is not making expenses in the administration of these lands, it should be glad to cede them outright to the States. If the sentiment created by the press agency of the Forest Service is so strong that this can not be done, then they should be sold to the States at a minimum price, to be paid for as they are disposed of by the States. Agricultural and grazing land should not be charged for, the usual fees being paid to the State for administration. The surplus, after paying the Government price, should go to the construction of public highways and the completion of reclamation projects.

If such a plan was carried out it would result in one jurisdiction and uniform laws over all the territory in the State; would enormously increase taxable property, provide for the construction of good roads, open new lands to settlement and encourage greater production for market. We would thus have the same right that was enjoyed by the Eastern States of utilizing our natural resources to build our State. We would have the right to impose local taxes upon all property alike and expend the resulting revenues in a manner most advantageous to the welfare of our citizens. By increasing our population we would have more and better schools and thus improve social conditions. We would be able to establish public parks which, with our system of highways, would not only furnish places of recreation for our own people, but would attract the tourist trade of the world. The opening of our lands and resources to entry and use would stimulate settlement and development to a point unknown before, and the people of every section of the State would be guaranteed the right of local self-government.

The people of Colorado have a better knowledge of the resources of this State than any bureau at Washington could possibly have. We have a more direct interest in the preservation and development of these resources and are best able to give the proper administration. The receipts from the use and sale of the public lands would be sufficient for their care, the establishment of a system of parks and the construction of all needed highways and the addition of this property to the tax rolls would help build and support our growing educational and other State institutions.

It will be argued that the States have never cared for these lands and resources as they should, but it must be remembered that the States did not own these lands, received no revenue from them, and had no control over them whatever. If there has been a tendency toward monopoly it has been the fault of Federal laws and administration, not the State.

The public-land question overshadows all others in importance to the West. Upon its solution depends whether our industrial life shall continue to be hampered by discouragements and prevention, or whether, by unlocking our lands and resources to the people, it shall be quickened into new vitality.

As the West prospers the East is enriched. At least, an "enlightened selfishness" should inspire the country to give us a "square deal."

THE PUBLIC AND THE CONSERVATION POLICY.

[Read before the National Electric Light Association at its thirty-third convention, held at St. Louis, Mo., May 26, 1910, by J. R. McKee.]

It is the purpose of the writer not to give expression to his personal views, but to offer statements of conditions as they exist to-day, leaving for each reader to draw his own conclusions.

We will begin at the essential question to titles in connection with public lands upon which it may be desired to locate a water power. All of these discussions of course have to do with the Western States and those few Southern States where there are still public lands, namely, Florida, Alabama, and Mississippi, and have no bearing whatsoever on situations in the East, where the lands have long since passed into private ownership. The one essential thing to keep in mind, however, in considering this question, is that in the Western States of Arizona, Colorado, Idaho, New Mexico, Nevada, Utah, and Wyoming the water as such belongs to the States, and any title to it must be acquired from the State. As a broad proposition these titles are acquired by filing applications for a given amount of water and putting the same to actual or so-called beneficial use, this use varying somewhat in the different States as to whether it is supplied for mining, irrigation, domestic, or power purposes. Title can not be acquired to the water, however, until it has been applied to actual use. In other words, you can not locate on a given amount of water and, without using it, retain title. It must not only be located upon, but must actually be applied to the respective purpose for which filing is made. It does not necessarily follow that you can locate upon it for one purpose only, for you can recite any one of the several different purposes and apply it accordingly. In other Western States, including California, Oregon, and Washington, the doctrine of riparian rights (the common-law rule) obtains, and that is the right of the proprietor of the adjoining land to the flow of the water of the stream. This right does not depend upon usage, but passes with the soil.

At the time when the respective laws were enacted which helped the building up of the West, the question of generating power by electricity from water powers and transmitting it therefrom was not a known development, and, therefore, the laws which were then enacted have to do particularly with the granting of rights for domestic uses, ditch companies, irrigation companies, and manufacturing. Under the plea of the conservationists and the claims which have been put forth by the enthusiasts of the Forest Service, it is questionable whether many of the water powers which have been installed under such rights as have been granted by the Federal authorities in the past 8 or 10 years can claim a title to the property upon which they have built. In other words, the water-power companies, as such, located on the public domain have been given by the Secretary of the Interior what are known as revocable rights, it being claimed by the Federal officers that this is the only form of authority which they are authorized to grant.

This revocable right, briefly, is a right which is granted by the Secretary of the Interior to utilize the public lands for the conveying of water to be used for power, but "Revocable at the option of the Secretary." Of course, it was claimed this contemplated that if the right was legitimately used and expenditures properly made, and the development carried to a conclusion, ours being an honorable Government, and the people of the country able to depend upon their high officials being dignified men, no possible trouble would ever result from any Secretary undertaking, after work was done, to deliberately confiscate property or ruin titles by attempting to revoke such rights, and that if he did attempt to do it the probabilities were that, the companies having proceeded under this revocable right and completed the work, the title, without regard to any further act on the part of the Secretary, had passed by reason of prior statutes which convey title upon the completion of the work.

Addressing ourselves, however, to the character of protection which is afforded by depending upon the personnel of the Government officials, I have before me some data which were exceedingly difficult to obtain. In fact, after it had been promised on one or two occasions by the officials of the Forest Service, they still withheld it, and it was only after enlisting the assistance of certain United States Senators who demanded the information that its was forthcoming. This is a list, which is the result of action on the part of ex-Secretary of the Interior Garfield and Secretary of Agriculture Wilson, the latter, it is understood, acting under the suggestion of Mr. Pinchot, when, on March 2, 1909, which, you will note, was just two days before Mr. Garfield was to go out of office, there was issued a list of what is called the "Decisions of March 2, 1909," by which "Permits issued by the Secretary of the Interior under act of February 15, 1901," were revoked. This list covers 40 different plants. The names of these plants are withheld because it would only serve to complicate titles, but it is worth while to know that these revocations were issued without advising with or granting any hearing whatsoever to the representatives of any of the water-power companies. Some of the plants had been completed and were in operation, and upon others hundreds of thousands of dollars had been expended. In other words, ex-Secretary Garfield, who is supposed to be a gentleman of dignity and honorable in his dealings, and Mr. Wilson, Secretary of Agriculture, the latter acting under the suggestion, it is understood, of Mr. Pinchot, had deliberately undertaken to destroy any titles whatsoever to existing properties upon which millions of dollars had been expended, and without even allowing a hearing of any kind or giving any advance notice whatsoever to the parties concerned.

In these days of attempting to do everything by law, it is certainly difficult enough to keep everything in absolute compliance with the terms and stipulations which it is claimed the law imposes. To undertake, however, to deal with an administration which deliberately says they are doing things the law does not specifically authorize, simply because

the law does not specifically prohibit, makes the situation peculiarly difficult. Starting out with what was supposed to be the preservation of our forests, and I am sure everyone believes in and wishes the proper preservation of our forests, and hiding under that cloak, the last administration had withdrawn from entry—and the present administration has followed the same policy—hundreds of thousands, up into the millions, of acres of land, for every conceivable purpose, stating generally, however, that it was for the purpose of creating forest reserves. This plea, however, finally got to be grotesque when it was demonstrated they were withdrawing cliffs thousands of feet in the air, and perfectly barren and desert lands, upon which forests never had grown and never could be made to grow, until eventually it was admitted that they were not withdrawing them for forest reserves, etc., but for power sites and other purposes. The present administration, however, have gone so far as to withdraw all lands upon which it was thought possible to find oil, gas, coal, or phosphate, and have admitted they have done this simply because they were not prohibited by law from doing it. Mr. Taft so admitted in his speech made a short time ago in Chicago. He has asked, however, that Congress protect his acts by passing a law making legal these withdrawals, a retroactive law, if you please. That Congress recognizes this condition is pretty well shown by the considerable number of bills bearing on the subject which have been introduced in the last Congress. The general tenor in every one of them is something to the effect that "All such withdrawals heretofore made and now existing are hereby ratified and confirmed as though made under this act."

It is difficult enough to comply with the construction of the laws as they actually exist, but we have also to deal with a situation where officials do acts in expectation that laws will be made later on to ratify them, and it is puzzling to know just where the private citizen, who is endeavoring to promote enterprises and develop the country, is going to get off, or get on, whichever way you wish to put it. If those holding public offices can pursue a policy of this character, we can easily anticipate what would happen if they saw fit to carry it beyond the question of public lands and introduce the same methods in the direction of assessing taxes and tariffs, just because they are not prohibited by law. Continuing this along other lines, it would only be a question of how far it could go before the people would insist on calling a halt.

One of the so-called "offenses" which the Government officials claim has been committed by the "Interests" is that frauds have been perpetrated by entries being made on lands taken up for certain prescribed uses which were not those for which they were actually intended. For instance, it was claimed that large tracts of timber land had been acquired by locating as placer-mining claims good timber lands, it being stated that these withdrawals of land for placer-mining claims when intended to cover timber was a fraud. Undoubtedly, if such a thing was done it was fraudulent, but if it be a crime for private interests to attempt to do this, why is it not also a crime for Government officials to go ahead as they have been doing, withdrawing thousands of acres of land under the plea of its being for the purpose of creating forest reserves, etc., which they afterwards admitted were solely for the purpose of securing water-power sites, or lands having coal, gas, and other deposits? When a citizen does it the Government can proceed against him officially, but when Government officials do it there is no way to have such acts brought into the courts, because no action under existing laws can be brought against the Government. In other words, the Government officials commit what when the same acts are committed by private citizens are called crimes, but if done by Government officials sworn to execute the laws they expect you to regard as virtues.

To give a concrete illustration of the arbitrary way the situation has been dealt with: If you are raising grain on land which has been taken up from the public domain and you wish to transport it to market, and in doing so you are obliged to construct a roadway across public lands, you are allowed to build this roadway across such lands. If in doing so you have occasion to cross a nonnavigable stream running through public lands you are privileged to build a bridge across the stream for this purpose, and upon accomplishing your work the title passes. Should it, however, happen that this bridge is located at a point where there is a fall in the stream, and you take this same bridge, if you please, and instead of putting it across the stream, call it a flume and simply turn it around so that it points down the stream, and then carry water across it instead of grain, the United States Government seeks to prohibit this right, and says you can not have the land for this use. The distinction between being allowed to carry grain across the bridge and being denied the right to turn the bridge down the stream and flow water over it, the latter of which you also have title to by rights granted by the State, would seem to be simply one of arbitrary action on the part of the Government officials.

Addressing ourselves to the degree of intelligence and the amount of hostility which has been brought to bear on this situation, a particularly striking case is that in connection with the Niagara River. Under the administration of President Roosevelt, with Mr. Taft as Secretary of War, a convention was entered into with Canada, through what is known as the Burton Act, by which at Niagara River the United States is allowed to withdraw from that river 20,000 cubic second-feet of water, while on the Canadian side 36,000 cubic second-feet can be withdrawn. These figures were arrived at, so far as I have been able to ascertain, without any conclusive or proper engineering data as to what would be the effect upon the river or upon the scenic grandeur of Niagara Falls if amounts in excess of those recited were taken from above the falls. At the time the convention was entered into the plants on the Canadian side of the river were withdrawing, as nearly as we can estimate, a trifle over half of the amount of water allotted to the Canadian side. The plants on the American side of the river were utilizing practically all the water allotted by the act to this side.

There is an additional unused right to 20,000 cubic second-feet on the American side which had long before been granted by the State of New York, and although considerable work had been done years ago toward using this grant, and the parties owning it were ready to go ahead and complete the plant at an expenditure of twelve or fifteen millions of dollars, the convention entered into by the United States made no allowance for this water grant, and presented such complications in connection with title to the water that the undertaking has been brought to an entire stop. The question was put to Mr. Taft, Secretary of War, whether he would consent to have the United States bring an action against the company for the purpose of endeavoring to clear the title; he declined to do it, appreciating probably that, since an individual is unable to bring an action against the United States, the owners of this plant were absolutely helpless; and all of this was done without there having been sufficient data secured as to whether or not the additional 20,000 cubic second-feet, if taken out, would have any appreciable effect on the river itself, and with every indication that it would not. This 20,000 cubic second-feet of water would have given something in excess of 550,000 horsepower of energy, which, together with millions and millions of other cubic second-feet of water, continue to go wastefully down the river, as they have for ages past, affording the best possible illustration of the impractical results which conservation, when guided by hysteria and not by common sense, leads us into.

In the meantime the power companies on the Canadian side are continuing work, installing additional capacity in the plants already there. So absurd is this situation that one of the companies on the American side is unable to operate in full the plant which at that date was already installed, and has been obliged to go to the Canadian side, where it also has rights and install additional apparatus on that side. While these millions of horsepower are being wasted, the city of Buffalo, we are advised, is preparing specifications for the installation of a steam plant to furnish power for pumping and the lighting of that city. In other words, here are millions of horsepower of water going to waste, which could be readily utilized without either marring the beauty of the Falls, or having any noticeable effect on them, and coal will have to be burned to meet the needs of the community.

It is a little difficult to reconcile these facts with the so-called theory of conservation, although it does match in very handsomely with some of the beautiful but impractical ideas of those who raise their eyes to the sky and parrot the word "conservation."

An interesting feature, however, of all the bills heretofore mentioned as introduced before the present Congress is that not a single one of them indicates what is to become of the lands or properties after they are withdrawn. The lands are withdrawn subject to the discretion of the President and Congress, which we suppose means that now they have them withdrawn they are going to sit and look at them for a while and consider what they will do with them. In other words, the further development of the country in the way of coal, oil, gas, waterpowers, forestry, or anything else which a weird mind of one who happens to be in authority may picture, is brought to an absolutely dead stop and for an indefinite period, until somebody, just who no one seems to know, makes up his mind how we ought to go ahead again—a policy which is sadly setting back the development of many sections of the country, and which is a deathblow, for the time being, particularly to the great Territory of Alaska. A time limit to franchises of from 25 to 50 years has been suggested by different Members of our National Legislature in connection with recent bills. Not one of them, however, has intimated what is to become of the property at the end of this period, the presumption apparently being that at the expiration of the 25 or 50-year period the owners of the property will have gotten back the original cost of the property, interest on their money, and profit besides. The fact should not be lost sight of that the title to the water lies with the company or citizen who has had title from the State and with which the National Government or authorities have nothing whatever to do. Any practical detail study of this subject would show that from a commercial standpoint the situation is absolutely impossible. If anyone to-day should undertake a proposition of this kind on the time limit which the Government talks of imposing he would launch himself in a boat without knowing its possible destination, and would have to trust himself to the mercy of the natives upon the island where his boat might land him at the end of his journey.

It has always seemed to me that the most satisfactory way to handle the situation as a whole regarding our public lands would be to turn them over to the respective States in which they are located. Each State can look after that which applies to its own domain. The only argument ever heard advanced against this is the contemptible one that the local governments are not as cautious as the national one, and would be more vulnerable. This, however, is not an argument, but an attempt to reflect on our forms of government. There is at present too great a tendency in our Congress and the executive departments toward paternal government, and each State ought to be allowed to control and make use of the land which lies within its own domain, and this, I believe, is the solution which will eventually come about. The curious thing is that the western Senators and Representatives do not get together on this subject and take it into their own control, as they might very readily do by unity of action.

Addressing ourselves particularly to the question of waterpowers, it is unfortunate that a better comprehension does not obtain of how large an undertaking it is to discuss the waterpowers of the country. I will venture to say that the railroads which run through the cañons of the West thereby destroy, by reason of occupying water grade, waterpower sites for possibilities of hundreds of thousands of horsepower. Take, for example, a case in Colorado, under the last administration, where a railroad made a filing for a right of way through a cañon, and at the time this filing was made the construction of the road was from 100 to 125 miles away from the cañon, so there could be no question of grade entering into the discussion, or objection to the road going through the cañon at a higher elevation. At the same time, the Reclamation Bureau had lands in the same locality withdrawn for a project which contemplated building a dam at the head of this cañon and creating a reservoir which they estimated would supply water sufficient to reclaim agricultural land to the value of $30,000,000, and land which without the use of this reservoir site would, according to the official statement of the Reclamation Department engineers, forever remain as at present a sterile desert. There was also a waterpower projected at the same site and filings and applications pending, from which could have been developed at least 25,000 continuous horsepower. All three of these enterprises could have been developed at this point, each without interfering with the other, it being only necessary for the railroad to go around the border of the reservoir site and through the cañon at higher than water grade. Notwithstanding this fact, and although it was presented in this way to the officials of the Government, including the President himself, the right of way was ordered granted by the President to the railroad company, thereby destroying the other two projects instead of allowing all three to survive. The reasons for doing this have never been made public. Government officials do not in their administration of affairs feel called upon to give reasons for their actions. Shouting "Reclamation and conservation" from the housetops and then acting as above, all at the same time is, to say the least, a bit inconsistent. They do these acts and that is the end of it. The fact remains, however, that the above case actually occurred. Perhaps the right of way was given simply because the recipient was a railroad; perhaps it was a matter of influence.

As for other water-power possibilities, I recall the case of a consulting engineer on hydraulic work telling me several years ago of his having been retained to look up and locate a number of the most valuable water-power possibilities in the State of California. He jokingly

told me how he regarded this commission as a very valuable one and accepted it with a great deal of pleasure. He advised his clients, however, that there was no question in his mind but that he would be able by going well over the State to locate at least 1,000,000 horsepower. His commission was promptly withdrawn, the parties stating that they had no conception there was any such an amount. To this he replied that he believed there was not only that much, but double that much available in California alone. It is hardly necessary to say that this same condition prevails to a greater or lesser degree in several of the Western States. I cite this case only to emphasize how little understood are the water-power possibilities of the Nation. To those familiar with the situation it is incomprehensible that men who are assumed to possess common sense and to have regard for integrity can assert that the so-called water-power interests are endeavoring to control the water powers in this country. The most difficult thing from a water-power standpoint is to find those water sites at which the cost of development would not run up to an amount prohibitive from a commercial standpoint. The continuous development of the steam engine and the reduced cost for developing power by steam are every year making it harder to find a water-power site on which the first cost to develop would not be so high as to make it impossible to compete with the low cost of steam-generated power, particularly when it is generated by steam turbines. The United States Government would be practicing true conservation if, instead of endeavoring to add to the cost and difficulties of water-power development, they would give assistance to capital and other enterprises undertaking this development, because for every water power that is installed proportionately that much coal and oil are saved, and thereby is accomplished true conservation of our Nation's resources. The present policy of the Government, however, is going to carry us to just the other extreme. In other words, by increasing the cost of water-power development they are going to increase proportionately the amount of power generated by steam, which, of course, means the burning of oil and coal—Niagara-Buffalo, for instance.

The real difficulty in this whole situation seems to be hysteria, and all the legislation which has been suggested and all the rules and regulations which have been formulated in connection with water powers have been made by people who are not informed and who are working on theories that sound beautiful, but are absolutely impractical.

Let us hope that hysteria will soon exhaust itself and allow an appeal to reason. It is to be hoped that the stagnation in the development of our public lands, which will inevitably follow the present policy, will bring about an era of common sense and that those in authority will be brought to understand that it would be more nearly within the duties of their high position if they found ways to induce the coming of the settler, the taking up and development of the unoccupied public domain, and the creation of wealth where barrenness and sterility now exist. Let us hope that the sober judgment of the people will condemn this policy of putting every possible obstacle in the way of development, the policy which, to discover new obstacles, has even gone beyond the authority of law.

Mr. CARY. Mr Speaker, I wish to call attention to amendment No. 69 in the bill as reported from the Senate and state that when it left the House it read "one skilled laborer at $1,000." The Senate has placed in this bill a provision for two skilled laborers. That makes a new position for one skilled laborer. I wish to object to that very emphatically, because it is a new proposition. When the bill was before the House I made an amendment to make five folders at $900, so as to make the proposition uniform; in other words, the room where these people work. It went to the Senate, and now it comes back with a provision for two skilled laborers. I claim that one should be stricken out, and that it should read one skilled laborer at $1,000 a year instead of two. I ask for a separate vote on that.

The SPEAKER. But a separate vote can not be had on a conference report.

Mr. CARY. Then I shall object to it.

The SPEAKER. It is not subject to objection.

Mr. PARSONS. Referring again to that amendment No. 32, the right-of-way amendment, the head of the executive department is to grant these payments subject to regulations he may fix. Do I understand it correctly when I say that the conferees agreed to that on the idea that in the future the same regulations would be made as have been made in the past?

Mr. SCOTT. Certainly.

Mr. COOPER of Wisconsin. I want to ask the chairman one question. I notice in amendment No. 32, line 14, there is a provision for general regulations for the issuance of grants upon the public lands, national forests, and reservations. Now, that means that the general regulations would be regulations applicable to all of the parks. Is it true that that would preclude him from making certain specific regulations for each individual park?

Mr. SCOTT. I would hardly consider it that way. It seems to me the permit would generally mean general regulations applying to all persons. It would seem to me there might be different regulations in Indian reservations and military reservations from the regulations adopted in this service. [Cries of "Vote!" "Vote!"]

Mr. COOPER of Wisconsin. I was just about to sit down, but I will stand up now and ask this question: There is a point to the question, although the gentlemen who yelled "Vote!" have not yet seen it. The chairman has very politely responded that he thought the interpretation was not as I would give; that this language is not such as would ordinarily be in the bill. It says "general regulations." Now, then, there might be different regulations for Yellowstone Park than for some Indian reservation. There might be a specific regulation for a particular park rather than general regulations applicable to all parks. And the ordinary language, I think, would be like this:

Under such regulations as he may prescribe.

But this says:

General regulations for the parks, etc.

Now, then, if these general regulations are to be made applicable to all the parks, there might be some difficulty in making them all applicable.

Mr. SCOTT. I will say to the gentleman that difficulty was not apprehended by the officials whose duty it will be to make the regulations, and it simply follows the language of the bill which has already passed the Senate.

Mr. COOPER of Wisconsin. Then it can be forfeited for only two years. One is for nonuser and the other is for abandonment. Now, does the gentleman think we ought to give a free license for 50 years, with no right to forfeit except for abandonment and nonuser? Suppose there should be a great abuse, or there should be some injury done, or some interference happens to exist?

Mr. SCOTT. I think that would be taken care of by regulations which could be easily enforced.

Mr. COOPER of Wisconsin. The law specifically provides that there shall be a forfeiture for two specific causes.

Mr. SCOTT. Other methods may be found to enforce proper regulations in place of forfeiture.

Mr. COOPER of Wisconsin. And I only thought this: In Yellowstone Park, which is a wonderfully beautiful place, it might be found that this license was granted by Secretary Wilson, or whoever has it in charge, and would interfere with sightseers or would prove to be detrimental to the park, and they would want to move it and the people would not agree to do so. You can not forfeit it unless it is abandoned or unless there is a nonuser for two years. Now, you can not make a regulation which shall prescribe another grant for forfeiture.

Now, I wondered whether a specific statement of that kind, limiting the ground of forfeiture to two, ought to be in a bill giving a franchise for 50 years free, in Yellowstone Park, for example. I had never seen the bill before, and it is an extraordinarily difficult thing to pass upon a measure of this importance without——

Mr. SCOTT. The fact that it has been passed upon by the heads of the departments who are to administer it, after careful consideration, would seem to me to relieve the situation of any apprehension.

Mr. COOPER of Wisconsin. That sort of an argument could be brought as to anything that might come up here.

Mr. SCOTT. I refer to it only because the gentleman has said that he had not read it and considered it.

Mr. RUCKER of Colorado. Mr. Speaker, I want to ask the gentleman one question.

Mr. SCOTT. I will yield for one question.

Mr. RUCKER of Colorado. I want to call the attention of the chairman of the Committee on Agriculture to the fact that he has been adroitly led by the gentleman from New York [Mr. PARSONS] into a contradiction. The gentleman from New York asked the chairman if it was not true that under this bill there could be no charge for the running of these wires. I understood the chairman of the committee to answer that there would not be under this bill.

Mr. PARSONS. I beg to differ with the gentleman. That is not the question I asked.

Mr. RUCKER of Colorado. Now, I ask whether he did not put another interpretation upon this act by getting the chairman to answer to the contrary?

Mr. Speaker, I ask leave to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. SCOTT. Mr. Speaker, I now move that the conference report of the agricultural appropriation bill be agreed to.

Mr. CARY. Mr. Speaker——

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER. The gentleman from New York is recognized.

Mr. PAYNE. Mr. Speaker——

Mr. HUGHES of New Jersey. Mr. Speaker, the gentleman from Wisconsin has a preferential motion.

Mr. PAYNE. Mr. Speaker, I move that the House take a recess until 9.30 o'clock to-day.

Mr. CARLIN. Mr. Speaker, I move that the House do now adjourn.

Mr. SCOTT. Pending the announcement, Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. CARLIN. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. Does the gentleman insist upon that motion?

Mr. CARLIN. I will insist on it unless the hour is changed to 10 o'clock. If the motion is made to take a recess until 10 o'clock I will not object.

Mr. MANN. We will have conference reports to receive as early as 9.30 o'clock.

Mr. CARLIN. Then, Mr. Speaker, I will withdraw my objection.

ENROLLED BILLS SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 29157. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1912, and for other purposes;

H. R. 30273. An act for the relief of the city of Quincy, the towns of Weymouth and Hingham, and the Old Colony Street Railway Co., all of Massachusetts;

H. R. 31239. An act to authorize Park C. Abell, George B. Lloyd, and Andrew B. Sullivan, of Indianhead, Charles County, Md., to construct a bridge across the Mattawoman Creek, near the village of Indianhead, Md.;

H. R. 25370. An act to waive the age limit for admission to the Pay Corps of the United States Navy for one year in the case of Paymaster's Clerk Arthur Henry Mayo;

H. R. 31237. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1912;

H. R. 18014. An act to amend section 996 of the Revised Statutes of the United States, as amended by the act of February 19, 1897;

H. R. 32251. An act authorizing the sale of portions of the allotments of Nek-quel-e-kin, or Wapato John, and Que-til-qua-soon, or Peter, Moses agreement allottees;

H. R. 32721. An act to extend the time for commencing and completing the construction of a dam authorized by the act entitled "An act permitting the building of a dam across the Mississippi River in the county of Morrison, State of Minnesota," approved June 4, 1906;

H. R. 32883. An act to extend the time for the completion of a bridge across the Morris and Cummings Channel, at a point near Aransas Pass, Tex., by the Aransas Terminal Railway Co.; and

H. R. 28406. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1912.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 3501. An act providing for the taking over by the United States Government of the Confederate cemetery at Springfield, Mo.;

S. 10559. An act to designate St. Andrews, Fla., as a subport of entry;

S. 10792. An act to promote the erection of a memorial in conjunction with Perry's victory centennial celebration on Put in Bay Island during the year 1913 in commemoration of the one hundredth anniversary of the Battle of Lake Erie and the northwestern campaign of Gen. William Henry Harrison in the War of 1812;

S. 6059. An act to remove cloud from the title of the southeast quarter of the northeast quarter of section 23, township 47, range 23 west of the fifth principal meridian, except 10 acres off of the north side thereof, in Pettis County, Mo., and to release the title of the United States therein to George R. Shelley, his heirs and assigns;

S. 9271. An act for the relief of William H. Walsh;

S. 10822. An act to extend the time for the completion of a bridge across the Missouri River at or near Yankton, S. Dak., by the Winnipeg, Yankton & Gulf Railroad Co.; and

S. 10761. An act to amend section 3 of the act of Congress of May 1, 1888, and extend the provisions of section 2301 of the Revised Statutes of the United States to certain lands in the State of Montana embraced within the provisions of said act, and for other purposes.

RECESS.

The SPEAKER. The question is on the motion of the gentleman from New York [Mr. PAYNE] that the House do now take a recess until 9.30 o'clock.

The motion was agreed to; accordingly (at 2 o'clock a. m., Friday, March 3) a recess was taken until 9 o'clock and 30 minutes a. m., Friday, March 3.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. COOPER of Pennsylvania, from the Committee on Printing, to which was referred the resolution of the Senate (S. Con. Res. 7) providing for the printing of the proceedings held on the occasion of the dedication of the Stephenson Grand Army Memorial, reported the same without amendment, accompanied by a report (No. 2288), which said resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Michigan, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 9241) to amend an act entitled "An act to revive, with amendments, an act to incorporate the Medical Society of the District of Columbia, approved July 7, 1838," reported the same without amendment, accompanied by a report (No. 2287), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. HAUGEN, from the Committee on War Claims, to which was referred House bill 31327, reported in lieu thereof a resolution (H. Res. 1005) referring to the Court of Claims the papers in the case of George L. Summey, accompanied by a report (No. 2282), which said resolution and report were referred to the Private Calendar.

He also, from the same committee, to which was referred House bill 30803, reported in lieu thereof a resolution (H. Res. 1006) referring to the Court of Claims the papers in the case of Alexander W. Hoffman, accompanied by a report (No. 2283), which said resolution and report were referred to the Private Calendar.

Mr. CRAIG, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 32491) to authorize the issuance of a patent to H. W. Slaughter for land located in Clarke County, State of Alabama, reported the same with amendment, accompanied by a report (No. 2285), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LAW: A bill (H. R. 32985) directing the Secretary of War to cause the superintendence, surveying, and inspecting to be done on the main interior channel of Jamaica Bay, N. Y., and for other purposes; to the Committee on Rivers and Harbors.

By Mr. McLACHLAN of California: A bill (H. R. 32986) to provide a tactical organization for the mobile forces of the United States and to increase the efficiency of the Army; to the Committee on Military Affairs.

By Mr. FITZGERALD: Memorial of the Legislature of New York, favoring uniformity of treatment to American citizens having passports while traveling in other countries; to the Committee on Foreign Affairs.

By Mr. HIGGINS: Memorial of the Legislature of Connecticut, favoring the passage of the Sulloway pension bill; to the Committee on Invalid Pensions.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BENNET of New York: A bill (H. R. 32987) granting an increase of pension to Margaret Bleything; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32988) granting an increase of pension to John Lanning, alias William H. P. Roberson; to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota: A bill (H. R. 32989) for the relief of Rathbun, Beachy & Co.; to the Committee on Claims.

By Mr. KOPP: A bill (H. R. 32990) granting an increase of pension to Randall Kinnie; to the Committee on Invalid Pensions.

By Mr. McCALL: A bill (H. R. 32991) for the relief of Patrick H. Dolan; to the Committee on Military Affairs.

By Mr. MILLER of Kansas: A bill (H. R. 32992) for the relief of Lizzie Lynch; to the Committee on Military Affairs.

By Mr. POINDEXTER: A bill (H. R. 32993) granting an increase of pension to John Thompson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32994) granting an increase of pension to Jesse F. Logsdon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32995) granting an increase of pension to Simon V. Seeley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 32996) granting a pension to Thomas Harlan; to the Committee on Invalid Pensions.

By Mr. WICKERSHAM: A bill (H. R. 32997) for the relief of Daniel Kennedy; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of the Iroquois County Farmers' Institute in Illinois, protesting against the trade agreement with Canada; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of Kansas, protesting against the abolition of the pension agencies; to the Committee on Appropriations.

Also, memorial of the Presbyterian Church of Manteno, Ill., praying for legislation to further restrict interstate transportation in intoxicating liquors; to the Committee on the Judiciary.

Also, memorial of the United Mine Workers of America, of Westville, Ill., praying that the battleship *New York* may be built in a Government navy yard; to the Committee on Naval Affairs.

Also, memorial of E. E. Hadsall and 30 other citizens of Cohoctah, Mich., praying for legislation to further restrict interstate transportation in intoxicating liquors; to the Committee on the Judiciary.

By Mr. ALEXANDER of Missouri: Petition of Joe C. Russell, S. E. Shafer, C. O. Dewey, and others, of Breckenridge, Mo., in favor of the Owen bill for the establishment of a Department of Public Health; to the Committee on Interstate and Foreign Commerce.

By Mr. BURLEIGH: Petition of protest of Narriamissic Grange, of Orland, Me., against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. COX of Ohio: Petition of the Practical Farmers' Club, of Oxford, Ohio, for a general parcels-post system; to the Committee on the Post Office and Post Roads.

By Mr. MICHAEL E. DRISCOLL: Petition of Syracuse Printing Pressmen's Union, No. 66, for House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. DRAPER: Memorial of the Legislature of the State of New York, relating to the discrimination against American citizens in Russia; to the Committee on Foreign Affairs.

Also, petition of the Republican Club of the city of New York, relating to Canadian reciprocity and the fortification of the Panama Canal; to the Committee on Ways and Means.

By Mr. DODDS: Petition of citizens of Alma and vicinity, Mich., as to Senate bill 404 and House joint resolution 17; to the Committee on the District of Columbia.

By Mr. GARDNER of Massachusetts: Petition of Local No. 9, Junior Order United American Mechanics, Groveland, Mass., for House bill 15413, educational test for immigrants; to the Committee on Immigration and Naturalization.

Also, petition of the General Court of the Commonwealth of Massachusetts, for Canadian reciprocity; to the Committee on Ways and Means.

By Mr. HUFF: Memorials of Washington Camps 751, of Jeannette, Pa., and 636, of Vandergrift, Pa., Patriotic Order Sons of America, and Mayflower Council, No. 159, Junior Order United American Mechanics, favoring the passage of House bill 15413; to the Committee on Immigration and Naturalization.

Also, petition of Branch No. 113, Glass Bottle Blowers' Association, of Jeannette, Pa., favoring House bill 29866; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Central Labor Union of Brooklyn, N. Y., against increase of postage on magazines; to the Committee on the Post Office and Post Roads.

Also, memorial of the Automobile Club of Pittsburg, Pa., urging the construction of a national highway connecting Washington and Gettysburg and the passage of House bill 31238; to the Committee on Appropriations.

By Mr. KENNEDY of Ohio: Memorial of Trades and Labor Council of East Liverpool, Ohio, in relation to the use of hand-roller printing presses in Bureau of Engraving and Printing; to the Committee on Printing.

By Mr. LOUD: Petitions of C. W. Fallaso and H. L. Welling, of Petoskey, Mich., and J. H. Rodfish and two residents of Coleman, Mich.

By Mr. MAGUIRE of Nebraska: Petition of citizens of Lincoln, College View, and South Auburn, Nebr., against Senate bill 404 and House joint resolution 17; to the Committee on the District of Columbia.

By Mr. McMORRAN: Petitions of Eugene F. Law and 25 others, Edna Sanjule and 20 others, Bert Mooney and 14 others, William Drope and 10 others, and Mary Rettie and 4 others, all of Port Huron, Mich., protesting against Senate bill 404 and House joint resolution No. 17; to the Committee on the District of Columbia.

By Mr. McKINNEY: Petition of residents of Aledo, Ill., against the passage of Senate bill 404 and House joint resolution No. 17; to the Committee on the District of Columbia.

By Mr. MOORE of Pennsylvania: Memorial of American Alpine Club of Philadelphia, urging the passage of bill appropriating $50,000 for the survey and construction of a roadway in Rainier National Park; to the Committee on Appropriations.

Also, petition of Robert Harkison & Co., of Philadelphia, urging the increase of mail rates on magazines; to the Committee on Post Offices and Post Roads.

Also memorials of South Fork Council, No. 74; Mountain Side Council, No. 257; Pocono Council, No. 1,008; Bellewood Council, No. 621; Franklinville Council, No. 820; William McKinley Council, No. 326; Germantown Council, No. 73; Buena Vista Council, No. 187; Pennsylvania Council, No. 200; Kilbuck Council, No. 387; Wayne Council, No. 46; Peace Council, No. 395; Carpenter Council, No. 848; Berwyn Council, No. 362; Battlefield Council, No. 717; Mantoyukee Council, No. 968; O. W. Howell Council, No. 210; Paoli Council, No. 500; O. H. Perry Council, No. 230; Livingston Council, No. 925; Southampton Council, No. 946; Morrisville Council, No. 915 and Resolute Council No. 27, Order of Independent Americans, urging enactment of illiteracy test; to the Committee on Immigration and Naturalization.

Also memorials of Beaver Meadow Council, No. 798; Tulpehocken Council, No. 941; Templeton Council, No. 2; Conshohocken Council, No. 241; Mount Carmel Council, No. 874; Augusta Council, No. 393; Royersford Council, No. 521; West Fairview Council, No. 716; Lafayette Council, No. 59; Scandate Council, No. 102; Cressona Council, No. 812; Edgmont Council, No. 833; John Marton Council, No. 738; Pride of Pickering Council, No. 927; Tussey Council, No. 515; New Buffalo Council, No. 672; Beaver Falls Council, No. 48 and Monongahela Council, No. 122 Order of Independent Americans, and Washington Camp, No. 41, Patriotic Order Sons of America, urging the enactment of House bill 15413; to the Committee on Immigration and Naturalization.

By Mr. PLUMLEY: Petition of Evening Star Grange, No. 154, Dummerston, Vt., and Orion Grange, No. 83, South Woodstock, Vt., against Canadian reciprocity; to the Committee on Ways and Means.

By Mr. SULZER: Memorial of the Women's Henry George League of New York, in relation to the utilization of the water power of the Potomac Great Falls municipal plant; to the Committee on the District of Columbia.

Also, petition of Samstag & Hilder Bros., of New York, favoring House bill 32260; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of New York, in relation to discrimination against American citizens in Russia; to the Committee on Foreign Affairs.

Also, petition of Jewelers' Protective Union, favoring House bill 32260; to the Committee on Interstate and Foreign Commerce.

By Mr. WOOD of New Jersey: Petition of Pennington (N. J.) Grange, No. 64, Patrons of Husbandry, against reciprocity; to the Committee on Ways and Means.